

Jennifer Carpenter, Chair  
Kristin Kirkpatrick, Vice Chair  
Jeff Hansen  
Gerald Hart  
Emily Heinz  
Michael Hobbs  
Jeffrey Schneider

Conference Room A  
281 N. College Avenue  
Fort Collins, Colorado  
80524

*Planning and Zoning Hearing will be held on October 8, 2015, in City Hall Chambers.*

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**Regular Work Session  
October 2, 2015  
12:00 - 5:00 PM**

**Consent:**

- 1.) September 10, 2015, Draft Minutes
- 2.) Wood Street Second Annexation (Frickey) \*\*

**Discussion:**

- 3.) CSU Medical Center SPAR (Holland)
- 4.) Affinity Senior Housing (Mapes)
- 5.) Fort Collins Hotel Parking Garage (Lorson)
- 6.) Mid-Town Plan Area Amendments (Josh Birks)
- 7.) Uncommon PDP (Mapes) \*\*

**Policy and Legislation:**

- LUC Revision Review (Shepard)

**Board Topics:**

- Old Town Planning Projects (Overton/Branson/Wray/Weinberg)
- 2016 P&Z Work Plan



\*\* P&Z Board will hold a second hearing on October 29<sup>th</sup> for these items




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## MEMORANDUM

**TO:** Planning and Zoning Board

**THROUGH:** Tom Leeson, C.D.N.S. Director   
Cameron Gloss, Planning Manager 

**FROM:** Ted Shepard, Chief Planner 

**DATE:** September 24, 2015

**RE:** Land Use Code – Fall 2015 Proposed Changes

Since May of this year, after the Planning and Zoning Board and City Council adopted the Spring round of Land Use Code revisions, several issues have been brought forward that merit consideration for additional code revisions. These proposed changes are summarized in the attached list. As with all potential revisions, some may be altered, changed or forwarded for future consideration.

For the October Worksession, staff has highlighted one particular revision that adds a new division to Article Two that:

- Consolidates and further explains the Basic Development Review process.
- Adds a new definition for Minor Subdivisions that may be approved by the Basic Development Review process.

Also, staff would like to highlight a work in progress that would add a new division to Article One:

- Change of Use - describes the purpose, applicability and consolidates various references throughout the Code.
- Adds cross-references to other review processes that are not O.D.P.'s, P.D.P.'s or Final Plans.

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# Land Use Code Issues

Thursday, September 24, 2015

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**Issue ID# Issue Name**

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- 135 Define what constitutes a Small Project (i.e. minor subdivisions and changes of use) and consider allowing such uses as a B.D.R. including allowing staff review of minor subdivisions.
- 1016 Amend 1.3.4(F) - Addition of Permitted Use - Conditions - to correct an inadvertent omission due to overlapping Ordinances and a lag time in publishing.
- 1017 Amend 3.8.28 - Extra Occupancy Rental House - to correct an inconsistency with the permitted use list in the L-M-N zone district.
- 1018 Amend 2.2.10(A) - Minor Amendments - to allow and clarify that a Minor Amendment process may be used to amend development projects approved under prior law with no formally adopted and recorded final plans in City records.
- 1019 Amend Article Four Zone Districts - Permitted Use Lists - to align medical marijuana and retail marijuana as the differences between the two are no longer distinctive.
- 1020 Amend Article Two - Add a New Division - 2.18 - to formally explain the Basic Development Review procedure and establish a new procedure for Minor Subdivisions.
- 1021 Amend Article One - Add a New Division - 1.7 - Change of Use - to describe the purpose, applicability and consolidate various references throughout the Code into one new section for clarity and consistency.
- 1022 Amend 3.8 - Supplemental Regulations - to add a new section governing short term rentals (lease term less than 30 days) and add/revise definitions as necessary.
- 1023 Amend 3.8.29 - Outdoor Vending Regulations - to establish time frames for mobile food vendors so that they must move from one site periodically, and vacate for defined period, so as not be perceived as permanent.
- 1024 Amend 3.4.1 - Environmental, Natural Area, Recreational and Cultural Resource Protection - to address a variety of issues related to fugitive dust and air quality.
- 1025 Amend 5.1.2 - Definitions - to add a new definition - Second Kitchen - so that a second kitchen may be added to a single family dwelling without establishing a two-family dwelling (duplex).

