



**CITY OF LOVELAND**  
**CITY COUNCIL**

Civic Center • 500 East Third Street • Loveland, Colorado 80537  
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[www.cityofloveland.org](http://www.cityofloveland.org)

**PROCLAMATION**

- WHEREAS,** our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and
- WHEREAS,** it is of the greatest import that all citizens fully understand the provisions and principles contained in the Constitution in order to support it, preserve it and defend it against encroachment; and
- WHEREAS,** the two hundred twenty third anniversary of the signing of the Constitution provides a historic opportunity for all Americans to learn about and recall achievements of our Founders, and to reflect on the rights and privileges of citizenship, as well as its attendant responsibilities; and
- WHEREAS,** the independence guaranteed to the American people by the Constitution should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23, as designated by a proclamation of the President of the United States of America in accordance with Public Law 915.

**NOW, THEREFORE,** we, the Loveland City Council of the City of Loveland, do hereby proclaim September 17 through 23, 2011 as

**CONSTITUTION WEEK**

in the City of Loveland, and urge all our citizens to pay special attention during that week to our Federal Constitution and the advantage of American Citizenship.

Signed this 20th day of September, 2011

Cecil A. Gutierrez, Mayor

**CALL TO ORDER** Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Roll was called and the following responded: Gutierrez, McKean, Klassen, Heckel, Johnson, Solt, Shaffer, McEwen and Rice.

**PROCLAMATION** Mayor Gutierrez read the proclamation. Police Chief Luke Hecker, Fire Chief Randy Mirowski and Thompson Valley EMS Chief Randy Leshner received the proclamation. A moment of silence was held in remembrance of those who lost their lives in the 9/11 attack. Mayor Gutierrez announced United Way of Larimer County will host a film screening and 9/11 tribute event for the community on Sunday, September 11 from 3:00-5:30pm at Everyday Joe's Coffee House (144 S. Mason St. ~ Fort Collins). The event will feature the new documentary New York Says Thank You, an inspirational film that profiles a national pay-it-forward movement.

**PROCLAMATION**

On September 11, 2001, the peace and security of our nation was shattered by cowardly terrorist attacks that killed nearly 3,000 innocent and brave people at the World Trade Center towers in New York City, at the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania. Although the terrorists' goal was to strike a powerful blow to the hearts of all Americans and tear at the fabric our nation, arising from the very ashes of that tragedy came a remarkable spirit of unity, compassion and determination that will never be forgotten, just as we will never forget those who were lost and injured on that day, and those who rose in service during the rescue and recovery effort and in defense of our nation both here at home and abroad.

In observance of the 10th anniversary of the September 11, 2001 attacks on America, which killed citizens from 92 different countries, we hereby adopt the following Proclamation in tribute to those lost and injured on 9/11, and the many who gave of themselves in service to their communities and to this country in the aftermath of the attacks:

WHEREAS, people of all ages and walks of life, across America, and around the world, collectively witnessed an event of immense tragedy on September 11, 2001; and

WHEREAS, the events of that day instantly transformed nearly everyone's lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability; and

WHEREAS, an unprecedented, historic bonding of Americans arose from the collective shock, unifying the country in an outpouring of national spirit, pride, selflessness, generosity, courage and service; and

WHEREAS, many brave people heroically, tirelessly and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk; and

WHEREAS, September 11 will never, and should never be just another day in the hearts and minds of all Americans; and

WHEREAS, September 11, 2011 will be the 10th anniversary of the 9/11 attacks on America; and

WHEREAS, many citizens may wish to memorialize September 11 by engaging in, or making a plan to engage in personal and individual acts of community service, or other giving activities, as part of a solemn day of remembrance and tribute; and

WHEREAS, on March 19, 2009, the United States Congress passed bipartisan legislation authorizing the establishment of September 11 as a federally recognized National Day of Service and Remembrance, which President Barack Obama signed into law on April 21, 2009 and;

WHEREAS, the President of the United States, on September 11, 2009, issued the Patriot Day Proclamation officially and permanently designating September 11 as a National Day of Service and Remembrance, and calling upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, as well as community service and charitable activities in tribute and remembrance; and

NOW, THEREFORE, we, the City Council of the City of Loveland, in tribute to all of the victims of 9/11 and the many who rose in service in response to the 9/11 terrorist attacks, will observe September 11, 2011, the 10th Anniversary of 9/11, as a

voluntary Day of Service and Remembrance, and furthermore call upon our citizens and organizations to consider joining in this observance and to engage in activities of tribute, solemn remembrance and charitable service.

Signed this 6th day of September, 2011

Cecil A. Gutierrez, Mayor

## **PROCEDURAL INFORMATION**

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. 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 of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

## **CONSENT AGENDA**

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor Johnson moved to approve the Consent Agenda. The motion was seconded by Councilor Heckel and a roll call vote was taken with all councilors present voting in favor thereof.

### **1. MINUTES**

- a) Minutes for the August 9, 2011 special meeting were approved.
- b) Minutes for the August 9, 2011 study session were approved.
- c) Minutes for the August 11, 2011 special meeting were approved.
- d) Minutes for the August 16, 2011 regular meeting were approved.
- e) Minutes for the August 23, 2011 special meeting were approved.

### **2. CITY MANAGER**

#### **Board & Commission Appointments**

##### **Motion**

**Administrative Action:** A motion recommending the following appointments was approved:

**Affordable Housing Commission:** Christopher Jessen and Wayne Thompson were reappointed to terms effective until June 30, 2014.

**Housing Authority:** Sandra McFeron was reappointed to a five year term effective until June 30, 2016.

### **3. CITY MANAGER**

#### **Easement Vacation Wet Industrial Addition (Cardinal Glass)**

##### **Ordinance #5621**

**Legislative Action:** "AN ORDINANCE VACATING A PORTION OF CERTAIN WATER MAIN OR PIPELINE EASEMENTS LOCATED ON LOT 1, BLOCK 1, OF THE REPLAT OF LOTS 1, 4, 5, 6, AND 7, BLOCK 1 OF THE WEST INDUSTRIAL ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on second reading.

### **4. ECONOMIC DEVELOPMENT**

#### **Purchase and Remediation of Leslie-the-Cleaner Property**

##### **Ordinance #5622**

**Administrative Action:** "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE

PURCHASE AND REMEDIATION OF THE LESLIE-THE-CLEANER PROPERTY LOCATED AT 301 N. LINCOLN AVENUE" was approved and ordered published on second reading.

#### 5. DEVELOPMENT SERVICES

##### **Historic Designation Larimer County Bank Building**

1<sup>st</sup> Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE OF THE CITY COUNCIL DESIGNATING AS A HISTORIC LANDMARK THE LARIMER COUNTY BANK BUILDING LOCATED AT 247 EAST FOURTH STREET IN LOVELAND, COLORADO" was approved and ordered published on first reading.

#### 6. DEVELOPMENT SERVICES

##### **Supplemental Appropriation Historic Preservation Outreach and Education**

1<sup>st</sup> Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR HISTORIC PRESERVATION OUTREACH AND PUBLIC EDUCATION" was approved and ordered published on first reading.

#### 7. DEVELOPMENT SERVICES

##### **Easement Vacation Civic Center Campus**

1<sup>st</sup> Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE VACATING THE EXCLUSIVE UTILITY EASEMENT LOCATED ON PORTIONS OF LOT 2, BLOCK 1, AND LOT 1, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading.

#### 8. DEVELOPMENT SERVICES

##### **Reallocation of Community Development Block Grant Funds**

#R-52-2011

Administrative Action: Resolution #R-52-2011 of the City Council of the City of Loveland, Colorado approving the grant funding recommendation of the Loveland Affordable Housing Commission for the reallocation of certain Community Development Block Grant funds was approved.

##### RESOLUTION #R-52-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING THE GRANT FUNDING RECOMMENDATION OF THE LOVELAND AFFORDABLE HOUSING COMMISSION FOR THE REALLOCATION OF CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the City Council of the City of Loveland recognizes the need to provide opportunities for the well-being of less fortunate citizens; and

WHEREAS, the City receives federal Community Development Block Grant ("CDBG") funds through the U.S. Department of Housing and Urban Development to assist in meeting the housing needs for Loveland citizens with low incomes; and

WHEREAS, the City Council has charged the Affordable Housing Commission with the task of reviewing all "bricks and mortar" grant applications made to the City for CDBG funds related to housing and making a recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, on August 3, 2010, the City Council adopted Resolution #R-35-2010 allocating \$25,000 in CDBG funds to the Housing Authority of the City of Loveland ("Housing Authority") for the Home Match program (the "Project"); and

WHEREAS, the Housing Authority was unable to complete the Project, therefore the \$25,000 was returned to the City for reallocation under the City's CDBG fund distribution process; and

WHEREAS, the \$25,000 was not included in the 2011 CDBG fund allocation, which was approved on June 21, 2011 by Resolution #R-43-2011; and

WHEREAS, the Affordable Housing Commission has since reviewed the grant applications made to the City for 2010 CDBG funds, and has made a recommendation to the City Council regarding reallocation of the remaining \$25,000 in CDBG funds; and

WHEREAS, the City Council desires to approve the grant funding recommendation of the Affordable Housing Commission.

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

Section 1. That the recommendation of the Affordable Housing Commission for the reallocation of the remaining \$25,000 in 2010 Community Development Block Grant funds is hereby approved as follows, subject to Agency or Project Owner execution of a subrecipient contract with the City of Loveland on or before September 21, 2011:

Agency or Project Owner	Total Grant Amount
Housing Authority of the City of Loveland	\$21,500
Volunteers of America	\$ 3,500
Total Amount of CDBG funds	\$25,000

Section 2. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 6th day of September, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

**9. DEVELOPMENT SERVICES**

**Municipal Code Amendment – Title 18 Temporary & Minor Exempt Signs**

1<sup>st</sup> Rdg Ord & P.H.

Legislative Action: A public hearing was held and “AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.50 REGARDING TEMPORARY SIGNS, EXEMPT SIGNS, PROJECT MARKETING SIGNS AND ENFORCEMENT” was approved and ordered published on first reading.

**10. PUBLIC WORKS**

**Supplemental Appropriation – CDOT Safe Routes to School Grant**

a) Resolution #R-53-2011

Administrative Action: Resolution #R-53-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado, and the Colorado Department of Transportation for 7<sup>th</sup> Street and Garfield Avenue (Truscott Elementary) Sidewalk Improvements was approved.

**RESOLUTION #R-53-2011**

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR 7TH STREET AND GARFIELD AVENUE AREA (TRUSCOTT ELEMENTARY) SIDEWALK IMPROVEMENTS**

WHEREAS, the City of Loveland desires to the install sidewalk and associated improvements along 7th Street between Grant Avenue and Garfield Avenue (along the north side of Truscott Elementary School) in Loveland (the “Project”), which is to be funded by federal-aid funds administered and made available through the State of Colorado, acting through the Colorado Department of Transportation (“CDOT”); and

WHEREAS, federal-aid funds are available for the Project in the amount of \$85,880; and

WHEREAS, the City and CDOT desire to enter into an intergovernmental agreement, a copy of which is attached hereto Exhibit A and incorporated herein by this reference (the “Agreement”), to define the division of responsibilities with regard to the Project; and

WHEREAS, as governmental entities in Colorado, the City of Loveland and CDOT are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

Section 1. That the Intergovernmental Agreement in the form substantially similar to that attached hereto as Exhibit A and incorporated herein by reference, is hereby approved and the City Manager is authorized, following consultation with

the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City

Section 2. That the City Manager and the City Clerk are authorized and directed to execute the Contract on behalf of the City.

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

ADOPTED this 6th day of September, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

**b) 1st Rdg Ord & P.H.**

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE INSTALLATION OF 7<sup>TH</sup> STREET AND GARFIELD AVENUE (TRUSCOTT ELEMENTARY) SIDEWALK IMPROVEMENTS" was approved and ordered published on first reading.

**END OF CONSENT AGENDA**

**CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.**

**CITY COUNCIL**

**a) Citizens' Reports**

Jay Earl, Bond Administrator for Thompson School District, presented City Council and Kevin Aggers a plaque in appreciation of their support of \$600,000 toward the renovation of the Loveland High School Natatorium.

**b) Business from Council**

- |           |   |
|-----------|---|
| Shaffer   | Councilor Shaffer provided an update regarding North Front Range Metropolitan Planning Organization's discussion on weighted voting. She also commended the City's Emergency response team regarding a recent incident.   |
| Klassen   | Councilor Klassen congratulated Steve Adams on being selected Water and Power Director.   |
| Rice      | Councilor Rice thanked the many volunteers involved with the Corn Roast Festival.   |
| Gutierrez | Mayor Gutierrez made the following announcements: the Loveland Feed and Grain's 120 <sup>th</sup> anniversary celebration will be held Friday, September 9; the 2 <sup>nd</sup> Annual Patriots Day Concert to benefit the Veterans Plaza at Spring Canyon Park in Fort Collins will be held Saturday, September 10; information from the recent visioning meeting for Economic Development in Larimer County hosted by Larimer County Commissioners, specifically Commissioner Lew Gaiter III will be sent to Council and Northern Colorado Economic Development Corporation's annual luncheon is October 12 at the Hilton Hotel in Fort Collins which is an opportunity to meet the new CEO. Mayor Gutierrez asked that Staff and Council work to develop a conference attendance policy for Council. He also noted the agendas for the November 1 <sup>st</sup> and November 8 <sup>th</sup> meetings should be kept to a minimum. |
| Motion    | Councilor Johnson moved to call for a special meeting at 6:30 on November 8, 2011 to swear in newly elected Councilors, with the Study Session to follow. Councilor McEwen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.  |

c) City Manager Report

City Manager Cahill announced Public Works Director Keith Reester will be hosting in September Public Works officials from Australia and also extended congratulations to Keith on being named a Fellow of an organization of the American Public Works Association (APWA) providing him an opportunity to mentor other Public Works professionals. Thank you to The Friends of the Library who have submitted their last check completing their \$2 million dollar funding commitment toward the Library expansion. City Manager Cahill explained Cardinal Glass was mitigating the noise issue, by adding sound proofing material inside and constructing a sound proofing baffle wall outside.

d) City Attorney Report

None

**PROCEDURAL INFORMATION**

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

**REGULAR AGENDA**

**CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**11. PUBLIC WORKS**

**Final Document Review for North I-25 Environmental Impact Statement**

Discussion Only Item: City Engineer Dave Klockeman introduced this item to Council. Carol Parr, Project Manager with Colorado Department of Transportation was also present. The Colorado Department of Transportation (CDOT), in cooperation with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), has just released the Final North I-25 Environmental Impact Statement (EIS) document for review. The City of Loveland has been involved in the EIS since the process began in 2004. The official review period is from August 19, 2011 to September 19, 2011. On August 30, 2011 the comment period was extended to October 3, 2011. As part of this review period, CDOT is requesting that the City of Loveland, as one of the participating local agencies, provide comments back to the Project Team.

**12. FINANCE**

**July 2011 Financial Report**

Information Only: Payroll & Compliance Manager Bonnie Steele introduced this item to Council. Human Resources Manager Julia Garcia spoke to the healthcare costs and the new employee health care clinic. This is an information only item. No action is required. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the seven months ending July 31, 2011. City Council asked for demographics of city staff.

**13. CITY MANAGER'S OFFICE**

**Investment Report July 2011**

This is an information only item. No Council action is required. Fiscal Advisor Alan Krcmarik introduced this item to Council. The budget estimate for investment earnings for 2011 is \$3,163,130. For the first seven months of 2011, the amount posted to the investment account is \$2,000,643 including realized gains. Actual year-to-date earnings are higher than the year-to-date projection by \$232,497. Based on July's monthly statement, the estimated annualized yield on the U.S. agencies and corporates was up

to 1.64%, still under the annual target rate. Interest rates have dropped significantly lower.

**14. CITY MANAGER**

**Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park.**

City Manager Bill Cahill provided an update on the ACE Park. A new Request for Proposal was sent out August 30, 2011. Responses are due by September 13, 2011. Proposals will be reviewed and interviews are scheduled to begin September 16, 2011. October 4<sup>th</sup> is the targeted date to come back to Council. Tours for the interested developers are being scheduled now. Questions submitted by Councilor McKean, regarding the ACE project will be directed to the City Manager to be forwarded to CAMT.

**15. CITY MANAGER**

**Mid-year Review of City Council Goals for 2011**

Discussion only; no action required. City Manager Bill Cahill introduced this item. As follow-up to the Advance, the Council expressed interest in holding a mid-year review to evaluate progress. While staff will be prepared to give informational updates on the specific actions previously directed by Council, the primary purpose of this item is to provide for Council-driven discussion. Council discussed events which would change Council priorities set in February, 2011. The events discussed included revising the coversheets to include alternate options and clarifying the budget impacts and holding two legislative days per year in June and December. Additional goals considered included the Community Marketing Commission Strategic Marketing Plan, raw water strategy and, reduce deliveries to Council members at their homes and to keep the homelessness joint discussion with the school district moving forward by picking up from the last meeting. Capital Expansion Fees – will be added to the 2012 CEF study.

**COUNCIL COMMENTS**

McKean

Councilor McKean extended “kudo’s” to Mary Shann in Code Enforcement for all she does for the City.

Gutierrez

Mayor Gutierrez mentioned the DOLA Director will be at the City on Thursday, at 2:00 pm.

Solt

Councilor Solt mentioned concerns he’d received regarding traffic safety issues at the Classical Charter School.

**ADJOURNMENT**

Having no further business to come before Council, the September 6, 2011 Regular Meeting was adjourned at 10:04 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor





**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 2  
**MEETING DATE:** 9/20/2011  
**TO:** City Council  
**FROM:** Greg George, Development Services  
**PRESENTER:** Troy Bliss

**TITLE:**

AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.50 REGARDING TEMPORARY SIGNS, EXEMPT SIGNS, PROJECT MARKETING SIGNS AND ENFORCEMENT

**DESCRIPTION:**

Consideration of a legislative action to adopt an ordinance on second reading amending Title 18 relating to various sign provisions.

**BUDGET IMPACT:**

Yes     No

**SUMMARY:**

The proposed code amendments to the sign code provide:

- additional definitions for new sign types being introduced;
- more sign types are exempt from having to get a permit, including flags and real estate marketing signs;
- greater allowances to businesses and clear regulation for the use of temporary signs; and
- a longer period of time for new developments under construction to display project marketing signs.

The Planning Commission conducted hearings on June 27, 2011 and August 8, 2011 unanimously recommending approval of the amendments to City Council. City Council adopted the ordinance on first reading as an item on the consent agenda on September 6, 2011.

**LIST OF ATTACHMENTS:**

- A. Ordinance amending Title 18
- B. City Council staff memorandum, September 6, 2011

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**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion for City Council action:

Move to adopt on second reading: AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.50 REGARDING TEMPORARY SIGNS, EXEMPT SIGNS, PROJECT MARKETING SIGNS AND ENFORCEMENT

**REVIEWED BY CITY MANAGER:**

**FIRST READING: September 6, 2011**

**SECOND READING: September 20, 2011**

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

**AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.50 REGARDING TEMPORARY SIGNS, EXEMPT SIGNS, PROJECT MARKETING SIGNS AND ENFORCEMENT**

**WHEREAS**, City Council finds that updates to Title 18 of the Loveland Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

**WHEREAS**, the City Council has received a recommendation of the Planning Commission recommending adoption of revisions to Title 18 of the Loveland Municipal Code, including changes to Chapter 18.50 regarding Temporary signs, Exempt signs, Project marketing signs and enforcement; and

**WHEREAS**, the City Council desires to adopt the recommendations of the Planning Commission and revise Chapter 18.50 of the Loveland Municipal Code regarding Signs.

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

**Section 1.** Chapter 18.50 of the Loveland Municipal Code is amended by the revision of Section 18.50.020 to revise the definition of “Temporary sign” to read as follows:

**Chapter 18.50.020 Definitions**

“Temporary sign” means a sign which, due to the materials used; the method, manner or location of display; or the method of operation for display; is suited only for occasional, seasonal, or special event display, including, but not limited to, those signs regulated under section 18.50.070.

**Section 2.** Chapter 18.50 of the Loveland Municipal Code is amended by the revision of Section 18.50.020 to add the following definitions for “Balloon”; “Flying banner”; “Pennant”; “Temporary construction fence sign”; “Temporary event sign”; and “Valance” to read as follows:

“Balloon” means an airtight bag or membrane which is inflated with air or a lighter than air gas typically intended to rise or float above the ground.

“Flying banner” means a type of temporary sign consisting of cloth, bunting, canvas or similar fabric, attached to a single vertical staff support structure with distinctive colors, patterns or symbolic logos for display.

“Pennant” means a type of temporary sign consisting of fabric, plastic, or metal strand drapery with distinctive colors, patterns, symbolic logos, or a series of narrow tapering flags for display.

"Temporary construction fence sign" means a temporary sign affixed to or incorporated into a construction fence for displaying advertisements, messages, logos, illustrations, and graphics related only to the associated property under construction.

“Temporary event sign” means a temporary sign advertising a community event sponsored by a governmental entity or not-for-profit entity that is limited only to one type of temporary sign that may include either a banner, balloon, flying banner, pennant, or valance.

“Valance” shall have the same definition as a pennant.

**Section 3.** Chapter 18.50 of the Loveland Municipal Code regarding Signs not subject to permit-Exempt signs, is amended by the revision of Sections 18.50.050.E; 18.50.050.M; and 18.50.050.N to read in full as follows:

**18.50.050 Signs not subject to permit-Exempt signs.**

. . .

E. Flags:

1. Flags of the United States;
2. Flags and insignias of the state of Colorado, the city of Loveland, Larimer County, governmental agencies, and nonprofit organizations exempt from federal tax, when displayed on premise, and where no single side exceeds forty-eight (48) square feet in area;
3. Except as provided in Section 18.50.050.E.4, no more than three (3) flags shall be exempt for each premise. Any additional flag shall be subject to a sign permit and the square footage shall be included in the sign area measurement for a freestanding sign.
4. Upon written request, the current planning manager may authorize additional flags on a premise provided that the flags are not used as a sign, as defined in this chapter, and are compatible within the context of the premise and the surrounding neighborhood. Any final decision of the current planning manager may be appealed to the planning commission in accordance with Chapter 18.80 of this code.

. . .

M. Real estate model home signs. One (1) real estate model home sign and a maximum of two (2) flying banners are permitted per street frontage of the premise on which a model home or a temporary real estate sales office is located. Real estate model home signs shall not exceed thirty-two (32) square feet of sign area per face; free-standing real estate model home signs are limited to six (6) feet in height and wall mounted real estate model home signs shall not extend above the top of the wall or parapet wall of the building to which the wall sign is attached. Flying banners shall not exceed a dimension of four (4) feet in width, thirteen (13) feet in height and twenty-five (25) square feet in total size. All surfaces incorporated into a real estate model home

sign and sign structure including, but not limited to, pole covers, monument style sign bases, and background surfaces shall be counted in the allowable sign area.

• • •

N. Real estate open house signs. A maximum of six (6) real estate open house signs are allowed for an open house event and such signs shall be displayed only on the day of the open house and the day prior to the open house. On-premise or off-premises display of real estate open house signs is permitted, but display in the public right-of-way is prohibited. Real estate open house signs shall not exceed six (6) square feet of sign area per face and four (4) feet in height. Pennants and balloons may be affixed to real estate open house signs provided that such attachments do not encroach upon street or sidewalk right-of-way or create a street or sidewalk safety hazard; balloons that are affixed to real estate open house signs shall not have a vertical or horizontal dimension greater than two (2) feet.

**Section 4.** Section 18.50.070 of the Loveland Municipal Code regarding Temporary signs is repealed in its entirety and reenacted to read in full as follows:

**Chapter 18.50.070 Temporary signs.**

A. Purpose.

Temporary sign regulations are established to provide businesses and non-residential uses with the opportunity to advertise occasional, seasonal, or special events. These regulations are intended to control the visual impacts to the community of such advertisements, and to provide consistency with the spirit and intent of this title and the vision statements of the Comprehensive Plan. Temporary signs shall under no circumstance be substituted for permanent signage or be situated to screen permanent signage on an adjacent lot or premise. These temporary sign provisions shall only apply to businesses and non-residential uses. These provisions shall not be applicable to signs listed under Section 18.50.050.

B. Temporary signs subject to a permit.

1. For all businesses and non-residential uses, the following sign types are permissible:

- a. Banners
- b. Balloons
- c. Pennants
- d. Valances
- e. Flying banners
- f. Any sign device which operates from an external power source including but not limited to searchlights, balloons, and animated signs

2. Permit and duration.

- a. All permissible temporary signs as specified in Section 18.50.070.B.1 shall require the approval of a temporary sign permit application by the building division.

b. Temporary sign permit applications shall be made in increments of fifteen (15) consecutive days. A maximum of four (4) temporary sign permits may be issued to an individual business or non-residential use per calendar year and may be approved in succession. The maximum cumulative display for all permitted temporary signs shall not exceed sixty (60) days per calendar year unless a variation is approved under Section 18.50.070.E.

3. Number.

No more than two (2) of the sign types specified in Section 18.50.070.B of this chapter shall be permitted on a lot or premise for an individual business or non-residential use.

4. Sign Area and Location.

a. Banners: A banner or banners must not cumulatively exceed one-hundred (100) square feet in total sign area and shall be attached to an exterior building wall. All portions of such banner(s) shall be in contact with the building wall, and shall not flap, extend beyond the wall nor be fastened to support structures.

b. Balloons: Except as allowed in Section 18.50.070.D.1.a., Balloons shall not exceed a total maximum dimension of ten (10) feet, inclusive of a base. Attaching Balloons to tethers is permitted providing the tether is no greater than fifteen (15) feet in length. Balloons must be secured to a building, structure, stable object, or the ground and shall not extend beyond the boundaries of the lot or premise. Balloons shall not be attached to trees or shrubs planted within the lot or premise.

c. Pennants and valances: A single pennant or valance strand shall not exceed fifty (50) feet in length. Each pennant or valance strand must be secured to a building, structure, stable object, or the ground at both ends. Pennant and valance strands shall not be attached to trees or shrubs planted within the lot or premise.

d. Flying banners: Except as allowed in Section 18.50.070.D.1.b., each flying banner shall not exceed twenty-five (25) feet in height inclusive of the staff or support structure and seventy-five (75) square feet in size. Flying banners are to be attached to a single vertical staff support structure only. The support structure may be mounted securely to a building, structure, stable object, or the ground. Flying banners shall not extend beyond the boundaries of the lot or premise. Flying banners shall not be attached to trees or shrubs planted within the lot or premise.

e. Sign devices operated from an external power source: Sign devices operated from an external power source shall comply at all times with the city's noise ordinance. These types of temporary signs shall be secured to the ground and limited to twenty-five (25) feet in height providing they do not extend beyond the boundaries of the lot or premise. The lighting component for searchlights must be projected upward so as not to diminish public safety and welfare.

5. Lighting.

Temporary signs may only be illuminated indirectly by means of a separate light source (excluding Searchlights). It shall be demonstrated that no off-site impacts associated to glare will occur by indirectly illuminating a temporary sign. The light source shall also comply with applicable provisions of the *City of Loveland Site Development Performance Standards and Guidelines*.

C. Maintenance.

All temporary signs shall be kept neatly finished and repaired, including all parts and supports. The Building Official and/or an authorized representative shall inspect and shall have authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

D. Temporary Signs not subject to permit.

1. The following temporary signs shall not require a permit and shall not be limited in number or duration upon a lot or premise associated to a business or non-residential use, unless specified otherwise. Internal or external illumination for these specific signs shall be strictly prohibited.
  - a. Balloons which do not have maximum horizontal or vertical dimension greater than two (2) feet;
  - b. Flying banners placed within a lot or premise, providing no more than four (4) are installed and each individual flying banner does not exceed a maximum of ten (13) feet in height and twenty-five (25) square feet in total size;
  - c. Temporary construction fence sign as defined in Section 18.50.020, provided the sign does not extend above the fence;
  - d. Temporary event sign as defined in Chapter 18.50.020 subject to Section 18.50.070.B.4. and limited to a duration of no more than five (5) days;
  - e. Portable signs as defined in this chapter limited to A-frame or T-frame signs which do not exceed six (6) square feet and have a maximum height of four (4) feet. These portable signs shall be located within ten (10) feet of the business entrance and allow for a minimum unobstructed access width of five (5) feet along all sidewalks. For the purpose of this section, portable A-frame or T-frame signs shall not be placed in a public right-of-way; and
  - f. Any signage device similar to those described in items a. through e. above if so determined and approved in writing by the Current Planning Manager.
2. Internal or external illumination for the signs listed in subsection D.1 above, shall be strictly prohibited.

E. Administrative Allowances.

1. Variations from these temporary sign provisions relating to the duration and location may be provided by the Current Planning Manager. Such variations may only be provided to businesses operating at a new location for less than six (6) months or for businesses which have poor visibility from the street. To obtain a variation, the applicant must make a written request and demonstrate the following:

- a. A substantial hardship exists in carrying out the provisions of this chapter; and
  - b. The spirit and intent of this chapter will be secured in granting a variation.
2. Variations will be considered on a case-by-case basis. The Current Planning Manager may impose conditions to ensure that the intent of this chapter is maintained. Appeal of the Current Planning Manager's decision shall follow the procedures outlined in Chapter 18.80 of the Loveland Municipal Code.
- F. Enforcement.  
Any unauthorized deviation from this chapter shall be subject to the enforcement, legal procedures and penalties as described in Chapter 18.50.170.

**Section 5.** Section 18.50.085 of the Loveland Municipal Code regarding Project marketing signs is repealed in its entirety and reenacted to read in full as follows:

**18.50.085 Project marketing signs.**

A. Sign Area. The maximum sign area for a project marketing sign in residential zones and residential PUDs shall be fifty square feet. The maximum sign area for a project marketing sign in non-residential zones and non-residential PUDs shall be seventy-five square feet. The sign area shall include only the extreme limits of lettering and depictions, except when the surface area of any structure to which the sign is affixed exceeds fifty percent of the area of the sign face, in which case all additional surface area will be included in the sign area measurement. Monument style sign bases and pole covers shall be included in calculating all such additional surfaces which are subject to the fifty percent limitation.

B. Number. There shall be no more than one sign per project entry from any adjacent street and no more than two signs per project or phase of a project.

C. Height. Project marketing signs shall be no more than 12 feet in height.

D. Lighting. Any lighting shall be indirect. All lighting shall be aimed and/or shielded to insure that no direct light is seen upon the driving surface of any streets or upon any nearby residential properties.

E. Duration. Signs shall be allowed to remain for no more than 2 years following commencement of construction of the public improvements within the project, unless a written request to extend this time period is approved by the current planning manager.

F. Location. Signs shall be located within the boundaries of a project or premise which is part of the original marketing of the lots, tracts, structures or units. For projects within a mixed use planned unit development, the premise shall constitute the boundaries of the entire planned unit development.

G. Maintenance. All applicants shall provide adequate assurance acceptable to the City that the sign and the lot or tract upon which it is located will be maintained in good condition at all times.

**Section 6.** Chapter 18.50 of the Loveland Municipal Code is amended by the revision of Section 18.50.170 to read 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. 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.

