

SUBJECT

First Reading of Ordinance No. 130, 2012, Amending the Land Use Code by Designating Certain Types of Multi-family Housing Development Projects as Being Subject to Planning and Zoning Board Review.

EXECUTIVE SUMMARY

On October 9, 2012, Council directed staff to draft an ordinance amending the Land Use Code (LUC) to require larger multi-family housing developments (50 dwelling units, or 75 bedrooms) to be reviewed by the Planning and Zoning Board (Type 2). A Type 2 review requires that the developer hold a pre-submittal neighborhood meeting. The benefit to the neighborhood meeting is that the public is given an opportunity to provide input on a project while it is still in the early stages of development. In recent months a large amount of multi-family housing developments have been appealed by concerned citizens to Council based on the assertion that the projects are not compatible with adjacent neighborhoods. This proposed procedural change seeks to provide more opportunity for the public to participate in the development review process for multi-family housing projects.

BACKGROUND / DISCUSSION

Council directed staff to move forward with a three-phase approach to Land Use Code (LUC) changes for multi-family housing. Phase 1 was adopted by Council on September 18, 2012. The principal purpose for Phase 2 is to address intensity concerns as voiced by concerned citizens and recommended in the West Central Neighborhoods Plan. At the October 9 Work Session, City staff presented four potential LUC changes to address these concerns. City Council provided the following feedback:

1. Consider creating a threshold size for multi-family developments that can be reviewed administratively (Type 1) up to a maximum of 50 dwelling units or 75 bedrooms. Any larger must be reviewed by the Planning and Zoning Board (Type 2).

Council Feedback: City Council directed staff to develop an ordinance and schedule it for Council consideration on November 6, 2012.

2. Consider creating a 30% limit on the amount of 4-bedroom units that can be permitted in multi-family developments.

Council Feedback: This option is being forwarded to the Student Housing Action Plan (SHAP) for further evaluation. (See Attachment 1 for more details.)

3. Consider creating a definition of student housing and/or create a university district.

Council Feedback: Council agreed with the staff recommendation not to define "student" housing. Council directed that the University District options be moved to the Student Housing Action Plan (SHAP) process for further vetting.

4. Consider adjusting the Transit-Oriented Development (TOD) Overlay Zone boundary.

Council Feedback: Council agreed with the staff recommendation to leave the TOD boundary in its current location.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

The Planning and Zoning Board agreed with Council's direction to create a threshold of 50 DUs(Dwelling Units)/75 Bedrooms for multi-family housing projects to be reviewed by Planning and Zoning Board (Type 2).

PUBLIC OUTREACH

The Student Housing Action Plan (SHAP) has done extensive outreach to stakeholders since summer 2011. Six meetings in September were specifically held in order to hear feedback regarding Phase 2 LUC proposals:

9/6/12 – Affordable Housing Board
9/11/12 – Fort Collins Board of Realtors Governmental Affairs committee
9/14/12 – Planning and Zoning Board
9/18/12 – Northern Colorado Rental Housing Association
9/26/12 – Landmark Preservation Commission
9/27/12 – Building Review Board
10/17/12 – Women's Commission

ATTACHMENTS

1. City Council Work Session Summary, October 9, 2012
2. Letter from Affordable Housing Board
3. Planning and Zoning Board minutes, September 20, 2012



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MEMORANDUM

Date: October 11, 2012

To: Mayor and City Councilmembers

Through: Darin Atteberry, City Manager 
Diane Jones, Deputy City Manager – Policy, Planning and Transportation 
Karen Cumbo, Planning, Development, and Transportation Director

From: Laurie Kadrich, Community Development and Neighborhood Services Director

Re: Work Session Summary – October 9, 2012, Phase 2 Multi-Family Housing Land Use Code Proposals

City Council in Attendance: Mayor Weitkunat, Mayor Pro Tem Ohlson, Councilpersons Horak (via telephone), Kottwitz, Manvel, Poppaw, and Troxell.

Presenting Staff: Laurie Kadrich, Seth Lorson, Ted Shepard, Beth Sowder.

CDNS Staff presented four proposals and requested feedback from Council:

1. Consider creating a threshold size for multi-family developments that can be reviewed administratively (Type I) up to a maximum of 50 dwelling units or 75 bedrooms. Any larger will have to be reviewed by the Planning and Zoning Board (Type II).

Council Feedback: City Council directed staff to develop an Ordinance and schedule it for Council Hearing November 6, 2012. Council also suggested that staff consider establishing neighborhood meetings for Type 1 Hearings.

