



**LOVELAND PLANNING COMMISSION MEETING  
AGENDA**

**Monday, April 13, 2015  
500 E. 3<sup>rd</sup> Street – Council Chambers  
Loveland, CO 80537**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, GENDER, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMODATIONS TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2523 OR TDD 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. REPORTS:**

**a. Citizen Reports**

This is time for citizens to address the Commission on matters not on the published agenda.

**b. Staff Matters**

**c. Committee Reports**

**d. Commission Comments**

**IV. APPROVAL OF MINUTES**

**Review and approval of the March 23, 2015 Meeting minutes**

**V. CONSENT AGENDA**

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request and have any item from the consent agenda removed for discussion. Items removed from the consent agenda will be heard at the beginning of the regular agenda.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

**1. Mountain Pacific PUD – Preliminary Development Plan Resolution**

The resolution formalizes the Planning Commission's approval of the Preliminary Development Plan which occurred on March 23, 2015.

## **VI. REGULAR AGENDA:**

### **2. Turney-Briggs Right-of-Way Vacation**

This is a public hearing on a legislative matter to review an application to vacate a portion of public right-of-way (alley) associated with the redevelopment of property located at the NE corner of Eisenhower Boulevard and Lincoln Avenue. The “T-shaped” portion of alley proposed to be vacated is approximately 0.2 acres in area. This vacation would facilitate re-platting and redevelopment of the properties associated with a Sprouts grocery store. The Planning Commission’s recommendation will be forwarded to the City Council for final action.

### **3. Title 18 Code Enforcement Amendment - Section 1.28.070 Clarification – Authority to Issue Summons and Complaint**

This is a public hearing on a legislative matter: a proposed amendment to Title 18 (the zoning code) of the Loveland Municipal Code; specifically, the amendment addresses the repeal of Section 18.68.045 (Title 18), the creation of Section 1.28.070 (Title 1), and the amendments of four various provisions to be consistent with the new Section 1.28.070. The Planning Commission’s recommendation will be forwarded to the City Council for final action.

### **4. Review and action concerning a resolution to City Council to seek direction certifying the Loveland Building Division as a Prequalified Building Department pursuant to section 22-32-124 C.R.S.**

This resolution responds to the request made to staff by the Planning Commission on March 9, 2015 and further discussed on March 23<sup>rd</sup>.

## **VII. ADJOURNMENT**

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**March 23, 2015**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 23, 2015 at 6:30 p.m. Members present: Vice Chair Middleton; and Commissioners Meyers, Molloy, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: Chair Crescibene. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant 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 Development Services office.*

**CITIZEN REPORTS**

There were no citizen reports.

**STAFF MATTERS**

1. **Mr. Paulsen, Current Planning Manager**, shared that there will be items on the April 13<sup>th</sup> agenda.
2. The Building Division will announce the new Chief Building Official soon.
3. **Mr. Paulsen** shared with the commissioners that he spoke with **Dr. Dan Maas, Chief Operations Officer for Thompson School District**, about attending the Planning Commission in May to update what the district will do in response to the commissioners' concerns at the February 9, 2015 meeting regarding the new K-8 school. **Mr. Paulsen** also would like to present more information to the commission at the April 13<sup>th</sup> meeting regarding their request to provide a resolution to the City Council recommending the building division becoming prequalified to serve as the building permit review entity for the school district. He stated that the **Development Services Director, Mr. George** is interested in the possibility and that city legal needs to review what would be required of the city. **Mr. Paulsen** would like to get feedback from City administration, would like to talk the school district, and find out what other communities have experienced. **Commissioner Meyers** was concerned that the date will continue to move before a decision is able to be made. **Commissioner Meyers and Forrest** support the additional time in order to meet with the district to get there cooperation. **Mr. Paulsen** indicated that he understands the level of urgency and he encouraged the commission to move forward with their resolution if they so choose to. **Mr. Garcia, Assistant City Attorney**, indicated that he will prepare two draft resolutions for the commissioners to consider at the April 13<sup>th</sup> meeting.

**Commissioner Meyers** made a motion to continue the item in regards to the investigation of the building division becoming the jurisdictional authority related to school matters, as was approved for a resolution at the March 9, 2015 meeting, to be moved to April 13, 2015, upon a second by **Commissioner Forrest** the motion was unanimously adopted.

## **COMMITTEE REPORTS**

The Title 18 Committee will meet on April 9<sup>th</sup>, there were several members absent at the March meeting so decisions were postponed.

## **COMMISSIONER COMMENTS**

**Vice Chair Middleton** informed the commissioners that the Turney-Briggs Right of Way Vacation public hearing has been moved to the April 13<sup>th</sup> meeting.

## **APPROVAL OF THE MINUTES**

**Commissioner Dowding** made a motion to approve the March 9, 2015 minutes; upon a second from **Commissioner Ray** the minutes were approved with 8 ayes and 1 abstention.

## **CONSENT AGENDA**

### **1. Mountain Pacific PUD – Preliminary Development Plan**

The application proposes to expand a self-storage facility. The subject property is located at the SE quadrant of the intersection of County Road 30 (E. 71st St.) and Hwy. 287 (N. Garfield Ave.). This is a quasi-judicial matter and the Planning Commission's decision is final. **Commissioner Meyers** stated for the record that the date referenced in the Summary, "The Planning Commission heard and recommended approval of the Mountain Pacific General Development Plan (GDP) August 25, 2015." should be changed to the correct date of August 25, 2014.

**Commissioner Forrest** moved to make the findings listed in Section VIII of the Planning Commission staff report dated March 23, 2015 and, based on those findings, instruct staff to prepare a resolution of approval for the Mountain Pacific Preliminary Development Plan, as amended on the record. Upon a second by **Commissioner McFall** the motion passed unanimously.

## **ADJOURNMENT**

**Commissioner Meyers**, made a motion to adjourn at 6:53 p.m. Upon a second by **Commissioner Ray**, the motion was unanimously adopted.



Approved by: \_\_\_\_\_  
John Crescibene, Planning Commission Chair

\_\_\_\_\_  
Beverly Walker, Planning Commission Secretary



## Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537  
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

### MEMORANDUM

April 13, 2015

To: Planning Commissioners

From: Noreen Smyth, Senior Planner

**RE: Mountain Pacific Preliminary Development Plan Resolution**

Attached please find a resolution documenting the Planning Commission's March 23<sup>rd</sup> vote on the Mountain Pacific Preliminary Development Plan. As Commissioners will recall, the application concerns the expansion of an existing self-storage facility within the Mountain Pacific Planned Unit Development, located southeast of the intersection of N. Garfield Avenue and E. 71<sup>st</sup> Street. The item was approved at the previous regular Planning Commission meeting on the consent agenda.

**PLANNING COMMISSION  
RESOLUTION #\_\_\_\_\_**

**A RESOLUTION APPROVING MOUNTAIN PACIFIC PUD PRELIMINARY  
DEVELOPMENT PLAN, LOCATED WITHIN THE #P-105 MOUNTAIN PACIFIC  
BUSINESS PARK PUD GENERAL DEVELOPMENT PLAN, CITY OF LOVELAND,  
LARIMER COUNTY, COLORADO**

**WHEREAS**, on March 7, 2006, the City Council adopted Ordinance No. 5069, zoning the Mountain Pacific Addition to the City of Loveland as Mountain Pacific Addition PUD (#P-93); and

**WHEREAS**, Ordinance No. 5069 also approved the General Development Plan for Mountain Pacific Addition PUD (“the Old GDP”) and stipulated that the Mountain Pacific Addition PUD would be subject to the Old GDP; and

**WHEREAS**, a preliminary development plan for the Mountain Pacific Addition PUD was not submitted to the City within one year of approval of the Old GDP; and

**WHEREAS**, on October 21, 2014, the City Council adopted Ordinance 5890, rezoning the Mountain Pacific Addition PUD (#P-93) as MOUNTAIN PACIFIC BUSINESS PARK PUD (#P-105) (the “PUD”) and approving a new general development plan for the Mountain Pacific Addition PUD, to be known as “MOUNTAIN PACIFIC BUSINESS PARK PUD GENERAL DEVELOPMENT PLAN” (the “New GDP”); and

**WHEREAS**, a Preliminary Development Plan (“PDP”) for the PUD has been submitted to the Planning Commission for consideration pursuant to Chapter 18.41 of the Loveland Municipal Code; and

**WHEREAS**, pursuant to Code Section 18.41.050(E)(2), the City of Loveland Planning Commission held a public hearing on March 23, 2015, regarding the PDP; and

**WHEREAS**, at said hearing the recommendations of the Current Planning Division were received and duly considered by the Commission, as well as all necessary testimony by the applicant and public; and

**WHEREAS**, the Commission has considered the application for the PDP in light of the intent and objectives of Chapter 18.41 of the Loveland Municipal Code, and more specifically the factors set forth in sections 18.41.050(E)(2)(a-c) and expressly including those set forth in sections 18.41.050(D)(4)(b) and (c), and has determined that pursuant to said factors the PDP may be approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION  
FOR THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That Mountain Pacific Business Park PUD (#P-105) Preliminary Development Plan (“PDP”) for 2.35 acres, more or less, being a portion of the Mountain Pacific Business Park PUD General Development Plan Amendment, which PDP is on file in the office of the City of Loveland Planning Division and is incorporated herein by reference, is hereby

conditionally approved, consistent with the recommendations of the Planning Staff Report, as amended on the record by the Planning Commission at the public hearing on March 23, 2015 (the "Staff Report").

The PDP applies to the following described real property:

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 6, RANGE 69 BEING MORE PARTICULARLY DESCRIBED AS PARCELS B AND C OF THE MOUNTAIN PACIFIC ADDITION TO THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO, AKA LOTS 1 AND 2, BLOCK 1, AMENDED PLAT OF PARCELS B AND C, MOUNTAIN PACIFIC ADDITION TO THE CITY OF LOVELAND.

**Section 2.** That the Planning Commission hereby makes the findings regarding the PDP set forth in Section VIII of the Staff Report for the reasons set forth therein, and hereby adopts this resolution, including the findings set forth in Section VIII of the Staff Report as its written findings and conclusions in support of its approval pursuant to Section 18.41.050.E of the Loveland Municipal Code.

**Section 3.** This Resolution shall be recorded with the Clerk and Recorder for Larimer County, Colorado, as soon as is reasonably possible after the expiration of the ten (10) day appeal period set forth in Code Section 18.41.050.E.3 and satisfaction of the condition set forth in Section 3. above.

Resolved this 13<sup>th</sup> day of April, 2015.

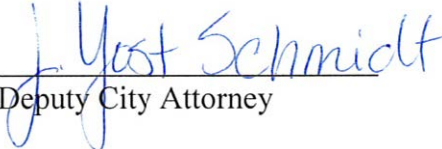
ATTEST:

PLANNING COMMISSION:

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
John Crescibene, Chairperson  
City of Loveland Planning Commission

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



## **Planning Commission Staff Report**

**April 13, 2015**

**Agenda #:** Regular Agenda - 2

**Title:** Turney-Briggs Addition and Turney-Briggs First Subdivision – Vacation of Public Right-of-Way

**Applicant:** Zach Lauterbach, Evergreen Devco, Inc.

**Request:** **Vacate a portion of public alley**

**Location:** Northeast corner of N. Lincoln Avenue and E. Eisenhower Boulevard

**Existing Zoning:** B – Developing Business

**Proposed Use:** *Sprouts* grocery store (retail)

**Staff Planner:** Troy Bliss

### ***Staff Recommendation***

**APPROVAL** of the vacation of public right-of-way.

#### ***Recommended Motions:***

1. *Move to make the findings listed in Section VIII of the Planning Commission staff report dated April 13, 2015 and, based on those findings, recommend that City Council approve the Turney-Briggs Addition and Turney-Briggs First Subdivision – Vacation of Public Right-of-Way, subject to the conditions listed in Section IX, by adoption of an ordinance in the form attached hereto, as amended on the record.*

### ***Summary of Analysis***

This is a public hearing concerning the vacation of a “T” shaped portion of alley that exists on the site proposed for a *Sprouts* grocery store at the northeast corner of N. Lincoln Avenue and E. Eisenhower Boulevard. In proposing to vacate this portion of alley, there will be provisions made to assure connectivity and proper circulation for the portion of alley that is not being vacated (i.e. north of the *Sprouts* site to W. 16<sup>th</sup> Street). Additionally, all existing utilities within the portion of alley proposed for vacation would be rerouted with new easements established. These provisions are being addressed through associated Site Development Plan, Public Improvement Construction Plan, and Lot Merger development applications.

Applications for vacation of public right-of-way are considered legislative. Under Loveland Municipal Code Chapter 16.36, the Planning Commission holds a public hearing and makes a recommendation to Council on the request. If Planning Commission recommends granting the request, the recommendation shall include the form of ordinance recommended to Council. (Code Section 16.36.010.C.3. This recommendation is forwarded to City Council at a subsequent public hearing, taking into account all testimony and information furnished at the hearing on April 13, 2015. Only City Council may authorize the vacation through adoption of an ordinance. Vacating this portion of alley does not grant development rights. Entitlements for specific development purposes are processed by separate development applications (as noted above), according to adopted City standards and requirements. Further, the proposed vacation is recommended to be conditioned upon such development application approvals and obtaining applicable permits.

## I. SUMMARY

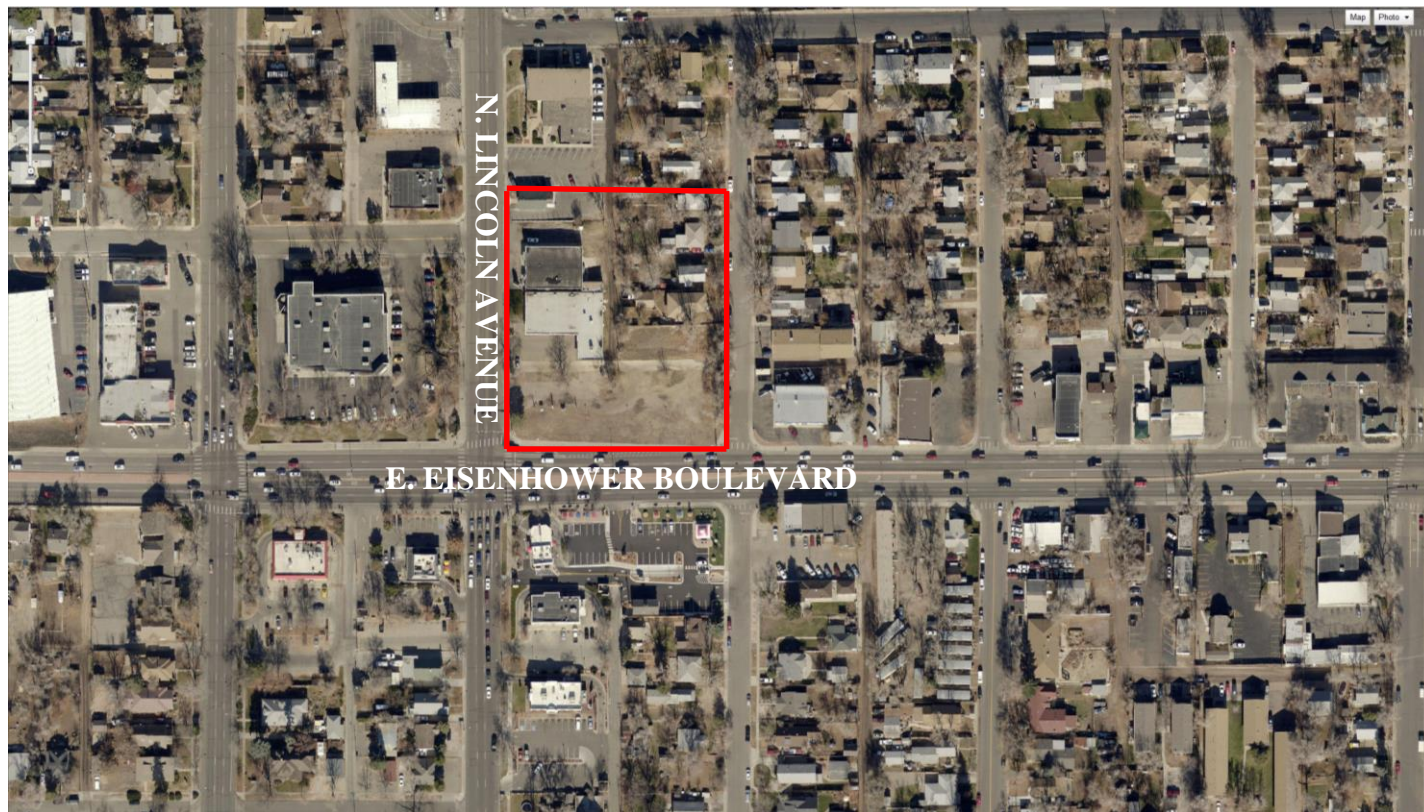
The application to vacate a portion of alley is prompted by an overall potential redevelopment plan for a *Sprouts* grocery store. Redevelopment would generally comprise the southern half of the block including 5 residential properties (rezoned in 2014), the book store building, the TV repair store, a garage, and the vacant land on the north side of E. Eisenhower Boulevard between N. Jefferson Avenue and N. Lincoln Avenue. Site details (i.e. access, circulation, traffic, parking, building orientation, architecture, landscaping, etc.) associated with redevelopment for a *Sprouts* grocery store are reflected in the attached proposed Site Development Plan (see **Attachment 5**). The proposed reconfiguration of lots and easements are reflected in the attached Lot Merger (see **Attachment 6**). These are being provided to put the vacation request into context only. No consideration is being given to the details of this Site Development Plan or Lot Merger with the proposed vacation request. The Site Development Plan and Lot Merger will follow City process requirements in arriving at a decision. A decision on the Site Development Plan will also involve neighborhood input.

This vacation application would not guarantee redevelopment of the properties for a *Sprouts* grocery store. Development applications including a Site Development Plan, Public Improvement Construction Plans, and a Lot Merger must be approved before any redevelopment could occur. Consequently, any approval of this vacation would be subject to approval of the associated development applications. This would be handled by holding recordation of the vacation ordinance until such time that a building permit is ready to be issued.

