

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 18

DATE: November 2, 1999

STAFF: Troy W. Jones

SUBJECT:

Hearing and First Reading of Ordinance No. 164, 1999, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Elizabeth Street Apartments Rezoning

RECOMMENDATION:

Staff and the Planning and Zoning Board recommend adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY:

This is a request to rezone approximately 1.925 acres of property located on the north side of West Elizabeth Street between Constitution and City Park Avenue. The property is currently, and has historically been, owned by CSU, and was therefore never zoned. The requested zoning is MMN - Medium Density Mixed-Use Neighborhood District.

APPLICANT: Deborrah Willard, Affordable Housing Alliance II
and
Andres Plett, Kaufman & Broad Multi-housing Group

OWNERS: Colorado State University Research Foundation (CSURF) contact: Julie Birdsall

The Affordable Housing Alliance II and Kaufman & Broad Multi-housing Group have established a partnership called "Elizabeth Street Housing Investors L.P." which have the property under contract to purchase from CSURF. CSURF has given this partnership the authority to act as the applicant on this rezoning petition. The Affordable Housing Alliance II will manage the property once it is built, and be the managing general partner of the partnership, while Kaufman & Broad Multi-housing Group will act as the developer, and be the limited partner of the partnership. Both CSURF and the Elizabeth Street Housing Investors L.P. have reserved the right to withdraw the petition for annexation at any time prior to the roll call of the second reading of the city Council.

BACKGROUND:

The property is part of the "College Addition to the City of Fort Collins" which was annexed to the city on June 28, 1956.

The surrounding zoning and land uses are as follows:

- N: MMN: Existing student housing (Fort Ram Village),
CSU; Existing student housing (married student housing),
- S: MMN; West Elizabeth Street, existing single family housing, existing
Multi-family housing,
- CC: West Elizabeth Street, existing fast food restaurant, existing
convenience store with fuel sales,
- RL: Existing single family housing,
- E: CSU: Existing parking lot for Fort Ram Village,
CC: City Park Avenue, existing retail establishments,
- W: MMN; Existing student housing (Fort Ram Village), Constitution Avenue.

Zoning and Analysis

The applicant filed a rezoning petition with the City on August 6, 1999 requesting initial zoning from CSU land to MMN - Medium Density Mixed-Use Neighborhood District.

The purpose of the MMN zoning district (Section 4.5 of the Land Use Code) is to be a setting for concentrated housing within easy walking distance of transit and a commercial district, and to form a transition and a link between surrounding neighborhoods and the commercial core. This site is located between existing highly concentrated housing (Fort Ram Village) and an existing commercial district (Campus West), and would satisfy the purposes of the MMN zoning district. Rezoning the property to MMN would extend the MMN district that exists to the north and west. The proposed zoning is also consistent with the City's adopted Structure Plan, a part of the Comprehensive Plan.

PLANNING AND ZONING BOARD RECOMMENDATION:

On October 21, 1999, the Planning and Zoning Board, by a vote of 6-0, recommended that the Council approve the request for a change of zoning from unzoned CSU property to MMN - Medium Density Mixed-Use Neighborhood Zoning District.

ORDINANCE NO. 164, 1999
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 ELIZABETH STREET APARTMENTS REZONING

WHEREAS, Division 1.3 of the Land Use Code of the City of Fort Collins establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.8 of the Land Use Code of the City of Fort Collins 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.

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 of the City of Fort Collins be, and the same hereby is, amended by changing the zoning classification from CSU (not zoned), to "MMN", Medium Density Mixed-Use Neighborhood Zone District, for the following described property in the City known as the Elizabeth Street Apartments Rezoning:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 AS BEARING NORTH 89 DEGREES 23 MINUTES 40 SECONDS WEST FROM A FOUND 3/4 " ALUMINUM CAP IN RANGE BOX AT THE EAST QUARTER CORNER OF SAID SECTION 15 TO A FOUND 3/4 " ALUMINUM CAP IN RANGE BOX AT THE CENTER QUARTER CORNER OF SAID SECTION 15 AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 15; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, NORTH 89 DEGREES 23 MINUTES 40 SECONDS WEST, 1359.05 FEET; THENCE, NORTH 00 DEGREES 08 MINUTES 25 SECONDS EAST, 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF

ELIZABETH STREET; THENCE ALONG SAID NORTH LINE, NORTH 89 DEGREES 23 MINUTES 40 SECONDS WEST, 627.42 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 23 MINUTES 40 SECONDS WEST, 374.18 FEET; THENCE NORTH 12 DEGREES 31 MINUTES 57 SECONDS EAST, 158.98 FEET; THENCE, NORTH 52 DEGREES 31 MINUTES 57 SECONDS EAST, 120.00 FEET; THENCE, NORTH 65 DEGREES 31 MINUTES 57 SECONDS EAST, 120.00 FEET; THENCE, SOUTH 87 DEGREES 13 MINUTES 54 SECONDS EAST, 112.77 FEET; THENCE, SOUTH 02 DEGREES 27 MINUTES 19 SECONDS EAST, 87.59 FEET; THENCE, SOUTH 12 DEGREES 28 MINUTES 50 SECONDS EAST, 87.04 FEET; THENCE, SOUTH 00 DEGREES 00 MINUTES 21 SECONDS WEST, 103.90 FEET TO THE POINT OF BEGINNING.

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 of the City of Fort Collins be, and the same hereby is, 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 2nd day of November, A.D. 1999, and to be presented for final passage on the 16th day of November, A.D. 1999.

Mayor

ATTEST:

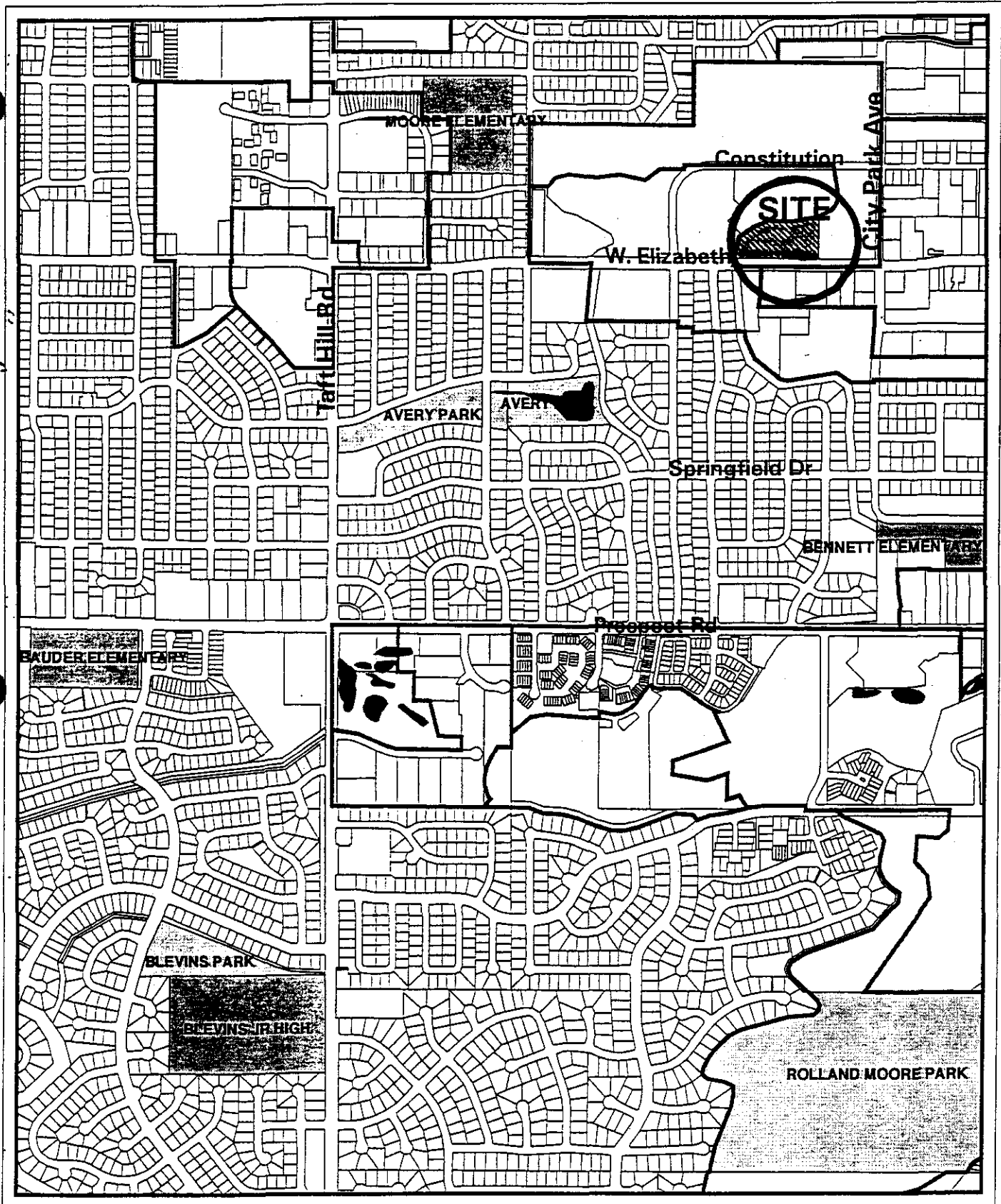
City Clerk

Passed and adopted on final reading this 16th day of November, A.D. 1999.

Mayor

ATTEST:

City Clerk

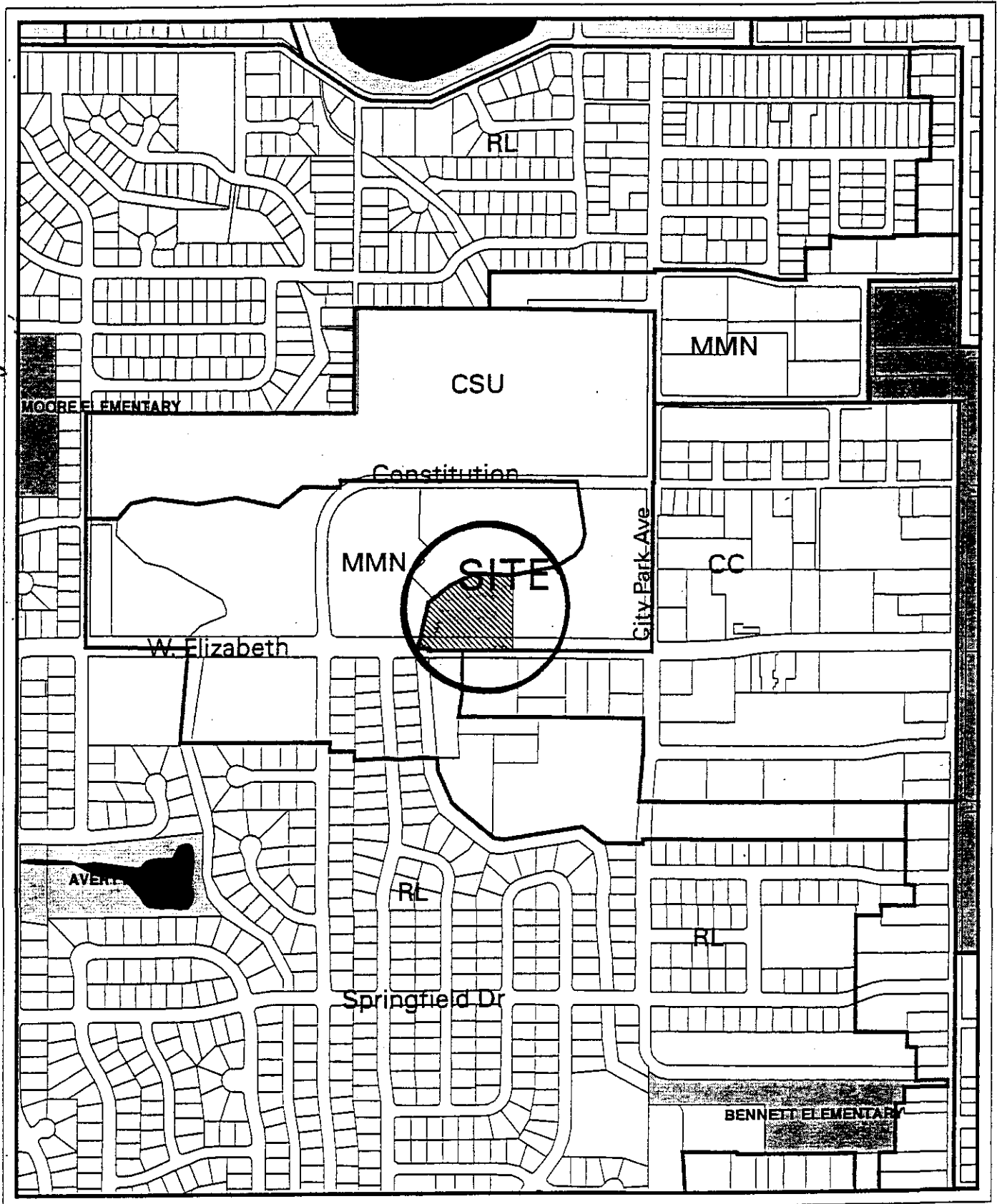


VICINITY MAP

10/06/99

#19-99 Elizabeth Street Apartments REZONE

1" = 1000'



VICINITY MAP

10/06/99

#19-99 Elizabeth Street Apartments REZONE

1" = 600'



City of Fort Collins

ITEM NO. 5

MEETING DATE 10/21/99

STAFF Troy Jones

PLANNING AND ZONING BOARD

STAFF REPORT

PROJECT: Elizabeth Street Apartments Rezone, #19-99

APPLICANT: Deborrah Willard
Affordable Housing Alliance II, Inc.
2600 Michelson, Suite 1050
Irvine, CA 92612

OWNERS: Colorado State University Research Foundation
C/O Julie Birdsall
P.O. Box 483
Fort Collins, CO 80522

PROJECT DESCRIPTION:

This is a request to rezone approximately 1.925 acres of property located on the north side of West Elizabeth Street between Constitution and City Park Avenue. The property is currently, and has historically been, owned by CSU, and was therefore never zoned. The requested zoning is MMN - Medium Density Mixed-Use Neighborhood District.

RECOMMENDATION: Approval

EXECUTIVE SUMMARY:

1. The North College Rezone, File #19-99 is consistent with the City's Comprehensive Plan.
2. The proposed rezoning to MMN – Medium Density Mixed-Use Neighborhood is compatible with existing and proposed uses surrounding the subject land.
3. The proposed zoning district is appropriate for this property.
4. The proposed rezoning will not result in significantly adverse impacts on the natural environment.
5. The proposed rezoning results in a logical and orderly development pattern.

COMMENTS:

1. Background:

The surrounding zoning and land uses are as follows:

- N: MMN: Existing student housing (Fort Ram Village),
CSU; Existing student housing (married student housing),
- S: MMN; West Elizabeth Street, existing single family housing, existing
multifamily housing,
- CC: West Elizabeth Street, existing fast food restaurant, existing
convenience store with fuel sales,
- RL: Existing single family housing,
- E: CSU: Existing parking lot for Fort Ram Village,
CC: City Park Avenue, existing retail establishments,
- W: MMN; Existing student housing (Fort Ram Village), Constitution Avenue.

The property is part of the "College Addition to the City of Fort Collins" which was annexed to the city on June 28, 1956.

2. Petition For Rezoning

The applicant filed a rezone petition with the city on August 6, 1999 requesting initial zoning from CSU land to MMN – Medium Density Mixed-Use Neighborhood District.

3. Provisions of the MMN – Medium Density Mixed-Use Neighborhood District

The purpose of the MMN zoning district (Section 4.5 of the Land Use Code) is to be a setting for concentrated housing within easy walking distance of transit and a commercial district, and to form a transition and a link between surrounding neighborhoods and the commercial core.

This site is located between existing highly concentrated housing (Fort Ram Village) and an existing commercial district (Campus West), and would satisfy the purposes of the MMN zoning district.

4. Land Use Code Criteria For Rezoning

Section 2.8.4[H][2] of the Land Use Code outlines mandatory requirements for quasi-judicial rezonings. This section states:

"Any amendment to the Zoning Map involving the zoning or rezoning of six hundred forty (640) acres of land or less shall be recommended for approval by the Planning and Zoning Board or approved by the City Council only if the proposed amendment 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."

In addition, Section 2.8.4[H][3] outlines 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;
- (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;
- (c) whether and the extent to which the proposed amendment would result in a logical and orderly development pattern."

5. Analysis

a. Is the request consistent with the City's Comprehensive Plan?

The property is identified as "Medium Density Mixed-Use Residential" on the Structure Plan Map. The MMN – Medium Density Mixed-Use Neighborhood zoning district is consistent with this Structure Plan designation.

b. Is the rezone request compatible with existing and proposed uses surrounding the subject land and is it the appropriate zone district for the land?

