City of Loveland

Development Services Current Planning

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Planning Commission Staff Report June 11, 2012

Agenda #:

Regular Agenda - 1

Title:

HP/Agilent Open Space Rezoning

Applicant:

City of Loveland Parks and

Recreation Department

Request:

Rezoning

Location:

South of West 1st Street, west of

South Railroad Avenue and east of

South Taft Avenue

Existing Zoning:

DR - Developing Resource

District and I-Developing

Industrial District

Proposed Zoning: PP - Public Parks District

Staff Planner:

Brian Burson

Staff Recommendation:

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

Recommended Motion:

"Move to make the findings listed in Section VI. of this report dated June 11, 2012; and, based on those findings, recommend approval of the rezoning of the HP/Agilent Open Space, as described and depicted in Attachments #2 and #7 of this staff report from DR-Developing Resource District and I-Developing Industrial to PP-Public Parks District."

Summary of Analysis

This is a public hearing item to consider a rezoning of the HP/Agilent Open Space from DR - Developing Resource District and I-Developing Industrial District to PP-Public Parks District. The property consists of approximately 121 acres, and is a portion of the former HP-Agilent campus, but is now owned by the City. It is generally located south of West 1st Street, west of South Railroad Avenue and east of South Taft Avenue. The proposed uses of the property are low impact/passive recreation and natural area. including enhancement of certain areas of the site and semi-passive recreational uses of the existing gravel ponds. Some limited uses of the historic farm house and site may be determined in the future, but are not known at this time.

If the rezoning is approved by the City, the Parks and Recreation Department plans to submit a development plan to the City for review, and upon approval, commence site improvements yet this year. The current draft of the conceptual plan is included in this report.

Staff believes that all key issues have been resolved based on the City Comprehensive Plan, codes, and standards. Since this is a rezoning and is not a PUD, there are no recommended conditions of approval.

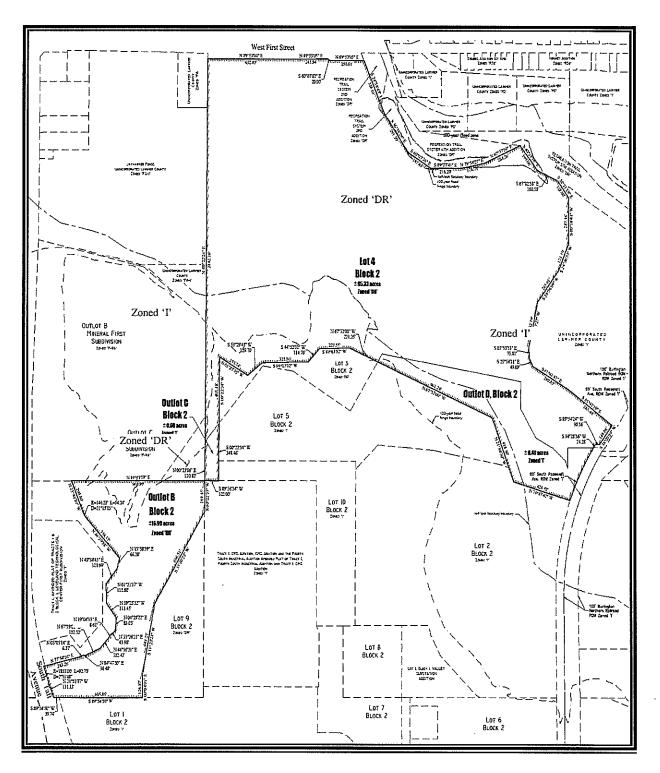
I. ATTACHMENTS:

- 1. Rezoning Assessment Report
- 2. Rezoning legal description for HP/Agilent Open Space
- 3. Definitions of uses in the Public Park District
- 4. Context map
- 5. Conceptual site plan
- 6. Environmental Covenant Map
- 7. Rezoning map
- 8. Amended plat of CMS Addition, et. al. (for information only)

II. VICINITY MAP:



III. REZONING EXHIBIT:



The total area to be rezoned consists of approximately 121 acres. As always, a larger version of the rezoning map is included with the attachments to this report. (See **Attachment # 7**).

IV. PROJECT DESCRIPTION:

Summary

This is a public hearing item to consider a rezoning of the HP/Agilent Open Space, as described in **Attachment # 2** and depicted in **Attachment # 7** of this staff report, from the DR - Developing Resource District and the I-Developing Industrial District to PP-Public Parks District. The property is a portion of the former HP-Agilent campus, but is now owned by the City. It is generally located south of West 1st Street, west of South Railroad Avenue and east of South Taft Avenue. The proposed uses of the property are low impact/passive recreation and natural area, including enhancement of certain areas of the site and semi-passive recreational uses of the existing gravel ponds. Some limited uses of the historic farm house and site may be determined in the future, but are not known at this time.

Recently, most of the land that had been historically occupied by the HP/Agilent campus became available for purchase by the City. Acquisition offered an opportunity for redevelopment of much of the campus, as well as City ownership and preservation of the river corridor and other portions of the site that were more appropriate for public parks and open space. When the final decision was made about what portion of the land would be conveyed for the new Rocky Mountain Center for Innovation and Technology, the boundary could not follow the existing zoning or subdivision boundaries that divide the property. This prompted a replat of the property, with the commitment by the City that a rezoning would also be immediately pursued to assure that zoning boundaries would match the new property lines. Since the land to be retained by the City was intended for public open space and park, it was appropriate to rezone the City property to the PP district. The land now owned by the developer of the Rocky Mountain Center for Innovation and Technology will remain zoned I-Developing Industrial.

If the rezoning is approved by the City, the Parks and Recreation Department plans to submit a development plan to the City for review, and upon approval, commence site improvements yet this year. The current draft of the conceptual plan is included in this report. (See **Attachment # 5.**) The Parks and Recreation Department receives citizen input and guidance by both the Parks and Recreation Commission and the Open Lands Advisory Commission. These advisory groups are also taking their designated role in the planning and review of the proposed development plan for the site. The Planning Commission plays no role in the review or approval of the Site Development Plan for the site.

Action to be taken by the Planning Commission

Planning Commission must conduct a public hearing on the application. Planning Commission's consideration is quasi-judicial, meaning that their consideration and recommendation is to be made on the basis of adopted policies, codes and standards as they apply to this property. Since this is a rezoning to a standard zone, not a PUD, conditions of approval are not appropriate, and none are recommended in this staff report. Planning Commission's recommendation will be forwarded to the City Council, to be considered as part of their subsequent public hearing, currently scheduled for July 17, 2012. If the rezoning is approved, the property would automatically be subject to all applicable City codes and standards.

V. KEY ISSUES:

City staff have reviewed the application on the basis of all applicable City policies, codes and standards, including the findings necessary for approval of a rezoning. Staff believes that all key issues have been resolved through the review process. No issues or concerns were raised at the neighborhood meeting that have not been resolved through the staff review process.

VI. SITE DATA:

ACREAGE OF SITE (GROSS ACRES)	DR-DEVELOPING RESOURCE/ I-
PROPOSED ZONING	
MASTER PLAN DESIGNATION	
EXISTING USE	VACANT (FORMERLY PRIVATE PARK)
PROPOSED USE	PUBLIC PARK
NUMBER OF DWELLING UNITS PROPOSED	NA
GROSS DENSITY (DU/A)	NA
NET DENSITY (DU/A)	
EXISTING ADJACENT ZONING AND USE - NORTH	DR/PD & I (LARCO)/R-3E/;
	PUBLIC PARK/ SF RES/ COMMERCIAL
EXISTING ADJACENT ZONING AND USE - EAST	
	GRAVEL POND/CITY PARK
EXISTING ADJACENT ZONING AND USE - SOUTH	I; VACANT/AG/INDUSTRIAL
EXISTING ADJACENT ZONING AND USE - WEST	I/P-38/P-96/FA/FA-1;
	OFFICE/ SF/GRAVEL PONDS/OUTDOOR
	STORAGE
UTILITY SERVICE PROVIDER - SEWER	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - ELECTRIC	
UTILITY SERVICE PROVIDER - WATER	CITY OF LOVELAND

VII. BACKGROUND:

Annexations of the former HP/Agilent campus began in April 1961, with the annexation of South Industrial 2nd Addition, and was complete in November 1999 with the annexation of Hewlett Packard Big Thompson Addition. Over time, various subsequent subdivisions and amended plats of portions of the land took place until approval of the Hewlett Packard Big Thompson 1st Subdivision in February 2000. Most of the site to be rezoned was once part of the Hewlett Packard Big Thompson 1st Subdivision and the Loveland Technological Center 1st Subdivision. The approximate southern two-thirds of the land has been zoned I-Developing Industrial, but the northern portion has remained zoned DR-Developing Resource.

