

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 16

DATE: October 21, 2008

STAFF: Steve Olt

SUBJECT

Second Reading of Ordinance No. 125, 2008, Amending the Zoning Map of the City by Changing the Zoning Classification for that Certain Property Known as the Vineyard Rezoning.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 7, 2008, rezones an 8.68 acre parcel located on the west side of South College Avenue immediately north of Crestridge Drive. The current zoning district designation is Community Commercial (CC) District. The applicant proposes zoning of Commercial (C) District. A Structure Plan amendment is not necessary for this rezoning request. There are no perceived issues or known controversies with this rezoning request.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - October 7, 2008.
(w/o original attachments)

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 20

DATE: October 7, 2008

STAFF: Shelby Sommer

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SUBJECT

Hearing and First Reading of Ordinance No. 125, 2008, Amending the Zoning Map of the City by Changing the Zoning Classification for that Certain Property Known as the Vineyard Rezoning.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

On September 18, 2008, the Planning and Zoning Board voted (6-0 on its Consent Agenda) to recommend Council approve the Vineyard Rezoning.

EXECUTIVE SUMMARY

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This is a request to rezone an 8.68 acre parcel located on the west side of South College Avenue immediately north of Crestridge Drive. The current zoning district designation is Community Commercial (CC) District. The applicant proposes zoning of Commercial (C) District. A Structure Plan amendment is not necessary for this rezoning request. There are no perceived issues or known controversies with this rezoning request.

BACKGROUND

Applicant: Russell Lee
VFR Design, Inc.
401 West Mountain Avenue
Fort Collins, CO 80524

Property Owners: Vineyard Church
1201 Riverside Avenue
Fort Collins, CO 80524

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THE SITE

The applicant, Russell Lee, on behalf of the property owner, the Vineyard Church, has submitted a written request for the rezoning of 8.68 acres located on the west side of South College Avenue, immediately north of Crestridge Street. The majority of the property proposed for rezoning is

currently undeveloped, though it also includes the entire right-of-way for the existing Crestridge Street. The requested zoning for this property is Commercial (C) District. The existing zoning for this property is Community Commercial District (CC). A Structure Plan amendment is not required with this zoning request because the property is already designated as Commercial Corridor District on the *City Plan Structure Plan*.

The adjoining existing zoning and land uses are as follows:

- N:** Community Commercial (CC) and Public Open Lands (POL);
existing undeveloped property, previously approved Waterstone Apartments development and existing Redtail Grove Natural Area.
- S:** Community Commercial (CC) and Commercial (C);
existing church (Dayspring Christian Church), existing auto dealership (Tynan's Nissan) and various commercial/office uses
- E:** Commercial (C);
various existing commercial uses (South 13 Subdivision)
- W:** Community Commercial (CC) and Urban Estate (UE);
undeveloped property (potentially future Vineyard Church), existing railroad, existing single-family residential (Ader Estates) to be annexed in 2010 as Phase 3 of the Southwest Annexation and zoned Urban Estate

The property was annexed into the City of Fort Collins as the Skyview Ltd. Annexation in February 1989.

This rezoning request was submitted to the City during the Current Planning Department's semi-annual call for rezoning proposals. This request is being processed in accordance with the schedule set forth for the rezoning cycle, including a recommendation from the Planning and Zoning Board and Council action. The rezoning satisfies the criteria of Section 2.9.4 of the Land Use Code. Several main considerations factor into City staff support for this rezoning request:

1. The City's Structure Plan includes this parcel in the Commercial Corridor District. The proposed zoning, Commercial District, is consistent with the Structure Plan Designation.
2. The proposed Commercial Zoning District will be surrounded by the Community Commercial Corridor District on three sides (north, west and south).
3. This property is adjacent to the Commercial District on the south and east. A majority of properties with South College Avenue frontage between Harmony Road to the north and Trilby Road to the south are zoned Commercial District.
4. The proposed Commercial District will be surrounded by Community Commercial District zoning on the north and west which buffer the Commercial zoning from the residential and natural area uses in the vicinity.
5. The South College Corridor Plan (SCCP) is recommending the site be rezoned to Commercial District. Citizen comments at SCCP open houses did not oppose the change in designation.

