

ORDINANCE NO. 132, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS,
APPROVING THE ADDITION OF A PERMITTED
USE FOR 200 EAST SWALLOW TO ALLOW
PROFESSIONAL OFFICE AS A USE, APU 180001

WHEREAS, Addition of Permitted Use 180001 (“APU180001”) proposes the addition of professional office as an allowed use for the parcel located at 200 E Swallow Road, parcel number 9725225019, (the “Property”) located in the Low Density Residential zone district (“R-L zone”); and

WHEREAS, professional office is not a permitted use in the R-L zone; and

WHEREAS, pursuant to LUC Section 1.3.4(C)(1)(g), and in satisfaction of such requirement, two neighborhood meetings were held regarding the APU with the first meeting held prior to the submittal of the development application on June 20, 2018, and the second meeting held after submittal of the development application and completion of the first round of staff review on August 9, 2018; and

WHEREAS, pursuant to LUC Section 1.3.4(C)(1)(h), and in satisfaction of such requirement, the proposed use is not a medical marijuana business as defined in City Code Section 15-452 or a retail marijuana establishment as defined in City Code Section 15-603; and

WHEREAS, pursuant to LUC Section 1.3.4(C)(3)(c), and in satisfaction of such requirement, professional office is not specifically listed as a prohibited use in the R-L zone; and

WHEREAS, pursuant to LUC Section 1.3.4(C)(3), the Planning and Zoning Board (“P&Z”) shall make a recommendation to Council regarding the APU and at its September 20, 2018, regular meeting, P&Z held a hearing on the APU and recommended to Council by a vote of 7 to 0 that Council approve the APU with conditions as further described below; and

WHEREAS, LUC Section 1.3.4(C)(3) sets forth the criteria, as further described below, that must be satisfied for Council to approve the APU.

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

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

Section 2. That the Council, after considering the P&Z recommendation, hereby approves the requested APU to add professional office as a use specifically limited to the Parcel located in the R-L zone.

Section 3. That the Council imposes the following condition or conditions of approval:

- (1) No structural additions may be made to the existing house on the Property.
- (2) Business activity on the Property is limited to between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.
- (3) The maximum signage allowed on the Property is limited to that allowed for a Home Occupation.
- (4) Retail sales on the Property shall be limited to the incidental sale of stocks, supplies, or products in association with the professional office.
- (5) No exterior storage of material or equipment associated with the professional office shall be allowed on the Property

Section 4. That the Council, based on the evidence and information provided to the Council in this matter makes the following findings of fact and conclusions of law:

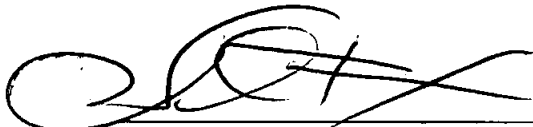
(1) The APU, when subject to the conditions set forth above, satisfies the criteria set forth in LUC Section 1.3.4(C)(1) as follows:

- (a) Such use is appropriate in the R-L zone.
- (b) Such use conforms to the basic characteristics of the R-L zone and the other permitted uses in the R-L zone.
- (c) The location, size and design of such use is compatible with and has minimal negative impact on the use of nearby properties.
- (d) 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 R-L zone.
- (e) Such use will not change the predominant character of the surrounding area.
- (f) Such use is compatible with the other listed permitted uses in the R-L zone.
- (g) The LUC requirement for two neighborhood meetings regarding the APU was fulfilled with the first meeting held prior to the submittal of the development application on June 20, 2018, and the second meeting held after submittal of the development application and completion of the first round of staff review on August 9, 2018.

- (h) Such use is not a medical marijuana business as defined in City Code Section 15-452 or a retail marijuana establishment as defined in City Code Section 15-603.
- (2) The APU is not detrimental to the public good;
- (3) The APU complies with the applicable requirements and criteria contained in LUC Section 3.5.1; and
- (4) The APU is not specifically listed as a "prohibited use" in the R-L zone.

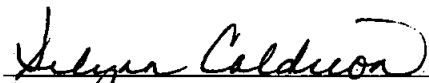
Section 5. Unless otherwise specified as a condition of approval of the APU, any changes to the use or to its location, size, and design, in a manner that changes the predominant character of or increases the negative impact upon the surrounding area, will require the approval of a new addition of permitted use under the LUC.

Introduced, considered favorably on first reading, and ordered published this 6th day of November, A.D. 2018, and to be presented for final passage on the 20th day of November, A.D. 2018.



Mayor

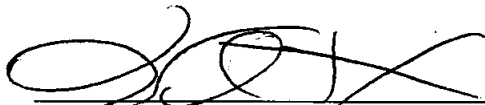
ATTEST:



City Clerk

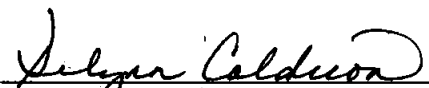


Passed and adopted on final reading on the 20th day of November, A.D. 2018.



Mayor

ATTEST:



City Clerk

