

**EXHIBIT 1** 



# 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

# Planning Commission Staff Report April 27, 2015

Agenda #: Consent Agenda - 1

Title: Anderson Farm 5<sup>th</sup> Subdivision –

Vacation of shared access easement

*Applicant:* Drywall Supply – Kenneth Fry

**Request:** vacation of a shared access easement

**Location:** along the south east side of North

Denver Avenue, approximately 350

feet south of the Great Western

Railroad crossing

Staff Planner: Brian Burson, City Planner II

# Staff Recommendation:

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

#### Recommended Motion:

"Move to make the findings listed in Section IV. of this report, dated April 27, 2015; and, based on those findings, recommend approval of the vacation of a shared access easement across Lots 1 and 2, Block 1, Anderson Farm 5th Subdivision, as described in Attachment #3 of this staff report."

# Summary of Analysis:

This is a public hearing item to consider vacation of a shared access easement across Lots 1 and 2, Block 1, Anderson Farm 5<sup>th</sup> Subdivision. The site consists of approximately 1.8 acres and is located along the east side of North Denver Avenue, approximately 2,100 north of East 1<sup>st</sup> Street and adjacent to Kermesite Place. It has remained undeveloped since the time of original City approvals of the plat and PUD in 1998. Drywall Supply is planning a new office/warehouse building on these lots.

The original plat and development plan provided a shared access easement across the lots to assure that the owners of all lots could use the shared access onto North Denver Avenue. This easement was located and aligned to fall on the shared drive lane for the shared parking lot. Since the proposed building will occupy portions of both existing lots, a Lot Merger plat is being reviewed by the City to eliminate the internal lot line dividing the two. This will also eliminate the need for the originally platted shared access easement. A Site Development Plan for the use is also under review. It is anticipated that both the Lot Merger and Site Development Plan will be approved shortly after full approval of the easement vacation.

City staff fully support the vacation since it is no longer needed, and the development will meet all applicable City codes and standards without the access easement.

### I. ATTACHMENTS

- 1. Vicinity map
- 2. Application's letter of justification for vacation of easement
- 3. Vacation exhibit and legal description
- 4. Sheet 2 from final plat of Anderson Farm 5<sup>th</sup> Subdivision
- 5. Sheet LS2a from Pine Tree Village PUD Final Development Plan.
- 6. Draft site plan for Drywall Supply

#### II. KEY ISSUES

Staff believes that all key issues regarding the vacation have been resolved through the staff review process. Staff fully supports vacation of the easement, since it is no longer needed and because all aspects of applicable City codes and standards will be met without the easement. The item has been placed on the Planning Commission consent agenda.

## III. SUMMARY

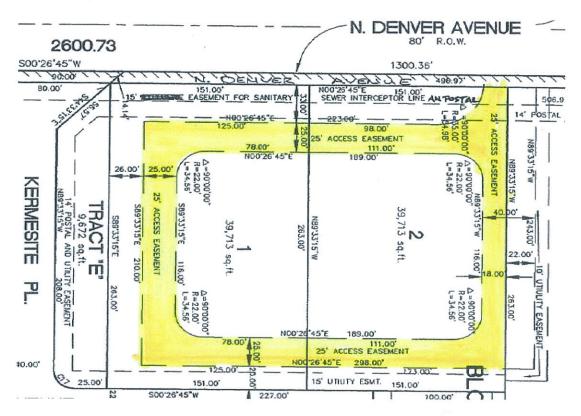
## A. Project Description:

Drywall Supply is planning a new office/warehouse building on Lots 1 and 2, Block 1, of Anderson Farm 5<sup>th</sup> Subdivision. The site is located along the east side of North Denver Avenue, approximately 350 feet south of the Great Western Railroad crossing. (See **Attachment #1.**) This site was originally approved in 1998 as part of the Pine Tree Village PUD, platted as Anderson Farm 5<sup>th</sup> Subdivision. The overall PUD includes single-family and multi-family areas, as well as commercial/light industrial uses in the northwest portion along North Denver and the adjacent railroad ROW. The Drywall Supply building is proposed in the commercial/light industrial portion.

