

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 24

DATE: April 15, 2003

FROM: Pete Wray

### SUBJECT:

First Reading of Ordinance No. 066, 2003, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classifications for the Certain Properties Known as the East Mulberry Corridor Plan Rezoning.

### RECOMMENDATION:

Staff recommends adoption of the Ordinance on First Reading.

### EXECUTIVE SUMMARY:

This is a request to change the zoning designation of 3 parcels totaling approximately 23.9 acres located at the northeast corner of Lincoln/Lemay Avenue, from Industrial (I) to Employment (E).

The proposed rezoning to (E) Employment District from (I) Industrial is appropriate for the described three properties and is compatible with existing and proposed uses surrounding them. The proposed rezoning will not result in significantly adverse impacts on the natural environment and will result in a logical and orderly development pattern.

The East Mulberry Corridor Plan Rezoning is consistent with the City's Comprehensive Plan (City Structure Plan Map) and the East Mulberry Corridor Plan (Framework Plan Map), both adopted by City Council on September 17, 2002.

The applicability of the requested amendment to the Zoning Map is based on the Land Use Code Article 2, Division 2.9.2 by the Director, founded upon the adoption and implementation of a subarea/corridor plan. This item represents an implementation follow-up action after the adoption on the East Mulberry Corridor Plan.

### BACKGROUND:

#### Existing Land Use and Zoning

The surrounding zoning and land uses are as follows:

- N: RL; Existing Andersonville Neighborhood
- I; Vacant land
- S: C; Lincoln Avenue, Buffalo Run Apartments, Wal Mart
- E: I; Duff Drive, existing industrial uses
- W: I; Lemay Avenue, existing industrial uses, vacant land
- RL; Existing Andersonville Neighborhood.

### City Plan – Structure Plan Map

The three properties have been zoned Industrial since 1997. The City Structure Plan Map, consistent with zoning, showed industrial land use designation since 1997. The East Mulberry Corridor Plan, an element of City Plan, recommended a change to employment land use designations and was adopted in September 2002. The Structure Plan Map was amended also in September 2002 to reflect this change. The East Mulberry Corridor Plan is the subarea plan that adds specific details to the general nature of the Structure Plan for the East Mulberry Corridor Area. This subarea plan indicates the E is the proper zoning for this area.

### East Mulberry Corridor Plan

A subarea planning process was initiated in January 2001 by both the City and County to develop the East Mulberry Corridor Plan, which was jointly adopted in September 2002. The Plan received support for employment for the following reasons:

- Employment will provide additional options for new development at strategic locations and foster redevelopment opportunities.
- An opportunity to change some of the industrial uses to employment beyond the airport area would allow for attractive office, commercial and secondary residential uses to provide business expansion and quality mixed-use development.
- The employment uses will provide a transition between the existing industrial uses to the east, and future development west of Lemay Avenue.

### Zoning and Analysis

This is a rezoning initiated by the Director of CPES as authorized under Section 2.9.3 of the Land Use Code to bring the zoning map back into compliance with the adopted East Mulberry Corridor Plan. The three properties were annexed to the city in the early 1990's and zoned IL. A citywide rezoning was implemented after City Plan was adopted in 1997 resulting in these properties being zoned Industrial. The adopted subarea plan (East Mulberry Corridor Plan) recommends the E zone district.

The purpose of the (I) Industrial Zoning District is spelled out in 4.23(A) of the Land Use Code. Article 4.23 states that the district:

*“is intended to provide a location for a variety of work processes and work places such as manufacturing, warehousing and distributing, indoor and outdoor storage, and a wide range of commercial and industrial operations.”*

The three properties were zoned Industrial to reflect the character of the uses in and around the existing Fort Collins Downtown Airpark and surrounding manufacturing and warehouse uses. All three properties have been vacant for several years.

The purpose of the E zone as described in Section 4.22(A) of the LUC states:

*"it is intended to provide a variety of workplaces including light industrial uses, research and development activities, offices and institutions. The District also is intended to accommodate secondary uses that complement or support the primary workplace uses, such as hotels, restaurants, convenience shopping, childcare and housing. "*

The requested zoning is compatible with all existing land uses. The property is surrounded on three sides with land that is already zoned Industrial, Commercial and RL (Low Density Residential). The Employment Zoning will allow for office, light manufacturing, commercial and multi-family residential, so changing this property to E would be compatible. The subarea plan indicates that the mentioned three properties should be E to provide employment opportunities, transition between land uses and attractive mixed-use development to revitalize the area.

There are no significant environmentally sensitive areas associated with the subject properties.

The three properties are located within the existing developed area of the City of Fort Collins, and should it further develop, would be able to utilize the existing logical and orderly development pattern provided by the site's proximity to Lemay Avenue, East Mulberry Street and Lincoln Avenue.

**LIST OF ATTACHMENTS:**

1. Vicinity Map.
2. Existing Zoning Context Map.
3. Proposed amendments to the Zoning Map (staff's recommended configuration).
4. Letter from Clair McMillen, Majority owner of the Fort Collins Downtown Airpark, dated March 26, 2003.
5. Notes from East Mulberry Corridor Plan Meetings.
6. Staff Response to proposed Medium Density Mixed-Use Neighborhood (MMN) from James Webster, property owner of Parcel # (87072-00-002), dated 3/26/03.

ORDINANCE NO. 066, 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 EAST MULBERRY CORRIDOR PLAN 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, and the same hereby is, amended by changing the zoning classification from "I", Industrial Zone District, to "E", Employment Zone District, for the following described property in the City known as the East Mulberry Corridor Plan Rezoning:

**Parcel # 87072-00-019 (6.47 Acres)**

A tract of land located in the West half of Section 7, Township 7 North, Range 68 West, described as follows:

Beginning at a point which bears South 02 degrees 04 minutes 03 seconds West 1349.99 feet and again South 87 degrees 55 minutes 57 seconds East 318.00 feet and again South 02 degrees 04 minutes 03 seconds West 275.28 feet from the Northwest corner of said section 7; thence along the easterly right of way of the future Lemay Avenue North 38 degrees, 58 minutes, 00 seconds East, 680.12 feet; thence, along the arc of a curve to the left having a radius of 1125.00 feet 35.02 feet, having a long cord of North 38 degrees 04 minutes 30 seconds East, 35.01 feet; thence, South 50 degrees, 01 minutes, 54 seconds East, 352.39 feet; thence, South 02 degrees, 04

minutes 03 seconds West 442.99 feet; thence, North 87 degrees, 55 minutes, 57 seconds West 204.00 ft; Thence North 02 degrees, 04 minutes, 03 seconds East 62.53 feet; thence North 87 degrees, 55 minutes, 57seconds West 503.00 feet; thence North 02 degrees, 04 minutes, 03 seconds East 24.72 feet to the true point of beginning. Containing 6.47 acres more or less.

