

ORDINANCE NO. 062, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE ADDITION OF PERMITTED USES ASSOCIATED WITH THE EAST
PARK DISTRICT MAINTENANCE FACILITY MAJOR AMENDMENT MJA200003

WHEREAS, MJA200003, a major amendment of the Bucking Horse Overall Development Plan, proposes the construction of a City of Fort Collins Parks maintenance facility including a building with office and shop space, an outdoor storage yard, parking, fencing, landscaping, and improvements to adjacent recreation trails in the Urban-Estate zone district (“U-E zone”) on the parcel located at 2982 Environmental Drive, parcel number 8720467909 (the “Parcel”); and

WHEREAS, the proposed maintenance facility office/shop and outdoor storage uses are not listed as permitted uses in the U-E zone in the Land Use Code (“LUC”); and

WHEREAS, pursuant to LUC Section 1.3.4(B)(2), the proposed uses are listed as permitted uses in one or more of the City’s other zone districts and are proposed based solely on unique circumstances and attributes of the site and development plan and are therefore eligible for consideration as an Addition of Permitted Uses (“APU”) under LUC Section 1.3.4; and

WHEREAS, a request pursuant to LUC Section 1.3.4(C)(3), Addition of Permitted Uses, has been made for an APU in conjunction with MJA200003 to add office/shop and outdoor storage uses as allowed uses on the Parcel so that the proposed Parks maintenance facility can be constructed and operated; and

WHEREAS, pursuant to LUC Section 1.3.4(C)(3), the Planning and Zoning Board (“P&Z”) must make a recommendation to Council regarding the APU, Council shall be the decision maker on the APU by ordinance, and P&Z shall be the decision maker on the primary application, MJA200003; and

WHEREAS, pursuant to LUC Section 1.3.4(C)(1)(g), two neighborhood meetings were held regarding the APU with the first meeting held prior to the submittal of the development application on November 20, 2019, and the second meeting held after submittal of the development application and completion of the first round of staff review on November 12, 2020; and

WHEREAS, at its March 11, 2021, regular meeting, P&Z on a 7-0 vote approved as part of its consent agenda MJA200003 and recommended that City Council approve the APU, finding that the APU satisfied the applicable requirements set forth in LUC Section 1.3.4(C); and

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

WHEREAS, on April 20, 2021, Council held a public hearing and considered the APU in accordance with the LUC, either as part of the consent or discussion agenda and if considered on the consent agenda, a public hearing is deemed to have been open and closed, with the only evidence considered being that set forth in the agenda item summary and the attachments thereto, including the staff report.

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 on the APU and the agenda materials provided for the APU, hereby approves the requested APU to add office/shop and outdoor storage facilities as uses specifically limited to the Parcel located in the U-E zone.


Section 3. That the Council, in support of its decision to approve the APU, makes the following findings of fact:

- (1) The APU satisfies the criteria set forth in LUC Section 1.3.4(C)(1) as follows:
 - (a) Such uses are appropriate in the U-E zone.
 - (b) Such uses conform to the basic characteristics of the U-E zone and the other permitted uses in the U-E zone.
 - (c) The location, size and design of such uses are compatible with and has minimal negative impact on the use of nearby properties.
 - (d) Such uses do 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 effects 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 U-E zone.
 - (e) Such uses will not change the predominant character of the surrounding area.
 - (f) Such uses are compatible with the other listed permitted uses in the U-E zone district.
 - (g) The APU fulfilled the LUC requirement for two neighborhood meetings with the first meeting held prior to the submittal of the development application on November 20, 2019, and the second meeting held after submittal of the development application and completion of the first round of staff review on November 12, 2020.

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

Section 5. That the Council approval of the APU is based upon the development proposal described in MJA200003 and the associated APU request. Any changes to the uses 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.

Introduced, considered favorably on first reading, and ordered published this 20th day of April, A.D. 2021, and to be presented for final passage on the 4th day of May, A.D. 2021.


Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on this 4th day of May, A.D. 2021.


Mayor

ATTEST:


City Clerk