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011


ATTEST:

CITY OF LOVELAND, COLORADO

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Deputy City Attorney



**Development Services  
Current Planning**

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## MEMORANDUM

TO: City Council

FROM: Troy Bliss, Current Planning

DATE: September 6, 2011

SUBJECT: Amendments to Title 18, Chapter 18.50 (Signs) of the Municipal Code: Definitions, Signs Not Subject To Permit-Exempt Signs, Temporary Signs, Project Marketing Signs, and Enforcement, Legal Procedures And Penalties

### I. EXHIBITS

1. Planning Commission Minutes from June 27, 2011
2. Planning Commission Staff Report from June 27, 2011 including all attachments
3. Planning Commission Minutes from August 8, 2011
4. Planning Commission Staff Report from August 8, 2011 including all attachments
5. Combined and adjusted proposed Title 18 Amendments in redline form

### II. SUMMARY OF AMENDMENTS

This is a proposal which includes various amendments to Title 18 of the Municipal Code regarding signs. A majority of the work contained in these proposed amendments has been devoted to the following:

- Temporary Signs – Temporary signs are those signs which typically advertise a special sale or event for businesses and non-residential uses within the community. In most applications, they are the canvas or vinyl banners placed on building facades. Also they include a variety of other devices like balloons, pennants, valances, and flags. The most notable changes to the sign code being proposed relate to the City's temporary sign ordinance (Section 18.50.070). The proposal includes a complete overhaul of the temporary sign provisions in an effort to address newer types of advertisement methods that businesses within the community have been and are seeking to use. These amendments are prepared to provide greater accommodations to businesses for occasional advertisement purposes through the use of different sign type allowances, criteria to help lessen the burden of permitting, and new business/building location variations. In an effort to balance business needs with community aesthetics, dimensional standards and duration for permitted temporary signs were greatly restructured. The temporary sign amendments clarify and update allowances for temporary signs and provide an easier format for enforcement and interpretation.

The remaining proposed amendments are relatively minor in nature where adjustments are being proposed to help clarify existing provisions and update standards. Selected adjustments are more summarized below:

- Signs Not Subject To Permit-Exempt Signs – These are types of signs such as governmental/non-profit organization flags and real estate marketing signs which are allowed in the City without a permit. Changes to this Section of the Code were prompted to clarify the use of flags and expand on the allowances for real estate marketing needs to include allowances for the flying banners.
- Project Marketing Signs – Signs for the purpose of advertising/marketing new residential development under construction. The development community has expressed an interest to the city in adjusting these provisions to allow for longer durations in which to keep project marketing signs up for display.
- Enforcement, Legal Procedures And Penalties – This is the Section of the Code which applies to all sign provisions contained in Chapter 18.50. The proposed adjustment is simply to clarify this Section of the Code relative to how these provisions carried out.

### III. PLANNING COMMISSION CONSIDERATIONS

The Planning Commission reviewed the proposed amendments in two hearings (June 27, 2011 and August 8, 2011). Discussion at the June 27, 2011 hearing prompted further amendments that were presented to the Planning Commission on August 8, 2011.

- On June 27, 2011, the Planning Commission reviewed proposed amendments pertaining to sign definitions, temporary sign regulations and sign enforcement, legal procedures and penalties. By a unanimous vote, the Planning Commission recommended approval of the amendments to City Council. At the public hearing, the Planning Commission recommended a slight adjustment to the non-permitted signs regarding flying banners. The height (thirteen (13) feet) and total size (twenty-five (25) square feet) were increased from what was presented (see **Exhibit 1**).
- On August 8, 2011, the Planning Commission reviewed the proposed amendments pertaining to signs not subject to permit-exempt signs and project marketing signs. By a unanimous vote, the Planning Commission is recommended approval of the amendments to City Council. At the public hearing, the Planning Commission recommended a slight adjustment to the non-permitted flying banners for real estate signs in which to maintain some consistency with non-permitted temporary sign provisions from June 27, 2011 (see **Exhibit 3**).

The sign amendments recommended for approval by the Planning Commission at the two hearings have been combined into one ordinance for City Council's consideration. Attached to this memorandum (see **Exhibit 5**) is a combined redline version of the proposed amendments as reflected in the ordinance that includes the Planning Commission recommendations.

### IV. BACKGROUND

These proposed sign amendments were initiated due to the increase in the use of temporary signs throughout the community. Issues related to the outdated nature of the temporary sign provisions and the difficulty the City was having with enforcement of the regulations. This effort was the culmination of Title 18 Committee input, Loveland Chamber of Commerce outreach, and feedback/direction from

local sign companies with the expertise on this topic who develop and sell temporary signs. This project transpired over a two (2) year period where various input was gathered, reviewed and ultimately assembled over the following timeline:

- May 12, 2009 – City Council Study Session which directed staff to begin work on temporary sign amendments.
- October 26, 2009 – Planning Commission Study Session where initial proposed amendments to temporary signs was presented for feedback and direction.
- January 28, 2010 – City Open House to present initial proposed amendments to interested citizens for comment and feedback on.
- May 10, 2010 – Public hearing with Planning Commission. Planning Commission took no action, directing staff to address complexities of the initial proposed amendments to the temporary sign provisions.
- Between May 10, 2010 and June 27, 2011 staff had various meetings with the Title 18 Committee and sought further outreach from the Loveland Chamber of Commerce and local sign companies. This resulted in a complete overhaul of the initial proposed amendments to the temporary sign provisions.
- June 27, 2011 – Public hearing with Planning Commission.
- August 8, 2011 – Public hearing with Planning Commission.

## **V. OUTLINE OF AMENDMENTS AND RECOMMENDATION**

Below is an outline of the main components of the proposed amendments:

- Adding definitions to types of temporary signs;
- Providing expanded allowance to businesses for the use of temporary signs and providing clearer temporary sign regulations;
- Small adjustments to the enforcement, legal procedures and penalties associated to the sign code;
- Expanding and clarifying the use of flags as exempt forms of signs;
- Providing greater allowances for real estate marketing and advertisement needs specifically relating to flying banners; and
- Allowances for new developments under construction to maintain longer durations for keeping project marketing signs.

Planning Commission and City Staff are recommending to City Council approval of the amendments to Title 18, Chapter 18.50 (Signs) of the Loveland Municipal Code as reflected in the ordinance prepared on first reading dated September 6, 2011.

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**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**June 27, 2011**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 27, 2011 at 6:30 p.m. Members present: Chairman Molloy; Vice Chairman Meyers; and Commissioners Dowding, Fancher, Leadbetter and Middleton. Commissioners Crescibene, Krenning and Ray were absent. City Staff present: Troy Bliss, Current Planning; Robert Paulsen, Current Planning Manager; Sunita Sharma, 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 Community Services office.*

**CITIZEN REPORTS**

There were no citizen reports.

**STAFF REPORTS**

**Bob Paulsen, Current Planning Manager**, reported that his office had received a petition addressed to Planning Commission regarding a joint City/County effort to identify an alignment for the extension of Boyd Lake Road from 5<sup>th</sup> Street to Highway 60. He stated that the petition was handed out to all the Commissioners. He further commented that the alignment project would be discussed when the Public Works Department presents the 2030 Transportation Plan to the Planning Commission in the fall.

**Chair Molloy** stated that he would like to hear about the alignment by the Public Works department before it is done.

**Mr. Paulsen** stated that he would ask if they could email the Commission further information on the alignment.

**Vice Chair Meyers** reported on a recent meeting that he and Commissioners Dowding and Middleton had worked with Planning staff on prioritizing the Comprehensive Plan and Objectives as part of the Comprehensive Plan update process. He indicated that the meeting had been productive.

1 APPROVAL OF MINUTES

2  
3 *Commissioner Fancher moved to approve the Minutes of the June 13, 2011 Planning*  
4 *Commission meeting. Upon a second by Commissioner Dowding the motion passed*  
5 *unanimously. (Chairman Molloy abstained.)*

6  
7 **Mr. Paulsen** requested that Regular Item #2 be continued to July 11, 2011.

8  
9 REGULAR AGENDA

10  
11 1. Amendments to Title 18 regarding sign definitions, temporary sign regulations, and sign  
12 enforcement, legal procedures and penalties.

13  
14 SUMMARY OF AGENDA ITEM: This is a public hearing to review temporary signs. The purpose  
15 in bringing forward this amendment to the municipal code is that City staff has seen an increase in  
16 the use of temporary signs throughout the community. For the most part, issues have not been related  
17 to volume but relate to the City's abilities to fairly enforce the sign regulations. There are also issues  
18 of clarity and currency with the existing temporary sign regulations. This application involves  
19 legislative action by the Planning Commission; the Commission's recommendation will be  
20 forwarded to the City Council for a final decision.

21  
22 **Troy Bliss, Project Planner**, gave a brief background report on this item. He stated that staff was  
23 directed by the City Council to move forward on the Temporary Sign Regulations. He spoke of the  
24 outreach that was done and of the numerous community groups that staff met with, commenting that  
25 staff received a large amount of feedback. He commented that there were requests to simplify the  
26 definitions so that they are understandable. He clarified that the sign companies are in general  
27 support the proposed amendments.

28  
29 He stated that the proposed amendments are focused around the City's temporary sign regulations,  
30 and are specifically structured in three main areas:

- 31
- 32 • Adding definitions to types of temporary signs;
  - 33 • Providing expanded allowance to businesses for the use of temporary signs and providing  
clearer temporary sign regulations; and
  - 34 • Making a small adjustment to the enforcement, legal procedures and penalties associated  
35 with the sign code.

36  
37 **Mr. Bliss** stated that he received an email from Mr. Greg Muhonen requesting amendment to the  
38 height and square footage of flying banners.

39  
40 **Ron Busby, 1441 39<sup>th</sup> Place**, thanked Mr. Bliss and staff for their hard work and stated that the  
41 modifications made by staff will help his tenants. He was specifically pleased with expanded

1 allowance for portable, sandwich board-type signs. He urged the Planning Commission to  
2 recommend adoption by City Council.

3  
4 **Greg Muhonen, 2085 Quillan**, also thanked staff, the Title 18 Committee, and City Council for  
5 their efforts. He recommended an amendment to the flying banner provisions to increase banner  
6 height allowance from 10 feet to 13 feet and to increase the flag or banner area from 20 square feet to  
7 25 square feet in size. He indicated his overall support of the proposed amendments.

8  
9 **Commissioner Middleton** questioned if Mr. Muhonen, who serves on the Title 18 Committee, did  
10 not agree with the Committee's recommendation.

11  
12 **Mr. Muhonen** stated over several months of Title 18 Committee meetings and in their previous  
13 discussions about the size of the banners being 13 feet high and 25 square feet in area, he had  
14 assumed that the Committee was in agreement with the height and size of the banners he was  
15 advocating. He stated that he was surprised to see that the size had not been adjusted to reflect this  
16 discussion.

17  
18 After a brief discussion, **Mr. Bliss** stated that there are no specific industry size standards for pendent  
19 signs; he stated that these types of signs are made in various heights and sizes by the various  
20 manufacturers.

21  
22 **Mr. Paulsen** stated the increased sign height advocated by Mr. Muhonen is not a crucial matter. He  
23 emphasized, however, that the standards be clearly defined.

24  
25 **Mr. Bliss** clarified that there is no application fee for a temporary sign. He reported that that staff,  
26 Title 18 Committee, sign companies, the public and members of the Chamber of Commerce have  
27 been working on this amendment for approximately two years

28  
29 After a discussion regarding flags, **Mr. Bliss** stated that American flags are placed in the category of  
30 exempt signs by the code. He noted that the review of regulations concerning government flags had  
31 not been part of this effort.

32  
33 **Commission Dowding** indicated support for changing the height and size of teardrop banners (flying  
34 banners) as proposed by Mr. Muhonen.

35  
36 **Commissioner Leadbetter** commented that he liked that the new code language was straightforward  
37 and easy to understand, and he concurred with Commissioner Dowding regarding Mr. Muhonen's  
38 request.

39  
40 **Vice Chair Meyers** agreed with previous speakers.

1 **Commissioner Middleton** supported the item with the proposed amendment by Mr. Muhonen.

2

3 **Chair Molloy** spoke in support of the amendments.

4

5 *Commissioner Fancher made a motion to recommend that City Council approve the amendments*  
 6 *to Title 18 regarding temporary signs as described in the June 27, 2011 Planning Commission*  
 7 *staff report, and as amended on the record reflecting Mr. Muhonen's request. Upon a second by*  
 8 *Commissioner Middleton the motion was unanimously adopted.*

9

10 **Following completion of the previous agenda item, a general discussion about the frequency,**  
 11 **format and duration of Planning Commission meetings occurred.**

12

13 **Commissioner Leadbetter** suggested that the format of the commission meetings be changed by  
 14 holding one regular hearing and a worksession per month. He felt that would be a more efficient use  
 15 of staff and the Planning Commissions time.

16

17 **Assistant City Attorney Sharma** stated she would review the Charter to see if that recommendation  
 18 would be allowed by the City Charter.

19

20 **Commissioner Middleton** stated he would support putting a time limit on the length of the  
 21 meetings.

22

23 **2. Amendments to Titles 16, 17, 18 and 19 of the Loveland Municipal Code.**

24

25 SUMMARY OF AGENDA ITEM: Amendments to Titles 16-19 of the City of Loveland Municipal  
 26 Code that will implement a new process for application, review and approval of site development  
 27 plans and site work permits. The proposed amendments would affect all development except single-  
 28 family detached dwellings, single-family attached dwellings for no more than two units, and two-  
 29 family dwellings. This application involves legislative action by the Planning Commission; the  
 30 Commission's recommendation will be forwarded to the City Council for a final decision.

31

32 **Staff is requested that this item be continued to the July 11, 2011 meeting so that final City**  
 33 **staff review can be completed.**

34

35 *Vice Chair Meyers made a motion to open and continue Item #2 to the July 11, 2011. Upon a*  
 36 *second by Commissioner Fancher the motion was unanimously adopted.*

37

38




1 ADJOURNMENT

2  
3 *Commissioner Middleton made a motion to adjourn. Upon a second by Vice Chair Meyers the*  
4 *motion was unanimously adopted.*

5  
6 

7 Robert Molloy, Chair

8  
9 

10 Vicki Mesa, Secretary

11  
12  
13



## Development Services Current Planning

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<b>ITEM NO:</b>	<b>1 – Regular Agenda</b>
<b>PLANNING COMMISSION MEETING:</b>	June 27, 2011
<hr/>	
<b>TITLE:</b>	Amendments to Title 18 regarding sign definitions, temporary sign regulations, and sign enforcement, legal procedures and penalties.
<b>LOCATION:</b>	City-wide
<b>APPLICANT:</b>	City of Loveland, Current Planning Division
<b>STAFF CONTACT:</b>	Troy Bliss
<b>APPLICATION TYPE:</b>	Amendments to Title 18 of the Loveland Municipal Code
<b>ACTION:</b>	Recommend for adoption by City Council
<b>STAFF RECOMMENDATION:</b>	<i>Move to recommend that City Council approve the amendments to Title 18 regarding temporary signs as described in the June 27, 2011 Planning Commission staff report and as amended on the record.</i>

## **I. ATTACHMENTS**

1. Loveland Municipal Code, Title 18, Chapter 18.50, Sections 18.50.010 (definitions), 18.50.070 (Temporary Signs), and 18.50.170 (Enforcement, legal procedures and penalties).
2. Proposed Amendments to the Loveland Municipal Code, Title 18, Chapter 18.50, Sections 18.50.010 (definitions), 18.50.070 (Temporary Signs), and 18.50.170 (Enforcement, legal procedures and penalties).
3. Citizen correspondence.

## **II. SUMMARY**

The proposed amendments to Title 18 are focused around the City's temporary sign regulations, specifically structured in three main areas of focus including:

- adding definitions to types of temporary signs;
- providing expanded allowance to businesses for the use of temporary signs and providing clearer temporary sign regulations; and
- a small adjustment to the enforcement, legal procedures and penalties associated to the sign code.

This effort has resulted in a clearer description of the temporary sign provisions by defining specific types of permissible signs and standards that are both easily applied and enforced (i.e. duration, number, size, height, and location).

## **III. BACKGROUND**

From the previous Planning Commission direction in May of 2010, the Current Planning Division has been continuing its efforts to amend Chapter 18.50 of the Loveland Municipal Code regarding temporary sign regulations. The primary focus in this effort was to simplify. Through all the input gathered during this process and prior to the May 2010 Planning Commission hearing, the proposed Temporary Sign Amendments became highly complex. Consequently, City Staff pulled back and began restructuring these amendments, starting with comparisons to surrounding Front Range communities. What City Staff found was that the proposed amendments were very generous relative to the regulations of other communities, primarily through sign exemptions and duration. To address these issues, specific yet easily distinguishable criteria have been built into the proposed Title 18 Amendments.

With these proposed amendments it was important to recognize potential over-regulation with respect to minuscule types of temporary signs such as balloons, flags/flying banners, temporary construction fence signs, etc. which have a fairly minimal visual impact to the community. From a City Staff position, we want to be practical and not get into the business of having to police these types of signs. Therefore, a section was added for temporary signs not requiring a permit.

Additionally, these provisions address circumstances where greater allowances may be considered in an effort to assist new business needs or buildings which have poor visibility from a public right-of-way. This is captured as a new section (Administrative Allowances) in which the Current Planning Manager may consider variations to the proposed temporary sign provisions relative to duration and location of the signs.

This effort was the culmination of Title 18 Committee input, Loveland Chamber of Commerce outreach, and feedback/direction from local sign companies with the expertise on this topic who develop and sell temporary signs (see **Attachment 2**).

#### IV. DESCRIPTION OF PROPOSED AMENDMENTS

Temporary signs are those signs which typically advertise a special sale or event. In most applications, they are the canvas or vinyl banners seen on building facades. Temporary signs also include a variety of signage devices like balloons, pennants, valances, and flags. The reason for bringing forward this amendment to the municipal code is that City staff has seen an increase in the use of temporary signs throughout the community. For the most part, issues have not been related to volume but relate to the City's abilities to fairly enforce the sign regulations. There are also issues of clarity and currency with the existing temporary sign regulations. A more detailed discussion is provided below.

##### A. Issues

- **Temporary sign permits are difficult to track** - Temporary sign permits are issued through the City of Loveland Building Division as specified in Section 18.50.070.D (see **Attachment 1**). From a permit tracking standpoint, there has been much difficulty in determining how long a temporary sign has been in place. This is because the current provisions state that a business is allowed a cumulative time of 60 days per calendar year in which to place a temporary sign on their building. A majority of the applicants seeking a temporary sign permit want the total allotted days allowed but not in succession. Consequently, City staff has found that the permits distribute the time allotment periodically throughout the year and most often times not all at once. This becomes difficult to track especially when permits remain on file for a year, perhaps not meeting the intent of what the temporary sign provisions were meant to be.

- **The code does not address newer temporary sign types or alternative locations for placement** - It becomes important to revisit City policies as they age over time. (Loveland's temporary sign provisions have not been updated since 1997.) As with most anything, practices change and new products get introduced. Temporary signs are no different. Businesses are constantly seeking different opportunities to display temporary signs, particularly those that are not attached to a building or defined in the code. The research that City staff has conducted from other communities and verified from the sign manufacturers has identified some of these current sign types that the Loveland code currently does not capture.

Additionally, the location or placement of temporary signs has become problematic. The code only allows temporary signs to be placed on signable walls or to extend no more than 20 feet from the front of a building. With certain types of signs, their designs are not capable of being attached to a building (i.e. temporary freestanding signs). There may be instances where a business wants to temporarily advertise for a sale but their building is setback from the street a substantial distance. With such a scenario, placing a temporary sign on the building may not be worthwhile as it cannot be seen. Consequently, other options are sought but cannot be accommodated because of current code provisions. When considering newer sign types and how they function, location becomes an important component to analyze.

- **Problems with enforcement** - Circumstances where a business/use is not in compliance with their permit or has not obtained a permit for temporary signs, has created enforcement difficulties. Loveland has nothing in place for enforcement specific to temporary signs. If any action is deemed necessary to address a temporary sign violation the Code Enforcement Division follows general guidelines which begin with verbal communication to a business owner. These verbal warnings are sometimes ignored. Subsequent measures that the City may follow include a court summons which is a more drastic approach especially when dealing with a temporary sign. Generally, the City is hesitant to resort to this approach unless there is a flagrant ongoing violation. Consequently, violations can often remain, resulting in continual clutter of temporary signage throughout the community. The intent behind the proposed amendments is to help keep enforcement manageable by means of incorporating more flexibility into temporary sign allowances (i.e. temporary signs not subject to a permit) while at the same time introducing requirements that establish a clearer approach in carrying out these provisions. Staff believes that such provisions will result in a more equitable treatment of violators.

## B. Solutions

In an effort to find solutions to the issues described above, the proposed temporary sign amendments are being presented to:

- address issues relative to permit tracking by recommending a consecutive duration for permitted signs
- incorporate exemptions for specific temporary signs which are generally minor in nature
- provide allowances for a wider range of temporary sign types
- consider alternative allowances to the duration and location of temporary signs given special circumstances (i.e. new businesses or buildings which are not very visible from a public right-of-way).

To date, the proposed amendments have been presented to the Loveland Chamber of Commerce (Legislative Affairs Board) and posted on the City of Loveland website. In an effort to seek additional community feedback, this information has been provided to various organizations, clubs, citizens, etc. to assist in the decision making process with Planning Commission and City Council. Other means in trying to seek community feedback have been related to article briefs presented in the *Loveland Reporter Herald*. As mentioned above City Staff has also brought this information forward to local sign companies which manufacture these types of temporary signs. The feedback has been positive with very helpful comments restructuring these proposed amendments. Additionally, the Title 18 Committee is in full support of these amendments moving forward and therefore City staff is requesting Planning Commission review the information presented herein and make a recommendation to City Council.

## V. RECOMMENDATION

### **Recommendation**

City staff is recommending that Planning Commission recommend approval to City Council for the proposed Temporary Sign amendments presented in **Attachment 2** to this memorandum dated June 27, 2011.

**18.50.020 Definitions.**

As used in this chapter, the following words and phrases shall have the meanings set out in this section:

“Animated or flashing sign” means any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of such movement by use of lighting, including blinking, chasing, scrolling or other animation effects, or signs which exhibit intermittent or sequential flashing of natural or artificial light or color effects. (Ord. 5431 § 1, 2009)

“Awning” means a framed exterior architectural feature which is attached to and supported from the wall of a building and/or held up by its own supports, and which is covered with canvas, fabric, or other similar material as its primary surface, and which provides or has the appearance of providing shelter from the elements to pedestrians, vehicles, property, or buildings.

“Awning sign” means a sign that is painted on or otherwise attached to an awning that is otherwise permitted by ordinance.

“Banner” means a sign which is constructed of cloth, canvas, or other type of natural or man made fabric, or other similar light material which can be easily folded or rolled, but not including paper or cardboard.

“Billboard, bench sign” or “off-premises sign” means a sign which directs attention to a business, product, service or entertainment conducted, sold or offered at a location other than on the premises on which the sign is located, but shall not include bus stop signs.

“Building frontage” means the side of the building which aligns with a street or parking lot.

“Building mounted sign” means any permanent sign fastened to or painted on any part of a building or structure in such a manner that the building is the supporting structure for or forms the background surface for the sign, including, but not limited to, wall signs, projecting signs, awning signs, and roof signs.

“Bus signs” means signs placed upon transit buses owned or operated by, or on behalf of the city pursuant to a written agreement with the city which sets forth the regulations for the size, content, placement, design and materials used for such signs. Bus signs shall not be considered “portable signs” as defined in subsection P.1. of this section.

“Bus stop signs” means signs located on benches or shelters placed in the public rights-of-way or in private property adjacent to public rights-of-way at a bus stop pursuant to a written agreement with the city which sets forth the regulations for the size, content, placement, design and materials used in the construction of said signs, benches and shelters.

“Business” means an activity concerned with the supplying and distribution of goods and services.

“Business premises” means the land, site, or lot at which, or from which, a business is principally conducted, including off-street satellite parking areas or vehicle storage areas which are approved by the City as an accessory use for the business.

“Business vehicle identification sign” means a sign which is permanently mounted or otherwise permanently affixed to a vehicle, trailer or semi-trailer and which identifies the business, products or services with which the vehicle, trailer or semi-trailer is related. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. Bumper stickers and similar size adhesive decals shall not be considered business vehicle identification signs.

“Canopy” means a framed accessory structure or exterior architectural feature which is attached

to and supported from a wall or held up by its own supports, which provides shelter from the elements to persons, vehicles, or property.

“Canopy sign” means a wall sign that is located on the roof, fascia, soffit, or ceiling of a canopy, and that is otherwise permitted by ordinance.

“Changeable copy sign” means a sign which displays words, lines, logos or symbols which can change to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters and time and temperature units.

“Commemorative or memorial sign” means a sign, tablet or plaque commemorating or memorializing a person, event, structure or site.

“Construction sign” means a temporary sign erected on the premises on which construction, alteration or repair is taking place, during the period of active continuous construction, displaying the name and other relevant information about the project, and may include the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project. (Ord. 5207 § 12, 2007)

“Dissolve” means a mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual and uniform appearance and legibility of the second message. (Ord. 5431 § 1, 2009; Ord. 5207 § 12, 2007)

“Election sign” means a non-illuminated sign relating to a candidate, issue, proposition, or other matter to be voted upon by the electors of the city. (Ord. 5440 § 1, 2009)

“Electronic Message Sign” means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video. (Ord. 5431 § 1, 2009; Ord. 5207 § 12, 2007)

“Fade” means a mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases intensity to the point of legibility. (Ord. 5431 § 1, 2009; Ord. 5207 § 12, 2007)

“Freestanding sign” means any non-movable sign not affixed to a building, and is not a portable sign.

“Governmental sign” means a sign erected and maintained by or on behalf of the United States, the state, the county or the city for the purpose of regulating traffic or for civic purposes.

“Hazardous sign” means a sign which by reason of inadequate maintenance, dilapidation, or obsolescence creates a hazard to public health, safety or welfare.

“Historic sign” means a sign which has been designated as historic as provided in subsection D of Section 18.50.150.

“Holiday decoration sign” means a temporary sign, in the nature of decorations, clearly customary and commonly associated with federal, state, local or religious holidays and contains no commercial message.

“Horizontal Profile” means a sign profile where the width of the sign is a minimum of 50% greater than the height of the sign. (Ord. 5431 § 1, 2009; Ord. 5207 § 12, 2007)

“Identification sign” means a sign giving only the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development or establishment.

“Illegal sign” means any sign which was erected without a sign permit in violation of any of the



ordinances of the city governing the same at the time of its erection and which sign has not been in conformance with such ordinances, including this code, and which shall include signs which are posted, nailed or otherwise fastened or attached to or painted upon structures, utility poles, trees, fences or other signs.

“Indirect lighting” means a source of external illumination of any sign.

“Information Sign” means a sign which directs or regulates pedestrians or vehicle traffic within private property and includes information of a general directive or informational nature such as no parking, disabled parking, loading area, self-service, and rest rooms; which bears no advertising matter, and does not exceed two square feet of sign area per face.

“Joint identification sign” means a sign which serves as a common or collective identification for two or more uses on the same premises.

“Leading edge” means the point of a sign, including the sign support structure, closest to the public right-of-way.

“Legal nonconforming sign” means any sign for which a sign permit was issued and said sign was lawfully erected and maintained prior to the enactment of this chapter and any amendments thereto and which does not conform to all the applicable regulations and restrictions of this code and any amendments thereto.

“Light bulbs” means incandescent bulbs used on a business or commercial premise and not a residential premise. This does not include holiday decorative lights.

“Logo” means, for the purposes of this chapter only, a symbol, image, insignia, word, word abbreviation, or initials which is designed for easy recognition, and which represents or identifies in graphic form, a nation or organization of nations, states or cities, or fraternal, religious and civic organizations or any educational institutions, irrespective of whether they are made of permanent, semi-permanent, or temporary materials.

“Menu board sign” means a wall or freestanding sign which lists the foods or other products available at drive-through facilities.

“Module” means a self-contained message component which is an integral part of a sign.

“Multi-tenant center” means one or more buildings, located on a single premise, containing two or more separate and distinct businesses or activities which occupy separate portions of the building with separate points of entrance, and which are physically separated from each other by walls, partitions, floors or ceilings.

“Nameplate sign” means a sign, located on the premises, giving only the name or address, or both, of the owner or occupant of a building or premises.

“Nonbacked or individual letter sign” means a wall sign consisting of individual letters, script or symbols without background other than a wall of a building or other structure.

“Noncommercial sign” means a sign which has no commercial content.

“Off-premises Sign.” See “Billboard, bench sign.”

“Portable sign” means a sign that is designed to be easily transportable, including but not limited to signs designed to be displayed while mounted or affixed to the trailer by which it is transported, or with wheels remaining otherwise attached during display; signs mounted on transportable frames with wheels removed; signs attached or affixed to a chassis or other moveable support constructed without wheels; signs designed as, or converted to, A-frame or Tframe

signs; signs attached temporarily to the ground, a structure, or other signs; signs mounted on a vehicle and visible from the public right-of-way, including business vehicle identification

signs; sandwich boards; and hot air or gas filled balloons which are not designed or approved for navigable flight.

“Premises” means an area of land occupied by the buildings or other physical uses which are an integral part of the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with that activity.

“Private sale or event sign” means a sign advertising a private sale of personal property such as a house sale, garage sale, rummage sale and the like.

“Project marketing sign” means a sign that is placed at one or more key locations within a project, which identifies the project and offers for sale, as part of the original marketing of the project, the lots, tracts, structures or units within the project.

“Projecting sign” means a sign that is wholly or partly dependent upon a building for support and which projects horizontally more than fifteen inches from such building.

“Real estate model home sign” means a sign identifying a model home and/or a temporary real estate sales office. (Ord. 5440 § 1, 2009)

“Real estate open house sign” means a sign indicating that a building or portion of a building is available for inspection by prospective buyers or renters. (Ord. 5440 § 1, 2009)

“Real estate sign” means a sign indicating only the availability for sale, rent or lease of a specific parcel, building or portion of a building and name, address and telephone number of owner or listing of real estate broker.

“Residential zoning district” means a property having one of the following Title 18 zoning designations: ER, R1e, R1, R2, R3e, R3 or a property zoned PUD where the property is designated exclusively for residential use by an approved site specific development plan. (Ord. 5440 § 1, 2009)

“Residential, commercial and industrial development identification sign” means a sign identifying only the name of a residential, commercial or industrial complex.

“Residential premise” means a lot or parcel of land containing a home or building used for dwelling purposes provided that the land is zoned for such use.

“Roof sign” means a sign any portion of which projects above the top of the wall of a building, or is mounted on the roof of a building.

“Searchlight.” See “Animated or flashing sign.”

“Sign” means any object, device, or structure, or part thereof, situated outdoors or indoors, which is visible beyond the boundaries of the premises upon which it is located, and which advertises, identifies, directs or attracts the attention of the public to a business, institution, product, organization, event or location by any means, including, but not limited to, words, letters, graphics, fixtures, symbols, colors, motion, illumination and projected images.

“Sign face” means the area of a sign upon or through which the message is displayed.

“Sign structure” means and includes all supports, braces or other framework of a sign.

“Signable wall” means a wall of a building which is visible from a street, parking area or other public or private way.

“Street frontage” means a property line which abuts a public right-of-way that provides public access to or visibility to the premises.

“Temporary sign” means a sign which, due to the materials used; the method, manner or location of display; or the method of operation for display; is suited only for brief display, including, but not limited to, those signs regulated under section 18.50.070 of this title.

“Top of wall” means the uppermost point of the vertical exterior surface of a building wall,

excluding parapet wall in which case the top of wall shall be the top of the parapet wall or three feet above the roof, which ever is less.