## II. ATTACHMENTS

1. Turney-Briggs Addition (annexation map for reference identifying alley)
2. Turney-Briggs First Subdivision (subdivision plat for reference identifying alley)
3. Vacation of Public Right-of-Way Legal Description and Exhibit
4. Draft Vacation Ordinance (for reference only)
5. *Sprouts* Site Development Plan (for reference only – no approvals have been issued)
6. Turney-Briggs Second Subdivision (for reference only – no approvals have been issued)

### III. VICINITY MAP



### IV. SITE DATA

|  |  |
|--|--|
| ACREAGE OF ALLEY .....                         | +/- 0.2 ACRES  |
| ACREAGE OF SITE .....                          | +/- 2.2 ACRES  |
| EXISTING ZONING .....                          | B – DEVELOPING BUSINESS  |
| MASTER PLAN DESIGNATION .....                  | CC – CORRIDOR COMMERCIAL   |
| EXISTING USE .....                             | SINGLE FAMILY RESIDENTIAL AND VARIOUS<br>COMMERCIAL USES   |
| PROPOSED USE.....                              | <i>SPROUTS</i> GROCERY STORE   |
| ACREAGE OF OPEN SPACE PROPOSED .....           | N/A  |
| EXISTING ADJACENT ZONING AND USE - NORTH.....  | B – DEVELOPING BUSINESS – VARIOUS<br>COMMERCIAL USES AND R3E – ESTABLISHED<br>HIGH DENSITY RESIDENTIAL – SINGLE FAMILY<br>RESIDENCES |
| EXISTING ADJACENT ZONING AND USE - EAST .....  | R3E – ESTABLISHED HIGH DENSITY RESIDENTIAL<br>– SINGLE FAMILY RESIDENCES   |
| EXISTING ADJACENT ZONING AND USE - SOUTH ..... | B – DEVELOPING BUSINESS – VARIOUS<br>COMMERCIAL USES   |
| EXISTING ADJACENT ZONING AND USE - WEST .....  | B – DEVELOPING BUSINESS – VARIOUS<br>COMMERCIAL USES   |
| UTILITY SERVICE PROVIDER - SEWER .....         | CITY OF LOVELAND   |
| UTILITY SERVICE PROVIDER - ELECTRIC.....       | CITY OF LOVELAND   |
| UTILITY SERVICE PROVIDER - WATER .....         | CITY OF LOVELAND   |
| WATER RIGHTS PAID .....                        | NO WATER RIGHTS DUE  |



## **V. KEY ISSUES**

No key issues have been identified with the vacation request from a City staff perspective. Vacating the portion of alley will not have a detrimental impact the use of the existing portion of alley to remain because provisions are being built into the associated development applications to assure proper connectivity, access, circulation, and the rerouting of utilities. Additionally, the vacation is recommended to not go into effect until all development applications are approved and applicable permits are ready to be issued – giving assurance that if the proposed *Sprouts* grocery store does not get built, the proposed portion of alley to be vacated would remain.

From a neighborhood and particularly surrounding property owner perspective, there are concerns related to the Site Development Plan and more particularly the impacts (i.e. traffic, access, parking, noise, light, building height, etc.) of the proposed *Sprouts* grocery store use on residential properties. These concerns are still being evaluated through the Site Development Plan review, with opportunities for further neighborhood input. The findings and criteria associated with arriving at a determination on the vacation request are separate from the Site Development Plan. The Site Development Plan should only be used to demonstrate whether or not the Findings in Section VIII. of this staff report can be made.

## **VI. BACKGROUND**

The Turney-Briggs Addition is one of the older parts of Loveland, annexed in 1908. The addition includes properties between E. 16<sup>th</sup> Street and E. Eisenhower Boulevard (north and south) and N. Monroe Avenue and N. Lincoln Avenue (east and west). All of the properties fronting N. Lincoln Avenue and E. Eisenhower Boulevard are zoned commercial. There are also commercial properties tucked in behind those fronting the associated highways. The rest of the Turney-Briggs Addition is zoned residential. The residential zoning is of a high density, however does primarily include single-family residences. The residential area is almost entirely surrounded by commercial development, with the exception of single-family homes to the north and the Monroe Elementary School to the east.

This type of relationship of commercial and residential zoning along major arterial streets in older parts of Loveland is quite common. Particularly along the Eisenhower corridor, commercial development fronts the highway, while residential is directly behind. This creates some land use challenges because commercial property owners typically want exposure to the major street. Whereas, residential property owners typically want buffering from commercial properties and major streets. A majority of the commercial areas are not deep enough to fully take advantage of this transition, making redevelopment difficult. Opportunities that involve the acquisition and assembly of residential properties (such as this) will become necessary if larger commercial redevelopment is going to occur along these corridors. For example, this was the approach Walgreens had to take relative to the site directly west.

## **VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION**

### **A. Notification**

An affidavit was received from Zach Lauterbach, Evergreen Devco, Inc. which certifies that the abutting property owners to the portion of alley proposed for vacation were mailed notice. Signs were also posted in prominent locations on the perimeter of the project site on March 23, 2015 in reference to the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on March 28, 2015. All notices stated that the Planning Commission will hold a public hearing on April 13, 2015.

### **B. Neighborhood Interaction/Response**



A neighborhood meeting is not required in conjunction with an application to vacate public right-of-way. However, all surface owners and all owners of easements or right-of-way abutting the right-of-way to be vacated were notified of the application. Further, at least 50% of such owners must be party to the application. Given these requirements and the configuration of the properties, only 2 owners were notified of the application beyond the applicant.

## **VIII. FINDINGS AND ANALYSIS**

The chapters and sections cited below are from the Loveland Municipal Code as it relates to vacating a public right-of-way:

### **Chapter 16.36, Section 16.36.010.B**

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 reestablished public or private right-of-way:*

In order to comply with this provision of the Municipal Code, in conjunction with the Site Development Plan and Lot Merger applications, a public access easement and paved connection will be provided from the existing alley through the northwest corner of the *Sprouts* site to N. Lincoln Avenue.

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

The right-of-way is not necessary for public use in its current configuration – especially considering that all of the properties that could be served by it, are now owned by the applicant.

### **Development Review Team Analysis**

#### Current Planning

The existing “T” shaped alley proposed to be vacated further adds to the complexities of being able to redevelop along this commercial corridor. Because of its shape and location, a smaller grocery store, such as *Sprouts*, could not fit on this collection of properties without vacating the portion alley. With all of the property acquisitions assembled to create a larger redevelopment area, the alley prevents having a unified site – rather it splits it into three portions. Vacating the alley benefits any redevelopment opportunity – providing existing utilities are relocated as proposed with the *Sprouts* grocery store. Additionally, the vacation supports neighborhood concerns by restricting vehicular access from this site onto N. Jefferson Avenue. Vacating the alley removes this opportunity.

#### Transportation Development Review

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. The applicant is proposing to replace the 20-foot wide public alley with a 20-foot wide paved public access easement that is maintained by the property owner.

#### Fire

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

- The development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The vacation of the alley will not negatively impact fire protection for the subject development or surrounding properties.

#### Water/Wastewater

The subject area to be vacated is in the City's current service area for both water and wastewater. There is an existing active wastewater main in the area to be vacated. The Developer is proposing to reroute the existing wastewater main to a new location. The associated plat [Turney Briggs Second Subdivision] is dedicating easement for the proposed wastewater main.

Since there are existing facilities within the right-of-way to be vacated, the Department can only approve the vacation with the condition noted in the Development Agreement for the associated plat, which will require all development applications to be approved and a building permit ready to be issued before recording the vacation ordinance.

The Department finds that:

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

#### Stormwater

The existing alley right-of-way is not used to convey Stormwater and thus is not necessary for the public use and conveyance of Stormwater.

#### Power

The existing overhead power line located in the alley of the proposed development will be removed due to the vacating of the right-of-way. Power for the proposed development will then come from the three phase overhead power lines located along E. 16th Street.

### **IX. RECOMMENDED CONDITIONS**

This vacation of public right-of-way involves:

- Only a portion of alley to be vacated - the portion of alley from the north end of this site to E. 16<sup>th</sup> Street is to remain which serves a public use, and;
- Existing public utilities.

Associated development applications are proposed to address these matters, allowing for a continuous connection of the alley and rerouting utilities. However, these development applications have not been approved and their approvals are contingent upon approval of this vacation (among other factors as well). Consequently, there are competing interests involved with the processing of development applications for the *Sprouts* grocery store. In order to proceed with the vacation request, City staff believes that the following general conditions need to be required:

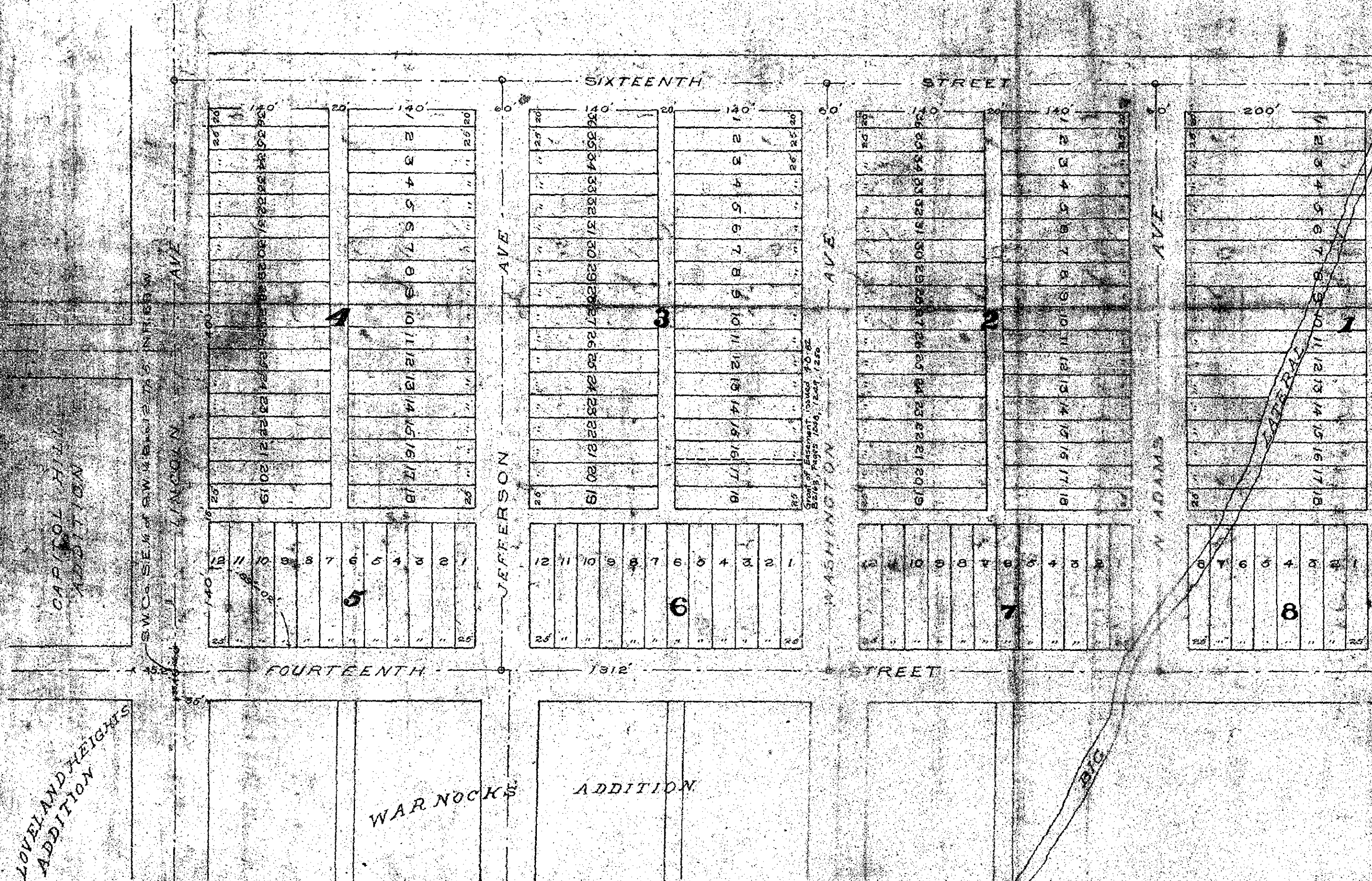
1. The vacation of public right-of-way ordinance shall not become effective (recorded with Larimer County) until: 1) Site Development Plan, Public Improvement Construction Plans, and Lot Merger development applications have been approved; 2) A Site Work Permit is ready to be issued, and; 3) A building permit for the *Sprouts* grocery store is ready to be issued.

These conditions are more detailed and formally presented in the attached draft ordinance (see **Attachment 4**). City staff believes that these conditions will help protect the right-of-way proposed to be vacated from being removed in the event redevelopment does not occur – leaving existing access and utilities without a required right-of-way or easement to be located within. This will also allow the development applications to continue through the decision making process.



# TURNEY-BRIGGS ADDITION.

TO THE  
CITY OF LOVELAND, LARIMER COUNTY, COLO.  
Scale 1 inch = 100 Feet.



KNOWN ALL MEN BY THESE PRESENTS  
That the undersigned being owners of more than two-thirds  
of the area of the following described, To Wit: the S.W. 1/4 of the S.E. 1/4  
of the S.W. 1/4 of Section 12, Tp. 5, N.R. 63 W. 64 P.M. Hereby  
subdivide said tract of land into Lots and Blocks with Streets  
and Alleys as shown by the Plat hereto attached and made a  
part hereof, and designated as the TURNEY-BRIGGS  
ADDITION to the CITY OF LOVELAND, COLO. And we hereby  
dedicate to the Public and to the People of the State of  
Colorado for the use thereof, the Streets and Alleys of said  
addition as shown by the Plat hereto.  
Be it further known, that the water for the irrigation of said land  
is a water right from the LOUDEN IRRIGATING CANAL COMPANY  
through the LOVELAND PIPE LINE at the rate of one share of  
water to Twenty acres of land and the same is hereby conveyed  
to the CITY OF LOVELAND for use upon the lots of said  
addition.  
Witness our hands and seal  
This 7th day of April A.D. 1908

STATE OF COLORADO }  
COUNTY OF LARIMER } ss.  
On this 7th day of April A.D. 1908, before me, the undersigned  
Notary Public in and for the State of Colorado, personally known to me, to be the persons whose names are  
subscribed to the foregoing instrument and acknowledged that they  
executed the same as their free and voluntary act for the purposes  
therein set forth. Given under my hand and seal  
This 7th day of April A.D. 1908  
My commission expires April 7th 1910

Approved by the Board of Trustees of the CITY OF LOVELAND  
this 19th day of January A.D. 1908  
Attest: [Signature] City Clerk  
[Signature] Recorder



# TURNERY-BRIGGS FIRST SUBDIVISION

Being a replat of Lot 1 through Lot 12, Block 5, Turnery-Briggs Addition to the City of Loveland  
situate in the Southwest Quarter of Section 12, Township 5 North, Range 69 West of the 6th Principal Meridian,  
Larimer County, Colorado

BLOCK 4

TURNERY-BRIGGS ADDITION

LOT 20

BLOCK 3  
TURNERY-BRIGGS  
ADDITION

LOT 19

## DEDICATION

KNOWN ALL MEN BY THESE PRESENTS that we the undersigned, being all the owners and lienholders of the following described property, except any existing public streets, roads or highways, located in the Southwest Quarter of Section 12, Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado, being more particularly described as follows:

Lots 1 through 12, Block 5, Turnery-Briggs Addition to the City of Loveland, County of Larimer, State of Colorado.

Containing 41,543 square feet (0.95 acre), more or less.

Do hereby subdivide the same into lots, blocks, tracts, outlots, rights-of-way and easements as shown on this map; and do hereby designate and dedicate: (1) all such rights-of-way and easements, other than utility easements and private easements, to and for public use, except as otherwise indicated on this map; and (2) all such utility easements to and for the public use for the installation and maintenance of all utility, irrigation and drainage facilities; and do hereby designate the same as TURNERY-BRIGGS FIRST SUBDIVISION to the City of Loveland.

All expenses involving necessary improvements for the water system, sanitary sewer system, storm sewer system, curbs and gutters, sidewalks, street improvements, street signs, traffic control signs, alley grading and surfacing, gas services, electric services, grading and landscaping shall be paid by the owners, their heirs and assigns.

*Tom Gathmann*  
City of Loveland  
By Tom Gathmann as an authorized agent

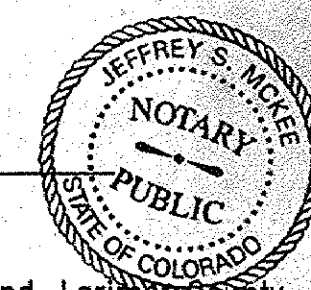
STATE OF COLORADO  
COUNTY OF LARIMER

The foregoing instrument was acknowledged before me this 3rd day of December, 1998, by Tom Gathmann as an authorized agent of City of Loveland.

Witness my hand and official seal.

My commission expires \_\_\_\_\_ My Commission Expires April 3, 2002

*Jeffrey S. Miller*  
Notary Public



This plat is approved by the Director of Community Services of the City of Loveland, Larimer County, Colorado, this 3rd day of December, 1998 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 improvements on land, street or easements dedicated to the public except as specifically agreed to by the Director of community Services.

*Michael J. Hoff*  
Director of Community Services

Witness my hand and seal of the City of Loveland

ATTEST:

*Robert J. Thompson*  
City Clerk



I, Jane Brantigan, 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.

So sworn this 28th day of September, 1998.

*Jane S. Brantigan*  
Attorney at law

APPROVED this 3rd day of DECEMBER, 1998, by the Current Planning Manager of the City of Loveland, Colorado.

*John J. Gathmann*  
Current Planning Manager

APPROVED this 3rd day of December, 1998, by the City Engineer of the City of Loveland, Colorado.

