

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 25

DATE: August 19, 2003

FROM: Steve Olt

SUBJECT:

Hearing and First Reading of Ordinance No. 117, 2003, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for That Certain Property Known as the Whitham Property Rezoning.

RECOMMENDATION:

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY:

This is a request to rezone 160.3 acres located on the south side of East Vine Drive between North Timberline Road (1/2 mile to the west) and Interstate 25 (1/2 mile to the east). The site is currently vacant and is in the T - Transition District. The requested zoning for this property is LMN - Low Density Mixed-Use Neighborhood. The surrounding properties are zoned T - Transition in the City of Fort Collins (to the west), I - Industrial in both the City of Fort Collins and Larimer County (to the east), I - Industrial in Larimer County (to the south), and FA1 - Farming in Larimer County (to the north).

PETITIONER: BHA Design, Inc.
c/o Roger Sherman
4803 Innovation Drive
Fort Collins, Colorado 80525

OWNER: Whitham Farms, LLC
c/o David W. and Mary E. Whitham
0189 Arrowhead Bluff, Blue River Route
Silverthorne, Colorado 80498

BACKGROUND:

The petitioner, BHA Design, Inc., on behalf of the property owner, Whitham Property, LLC, has submitted a written request for the rezoning of 160.3 acres located on the south side of East Vine Drive between North Timberline Road (1/2 mile to the west) and Interstate 25 (1/2 mile to the east). The site is currently vacant and is in the T - Transition District in the City of Fort Collins. The requested zoning for this property is LMN - Low Density Mixed-Use Neighborhood.

The surrounding zoning and land uses are as follows:

- N: FA1 in Larimer County; vacant land
- E: I in City of Fort Collins and Larimer County; vacant land, existing light industrial (Imu-Tek)
- S: I in Larimer County; vacant land
- W: T in City of Fort Collins; vacant land

Portions of the subject property were annexed as the Buderus First Annexation (30 acres) and Buderus Second Annexation (108 acres) in May, 1992. They were zoned IL - Limited Industrial with a Planned Unit Development (PUD) condition. The remaining portion of the subject property was annexed as the Whitham Farms LLC Annexation (20 acres) in August, 2002. It was zoned T - Transition.

A. City Plan Rezoning

In March of 1997, in order to implement City Plan and Land Use Code, 138 acres of the property now being considered for rezoning (previously zoned IL - Limited Industrial with a PUD condition) were placed in the T - Transition District at the property owner's request. The *City Structure Plan* that is part of the City Plan at that time showed the subject property to be in the area identified as Low-Density Mixed-Use Residential Neighborhood. Because there was no intent at the time to develop the property, the owner was give the choice of placing the property in either the LMN - Low Density Mixed-Use Neighborhood District or T - Transition District.

Since the implementation of the Land Use Code in 1997 an additional 20 acres of the property was annexed and zoned T - Transition. This occurred in August 2002.

B. Current Request

The petitioner, BHA Design, Inc., filed a rezoning petition with the City on June 23, 2003. The petitioner is requesting a rezoning of 160.3 acres from T - Transition to LMN - Low Density Mixed-Use Neighborhood. The T District functions as a "holding" zone where no uses are permitted on a property except uses that existed on the date the property was placed in this District. The property is currently vacant.

The requested zoning for this property is the LMN - Low Density Mixed-Use Neighborhood. There are numerous uses permitted in this District, subject to either administrative review or review by the Planning and Zoning Board. The City's adopted Structure Plan and East Mulberry Corridor Plan, both elements of the Comprehensive Plan, presently suggest that Low Density Mixed-Use Residential is appropriate in this location.

In evaluating the rezoning request, staff is guided by Article 2, Sections 2.9.4(H)(2) and (3). The request to rezone the 160.3 acre parcel is considered a quasi-judicial action since the parcel is less than 640 acres. The requested rezoning and amendment to the Zoning Map shall be recommended for approval by the Planning and Zoning Board or approved by City Council only if the proposed amendment is consistent with the City's Comprehensive Plan.

C. *City Structure Plan*

The *City Structure Plan*, an element of the City's Comprehensive Plan, is a map that sets forth a basic framework, showing how Fort Collins should grow and evolve over the next 20 years. The map designates the parcel as "Low Density Mixed-Use Residential." Therefore, the request is in compliance with the *City Structure Plan*.