“Vehicular Sign.” See “Portable sign.”

“Wall sign” means a sign fastened to or painted on a wall of a building or structure in such a manner that the wall is the supporting structure for, or forms the background surface of the sign and which does not project more than fifteen inches from such building or structure.

“Window sign” means a sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise in a window display. (Ord. 5283 § 1, 2008; Ord. 4779 § 4, 2003; Ord. 4254 § 1 (part), 1997; Ord. 4219 § 1 (part), 1996; Ord. 4185 § 1 (part), 1996; Ord. 4089 §§ 1, 2, 1995; Ord. 3711 § 2, 1991; Ord. 3631 § 1, 1989; Ord. 3609 § 1 (part), 1989)

#### **18.50.070 Temporary signs.**

- A. The following objects and devices are hereby declared to be temporary signs, subject to the following requirements and limitations. Only the following temporary signs are allowed:
1. Portable Signs: The following portable signs are allowed when used in conjunction with a legal business provided that not more than two types of portable sign may be used at one time and that the cumulative total time for all portable signs for each business does not exceed 60 days per calendar year:
    - a. Balloons and other types of lighter than air objects, which have no linear dimension greater than 2 feet.
    - b. Pennants, valances, or wind powered devices.
    - c. Banner or banners which do not cumulatively exceed 100 square feet in total sign area.
  2. Light bulbs: Light bulbs are allowed when used in conjunction with a temporary use and their use does not exceed 60 days per calendar year.
  3. Large Balloons: Balloons and other types of lighter than air objects which have a dimension greater than 2 feet and are secured to the property shall only be allowed for a maximum of 7 days for special events such as circuses, carnivals, festivals, grand openings and other similar events. Large balloons for special events are allowed provided that they are used only once every six months.
  4. Searchlights: Searchlights shall be allowed for a maximum of 3 days per calendar year.
- B. Location. All temporary signs allowed pursuant to Section 18.50.070 A.1.a. through c. shall be located only on a signable wall which adjoins the portion of the building occupied by the business with which the temporary sign is associated and shall not extend more than 20 feet from the front of the building or over any vehicular way or parking area. Any temporary sign located over a public walk-way shall have a minimum clearance of 8 feet. Balloons as defined in this Section 18.50.070 are allowed to extend a maximum of 8 feet over the top of a wall or parapet.
- C. Maintenance: All temporary signs shall be kept neatly finished and repaired, including all parts and supports. The Building Official and/or an authorized representative shall inspect and shall have authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

D. Permits: All portable signs as defined in Section 18.50.070 A.1.a through c. and 18.50.070 A.3. and A.4. shall require a permit issued by the Building Division. Permit cards shall be displayed at the business with which the sign is associated until the permit expires or the temporary sign is removed. (Ord. 4254 § 1 (part), 1997; Ord. 4221 § 1 (part), 1996; Ord. 4185 § 1 (part), 1996; Ord. 4089 § 5, 1995; Ord. 3776 § 2, 1991; Ord. 3703 § 1, 1990; Ord. 3609 § 1 (part), 1989)

**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. 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 only. (Ord. 4089 § 6, 1995; Ord. 3788 § 2, 1991)

## Chapter 18.50.020 Definitions

“Temporary sign” means a sign which, due to the materials used; the method, manner or location of display; or the method of operation for display; is suited only for brief **occasional, seasonal, or special event** display, including, but not limited to, those signs regulated under section 18.50.070.

**“Balloon” means an airtight bag or membrane which is inflated with air or a lighter than air gas typically intended to rise or float above the ground.**

**“Flag/flying banner” means a type of temporary sign consisting of cloth, bunting, canvas or similar fabric, attached to a single vertical staff support structure with distinctive colors, patterns or symbolic logos for display.**

**“Pennant/valance” means a type of temporary sign consisting of fabric, plastic, or metal strand drapery with distinctive colors, patterns, symbolic logos, or a series of narrow tapering flags for display.**

**"Temporary construction fence sign" means a temporary sign affixed to or incorporated into a construction fence for displaying advertisements, messages, logos, illustrations, and graphics related only to the associated property under construction.**

**“Temporary event sign” means a temporary sign advertising a community event sponsored by a governmental entity or not-for-profit entity that is limited only to one type of temporary sign that may include either a banner, balloon, flag/flying banner, or pennant/valance.**

## Chapter 18.50.070 Temporary signs.

- A. ~~The following objects and devices are hereby declared to be temporary signs, subject to the following requirements and limitations. Only the following temporary signs are allowed:~~
- ~~1. Portable Signs: The following portable signs are allowed when used in conjunction with a legal business provided that not more than two types of portable sign may be used at one time and that the cumulative total time for all portable signs for each business does not exceed 60 days per calendar year:
 
    - ~~a. Balloons and other types of lighter than air objects, which have no linear dimension greater than 2 feet.~~
    - ~~b. Pennants, valances, or wind powered devices.~~
    - ~~c. Banner or banners which do not cumulatively exceed 100 square feet in total sign area.~~~~
  - ~~2. Light bulbs: Light bulbs are allowed when used in conjunction with a temporary use and their use does not exceed 60 days per calendar year.~~
  - ~~3. Large Balloons: Balloons and other types of lighter than air objects which have a dimension greater than 2 feet and are secured to the property shall only be allowed for a maximum of 7 days for special events such as circuses, carnivals, festivals, grand openings and other~~

~~similar events. Large balloons for special events are allowed provided that they are used only once every six months.~~

~~4. Searchlights: Searchlights shall be allowed for a maximum of 3 days per calendar year.~~

**A. Purpose.**

- 1. Temporary sign regulations are established to provide businesses and non-residential uses with the opportunity to advertise occasional, seasonal, or special events. These regulations are intended to control the visual impacts to the community of such advertisements, and to provide consistency with the spirit and intent of this title and the vision statements of the Comprehensive Plan. Temporary signs shall under no circumstance be substituted for permanent signage or be situated to screen permanent signage on an adjacent lot or premise. These temporary sign provisions shall only apply to businesses and non-residential uses.**

~~B. Location. All temporary signs allowed pursuant to Section 18.50.070 A.1.a. through c. shall be located only on a signable wall which adjoins the portion of the building occupied by the business with which the temporary sign is associated and shall not extend more than 20 feet from the front of the building or over any vehicular way or parking area. Any temporary sign located over a public walk way shall have a minimum clearance of 8 feet. Balloons as defined in this Section 18.50.070 are allowed to extend a maximum of 8 feet over the top of a wall or parapet.~~

**B. Temporary signs subject to a permit.**

- 1. For all businesses and non-residential uses, the following sign types are permissible:**
  - a. Banners**
  - b. Balloons**
  - c. Pennants/valances**
  - d. Flags/flying banners**
  - e. Any sign device which operates from an external power source including but not limited to searchlights, balloons, and animated signs**
- 2. Permit and duration.**
  - a. All permissible temporary signs as specified in Section 18.50.070.B.1 shall require the approval of a temporary sign permit application by the building division.**
  - b. Temporary sign permit applications shall be made in increments of fifteen (15) consecutive days. A maximum of four (4) temporary sign permits may be issued to an individual business or non-residential use per calendar year and may be approved in succession. The maximum cumulative display for all permitted temporary signs shall not exceed sixty (60) days per calendar year unless a variation is approved under Section 18.50.070.E.**

**3. Number.**

- a. No more than two (2) of the sign types specified in Section 18.50.070.B of this chapter shall be permitted on a lot or premise for an individual business or non-residential use.

**4. Sign Area and Location.**

a. **Banners:** A banner or banners must not cumulatively exceed one-hundred (100) square feet in total sign area and shall only be attached to an exterior building wall. All portions of such banner(s) shall be in contact with the building wall, and shall not flap, extend beyond the wall nor be fastened to support structures.

b. **Balloons:** Except as allowed in Section 18.50.070.D.1.a., Balloons shall not exceed a maximum dimension of ten (10) feet, inclusive of a base. Attaching Balloons to tethers is permitted providing the tether is no greater than fifteen (15) feet in length. Balloons must be secured to a building (including but not limited to roof, parapet, or façade), structure, stable object, or the ground and shall not extend beyond the boundaries of the lot or premise. Balloons shall not be attached to trees or shrubs planted within the lot or premise.

c. **Pennants/valances:** A single pennant/valance strand shall not exceed fifty (50) feet in length. Each pennant/valance strand must be secured to a building, structure, stable object, or the ground at both ends. pennant/valance strands shall not be attached to trees or shrubs planted within the lot or premise.

d. **Flags/flying banners:** Except as allowed in Section 18.50.070.D.1.b., each flag/flying banner shall not exceed twenty-five (25) feet in height inclusive of the staff or support structure and seventy-five (75) square feet in size. Flags/flying banners are to be attached to a single vertical staff support structure only. The support structure may be mounted securely to a building, structure, stable object, or the ground. Flags/flying banners shall not extend beyond the boundaries of the lot or premise. Flags/flying banners shall not be attached to trees or shrubs planted within the lot or premise.

e. **Sign devices operated from an external power source:** Sign devices operated from an external power source shall comply at all times with the city's noise ordinance. These types of temporary signs shall be secured to the ground and limited to twenty-five (25) feet in height providing they do not extend beyond the boundaries of the lot or premise. The lighting component for searchlights must be projected upward so as not to diminish public safety and welfare.

**5. Lighting.**

- a. Temporary signs may only be illuminated indirectly by means of a separate light source (excluding Searchlights). It shall be demonstrated that no off-site impacts associated to glare will occur by indirectly illuminating a temporary sign. The light source shall also comply with applicable

**provisions of the *City of Loveland Site Development Performance Standards and Guidelines.***

~~C. Maintenance: All temporary signs shall be kept neatly finished and repaired, including all parts and supports. The Building Official and/or an authorized representative shall inspect and shall have authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.~~

**C. Maintenance.**

- 1. All temporary signs shall be kept neatly finished and repaired, including all parts and supports. The Building Official and/or an authorized representative shall inspect and shall have authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.**

~~D. Permits: All portable signs as defined in Section 18.50.070 A.1.a through c. and 18.50.070 A.3. and A.4. shall require a permit issued by the Building Division. Permit cards shall be displayed at the business with which the sign is associated until the permit expires or the temporary sign is removed. (Ord. 4254 § 1 (part), 1997; Ord. 4221 § 1 (part), 1996; Ord. 4185 § 1 (part), 1996; Ord. 4089 § 5, 1995; Ord. 3776 § 2, 1991; Ord. 3703 § 1, 1990; Ord. 3609 § 1 (part), 1989)~~

**D. Temporary Signs not subject to permit.**

- 1. The following temporary signs shall not require a permit and shall not be limited in number or duration upon a lot or premise associated to a business or non-residential use, unless specified otherwise. Internal or external illumination for these specific signs shall be strictly prohibited.**
  - a. Balloons having a maximum dimension no greater than two (2) feet;**
  - b. Flags/flying banners placed within a lot or premise, providing no more than four (4) are installed and each does not exceed a maximum of ten (10) feet in height and twenty (20) square feet in size;**
  - c. Temporary construction fence sign as defined in Section 18.50.020, provided the sign does not extend above the fence;**
  - d. Temporary event sign as defined in Chapter 18.50.020 subject to Section 18.50.070.B.4. and limited to a duration of no more than five (5) days;**
  - e. Portable signs as defined in this chapter limited only to a-frame or t-frame signs which do not exceed six (6) square feet and have a maximum height of four (4) feet. These portable signs shall be located within ten (10) feet of the business entrance and allow for a minimum unobstructed access width of five (5) feet along all sidewalks. For the purpose of this section, portable a-frame or t-frame signs shall not be placed in public right-of-way; and**



**f. Any signage device similar to those described in items a. through e. above if so determined by the Current Planning Manager.**

**E. Administrative Allowances.**

- 1. Variations from these temporary sign provisions relating to the duration and location may be provided by the Current Planning Manager. Such variations can only be provided to businesses operating at a new location for less than six (6) months or for businesses which have poor visibility from the street. To obtain a variation, the applicant must make a written request and demonstrate that:
 
  - a. A substantial hardship exists in carrying out the provisions of this Chapter; and**
  - b. The spirit and intent of this chapter will be secured in granting a variation.****
- 2. Variations will be considered on a case-by-case basis. The Current Planning Manager may impose conditions that ensure the intent of this chapter is maintained. Appeal of the Current Planning Manager's decision shall follow the procedures outlined in Chapter 18.80 of the Loveland Municipal Code.**

**F. Enforcement.**

- 1. Any unauthorized deviation from this chapter shall be subject to the enforcement, legal procedures and penalties as described in Chapter 18.50.170.**

**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. 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 ~~only~~. (Ord. 4089 § 6, 1995; Ord. 3788 § 2, 1991)

**Troy Bliss**

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**m:** cj\_luke@msn.com on behalf of CJ Luke <connie@highimpact-signs.com>  
**Sent:** Monday, June 20, 2011 9:04 AM  
**To:** Troy Bliss  
**Subject:** RE: City of Loveland Proposed Temporary Sign Amendments

Looks good, Troy. Thanks for the opportunity to provide input.

Connie Luke  
 High Impact Signs & Graphics  
 1546 Taurus Court  
 Loveland, CO 80537  
[www.highimpact-signs.com](http://www.highimpact-signs.com)  
 Ph 970.278.9980

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**From:** blisst@ci.loveland.co.us  
**To:** connie@highimpact-signs.com; dezender@mesanetworks.net; aero@aerographics.com; firststreetsigns@comcast.net; marylee@mountainstatesta.com  
**Date:** Fri, 17 Jun 2011 16:44:41 -0600  
**Subject:** City of Loveland Proposed Temporary Sign Amendments

Greetings,

Thank you all for taking the time to speak with me over the phone a few days ago. I certainly appreciate you all providing me your contact information in an effort to share with you the attached amendments to the City of Loveland Municipal Code the Current Planning Division has been working on relative to Temporary Signs. Please note these proposed amendments only focus on Temporary Signs (Chapter 18.50, Section 18.50.070 of the Loveland Municipal Code). These proposed amendments will be presented to our Planning Commission on June 27, 2011 at 6:30 p.m. in the City Council Chambers of the Municipal Complex located at 500 East Third Street. I welcome any feedback and comments from you all prior to this meeting. They can be sent to me directly if you would like. Also, you are certainly welcome to attend the Planning Commission hearing should you wish to share with the Commissioner's any thoughts or just participate in the process. If there are any questions please do not hesitate to contact me. Again thank you, your professional expertise on this topic is much appreciated in our efforts towards implementing amendments to the Temporary Sign regulations.

Troy Bliss  
 Senior Planner  
 Current Planning  
 Development Services  
 City of Loveland  
 (970) 962-2522  
[blisst@ci.loveland.co.us](mailto:blisst@ci.loveland.co.us)

**Troy Bliss**

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**From:** Doug Zender <dezender@mesanetworks.net>  
**Sent:** Saturday, June 18, 2011 10:16 AM  
**To:** Troy Bliss  
**Subject:** Re: City of Loveland Proposed Temporary Sign Amendments

Hey Troy,

Thank you for sending proposed changes to the sign code. After having read through the information, I have a question that was not addressed. On numerous occasions, I've produced banners for customer pick-up... they install it & maintain it... do I suffer consequences of their failure to follow the code? Since I am a sign guy, not a policeman or code enforcement officer, I don't feel an obligation to babysit them... how will this kind of thing be handled? Is it not, then, their responsibility to pull permits & meet code requirements? In these cases, I usually have never even been to their property nor seen the application of the sign or where or how it is affixed... is there some sure criteria for this?? It would seem to me, that, once the thing leaves my shop, it is the property of my client & his responsibility to deal w/ the legalities.... is this the case, or no?? At this point I'm not sure what to advise such a customer. Is there any kind of provision anticipated? I am personally not too fond of banners or many other temporary type signs, since their tendency is, over time, to look a bit shabby, but also have to make a living, so try to serve my customers as best I can w/o side-stepping the law. I appreciate your efforts to keep signage in a reasonable visual realm since I believe all signs should have some aesthetic appeal in their surroundings & I anticipate your positive response regarding this issue... Thanks,

Doug Zender  
 A to Z Unlimited  
 4469 West Eisenhower Blvd.  
 Loveland, Colorado 80537  
 Phone: 970-669-8303

----- Original Message -----

**From:** Troy Bliss  
**To:** 'connie@highimpact-signs.com'; 'dezender@mesanetworks.net'; 'aero@aerographics.com'; 'firststreetsigns@comcast.net'; 'marylee@mountainstatesta.com'  
**Sent:** Friday, June 17, 2011 4:44 PM  
**Subject:** City of Loveland Proposed Temporary Sign Amendments

Greetings,

Thank you all for taking the time to speak with me over the phone a few days ago. I certainly appreciate you all providing me your contact information in an effort to share with you the attached amendments to the City of Loveland Municipal Code the Current Planning Division has been working on relative to Temporary Signs. Please note these proposed amendments only focus on Temporary Signs (Chapter 18.50, Section 18.50.070 of the Loveland Municipal Code). These proposed amendments will be presented to our Planning Commission on June 27, 2011 at 6:30 p.m. in the City Council Chambers of the Municipal Complex located at 500 East Third Street. I welcome any feedback and comments from you all prior to this meeting. They can be sent to me directly if you would like. Also, you are certainly welcome to attend the Planning Commission hearing should you wish to share with the Commissioner's any thoughts or to participate in the process. If there are any questions please do not hesitate to contact me. Again thank you, your professional expertise on this topic is much appreciated in our efforts towards implementing amendments to the Temporary Sign regulations.

Troy Bliss  
Senior Planner  
Current Planning  
Development Services  
City of Loveland  
(970) 962-2522  
[blisst@ci.loveland.co.us](mailto:blisst@ci.loveland.co.us)

**CITY OF LOVELAND  
PLANNING COMMISSION MINUTES  
August 8, 2011**

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The meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 8, 2011 at 6:30 p.m. Members present: Chair Molloy; Vice Chair Meyers; and Commissioners Crescibene, Middleton, Dowding and Leadbetter. Commissioners Absent: Krenning, Ray and Fancher. City Staff present: Troy Bliss, Current Planning; Brian Burson Current Planning; Robert Paulsen, Current Planning Manager; Sunita Sharma, Assistant City Attorney.

*These minutes are a general summary of the meeting. For more detailed information, the audio and videotapes are available for review in the Community Services office.*

**STAFF MATTERS**

**Assistant City Attorney Judy Schmidt** briefly introduced herself to the Planning Commission explaining that she would soon be assuming the duties of Assistant City Attorney that Ms. Sharma has been performing. She indicated that the change is simply an ongoing effort within the City Attorney's Office to cross-train and work with other city departments and the various boards and commissions.

**Robert Paulsen, Current Planning Manager**, reported that he provided the Commission with a memorandum regarding the Comprehensive Plan update. He stated that ten (10) revised and consolidated objectives have been identified and he asked the Planning Commission to review the objectives prior to the discussion at the August 22, 2011 Planning Commission Meeting.

**APPROVAL OF MINUTES**

*Commissioner Meyers made a motion to adopt the June 27, 2011 meeting minutes. Upon a second by Commissioner Dowding the motion was unanimously adopted. Commissioner Crescibene abstained.*

After a brief discussion regarding the lack of a quorum at the July 25, 2011 Planning Commission meeting, **Assistant City Attorney Sunita Sharma** reported there were no minutes from July 25, 2011 to approve, as no action other than continuance of agenda items was taken.

**COMMITTEE REPORTS**

**Vice Chair Meyers** stated that the Title 18 Committee will not meet in August and the items before the Commission are the items that they have been working on.

## CONSENT AGENDA

### 1. Lee Farm 1<sup>st</sup> Subdivision

SUMMARY OF AGENDA ITEM: Consideration of a request for a two year extension for the approval of the Lee Farm 1st Subdivision preliminary plat, consisting of 246.86 acres. The preliminary plat was originally approved by the Planning Commission on August 23, 2010.

With the original approval of the related Lee Farm 1<sup>st</sup> Subdivision PUD Preliminary Development Plan, vested rights were acquired, assuring the validity of the PDP for three years. Since the preliminary plat and PDP are interrelated, it is appropriate to grant validity to the preliminary plat for the same length of time.

This application involves administrative action by the Planning Commission. Absent an appeal, the Planning Commission's action is final.

*Commissioner Middleton made a motion to approve the Consent Agenda. Upon a second by Commissioner Crescibene the motion was unanimously adopted.*

## REGULAR AGENDA

### 1. Amendments to Title 18 Regarding Signs Not Subject to Permit-Exempt Signs and Project Marketing Signs.

SUMMARY OF AGENDA ITEM: This is a public hearing to consider the proposed amendments to Title 18 which are focused on the City's exempt sign and project marketing sign provisions. The amendments are considered minor and are associated with the larger set of Temporary Sign amendments reviewed and recommended for approval by the Planning Commission on June 27, 2011.

**Troy Bliss, Project Planner**, gave a staff presentation on this item. He reported that staff had initiated some minor adjustments to the signage provisions for government flags and real estate marketing signs following the July 25, 2011 Planning Commission hearing. These adjustments responded to issues raised during the discussion of Temporary signs.

He stated that the proposed amendments are to the City's exempt and project marketing sign provisions, specifically structured in three main areas of focus:

- Expanding and clarifying the use of flags as exempt forms of signs;
- Providing greater allowances for real estate marketing and advertisement needs specifically relating to flying banners-type signs; and
- Allowing a longer duration period for the use of project marketing signs for new residential developments.

He reported that these amendments were presented to the Title 18 Committee on July 14 and received full support of the Committee. He stated that with the Planning Commission's review of these amendments, staff intends to incorporate them into the Temporary Sign amendments when they are presented to the City Council in early September.

**Vice Chair Meyers** thanked staff for their patience and flexibility in accommodating real estate and business owners. He stated he fully supported the item.

**Commissioner Dowding** stated that at the June 27, 2011 meeting the Planning Commission supported provisions to accommodate flying banners that were 13 foot high with a total of 25 square feet in area. She questioned why the new amendment specifies a maximum width allowances rather than a square footage limit; she suggested that the standards be consistent on all temporary signage.

**Mr. Bliss** concurred that the width limitation was not specified in the original Temporary Sign amendments. He clarified that in the new amendments staff is specifying a width of 4 feet, not a specific square footage limitation on the size of the banner.

**Vice Chair Meyers** he stated that there is no industry standard and that all signs are custom made.

**Mr. Bliss** clarified that the Commission approved a maximum height of 13 feet and maximum square footage allowance of 25 square feet for flying banners used in commercial applications; he further stated that staff had not specified a width limit. He asked if the Commission would like to keep the height to 13 feet with the maximum width of 25 square feet.

**Commissioner Dowding** asked if the Commission was comfortable with maintaining a different standard for business and real estate signs.

**Vice Chair Meyers** reemphasized there are no industry standards for the tear drop banners and that the temporary signs for businesses have already been determined, and for clarification the Commission is only looking at temporary real estate signs. He stated that most signs made are customized.

**Mr. Bliss** stated staff's intent is to allow a height and width standard for residential banners, vs. the commercial provisions that only identify height and square footage. He further commented that commercial businesses are allowed to have four (4) banners (approx. 100 square ft.) without a permit, and residential banners are limited to two (2) banners and when the height and width is calculated it is approximately the same in square footage.

**Vice Chair Meyers**, after alluding to the previous hearing, commented that he would not support the 4 foot width and stated that he would support what was approved at the hearing on June 27, 2011.

**Assistant City Attorney Sharma** noted that she believed that there was an error in the minutes of the June 27, 2011 hearing that were previously adopted. She stated that she believed that the intent of the Commission was for flying banners to be limited to 25 square feet in total area and that the reference in the minutes to “width” was incorrect.

### PUBLIC COMMENT

There was no public comment.

Upon closing the public comment portion of the hearing, there was a discussion involving several Commissioners to the effect that the amendment regarding flying banners should include a height limit of 13 feet, a width limit of 4 feet, and a square footage limit of 25 feet for each flying banner type sign. This position appeared to represent a consensus of the Commission.

*Vice Chair Meyers made a motion to recommend that City Council approve the amendments to Title 18 regarding signs not subject to permit-exempt signs and project marketing signs as described in the August 8, 2011 Planning Commission staff report, as amended on the record, and to authorize the City Attorney’s Office to correct spelling, punctuation, and clerical and typographical errors, and make other such modifications in form, but not substance, as necessary to effectuate the purposes of the recommended amendments. Upon a second by Commissioner Leadbetter the motion was unanimously adopted.*

## **2. Amendments to Title 18 to allow small wind energy systems (wind turbines) on residential properties**

SUMMARY OF AGENDA ITEM: This is a public hearing to consider amendments to Title 18 of the City of Loveland Municipal Code to allow small wind energy systems, (small wind turbines) on all residential properties in the City, subject to specific standards and process. Small wind energy systems could be either building-mounted or freestanding. Small wind turbines that fully comply with all of the specific standards would be a use-by-right as an accessory use. Small wind turbines that do not fully comply with all of the specific standards would be a use-by-special review. If approved as a use-by-special review, the small wind energy system would still be deemed as an accessory use.

**Brian Burson, Project Planner**, gave a brief history and staff report on this item. He commented that information from the American Wind Energy Association was very helpful in guiding staff in drafting the proposed regulations. He stated that the majority of the sources that staff utilized in developing the regulations encouraged the removal of regulatory obstacles in making allowances for small wind energy systems.

**Mr. Burson** commented that Loveland is considered to be a poor wind generating community (it is located in an area which has relatively low potential for wind power generation) and the amount of energy that could be generated would be used for limited functions; however, future technological advancements could although with on-going technology staff believes that could change. He reported that the majority of the small-scale wind generators come in a kit and can be mounted on a pole or a roof. He stated that the wind systems can be purchased in numerous



places and that the purchaser or a contractor can mount them. He stated that the manufacturers generally provide devices that are designed and stamped by an engineer; the proposed regulations do not require that a Colorado PE stamp the plans for such units. . He stated that the installation of turbines, whether pole or roof-mounted, would be subject to applicable building codes and inspections.

He outlined the proposed standards as follows:

- Limit of one per property, with a maximum rating of 10 kilowatts;
- Limit the height to 10 feet above the ridge line of the roof or 35 feet from grade for freestanding;
- Require appropriate distances from all property lines and all overhead utility lines to limit the impacts and prevent damage to other property and improvements;
- Minimize visual impacts by requiring neutral or muted colors, minimizing guy wires, and prohibiting signs and lights on the devices or towers;
- Assure compliance with the existing noise ordinance for residential properties.

**Mr. Burson** noted that under the recommended motion, a reference was made to Attachment #3; the reference should read Attachment #2. He concluded by stating that staff is requesting that small wind power generators be allowed as uses by right on all residential properties.

**Commissioner Crescibene** stated he did not support the proposed amendments and felt that that the small wind turbines would be an eye sore and create visual clutter. He questioned their benefit if Loveland is not in an area that produces a sufficient amount of wind and stated he was opposed to allowing them to be in the City limits, specifically not in a residential area.

**Vice Chair Meyers** commented that he felt it was important to allow citizens a choice on whether they want to use this type of alternative energy. He spoke of the advances in technology that have recently occurred, stating that there are bladeless generators that can operate with winds of 5 miles per hour.

**Mr. Burson** responded to a question from Commissioner Middleton, and clarified that a building permit would be required.

**Commissioner Middleton** stated he supported the amendment and felt that we were behind the green power curve on the alternative power issue in the United States.

**Commissioner Dowding** stated she support the proposed amendment but expressed concerns that it may potentially create a battleground with Homeowner's Associations.

**Commissioner Crescibene** commented that due to federal regulations any issue regarding energy supersedes any regulations that a Homeowner's Association may have.

**Mr. Burson** clarified that the Colorado State Legislature passed legislation that prohibits Homeowner's Associations from denying the generators, but stated they can control how they look and where they are located.

**Commissioner Leadbetter** stated that he is not a proponent of seeing these generators going up, but he believed there is a need for this type of alternative energy and that it is necessary to have regulations in place. He clarified that his concern was that there be a permitting process to make sure that they are properly erected and that the mounting should be stamped by a local engineer.

**Chair Molloy** commented that currently the generators may not produce much electricity but believed with time and with advances in technology they will become more efficient. He stated that a reduction in energy usage was a benefit to the community.

**PUBLIC COMMENT**

There was no public comment.

*Commissioner Middleton made a motion to recommend the City Council approve the amendments to Title 18 of the Loveland Municipal Code, as set forth in Attachment #2 of the attached Planning Commission staff memorandum, dated July 25, 2011, as amended on the record, and to authorize the City Attorney’s Office to correct spelling, punctuation, and clerical and typographical errors, and make other such modifications in form, but not substance, as necessary to effectuate the purposes of the recommended amendments. Upon a second by Vice Chair Meyers the motion was adopted 5-1 (Commissioner Crescibene voting Nay).*

(Secretary's note: There was a brief recess)

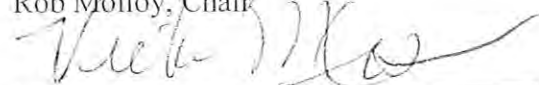
*Vice Chair Meyers made a motion to redact his previous motion to approve the June 27, 2011 meeting minutes. Upon a second by Commissioner Middleton the motion was unanimously adopted.*

**ADJOURNMENT**

*Commissioner Middleton made a motion to adjourn. Upon a second by Commissioner Crescibene the motion was unanimously adopted.*



Rob Molloy, Chair



Vicki Mesa, Secretary



**Development Services  
Current Planning**

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**ITEM NO:** 1 – **Regular Agenda**

**PLANNING COMMISSION MEETING:** August 8, 2011

**TITLE:** Amendments to Title 18 regarding signs not subject to permit-exempt signs and project marketing signs.

**LOCATION:** City-wide

**APPLICANT:** City of Loveland, Current Planning Division

**STAFF CONTACT:** Troy Bliss

**APPLICATION TYPE:** Amendments to Title 18 of the Loveland Municipal Code

**ACTION:** Recommend for adoption by City Council

**STAFF RECOMMENDATION:** *Move to recommend that City Council approve the amendments to Title 18 regarding signs not subject to permit-exempt signs and project marketing signs as described in the August 8, 2011 Planning Commission staff report, as amended on the record, and to authorize the City Attorney's Office to correct spelling, punctuation, and clerical and typographical errors, and make other such other modifications in form, but not substance, as necessary to effectuate the purposes of the recommended amendments.*

## I. ATTACHMENTS

1. Proposed Amendments to the Loveland Municipal Code, Title 18, Chapter 18.50.050 (Signs not subject to permit-exempt signs) and 18.50.085 (Project marketing signs).

## II. SUMMARY

The proposed amendments to Title 18 are focused around the City's exempt and project marketing sign provisions, specifically structured in three main areas of focus:

- Expanding and clarifying the use of flags as exempt forms of signs;
- Providing greater allowances for real estate marketing and advertisement needs specifically relating to flags/flying banners; and
- Allowances for new developments under construction to maintain longer durations for keeping project marketing signs.

The amendments described above are considered minor amendments associated with the larger set of Temporary Sign amendments reviewed and recommended for approval by the Planning Commission on June 27, 2011. Work on the three amendments was prompted as follows:

- 1) Concerns expressed by Planning Commissioners regarding the limitation on the display of government flags (the current code limit being three) as specific in the sign provisions of the code.
- 2) Concerns expressed by development community representatives following the Planning Commission's June 27, 2011 hearing on Temporary signs relating to the marketing of real estate.