**Parcel #87072-00-002 (15.79 Acres)**

A tract of land located in the Northwest Quarter of Section 7, Township 7 North, Range 68 West of the 6<sup>th</sup> P.M., described as follows:

Beginning at a point on the West line of said Section 7, which point is 1320 feet North from the West Quarter corner of said Section 7;

Thence East 30 feet; thence South 300 feet; thence East 791 feet; thence South 1020 feet; more or less, to the South line of said Northwest Quarter; thence West along the South line of the Northwest Quarter of said Section 7 821 feet to said West Quarter corner; thence North 1320 feet to the point of beginning;

EXCEPT a parcel of land described in Book 1974 at Page 581 of the Larimer County, Colorado records.

**Parcel #87072-00-026 (1.71 Acres)**

A parcel of land situated in the NW1/4 or Section 7, Township 7 North, Range 68 West of the 6<sup>th</sup> P.M., City of Fort Collins, Larimer County, Colorado, more particularly described as follows:

Commencing at the SW corner of the NW1/4 said Section 32; thence N02°04'03" E, along the West line of said NW1/4 a distance of 40.01 feet; thence S89°27'44" E parallel with and 40.00 feet northerly of the South line of said NW1/4 and along the northerly R.O.W. line extended westerly of East Lincoln Avenue a distance of 75.01 feet to a point lying on the easterly corner of that parcel of land described in Book 1974 at Page 581 of the Larimer County, Colorado, records begin the intersection of said northerly R.O.W. line and the easterly R.O.W. line of North Lemay Avenue, said point being the point of beginning; thence N12°51'17" W along the easterly line of said parcel described in Book 1974 at Page 581 and said easterly R.O.W. line a distance of 174.69 feet to the northerly corner of said parcel described in Book 1974 at Page 581; thence N02°04'03" E parallel with and 30.00 feet easterly of the West line of said NW1/4 and continuing along said easterly R.O.W. line a distance of 131.16 feet; thence S89°27'44" E parallel with the South line of said NW1/4 a distance of 237.58 feet; thence S06°15'14" E a distance of 303.17 feet to a point lying on said northerly R.O.W. line; thence N89°27'44" W along said northerly R.O.W. line parallel with and 40.00 feet northerly of the South line of said NW1/4 a distance of 236.47 feet to the point of beginning.

Section 2. That the Sign District Map adopted pursuant to Section 3.8.7(E) of the Land Use Code be, and the same hereby is, changed and amended by showing that the above-described property is not 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 15th day of April, A.D. 2003, and to be presented for final passage on the 6th day of May, A.D. 2003.

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 6th day of May, A.D. 2003.

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Mayor

ATTEST:

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City Clerk



**East Mulberry Citizen Advisory Committee (CAC)  
Meeting # 11 – March 27, 2002**

**Attendance:** Mike Buderus, Sally Craig, Gary Eastman, John Gless, Jeffery McClure, Chris Ricord, Len Roark, Loui Ter Meer, Mary Warring.

**Staff, Consultants and Technical Advisory Committee in Attendance:** Russell Legg, Jana McKenzie, Bruce Meighen, Doug Moore, Tom Reiff, Pete Wray.

**Visitors:** Sherry Weinstein and Les Crawford

**Streetscape Concepts:**

Jana McKenzie, EDAA, presented the streetscape concepts developed by the firm and outlined details of the intersection improvements, focal points, sculptures, expressway median treatments, plant material and the proposed landscaping plans and focal points developed for Timberline.

**Reactions, Comments, & Questions:**

- Need to acquire ROW at Greenfield and Hwy 14 if detention ponds are not needed.  
Trail need to be out of Cooper Slough
- The intersection improvements at Lemay and Hwy 14 are different than what is proposed at the current time.
- What is the lighting situation? Will the City have streetlights along Hwy 14? Many members of the Committee expressed interest in having minimum street lighting along the expressway.
- Many if not all, members expressed the opinion that the plan is a great overall plan, especially the Sandstone wall repetition; the pedestrian amenities are good.
- Many were concerned that the center median trees, unirrigated, will not work well.
- The fewer trees in the median the better.

**Framework Plan Discussion:**

- The employment at NE corner of Timberline & Mulberry might impact the airport. Maybe a glide/landing area should be calculated and identified to make sure building heights in that area do not interfere with airport operations.
- Some questioned where 2 lanes proposed for Greenfield Court were adequate. Tom Reiff responded with an outline of how the City requirements work.
- After discussion, there was continued support for keeping the area between Andersonville & Buffalo Run apartments a residential designation and not as an employment center or industrial. Others felt that employment designation, which permits housing, might be appropriate and consistent with the area.

**Next Steps:**

The staff presented Transit and Bike Plans for the area. Future schedules were presented. And Pete Wray handed out draft Principles and Policies.



## East Mulberry Citizen Advisory Committee (CAC) Meeting #13 – May 29, 2002

### Meeting Summary

*Attendance:* Mike Buderus, Sally Craig, Bob Herdon, Jeff McClure, Clair McMillen, Chris Ricord, and Len Roark.

*Staff, Consultants and Technical Advisory Committee in Attendance:* Sherry Albertson-Clark, Bill Cunningham, Troy Jones, Russ Legg, Bruce Meighen, Doug Moore, Tom Reiff, and Pete Wray.

*Guests:* County Commissioner Cathay Rennels, James Smith of Donaldson & Company, Sylvie Glass of CCMK Architecture & Planning, and Ed Roberts.

### Preliminary Matters & Aviation Memorial Presentation

Pete Wray opened the meeting by introducing Ed Robert to the committee. The presentation on the aviation memorial proposal began with a video, which was followed up by a presentation by Ed Roberts. Ed noted that a number of sites had been evaluated in working with City staff and that this site at the northeast corner of Timberline and Mulberry was the site selected. The Air Force Association is raising funds for the project, which is expected to cost \$50,000 - \$75,000.

Cathay Rennels added that Larimer County will be holding a public hearing to gather comments on the project and that there are concerns and questions about who will maintain the site.

Discussion about the proposed memorial took place among CAC members. The general nature of member comments was concern about the location and community image along a primary entryway into the City. Specific comments by committee members is as follows:

- \* not representative of full committee

Clair McMillen Did not support memorial located within airport property.

Mike Buderus Concerned about locating it at Timberline/Highway 14 intersection, aesthetics of memorial  
Who will eventually maintain this?

Jeff McClure defer to public comment

Chris Ricord Is the aviation memorial a true reflection of Fort Collins? Concerned about the overall image and location

Sally Craig Maintenance responsibility concern, will City be asked to take over maintenance?  
Wrong theme for gateway, not consistent with East Mulberry Plan streetscape concept.

Len Roark Jet plane is wrong theme for Fort Collins

Bob Henden Need more public process  
Not part of EMCP to date and lacking full support from City and County together

The tentative public hearing date with Larimer County for this project is June 24 at 7:00 P.M.