Staff's perspective is that these considerations adequately support a conclusion that the zoning district could be changed to Commercial in response to this request.

STRUCTURE PLAN DESIGNATION

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The Structure Plan, an element of the City's comprehensive plan, is a map that sets forth a basic pattern of development, showing how Fort Collins should grow and evolve over the next 20 years. The map currently designates the property as Commercial Corridor District (see Attachment 5). The proposed zoning, Commercial District, is in accordance with the Structure Plan designation.

The intent and purpose of Commercial Corridor District as described in *City Plan* is as follows:

“Commercial Districts include a wide range of community and regional retail uses, as well as offices, business and personal services, and to a lesser extent, residential uses. While these districts are typically the location for highway business and auto-related uses, they also offer opportunities to create new areas and transform existing developed areas, over time, from being exclusively auto-oriented places to being a series of mixed-use, multi-modal centers which relate better to the community as a whole and to surrounding residential neighborhoods.”

The proposed rezoning is located along a State highway (South College Avenue) and is consistent with the Commercial Corridor District Structure Plan designation. It is unknown why the property was placed in the Community Commercial Zone district upon annexation instead of the Commercial District as designated by the Structure Plan.

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REZONING REQUEST

The applicant initially filed a rezoning petition with the City on July 11, 2008. The request is to rezone an 8.68 acre parcel from Community Commercial (CC) to Commercial (C) District.

In order to recommend approval of this proposal, staff and the Planning and Zoning Board had to find that the rezoning is:

- (1) consistent with the City's Comprehensive Plan; and/or
- (2) warranted by changed conditions within the neighborhood surrounding and including the subject property.

The above criteria found in subsection 2.9.4(G)(2) of the Land Use Code outlines mandatory requirements for quasi-judicial rezoning. 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:

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“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.”

Purpose Statements of the Zone Districts

The purpose statements of the two zone districts in question are listed below:

- Purpose of the CC – Community Commercial District:

Community Commercial District provides a combination of retail, offices, services, cultural facilities, civic uses and higher density housing. Multi-story buildings are encouraged to provide a mix of residential and nonresidential uses. Offices and dwellings are encouraged to locate above ground-floor retail and services.

- Purpose of the C – Commercial District:

The Commercial District is intended to be a setting for development, redevelopment and infill of a wide range of community and regional retail uses, offices and personal and business services. Secondly, it can accommodate a wide range of other uses including creative forms of housing.

While some Commercial District areas may continue to meet the need for auto-related and other auto-oriented uses, it is the City’s intent that the Commercial District emphasize safe and convenient personal mobility in many forms, with planning and design that accommodates pedestrians.

STAFF ANALYSIS – REZONING REQUEST

The request to rezone is considered quasi-judicial (versus legislative) since the parcel is less than 640 acres. There are two standards that may be used in evaluating a request for a quasi-judicial rezoning. These standards, and how the request complies, are summarized below:

- A. *Any amendment to the Zoning Map shall be recommended for approval only if the proposed amendment is consistent with the City’s Comprehensive Plan; and/or.*

As stated above under the *Structure Plan* Designation, that the proposal is consistent with the *Structure Plan* Designation of Commercial Corridor District. The *Structure Plan* is an element of *City Plan*, the City’s Comprehensive Plan.

- B. *Any amendment to the Zoning Map shall be recommended for approval only if the proposed amendment is warranted by changed conditions within the neighborhood surrounding and including the subject property.*

Conditions have changed in the neighborhood to warrant the rezoning. Phase One of the Southwest Annexation occurred in 2006 and resulted in properties to the east and south of the subject parcel being placed in the Commercial zone district. Those properties that were annexed in Phase One of the Southwest Annexation have the same *Structure Plan* designation as the property currently being considered for rezoning to Commercial District. While physical conditions have not changed in the surrounding area or on the subject property, the change in City boundaries and the resulting zoning designation when those properties were annexed warrants a change to the subject property for consistency along the South College Avenue frontage.