The amendments were presented to the Title 18 Committee on July 14<sup>th</sup> and received full support of the Committee. Following the Planning Commission's review of these amendments, staff intends to incorporate these amendments into the Temporary Sign amendments when they are presented to the City Council in early September.

City staff is requesting Planning Commission review of the amendments and is recommending that the Commission vote to recommend approval to the City Council.

### III. RECOMMENDATION

#### **Recommendation**

City staff is recommending that Planning Commission recommend approval to City Council for the proposed exempt and project marketing sign amendments presented in **Attachment 1** to this Planning Commission Staff Report dated August 8, 2011.

## PROPOSED TITLE 18 PERMIT-EXEMPT AND PROJECT MARKETING SIGN AMENDMENTS

### Chapter 18.50

#### SIGNS

##### Sections:

- 18.50.010 Purpose.
- 18.50.020 Definitions.
- 18.50.030 General sign regulations in all zones.
- 18.50.040 Measurement of sign dimensions in all zones.
- 18.50.050 Signs not subject to permit-Exempt signs.
- 18.50.060 Prohibited signs.
- 18.50.070 Temporary signs.
- 18.50.075 Business vehicle identification signs.
- 18.50.080 Residential, commercial and industrial project identification signs.
- 18.50.085 Project marketing signs.
- 18.50.090 Sign regulations for nonresidential uses in a residential zone.
- 18.50.095 Sign setback from adjacent residentially zoned land.
- 18.50.100 Sign regulations in nonresidential zones.
- 18.50.110 Sign regulations for structures with minimal building setback along a street right-of-way or in the Downtown Sign District.
- 18.50.115 Portable Signs – Downtown Sign District
- 18.50.120 I-25 Corridor.
- 18.50.130 Sign regulations for signs in the Highway 34 corridor.
- 18.50.135 Sign regulations for convenience stores.
- 18.50.140 Maintenance.
- 18.50.145 Abandoned/obsolete signs.
- 18.50.150 Nonconforming signs.
- 18.50.160 Approval procedures.
- 18.50.170 Enforcement, legal procedures and penalties.
- 18.50.180 Variances.
- 18.50.190 Appeals.

#### 18.50.050 Signs not subject to permit-Exempt signs.

##### E. Flags:

1. Flags of the United States;
2. Flags and insignias of the state of Colorado, the city of Loveland, Larimer County, **governmental agencies**, and nonprofit organizations exempt from federal tax, when displayed on premise, and where no single side exceeds forty-eight (48) square feet in area;
3. **Except as provided in Section 18.50.050.E.4, no more than three (3) flags shall be exempt for each premise. Any additional flag shall be subject to a sign permit and the square footage shall be included in the sign area measurement for a freestanding sign.**

4. Upon written request, the current planning manager may authorize additional flags on a premise provided that the flags are not used as a sign, as defined in this chapter, and are compatible within the context of the premise and the surrounding neighborhood. Any final decision of the current planning manager may be appealed to the planning commission in accordance with Chapter 18.80 of this code.

M. Real estate model home signs. One (1) real estate model home sign **and a maximum of two (2) flying banners are** is permitted per street frontage of the premise on which a model home or a temporary real estate sales office is located. Real estate model home signs shall not exceed thirty-two (32) square feet of sign area per face; free-standing real estate model home signs are limited to six (6) feet in height and wall mounted real estate model home signs shall not extend above the top of the wall or parapet wall of the building to which the wall sign is attached. **Flying banners shall not exceed a dimension of four (4) feet in width and thirteen (13) feet in height.** All surfaces incorporated into a real estate model home sign and sign structure including, but not limited to, pole covers, monument style sign bases, and background surfaces shall be counted in the allowable sign area.

N. Real estate open house signs. A maximum of six (6) real estate open house signs are allowed for an open house event and such signs shall be displayed only on the day of the open house and the day prior to the open house. On-premise or off-premises display of real estate open house signs is permitted, but display in the public right-of-way is prohibited. Real estate open house signs shall not exceed six (6) square feet of sign area per face and four (4) feet in height. Pennants and balloons may be affixed to real estate open house signs provided that such attachments do not encroach upon street or sidewalk right-of-way or create a street or sidewalk safety hazard; balloons that are affixed to real estate open house signs shall **not have a vertical or horizontal dimension** ~~no linear dimension~~ greater than two (2) feet.

#### **18.50.085 Project marketing signs.**

A. Sign Area. The maximum sign area for a project marketing sign in residential zones and residential PUDs shall be fifty square feet. The maximum sign area for a project marketing sign in non-residential zones and non-residential PUDs shall be seventy-five square feet. The sign area shall include only the extreme limits of lettering and depictions, except when the surface area of any structure to which the sign is affixed exceeds fifty percent of the area of the sign face, in which case all additional surface area will be included in the sign area measurement. Monument style sign bases and pole covers shall be included in calculating all such additional surfaces which are subject to the fifty percent limitation.

B. Number. There shall be no more than one sign per project entry from any adjacent street and no more than two signs per project or phase of a project.

C. Height. Project marketing signs shall be no more than 12 feet in height.

D. Lighting. Any lighting shall be indirect. All lighting shall be aimed and/or shielded to insure that no direct light is seen upon the driving surface of any streets or upon any nearby residential properties.

E. Duration. Signs shall be allowed to remain for no more than 2 years following commencement of construction of the public improvements within the project, **unless a written request to extend**

~~this time period is approved by the current planning manager. or until such time that a permanent project identification sign, as defined in subsection 18.50.020, is installed, whichever is less.~~

F. Location. Signs shall be located within the boundaries of a project or premise which is part of the original marketing of the lots, tracts, structures or units. For projects within a mixed use planned unit development, the premise shall constitute the boundaries of the entire planned unit development.

G.F. Maintenance. All applicants shall provide adequate assurance acceptable to the City that the sign and the lot or tract upon which it is located will be maintained in good condition at all times.



**Amendments to Title 18, Chapter 18.50 (Signs) of the Municipal Code:  
Definitions, Signs Not Subject To Permit-Exempt Signs, Temporary  
Signs, Project Marketing Signs, and Enforcement, Legal Procedures And  
Penalties**

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**Chapter 18.50.020 Definitions**

“Temporary sign” means a sign which, due to the materials used; the method, manner or location of display; or the method of operation for display; is suited only for brief **occasional, seasonal, or special event** display, including, but not limited to, those signs regulated under section 18.50.070.

**“Balloon” means an airtight bag or membrane which is inflated with air or a lighter than air gas typically intended to rise or float above the ground.**

**“Flying banner” means a type of temporary sign consisting of cloth, bunting, canvas or similar fabric, attached to a single vertical staff support structure with distinctive colors, patterns or symbolic logos for display.**

**“Pennant” means a type of temporary sign consisting of fabric, plastic, or metal strand drapery with distinctive colors, patterns, symbolic logos, or a series of narrow tapering flags for display.**

**“Temporary construction fence sign” means a temporary sign affixed to or incorporated into a construction fence for displaying advertisements, messages, logos, illustrations, and graphics related only to the associated property under construction.**

**“Temporary event sign” means a temporary sign advertising a community event sponsored by a governmental entity or not-for-profit entity that is limited only to one type of temporary sign that may include either a banner, balloon, flying banner, or pennant/valance.**

**“Valance” shall include the same definitions as a pennant.**

**18.50.050 Signs not subject to permit-Exempt signs.**

E. Flags:

1. Flags of the United States;
2. Flags and insignias of the state of Colorado, the city of Loveland, Larimer County, **governmental agencies**, and nonprofit organizations exempt from federal tax, when displayed on premise, and where no single side exceeds forty-eight (48) square feet in area;
3. **Except as provided in Section 18.50.050.E.4, no more than three (3) flags shall be exempt for each premise. Any additional flag shall be subject to a sign permit and the square footage shall be included in the sign area measurement for a freestanding sign.**

4. Upon written request, the current planning manager may authorize additional flags on a premise provided that the flags are not used as a sign, as defined in this chapter, and are compatible within the context of the premise and the surrounding neighborhood. Any final decision of the current planning manager may be appealed to the planning commission in accordance with Chapter 18.80 of this code.

M. Real estate model home signs. One (1) real estate model home sign **and a maximum of two (2) flying banners are** is permitted per street frontage of the premise on which a model home or a temporary real estate sales office is located. Real estate model home signs shall not exceed thirty-two (32) square feet of sign area per face; free-standing real estate model home signs are limited to six (6) feet in height and wall mounted real estate model home signs shall not extend above the top of the wall or parapet wall of the building to which the wall sign is attached. **Flying banners shall not exceed a dimension of four (4) feet in width, thirteen (13) feet in height and twenty-five (25) square feet in total size.** All surfaces incorporated into a real estate model home sign and sign structure including, but not limited to, pole covers, monument style sign bases, and background surfaces shall be counted in the allowable sign area.

N. Real estate open house signs. A maximum of six (6) real estate open house signs are allowed for an open house event and such signs shall be displayed only on the day of the open house and the day prior to the open house. On-premise or off-premises display of real estate open house signs is permitted, but display in the public right-of-way is prohibited. Real estate open house signs shall not exceed six (6) square feet of sign area per face and four (4) feet in height. Pennants and balloons may be affixed to real estate open house signs provided that such attachments do not encroach upon street or sidewalk right-of-way or create a street or sidewalk safety hazard; balloons that are affixed to real estate open house signs shall **not have a vertical or horizontal dimension** ~~no linear dimension~~ greater than two (2) feet.

#### **Chapter 18.50.070 Temporary signs.**

~~A. The following objects and devices are hereby declared to be temporary signs, subject to the following requirements and limitations. Only the following temporary signs are allowed:~~

- ~~— 1. Portable Signs: The following portable signs are allowed when used in conjunction with a legal business provided that not more than two types of portable sign may be used at one time and that the cumulative total time for all portable signs for each business does not exceed 60 days per calendar year:~~
  - ~~— a. Balloons and other types of lighter than air objects, which have no linear dimension greater than 2 feet.~~
  - ~~— b. Pennants, valances, or wind powered devices.~~
  - ~~— c. Banner or banners which do not cumulatively exceed 100 square feet in total sign area.~~
- ~~— 2. Light bulbs: Light bulbs are allowed when used in conjunction with a temporary use and their use does not exceed 60 days per calendar year.~~
- ~~— 3. Large Balloons: Balloons and other types of lighter than air objects which have a dimension greater than 2 feet and are secured to the property shall only be allowed for a maximum of 7 days for special events such as circuses, carnivals, festivals, grand openings and other~~

similar events. Large balloons for special events are allowed provided that they are used only once every six months.

4. Searchlights: Searchlights shall be allowed for a maximum of 3 days per calendar year.

**A. Purpose.**

Temporary sign regulations are established to provide businesses and non-residential uses with the opportunity to advertise occasional, seasonal, or special events. These regulations are intended to control the visual impacts to the community of such advertisements, and to provide consistency with the spirit and intent of this title and the vision statements of the Comprehensive Plan. Temporary signs shall under no circumstance be substituted for permanent signage or be situated to screen permanent signage on an adjacent lot or premise. These temporary sign provisions shall only apply to businesses and non-residential uses. These provisions shall not be applicable to signs listed under Section 18.50.050.

~~B. Location. All temporary signs allowed pursuant to Section 18.50.070 A.1.a. through c. shall be located only on a signable wall which adjoins the portion of the building occupied by the business with which the temporary sign is associated and shall not extend more than 20 feet from the front of the building or over any vehicular way or parking area. Any temporary sign located over a public walk way shall have a minimum clearance of 8 feet. Balloons as defined in this Section 18.50.070 are allowed to extend a maximum of 8 feet over the top of a wall or parapet.~~

**B. Temporary signs subject to a permit.**

**1. For all businesses and non-residential uses, the following sign types are permissible:**

- a. Banners
- b. Balloons
- c. Pennants
- d. Valances
- e. Flying banners
- f. Any sign device which operates from an external power source including but not limited to searchlights, balloons, and animated signs

**2. Permit and duration.**

a. All permissible temporary signs as specified in Section 18.50.070.B.1 shall require the approval of a temporary sign permit application by the building division.

b. Temporary sign permit applications shall be made in increments of fifteen (15) consecutive days. A maximum of four (4) temporary sign permits may be issued to an individual business or non-residential use per calendar year and may be approved in succession. The maximum cumulative display for all permitted temporary signs shall not exceed sixty (60) days per calendar year unless a variation is approved under Section 18.50.070.E.

### 3. Number.

No more than two (2) of the sign types specified in Section 18.50.070.B of this chapter shall be permitted on a lot or premise for an individual business or non-residential use.

### 4. Sign Area and Location.

a. **Banners:** A banner or banners must not cumulatively exceed one-hundred (100) square feet in total sign area and shall be attached to an exterior building wall. All portions of such banner(s) shall be in contact with the building wall, and shall not flap, extend beyond the wall nor be fastened to support structures.

b. **Balloons:** Except as allowed in Section 18.50.070.D.1.a., Balloons shall not exceed a total maximum dimension of ten (10) feet, inclusive of a base. Attaching Balloons to tethers is permitted providing the tether is no greater than fifteen (15) feet in length. Balloons must be secured to a building, structure, stable object, or the ground and shall not extend beyond the boundaries of the lot or premise. Balloons shall not be attached to trees or shrubs planted within the lot or premise.

c. **Pennants and valances:** A single pennant or valance strand shall not exceed fifty (50) feet in length. Each pennant or valance strand must be secured to a building, structure, stable object, or the ground at both ends. Pennant and valance strands shall not be attached to trees or shrubs planted within the lot or premise.

d. **Flying banners:** Except as allowed in Section 18.50.070.D.1.b., each flying banner shall not exceed twenty-five (25) feet in height inclusive of the staff or support structure and seventy-five (75) square feet in size. Flying banners are to be attached to a single vertical staff support structure only. The support structure may be mounted securely to a building, structure, stable object, or the ground. Flying banners shall not extend beyond the boundaries of the lot or premise. Flying banners shall not be attached to trees or shrubs planted within the lot or premise.

e. **Sign devices operated from an external power source:** Sign devices operated from an external power source shall comply at all times with the city's noise ordinance. These types of temporary signs shall be secured to the ground and limited to twenty-five (25) feet in height providing they do not extend beyond the boundaries of the lot or premise. The lighting component for searchlights must be projected upward so as not to diminish public safety and welfare.

### 5. Lighting.

Temporary signs may only be illuminated indirectly by means of a separate light source (excluding Searchlights). It shall be demonstrated that no off-site impacts associated to glare will occur by indirectly illuminating a temporary sign. The light source shall also comply with applicable

**provisions of the *City of Loveland Site Development Performance Standards and Guidelines.***

~~C. Maintenance: All temporary signs shall be kept neatly finished and repaired, including all parts and supports. The Building Official and/or an authorized representative shall inspect and shall have authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.~~

**C. Maintenance.**

**All temporary signs shall be kept neatly finished and repaired, including all parts and supports. The Building Official and/or an authorized representative shall inspect and shall have authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.**

~~D. Permits: All portable signs as defined in Section 18.50.070 A.1.a through c. and 18.50.070 A.3. and A.4. shall require a permit issued by the Building Division. Permit cards shall be displayed at the business with which the sign is associated until the permit expires or the temporary sign is removed. (Ord. 4254 § 1 (part), 1997; Ord. 4221 § 1 (part), 1996; Ord. 4185 § 1 (part), 1996; Ord. 4089 § 5, 1995; Ord. 3776 § 2, 1991; Ord. 3703 § 1, 1990; Ord. 3609 § 1 (part), 1989)~~

**D. Temporary Signs not subject to permit.**

- 1. The following temporary signs shall not require a permit and shall not be limited in number or duration upon a lot or premise associated to a business or non-residential use, unless specified otherwise. Internal or external illumination for these specific signs shall be strictly prohibited.**
  - a. Balloons which do not have maximum horizontal or vertical dimension greater than two (2) feet;**
  - b. Flying banners placed within a lot or premise, providing no more than four (4) are installed and each individual flying banner does not exceed a maximum of thirteen (13) feet in height and twenty-five (25) square feet in total size;**
  - c. Temporary construction fence sign as defined in Section 18.50.020, provided the sign does not extend above the fence;**
  - d. Temporary event sign as defined in Chapter 18.50.020 subject to Section 18.50.070.B.4. and limited to a duration of no more than five (5) days;**
  - e. Portable signs as defined in this chapter limited to A-frame or T-frame signs which do not exceed six (6) square feet and have a maximum height of four (4) feet. These portable signs shall be located within ten (10) feet of the business entrance and allow for a minimum unobstructed access width of five (5) feet along all sidewalks. For the purpose of this section,**

portable A-frame or T-frame signs shall not be placed in a public right-of-way; and

f. Any signage device similar to those described in items a. through e. above if so determined and approved in writing by the Current Planning Manager.

2. Internal or external illumination for the signs listed in subsection D.1 above, shall be strictly prohibited.

**E. Administrative Allowances.**

1. Variations from these temporary sign provisions relating to the duration and location may be provided by the Current Planning Manager. Such variations may only be provided to businesses operating at a new location for less than six (6) months or for businesses which have poor visibility from the street. To obtain a variation, the applicant must make a written request and demonstrate the following:

a. A substantial hardship exists in carrying out the provisions of this chapter; and

b. The spirit and intent of this chapter will be secured in granting a variation.

2. Variations will be considered on a case-by-case basis. The Current Planning Manager may impose conditions to ensure that the intent of this chapter is maintained. Appeal of the Current Planning Manager's decision shall follow the procedures outlined in Chapter 18.80 of the Loveland Municipal Code.

**F. Enforcement.**

Any unauthorized deviation from this chapter shall be subject to the enforcement, legal procedures and penalties as described in Chapter 18.50.170.

**18.50.085 Project marketing signs.**

A. Sign Area. The maximum sign area for a project marketing sign in residential zones and residential PUDs shall be fifty square feet. The maximum sign area for a project marketing sign in non-residential zones and non-residential PUDs shall be seventy-five square feet. The sign area shall include only the extreme limits of lettering and depictions, except when the surface area of any structure to which the sign is affixed exceeds fifty percent of the area of the sign face, in which case all additional surface area will be included in the sign area measurement. Monument style sign bases and pole covers shall be included in calculating all such additional surfaces which are subject to the fifty percent limitation.

B. Number. There shall be no more than one sign per project entry from any adjacent street and no more than two signs per project or phase of a project.

C. Height. Project marketing signs shall be no more than 12 feet in height.

D. Lighting. Any lighting shall be indirect. All lighting shall be aimed and/or shielded to insure that no direct light is seen upon the driving surface of any streets or upon any nearby residential properties.

E. Duration. Signs shall be allowed to remain for no more than 2 years following commencement of construction of the public improvements within the project, **unless a written request to extend this time period is approved by the current planning manager.** ~~or until such time that a permanent project identification sign, as defined in subsection 18.50.020, is installed, whichever is less.~~

F. Location. Signs shall be located within the boundaries of a project or premise which is part of the original marketing of the lots, tracts, structures or units. For projects within a mixed use planned unit development, the premise shall constitute the boundaries of the entire planned unit development.

~~G.~~ Maintenance. All applicants shall provide adequate assurance acceptable to the City that the sign and the lot or tract upon which it is located will be maintained in good condition at all times.

#### **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. 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 ~~only~~. (Ord. 4089 § 6, 1995; Ord. 3788 § 2, 1991)



**CITY OF LOVELAND**  
DEVELOPMENT SERVICES DEPARTMENT  
Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

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**AGENDA ITEM:** 3  
**MEETING DATE:** September 20, 2011  
**TO:** City Council  
**FROM:** Greg George, Development Services Director  
**PRESENTER:** Kerri Burchett, Current Planning

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**TITLE:**

AN ORDINANCE VACATING THE EXCLUSIVE UTILITY EASEMENT LOCATED ON PORTIONS OF LOT 2, BLOCK 1, AND LOT 1, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

**DESCRIPTION:**

A legislative action to consider an ordinance on second reading vacating portions of a utility easement within the Civic Center Campus on Lots 1 and 2, Block 1 Civic Center Second Subdivision. The applicant is the City of Loveland Parks and Recreation Department.

**BUDGET IMPACT:**

Yes     No

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**SUMMARY:**

The application proposes to vacate two portions of a utility easement occupied by the new building additions for the Library and Chilson Recreation Center. The easement to be vacated is located around the new footprint of each building and is not necessary to serve either facility. The first reading of the vacation ordinance was adopted, unanimously, by City Council on September 6, 2011.

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**LIST OF ATTACHMENTS:**

- A. Easement vacation ordinance
  - B. Staff report
-



**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion for City Council action:

“Move to make the findings in Section V of the staff memorandum dated September 6, 2011 and, based on those findings, adopt on second reading, “AN ORDINANCE VACATING THE EXCLUSIVE UTILITY EASEMENT LOCATED ON PORTIONS OF LOT 2, BLOCK 1, AND LOT 1, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO”

**REVIEWED BY CITY MANAGER:**

**FIRST READING: September 6, 2011**

**SECOND READING: September 20, 2011**

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

**AN ORDINANCE VACATING THE EXCLUSIVE UTILITY EASEMENT LOCATED ON PORTIONS OF LOT 2, BLOCK 1, AND LOT 1, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO**

**WHEREAS**, the City Council, at a regularly scheduled meeting, considered the vacation of portions of the exclusive utility easement described below, located on Lot 2, Block 1, and Lot 1, Block 1, Civic Center Second Subdivision, City Of Loveland, Larimer County, Colorado.

**WHEREAS**, the City Council finds and determines 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; and

**WHEREAS**, the City Council finds and determines that the portions of the exclusive utility easement to be vacated are no longer necessary for the public use and convenience; 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 portions of the easement to be vacated.

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

**Section 1.** That the following portions of the exclusive utility easement dedicated on the plat of Civic Center Second Subdivision, Loveland, Colorado recorded September 28, 1999 at Reception #1999-0085420 be and the same is hereby vacated:

- (a) that portion of Lot 2, Block 1, Civic Center Second Subdivision, Loveland, Colorado described on Exhibit A and depicted on Exhibit C attached hereto and incorporated herein by this reference; and
- (b) that portion of Lot 1, Block 1, Civic Center Second Subdivision, Loveland, Colorado described on Exhibit B and depicted on Exhibit C attached hereto and incorporated herein by this reference.

**Section 2.** 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. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

**Section 3.** That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2011.

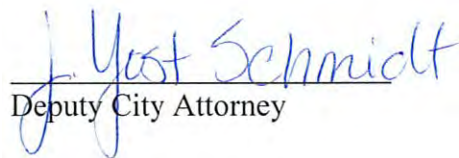
ATTEST:

CITY OF LOVELAND, COLORADO:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

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

**EXHIBIT A**

A portion of Lot 2, Block 1, Civic Center Second Subdivision, located in the Southeast 1/4 of Section 13, Township 5 North, Range 69 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of Lot 1, Block 1, Civic Center Second Subdivision as bearing N00°08'11"W with all bearings contained herein relative thereto.

COMMENCE at the Northwest corner of Lot 2, Block 1, Civic Center Second Subdivision;  
 thence S55°33'17"E a distance of 132.64 feet to the POINT OF BEGINNING;  
 thence S32°53'26"E a distance of 51.70 feet;  
 thence N57°06'34"E a distance of 57.60 feet;  
 thence N32°53'26"W a distance of 19.60 feet;  
 thence N57°06'34"E a distance of 88.40 feet;  
 thence S32°53'26"E a distance of 11.40 feet;  
 thence N57°06'34"E a distance of 12.00 feet;  
 thence S32°53'26"E a distance of 37.50 feet;  
 thence N57°06'34"E a distance of 18.50 feet;  
 thence S32°53'26"E a distance of 125.00 feet;  
 thence S57°06'34"W a distance of 20.60 feet;  
 thence S32°53'26"E a distance of 14.00 feet;  
 thence S57°06'34"W a distance of 64.00 feet;  
 thence S32°53'26"E a distance of 7.22 feet;  
 thence S11°40'16"W a distance of 14.93 feet;  
 thence S57°06'34"W a distance of 7.34 feet;  
 thence S32°53'26"E a distance of 76.50 feet;  
 thence N57°06'34"E a distance of 42.00 feet;  
 thence S32°53'26"E a distance of 85.30 feet;  
 thence S57°06'34"W a distance of 22.80 feet;  
 thence S32°53'26"E a distance of 5.00 feet;  
 thence S13°23'10"W a distance of 14.68 feet;  
 thence S57°06'34"W a distance of 4.95 feet;  
 thence S32°53'26"E a distance of 22.70 feet;  
 thence S57°06'34"W a distance of 50.00 feet;  
 thence N32°53'26"W a distance of 28.00 feet;  
 thence S57°06'34"W a distance of 33.30 feet;  
 thence N32°53'26"W a distance of 60.00 feet;  
 thence S57°06'34"W a distance of 12.00 feet;  
 thence N32°53'26"W a distance of 83.83 feet;  
 thence N12°06'34"E a distance of 19.98 feet;  
 thence N77°53'26"W a distance of 35.57 feet;  
 thence S57°06'34"W a distance of 36.90 feet;  
 thence N32°53'26"W a distance of 45.70 feet;  
 thence S57°06'34"W a distance of 48.00 feet;  
 thence N32°53'26"W a distance of 57.30 feet;

thence S57°06'34"W a distance of 24.00 feet;  
thence N32°53'26"W a distance of 91.30 feet;  
thence N57°06'34"E a distance of 43.30 feet;  
thence N32°53'26"W a distance of 32.10 feet;  
thence N57°06'34"E a distance of 94.20 feet to the Point of Beginning.

Containing 1.78 acres (77,643 sq. ft.), more or less, and being subject to all easements and rights of way of record.

**EXHIBIT B**

A portion of Lot 1, Block 1, Civic Center Second Subdivision, located in the Southeast 1/4 of Section 13, Township 5 North, Range 69 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of Lot 1, Block 1, Civic Center Second Subdivision as bearing N00°08'11"W with all bearings contained herein relative thereto.

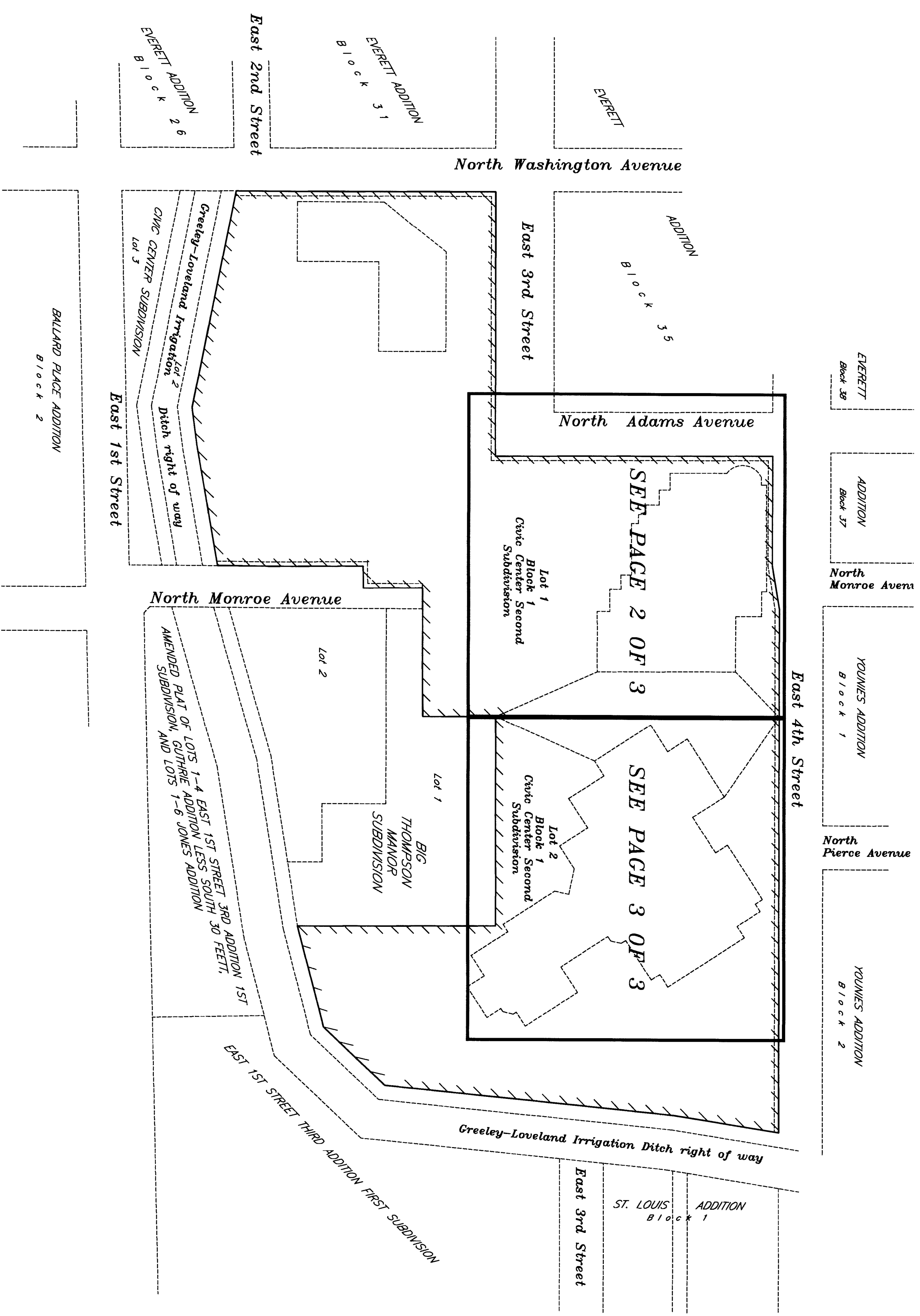
COMMENCE at the Northeast corner of Lot 1, Block 1, Civic Center Second Subdivision; thence S45°54'34"W a distance of 86.18 feet to the POINT OF BEGINNING; thence S00°14'01"E a distance of 189.90 feet; thence S89°45'59"W a distance of 82.60 feet; thence N00°14'01"W a distance of 17.30 feet; thence S89°45'59"W a distance of 30.00 feet; thence N00°14'01"W a distance of 15.40 feet; thence S89°45'59"W a distance of 19.70 feet; thence N00°14'01"W a distance of 14.70 feet; thence S89°45'59"W a distance of 70.30 feet; thence N00°14'01"W a distance of 9.60 feet; thence S89°45'59"W a distance of 12.10 feet; thence N00°14'01"W a distance of 10.00 feet; thence S89°45'59"W a distance of 13.30 feet; thence N00°14'01"W a distance of 18.30 feet; thence S89°45'59"W a distance of 20.69 feet; thence N00°14'01"W a distance of 15.00 feet; thence S89°45'59"W a distance of 23.00 feet; thence N00°14'01"W a distance of 77.78 feet to a non-tangent curve to the right; thence on the arc of said curve a distance of 57.38 feet, having a radius of 27.60 feet, a delta of 119°07'24" and a chord of 47.59 feet bearing N 06°59'53"E to a point of non-tangency; thence N89°46'09"E a distance of 10.54 feet; thence N00°14'01"W a distance of 7.00 feet; thence N89°45'59"E a distance of 145.80 feet; thence S00°14'01"E a distance of 7.00 feet; thence N89°45'59"E a distance of 33.70 feet; thence S00°14'00"E a distance of 35.40 feet; thence N89°45'59"E a distance of 75.65 feet to the Point of Beginning.