*Tom Gathmann*  
City Engineer

## NOTES:

- This subdivision is subject to a development agreement which has been recorded in the real property records of Larimer County.
- Unless otherwise approved by the City, all unsatisfied conditions of approval for the original subdivision shall continue to apply to this property.

TURNERY-BRIGGS FIRST SUB.  
SW 1/4 SEC. 12 T 5 N, R 69 W  
6th P.M., CITY OF LOVELAND  
LARIMER COUNTY, COLORADO

HALL & ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
902 REDWOOD DRIVE • LOVELAND, CO 80538  
(970) 663-1177  
SCALE: 1" = 20'  
DATE: 5-1-98 JOB NO. 98-1780 SHEET 1 OF 1

drawn by: jsk  
checked by: MFC  
approved by: MFC  
revisions: 6-2-98  
8-6-98  
8-28-98

## LEGEND

- (F) DENOTES FIELD INFORMATION
- (P) DENOTES INFORMATION FROM TURNERY-BRIGGS ADDITION PLAT
- (FP) DENOTES INFORMATION FROM FREDERICK LAND SURVEY PLAT, JULY, 1997
- (C) DENOTES CALCULATED INFORMATION
- DENOTES SECTION MONUMENT AS DESCRIBED
- DENOTES FOUND MONUMENT AS DESCRIBED
- DENOTES SET #4 REBAR WITH PLASTIC CAP LS 25619

## BASIS OF BEARINGS STATEMENT

Considering a line from the Southwest Corner of Section 12 and the North Quarter Corner of Section 12, as bearing, assumed, N 90°00'00"E, monumented as shown, and with all bearings contained herein relative thereto.

## SURVEYOR'S CERTIFICATE

I, Mark F. Corbridge, being first duly sworn on his oath, depose and says: That he is a registered Professional Land Surveyor under the laws of the State of Colorado; that the survey of TURNERY-BRIGGS FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado, was made by him or under his supervision; 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.

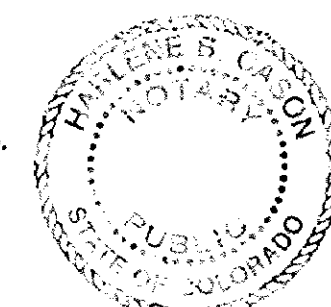
8-31-98 *Mark F. Corbridge*  
Mark F. Corbridge Colorado P.L.S. #25619  
STATE OF COLORADO  
COUNTY OF LARIMER

The foregoing instrument was acknowledged before me this 31st day of August, 1998, by Mark F. Corbridge.

Witness my hand and official seal.

My commission expires March 15, 1999.

*Harriet B. Cason*  
Notary Public



E. EISENHOWER BOULEVARD

(ROW varies)

BASIS OF BEARINGS  
N 90°00'00"E 2638.18'

Note: No direct vehicular access to Lot 1 from Eisenhower Boulevard without written permission from the City Engineer.

WARNOCK ADDITION

TRACT 1 BLOCK 1  
REVISED PLAT OF CAPITAL HILL ADDITION

N. LINCOLN AVENUE

(75' ROW)

Right-of-Way  
dedicated to the City of Loveland  
0.51 Acres  
22192 sq. ft.

N. JEFFERSON AVENUE

(60' ROW)

LOT 12

BLOCK 6  
TURNERY-BRIGGS  
ADDITION

LOT 1

BLOCK 2

WARNOCK ADDITION

LOT 2

BLOCK 3  
LOVELAND HEIGHTS ADDITIONLOT 16  
LOT 15  
LOT 14

LOT 1

LOT 2

BLOCK 1

LOT 40

LOT 39

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.

**EXHIBIT "A"**  
ALLEY VACATION

LEGAL DESCRIPTION:

PART OF A VARIABLE WIDTH ALLEY AS ORIGINALLY DEDICATED IN BLOCK 4, TURNEY-BRIGGS ADDITION TO THE CITY OF LOVELAND AS RECORDED IN BOOK 3 AT PAGE 24 ALONG WITH THAT PART DEDICATED BY THE PLAT OF LOT 1, BLOCK 1, TURNEY-BRIGGS FIRST SUBDIVISION AS RECORDED AT RECEPTION NO. 98111940, SITUATED IN THE SW  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 5 NORTH, RANGE 69 WEST, OF THE 6<sup>TH</sup> P.M., CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, TURNEY-BRIGGS FIRST SUBDIVISION, SAID POINT LYING ON THE WESTERLY R.O.W. OF NORTH JEFFERSON AVENUE;

THENCE S89°17'44"W ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 149.93 FEET;

THENCE N89°31'00"W CONTINUING ALONG SAID NORTH LINE A DISTANCE OF 99.69 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;

THENCE N34°52'58"W A DISTANCE OF 24.76 FEET TO A POINT ON THE SOUTH LINE OF LOT 19, BLOCK 4, TURNEY-BRIGGS ADDITION TO THE CITY OF LOVELAND, WHENCE THE SOUTHWEST CORNER OF SAID LOT 19 BEARS N89°31'00"W A DISTANCE OF 35.63 FEET;

THENCE S89°31'00"E ALONG SAID SOUTH LINE A DISTANCE OF 104.33 FEET TO THE SOUTHEAST CORNER OF SAID LOT 19;

THENCE N00°26'43"E ALONG THE EAST LINE OF LOTS 19 THROUGH 26, SAID BLOCK 4 AND THE EAST LINE OF LOT 1, BLOCK 1, AMENDED PLAT OF LOTS 27 AND 28, BLOCK 4, TURNEY-BRIGGS ADDITION TO THE CITY OF LOVELAND AS RECORDED AT RECEPTION NO. 20100041871, LARIMER COUNTY, COLORADO RECORDS, A DISTANCE OF 249.45 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1, AMENDED PLAT OF LOTS 27 AND 28, BLOCK 4, TURNEY-BRIGGS ADDITION TO THE CITY OF LOVELAND;

THENCE S89°55'39" E A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST LINE OF LOT 9, SAID BLOCK 4, TURNEY-BRIGGS ADDITION TO THE CITY OF LOVELAND, WHENCE THE NORTHWEST CORNER OF SAID LOT 9 BEARS N00°26'43"E A DISTANCE OF 0.43 FEET;

THENCE S00°26'43"W ALONG THE WEST LINE OF LOTS 9 THROUGH 18, SAID BLOCK 4, TURNEY-BRIGGS ADDITION TO THE CITY OF LOVELAND A DISTANCE OF 249.52 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18, BLOCK 4, TURNEY-BRIGGS ADDITION TO THE CITY OF LOVELAND;

THENCE N89°23'48"E ALONG THE SOUTH LINE OF SAID LOT 18 A DISTANCE OF 139.81 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18, SAID POINT LYING ON SAID WESTERLY R.O.W. LINE OF NORTH JEFFERSON AVENUE;

THENCE S01°01'49"W A DISTANCE OF 19.80 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (10,138 SQUARE FEET) 0.2327 ACRES.

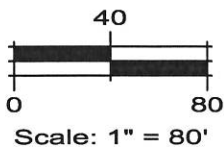
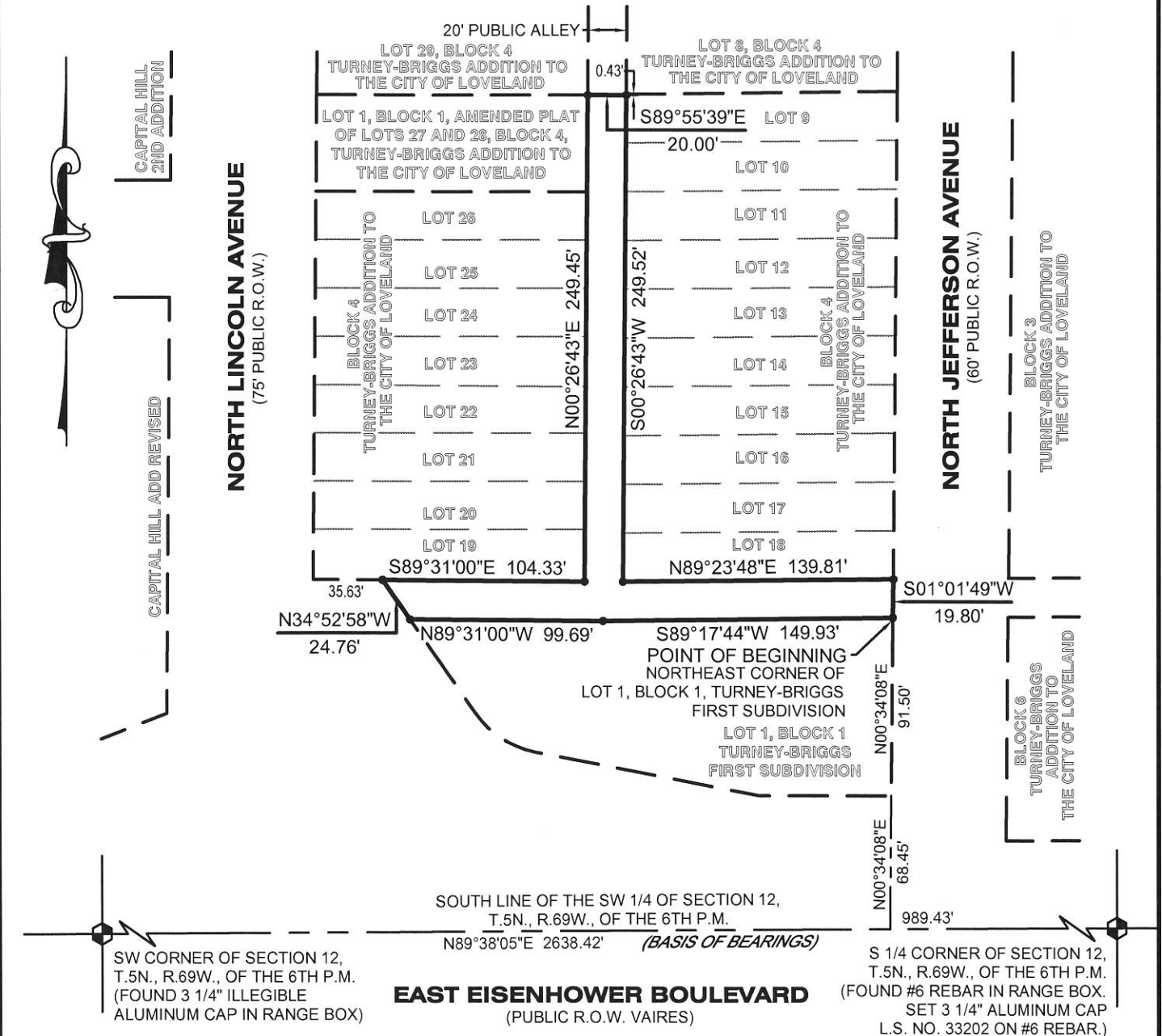
Date Prepared: January 15, 2015

Date Of Last Revision:

Prepared By: Charles N. Beckstrom, PLS No. 33202

For And On Behalf Of  
Engineering Service Company  
1300 South Potomac Street, Suite 126  
Aurora, Colorado 80012  
Phone: (303) 337-1393

# ILLUSTRATION FOR "EXHIBIT A"



PREPARED BY:

**ENGINEERING SERVICE COMPANY**  
1300 SOUTH POTOMAC STREET, SUITE 126  
AURORA, COLORADO 80012

**PARCEL CONTAINS**  
10,138 SQUARE FEET  
0.2327 ACRES

## CITY OF LOVELAND

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

|                    |                     |              |
|--------------------|---------------------|--------------|
| DRAWN BY:<br>SAM   | SCALE:<br>1"=80'    | R.O.W. FILE# |
| CHECKED BY:<br>CNB | DATE:<br>01/15/2015 |              |

## ALLEY VACATION

BEING A PART OF BLOCK 4, TURNERY- BRIGGS ADDITION  
TO THE CITY OF LOVELAND AND LOT 1, BLOCK 1,  
TURNERY-BRIGGS FIRST SUBDIVISION  
SITUATED IN THE SW 1/4 OF SECTION 12,  
TOWNSHIP 5 NORTH, RANGE 69 WEST, OF THE 6TH P.M.  
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



**FIRST READING:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY  
LOCATED IN BLOCK 4 OF THE TURNEY-BRIGGS ADDITION TO THE CITY OF  
LOVELAND, LARIMER COUNTY, COLORADO**

**WHEREAS**, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of the public right-of-way (alley) described below, located in Block 4 of the Turney-Briggs Addition, City of Loveland, Larimer County, Colorado; and

**WHEREAS**, the City Council finds and determines that, upon satisfaction of the conditions set forth below, no land adjoining any right-of way to be vacated will be 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; and

**WHEREAS**, the City Council finds and determines that, upon satisfaction of the conditions set forth below, the public right-of-way to be vacated is no longer necessary for the public use and convenience; and

**WHEREAS**, the City Council finds and determines that, upon satisfaction of the conditions set forth below, the public right-of-way to be vacated is no longer necessary for use as a public utility easement; and

**WHEREAS**, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the easement to be vacated.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the City Council hereby adopts and makes the findings set forth above.

**Section 2.** That, based on the City Council's findings described above and subject to the conditions precedent set forth in Section 3 below, the following described portion of public right-of-way (alley) be and the same is hereby vacated:

PART OF A VARIABLE WIDTH ALLEY AS ORIGINALLY DEDICATED IN BLOCK 4, TURNEY-BRIGGS ADDITION TO THE CITY OF LOVELAND AS RECORDED IN BOOK 3 AT PAGE 24 ALONG WITH THAT PART DEDICATED BY THE PLAT OF LOT 1, BLOCK 1, TURNEY-BRIGGS FIRST SUBDIVISION AS RECORDED AT RECEPTION NO. 98111940, SITUATED IN THE SW 1/4 OF SECTION 12, TOWNSHIP 5 NORTH, RANGE 69 WEST, OF THE 6<sup>TH</sup> P.M., CITY OF

LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, TURNEY-BRIGGS FIRST SUBDIVISION, SAID POINT LYING ON THE WESTERLY R.O.W. OF NORTH JEFFERSON AVENUE;

THENCE S89°17'44"W ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 149.93 FEET;

THENCE N89°31'00"W CONTINUING ALONG SAID NORTH LINE A DISTANCE OF 99.69 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;

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THENCE N89°23'48"E ALONG THE SOUTH LINE OF SAID LOT 18 A DISTANCE OF 139.81 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18, SAID POINT LYING ON SAID WESTERLY R.O.W. LINE OF NORTH JEFFERSON AVENUE;

THENCE S01°01'49"W A DISTANCE OF 19.80 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (10,138 SQUARE FEET) 0.2327 ACRES AND IS GENERALLY DEPICTED ON **EXHIBIT A** ATTACHED HERETO AND INCORPORATED HEREIN.

**Section 3.** That as provided in Section 16.36.060 of the Loveland Municipal Code and in order to preserve and promote the public health, safety and welfare to the inhabitants of the city and the public generally, the vacation of a portion of the public right-of-way as set forth in Section 2 above shall not be effective until all of the following conditions precedent (the "Conditions") have been satisfied:

- a. A Site Development Plan, Public Improvement Construction Plans, and a Lot Merger plat for the redevelopment of the property described on **Exhibit B** attached hereto and incorporated herein by reference as a Sprouts Grocery Store (the “Project”), have been finally approved in accordance with the ordinances and regulations of the City and the Lot Merger plat, dedicating the new Public Access and Utility Easement defined below, has been recorded; and
- b. A Site Work Permit and a building permit have been issued for the Project;
- c. All work and improvements identified on the Public Improvement Construction Plans as approved by the Current Planning Manager and on file with the City’s Current Planning Division shall be completed in accordance with all of the ordinances and regulations of the City, including but not limited to re-routing utilities and construction of the paved public access connection from the existing and un-vacated all to N. Lincoln Avenue within the easement area dedicated for such purposes on the approved Lot Merger plat (the “Public Access and Utility Easement”); and
- d. The City Engineer has determined that construction of the Public Access and Utility Easement has been satisfactorily completed in accordance with the Public Improvement Construction Plans.

**Section 4.** That the Current Planning Division shall record this Ordinance upon satisfaction of the conditions set forth in Section 3 above, and upon such recording by the City, the Conditions shall be deemed satisfied and the vacation of a portion of the public right-of-way set forth in Section 2 above shall be effective.

