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SECTION 5

PARCEL D

5.1 INTRODUCTION

Parcel D is approximately 429 acres in size and is comprised of Parcels E-1, E-2, F-1, F-2 and F-3 of the Southwest Region of the Millennium Addition, Parcels G-1, G-2 and G-3 of the Serial Addition, the Gorom Addition and the Pfeiff Addition.

Parcel D is located south of US 34, north of East First Street, and west of Boyd Lake Ave. (refer to Map 1 in Section 11). The site is divided by the Great Western Railroad tracks, which run east and west through the center of the Parcel. The Farmers Ditch runs diagonally through the Parcel from the northeast corner on the east edge to the southwest corner. The Boyd Lake Outfall Ditch runs primarily along the eastern edge of the Parcel. An existing industrial park including commercial uses and a gas plant is located just west of Parcel D to the north of the railroad tracks. South of the railroad tracks, to the west of the property is the Pine Tree residential neighborhood. Refer to Map 1 and Map 7 in Section 11 for location of Parcel D.

Parcel D presents a number of opportunities to create better, more livable patterns of development, including:

- A. Provision of an integrated mix of uses including employment, shopping, recreational uses, educational facilities, and a variety of Housing Types allowing more people the opportunity to live, work, shop, and play within walkable areas.
- B. The creation of a cohesive series of pedestrian friendly neighborhoods linked to each other and to the schools, jobs, and services in this Parcel and adjacent areas.
- C. Building neighborhoods with identity defined by edges, entry features, streetscape treatments, architectural compatibility, centers and/or other unique design elements.

5.2 LAND USE INFORMATION

5.2.1 Existing Land Uses

Portions of Parcel D have been approved for residential, commercial and retail uses, and the remainder is in agricultural use or is vacant. The existing agricultural uses shall continue to be allowed as legal non-conforming uses within this Parcel.

Upon development, any remaining above ground storage tanks, oil drums, gas cans, tractor / automobile batteries, or containers of pesticides / herbicides are to be removed from the site and disposed of off-site in accordance with applicable rules and regulations.

5.2.2 Proposed Land Uses

The land use categories for Parcel D include: Institutional/Civic/Public Uses, Light Commercial Uses, Light Industrial Uses, Heavy Commercial Uses and Heavy Industrial Uses (with a maximum of 1,700,000 gross square feet), Residential Uses (not in an MUN) Parks and Open Space Uses, and MUNs (with a maximum of 2,051 Dwelling Units).

Refer to Section 1.3 for a detailed list of the specific uses within each land use category, and the Land Use Legend on Map 7 in Section 11 for the identification of each land use category as either a Use-by-Right or a Special Review Use. Section 12 contains the review processes applicable to such uses. Please refer to Section 12.3.3 and General Condition No. 12 for information on the ability to increase the number of Dwelling Units.

A Context Diagram is required for Development Projects within $\frac{1}{4}$ of a mile of US 34 for the purpose of illustrating that commercial uses are planned as a cohesive center(s) with coordinated access, circulation, signage, architecture, and landscape treatment. Small, highway frontage parcels planned and developed independently as a “strip” (“strip” being described as individual Lots developed with uncoordinated access and circulation, competing and garish signage, unrestricted “franchise” architecture, and minimal, inconsistent Landscaping) will not be allowed. Refer to Section 6 for information on Context Diagram requirements.

5.2.3 Density

Density information for Residential Uses is provided on Map 7 in Section 11 and in Sections 9 and 10.

5.3 CIRCULATION

5.3.1 Site Access

Subject to City approval of specific Development Projects, primary access to the site will be from US 34. Additional access points will be from East First Street on the south and Boyd Lake Avenue / County Road 9E on the east.

5.3.2 Internal Circulation

An appropriate network and hierarchy of transportation ways will be provided for automobiles, pedestrians, bicyclists, and public transportation. Refer to Section 7 of the Site Planning Criteria for detailed circulation information.

The Conceptual Amenity Map (Map 2 in Section 11) illustrates a proposed trail system. Although not all buffer/ Open Space areas have trails shown on this map, they will be allowed if determined appropriate in the applicable ESAR.

Details on any proposed trail system shall be provided with applications for GDP Sketch Plats and/or GDP Final Plat review or applications for Site Development Plan.

5.4 PUBLIC AND PRIVATE UTILITIES

The following subsections indicate the utility providers currently available to provide services to Parcel D. The provision of services by other utility providers will be determined at the time of development.

5.4.1 Water and Wastewater

The City will provide water and wastewater service. An existing waterline is located along Denver Avenue to the west, and will be extended to serve this property. Additionally, future water lines along Boyd Lake Avenue could be extended to the site. A future wastewater main will be located along East

First Street, along County Road 9E and Boyd Lake Avenue. An extension from those lines will serve this property. Details of services will be worked out at time of GDP Sketch Plat or building permit, as applicable.

5.4.2 Storm Drainage

Detention shall either be provided on-site or in regional detention ponds.

