



LOVELAND PLANNING COMMISSION MEETING

AGENDA

Monday, November 13, 2017
500 E. 3rd Street – Council Chambers
Loveland, CO 80537
6:30 PM

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“La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en ADAcordinator@cityofloveland.org.”

LOVELAND PLANNING COMMISSIONERS: Jeremy Jersvig (Chair), Carol Dowding (Vice-Chair), Michele Forrest, Pat McFall, Rob Molloy, Jamie Baker Roskie, and Jeff Fleischer, and Tim Hitchcock

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. Current Planning Updates

- 1. Monday, November 27, 2017 Agenda Preview**
 - i. Drake Loveland Commons Vacation**
- 2. Upcoming UDC Study Sessions: 11/20/17, 12/4/17, 12/18/17**
- 3. Planning Commission Appreciation Dinner: 12/4/17 @ 5:30pm (prior to the 6:30 Study Session)**
- 4. Planning Commission Fall Recruiting Cycle ends at 5:00 pm 11/20/17**
- 5. Hot Topics:**

c. City Attorney's Office Updates:

d. Committee Reports

e. **Commission Comments**

IV. APPROVAL OF MINUTES

Review and approval of the October 23, 2017 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 removal of an item from the consent agenda for discussion. Items requested to be 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.

- Does anyone in the audience wish to remove an item from the Consent Agenda?
- Does any staff member wish to remove an item from the Consent Agenda?
- Does any Commissioner wish to add any item from the Regular Agenda to the Consent Agenda or remove an item from the Consent Agenda?

1. Caliber Collision Wagner 1st Subdivision Easement Vacation (Presentation: 10 minutes)

This is a request to vacate easements within a developing commercial property. The 2-acre subject property is located along the east side of Hwy. 287 and south of 57th Street within the larger site where Tractor Supply has recently been constructed. The City is currently review a development proposal for an auto-related use on this site, including a subdivision plat and special review. There are access and utility easements along the southern property line and the northern property line that were established to provide emergency access and a utility corridor. Based on the design of the commercial development, two portions of these easements measuring approximately 573 square feet are no longer necessary and the applicant is requesting that the unnecessary easements be vacated within the property boundaries.

Vacation applications are considered legislative. Under Loveland Municipal Code Chapter 16.36, the Planning Commission must hold a public hearing and make a recommendation to Council on the request. City Council is scheduled to hear this matter on November 21, 2017.

VI. REGULAR AGENDA: No items scheduled.

VII. ADJOURNMENT

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
October 23, 2017

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on October 23, 2017 at 6:30 pm. Members present: Chairman Jersvig; and Commissioners Dowding, Forrest, Roskie, Fleischer, and Hitchcock. Members absent: Commissioners McFall and Molloy. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Linda Bersch, Interim Planning Commission Secretary.

These minutes are a general summary of the meeting. A complete video recording of the meeting is available for two years on the City's web site as follows: <https://loveland.viebit.com/>

CITIZEN REPORTS

There were no citizen reports.

CURRENT PLANNING UPDATES

Mr. Robert Paulsen, Current Planning Manager, announced that the UDC study sessions would resume on Monday, November 6th, beginning at 6:00 pm in the Development Center. November 20th, December 4th and 18th are also scheduled as study sessions.

Mr. Paulsen reported that a public hearing item is now scheduled for the November 13th regular meeting. If any Commissioner is unable to attend that meeting, please let him know so a quorum can be assured. There are currently no items scheduled for the November 27th meeting, but he does not wish to cancel it at this time. Since that is the Monday following the Thanksgiving weekend, please let him know if you are not available.

The end of the year dinner was discussed and it was agreed to schedule it on December 4th at the Development Center. Mr. Paulsen also requested a motion be made this evening to cancel the December 25th meeting.

Mr. Paulsen provided an update on the Planning Commission recruitment process. The application deadline is November 20th at 5pm. If the Commissioners or the audience knows of anyone who is interested in serving, please let them know to apply. At this time, he is unsure of the number of vacancies. If anyone is interested, they should apply. Applicants are required to be a resident of the City. An interview process is held to determine the most qualified candidates who are then nominated to the City Council for approval. Notice has been sent to our regular customers as well as graduates of the Chamber's Leadership Loveland classes. **Mr. Jersvig** noted he had seen it on Facebook as well. Mr. Paulsen indicated that would be updated after November 7th.

CITY ATTORNEY'S OFFICE UPDATES

Moses Garcia, Assistant City Attorney, had nothing to report.

COMMITTEE REPORTS

Commissioner Forrest reported that a Zoning Board of Adjustment hearing is scheduled for November 13th at the Development Center.

Commissioner Roskie reported that the Title 18 Committee will resume weekly meetings in November and probably December to continue to work on the Unified Development Code.

COMMISSIONER COMMENTS

Commissioner Forrest reported that she will not be reapplying for her position on the Commission. She appreciates the time she has spent here but needs to focus elsewhere.

***Commissioner Dowding** made a motion to cancel the Loveland Planning Commission meeting scheduled for **December 25, 2017**; upon a second from **Commissioner Fleischer**, the motion was unanimously approved.*

APPROVAL OF THE MINUTES

***Commissioner Dowding** made a motion to approve the **October 9, 2017** minutes; upon a second from **Commissioner Roskie**, the minutes were unanimously approved.*

CONSENT AGENDA

There were no items on the Consent Agenda

REGULAR AGENDA

1. Pfeiff Annexation and Millennium GDP Amendment

Noreen Smyth, Senior Planner, noted that this a public hearing on the application for annexation, zoning and amendment to the Millennium General Development Plan (GDP). The Commission's role is to make recommendations to the City Council on the two associated components of this request. The applicant's request is to annex the 31.8acre triangular-shaped Lot 1 of the Pfeiff Minor Land Development, also known as a portion of Pfeiff Farm, and include it within the boundaries of the Millennium Planned Unit Development, with its future development subject to the standards of Parcel D as described in the Millennium General Development Plan (GDP). A new subparcel designation, D10, is proposed to be added to the GDP for the annexed land. No specific developments are proposed for the land at this time. However, the requested zoning would allow residential uses, light commercial uses, parks and open space uses, and institutional/civic/public uses as a use by right per the GDP amendment. Certain other minor text changes that update the GDP are also included with the amendment.

Prior to any development occurring on the land, further development applications will need to be submitted for administrative review, including subdivision plats, site development plans, and building permits. Staff supports the requested annexation and GDP amendment.

At the neighborhood meeting, concerns were voiced about increased traffic, which will be considered in detail with the future required development applications for the property. Questions were asked about the uses that may develop on the property, but no specific concerns were voiced about the annexation or the GDP amendment.

Ms. Smyth noted that the rezone is from E to HD residential. This fits into the Future Land Use Plan and the staff supports it. The amendment to the General Development Plan aligns with the Comprehensive Plan. The applicant is proposing single family and other residential uses and light commercial. She noted that up to 40% of the units could be single family with the remainder at higher density in order to support a mix of housing types. The annexation meets all our standards for annexation and is within the Intergovernmental Agreement (IGA). She also noted that the stormwater condition listed Section IX of the staff report has already been met.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Fleischer** questioned, in regard to access points shown of map 2 of 10, how this access related to the access to the Sports Park. Ms. Smyth responded that there is no decision as to the location of the access. What is shown is conceptual and access will be determined at the time a detailed development plan is submitted.