## Poudre Valley Business Park Sketch Plan

Sylvie Glass presented a sketch plan for Donaldson & Company for a site located at the northeast corner of Mulberry and Greenfield. The plan is a mixed-use plan consisting of employment uses and a neighborhood center. The setbacks/buffers along the Cooper Slough are shown at 200' at the north end of the site and 100' along the remainder of the site and mitigation would be proposed. The buffers for Larimer County and the City are different and the developer would like to propose a performance spec rather than a specific numeric buffer dimension.

Pete Wray noted that the proposed land use concept of this sketch plan is generally consistent with the draft framework plan, but would require some shifting of the LMN area and an increase in the Employment area. He also noted that the street pattern on the sketch plan fits with the Framework Plan.

CAC members expressed concerns about changes in land use designations on the plan based on this sketch plan and the potential impacts to Cooper Slough. Members also expressed concerns that the draft plan does not define setbacks/buffers for the slough and gives little direction for future development. There was further discussion about the differing widths between the City's requirements of 300' and Larimer County's of 100' and agreement that there needs to be policy direction in the plan on the buffer widths.

## Draft Principles and Policies

Pete Wray then moved discussion to the principles and policies.

CAD 1.1 - will the new standards be adopted with the plan? Yes.

LU 2.3 - concerned that the flood plain has not been overlaid onto the commercial areas along the river. Much of this existing business area would be limited by the flood plain.

There was discussion about the differences in the City and County flood plain regulations and how they affect properties that are annexed. Several suggestions were made to address this topic, since it will not be addressed by this project, but is expected to be resolved in the future. These suggestions included adding city/county coordination on flood plain regulations to the Action Plan; putting language into the Intergovernmental Agreement that annexation would not happen until building permits and construction are completed on properties; acknowledge in the plan that this issue exists and can't be solved with this plan; and add notations about the flood plain to the Land Use Map.

At this point in the meeting, the CAC decided to continue discussion about Principles and Policies and hold off the discussion on Plan Implementation.

T 2.3 – if there was some type of berm across the slough, it could bring water back into the slough and rejuvenate it. There may be things that can be done to enhance the slough. A reference to environmental issues could also be added to T 2.3.

ENV 1.4 – would like to see “enhancements” added into the plan so that someone isn't precluded from proposing enhancements. May need to define what an enhancement is – a positive enhancement – and add this into the Natural Resources chapter.

A general suggestion was made to address all of the items that can't be finalized (ie. buffer widths, flood plains) in the Implementation Chapter.

## Next Steps

There was discussion about whether to have a June CAC meeting because there are a number of items still to resolve. CAC members decided to meet again on June 26.

John Prouty of Lagunitas Companies presented a concept to develop property at the northeast corner of Lemay and Lincoln Avenue in residential uses. He proposes to rezone the property from the Employment Zone to MMN, since the Employment Zone only permits 25% of the site to be developed in residential uses.

CAC members were split on whether the site is appropriate for residential uses or should remain as an employment area. A suggestion was made to look at the zoning for the corner property in conjunction with this property.

Pete Wray announced that the final project open house will be held on Monday, June 17 at the Plaza Inn and that staff will further assess the rezoning concept and the Poudre Valley Business park plan.

Meeting adjourned at 9:00 P.M.

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| <b>** DRAFT MINUTES **</b>  |   |
| <b>The Council of the City of Fort Collins<br/>Council Growth Management Committee<br/>June 10, 2002      4:30 to 6:00 p.m.</b> |   |
| <b>Council Members – Kurt Kastein – 223-0425</b>  | <b>Staff Liaison: Greg Byrne - 221-6601</b> |
| <b>Karen Weitkunat – 229-9774</b>   |   |
| <b>Planning &amp; Zoning Board Representatives: Glen Colton</b>   |   |

**Attendees:**  
 Council Committee:  
 Karen Weitkunat  
 Kurt Kastein

**Other Councilmembers Present:**

**P & Z Representative:**

**Others Present:**  
 Jerry Galvador

**Staff:**

|                |              |           |             |                        |
|----------------|--------------|-----------|-------------|------------------------|
| John Fischbach | Greg Byrne   | Steve Roy | Paul Eckman | Pete Wray              |
| Mark Jackson   | Ron Phillips | Joe Frank | Tom Vosburg | Patty Storm (recorder) |

**Agenda:**

- |  |                |
|--|----------------|
| 1. Review of Draft Minutes - May 8, 2002 | Approval       |
| 2. Six Month Planning Calendar           | Review/Comment |
| 3. Street Standards Update               | Update         |
| 4. Community Separators                  | Discussion     |
| 5. East Mulberry Corridor Plan           | Update         |

**Minutes:**

- 1. Review of Draft Minutes – May 8, 2002**  
 The minutes were approved as written.
- 2. Six Month Planning Calendar**  
 Staffmember Byrne noted two items were added to the agenda for the July meeting. No other changes were made.
- 3. Street Standards Update**  
 Staffmember Mike Hertzig stated the "Larimer County Urban Area Street Standards" (Standards) are the adopted technical street design and construction standards for the cities of Fort Collins and Loveland and the Larimer County Growth Management Areas for Fort Collins and Loveland. The Standards were adopted in January 2001 and went into effect on March 1, 2001. They are available on the Internet.

When the Standards were adopted, a revision process was developed and included in the document. Staff from Larimer County, Fort Collins and Loveland will make periodic revisions to continually improve the document.

The document did go through a public process. The developers had their engineers participate as they are the users of the manual.

The entire document has been moved to Microsoft Word XP and reformatted. All of the agencies will be moving to the new program. "XP" is more stable for the complex format of the document. All drawings have been renumbered and divided into two categories: 1) "Figures" were placed at the ends of the chapters for designer aids, and 2) "Construction Drawings" were placed in Appendix "A", which contractors use for field construction. Larimer County reviewed and revised several areas of the document to align its street standard requirements with its code requirements. The original document contained several conflicts. Many corrections and clarifications were made to improve understanding and remove conflicting information.

Chapter 4 had quite a few changes dealing with Transportation Impact Studies. The consultants' engineers were very interested in that. Most of the contention was over Loveland's requirements, because they are more strict in some of their applications.

Councilmember Weitkunat asked about the requirements for subdrains in Loveland. She was unsure of what a subdrain is. Hertzog responded a subdrain drains groundwater. A drain that resembles perforated pipe is placed below the water table. The water seeps into the pipe and is carried off to a place where it drains. Generally, this occurs around houses under construction if there's a high water table. A subdrain will be installed and will drain the water out to the street.

Weitkunat asked if there are places where Fort Collins' streets and Loveland's streets abut each other. Staffmember Hertzog responded Fort Collins has different street cross section standards than Loveland. If the streets were to meet, staff would need to decide on a design for transitioning from one to the other.

Councilmember Weitkunat asked if an Access Control Plan has been developed, does Larimer County need to adhere to it.