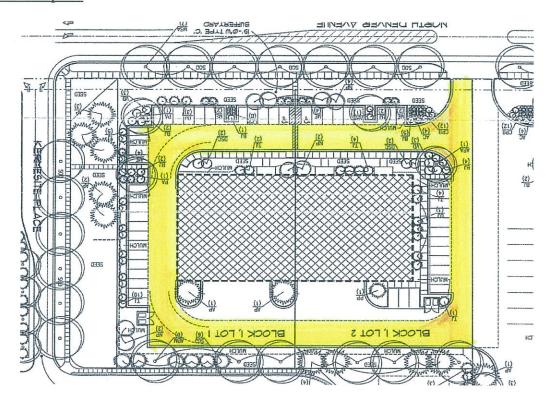
Since this stretch of North Denver Avenue is an arterial street, spacing of access points is important to minimize conflicts between vehicles travelling on the arterial and vehicles attempting to access it from adjacent sites. To implement this, a shared access point to North Denver Avenue was planned with the original project. The original plat and development plan provided a shared access easement across the lots to assure that the owners of all lots could use the shared access onto North Denver Avenue. This easement was located and aligned to fall on the drive lane for the shared parking lot, allowing vehicles to travel to and from both lots.

Since the proposed building will occupy portions of two lots, as originally platted, a Lot Merger plat is being reviewed by the City to eliminate the internal lot line dividing the two. A Site Development Plan for the use is also under review. It is anticipated that both the Lot Merger and Site Development Plan will be approved shortly after approval of the easement vacation. The proposed new building will be located and oriented in a manner that is consistent with the original plan, but since the lots will be merged, there is no longer any need for the shared access easement around the building. An emergency access easement around the building will be provided by separate deed as part of the Lot Merger plat.

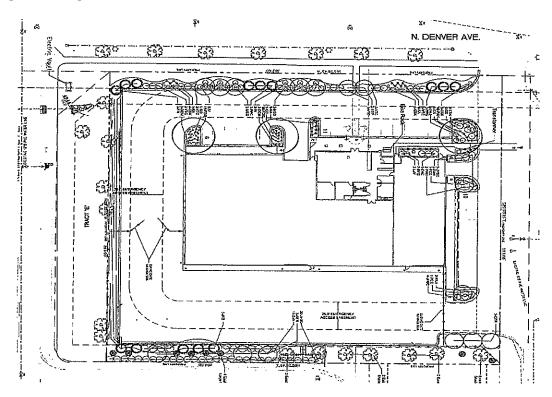
# Original easement:



# Original PUD site plan:



# Draft proposed site plan:



# B. Neighborhood Response:

No neighborhood meeting is required for an easement vacation. The public notice was provided as stipulated by the City code. Staff has received no inquiry, concern or input from the neighborhood or general public.

#### IV. FINDINGS and ANALYSIS

The following two findings must be met in order for the City Council to vacate the easement. These findings are taken from section 16.36.010.B of the Loveland City Code, and also incorporated into the ordinance prepared for City Council action.

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

#### **PW-Transportation:**

Since the proposed vacation of this portion of the access easement does not include the existing east west access easement serving existing lots in the area with access to Denver Avenue, once lots 1 and 2 of the Anderson Farms Fifth Subdivision are combined into one lot as is proposed, this vacation of a portion of the access easement will not leave land without an established public or private right-of-way

or easement connecting said land to the existing public street system.

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

#### **PW-Transportation:**

Once lots 1 and 2 of the Anderson Farms Fifth Subdivision are combined into one lot as is proposed, this portion of access easement to be vacated will no longer be necessary for the existing public use and convenience.

