



PLANNING AND BUILDING SERVICES DIVISION

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April 12, 2004

Mr. Jim Doyle
Landmark Engineering, Inc.
3521 West Eisenhower Blvd.
Loveland CO 80537

Re: File #'s 04-Z1505 & 04-Z1506 Serenade Park Special Review and Rezoning
Preliminary review and referral comments

Dear Mr. Doyle:

The Development Services Team has completed their preliminary review of the above referenced applications. As a part of this review referrals were sent to numerous internal, local, state and federal agencies for their review and comment. Additionally, there is a significant file of public comment received to date for these applications. Copies of all referral responses are attached to this letter for your review and analysis.

Once you have had an opportunity to review and evaluate the comments in this letter and the referrals, please contact me regarding your possible next steps. We will need to evaluate what will need to be supplied insofar as additional information with respect to the review criteria of both sections 4.4.4 and 4.5.3 of the Larimer County Land Use Code for the requested actions. It is not our intention to complete a full engineering/technical analysis of the request except as it directly relates to the review criteria associated with the proposal. The public hearing process from this point is dependent upon how you choose to respond to the issues raised in this initial review. Options may include submittal of new or updated information, which may require additional referral, choosing not to provide additional information and going directly to the public hearings or delaying the application. Keep in mind that should the rezoning and special review requests be approved the applicant will then need to apply for Site Plan Review prior to the start of construction which would require application and approval of both a Development Construction Permit and building permits.

Numerous public and local agencies have commented on the proposal, in response to referrals to them. Copies of all the agency comments received are attached to this letter. The following is a summary list of the comments:

- Colorado Division of Wildlife –Identifies concerns with the wetlands, site management, vegetation management, prairie dog colonies, big game, fishing and possible wildlife interaction conflicts with traffic and attendees.
- Larimer County Department of Health and the Environment – Has raised issues and concerns with the water and sewer systems including the feasibility and needed permits. Additional concerns with noise and the need for a mitigation plan are identified. Other operational and permitting issues are also identified.
- Larimer County Parks and Open Lands— Has raised a serious concern from their perspective regarding the compatibility of this proposal with the significant expenditure of public monies to preserve the natural resource values in this area. Further concerns are identified with respect to the potential for this proposal to be the impetus for additional land use changes in the area. They have inquired about the proposed conservation easement and its terms and suggest they are interested in a trail and natural resource protection in the area.
- Colorado Department of Transportation – The comments from CDOT and their consultant reflect concerns with some of the traffic analysis and the conclusions reached. While CDOT cannot deny access there are significant concerns and improvements necessary to mitigate the impacts of a “large event”. There are a number of questions raised in the report which we believe must be addressed. These relate to highway capacity and the operations of access to the site, queuing and parking lot operations.
- Larimer County Engineering Department – Has provided comments on a range of issues. The principal area of concern is access to the site and the impact on traffic. Coordination with CDOT is important to this review. Additional traffic and intersection information is requested. Information on internal operations of the parking lots is also requested. Further information on drainage and erosion control is needed to evaluate feasibility.
- Army Corps of Engineers—Has indicated the need for permits if wetland areas are to be disturbed.
- Larimer County Building Department – Summarizes the building permit and review requirements for structures proposed and identifies the need for a building permit for the existing structure on site.
- Northern Colorado Water Conservancy District – Has indicated the applicant’s plans reflect previous discussions regarding their concerns and issues.
- City of Loveland – The city comments identify requirements for electrical power to the site, supplied by the City of Loveland, and requests additional traffic information.
- United States Fish and Wildlife Service – The Service requests an evaluation for Endangered Species, information on the raptor study to be sent to the Colorado Division of Wildlife and coordination with the Corps of Engineers regarding wetlands.
- Big Thompson Conservation District – Comments about the wildlife on site, grazing use, noxious weeds, soil suitability for the proposed sewage treatment facility and other environment concerns associated with site use and development.
- Colorado Historical Society – Referral notes the presence of two identified sites in the area of the proposal. Further review and contact with the SHPO to follow up should occur.

- Larimer County Sheriff's Office – Comments regarding enforcement of the Larimer County Noise Ordinance, serious concerns with respect to traffic congestion at the access point, conflicts with emergency vehicle access, the need for law enforcement participation in the security committee and the lack of staffing to respond to events.
- Rock Ridge Preservation Society – A group of local citizens and adjacent property owners, the Development Service Team has identified this group as the “principal” point of contact for neighborhood public comment on the proposal. They have provided a preliminary analysis of the submitted plans. They are very clearly opposed to this proposal.