In addition to the above factors, Subsection 2.9.4[H][3] of the Land Use Code provides factors that may be considered along with the mandatory requirements for quasi-judicial rezonings. Staff has prepared a response to each of the additional factors, demonstrating how the optional criteria could also be met:

“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.”*

The rezoning request is compatible with the existing and proposed uses surrounding the subject land and is an appropriate zoning district for the land. Uses immediately north of the property include a natural area, an approved residential subdivision and vacant land zoned Community Commercial District. East of South College Avenue is a variety of existing commercial businesses. There are an existing church, auto dealership and various commercial uses south of the subject property. This change in zoning is a logical extension of the zoning from the south and east and provides continuity in zoning along the College Avenue corridor.

- 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.”*

There is no evidence that the rezoning will result in significant adverse impacts to the natural environment on- or off-site. The subject property is an undeveloped site and any future development plan on the property will be subject to and reviewed for compliance with the environmental resource protection standards contained in Division 3.4 of the *Land Use Code*.

- C. *“Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.”*

As explained under the Structure Plan Designation section, the rezoning will result in a logical and orderly development pattern. The existing zoning on the south and east sides of the property is Commercial and rezoning the portion of the subject property that has frontage along South College Avenue is a logical continuation. Preserving the remainder of the Vineyard property as Community Commercial would provide a transition area between the properties on the north and west and the proposed Commercial area along the highway.

Neighborhood Information Meeting

A neighborhood information meeting was held on Thursday, September 11, 2008. A summary of comments from the neighborhood meeting is attached (Attachment 6). Four property owners attended the meeting and none of those in attendance expressed opposition to the rezoning request.

A change in zoning for the entire Vineyard Church property was proposed at three open houses for the South College Corridor Plan on July 30 and 31, 2008. Citizen comments collected at the open houses did not reflect opposition to the change in zoning designation.

FINDINGS

After reviewing the Vineyard Rezoning, staff makes the following findings of fact and conclusions:

1. This rezoning request is consistent with the City’s Comprehensive Plan based on the *Structure Plan* designation.
2. The proposed C - Commercial Zoning District is compatible with the existing and surrounding uses and zoning.
3. The proposed rezoning would not result in significantly adverse impacts on the natural environment.
4. The proposed rezoning would result in a logical and orderly pattern of development.

Planning and Zoning Board Recommendation

The Planning and Zoning Board, at its regular monthly meeting on September 18, 2008, voted (6-0 on its Consent Agenda) to recommend approval of the Vineyard Rezoning.

ATTACHMENTS

1. Applicant’s written statement.
2. Site Vicinity Map.
3. Existing Zoning Map.
4. Proposed Zoning Map.
5. Existing Structure Plan Map.
6. Neighborhood Meeting Summary.

ORDINANCE NO. 125, 2008
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 VINEYARD CHURCH 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 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 Community Commercial ("CC") Zone District, to Commercial ("C") Zone District, for the following described property in the City known as the Vineyard Church Rezoning:

A parcel of land being a portion of the Northeast Quarter (NE1/4) of Section Eleven (11), Township Six North (T.6N.), Range Sixty-nine West (R.69W.), Sixth Principal Meridian (6th P.M.), City of Fort Collins, County of Larimer, State of Colorado, more particularly described as follows:

COMMENCING at the Northeast Corner of said Section 11 and assuming the East line of the Northeast Quarter (NE1/4) of said Section 11 as bearing South 00°13'08" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2646.15 feet with all other bearings contained herein relative thereto;

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot." THENCE South 88°31'52" West along the North line of the NE1/4 of said Section 11 a distance of 75.00 feet to the Westerly line of a strip of land conveyed in deed to the Department of Highways, State of Colorado, recorded May 6, 1958, in Book