**Section 5.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

**Section 6.** This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

---

Cecil A. Gutierrez, Mayor

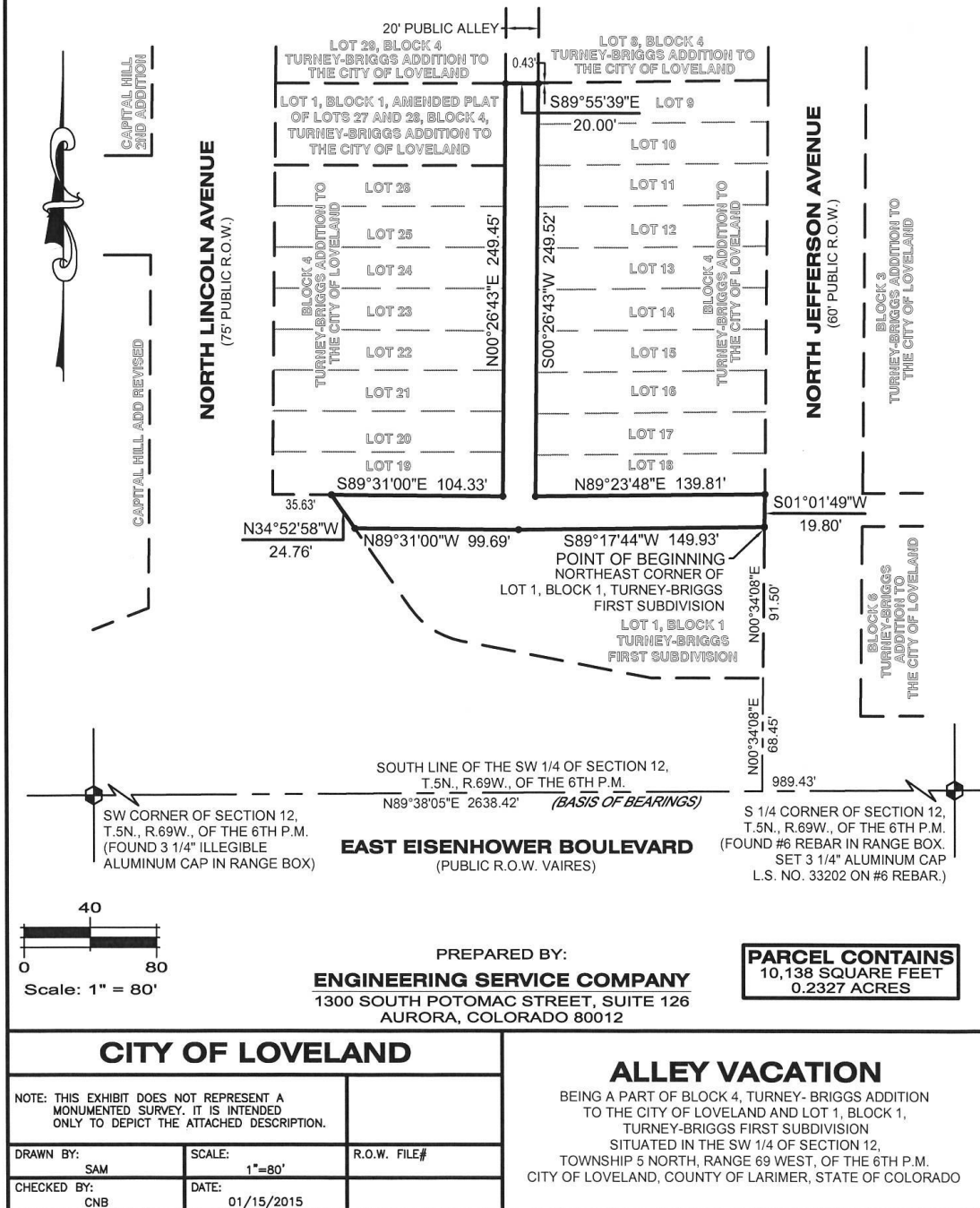
**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Assistant City Attorney

# ILLUSTRATION FOR "EXHIBIT A"



## CITY OF LOVELAND

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

DRAWN BY:

SAM

SCALE:

1"=80'

R.O.W. FILE#

CHECKED BY:

CNB

DATE:

01/15/2015

## ALLEY VACATION

BEING A PART OF BLOCK 4, TURNKEY- BRIGGS ADDITION  
TO THE CITY OF LOVELAND AND LOT 1, BLOCK 1,  
TURNKEY-BRIGGS FIRST SUBDIVISION  
SITUATED IN THE SW 1/4 OF SECTION 12,  
TOWNSHIP 5 NORTH, RANGE 69 WEST, OF THE 6TH P.M.  
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

**EXHIBIT B**

**1410 North Lincoln, 1405 and 1409 North Jefferson, Loveland, CO**

**Parcel One:**

Lots 19 through 22, Block 4, Turney – Briggs Addition,  
City of Loveland,  
County of Larimer,  
State of Colorado

**Parcel Two:**

Lot 1, Turney – Briggs First Subdivision,  
City of Loveland,  
County of Larimer,  
State of Colorado

**Parcel Three:**

Lots 17 and 18, Block 4, Turney – Briggs Addition,  
City of Loveland,  
County of Larimer,  
State of Colorado

**1515 N Jefferson Ave, Loveland, CO**

Lots 9 and 10, Block 4, Turney-Briggs Addition  
City of Loveland,  
County of Larimer,  
State of Colorado

**1501 North Jefferson Avenue, Loveland, CO**

Lots 11 and 12, Block 4, Turney-Briggs Addition  
City of Loveland,  
County of Larimer,  
State of Colorado

**1413 N Jefferson Ave, Loveland, CO**

Lots 13 and 14, Block 4, Turney-Briggs Addition,  
City of Loveland,  
County of Larimer,  
State of Colorado

**1411 N Jefferson Ave, Loveland, CO**

Lots 15 and 16, Block 4, Turney-Briggs Addition,  
City of Loveland,  
County of Larimer,  
State of Colorado

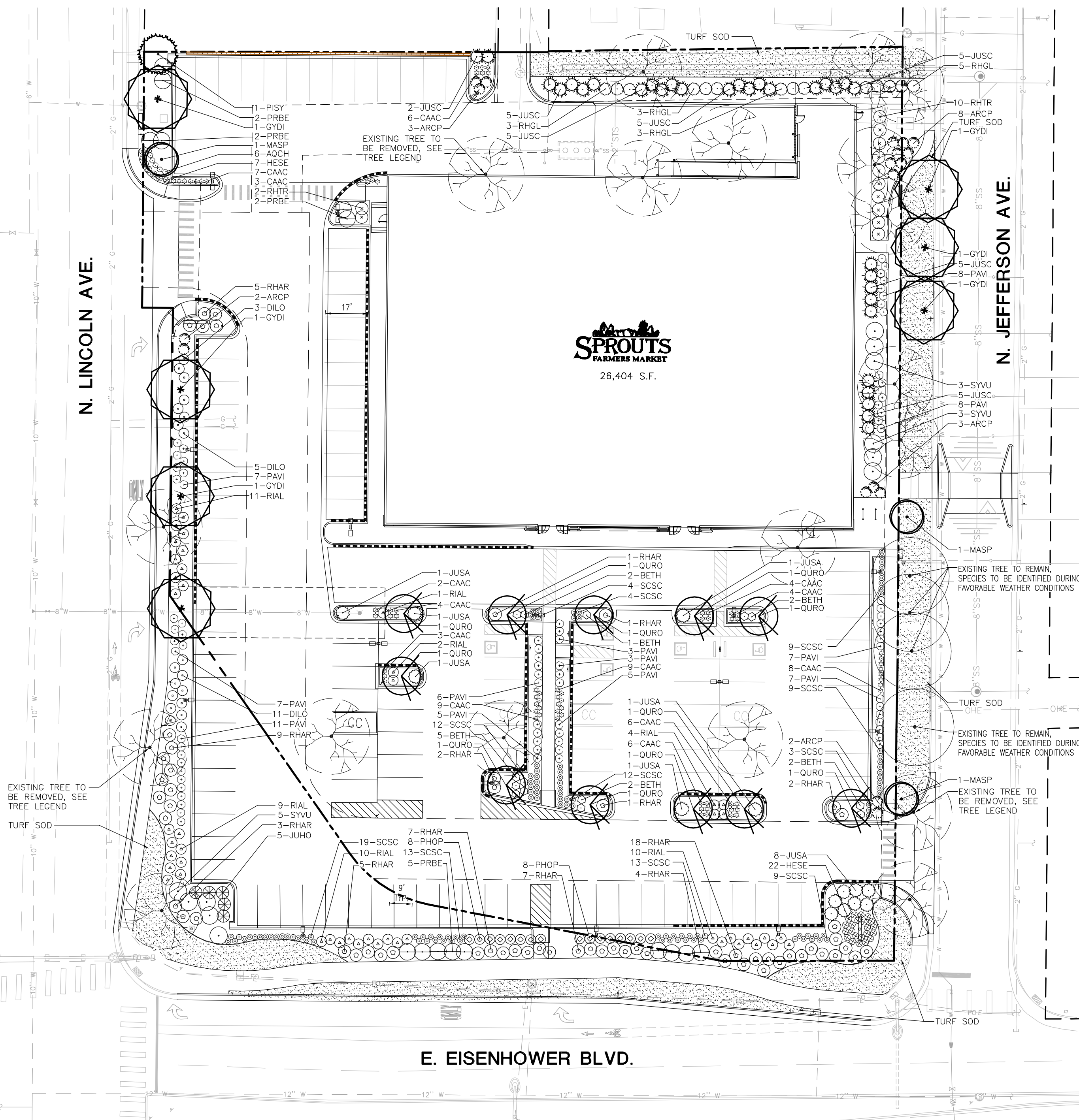
**1506 N Lincoln Ave, Loveland, CO**

Lot 1, Block 1, Amended Plat of Lots 27 and 28,  
Block 4, Turney-Briggs Addition,  
City of Loveland,  
County of Larimer,  
State of Colorado.

**1416 N Lincoln Ave, Loveland, CO**

Lots 23, 24, 25 and 26, Block 4, Turney-Briggs Addition  
City of Loveland,  
County of Larimer,  
State of Colorado.

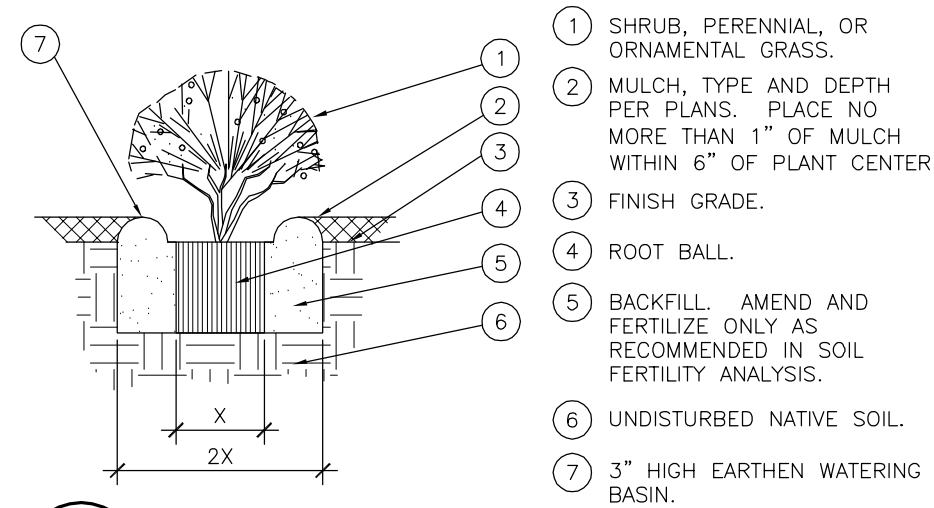




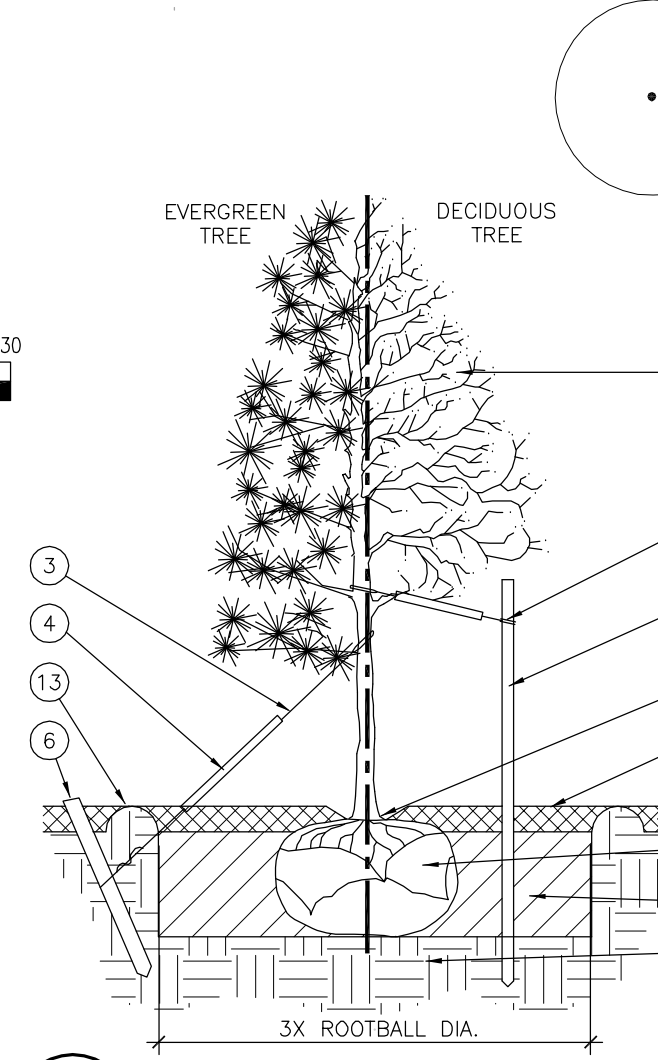
LANDSCAPE BUFFERYARD TABLE:

|  |   |
|--|---|
| LANDSCAPE BUFFER ALONG N. LINCOLN AVE.<br>BUFFER TYPE B - SFD<br>LENGTH OF BUFFER = 148'<br>WIDTH OF BUFFER = 20' (AVERAGE)<br>PLANT MULTIPLIER = 0.8<br>(148/100 = 1.48 X .8 = 1.18 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS:<br>2 CANOPY TREES<br>2 FLOWERING TREES OR LARGE SHRUBS<br>6 SHRUBS<br>1 EVERGREENS/CONIFERS | LANDSCAPE BUFFER ALONG N. LINCOLN AVE.<br>BUFFER TYPE C - SH<br>LENGTH OF BUFFER = 300'<br>WIDTH OF BUFFER = 5'<br>PLANT MULTIPLIER 1.25<br>(300/100 = 3.00 X 1.25 = 3.75 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS:<br>11 CANOPY TREES<br>8 FLOWERING TREES OR LARGE SHRUBS<br>56 SHRUBS<br>11 EVERGREENS/CONIFERS        |
| LANDSCAPE BUFFER ALONG N. JEFFERSON AVE.<br>BUFFER TYPE B - LS<br>LENGTH OF BUFFER = 361'<br>WIDTH OF BUFFER = 13'<br>PLANT MULTIPLIER 1.00<br>(361/100 = 3.61 X 1.0 = 3.61 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS:<br>7 CANOPY TREES  | LANDSCAPE BUFFER ALONG N. JEFFERSON AVE.<br>BUFFER TYPE C - SH<br>LENGTH OF BUFFER = 300'<br>WIDTH OF BUFFER = 5'<br>PLANT MULTIPLIER 1.25<br>(300/100 = 3.00 X 1.25 = 3.75 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS:<br>11 CANOPY TREES<br>8 FLOWERING TREES OR LARGE SHRUBS<br>56 SHRUBS<br>11 EVERGREENS/CONIFERS      |
| LANDSCAPE BUFFER ALONG E. EISENHOWER BLVD.<br>BUFFER TYPE C - ART<br>LENGTH OF BUFFER = 275'<br>WIDTH OF BUFFER = 4.5'<br>PLANT MULTIPLIER 1.25<br>(275/100 = 2.75 X 1.25 = 3.44 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS:<br>10 CANOPY TREES<br>7 FLOWERING TREES OR LARGE SHRUBS<br>52 SHRUBS<br>10 EVERGREENS/CONIFERS  | LANDSCAPE BUFFER ALONG E. EISENHOWER BLVD.<br>BUFFER TYPE C - ART<br>LENGTH OF BUFFER = 275'<br>WIDTH OF BUFFER = 4.5'<br>PLANT MULTIPLIER 1.25<br>(275/100 = 2.75 X 1.25 = 3.44 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS:<br>10 CANOPY TREES<br>7 FLOWERING TREES OR LARGE SHRUBS<br>52 SHRUBS<br>10 EVERGREENS/CONIFERS |

SHRUB AND PERENNIAL PLANTING



TREE PLANTING DETAIL



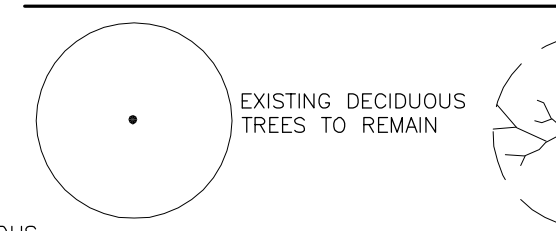
LANDSCAPE GUARANTEE AND MAINTENANCE

- A. IRRIGATION PLAN SHALL BE SUBMITTED AFTER THE APPROVAL OF THE LANDSCAPE ARCHITECT.
- A. LANDSCAPE ARCHITECT SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS.
- A. LANDSCAPE ARCHITECT SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS.
- A. LANDSCAPE ARCHITECT SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS.
- A. LANDSCAPE ARCHITECT SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS.

IRRIGATION CONCEPT

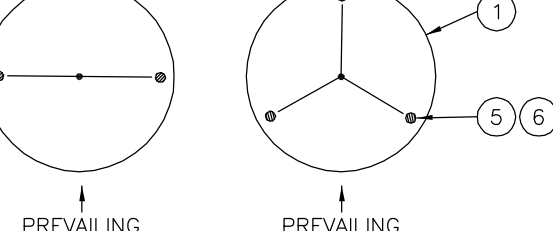
- A. IRRIGATION PLAN SHALL BE SUBMITTED AFTER THE APPROVAL OF THE LANDSCAPE ARCHITECT.
- A. LANDSCAPE ARCHITECT SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS.
- A. LANDSCAPE ARCHITECT SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS.
- A. LANDSCAPE ARCHITECT SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS.
- A. LANDSCAPE ARCHITECT SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS.

EXISTING TREE LEGEND



1. TREE CANOPY.
2. NYLON TREE STRAPS AT ENDS OF WIRES SECURE TO STAKE OR DEADEN WITH WIRE.
3. 12 GAUGE GALVANIZED WIRE. SECURE TRUNK JUST ABOVE LOWEST MAJOR BRANCHES.
4. 24" X 3/4" P.V.C. MARKERS OVER PRESSURE-TREATED WOOD STAKE, 2" DIA. EXTEND STAKES 12" MIN. INTO UNDISTURBED SOIL.
5. PRESSURE-TREATED WOOD DEADEN, TWO PER TREE (MIN.). BURY OUTSIDE OF PLANTING PIT AND 18" MIN. INTO UNDISTURBED SOIL.
6. TRUNK FLARE.
7. WOOD MULCH TREE RING 3" DIA. MIN. TYPE AND DEPTH PER PLANS. DO NOT PLACE MULCH WITHIN 3" OF TRUNK.
8. FINISH GRADE.
9. ROOT BALL--SEE NOTE 3, THIS DETAIL BACKFILL, AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
10. UNDISTURBED NATIVE SOIL.
11. 3" HIGH EARTHEN WATERING BASIN.
12. 3X ROOTBALL DIA.