## Division 218 Basic Development Review and Minor Subdivisions

### Sections:

- 2.18.1 Purpose and Applicability
  - 2.18.2 Minor Subdivisions
  - 2.18.3 Basic Development Review and Minor Subdivisions Procedures
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- 2.18.1 Purpose and Applicability

The purpose of the Basic Development Review process is in order to establish a process for approval of a site specific development plan and where the decision maker is the Director. There is no public hearing and the Basic Development Review process shall not be construed to be the same as an Administrative (Type One) review process for which Director, or his designee, conducts a public hearing. The Basic Development Review shall be the review process for:

- A. Those uses listed as such in each of the Article Four Zone Districts.
- B. Existing Limited Permitted Uses (1.6.5)
- C. Expansions and Enlargements of Existing Buildings (3.8.20 and 3.8.25).
- D. Changes of Use
- E. Building Permit Application (2.7).
- F. Minor Subdivisions.

### 2.18.2 Minor Subdivisions

A Minor Subdivision is a plat or replat and is subject to the following:

- Does not create more than one new lot.
- If the lot is vacant, then Step 6 (Notice) is applicable.
- May not be approved if the property is within a parcel, any part of which has been subdivided by a Minor subdivision plat within the immediately preceding 12 months.

### 2.18.3 Basic Development Review and Minor Subdivision Review Procedures

An application for a Basic Development Review or Minor Subdivision shall be processed according to, in compliance with and subject to the provisions contained in Division 2.1 and Steps (1) through (12) of the Common Development Review Procedures (Sections 2.2.1 through 2.2.12, inclusive), as follows:

- (A) Step 1 (Conceptual Review): Not applicable.
- (B) Step 2 (Neighborhood Meeting): Not applicable.
- (C) Step 3 (Development Application): Applicable.
- (D) Step 4 (Review of Applications): Applicable.
- (E) Step 5 (Staff Report): Not applicable and in substitution thereof, a staff report shall be prepared in the case of an appeal of a final decision pursuant to Section 2.2.12(Step 12).
- (F) Step 6 (Notice): Step 6(A) Applicable, and in explanation thereof, shall only be applicable in cases of a Minor Subdivision of a vacant lot, where such written notices shall be mailed for the purpose of establishing a 14 day comment period during which comments may be provided to the Director.

Step 6(B) (Posted Notice): Applicable for Minor Subdivision of a vacant lot only.

Step 6(C) (Published Notice): Applicable for Minor Subdivision of a vacant lot only.

Step 6(D) (Supplemental Notice): Not Applicable.

Step 6(E): Applicable

- (G) Step 7 (Public Hearing): Not Applicable.

Step 7(A)(1 and 2): (Decision maker): Not applicable and in substitution thereof, the Director shall be the decision maker and there shall be no public hearing.

Steps 7(B – C) – Not Applicable.

Step 7(D)(1 and 2): (Decision and Findings): Not applicable and in substitution thereof, after consideration of the development application, the Director shall issue a written decision to approve, approve with conditions, or deny the development application based on compliance with the standards referenced in Step 8 of the Common Development Review Procedures (Section 2.2.8). The written decision shall be mailed to the applicant and to any person who provided comments during the comment period and shall also be posted on the City's website at [www.fcgov.com](http://www.fcgov.com).

Step 7(D)(3): (Findings): Applicable

Step 7(E): (Notification to Applicant): Applicable.

Step 7(F)(1): (Recording of the Public Hearing): Not Applicable

Step 7(F)(2)(a): (The Record): Applicable and in explanation thereof, the Director shall create a record of the decision which shall include all exhibits, including without limitation, all writings, drawings, maps, charts, graphs, photographs, or other tangible items received or viewed by the Director.

Step 7(F)(2)(b): (Minutes): Not applicable and in substitution thereof, the Director shall issue the decision in writing.

Step 7(F)(2)(c and d): (Verbatim Transcript and Videotape Recording): Not Applicable.