D. *East Mulberry Corridor Plan*

The *East Mulberry Corridor Plan* (adopted September 2002), an element of the City's Comprehensive Plan, is a document that establishes the framework for zoning, land use, transportation planning, and urban & streetscape design for an area along East Mulberry Street bounded by Lemay Avenue to the west, East Vine Drive to the north, and Interstate 25 to the east. Properties in the study area on the south side of East Mulberry Street are bounded on the south by a meandering line that, in essence, represents the current City limits in this area. The Framework Plan map (a copy is attached to this Agenda Item Summary) designates the subject parcel as "Low Density Residential." Therefore, the request is in compliance with the *East Mulberry Corridor Plan*.

Findings:

In evaluating the request for the Whitham Property Rezoning, Amendment to the Zoning Map from T – Transition to LMN – Low Density Mixed-Use Neighborhood, and recommendation to City Council, staff makes the following findings of fact:

- A. The City Plan rezoning in March of 1997 for this property to be placed in the T – Transition District assumed no immediate development. Based on an intent to develop the property, the request to rezone it into the LMN – Low Density Mixed-Use Neighborhood District is necessary.
- B. The subject property for the Whitham Property Rezoning is designated on the *City Structure Plan* as "Low Density Mixed-Use Residential". The request to rezone the property to LMN, therefore, complies with the *City Structure Plan*.
- C. The subject property for the Whitham Property Rezoning is designated on the Framework Plan map in the *East Mulberry Corridor Plan* as "Low Density Residential". The request to rezone the property to LMN, therefore, complies with the *East Mulberry Corridor Plan*.
- D. The request to rezone satisfies the applicable review criteria of the Section 2.9.4 (H) of the Land Use Code.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board conducted a public hearing on the rezoning request at its regular monthly meeting on August 7, 2003, and voted 4-1 to recommend approval of the rezoning request.

ORDINANCE NO. 117, 2003
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 WHITHAM PROPERTY REZONING

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, in accordance with the foregoing, the Council has considered the rezoning of the property which is the subject of this ordinance, and has determined that the said property should be rezoned as hereafter provided; and

WHEREAS, the Council has further determined that the proposed rezoning is consistent with the City's Comprehensive Plan and/or is warranted by changed conditions within the neighborhood surrounding and including the subject property; and

WHEREAS, to the extent applicable, the Council has also analyzed the proposed rezoning against the considerations as established in Section 2.9.4(H)(3) of the Land Use Code.

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

Section 1. That the Zoning Map adopted by Division 1.3 of the Land Use Code is hereby amended by changing the zoning classification from "T", Transition Zone District, to "LMN", Low Density Mixed-Use Neighborhood Zone District, for the following described property in the City known as the Whitham Property Rezoning:

The NW1/4 of Section 9, Township 7 North, Range 68 West of the 6th P.M., Except Right of Way for County Road 48 and Except Right of Way in Book 245 at Page 77, County of Larimer, State of Colorado

Section 2. That the Sign District Map adopted pursuant to Section 3.8.7(E) of the Land Use Code is hereby changed and amended by showing that the above-described property is included in the Residential Neighborhood Sign District.

Section 3. The City Engineer 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 19th day of August, A.D. 2003, and to be presented for final passage on the 2nd day of September, A.D. 2003.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 2nd day of September, A.D. 2003.

Mayor

ATTEST:

City Clerk

Larimer County Parcel Locator

[GIS Home](#)

Select Parcel	Zoom In	Full View	↑	↓	→	Toggle Overview Map
Clear Parcel	Zoom Out	Last View	↑	↓	←	How Do I Use This?