2. Consider creating a 30% limit on the amount of 4-bedroom units that can be permitted in multi-family developments.

Council Feedback: City Council was not certain that this was the “right” percentage to use as a limitation or that this was the right tool. Council directed staff to provide more information regarding how/why 4 bedroom units more adversely impact neighbors as opposed to 3 bedroom or fewer units. Council recommended that further discussions take place through the Student Housing Action Plan process. Council also expressed that the concern is really about the total number of people that may be in one location rather than the configuration of the units and/or bedrooms. Council also asked whether creating definitions for different housing types was still being explored and suggested that more information needs to be

provided regarding different housing types. This option is also being forwarded to the Student Housing Action Plan for further evaluation.

3. Consider creating a definition of student housing and/or create a university district.

Council Feedback: City Council agreed with the staff recommendation not to define "student" housing. Council also agreed with the staff recommendation to evaluate whether a University District should be created and if so, what land use restrictions would apply in the new district (if any) that would help mitigate the impact of higher density development on existing single family residents. Council directed that the University District options be moved to the Student Housing Action Plan (SHAP) process for further vetting.

4. Consider adjusting the Transit-Oriented Development (TOD) Overlay Zone boundary.

Council Feedback: City Council agreed with the staff recommendation to leave the TOD boundary in its current location. Council reasoned that the boundary has only been established since 2007, the transit system is not yet fully built and large scale developments within the district are too new to recommend changes to the boundary.

Council further directed staff to move Landmark Preservation Phase 2 discussions to 2013 and use the dates previously reserved for that project to report back on SHAP. Those dates are December 11, 2012 for Work Session and January 15, 2013 for Council Hearing.

To: City Council

From: Affordable Housing Board

Date: October 9, 2012

Re: Phase II Multifamily Regulation Changes

In our role as advisors to council on matters pertaining to affordable housing, we have reviewed the proposed phase II changes to the multifamily regulations. After review discussion among our board, we have identified two of the proposed phase II code changes as issues that we feel pertain to affordable housing. The first is the 25% limit on 4+ bedroom units in multifamily projects, and the second is the triggering of Planning & Zoning Board (type II) review for multifamily projects with 50 or more units or 75 bedrooms. We make the following recommendations on these two issues:

1. On September 20, 2012 our board voted 5-0 to support planning staff's recommendation that multifamily units with 4+ bedroom be limited to no more than 25% of the total number of units. This seems to be quite reasonable. In our experience, it is important for families to have some 4+ bedroom units available, but from a management standpoint, we agree that having an overconcentration of this unit type is something to be avoided. We also discussed that we feel it is important to allow at least this 25% and recommend not to reduce the maximum to any less than that, however we feel that up to 30% of this unit type could be appropriate.
2. On September 20, 2012 our board voted 5-0 to recommend to Council that Planning & Zoning Board (type II) review not be required for multifamily projects with 50 or more units or 75 or more bedrooms. Since many affordable housing projects are above this threshold, this proposed change may have a direct impact on the new supply of affordable housing in our community. It is our belief, and appears to be public perception, that the Type II review could invite more public input into the process as well as lead to delays in the process. These items can financially impact projects either directly through these delays or through required changes to projects that are driven more by political and personal agendas rather than strictly by code. With residential vacancy rates in our community continuing to fall, and affordable housing more in demand than ever, we believe and suggest that the City do everything it can to encourage developers to consider affordable housing projects as a viable economic project. Since margins on these types of projects are typically much smaller than 'market rate' projects, requiring a type II review on many of them, whether by perception or reality, may keep many developers from considering them as a viable option. We therefore recommend that Council does not require a type II review for multifamily projects with 50 or more units or 75 or more bedrooms.

We appreciate the opportunity to forward our recommendations to Council on this matter.

Topic: Phase 2 Multi-Family LUC Proposals – discussion continued from September 14, 2012 Work Session.

Topic Description: This is a request for a Recommendation to City Council regarding proposed revisions to the Land Use Code (LUC) addressing multi-family development.

Staff Presentation

City Planner Seth Lorson said at City Council's direction staff has analyzed what LUC amendments could be enacted to help mitigate adverse impacts of current and future multi-family housing in areas adjacent to single-family neighborhoods. The principal purpose for Phase II is to address intensity concerns as voiced by concerned citizens and recommended in the West Central Neighborhoods Plan. The following Phase II LUC proposed amendments were considered with initial feedback given by the Board at their September 14 Work Session. In summary:

1. Create a threshold size for multi-family developments required to be heard by Planning and Zoning Board (Type II).
 - P&Z recommended that the threshold be 50 DUs or 75 bedrooms.
2. Limit the number of 4+ bedroom units permitted in a multi-family development.
 - P&Z recommended that 4+ bedroom units be limited to 25% of overall units with the TOD Overlay Zone exempted.
3. Define "student housing" and/or create a university district.
 - P&Z recommended NOT to define "student housing" or create a university district at this time but are open to these ideas in the future.
4. Consider the TOD Overlay Zone boundary's appropriateness.
 - P&Z has not yet discussed the TOD Overlay Zone boundary.