In light of the above, once lots 1 and 2 of the Anderson Farms Fifth Subdivision are combined into one lot as is proposed, the Transportation Development Review Division will have no objection to the approval of this proposed vacation of a portion of the access easement.

#### Fire:

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

- 1. The proposed vacation of the boundary line of Lots 1 and 2 Block 1 Anderson Farm Fifth Filing for the purpose of constructing a new drywall supply building over combined lots will not affect compliance with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- 2. The proposed vacation will not negatively impact fire protection for the subject development or surrounding properties, as a new emergency access easement will be dedicated for this property with new layout.

#### Water/Wastewater:

The subject area to be vacated is the City's current service area for both water and wastewater. There are no existing water mains and/or wastewater mains in the area to be vacated. The Department finds that:

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

#### PW-Stormwater:

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

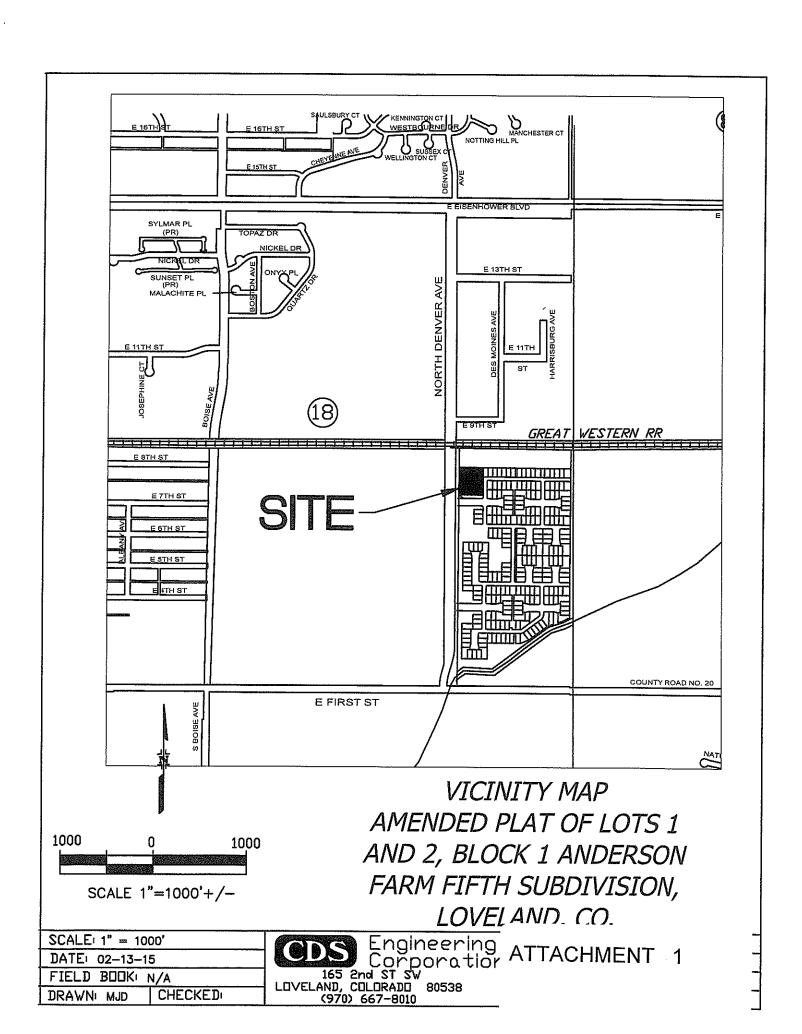
1. The existing access easement is not used to convey Stormwater and thus is not necessary for the public use and conveyance of Stormwater.

#### Power:

Three phase underground feeders are located in existing utility easements along the east side of Denver Avenue, the north side of Kermesite Place and the west side of Ruby Avenue. These easements are not within the twenty-five foot easement to be vacated. The easement to be vacated is no longer necessary for the public use and convenience.