Containing 1.14 acres (49,723 sq. ft.), more or less, and being subject to all easements and rights of way of record.

**EXHIBIT C**

# Site Plan

Lot 1 & Lot 2, Block 1, CIVIC CENTER SECOND SUBDIVISION,  
City of Loveland, Larimer County, Colorado



REVISIONS	
Date	Description
By	Checked
By	Approved

CLIENT  
**City of Loveland**

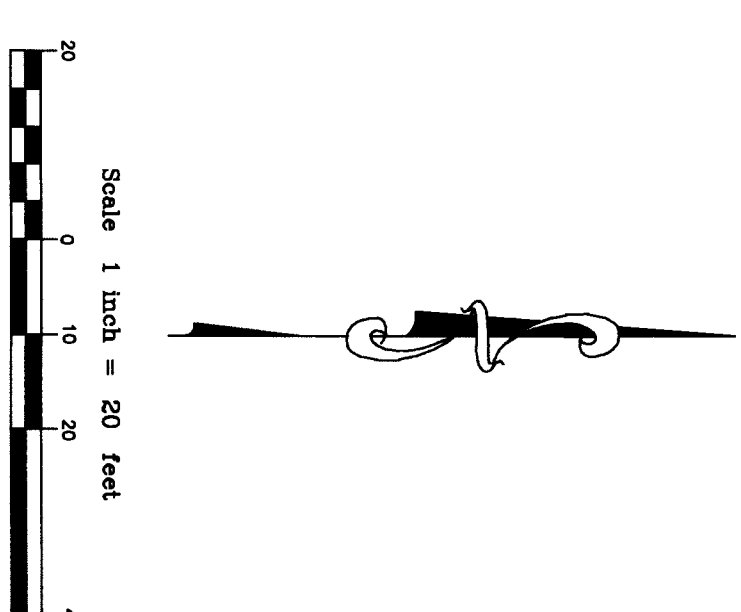
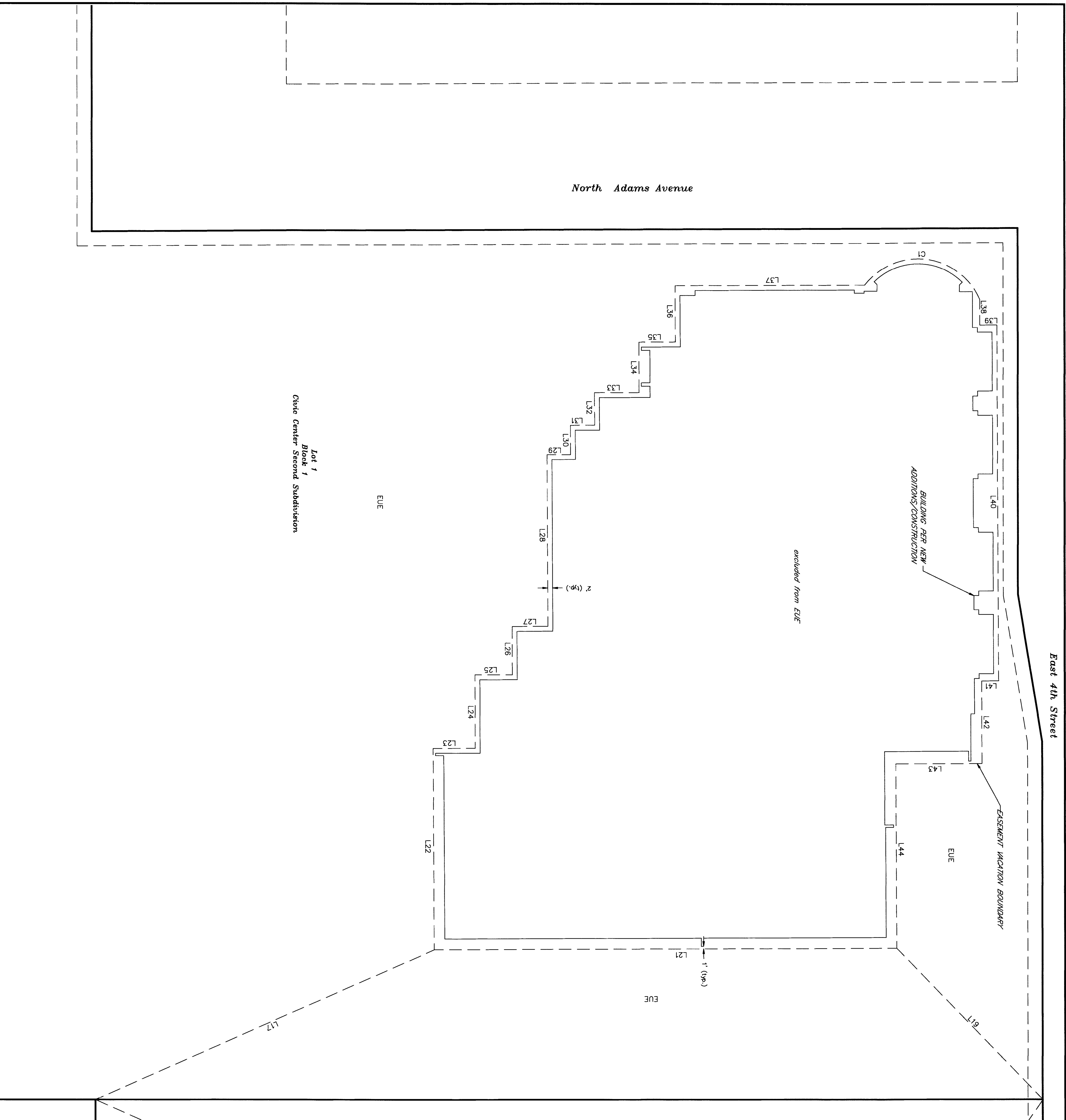
PLS Group LLC  
108 Coronado Court - Bldg No. 7  
Fort Collins, Colorado 80525  
Phone: (970) 282-3446 FAX: (970) 377-6767

TITLE	KEY MAP	PROJECT NO.	SHEET NO.	NO. OF SHEETS
LOT 1 AND LOT 2, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION Section 13, Twp 5 N, Rng 69 W, 6 PM, City of Loveland, CO		11075.001a	1	3



# Site Plan

Lot 1 & Lot 2, Block 1, CIVIC CENTER SECOND SUBDIVISION,  
City of Loveland, Larmer County, Colorado



Curve#	Date	Radius	Length	Chord	Chord Bearing
C1	11/20/22	27.86'	57.38'	47.29'	S06°58'53"W

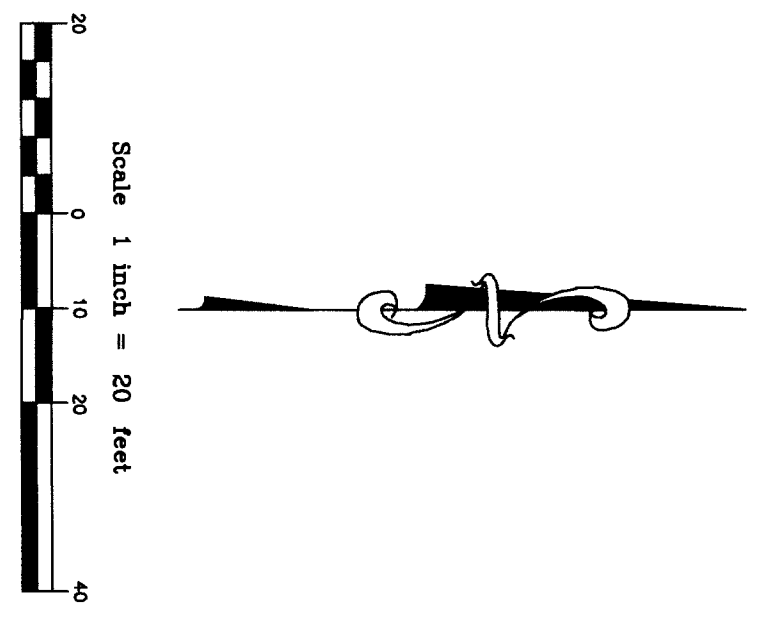
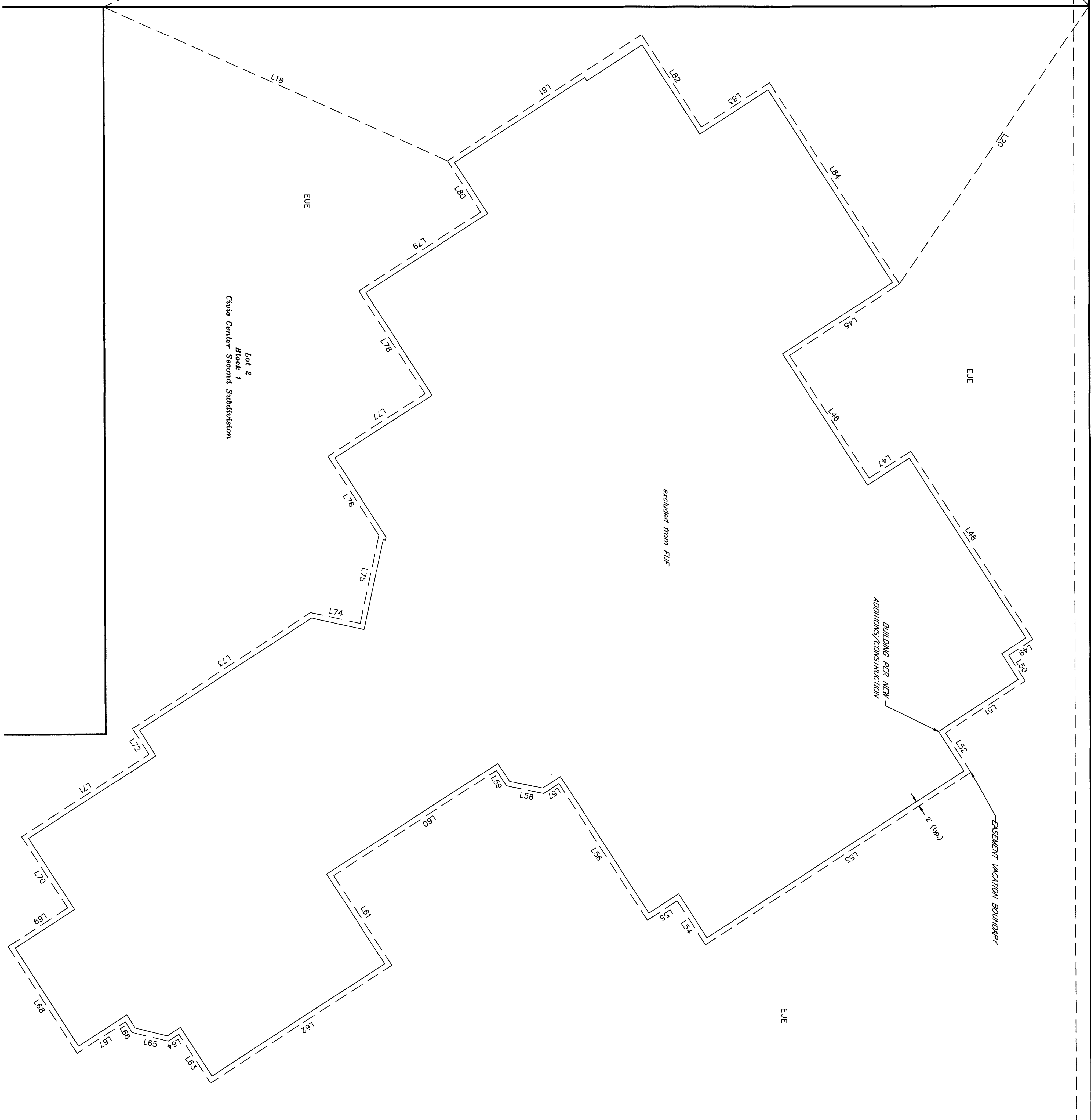
LINE NO.	BEARING	LENGTH	LINE NO.	BEARING	LENGTH
L45	S32°53'26"E	51.70'	L46	N87°06'34"E	57.60'
L46	N87°06'34"E	57.60'	L47	N82°53'26"W	18.80'
L47	N82°53'26"W	18.80'	L48	N87°06'34"E	88.40'
L48	N87°06'34"E	88.40'	L49	N87°06'34"E	12.00'
L49	N87°06'34"E	12.00'	L50	N87°06'34"E	37.50'
L50	N87°06'34"E	37.50'	L51	N87°06'34"E	18.50'
L51	N87°06'34"E	18.50'	L52	S82°53'26"E	125.00'
L52	S82°53'26"E	125.00'	L53	S82°53'26"E	24.80'
L53	S82°53'26"E	24.80'	L54	S87°06'34"W	64.00'
L54	S87°06'34"W	64.00'	L55	S87°06'34"W	7.22'
L55	S87°06'34"W	7.22'	L56	S11°40'16"W	14.93'
L56	S11°40'16"W	14.93'	L57	S87°06'34"W	76.20'
L57	S87°06'34"W	76.20'	L58	N23°52'13"W	152.13'
L58	N23°52'13"W	152.13'	L59	N24°02'05"E	148.55'
L59	N24°02'05"E	148.55'	L60	S45°54'34"W	86.18'
L60	S45°54'34"W	86.18'	L61	S55°33'17"E	132.64'
L61	S55°33'17"E	132.64'	L62	S88°45'59"W	82.60'
L62	S88°45'59"W	82.60'	L63	N00°14'01"W	17.30'
L63	N00°14'01"W	17.30'	L64	S88°45'59"W	30.00'
L64	S88°45'59"W	30.00'	L65	N00°14'01"W	15.40'
L65	N00°14'01"W	15.40'	L66	N00°14'01"W	14.70'
L66	N00°14'01"W	14.70'	L67	S88°45'59"W	70.30'
L67	S88°45'59"W	70.30'	L68	N00°14'01"W	9.80'
L68	N00°14'01"W	9.80'	L69	S88°45'59"W	12.10'
L69	S88°45'59"W	12.10'	L70	N00°14'01"W	13.30'
L70	N00°14'01"W	13.30'	L71	S88°45'59"W	18.30'
L71	S88°45'59"W	18.30'	L72	N00°14'01"W	20.69'
L72	N00°14'01"W	20.69'	L73	S88°45'59"W	15.00'
L73	S88°45'59"W	15.00'	L74	N00°14'01"W	23.90'
L74	N00°14'01"W	23.90'	L75	S88°45'59"W	10.54'
L75	S88°45'59"W	10.54'	L76	N00°14'01"W	7.00'
L76	N00°14'01"W	7.00'	L77	S88°45'59"W	145.80'
L77	S88°45'59"W	145.80'	L78	N00°14'01"W	2.00'
L78	N00°14'01"W	2.00'	L79	S88°45'59"W	35.40'
L79	S88°45'59"W	35.40'	L80	N00°14'01"E	35.40'
L80	N00°14'01"E	35.40'	L81	N88°45'59"E	75.85'
L81	N88°45'59"E	75.85'	L82	N87°06'34"E	94.20'
L82	N87°06'34"E	94.20'	L83	N87°06'34"E	94.20'
L83	N87°06'34"E	94.20'	L84	N87°06'34"E	94.20'
L84	N87°06'34"E	94.20'	L85	N87°06'34"E	94.20'
L85	N87°06'34"E	94.20'	L86	N87°06'34"E	94.20'
L86	N87°06'34"E	94.20'	L87	N87°06'34"E	94.20'
L87	N87°06'34"E	94.20'	L88	N87°06'34"E	94.20'
L88	N87°06'34"E	94.20'	L89	N87°06'34"E	94.20'
L89	N87°06'34"E	94.20'	L90	N87°06'34"E	94.20'
L90	N87°06'34"E	94.20'	L91	N87°06'34"E	94.20'
L91	N87°06'34"E	94.20'	L92	N87°06'34"E	94.20'
L92	N87°06'34"E	94.20'	L93	N87°06'34"E	94.20'
L93	N87°06'34"E	94.20'	L94	N87°06'34"E	94.20'
L94	N87°06'34"E	94.20'	L95	N87°06'34"E	94.20'
L95	N87°06'34"E	94.20'	L96	N87°06'34"E	94.20'
L96	N87°06'34"E	94.20'	L97	N87°06'34"E	94.20'
L97	N87°06'34"E	94.20'	L98	N87°06'34"E	94.20'
L98	N87°06'34"E	94.20'	L99	N87°06'34"E	94.20'
L99	N87°06'34"E	94.20'	L100	N87°06'34"E	94.20'

<b>REVISIONS</b> Date _____ By _____ Description _____ Date _____ By _____ Description _____ Date _____ By _____ Description _____	Date 6/1/2011 Part Chief _____ Scale 1"=20' Drawn JRM Checked MBS Approved MBS	<b>CLIENT</b> City of Loveland	<b>PLS Group LLC</b> 109 Coronado Court - Bldg No. 7 Fort Collins, Colorado 80525 Phone: (970) 282-3446 FAX: (970) 377-6767
Title LOT 1 AND LOT 2, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION Section 13, Twp 5 N, Rng 69 W, 6 PM, City of Loveland, CO		Project No. 11075.001a	Sheet No. 2 No. of Sheets 3

East 4th Street

# Site Plan

Lot 1 & Lot 2, Block 1, CIVIC CENTER SECOND SUBDIVISION,  
City of Loveland, Larimer County, Colorado



Curve#	Delta	Radius	Length	Chord	Chord Bearing
C1	118.0724°	27.60'	57.33'	47.59'	S08.59.53"W

LINE NO.	BEARING	LENGTH	LINE NO.	BEARING	LENGTH
L45	S32°53'28"E		L46	S45°08'34"E	57.60'
L46	S45°08'34"E		L47	N57°06'34"E	42.00'
L47	N57°06'34"E		L48	N57°06'34"E	88.60'
L48	N57°06'34"E		L49	S32°53'28"E	11.40'
L49	S32°53'28"E		L50	N57°06'34"E	12.00'
L50	N57°06'34"E		L51	S32°53'28"E	37.50'
L51	S32°53'28"E		L52	N57°06'34"E	18.50'
L52	N57°06'34"E		L53	S32°53'28"E	22.80'
L53	S32°53'28"E		L54	S32°53'28"E	14.00'
L54	S32°53'28"E		L55	S32°53'28"E	64.00'
L55	S32°53'28"E		L56	S57°06'34"W	7.22'
L56	S57°06'34"W		L57	S32°53'28"E	14.93'
L57	S32°53'28"E		L58	S11°40'16"W	42.00'
L58	S11°40'16"W		L59	N57°06'34"E	7.80'
L59	N57°06'34"E		L60	S32°53'28"E	65.30'
L60	S32°53'28"E		L61	S57°06'34"W	22.80'
L61	S57°06'34"W		L62	S32°53'28"E	5.00'
L62	S32°53'28"E		L63	S32°53'28"E	14.68'
L63	S32°53'28"E		L64	S13°23'10"W	4.00'
L64	S13°23'10"W		L65	S32°53'28"E	18.88'
L65	S32°53'28"E		L66	S32°53'28"E	22.20'
L66	S32°53'28"E		L67	S32°53'28"E	50.00'
L67	S32°53'28"E		L68	S57°06'34"W	28.00'
L68	S57°06'34"W		L69	N32°53'28"W	33.30'
L69	N32°53'28"W		L70	S32°53'28"E	60.00'
L70	S32°53'28"E		L71	N32°53'28"W	83.81'
L71	N32°53'28"W		L72	N12°06'34"E	19.98'
L72	N12°06'34"E		L73	N32°53'28"W	15.57'
L73	N32°53'28"W		L74	N12°06'34"E	35.57'
L74	N12°06'34"E		L75	N7°53'28"W	35.57'
L75	N7°53'28"W		L76	S57°06'34"W	35.50'
L76	S57°06'34"W		L77	N32°53'28"W	45.70'
L77	N32°53'28"W		L78	N32°53'28"W	57.30'
L78	N32°53'28"W		L79	N32°53'28"W	24.00'
L79	N32°53'28"W		L80	S57°06'34"W	51.30'
L80	S57°06'34"W		L81	N32°53'28"W	43.30'
L81	N32°53'28"W		L82	N57°06'34"E	32.10'
L82	N57°06'34"E		L83	S32°53'28"E	54.20'
L83	S32°53'28"E		L84	N57°06'34"E	34.20'
L84	N57°06'34"E		L85	S32°53'28"E	33.70'
L85	S32°53'28"E		L86	N89°45'59"E	35.40'
L86	N89°45'59"E		L87	S00°14'01"E	75.65'
L87	S00°14'01"E		L88	N89°45'59"E	35.40'
L88	N89°45'59"E		L89	S00°14'01"E	75.65'
L89	S00°14'01"E		L90	N89°45'59"E	35.40'
L90	N89°45'59"E		L91	S00°14'01"E	75.65'
L91	S00°14'01"E		L92	N89°45'59"E	35.40'
L92	N89°45'59"E		L93	S00°14'01"E	75.65'
L93	S00°14'01"E		L94	N89°45'59"E	35.40'
L94	N89°45'59"E		L95	S00°14'01"E	75.65'
L95	S00°14'01"E		L96	N89°45'59"E	35.40'
L96	N89°45'59"E		L97	S00°14'01"E	75.65'
L97	S00°14'01"E		L98	N89°45'59"E	35.40'
L98	N89°45'59"E		L99	S00°14'01"E	75.65'
L99	S00°14'01"E		L100	N89°45'59"E	35.40'
L100	N89°45'59"E		L101	S00°14'01"E	75.65'
L101	S00°14'01"E		L102	N89°45'59"E	35.40'
L102	N89°45'59"E		L103	S00°14'01"E	75.65'
L103	S00°14'01"E		L104	N89°45'59"E	35.40'
L104	N89°45'59"E		L105	S00°14'01"E	75.65'
L105	S00°14'01"E		L106	N89°45'59"E	35.40'
L106	N89°45'59"E		L107	S00°14'01"E	75.65'
L107	S00°14'01"E		L108	N89°45'59"E	35.40'
L108	N89°45'59"E		L109	S00°14'01"E	75.65'
L109	S00°14'01"E		L110	N89°45'59"E	35.40'
L110	N89°45'59"E		L111	S00°14'01"E	75.65'
L111	S00°14'01"E		L112	N89°45'59"E	35.40'
L112	N89°45'59"E		L113	S00°14'01"E	75.65'
L113	S00°14'01"E		L114	N89°45'59"E	35.40'
L114	N89°45'59"E		L115	S00°14'01"E	75.65'
L115	S00°14'01"E		L116	N89°45'59"E	35.40'
L116	N89°45'59"E		L117	S00°14'01"E	75.65'
L117	S00°14'01"E		L118	N89°45'59"E	35.40'
L118	N89°45'59"E		L119	S00°14'01"E	75.65'
L119	S00°14'01"E		L120	N89°45'59"E	35.40'
L120	N89°45'59"E		L121	S00°14'01"E	75.65'
L121	S00°14'01"E		L122	N89°45'59"E	35.40'
L122	N89°45'59"E		L123	S00°14'01"E	75.65'
L123	S00°14'01"E		L124	N89°45'59"E	35.40'
L124	N89°45'59"E		L125	S00°14'01"E	75.65'
L125	S00°14'01"E		L126	N89°45'59"E	35.40'
L126	N89°45'59"E		L127	S00°14'01"E	75.65'
L127	S00°14'01"E		L128	N89°45'59"E	35.40'
L128	N89°45'59"E		L129	S00°14'01"E	75.65'
L129	S00°14'01"E		L130	N89°45'59"E	35.40'
L130	N89°45'59"E		L131	S00°14'01"E	75.65'
L131	S00°14'01"E		L132	N89°45'59"E	35.40'
L132	N89°45'59"E		L133	S00°14'01"E	75.65'
L133	S00°14'01"E		L134	N89°45'59"E	35.40'
L134	N89°45'59"E		L135	S00°14'01"E	75.65'
L135	S00°14'01"E		L136	N89°45'59"E	35.40'
L136	N89°45'59"E		L137	S00°14'01"E	75.65'
L137	S00°14'01"E		L138	N89°45'59"E	35.40'
L138	N89°45'59"E		L139	S00°14'01"E	75.65'
L139	S00°14'01"E		L140	N89°45'59"E	35.40'
L140	N89°45'59"E		L141	S00°14'01"E	75.65'
L141	S00°14'01"E		L142	N89°45'59"E	35.40'
L142	N89°45'59"E		L143	S00°14'01"E	75.65'
L143	S00°14'01"E		L144	N89°45'59"E	35.40'
L144	N89°45'59"E		L145	S00°14'01"E	75.65'
L145	S00°14'01"E		L146	N89°45'59"E	35.40'
L146	N89°45'59"E		L147	S00°14'01"E	75.65'
L147	S00°14'01"E		L148	N89°45'59"E	35.40'
L148	N89°45'59"E		L149	S00°14'01"E	75.65'
L149	S00°14'01"E		L150	N89°45'59"E	35.40'
L150	N89°45'59"E		L151	S00°14'01"E	75.65'
L151	S00°14'01"E		L152	N89°45'59"E	35.40'
L152	N89°45'59"E		L153	S00°14'01"E	75.65'
L153	S00°14'01"E		L154	N89°45'59"E	35.40'
L154	N89°45'59"E		L155	S00°14'01"E	75.65'
L155	S00°14'01"E		L156	N89°45'59"E	35.40'
L156	N89°45'59"E		L157	S00°14'01"E	75.65'
L157	S00°14'01"E		L158	N89°45'59"E	35.40'
L158	N89°45'59"E		L159	S00°14'01"E	75.65'
L159	S00°14'01"E		L160	N89°45'59"E	35.40'
L160	N89°45'59"E		L161	S00°14'01"E	75.65'
L161	S00°14'01"E		L162	N89°45'59"E	35.40'
L162	N89°45'59"E		L163	S00°14'01"E	75.65'
L163	S00°14'01"E		L164	N89°45'59"E	35.40'
L164	N89°45'59"E		L165	S00°14'01"E	75.65'
L165	S00°14'01"E		L166	N89°45'59"E	35.40'
L166	N89°45'59"E		L167	S00°14'01"E	75.65'
L167	S00°14'01"E		L168	N89°45'59"E	35.40'
L168	N89°45'59"E		L169	S00°14'01"E	75.65'
L169	S00°14'01"E		L170	N89°45'59"E	35.40'
L170	N89°45'59"E		L171	S00°14'01"E	75.65'
L171	S00°14'01"E		L172	N89°45'59"E	35.40'
L172	N89°45'59"E		L173	S00°14'01"E	75.65'
L173	S00°14'01"E		L174	N89°45'59"E	35.40'
L174	N89°45'59"E		L175	S00°14'01"E	75.65'
L175	S00°14'01"E		L176	N89°45'59"E	35.40'
L176	N89°45'59"E		L177	S00°14'01"E	75.65'
L177	S00°14'01"E		L178	N89°45'59"E	35.40'
L178	N89°45'59"E		L179	S00°14'01"E	75.65'
L179	S00°14'01"E		L180	N89°45'59"E	35.40'
L180	N89°45'59"E		L181	S00°14'01"E	75.65'
L181	S00°14'01"E		L182	N89°45'59"E	35.40'
L182	N89°45'59"E		L183	S00°14'01"E	75.65'
L183	S00°14'01"E		L184	N89°45'59"E	35.40'
L184	N89°45'59"E		L185	S00°14'01"E	75.65'
L185	S00°14'01"E		L186	N89°45'59"E	35.40'
L186	N89°45'59"E		L187	S00°14'01"E	75.65'
L187	S00°14'01"E		L188	N89°45'59"E	35.40'
L188	N89°45'59"E		L189	S00°14'01"E	75.65'
L189	S00°14'01"E		L190	N89°45'59"E	35.40'
L190	N89°45'59"E		L191	S00°14'01"E	75.65'
L191	S00°14'01"E		L192	N89°45'59"E	35.40'
L192	N89°45'59"E		L193	S00°14'01"E	75.65'
L193	S00°14'01"E		L194	N89°45'59"E	35.40'
L194	N89°45'59"E		L195	S00°14'01"E	75.65'
L195	S00°14'01"E		L196	N89°45'59"E	35.40'
L196	N89°45'59"E		L197	S00°14'01"E	75.65'
L197	S00°14'01"E		L198	N89°45'59"E	35.40'
L198	N89°45'59"E		L199	S00°14'01"E	75.65'
L199	S00°14'01"E		L200	N89°45'59"E	35.40'
L200	N89°45'59"E		L201	S00°14'01"E	75.65'
L201	S00°14'01"E		L202	N89°45'59"E	35.40'
L202	N89°45'59"E		L203	S00°14'01"E	75.65'
L203	S00°14'01"E		L204	N89°45'59"E	35.40'
L204	N89°45'59"E		L205	S00°14'01"E	75.65'
L205	S00°14'01"E		L206	N89°45'59"E	35.40'
L206	N89°45'59"E		L207	S00°14'01"E	75.65'
L207	S00°14'01"E		L208	N89°45'59"E	35.40'
L208	N89°45'59"E		L209	S00°14'01"E	75.65'
L209	S00°14'01"E		L210	N89°45'59"E	35.40'
L210	N89°45'59"E		L211	S00°14'01"E	75.65'
L211	S00°14'01"E		L212	N89°45'59"E	35.40'
L212	N89°45'59"E		L213	S00°14'01"E	75.65'
L213	S00°14'01"E		L214	N89°45'59"E	35.40'
L214	N89°45'59"E		L215	S00°14'01"E	75.65'
L215	S00°14'01"E		L216	N89°45'59"E	35.40'
L216	N89°45'59"E		L217	S00°14'01"E	75.65'
L217	S00°14'01"E		L218	N89°45'59"E	35.40'
L218	N89°45'59"E		L219	S00°14'01"E	75.65'
L219	S00°14'01"E		L220	N89°45'59"E	35.40'
L220	N89°45'59"E		L221	S00°14'01"E	75.65'
L221	S00°14'01"E		L222	N89°45'59"E	35.40'
L222	N89°45'59"E		L223	S00°14'01"E	75.65'
L223	S00°14'01"E		L224	N89°45'59"E	35.40'
L224	N89°45'59"E		L225	S00°14'01"E	75.65'
L225	S00°14'01"E		L226	N89°45'59"E	35.40'
L226	N89°45'59"E		L227	S00°14'01"E	75.65'
L227	S00°14'01"E		L228	N89°45'59"E	35.40'
L228	N89°45'59"E		L229	S00°14'01"E	75.65'
L229	S00°14'01"E		L230	N89°45'59"E	35.40'
L230	N89°45'59"E		L		



**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

**MEMORANDUM**

**TO:** City Council

**FROM:** Kerri Burchett, Current Planning Division

**DATE:** September 6, 2011

**SUBJECT:** Vacation of portions of a utility easement on Lots 1 and 2, Block 1, Civic Center Second Subdivision

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**I. ATTACHMENTS**

1. Vacation Exhibit
2. Site Plan

**II. KEY ISSUES**

Staff believes that there are no outstanding issues regarding this requested easement vacation.

**III. PROJECT DESCRIPTION**

The application proposes to vacate two portions of a utility easement occupied by the new building additions for the Library and Chilson Recreation Center within the Civic Center Campus. The platted utility easement covers both Lots 1 and 2, Block 1 of the Civic Center Second Subdivision, exempting only the existing building footprints. With the expansions of both facilities, a vacation of the portion of the easement that surrounds the new building footprints is necessary. The easement to be vacated does not contain utilities and is not necessary to serve either facility.