Staffmember Ron Phillips stated the difference that we've experienced is that Larimer County may not require a developer to put in a street that the Fort Collins Standards would require. If the street gets built, it will follow the Access Control Plan and Standards. The difference lies in the area of what Larimer County requires the developer to do as to what Fort Collins requires.

Weitkunat asked about #16 – Pedestrian Facilities Design and Technical Criteria. If a sidewalk is widened less than 4 feet, the existing sidewalk must be removed and fully replaced. Hertzog responded there may be an existing 4-foot sidewalk and the requirement is five-foot sidewalks. Adding a one-foot width of concrete is unstable. So, if sidewalks need to be widened, they need to be widened to a sufficient width of stable concrete, or the sidewalk needs to be removed and rebuilt at five-feet wide.

Councilmember Kastein asked if our City street standards intersect with Larimer County's street standards. Hertzog responded the County adopted Fort Collins' street standards for the Urban Growth Area surrounding Fort Collins. Larimer County has adopted Loveland's street cross-section standards for the same thing.

#### **4. Fort Collins/Timnath/Windsor Community Separator Project Status Update**

Staffmember Greg Byrne stated Tom Vosburg will present the update on the Community Separator Project. He has been working with the towns of Timnath and Windsor. There has been some significant changes.

Vosburg stated there's a memo in the packet that outlines the background of the project and where it stands now. The project's scope of work envisioned working with the other jurisdictions to define a division of the community separator that relates to Windsor, Timnath and Fort Collins. In 1999, Council adopted a Regional Community Separator Study that looked at establishing separators throughout Northern Colorado.

The original line of thought was to work with the communities, clarify the vision for the separator, get the Plan adopted and seek GOCO funding to help implement the Plan. The Fort Collins / Timnath / Windsor Community Separator (FCTW CS) project team anticipated completing an ordinary GOCO Open Space application. As they were in the process, GOCO announced another opportunity to establish a Legacy Grant, which is a fundamentally different type of grant. Legacy grants are large scale and regional in scope. They are multi-year and multi-phased, so if a Legacy Grant is established, you can come back every couple of years with a different phase. Legacy grants are also more flexible than ordinary open space grants.

The FCTW CS project team revised its work plan to include developing a GOCO Legacy Grant application in the middle of the project as opposed to the end of the project. The application is due June 17<sup>th</sup>.

What the FCTW CS project team did in the course of producing the application was to contact all the area property owners. When the project first started, the project team was directed by their steering committee to emphasize close property owner contact early in the process, rather than developing a vision and announce it to the affected property owners at a public forum. The project team has contacted all the property owners in the study area.

Vosburg referred to a map that was in the packet. It is a map of the regional framework that was adopted in the original 1999 study. It shows the Fort Collins/Timnath/Windsor Separator area. Early into the project, the project team was looking at a large rectangular separator area. Most of that area is a river valley that has for a long time been identified in the Natural Areas Policy Plan as a high priority for protection.

There is an area above the river valley known as the "uplands". While the project team were in the property owner contact phase they discovered that almost the entire "uplands" area is under one ownership. The property owner has clear development plans. The land is currently agricultural, and the project team was hoping he would keep it agricultural, so there might be the opportunity for conservation easements, and establishing a working agricultural landscape as a community separator between the two towns.

The property owner wants to take a philanthropic approach to development in Timnath with a variety of civic amenities he would like to provide the town. He is working with the Larimer County Open Lands Program and the Nature Conservancy to do substantial open space preservation in northern Larimer County.

In tandem with this project, Timnath is revising their Comprehensive Plan to respond to very large annexation requests that are also located in the heart of the FCTW CS project study area. They are doing land use planning and developing a vision for the area.

The town of Timnath and the local property owners are interested in trying to establish a separator between Timnath and Fort Collins. That was not represented in the original 1999 graphic. There are only a few property owners involved, and after contact with them, they are not hostile to the idea. They are open to conservation easements.

The emerging separator vision is the river and the area to the north. The river has gravel underneath it so it will be mined, and then reclaimed. The area to the north is not prime habitat area; it's mostly dry land farming. This is not consistent with the priorities that are in the existing Natural Areas Policy Plan. One of the things coming out of the Study will be if there is support for the vision of a separator between Fort Collins and Timnath, what are the tools to make it a reality.

Then, we need to ask the question – Is it appropriate for the City of Fort Collins to participate financially in the Open Lands Program?

The project steering committee feels it's important for this project to create some type of document that all the jurisdictions would adopt and recognize as being a vision. It will be a "lightweight" document. The graphic will be changed so the northern separator is legitimized in the eyes of GOCO as part of the separator.

Councilmember Weitkunat asked if Fort Collins applies for the Legacy Grant, does that put the financial burden on Fort Collins? Vosburg responded that actually Larimer County will be applying for the grant. Within that there are partners - the partners are the different jurisdictions that are willing to put money towards individual projects within the grant.

##### **5. East Mulberry Corridor Plan**

Staffmember Pete Wray began the presentation. Staff is in the final stage of the planning process; there's been over two years worth of work done. They have developed the principals and policies for the Plan and continue to meet with property owners. Key pieces they are working towards achieving are concurrent with plan adoption and amending existing plans. They anticipate having amendments to the City Structure Plan, based on observations of the framework, the Master Street Plan, and Parks and Recreation Master Plan. They are also working on some agreed-upon development standards for the East Mulberry area, similar to what they did in the Fossil Creek southeast area where they came up with some specific standards for properties not eligible for annexation that the County would include in supplemental regs to their Code. They would add to the work that was done at Fossil Creek to come up with additional standards for this area. Staffmember Joe Frank stated these would be standards that the County would apply to development coming to the County.

The large retail standards are within the GMA. There will probably be some minor amendments to our own standards. There are several other strategies that will be pursued after plan adoption. Some examples of those are development of a resource management plan for the Cooper Slough area – similar to what was done at Fossil Creek, where they will work with Natural Resources, consultants and ongoing field work with the Division of Wildlife to develop a holistic management plan.

Other things that won't be accomplished by the end of summer are some of the big issues like the floodplain regulations, setback differences between the City and County. An example would be the Cooper Slough area – the City has a setback standard of 300 feet, while the County's setback area is 150 feet.

There are two more Citizen Advisory Committee meetings in June and July. The next final public open house will be on July 22, and there is a Study Session with City Council on July 9<sup>th</sup>. Wray stated the County is planning to have their final hearing with the Planning Commission and the Commissioners in a single adoption hearing. If this changes, staff will let you know.

The Planning and Zoning Board will have their presentation the first week in August, and the City Council on August 20<sup>th</sup>.

Councilmember Weitkunat stated she remembers a discussion on employment districts. Where are they being sited? Staffmember Wray stated the framework plan identified two locations. They looked at two areas – transitional small employment growth to larger employment base. A lot of the industrial parcels cater to smaller, start-up businesses. They wanted to look for opportunities for growth. One is at the Greenfields location and the other is Timberline and Mulberry. There is a smaller piece at Lincoln and Lemay. This is the piece staff is struggling over.