# **V. CONDITIONS**

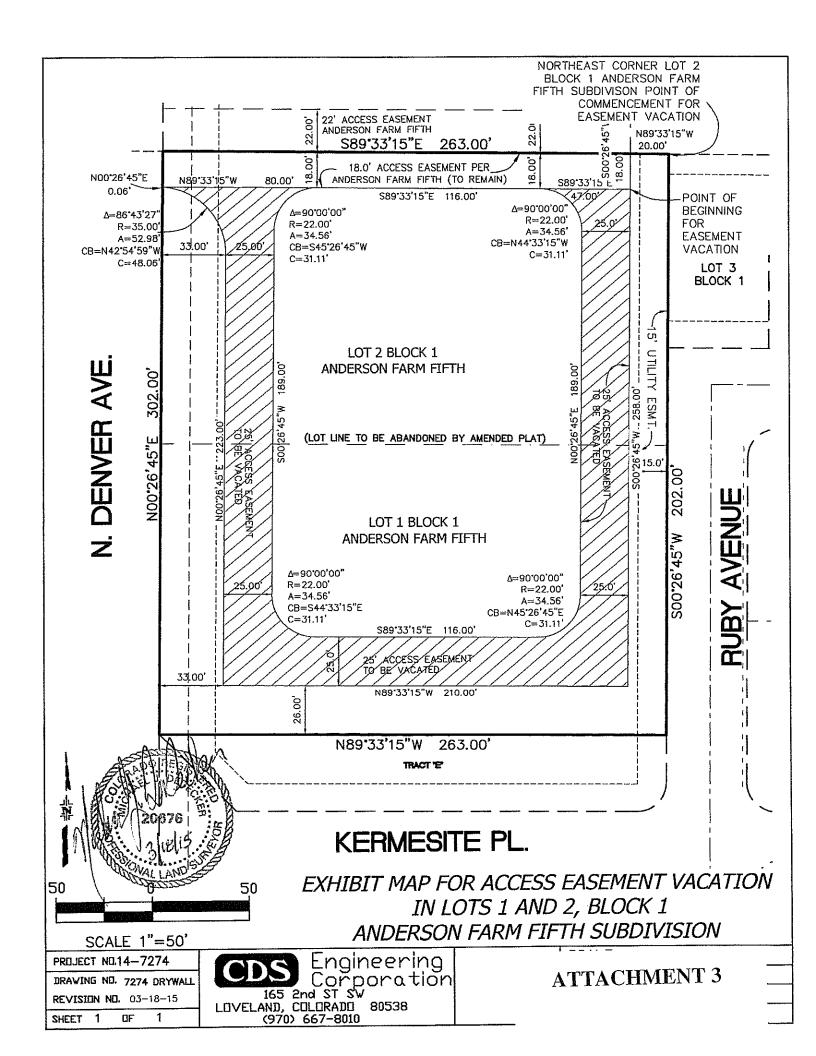
There are no recommended conditions from staff.



# JUSTIFICATION LETTER VACATION OF AN ACCESS EASEMENT 730-740 N. DENVER AVENUE

Lots 1 and 2 of Block 1 Anderson Farm Fifth Filing were platted to access Denver Avenue from a common point near the North line of Lot 2. Access to Lot 1 was to be via the Access Easement shown on the Final plat.

Drywall Supply proposes to construct a new facility on Lots 1 and 2. These lots will be combined eliminating the need for most of this easement.



# ACCESS EASEMENT VACATION Lots 1 and 2 Block 1 ANDERSON FARM FIFTH SUBDIVISION

A portion of the Access Easement lying in Lots 1 and 2 of Block 1 according to the Final Plat of Anderson Farm Fifth Subdivision to the City of Loveland, Colorado as recorded September 16, 1998 as reception number 19980079865 in Larimer County, Colorado Records, being situated in the Northwest Quarter of Section 24, Township 5 North, Range 69 West of the 6th P.M, more particularly described by metes and bounds as follows;

The North line of Lot 2 Block 1 Anderson Farm Fifth Subdivision was assumed to bear South 89°33'15" East according to the Final Plat of said Subdivision with all bearings contained herein relative thereto.