**IV. VICINITY MAP**



**V. FINDINGS and ANALYSIS**

The following two findings must be met in order for the City Council to vacate the utility easement. These findings are included in section 16.36.010.B of the Loveland City Code.

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.*

**Current Planning:** Staff believes that this finding can be met. The easement proposed for vacation is located internal to the Civic Center Campus, adjacent to the building footprints of the Library and Chilson Recreations Center, and does not involve the vacation of any existing public or private street rights-of-way.

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

**Water/Wastewater:** Staff believes that this finding can be met. The property is within the City’s current service area for both water and wastewater. The Department finds that:

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

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

- Underground three-phase power is located along the north/south property line between the Library and the Chilson Center. A three-phase transformer is also located between the two buildings.
- The vacating of the blanket easement for the properties will not affect the electric service to the buildings and is not needed to serve the buildings.

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

- The proposed easement vacation is found to be acceptable because it does not affect any public or private stormwater/drainage infrastructure.

## **VI. RECOMMENDATION**

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council approve the vacation ordinance on first reading.

## **VII. CONDITIONS**

There are no recommended conditions for this application.

## PLS Group, LLC

Land Surveying • Mapping

109 Coronado Court • Building 7 • Fort Collins, Colorado 80525  
970.669.2100 Main • 970.282.3446 Office • 970.377.6767 fax

Description: (Vacation of a portion of Exclusive Utility Easement for the Civic Center)

A portion of Lot 2, Block 1, Civic Center Second Subdivision, located in the Southeast 1/4 of Section 13, Township 5 North, Range 69 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of Lot 1, Block 1, Civic Center Second Subdivision as bearing N00°08'11"W with all bearings contained herein relative thereto.

COMMENCE at the Northwest corner of Lot 2, Block 1, Civic Center Second Subdivision;  
thence S55°33'17"E a distance of 132.64 feet to the POINT OF BEGINNING;  
thence S32°53'26"E a distance of 51.70 feet;  
thence N57°06'34"E a distance of 57.60 feet;  
thence N32°53'26"W a distance of 19.60 feet;  
thence N57°06'34"E a distance of 88.40 feet;  
thence S32°53'26"E a distance of 11.40 feet;  
thence N57°06'34"E a distance of 12.00 feet;  
thence S32°53'26"E a distance of 37.50 feet;  
thence N57°06'34"E a distance of 18.50 feet;  
thence S32°53'26"E a distance of 125.00 feet;  
thence S57°06'34"W a distance of 20.60 feet;  
thence S32°53'26"E a distance of 14.00 feet;  
thence S57°06'34"W a distance of 64.00 feet;  
thence S32°53'26"E a distance of 7.22 feet;  
thence S11°40'16"W a distance of 14.93 feet;  
thence S57°06'34"W a distance of 7.34 feet;  
thence S32°53'26"E a distance of 76.50 feet;  
thence N57°06'34"E a distance of 42.00 feet;  
thence S32°53'26"E a distance of 85.30 feet;  
thence S57°06'34"W a distance of 22.80 feet;  
thence S32°53'26"E a distance of 5.00 feet;  
thence S13°23'10"W a distance of 14.68 feet;  
thence S57°06'34"W a distance of 4.95 feet;  
thence S32°53'26"E a distance of 22.70 feet;  
thence S57°06'34"W a distance of 50.00 feet;  
thence N32°53'26"W a distance of 28.00 feet;  
thence S57°06'34"W a distance of 33.30 feet;  
thence N32°53'26"W a distance of 60.00 feet;

*(continued on page 2)*

(continued from page 1)

thence S57°06'34"W a distance of 12.00 feet;  
thence N32°53'26"W a distance of 83.83 feet;  
thence N12°06'34"E a distance of 19.98 feet;  
thence N77°53'26"W a distance of 35.57 feet;  
thence S57°06'34"W a distance of 36.90 feet;  
thence N32°53'26"W a distance of 45.70 feet;  
thence S57°06'34"W a distance of 48.00 feet;  
thence N32°53'26"W a distance of 57.30 feet;  
thence S57°06'34"W a distance of 24.00 feet;  
thence N32°53'26"W a distance of 91.30 feet;  
thence N57°06'34"E a distance of 43.30 feet;  
thence N32°53'26"W a distance of 32.10 feet;  
thence N57°06'34"E a distance of 94.20 feet to the Point of Beginning.

Containing 1.78 acres (77,643 sq. ft.), more or less, and being subject to all easements and rights of way of record.



Description: (Vacation of a portion of Exclusive Utility Easement for the Library)

A portion of Lot 1, Block 1, Civic Center Second Subdivision, located in the Southeast 1/4 of Section 13, Township 5 North, Range 69 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of Lot 1, Block 1, Civic Center Second Subdivision as bearing N00°08'11"W with all bearings contained herein relative thereto.

COMMENCE at the Northeast corner of Lot 1, Block 1, Civic Center Second Subdivision;  
 thence S45°54'34"W a distance of 86.18 feet to the POINT OF BEGINNING;  
 thence S00°14'01"E a distance of 189.90 feet;  
 thence S89°45'59"W a distance of 82.60 feet;  
 thence N00°14'01"W a distance of 17.30 feet;  
 thence S89°45'59"W a distance of 30.00 feet;  
 thence N00°14'01"W a distance of 15.40 feet;  
 thence S89°45'59"W a distance of 19.70 feet;  
 thence N00°14'01"W a distance of 14.70 feet;  
 thence S89°45'59"W a distance of 70.30 feet;  
 thence N00°14'01"W a distance of 9.60 feet;  
 thence S89°45'59"W a distance of 12.10 feet;  
 thence N00°14'01"W a distance of 10.00 feet;  
 thence S89°45'59"W a distance of 13.30 feet;  
 thence N00°14'01"W a distance of 18.30 feet;  
 thence S89°45'59"W a distance of 20.69 feet;  
 thence N00°14'01"W a distance of 15.00 feet;  
 thence S89°45'59"W a distance of 23.00 feet;  
 thence N00°14'01"W a distance of 77.78 feet to a non-tangent curve to the right;  
 thence on the arc of said curve a distance of 57.38 feet, having a radius of 27.60 feet,  
 a delta of 119°07'24" and a chord of 47.59 feet bearing N 06°59'53"E to a point of non-tangency;  
 thence N89°46'09"E a distance of 10.54 feet;  
 thence N00°14'01"W a distance of 7.00 feet;  
 thence N89°45'59"E a distance of 145.80 feet;  
 thence S00°14'01"E a distance of 7.00 feet;  
 thence N89°45'59"E a distance of 33.70 feet;  
 thence S00°14'00"E a distance of 35.40 feet;  
 thence N89°45'59"E a distance of 75.65 feet to the Point of Beginning.

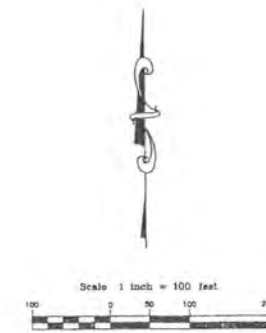
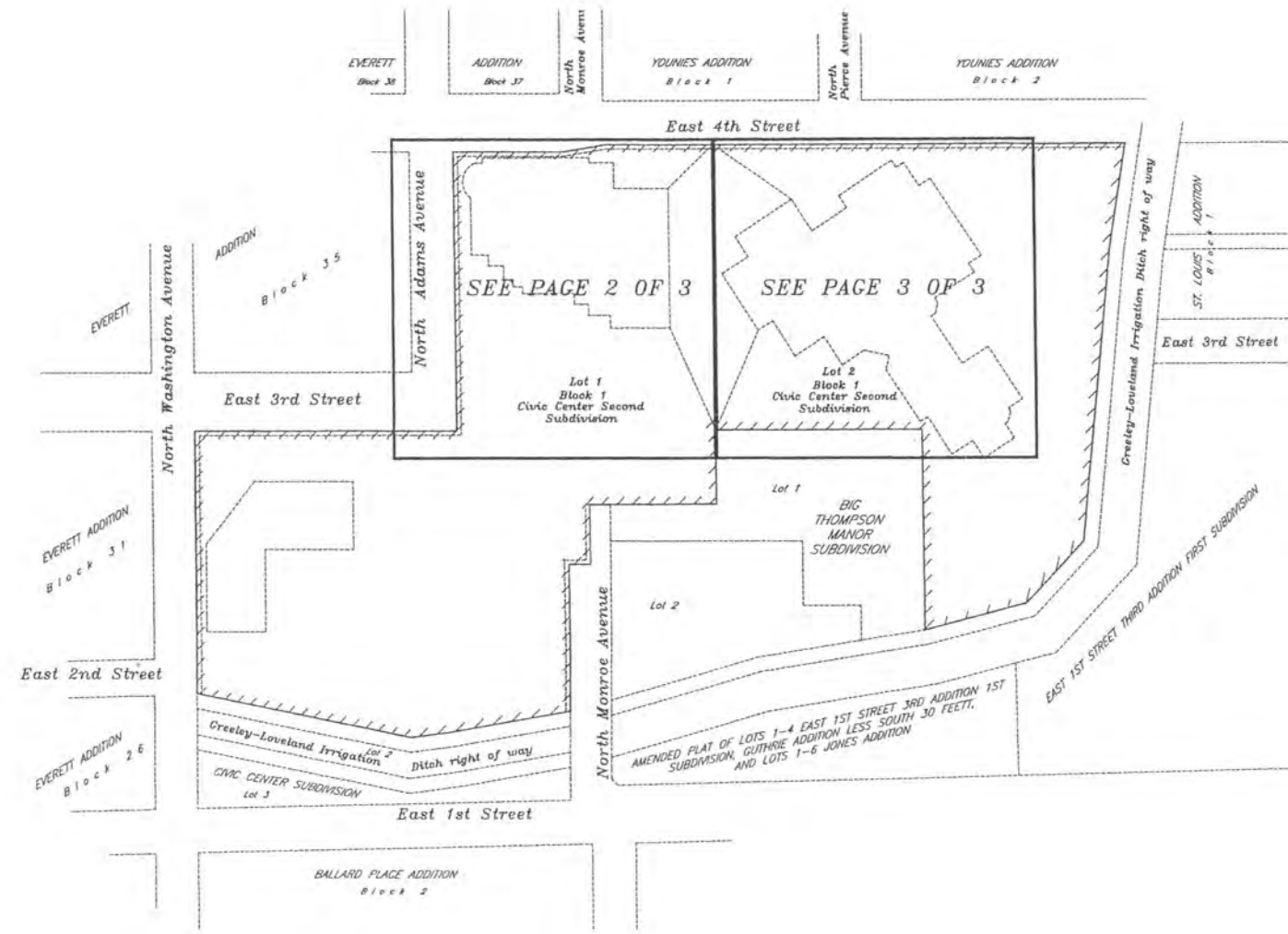
Containing 1.14 acres (49,723 sq. ft.), more or less, and being subject to all easements and rights of way of record.



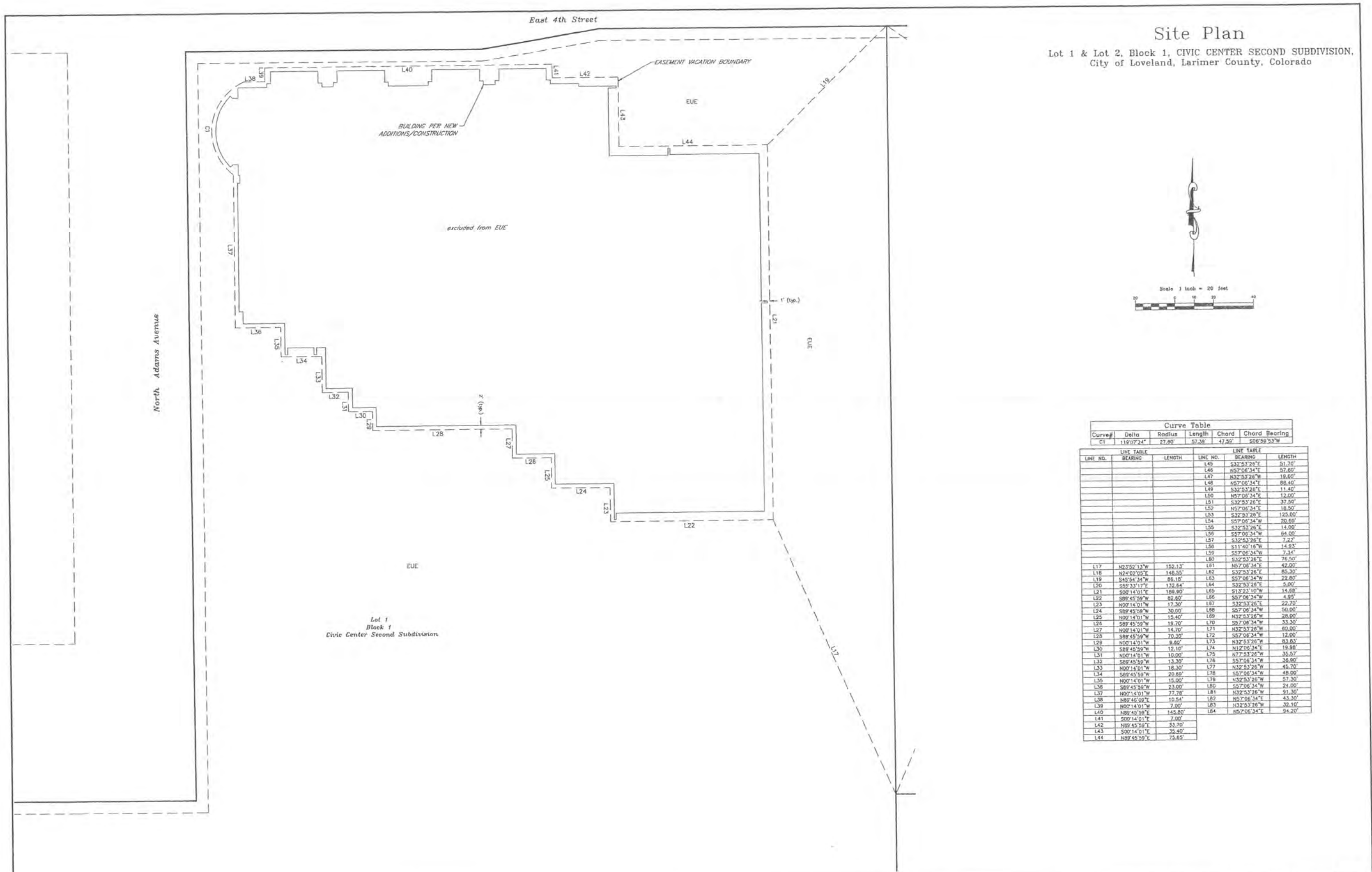


### Site Plan

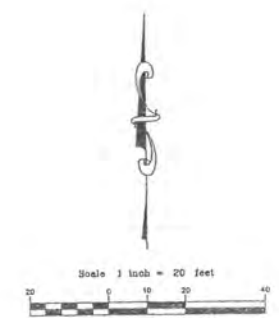
Lot 1 & Lot 2, Block 1, CIVIC CENTER SECOND SUBDIVISION,  
City of Loveland, Larimer County, Colorado



REVISIONS Date _____ By _____ Description _____ Date _____ By _____ Description _____ Date _____ By _____ Description _____		Date <u>8/1/2011</u> Drawn <u>JRM</u> Part Chief <u>DCB</u> Checked <u>MBS</u> Scale <u>1"=100'</u> Approved <u>MBS</u>	CLIENT City of Loveland	PLS Group LLC 109 Coronado Court - Bldg No. 7 Fort Collins, Colorado 80525 Phone: (970) 282-3446 FAX: (970) 377-6767	TITLE KEY MAP LOT 1 AND LOT 2, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION Section 13, Twp 5 N, Rng 69 W, 6 PM, City of Loveland, CO
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**Site Plan**  
 Lot 1 & Lot 2, Block 1, CIVIC CENTER SECOND SUBDIVISION,  
 City of Loveland, Larimer County, Colorado



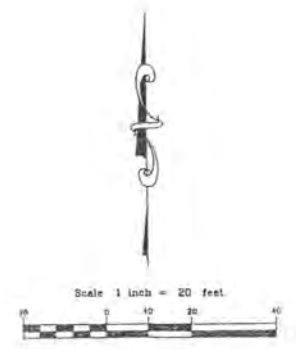
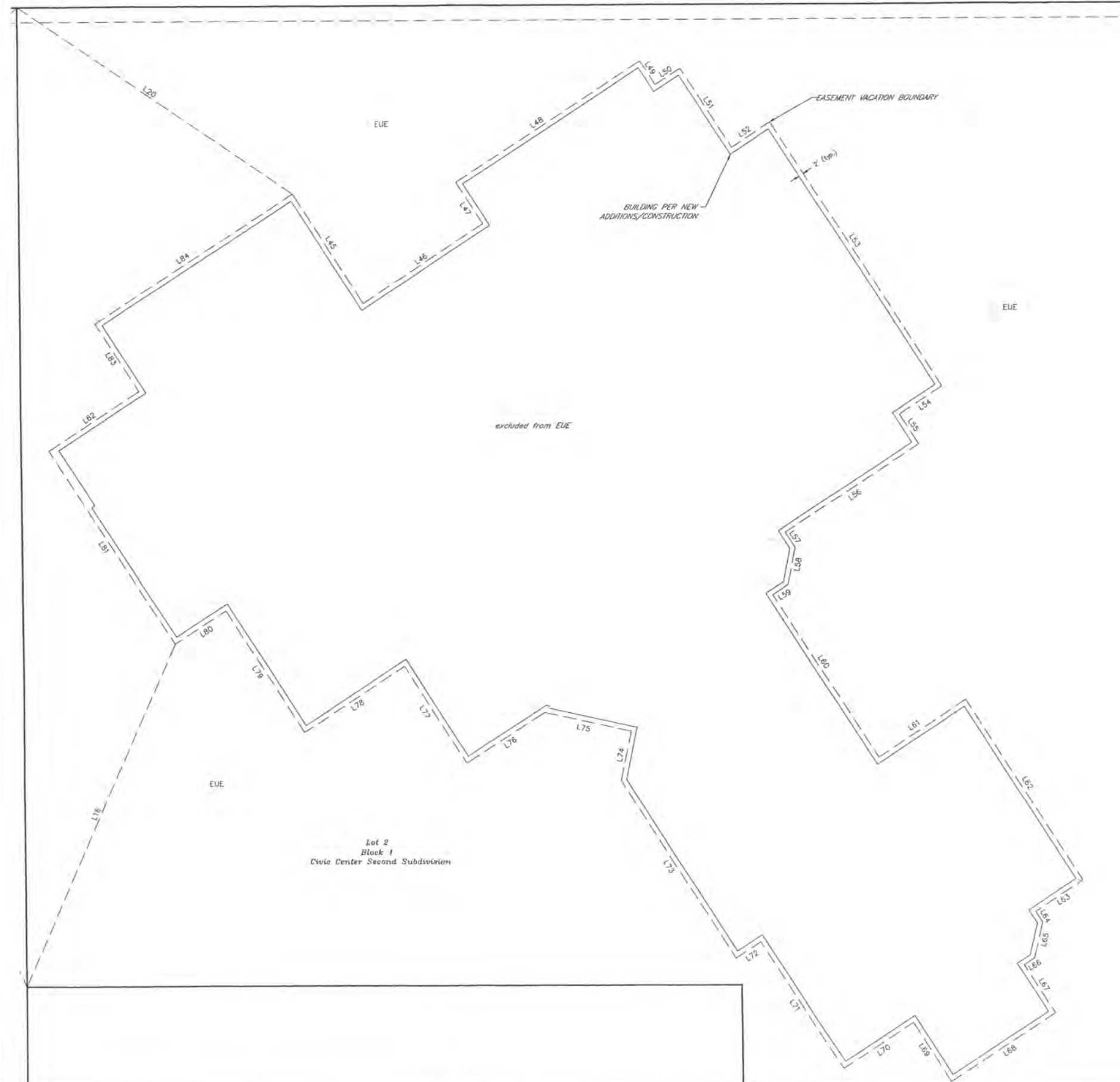
Curve Table					
Curve#	Delta	Radius	Length	Chord	Chord Bearing
C1	119°07'24"	27.80'	57.38'	47.25'	S86°59'53"W

LINE TABLE		LINE TABLE	
LINE NO.	BEARING	LENGTH	BEARING
L45	S32°51'26"E	51.70'	
L46	N57°06'34"E	57.60'	
L47	N32°53'26"W	19.60'	
L48	N57°06'34"E	88.40'	
L49	S32°53'26"E	11.40'	
L50	N57°06'34"E	12.00'	
L51	S32°53'26"E	37.00'	
L52	N57°06'34"E	18.50'	
L53	S32°53'26"E	125.00'	
L54	S57°06'34"W	26.60'	
L55	S32°53'26"E	14.00'	
L56	S57°06'34"W	64.00'	
L57	S32°53'26"E	7.22'	
L58	S11°40'16"W	14.93'	
L59	S57°06'34"W	7.34'	
L60	S32°53'26"E	78.50'	
L61	N57°06'34"E	42.00'	
L62	S32°53'26"E	85.30'	
L63	S57°06'34"W	22.80'	
L64	S32°53'26"E	5.00'	
L65	S13°21'10"W	14.68'	
L66	S57°06'34"W	4.92'	
L67	S32°53'26"E	22.70'	
L68	S57°06'34"W	56.00'	
L69	N32°53'26"W	28.00'	
L70	S57°06'34"W	33.30'	
L71	N32°53'26"W	60.00'	
L72	S57°06'34"W	12.00'	
L73	N32°53'26"W	83.83'	
L74	N12°06'34"E	19.98'	
L75	N72°03'28"W	36.57'	
L76	S57°06'34"W	38.80'	
L77	N32°53'26"W	49.70'	
L78	S57°06'34"W	48.00'	
L79	N32°53'26"W	57.30'	
L80	S57°06'34"W	23.00'	
L81	N32°53'26"W	91.30'	
L82	N57°06'34"E	43.30'	
L83	N32°53'26"W	32.10'	
L84	N57°06'34"E	94.20'	
L41	S00°14'01"E	7.00'	
L42	N88°45'59"E	33.70'	
L43	S00°14'01"E	35.40'	
L44	N88°45'59"E	75.65'	

### Site Plan

Lot 1 & Lot 2, Block 1, CIVIC CENTER SECOND SUBDIVISION,  
City of Loveland, Larimer County, Colorado



Curve Table					
Curve#	Delta	Radius	Length	Chord	Chord Bearing
C1	119°07'24"	27.60'	57.39'	47.99'	S06°58'53"W

LINE TABLE		LINE TABLE	
LINE NO.	BEARING	LINE NO.	LENGTH
L45	S32°53'26"E	L45	51.70'
L46	N57°06'34"W	L46	57.80'
L47	N32°53'26"W	L47	19.80'
L48	N57°06'34"E	L48	88.40'
L49	S32°53'26"E	L49	11.40'
L50	N57°06'34"E	L50	12.00'
L51	S32°53'26"E	L51	37.30'
L52	N57°06'34"E	L52	18.50'
L53	S32°53'26"E	L53	129.00'
L54	S57°06'34"W	L54	39.00'
L55	S32°53'26"E	L55	14.00'
L56	S57°06'34"W	L56	64.00'
L57	S32°53'26"E	L57	7.22'
L58	S11°40'16"W	L58	14.93'
L59	S57°06'34"W	L59	7.34'
L60	S32°53'26"E	L60	76.50'
L61	N57°06'34"E	L61	42.00'
L62	S32°53'26"E	L62	85.30'
L63	S57°06'34"W	L63	22.80'
L64	S32°53'26"E	L64	5.00'
L65	S12°23'10"W	L65	14.08'
L66	S57°06'34"W	L66	4.95'
L67	S32°53'26"E	L67	22.70'
L68	S57°06'34"W	L68	50.00'
L69	N32°53'26"W	L69	28.00'
L70	S57°06'34"W	L70	33.30'
L71	N32°53'26"W	L71	60.00'
L72	S57°06'34"W	L72	12.00'
L73	N32°53'26"W	L73	83.83'
L74	N17°06'34"E	L74	19.88'
L75	N17°53'26"E	L75	35.57'
L76	S57°06'34"W	L76	36.90'
L77	N32°53'26"W	L77	45.70'
L78	S57°06'34"W	L78	48.00'
L79	N32°53'26"W	L79	57.30'
L80	S57°06'34"W	L80	24.00'
L81	N32°53'26"W	L81	91.30'
L82	N57°06'34"E	L82	43.30'
L83	N32°53'26"W	L83	32.10'
L84	N57°06'34"E	L84	94.20'

<b>REVISIONS</b> Date _____ By _____ Description _____ Date _____ By _____ Description _____ Date _____ By _____ Description _____		Date <u>6/1/2011</u> Drawn <u>JRM</u> Part Chief <u>DDR</u> Checked <u>MBS</u> Scale <u>1"=20'</u> Approved <u>MBE</u>	CLIENT <b>City of Loveland</b>	PLS Group LLC 109 Coronado Court - Bldg No. 7 Fort Collins, Colorado 80525 Phone: (970) 282-3446 FAX: (970) 377-6767	TITLE Site Plan <b>LOT 1 AND LOT 2, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION</b> Section 13, Twp 5 N, Rng 89 W, 6 PM, City of Loveland, CO	PROJECT NO. <u>11075.001a</u>	SHEET NO. <b>3</b>	NO. OF SHEETS <b>3</b>
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**CITY OF LOVELAND**  
DEVELOPMENT SERVICES DEPARTMENT  
Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

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**AGENDA ITEM:** 4  
**MEETING DATE:** 9/20/2011  
**TO:** City Council  
**FROM:** Greg George, Development Services Department  
**PRESENTER:** Bethany Clark, Community & Strategic Planning

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**TITLE:**

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR HISTORIC PRESERVATION OUTREACH AND PUBLIC EDUCATION

**DESCRIPTION:**

An administrative action to consider approval on second reading of an ordinance to appropriate funding from donations received in 2010 for historic preservation outreach and public education.

**BUDGET IMPACT:**

Yes     No

The total funding is from donations received by the Historic Preservation Commission from the Loveland Historical Society in September of 2010.

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**SUMMARY:**

In 2010, the Historic Preservation Commission received a donation of \$2,770 from the Loveland Historical Society. The Commission wishes to use these funds for the purpose of providing educational outreach to the community and creating public awareness about historic preservation. On September 6, City Council unanimously approved the ordinance on first reading as part of the Consent Agenda.

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**LIST OF ATTACHMENTS:**

1. Appropriation ordinance

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**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion for City Council action:

move to adopt on second reading AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR HISTORIC PRESERVATION OUTREACH AND PUBLIC EDUCATION

**REVIEWED BY CITY MANAGER:**

**FIRST READING**      September 6, 2011

**SECOND READING** September 20, 2011

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

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR HISTORIC PRESERVATION OUTREACH AND PUBLIC EDUCATION**

**WHEREAS**, the City has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

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

**Section 1.** That revenues in the amount of \$2,700 from donations received in the prior year in the General Fund 001 are available for appropriation. Revenues in the total amount of \$2,700 are hereby appropriated for historic preservation outreach and public education and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
General Fund - Historic Preservation Donation**

<b>Revenues</b>	
Fund Balance	2,770
<b>Total Revenue</b>	<b>2,770</b>
 <b>Appropriations</b>	
001-1914-409-03-50-SP1103 Professional Services	2,770
<b>Total Appropriations</b>	<b>2,770</b>

**Section 2.** 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. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

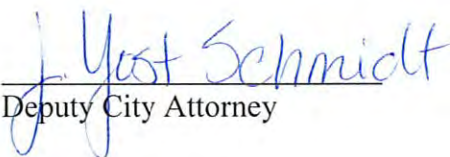
ADOPTED this \_\_\_\_ day of September, 2011.

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

ATTEST:

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

APPROVED AS TO FORM:

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



**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
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**AGENDA ITEM:** 5  
**MEETING DATE:** 9/20/2011  
**TO:** City Council  
**FROM:** Greg George, Development Services Department  
**PRESENTER:** Bethany Clark, Community and Strategic Planning

**TITLE:**

AN ORDINANCE OF THE CITY COUNCIL DESIGNATING AS A HISTORIC LANDMARK THE LARIMER COUNTY BANK BUILDING LOCATED AT 247 EAST FOURTH STREET IN LOVELAND, COLORADO

**DESCRIPTION:**

This item is a legislative action to consider approval on second reading of an ordinance to designate as a Historic Landmark the “Larimer County Bank Building” at 247 East 4<sup>th</sup> Street. The property would be designated a Historic Landmark under Section 15.56 of the Municipal Code. The application is owner-initiated and staff has met with the owner to review the benefits and obligations of historic designation.

**BUDGET IMPACT:**

Yes  No

**SUMMARY:**

On August 15, 2011, the Historic Preservation Commission found the Larimer County Bank Building to be eligible for designation as detailed in the attached staff report. On September 6, City Council unanimously approved the ordinance on first reading as part of the Consent Agenda.

**LIST OF ATTACHMENTS:**

- Ordinance designating 247 East 4<sup>th</sup> Street to the Loveland Historic Register
- Staff Report

**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion: move to adopt on second reading AN ORDINANCE OF THE CITY COUNCIL DESIGNATING AS A HISTORIC LANDMARK THE LARIMER COUNTY BANK BUILDING LOCATED AT 247 EAST FOURTH STREET IN LOVELAND, COLORADO

**REVIEWED BY CITY MANAGER:**



**FIRST READING: September 6, 2011**

**SECOND READING: September 20, 2011**

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

**AN ORDINANCE OF THE CITY COUNCIL DESIGNATING AS A HISTORIC LANDMARK THE LARIMER COUNTY BANK BUILDING LOCATED AT 247 EAST FOURTH STREET IN LOVELAND, COLORADO**

**WHEREAS**, Chapter 15.56 of the Loveland Municipal Code provides that the City Council may designate as a historic landmark an individual structure, site, or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; and

**WHEREAS**, Section 15.56.100 of the Loveland Municipal Code further provides that landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance; and

**WHEREAS**, the City of Loveland has, through the Historic Preservation Commission, worked to evaluate the nomination for designation as a landmark of certain property located at 247 East 4<sup>th</sup> Street in Loveland, Colorado, known historically as the Larimer County Bank; and

**WHEREAS**, on August 15, 2011, the Historic Preservation Commission recommended that the City Council designate the Larimer County Bank Building as a landmark; and

**WHEREAS**, the owner of the Larimer County Bank Building filed the application for the proposed landmark designation; and

**WHEREAS**, a duly noticed public hearing has been held on the proposed landmark designation.

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

**Section 1.** The City Council finds that the Larimer County Bank Building, more particularly described on **Exhibit A**, attached hereto and incorporated herein, satisfies the age requirement and meets the following significant criteria for designation as a landmark to the Loveland Historic Register:

- a.) Architectural
  - 1. Represents a built environment of a group of people in an era of history.
- b.) Social/Cultural
  - 1. Exemplifies the cultural, political, economic or social heritage of the community.
- c.) Geographic/Environmental

- 1. Enhances sense of identity of community.
- 2. Is an established and familiar natural setting or visual feature of the community.

d.) Physical Integrity

- 1. Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state or nation.
- 2. Retains original design features, materials, and/or character.
- 3. Retains its original location.

**Section 2.** The Larimer County Bank Building, described on **Exhibit A**, is hereby designated as a landmark to the Loveland Historic Register.