VIII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION:

- A. Notification: An affidavit was received from Parks and Recreation staff, certifying that written notice was mailed to all owners of property within 1,000 feet of the site, on April 27, 2012; and notices were posted in prominent locations on the perimeter of the project site at least 15 days prior to the date of the Planning Commission hearing. (The letters were mailed early to provide notice for both the neighborhood meeting and all of the scheduled public hearings for the Planning Commission and City Council.) As required by City code, the mailing radius was determined irrespective of intervening rights-of-way and bodies of water, which provided written notice to many more property owners than normal. In addition, a notice was published in the Reporter Herald on May 26, 2012. All notices stated that the Planning Commission would hold a public hearing on June 11, 2012. This type of application does not constitute a development plan, as it relates to written notice requirements to mineral rights owners; therefore, no notice to mineral rights owners was required.
- **B.** Neighborhood Response: A neighborhood meeting was held at 6:30 pm on May 17, 2012 in the City Council Hearing Room of the Civic Center. The attendance sheet for the meeting indicates that 4 persons attended the meeting, along with City staff and the Applicants' representatives. No concerns or objections were raised at the neighborhood meeting, however great interest was expressed at the meeting. All of the questions and viewpoints voiced were concerning the design, function and uses that were expected in the open space park, rather than the matters strictly related to the proposed zoning. Some of these questions and viewpoints are as follows:

Will the ponds be stocked with fish?

Will part of the site be set aside as a wildlife sanctuary, allowing only passive observation of wildlife?

Will non-motorized boats be allowed on the ponds?

Where will vehicular and bike/ped access points be located?

Will trails be paved or non-paved, and will they be looped?

What hours will the park be open to the public?

What security measures are anticipated?

Will any areas of the pond shorelines be enhanced?

Will dogs be allowed - on leash or off-leash?

Where will vehicular parking be located?

What is the source of the water in the gravel ponds?

Has there been any input or guidance sought/received from the Division of Wildlife?

Will there be further opportunities and venues for more public input?

Responses and information were offered by P&R staff for each of these issues. No further revisions were made or required to the application as result of the meeting. These matters relate to the design and function of the site, but none affect the proposed rezoning.

VI. FINDINGS AND ANALYSIS

Finding 1. The purposes set forth in Section 18.04.010 of the Loveland Municipal Code would be met if any use permitted by right in the zone district being requested was developed on the subject property.

Current Planning: The purposes set forth in Section 18.04.010 of the Loveland Municipal Code include lessening of congestion on public streets, secure safety from fire and panic, promote general health and welfare, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate adequate provision of public facilities and infrastructure. The application has been reviewed in light of these purposes by City staff and all utility providers. At this time, there is no site-specific development plan for the potential uses on this land. When site specific development is determined, a Site Development Plan would be required by the City for review. Any proposed structures on the land will require submittal, review and approval of a Building permit. Such reviews will be performed on the basis of all applicable City codes and standards. This will assure that the purposes of Section 18.04.010 will be met.

Finding 2. Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in development that is compatible with existing land uses adjacent to and in close enough proximity to the subject property to be effected by development of it.

I. Summary of Nearby Properties and Uses

The following existing land uses are adjacent, or in close proximity, to the land proposed for the rezoning:

North:

- 1. A stretch of West 1st Street and portions of the existing Centennial Park;
- 2. A stretch of the Big Thompson River, located within the City;
- 3. A row of interspersed residential and industrial lots located immediately along the bluff above the river, between the river and the Chubbuck Ditch. These lots lie in unincorporated Larimer County, and are zoned by the county as either PD-Planned Development or I-Industrial;
- 4. A second row of residential lots along the south side of W. 1st Street which abut the county lots. Most of the lots are within the City are zoned R3e Established High-density Residential:
- 5. An abandoned gravel pit/pond adjacent to South Railroad Avenue, located in unincorporated Larimer County and zoned I-Industrial.
- 6. Industrial site north of the gravel pit/pond, also located in unincorporated Larimer County and zoned I-Industrial.

East:

1. A short stretch of S. Railroad Avenue. Along the east side of S. Railroad Avenue lies a portion of the City's Fairgrounds Park which is currently zoned I-Developing Industrial. A parcel of land further south is in unincorporated Larimer County, and is also zoned I-Industrial under county zoning.

South:

1. A large area of land which is now part of the Rocky Mountain Center for Innovation and Technology, formerly the HP/Agilent campus. This site is zoned I-Industrial, with small interior areas zoned DR-Developing Resources. The historic and anticipated land uses are a combination of industrial and commercial buildings with parking areas and formal landscape; as well as both cultivated and uncultivated farmland and open space.

West:

- 1. Administrative office building of the Thompson School District, with parking areas and some formal landscape.
- 2. Abandoned gravel pit known as Mineral Lake, and now owned and used for private recreation by the HOA of Mineral Estates PUD.
- 3. Jayhawker Ponds, consisting of 2 abandoned gravel pits, now owned by the City of Loveland and used for public recreation. However, these are still in unincorporated Larimer County, and are zoned FA-1(Farming) under county zoning.
- 4. Beyond the Jayhawker Ponds lies a small strip commercial area along the east side of S. Taft Ave. This land lies within the City and is zoned B-Developing Business. It is currently developed as a combined use with a convenience store, small retail professional services shops, and a detached car wash.
- 5. A small parcel of land approximately 1.6 acres in size lies along the south side of W. 1st Street and immediately adjacent to the land proposed for rezoning. This parcel is also still within unincorporated Larimer County, currently zoned FA (Farming), and is used for screened outdoor storage.

II. Allowed Uses in the PP zone district:

- A. The proposed zoning of PP-Public Park District would <u>normally</u> allow the following uses-by-right (see definitions in **Attachment # 3** of this report):
- 1. Community Parks, Regional Parks, and Recreational Facilities, provided they are not within 500 feet of a residential area and do not include sport lighting greater than 40 feet in height;
- 2. Neighborhood Parks;

- 3. School Recreation Areas;
- 4. Special Use Areas;
- 5. Open Lands/Natural Areas;
- 6. Recreational Trails:
- 7. Accessory buildings or uses which are reasonably required to provide maintenance or security for the principal uses; and,
- 8. Antennas for Personal Wireless Service Facilities, provided they are located on an existing tower and in compliance with the provisions of Chapter 18.55. (Note: There are currently no existing towers in the land area proposed for rezoning, therefore this is currently not a potential use-by-right.)
- B. Restriction of uses in the floodway:

In the floodway, uses-by-right are restricted to the following, subject to the additional restrictions of the floodway areas, further described below:

- 1. Agricultural uses;
- 2. Recreational uses;
- 3. Wildlife and nature preserves, game farms and fish hatcheries.

The applicable special restrictions for uses in the flood-way are:

- No use shall limit or restrict or create an obstruction of the flow capacity of the floodway or channel or a main stream or a tributary to a main stream;
- No permitted use shall include structures, fill or storage of materials or equipment;
- Any proposed well, solid waste disposal site or sewage disposal system shall be protected from inundation by floodwater;
- No use shall increase flood heights during the base flood discharge;
- C. Restriction of uses in the flood fringe:

A much smaller portion of the north and northeast portions of the site lie within the flood fringe. In the flood fringe areas, uses-by-right would be:

1. All those allowed by the underlying zoning of PP with the following, subject to the additional restrictions of the flood fringe areas, further described below:

The applicable special restrictions for uses in the flood-fringe are:

 All structures shall be placed on fill so that the lowest floor (including basement) of such structures is at, or above, the regulatory flood protection elevation. Nonresidential structures may be permitted without being placed on fill, provided the floodproofing requirements of Section 15.14.080 of this code are met

- No use shall be commenced nor structure built which may limit or restrict the flow capacity of the channel of a tributary or drainway, or retard drainage of flood waters from the area in which a structure is built
- Fill or deposition of materials shall be permitted only to the extent required for placement of structures and their accessory uses
- All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems
- All new and replacement sanitary sewer systems shall be designed to minimize or
 eliminate infiltration of floodwaters into the systems and discharge from the systems into
 floodwaters, and on-site waste disposal systems shall be located so as to avoid
 impairment to them or contamination from them during flooding.
- D. True allowable uses for this site:
- 1. Under these restrictions, potential PP uses in the floodway would be limited to such uses as the following:
 - Natural areas,
 - pedestrian and bicycle trails,
 - picnic areas without shelters,
 - off-street parking,
 - wildlife habitat,
 - fishing in the ponds,
 - Environmental Education Facilities with no structures or impeding objects,
 - Historical/Cultural Interpretive Facilities with no structures or impeding objects.

Extensive lighting could not be installed other than minimally necessary for security purposes.

2. Under these restrictions, potential PP uses in the flood fringe would be limited to all of the uses allowed in the zone, provided they complied with the requirements and restrictions that apply.

III. Analysis of Impacts:

As shown on the Rezoning Map accompanying this application, the land area proposed for this rezoning is configured in two distinct sub-areas, referred to in this staff report as "Sub-area #1" and "Sub-area #2". A proper analysis of the potential impact to nearby properties must consider the unique character and form of these sub-areas. Therefore a specific analysis of impacts is made for each sub-area.

A. Sub-Area # 1:

The largest proportion of the land to be rezoned lies within Lot 4 and Outlot D, having a combined area of approximately 104 acres. The extreme north and northeast portions of this subarea, lie within 500 feet of the residential and industrial lots within unincorporated Larimer County. Within this north perimeter portion of the site, Community Parks, Regional Parks, and Recreational Facilities, and sport lighting greater than 40 feet in height would not be permitted as a use-by-right. Beyond the 500 foot setback from the residential lots, all of the uses by right in the PP district would normally be allowed.