Board Questions

Member Schmidt asked for a recap of City Council's direction at their 2nd Reading of Phase I Multi-family Housing LUC amendments in light of feedback related to impact on affordable housing projects. CDNS Director Kadrich said City Council had a lot of discussion regarding that and their recommendation was to leave the LUC options currently available to them open and not exempt them any further.

Member Schmidt asked how planning staff have worked with SHAP (Student Housing Action Plan). Are their recommendations going to come along as a separate proposal? Lorson said their efforts overlap closely. Staff has considered their outcomes and feedback from their outreach efforts. Planning staff will be addressing principal issues that have come from them.

Director Kadrich said the SHAP's Action Plan is available on the website. They are seeking feedback either from a survey document or in break-out meetings they have been conducting. Kadrich said in

meetings she's attended individuals are overwhelmingly in support of Phase I and II LUC amendments. Staff is considering delaying the rest of SHAP action items until the Board acts on Phase I and II LUC amendments. It seems those more immediate steps are overshadowing the other information that's contained in the SHAP Action Plan.

Member Schmidt said she's heard in the NCB Zone, there is a dwelling unit limit for determining what is a Type I or II Hearing. Would that stay in effect? Lorson said the current proposals would go into Article 3 of the LUC – general development standards for all zone districts. Article 4 which has the individual zone district standards trumps Article 3 if it's more specific to an area. The NCB standards would stand if it's more stringent.

Member Schmidt asked about trip generation calculations for student housing projects. Shepard said on a recent project there was a trip generation for proximity to campus. If a project is close to campus it would result in a lower trip generation rate.

Member Carpenter asked about overlap of the Laurel School Historic District and the TOD (Transit Oriented Development). Lorson said they overlap only along Mountain Avenue.

Public Input

Joel Rovnak resides at 1308 Bennett Road and he is a member of SHAP. He asked if at any point there will be a definition for student housing to distinguish it from multi-family housing. He said he understands the Board's job is to deal only with the physical structure and not to deal with the occupants or the management thereof. He said his main objective for being involved with SHAP is the result of his personal interaction with a developer of a three story/150 unit, high intensity building some 30 feet from three of his neighbor's homes. His main concern has to do with compatibility. He's interest is in maintaining life styles for people who will be subjected to having large and obtrusive facilities that are highly occupied and residents that are transient. He thinks there should be 'protected' physical boundaries. Chair Smith asked if he'd like to see a distinction for student housing. Rornak said yes.

Bill Reinke, Executive Director of Care Housing at 1303 W. Swallow Road, said he's been involved in affordable housing development for 20 years. He'd like to raise an issue regarding the limit of 4 bedroom plus units. It does have an impact on large families. He thinks its incumbent on the Board to look into that aspect more to see if it has any undue negative impact on racial minorities. Chair Smith asked if any of Care Housing projects have 4 bedroom units. Reinke said they do not currently have 4 bedroom units but it is something they'll look at in the future.

Kristin Fritz, Fort Collins Housing Authority, said she just came from the Affordable Housing Board (AHB) special meeting that included discussion of Phase II LUC amendments. They asked her to pass along information on motions they made. Chair Smith asked for a written record of those motions at Ms. Fritz's convenience. She said the AFB recommends against the trigger of 50 units/75 bedrooms for a Type II Review because it may open up unnecessary neighborhood discrimination against code compliant affordable housing projects. It could potentially add costs and delays.

Fritz said the second motion agreed with the 4 bedroom limit of 25% of projects but they would be very concerned if it went any lower. She said there is certainly a need for 4 bedroom units for low income families. Fritz said they had a discussion about whether there should be a definition for student housing. They think it may be a benefit to affordable housing to differentiate. They would just like to see consideration of all multi-family and affordable housing as we move forward with these code amendments.

Nick Haws, 2221 Sandburg Drive, said he'd like to talk about the 4 bedroom limitation. He's familiar with the issues and concerns from both sides due to his involvement with several controversial projects. He thinks the restriction on 4 bedrooms is really trying to get to intensity – how many people versus how many dwelling units. He understands you need to look at the demands (parking, need for amenities, water, etc) it has on the system. He doesn't think it makes a difference whether people live in a four bedroom unit or if there are two 2 bedroom units. It's typically more efficient to construct a 4 bedroom unit and that reduction in cost could be passed onto the renters. They can be more energy efficient—consuming less resources. He said the type of renters who could potentially over occupy a single family home could likely be the same type of renter interested in a 4 bedroom apartment unit. If you're trying to get students out of single family neighborhoods, he recommended you consider 4 bedroom units. He thinks setting the 25% limit is completely arbitrary. He'd like to see data that reports nuisance incidents. Are they higher in 4 bedroom units? If it's benign, why put it in the LUC if we're not making a true improvement.