STAKING EXAMPLES (PLAN VIEW)



NOTE: CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL INFORMATION FOR FINAL ACCEPTANCE OF WORK FOR ANY LOCAL, STATE OR FEDERAL AGENCY, UTILITY DISTRICT OR ANY OTHER AGENCY OR DISTRICT HAVING APPROVAL AUTHORITY OVER WORK. THIS INFORMATION MAY INCLUDE, BUT IS NOT LIMITED TO, AS-BUILT PLANS, CERTIFICATIONS, INSPECTIONS AND REPORTS.

PLANTING NOTES

1. CALL UNCC AT (303) 232-1991 PRIOR TO ANY EXCAVATION.
2. ALL WORK SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES, STANDARDS, AND SPECIFICATIONS.
3. LANDSCAPE DESIGN IS DIAGRAMMATIC IN NATURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN TAKEOFFS AND QUANTITY CALCULATIONS.
4. THE CONTRACTOR SHALL MAKE HIMSELF AWARE OF THE LOCATIONS OF EXISTING AND PROPOSED UTILITIES, AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE UTILITIES AND/OR ANY INJURY TO ANY PERSON.
5. ALL UTILITY EASEMENTS SHALL REMAIN UNOBTSTRUCTED AND FULLY ACCESSIBLE ALONG THEIR ENTIRE LENGTH FOR MAINTENANCE PURPOSES.
6. THE CONTRACTOR SHALL TAKE EXTREME CARE NOT TO DAMAGE ANY EXISTING PLANTS INDICATED AS "TO REMAIN". ANY SUCH PLANTS DAMAGED BY THE CONTRACTOR SHALL BE REPLACED WITH THE SAME SPECIES, SIZE, AND QUANTITY AT THE CONTRACTOR'S OWN EXPENSE AND AS ACCEPTABLE TO THE LANDSCAPE ARCHITECT.
7. LANDSCAPE CONTRACTOR SHALL EXAMINE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND NOTIFY THE GENERAL CONTRACTOR IN WRITING OF UNSATISFACTORY CONDITIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DENVER.
8. ALL CONSTRUCTION DEBRIS AND MATERIAL SHALL BE REMOVED AND CLEANED UP PRIOR TO INSTALLATION OF TOPSOIL, TREES, SHRUBS, AND TURF.
9. FOR ALL INFORMATION ON SURFACE MATERIAL OF WALKS, DRIVES, AND PARKING LOTS, SEE THE SITE PLAN, SEE THE PHOTOGRAPHIC PLAN FOR TREE STANDING LIGHTING INFORMATION.
10. ALL LANDSCAPE NOTES SHALL BE COORDINATED WITH ALL APPLICABLE SPECIFICATION SECTIONS. ANY DISCREPANCY SHALL BE REPORTED TO THE LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH WORK.
11. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT ONE WEEK PRIOR TO BEGINNING CONSTRUCTION.
12. WINTER WATERING SHALL BE AT THE EXPENSE OF THE CONTRACTOR UNTIL SUCH TIME AS FINAL ACCEPTANCE IS RECEIVED.
13. ALL LANDSCAPE CONSTRUCTION PRACTICES, WORKMANSHIP, AND MATERIALS SHALL BE IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE CONTRACTORS HANDBOOK PUBLISHED BY THE COLORADO LANDSCAPE CONTRACTORS ASSOCIATION.
14. LANDSCAPE AND IRRIGATION WORK SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.
15. FINISH GRADING AND SOIL PREPARATION
16. THE CONTRACTOR SHALL CONSTRUCT AND MAINTAIN FINISH GRADES AS RECOMMENDED IN THE GEOTECHNICAL REPORT.
17. THE CONTRACTOR SHALL RECOMMEND INSTALLATION OF SOIL AMENDMENTS AND FERTILIZERS FOR THE SOILS REQUIRED FOR THE PROJECT. THE CONTRACTOR SHALL SUBMIT A LETTER TO THE OWNER/OWNER'S REPRESENTATIVE RECOMMENDING THE FOLLOWING (AS APPROPRIATE):
18. AT A MINIMUM, ALL TOPSOIL SHALL BE REQUIRED TO BE AMENDED WITH NITROGEN STABILIZED ORGANIC AMENDMENT (COMPOST) AT A RATE OF 15 POUNDS PER TON (15 POUNDS PER 1000 LBS) OF LANDSCAPE AREA. AMENDMENT SHALL BE MECHANICALLY INTEGRATED INTO THE TOP 6" OF SOIL. MEANS OF APPLICATION SHALL BE DETERMINED BY THE CONTRACTOR. PERENNIAL BED AREAS SHALL BE AMENDED AT A RATE OF 2 POUNDS PER TON (2 POUNDS PER 1000 LBS) OF LANDSCAPE AREA. AMENDMENT AND 10 LBS 12-12-12 FERTILIZER PER CU. YD. ROTOTILLED TO A DEPTH OF 8". NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED FOR ORGANIC AMENDMENTS.

TREE PROTECTION NOTES:

1. USE CITY OF LOVELAND TREE PROTECTION NOTE (IF AVAILABLE). TREE PROTECTION NOTES BELOW SHALL BE USED FOR FURTHER INFORMATION.
2. "PROTECTED ZONE" FOR EXISTING TREES: BEFORE BEGINNING ANY DEMOLITION OR CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL INSTALL TEMPORARY FENCING AROUND ALL EXISTING TREES WITHIN THE PROTECTED ZONE THAT ARE TO BE SAVED. THE FENCING SHALL BE INSTALLED NO CLOSER TO THE TREE THAN THE EDGE OF THE TREE'S PROTECTED ZONE, GENERALLY DEFINED AS THE AREA BEGINNING FIVE FEET OUTSIDE OF THE TREE'S CANOPY AND EXTENDING TOWARDS THE TREE (OR AS FAR AWAY FROM THE TRUNK AS PRACTICABLE). THE FENCING SHALL BE OF ARCHITECTED. ALL CONTRACTORS AND THEIR CREWS SHALL NOT BE ALLOWED INSIDE THIS "PROTECTED ZONE" NOR SHALL THEY BE ALLOWED TO STORE OR DUMP FOREIGN MATERIAL WITHIN THE AREA. NO WORK OF ANY KIND, INCLUDING TRENCING, SHALL BE ALLOWED WITHIN THE PROTECTED ZONE EXCEPT AS DESCRIBED BELOW. THE FENCING SHALL REMAIN AROUND EACH TREE TO BE SAVED UNTIL THE COMPLETION OF CONSTRUCTION OPERATIONS.
3. TEMPORARY MULCH: TO ALLEViate SOIL COMPACTION IN AREAS WHERE THE PROTECTED ZONE IS SMALLER THAN ONLY WHERE FENCING CANNOT BE SET FIVE FEET OUTSIDE OF THE DRIPLINE, THE CONTRACTOR SHALL INSTALL A LAYER OF MULCH, 9" 2" THICK, OVER ALL EXPOSED SOIL FROM THE TREE TRUNK TO 5' OUTSIDE OF THE DRIPLINE. THIS LAYER SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION. WHEN PLANTING OPERATIONS ARE COMPLETED, THE MULCH SHALL BE REDISTRIBUTED THROUGHOUT ALL PLANTING AREAS IN A 3" THICK "PERMANENT" MULCH LAYER.
4. NECESSARY WORK: WHEN IT BECOMES NECESSARY TO ENTER THE "PROTECTED ZONE", SUCH AS FOR FINE GRADING, IRRIGATION INSTALLATION AND PLANTING OPERATIONS, THE CONTRACTOR SHALL STRICTLY ADHERE TO THE FOLLOWING RULES:
  - A. EVERY EFFORT SHALL BE MADE TO PRESERVE THE EXISTING GRADE AROUND PROTECTED TREES IN AS WIDE AN AREA AS POSSIBLE.
  - B. TRENCING WITHIN THE PROTECTED ZONE OF EXISTING TREES SHALL BE LIMITED TO THE MINIMUM NECESSARY. EXTREME CARE NOT TO SEVER ROOTS 1-1/2" IN DIAMETER AND LARGER. WHERE ROOTS ARE SEVERED, THE CONTRACTOR SHALL TUNNEL SAVED ROOTS. EXPOSED ROOTS THAT HAVE BEEN TUNNELED UNDER IN WET MULCH AND KEPT MOIST WHILE THE TRENCH IS OPEN.
  - C. WHERE ROOTS 1-1/2" IN DIAMETER OR LARGER MUST BE CUT, THE CONTRACTOR SHALL MAKE GRADE CHANGES. THOSE ROOTS MUST BE EXPOSED BY HAND DIGGING AND CUT CLEANLY. RAGGED CUTS SEVERED ROOTS DO NOT HEAL PROPERLY AND MAY LEAVE THE TREE OPEN TO PESTS AND PATHOGENS.
  - D. WHERE TRENCING NEAR TREES HAS ALREADY OCCURRED FROM PREVIOUS CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL MAKE GRADE CHANGES TO CONFINE HIS TRENCING OPERATIONS TO THE PREVIOUSLY-CREATED TRENCHES, WHILE ADHERING TO THE CONDITIONS SET FORTH IN 3B.
5. PRUNING: PRUNE ONLY THE TREES THAT ARE INDICATED ON THE PLANS AS REQUIRING PRUNING. PRUNE TREES ACCORDING TO THE INTERNATIONAL SOCIETY OF ARBORICULTURE / ANSI A300 STANDARDS:
  - A. REMOVE ALL DEAD WOOD.
  - B. PRUNE LIVE WOOD FOR HEALTH OR STRUCTURAL REASONS ONLY, INCLUDING THE NEED TO ELIMINATE DISEASED OR DAMAGED GROWTH, ELIMINATE STRUCTURALLY UNSOUND GROWTH, PREVENT POTENTIAL FOR WIND UPROOTING OR WIND DAMAGE, OR TO MAINTAIN GROWTH WITHIN LIMITED SPACE. DO NOT REMOVE MORE THAN 25% OF ANY TREE'S LIVE FOLIAGE IN ANY ONE GROWING SEASON. PRUNE ONLY A CERTIFIED ARBORIST.
  - C. FINAL CUTS SHALL BE MADE JUST OUTSIDE THE SHOULDER RING AREA. EXTREMELY FLUSHED CUTS WHICH PRODUCE LARGE WOUNDS SHALL NOT BE MADE.
  - D. ALL TRIMMING CUTS SHALL BE PERFORMED IN SUCH A MANNER AS TO PROMOTE THE NATURAL GROWTH AND SHAPE OF EACH TREE SPECIES.
  - E. IMPROPER PRUNING METHODS INCLUDING, BUT NOT LIMITED TO, "TOPPING", "TIPPING", "HEADING BACK", "DEHORNING", AND "LONTLING" WILL NOT BE ALLOWED. THE CONTRACTOR SHALL PAY FOR ALL WORK NECESSARY TO CORRECT SUCH PRUNING WHEN PERFORMED BY HIS CREWS OR SUBCONTRACTORS.
  - F. SHOULD THE CONTRACTOR REQUIRE MORE INFORMATION, THE CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT FOR A COPY OF THE ANSI A300 PRUNING STANDARDS. CONTRACTOR SHALL ADHERE TO ALL WORK METHODS AND PRACTICES SET FORTH IN THIS DOCUMENT.
6. LANDSCAPE AND IRRIGATION (NATIVE TREES ONLY): ANY FUTURE LANDSCAPE AND IRRIGATION SHOULD ADHERE TO THE FOLLOWING GUIDELINES:
  - A. NO IRRIGATION OR PLANTING SHOULD OCCUR CLOSER THAN 8'-10" FROM THE TRUNK.
  - B. WHERE IRRIGATION DOES OCCUR WITHIN THE PROTECTED ZONE, DRIPIRIGATION SHOULD BE USED, WHERE POSSIBLE. ADDITIONALLY, ONLY PLANTS WITH LOW WATER REQUIREMENTS SHOULD BE PLANTED WITHIN THE PROTECTED ZONE, SPACED FAR APART WHERE CLOSE TO THE TREE. PLANTS MAY BE SPACED CLOSER TOGETHER NEAR THE EDGE OF THE PROTECTED ZONE.

CAUTION - NOTICE TO CONTRACTOR

1. ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURVEY EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE FIELD LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT. PRIOR TO CONSTRUCTION, REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
2. WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POT-HOLING OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.



Know what's below. Call before you dig.

| DATE                  | 03/19/2015 |
|-----------------------|------------|
| DRAWN BY              | JJA        |
| DESIGNED BY           | JRR        |
| REVISION              | 1          |
| No.                   | 1          |
| SECOND CITY SUBMITTAL |            |

**Galloway**  
Planning, Architecture, Engineering  
6185 S. Willow Drive, Suite 200  
Greenwood Village, CO 80111  
303.770.8884  
www.gallowayus.com

REGISTRATION INFORMATION:

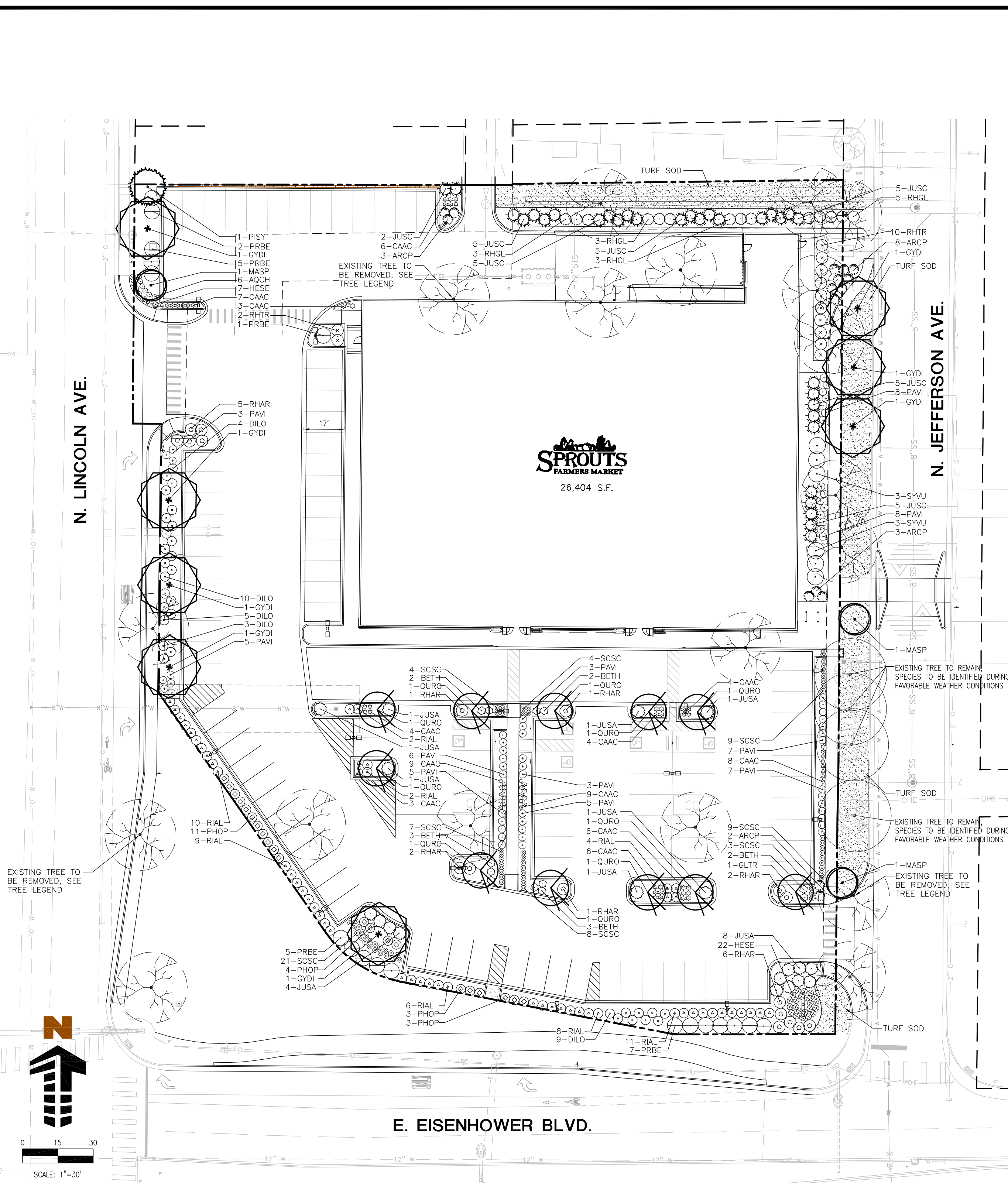
JOSEPH L. WILSON IV  
LICENSED LANDSCAPE ARCHITECT  
STATE OF COLORADO: LA-304

**SPROUTS**  
LOT 1, BLOCK 1  
TURNER-BRIGGS SECOND SUBDIVISION  
EISENHOWER BLVD. & LINCOLN AVE.  
LOVELAND, COLORADO

|              |                  |
|--------------|------------------|
| Project No:  | ED1011           |
| Sheet Scale: | 1"=30'           |
| Designed By: | JLW              |
| Drawn By:    | DTT              |
| Date:        | JAN., 2015       |
| Disk File:   | ED1011_C2-1-Site |