Commencing at the Northeasterly corner of Lot 2 Block 1;

thence North 89°33'15" West a distance of 20.00 feet;

thence South 00°26'45" West a distance of 18.00 feet, to the Point of Beginning of this Easement Vacation;

thence South 00°26'45" West a distance of 258.00 feet;

thence North 89°33'15" West a distance of 210.00 feet;

thence North 00°26'45" East a distance of 223.00 feet;

thence along the arc of a curve to the left having a radius of 35.00 feet, and a central angle of 86°43'27", an arc length of 52.98 feet, the chord of said curve bears North 42°54'59" West, a distance of 48.06 feet; thence along a non-tangent line North 00°26'45" East a distance of 0.06 feet;

thence South 89°33'15" East a distance of 80.00 feet;

thence along the arc of a non-tangent curve to the left, the center of which bears South 00°26'45" West, having a radius of 22.00 feet, and a central angle of 90°00'00", an arc length of 34.56 feet, the chord of said curve bears South 45°26'45" West, a distance of 31.11 feet;

thence South 00°26'45" West a distance of 189.00 feet;

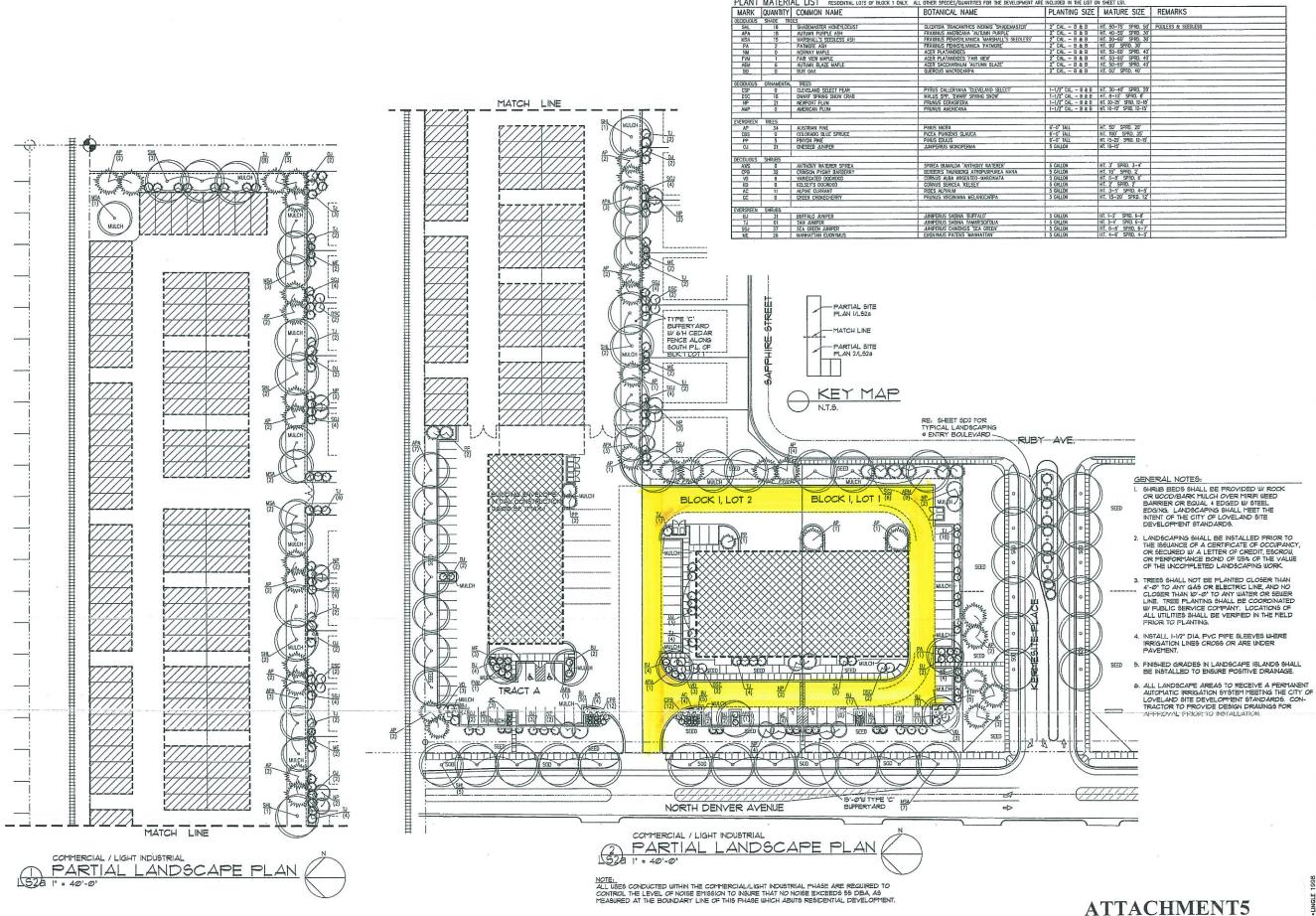
thence along the arc of a curve to the left having a radius of 22.00 feet, and a central angle of 90°00'00", an arc length of 34.56 feet, the chord of said curve bears South 44°33'15" East, a distance of 31.11 feet; thence South 89°31'15" East a distance of 116.00 feet;