Lloyd Walker lives in the Rolland Moore West neighborhood. He said he's been a member of SHAP for the past 1 ½ years. He's happy to see we're moving ahead with this. He thinks operation plans put in the Municipal Code is a good idea. He thinks they're very appropriate in the intense parts of town – the university and its surrounding areas. He thinks the idea of creating a university district will address a lot of the issues. It's a neighborhood and a part of town.

Walker would like to comment on the amendments being considered in Phase II and he'd like to interweave that with the idea of a university district. He thinks the threshold of 50 units/75 bedrooms is a good idea. It addresses density and intensity. He doesn't think it should be an administrative hearing as Type II allows for more neighborhood feedback. On the issue of limiting the number of 4 bedroom units, that again addresses intensity. 25% seems reasonable to him. He does not think the TOD zone needs to be exempted—he thinks the university district will address the issues. Defining student housing seems a slippery concept—how about a university district. You wouldn't have to define student housing. He asked the board to consider CSU employees who may need affordable housing within walking distances or on transit routes.

Walker said he'll call the 'overlay district' the university district for tonight's purposes. He said a lot of the large apartment complexes primarily housing students are being developed in the West Central Neighborhood and in the Eastside and Westside neighborhoods. That captures where a university district could be. He said the charge of SHAP is to look at adequately supplying student housing while maintaining neighborhood quality and compatibility. He doesn't think you have to define it as student housing. He thinks you can say this is a district where certain things apply. He thinks when you rent by the bedroom or if a unit is over occupied you blur the distinction between density and intensity. He said most nuisance violations are reported in that area.

Walker thinks CSU should be involved. They are the generator of this situation. We need to continue the education of students moving off campus. He thinks CSU should look at the whole parking issue. Neighborhoods near campus are overwhelmed with parking issues. He thinks the City should be involved. How do we do this operation and management? Should it be in the Municipal Code? The point is we're dealing with something that is unique—student oriented housing close to campus with an intensity of use. There are neighborhoods adjacent to them. He concluded by saying we need to address single family houses used as student rentals.

Eric Sutherland, 3520 Golden Currant, said he does not think the entire spectrum of issues brought forward by the community has been captured. Nobody really seems to understand or be working towards the idea that density is not the enemy. Density without amenity (transportation, commercial services to support it) is what erodes quality of life. He said there has been a lot of talk of 4 bedroom

units. He'd like to consider those complexes managed for higher profit as opposed to those that actually create affordable options.

Sutherland said he's like to speak to the options being considered tonight. He said there are advantages to both Type I and II hearings. He said it might not matter if we want to expand the TOD district unless we're willing to make a much more significant investment in transit. He thinks Fort Collins is subpar compared to other Front Range communities in terms of the service we have. There is no budget in 2013/2014 for expanding the system after MAX. He wouldn't spend a whole lot of time thinking about the TOD unless we're actually going to have the transit. He used as an example a development on North College with 600 bedrooms/700 students. Sutherland said the Board needs to keep other development proposals coming down the pike in context. In the short term, they're will likely be smaller projects.

Joel Rovnak commented that he did not agree with the district concept and that it had only been discussed in SHAP via email.

Clint Skutchan, Fort Collins Board of Realtors (FCBOR), said he'd like to put some questions in front of the Board and staff. He said he appreciates staff working with SHAP on the LUC amendments being proposed. He appreciates the opportunity has to speak to the Board on Phase II amendments prior to it going to City Council. He has been a SHAP team member since its inception. He said melding of the two processes (SHAP and LUC amendments) has been confusing. Phase I was basically not supported by the Planning and Zoning Board. It was also not vetted with the affordable housing groups. Skutchan also thinks industry folks should be reengaged in SHAP—it seems to be made up of mostly West Central Neighborhood folks. He said there were great lessons learned at the beginning of the process when others participated. He thinks it helps to develop better policy.

Skutchan said FCBOR is very concerned about getting to a tipping point in the balance of quality, quantity, and affordability. Hopefully we'll be able to vet those affordable housing concerns in Phase II. He thinks projects are moving outside the core because of the lower price point. They will independently impact certain neighborhoods. We (FCBOR) have been very tied into the process making sure it's viable.