City Structure Plan and zoning identifies this parcel as industrial, and the Plan supports changing that to employment. The Vine intersection will have a grade separation through the southern end of Andersonville.

There was discussion as to what types of development are allowed in the E, Employment zone. The original industrial zone will work here, but they felt E, employment or MMN would provide a better opportunity for transition, and separates industrial uses.

There is a 14.3-acre parcel of ground that the property owner would like the zoning to not be E, Employment.

Councilmember Weitkunat asked where are there opportunities for housing in this area. Wray pointed them out on the map. The intersection of Lincoln/Lemay is becoming very strategic with the WalMart and Buffalo Run apartments right there.

Weitkunat asked about the traffic that would be generated by more housing, and how it would affect the Vine/Lemay intersection. Staffmember Joe Frank responded that the property owner has indicated he would heavily buffer this development. But by buffering, the neighborhood then has no connectivity to the rest of the area. That's why the Employment District is designed to design it with employment and residential working together versus MMN where the location has to be buffered and cut off from the neighborhood. The property owner is worried that he wouldn't be able to draw employment.

Staffmember Byrne stated he has argued from the perspective of what he wants to develop. Weitkunat stated she's looking at the proximity from downtown. Technically, it's not that far. The development area along Lincoln needs to be looked at in conjunction with the future of the golf course.

Councilmember Weitkunat stated she realizes the Cooper Slough is a sensitive area, but is there any connection to east/west in the final quadrant towards the Cooper Slough and the residential area. Wray responded no. Weitkunat asked if there was any possibility of paralleling the railroad with an east/west connection?

Wray stated the modeling that was done for this area concluded the frontage road system handled the traffic in this area.

Weitkunat asked about the airport overlay – Is this a separate plan? Wray stated they are looking at two things with the long-term overlay - the potential for some new street connections if that area changes, and some expanded or different land uses. It's a plan to have in place if the airport chooses to suspend operations.

Councilmember Kastein asked is staff is working on costs for annexing lands in the Study area. Wray stated they are working on some preliminary figures for most of the anticipated public improvements for this area – minus a few service areas. They are working on identifying costs for transportation and for new streets in the area. Developers would probably build the streets and the City would take over maintaining them.

An analysis will be done between existing development and new streets, and provide for other services like police, fire and library. Wray stated improvements like storm drainage and transportation keep getting bigger. The County is looking at a Dry Creek utility district. There is also an existing storm drainage problem for the area lacking curb, gutter and sidewalk and below ground drainage. They have the costs for the 14 interchange project, the Access Management Plan, the Vine Interchange, and the Timberline – Vine/Lemay bypass. Those are related projects that they already have information on.

The meeting adjourned at 6:00 p.m.



## LAGUNITAS COMPANIES

3944 JFK Parkway, Fort Collins, CO 80525  
970-226-5000 • Fax 970-226-5125

To: East Mulberry Corridor Plan Citizens Advisory Committee Members  
Pete Wray, Advance Planning, City of Fort Collins

From: Jon Prouty

Date: May 28, 2002

Re: Westernmost 14.3 acres of property in East Mulberry Corridor Plan /  
Zoning Request

We have under contract the 14.3 acres of "Webster" property which are the 14.3 westernmost acres in the East Mulberry Corridor plan.

Our proposed plan for this property has always been for residential uses which will be transitional between the multi-family residential to the south and the single-family residential to the north, and also transitional from the established Old Town urban uses and the evolving mixed uses between Old Town and this site, and the airport area industrial uses.

It is our view, after considerable research, that our property here is simply not developable zoned as Employment. The reason quite simply is given the established industrial nature of the area it is not a place where Employment uses, particularly business and professional offices, will move to. And there are too many excellent alternative sites.

Another major consideration, we believe, is that in the immediate neighborhood, now encompassing Wal-Mart, commercial development south of Wal-Mart, the entire airport industrial area, and the mixed and developing uses between this site and downtown, there is virtually no Residential being provided, with the exception of the multi-family just north of Wal-Mart. In the context of the neighborhood then, we believe this project is an excellent mixed-use opportunity which will provide quality entry-level residential - patio homes and condos for purchase - immediately proximate to all these workplaces.

And a supplemental benefit, we believe, is having a small residential neighborhood here - perhaps 300 units or so, including the existing multi-family rentals - will achieve many City plan mixed-use objectives and contribute to the diversity, vitality, health and stability of the overall neighborhood.

In addition, there is the opportunity for this mixed-use neighborhood to be an exceedingly attractive place to live: proximate to work, next to the golf course, proximate to shopping and services, a stone's throw from the Poudre bike / ped path and only about half a mile from Old Town.

Perhaps the biggest contribution our proposed plan can make to the East Mulberry Corridor Plan is to take the first big positive unequivocal step toward attractive, well-planned development at the west end of the corridor, which development will make it much easier for other owners and developers to move ahead with attractive light industrial development and redevelopment in this area with the confidence that they will be well received by the banks and the market.

\*

Accordingly, we respectfully request that you recommend that the East Mulberry Corridor Plan be finalized to include the recommendation of M-M-N zoning for our parcel of property. We believe this is the best zoning for this unique piece of property at the west end of the East Mulberry Corridor, and it will make the East Mulberry Corridor Plan consistent with the rezoning application we presently have in process with the City of Fort Collins.

Thank you.

Sincerely,



Jon Prouty

JP/hlb

Enclosure

FT. Collins Downtown Airport  
2200 Airway Ave  
FT. Collins Colorado

Pete Wray  
City of FT. Collins Planning Dept

March 26, 2003

We are very concerned about residential uses near the FT. Collins Downtown Airport.

The airport has for approximately 45 years featured daily low level flight in its immediate vicinity.

The properties within the perimeter as described below must permit imposition upon such property of the noise, vibration, discomfort, inconvenience and other interference with use due to the regular operation of aircraft to and from the Fort Collins Downtown Airport.

This area is loosely defined as that being north of the Poudre River, east of Lemay Ave, south of Country Club Road and County Road 50 (also known as Mountain Vista Dr) and west of Interstate 25

Cordially  
CLAIR H. McMillen Pres.

**Staff Response to Proposed Medium Density Mixed-Use Neighborhood (MMN) Amendment to the Structure Plan, East Mulberry Corridor Plan and Zoning Map from James Webster, property owner of Parcel # (87072-00-002).**

**Date: 3-26-03**

Throughout the East Mulberry Corridor Plan process, several alternative land uses were assessed for this area including maintaining Industrial and changing Industrial to residential or employment uses.