Ms. Smyth introduced **Ms. Kim Perry** with PFLVD, LLC (McWhinney), who gave a brief presentation on this request for annexation, rezone and amendment to Millennium GDP. This is being done for consistency within the GDP. She noted that there are no current development plans for the parcel and the farming operation there now will continue. Once the annexation is complete, they will do a study on the best residential design for the property. The property has not yet been marketed.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 6:58 p.m.

- **Roger Hartman**, Loveland resident, commented regarding the “up to 40%” single family housing provision. He expressed concern that that could mean 0% single family housing would be allowed and wanted to know the intent of that.
- **Frank Kauffman**, Loveland resident, expressed concern with the added traffic. He is concerned about development that does not take care of the traffic.

Commissioner Jersvig closed the public hearing at 7:03 p.m.

COMMISSIONER COMMENTS:

- Commissioner Jersvig asked **Randy Maizland**, Transportation Development Review, to address the traffic issue. **Mr. Maizland** indicated that with a GDP amendment and annexation, a traffic study is not required. However, a master level traffic study was completed for this annexation and it shows the development will meet the city of

Loveland standards for this classification of roadway. When a site development plan application is submitted for this subdivision, a complete traffic impact study will be conducted that will analyze the access points and show the full impacts of the traffic. Currently, the impact of this development to the intersection at Eisenhower Boulevard is less than 2% of the existing volume.

- **Commissioner Dowding** asked **Mr. Maizland** if all the improvements to the intersection of Boyd Lake Avenue and Eisenhower have been completed.

Mr. Maizland indicated that roundabouts are planned at the Boyd Lake Avenue intersection with Mountain Lion Drive and also at 15th Street. There is a plan for Boyd Lake Avenue to be expanded to four lanes. He noted that the access to this development would probably line up with the sports park access. A right in/right out access may also be provided. In response to **Commissioner Jersvig's** question about a stop light at the sports park, Mr. Maizland suggested a roundabout would probably be used instead of a stop light.

- **Commissioner Hitchcock** expressed concern about the 2% impact on Hwy 34. When traffic is at a standstill that 2% could be significant. Mr. Maizland noted that the traffic study at the time of development would look at that impact.
- **Commissioner Jersvig** asked **Ms. Perry** to address what the intent of up to 40% of single family housing was. She said that provision was a staff requirement to assure that the development contained multi-family units as well as single family. **Ms. Smyth** commented that by setting a maximum on the number of single family units, they could be assured that the area would have a variety of housing types. The applicant wanted to have some flexibility to provide what the market demands at the time of development of this parcel.
- **Commissioner Forrest** asked what opportunity for participation the public would have when the development plan for the subdivision is submitted. **Ms. Smyth** indicated that future development would be a use by right so no public meeting is required; however, the public may comment to the staff.

***Commissioner Dowding** moved to (1) make the findings listed in Section VIII of the Planning Commission staff report dated October 23, 2017; and, based on those findings, recommend that City Council approve the Pfeiff Addition, subject to the conditions listed in Section IX, as amended on the record, and zone the addition to Millennium Planned Unit Development; and (2) move to make the findings listed in Section VIII of the Planning Commission staff report dated October 23, 2017 and, based on those findings, recommend that City Council approve the Millennium PUD General Development Plan Amendment subject to the conditions listed in Section IX, as amended on the record. Following a second by **Commissioner Roskie**, the motion was unanimously approved.*

2. Centerra Parcel 222 Rezoning and Millennium GDP Amendment

Ms. Noreen Smyth, Senior Planner, indicated that this rezoning and amendment is a public hearing for the purpose of considering the following: 1) a rezoning of 4.6 acres from the Millennium Planned Unit Development to the I Industrial District; 2) rezoning of a 9.3 acre parcel and a 5.3 acre parcel from I Industrial to Millennium Planned Unit Development; and 3) amending the Millennium General Development Plan (GDP) to reflect these boundary changes and to

provide minor updates to the text of the GDP. The subject parcels are located east of N. Boyd Lake Ave, west of Rocky Mountain Ave, and north of E. 37th Street, in an area known as Centerra Parcel 222. The application's proposal is to correct existing split zoning and accommodate future industrial development. These requested zoning changes would have little impact on the allowable land uses available on the respective parcels. The Applicant is Centerra Properties West, LLC. Staff is supporting this request. The Commission's role is to make a recommendation on the applications to City Council for final action.

Ms. Kim Perry with Centerra West Properties informed the Commissioners that this rezoning and amendment is to fit together the zoning and the boundaries of these parcels. The land was zoned years ago to attract a large industrial user and that did not happen. There is now much interest in the area and this proposal is to assure lot and track lines align. All existing standards for the Millennium GDP will apply. She went on to illustrate the existing development and roadways and those proposed.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Jersvig** asked if the proposed roundabouts would be large enough to accommodate the trucks that will travel the area. **Ms. Perry** indicated that was a lesson learned on previous roundabouts and these will be larger to accommodate trucks.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:27 p.m.

There were no public comments.

Commissioner Jersvig closed the public hearing at 7:27 p.m.

Commissioner Dowding moved to (1) make the findings listed in Section IX(1) of the Planning Commission staff report dated October 23, 2017; and, based on those findings, recommend that City Council approve the rezoning of the subject area from Millennium PUD to I Industrial, subject to the conditions listed in Section X, as amended on the record; and (2) moved to make the findings listed in Section IX(2) of the Planning Commission staff report dated October 23, 2017; and, based on those findings, recommend that City Council approve the rezoning of the subject areas from I Industrial to Millennium PUD, subject to the conditions listed in Section X, as amended on the record; and (3) Moved to make the findings listed in Section IX(3) of the Planning Commission staff report dated October 23, 2017; and, based on those findings, recommend that City Council approve the Millennium General Development Plan Amendment, subject to the conditions listed in Section X, as amended on the record. Commissioner Roskie seconded the motion which was unanimously carried.

Commissioner Jersvig called for a recess at 7:30 p.m.

Commissioner Jersvig called the meeting to order at 7:40 p.m.

3. Foundry Hotel

Mr. Troy Bliss, Senior Planner with the Current Planning office, presented the Foundry Hotel as a public hearing to consider the second phase of development approval for The Foundry project. A Site Development Plan (SDP) for a 63,000 square foot hotel has been submitted for review by the Planning Commission along with an associated request for vacation of Right-of-Way for a 988 square foot portion of East Second Street. The proposed four-story hotel site is approximately 0.8 acres and located at the southwest portion of The Foundry project site, between Lincoln Avenue and Cleveland Avenue, and between Second and First Streets. The role of the Planning Commission is to review the Site Development Plan for conformance with downtown BE Zoning District standards. Barring appeal, the Planning Commission has final authority on the SDP. The Commission's role on the Right-of-Way vacation request is to make a recommendation to the City Council. Staff is supporting approval of both the SDP and the vacation.