Step 7(G): (Recording of Decisions and Plats): Applicable

(H) Step 8 (Standards): Applicable.

(I) Step 9 (Conditions of Approval): Applicable.

(J) Step 10 (Amendments): Applicable.

(K) Step 11 (Lapse): Applicable

Step 11(A): (Application Submittals): Applicable

Step 11(B and C): Not Applicable.

Step 11(D)(1-8): (Final Plan and Plan and Other Site Specific Development Plan): Applicable.

Step 11(D)(9): (Post denial re-submittal delay): Not Applicable.

Step 11(D)(10): (Automatic repeal; waiver): Applicable

(L) Step 12 (Appeals): Applicable and in explanation thereof, appeals of the decision of the Director regarding approval, approval with conditions or denial of a Basic Development Review shall be to the Planning and Zoning Board. Any such appeal shall be taken by filing a notice of appeal of the final decision of the Director within 14 days after the action that is the subject of the appeal. The appeal hearing with the Planning and Zoning Board shall be de novo. The decision of the Planning and Zoning Board on such appeals shall constitute a final decision appealable pursuant to Section 2.2.12(Step 12).

## Division 2.11 Appeal From Administrative Decisions

### 2.11.1 Purpose and Applicability

#### Section 2.11.1(B) Applicability

~~(11) Decisions of the administrative staff to approve, approve with conditions or deny a development application for a use subject to Basic Development Review based on its compliance with the applicable standards of Article 3 and Article 4 of this Land Use Code.~~

#### Section 5.1.2 Definitions

**Basic development review** shall mean a review without a public hearing by the City of Fort Collins staff Director for the purpose of determining compliance with the applicable standards of Article 3 and Article 4 of this Code for any use that is not subject to a Type 1 or Type 2 review.

**Minor Subdivision** shall mean the subdivision of a lot, tract or parcel into not more than one new lot and may include adjustments to lot lines.

**Item 1021 Add a new section to Article One describing the purpose, applicability, explanation and review criteria for the Change of Use procedure, and revise other references throughout the Code for consistency.**

*Problem Statement:*

The problem is that the current procedure for a Change of Use is not well-defined or easily referenced in the Land Use Code. Currently, the Change of Use process is not clearly explained and is poorly cross-referenced with the balance of the Code. The path to a Change of Use is convoluted and obscure. The first mention of a Change of Use is not until Section 2.14 but then references back to Section 3.8.20 which, in turn, references back to Section 1.6.5 with a final reference to Section 2.7

For example, the problem with the Change of Use procedure is that the path is as follows:

- 2.14(B) and 2.14(A)
- 3.8.20(B)
- 2.7 (no expansion), or 1.6.5(A) (with expansion)
- 2.7

The indirect path is not self-evident or user-friendly and relies on an excessive use of cross-references. In some parts of the Code, the cross-references are missing. The cross-reference to a Basic Development Review leads to Section 2.7 where the B.D.R. process is not clear. There is an over-reliance on knowing the definitions. Finally, it is not abundantly clear that a review of Change of Use per the applicable standards in Articles 3 and 4 shall be to the extent reasonably feasible as opposed to the criteria for Minor Amendments (to the extent reasonably feasible or no greater deviation) and Site Specific Development Plans (to the maximum extent feasible).

*Proposed Solution Overview:*

The proposed solution is to create a new Division in Article One (1.7 and then re-number accordingly.)



# Change of Use - DRAFT

Extent Feasible Matrix - Draft

Process	To the Maximum Extent Feasible	To the Extent Reasonably Feasible	No Greater Deviation
1.5.5	X		
1.6.5		X	
2.2.10		X	X (Prior law)
2.7	X	X	
2.14.2	X	X	
2.16 (SPAR)	N.A.	N.A.	N.A.
2.17 (Review of City Projects)	X		
New 2.18 BDR	X		
3.8.20	X		
3.8.25		X	

# Change of Use - DRAFT

Small Projects - Draft Matrix

		Complexity		
		Easy	Moderate	Complex
Size of Project	Large			
	Medium			
	Small			
Project Fees		\$	\$\$	\$\$\$