Nearly all of sub-area #1 is also within the 100 year floodplain for the Big Thompson River. The floodplain is a combination of the "floodway" and "flood fringe", each implemented as overlay zones to the underlying PP zone, and with unique allowances and restrictions. In these areas, additional specific limitations are imposed due to the impacts of the floodplain and the great importance of allowing the floodplain to function as an unimpeded major drainage way for major run-off events. The overall land area of sub-area #1 is sufficient to accommodate many of the uses allowed in the PP zone; but the improvements necessary to allow any normal function of those uses would not be allowed, thus precluding their development. The remaining area of sub-area #1 that is not restricted by either the 500 foot proximity to residences or the floodplain, is very limited in size, precluding development of the larger, higher impact uses could be developed. The uses that are truly viable are the types of uses currently proposed by the Parks and Recreation Department. The site is highly suitable for those uses, and they would be a great benefit to the community.

Conclusion:

Staff believes that, under these extensive restrictions and requirements, and based on the currently projected uses on this parcel, the uses-by-right that could be allowed would have minimal or no negative effect on the adjacent uses.

B. Sub-area #2:

The area in the west-central portion of the overall site is very different in character from sub-area #1. The area is dominated by the lower stretch of Ryan's Gulch, with steep side slopes and intermittent heavy run-off through the channel. As the gulch continues easterly, the bottom widens and flattens and the side slopes moderate until it joins the river valley below. The side sloes and bottom are dominated by trees and various kinds and degrees of wetlands. The land has the character of an alluvial fan of a drainage system. This area is designated as Natural Area # 38 in the City's Natural Area Inventory, and its existing character and values are to be preserved and enhanced.

Development of any uses-by-right in this sub-area would be highly constrained by the existing conditions and landform. The only potential uses would be for limited walking trails, nature observation, and possible small primitive picnic areas. The City has been in contact with Thompson School District to seek a limited shared parking for trail access at this sub-area.

Conclusion:

Staff believes that, under these extensive restrictions and requirements, and based on the currently projected uses on this parcel, the uses-by-right that could be allowed would have minimal or no negative effect on the adjacent uses.

Finding 3. Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and services master plans.

No site specific development plan has been developed to date. When site specific development is determined, a Site Development Plan will be required for review by the City. Such review will be performed on the basis of all applicable City codes and standards. This will assure that the proposed uses would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

Finding 4. Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is consistent with relevant policies contained in Section 4.0 of the 2005 Loveland Comprehensive Plan, as amended.

1. Loveland Comprehensive Master Plan, Section 4.2

ANXI.A: Whether the development of land minimizes the length of vehicle trips generated.

ANXI.B: Whether the development will minimize the short and long term costs of providing community facilities and services for the benefit of the area.

ANX3.A: Whether the development would comply with the recommendations contained in the adopted Open Lands Plan and preserves open space or natural areas.

ANX4.A and C.: Whether the planning staff and/or the City have determined that significant negative impacts on the environment may occur from the development allowed under the zoning, and whether an Environmental Impact Report, including a Wetlands Reconnaissance Report, has been prepared by a qualified specialist.

ANX4.B: Whether the rezoning application includes a Phase I Environmental Report, prepared by a qualified specialist, ensuring that the land to be developed does not contain hazardous or toxic substances that may pose a danger to the City or that reasonable mitigation measures can be taken in the event that such contamination exists.

RES9: Whether applicable elements of the Open Space and Natural Areas Plan and Parks Master Plan have been considered in evaluating residential development proposals. High value habitat that allows wildlife movements shall be protected and mitigation measures, such as buffer standards, shall be designated in areas such as the Big Thompson River Corridor, designated wetlands, and identified natural areas to offset or accommodate the impacts of development.

CLU7: Whether transitional land areas (linear greenbelts or other urban design elements) have been provided between residential neighborhoods and commercial areas.

2. Loveland Comprehensive Master Plan, Section 4.7

a. Land Use Plan: Whether the zoning is consistent with the Loveland Comprehensive Master Plan Land Use Plan or a "major plan amendment" request is being processed concurrently with the annexation and PDP application.

Current Planning Division:

Compatibility with existing and future land uses is broadly considered at the time of promulgation of the Comprehensive Plan, and more specifically at the time of a proposed zoning/rezoning. The 2005 Comprehensive Plan, as amended, recommends that all of the land between S. Taft Avenue and S. Roosevelt Avenue and between the Big Thompson River and 14th St SE this land be developed for E-Employment Center uses. However, much of the north and northeast portions of the site are also shown as being in the floodplain for the Big Thompson River. In these areas, specific limitations are imposed due to the impacts of the floodplain. The area to be rezoned is highly constrained for future development of Employment uses, and the natural and opens space values far outweigh the value of developing employment uses in these areas. When the properties were annexed by Hewlett Packard/Agilent, the City included provisions in the annexation agreements that required these areas to be preserved and enhanced for natural areas and open space purposes. The proposed rezoning and uses by the City will simply implement that original intent under the full control of the City, and make the value of the area available to the entire community rather than only to limited private parties.

By providing a large natural area park in this sector of the City, vehicle trips to large natural areas further from the City will be reduced, will also reduce the costs for maintenance and security of parks in more remote areas outside, or no the perimeter of the City. Preservation and enhancement of the area will be under the full control of the City, increasing the likelihood that the City's adopted goals and polices are fulfilled. As part of the City's negotiation on acquisition of the site, a Phase I Environmental Report had been previously prepared. The conclusions of that report have been carefully reviewed by both the Risk Management and legal staff, and integrated into the City's decisions for acquisition and use. (See further comments below.)

Finding 5. Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that would not be detrimental to the health, safety, or welfare of the neighborhood or general public.

Current Planning: Due to historic uses and activities on the site, determinations had been made that there are Recognized Environmental Conditions (RECs) on the overall site. In order to resolve these matters with the federal and state authorities, the previous owner had reached agreement with those agencies, and signed an Environmental Covenant which runs with the land. This Environmental Covenant maps the remaining RECs, and places specific restrictions and requirements for land uses in those mapped areas. The elements of those RECs that affect the

City's site are ground water that flows northward from the existing buildings on the overall historic campus. (See **Attachment # 6**) The groundwater concerns are the lower category of RECs remaining on the site, and affect a portion of sub-area #2, and lie very close to the southern perimeter of sub-area #1.

A very thorough evaluation of these issues has been made by the City's Risk Management and legal staff. The City is confident that any minimal work that must be accomplished on the site for the proposed uses can be done in full compliance with the requirements and restrictions of the Environmental Covenant; and that no detrimental to the health, safety, or welfare of the neighborhood or general public would result from development or use of the site for the proposed uses.

Finding 6. Colorado Revised Statute 34-1-305 and Municipal Code Section 18.52.040: The proposed location and the use of the land, and the conditions under which it would be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-302 (1), as amended. Owners of all severed mineral estates have been notified of the public hearing at least 30 days prior to the hearing date.

Current Planning: A Mineral Extraction Report was prepared by CTL Thompson Inc. The report indicates that based on information available and the bore logs of the preliminary geo-tech report, there are no commercially extractable sand and gravel resources underlying the site.

All other requirements of state statute for consideration of mineral estates on the property proposed for development has recently shifted from annexation to the time of subdivision and development plan. The rezoning action of the City does not constitute a "development plan" under these provisions. Therefore no written notice to any holders of severed mineral interests was required or provided.

VII. RECOMMENDED CONDITIONS

Since this is a proposed rezoning to a standard zone district, and not a PUD, there are no recommended conditions. All development and use of the property would automatically be governed by all applicable City policies, codes and standards.

REZONING ASSESSMENT REPORT HP/AGILENT OPEN SPACE 2012

Finding 1. The purposes set forth in Section 18.04.010 of the Loveland Municipal Code would be met if any use permitted by right in the zone district being requested was developed on the subject property.

The uses currently planned for the site are limited to low impact/passive recreation activities such as walking/bicycling trails, picnic areas, nature observation, fishing and possibly limited non-motorized boating, with limited off-street parking, information kiosks, restrooms and limited security lighting. All uses on the site will be reviewed and approved through the City process for uses by right. The plans submitted and the subsequent review process will be based on the City's adopted standards and codes. These will assure consistency with the purposes of Section 18.04.010 of the zoning code, as well as the intent of all other adopted City codes and standards.

Finding 2. Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in development that is compatible with existing land uses adjacent to and in close enough proximity to the subject property to be effected by development of it.

The area to be rezoned lies entirely within the north and west central portions of the former HP/Agilent campus. Ownership of this property was retained by the City for the express purpose of use as a public open space. The northern portion of the site, along and near the river corridor and gravel ponds, is mostly flat and interspersed by the existing gravel pit ponds. It is accessible from the existing City Trail, from W. 1st Street as well as from the parking lot associated with Centennial Park. The west central portion of the site is fairly steep, leveling out to a small area which is more moderate sloped and small flat area. It is dominated by a portion of the Ryan's Gulch and an adjacent agricultural detention pond. Access to this portion of the site will be from Taft Avenue and possibly from shared parking with the school district site.