The requested zoning is compatible with all existing land uses. Student housing uses exist to the west and north. A fast food restaurant, a convenience store with fuel sales, and single family housing all exist

across West Elizabeth to the south. The parking lot for student housing exists to the east. Further to the east is the Campus West retail area. The property is a logical extension of an existing piece of the MMN zoning district.

- c. Will the rezoning result in significantly adverse impacts on the natural environment?

There are no significant environmentally sensitive areas associated with the subject property. There are no wetlands on the site. Current air quality and noise levels along West Elizabeth Street would not change significantly as a result of any development that would be allowed due to this rezone.

- d. Will the rezoning result in a logical and orderly development pattern?

This property is located within the existing developed area of the City of Fort Collins, and should it develop, would be able to utilize the existing logical and orderly development pattern provided by the site's proximity to West Elizabeth Street, Constitution Avenue, and City Park Avenue.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Elizabeth Street Apartments Rezone, File #19-99, staff makes the following findings of fact and conclusions:

1. The Elizabeth Street Apartments Rezone, File #19-99, is consistent with the City's Comprehensive Plan.
2. The proposed rezoning is compatible with existing and proposed uses surrounding the subject land.
3. The proposed zoning district is appropriate for this property.
4. The proposed rezoning will not result in significantly adverse impacts on the natural environment.
5. The proposed rezoning results in a logical and orderly development pattern.

Elizabeth Street Apartments Rezone, File #19-99
October 21, 1999 P & Z Meeting
Page 5

RECOMMENDATION:

Staff recommends approval of the Elizabeth Street Apartments Rezone, File #19-99.

CITY OF FORT COLLINS
REZONING PETITION

Petitioner:

Name:

Address:

Deborrah A. Willard
Affordable Housing Alliance II, Inc.

2600 Michelson Drive.
Ste. 1050
Irvine, CA 92612

Owner:

Name

Address

Colorado State University Research
Foundation
Julie Birdsall

P.O. Box 483
Fort Collins, CO 80522

To the City Council of the City of Fort Collins, Colorado.

I (We), the undersigned, do hereby respectfully petition and request that the City Council amend the zoning ordinance of the City of Fort Collins by changing the zoning of the hereinafter described parcel, containing 1.925 acres, more or less, from no zoning district to MMN zoning district:

The Petitioners and/or the Property owner reserve the right to withdraw this petition and their signatures therefrom at any time prior to the commencement of the roll call of the City Council for the vote upon the second reading of the rezoning ordinance.

(Legal description)

Reason for Request: (Please attach additional sheets if more space is needed.)

Property owner is under contract to sell property to petitioner for the development of a 50-unit affordable, senior (age-restricted) apartment project.

Please attach listing of names and addresses of all persons owning land (as per Larimer County Assessor's office on date of request) within 500 feet of any portion of the area under petition for rezoning.

Respectfully submitted.

Deborah A. Willard

Affordable Housing Alliance II, Inc.

Deborah A. Willard

State of California

) ss

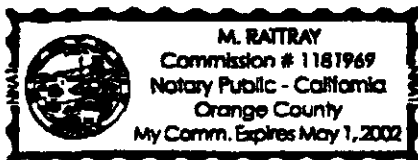
County of Orange

The forgoing instrument was acknowledged before me this 20TH day of

OCTOBER, 1999.

BY DEBORAH A. WILLARD for the purpose therein set forth.

My commission expires MAY 1, 2002



M. Raitray
Notary Public

Note: Filing of a petition to rezone requires a deposit of \$856.00 with the City Clerk to defray the cost of the amendment.

Please return to the Planning Department, City of Fort Collins.