5.4.3 Electric

The City's Water and Power Department will provide electricity. A 600 amp feeder is located along the south side of US 34. 200 amp underground feeders are located along East 11th Street and East 13th Street along the west boundary. In addition, a 200 amp underground feeder is proposed to be located at the southwest corner of the site with construction of the adjacent Pine Tree development.

All new electric distribution for single family and two family Lots will be front Lot underground construction, unless otherwise accepted by the Light and Water Department.

5.4.4 Natural Gas

It is presently anticipated that Xcel Energy Company will provide natural gas.

5.4.5 Telephone

It is presently anticipated that CenturyLink, or other City-approved franchise, will provide telephone and telecommunications services.

5.4.6 Irrigation Ditches

There are two existing irrigation ditches on the property – the Farmers Ditch and the Boyd Lake Outlet Ditch. The existing ditches will be maintained in place, boxed, lined and/or re-aligned as necessary. If any realignment or improvement is proposed to any portion of either of these irrigation ditches, the appropriate ditch company will be contacted for approval. A copy of a letter from the ditch company shall be submitted to the City prior to any approval that

directly impacts the ditch. Irrigation ditches may be used as a raw water supply for irrigation of Open Space areas.

5.4.7 Railroads

The Great Western Railroad tracks divide the northerly 187± acres of Parcel D from the remainder of the site (See Map 7 in Section 11). Residential development in Parcel D adjacent to the railroad Right-of-Way shall be subject to the following requirements:

- A. In order to mitigate railroad noise and vibration, the Applicant shall provide a bufferyard between Buildings for residential occupancy on Lots in Parcel D and the railroad Right-of-Way in accordance with the requirements set forth in Section 15, Appendix A of the GDP.

For the purpose of mitigating railroad horn noise, Buildings for residential occupancy on Lots adjacent to the railroad Right-of-Way are subject to the applicable setbacks which are depicted on Map 7 in Section 11 of the GDP.

See also Special Conditions No. 3 and 4 in Appendix 5-1.

5.5 NATURAL AREAS

Any Environmentally Sensitive Areas within Parcel D have been identified in an ESAR. The ESARs applicable to Parcel D are provided in Section 14 of the GDP.

For Subparcels D-1 through D-8, please refer to the ESAR prepared by Cedar Creek Associates dated January, 1999.

For Subparcel D-9, please refer to the ESAR prepared by Ecological Resource Consultants dated June 13, 2005.

For Subparcel D-10, please refer to the Environmentally Sensitive Areas Report prepared by Ecological Resources Consultants dated April 17, 2017.

5.6 ARCHITECTURAL CONCEPTS

Descriptions of architectural elements for Immediate Neighborhoods Housing Types are included in Section 9, MUNs.

5.7 TYPICAL RESIDENTIAL NEIGHBORHOOD LAYOUTS

Typical residential neighborhood layout information is included in Map 10 in Section 11 of the GDP.

5.8 LANDFORM MODIFICATION

Parcel D is relatively flat. Landform modification will occur in order to create visual interest throughout the site, to provide screening as necessary, and/or to provide for proper management of drainage. On-site drainage will be primarily directed eastward towards the Boyd Lake Outlet Ditch.

Refer to the Conceptual Utility/Grading Map (Map 3 in Section 11), as well as Sections 6.11 and 6.17 for additional grading information.

Refer to the Conceptual Utility/Grading Map, included in the GDP, for additional grading information

5.9 DEVELOPMENT CONDITIONS

Development within Parcel D shall be subject to the applicable General Conditions in Appendix 1-1 of Section 1 and the applicable Performance Standards in Sections 6 through 10 and 16.

Development within Parcel D shall also be subject to the applicable Special Conditions in Appendix 5-1 attached to this Section 5 and incorporated herein by this reference.

APPENDIX 5-1

SPECIAL CONDITIONS FOR PARCEL D

FEES/CREDITS/REIMBURSEMENTS

Special Condition No. 1 (Subparcels D-1 through D-10):

With the exception of the local Street segment as defined in LCUASS, all Streets that are included in the adopted version of the City's Transportation Capital Improvement Plan, as part of the Transportation Plan ("CIP"), shall be deemed part of the City's Street CEF system and eligible for Street CEF reimbursement consistent with City policy, which City policy presently designates only those Streets classified as arterial or above as part of such CIP system and eligible for reimbursement. To the extent the Developer, as a condition of the development of Subparcels D-1 through D-10, has designed and/or constructed, or caused to be designed and constructed, improvements to such Streets, it shall be entitled to a reimbursement therefor but such reimbursement shall be in an amount equal to the costs incurred by or on behalf of the Developer in the design and construction of such Streets (including the cost of off-site easement acquisition), plus interest at the average rate received by the City on its investments over the 12-month period preceding the date such interest commences to accrue, compounded annually and accruing from the date of completion and acceptance of the eligible improvement to the date reimbursement has been made. The Developer shall be reimbursed an amount equal to 80% of each applicable Street CEF actually paid by any person or entity other than the City for each building permit within all projects in the GDP, and such reimbursement shall continue to apply until the Developer has received reimbursements in an amount equal to the total cost, as calculated above, of those eligible Streets designed and constructed, or caused to be designed and constructed, by the Developer. The remaining 20% of each applicable Street CEF paid at building permit issuance may be used by the City to fund capital transportation costs in other areas of the City, as it deems appropriate. Reimbursements shall be made by the City to the Developer on a quarterly basis. Notwithstanding the

foregoing, the Developer shall not be entitled to any reimbursement from the City under this Special Condition for those "Public Improvements" which are not eligible for reimbursement from the City under Section 12.3 of the MFA. All reimbursements shall be in compliance with the City's standard reimbursement policies outlined in LCUASS Section 1.9.3 and identified as a reimbursable improvement in the City's latest adopted Transportation Plan.