During the East Mulberry Corridor Plan process in the spring 2002, a representative on one of the properties (Parcel # 87072-00-002) requested a land use designation of (MMN) Medium Density Mixed-Use Neighborhood. The proposed land use change was discussed between staff and the Planning and Zoning Board Work Sessions held on June 14 and July 12, 2002. In addition, the item was discussed at the August 20, 2002 City Council Study Session. During these discussions, staff did not receive support for MMN land use designation, but did for Employment.

As a result of the notification for the East Mulberry Corridor Plan Rezoning, the owners of Parcel # 87072-00-002 challenged the rezoning of Employment. Mr. James Webster is requesting City Council support an amendment to the Structure Plan, East Mulberry Corridor Plan and City Zoning Map to reflect Medium Density Mixed-Use Neighborhood (MMN) on their property.

**Context of the Proposed Structure Plan Amendment**

The City Structure Plan is the primary basis for zoning decisions. An amendment is a prerequisite to this rezoning request.

To recommend approval of this proposal, staff and the Planning and Zoning Board have to find that: 1) the existing Structure Plan is in need of change; and 2) the proposed changes would promote the public welfare and be consistent with the vision, goals, principles, and policies of City Plan. These are the applicable criteria, contained in Appendix C of City Plan.

**Evaluation of the Proposed Structure Plan Amendment**

The decisive points in the analysis are:

- a. As an MMN District, the property would not form "a transition and a link between surrounding neighborhoods and the neighborhood commercial district". Nor would it "function together with adjacent low density neighborhoods and the commercial core" in an integral way. Lemay Avenue separates the existing Andersonville neighborhood, which is a

major arterial street. The Wal Mart Shopping Center is not a Neighborhood Commercial District. Medium Density Mixed-Use Neighborhoods are typically located and associated with an adjoining Neighborhood Commercial District as stated in City Plan Policy MMN – 3.2. These are fundamental policies for accommodating higher density housing in MMN areas.

- b. It would not form a "unifying pattern of streets and blocks" due to disconnections in existing development and proposed streets. Disconnections due to existing development will pose constraints on connectivity. According to City Plan, residents should be able to easily get to the Neighborhood Commercial Center without the need to use an arterial street. Direct access to Wal Mart can only be achieved by traveling down Lemay Avenue around the Buffalo Run Apartments.
- c. As part of the East Mulberry Corridor Plan process, the existing Fort Collins Downtown Airpark is recognized as a viable airport operation and residential land uses should be minimized within close proximity to this industrial use for safety and compatibility reasons.

In evaluating the requested Structure Plan Amendment, Staff has considered and discussed a number of other points that can be made in favor of a need to change the Structure Plan. These are acknowledged below:

- a. The property is "within a 1/4 mile of NC zone" (quote from City Plan), and arguably "within easy walking distance of transit and a commercial district" (quote from Land Use Code). The existing Wal Mart Shopping Center has the appearance of a Neighborhood Commercial District, even though it is not officially described as one.
- b. There is no other property meeting these criteria available to accommodate MMN zoning in association with the NC district in this immediate area. The East Mulberry Corridor Plan identifies MMN adjacent to the future NC District north of Highway 14 and Greenfields intersection. The Buffalo Run Apartments have the appearance of a Medium Density Mixed-Use Neighborhood, yet fall within the Commercial Zoning District.
- c. "Buildings, streets, paths, open spaces, and parks [can] be configured to form an inviting and convenient living environment" (quote from LUC).
- d. As a general principle, higher density infill is more efficient in the use of land, water, infrastructure, energy, and all other resources. From a broad city-wide perspective, this opportunity for multi-family housing could be captured despite the imperfect fit with MMN policies, if a degree of flexibility in applying the policies can be provided.

- e. While the property can not achieve the integral, unifying pattern of streets and blocks to thread LMN, MMN, and NC areas together as envisioned, this is not unprecedented where barriers exist. Development review of an actual project would require the developer to come as close as possible given the constraints.

While Staff acknowledges these supporting arguments, they are not clear or relevant enough to overcome the problems with the request. Also, the support of owners, both on the subject property and adjoining properties, is acknowledged. Despite these considerations, there is not an adequate policy basis to implement this request, and the owners' support does not create a need to change the plan.

#### **4. Rezoning Request:**

In order for City Council to recommend approval of this proposal, the Council would have to find that the rezoning is:

- (a) Consistent with the City's Comprehensive Plan; and/or
- (b) Warranted by changed conditions within the neighborhood surrounding and including the subject property."

The above criteria are found in subsection 2.9.4[H][2] of the Land Use Code, which defines mandatory requirements for quasi-judicial rezonings. In addition, the following subsection 2.9.4[H][3] lists additional factors that may be considered along with the mandatory requirements for this type of quasi-judicial rezoning, as follows:

"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;
- 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 environment'; and
- c. whether and the extent to which the proposed amendment would result in a logical and orderly development pattern."

#### **5. Staff analysis - rezoning request.**

*Is the request consistent with the City's Comprehensive Plan?*

No, for the reasons explained above in the evaluation of the Structure Plan Amendment.

*Have conditions changed in the neighborhood to warrant the rezoning?*

The representative of the property owner contends that recent development of the Mulberry & Lemay Crossing Center and adjacent Buffalo Run Apartments represent changed conditions warranting revised land use designations for higher density housing.

Staff disagrees with the contention that these are changed conditions that create a need to change the zoning. For the reasons mentioned above in the evaluation of the Structure Plan Amendment, the Wal Mart shopping center is not a neighborhood commercial district, nor does Buffalo Run Apartments meet the criteria of a Medium Density Mixed-Use Neighborhood. City Plan acknowledges this community shopping center developing, but not linking it with Medium Density Mixed-Use Neighborhoods.

*Is the rezoning request compatible with existing and proposed uses surrounding the subject land and is it the appropriate zoning district for the land?*

Not to an adequate degree, for the reasons explained above in the evaluation of the Structure Plan Amendment.

*Will the rezoning have adverse effects on the natural environment?*

The property in question is an existing open field. Staff has not initially determined any adverse effects on the natural environment at this time.

*Will the rezoning result in a logical and orderly development pattern?*

Not to an adequate degree, as the disconnections and discontinuity explained above in the evaluation of the Structure Plan Amendment outweigh any benefits of the higher density.

## **FINDINGS OF FACT/CONCLUSIONS**

After reviewing the proposed request for Rezoning and Amendment to the Structure Plan, staff makes the following findings of fact and conclusions as explained above:

1. This request for a Structure Plan amendment does not adequately demonstrate a need to change the designation. Such a change would not be consistent with the City's Comprehensive Plan.
2. This rezoning request is not consistent with the City's Comprehensive Plan, based on the Structure Plan designation and the policies for MMN designation.

3. The proposed rezoning does not appear to potentially result in adverse impacts on the natural environment.
4. The proposed rezoning would not result in a logical and orderly pattern.



