

RESOLUTION 96-96  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE PURCHASING AGENT TO EXECUTE A CHANGE ORDER  
EXCEEDING \$50,000 FOR PROFESSIONAL SERVICES FROM BALLOFFET AND  
ASSOCIATES INC. FOR THE PURPOSE OF EXPANDING THE SCOPE OF SERVICES  
FOR THE CITY PLAN CONTRACT AND FOR IMPLEMENTING THE CITY PLAN

WHEREAS, on July 5, 1995, the City entered into a contract with Balloffet and Associates Inc. for professional services in connection with the development of the City Plan; and

WHEREAS, the Council has determined that it is in the best interests of the City that the City Plan contract be amended by expanding the scope of services to include an expedited and detailed implementation process in order that the structure, principles and policies of the City Plan can be brought to fruition in a timely manner; and

WHEREAS, the cost of such additional implementation services is anticipated to be \$70,000; and

WHEREAS, Section 8-160 of the Code of the City authorizes the Purchasing Agent to execute change orders to professional services agreements without soliciting additional competitive proposals; and

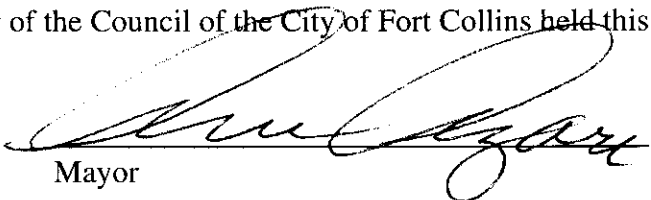
WHEREAS, the Purchasing Agent has submitted the requisite justification to the City Manager for approval; and

WHEREAS, the City Manager has reviewed and approved the justification for the expanded scope of services of the City Plan contract; and

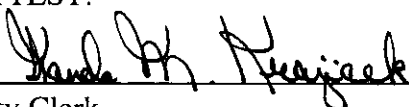
WHEREAS, Section 8-160 of the Code of the City requires approval of change orders to professional services agreement exceeding \$50,000.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Purchasing Agent be, and hereby is, authorized to enter into a change order to the Professional Services Agreement with Balloffet and Associates Inc. (the "Agreement") in the amount of \$70,000 and to modify the scope of services for the City Plan contract as set forth on the Scope of Services attached hereto as Exhibit "A"; provided, however, that the Director of Community Planning and Environmental Services is hereby authorized to approve further modifications of such Scope of Services to effectuate the purposes of the Agreement within the contract amount.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 20th day of August, A.D. 1996.

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

**SCOPE OF SERVICES**  
**FOR IMPLEMENTATION OF THE CITY PLAN**  
**OF THE CITY OF FORT COLLINS**

Prior to this Scope of Services, the Consultant has had a number of meetings, conferences and discussions with City staff as well as several meetings with the City Plan Advisory Committee (CPAC), the Planning and Zoning Board, City Council's Growth Management Committee, and City Council. In addition, the Consultant conducted several days of interviews with various government officials and members of the public. City staff has provided significant existing documentation to the Consultant, including many existing regulations and plans, and the Consultant has reviewed and analyzed each of them. All of this previous work culminated in the "Annotated Outline of Proposed Regulatory Framework and Compact Urban Growth Framework" dated July 8, 1996 ("Annotated Outline") which was submitted, presented and discussed at a City Council workshop.

This Scope of Services builds on the City Plan work products and Consultant's previous work described above. This Scope of Services includes the following general tasks:

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|----------|---|
| Task I   | Project Organization and Data Collection  |
| Task II  | Meetings with City Plan Advisory Committee and City Council's Growth Management Committee |
| Task III | Preliminary Draft of Land Use Regulations   |
| Task IV  | Workshops on Preliminary Draft of Land Use Regulations                                    |
| Task V   | Preparation of Public Hearing Draft of Land Use Regulations                               |
| Task VI  | Additional meetings, workshops, public hearings and revisions                             |

This Scope of Services for Implementation (hereinafter the "Scope of Services") requires the Consultant to:

1. Consolidate the City of Fort Collins' (hereinafter the "City") Land Development Guidance System (LDGS) and Zoning Code into new Land Use Regulations as generally and conceptually described in the "Proposed Regulatory Framework" dated July 8, 1996 prepared by the Consultant (hereinafter the "Proposed Regulatory Framework").

