

DATE: October 19, 2010
STAFF: Clark Mapes

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

Second Reading of Ordinance No. 105, 2010, Amending Ordinance No. 100, 2009, for the Purpose of Removing the Requirement to Rezone the Property Known as the Riverwalk Annexation Within One Year.

EXECUTIVE SUMMARY

When the Riverwalk property was annexed and zoned T, Transition on October 27, 2009, the zoning ordinance included a requirement that the property be rezoned within one year. This Ordinance, unanimously adopted on First Reading on October 5, 2010, removes the deadline for rezoning the property, allowing the property to remain in the Transition "T" zone district.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - October 5, 2010
(w/o attachments)

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SUBJECT

First Reading of Ordinance No. 105, 2010, Amending Ordinance No. 100, 2009, for the Purpose of Removing the Requirement to Rezone the Property Known as the Riverwalk Annexation Within One Year.

EXECUTIVE SUMMARY

When the Riverwalk property was annexed and zoned T, Transition on October 27, 2009, the zoning ordinance included a requirement that the property be rezoned within one year. This item is a staff-initiated proposal to remove the deadline for rezoning the property, allowing the property to remain in the Transition "T" zone district.

BACKGROUND / DISCUSSION

This item involves 266 acres of privately-owned property at the southwest quadrant of Interstate 25 and East Harmony Road. The property is within the Harmony Road/I-25 "Gateway Area" as identified in the Harmony Corridor Plan, and is also known as the Riverwalk property. The property is bounded by Interstate 25 on the east, Harmony Road on the north, Strauss Cabin Road and the Fossil Creek Inlet Ditch on the west, and Kechter Road on the south. (See Attachment 1)

The property was initially zoned by Ordinance No. 100, 2009 on October 27, 2009. At that time, the property was placed into the T, Transition zone, with a requirement that staff bring forward a rezoning of the property within one year. (See Attachment 2).

Staff proposes to amend the initial zoning ordinance, to remove the deadline for rezoning. The issue has three main aspects: (1) the purpose of the "T" zone district; (2) the intent behind the deadline in the initial zoning ordinance; and (3) pros and cons of amending the initial ordinance to allow the property to remain in the "T" zone district.

1. Purpose of the T, Transition Zoning District

The purpose of the T, Transition zone is to serve as a "holding zone" for properties which have no specific or immediate plans for development. It is typically used when property owners and/or the City are not ready to commit to a given zoning district at the time of zoning. The current status of the property fits precisely with the purpose of the "T" zone district.

2. Intent behind the rezoning deadline requirement

Staff's interpretation of the intent behind City Council's inclusion of the deadline for rezoning, is that it was related to expectations for a package of tailored amendments to the Harmony Corridor zoning district. This package was expected to be done within a year, and was expected to include rezoning into the HC, Harmony Corridor zoning district. Work on the expected package was postponed due to a combination of circumstances, including ownership issues and public process issues.

3. Pros and cons

Staff finds no disadvantage in removing the deadline, and leaving the property in the "T" zone district. Staff finds that the "T" zone is the ideal zone for the subject property at this time, for two main reasons. First, the zoning that would fit the current City Structure Plan (HC, Harmony Corridor, and RUL, Rural Lands) does not contain any standards tailored for the unique context of this site as called for in the *Harmony Corridor Plan* and *City Plan*.

Second, a package of plan amendments and new zoning regulations is still anticipated, which would result in a land use approach tailored specifically to the unique opportunities of the property. Staff believes it would be premature to

rezone the property at this time, while the City and the developer are still exploring a tailored approach to land uses and development standards. Without the deadline, rezoning can be initiated at any time by the owner of the property or the City.

Other Options Considered

Staff considered a range of options in response to the rezoning requirement in the initial zoning ordinance, in reaching a recommendation. Three main options were:

- Option 1 (staff recommended) - a new ordinance amending the original ordinance to remove the deadline for rezoning the property.
- Option 2 (not recommended) - a new ordinance extending the deadline for rezoning the property for another year.
- Option 3 (not recommended) - rezone according to the current City Structure Plan - north half would be HC, Harmony Corridor; the south half would be RUL, Rural Urban Lands.

Regarding Option 2, staff believes that a new deadline would be arbitrary, relative to the many variables that affect the timing of land use actions, and would not be effective in achieving a desired outcome for the property.

Regarding Option 3, staff finds no reason to proceed with rezoning at this time, given that the "T" zone district fits the circumstances and given that a whole approach is still being explored by the owner and the City.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

On September 16, 2010, the Planning and Zoning Board voted 7-0 to recommend approval of the amendment to the initial zoning ordinance. The item was approved as part of the Board's Consent Agenda, with no discussion.

PUBLIC OUTREACH

Staff has handled this item as an administrative matter, with no public outreach. Staff has discussed this matter with the current property owner, who is in agreement with removal of the rezoning requirement.

ATTACHMENTS

1. Location Map
2. Zoning Ordinance No. 100, 2009

COPY

ORDINANCE NO. 105, 2010
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ORDINANCE NO. 100, 2009, FOR THE PURPOSE
OF REMOVING THE REQUIREMENT TO REZONE THE PROPERTY
KNOWN AS THE RIVERWALK ANNEXATION WITHIN ONE YEAR

WHEREAS, on October 27, 2009, the City Council passed, on second reading, Ordinance No. 100, 2009, amending the zoning map of the City and classifying for zoning purposes the property included in the Riverwalk Annexation into the Transition "T" zone district; and

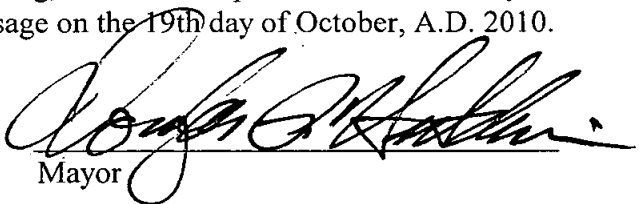
WHEREAS, Section 3 of Ordinance No. 100, 2009, requires that the City Manager present to the City Council for its consideration, no later than one year from the effective date of Ordinance No. 100, 2009, recommendations from the staff and the Planning and Zoning Board as to the most appropriate zone district or districts into which the property should be placed upon removal from the Transition "T" zone district; and

WHEREAS, City staff has recommended that the property remain in the Transition "T" zone district pending further study and the development by the staff of a tailored approach to land uses and development standards within the Riverwalk area; and

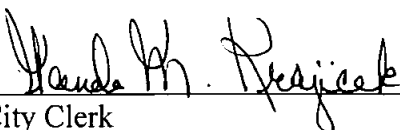
WHEREAS, City Council has determined that it is in the best interests of the City that the requirement contained in Section 3 of Ordinance No. 100, 2009, be deleted and that the property be included in the Riverwalk Annexation remain in the Transition "T" zone district until such time as either the City or the owner of the property initiates a rezoning action to remove the property from the Transition "T" zone district.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 3 of Ordinance No. 100, 2009, is deleted and repealed.

Introduced, considered favorably on first reading, and ordered published this 5th day of October, A.D. 2010, and to be presented for final passage on the 19th day of October, A.D. 2010.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading on the 19th day of October, A.D. 2010.

Mayor

ATTEST:

City Clerk