

RESOLUTION 2015-084  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUBMITTING A SUBSTANTIAL MODIFICATION OF THE MIDTOWN  
URBAN RENEWAL PLAN TO THE CITY'S PLANNING AND ZONING BOARD  
AND TO THE POUDBRE SCHOOL DISTRICT

WHEREAS, on January 5, 1982, the Council of the City of Fort Collins ("Council") adopted Resolution 82-10 establishing the Fort Collins Urban Renewal Authority (the "Authority") and designating the Council to serve as the Authority's Board of Commissioners (the "Authority Board"); and

WHEREAS, on September 6, 2011, the City Council adopted Resolution 2011-081 approving the Midtown Urban Renewal Plan (the "Plan") in accordance with the Colorado Urban Renewal Law, C.R.S. Sections 31-25-101, et seq. (the "Act"); and

WHEREAS, the Plan identifies and legally describes approximately 658.5 acres of land as being within the Plan's boundaries as depicted on the map attached as Exhibit "A" (the "Plan Area"); and

WHEREAS, the Plan also established a tax increment financing district within the Plan Area known as "Prospect South," which district is depicted on Exhibit "A" (the "Prospect TIF District"); and

WHEREAS, on May 7, 2013, the Council adopted Resolution 2013-043 in which the Council ratified and reaffirmed the Plan and amended the Plan (the "First Amended Plan") to establish within the Plan Area a second tax increment financing district known as "Foothills Mall," which district is depicted on Exhibit "A" (the "Mall TIF District"); and

WHEREAS, the Prospect TIF District and the Mall TIF District shall be jointly referred to as the "TIF Districts;" and

WHEREAS, on September 8, 2015, the Authority Board adopted Resolution No. 077 submitting to the Council for its future consideration a substantial modification of the First Amended Plan under the Act (the "Authority Resolution"); and

WHEREAS, the substantial modification of the First Amended Plan proposed in the Authority Resolution would modify the First Amended Plan in two respects; and

WHEREAS, the first modification would amend the wording of the First Amended Plan to clarify that the First Amended Plan identifies and authorizes only one urban renewal project (the "First Modification"); and

WHEREAS, under C.R.S. Section 31-25-107(7) the First Modification is not a substantial modification of the First Amended Plan because it will not result in any substantial change in the land area, land use, design, building requirements, timing or procedure of the First Amended Plan; and

WHEREAS, the second modification would exclude from the Plan Area the approximately 490.7 acres of land that are currently not located in either of the TIF Districts, which excluded land is depicted on the attached Exhibit "B" (the "Excluded Area"), except that certain portions of South College not in the TIF Districts will remain in the Plan Area in order to connect the two TIF Districts as depicted on Exhibit "B" (the "Second Modification"); and

WHEREAS, as a result of the Second Modification, the new area of the First Amended Plan will be reduced to approximately 167.8 acres of land, which area is depicted on Exhibit "B" (the "New Plan Area"); and

WHEREAS, since the Second Modification results in a substantial change in the First Amended Plan's land area, although it will be a decrease and not an increase in land area, under Section 31-25-107(7) the Second Modification is arguably a substantial modification of the First Amended Plan that is subject to the notice and hearing requirements in Section 31-25-107; and

WHEREAS, if the First Modification and the Second Modification (jointly, the "Modification") are together a substantial modification of the First Amended Plan, Section 31-25-107(2) requires the Council to submit the Modification to the City's Planning and Zoning Board prior to the Council approving the Modification so that the Planning and Zoning Board can review the Modification and provide its written recommendation to the Council on the sole question of whether the Modification is in conformity with the City's general plan for development of the City as a whole, which is the City's comprehensive plan titled "City Plan – Fort Collins" and dated February 15, 2011 ("City Plan"); and

WHEREAS, since the New Plan Area includes within it multiple-family residences, Section 31-25-107(9)(d) arguably permits the Poudre School District (the "School District") to participate in an advisory capacity concerning the proposed Modification.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Manager is hereby directed to submit the Modification to the City's Planning and Zoning Board in accordance with C.R.S. Section 31-25-107(2) by providing the Planning and Zoning Board with this Resolution, the Authority Resolution, and a written staff report addressing the Modification's conformity with City Plan. The Modification is to be submitted to the Planning and Zoning Board in time for it to so consider the Modification at its October 8, 2015, regular meeting. In deciding and making its recommendation to Council under Section 31-25-107(2), the Planning and Zoning Board is to consider the sole question of whether the Modification is in conformity with City Plan.