**Section 3.** 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. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

**Section 4.** That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2011

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

Attest:

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

APPROVED AS TO FORM:

*J. Yost Schmidt*  
\_\_\_\_\_  
Deputy City Attorney

**Exhibit A**

E 4 INCHES OF LOT 23, ALL OF 24, BLK 13, LOV, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



**COMMUNITY & STRATEGIC PLANNING**  
 Civic Center • 500 East Third Street • Loveland, Colorado 80537  
 (970) 962-2577 FAX (970) 962-2945 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

**Loveland Historic Preservation Commission  
 Staff Report**

From: Community and Strategic Planning  
 Meeting Date: August 15, 2011  
 Re: Application for Historic Landmark Property Designation, 247 E 4th Street

**SITE DATA**

**Address:** 247 E 4th Street  
 Loveland, CO 80537

**Request:** Application for Historic Landmark Property Designation

**Historic Name:** Larimer County Bank

**Architectural Style:** Two-Part Commercial Block

**Current Building Sq. Ft.:** 7,280 square feet  
 (Source: Larimer Co. Assessor Property Information)

**Construction Date:** 1891

**Legal Description:** E 4 INCHES OF LOT 23, ALL OF 24, BLK 13, LOV  
 City of Loveland, County of Larimer, State of Colorado

**Owner(s):** White Point Properties, LLC

**Applicant(s):** Dan Stroh – White Point Properties, LLC

**Application Summary:**

On May 26, 2011 staff and Commissioner Chair Ericson met with the property owner and discussed the process for designation and outlined the obligations and benefits of designating a property on the Loveland Historic Register. On July 15, 2011 staff verified a completed nomination application for the landmark designation of the property at 247 E 4th Street. Staff mailed a notification letter announcing the date of the public hearing to the property owner of 247 E 4th Street as required by ordinance. The Community and Strategic Planning Division also published notice of the public hearing for designation of the landmark property in the *Loveland Reporter-Herald*.

Larimer County Assessor records identify the property by the following address: 247 E 4th Street, Loveland, Colorado.

**History:**

*Source: Colorado Cultural Resource Survey Architectural Inventory Form prepared by Carl McWilliams of Cultural Resource Historians. 2009.*

This large two-story commercial building was constructed in 1891 by the house the Larimer County Bank and Trust Company. The original building had a corner entrance, with a rounded arch doorway. The entrance was faced with pressed brick, and was extensively outlined with red sandstone, quarried at the Stout Quarry, where Horsetooth Reservoir is now located. An ornate cornice extended from the corner along the building's south and east elevations. A 25' by 60' addition extended the building to the alley, in 1902. From the time it opened, until the early 1930s, the building was home to the Larimer County Bank and Trust Company. The bank closed its doors in 1931, a victim of the 1929 stock market crash and the deepening economic depression. Another bank, the Loveland State Bank, operated here for a time in the mid-1930s. In the late 1930s and during the 1940s, a number of stores and offices were located here. These include Hard (insurance) Agency, William C. Moore's real estate agency, Dunning Shoe Store, and Mock's Shoe Store. The Homestate Bank opened for business in the building in the early 1950s, and lasted until the mid-1960s. In the late 1960s or early 1970s, the building was acquired by Roy D. and Daniel G. Stroh. In business as auctioneers and realtors, the Stroh family has owned the building from that time to the present. The building's High Victorian appearance was replaced in a massive renovation in 1927. The stone and brick exterior walls were replaced by a new brick veneer, and the corner entrance was filled in, with the bank's entrance moving to the East Fourth Street side. The building has seen only modest façade alterations following the 1927 renovation.

**Architectural Description:**

*Source: Colorado Cultural Resource Survey Architectural Inventory Form prepared by Carl McWilliams of Cultural Resource Historians, 2009.*

Among Loveland' most prominent commercial buildings, the Larimer County Bank/Stroh Building is located at the northwest corner of East Fourth Street and North Lincoln Avenue, in the heart of downtown Loveland. The building's façade, located on the south elevation, fronts onto a wide concrete sidewalk, which parallels East Fourth Street. The east elevation also fronts onto a concrete sidewalk, paralleling North Lincoln Avenue, and the north elevation fronts onto a paved alley. The building's west elevation is abutted by the building at 241-243 East Fourth Street. The two story structure is of masonry construction and features a rectangular plan, measuring 140' north-south, by 26' east-west. Dating to a 1927 renovation, the building's exterior walls are comprised of dark red brick, laid in common bond, with projecting header courses at irregular intervals. The foundation is concrete, and the roof is flat, with built-up gravel/tar composition roofing material. Distinctive parapet walls, with recessed blond brick panels, are located at the tops of the south and east elevations. These parapet walls, along with the use of blond and red brick in belt courses and in panels, on the south and east elevations, form notable architectural elements, which define the building's distinct style, and give it a horizontal emphasis. A stained natural brown wood-paneled door, with transom and sidelights, is located within a recessed entryway, near the west end of the façade. Two single-light, fixed-pane storefront windows penetrate the façade on the first

story, and there are three single-hung sash second story windows on the façade.

The building's east elevation is penetrated by five doors, leading into businesses along North Lincoln Avenue. First story windows on the east elevation include ten single-light fixed-pane storefront display windows, with a continuous brick sill, broken by the doorways. On the second story, on the east elevation, there are thirteen single-hung sash windows, with flanking sidelights, and with a continuous brick sill. On the building's north elevation, there are two painted beige color steel service doors, each with a transom light. Two single-hung sash windows, with flanking sidelights, penetrate the second story wall on the north elevation.

### **Significance:**

The Larimer County Bank/Stroh Building is located at the northwest corner of East Fourth Street and North Lincoln Avenue, in downtown Loveland. Throughout its history, the building has been associated with the development of the city's downtown commercial district, beginning with its construction in 1891. As such, the building is significant under Loveland's "commerce and industry" context as it relates to the downtown area's commercial development, during the late 1800s, and during the first half of the twentieth century. The building is also architecturally significant as a locally notable example of a two-part (two-story) commercial block. Dating from its 1927 renovation, the building displays a high degree of historical integrity. This building is individually eligible for inclusion in the National Register of Historic Places under Criteria A and C.

**Photographs:**



**Figure 1: South and East Elevations**



**Figure 2: South Elevation**



Figure 3: East Elevation



Figure 4: North Elevation



## Determination of Significance and Integrity

*Significance* should be used as the starting point in determining eligibility for placement on a historic register. Significance has two distinct attributes – the “area of significance” which answers the question of context, or **what** is significant about a resource in terms of its association to agriculture, architecture, commerce and industry, education, politics and government, and transportation. The Larimer County Bank is significant for representing the built environment of a group of people during that era in history. In addition, the Larimer County Bank is an established familiar visual feature of the community, enhancing the sense of identity of the community, and exemplifying the cultural and social heritage of the community.

The second attribute of the *significance* of a structure is its “period of significance” which places the resource on a historic timeline and answers the question of **when** a resource was significant. As noted, the Larimer County Bank was built in 1891, making it greater than 50 years old.

*Integrity* refers to the ability of a structure to convey its original design or some later period of significance through the intactness of its historic form, original or historic use of materials, setting and site. Integrity has seven (7) particular aspects: location, setting, feeling, design, materials, workmanship, and association with some attribute of historic significance.

A historic building, for example, that retains its original or historically significant setting with little or no visible modifications that diminish the ability to relate its historic association demonstrates greater integrity than a building that has lost many of physical historical elements. A building with high physical integrity retains the following original or historically significant elements: massing; architectural detail; surface treatment; and windows and doors.

According to the list of features described in the owner’s application and the Cultural Resource Survey prepared by Carl McWilliams, and which is verified by current photographs, the Larimer County Bank has maintained a good amount of its integrity. The distinctive parapet walls, the recessed blond brick panels, and the use of blond and red brick in belt courses form notable architectural elements that have retained their integrity. Although the massive renovation in 1927 altered the building’s High Victorian appearance, only modest alterations have been performed since then and the renovation itself represents a period of significance and architecturally notable elements.

## Staff Recommendation

To be considered eligible for designation as a historic landmark on the Loveland Historic Register, a property must be at least fifty (50) years old and must meet one (1) or more of the criteria for architectural, social cultural, or geographic/environmental significance as identified in Loveland Municipal Code 15.56.090. The Larimer County Bank satisfies the age requirement and meets the following criteria for designation as a Loveland Historic Register landmark of property:

- a.) Architectural
  - 1. Represents a built environment of a group of people in an era of history.
- b.) Social/Cultural
  - 1. Exemplifies the cultural, political, economic or social heritage of the community.
- c.) Geographic/Environmental
  - 1. Enhances sense of identity of the community.
  - 2. Is an established and familiar natural setting or visual feature of the community.
- d.) Physical Integrity
  - 1. Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state or nation.
  - 2. Retains original design features, materials, and/or character.
  - 3. Retains its original location.

Given available information for the property at 247 E 4th Street, staff has determined that the Larimer County Bank exhibits both adequate *integrity* and *significance* to support its eligibility for designation as a Loveland historic landmark. This determination is based on the Colorado Historical Society's recommended framework for determining landmark eligibility. Staff recommends the Historic Preservation Commission recommend approval of this request for designation of the Larimer County Bank, located at 247 E 4th Street, as a Loveland Historic Register landmark property.

**Attachments:**

A. Location Map



B. Nomination Application submitted by applicant



**FORM A**

**Application for Designation of a Historic Landmark**

Please Type or Print Legibly

*One property only per Application Form.  
If more than one Applicant, please attach additional sheet.*

<b>APPLICANT(S) INFORMATION</b>	
<b>Owner of Proposed Landmark Property:</b>	White Point Properties, LLC. Dan Stroh 247 E. 4th Street Loveland, CO 80537
<b>Applicant:</b>	<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> City Council (attach meeting minutes initiating action) <input type="checkbox"/> Commission Designees (pursuant to 15.56.169) <input type="checkbox"/> Historic Preservation Commission (attach meeting minutes initiating action)  <i>Please check one.</i>
<b>Address:</b>	247 E. 4th Street., Loveland, CO 80537
<b>Telephone:</b>	970-667-2837

<b>PROPOSED LANDMARK INFORMATION</b>	
<b>Property Name:</b>	Stroh & Co Realty & Auction
<b>Address:</b>	247 E. 4th Street., Loveland, CO 80537
<b>Historic Use:</b>	Bank, Office Building; Retail
<b>Current and Proposed Use</b>	Real Estate Office Building; Offices
<b>Legal Description</b>	See Attached Historic Building Inventory
<b>Brief Description of Historical Qualities relating to Property</b>	<i>Please attach additional sheets if necessary.</i> See Attached Historic Building Inventory



# FORM A

## Application for Designation of a Historic Landmark

<b>DETAILED PROPERTY INFORMATION</b>	
<b>Historic Property Name:</b>	Larimer County Bank
<b>Current Property Name:</b>	Stroh & CO Realty & Auction
<b>Address:</b>	247 E. 4th Street., Loveland, CO 80537
<b>Legal Description</b>	<i>Please attach copy of officially recorded document containing a legal description.</i> See Attached Historic Building Inventory
<b>Owner Name &amp; Address:</b>	White Point Properties, LLC. Dan Stroh 247 E. 4th Street., Loveland, CO 80537
<b>Style:</b>	Two Story
<b>Building Materials:</b>	Brick walls, recessed brick wall pane, canvas awnings
<b>Additions to main structure(s), and year(s) built.</b>	N/A
<b>Is the structure(s) on its original site?</b>	Yes <input checked="" type="checkbox"/> _____ No _____ If No, Date Moved _____
<b>What is the historic use of the property?</b>	Larimer County Bank, shoe store, & retail
<b>What is the present use of the property?</b>	Real Estate Office, offices, salon, Sugar Mill Productions
<b>What is the date of construction?</b>	Estimated: _____ Actual: _____ Original: 1891 Source: Historic Building Inventory



# FORM A

## Application for Designation of a Historic Landmark

<b>DETAILED PROPERTY INFORMATION</b> continued	
<b>Describe the condition of the property.</b>	Excellent
<b>Who was the original architect?</b>	Source: Unknown
<b>Who was the original Builder/Contractor?</b>	Source: Unknown
<b>Who was the original Owner(s)?</b>	Source: Larimer County Bank & Trust Company
<b>Are there structures associated with the subject property not under the ownership of this applicant? Please describe.</b>	NO
<b>Detailed description of the architectural characteristics of the property.</b>	<i>Please attach additional sheets if necessary.</i> See Attached Historic Building Inventory



# FORM A

## Application for Designation of a Historic Landmark

The Historic Preservation Commission and City Council will consider the following criteria when reviewing nominations of properties for designation.

Landmarks must be at least fifty (50) years old and meet one (1) or more of the following criteria for architectural, social/cultural, or geographic/environmental significance. A landmark may be less than fifty (50) years old if it is found to be exceptionally important in other criteria.

Age of Site is: 120

**1. Proposed Historic Landmarks. Please check all that apply:**

*For prehistoric or historic archaeological sites, please go to Form A Section 2, pg. 5.*

**A) Architectural:**

- 1) Exemplifies specific elements of an architectural style or period.
- 2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, or locally.
- 3) Demonstrates superior craftsmanship, or high artistic value.
- 4) Represents innovation in construction, materials, or design.
- 5) Represents a built environment of a group of people in an era of history.
- 6) Exhibits a pattern or grouping of elements representing at least one of the above criteria.
- 7) Is a significant historic remodel.

**B) Social/Cultural**

- 1) Is a site of an historic event that had an effect upon society.
- 2) Exemplifies the cultural, political, economic, or social heritage of the community.
- 3) Is associated with a notable person(s) or the work of notable person(s).

**C) Geographical/Environmental**

- 1) Enhances sense of identity of the community.
- 2) Is an established and familiar natural setting or visual feature of the community.



# FORM A

## Application for Designation of a Historic Landmark

**2. Prehistoric and historic archaeological sites shall meet one (1) or more of the following. Complete this section only if the subject property is a prehistoric or historic archaeological site. Please check all that apply.**

**A) Architectural**

- 1) Exhibits distinctive characteristics of a type, period, or manner of construction.
- 2) Is a unique example of a structure.

**B) Social/Cultural**

- 1) Has the potential to make an important contribution to the knowledge of the area's history or prehistory.
- 2) Is associated with an important event in the area's development.
- 3) Is associated with a notable person(s) or the work of notable person(s).
- 4) Is a typical example/association with a particular ethnic or other community group.
- 5) Is a unique example of an event in local history.

**C) Geographical/Environmental**

- 1) Is geographically or regionally important.

**3. Each property or site will also be evaluated based on physical integrity using the following criteria (*a property need not meet all the following criteria*):**

- a) Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
- b) Retains original location or same historic context if it has been removed; or
- c) Has been accurately reconstructed or restored based on documentation.



**FORM A**

**Application for Designation of a Historic Landmark**

<p><b>Statement of Significance</b></p> <p>Please provide a brief statement summarizing the applicable criteria checked on previous pages.</p>	<p><i>Please attach additional sheets if necessary.</i>                  Historic Building Inventory provided information on the Stroh Building</p>
<p><b>Photographs of property as it appears today</b></p>	<p><i>Include photos from all angles: front, rear, and side elevations.</i>                  See Attached</p>
<p>Please identify all references used during the research of the property. Include titles, author, publisher, publication date, ISBN# (when applicable), and location of source such as public library, etc.</p>	<p><i>Please attach additional sheets if necessary.</i>                  Historic Building Inventory</p>





City of Loveland

Page 7 - Signature Sheet

# FORM A

## Application for Designation of a Historic Landmark

Please type or print legibly.

FORM A completed by:

Carrie Wakefield Stroh Realty Employee

Signature of Preparer:

Carrie Wakefield

Date:

7/11/11

Phone No.

970-667-2837

Address:

247 E 4th Street Loveland, Co 80537.

Signature of Property/Site Owner(s) if different than Preparer:

[Signature] White Point Properties LLC

Date:

7-11-11

COLORADO HISTORICAL SOCIETY  
Office of Archeology and Historic Preservation  
1300 Broadway Denver, CO 80203

### HISTORIC BUILDING INVENTORY

COUNTY: Larimer CITY: Loveland

HISTORIC BUILDING NAME: Larimer County Bank Building

CURRENT BUILDING NAME: Stroh Building

ADDRESS: 247 East Fourth Street  
Loveland, CO 80537

OWNER(S) NAME AND ADDRESS: Daniel G. Stroh  
0255 Weld County Road 46  
Berthoud, CO 80513

CITE NO. 0411000

Eligible for National Register  yes  no  
date \_\_\_\_\_ initials \_\_\_\_\_

Contributes to a potential National Register District  
 yes  no

District Name: Loveland Downtown Historic District

Criteria  A  B  C  D

Eligible for State Register  yes  no  
date \_\_\_\_\_ initials \_\_\_\_\_

Criteria  A  B  C  D  E

Areas of Significance

Period of Significance

Needs Data  date \_\_\_\_\_ initials \_\_\_\_\_

LOCAL LANDMARK DESIGNATION: No

P.M.: 6th Township: 5N Range: 69W  
SW $\frac{1}{4}$  of SW $\frac{1}{4}$  section 13

UTM REFERENCE: ZONE: 13

EASTING: 493820

NORTHING: 4471460

USGS QUAD NAME: Loveland, Colo.

Year: 1962 (Photorevised 1984) 7.5'

Block: 13

Lots: 23, 24

Addition: Loveland



original location

moved

Date(s) of move(s): N/A

HISTORIC USE: Bank; Office  
building; Retail store

PRESENT USE: Office  
building; Retail stores

DATE OF CONSTRUCTION

estimate:

actual: 1891

SOURCE OF INFORMATION

Loveland City Directories  
Sanborn maps

**ARCHITECTURAL DESCRIPTION**

Among Loveland's most prominent commercial buildings, the Larimer County Bank / Stroh Building is located at the northwest corner of East Fourth Street and North Lincoln Avenue, in the heart of downtown Loveland. The building's facade, located on the south elevation, fronts onto a wide concrete sidewalk which parallels East Fourth Street. The east elevation also fronts onto a concrete sidewalk, paralleling North Lincoln Avenue, and the north elevation fronts onto a paved alley. The building's west elevation is abutted by the Rydquist Jewelry building at 241-243 East Fourth Street. The two story structure is of masonry construction and features a rectangular plan, measuring 140' north-south, by 26' east-west. Dating to a 1927 renovation, the building's exterior walls are comprised of dark red brick, laid in common bond, with projecting header courses at irregular intervals. The foundation is concrete, and the roof is flat, with built-up gravel/tar composition roofing material. Distinctive parapet walls, with recessed blond brick panels, are located at the tops of the south and east elevations. These parapet walls, along with the use of blond and red brick in belt courses and in panels, on the south and east elevations, form notable architectural elements, which define the building's distinct style, and give it a horizontal emphasis. A stained natural brown wood-paneled door, with transom and sidelights, is located within a recessed entryway, near the west end of the facade. Above the entrance, a burgundy color canvas awning, emblazoned with the **Stroh & Co.** logo, extends out over the sidewalk along East Fourth Street. A sign with neon lights projects over the sidewalks at the building's southeast corner, and advertises: **STROH & CO. REALTY & AUCTIONS SINCE 1954**. Two single-light, fixed-pane storefront windows penetrate the facade on the first story, and there are three single-hung sash second story windows on the facade, all with burgundy color canvas awnings.

The building's east elevation is penetrated by five doors, leading into businesses along North Lincoln Avenue. From south to north, these include: a wood-paneled door, providing access to Stroh and Company; a set of paired glass-in-wood-frame doors, leading to Empire Sales Co. upstairs at 407 N. Lincoln Ave.; a glass-in-steel-frame door, providing access to Colorado Interior Concepts at 411 N. Lincoln Ave.; A glass-in-steel-frame door, leading into Bob' Barber Shop at 415 N. Lincoln Ave.; and a glass-in-wood-frame door to 417 N. Lincoln Ave., currently vacant. First story windows on the east elevation include ten single-light fixed-pane storefront display windows, with a continuous brick sill, broken by the doorways, and with burgundy color metal awnings. On the second story, on the east elevation, there are thirteen single-hung sash windows, with flanking sidelights, and with a continuous brick sill. Each of these windows is covered by a beige color metal awning. On the building's north elevation, there are two painted beige color steel service doors, each with a transom light. Two single-hung sash windows, with flanking sidelights, penetrate the second story wall on the north elevation. Another signband here advertises **Stroh & Co. REALTY & AUCTIONS SINCE 1954**.

**PHOTOGRAPHS** (include photographs showing each side of building and any associated buildings)

Film Roll No: **CM-4** Photographer **Carl McWilliams**  
 Negative No(s): **17-21**  
 Location of Negatives: **City of Loveland, Cultural Services Department**

**CONSTRUCTION HISTORY** (include description and dates of major additions, alterations, or demolitions)

This building was constructed in 1891 to house the Larimer County Bank. As originally built, the two-story structure had a corner entrance, faced with pressed brick trimmed in red sandstone. An ornate cornice extended along the building's south and east elevations, paralleling what became East Fourth Street and North Cleveland Avenue. A 25' by 60' addition extended the building to the alley, in 1902. The building's High Victorian appearance was replaced in a massive renovation in 1927. The stone and brick exterior walls were replaced by a new brick veneer, and the corner entrance was filled in, with the bank's entrance moving to the East Fourth Street side. The building has seen only modest facade alterations following the 1927 renovation.

ARCHITECT: **unknown**

SOURCE OF INFORMATION: **n/a**

BUILDER / CONTRACTOR:  
**unknown**

SOURCE OF INFORMATION:  
**n/a**

ORIGINAL OWNER:  
**Larimer County Bank and Trust Company**

SOURCE OF INFORMATION:  
**"Before and After: Larimer County Bank Near Centennial." Loveland Daily Reporter-Herald September 1-2, 1979, p. 1.**

ARCHITECTURAL STYLE:  
**Two-Part Commercial Block**

BUILDING TYPE:  
**Building**

MATERIALS:  
**Brick walls; Recessed brick wall pane; Canvas awnings; Neon sign**

STORIES: **Two**

SQUARE FOOTAGE: **~7280**

PLAN / SHAPE: **Rectangular**

ASSOCIATED BUILDINGS: **No**

TYPE: **n/a**

## HISTORICAL BACKGROUND

This large two-story commercial building was constructed in 1891 by the Larimer County Bank and Trust Company. The original building had a corner entrance, with a rounded arch doorway. The entrance was faced with pressed brick, and was extensively outlined with red sandstone, quarried at the Stout Quarry, where Horsetooth Reservoir is now located. An ornate cornice extended line extended from the corner, along the top of the building's south and east elevations. From the time it opened, until the early 1930s, the building was home to the Larimer County Bank and Trust Company. The bank closed its doors in 1931, a victim of the 1929 stock market crash and the deepening economic depression. Another bank, the Loveland State Bank, operated here for a time in the mid-1930s. In the late 1930s and during the 1940s, a number of stores and offices were located here. These include Hards (insurance) Agency, William C. Moore's real estate agency, Dunning Shoe Store, and Mock's Shoe Store. The Homestate Bank opened for business in the building in the early 1950s, and lasted until the mid-1960s. In the late 1960s or early 1970s, the building was acquired by Roy D. and Daniel G. Stroh. In business as auctioneers and realtors, the Stroh family has owned the building from that time to the present. In addition to Stroh and Company the building's current (1999) occupants are Empire Sales Company, Fine Line General Contractors Inc., Colorado Interior Concepts, and Bob's Barber Shop.

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## INFORMATION SOURCES (be specific):

"A Guide to Historic Loveland," on file at the City of Loveland Museum Gallery.

"A Walking Tour of Historical Commercial Buildings in Loveland," on file at the City of Loveland Museum Gallery

"Before and After: Larimer County Bank Nears Centennial." *Loveland Daily Reporter-Herald*, September 1-2, 1991.

Loveland "Commercial Property Appraisal Record" card, on file at the City of Loveland Museum Gallery.

Loveland City Directories, generally published annually 1908-1998, (various publishers).

Sanborn Fire Insurance Maps, dated June 1886, December 1890, September 1893, November 1900, March 1905, May 1911, April 1918, August 1927, and August 1937.

**SIGNIFICANCE** (check appropriate categories)**Architectural Significance:**

- represents the work of a master  
 possesses high artistic value  
 represents a type, period or method of construction

**Historical Significance:**

- associated with significant person(s)  
 associated with significant event  
 associated with a pattern of events  
 contributes to a historic district

**National Register Eligibility:**

- Individual  yes  no  
 Criteria:  A  B  C  D

**Contributes to a potential district:**

- yes  no  
 District Name: **Loveland Downtown Historic District**

Area(s) of Significance: **Commerce; Architecture**

Period of Significance: **1891-1950**

**STATEMENT OF SIGNIFICANCE** (briefly justify the significance checked above)

The Larimer County Bank Building / Stroh Building is located at the northwest corner of East Fourth Street and North Lincoln Avenue, in downtown Loveland. Throughout its history, the building has been associated with the development of the city's downtown commercial district, beginning with its construction in 1891. As such, the building is significant under Loveland's "commerce and industry" context as it relates to the downtown area's commercial development, during the late 1800s, and during the first half of the twentieth century. The building is also architecturally significant as a locally notable example of a two-part (two-story) commercial block. Dating from its 1927 renovation, the building displays a high degree of historical integrity. This building is individually eligible for inclusion in the National Register of Historic Places under Criteria A and C, and it is also eligible as a contributing resource within the potential Loveland Downtown Historic District.

INVENTORY COMPLETED BY: **Carl McWilliams and Jason Marmor**

AFFILIATION: **Retrospect**

ADDRESS: **1512 Briarcliff Road  
Fort Collins, CO 80524**

**Cultural Resource Historians**

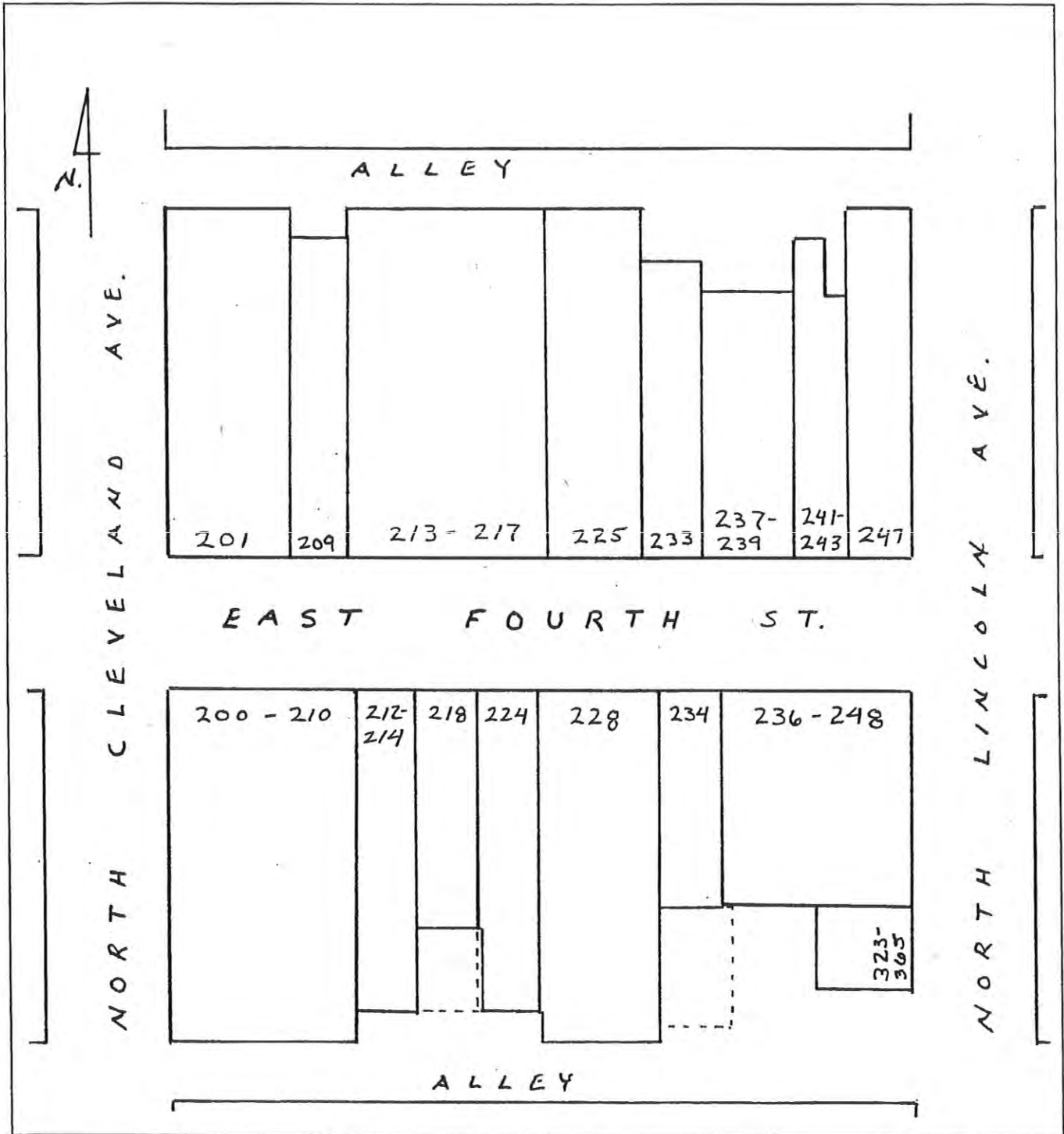
**1607 Dogwood Court  
Fort Collins, CO 80525**

DATE: **24 October 1999**

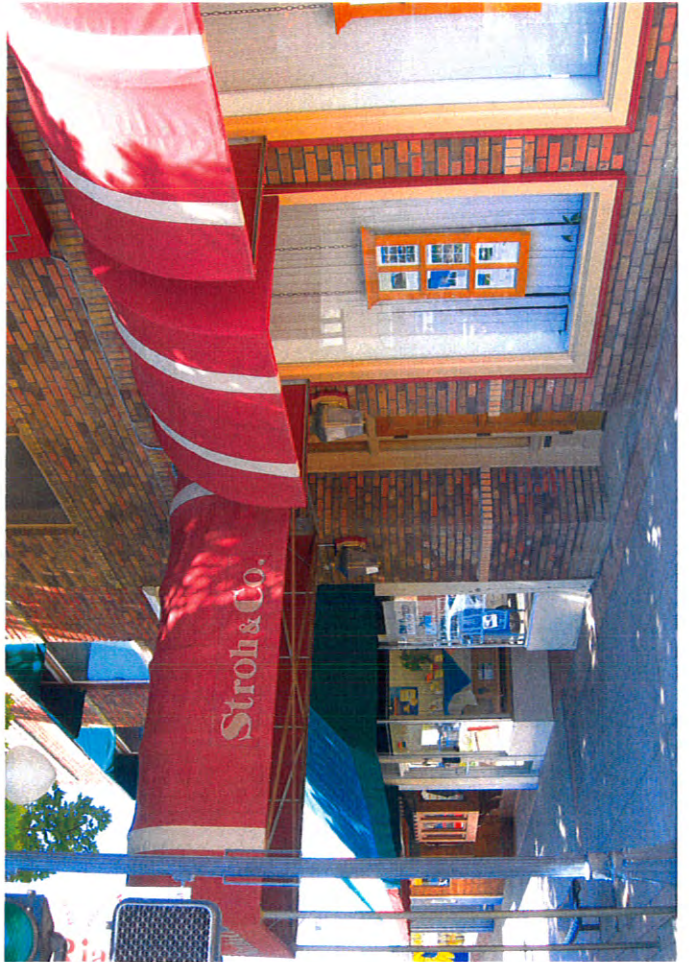
PHONE: **970/482-3115; 970/493-52**

PROJECT NAME:

**Loveland Historic Preservation Survey**



SITE PLAN . . . Approximate Scale 1/4" = 15'





11-11-11-6





**CITY OF LOVELAND**  
**PUBLIC WORKS DEPARTMENT**  
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537  
 (970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

**AGENDA ITEM:** 6  
**MEETING DATE:** 9/20/2011  
**TO:** City Council  
**FROM:** Keith Reester, Director, Public Works Department  
**PRESENTER:** David Klockeman, City Engineer

**TITLE:**

Consideration of an ordinance on second reading enacting a Supplemental Budget and Appropriation to the 2011 City of Loveland budget for the installation of 7<sup>th</sup> Street and Garfield Avenue (Truscott Elementary) Sidewalk Improvements

**DESCRIPTION:**

This is an administrative action to consider on second reading an ordinance to appropriate Federal Safe Routes to School (SRTS) funds for the installation of 7<sup>th</sup> Street and Garfield Avenue (Truscott Elementary) Sidewalk Improvements. The Ordinance was approved unanimously on first reading at the September 6, 2011 City Council Meeting.