Skutchan said with regard to Phase II amendments, they don't have a position as yet but they will continue to be informed and ready to go when the time comes. What would help them to have some questions answered here tonight? On the issue to Type I or II, is this change going to lead to less appeals? Is it going to lead to higher quality/more compatible projects? If there is no real way to demonstrate that; we're simply adding another layer. Ultimately we have to ask the question why we're doing that. As for the 4 bedroom provision, they're questioning the real world effects of this. If we could start to define what those projects look like that are going to occur outside the area we would be defining. How would this impact those? Are we getting to the root issue? Are we simply appeasing folks who are asking for certain policies? Is there data on the burdens that come upon the community with 4 bedroom units? They would like greater clarification of what the mitigation measures are.

Skutchan said as to the TOD district, unless it can be clearly demonstrated as to why a change is needed; their organization is going to be hard pressed to find support for it. They believe in the infill and redevelopment of Fort Collins. They believe that if our transportation system is going to work, it's going to have to function. The TOD is geared entirely towards that. They would like to know which specific neighborhoods are being considered for expansion or contraction and if those neighborhoods are adjacent to enhanced travel corridors such as Prospect or the Mason Corridor. Why would we pull those areas out? Why would now be the time to change that when we've not seen significant growth there?

Skutchan said with regard to student districts; he and Chase of ASCSU (Associated Students of Colorado State University) have been proponents for the idea of a student overlay district but he wants to make clear from his perspective that was not done from a standpoint of additional requirements or

greater restrictions but rather from a transparency of use perspective. He said the FCBOR looks forward to helping with the decision down the road.

End of public input

Board Discussion

The Board members provided the following feedback per proposal agreeing that since the work session the additional information may warrant more feedback.

1 Create a threshold size for multi-family developments required to be heard by Planning and Zoning Board (Type II).

Kirkpatrick asked about the Director's ability to make the decision of requiring a Type II review and more opportunities for public participation when a project is deemed controversial. To avoid the perception of arbitrary and capricious, Deputy City Attorney Eckman advised against allowing a hearing officer to have unfettered discretion in making a decision. He recommends codified criteria to guide the Director.

Campana likes the threshold method as opposed to the Director making the call. He thinks it's fair for those entering the process to know the rules going in and if we're changing the rules it makes it a lot more difficult for everyone involved. Schmidt agreed. Carpenter agreed.

Lorson said Type II (Board Review) requires a neighborhood meeting prior to submittal. Campana suggested at a threshold of a Type I there is a neighborhood meeting requirement. Director Kadrich spoke of the role of the Neighborhood Development Review Liaison role in the Type II process. Smith likes the idea of greater neighborhood participation with the recommended threshold for Type I. Carpenter thinks there's greater neighborhood involvement with Type II.

Smith referred to the letter from the Affordable Housing Coalition (a consortium of affordable housing agencies) in which they recommended "Before additional restrictions are placed on all housing, arising from specific concerns with the development of student housing projects, further information is necessary to better understand how land use, compatibility and design codes could have a detrimental impact on the future availability and accessibility of housing for low income families and individuals."

Stockover thinks the collective effort of a board adds dimension to a decision that's not available when one person is making the decision. He thinks until we understand better the thresholds for affordable housing that we should all be held to the same process of analysis.

Kirkpatrick said the board has the ability to meet more often to respond to community needs and she would qualify affordable housing projects as being one of those needs. She'd like to explore shortening the process for Type II threshold projects if they are at risk of losing funding when meeting deadlines. Smith agreed.

The Board agreed a work session in advance of the hearing in which a vote is required would be sufficient.

2 Limit the number of 4+ bedroom units permitted in a multi-family development

Schmidt wondered if they should look at the number of bedrooms or should they consider the bedrooms in total. Shepard said LUC 3.8.16 describes that you have the ability to go to 4 bedrooms when you

demonstrate you are providing more open/recreation space, more parking, and more amenities. The proposal is to limit the percentage of total units – the Board is recommending 25%.

There was some discussion on why the Board recommended the exemption of the TOD zone to exempt the TOD zone and they may be changing their mind on the recommendation made at the work session on September 14.

The Board would like to have the data to support the objective of addressing intensity of use in this proposed amendment. Maybe the issue is a complex where rental is by the bedroom – should they have different requirements. They'd like to avoid unintended consequences for families and affordable housing when trying to solve issues related to student housing. The Board is uncertain whether there should be a definition of student housing as Smith mentioned not all young renters are students.

Smith is not certain that 4 bedroom units are the root of the issue and that this may not be the right tool. What does the data show? He'd like to know what the true mitigation measures might be feasible. Schmidt suggests intensity is not necessarily 4 bedrooms but rather the total number of bedrooms.

#3 Define "student housing" and/or create a university district

A number of members are interested in considering a university district; they'd like to know more about it. It would define character and function and speak to compatibility issues and "transparency of use". There may be ways of dealing with impacts such as parking in a particular district.