1. Northern portion of the site:

The northern portion of the site consists of Lot 4, Outlot D, and Outlot C, of the amended plat. This area lies south of W. 1st Street/ the Big Thompson River and west of the Burlington Northern railroad tracks/S. Railroad Avenue, and consists of approximately 104 total acres. The extreme north/northeast portion of this area lies within 500 feet of the residential lots to the north – making it unavailable for Community Parks, Regional Parks, and Recreational Facilities, or for sport lighting taller than 40 feet. Approximately 34 acres of this area are occupied by the existing gravel pit ponds, making it unavailable for any uses not related to the water. Only approximately 8 acres lie entirely outside of the 100 year floodplain and outside of the 500 foot restricted area near residential properties.

Most of this area lies in the 100 year floodplain of the Big Thompson River. Approximately 87 acres lie within the 100 year flood-way, and approximately 9 acres lie within the 100 year flood-fringe area. Since most of this portion of the site lies within the 100 year floodplain, it is also

subject to the limitation on uses and special restrictions on development in the floodplain, as set forth in Chapter 18.45 of the Municipal Code.

The limited uses allowed in the flood-way zone are:

- 1. Agricultural uses, including general farming, grazing of horses and livestock, forestry, sod farming, crop harvesting, raising of plants and flowers, and open-air nurseries;
- 2. Recreational uses, but not limited to, golf courses, golf driving ranges, swimming pools, parks and recreation areas, picnic grounds, horseback riding and hiking trails;
- 3. Wildlife and nature preserves, game farms and fish hatcheries.

The applicable special restrictions for uses in the flood-way are:

- 1. No use shall limit or restrict or create an obstruction of the flow capacity of the floodway or channel or a main stream or a tributary to a main stream;
- 2. No permitted use shall include structures, fill or storage of materials or equipment;
- 3. Any proposed well, solid waste disposal site or sewage disposal system shall be protected from inundation by floodwater;
- 4. No use shall increase flood heights during the base flood discharge;

The limited uses allowed in the flood-fringe zone are:

1. All uses permitted by right in the underlying zoning district but excluding outside storage.

The applicable special restrictions for uses in the flood-fringe are:

- 1. All structures shall be placed on fill so that the lowest floor (including basement) of such structures is at, or above, the regulatory flood protection elevation. Nonresidential structures may be permitted without being placed on fill, provided the floodproofing requirements of Section 15.14.080 of this code are met
- 2. No use shall be commenced, nor structure built, which may limit or restrict the flow capacity of the channel of a tributary or drainway, or retard drainage of flood waters from the area in which a structure is built
- 3. Fill or deposition of materials shall be permitted only to the extent required for placement of structures and their accessory uses
- 4. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems
- 5. All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters, and on-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

Under these substantial constraints, the most appropriate uses of the site are as useable open space with limited and semi-passive recreation activities. These types of activities are not expected to have any substantial or noticeable negative impact on nearby properties. It is likely

that residents of nearby properties will use the area and enjoy the area and activities that are allowed.

2. West-central portion of the site:

The other portion of the site is located in the southwestern portion of the land proposed for rezoning consisting of Lot 9 and Outlot B of the amended plat. This area lies between the developed portion of the former HP/Agilent campus and the administrative offices for Thompson School District R2-J. This area is dominated by a steep drainage channel, flanked by steep to moderate slopes, and a detention pond constructed within the outlet of that channel. This area is part of the overall Ryan's Gulch, and designated as Natural Area #38 in the City's Natural Area Inventory.

North:

The existing land use north of Sub-area #2 is a residential development known as Mineral Lake PUD, including the abandoned gravel pit/pond known as Mineral Lake, owned and used for private recreation by the HOA. The PUD is approved for single-family detached, single-family attached and a small area of neighborhood commercial.

The steep slopes of this portion of the site prohibit any active recreation uses such as parks or athletic fields of any kind. This area will be limited to a walking trail with limited nature observation opportunities. The area to be rezoned does not directly abut this residential area, and the intervening space and the existing landform will buffer these very limited activities. There should be no negative impacts to this area by the proposed uses.

East:

The existing land use east of this portion of the site is the large area of land which was formerly the HP/Agilent campus. The most immediate property is still owned and used by Agilent, which is still considered as part of that overall campus, even though not owned by the new developer of the Rocky Mountain Center for Innovation and Technology. This area is zoned I-Industrial, and is actively used by Agilent. The historic and anticipated land uses are a combination of industrial and commercial buildings with parking areas and formal landscape; as well as cultivated and uncultivated farmland and open space.

South:

The existing land use south of this portion of the site is an older portion of the former HP/Agilent campus, now part of the Rocky Mountain Center for Innovation and Technology. This site is zoned I-Industrial. The historic and anticipated land uses are a combination of industrial and commercial buildings with parking areas and formal landscape.

The limited character and scope of activities that will take place in this portion of the site should not result in any negative impacts to the Agilent property. Since the trailhead from Taft will be reasonable nearby, the open space and trails may be used by employees of the industrial campus.

West:

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The existing land use west of this portion of the site is the administrative offices of the Thompson School District, with parking areas and formal landscape; a stretch of S. Taft Avenue, and a multi-family area directly west of Taft Avenue. Continued use of this site by the school district is anticipated, and may provide some shared access and parking to the public open space functions of Sub-area #2.

The limited character and scope of activities that will take place in this portion of the site should not result in any negative impacts to these properties. Since the trailhead from Taft will be reasonable nearby, the open space and trails may be used by school district employees and by those residing in the residential and commercial areas to the west of Taft.

Finding 3. Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and services master plans.

Only a draft concept plan for development and use of the open space has been developed to date. When site specific development is determined, a Site Development Plan will be required for review by the City. Such review will be performed on the basis of all applicable City codes and standards. This will assure that the proposed uses would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

Finding 4. Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is consistent with relevant policies contained in Section 4.0 of the 2005 Loveland Comprehensive Plan, as amended.

The City of Loveland Comprehensive Plan indicates the land along and near the river corridor as open space, subject to the floodplain. It does not recommend any more specific land uses. The Plan recommends the west-central portion of the site for Employment Center land uses. The Plan also references the Natural Area Inventory and accompanying policies for preservation and enhancement. The area is recognized as Natural Area # 38 – the lowest portion of the Ryan's Gulch corridor. The steep slopes and related drainage channel, as well as the lack of any reasonable access from streets, makes it completely unusable for development of Employment uses. The only appropriate uses are those that are in keeping with the purposes for natural areas. The limited character and scope of the intended uses are in keeping with these Comprehensive Plan policies.

HP/AGILENT OPEN SPACE REZONING

Legal Description

"Lot 4, and Outlots B, C, and D, all of Block 2 of the Amended Plat of: the Amended Plat of CMS Addition and The Fourth South Industrial Addition, Tract 1 Fourth South Industrial Addition; the Amended Plat of Tracts 1 and 2 Block 1, Loveland Technological Center First Subdivision, Tract 2, Block 1; the Big Thompson Industrial Park Second Subdivision, Lot 2, Block 1; the Big Thompson Industrial Park, Tract 3 and Tract 4; the Fairgrounds First Subdivision, Outlot A; the Hewlett - Packard Roosevelt Addition, Tract A; the Hewlett-Packard Big Thompson First Subdivision, Tracts 1 and 2; the Loveland Technological Center First Subdivision, Tract 3; the Second South Industrial Addition, Tract 1; the Third South Industrial Addition, Tract 2, City of Loveland, County of Larimer, State of Colorado; all located within Section 23, T 5N, R 69W, of the 6th principal meridian and consisting of approximately 121.40 acres."