The applicant is Brinkman Partners, represented by Todd Parker. **Mr. Bliss** discussed the public outreach with this project, including Night on the Town events; press releases, the city's website, newsletter, and Facebook. The parking analysis and traffic impact studies are the same data as presented at the Foundry meeting in March. The Commission is to determine if the site development plan conforms to Codes, meets the goals of the Downtown Master Plan, is compatible with surrounding properties, and that infrastructure is adequate. The vacation of right-of way proposal must be appropriate to the proposed use and configuration of the lot; comply with the Municipal Code, and, that the portion of the street to be vacated would continue to afford public use of the street.

Mr. Bliss noted that with the Foundry project as a whole, the expectations going forward are to see some development plans for the theatre in the first quarter of 2018. Information on the facing of the parking garage and an amenity package regarding site furnishings are forthcoming.

Mr. Bliss introduced the applicant, **Mr. Todd Parker** with Brinkman Partners, who said this project is an embodiment of many things important to Loveland. It supports not only the culture and heritage of downtown but the artist community as well. While the franchise agreement is not finalized yet, the hotel will be a Marriott product with a room count of 102. He briefly discussed the amenities and design of the hotel. He stated that to bring the first real hotel to downtown Loveland is exciting to us.

Mr. Roger Sherman with BHA Design (Landscape Architecture), expressed that this has been a collaborative effort with the City staff. He discussed how the design focused on encouraging pedestrian traffic into the paseo and on to downtown and outlined the amenities incorporated into the streetscape for the hotel.

Mr. Eduardo Illanes, Oz Architecture, presented the thoughts behind the design elements and use of colors on the building and how placement of certain elements of the building are to provide an entrance to the city and becomes the living room for downtown. The design reflects the Foundry and the building creates an anvil-like appearance that compliments the rest of the buildings in the development. The lighting is designed to provide illumination where needed but not over-illuminate along the residential areas.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Hitchcock** asked Mr. Bliss if the vacation requested for 2nd Street is approved, will two cars still be able to pass on the street? **Mr. Bliss** answered affirmatively.
- **Commissioner Jersvig** asked if the ground level facing on the garage remains the same. That also brought an affirmative response from **Mr. Bliss**. He did note that some art may be incorporated on the upper tiers of the garage.
- **Commissioner Jersvig** questioned **Mr. Parker** about naming the hotel simply “The Foundry Hotel.” Mr. Parker indicated that there is merit to be associated with the Marriot brand but the name was still under discussion.
- **Commissioner Fleischer** inquired if a realignment on Lincoln Avenue at the south of the development would be needed because of the flare illustrated there and was told that the widening of the sidewalk would cause a slight realignment.
- **Commissioner Jersvig** commented that he was concerned about the grayness of the building but now understood the reason for that design. He asked if the interior would be warmer, less industrial. **Mr. Illanes** explained that the plan was for an interior that was unique to this hotel but the interior design had not be finalized with the hotel operator.
- **Commissioner Jersvig** also expressed concern about the hotel having only two meeting rooms. He had hoped for some large event space in the building. **Mr. Parker** explained that a study was undertaken with City staff and the Economic Development group to size the meeting space and the results indicated the most common need was for spacing for occupancy of 25 or less. This space can accommodate up to 100 or divided to accommodate smaller groups.
- **Commissioner Forrest** questioned if the staging space for the fire department was adequate to cover the entire width of the building. **Ms. Ingrid McMillan-Ernst**, Community Safety, came forward and illustrated the fire safety plans for the building.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 8:43 p.m.

There were no public comments.

Commissioner Jersvig closed the public hearing at 8:43 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** commented that the design is great but she does notice some differences with the HIP Street plans.
- **Commissioner Dowding** echoes that there is a lot of grayness in the development. It seems like an opportunity for a little more color especially on the south side of the building.

- **Commissioner Hitchcock** asked about the plantings on the south side of the building. **Mr. Sherman** indicated those plantings are designed at differing height to create a more hospitable space for the hotel patio and help mitigate the noise from 1st Street.
- **Commissioner Jersvig** expressed that the design and landscaping does make sense to him. He likes the concept and the lighting.
- **Commissioner Forrest** had some concerns about the parking ratios for the whole complex and noted that it was less than the amount that is typically required. With the reduction in parking in the HIP Streets plan, is there adequate parking? **Mr. Bliss** noted that the standard is based on the parking ratio in the zoning code. In addition, because of the shared parking there is a reduction. This property is also in the General Improvement District which does not have a parking requirement.

Commissioner Dowding moved (1) to make the findings listed in Section VIII of the Planning Commission staff report dated October 23, 2017, and based on those findings, approve the Foundry Hotel Site Development Plan, subject to the conditions listed in Section IX, as amended on the record; and, (2) moved to make the findings listed in Section VIII of the Planning Commission staff report dated October 23, 2017 and, based on those findings, recommend that City Council approve the Loveland Eleventh Subdivision – Vacation of Public Right-of-Way, subject to the conditions listed in Section IX, as amended on the record. Commissioner Roskie seconded the motion which passed unanimously.

4. HIP Streets Modernization Plan

Mr. David Eisenbraun began this presentation by noting that this is a public hearing to consider an addendum to the 2009 HIP (Heart Improvement Program) Streets Master Plan. The original plan was designed to guide pedestrian and street network improvements in the downtown core. The modernization effort updates the materials, graphics, and parking configurations specified in the 2009 Plan, providing a thematic approach consistent with recent downtown projects including The Foundry. The Plan area includes 19 blocks within the Loveland Downtown core. The Commission's role is to provide a recommendation to the City Council on the updated Plan; this item is scheduled for Council consideration on December 5th. The applicant is the City of Loveland and Stanley Consultants, Inc.

Mr. Eisenbraun reviewed the original plan and noted that the downtown redevelopment and revitalization created a need for a new look at this plan for modernization and to move to a more realistic plan for implementation and maintenance. Stanley Consultants was contracted to help with this update. Public outreach and a City Hall survey with over 200 responses aided in the development of this update. More formal recommendations from the DDA and LDP and a study session with City Council have helped moved this plan forward. Work is progressing towards another parking study for the entire downtown area.

Randy Duvand presented that the goal of this plan is good economic development, to create safety for pedestrians and bicyclists, provide an environment for art works and also to slow traffic. The plan will be implemented over several years and will become an extension of the Foundry, drawing people to look at other places to shop, stroll, and eat.

The redesign reduces costs by prioritizing levels of finish from one block to another with 4th Street as the heart of downtown. One thing heard a lot was a desire for more outside café dining and display space. ADA requirements with clear zones were also incorporated. Parallel parking will be implemented to achieve added depth on all the sidewalks. A 26 foot wide roadway is a requirement. He showed a cross section of the street to illustrate the street design with the walkways/clear zones, fixtures, parallel parking and travel lanes with a four foot striped strip in the middle of the road. This strip and the narrower lanes cause drivers to slow down. The travel lanes are eleven foot lanes in each direction. Bicyclists would use the travel lanes. He also explained the proposed materials and other design elements. The next steps will require engineering and surveying.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Dowding** asked how many parking spaces would be eliminated with the implementation of this plan. **Mr. Duvand** indicated about 170 out of 500, so about one-third.
- **Commissioner Hitchcock** asked how business owners felt about that reduction and he was informed that business owners were supportive as it created more sidewalk space in front of their business for café seating or sidewalk displays.
- **Commissioner Fleischman** commented that brick inlay is destroyed by snow removal. He also inquired about the placement of the periodic tan bands. Did that related to door openings? **Mr. Duvand** explained that there was not a survey to provide that information so equal spacing was used. The spacing was set up to mark tree plantings and bench placement.
- **Commissioner Roskie** asked about the absence of bike lanes and was informed that there was not sufficient street width to designate a separate bike lane. She stated the lack of bike lanes was her one concern with the plan but would support it.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 9:35 p.m.