A caveat may be we'd be pushing the problems out beyond the district boundaries.

Stockover suggested without a definition of student housing, a 4 bedroom unit could affect the neighborhood in a completely different way. He thinks it's more an issue of use than the number of bedrooms and we need to grip on that before we make a recommendation on this proposal. Carpenter agrees a definition for student housing, while difficult, may be worth the effort. Kadrach said staff has researched a number of university communities and "student housing" is not defined. Schmidt offered to contact former CSU Housing Director Grant Sherwood to see what type of information he may have.

Kirkpatrick said from the perspective of one of the property owners in the proposed district; she thinks there will be some push back by home owners to including them in a defined 'university district'. Any efforts in this area would need to coincide with the work being done around historic districts and the Eastside/Westside Plan update. Schmidt thinks it'll take extensive affected neighborhood outreach.

Campana would like to use good planning efforts to deal with the growth of the university and balance the needs of all stakeholders.

Schmidt asked if SHAP will work on the university district proposal. Kadrach said it is an action item their work plan and they could pass along the Board's request for further discussion or review if that is the direction the Board would like to take.

Skutchan suggested the West Central Neighborhood Plan update may need to take place first before you have a conversation with all stakeholders (including university students) about a university district and its' use as a planning/management tool. Schmidt noted budget for that plan is in 2013.

Stockover said the better term may be "student oriented housing". Kirkpatrick said there is student oriented housing on North College and south of the university. All those neighborhoods may have concerns about impact of student oriented housing. It would be good to focus on the bulk but we don't

want to ignore the impact in other parts of the community. Eckman said that might be addressed in situations where rentals are by the bedroom.

#4 Consider the TOD Overlay Zone boundary's appropriateness

Kirkpatrick asked if the proposal for considering the TOD boundary changes came from SHAP. Kadrach said it came from discussions at a City Council work session and she believes it was based on citizen input. She said it had to do a lot with parking and do we have the right boundary near the university.

Kirkpatrick asked how the TOD impacts height and parking in MMN, CC, NC and LMN districts west of Shields on Prospect. Lorson said the TOD has additional allowances for height based on the addition of mixed use, affordable housing, and of a parking structure that allows for extra height at incremental stages. He said in the TOD you have a diversity of uses to allow people to walk and have services nearby. It supports compact urban growth, infill, redevelopment, and multi-modal transportation. He noted Transfort Route 11 has an average of 130 passengers per hour (the benchmark for Transfort for a high performing transit route is 20 passengers per hour). Along Shields the average passengers per hour is 28. Kirkpatrick thinks student renters are still going to need a car for other uses such as shopping, getting to work, etc. She thinks it makes more sense if it's centered along Mason rather than a mile west. Lorson said the TOD in the Campus West area is very much meeting the intention of the TOD. He said the extra height allowances are not applicable south of Prospect.

Schmidt noted the TOD is north of Laurel in the NCB. She's not sure why some portions of the NCB are in it while the Mantz Addition is not. She's asked if affected neighborhoods have had a chance to comment to City Council.

Smith said he thinks the consensus of the Board is that no adjustment is warranted but they could definitely continue the discussion at the next work session.

Schmidt asked for information on parking for student housing projects in the TOD. Lorson said for District at Campus West its 495 parking spaces for 193units/674 bedrooms, for the Commons its 336 parking spaces for 219 units/676 bedrooms, and for Pura Vida it's 49 parking spaces for 52units/100 bedrooms. Lorson said he will get information for Flats on the Oval and have that for the next work session.

Topic: Consideration of City Manager's 2013-2014 Budget

Board Discussion

Director Kadrach said at the work session she received information from Member Kirkpatrick on a number of budget items. Kadrach had a staff member comprise a list of items that pertained to the Planning and Zoning Board. She said this is the City Manager's Recommended Budget so from a staff perspective, they've had their opportunity to participate in the discussion. Tonight staff's role is more in line with providing information. They are not here to advocate for funded or unfunded items. Kadrach said other directors said their boards have made their recommendations via memo directly to City Council.

Smith recommended support for the non-funded KFCG Enhancement offer for the West Elizabeth Enhanced Travel Corridor Master Plan in 2014. Schmidt suggested it might be in conjunction with the West Central Neighborhood Plans Update. Stockover thought it might also come into play with the decision related to Hughes Stadium and that CSU could be a party to funding impacts of the Hughes Stadium decision.