The staff has also consulted with the operations staff at “The Ranch” to assist in determining how the proposed traffic and circulation operations of the facility compare with their experience. After this consultation the staff contacted Mr. Chris Haggerty, who consulted with the County on “The Ranch”, for his analysis of the traffic operations on and at the proposed site. You have received a copy of his report and comments. His bill must be paid prior to scheduling any public hearings on the applications, per Section 8.01.A. Larimer County Land Use Code.

We have an extensive file of public comment on this proposal. Most of the comments received since the application was submitted for review are comments in opposition to the Rezoning and Special Review which raise a variety of issues. These include; appropriateness of the use, location, traffic and the impact on the highway, noise impacts, wildlife impacts, the desire to see the property kept open and free from development and maintaining the “integrity” of the Master Plan. The Fort Collins Audubon Society has identified concerns with the impact to raptors in the area and the prairie dog colonies on site. The Estes Park League of Women Voters opposes the proposal based on concerns with traffic, emergency service provision and noise and air pollution. There are other specific comments included in these letters and e-mails. We would request that you provide a summary response to the issues raised in these comments as a part of any response to the staff.

The principle test of these applications is the assessment of the requests with respect to the review criteria noted above. Clearly, if the rezoning cannot be approved, then the special review becomes moot. In evaluating the proposal with respect to the Master Plan we find your analysis is flawed. This application and its review are principally focused on the amphitheater and the impacts this use will have and whether the rezoning to allow the use is consistent with review criteria. While the technical materials submitted for review do address the amphitheater and its attendant impact, the arguments for the use appear to focus on the park aspects of the site. We would suggest that we disagree with some of your interpretations of the Master Plan principles and strategies. It is also our assessment that there are additional Master Plan principles and strategies which do not support the proposal and its attendant impacts.

Our assessment of your analysis of the review criteria for the rezoning and special review is that it is inadequate. Specifically, the focus of our review of the impact of the use is not on the

proposed "public park" but rather on the impacts of the amphitheater use. The location of a public park in this area may be potentially consistent with the County Parks and Open Lands Plan and Master Plan. We remain unconvinced that the proposal can meet the tests of the strategies of the Larimer County Master Plan. Further we are not persuaded by the arguments presented regarding community need, changed conditions and compatibility.

Regarding the proposed rezoning, the Development Services Team has evaluated your proposed uses of the site and the uses you have proposed to be excluded/not allowed from the T Tourist zoning of this site. Of the possible remaining listed uses which would be "allowed" there are a number remaining which are not directly or indirectly related to the current application. The applicant must provide an explanation regarding these "additional" uses and how they are related to the current application and use(s) proposed. It is our position that these additional uses are incompatible with the specific limits of development proposed by the applicant.

There are a number of questions related to traffic at the site. These include:
A more comprehensive analysis of the parking plan including, will there be a parking charge?, the adequacy of the queuing for the parking lot(s), assessment of internal traffic pattern of the parking lot(s), the need for additional traffic lanes and turning lanes, the number of patrons/passengers per vehicle. Additional information or studies are needed regarding the off site traffic plan, parking payment, traffic patterns on site, and an appeal for the required paving of all parking areas.

Based upon our initial analysis and agency comments we believe that the applicant should further address the technical issues raised by agency and referral comments. Please review the specific agency comments for details regarding these issues.

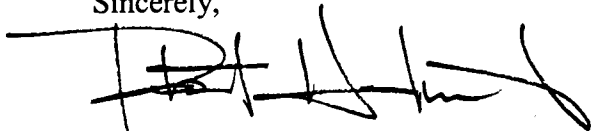
It appears that beyond the issues associated with this proposal, discussed above, the major technical issue is the impact on traffic and the transportation system and access to the site. In fact based upon our review of the referral comments with respect to these issues, the application presents a scenario that we cannot support wherein adequate public facilities are not available and an unreasonable impact on public safety will occur as a result.

Upon receipt of this letter the application processing is in your control. We believe that you need to evaluate the referral responses and our preliminary comments and determine how you wish to proceed. Please advise this office regarding your intentions and schedule no later than May 15, 2004. Until we receive additional information for review and referral we are unable to consider recommending anything but denial of this application.

Serenade Park Rezoning and Special Review
Preliminary comment letter
Page 5 of 5 -- 04/12/2004

Should you wish to discuss this letter and our preliminary analysis of this request, please contact me here.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Helmick', written over a horizontal line.

Robert Helmick, AICP
Principal Planner – Development Review

Attachments/enclosures: comments received

Cc: Roxanne Hayes, Engineering Department w/out atch
Doug Ryan, Department of Health and the Environment, w/out atch
Bernard Hobson, Rock Ridge Preservation Society w/ atch