1066 at Page 204 of the Records of Larimer County and to the POINT OF BEGINNING;

The next Three (3) courses and distances are along the Westerly lines of said strip of land conveyed in deed to the Department of Highways, State of Colorado, in Bk.1066, Pg.204:

THENCE South 00°40'38" West a distance of 366.10 feet;

THENCE South 00°44'38" West a distance of 610.50 feet to the beginning point of a non-tangent curve;

THENCE along the arc of a curve concave to the East and non-tangent to the aforesaid course, a distance of 62.83 feet, said curve has a Radius of 22995.00 feet, a Delta of 00°09'24" and is subtended by a Chord bearing South 00°40'18" West a distance of 62.83 feet to the Southerly Right of Way line of Crestridge Street as dedicated in a deed recorded July 25, 1975 as Book 1655, Page 179 of the Records of Larimer County;

The next Three (3) courses and distances are along the Southerly Right of Way lines of said Crestridge Street:

THENCE North 89°14'51" West a distance of 364.21 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 72.37 feet, said curve has a Radius of 278.27 feet, a Delta of 14°54'06" and is subtended by a Chord bearing South 83°18'06" West a distance of 72.17 feet to a Point of Compound Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 23.35 feet, said curve has a Radius of 15.15 feet, a Delta of 88°18'49" and is subtended by a Chord bearing South 31°41'39" West a distance of 21.11 feet to a Point of Reverse Curvature and to the Easterly Right of Way line of Venus Avenue as dedicated in a deed recorded February 18, 1975 as Book 1635, Page 158 of the Records of Larimer County;

The next Two (2) courses and distances are along the Easterly Right of Way lines of said Venus Avenue and the Southerly prolongation thereof:

THENCE along the arc of a curve concave to the Southwest a distance of 155.01 feet, said curve has a Radius of 725.00 feet, a Delta of 12°15'00" and is subtended by a Chord bearing South 06°53'21" East a distance of 154.71 feet to a Point of Tangency;

THENCE South 00°45'51" East a distance of 100.94 feet to the North line of Skyview, a Subdivision plat recorded May 7, 1964 in Book 8, Page 138, as Reception No.865453 of the Records of Larimer County;

THENCE South 89°16'18" West along the North line of said Skyview Subdivision a distance of 60.00 feet to the Southerly prolongation of the Westerly Right of Way line of said Venus Avenue;

The next Two (2) courses and distances are along the Easterly Right of Way lines of said Venus Avenue and the Southerly prolongation thereof:

THENCE North 00°45'51" West a distance of 100.91 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 214.95 feet, said curve has a Radius of 665.00 feet, a Delta of 18°31'11" and is subtended by a Chord bearing North 10°01'27" West a distance of 214.01 feet to the Northwest corner of the Venus Avenue Right of Way;

THENCE North 03°45'51" East a distance of 369.60 feet to an angle point on the Southeasterly boundary of that parcel of land described in a Quit Claim Deed recorded July 7, 1998 as Reception No.98056794 of the Records of Larimer County; The Next Five (5) courses and distances are along the Southeasterly boundary lines of said parcel described in Reception No.98056794;
THENCE North 05°25'39" West a distance of 135.10 feet;
THENCE North 65°49'01" East a distance of 310.00 feet;
THENCE North 36°58'10" East a distance of 281.98 feet;
THENCE South 89°15'08" East a distance of 64.38 feet;
THENCE North 00°44'52" East a distance of 149.65 feet to the North line of the NE1/4 of said Section 11;
THENCE North 88°31'52" East along the North line of the NE1/4 of said Section 11 a distance of 8.44 feet to the POINT OF BEGINNING.

Said parcel of land contains 378,226 square feet or 8.683 acres, more or less.

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 Manager 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 7th day of October, A.D. 2008, and to be presented for final passage on the 21st day of October, A.D. 2008.


Mayor

ATTEST:



Chief Deputy City Clerk

Passed and adopted on final reading on the 21st day of October, A.D. 2008.

Mayor

ATTEST:

City Clerk