thence along the arc of a curve to the left having a radius of 22.00 feet, and a central angle of 90°00'00", an arc length of 34.56 feet, the chord of said curve bears North 45°26'45" East, a distance of 31.11 feet; thence North 00°26'45" East a distance of 189.00 feet;

thence along the arc of a curve to the left having a radius of 22.00 feet, and a central angle of 90°00'00", an arc length of 34.56 feet, the chord of said curve bears North 44°33'15" West, a distance of 31.11 feet; thence along a non-tangent line, South 89°33'15" East a distance of 47.00 feet to the Point of Beginning, containing an area of 17577 square feet, 0.404 acres

Prepared February 19, 2015
Revised March 18, 2015
By Michael J. DeDecker PLS 20676
For and on Behalf of
CDS Engineering Corp.
165 2<sup>nd</sup> Street SW
Loveland, Colorado
Project 14-7142

ANDERSON FARM FIFTH SUBDIVISION



PLANT MATERIAL LIST

NOTE: PLANT SPECIES/QUANTITIES INCLOSED IN THIS LIST ARE FOR COMMERCIAL LOTS 1 & 2 OF BLOCK 1 & TRACT A AND THE BACKYARDS OF THE RESODUTIAL LOTS OF BLOCK 1 OILY. ALL OTHER SPECIES/QUANTITIES FOR THE DEVELOPMENT ARE INCLUDED IN THE LIST ON SHEET LST.

