

AGENDA ITEM SUMMARY

City Council

January 7, 2014

STAFF

Laurie Kadrich, Community Development & Neighborhood Services Mgr

SUBJECT

Council Consideration of Text Amendment to the Community Commercial-Poudre River Zone District (C-C-R).

EXECUTIVE SUMMARY

The purpose of this item is to comply with Land Use Code (LUC) requirements that direct the Planning Director to submit any additions to the list of permitted uses to Council for consideration as a text amendment. If the Council disagrees with the staff recommendation, it should adopt a motion directing staff to prepare and present an ordinance to Council to amend the Land Use Code.

STAFF RECOMMENDATION

Staff recommends that no amendment to the LUC be made in conjunction with this added use for the following reasons:

The main purpose of the District is to foster a healthy and compatible relationship between the River, the Downtown and surrounding urban uses. Any significant redevelopment shall be designed as part of a master plan for the applicable group of contiguous properties. The Link-N-Greens site was large enough to be able to foster a healthy and compatible relationship between the River, Downtown and surrounding urban uses however there are only three other areas currently zoned C-C-R all of which are significantly smaller than the "Link-N-Greens" site and therefore not likely suitable for a Campus Employment use with at least 30 acres. The largest of the remaining parcels is 23.5 acres.

BACKGROUND / DISCUSSION

On September 4, 2012, in accordance with the authority pursuant to Section 1.3.4(A) of the Fort Collins Land Use Code (LUC) and in conjunction with the application filed by NewMark Merrill Mountain States for approval of an overall development plan for the site (101.637 acres in size) located at the southwest corner of the intersection of Lincoln and Lemay Avenues, commonly known as "Link-N-Greens," the following use was added to the Community Commercial-Poudre River Zone District (C-C-R):

Campus employment shall mean a use that combines and permits two (2) or more of the following uses: office, light industrial, heavy industrial, commercial or retail in a unified master planned development site containing at least thirty (30) acres.

The criteria contained in Section 1.3.4(A)(1) through (5) of the Land Use Code was followed and a determination made that this use conforms to all of the following conditions:

In adding this use, I have examined the criteria contained in Section 1.3.4(A)(1) through (5) of the Land Use Code and have determined that this use conforms to all of the following conditions:

- (1) Such use is appropriate in the zone district to which it is added;

- (2) Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added;
- (3) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the zone district to which it is added;
- (4) Such use is compatible with the other listed permitted uses in the zone district to which it is added;
- (5) Such use is not a medical marijuana dispensary or a medical marijuana cultivation facility;

Whenever any use has been added by the Director to the list of permitted uses in any zone district in accordance with subsection (A) above, such use shall be considered for an amendment to the text of the LUC under Division 2.9 (B).

BOARD / COMMISSION RECOMMENDATION

At its December 12, 2013 meeting, the Planning and Zoning Board concurred with the staff recommendation.

ATTACHMENTS

1. Planning and Zoning Board minutes, December 12, 2013 (draft) (PDF)
2. Powerpoint presentation(PDF)

Planning and Zoning Board Hearing Minutes
December 12, 2013
6:00 p.m.

Council Liaison: Mayor Weitkunat	Staff Liaison: Laurie Kadrich
Chair: Andy Smith	Phone: (H) 482-7994

Chair Andy Smith called the meeting to order at 6:06 p.m.

Roll Call: Carpenter, Hart, Kirkpatrick, Smith and Schneider

Absent: Hatfield and Heinz

Staff Present: Kadrich, Eckman, Ex, Holland, Gloss, Levingston, Beals, Sanchez-Sprague, Burnett, and Cosmas

Agenda Review

Chair Smith provided background on the board's role and what the audience could expect as to the order of business. He described the following processes:

- Citizen Participation is an opportunity for citizens to address the board on non-agenda related items.
- Consent agenda items are considered items which have no known opposition. They are approved collectively at the beginning of the meeting unless a board member, staff or audience member requests an item is pulled and moved to the discussion agenda.
- Discussion agenda items will include an applicant presentation, a staff presentation, and public comment.
- At the time of public comment, he asked that you come to the podium, state your name and address for the record, and sign-in. He asked that the speaker clearly state their position. He encouraged speakers to share comments relevant to the topic under discussion.
- Responses by applicant and staff will follow public comment.
- The board will deliberate and reach a decision once a motion has been made and a vote taken.
- He will begin each new item with a description of the development type being considered. The board will do their best not to use acronyms or jargon.