There were no public comments.

Commissioner Jersvig closed the public hearing at 9:35 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** commented that perhaps the drop-off area for the Rialto Theatre be raised like the drop off area for the Foundry Hotel. **Mr. Duvand** indicated that could be implemented in the design phase if needed. She is also concerned about bicycles and cars sharing a narrower travel lane and would rather take a bit of width from businesses to allow for better traffic flow.
- **Commissioner Dowding** had concerns with handicap issues and asked if there would be designated handicap parking on each side of the street in each block. The response was that this is an ongoing issue with parallel parking. A ratio designates how many spaces

are needed in a designated area. A parking study was not part of this project and that will be addressed when that study is funded. Public parking lots could provide those spaces.

- **Commissioner Dowding** also expressed concern that the change in materials along the walks as illustrated in this design can be a barrier to people in wheelchairs and walkers. She hopes that in the next phase these differing material can be eliminated from the clear zones.
- **Commissioner Hitchcock** also expressed concern that a bike lane is not included. One should be established even if the width comes from the expanded sidewalk.
- **Commissioner Jersvig** asked if the plan had been reviewed by the Transportation Advisory Board and it had not. He would encourage a slower speed limit. He also encouraged that the design of bike racks and benches be kept very simple. He suggested that racks and benches could be purchased by local businesses and then be customized to the business. Businesses would pay for the initial cost and perhaps commission a local artist to create. The city would then provide the maintenance.

Mr. Eisenbraun explained that with maintenance being a big issue, they are working with the Parks and Recreation Department to maintain the trees and other amenities. The DDA is also involved as they would be able to issue debt depending on the election outcome. There is money in the 2018 budget to do some infrastructure assessments. All this would impact the implementation of the project.

***Commissioner Dowding** Moved to approve the HIP Streets Modernization Plan as an update and addendum to the 2009 Heart Improvement Program Streets Master Plan and to recommend adoption of the HIP Streets Modernization Plan by City Council, as amended on the record. The motion was seconded by **Commissioner Roskie** and unanimously approved.*

ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 9:57 p.m.

Approved by: _____
Jeremy Jersvig, Planning Commission Chair

Linda Bersch, Interim Planning Commission Secretary.



Current Planning Division
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(970) 962-2523 • eplan-
planning@cityofloveland.org

Planning Commission Staff Report

November 7, 2017

Agenda #: Consent Agenda - 2
Title: Caliber Collision Wagner 1st
Subdivision Vacation
Applicant: Mike Minor, Drake Real Estate
Services
Request: **Vacation of an access and utility
easement**
Location: Southeast corner of N. Garfield
Ave. and E. 57th St.
Existing Zoning: B – Developing Business
Staff Planner: Jennifer Hewett-Apperson

Staff Recommendation

APPROVAL of the vacation.

Recommended Motions:

1. Move to make the findings listed in Section VIII of the Planning Commission staff report dated November 7, 2017 and, based on those findings, recommend that City Council approve the Caliber Collision Wagner 1st Subdivision easement vacation.

Summary of Analysis

The City is reviewing a subdivision plat and special review application for property located at the southeast corner of North Garfield Avenue and East 57th Street. The property is approximately 2.09 acres and is proposed as a commercial development. There are access and utility easements along the southern property line and the northern property line that were established to provide emergency access and a utility corridor to the property. Based on the design of the commercial development, two portions of these easements measuring approximately 573 square feet are no longer necessary and the applicant is requesting that it be vacated within the property boundaries.

Vacation applications are considered legislative. Under Loveland Municipal Code Chapter 16.36, the Planning Commission must hold a public hearing and make a recommendation to Council on the request. City Council is scheduled to hear this matter on November 21, 2017.

I. SUMMARY

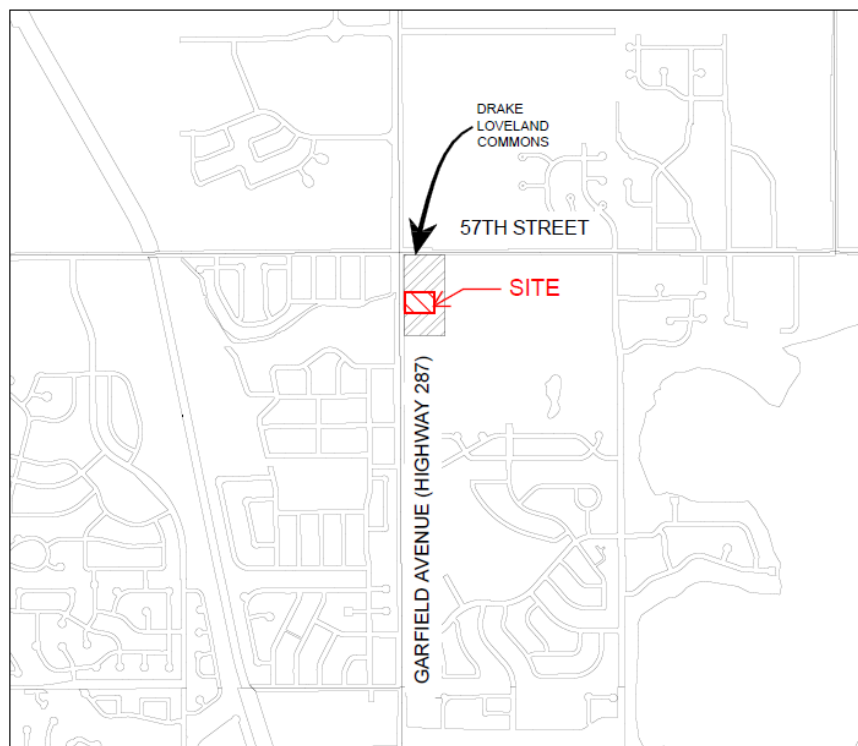
The City is reviewing a subdivision plat and special review application for property located at the southeast corner of North Garfield Avenue and East 57th Street. The property is approximately 2.09 acres and is proposed as a commercial development. There are access and utility easements along the southern property line and the northern property line that were established to provide emergency access and a utility corridor to the property. Based on the design of the commercial development, two portions of these easements measuring approximately 573 square feet are no longer necessary and the applicant is requesting that it be vacated within the property boundaries. Development Services staff will ensure that the new subdivision provides all necessary utility easements.

Vacation applications are considered legislative. Under Loveland Municipal Code Chapter 16.36, the Planning Commission must hold a public hearing and make a recommendation to Council on the request. City Council is scheduled to hear this matter on November 21, 2017.

II. ATTACHMENTS

- A. Vacation Legal Descriptions and Exhibits
- B. Wagner First Subdivision

III. VICINITY MAP



VICINITY MAP
N.T.S.