Section 2. The City Manager is hereby directed to promptly submit the Modification to the School District by providing it with this Resolution and the Authority Resolution so that the School District can, if it desires to do so, review and comment on the Modification in its advisory capacity as permitted by C.R.S. Section 31-25-107(9)(d).

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of September, A.D. 2015.



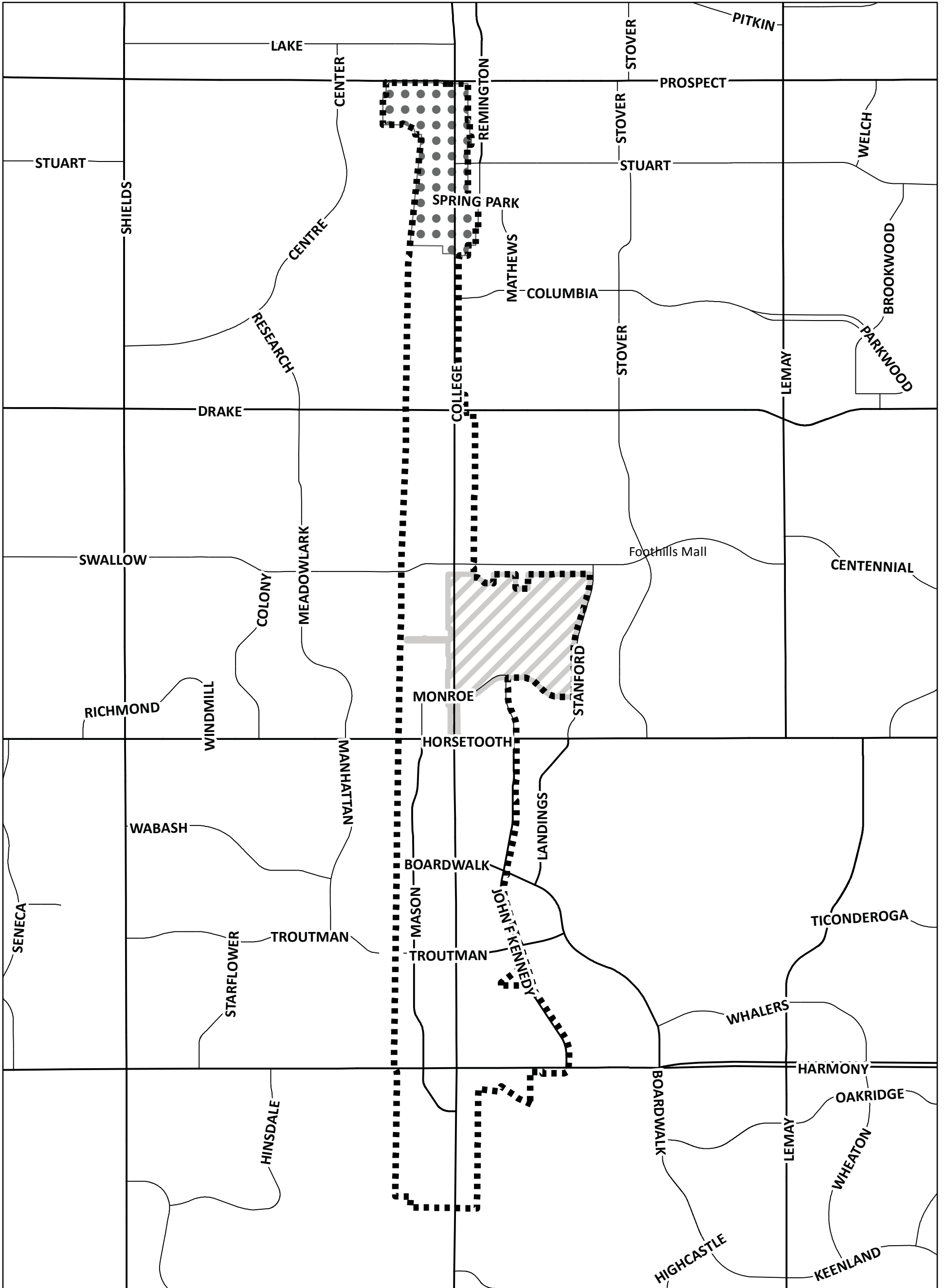
Mayor

ATTEST:

Wanda Winkelmann

City Clerk

# Fort Collins Urban Renewal Authority Existing Plan Area Boundry - Midtown



## Legend



Foothills Mall Boundary



Prospect South Boundary



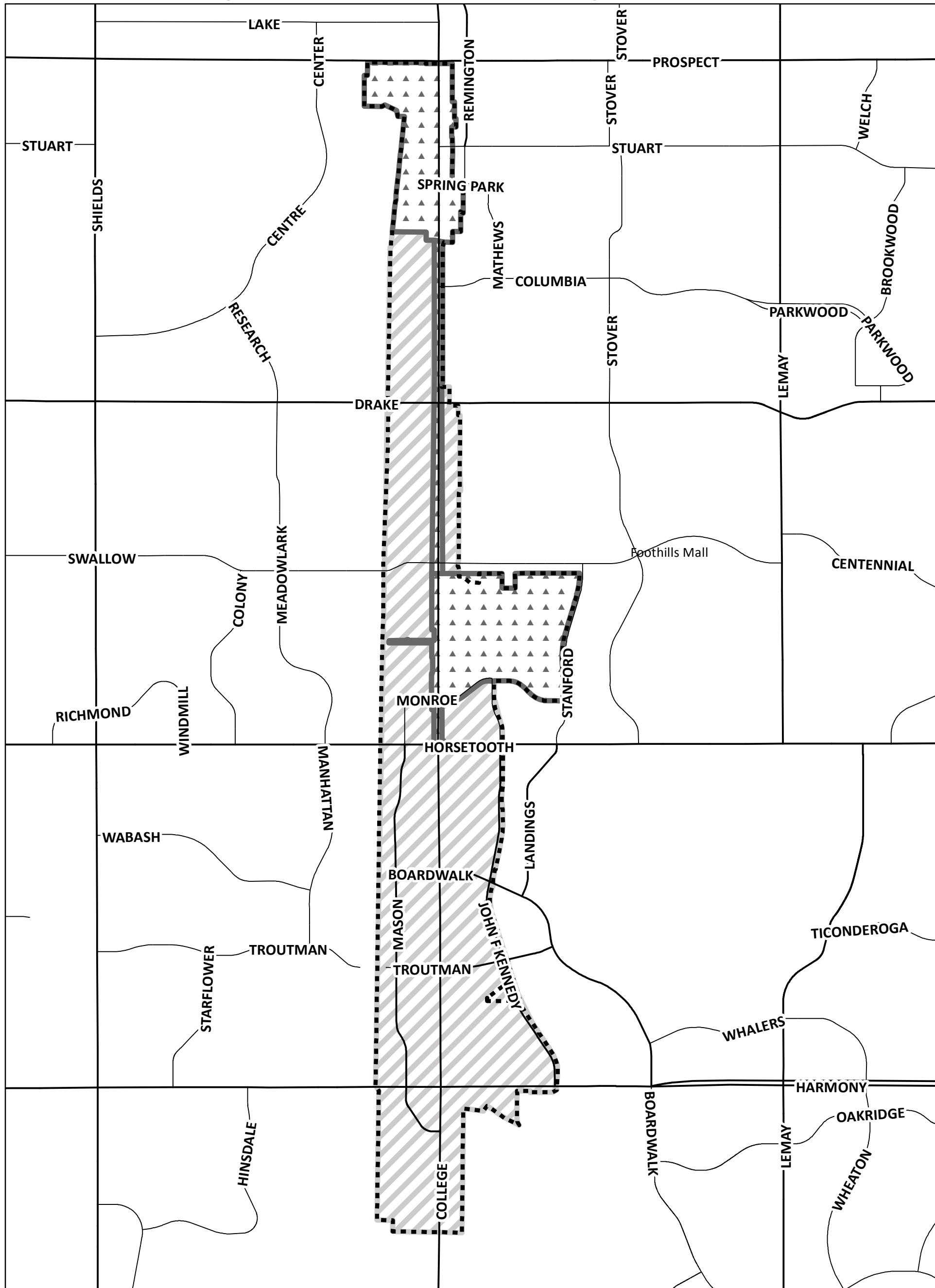
Streets



Midtown Urban Renewal Plan Area (the "Plan Area")



# Fort Collins Urban Renewal Authority Proposed Plan Area Boundry - Midtown



## Legend

- New Plan Area
- Excluded Area

Streets

Midtown Urban Renewal Plan Area (the "Plan Area")