LANDSCAPE PLAN





LANDSCAPE BUFFERYARD TABLE:

|  |   |  |   |  |
|--|---|--|---|--|
| LANDSCAPE BUFFER ALONG NORTHERN PERIMETER<br>BUFFER TYPE B - SFO<br>LENGTH OF BUFFER = 148'<br>WIDTH OF BUFFER = 20' (AVERAGE)<br>PLANT MULTIPLIER = 0.8<br>(148/100 = 1.48 X .8 = 1.18 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS<br>2 CANOPY TREES<br>2 FLOWERING TREES OR LARGE SHRUBS<br>6 SHRUBS<br>1 EVERGREENS/CONIFERS | LANDSCAPE BUFFER ALONG N. JEFFERSON AVE.<br>BUFFER TYPE B - LS<br>LENGTH OF BUFFER = 361'<br>WIDTH OF BUFFER = 13'<br>PLANT MULTIPLIER 1.00<br>(361/100 = 3.61 X 1.0 = 3.61 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS<br>7 CANOPY TREES<br>7 FLOWERING TREES OR LARGE SHRUBS<br>18 SHRUBS<br>4 EVERGREENS/CONIFERS | LANDSCAPE BUFFER ALONG E. EISENHOWER BLVD.<br>BUFFER TYPE C - ART<br>LENGTH OF BUFFER = 234'<br>WIDTH OF BUFFER = 5.5'<br>PLANT MULTIPLIER 1.25<br>(234/100 = 2.34 X 1.25 = 2.93 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS<br>9 CANOPY TREES<br>6 FLOWERING TREES OR LARGE SHRUBS<br>44 SHRUBS<br>9 EVERGREENS/CONIFERS | LANDSCAPE BUFFER ALONG N. LINCOLN AVE.<br>BUFFER TYPE C - SH<br>LENGTH OF BUFFER = 274'<br>WIDTH OF BUFFER = 1.5'<br>PLANT MULTIPLIER = 1.25<br>(274/100 = 2.74 X 1.25 = 3.43 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS<br>10 CANOPY TREES<br>7 FLOWERING TREES OR LARGE SHRUBS<br>51 SHRUBS<br>10 EVERGREENS/CONIFERS | LANDSCAPE BUFFER ALONG E. EISENHOWER BLVD.<br>BUFFER TYPE C - ART<br>LENGTH OF BUFFER = 234'<br>WIDTH OF BUFFER = 5.5'<br>PLANT MULTIPLIER 1.25<br>(234/100 = 2.34 X 1.25 = 2.93 PLANT MULTIPLIER)<br>REQUIRED NUMBER OF PLANTS<br>9 CANOPY TREES<br>6 FLOWERING TREES OR LARGE SHRUBS<br>44 SHRUBS<br>9 EVERGREENS/CONIFERS |
|--|---|--|---|--|

SHRUB AND PERENNIAL PLANTING

SCALE: NTS

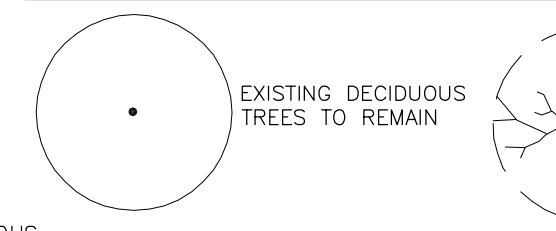
TREE PLANTING DETAIL

SCALE: NOT TO SCALE

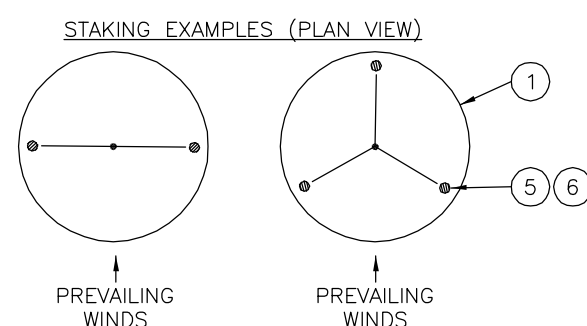
LANDSCAPE GUARANTEE AND MAINTENANCE

- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, SEEDS AND ANY SYSTEMS WHICH ONLY BE RESPONSIBLE FOR PERIOD OF ONE YEAR FROM THE DATE OF THE OWNER'S ACCEPTANCE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
- DURING THE LANDSCAPE MAINTENANCE PERIOD, THE LANDSCAPE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL LANDSCAPE AREAS AT THE MINIMUM SLOPE OF 1/8" PER FOOT. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL LANDSCAPE AREAS AT THE MINIMUM SLOPE OF 1/8" PER FOOT. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL LANDSCAPE AREAS AT THE MINIMUM SLOPE OF 1/8" PER FOOT.
- AFTER THE INITIAL MAINTENANCE PERIOD AND DURING THE GUARANTEE PERIOD, THE LANDSCAPE CONTRACTOR SHALL ONLY BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHEN PLANT DEATH CANNOT BE ATTRIBUTED TO DEFICIENCIES IN THE IRRIGATION SYSTEM OR TO DEFICIENCIES IN THE LANDSCAPE CONTRACTOR'S WORK.
- DURING THE LANDSCAPE MAINTENANCE PERIOD, THE LANDSCAPE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL LANDSCAPE AREAS AT THE MINIMUM SLOPE OF 1/8" PER FOOT. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL LANDSCAPE AREAS AT THE MINIMUM SLOPE OF 1/8" PER FOOT.
- ALL PLANTS SHARING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE GROUPED TOGETHER AND MAINTAINED AS SUCH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
- THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED, TO THE MAXIMUM POSSIBLE, TO STORE OR DUMP FOREIGN MATTER WITHIN THE PROTECTED ZONE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
- IRRIGATION BACKFLOW PREVENTER SHALL BE SCREENED BY LANDSCAPING IN A VANDAL PROOF LOCKABLE CABINET OR LOCATED WITHIN THE BUILDING UTILITY CLOSET.

EXISTING TREE LEGEND



- TREE CANOPY.
- NYLON TREE STRAPS AT ENDS OF WIRES SECURE TO STAKE OR DEADEN WITH NAIL.
- 12 GAUGE GALVANIZED WIRE. SECURE TRUNK JUST ABOVE LOWEST MAJOR BRANCHES.
- 24" X 3/4" P.V.C. MARKERS OVER PRESSURE-TREATED WOOD STAKE, 2" DIA. EXTEND STAKES 12" MIN. INTO UNDISTURBED SOIL.
- PRESSURE-TREATED WOOD DEADEN, TWO PER TREE (MIN.). BURY OUTSIDE OF PLANTING PIT AND 18" MIN. INTO UNDISTURBED SOIL.
- TRUNK FLARE.
- WOOD MULCH TREE RING 3" DIA. MIN. TYPE AND DEPTH PER PLANS. DO NOT PLACE MULCH WITHIN 3" OF TRUNK.
- FINISH GRADE.
- ROOT BALL--SEE NOTE 3, THIS DETAIL BACKFILL, AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
- UNDISTURBED NATIVE SOIL.
- 4" HIGH EARTHEN WATERING BASIN.



NOTE: CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL INFORMATION FOR FINAL ACCEPTANCE OF WORK FOR ANY LOCAL, STATE OR FEDERAL, AGENCY, UTILITY DISTRICT OR ANY OTHER AGENCY OR DISTRICT HAVING APPROVAL AUTHORITY OVER WORK. THIS INFORMATION MAY INCLUDE, BUT IS NOT LIMITED TO, AS-BUILT PLANS, CERTIFICATIONS, INSPECTIONS AND REPORTS.

PLANTING NOTES

- CALL UNCC AT (303) 232-1991 PRIOR TO ANY EXCAVATION.
- ALL WORK SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES, STANDARDS, AND SPECIFICATIONS.
- LANDSCAPE DESIGN IS DIAGRAMMATIC IN NATURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN TAKEOFFS AND QUANTITY CALCULATIONS. IN THE EVENT OF DISCREPANCY BETWEEN THE PLAN AND THE LANDSCAPE LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN SHALL PRECEDE. LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THESE DISCREPANCIES. MINOR ADJUSTMENTS TO THE LANDSCAPE MATERIALS AND LOCATIONS MAY BE ACCEPTED FOR CITY CONSIDERATION AT THE CONSTRUCTION DOCUMENT STAGE TO RESPOND TO MARKET AND FIELD CONDITIONS. IF IT IS DETERMINED THERE SHALL BE NO REDUCTION IN THE NUMBER AND SIZE OF MATERIALS.
- THE CONTRACTOR SHALL MAKE HIMSELF AWARE OF THE LOCATIONS OF EXISTING AND PROPOSED UTILITIES, AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE UTILITIES AND/OR ANY INJURY TO ANY PERSON.
- ALL UTILITY EASEMENTS SHALL REMAIN UNOBTSTRUCTED AND FULLY ACCESSIBLE ALONG THEIR ENTIRE LENGTH FOR MAINTENANCE PURPOSES.
- THE CONTRACTOR SHALL TAKE EXTREME CARE NOT TO DAMAGE ANY EXISTING PLANTS INDICATED AS "TO REMAIN". ANY SUCH PLANTS DAMAGED BY THE CONTRACTOR SHALL BE REPLACED WITH THE SAME SPECIES, SIZE, AND QUANTITY AT THE CONTRACTOR'S OWN EXPENSE AND AS ACCEPTABLE TO THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PLANS (AS APPLICABLE).
- LANDSCAPE CONTRACTOR SHALL EXAMINE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND NOTIFY THE GENERAL CONTRACTOR IN WRITING OF UNSATISFACTORY CONDITIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY REQUIRE CHANGES TO THE PLAN, THEN AN APPROVAL WILL BE OBTAINED FROM THE CITY. THE CONTRACTOR SHALL NOT PROCEED UNTIL CONDITIONS HAVE BEEN CORRECTED.
- ALL CONSTRUCTION DEBRIS AND MATERIAL SHALL BE REMOVED AND CLEANED UP PRIOR TO INSTALLATION OF TOPSOIL, TREES, SHRUBS, AND TURF.
- FOR ALL INFORMATION ON SURFACE MATERIAL OF WALKS, DRIVES, AND PARKING LOTS, SEE THE SITE PLAN, SEE PHOTOGRAPHIC PLAN FOR TREE STANDING LIGHTING INFORMATION.
- ALL LANDSCAPE NOTES SHALL BE COORDINATED WITH ALL APPLICABLE SPECIFICATION SECTIONS. ANY DISCREPANCY SHALL BE BUILDING FOUNDATIONS. ALL EDGING SHALL OVERLAP AT JOINTS A MINIMUM OF 6-INCHES, AND SHALL BE FASTENED WITH A MINIMUM OF 4 PINS PER EACH 12" SECTION. THE TOP OF ALL EDGING MATERIAL SHALL BE A ROLLED TOP AND 1/2" INCH ABOVE THE FINISHED GRADE OF ADJACENT LAWN OR MULCH AREAS. COLOR: GREEN.
- THE DEVELOPER, HIS SUCCESSOR, OR ASSIGNEE SHALL BE RESPONSIBLE FOR ESTABLISHING AND CONTINUING A REGULAR PROGRAM OF MAINTENANCE FOR ALL LANDSCAPED AREAS. SEE LANDSCAPE GUARANTEE AND MAINTENANCE NOTE.
- A 3-FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE ENCLOSURE OF ALL FIRE HYDRANTS.
- LANDSCAPE CONTRACTOR TO SUBMIT SAMPLES OF MISCELLANEOUS LANDSCAPING MATERIALS TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION, I.E., MULCH, EDGER, LANDSCAPE FABRIC, ETC.
- CONTRACTOR SHALL CONSTRUCT AND MAINTAIN FINISH GRADES IN ALL LANDSCAPED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINISH GRADES IN ALL LANDSCAPED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINISH GRADES IN ALL LANDSCAPED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINISH GRADES IN ALL LANDSCAPED AREAS.
- ALL PLANTING IS COMPLETE, THE CONTRACTOR SHALL INSTALL A MINIMUM 4" THICK LAYER OF MULCH AS SPECIFIED IN THE PLANTING LEGEND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINISH GRADES IN ALL LANDSCAPED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINISH GRADES IN ALL LANDSCAPED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINISH GRADES IN ALL LANDSCAPED AREAS.
- ALL PLANTING AREAS WITH LESS THAN A 4:1 GRADIENT SHALL RECEIVE A LAYER OF MULCH. TYPE AND DEPTH PER PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINISH GRADES IN ALL LANDSCAPED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINISH GRADES IN ALL LANDSCAPED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINISH GRADES IN ALL LANDSCAPED AREAS.
- ALL PLANTING AREAS ON SLOPES OVER 4:1 SHALL RECEIVE COCONUT FIBER EDGING CONTROL NETTING FROM ROLLS. NETTING SHALL BE #20-25, AS MANUFACTURED BY NORTH AMERICAN GEOTEXTILES, INC. OR EQUAL. INSTALL AND STAKE MANUFACTURER'S SPECIFICATIONS. SEE ALSO THE CIVIL ENGINEER'S EROSION CONTROL PLAN.

TREE PROTECTION NOTES:

- USE CITY OF LOVELAND TREE PROTECTION NOTE (IF AVAILABLE). TREE PROTECTION NOTES BELOW SHALL BE USED FOR FURTHER INFORMATION.
- "PROTECTED ZONE" FOR EXISTING TREES: BEFORE BEGINNING ANY DEMOLITION OR CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL INSTALL TEMPORARY FENCING AROUND ALL EXISTING TREES WITHIN THE PROTECTED ZONE THAT ARE TO BE SAVED. THE FENCING SHALL BE INSTALLED NO CLOSER TO THE TREE THAN THE EDGE OF THE TREE'S PROTECTED ZONE, GENERALLY DEFINED AS THE AREA BEGINNING FIVE FEET OUTSIDE OF THE TREE'S CANOPY AND EXTENDING TOWARDS THE TREE (OR AS FAR AWAY FROM THE TRUNK AS PRACTICABLE). THE FENCING SHALL BE OF ARCHITECT. ALL CONTRACTORS AND THEIR CREWS SHALL NOT BE ALLOWED INSIDE THIS "PROTECTED ZONE" UNLESS THEY ARE ALLOWED TO STORE OR DUMP FOREIGN MATTER WITHIN THIS AREA. NO WORK OF ANY KIND, INCLUDING TRENCHING, SHALL BE ALLOWED WITHIN THE PROTECTED ZONE EXCEPT AS DESCRIBED BELOW. THE FENCING SHALL REMAIN AROUND EACH TREE TO BE SAVED UNTIL THE COMPLETION OF CONSTRUCTION OPERATIONS.
- TEMPORARY MULCH: TO ALLEViate SOIL COMPACTION IN THE PROTECTED ZONE, THE CONTRACTOR SHALL INSTALL ONLY AND ONLY WHERE FENCING CANNOT BE SET FIVE FEET OUTSIDE OF THE DRIPLINE. THE CONTRACTOR SHALL INSTALL A LAYER OF MULCH, 9"-12" THICK, OVER ALL EXPOSED EARTH FROM THE TREE TRUNK TO 5' OUTSIDE OF THE DRIPLINE. THIS LAYER SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION. WHEN PLANTING OPERATIONS ARE COMPLETED, THE MULCH SHALL BE REDISTRIBUTED THROUGHOUT ALL PLANTING AREAS IN A 3" THICK "PERMANENT" MULCH LAYER.
- NECESSARY WORK: WHEN IT BECOMES NECESSARY TO ENTER THE "PROTECTED ZONE" SUCH AS FOR FINE GRADING, IRRIGATION AND PLANTING OPERATIONS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PRESERVING THE EXISTING GRADE AROUND PROTECTED TREES IN AS WIDE AN AREA AS POSSIBLE.
- TRENCHING WITHIN THE PROTECTED ZONE OF EXISTING TREES: THE CONTRACTOR SHALL TAKE EXTREME CARE NOT TO SEVER ROOTS 1-1/2" IN DIAMETER AND LARGER, WHERE ROOTS ARE EXPOSED, THE CONTRACTOR SHALL TUNNEL UNDER ROOTS. EXPOSED ROOTS THAT HAVE BEEN TUNNELED UNDER IN A TRENCH SHALL BE KEPT MOIST UNTIL THE TRENCH IS OPEN.
- WHERE ROOTS 1-1/2" IN DIAMETER OR LARGER MUST BE CUT DUE TO NECESSARY GRADE CHANGES, THOSE ROOTS MUST BE EXPOSED BY HAND DIGGING AND CUT CLEANLY. RAGGED CUTS SHALL BE DO NOT MAKE MORE THAN 25% OF THE TREE'S LEAVES REMAIN. THE CONTRACTOR SHALL MAINTAIN THE TREE OPEN TO PESTS AND PATHOGENS.
- WHERE TRENCHING NEAR TREES HAS ALREADY OCCURRED FROM PREVIOUS CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL TUNNEL UNDER THE EXISTING TRENCHING OPERATIONS TO THE PREVIOUSLY-CREATED TRENCHES, WHILE ADHERING TO THE CONDITIONS SET FORTH IN 3B.

CAUTION - NOTICE TO CONTRACTOR

- ALL UTILITY LOCATIONS SHOWN ARE BASED ON MAPS PROVIDED BY THE APPROPRIATE UTILITY COMPANY AND FIELD SURVEY EVIDENCE AT THE TIME OF SURVEY AND IS TO BE CONSIDERED AN APPROXIMATE LOCATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE FIELD LOCATION OF ALL UTILITIES, PUBLIC OR PRIVATE, WHETHER SHOWN ON THE PLANS OR NOT, PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
- WHERE A PROPOSED UTILITY CROSSES AN EXISTING UTILITY, IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF SUCH EXISTING UTILITY, EITHER THROUGH POT-HOLING OR ALTERNATIVE METHOD. REPORT INFORMATION TO THE ENGINEER PRIOR TO CONSTRUCTION.