IV. SITE DATA

ACREAGE OF EASEMENTS TO BE VACATED	0.013 ACRES
ACREAGE OF SITE	2.09 ACRES
EXISTING ZONING	B –DEVELOPING BUSINESS
MASTER PLAN DESIGNATION	CC – CORRIDOR COMMERCIAL/ENHANCED CORRIDOR
EXISTING USE	VACANT
EXISTING ADJACENT ZONING AND USE - NORTH.....	B BUSINESS - VACANT
EXISTING ADJACENT ZONING AND USE - EAST	LARIMER COUNTY MULTIFAMILY CONDITIONAL ZONING
EXISTING ADJACENT ZONING AND USE - SOUTH	B BUSINESS – TRACTOR SUPPLY CO.
EXISTING ADJACENT ZONING AND USE - WEST	N. GARFIELD AVE., PUD - VACANT
UTILITY SERVICE PROVIDER - ELECTRIC.....	CITY OF LOVELAND
UTILITY SERVICE PROVIDER – WATER & SEWER	FORT COLLINS LOVELAND WATER DISTRICT/SOUTH FORT COLLINS SANITATION DISTRICT

V. KEY ISSUES

No key issues have been identified with the vacation request from a City staff perspective.

VI. BACKGROUND

The property was annexed as part of the Wagner Addition in August of 2007. The Wagner First Subdivision was approved in August of 2016 and created 3 parcels.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification

An affidavit was provided by Cole Haberer with HCI Engineering, indicating that proper notice was provided which included a notice letter and signs posted in prominent locations on October 27, 2017. Further, a notice was published in the Reporter Herald on October 23, 2017. All notices stated that the Planning Commission will hold a public hearing on November 13, 2017.

B. Neighborhood Interaction/Response

A neighborhood meeting is not required in conjunction with an application to vacate easements. However, all surface owners and all owners of easements abutting the easements to be vacated were notified of the Planning Commission public hearing.

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

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 current Emergency Access Easements is necessary for the dedication of Emergency Access Easement in the new and correct locations to serve the proposed site plan.
- The vacation of the easements will not negatively impact fire protection for the subject development or surrounding properties.

Water/Wastewater

- This development is located within the Fort Collins-Loveland Water District and South Fort Collins Sanitation District. The District is reviewing the residential development and subdivision plat and has indicated they do not have any comments concerning the vacation.

Stormwater

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

- The existing access and utility easement, to be vacated, is not used to convey Stormwater and is thus not necessary for the public use and conveyance of Stormwater.

Power

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

- The existing easement to be vacated does not negatively impact the existing power utility configuration within and adjacent to this development.

IX. RECOMMENDED CONDITIONS

There are no recommended conditions of approval.

EXHIBIT A



HCI
ENGINEERING

A DIVISION OF
HABERER CARPENTRY INC.
21 SOUTHPARK DR., SUITE 1600
LITTLETON CO, 80120
INFO@HABERERGROUP.COM



now what's **below**,
Call before you dig.



**CALL 811 2-BUSINESS DAYS IN
ADVANCE BEFORE YOU DIG,
GRADE, OR EXCAVATE FOR THE
MARKING OF UNDERGROUND
MEMBER UTILITIES.**

EASEMENT VACATION REQUEST
DRAKE LOVELAND COMMONS - CALIBER COLLISION
LOT 2, BLOCK 1 WAGNER FIRST SUBDIVISION
5486 N. GARFIELD AVENUE, LOVELAND, CO 80538
FOR
DRAKE REAL ESTATE SERVICES

496 S. BROADWAY, DENVER, CO 80209

REVISIONS:		
No.	Date:	Description:
1	08.08.17	1ST SUB
2	09.11.17	2ND SUB

Project No:	HCI 17_07
Drawn By:	TGG
Checked By:	CCH
Date Issued:	08.08.17
Sheet Name:	SITE PLAN

Sheet
Number:
1 OF 1

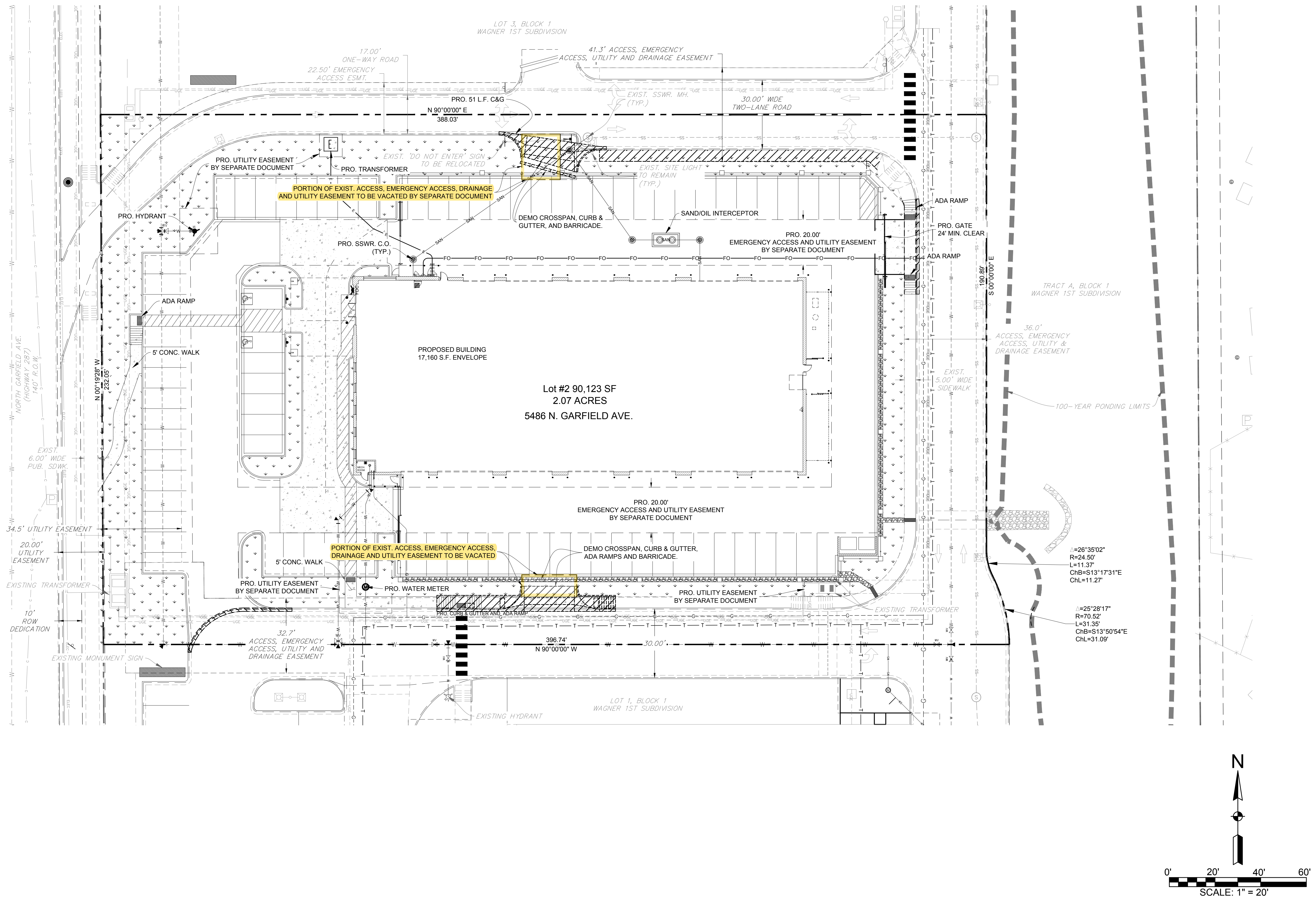


EXHIBIT "A"