NOTE: This does not include any map work or rezonings required in this regard as these will be performed either by City staff or as a change order to this Scope of Services.

2. Prepare new regulations generally and conceptually described in the "Regulation" section of the "Compact Urban Growth System Framework" dated July 8, 1996 (hereinafter the "Compact Urban Growth System Framework"). These new regulations will include adequate public facilities regulations (concurrency requirements) for roads and fire only. Other public facilities may be added to the adequate public facilities regulations pursuant to a change order to this Scope of Services.
3. Prepare regulations to ensure a direct relation and consistency with City Plan requirements.
4. Incorporate into regulations the urban form criteria and design criteria established in the City Plan Principles and Policies.
5. Prepare a beneficial use determination regulation.
6. Incorporate the existing vested rights determination regulation.
7. Consolidate and incorporate the existing subdivision regulations.
8. Develop strategies and provide advice and written recommendations to the City regarding the Urban Growth Area (UGA) and Intergovernmental Agreements (IGA) concerning same between the City and Larimer County. These strategies and advice may also include the "IGA Supplement/Alternatives" identified in the July 8, 1996 Compact Urban Growth System Framework.
9. Develop strategies and provide advice and written recommendations to the City regarding transferrable development rights (TDR's), particularly with regard to coordination of same between the City and Larimer County.

## **TASK I. PROJECT ORGANIZATION AND DATA COLLECTION**

Task I consists of (a) compilation of all relevant existing documents and studies relevant to the Scope of Services for evaluation; and (b) determination of and resolution of any data deficiencies.

The City staff shall compile a Bibliography of all relevant ordinances and regulations (LDGS, zoning, subdivision, utilities, site plan review, contributions and dedications of land, development exactions, infrastructure, land preparation, development approvals, development procedures, development services organization, etc.), relevant plans (comprehensive plan, small area plans, corridor plans, etc.), relevant graphics, maps and charts (organizational and substantive), relevant studies (environmental, infrastructure, utilities, platting, site plan review, development services organization, etc.) and other relevant materials, data and information that the City wants the Consultant to consider and that is within this Scope of Services. While the Consultant may have received some of the relevant documents pursuant to the City Plan scope of services, the Bibliography will confirm which documents are pertinent. The Consultant will identify which documents it has previously received (which should be most of them). After compilation of the Bibliography, City staff shall then forward the Bibliography to Consultant along with copies of the documents identified in the Bibliography (less the documents the Consultant has already received) for Consultant's review and evaluation.

The Consultant will review all of the documents identified in the Bibliography once the Bibliography and documents are provided to Consultant by City. Upon Consultant's review of these materials, Consultant will forward a Checklist Memorandum on Data Deficiencies to the City identifying any additional information Consultant believes needs to be made available to complete the project. The Consultant contemplates few, if any Data Deficiencies in this regard. After City's receipt and City's review of the Checklist Memorandum on Data Deficiencies, City and Consultant will conduct a telephone conference call to resolve how the data deficiencies can be remedied. To the extent that data gaps are identified that can be addressed, they will be addressed in a reasonably short period of time by City; to the extent data gaps cannot be fulfilled which are essential to any specific component of the Scope of Services, City and Consultant agree to modify the Scope of Services to address the problem. For example, adequate public facility regulations for roads are included in the Scope of Services. If the Consultant identifies a particular road study or specific traffic data that is required to properly develop the APF regulations, then the City will need to provide it; if the study or data is unavailable, the Scope of Services may require modification.

**Work Product:** City compilation of Bibliography and forwarding of Bibliography and documents to Consultant for review; memorandum on Data Deficiencies; telephone conference call to resolve data deficiencies; City addressing data deficiencies, if appropriate; modification of Scope of Services, if appropriate.

