

# Response to Comments

RE: 128 Racquette Drive Annexation, ANX190001

11/20/2019

Department: Planning Services

Contact: Kai Kleer, 970-416-4284, [kkleer@fcgov.com](mailto:kkleer@fcgov.com)

Topic: General

Comment Number: 1

Comment Originated: 06/14/2019

09/05/2019: BEFORE HEARING:

The first page of the petition is missing the updated zone district. Please also include the signature date on page two of the petition.

**Response: Please see the re-submitted electronic file called "Apps-annex petition with A-B-C-D v3" which includes the line filled in for the "Industrial" zone district, and also includes the signature date on page 2 as requested.**

06/14/2019 BEFORE HEARING:

The Structure Plan Map, an element of the recently adopted City Plan (2019), shows this area as Industrial (I). To remain consistent with this designation please update Annexation Petition, Application, and Narrative.

**Response: Please see the re-submitted electronic file called "Apps-annex petition with A-B-C-D v3" which includes the updated petition and narrative (which is attachment D to the petition)**

Comment Number: 2

Comment Originated: 06/14/2019

06/14/2019 INFORMATION ONLY: Based on the below dates the annexation process will take approximately 145 days from start to finish.

**Response: Acknowledged.**

Comment Number: 4

Comment Originated: 06/14/2019

06/14/2019 INFORMATION ONLY:

The proposed cheerleading training academy is subject to the same level of review (Type 1) in the Industrial zone district.

**Response: Acknowledged**

Comment Number: 6

Comment Originated: 06/21/2019

06/21/2019 INFORMATION ONLY:

I know there was some reference in the narrative that the building would be a change of use to permit a cheer academy; therefore, this would require the site to be brought up to current standards such as improvements related to infrastructure, land use code and fire code.

The annexation itself will not require the owner to do property upgrades; however, any subsequent development of the site will. We define development as follows:

"Development shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or, except as is authorized in Section 1.4.7, the dividing of land into two (2) or more parcels.

(1) Development shall also include:

- (a) Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
- (b) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- (c) Any change in use of land or a structure; (d) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- (e) The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- (f) The demolition of a structure;
- (g) The clearing of land as an adjunct of construction;
- (h) The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
- (i) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property;
- (j) The construction of a roadway through or adjoining an area that qualifies for protection by the establishment of limits of development."

**Response: Acknowledged**

**Comment Number: 7**

Comment Originated: 09/05/2019

09/05/2019 BEFORE HEARING:

There are several questions as to whether the current use would be permitted in the 500-year regulatory floodplain and if the building could meet other requirements relating to emergency access.

At the 9/5/2019 staff review meeting, the City and applicant spoke about the need for a detailed narrative describing all operations that currently exist on site. This will provide the reviewing parties the ability to set expectations for the applicant prior to annexation into the City.

At the next round submittal please submit a detailed narrative of how the site is currently/anticipated to be used.

If the applicant does decide to continue with the annexation, the property owner must submit a development application for review within sixty (60) days following the effective date of annexation.

During the review of the application, the illegal use will be temporarily permitted for a period not to exceed six (6) months following the date of second reading of the annexation ordinance, unless Poudre Fire Authority or any other jurisdictional body requires the immediate discontinuation of the illegal use due to life & safety concerns.

**Response:** See the submitted file called "Letters Operations Narrative v3." As discussed in this said narrative document, the typical activity is two-hour athletic training sessions. In the past, day camps were offered, however that is now a discontinued activity on this site. Otherwise, the Cheer Central operations are not critical facilities, and therefore Cheer Central would be allowed in the 500-year floodplain accordingly.

Department: Technical Services

Contact: Jeff County, 970-221-6588, [jcounty@fcgov.com](mailto:jcounty@fcgov.com)

Topic: General

Comment Number: 2

Comment Originated: 09/03/2019

09/03/2019: FOR FINAL APPROVAL:

ANNEXATION PETITION: Please revise as marked. See redlines.

**Response:** See revised annexation petition.

Topic: Plat

Comment Number: 1

Comment Originated: 09/03/2019

09/03/2019: FOR FINAL APPROVAL:

Please make changes as marked. If changes are not made or you disagree with comments, please provide written response of why corrections were not made. Please provide any responses on redlined sheets and/or in response letter.

**Response:** See revised annexation petition.

Department: Stormwater Engineering

Contact: Marsha Hilmes-Robinson, 970-224-6036, [mhilmesrobinson@fcgov.com](mailto:mhilmesrobinson@fcgov.com)

Topic: General

Comment Number: 3

Comment Originated: 06/12/2019

06/12/2019: INFORMATION ONLY:

This property is currently mapped in the Poudre River 500-year floodplain. When this property annexes, it will be subject to the flood safety standards found in Chapter 10 of City Code. Essential Service and At-Risk Population Critical Facilities are prohibited in the 500-year floodplain. Facilities that offer day camps are considered At-risk Population Critical Facilities and because the current use is not an approved use in the County, it is not grandfathered upon annexation.

**Response:** See the submitted file called "Letters Operations Narrative v3." As discussed in this said narrative document, the typical activity is two-hour athletic training sessions. In the past, day camps were offered, however that is now a discontinued activity on this site. Otherwise, the Cheer Central operations are not critical facilities, and therefore Cheer Central would be allowed in the 500-year floodplain accordingly.

Department: PFA

Contact: Andrew Rosen, 970-416-2599, [arosen@poudre-fire.org](mailto:arosen@poudre-fire.org)

Topic: General

Comment Number: 1

Comment Originated: 09/04/2019

09/04/2019:

Update after staff review meeting:

>It is understood that the applicant is working to bring this facility into compliance.

>The applicant will be providing PFA and the City details on the 2016 remodel and will be providing information on their daily activities to indicate how many people and facility students will be using the building at this time.

>This will include all users of the whole building.

**Response: After annexation happens, we will follow-up with a development application And a building permit application to request to change the use of the and the occupancy Of the building, at which time the facility will be brought into compliance with current codes.**

06/18/2019: ANNEXATION

Poudre Fire Authority has no comment related to annexation. All conditions of the existing site plan relevant to Lot 99 & 100 will be considered pre-existing and no further action need be taken. Please note: This building is not sprinklered and does not currently meet minimum standards for fire access. The current use of the building may or may not comply with the approved use/occupancy group classification. Further development on the property or change of use will require fire department review and approval. A dedicated fire lane or other site improvements may be required at that time. Any immediate risk to life & safety as identified through this process or through on-site inspection will require immediate attention.

**Response: After annexation happens, we will follow-up with a development application And a building permit application to request to change the use of the and the occupancy Of the building, at which time the facility will be brought into compliance with current codes.**

Department: Light And Power

Contact: Austin Kreager, 970-224-6152, [akreager@fcgov.com](mailto:akreager@fcgov.com)

Topic: General

Comment Number: 1

Comment Originated: 06/18/2019

06/18/2019: Light and Power does not currently serve electricity to this area. At time of annexation of the entire area, Light and Power will bring in facilities and be your electric provider.

**Response: Acknowledged**

Department: Environmental Planning

Contact: Kelly Smith, , [ksmith@fcgov.com](mailto:ksmith@fcgov.com)

Topic: General

Comment Number: 1

Comment Originated: 06/14/2019

06/14/2019: No Comments

**Response: Acknowledged**

Department: Forestry

Contact: Nils Saha, , [nsaha@fcgov.com](mailto:nsaha@fcgov.com)

Topic: Landscape Plans

Comment Number: 1

06/17/2019: No comments. Thank you.

**Response: Acknowledged**

Comment Originated: 06/17/2019