LAND DESCRIPTION

SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NW 1/4 OF SAID SECTION 36 IN THE INTERSECTION OF COUNTY ROAD 28 (AKA E 57TH STREET) AND NORTH GARFIELD AVENUE FROM WHENCE THE NE CORNER OF THE NW 1/4 OF SAID SECTION 36 IN THE INTERSECTION OF COUNTY ROAD 28 AND NORTH MONROE AVENUE BEARS SOUTH 89°53'32" EAST A DISTANCE OF 2646.82 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO:

THENCE S 29°14'08" E, A DISTANCE OF 526.42 FEET TO THE POINT OF BEGINNING;

THENCE N 90°00'00" E, A DISTANCE OF 16.78 FEET;

THENCE S 00°00'00" E, A DISTANCE OF 20.00 FEET;

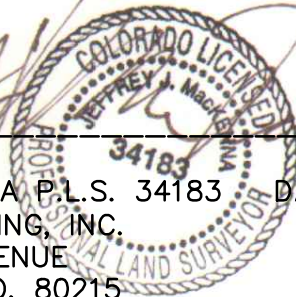
THENCE N 90°00'00" W, A DISTANCE OF 16.78 FEET;

THENCE N 00°00'00" E, A DISTANCE OF 20.00 FEET TO THE TRUE POINT OF BEGINNING;

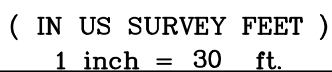
CONTAINING: 336 SQUARE FEET, OR 0.008 ACRES OF LAND, MORE OR LESS.

PREPARED BY:

JEFFREY J. MACKENNA P.L.S. 34183 DATE: 09/11/2017
FOR FALCON SURVEYING, INC.
9940 WEST 25TH AVENUE
LAKEWOOD COLORADO, 80215
(303)202-1560



SITUATED IN THE NW 1/4, SECTION 36, T6N, R69W, OF THE 6TH P.M.
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO
SHEET 2 OF 2



PREPARED BY: FALCON SURVEYING, INC., 9940 WEST 25TH AVE, LAKEWOOD CO 80215 (303)202-1560

EXHIBIT "A"

LAND DESCRIPTION

SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NW 1/4 OF SAID SECTION 36 IN THE INTERSECTION OF COUNTY ROAD 28 (AKA E 57TH STREET) AND NORTH GARFIELD AVENUE FROM WHENCE THE NE CORNER OF THE NW 1/4 OF SAID SECTION 36 IN THE INTERSECTION OF COUNTY ROAD 28 AND NORTH MONROE AVENUE BEARS SOUTH 89°53'32" EAST A DISTANCE OF 2646.82 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO:

THENCE S 21°30'31" E, A DISTANCE OF 701.24 FEET TO THE POINT OF BEGINNING;

THENCE N 90°00'00" E, A DISTANCE OF 24.00 FEET;

THENCE S 00°00'00" E, A DISTANCE OF 9.82 FEET;

THENCE S 89°50'15" W, A DISTANCE OF 24.00 FEET;

THENCE N 00°00'00" E, A DISTANCE OF 9.89 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING: 237 SQUARE FEET, OR 0.005 ACRES OF LAND, MORE OR LESS.

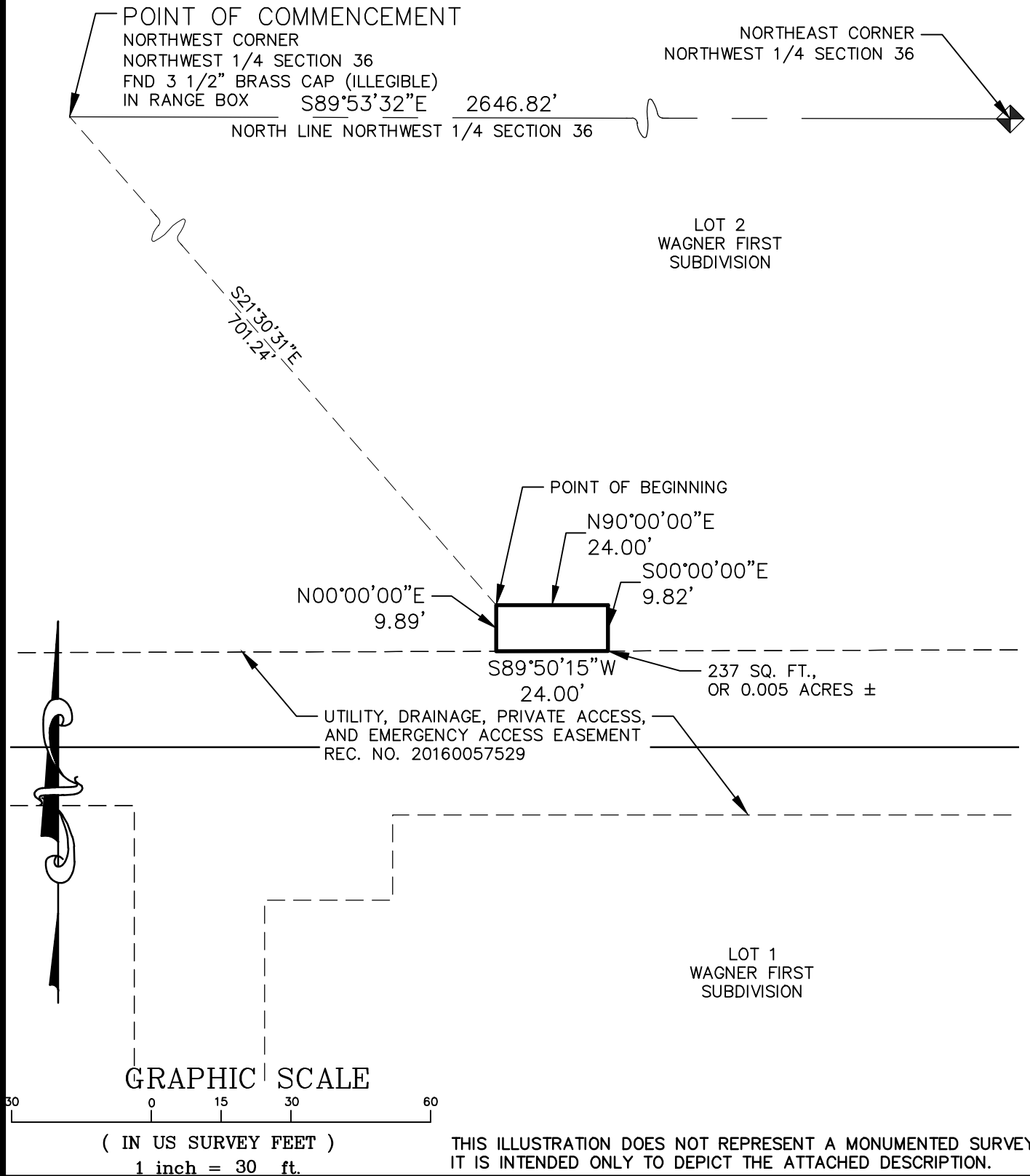
PREPARED BY:
JEFFREY J. MACKENNA P.L.S. 34183 DATE: 09/11/2017
FOR FALCON SURVEYING, INC.
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LAKEWOOD COLORADO, 80215
(303)202-1560



