

RESOLUTION 2015-090
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SETTING FOR DECEMBER 1, 2015, A NOTICED PUBLIC HEARING
FOR THE CITY COUNCIL'S CONSIDERATION OF A RESOLUTION TO
SUBSTANTIALLY MODIFY THE MIDTOWN URBAN RENEWAL PLAN

WHEREAS, on January 5, 1982, the City Council adopted Resolution 1982-010 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 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 Excluded Area and the New Plan Area include within each of them both single- and 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; and

WHEREAS, at its October 8, 2015 meeting the Planning and Zoning Board considered the Modification as required by Section 31-25-107(2) and adopted a resolution finding that the Midtown Plan as amended by the Modification is in conformity with City Plan; and

WHEREAS, Section 31-25-107(3)(a) requires the Council to set and hold a public hearing on the Modification not less than thirty (30) days after publishing, in a newspaper of general circulation in the City, a notice describing the time, date, place and purpose of the hearing and such notice must generally identify the portions of the Plan Area affected by the Modification and outline the general scope of the Modification; and

WHEREAS, Section 31-25-107(4)(c) also requires the Council to make reasonable efforts to provide written notice of that public hearing to all property owners, residents, and owners of business concerns in the Plan Area at their last known address of record at least thirty (30) days before the scheduled hearing and such notice shall contain the information required by Section 31-25-107(3)(a) for the published notice.

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

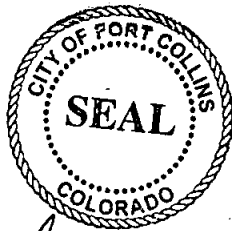
Section 1. The Council's noticed public hearing required by C.R.S. Section 31-25-107(3)(a) to consider a resolution approving the Modification is hereby set to be held and conducted at the Council's December 1, 2015 regular meeting.

Section 2. The City Manager is hereby directed to have published in a newspaper having a general circulation in the City a notice for the Modification as required by Section 31-25-107(3)(a) and to have such notice published no less than thirty (30) days prior to the December 1, 2015 public hearing set in Section 1 above.


Section 3. The City Manager is further directed to mail to all property owners, residents, and owners of business concerns in the Plan Area at their last known address of record a notice for the Modification as required by Section 31-25-107(4)(c) and to mail such notices at least thirty (30) days prior to the December 1, 2015 public hearing set in Section 1 above.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 20th day of October, A.D. 2015.

ATTEST:

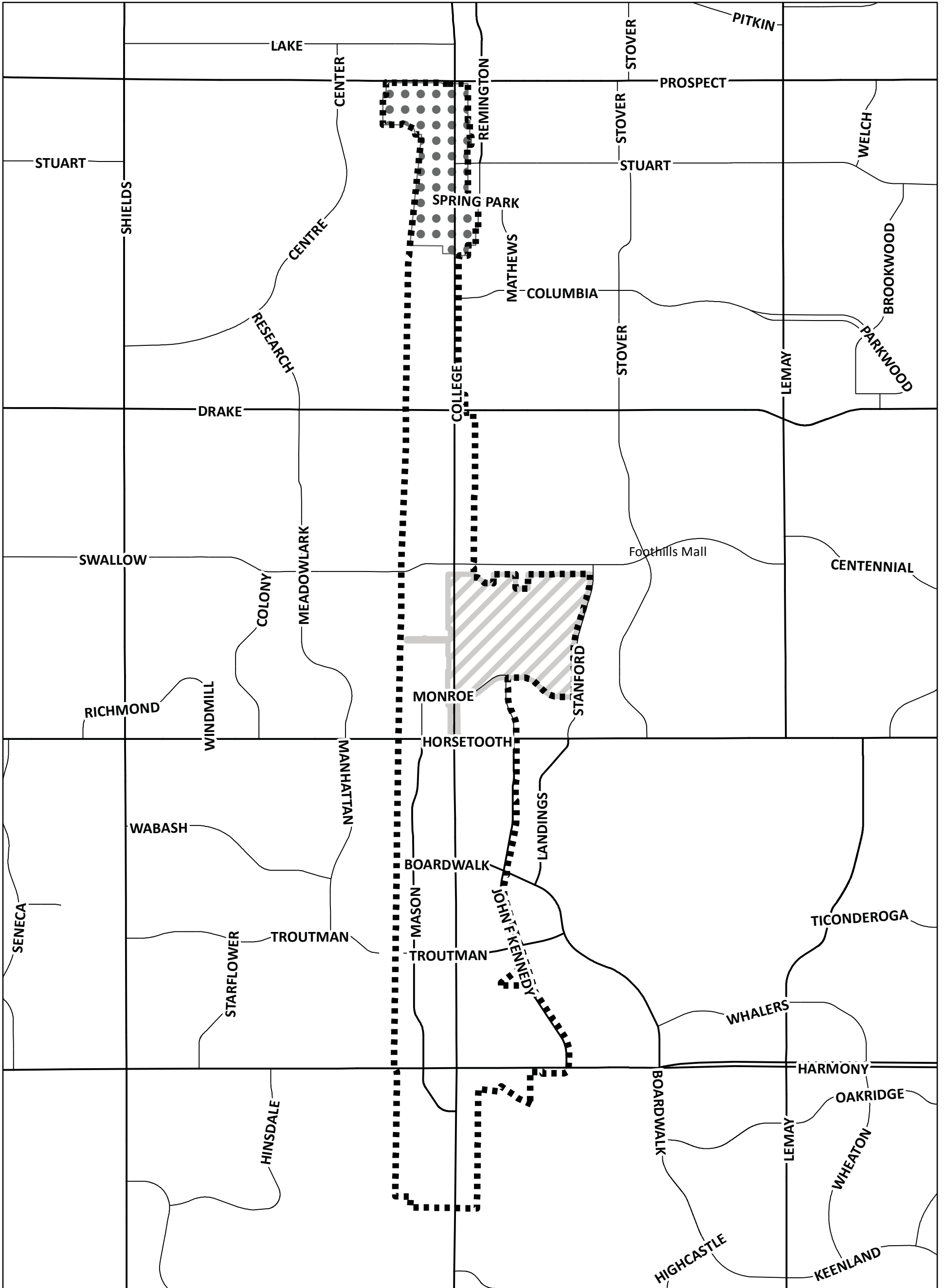


W Winkelmann
City Clerk



Mayor

Fort Collins Urban Renewal Authority Existing Plan Area Boundry - Midtown



Legend



Foothills Mall Boundary



Prospect South Boundary



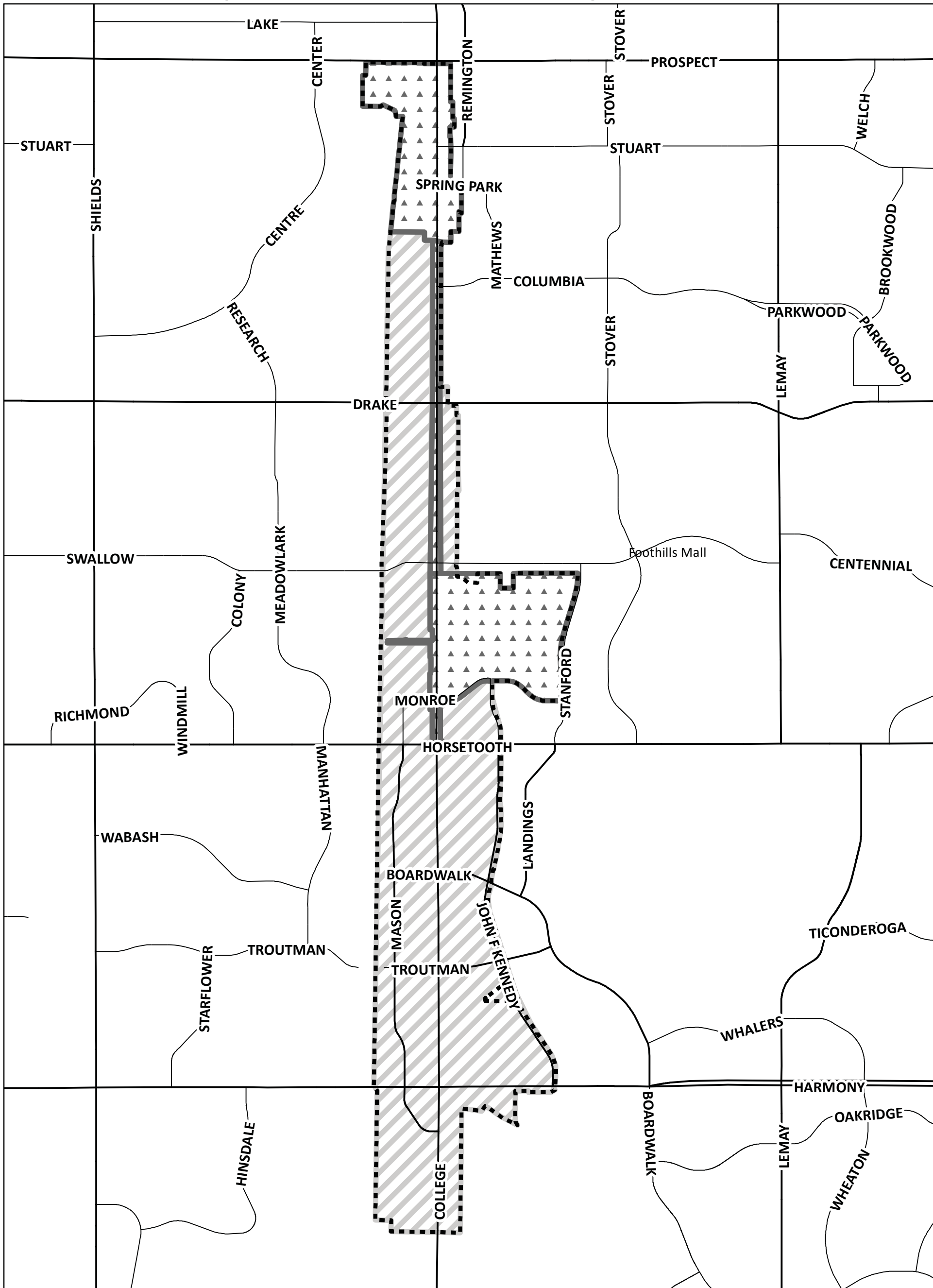
Streets



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")