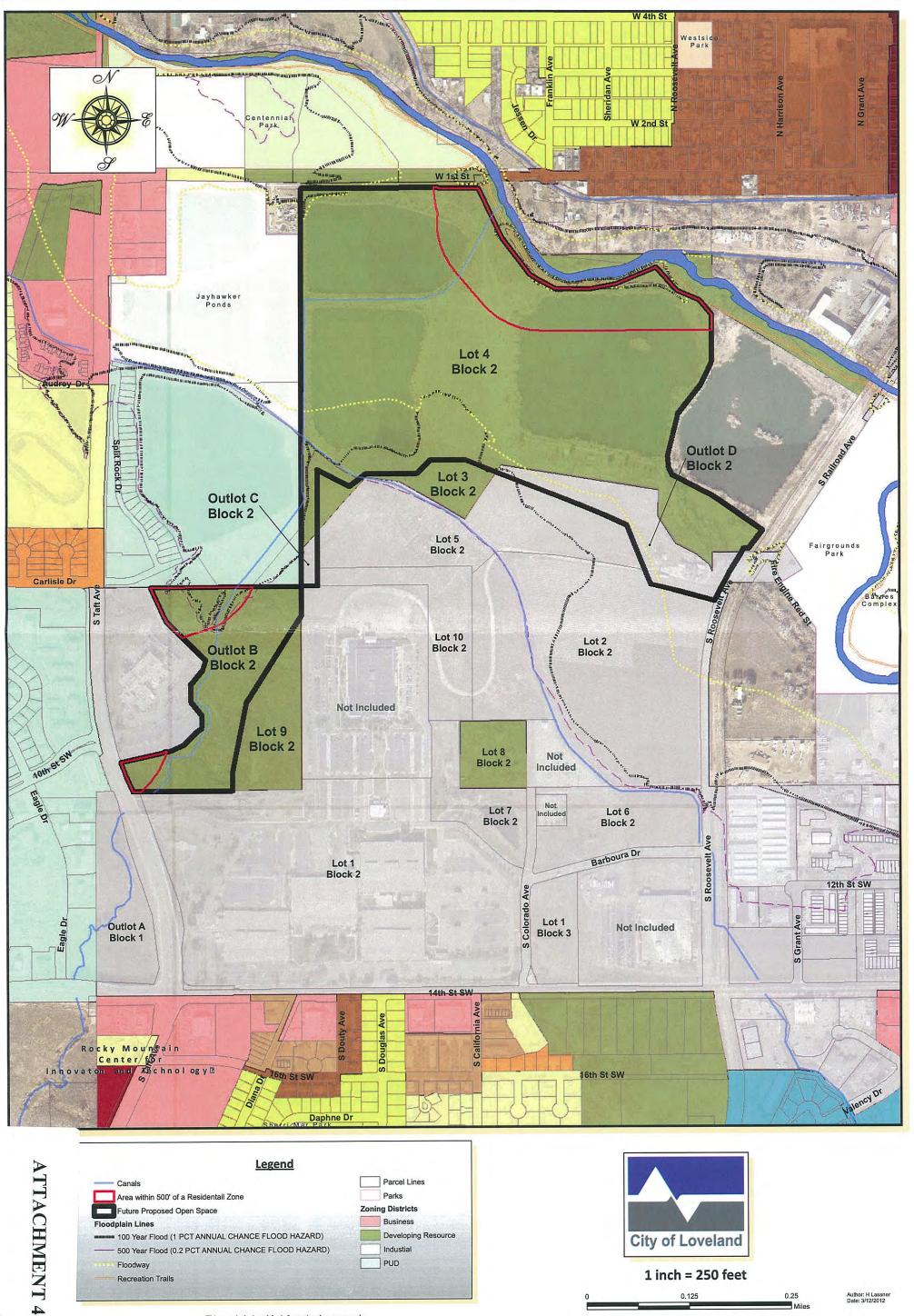
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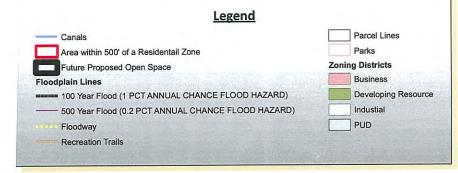
Definitions for uses by right in the PP zone district

- A. Neighborhood Park Shall mean a publicly owned park as defined and described in the Parks and Recreation Master Plan. Neighborhood Parks are centrally located, accessible to surrounding neighborhoods and should be equally distributed throughout the City. A Neighborhood Park should be a minimum of eight (8) acres in size and serve approximately a 1- mile service area with a ½ mile radius surrounding the park. Typical facilities include informal softball and soccer/football fields, volleyball, basketball, playground, horseshoe, tennis, shelter/pavilion with tables, pathways and free play areas.
- B. Community Park Shall mean a publicly owned park as defined and described in the Parks and Recreation Master Plan, as adopted and amended. Community Parks serve as focal points within the community. Community Parks usually have parking, increased traffic due to active programmed sports, lighting and increased noise. Community Parks are greater than thirty (30) acres and usually serve approximately a 4-mile service area with a 1-mile radius surrounding the park. Typical facilities include those allowed in Neighborhood Parks plus all listed in the Park and Recreation Master Plan.
- C. School Recreation Areas Shall mean a publicly owned park or recreation area as defined and described in the Parks and Recreation Master Plan. These areas are located adjacent to schools or are cooperatively developed as recreation areas on school properties. These sites should be developed where practical and beneficial to serve neighborhoods, which lack a park or have access barriers. Facilities may include youth baseball/softball fields, volleyball, basketball, soccer/football, playground, and multi-use turf areas.
- D. Regional Park A Regional Park shall mean a publicly owned park which offers leisure value beyond the neighborhood or Community Park as defined and described in the Parks and Recreation Master Plan. Often there is an environmental or scenic quality, such as a river or mountain terrain within a Regional Park. Regional Parks are usually larger than two hundred (200) acres. Viestenz-Smith Mountain Park is categorized as a Regional Park.
- E. Special Use Areas Shall mean a publicly owned park or recreation area as defined and described in the Parks and Recreation Master Plan, and may include unique or special uses such as Sculpture Parks.
- F. Recreational Trail Shall mean a publicly owned or maintained trail system, including trailheads as identified or described in the Parks and Recreation Master Plan. Trails are typically located along drainage ways, irrigation canals, within acquired open space/natural areas or easements or land purchased. The Recreational Trail shall encircle the City of Loveland in a connecting loop. Trails are predominately off-road, non-motorized recreational routes constructed as 10-foot wide concrete paths. Soft path trails may parallel the concrete surface where practical. Where feasible, trailheads will be located and may include parking, drinking water, restrooms, and information on the trail system.
- G. Recreational Facilities Shall mean any publicly owned recreation facility or area as defined and described in the Parks and Recreation Master Plan, and may include both indoor and outdoor uses.

- H. Open Lands/ Natural Area Shall mean all areas as described in the City of Loveland Open Lands Plan or as further described in the Parks and Recreation Master Plan, as these plans are adopted and may be amended.
- I. Golf Courses Shall mean any publicly owned facility or area as defined and described in the Parks and Recreation Master Plan, and may include both indoor and outdoor facilities, buildings, and accessory uses.
- J. Cemeteries or Memorial Gardens Any publicly owned land used for burial or memorials.