TRANSACTION TITLE INSURANCE COMPANY

Commitment No.: 6439873

SCHEDULE A - Continued

LEGAL DESCRIPTION

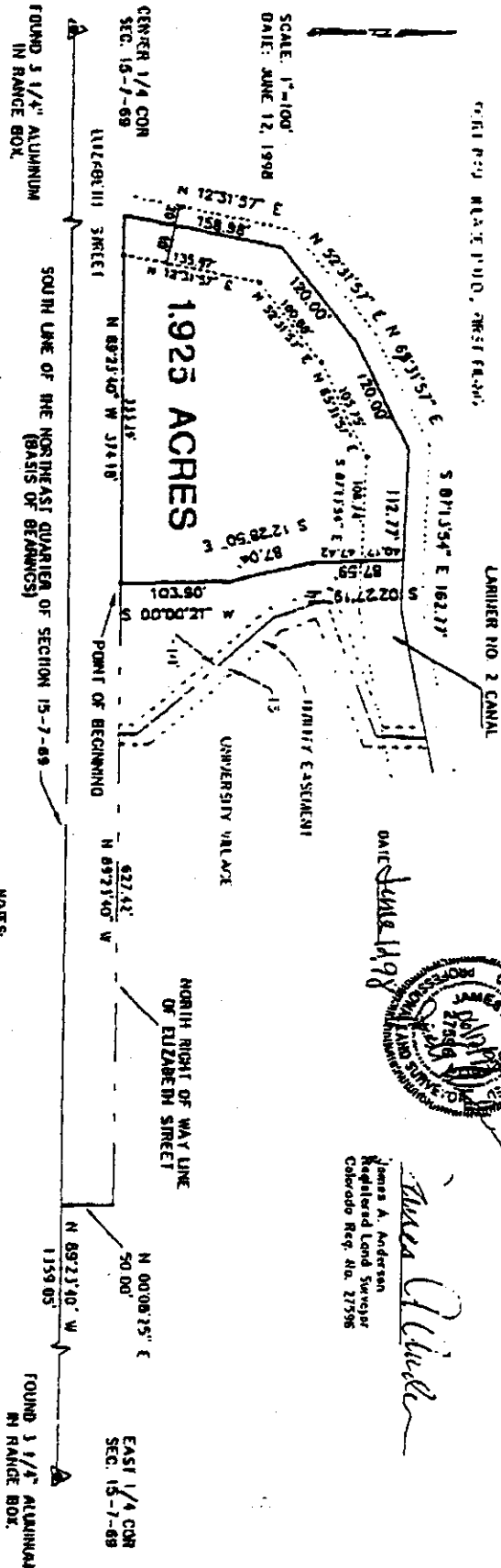
A tract of land located in the Northeast Quarter of Section 15, Township 7 North, Range 69 West of the 6th Principal Meridian, City of Fort Collins, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Northeast Quarter of said Section 15 as bearing North 89 degrees 23 minutes 40 seconds West from a found 3 1/4" aluminum cap in range box at the East Quarter corner of said Section 15 to a found 3 1/4" aluminum cap in range box at the Center Quarter corner of said Section 15 and with all bearings contained herein relative thereto:

Commencing at the East Quarter corner of said Section 15; thence along the South line of the Northeast Quarter of said Section 15, North 89 degrees 23 minutes 40 seconds West, 1359.05 feet; thence, North 00 degrees 08 minutes 25 seconds East, 50.00 feet to a point on the North right-of-way line of Elizabeth Street; thence along said North line, North 89 degrees 23 minutes 40 seconds West, 627.42 feet to the POINT OF BEGINNING; thence, continuing along said North line, North 89 degrees 23 minutes 40 seconds West, 374.18 feet; thence, North 12 degrees 31 minutes 57 seconds East, 158.98 feet; thence, North 52 degrees 31 minutes 57 seconds East, 120.00 feet; thence, North 65 degrees 31 minutes 57 seconds East, 120.00 feet; thence, South 87 degrees 13 minutes 54 seconds East, 112.77 feet; thence, South 02 degrees 27 minutes 19 seconds East, 87.59 feet; thence, South 12 degrees 28 minutes 50 seconds East, 87.04 feet; thence, South 00 degrees 00 minutes 21 seconds West, 103.90 feet to the POINT OF BEGINNING.

County of Larimer, State of Colorado

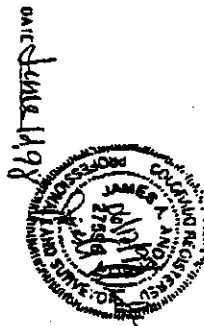
A TRACT OF LAND LOCATED IN THE NORTH-EAST QUARTER U
OF THE 6th P.M. CITY OF FORT COLLINS, COUNTY OF LARIMER,
STATE OF COLORADO



Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action be based upon any defect in this survey be commenced more than ten years from the date of the celebration hereof.