REGISTRATION INFORMATION:

JOSEPH L. WILSON IV  
LICENSED LANDSCAPE ARCHITECT  
STATE OF COLORADO: LA-304

SPROUTS  
LOT 1, BLOCK 1  
TURNER-BRIGGS SECOND SUBDIVISION

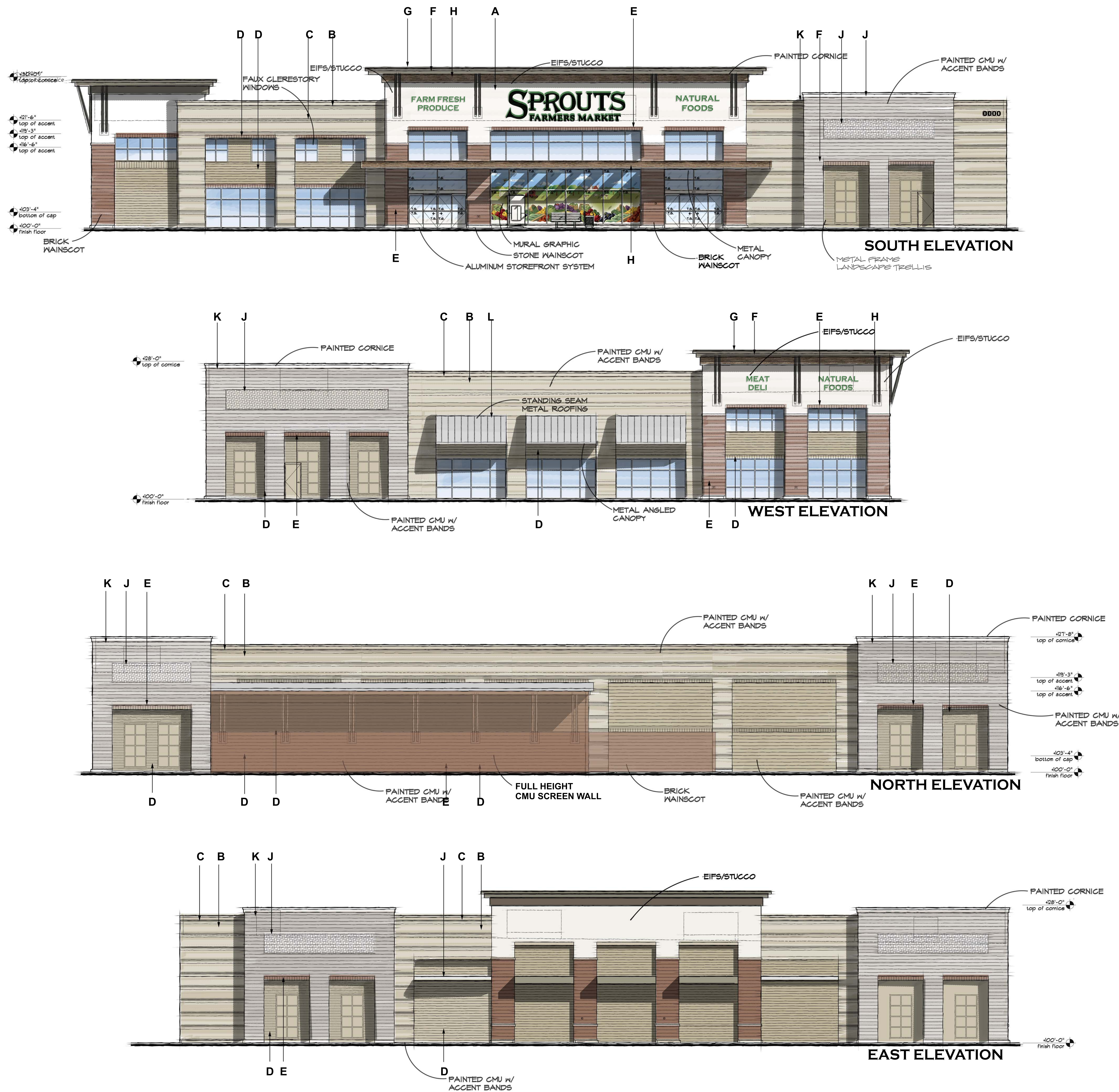
EISENHOWER BLVD. & LINCOLN AVE.  
LOVELAND, COLORADO

Project No: EDI011  
Sheet Scale: 1"=30'  
Designed By: JLV  
Drawn By: DTT  
Date: JAN., 2015  
Disk File: EDI011\_C2-1-Site

UTIMATE  
LANDSCAPE  
PLAN

9A

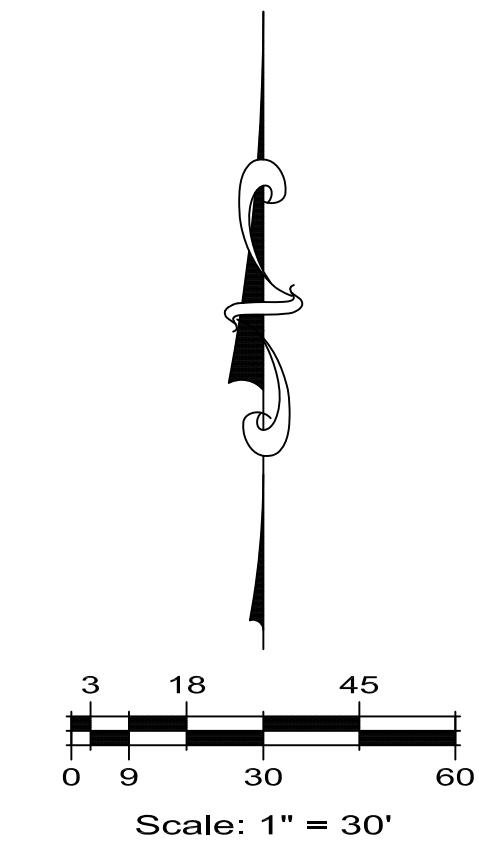




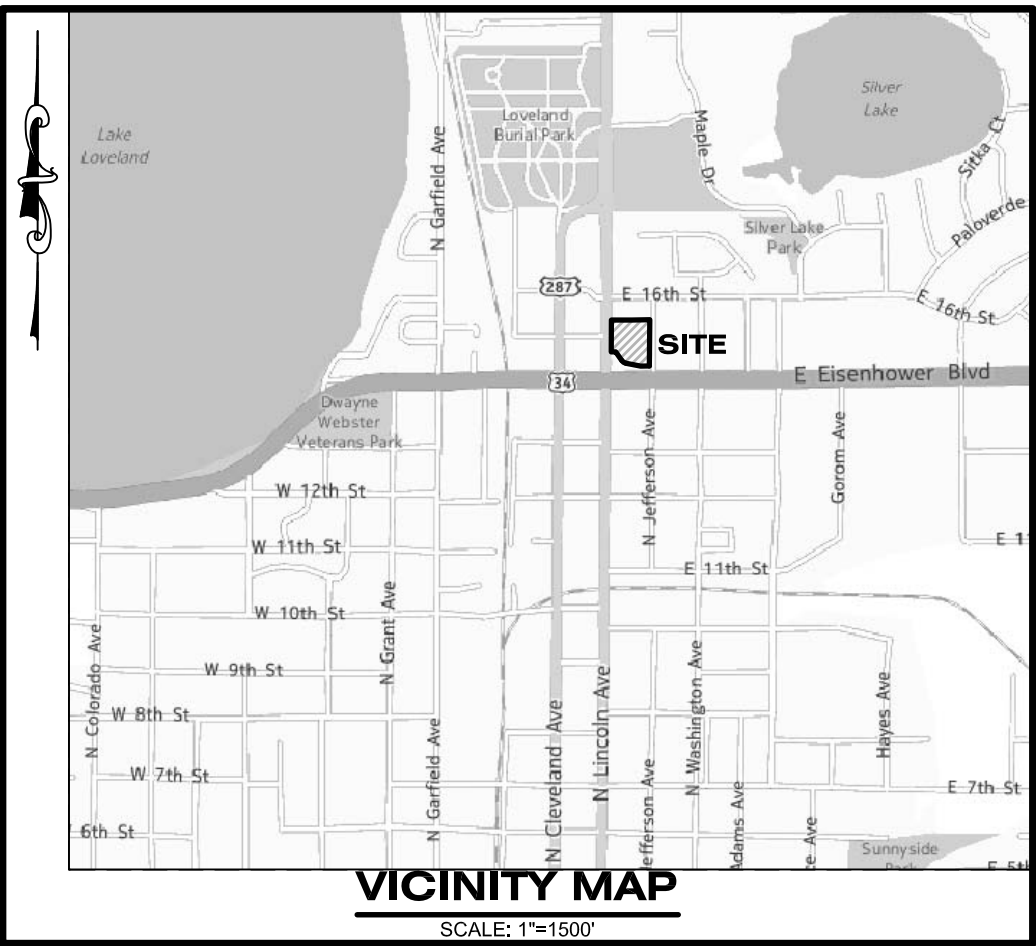


# TURNERY-BRIGGS SECOND SUBDIVISION

A REPLAT OF LOTS 9 THROUGH 26, INCLUSIVE, BLOCK 4, TURNERY-BRIGGS ADDITION TO THE CITY OF LOVELAND AND LOT 1, BLOCK 1, AMENDED PLAT OF LOTS 27 AND 28, BLOCK 4, TURNERY-BRIGGS ADDITION TO THE CITY OF LOVELAND AND LOT 1, BLOCK 1, TURNERY-BRIGGS FIRST SUBDIVISION ALONG WITH VACATED ALLEY, SITUATED IN THE SOUTHWEST ¼ OF SECTION 12, TOWNSHIP 5 NORTH, RANGE 69 WEST, OF THE 6TH P.M. CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.



| LEGEND  |  |
|---------|--|
| ●       | SET 5/8"x24" PIN & 1 1/4" YELLOW PLASTIC CAP L.S. NO. 33202 UNLESS NOTED OTHERWISE |
| ▲       | FOUND #4 REBAR & RED ILEGIBLE PLASTIC CAP  |
| ■       | FOUND #4 REBAR   |
| (XX.XX) | PER THE PLAT OF TURNERY-BRIGGS ADDITION TO THE CITY OF LOVELAND                    |
| (XX.XX) | PER THE PLAT OF TURNERY-BRIGGS FIRST SUBDIVISION                                   |



## General Notes:

- This survey was based on title commitment numbers:  
508-F0476597-017-VB2, Amendment No.1 – Effective date: June 6, 2014, 7:00 A.M.,  
508-F0476621-017-VB2, Amendment No.1 – Effective date: June 6, 2014, 7:00 A.M.,  
508-F0469796-017-VB2, Amendment No.1 – Effective date: June 6, 2014, 7:00 A.M.,  
508-F0476623-017-VB2, Amendment No.1 – Effective date: June 6, 2014, 7:00 A.M.,  
508-F0476625-017-VB2, Amendment No.1 – Effective date: June 6, 2014, 7:00 A.M.,  
508-F0476721-017-VB2, Amendment No.1 – Effective date: June 6, 2014, 7:00 A.M.,  
508-F0476629-017-VB2, Amendment No.1 – Effective date: June 6, 2014, 7:00 A.M.,  
All being prepared by Fidelity National Title Insurance Company, Engineering Service Company did not conduct a title search for other easements and/or exceptions of record.
- Bearings are based on the South line of the SW 1/4 of Section 12, Township 5 North, Range 69 West, of the 6th Principal Meridian bearing N89°38'05"E and bounded by the monuments shown hereon.
- The plat of TURNERY-BRIGGS ADDITION TO THE CITY OF LOVELAND was recorded April 7, 1908 at Reception No. 121236. The plat of TURNERY-BRIGGS FIRST SUBDIVISION was recorded December 21, 1988 at Reception No. 9811940. The plat of AMENDED PLAT OF LOTS 27 AND 28, BLOCK 4, TURNERY-BRIGGS ADDITION TO THE CITY OF LOVELAND was recorded July 22, 2010, at Reception No. 20100041871.
- By graphic plotting only the subject property is situated in Flood Zone "X", area determined to be outside the 0.2% annual chance flood plain according to Flood Insurance Rate Map (FIRM) Community Panel No. 08069C1187F with and effective date of December 19, 2006. No office calculations or field surveying was performed to determine this information.
- All Lineal Units are U.S. Survey Feet.
- The subdivision is subject to a development agreement which has been recorded in the real property records of Larimer County.
- Unless otherwise approved by the City, all unsatisfied conditions of approval for the original subdivision shall continue to apply to this property.
- Total area in square feet of easements dedicated to the public or the city by this plat is 21,095 square feet.
- Maintenance and upkeep of storm drainage infrastructure and permanent Stormwater quality improvements are required by the City of Loveland and are a continuing obligation of the private property owner. The owner(s) or responsible parties shall provide ongoing maintenance to the private Stormwater improvements as needed to maintain compliance with the approved construction plans and reports.

## Attorney's Certificate:

I, \_\_\_\_\_, 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 herein.

So sworn this \_\_\_\_ day of \_\_\_\_\_, 2015.

Attorney at Law \_\_\_\_\_

## Surveyor's Certificate:

I Charles N. Beckstrom being a registered professional land surveyor in the State of Colorado, do hereby certify that the survey of TURNERY-BRIGGS SECOND SUBDIVISION was made by me or under my supervision and that the survey is accurately represented on this plat and that the statements contained hereon were read by me and the same are true to the best of my knowledge.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

## 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.

Any person who knowingly removes, alters, or defaces any public land survey monument, land boundary monument, or accessory commits a class two (2) misdemeanor, pursuant to state statute 18-4-508 of the Colorado revised statutes.

## Director of Development Services:

This plat is approved by the Director of Development Services of the City of Loveland, Larimer County, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2015 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 provision that approval in no way obligates the City of Loveland, for the financing or constructing of improvements 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:

City Clerk \_\_\_\_\_

## Dedication:

KNOW ALL MEN 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, which property is located in Southwest ¼ of Section 12, Township 5 North, Range 69 West of the 6th P.M., being more particularly described as follows:

A Parcel of land being Lots 9 through 26, inclusive, Block 4, TURNERY-BRIGGS ADDITION TO THE CITY OF LOVELAND and Lot 1, Block 1, AMENDED PLAT OF LOTS 27 AND 28, BLOCK 4, TURNERY-BRIGGS ADDITION TO THE CITY OF LOVELAND and Lot 1, Block 1, TURNERY-BRIGGS FIRST SUBDIVISION along with Vacated Alley, City of Loveland, County of Larimer, State of Colorado.

Beginning at the Southeast corner of Lot 1, Block 1, TURNERY-BRIGGS FIRST SUBDIVISION, said point lying on the Northerly Right-of-Way Line of East Eisenhower Boulevard;

Thence along said Northerly Right-of-Way Line the following Five (5) courses:

- Thence S89°53'00"W a distance of 68.00 feet;
- Thence N79°04'32"W a distance of 117.99 feet to a point of Curve;
- Thence along a Curve to the right whose chord bears N56°58'45"W a distance of 37.62 feet, said curve having a central angle of 44°11'34", a radius of 50.00 feet, an arc length of 38.57 feet to a point of tangent;
- Thence N34°52'58"W along said tangent a distance of 82.99 feet;
- Thence N89°31'00"W a distance of 35.63 feet to a point on the Easterly Right-of-Way Line of North Lincoln Avenue;

Thence N00°28'25"E along said Easterly Right-of-Way Line a distance of 248.45 feet to the Southwest corner of Lot 29, Block 4, TURNERY-BRIGGS ADDITION TO THE CITY OF LOVELAND;

Thence S89°55'39"E along the Southerly Line of said Lot 29 and along said Southerly Line extended a distance of 159.84 feet;

Thence N00°26'43"E a distance of 0.43 feet to the Southwest Corner of Lot 8, said Block 4, TURNERY-BRIGGS ADDITION TO THE CITY OF LOVELAND;

Thence N89°17'47"E along the Southerly Line of said Lot 8 a distance of 139.93 feet to a point on the Westerly Right-of-Way Line of North Jefferson Avenue;

Thence along said Westerly Right-of-Way Line the following Three (3) courses:

- Thence S00°28'25"W a distance of 250.20 feet;
- Thence S01°01'49"W a distance of 19.80 feet;
- Thence S00°34'08"W a distance of 91.50 feet to the Point of Beginning.

Containing (98,028 Square Feet) 2.2504 Acres more or less, and is subject to all easements and right-of-ways on record or existing, do hereby subdivide the same into a lot, a block, 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 TURNERY-BRIGGS SECOND SUBDIVISION to the City of Loveland, Colorado.

All expenses involving necessary improvement s for water system, sanitary sewer system, storm sewer system, curbs and gutters, sidewalks, street improvements , street signs, traffic control signs, alley grading and surfacing, gas service, electric system, grading and landscaping shall be paid by the owners, their heirs and assigns.