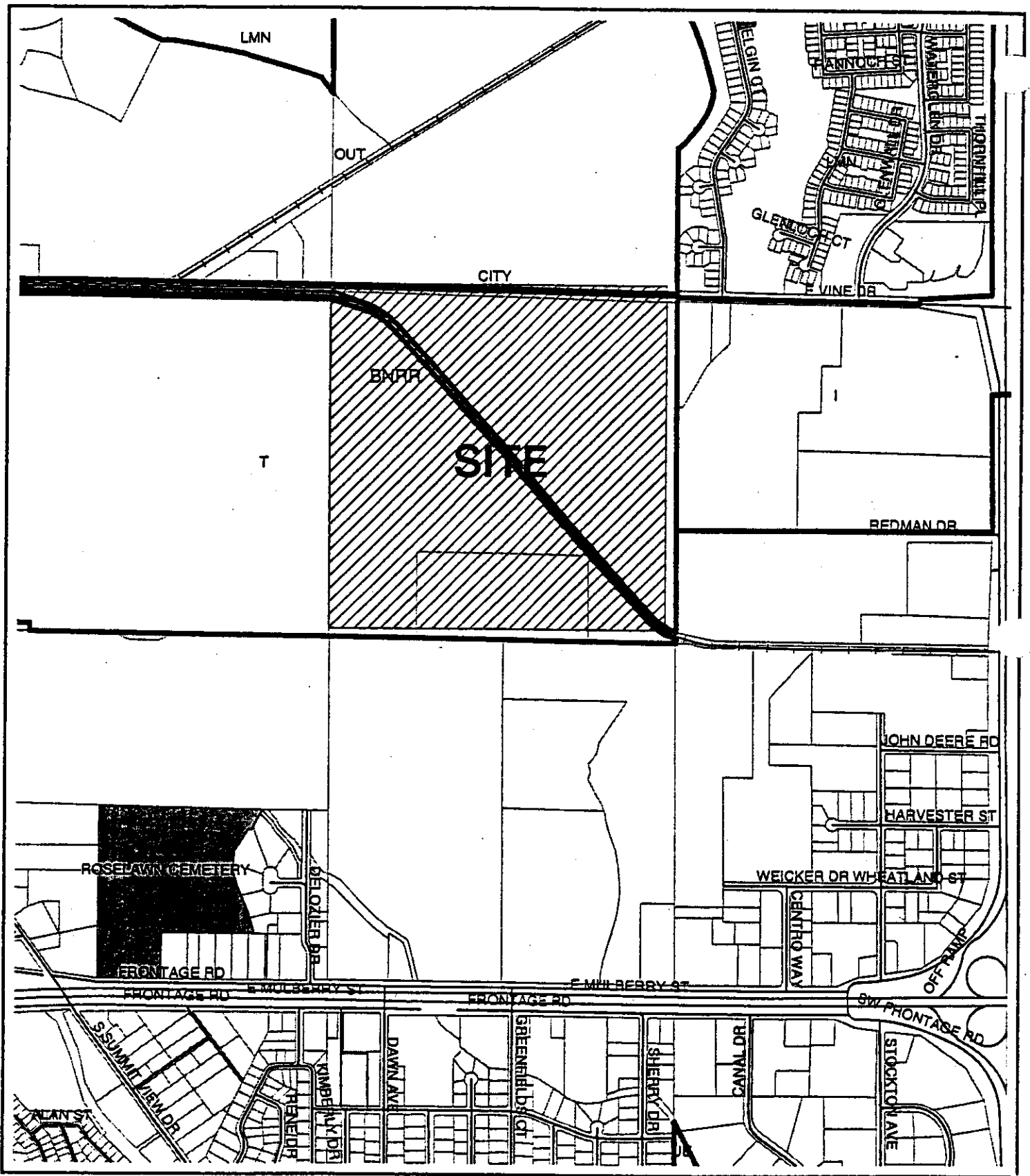
[Select by Data](#)

Map created by Larimer County GIS and Mapping Department

Legend

- Major Roads
- Road System
- Railroad
- Township/Range Lines
- Section Lines
- Quartersection Lines
- Parcel Lines
- Airports
- grass
- pavement
- Lakes/Ponds/Reservoir
- Rivers/Streams
- School
- Larimer County Parks/Openspace/Protected Areas
- City Parks
- Bureau of Land Management
- Bureau of Land Mgmt
- Incorporated Areas
- Berrouad
- Estes Park
- Fort Collins
- Johnstown

Zoom In



#24-02A Whitham Property Rezone Type II (LUC)

05/16/02

1" = 1000'



Justification of Rezoning

June 3, 2003

Whitham Property

Section 2.9.4(H)(2): Mandatory Requirements for Quasi-judicial Rezonings. Any amendment to the Zoning Map involving the zoning or rezoning of six hundred forty (640) acres of land or less (a quasi-judicial rezoning) shall be recommended for approval by the Planning Zoning Board or approved by the City Council only if the proposed amendment is:

- (a) consistent with the City's Comprehensive Plan; and/or - **Applicable**
- (b) warranted by changed conditions within the neighborhood surrounding and including the subject property. - **Not Applicable**

Justification:

The subject property was incorporated into the City of Fort Collins under two separate annexations. The 1st and 2nd Buderns Annexations were adopted on May 21, 1992, and the Whitham Farms LLC Annexation was adopted on August 20, 2002. At the time of annexation there were no specific and immediate plans for development so the properties were zoned Transition (T).

Recently, the property owners decided that they would like to rezone the property in order to develop.

The proposed rezoning of the Whitham Property, from the Transition Zone District (T) to the Low Density Mixed-Use Neighborhood District (LMN), is consistent with the City's Comprehensive Plan. Specifically, this site is located within the East Mulberry Corridor Plan, which designates this property as "Low Density Residential".

Section 2.9.4(H)(3): Additional Considerations for Quasi-Judicial Rezonings. In determining whether to recommend approval of any such proposed amendment, the Planning and Zoning Board and City Council may consider the following additional factors:

- (a) whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land; - **Applicable**
- (b) whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment; - **Applicable**
- (c) whether and the extent to which the proposed amendment would result in a logical and orderly development pattern. - **Applicable**

Justification:

(a) The proposed amendment is compatible with existing and proposed uses surrounding the subject property, and is the appropriate zone district for the land. The following is a list of the existing and proposed uses for the area surrounding the Whitham Property:

North: Vine Drive abuts the northern boundary of the site. Currently the land north of Vine Drive is farmed and undeveloped. The Mountain Vista Sub Area Framework Plan illustrates

"Employment" uses located immediately north of Vine Street. Employment uses and residential uses are complimentary uses that allow residents to live and work in the same area.

South: The land located immediately south of the Whitham Property is currently used as cropland. The East Mulberry Corridor Plan designates the property in the area as Low and Medium Density Mixed-Use Neighborhood.

East: A developed small industrial site abuts the northeast corner of the Whitham property. The rest of the east property line is bordered by the Cooper Slough Natural Buffer area.

West: The parcel located west of the Whitham Property is currently used as cropland. The East Mulberry Corridor Plan designates this property as Low Density Mixed-Use Neighborhood.

(b) Development plans for the Whitham Property would involve the conversion of most of the property to residential development, a neighborhood center and a neighborhood park. All development would be within row cropland, non-native grassland, and disturbed habitat areas. Therefore, there would be no direct impacts to important wildlife habitats or special habitat features with the Whitham Property. The proposed development would also have no indirect effect on Cooper Slough as long as best management practices are employed during construction to preclude untreated runoff and sedimentation impacts into the slough.

Because Cooper Slough has been identified as a waterfowl concentration area, a 300-foot development setback from Cooper Slough has been established by the City of Fort Collins. A 300-foot buffer would encroach into the eastern edge of the project area. As long as an average of 80 percent of a 300-foot development setback is maintained from the slough, project development approval should not need to request of variance from this requirement. Native shrubs and trees as well as herbaceous species will be planted in the buffer zone between the development and Cooper Slough to enhance this portion of the Cooper Slough corridor. Plantings of shrubs and trees will create visual screening between the creek and proposed development sites and improve existing habitat conditions along the slough.

There is one existing mature and very large cottonwood adjacent to the railroad right-of-way is partially decadent with about half of the lower trunk consisting of dead wood. This tree could pose a health and safety risk to people or structures in the near future and may need to be removed prior to development. Because of its isolated location, this large cottonwood tree would also provide little wildlife habitat value if the Whitham Property is developed.

(c) The development of this parcel will contribute to the logical and orderly development of this part of town by:

- 1) allowing the extension of the arterial and collector street network through the property to serve the residents and employees in this area.*
- 2) supplying a corridor for the extension of the Cooper Slough regional which will provide an alternative mode of transportation for residents and employees in the area.*
- 3) using the existing utility infrastructure (Fort Collins Light & Power, Box Elder Sanitation and ELCO Water Dist) , which is located in close proximity to or within the Whitham Property.*