**BUDGET IMPACT:**

Yes     No

The project is funded from grant funds and City funds. The source of City funds is the approved 2011 budget for the Transportation Capital Program.

**SUMMARY:**

CDOT will provide federal funds to the City of Loveland to reimburse it for the costs, up to \$85,880, of installing sidewalk and associated improvements along the north side of Truscott Elementary School on 7<sup>th</sup> Street from Grant Avenue to Garfield Avenue. Construction is planned for late 2011 or early 2012.

Funding Summary:

Federal Funds		\$ 85,880
Local Agency Match Funds*	\$ 0	
Local Agency Overmatch Funds **	<u>\$ 30,000</u>	
Subtotal Local Funds	\$ 30,000	<u>\$ 30,000</u>
Total Project Funds:		\$115,880

\* Local Agency Match Funds are defined as funding required to be provided by a local entity as part of the Federal grant process. For Safe Routes to School Funds, a Local Agency Match is not required. (Typically, the Federal funds account for 80 percent of the project cost and the Local Agency Match Funds account for the remaining 20 percent.) Therefore, the amount shown above for that line is \$0.

\*\* Local Agency Overmatch Funds are defined as funding provided by a local entity above the required amount of Local Agency Match Funds in order to complete a project. In this case, the difference between the Federal grant and the cost of completing the project is \$30,000. Since no Local Agency Match Funds were required, but providing local funds is encouraged, this amount was included in the grant application and the entire amount is shown as an “overmatch”.

An ordinance is required to appropriate the Federal Funds as the award of this project occurred after the 2011 budget was adopted. City Council unanimously approved the First Reading of this Ordinance at the September 6, 2011 meeting.

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**LIST OF ATTACHMENTS:**

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2011 City of Loveland Budget for Installation of 7<sup>th</sup> Street and Garfield Avenue (Truscott Elementary) Sidewalk Improvements

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**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading.

**REVIEWED BY CITY MANAGER:**

**FIRST READING**      September 6, 2011

**SECOND READING**   September 20, 2011

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

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR 7<sup>TH</sup> STREET AND GARFIELD AVENUE AREA (TRUSCOTT ELEMENTARY) SIDEWALK IMPROVEMENTS**

**WHEREAS**, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

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

**Section 1.** That revenues in the amount of \$85,880 from a Federal Safe Routes to School (SRTS) Grant in the Capital Projects Fund 02 are available for appropriation. These revenues are appropriated for the installation of sidewalk and related improvements along the north side of Truscott Elementary (7<sup>th</sup> Street from Grant Avenue to Garfield Avenue). The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Capital Projects Fund 02 – 7<sup>th</sup> and Garfield Sidewalk Improvements**

<b>Revenues</b>		
002-0270-334-48-00-EN1103	Federal Grants – Sidewalk Improvements	\$85,880
<b>Total Revenue</b>		<b>\$85,880</b>
 <b>Appropriations</b>		
002-0270-409-09-60-EN1103	Construction – Sidewalk Improvements	\$85,880
<b>Total Appropriations</b>		<b>\$85,880</b>

**Section 2.** That as provided in City Charter Section 11-5(d), this Ordinance shall be effective upon final adoption.

ADOPTED this \_\_\_\_ day of September, 2011.

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

ATTEST:

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

APPROVED AS TO FORM:

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



**CITY OF LOVELAND**  
**PUBLIC WORKS DEPARTMENT**  
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537  
 (970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

**AGENDA ITEM:** 7  
**MEETING DATE:** 9/20/2011  
**TO:** City Council  
**FROM:** Keith Reester, Director, Public Works Department  
**PRESENTER:** David Klockeman, City Engineer

**TITLE:**

Public Hearing and Consideration of an Ordinance on First Reading enacting a Supplemental Budget and Appropriation to the 2011 Loveland General Improvement District #1 for Traffic Signal Pole and Arm Upgrades

**DESCRIPTION:**

This is an administrative action for consideration of an ordinance on first reading. The ordinance appropriates reserved funds not appropriated at the time of adoption of the General Improvement District #1 budget for 2011 for traffic signal pole, arm and street lighting upgrades at Cleveland Avenue (US 287) and 4<sup>th</sup> Street. The funds will provide decorative signal pole bases, luminaire arms and LED lighting in concert with the recent Downtown plan. This funding request and appropriation is for \$11,000.

**BUDGET IMPACT:**

Yes      No

The request appropriates funding from reserved funds within the General Improvement District #1 fund.

**SUMMARY:**

These funds will be used to upgrade the appearance of the signal poles and support arms and purchase upgraded LED street lights to be attached to the signal poles at Cleveland and 4<sup>th</sup> Street in Downtown Loveland. Funding for the larger signal rebuild project was obtained as a part of a prior separate traffic signal maintenance agreement with CDOT and was matched by the City of Loveland. This additional funding request of \$11,000 included in this supplemental budget and appropriation allows for this work to be completed in 2011.

---

**LIST OF ATTACHMENTS:**

An Ordinance enacting a Supplemental Budget and Appropriation to the 2011 Loveland General Improvement District #1 for Traffic Signal Pole and Arm Upgrades

---

**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a Public Hearing and approve the ordinance on first reading.

**REVIEWED BY CITY MANAGER:**

FIRST READING September 20, 2011

SECOND READING \_\_\_\_\_

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

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 LOVELAND GENERAL IMPROVEMENT DISTRICT #1 FOR TRAFFIC SIGNAL POLE AND ARM UPGRADES**

**WHEREAS**, the District has reserved funds not appropriated at the time of the adoption of the District budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, ACTING AS THE EX OFFICIO BOARD OF DIRECTORS OF THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1:**

**Section 1.** That revenues in the amount of \$11,000 from reserves in the Loveland General Improvement District #1 Fund 025 are available for appropriation. Revenues in the total amount of \$11,000 are hereby appropriated for traffic signal pole and arm upgrades at the Lincoln and Cleveland Avenue intersections with U.S. 287 and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Loveland General Improvement District #1 Fund 025**

<b>Revenues</b>	
Fund Balance	11,000
<b>Total Revenue</b>	<b>11,000</b>
 <b>Appropriations</b>	
025-0303-409-09-60-EN1005 Construction	11,000
<b>Total Appropriations</b>	<b>11,000</b>

**Section 2.** 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. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).


ADOPTED this \_\_\_\_ day of October, 2011.

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

ATTEST:

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

APPROVED AS TO FORM:

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





**CITY OF LOVELAND**  
HUMAN RESOURCES DEPARTMENT  
Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2371 • FAX (970) 962-2919 • TDD (970) 962-2620

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**AGENDA ITEM:** 8  
**MEETING DATE:** 9/20/2011  
**TO:** City Council  
**FROM:** City Manager and Human Resources  
**PRESENTER:** Bill Cahill

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**TITLE:** Setting Special Council Meeting Dates

**DESCRIPTION:**

This is an administrative action requesting City Council call special meetings on the following dates: September 27, 2011 for the purpose of discussing and considering any necessary actions regarding matters related to the ACE Manufacturing and Innovation Park and September 28 and October 5, 2011 for the purpose of holding Executive Sessions to finalize the evaluation process and to conduct evaluations with Council appointed Staff.

**BUDGET IMPACT:**

Yes  No

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**SUMMARY:**

The City of Loveland is working on an economic development project known as ACE Manufacturing and Innovation Park. The purpose of the September 27, 2011 special meeting is to discuss and consider any necessary actions concerning matters related to the ACE Manufacturing and Innovation Park.

The special meeting on September 28, 2011 is to conduct an executive session to finalize appointed positions annual evaluation forms and ratings. The October 5, 2011 special meeting is to conduct evaluation meetings with Council appointed staff.

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**LIST OF ATTACHMENTS:** None

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**RECOMMENDED CITY COUNCIL ACTION:** Approve a motion calling a special meeting for September 27, 2011 to be located in the Council Chambers, 500 E. Third St, Loveland, CO

beginning at 6:30 pm for the purpose of discussing and considering any necessary actions concerning matters related to the ACE Manufacturing and Innovation Park and special meetings for September 28, 2011 and October 5, 2011, to be located in the City Manager's Conference Room, 500 E. Third St, Loveland, CO beginning at 5:30 p.m. for the purpose of calling Executive Sessions to review the evaluation process and to conduct evaluations with Council appointed Staff.

**REVIEWED BY CITY MANAGER:**



**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 9

**MEETING DATE:** September 20, 2011

**TO:** City Council

**FROM:** Greg George, Development Services Director

**PRESENTER:** Steven Williams, Current Planning

**TITLE:**

AN ORDINANCE VACATING A PORTION OF A UTILITY AND DRAINAGE EASEMENT ON LOT 2, BLOCK 1, AMENDED PLAT OF LOTS 1 & 2, BLOCK 1, OF THE AMENDED PLAT OF LOTS 3 & 5, BLOCK 1, MCKEE MEADOWS 9TH SUBDIVISION

**DESCRIPTION:**

A public hearing and legislative action to consider an ordinance on first reading vacating a 1,295 square foot portion of a utility and drainage easement located in Lot 2, Block 1, Amended Plat of Lots 1 & 2, Block 1, of the Amended Plat of Lots 3 & 5, Block 1, McKee Meadows 9th Subdivision. The applicant is Hal Rogers, the owner of the subject property.

**BUDGET IMPACT:**

Yes     No

**SUMMARY:** The applicant proposes to vacate a portion of a utility and drainage easement located at 1497 E. Eisenhower Blvd. This property is generally located on the north side of E. Eisenhower Boulevard between N. Madison Avenue and N. Boise Avenue (within the larger shopping center that also includes Home State Bank and the former Albertsons). The building is occupied by Liquor Max and the vacation is necessary to allow for the construction of a drive-up facility on the west side of the building (see Vicinity Map and Site Plan in the attached staff memo). The easement currently contains an underground power line. This power line will be relocated due west of the existing easement. A new public utility easement has been dedicated to accommodate the relocated underground electric line. With the relocation of the electric line, there will no longer be any public or private utility lines in the existing easement. All providers of public utilities have reviewed the vacation application and recommend approval.

**LIST OF ATTACHMENTS:**

- A. Easement vacation ordinance
- B. Staff memorandum with attachments

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**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion for City Council action:

Move to make the findings in Section V of the staff memorandum dated September 20, 2011 and, based on those findings, adopt on first reading, AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT ON LOT 2, BLOCK 1, AMENDED PLAT OF LOTS 1 & 2, BLOCK 1, OF THE AMENDED PLAT OF LOTS 3 & 5, BLOCK 1, MCKEE MEADOWS 9TH SUBDIVISION.

**REVIEWED BY CITY MANAGER:**

**FIRST READING:** September 20, 2011

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

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF A UTILITY AND DRAINAGE EASEMENT ON LOT 2, BLOCK 1, AMENDED PLAT OF LOTS 1 & 2, BLOCK 1, OF THE AMENDED PLAT OF LOTS 3 & 5, BLOCK 1, MCKEE MEADOWS 9TH SUBDIVISION**

**WHEREAS**, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of a utility and drainage easement described below, located in Lot 2, Block 1, Amended Plat Of Lots 1 & 2, Block 1, Of The Amended Plat Of Lots 3 & 5, Block 1, McKee Meadows 9th Subdivision to the City of Loveland, County of Larimer, State of Colorado;

**WHEREAS**, the City Council finds and determines that the portion of the utility and drainage easement to be vacated is no longer necessary for the public use and convenience; 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 following described portion of a utility and drainage easement be and the same is hereby vacated:

That portion of PORTION OF A UTILITY AND DRAINAGE EASEMENT ON LOT 2, BLOCK 1, AMENDED PLAT OF LOTS 1 & 2, BLOCK 1, OF THE AMENDED PLAT OF LOTS 3 & 5, BLOCK 1, MCKEE MEADOWS 9TH SUBDIVISION, situate in the Southwest ¼ of Section 7, Township 5 North, Range 68 West of the 6th P.M., City Of Loveland, Larimer County, Colorado, being more particularly described as follows:

Considering the South line of the said Lot 2 as bearing North 89°09'29" West and with all bearings contained herein relative thereto;

Beginning at the Southwest corner of said Lot 2; thence along the Westerly line of said Lot 2 the following three (3) courses and distances, North 01°00'00" East 154.70 feet; thence South 88°59'56" East 93.89 feet; thence North 01°00'00" East 51.07 feet to a point on the South line of an existing 20-foot Utility Easement per said Amended Plat Of Lots 1 & 2, Block 1, Of The Amended Plat Of Lots 3 & 5, Block 1, McKee Meadows 9th Subdivision; thence departing said Westerly line and along said South line, South 89°05'00" East 14.96 feet to the TRUE POINT OF BEGINNING; thence continuing along said South line, South 89°05'00" East 15.00 feet; thence departing said South line, South 01°00'00" West 56.95 feet; thence South 88°59'56" East

3.37 feet; thence South 01°00'00" West 24.00 feet; thence North 88°59'56" West 18.37 feet; thence North 01°00'00" East 80.93 feet to the South line of said existing 20-foot Utility Easement and the TRUE POINT OF BEGINNING.

The above described Vacated Easement contains 1,295 square feet (0.03 acres), more or less.

**Section 2.** 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. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

**Section 3.** That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2011.

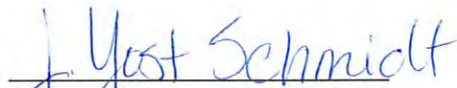
ATTEST:

CITY OF LOVELAND, COLORADO:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

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



## 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

**TO:** City Council

**FROM:** Steven Williams, Current Planning Division

**DATE:** September 20, 2011

**SUBJECT:** Vacation of a portion of a utility and drainage easement on Lot 2, Block 1, Amended Plat of Lots 1 & 2, Block 1, of the Amended Plat of Lots 3 & 5, Block 1, McKee Meadows 9<sup>th</sup> Subdivision

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#### I. ATTACHMENTS

1. Site Plan
2. Vacation Exhibit
3. Applicant's Request for Vacation

#### II. KEY ISSUES

Staff believes that there are no outstanding issues regarding this requested easement vacation.

#### III. PROJECT DESCRIPTION

The application proposes to vacate a 1,295 square foot portion of a utility and drainage easement located at 1497 E. Eisenhower Blvd. The building is occupied by Liquor Max and the vacation proposal is necessary to allow for the construction of a drive-up facility on the west side of the existing structure. The easment currently contains an underground electric line. This electric line will be relocated west of the existing easement and a new public utility easement has been dedicated to accommodate the relocated underground electric line. With the relocation of the electric line, there will no longer be any public or private utility lines in the easement.

#### IV. VICINITY MAP



#### V. FINDINGS and ANALYSIS

The following two findings must be met in order for the City Council to vacate the utility and postal easement. These findings are included in section 16.36.010.B of the Loveland City Code.

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.*

**Current Planning:** Staff believes this finding can be met because the vacation is internal to the property and being conducted to accommodate the location of the new building.

**Transportation:** Staff understands per the easement vacation application information received, that this is a proposed vacation of an existing utility and drainage easement on the property. The proposed vacation does not include any existing public street or alley rights-of-way, or access easements, which presently exist to serve vehicular access to the property.



Since the vacation of this easement does not involve the vacation of any existing public street or alley rights-of-way, or public access or private access easements, no land 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. (This utility and drainage easement vacation will not leave adjoining land without access to the existing public street/alley system).

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

**Transportation:** Since this vacation is for a utility and drainage easement only, and does not include any existing alley or street rights of way (or public access easements or private shared access easements), the vacation of the utility and drainage easement has no bearing to the existing public use and convenience in regards to access.

In light of all of the above, staff has no objection to the vacation of the utility and drainage easement (no public street or alley right-of-way, and no public access easement or private access easement, is included in this easement vacation).

**Fire:** Staff believes the proposed easement is not needed for fire protection can support the vacation.

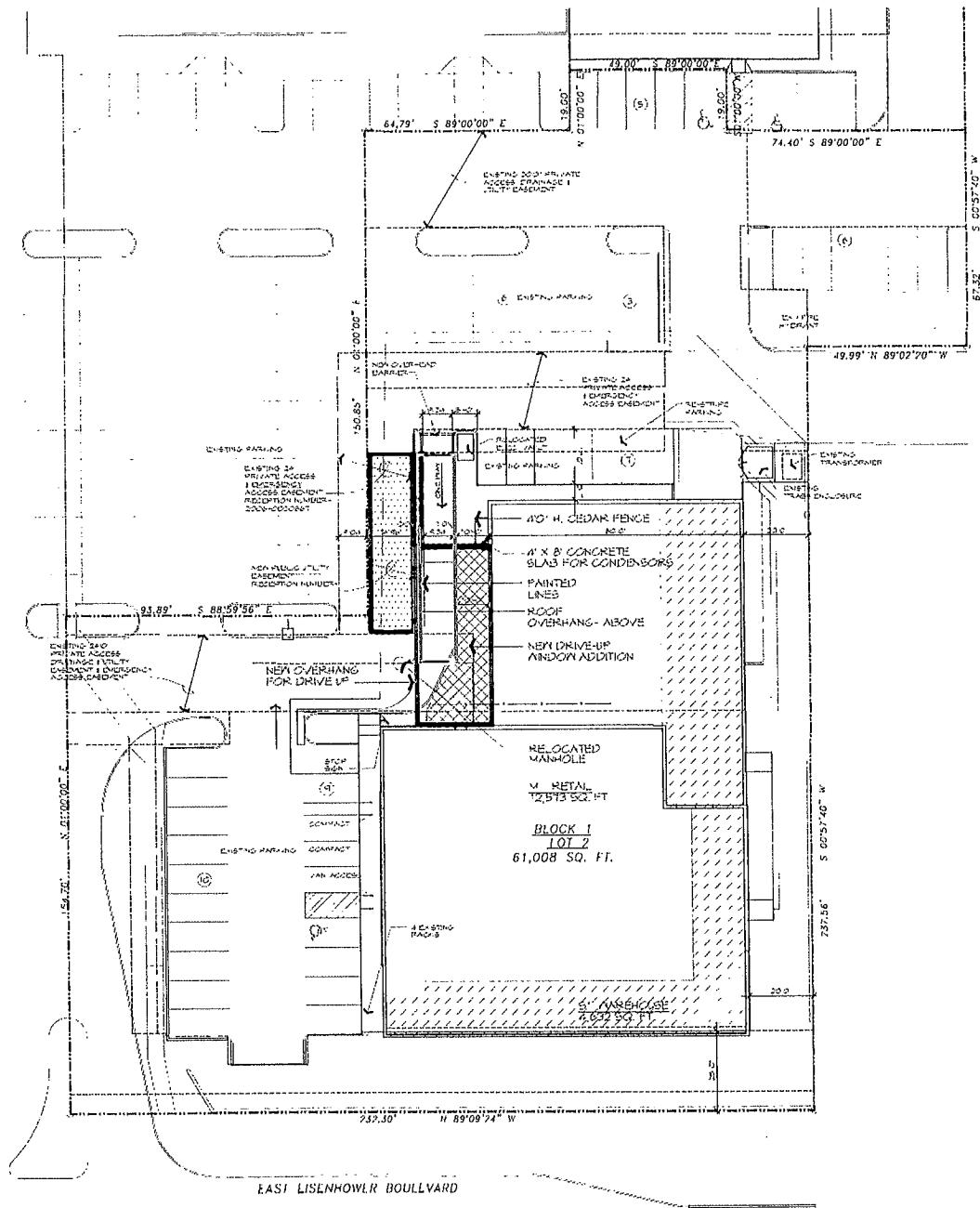
**Power:** There is an existing three-phase underground vault located near the north-west corner of the building which feeds the three-phase transformer located at the north-east corner of the building. This power line is located the existing easement that runs along the west and north sides of the building. The proposed drive-up window does require this vacation of this easement. In order for this easement to be vacated, the new underground primary cable and conduit will need to be relocated at the developer's expense. With the dedication of the new easement, staff finds that the easement to be vacated is no longer necessary for the public use and convenience.

**Water/Wastewater:** The subject area to be vacated is within the City's current service area for both water and wastewater. Staff finds that the existing easement to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development, and that the existing easement to be vacated is no longer necessary for public use and convenience.

**Stormwater:** Staff believes that this finding can be met because existing utility easement, to be vacated, is not used to convey stormwater and thus is not necessary for the public use and conveyance of stormwater.

## **VI. RECOMMENDATION**

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council approve the vacation ordinance on first reading.



**NEW SITE PLAN**  
 SCALE: 1" = 20'-0"  
 PLAN NO. 20-11

- Proposed Addition
- Proposed Vacation
- Proposed Easement

# Intermill Land Surveying



1301 N. Cleveland Ave.  
Loveland, Colorado 80537

(970) 669-0516

Fax: (970) 635-9775

E-mail: intermill@qwestoffice.net



P-11-6964

June 7, 2011

## **Easement Vacation Description (Lot 2, Block 1, Amended Plat Of Lots 1 & 2, Block 1, Of The Amended Plat Of Lots 3 & 5, Block 1, McKee Meadows 9th Subdivision):**

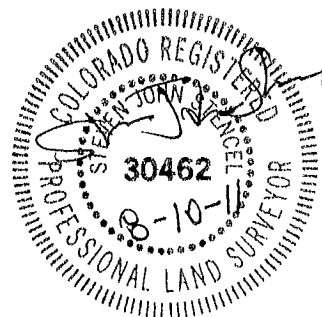
That portion of Lot 2, Block 1, Amended Plat Of Lots 1 & 2, Block 1, Of The Amended Plat Of Lots 3 & 5, Block 1, McKee Meadows 9th Subdivision to the City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows;

Considering the South line of the said Lot 2 as bearing North 89°09'29" West and with all bearings contained herein relative thereto;

Beginning at the Southwest corner of said Lot 2; thence along the Westerly line of said Lot 2 the following three (3) courses and distances, North 01°00'00" East 154.70 feet; thence South 88°59'56" East 93.89 feet; thence North 01°00'00" East 51.07 feet to a point on the South line of an existing 20-foot Utility Easement per said Amended Plat Of Lots 1 & 2, Block 1, Of The Amended Plat Of Lots 3 & 5, Block 1, McKee Meadows 9th Subdivision; thence departing said Westerly line and along said South line, South 89°05'00" East 14.96 feet to the TRUE POINT OF BEGINNING; thence continuing along said South line, South 89°05'00" East 15.00 feet; thence departing said South line, South 01°00'00" West 56.95 feet; thence South 88°59'56" East 3.37 feet; thence South 01°00'00" West 24.00 feet; thence North 88°59'56" West 18.37 feet; thence North 01°00'00" East 80.93 feet to the South line of said existing 20-foot Utility Easement and the TRUE POINT OF BEGINNING.

The above described Vacated Easement contains 1,295 square feet (0.03 acres), more or less.

Prepared By And On Behalf Of:  
INTERMILL LAND SURVEYING, INC.  
Steven John Stencel  
Colorado P.L.S. 30462  
Date: 8-10-11



# EASEMENT VACATION EXHIBIT MAP

VACATING A UTILITY & DRAINAGE EASEMENT ON A PORTION OF LOT 2, BLOCK 1, AMENDED PLAT OF LOTS 1 & 2, BLOCK 1, OF THE AMENDED PLAT OF LOTS 3 & 5, BLOCK 1, McKEE MEADOWS NINTH SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

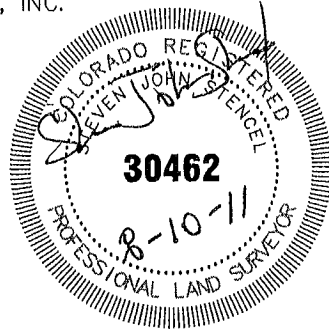
Prepared By And On Behalf Of:  
INTERMILL LAND SURVEYING, INC.  
1301 North Cleveland Ave.  
Loveland, CO. 80537  
(970) 669-0516

Steven John Stencil  
Colo. P.L.S. 30462

Project No.: P-11-6964  
Prepared On: 06/07/11  
Drawn By: JEB

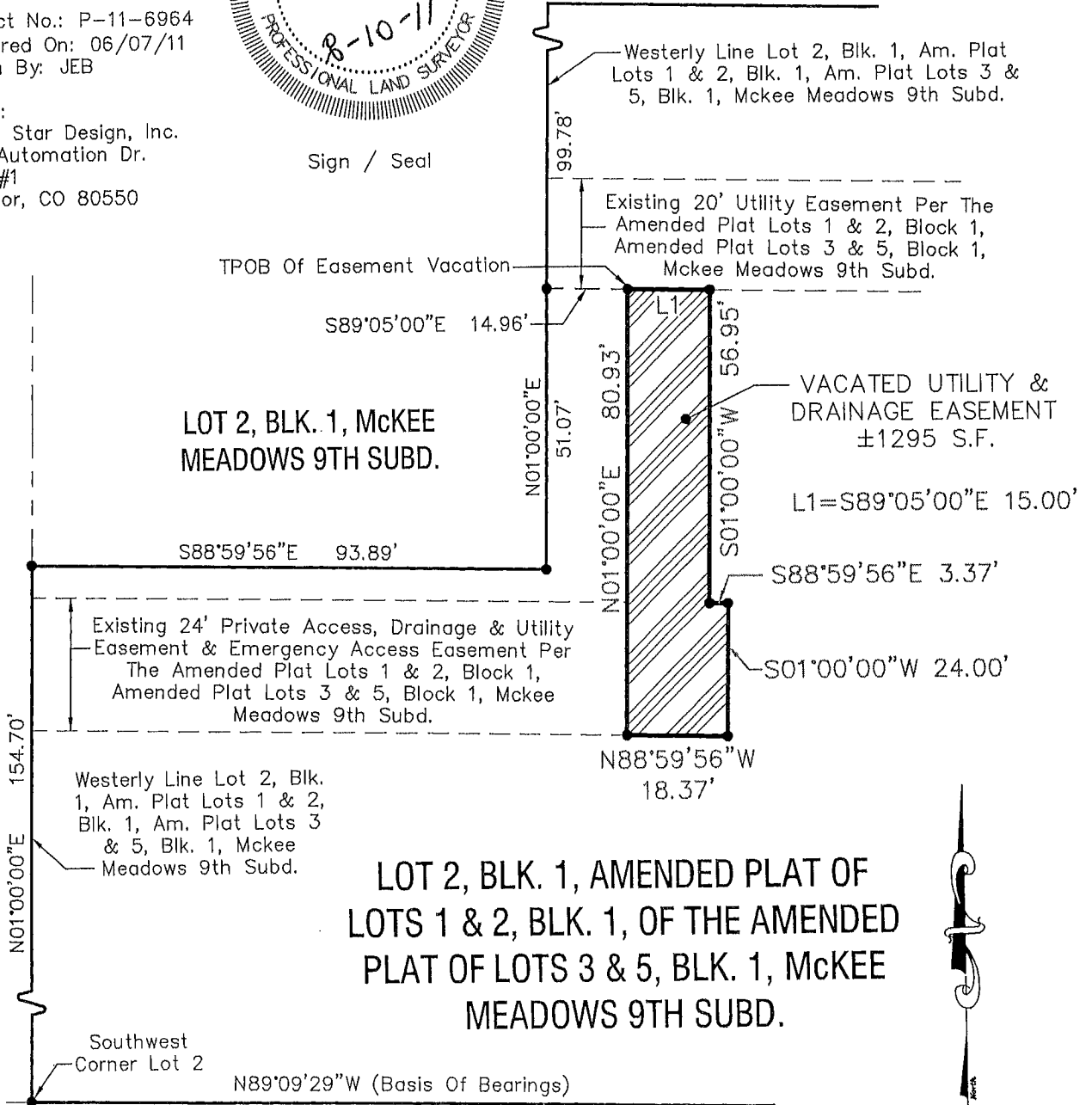
Client:  
North Star Design, Inc.  
700 Automation Dr.  
Unit #1  
Windsor, CO 80550

NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED FIELD SURVEY OF THE SUBJECT PROPERTY. IT IS INTENDED TO DEPICT THE ATTACHED PROPERTY DESCRIPTION FOR THE SUBJECT PROPERTY.

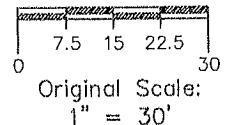


Sign / Seal

LOT 1, BLK. 1, McKEE MEADOWS 9TH SUBD.



EISENHOWER BLVD.



According to Colorado law you must commence any legal action based on this survey within three years after you 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.

ATTACHMENT 2

# Intermill Land Surveying



1301 N. Cleveland Ave.  
Loveland, Colorado 80537

(970) 669-0516  
Fax: (970) 635-9775  
E-mail: [intermill@qwestoffice.net](mailto:intermill@qwestoffice.net)



P-11-6964

June 21, 2011

City of Loveland Development Services  
Current Planning Division  
500 East 3<sup>rd</sup> Street  
Loveland, Colorado 80537  
(970) 962-2525

RE: Proposed Utility Easement Vacation for Lot 2, Block 1, Amended Plat of Lots 1 and 2, Block 1, Amended Plat of Lots 3 and 5, Block 1, McKee Meadows Ninth Subdivision to the City of Loveland, Colorado (1497 East Eisenhower Blvd., Loveland, CO 80537)

To Whom It May Concern:

This letter is being prepared on behalf of Hal Rogers, applicant/owner, and shall act as a letter of request and explanation for the proposed Utility Easement Vacation. Mr. Rogers is the owner of Lot 2, Block 1, Amended Plat of Lots 1 and 2, Block 1, Amended Plat of Lots 3 and 5, Block 1, McKee Meadows Ninth Subdivision. The property is addressed as 1497 East Eisenhower Blvd., Loveland, CO and currently contains the Liquor Max liquor store.

Mr. Rogers is planning on constructing a drive-up addition to the existing Liquor Max store. The addition will expand onto an existing Utility Easement and place an existing underground electric line under the proposed building addition.

With this Utility Easement Vacation Request, we propose on vacating the existing easement and relocate the underground electric line. The relocated underground electric line will be to the West of the current location. A new Utility Easement will be dedicated to encompass the relocated underground electric line.

Please review this letter and the accompanying documents for this Utility Easement Vacation. If any City of Loveland staff members have any questions on this request, please feel free to call me at (970) 669-0516.

Respectfully Submitted,

INTERMILL LAND SURVEYING, INC.  
Jim Bunkers  
Project Manager

For and On Behalf Of Hal Rogers