

# COUNCIL OF THE CITY OF FORT COLLINS

## ADJOURNED MEETING AGENDA

July 27, 2004

6:00 p.m.

1. Call Meeting to Order.
2. Roll Call.
3. Items Relating to the Summit Fort Collins Shopping Center. (30 minutes - 10 minute staff presentation)
  - A. Second Reading of Ordinance No. 104, 2004, Amending Various Sections of the City Code so as to Expressly Permit the Deferral of Certain Utility Impact Fees.
  - B. Resolution 2004-093 Approving an Agreement Between the City and Bayer Properties to Provide Financial Assistance for the Summit Fort Collins Shopping Center.

### **Item A**

Some of the current City Code provisions allow the City Council to defer impact fees; others do not. This inconsistency came to light during the negotiations regarding the proposed Lifestyle Center.

Specifically, the Code provisions establishing electric development fees and charges and stormwater fees do not permit deferral. And, while the Code provisions relating to water plant investment fees and sewer plan investment fees do permit arrangements for paying the fees over time, those Code provisions are worded differently than the Code provisions pertaining to the deferral of capital improvement expansion fees.

This Ordinance, which was unanimously adopted on First Reading on July 6, 2004, brings consistency to the Code provisions on this subject and City practice, and would allow for all city impact fees to be paid over time, either in installments or in a lump sum. The Ordinance has been amended on Second Reading so that all of the Code provisions pertaining to impact fees clearly state that, if the fees are deferred and there is an increase in the amount of the fees during the deferral period, the applicant will pay the higher fee in effect at the time of payment.

### **Item B**

On June 15, 2004 City Council adopted Resolution 2004-074 to provide a package of financial assistance for the Lifestyle Center (The Summit Front Range Shopping Center). The package contains three components:

- The collection of a public improvement fee imposed by Bayer Properties upon the purchase of all goods and services at the Lifestyle Center except for the purchase of food for domestic home consumption (\$8,000,000)
- The sharing of net new sales tax revenues generated by the Lifestyle Center (\$5,000,000)
- The deferral of impact fees for up to five years with an interest rate lower than market lending rates (\$656,000)

Based on these three components, the City and Bayer Properties have negotiated an agreement that details the specific actions and safeguards, for both parties, to implement the components of the agreed upon financial package.

4. Resolution 2004-094 Making Findings of Fact and Conclusions Pertaining to the Appeal of a Decision of the Landmark Preservation Commission Regarding the Request by Dick and Dianne Rule for a Waiver of Conditions or Permission to Relocate or Demolish Structures Located at 4824 South Lemay Avenue. (5 minutes - no staff presentation)

On April 28, 2004, the Landmark Preservation Commission held a public hearing to consider a request by Dick and Dianne Rule for Waiver of Conditions of the Requirements Contained in Section 14-72 of the Municipal Code, or Permission to Relocate or Demolish the Structures Located at 4824 South Lemay Avenue. The Commission voted 4-1 to deny, in part, this request. On May 12, 2004, the Commission adopted its Findings and Resolution regarding its decision.

That decision was appealed to the City Council. The basis of the appeal was that the Commission, in denying the request, failed to properly interpret and apply relevant provisions of the Code. On July 20, 2004, Council heard the appeal and overturned the decision of the Commission. The Council's findings on the appeal will be finalized by the adoption of the Resolution.

5. Other Business.

6. Adjournment.

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