Evergreen Devco, Inc., a California corporation

By: \_\_\_\_\_

Print Name \_\_\_\_\_ Date \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )ss

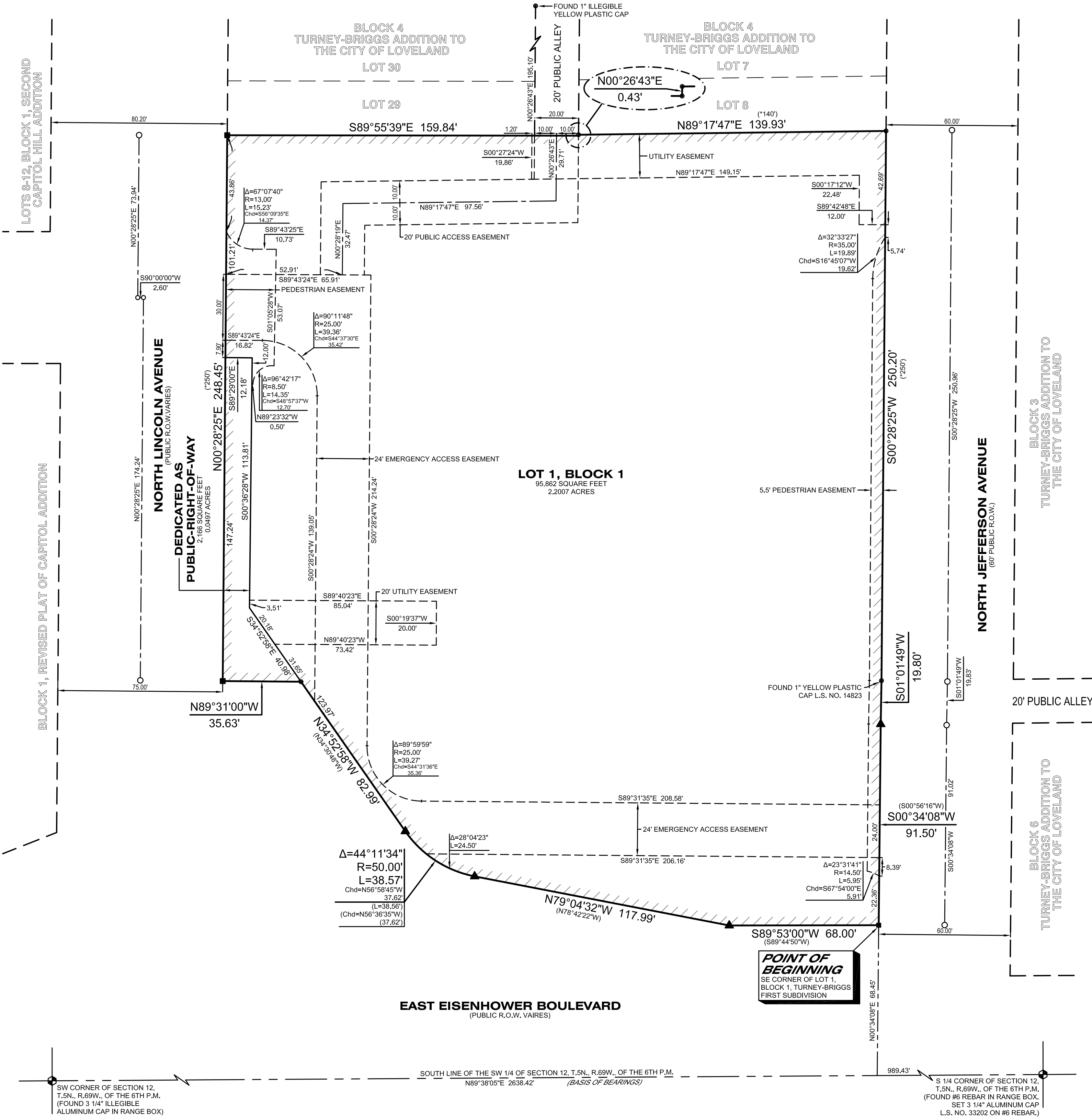
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015,

by \_\_\_\_\_.

Witness my hand and official seal.

My Commission expires \_\_\_\_\_

Notary Public \_\_\_\_\_



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|                      |                                    |                                      |
|----------------------|------------------------------------|--------------------------------------|
| Drawer No.:<br>E-748 | Date of Preparation:<br>01/16/2015 | Date of Last Revision:<br>03/19/2015 |
|----------------------|------------------------------------|--------------------------------------|



**CITY OF LOVELAND**  
CITY ATTORNEY'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

## MEMORANDUM

**To:** Loveland Planning Commission  
**From:** Vincent Junglas, Assistant City Attorney  
**Date:** April 7<sup>th</sup>, 2015  
**Re:** **Section 1.28.070 Clarification – Authority to Issue Summons and Complaint**

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### SUMMARY:

This item is a proposed amendment to Title 18 (the land use ordinance) of the Loveland Municipal Code; specifically, the amendment addresses the repeal of Section 18.68.045, the creation of Section 1.28.070, and the amendments of four various provisions to be consistent with the new Section 1.28.070. As such, it is a legislative matter to be initially considered in a public hearing by the Planning Commission, as set forth in Code Section 18.64.010, and subsequently by City Council.

### RECOMMENDED ACTION:

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

*Move to recommend that City Council approve the repeal of Section 18.68.045, the amendments of Section 18.68.040, Section 18.50.170, Section 12.44.050, Section 13.04.235, and the creation of Section 1.28.070 as specified in the draft ordinance identified as Exhibit A to the April 7<sup>th</sup>, 2015 memorandum, as amended on the record.*

### DESCRIPTION:

**A. Introduction:** The Loveland City Charter Section 8-4(a) Powers and Duties of Manager states that the “[The City Manager] [b]e responsible for the enforcement of the ordinances, resolutions, franchises, contracts, and other enactments of the City.” The enforcement process and enforcement delegation for non-police related summons and complaints is derived from the City Charter. However, by relocating the enforcement provisions authorizing peace officers and code enforcement officers to write summonses into municipal court to Title 1 (General Provisions) of the Code and specifying that a limited commissioned code enforcement officer shall be considered a peace officer for purposes of issuing summonses into municipal court pursuant to Rule 204 of the Colorado Municipal Court Rules will provide clarity and is a logical placement for a grant of general enforcement authority. Consolidating and clarifying such authority in Title 1 will establish a clear statement of authority to issue summonses into municipal court for purposes of enforcement actions.

**B. Draft Code Language:** Draft code language (see ***Exhibit A***) has been prepared by the City Attorney's office.

**ATTACHMENTS:**

1. **Exhibit A:** Draft code language, red-lined, prepared by the City Attorney's Office.
2. **Exhibit B:** A City Council cover sheet prepared by the City Attorney's Office.

First Reading: May 5<sup>th</sup>, 2015

Second Reading: \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE REPEALING SECTION 18.68.045 AND CREATING SECTION 1.28.070 OF THE LOVELAND MUNICIPAL CODE AUTHORIZING CODE ENFORCEMENT OFFICERS TO ISSUE A SUMMONS AND COMPLAINT INTO MUNICIPAL COURT PURSUANT TO RULE 204 OF THE COLORADO MUNICIPAL COURT RULES**

**WHEREAS**, the City of Loveland (the “City”), as a home rule municipality, may enact, adopt, and enforce regulations covering any affront to the health, safety, peace, welfare, or morals of the City so long as such regulations are consistent with the provisions of state law; and

**WHEREAS**, city code enforcement officers are authorized by Loveland Municipal Code (the “Code”) Section 18.68.045 to enforce the provisions of Title 15 (Building and Construction), Title 16 (Subdivision of Land) and Title 18 (Zoning) of the Code; and

**WHEREAS**, notwithstanding the provisions of Code Section 18.68.045, the source of authority for code enforcement officers who are not POST-certified peace officers pursuant to C.R.S. § 16-2.5-102 (2014) to issue a summons and complaint into Loveland Municipal Court (“municipal court”) for violations of the Code is found in the Colorado Municipal Court Rules of Procedure 203, which defines a peace officer for purposes of the Municipal Court Rules to be any “duly appointed law enforcement officer of any political subdivision of [the state], authorized by . . . charter or ordinance to enforce municipal charter or ordinance violations”; and

**WHEREAS**, relocating the enforcement provisions authorizing peace officers and code enforcement officers to write summonses into municipal court to Title 1 (General Provisions) of the Code and specifying that a limited commissioned code enforcement officer shall be considered a peace officer for purposes of issuing summonses into municipal court pursuant to Rule 204 of the Colorado Municipal Court Rules will provide clarity and is a logical placement for a grant of general enforcement authority; and

**WHEREAS**, duplicative language throughout the Code regarding code enforcement authority could be deleted or amended as a result of such relocation; and

**WHEREAS**, City Council desires to enact Code provisions authorizing code enforcement officers to issue a summons and complaint into municipal court for violations of the Code and clearly identifying the source and scope of such authority.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, AS FOLLOWS:**

**Section 1.** That a new Code Section 1.28.070 is hereby added to Code Chapter 1.28 to read in full as follows:

**1.28.070 Authority to issue summons and complaint.**

A. Any law enforcement officer of the City of Loveland who has been duly sworn as the same by the Chief of Police or City Manager may enforce any provision of this Code or the City Charter by the issuance of a summons and complaint into the Loveland Municipal Court.

B. Any employee of the City who is duly sworn by the Chief of Police or City Manager as a limited commissioned code enforcement officer may enforce any provision of this Code, consistent with the limits imposed by such commission, by the issuance of a summons and complaint into the Loveland Municipal Court pursuant to the Colorado Municipal Court Rules. For purposes of enforcement of this Code, any duly limited commissioned code enforcement officer shall be considered a "Peace Officer" as defined in Rule 203(d) of the Colorado Municipal Court Rules.

C. Nothing in this section shall be construed to restrict or interfere with the authority of any animal control personnel, officers, agents, and employees of the Humane Society of Larimer County, pursuant to Section 6.32.040, to issue a summons and complaint into the Loveland Municipal Court pursuant to Rule 204 of the Colorado Municipal Court Rules.

**Section 2.** That Code Section 18.68.040 is amended to read in full as follows:

**18.68.040 Inspection.**

A. The city building official and his authorized representatives are empowered to cause any building, other structure or tract of land to be inspected and examined in accordance with Chapter 1.08, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this title.

B. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such violation. ~~Such building official and his authorized representatives are authorized and duly appointed to issue summonses and complaints and penalty assessment notices for any violation of the provisions of this title.~~ (Ord. 3786 § 1, 1991; Ord. 1004 § 19.4, 1968)

**Section 3.** That Code Section 18.50.170 is amended to read in full as follows:

**18.50.170 Enforcement, legal procedures and penalties.**

It shall be unlawful for any person to erect, maintain, or allow upon any property over which they own, manage, lease or control, any sign which is not permitted pursuant to the provisions of this sign code. Enforcement, legal procedures, and penalties shall be in accordance with Chapter 18.68 of this title and Section 1.28.070. Additionally, unauthorized signs on public property may be confiscated by the city and held pending notification of the owner by the city. The owner may obtain said signs from the city manager upon payment of a confiscation and storage charge in an amount established by the city council. ~~For the purposes of the enforcement of this chapter, the Building Official and his or her designee is authorized and duly appointed to issue~~

~~summonses and complaints and penalty assessment notices for a violation of this chapter.~~ (Ord. 5623 § 6, 2011; Ord. 4089 § 6, 1995; Ord. 3788 § 2, 1991)

**Section 4.** That Code Section 18.68.045 is repealed in its entirety.

**Section 5.** That Code Section 12.44.050 is amended to read in full as follows:

**12.44.050 Mountain Park-Park pass required.**

A. Every motor vehicle parking within the Viestenz-Smith Mountain Park shall be required to have visibly displayed in its front windshield a valid and unexpired Viestenz-Smith Mountain Park pass. It is unlawful for any person to park any motor vehicle within the Viestenz-Smith Mountain Park without first obtaining and displaying in the front windshield of the motor vehicle a valid and unexpired Viestenz-Smith Mountain Park pass. The amount of the fee for the park pass shall be set by resolution of the city council.

B. Every motor vehicle entering the Viestenz-Smith Mountain Park shall only be parked within designated parking areas. It is unlawful for any person to park a motor vehicle in an area other than those areas specifically designated for parking.

C. Any person violating subsection A. or B. of this section shall be subject to a fine of ten dollars (\$10) for a first offense and a fine of up to one hundred dollars (\$100) for a second and subsequent offense.

D. For the purposes of the enforcement of this section only, employees of the city parks and recreation department ~~are authorized and duly appointed to issue summonses and complaints and penalty assessment notices for a violation of this section only~~ may issue a summons and complaint or penalty assessment notice pursuant to the Colorado Municipal Court Rules and Section 1.28.070.

E. In any prosecution charging a violation of this section, proof that the particular vehicle described in the complaint or penalty assessment notice was parked in violation of this section, together with proof that the defendant named in the complaint or penalty assessment notice was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle at the point where and for the time during which such violation occurred.

F. The following motor vehicles shall be exempt from the provisions of subsection A. above:



1. City motor vehicles on official business.
2. Motor vehicles parked in specifically designated reservation-only areas for which a valid reservation has been obtained from the city parks and recreation department.
3. Motor vehicles specifically exempted by policy of the parks and recreation department as adopted by the director of the department. (Ord. 3605 § 1, 1989)

**Section 6.** That Code Section 13.04.235 is amended to read in full as follows:

**13.04.235 Emergency ban on certain outdoor uses of potable water.**

A. In the event of a catastrophic event or other type of emergency which, in the judgment of the city manager, results in the water utility's current supply of potable water being insufficient to meet the current demand for outdoor water use by the water utility's customers, the city manager may impose a ban on all or certain specified uses of potable water by the water utility's customers.

B. It shall be unlawful for any person or customer to use or permit the use of potable water from the city's water utility on any premises in violation of a ban on water use imposed by the city manager under this section.

C. To impose such a ban, the city manager shall cause a notice to be published in a Loveland daily newspaper notifying the public as to the specific date when the ban shall take effect and the notice shall expressly specify the kinds of uses of potable water prohibited by the ban. The date on which the ban will take effect shall not be earlier than the next day after the notice is so published. In addition to publishing notice, the city manager shall take such other actions as he or she deems reasonable to educate the public about the ban. If the city manager determines that the water utility's current supply of potable water is no longer insufficient to meet the current demand for water use by the water utility's customers, the city manager may, following the same procedure set forth in this paragraph, terminate the ban on the use of potable water. Using the same procedure set forth in this paragraph and when circumstances warrant because of further reductions in the water utility's current supply of potable water, the city manager may modify the ban to impose additional prohibited outdoor uses.

D. The city manager and his or her designees are authorized as peace officers to enforce this section by the issuance of summonses and complaints in accordance with the Colorado Municipal Court Rules of Procedure and Section 1.28.070. A written warning shall be issued for a first violation of any provision of this section. Second and subsequent violations of any provision of this section shall be punished by a minimum fine of fifty dollars (\$50) up to a maximum fine of one thousand dollars (\$1,000). Each day during which a violation of any provision of this section occurs or continues shall constitute a separate misdemeanor offense. In addition to the fine set forth herein, any lawn irrigation or watering by a water utility customer in violation of any provision of this section shall be deemed a wasting of water as prohibited under section 13.04.170 for which that customer's water service may be terminated by the water utility.

**Section 7.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading, unless the Ordinance has been amended since first reading, in which case the Ordinance shall be published in full or the amendments shall be published in full.

**Section 8.** That this Ordinance shall be in full force and effect ten (10) days after its final publication as provided in City Charter Section 4-8(b).

ADOPTED \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney



**CITY OF LOVELAND**  
CITY ATTORNEY'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

---

**AGENDA ITEM:**

**MEETING DATE:**

5/5/2015

**TO:**

City Council

**FROM:**

Vincent Junglas, Assistant City Attorney

**PRESENTER:**

Vincent Junglas

---

**TITLE:** An Ordinance Repealing Section 18.68.045 and Creating Section 1.28.070 of the Loveland Municipal Code Authorizing Code Enforcement Officers to Issue a Summons and Complaint into Municipal Court Pursuant to Rule 204 of the Colorado Municipal Court Rules

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the Ordinance on first reading.

**OPTIONS:**

1. Adopt the action as recommended
  2. Deny the action
  3. Adopt a modified action (specify in the motion)
  4. Refer back to staff for further development and consideration
  5. Adopt a motion continuing the item to a future Council meeting
- 

**SUMMARY:**

This is a legislative action to move Code Enforcement authority from Title 18 of the City Code to Title 1 where other general provisions are located, to specify that a limited commissioned code enforcement officer is a peace officer for purposes of issuing summonses into municipal court pursuant to Rule 204 of the Colorado Municipal Court Rules, and to make conforming changes to related City Code provisions.

**BUDGET IMPACT:**

- ☐ Positive
- ☐ Negative
- ☒ Neutral or negligible
- 

**BACKGROUND:**

The authority for code enforcement officers, who are not Loveland Police Officers, is currently found in various parts of the City Code. For example, the authority for Building Division code enforcement officers to enforce Titles 15 and 16 is located in Title 18. Relocating the enforcement provisions authorizing peace officers and code enforcement officers to write summonses into municipal court to Title 1 (General Provisions), and specifying that a limited commissioned code enforcement officer shall be considered a peace officer for purposes of issuing summonses into

municipal court pursuant to Rule 204 of the Colorado Municipal Court Rules, will provide clarity and is more consistent placement for a grant of general enforcement authority.

---

**REVIEWED BY CITY MANAGER:**

---

**LIST OF ATTACHMENTS:**

Redlined Ordinance

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
LOVELAND, COLORADO, RECOMMENDING THAT THE CITY APPLY FOR  
AND OBTAIN PREQUALIFIED BUILDING DIVISION STATUS FOR THE  
PROVISION OF BUILDING PERMIT SERVICES TO SCHOOL DISTRICTS  
WITHIN THE CITY**

**WHEREAS**, there is an opportunity to encourage further cooperation, goodwill and communication between the school districts in the City of Loveland and the City of Loveland by having City staff within the building division prequalified by the State of Colorado to provide building permit services for school buildings and structures; and

**WHEREAS**, pursuant Section 22-32-124 of the Colorado Revised Statutes, the Division of Fire Prevention and Control in the Department of Public Safety (the “Division”) is responsible for conducting plan reviews, issuing building permits, performing inspections and issuing temporary certificate of occupancy and certificates of occupancy for school building or structure construction, improvements and certain maintenance (“Building Permit Services”); and

**WHEREAS**, said section also authorizes the City and the Division to enter into a memorandum of understanding to prequalify City staff in the building division to provide Building Permit Services and take enforcement action to ensure that school buildings or structures are constructed in conformity with the Division’s building and fire codes, and provides the school districts with discretion to obtain such services through the Division or the City; and

**WHEREAS**, the Planning Commission finds that having prequalified City Staff in the building division to provide the school districts with Building Permit Services is in the best interest of the City and will provide the City and school districts with opportunities for further cooperation, goodwill and communication.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING  
COMMISSION OF THE CITY OF LOVELAND, COLORADO:**

Section 1. That the Planning Commission recommends to City Council that the City prequalify City staff in the building division to provide Building Permit Services to school districts within the City.

Section 2. That the Director of Development Services submit for City Council’s consideration a resolution in support of prequalification of City staff in the building division to provide Building Permit Services to school districts within the City.

Section 3. That this Resolution shall be effective as of the date and time of its adoption.

Signed this \_\_\_\_\_ day of April, 2015

LOVELAND PLANNING COMMISSION:

\_\_\_\_\_  
John Crescibene, Chairperson

ATTEST:

\_\_\_\_\_  
Planning Commission Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney