

January 8, 2002

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting - 6:00 p.m.

An adjourned meeting of the Council of the City of Fort Collins was held on Tuesday, January 8, 2002, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll Call was answered by the following Councilmembers: Hamrick, Kastein, Martinez, Tharp and Wanner.

Councilmembers Absent: Bertschy and Weitkunat.

Staff Members Present: Fischbach, Krajicek, Roy.

**Discussion Regarding the Potential
Purchase of a 4-Acre Property Directly
North of Bennett School for a Future Park Site**

The following is staff's memorandum on this item.

“Executive Summary

Councilmember Tharp has requested information about the possibility of developing a park on the vacant land across the street and north of Bennett School. The West Central Neighborhood Plan identified this parcel as a possible location for a park. The City's Parks and Recreation Policy Plan indicates this area of town is adequately served by Avery Neighborhood Park and City Park. Very few Neighborhood Parkland Fees have been collected in this square mile. The majority of the funding for the acquisition of this site will need to come from the General Fund. The acquisition cost will be based on negotiation and market value. Total cost for design and development are estimated to be in the range of \$215,000. Ongoing maintenance for this site is estimated to be \$23,160 per year. These funds would need to come from the General Fund or a future capital project-funding source.

BACKGROUND:

City Council was involved in the adoption of two documents that effect discussions of the Bennett Park issue directly. The Parks and Recreation Policy Plan was adopted by Council in December 1996. This plan establishes the standards for parks throughout the community. The second document is the West Central Neighborhood Plan which was adopted by Council as amended on May 18, 1999. Both the West Central Neighborhood Plan and the Parks and Recreation Policy Plan are elements of City Plan.

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The Parks and Recreation Policy Plan contains guidelines for the development of parks. The standard for neighborhood parks is 2.5 acres per 1,000 population in the service area. The service area for a neighborhood park is typically the area within one square mile. The community park standard is 4.5 acres per 1,000 population and serves about 20,000 people and a four square mile area. Community parks also fulfill neighborhood parkland requirements within a ½ mile radius. Both City Park and Avery Park serve the West Central Neighborhood.

***Map 1** is an overview of all parks and open areas owned by the City within the general area of the West Central Neighborhood. **Map 2** shows the area served by Avery Park and City Park.*

*Avery Park is a 17.9-acre neighborhood park located at the intersection of Castlerock Drive and Clearview Road. The land for the park was acquired by the City in 1960 and developed in 1962. Funding for acquisition and development was from the General Fund. The park contains a multi-use, irrigated turf area, landscaping, basketball court, playground, open space area (storm water detention area) and walking path. See **Map 3** showing Avery Park.*

*In 1974 a Neighborhood Parkland Fee was implemented City wide to fund neighborhood park acquisition and development. The fee is collected on each new home when it is built. A review of residential homes in the Avery Park service area confirms that the large majority of the homes in the area were constructed before Parkland fees were implemented. **Map 4** shows areas within this neighborhood developed prior to the inception of parkland fees in 1974.*

The development of the "Bull Farm area" on the north side of Elizabeth Street; an area near Shields Street and University Avenue; and an area near Taft Hill Road and Moore School were developed after 1974 and paid parkland fees. In 1996, a restroom was added to the park at a cost of about \$95,000 paid from parkland fees collected from 1974 to 2000 within this neighborhood. Fees collected during this time amounted to approximately \$125,000.

Residential construction in 2001 and the future development of an area near the intersection of Mulberry Street and Taft Hill Road should result in about another \$100,000. At that point, this square mile will be built out for the most part.

If current and future parkland fees collected in this area are not used for Bennett property, Park Planning and Development staff plans improvements to Avery Park. These plans include Shelter and plaza area; ADA sidewalks; irrigated turf; formal walking path with resting areas and additional trees. Total cost of these improvements will be approximately \$105,000.

The 1996 Parks and Recreation Policy Plan analyzed each square mile of the City and identified areas that had a deficiency in parkland based on the standards. In addition, City Plan projected the number of residential housing units that might be developed in the future on undeveloped land in each square mile of the City. This information was used to identify current and future parkland

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*needs throughout the City. The area served by Avery Park and City Park does not require additional parkland to meet the standards. **Map 5** shows which areas of the City need additional parkland and which are adequately served based on the standards.*

The West Central Neighborhood Plan explored the need for parks in the study area. Park Planning and Development staff worked with the citizen group involved in the formulation of the Plan. Staff explained the Parks and Recreation Policy Plan Standards for parkland level of service and that this area was adequately served based on these standards. The group working on the Plan chose to continue to pursue adding additional parkland within the West Central Neighborhood.

*The citizen's group identified three potential park sites: the Bennett site, a site known as Young's Pasture and an area in the Center for Advanced Technology. **Map 6** shows the location of these proposed parks.*

*The City's Park and Recreation Board reviewed these identified park sites in the West Central Neighborhood Plan at its October 28, 1998 meeting. The Board did not support the park identified as Young's Pasture. The Board recommended the acquisition and development of the park near the Horticulture site. The Board supported the park near Bennett School with the condition that Neighborhood Parkland Funds not be used for the acquisition or development of the site. The Board felt the area was adequately served with parkland and other areas of the City had greater needs for parkland. Please see **Attachment A** highlighting the minutes from the Parks and Recreation Board meeting.*

The City has since purchased a park site in the Center for Advanced Technology along with the Horticulture Center site. This park is funded by fees on new homes in the area east of Shields Street and South of Prospect.

The vacant land north of Bennett School is zoned RL (Low Density Residential). In addition to housing, this zoning permits uses such as schools and parks. The West Central Neighborhood Plan recommends the land be developed as residential or as a park. The Plan cites the City's Capital Improvement Program and Poudre School District funds as some potential funding sources for the conversion of this property to a park.

*The City has received a letter from Mr. Bill Franzen; Executive Director of Operations for Poudre School District stating that the District does not have funds dedicated to the purchase of this land. However, the District would consider reviewing funds allocated for playground and parking improvements in support of compatible joint development. The total funds allocated for these projects District wide are \$261,000. Please see **Attachment B** for the full text of this letter along with the City's inquiry about the District's interest in participating in the purchase and development of this property as a park.*

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The vacant four acres across the street from Bennett School has recently been looked at for residential development. The acquisition cost will be based on negotiation and market value. To develop the four acres into a park with irrigated turf, landscape, sidewalks, drinking fountain, and small shelter would cost about \$215,000. Maintenance of the park would cost about \$23,160 per year. In May 2001, the landowner told staff that they did not wish to donate the land for a park.

SUMMARY: The following summarizes the primary issues that Council may wish to consider in making this decision.

- *Estimated cost to acquire and develop this property is between \$585,000 and \$770,000.*
- *Current parkland funds available in this service area are \$30,000.*
- *Future development in this service area is expected to generate \$100,000 in additional Parkland funds.*
- *Poudre School District may be able to participate in future development of the site.*
- *Should the Council wish this site to become a park, acquisition will need to occur immediately. The General Fund will need to fund the majority of the cost for acquisition.*
- *Design and development of the park will need to be funded from the General Fund or from a capital project-funding source.*
- *Annual maintenance costs are anticipated to be \$23,160 (in 2002 dollars) and would most likely be a General Fund cost.*
- *While additional parkland is always good, this neighborhood is adequately served based on the City's standards for number of acres of parkland.*
- *The Parks and Recreation Board believes this to be a desirable location for a park. However, since this neighborhood is adequately served based on City standards, it recommends that funding sources other than Parkland funds be used."*

City Manager Fischbach introduced the agenda item and stated that there would be a brief staff presentation to answer some of the questions raised by Councilmember Tharp with regard to the Bennett School park site and the West Central Neighborhood Plan.

Mike Powers, CLRS Director, presented background information regarding the agenda item. He stated that Council may wish to consider whether this area needs more parkland, what it will cost the City to pursue the purchase, and how it could be funded. He presented visual information regarding the neighborhood and its surroundings. He stated that the Parks and Recreation Policy Plan serves as a guiding document for the addition of parkland and that the policy is to place a neighborhood park in every square mile of the City and to place 50-100 acre community parks to serve a four square mile area. He spoke regarding the parks that serve the area in question and stated that the largest park deficit is currently in the square mile bordered by College, Mulberry, Lemay and Prospect. He also spoke about other areas that are short in park acreage and the areas are adequately served based on the parkland standards. He stated that, based on the City's standards, the area in

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question does have enough parkland. He stated that the areas that have a parkland shortage should be the areas to focus on if land is to be purchased. He showed visual information outlining the West Central Neighborhood and stated that the neighborhood plan suggested the addition of three new parks to this area, including the Bennett School site. He stated that the Parks and Recreation Board agreed that a new park should be developed at the horticulture center and found that a park at the Bennett School site would make sense if it was funded from a source other than parkland funds because other areas need the parkland funds more. He showed slides of the Bennett School site. He stated that the cost to acquire the property is unknown and that no negotiations have taken place. He stated that the cost to develop the park is roughly \$215,000 and that the cost to maintain the park would be about \$23,000 annually. He stated that if Council gives direction to staff to acquire the property that it would likely be necessary to come back to Council with an appropriation ordinance for General Fund money. He stated that there are not any other funding sources available at this time that would allow the City to move quickly to acquire the property. He spoke regarding possible funding sources for park development and maintenance.

Valerie McIntyre, 1217 Springfield Drive, stated that the City's policy regarding one park per square mile is a cookie cutter approach to City planning and that this is one of the most densely populated square miles in the City. She spoke regarding the conflict in the West Central Neighborhood Plan pertaining to whether the land should be developed or turned into a park. She spoke regarding the impacts of recent development within the area. She stated that there needs to be more green space as density increases. She also spoke regarding affordable housing and parkland fees. She stated that living in an established neighborhood that does not generate parkland fees should not count against the neighborhood for acquiring green space just because funds have not been collected recently.

Brad Miller, 1220 Springfield Drive, asked that Council consider safety and college student issues and stated that it would be more useful to have a park available.

Constance Kelly, 1313 Springfield Drive, commented that it was clearly Bill Abbey's desire to turn this into a park and that she would like to see the park development happen.

Betty Maloney, 1309 City Park Avenue, commended the process for incorporating neighborhood input into development proposals. She expressed a concern that the neighborhood meeting minutes selectively omit some of the discussion. She spoke regarding the volunteer time and City dollars that went into the West Central Neighborhood Plan and stated that the plan clearly recommended a park at this location. She expressed a concern that the plan might not be followed. She stated that Rolland Moore is not a neighborhood park and is not readily accessible from her area and that half of the acreage at Avery Park is used as a detention pond. She stated that her neighborhood is talking about a small and accessible pocket park that people can walk to rather than a park with a lot of improvements. She stated that this is the highest density square mile in Fort Collins and that there are many condos and apartment complexes that were never required to create park or green areas. She stated that a passive park would complement the area.

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John Kelly, 1313 Springfield Drive, spoke regarding dog problems on the Bennett School playgrounds and the lack of fencing at the school and stated that there is a need for the park site to take the dogs out of the playgrounds and school grounds.

Shawn Miller, Ariel Wilson, and another student (name inaudible on tape), spoke representing the students of Bennett Elementary School to ask the Council to consider turning the property across from the school into a park or some other open space because this would be safer than more houses due to less traffic and less chance of stranger dangers, and because of possible CSU student problems if the land is developed. They stated that they had raised over \$300 to be donated to help the City buy this land and make it a safe place for kids.

Sam Crimaldi, 1201 Springfield Drive, spoke in support of the park and stated that there is great support in the neighborhood for the park.

McKenzie Couch, Bennett Elementary School student council member, spoke regarding safety issues of future development across the street from the school. She stated that a park would be a much better use for the property.

Todd McIntyre, 1217 Springfield Drive, expressed concerns with the City's policy regarding one park per square mile. He encouraged the Council to consider other issues such as where there are schools. He stated that the parks prescribed for his area are not appropriate for children in his neighborhood to get to without crossing busy streets. He spoke in favor of a low maintenance pocket style park at this location.

Laurie Brunswig, stated that she moved from the Bennett School area to Ridgewood Avenue because of safety and traffic issues. She spoke about the density growth in this square mile and addressed the West Central Neighborhood Plan process. She stated that the plan has not been considered in connection with many development issues in the neighborhood and noted the intense density of the neighborhood. She asked that Council consider not developing the property and allowing it to go to the people.

Robert Dougherty, a Fort Collins resident, noted that none of the speakers spoke about the rights of the property owner and that the City has not talked with the property owner to see if the property could be purchased. He spoke regarding the right of the property owner to sell the property.

Michael Chalona, 408 Whedbee Street, spoke in support of the development project and stated that the intent is to increase home ownership rather than rentals in the area. He spoke regarding the proposed bungalow development and the improvements that would be made in conjunction with the development. He stated that the issue is what the property owner has a right to do in accordance with the zoning of the land.

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Councilmember Tharp stated that there is confusion about what is in the plan and whether a park is needed and that there is conflicting information from the staff that says that this pocket park was part of the plan and from a park analysis done in 1998 that says that there is a need for a park in this area. She requested clarification regarding the change in the staff recommendation. Powers stated that the parks policy plan adopted in 1996 specified that there should be one neighborhood park per square mile and that the park should serve roughly 2.5 acres per 1,000 people. He stated that the analysis showed at that time that this neighborhood was fully satisfied based on that standard. He stated that the West Central Neighborhood Plan recommends that this site be a park and that this recommendation is in conflict with the standard.

Councilmember Tharp requested additional clarification regarding the 1998 staff recommendation. City Manager Fischbach stated that the staff recommendation referenced by Councilmember Tharp relates to the area of the City that will be served by the Horticulture Center.

Councilmember Tharp noted that the staff recommendation stated that there is a need for two parts in the area and asked why the pocket park is not being considered. Powers stated that the staff recommendation indicated that City Park and Avery Park serve this part of the City. He stated that the plan generated by the neighborhood with staff's help stated that a park should be there, and that the Parks and Recreation Board stated that it would not hurt to have a park there but that parkland funds should not be used for it. He stated that the parkland standards were met in that square mile but were not met south of Prospect and east of Shields, and that was reason the horticulture center park was purchased.

Councilmember Tharp noted that additional parkland fees were collected in that area and some have been used for Avery Park and asked how money was collected in that area with the development of apartments. Powers stated that the City began to collect the parkland fee in 1974 and that most of this area was built prior to that. He stated that since 1974 about \$95,000 was collected and that money was spent on adding a restroom to Avery Park. He stated that since that project another \$30,000 was collected, and that has not been spent. He stated that staff projections are assuming an additional \$100,000 will be collected at sometime in the future upon build-out of the square mile.

Councilmember Tharp asked if the response from the School District with regard to cooperative efforts has been positive. Powers replied in the affirmative and stated that the School District has indicated that it has some money available from the last bond issue and is tentatively planning some improvements in the parking and playground areas on this site. He stated that the City and School District might be able to share in some of the development if the Bennett School park site is purchased.

Councilmember Kastein asked for clarification regarding the possible cooperative effort between the School District and the City. Powers stated that if the School District puts in a nice playground on their site, that the City would not put an elaborate one in the park site.

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Councilmember Kastein asked about the approximately \$215,000 funding that the School District has tentatively earmarked for the site. Powers stated that it is earmarked for the playground, parking and access.

Councilmember Hamrick asked if there are enough parks in the area even if the standard is met and if a need has been identified for additional parks in the area. Powers stated that the standard was met and that staff and the Parks and Recreation Board would like to see a park at the Bennett School site if money can be found for it. He stated that staff and the Board are not in favor of using parkland funds for the site because there are other priorities.

Councilmember Hamrick stated that the issue for him is if there is a difference between the standard and what is actually adequate for the neighborhood. He asked if increased density over time is taken into account when parks are planned. Powers stated that this is a consideration and that project park deficits assume a fully built-out square mile.

Councilmember Hamrick asked if land has been purchased for parks in the areas that have been identified to have a park deficit. Powers stated that the land has not been purchased in any of these areas and is identified as needed.

Councilmember Hamrick asked how the City makes sure that land will be available in such areas for parks. Powers stated that staff attempts to talk with developers early in the development process to identify park locations. He stated that it is a negotiated process that includes the School District.

Councilmember Hamrick asked if a park could just be an open space or if it would be required to have improvements. Powers stated that the costs that have been presented are for a low impact park with a playground and that costs include tap fees to bring water to the site.

Councilmember Kastein asked if open space monies can be used for parks. Powers stated that open space money is used for natural areas.

Councilmember Kastein asked if increased density was taken into consideration on the map that shows park deficits. Powers replied in the affirmative. He stated that the intent is to provide 2½ acres per thousand population and that there are 18 acres of park land in this square mile for roughly 8,000 people. He stated that amenities will be added to the Avery Park area in place of detention areas as park land funds come in.

Councilmember Kastein asked about the anticipated use of the \$130,000 in park land fees that will eventually be available to this area. Powers stated that if funds are not spent for the Bennett Park site that there are plans to upgrade Avery Park.

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Councilmember Kastein asked about the safety issues of children crossing busy streets to get to area parks. Powers stated that the area parks are not ideally located from this respect.

Councilmember Kastein asked about applying future park land fees toward safer access to the parks. Powers stated that staff can work on the access and crosswalk issues with Transportation.

Councilmember Kastein asked if more patrol effort can be directed to the Bennett School area to address the at-large dog issues. City Manager Fischbach stated that he will look into this issue.

Mayor Martinez asked about the comment by one citizen that infill development near schools conflicts with City Plan. Ken Waido, Chief Planner, stated that the West Central Neighborhood Plan identifies areas that are appropriate for development and redevelopment. He stated that the Plan favors a Bennett School park provided funding other than park land fees could be found. He stated that staff worked with the Parks Planning staff on the issue and that many of the citizens in the area had the expectation that the park site could be funded through a revenue source similar to Choices 95. Powers stated that the Parks and Recreation Board favored the park provided another funding source could be found besides park land fees.

Mayor Martinez asked for clarification regarding the recommendation of the West Central Neighborhood Plan with regard to this park site. City Manager Fischbach stated that the Plan indicated that this site would be appropriate for either a park or residential development.

Mayor Martinez asked for clarification regarding the possibility of funding from Poudre School District for the park site. City Manager Fischbach stated that the School District has indicated that it would favor a park at the site but that no money was available from the District.

Mayor Martinez asked if funding for the park would have to come from the General Fund. City Manager Fischbach replied in the affirmative.

Councilmember Tharp made a motion, seconded by Councilmember Hamrick, that the City Council direct the City Manager to pursue City acquisition of the four-acre parcel of land north of Bennett School for development as a neighborhood park.

Councilmember Tharp noted that people in the neighborhood called this issue to her attention and that the West Central Neighborhood Plan led the citizens in that area to believe that a park was part of the Plan. She stated that she would like Council to deal with the matter and decide whether, because of the high density in that area and the additional apartment house development in the area, the park site would be a good use for the land. She stated that joint purchase with the School District had not been pursued, although the City now has an answer from the School District. She stated that the City created an expectation within that community with the West Central Neighborhood Plan that this would be a park and that the Plan has not been changed or rescinded. She stated that not sticking

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with such plans tends to undercut citizen participation. She stated that she would like the City to follow through on the West Central Neighborhood Plan taking into consideration busy streets that preclude small children from going to Avery Park or Rolland Moore Park, and because of the high density in the area. She stated that there is no need for elaborate park improvements and that the site should be preserved for the future for a neighborhood that is in transition. She stated that funding can be pursued from a number of sources.

Councilmember Hamrick stated that there is not adequate park land for the area. He supported moving ahead to see if the property could be put aside for park development. He stated that he would like to see a creative funding solution rather than taking money from the General Fund.

Councilmember Kastein stated that it was appropriate for the Council to consider this issue and commended those who spoke on the issue. He stated that there are 27 areas that need parks and are higher priorities than this area. He stated that funding is not available for this purchase and that he would not support the motion.

Councilmember Wanner stated that there are competing needs and priorities for the City as a whole and that he would not be supporting the motion. He stated that two major community parks are located within about three-quarters of a mile, a neighborhood park is located within a half mile, and several small natural areas are located within a half mile. He stated that given the needs of the rest of the community, the policy that is in place, the recommendation of the Parks and Recreation Board, the available open space in the area, and the existing school ground that he would not support the motion.

Mayor Martinez stated that the West Central Neighborhood Plan recommends that the site be developed as a park or as residential. Waido stated that the Plan shows the area as part of a low density mixed-use neighborhood and also as a potential future park site if a funding source other than park land fees could be identified. City Manager Fischbach stated that the Plan recommends either use as a potential use.

Mayor Martinez stated that the issue comes down to money and prioritization. He noted that there are 27 other areas with a higher priority and that the City should follow its master park plan. He noted that the creation of a park would not solve all of the safety and dog problems.

The vote on the motion was as follows: Yeas: Councilmembers Hamrick and Tharp. Nays: Councilmembers Kastein, Martinez and Wanner.

THE MOTION FAILED

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Adjournment

The meeting adjourned at 7:20 p.m.

Mayor

ATTEST:

City Clerk