Fee Threshold

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TO: Wanda Winkelman, City Clerk

FROM: Jennifer Carpenter, Chair  
Planning and Zoning Board

DATE: September 10, 2015

SUBJECT: Planning and Zoning Board Work Plan - 2016

During 2015, the Planning and Zoning Board continued to review project applications. Some notable projects included: Rigden Farm Tract Z Multi-Family, Main Street Health and Wellness Suites, Landmark Residences, LaPorte Solar Array, Poudre Valley Hospital Emergency Department Expansion, Harmony & Strauss Cabin Convenience Shopping Center, Eastridge Amended ODP, Fort Collins Hotel, Village on Redwood, and the Kechter Farm 2<sup>nd</sup> Annexation and Zoning, Houska Rezone, and Salud Rezone recommendations to City Council. No project reviews were appealed during the year. In addition to regular project reviews, the Board evaluated several Site Plan Advisory Reviews, including: CSU Bay Farm Horticulture Center, CSU Medical Center, CSU Parking Garage, CSU Parking Lot at 2400 Research Blvd., and the Global Village Academy Public Charter School, Phase Two. The Board also provided recommendations on the On-Campus Stadium Intergovernmental Agreement between the City and CSU.

In 2015, there was an effort to continue refining elements of the Land Use Code where there is misalignment with City land use policy direction or to address unforeseen circumstances. The Board recommended to City Council changes to several code requirements, including the following items:

- Definition of Child Care
- Seasonal Overflow Shelter Standards
- Light Industrial (without outdoor storage) as a Type 2 Use
- Clarify the developer's obligation to construct bus shelters
- Designate the Director as decisionmaker when renewing abandoned uses
- Fraternity and Sorority minimum parking requirements
- Short-term Rentals (VRBO/AirBnB)
- City Council review of APU applications in certain zone districts
- 6 month extension of the PDOD pilot ordinance

The Board also spent a considerable amount of time reviewing five long-range planning efforts: the West Central Area Plan final document, Phases 1 and 2 of the Downtown Plan and Old Town Neighborhoods Plan Updates, the *draft* Old Town Neighborhoods Design Guidelines, and the Mountain Vista Subarea Rural Assessment. Anticipated projects for 2016 include review of the final two phases of the Downtown and Old Town Neighborhoods Plans, including the Plan documents. In addition to reviewing and evaluating development proposals, the Board will address important land use policy issues during 2016, including:

Downtown Plan Update – This major update to the successful 1989 Downtown Plan develops new downtown parking management techniques, promotes arts and culture, sets a management strategy, promotes energy conservation and access to nature, improves urban design, and reflects anticipated opportunities associated with infill, re-development, MAX service, new employers and major public investments.

Old Town Neighborhoods Plan (formerly Eastside/Westside Neighborhoods), Design Guidelines Update & Pattern Book - This project explores issues, clarifies the neighborhood vision, updates the City's policy approach toward the next 10-20 years, and identifies needed actions to implement the updated plan. An update to existing design guidelines, which will assist property owners with remodeling and new development projects, is being developed in tandem with the Neighborhoods Plan.

City Plan project scope – In preparation of the next major update to City Plan, tentatively slated to commence in 2017, the Planning and Zoning Board will be enlisted to help staff develop the project scope that will set the community vision over the next 20 years. Major topics to be addressed are: the community's growing affordable housing needs, strategies for reducing our carbon footprint consistent with the Climate Action Plan, retention of adequate land supply to support anticipated job growth, implementation of policies found in the Nature in the City and Urban Agriculture initiatives, and examination of the rate of growth. The project will rely on an extensive public engagement process, using both time-tested and cutting edge modelling technologies, to assess a range of community growth options and arrive at a preferred future.

Planning Development Overlay District (PDOD) – In 2015, the PDOD Pilot Project was extended for six months to confirm whether the tool would work as intended and to assess interest from the development community. The extension will expire in March 2016, and the Board will make a recommendation to Council as to whether the pilot program should continue.

cc: Planning and Zoning Board Members  
Councilman Ray Martinez, Council Liaison  
Laurie Kadrach, PDT Director  
Tom Leeson, Interim CDNS Director