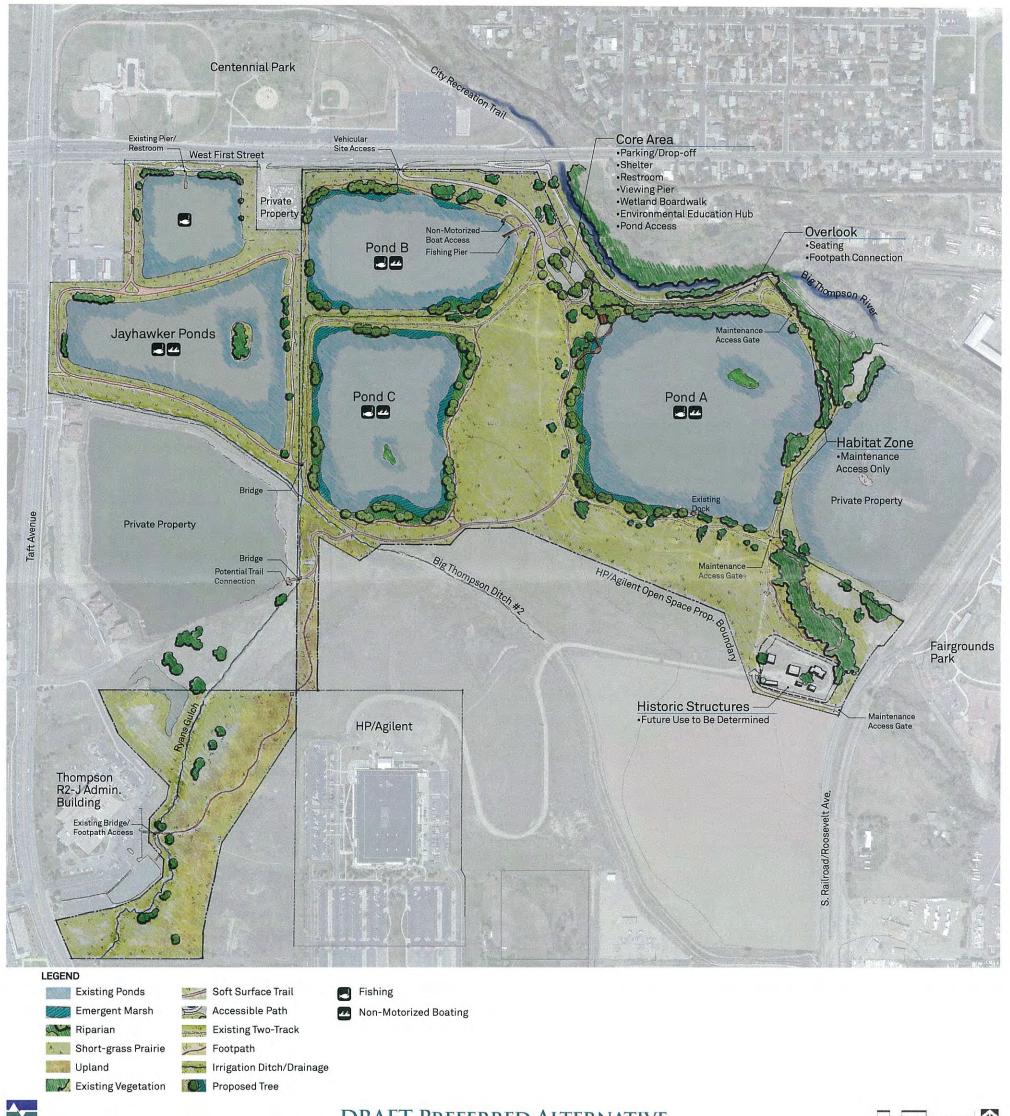
HP/AGILENT OPEN SPACE



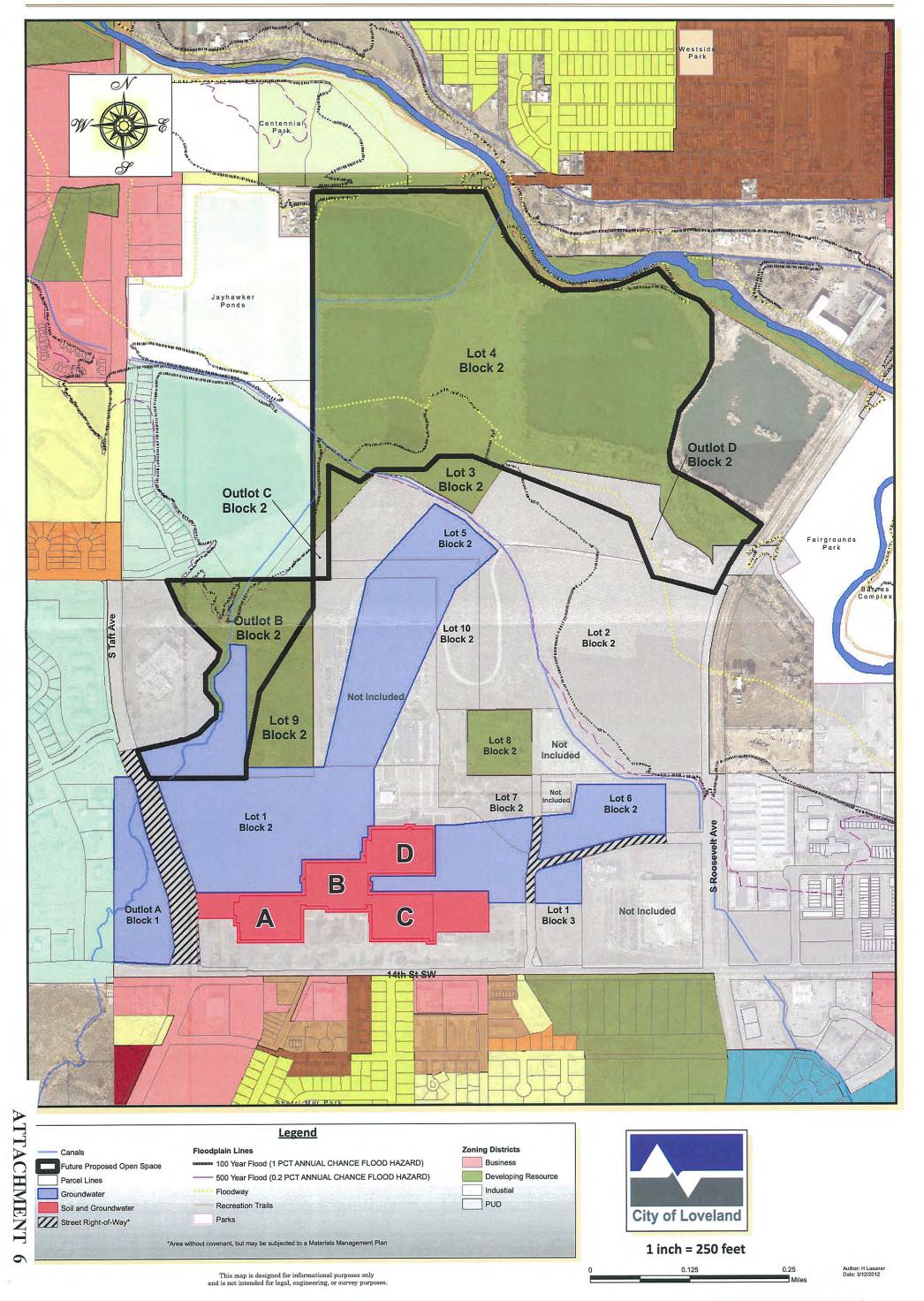


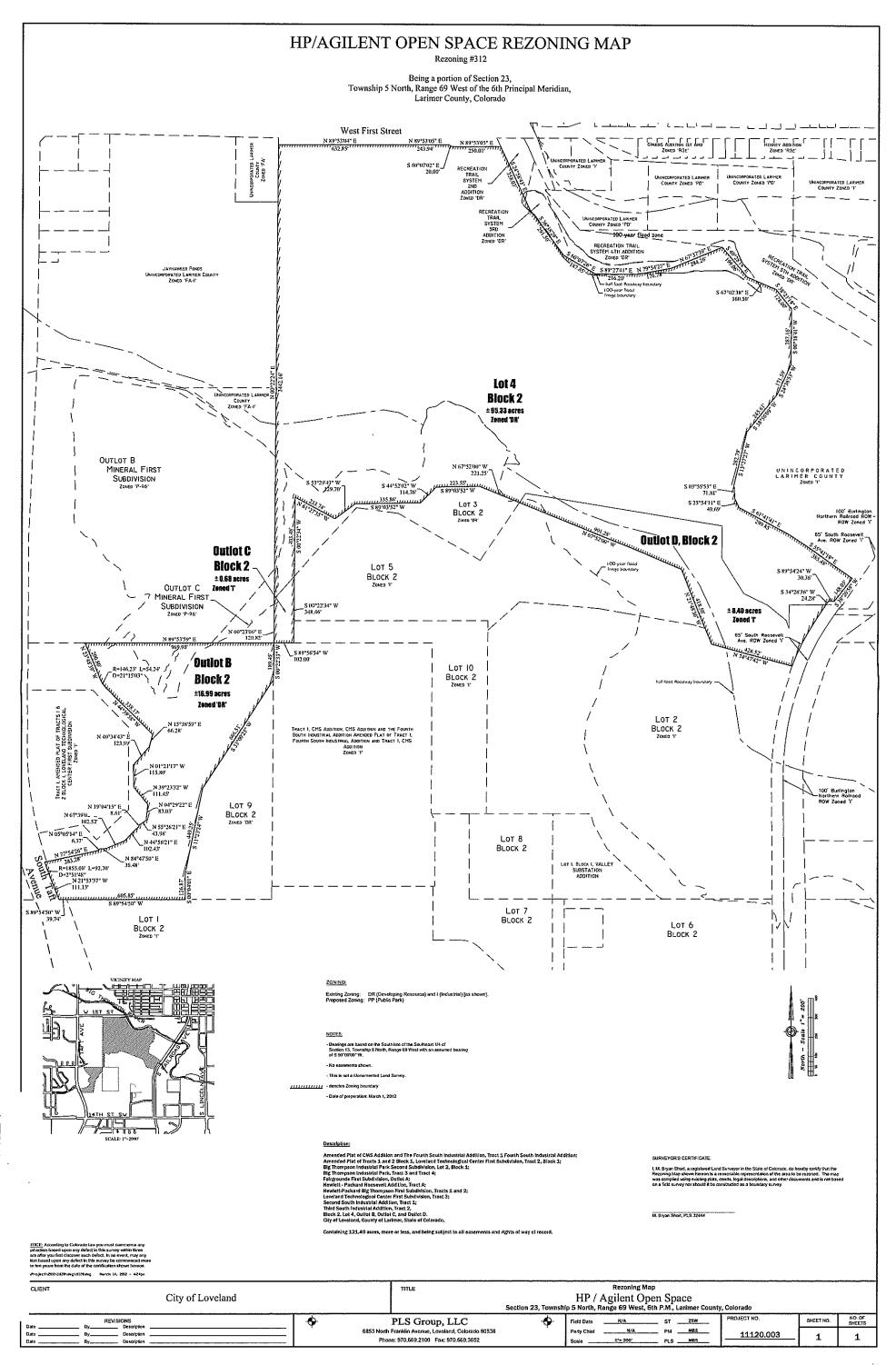
City of Loveland 1 inch = 250 feet 0.125

Author: H Lassner Date: 3/12/2012



HP/AGILENT OPEN SPACE





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Amended Plat of

Amended Plat of CMS Addition and The Fourth South Industrial Addition, Tract 1 Fourth South Industrial Addition; Amended Plat of Tracts 1 and 2 Block 1, Loveland Technological Center First Subdivision, Tract 2, Block 1; Big Thompson Industrial Park Second Subdivision, Lot 2, Block 1; Big Thompson Industrial Park, Tract 3 and Tract 4; Fairgrounds First Subdivision, Outlot A; Hewlett - Packard Roosevelt Addition, Tract A; Hewlett-Packard Big Thompson First Subdivision, Tracts 1 and 2; Loveland Technological Center First Subdivision, Tract 3; Second South Industrial Addition, Tract 1; Third South Industrial Addition, Tract 2

being a Boundary Line Adjustment and Lot Merger of:

Amended Plat of CMS Addition and The Fourth South Industrial Addition, Tract 1 Fourth South Industrial Addition, Tract 2 and Tract 3 and Tract 4; Fairgrounds
First Subdivision, Outlot A; Hewlett - Packard Rooseveit Addition, Tract A; Hewlett-Packard Big Thompson First Subdivision, Tract 3 and Tract 3; Second South Industrial Addition, Tract 1; Third South Industrial Addition, Tract 2 to the City of Loveland, County of Larimer, State of Colorado

KNOW ALL PERSONS BY THERE PRESENTS tratifies undersigned), being all the owners and liverholders of the following described property, except any existing public streets, needs or highways, which property is located in Section 23, Township 95, North, Range 99 West of the 8th P.M., being Considering the North dight of way line of 14th Street S.W. as bearing 9 89195361W, an assumed morbiller, as the Series of Bearings with all bearing horses referenced thereto.