ORDINANCE NO. 130, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE
BY DESIGNATING CERTAIN TYPES OF MULTI-FAMILY HOUSING
DEVELOPMENT PROJECTS AS BEING SUBJECT TO
PLANNING AND ZONING BOARD REVIEW

WHEREAS, on October 8, 2012, the City Council directed staff to prepare and present to the City Council an ordinance amending the Land Use Code to require larger multi-family housing developments to be reviewed by the Planning and Zoning Board; and

WHEREAS, the City Council has determined that review by the Planning and Zoning Board is beneficial for an enhanced public project review of larger multi-family housing developments because review by the Planning and Zoning Board also requires the holding of a neighborhood meeting which affords the public an opportunity to provide input on a project while it is still in the early stages of development; and

WHEREAS, the City Council has determined that the amendments proposed by this Ordinance are in the best interests of the City because they provide more opportunity for the public to participate in the development review process for larger multi-family housing development projects.

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

Section 1. That Section 4.5(B)(2)(a) of the Land Use Code is hereby amended to read as follows:

(2) The following uses are permitted in the L-M-N District, subject to administrative review:

(a) **Residential Uses:**

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Single-family attached dwellings.
4. Multi-family dwellings (limited to eight [8] or less units per building) containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.

5. Group homes for up to eight (8) developmentally disabled or elderly persons.
6. Mixed-use dwellings.
7. Extra occupancy rental houses with more than four (4) tenants.

Section 2. That Section 4.5(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

(3) The following uses are permitted in the L-M-N District, subject to Planning and Zoning Board review:

(a) **Residential Uses:**

1. Mobile home parks.
2. Group homes, other than allowed in subparagraph (2)(a)5 above.
3. Multi-family dwellings containing more than eight (8) units per building; or, containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.

Section 3. That Section 4.6(B)(2)(a) of the Land Use Code is hereby amended to read as follows:

(2) The following uses are permitted in the M-M-N District, subject to administrative review:

(a) **Residential Uses:**

1. Single-family detached dwellings on lots containing no more than six thousand (6,000) square feet.
2. Two-family dwellings.
3. Single-family attached dwellings.
4. Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.
5. Mixed-use dwellings.

6. Group homes for up to eight (8) developmentally disabled or elderly persons.
7. Extra occupancy rental houses with more than five (5) tenants.

Section 4.
read as follows:

That Section 4.6(B)(3)(1) of the Land Use Code is hereby amended to

(3) The following uses are permitted in the M-M-N District, subject to Planning and Zoning Board review:

(a) **Residential Uses:**

1. Group homes, other than allowed in subparagraph (2)(a) above.
2. Fraternity and sorority houses.
3. Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.

Section 5.
read as follows:

That Section 4.10(B)(2)(a) of the Land Use Code is hereby amended to

(2) The following uses are permitted in the H-M-N District, subject to administrative review:

(a) **Residential Uses:**

1. Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.
2. Mixed-use dwellings.
3. Group homes for up to eight (8) developmentally disabled or elderly persons.
4. Extra occupancy rental houses with more than five (5) tenants.
5. Fraternity and sorority houses.

Section 6. That Section 4.10(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

(3) The following uses are permitted in the H-M-N District, subject to Planning and Zoning Board review:

(a) **Residential Uses:**

1. Group homes, other than those permitted pursuant to subparagraph (2)(a) above.

2. Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.

Section 7. That the table contained in Section 4.16(B)(2)A. of the Land Use Code is hereby amended to read as follows:

<i>Land Use</i>	<i>Old City Center</i>	<i>Canyon Avenue</i>	<i>Civic Center</i>
A. RESIDENTIAL			
Two-family dwellings	Not Permitted	Type 1	Not Permitted
Single-family attached dwellings (up to four [4] units per building)	Not Permitted	Type 1	Type 1
Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.	BDR	Type 2	Type 2
Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.	Type 2	Type 2	Type 2
...

Section 8. That Section 4.17(B)(2)(a) of the Land use Code is hereby amended to read as follows:

(2) The following uses are permitted in the R-D-R District, subject to administrative review:

(a) **Residential Uses:**

1. Single-family attached dwellings.
2. Single-family detached dwellings containing no more than eight hundred (800) square feet of floor area, constructed on lots which contain existing dwellings.
3. Two-family dwellings.
4. Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.
5. Group homes for up to eight (8) developmentally disabled or elderly persons.
6. Mixed-use dwellings.
7. Extra occupancy rental houses with more than five (5) tenants.

Section 9. That Section 4.17(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

(3) The following uses are permitted in the R-D-R District, subject to Planning and Zoning Board review:

(a) **Residential Uses:**

1. Group homes other than those in 2(a) above.
2. Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.

Section 10. That Section 4.18 (B)(2)(a) of the Land Use Code is hereby amended to read as follows:

(2) The following uses are permitted in the C-C District, subject to administrative review:

(a) **Residential Uses:**

1. Single-family attached dwellings.
2. Two-family dwellings.
3. Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.
4. Group homes.
5. Extra occupancy rental houses with more than five (5) tenants.
6. Mixed-use dwellings.