**TASK II. MEETINGS WITH CITY PLAN ADVISORY COMMITTEE AND CITY COUNCIL'S GROWTH MANAGEMENT COMMITTEE**

The Consultant and City staff will meet every other month during the Scope of Services with the City Plan Advisory Committee (CPAC) and/or the City Council's Growth Management Committee to discuss drafts of portions of the draft land use regulations, to review progress, gain feedback, and discuss current and future tasks. The meetings with CPAC and/or the Council's Growth Management Committee may be separate or joint meetings at the City's election. However, all of these meetings shall be coordinated and scheduled by the City in conjunction with other trips and meetings required in the Scope of Services. The Consultant will attend three (3) additional day trips to the City for any City staff meetings relating to this Scope of Services.

**Work Product:** City Plan Advisory Committee and/or City Council's Growth Management Committee Meetings every other month.

**TASK III. PRELIMINARY DRAFT OF LAND USE REGULATIONS**

**Task III.A. Preparation of Preliminary Draft of Land Use Regulations**

The Consultant shall prepare an initial draft of the proposed Land Use Regulations. This draft may be provided to the City in several discrete components agreed upon in advance of this task by the Consultant and the City so that City staff can begin early review of some of the draft regulations or so that portions of the draft regulations will be delivered at times to more closely coincide with City Plan work products. After submittal of each discrete component by Consultant, City staff shall review the document within an agreed upon short time and immediately provide any comments to the Consultant. The Consultant will make the revisions to those components mutually agreed upon by the City staff and Consultant. Those revisions will be included in the preliminary draft of the Land Use Regulations which is to be submitted to the City at the completion of this task.

The proposed Land Use Regulations will be keyed generally to the Proposed Regulatory Framework and will generally consider and include if appropriate the "Regulations" identified as such in the Compact Urban Growth System Framework so that the City Council and public can refer to the document and clearly understand how the draft of the proposed Land Use Regulations will reflect the concepts, standards and organizational ideas contained within that material and the agreed-upon structure of the proposed Land Use Regulations.

The proposed Land Use Regulations will be prepared with full cross-indexing of key terms in order to assure consistency in word usage and to eliminate conflicts between different sections of the Land Use Regulations. This cross-indexing may occur only in the final drafts of the proposed Land Use Regulations.

In preparing the preliminary draft of the proposed Land Use Regulations, a number of formatting changes will be made. These changes will be designed to ensure consistency of terminology, ease of use, logical sequencing of procedures and substantive requirements and comprehensible code requirements.

As a means of simplifying and reducing lengthy textual requirements, the proposed Land Use Regulations will include tables, matrices, figures and graphics, where appropriate. If appropriate, a district use matrix (for new permitted use) will be prepared for inclusion in the draft. The matrix will be designed to permit users to accurately and quickly determine where various uses are permitted as of right within the City's land use hierarchy. Tables and graphics may also be employed within individual district provisions as a means of depicting various property development regulations (e.g., height, setbacks, density and intensity) applicable to each district. All revisions and drafting will consider the results and recommendations of the Structure Plan to be prepared as part of the City Plan work program and the Proposed Regulatory Framework. City staff will be responsible for preparing any and all illustrations, drawings and pictures to be used in the new regulations (e.g., illustrations of a particular design feature).

Where feasible, the Consultant will consolidate similar use types into more general headings. These general use type categories will be designed to include uses with similar operating characteristics (e.g., hours of operation, traffic generation potential and neighborhood impacts). This will be done in an attempt to reduce the need for frequent amendments. Also, where feasible, the Consultant will consolidate and simplify the standards and framework of the LDGS. The Consultant contemplates that the consolidation of the LDGS and zoning code will result in a hybrid system that retains aspects of the LDGS performance zoning system but provides a greater level of certainty than the current LDGS (see Proposed Regulatory Framework).

In formatting the proposed Land Use Regulations, headers, footers and other page formatting techniques will be used to facilitate ease of use. These formatting techniques will permit users to readily identify relevant Code sections by referring to descriptive section/subsection headers and footers and reduce the need for constant reference to textual provisions. Section and subsection headings within the Code text will be treated with underlining, bold or other font changes designed to make them stand out against a backdrop of lengthy text.