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Thereo Sea*535*W along the seat right of way line of 300M Trail Annuar.
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INDUSTRIAL PARK (BK1306, PG, 143):
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SUBSTATION ADDITION:
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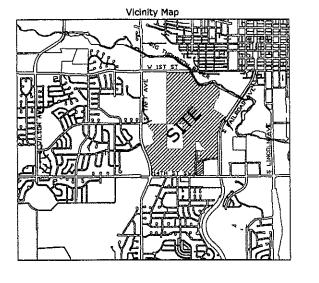
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NDUISTRIAL ADDITION; UND: That mortion of Tract 2, 3480 SOUTH INCUISTRIAL ADDITION (RASOSA73) Iving wast of South

transpoint instrument was acknowledged before me this 15th day or 10 etember 2011.

Therefore Marks as therefore, we have been meaning the second of the sec





Tohn R. Duve In attorney licensed to practice law in the State of Colorado, certify that I

So swom this 15th day of Decparban 2011

Unless otherwise approved by the City, all unsatisfied conditions of approval for the original subdivision shall continue to apply to this property. Date of traving preparation in December 07, 2011. Seals of Bearings based on the north right of way are of 14th Street S.W. as bearing \$ 6976336 W, an assumed meridian.

Key Map Page 4 Page 5 Page 3

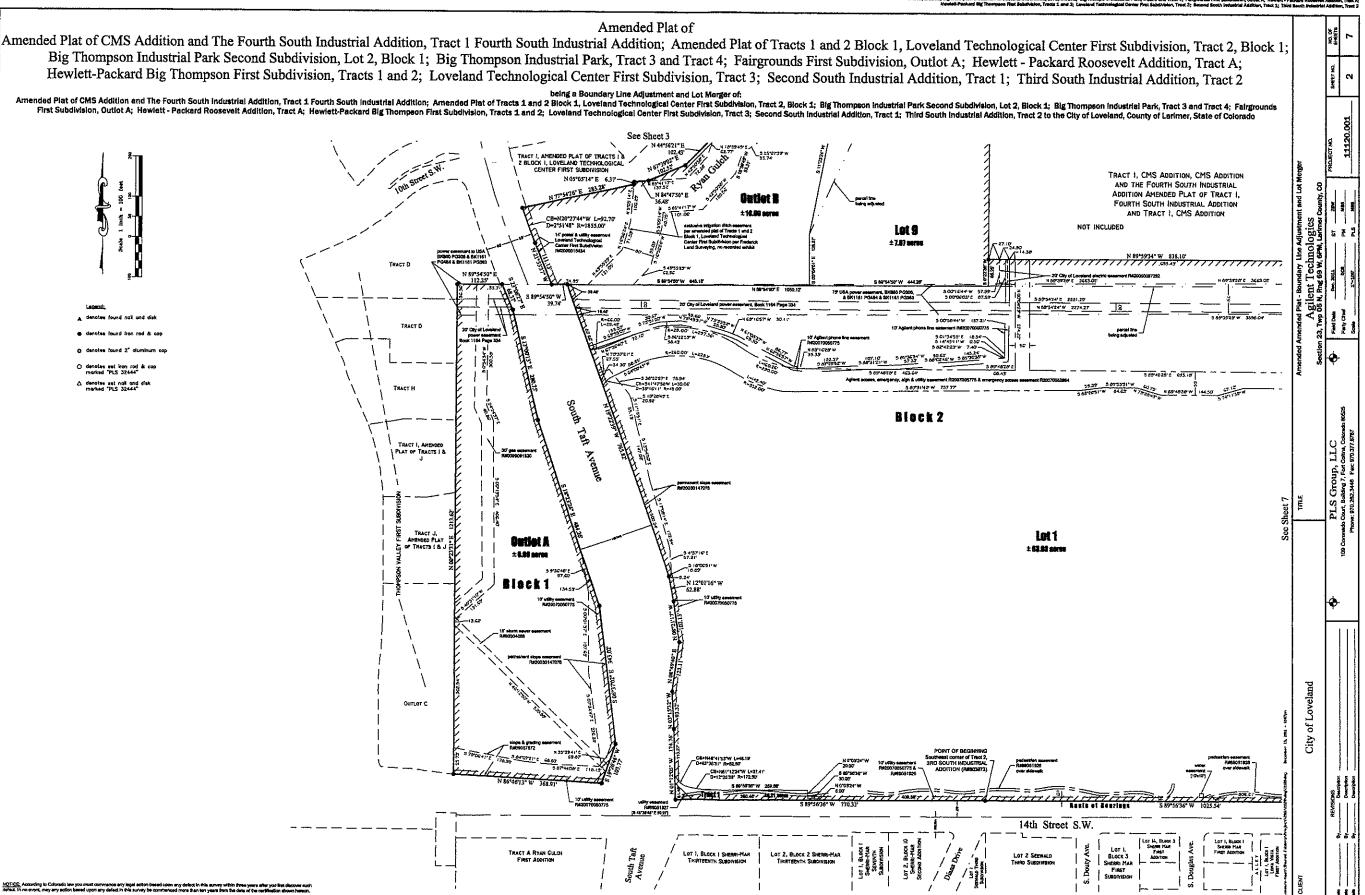
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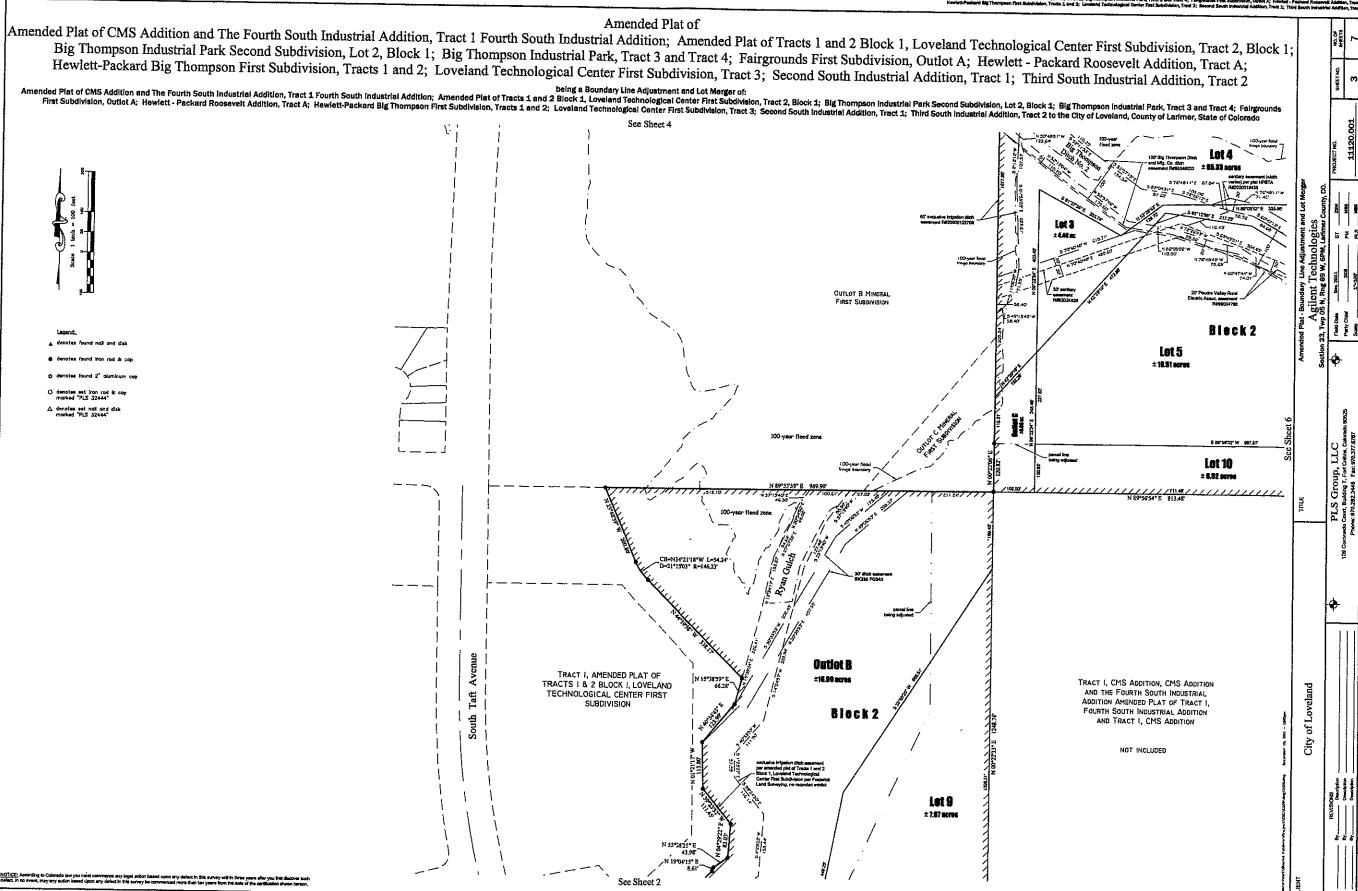
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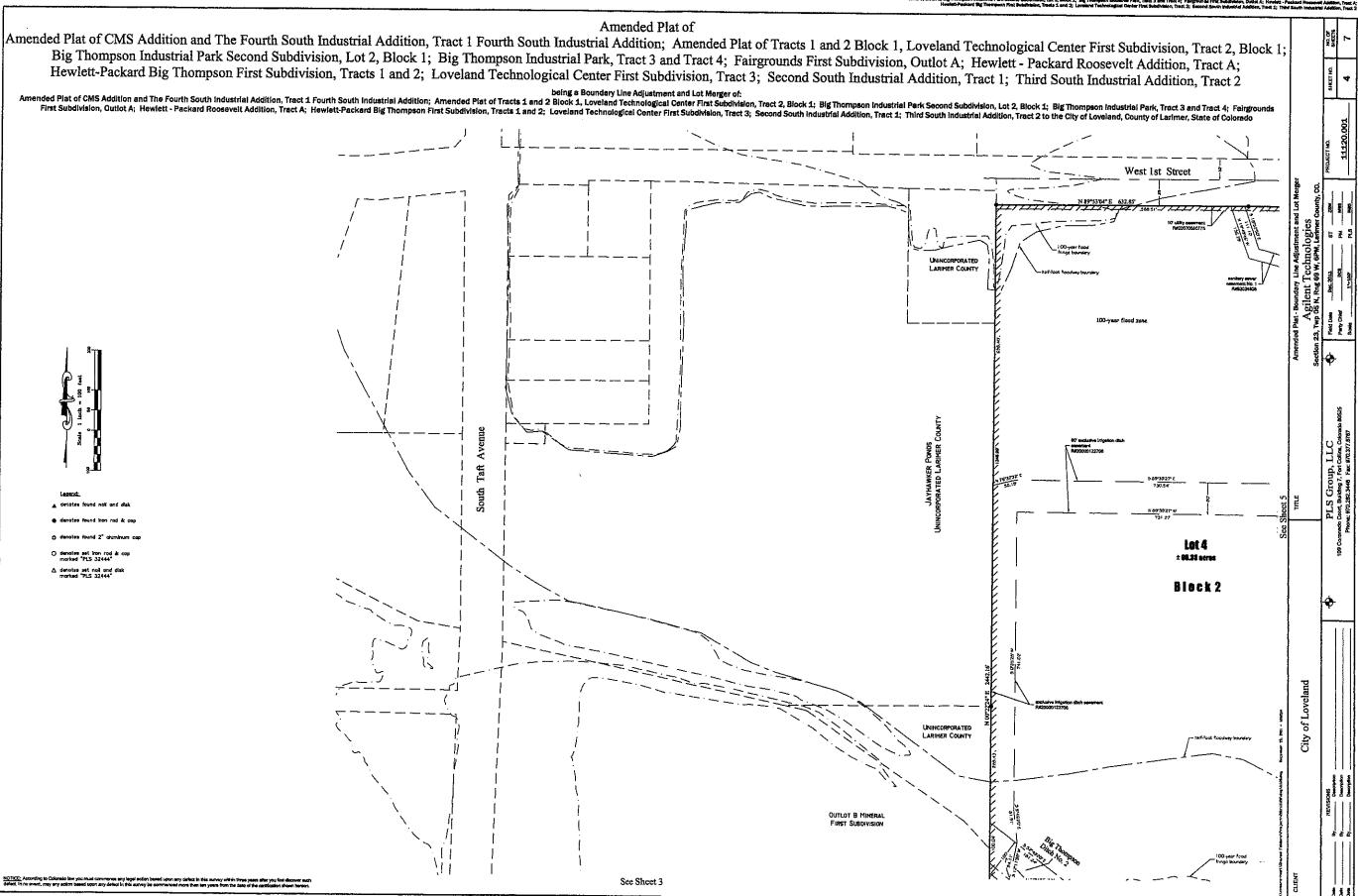