PREPARED BY: FALCON SURVEYING, INC., 9940 WEST 25TH AVE, LAKEWOOD CO 80215 (303)202-1560

EXHIBIT "A"

SITUATED IN THE NW 1/4, SECTION 36, T6N, R69W, OF THE 6TH P.M.
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO
SHEET 2 OF 2



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

PREPARED BY: FALCON SURVEYING, INC., 9940 WEST 25TH AVE, LAKEWOOD CO 80215 (303)202-1560

WAGNER FIRST SUBDIVISION
BEING A SUBDIVISION OF LOT 1 AND LOT 2, BLOCK 1, WAGNER ADDITION,
BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 36,
TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH P. M.,
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO
SHEET 1 OF 2

EXHIBIT B

OWNER AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT HOME STATE BANK, BEING ALL THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY, A PORTION OF WHICH IS LOCATED IN THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, ALSO BEING A RESUBDIVISION OF LOTS 1 AND 2, WAGNER ADDITION AS RECORDED UNDER RECEPTION NO. 2001097697 OF THE LARIMER COUNTY RECORDS, EXCEPT THAT PORTION CONVEYED TO THE CITY OF LOVELAND BY DEED OF DEDICATION RECORDED JULY 17TH, 2008 AT RECEPTION NO. 20080045784.
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 36, FROM WHENCE THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 36 BEARS S 00°19'28" E, 2648.31 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO; THENCE S 69°16'56" EAST, A DISTANCE OF 178.96 FEET TO THE NORTHERLY LINE OF LOT 1, SAID WAGNER ADDITION AND THE SOUTHERLY RIGHT OF WAY OF EAST 57TH STREET ALSO COUNTY ROAD 28 AND THE POINT OF BEGINNING;

THENCE S 89°53'32" E ALONG SAID NORTHERLY LINE OF LOT 1 OF WAGNER ADDITION AND SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 382.96 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
THENCE S 00°20'08" E, A DISTANCE OF 950.84 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID WAGNER ADDITION;
THENCE N 89°55'47" W ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 480.18 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2 AND EASTERLY RIGHT OF WAY OF NORTH GARFIELD AVENUE, ALSO KNOWN AS HWY 287;
THENCE N 00°19'28" W ALONG SAID EASTERLY RIGHT OF WAY AND ALONG THE WEST LINE OF SAID LOT 2 AND SAID LOT 1, A DISTANCE OF 828.59 FEET;
THENCE N 09°55'59" E, A DISTANCE OF 44.49 FEET;
THENCE 34.99 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 11°49'42", A RADIUS OF 169.50 FEET, AND A CHORD BEARING THAT BEARS N 15°39'03" E, 34.93 FEET;
THENCE 46.86 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 45°07'33", A RADIUS OF 59.50 FEET, AND A CHORD BEARING THAT BEARS N 44°07'49" E, 45.66 FEET;
THENCE 49.18 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 17°53'26", A RADIUS OF 157.50 FEET, AND A CHORD BEARINGS THAT BEARS N 75°38'24" E, 48.98 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 454,177 SQUARE FEET, OR 10.427 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS ON RECORD OR EXISTING, DO HEREBY SUBDIVIDE THE SAME INTO LOTS, AND TRACT, AND EASEMENTS AS SHOWN ON THIS MAP AND DO HEREBY DESIGNATE AND DEDICATE: (1) ALL SUCH 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 WAGNER FIRST SUBDIVISION.

THE OWNER HEREBY DEDICATES THE DESIGNATED PRIVATE DRIVES TO THE RESIDENTS, PATRONS, BUSINESS INVITEES, AND GUESTS OF WAGNER FIRST SUBDIVISION FOR THEIR RECIPROCAL AND MUTUAL USE AND ENJOYMENT. THIS DEDICATION SHALL RUN WITH THE LAND, BE BINDING AND ENFORCEABLE UPON THE OWNER AND THE OWNER'S SUCCESSORS AND ASSIGNS AND IT SHALL INURE TO THE BENEFIT OF ALL CURRENT AND FUTURE RESIDENTS, PATRONS, BUSINESS INVITEES AND GUESTS OF WAGNER FIRST SUBDIVISION.
THIS PRIVATE DEDICATION SHALL BE MAINTAINED BY THE PROPERTY OWNER(S).

OWNER:

HOME STATE BANK

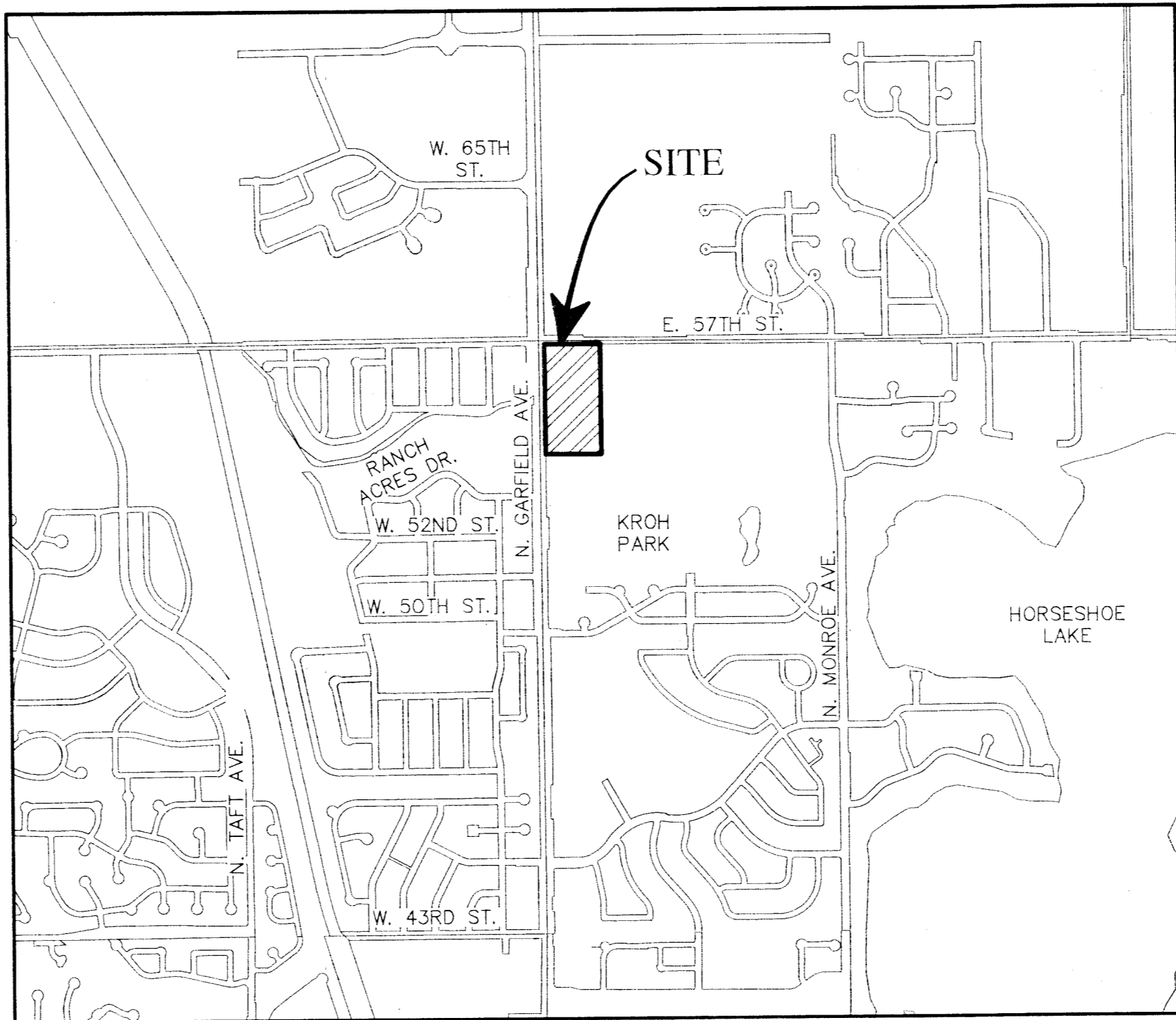
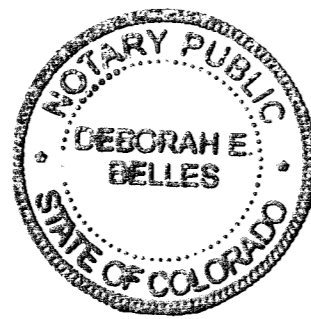
BY: William G. Gamble
BY: WILLIAM G. GAMBLE, VICE PRESIDENT OF HOME STATE BANK

