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NEWS

Residents to vote on Hughes Stadium in April, with 1 caveat

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The future of the former Hughes Stadium site appears headed for the next Fort Collins election ballot, although the ballot question may be different from what advocates intended.

Fort Collins City Council voted Tuesday to put the citizen-initiated ballot measure on the April 2021 municipal ballot, pending judicial review and any resulting changes to the ballot language.

The ballot measure instructs the city to zone the roughly 160-acre Hughes Stadium property as 100% open space and purchase it from CSU at fair market value.

Some council members and city attorney Carrie Daggett are concerned that half of the ballot measure — the part directing Fort Collins to purchase the stadium site from the Colorado State University System — may fall under “administrative” actions and be legally inadmissible in a ballot measure.

The other half of the ballot measure, which directs council to zone the land as open space, is likely fair game for a voter decision, Daggett said. Council plans to revisit the issue by Feb. 16, 2021.

“Basically what we’re doing is referring the entire thing to the ballot, but then we will ask a judge to help us sort through the (legal questions),” council member Ross Cunniff said. “This doesn’t necessarily say that council won’t do any of those things, just that the ballot box is not the right place to decide that question, and it should rather be subject to council action.”

Cunniff and other council members also thanked members of petition sponsor PATHS (Planning Action to Transform Hughes Sustainably) for their persistence.

It was a fittingly complex next step for a highly charged issue that has evaded a final verdict for about two years, amid multiple ethics complaints, hours of public hearings, a deadlocked

council vote and a rejected city purchase offer.

PATHS's ballot measure petition attracted about double the 3,820 signatures needed to warrant council's official attention. Council had a choice between adopting the ballot measure without modification or putting it on the ballot.

PATHS was still collecting signatures for its ballot measure earlier this fall, when the city of Fort Collins proposed buying 150 acres of the property from CSU for about \$7.2 million.

CSU Board of Governors rejected the offer, which Chancellor Tony Frank said was too low, in favor of proceeding with their initial development plan for the site and bypassing binding city review.

Representatives of the university system maintain that, because it is a public state entity, it isn't legally required to go through the regular city processes.

CSU has signaled that it intends to continue with its development plan for the site regardless of what's happening with the ballot measure. The university system is meeting with city planners to go over its conceptual review for the site on Thursday. It remains under contract to sell the land to Lennar Homes for a base price of \$10 million.

It is voluntarily going through the Site Plan Advisory Review, or SPAR, process but does not have to accept any city recommendations. CSU's Board of Governors will have the final say on the plan, which includes about 630 homes, some reserved for CSU's lower-income staff; a public transit station; and facilities for medical and child care.

EARLIER: CSU System to bypass Fort Collins review process on former Hughes Stadium land

Those involved in the PATHS group ardently object to CSU's plans, which Fort Collins resident Melodie Nicholas likened to "giving a Stradivarius to a gorilla."

"This isn't just another cornfield," Nicholas added, summing up the spirit of many comments at Tuesday's hearing.

Opponents to CSU and Lennar's development plans implored council to adopt the ballot measure without a citywide vote to preserve an area they consider too special to lose to development. The Hughes site sits between Maxwell Natural Area and Overland Trail, close to several other city natural areas and Spring Canyon Park.

PATHS members characterized the volume of signatures as a show of the community's clear support for the vision. PATHS leader Elena Lopez vowed that the group will "fight CSU and their illegal use" of the SPAR process, which she said is only admissible for public buildings.

"We're not done," she said. "We are watching how you vote tonight very closely. I promise you that."

Mayor Wade Troxell took issue with the tone and content of some of the comments PATHS members have made over the last year, which he said have placed council in "an adversarial role" in relation to the community.

Several commenters on Tuesday criticized Troxell for not recusing himself from the vote, although he defended his role as a CSU faculty member as entirely separated from CSU System governing decisions. Mayor pro-tem Kristin Stephens, also a CSU employee, recused herself from Tuesday's vote.

One commenter, Sarah Rossiter, asked council members to consider the source of residents' anger and passion for the Hughes debate.

"When you hear anger, what I hope you also hear is how desperately important it feels to people," Rossiter said. "There's something about this corridor that is the heart of this place. ... We need it to connect us with nature, each other, and our truest selves. We need it to remind us of what's important, precious, and worth protecting in this world."

Half of the council members involved in the vote — Cunniff and council members Julie Pignataro and Susan Gutowsky — backed Cunniff's initial motion to adopt the PATHS proposal as-is. The other half, including Troxell and council members Ken Summers and Emily Gorgol, said they'd rather have voters decide.

DEVELOPMENT: Poudre Trail lovers rejoice: I-25 project begins work on segment

"I think it's time to see this issue put out to the entire constituency," Summers said. "If the voters of Fort Collins desire to have the Hughes Stadium property as public open space, we (should) follow that up with a concerted effort to purchase the property."

With a deadlocked vote on his first motion, Cunniff made a second proposal to refer the measure to the ballot pending judicial review. The court's input is just one of several question marks around the PATHS ballot measure. Troxell asked another.

"If we don't have a willing seller, what's the price?" he said.

City Manager Darin Atteberry stood by the city's purchase offer for the lion's share of the Hughes property, which he said was fair market value for the land considering its current condition.

The biggest distinction between the city's offer and Lennar's is that Lennar's \$10 million base price comes with the possibility of millions more in incentives, some of which are associated with the number of homes Lennar is able to build on the property.

Atteberry added that the underlying zoning of a property can add considerable value to the land, with land zoned as open space typically worth less than land zoned for residential development.

"We have always had an expectation from City Council that we make market value offers, and that's exactly what we did," Atteberry said. "If the council wanted us to go way beyond market value, in our opinion — I mean, millions of dollars beyond — then maybe there would've been a property acquisition that could've occurred. But that's not how we've acquired property, nor what we've recommended to council, for the 15 years that I've been in the role."

ENVIRONMENT AND PEOPLE: Cameron Peak Fire's long and historic run leaves stories of miracles and misery

What's in CSU's plan

Preliminary plans for the 161-acre site show 632 dwelling units — 242 single-family detached homes, 112 paired homes, 108 townhomes and 170 apartments — 34,000 square feet for commercial uses including medical and day care types of commercial uses.

The site plan includes three zoning areas including urban estates, low-density mixed use and medium density mixed neighborhood districts, each of which determines how many homes or dwelling units can be developed.

As designed, larger lots are located on the south and west portions of the site adjacent to Dixon Canyon Dam Road and the foothills. Townhomes, apartments and commercial space are situated on the north and east sides closest to Overland Trail.

The existing detention pond and 18-hole disc golf course remain on the southeast corner of the site, and there's a park at the northwest corner that abuts the foothills and trails.

Previous zoning proposed by the city of Fort Collins would have split the site in two halves, one zoned for higher density nearest to Overland Trail and the other half zoned

residential foothills, a lower density closest to the foothills.

It would have allowed for roughly 550 homes, less than the 600 to 700 homes national homebuilder Lennar had hoped to build.

Interested?

The Hughes Stadium Residential Development SPAR conceptual review will take place over Zoom at 10:15 a.m. Thursday. To participate, visit fcgov.com/developmentreview/proposals to get the link.