Director Laurie Kadrich reviewed the items on both the Consent and Discussion agendas. She noted that one item that was previously on the Discussion agenda has been requested to be moved to the Consent agenda, specifically the Foothills Mall Redevelopment Phase Two Major Amendment. Deputy City Attorney Eckman asked if anyone present, citizens or Board members, wanted to remove any items from the Consent agenda.

Citizen participation:

Peggy Grice, 2254 Eastwood Drive, requested discussion of the Spring Creek Farms North PDP; therefore, this item will be pulled from the Consent agenda and added to the Discussion agenda.

Consent Agenda:

1. Minutes from November 14, 2013
2. Kechter Farm Annexation and Zoning, #ANX130002
4. "Link-N-Greens" Community Commercial – Poudre River Zone District
6. Foothills Mall Redevelopment Phase Two Major Amendment, #MJA130006

Member Hart made a motion to approve the December 12, 2013, Consent agenda as state above (less the Spring Creek Farms North, Fourth Filing Project Development Plan and including the Foothills Mall Redevelopment). Member Kirkpatrick seconded. The motion passed 5:0.

Discussion Agenda:

3. Spring Creek Farms North, Fourth Filing Project Development Plan, #PDP130014
5. Front Range Community College Integrated Technology Building Site Plan Advisory Review, #SPA130006

Project: Spring Creek Farms North, Fourth Filing Project Development Plan #PDP130014

Project Description: This is a request to subdivide 15.23 acres into 76 lots for single-family detached homes. The site is located along the west side of Joseph Allen Drive and is approximately 250 feet north of the intersection of Joseph Allen Drive and East Drake Road. A Union Pacific/Southern Pacific rail line is located approximately 75 feet west of the parcel. The project contains approximately 13 acres in the L-M-N, Low Density Mixed-Use Neighborhood zone district and 2 acres in the E, Employment zone district.

Recommendation: Approval

Member Carpenter recused herself at 6:15pm, due to a conflict of interest with this project.

Hearing Testimony, Written Comments and Other Evidence

Secretary Sanchez-Sprague stated that an email had been received from Marsha Hultgren and a follow-up response to that email had been sent by City Planner Holland. Member Smith requested that the citizen with the concerns indicate the specifics of those issues (to be marked Exhibit 1). Peggy Grice, 2254 Eastwood Drive, listed her issues with traffic, density, and landscaping. Based on these concerns, Chair Smith requested a full presentation from the City Planner.

City Planner Holland gave an executive summary of the development plan, including a diagram of the area and a general overview of the site plan. He discussed the density, the lot sizes, and the percentage of secondary uses. He also discussed the traffic considerations, which are consistent with the overall development plan. He stated that the project took into consideration street enhancements to ensure good connections to Timberline Road and increase neighborhood exits. The traffic analysis did not recommend any additional intersection improvements.

Terence Hoagland, Principal of Vignette Studios, a local land planning and landscape architectural firm, stated he was there to represent the applicant on this project. He reviewed the project proposals and stated that the traffic study that had been done had not raised any additional issues.

C-C-R Zone Text Amendment

Laurie Kadrach

Director, Community Development &
Neighborhood Services

January 7, 2014 City Council Meeting

Items for City Council Consideration:

Not to include Campus Employment as a permitted use in Community Commercial-Poudre River Zone District (C-C-R):

The use was allowed for the Link-N-Greens site however it does not seem suitable for the few remaining sites zoned C-C-R.

Question:

Does Council support the recommendation not to include Campus Employment as a text amendment?

Background:

- Campus Employment was allowed as a use in the C-C-R zone in conjunction with an application filed by NewMark Merrill. The use requires:
 - At least 30 acres in a site,
 - Two or more uses,
 - And a unified master plan
- None of the remaining C-C-R sites (only 3) are greater than 23 acres.
- Planning and Zoning Board recommended approval of the staff recommendation not to include.

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