BOTANICAL NAME

PLANTING SIZE | MATURE SIZE | REMARKS

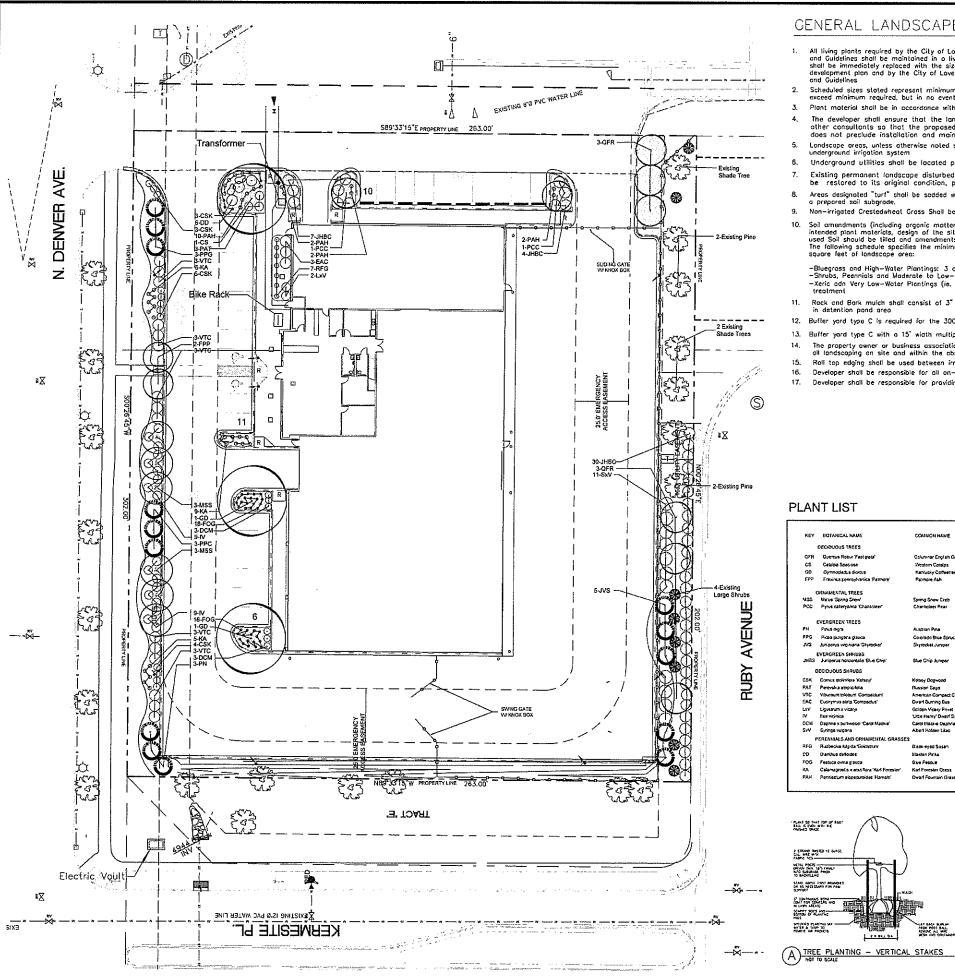
VENUE K VER. GENV ¥00 ZÖ Ö AND, ND, \_< TREE OVEL S ZIS 口匠 LL

ALLER•LINGLE ARCHITECTS, PC

748 WHALERS WAY BLDG E, SUITE 200 FORT COLLINS, CO 80525 (970) 223-1820

PARTIAL LANDSCAPE PLAN DETAILS FILE: 611LS2AFDPr.DWG

PROJECT DATE 9611 2-10-99 DRAWN BAM



# GENERAL LANDSCAPE NOTES

- All living plants required by the City of Loveland Site Development Performance Standards and Guidelines shall be maintained in a live and healthy state. Dead or unhealthy plants shall be immediately replaced with the size and type of plants required on the site development plan and by the City of Loveland Site Development Performance Standards and Guidelines
- Scheduled sizes stated represent minimum college and height. Sizes provided may exceed minimum required, but in no event shall smaller plant material sizes be
- Plant material shall be in accordance with ANA specifications for #1 grade.
- The developer shall ensure that the landscape plan is coordinated with the plans done by other consultants so that the proposed grading, storm drainage, or other construction does not preclude installation and maintenance of landscape elements on this plan.
- Landscape areas, unless otherwise noted shall be irrigated with an automatic underground irrigation system