PLANNING

Special Condition No. 2 (Subparcel D-9 and D-10):

Prior to any site disturbance or development activities on Subparcel D-9, a detailed ESAR shall be conducted to determine the exact extent of Environmentally Sensitive Areas and potential buffer zones to protect such natural resources.

RAILROAD

Special Condition No. 3 (Parcel D):

The Applicant shall provide a bufferyard between Buildings for residential occupancy on Lots in Parcel D and the Great Western Railroad Right-of-Way in accordance with the requirements set forth in Section 15, Appendix A of the GDP.

Special Condition No. 4 (Parcel D):

Buildings for residential occupancy on Lots in Parcel D that are adjacent to the Great Western Railroad tracks shall be subject to the applicable setbacks which are depicted on Map 7 in Section 11 of the GDP, for the purpose of mitigating railroad horn noise.

Special Condition No. 5 (Subparcels D-4, D-5, D-6, D-8, D-9 and D-10):

The Great Western Railroad tracks divide the northerly 187 acres of Parcel D from the remainder of Parcel D. Residents adjacent to such railroad tracks may experience noise and vibration effects resulting from the passage of trains on such tracks in close proximity to adjacent Lots. A notice reciting the above-stated potential impacts from such railroad

tracks shall be placed on each Subdivision plat which includes any portion of Subparcels D-4, D-5, D-6, D-8, D-9 and D-10 within 500 feet of the railroad Right-of-Way.

TRANSPORTATION

Special Condition No. 6 (Parcel D):

To the extent that Street and/or trail crossings of the existing railroads are required as a condition of a Development Project within Parcel D to meet the ACF Regulations and any approved exceptions thereto or other applicable UDC requirements, the City shall be responsible for processing the requests for the State Public Utilities Commission approval of such crossings, and the Applicant shall be responsible for the payment of the City's reasonable costs incurred therefor, including reasonable attorney's fees.

Special Condition No. 7 (Parcel D):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and if rationally related and roughly proportional to demand created by a Development Project and as agreed to by the City Engineer and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following Street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Subparcels D-1 through D-10.

- (a) Sculptor Drive across the Great Western Railroad.
- (b) Boyd Lake Avenue adjacent to Subparcels D-9 and D-10.
- (c) 5th Street adjacent to Subparcel D-10.

Special Condition No. 8 (Subparcel D-10):

Unless designed and constructed by others or otherwise approved by the City Engineer, and if rationally related and roughly proportional to demand created

by a Development Project and as agreed to by the City Engineer and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the applicable Street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Subparcel D-10.

- (a) The western half of Boyd Lake Avenue as a four lane arterial to the arterial street cross section, adjacent to Parcel D-10.

Special Condition No. 9 (Subparcel D-10):

The first Development Project within Subparcel D-10 shall dedicate right-of-way for a future Street connection to Lot 2, Pfeiff Minor Land Division, File No. 15-S3349 as recorded at Reception No. 20160026252, County of Larimer, State of Colorado.

WATER AND WASTEWATER

Special Condition No. 10 (Subparcel D-10)

Unless designed and constructed by others, concurrent with the approval of any Development Project of GDP Final Plat, the Developer shall design and construct, or cause to be designed and constructed at no cost to the City, the following water improvements to City standards:

- (b) A water main loop from the existing 24 inches line in Boyd Lake Avenue to the Farmers Ditch, which shall be built within Subparcel D-10.

Special Condition No. 11 (Subparcel D-10):

Pursuant to that "Reimbursement Agreement" recorded at Reception No. 2004-0093504 in the Larimer County Records, Larimer County Parcel No. 85170-00-002 was subjected to reimbursement obligations to the City of Loveland for the East Side Interceptor and Boyd Lake Ave. 24-inch Waterline (the "Total Reimbursement Amount"). Such parcel was thereafter platted as the Pfeiff Minor Land Division File No. #15-S3349, Larimer County, Colorado (the "Pfeiff

MLD”). Subparcel D-10, which is Lot 1 of the Pfeiff MLD (Parcel No. 85171-12-001) and which constitutes 44% of the total acreage of the Pfeiff MLD, shall be subject to a reimbursement obligation equal to 44% of the Total Reimbursement Amount. The owner of Parcel D-10 shall be responsible for payment to the City of Loveland of 44% of the Total Reimbursement Amount at the time that a water or sewer service line or extension which services all of any of Subparcel D-10 is installed, and shall have no obligation to reimburse the City of Loveland any portion of the remaining 56% of the Total Reimbursement Amount.