In preparing the preliminary draft of the proposed Land Use Regulations, Consultant will:

1. Consolidate the LDGS and Zoning Code into new Land Use Regulations as generally and conceptually described in the Proposed Regulatory Framework. NOTE: This does not include any map work or rezonings required in this regard as these will be performed either by City staff or as a change order to this Scope of Services.
2. Prepare new regulations generally and conceptually described in the "Regulation" section of the Compact Urban Growth System Framework. These new regulations will include adequate public facilities regulations (concurrency requirements) for roads and fire only. Other public facilities may be added to the adequate public facilities regulations pursuant to a change order to this Scope of Services.
3. Prepare regulations to ensure a direct relation and consistency with City Plan requirements.
4. Incorporate into regulations the urban form criteria and design criteria established in the City Plan Principles and Policies.
5. Prepare a beneficial use determination regulation.
6. Incorporate the existing vested rights determination regulation.
7. Consolidate and incorporate the existing subdivision regulations.
8. Develop strategies and provide advice and written recommendations to the City regarding the Urban Growth Area (UGA) and Intergovernmental Agreements (IGA) concerning same between the City and Larimer County. These strategies and advice may also include the "IGA Supplement/Alternatives" identified in the Compact Urban Growth System Framework.
9. Develop strategies and provide advice and written recommendations to the City regarding transferrable development rights (TDR's), particularly with regard to coordination of same between the City and Larimer County.

Consultant and City agree that this Scope of Services is designed with a building-block approach, because of the City's desire to initiate the Scope of Services prior to completion of the pending City Plan update. For these reasons, the present design of this Scope of Services establishes the framework and fundamental building blocks for the regulatory program, with

some growth management techniques added. The City may decide to add additional substantive regulations to implement specified growth management concepts as a result of the City Plan work program and products; upon such a decision, this Scope of Services will be amended pursuant to a change order. Other substantive regulations might still be added (subject to amendment of this Scope of Services) after completion of various tasks of the City Plan update.

**Work Product:** Preliminary draft of proposed Land Use Regulations.

### **Task III.B. City Staff Review of Preliminary Draft of Land Use Regulations**

Upon completion of the portions of the preliminary draft of the proposed Land Use Regulations and IGA/TDR recommendations, they shall be forwarded by Consultant to City for City staff review and comment. After City staff review, Consultant shall conduct up to five (5) meetings with City staff to receive City staff comments. These meetings may be used by the City to discuss portions of the proposed preliminary Land Use Regulations or to discuss the entire proposed preliminary Land Use Regulation. Consultant shall then make any mutually agreed to revisions after each preliminary draft of the Land Use Regulations and IGA/TDR recommendations, and provide the City with the next preliminary draft of the Land Use Regulations and IGA/TDR recommendations for public distribution.

**Work Product:** Up to five (5) meetings with City staff on comments; revisions to preliminary draft of Land Use Regulations, if appropriate.

### **TASK IV. WORKSHOPS ON PRELIMINARY DRAFT OF LAND USE REGULATIONS**

After public distribution of the entire preliminary draft of the Land Use Regulations, Consultant shall conduct workshops over three (3) consecutive days on the final preliminary draft of the proposed Land Use Regulations. Workshops will be held with the public, the Planning and Zoning Board, and/or the City Council. At the workshops the Consultant will present the preliminary draft, and respond to any questions.

After the workshops, and other meetings conducted by City staff, if appropriate, the City shall provide Consultant with a single consolidated and comprehensive list of additional modifications to the preliminary draft of the Land Use Regulations.

**Work Product:** Three (3) consecutive days of workshops on preliminary draft of Land Use Regulations; City's comprehensive modification list.



**TASK V. PREPARATION OF PUBLIC HEARING DRAFT OF LAND USE REGULATIONS**

Consultant shall make one (1) set of revisions to the final version of the preliminary draft of the Land Use Regulations based upon the list of modifications provided by City. This set of revisions shall be the Public Hearing Draft of the Land Use Regulations.

