

ORDINANCE NO. 138, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE
CITY OF FORT COLLINS BY CHANGING THE ZONING
CLASSIFICATION FOR THAT CERTAIN PROPERTY KNOWN
AS THE HUGHES STADIUM REZONING AND APPROVING CORRESPONDING
CHANGES TO THE RESIDENTIAL NEIGHBORHOOD SIGN DISTRICT MAP

WHEREAS, Division 1.3 of the Fort Collins Land Use Code (the “Land Use Code”) establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code establishes procedures and criteria for reviewing the rezoning of land; and

WHEREAS, on October 16, 2018, City Council approved Ordinance No. 123, 2018, annexing the Hughes Stadium Annexation property (the “Property”) consisting of approximately 164.56 acres into the City; and

WHEREAS, on October 16, 2018, City Council approved Ordinance No. 124, 2018, to place the Property into the Transition (T) zone district upon annexation; and

WHEREAS, on July 16, 2019, City Council adopted Resolution 2019-084 to initiate the rezoning of the Property and directed City staff to prepare a rezoning application on behalf of the City and make a recommendation to the Planning and Zoning Board and City Council regarding the appropriate zoning for the Property, all in accordance with Land Use Code Section 2.9.4; and

WHEREAS, City staff submitted an application for rezoning requesting that the Property be rezoned as “Low Density Mixed-Use Neighborhood (LMN) on the east half of the property and Residential Foothills (RF) on the west half of the property, with a condition that residential units be clustered and 50% of the area be retained in an 'open' condition” (the “Proposed Rezoning”); and

WHEREAS, on September 19, 2019, the Planning and Zoning Board on a 4-2 vote recommended that City Council not adopt the Proposed Rezoning and instead that Council rezone the Property entirely as Residential Foothills (R-F); and

WHEREAS, City staff is recommending that City Council implement the recommended condition by requiring that residential development on the Residential Foothills zone district portion of the Property meet the requirements for *Site Design for Residential Cluster Development* set forth in Land Use Code Section 4.3(E)(2); and

WHEREAS, after publishing public notice on Sunday, October 13, 2019, City Council held a public hearing on November 5, 2019, to consider the rezoning as set forth herein and at that hearing City staff and members of the public provided information and testimony.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That City Council, after considering at the November 5, 2019, hearing the Planning and Zoning Board recommendation, the testimony of the public and City staff, and the information provided for the hearing, hereby finds that the Proposed Rezoning is:

- (1) Consistent with the City's Comprehensive Plan;
- (2) Is compatible with existing and proposed uses surrounding the Property and is the appropriate zoning for the Property;
- (3) The proposed zoning would not result in significantly adverse impacts on the natural environment;
- (4) Would result in a logical and orderly development pattern.

Section 3. That City Council hereby rezones the western half of the Property as Residential Foothills (R-F) zone district and the eastern half of the Property as Low Density Mixed-Use Neighborhood (LMN) as follows:

A north to south dividing line (“Dividing Line”) shall be established on the Property with such line running parallel to and 1368.63 feet west of, as measured perpendicularly, the eastern line of the southeast quarter of Section 20, Township 7 North, Range 69 West of the Sixth Principal Meridian, City of Fort Collins, County of Larimer, State of Colorado. The portion of the Property located west of the dividing line shall be designated as Residential Foothills Zone District and the portion of the Property located east of the dividing line shall be designated as Low Density Mixed-Use Neighborhood District (L-M-N).

Section 4. That Council imposes the following condition of approval upon this rezoning pursuant to Land Use Code Section 2.9.4(I):

All residential development occurring on the portion of the Property zoned Residential Foothills (R-F) shall be residential cluster development in compliance with the version of Land Use Code Section 4.3(E)(2), *Site Design for Residential Cluster Development*, in effect on the effective date of this Ordinance and attached to this Ordinance as Exhibit “A”. However, any Land Use Code section or defined term referenced within Land Use Code Section 4.3(E)(2) shall be to the version of such section or defined term in effect at the time such section or defined term is applied to any development application for any portion of the Property zoned Residential Foothills.

Section 5. That Council finds that the condition of approval imposed in above Section 4 is necessary to accomplish the purposes of the Land Use Code, specifically, Land Use Code Section 1.2.2(A), (C), (D), (I), and (N), and is consistent with City Plan.

Section 6. That Council finds that the rezoning and condition of approval adopted herein are in the best interests of the citizens of Fort Collins.

Section 7. That the Residential Neighborhood Sign District Map adopted pursuant to Section 3.8.7(E) of the Land Use Code be, and the same hereby is, changed and amended by showing that the above-described property is included in the Residential Neighborhood Sign District.

Section 8. The City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 5th day of November, A.D. 2019, and to be presented for final passage on the 19th day of November, A.D. 2019.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 19th day of November, A.D. 2019.

Mayor

ATTEST:

City Clerk

EXHIBIT “A”

Land Use Code Section 4.3(E)(2):

Site Design for Residential Cluster Development. Property in the Foothills Residential District may be developed in clusters, subject to approval by the Planning and Zoning Board. In a cluster development, lot sizes may be reduced in order to cluster the dwellings together on a portion of the property, with the remainder of the property permanently preserved as public or private open space. The following standards shall apply to cluster developments in this District:

- (a) Only the uses specifically permitted in subsection (B) above shall be allowed.
- (b) Minimum lot sizes may be waived by the Planning and Zoning Board, provided that the overall density of the cluster development is not greater than one (1) unit per gross acre.
- (c) A cluster development shall set aside at least fifty (50) percent of the total land area of the proposed development as private or public open space that is permanently preserved as open space through dedication of ownership, if acceptable to the City, or placement of an appropriate easement granted to the City or other nonprofit organization acceptable to the City, with such restrictive provisions and future interests as may be necessary to ensure the continuation of the open space use intended. As a condition of approval, the City may also require the property owners to maintain the dedicated open space to city standards through a maintenance agreement.
- (d) Building envelopes shall be identified on the cluster development, and the minimum area of lot, minimum width of lot, minimum front yard, minimum rear yard, minimum side yard and maximum building height shall conform to the requirements established in the Residential Low Density District.
- (e) The design of the cluster development shall be appropriate for the site, as demonstrated by meeting the following criteria:
 1. preservation of significant natural resources, natural areas and features, native vegetation, open lands or agricultural property through maintenance of large, contiguous blocks of land and other techniques.
 2. provision of additional amenities such as parks, trails, common areas or access to public recreational areas and open space.
 3. minimizing the visual intrusion by dwellings and other structures and blocking of vistas to the foothills and prominent mountain vistas by avoiding building in the center of a meadow or open area.
 4. protection of adjacent residential development through landscaping, screening, fencing, buffering or similar measures.

5. the layout of lots on the cluster development is designed to conform to terrain and is located so that grading and filling are kept to a minimum. Natural features such as drainage swales, rock outcroppings and slopes shall be preserved.
6. taking into account the unique micro-climate of the foothills so that building envelopes are selected and individual structures are built for protection from high winds and to function with maximum conservation of energy.
7. if farm animals are intended to be allowed within the area, indicating those portions of the area to be developed that will be reserved for the keeping of farm animals and the mitigation efforts used to buffer these areas from surrounding uses.