SURVEYOR'S STATEMENT:

I, James A. Anderson, a Professional Land Surveyor in the State of Colorado, hereby certify to COLORADO STATE UNIVERSITY RESEARCH FOUNDATION and REASSURANCE THE INSURANCE COMPANY that the survey shown hereon was made under my direct supervision, supervision and checking and that this plot accurately represents said survey and that all monuments exist as shown hereon.



James A. Anderson
 James A. Anderson
 Registered Land Surveyor
 Colorado Reg. No. 27596

- NOTES:**
- 1.) * INDICATES A SET NUMBER & REBAR WITH PIN AND CAP, IS NO. 27596.
 - 2.) WHERE PROPERTY CORNER IS LOCATED IN THE LARIMER NO. 2 CANAL A HUBBER IS BEARING WITH PIN AND CAP, IS NO. 27596 WAS SET ON THE CENTERLINE AND SOUTHERLY EXISTENT LINE OF THE CANAL.



KAUFMAN BROAD

August 23, 1999

Troy Jones
City of Fort Collins
Community Planning Services
281 N. College Ave.
P.O. Box 580
Fort Collins, CO 80522

Re: **Justification Letter**
Rezoning: 50-Unit Elizabeth Street Senior Apartments

Dear Mr. Jones:

Kaufman & Broad Multi-Housing Group, Inc., proposes to build a 50-unit senior citizen affordable apartment project on approximately 1.9 acres located on the north side of Elizabeth Street, east of Constitution Avenue in the City of Fort Collins. The site is surrounded by high-density student housing and is located south and east of the Fort Ram Village Apartments and west of the International House.

This proposed community, which will be financed in part with Low Income Housing Tax Credits, is a prime example of what the City is looking to promote for a variety of reasons, including excellent project area characteristics, evidenced need for affordable housing, a strong team with extensive development and management experience, as well as a quality designed rental community. Also, because the site is surrounded by student housing, the proposed senior apartment development will bring a more diverse resident base to the area.

The site currently does not have a zoning designation, given that it has been owned by Colorado State University (CSU). Therefore, the proposed use will require a zone change and an amendment to the Zoning Map.

The surrounding properties are zoned CC, Community Commercial District. This zoning designation is consistent with the proposed land-use. However, the City Planning Department staff has recommended **MMN, Medium Density Mixed-Use Neighborhood**, which also allows for the intended use. A Project Development Plan (PDP) is also required and will be subsequently submitted.

Project Characteristics

For over 40 years, one hundred percent of the units will be rented to qualified low income seniors with rents targeted at or below 40% of the County median income. This will insure that seniors with fixed incomes will find quality housing in Fort Collins.

The proposed community will consist of a three-story building with interior corridors and elevators. Amenities include a fully furnished recreational center, onsite laundry facilities, pool, spa, seating areas and professionally landscaped open space. A variety of services will be available to the tenants including full social activities. Secured parking will be provided at a ratio of one space per unit.

Sponsor Characteristics

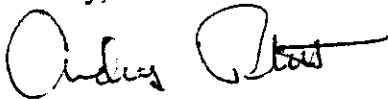
The project is sponsored by Kaufman and Broad Multi-Housing Group, Inc. (KBMH), a wholly-owned subsidiary of Kaufman Broad Home Corporation, a New York Stock Exchange-listed company that is one of the country's largest home builders. The development will be owned by a Colorado Limited Partnership. Affordable Housing Alliance II, Inc. ("AHA"), a 501 (c) (3) non-profit corporation, will act as the managing General Partner and KBMH will act as the Development Manager on behalf of the partnership.

AHA, as the principal office of the Partnership, has an established record of promoting community development in the State of Colorado and will bring favorable financing and local community knowledge and support to the partnership as its manager. KBMH will provide additional financial capacity and development expertise to assure the successful completion of the project on behalf of the Partnership.

Kaufman and Broad Multi-Housing Group, Inc. currently has 4 affordable (Low Income) apartment communities in Colorado. In total, the Multi-Housing Group has participated in the development of nearly 80 communities, representing more than 7,500 affordable apartment units completed, under construction, or in the pipeline.

We thank you in advance for taking the time and effort to evaluate this petition for zone change. For further information or questions regarding this application please don't hesitate to call.

Sincerely,



Anders Plett
Project Manager