Consultant shall provide to City a hard copy and WordPerfect diskette copy of the Public Hearing Draft of the Land Use Regulations upon completion by Consultant. City shall be responsible for reproducing and distributing the Public Hearing Draft of the Land Use Regulations to the public.

**Work Product:** One (1) set of revisions to the final version of the preliminary draft of Land Use Regulations as agreed to between Consultant and City; preparing Public Hearing Draft of Land Use Regulations and providing hard copy and WordPerfect diskette copy to City.

**TASK VI. ADDITIONAL WORKSHOPS, PUBLIC HEARINGS, REVISIONS**

Consultant shall participate in two (2) public hearings before the Planning and Zoning Board and two (2) public hearings before the City Council on the Public Hearing Draft of the Land Use Regulations to review concepts and answer questions.

Consultant shall make one (1) set of revisions to the Public Hearing Draft of the Land Use Regulations based upon a list of modifications provided by the City and agreed to by the Consultant. This set of revisions shall be the final version of the adopted Land Use Regulations.

Consultant shall provide to City a hard copy and WordPerfect diskette copy of the Final Land Use Regulations upon completion by Consultant. City shall be responsible for reproducing and distributing the Final Land Use Regulations to the public.

Consultant will be available, as an amendment to the Scope of Services, to attend additional public hearings, workshops and meetings. Consultant will also be available, as an amendment to the Scope of Services, to prepare additional revisions to the Final Draft of the Land Use Regulations. Consultant shall also be available, at the discretion of the City, to conduct training programs on the administration of the Land Use Regulations, and/or to develop checklists or other materials for use of staff, applicants, or the public; these additional responsibilities would require an amendment to the Scope of Services.

**Work Product:** Two (2) public hearings before the Planning and Zoning Board and two (2) public hearings before the City Council on the Public Hearing Draft of the Land Use Regulations. One (1) set of revisions to the Public Hearing Draft of the Land Use Regulations as agreed to between Consultant and City; hard copy and WordPerfect diskette copy to City of Final Land Use Regulations.

SCOPE OF SERVICES  
FOR IMPLEMENTATION OF THE CITY PLAN  
OF THE CITY OF FORT COLLINS

SCHEDULE

\*NOTE: THIS IS OF THE ESSENCE FOR THE SCHEDULE PERTAINING TO TASKS V AND VI, HOWEVER, THIS IS NOT OF THE ESSENCE FOR THE SCHEDULE PERTAINING TO TASKS I THROUGH IV, AND THE SCHEDULE FOR TASKS I THROUGH IV IS TO BE USED ONLY AS A GUIDELINE.

TASK	July '96	Aug '96	Sept '96	Oct '96	Nov '96	Dec '96	Jan '97	Feb '97	March '97
I. PROJECT ORGANIZATION	7/12-7/31								
II. MEETINGS									
III.A. PRELIMINARY REGULATIONS 1st DRAFT: Organizational and procedural focus (not including General Development Criteria (GDC), Specific Development Criteria (SDC), or Compact Urban Growth Regulations (CUG))	7/28		9/5						
Draft of C&Y Plan Consistency Requirements (Item III.A.3)			9/5	10/1					
Draft of CUG, not including APF			9/12	10/1					
Urban Form and Design Criteria (Item III.A.4)			9/12	10/1					
2nd DRAFT: Including revisions to 1st draft, GDC, SDC and CUG, but not including APF			9/27						
Draft of APF (Item III.A.2)				10/1					
Draft of Beneficial Use, Vested right, and Subdivision (Items II.A. 5-7)					11/12	12/10			
3rd DRAFT: Including revisions to 2nd draft, GDC, SDC, CUG, APF and remaining items					11/12	12/17			
III.B. STAFF MEETINGS									
IV. WORKSHOPS									
V. PUBLIC HEARING REGULATIONS									
VI. PUBLIC HEARINGS AND FINAL REGULATIONS									

PLANNING DEPARTMENT