Section 11. That Section 4.18(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

- (3) The following uses are permitted in the C-C District, subject to review by the Planning and Zoning Board:

(a) **Residential Uses:**

1. Fraternity and sorority houses.
2. Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.

Section 12. That Section 4.19(B)(2)(a) of the Land Use Code is hereby amended to read as follows:

- (2) The following uses are permitted in the C-C-N District, subject to administrative review:

(a) **Residential Uses:**

1. Single-family detached dwellings on lots containing less than six thousand (6,000) square feet.
2. Two-family dwellings.
3. Single-family attached dwelling.

4. Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.
5. Group homes for up to eight (8) developmentally disabled or elderly persons.
6. Extra occupancy rental houses with more than five (5) tenants.
7. Mixed-use dwellings.

Section 13. That Section 4.19(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

(3) The following uses are permitted in the C-C-N District, subject to review by the Planning and Zoning Board:

(a) **Residential Uses:**

1. Group homes, other than allowed in subparagraph (2)(a)6 above.
2. Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.

Section 14. That Section 4.20(B)(2)(a) of the Land Use Code is hereby amended to read as follows:

(2) The following land uses are permitted in the C-C-R District, subject to administrative review:

(a) **Residential Uses:**

1. Single-family attached dwellings.
2. Two-family dwellings.
3. Group homes.
4. Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.
5. Mixed-use dwellings.

6. Extra occupancy rental houses with more than five (5) tenants.

Section 15. That Section 4.20(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

- (3) The following uses are permitted in the C-C-R District, subject to review by the Planning and Zoning Board:

(a) **Residential Uses:**

1. Single-family detached houses located on lots containing no more than six thousand (6,000) square feet.
2. Fraternity and sorority houses.
3. Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.

Section 16. That the table contained in Section 4.21(B)(2)A. of the Land Use Code is hereby amended to read as follows:

<i>Land Use</i>	<i>I-25/SH 392 (CAC)</i>	<i>General Commercial District (C-G)</i>
A. RESIDENTIAL		
Extra occupancy rental houses with 5 or fewer tenants	Not permitted	BDR
Shelters for victims of domestic violence	Not permitted	BDR
Mixed-use dwellings	Type 1	Type 1
Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.	Not permitted	Type 1
Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.	Not permitted	Type 2
...

Section 17. That Section 4.22(B)(2)(a) of the Land Use Code is hereby amended to read as follows:

- (2) The following uses are permitted in the C-S District, subject to administrative review:

(a) **Residential Uses:**

1. Single-family detached dwellings located on lots containing less than six thousand (6,000) square feet.*
2. Two-family dwellings.*
3. Single-family attached dwellings.*
4. Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.*
5. Group homes.*
6. Extra occupancy rental houses with more than five (5) tenants.*
7. Mixed-use dwellings.

* Not allowed within two hundred (200) feet of North College Avenue.

Section 18. That Section 4.22(B)(3) of the Land Use Code is hereby amended to read as follows:

- (3) The following uses are permitted in the C-S District, subject to review by the Planning and Zoning Board:

(a) **Residential Uses:**

1. Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.

(ab) **Institutional/Civic/Public Uses:**

1. Major public facilities.

(bc) **Commercial/Retail Uses:**

1. Drive-in restaurants.
2. Large retail establishments.

3. Day shelters, provided that they do not exceed ten thousand (10,000) square feet and are located within one thousand three hundred twenty (1,320) feet (one-quarter [1/4] mile) of a Transfort route.
4. Outdoor amphitheaters.

(ed) **Industrial Uses:**

1. Recycling facilities.
2. Transport terminals (truck terminals, public works yards, container storage).

Section 19. That the table contained in Section 4.24(B)(2)A of the Land Use Code is hereby amended to read as follows:

<i>Land Use</i>	<i>Riverside Area</i>	<i>All Other Areas</i>
A. RESIDENTIAL		
Single-family detached dwellings	BDR	BDR
Two-family dwellings	BDR	BDR
Single-family attached dwellings	BDR	BDR
Multi-family dwellings containing fifty (50) dwelling units or less; and, containing seventy-five (75) bedrooms or less.	BDR	Type 1
Multi-family dwellings containing more than fifty (50) dwelling units; or, containing more than seventy-five (75) bedrooms.	Type 2	Type 2
...

Introduced, considered favorably on first reading, and ordered published this 6th day of November, A.D. 2012, and to be presented for final passage on the 20th day of November, A.D. 2012.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 20th day of November, A.D. 2012.

Mayor

ATTEST:

City Clerk