FT. Collins Downtown Airport  
2200 Airway Ave  
FT. Collins Colorado

Pete Wray  
City of FT. Collins Planning Dept

March 26, 2003

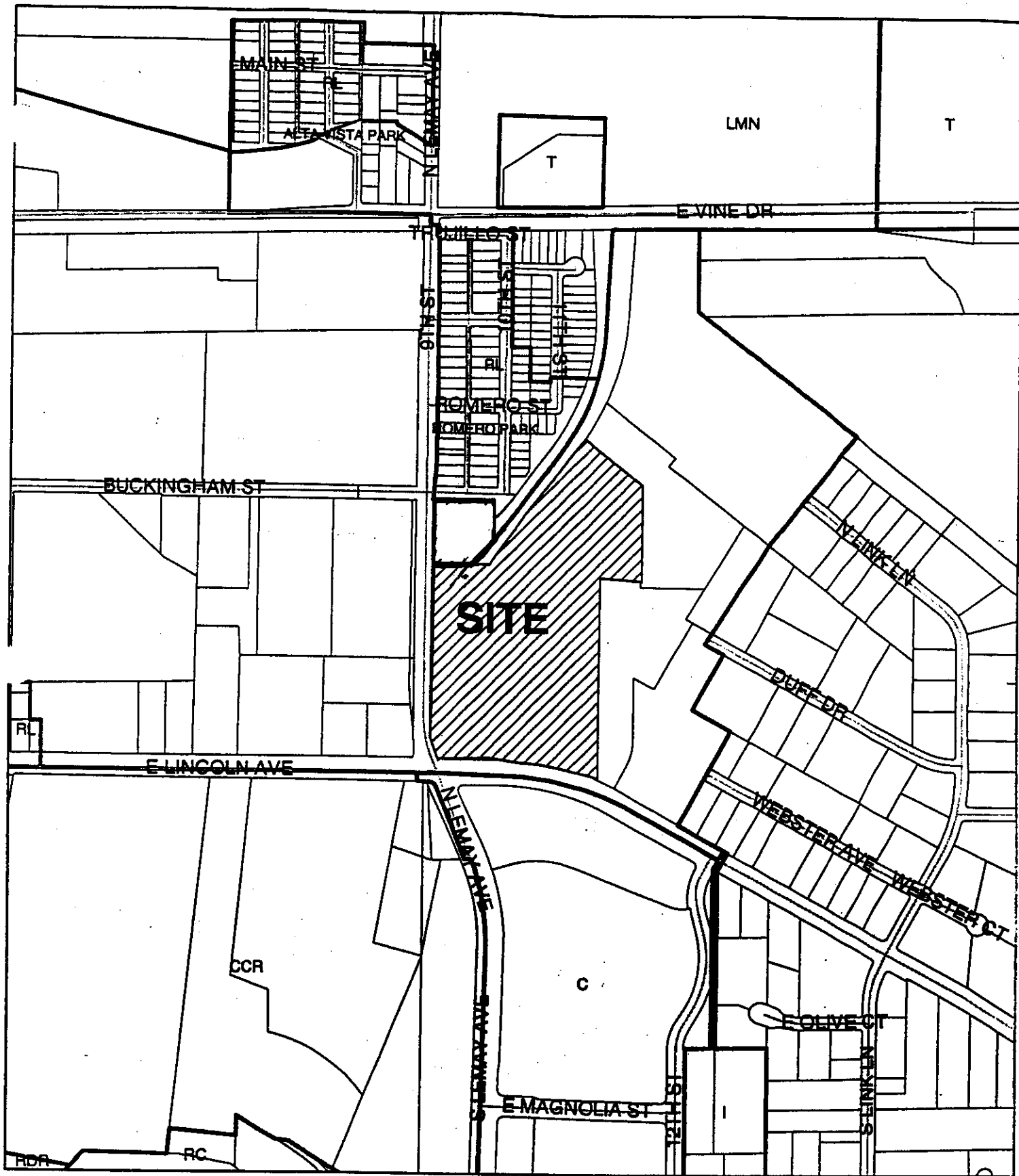
We are very concerned about residential uses near the FT. Collins Downtown Airport.

The airport has for approximately 45 years featured daily low level flight in its immediate vicinity.

The properties within the perimeter as described below must permit imposition upon such property of the noise, vibration, discomfort, inconvenience and other interference with use due to the regular operation of aircraft to and from the Fort Collins Downtown Airport.

This area is loosely defined as that being north of the Poudre River, east of LeMay Ave, south of Country Club Road and County Road 50 (also known as Mountain Vista Dr) and west of Interstate 25

Cordially  
Clair H. McMillen Pres.



2/20/03

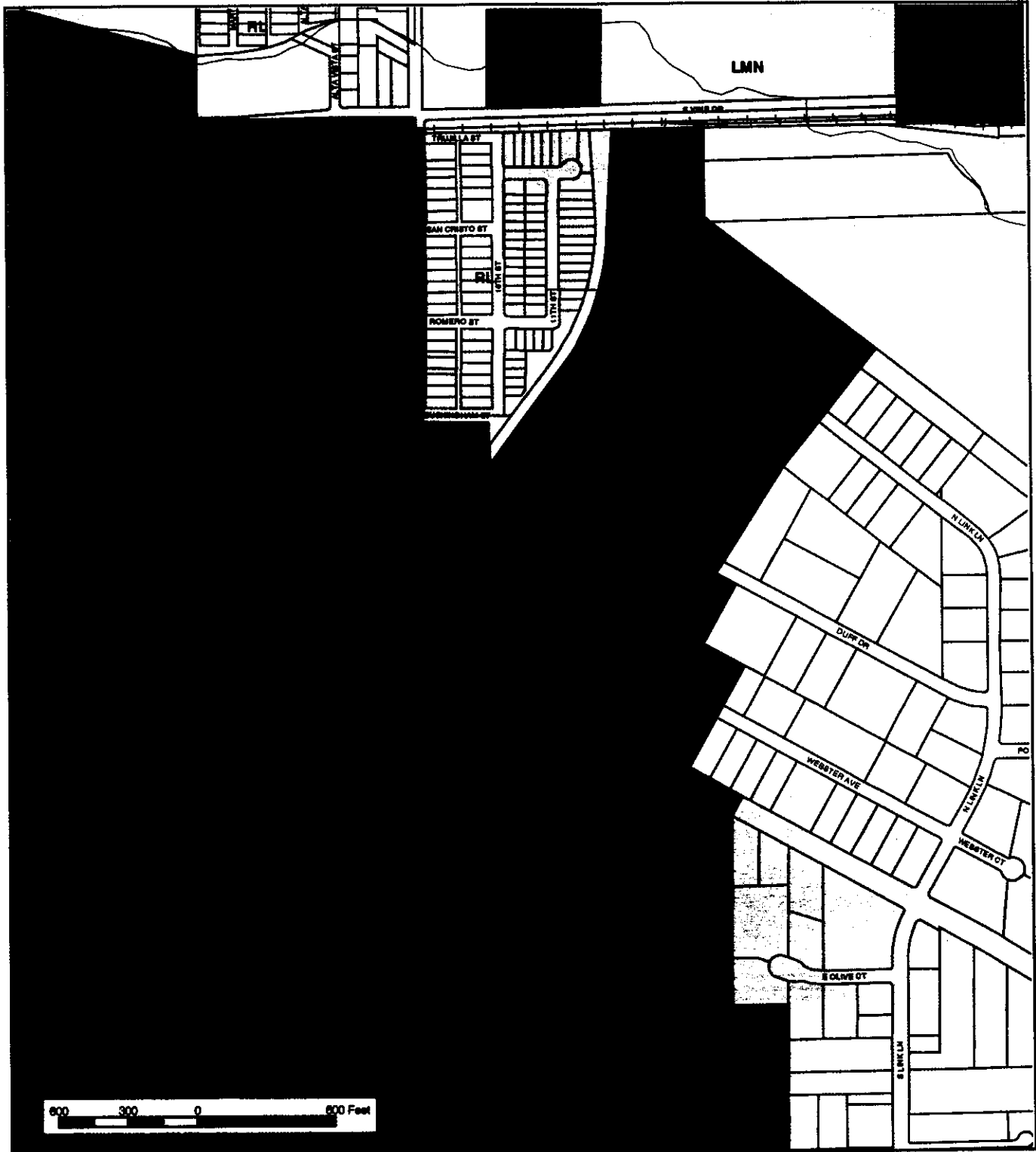
# East Mulberry Corridor Plan Rezone Type II (LUC)