DECIDUOUS TREES

Catalpa Speciosa

Gymnodadus dioleus

RHAMENTAL TREES

Ma'us 'Sonng Snow' Pyrus cateryanna 'Chanso

Pices pungaris glauca Juniporus veginiana Skyrock

EVERGREEN TREES

DECIDUOUS SHAUBS

Festuca ovina grauc

Calamagnetis s acus fora 'Karl Foreste

Pinus regra

Querrus Robur Fest grats

- Underground utilities shall be located prior to installation of landscape.
- Existing permanent landscape disturbed or damaged by construction shall be restored to its original condition, prior to linal acceptance.
- Areas designated "turt" shall be sadded with a bluegrass blended sad, installed on a prepared soil subgrade.
- Non-irrigated Crestedwheat Gross Shall be seeded and irrigated with temporary irrigation to establishment. Soil amendments (including organic matter and fertilizers) that are appropriate for the intended plant materials, design of the site and soil conditions should be selected and used Soil should be tilled and amendments incorparated to a minimum depth of 6 inches. The following schedule specifies the minimum solid amendment requirements per 1000 square feet of landscape area:
- -Bluegrass and High-Water Plantings: 3 cubic yards -Shrubs, Peennia's and Maderate to Low-Water Plantings: 2 cubic yards -Xeric adn Very Law-Water Plantings (ie. Crested Wheatgrass):1 cubic yard or comparable
- Rock and Bark mulch shall consist of  $3^{\circ}$  of material faid over stabilized weed barrier except in detention pand area
- Buffer yard type C is required for the 300' feet of buffer yard located along Ruby Drive
- Buffer yard type C with a 15' width multiplier of 1.00 is required for the 300' feet of buffer yard along Denver Avenue

2" cal 8+8 2" cal 8+8 2" cal 8+8 2" cal 0+0

15" carl 8+8 15" carl 8+8

5 gal 6 o c

12 oc 30 oc 24 oc 12 ac

為

STATE BATS

STORES PLANTING IN HATER & FRAP TO MINOR AR PROPERTY

SCAPPT COCT AND SOTION OF PLANTS HOLD

B) CONIFER TREE PLANTIN

STALL STATE

PLANT SO THAT TOP OF ROO SALE IS IT HOWER BOOM (MIDSED CHAPT

- The property owner or business association will be responsible for the maintenance and upkeep of all landscaping on site and within the abutting rights—of—way.
- Roll top edging shall be used between irrigated turf and mulch areas
- Developer shall be responsible for all on-site landscaping,
- 17. Developer shall be responsible for providing irrigation for all landscaping.

Columnar English Ox

Western Cataloa Kentucky Coffeetre Patriore Ash

Spring Snow Creb Chartsclaer Pear

She Chio Junear

Kolsey Dogwad Russian Saga

Due Fesque

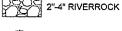
#### LANDSCAPE LEGEND



3/4"-2" RIVERROCK



BARK MULCH

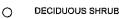




EVERGREEN TREE

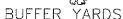


DECIDUOUS TREE









DENVER AVE. Type C RE Conopy Trees	300' g Prov	/id
Flowering Trees Shrubs Evergreen/Coniter	6 45 9	6 45 9
RUBY AVE.	300'	
Canopy Trees Flowering Trees (Large Shrub) Shrubs Evergreen /Conifer	9 6 45	9 6 45 9

Square footages of materials are approximate measures only FORM SANSON WAN







SCALE: 1" = 20"

ARCHITECT

MORGANTI GROUP Marvin Morganti 2903 Aspen Drive Suite B LOVELAND, COLORADO 970-667-4000

Planscapes

ENGINEER CDS ENGINEER CORPORA 165 SW 2ND STREET LOVELAND, COLORADO (970)667-8010

PLANNER

ROB MOLLOY 980 NORWAY MAPLE DRIVE LOVELAND, CO 970-988-5301

LOT 1,2 BLOCK 1 ITE DEVELOPMENT PLAN COLORADO

FIFTH SUBDIVISION LO

EXISTING TREES TO REMAIN

ATTACHMENT 6

LANDSCAPE PLAN

ANDERSON FIFT FINAL DEVELOPMENT F

LOVELAND

03/16/2015 308 NO DRAVIN RM CHECKED RM EV:SEO \_\_

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