ATTACHMENT 8

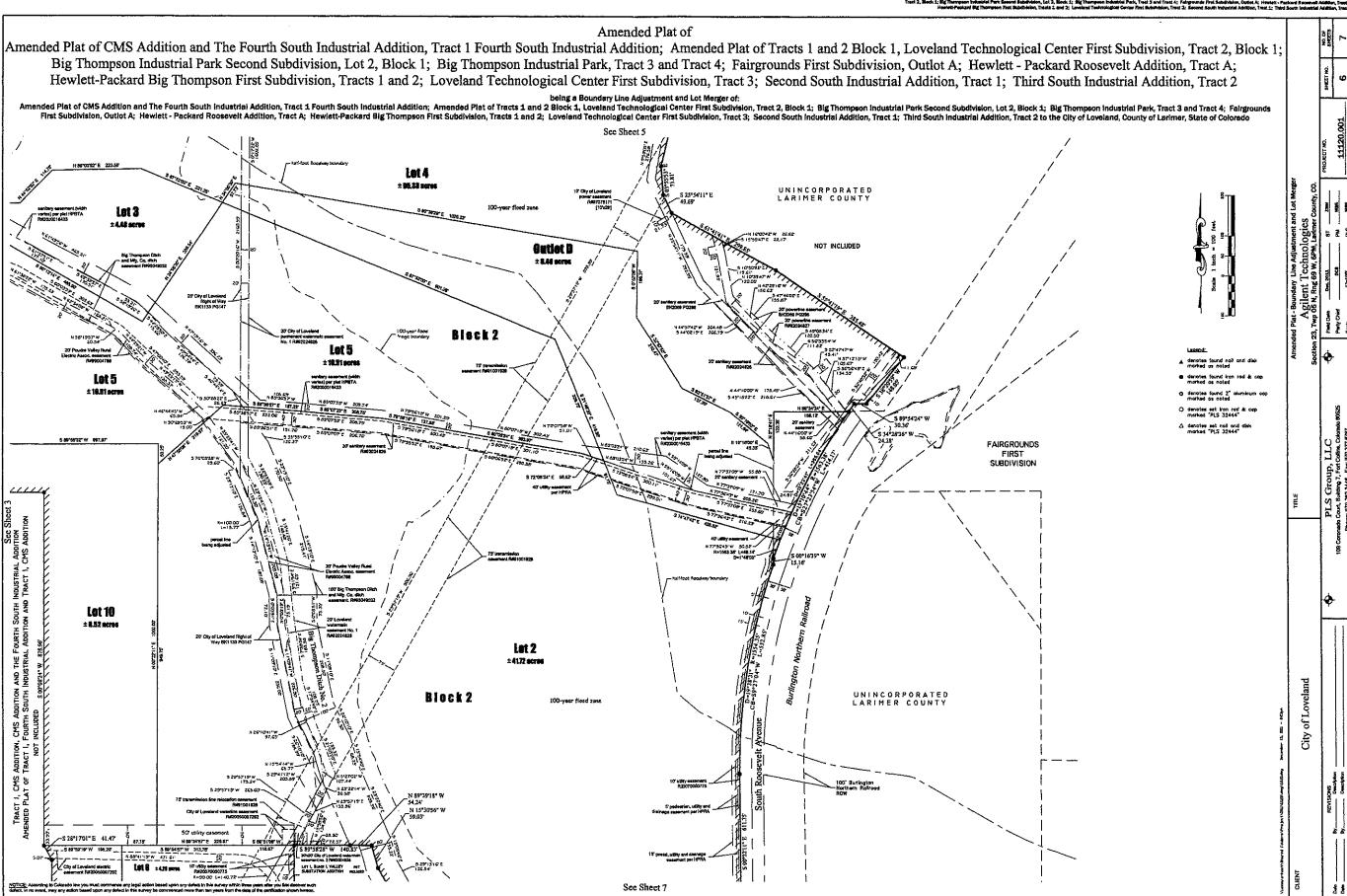
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Cele By, Description	Party Chief PM 935	City of Loveland	Phone: 970,282,3445 Fax; 970,377,6767	Section 23, Twp 05 N, Rng 69 W, 6PM, Larimer County, Colorado	11120.001	; 1 J	7 1
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