1 inch = 600 feet





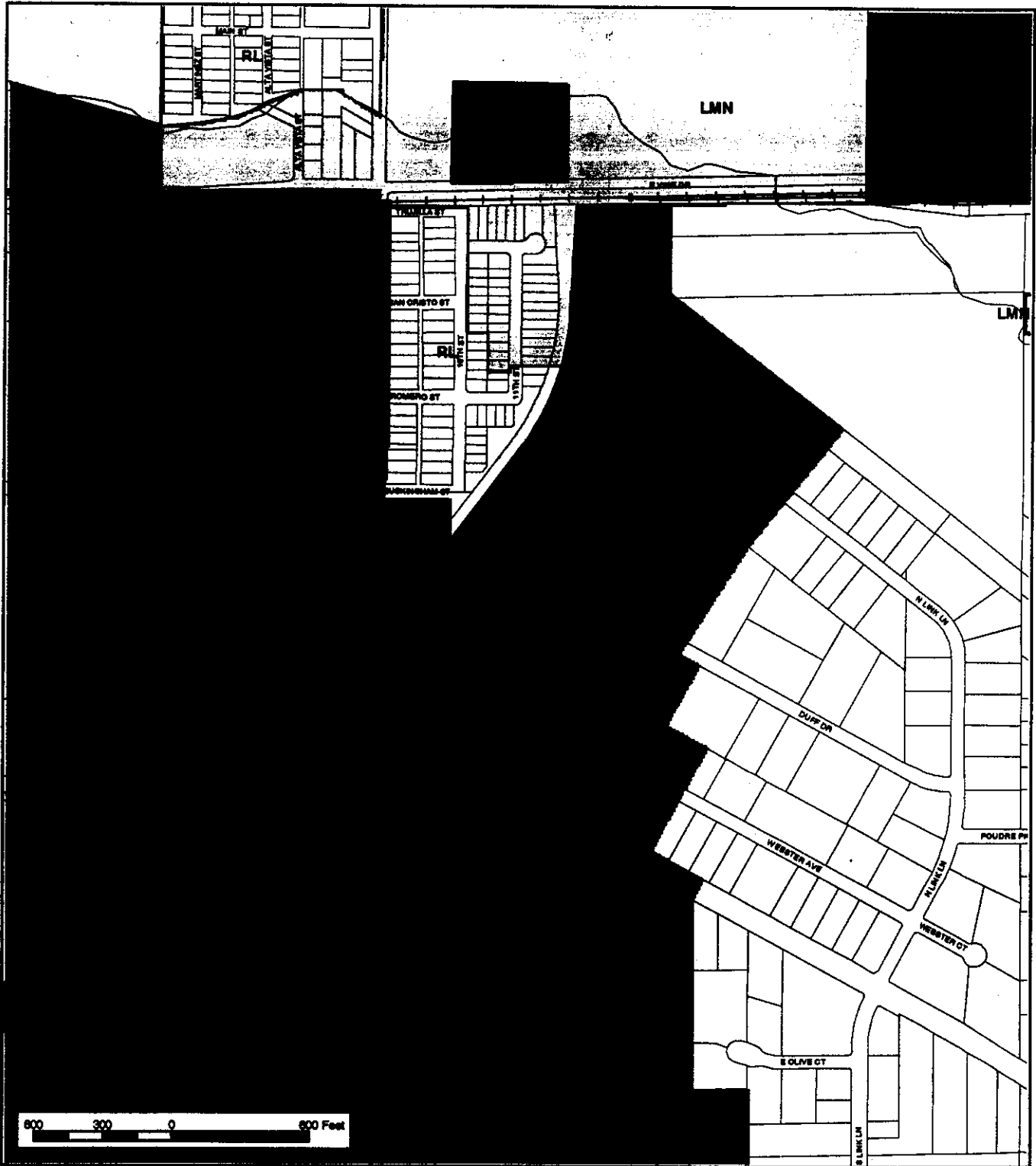
# City of Fort Collins Existing Zoning



| Legend |  |  |  |
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# City of Fort Collins Staff's Recommended Configuration



| Legend |                                       |  |  |
|--------|---------------------------------------|--|--|
|        | <b>ZONE</b>                           |  | Commercial North College                 |
|        | Community Commercial                  |  | CBU                                      |
|        | Community Commercial North College    |  | Downtown                                 |
|        | Community Commercial Poudre River     |  | Employment                               |
|        | Commercial                            |  | Historic Corridor                        |
|        | Unincorporated                        |  | Industrial                               |
|        | High Density Mixed-Use Neighborhood   |  | Neighborhood Conservation Medium Density |
|        | Low Density Mixed-Use Neighborhood    |  | Public Open Lands                        |
|        | Medium Density Mixed-Use Neighborhood |  | River Conservation                       |
|        | Neighborhood Commercial               |  | River Downtown Redevelopment             |
|        | Neighborhood Conservation Buffer      |  | Residential Footcills                    |
|        | Neighborhood Conservation Low Density |  | Low Density Residential                  |
|        |                                       |  | Transit                                  |
|        |                                       |  | Urban Sites                              |
|        |                                       |  | Parcels                                  |
|        |                                       |  | Water Features                           |
|        |                                       |  | Urban Growth Area Boundary               |
|        |                                       |  | Railroad Line                            |