STATE OF Colorado)
COUNTY OF Larimer)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 29th DAY OF August,
AD, 2016 BY HOME STATE BANK.

WITNESS MY HAND AND OFFICIAL SEAL 6/18/19
MY COMMISSION EXPIRES

Deborah E. Belles
NOTARY PUBLIC



VICINITY MAP
1:1000

PLAT NOTES

- 1) TITLE COMMITMENT NO. NCS-735103 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY WAS USED FOR THE PREPARATION OF THIS PLAT.
- 2) TOTAL AREA OF PARCEL IS 454,177 SQUARE FEET, OR 10.427 ACRES MORE OR LESS.
- 3) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- 4) 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 CERTIFICATION SHOWN HEREON. (C.R.S. 13-80-105(3)(A)).
- 5) BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO BEARS S 00°19'28" E, 2648.31', WITH ALL BEARINGS HEREIN RELATIVE THERETO.
- 6) THIS PROJECT IS SUBJECT TO A DEVELOPMENT AGREEMENT WHICH WILL BE RECORDED IN THE REAL PROPERTY RECORDS OF LARIMER COUNTY ON EVEN DATE HERewith AND ADDRESSES ALL CONDITIONS OF APPROVAL FOR THE ORIGINAL SUBDIVISION OF THIS PROPERTY WHICH HAVE NOT YET BEEN SATISFIED.
- 7) MAINTENANCE AND UPKEEP OF STORMWATER DETENTION PONDS, STORM SEWER SYSTEMS, SWALES, AND PERMANENT STORMWATER QUALITY IMPROVEMENTS ARE REQUIRED BY THE CITY OF LOVELAND AND ARE A CONTINUING OBLIGATION TO BE PERFORMED BY THE DECLARANT PURSUANT TO THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS TO BE RECORDED IN THE LARIMER COUNTY RECORDS.
- 8) ALL EXPENSES INVOLVING NECESSARY IMPROVEMENTS 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 OWNER.
- 9) PURSUANT TO SUB-SECTION 16.36.010.A OF THE LOVELAND MUNICIPAL CODE, ALL PUBLIC EASEMENTS DEDICATED BY PREVIOUS PLATS APPROVED BY EITHER LARIMER COUNTY OR THE CITY OF LOVELAND BUT NOT SHOWN ON THIS PLAT, ARE HEREBY VACATED AND MADE NULL AND VOID.
- 10) TRACT A MAY BE USED ONLY FOR DETENTION, DRAINAGE, UTILITY AND ACCESS PURPOSES.
- 11) TOTAL AREA IN SQUARE FEET OF EASEMENTS DEDICATED TO THE PUBLIC OR THE CITY BY THIS PLAT= 193,372 SQUARE FEET. (EXCLUDING EASEMENTS DEDICATED EXCLUSIVELY TO OUTSIDE ENTITIES OR AGENCIES.)

SURVEYOR'S CERTIFICATE

I, JEFFREY J. MACKENNA, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF WAGNER FIRST SUBDIVISION WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THIS 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 26th DAY OF AUGUST, 2016

Jeffrey J. Mackenna
JEFFREY J. MACKENNA PLS 34183

DIRECTOR OF DEVELOPMENT SERVICES CERTIFICATE

THIS PLAT IS APPROVED BY THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO, THIS 29th DAY OF AUGUST, 2016, 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.

Deborah E. Belles
DIRECTOR OF DEVELOPMENT SERVICES

WITNESS MY HAND AND SEAL OF THE CITY OF LOVELAND.

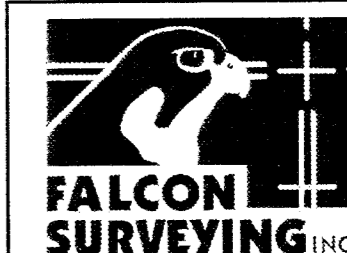
ATTEST:

D. J. Clark
CITY CLERK

**ATTORNEY'S CERTIFICATE**

I, Janet Perlstein, 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, WITH SUCH LAND DESCRIBED IN SCHEDULE A TO TITLE COMMITMENT NO. NCS-735103-CO ISSUED BY FIRST AMERICAN TITLE INSURANCE EFFECTIVE DATE, AUGUST 12, 2016 AT 5:00 P.M., AND THAT IN MY PROFESSIONAL JUDGEMENT AND KNOWLEDGE BASED ON SUCH TITLE COMMITMENT UPDATED THROUGH THE DATE OF EXECUTION OF THIS PLAT AND MY ACTUAL KNOWLEDGE, ALL PERSONS EXECUTING THE DEDICATION OF THIS PLAT ARE THE OWNERS OR DULY AUTHORIZED SIGNATORIES OF SUCH LAND IN FEE SIMPLE. SUCH LAND IS FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, EXCEPT ENCUMBRANCES SET FORTH IN SCHEDULE B - SECTION 2 OF SUCH TITLE COMMITMENTS AS OF SUCH DATE OF EXECUTION, AND ANY SUCH ENCUMBRANCES DO NOT IMPAIR THE USE OF SUCH LAND FOR THE PURPOSES SET FORTH ON THIS PLAT.
SO SWORN THIS 26th DAY OF August, 2016

Janet Perlstein
ATTORNEY AT LAW



9940 WEST 25TH AVENUE
LAKEWOOD, CO 80215
303-202-1560
WWW.FALCONSURVEYING.COM

DATE: 05/25/16 REV: 07/07/16
REV: 07/14/16 REV: 08/28/16
DRAWN BY: JAN/SLE CHK'D BY: JJM JOB NO. 150716
DATE OF FIELD SURVEY: 05/31/16 150716_PLATV10.DWG

WAGNER FIRST SUBDIVISION

