



# CITIZEN'S Role in Development REVIEW

## The Foundation

### WHAT IS DEVELOPMENT REVIEW?

Across the country, development review is a core local government responsibility. As cities and towns grow and change, local governments usually headed up by a planning department and with the involvement of many other departments, review proposed developments to ensure they meet the needs of the community at-large. These communitywide needs include the safety and welfare of citizens and high-quality, consistent design and construction of buildings and public infrastructure.

The City has established regulations pertaining to development. Development review exists in part to ensure each new development is in alignment with our community's vision for Fort Collins.

Another purpose of development review is to ensure consistent and high quality projects and public improvements. For example, the City requires that development “pays its own way.” This means private-sector developers are designing and constructing many improvements, such as sewer lines and streets, which will become a part of the public infrastructure maintained by the City.

In addition to these purposes, the City has taken an integrated approach to the

development review process. A development review team, comprised of City staff from numerous departments, reviews applications through a coordinated review process. This ensures development applications are processed in a timely manner and that approved projects meet all of the City's requirements.



### GUIDING DOCUMENTS FOR DEVELOPMENT REVIEW IN FORT COLLINS

All of the City's regulatory codes were developed from the policies and principles in [City Plan](#), a comprehensive plan for Fort Collins. While [City Plan](#) is intended to be used as a guiding vision for the City, several other documents contain primary regulatory codes that govern the development review process.

#### Key Standards

The Land Use Code ([LUC](#)) contains regulations that include the City's procedural requirements, project types and requirements of each, general development standards, zone district purposes, permitted uses, specific development standards of each, and definitions of many of the terms used in the code.

Other standards guiding the development review process can be found in the [Municipal Code](#), the [Larimer County Urban Area Street Standards](#), various subarea plans, and more.

In addition to this guide, please see [Section 2.1.2](#) of the Land Use Code, “Overview of Development Review Procedures,” for additional information about the development review process.

# How You Fit in

## STEP ONE

### APPLICANT/DEVELOPER ATTENDS CONCEPTUAL REVIEW

Conceptual review is generally the first meeting anyone with a project idea has with the City's Development Review team. Conceptual review is a free City service designed to assist developers/potential developers in understanding what will be required of them during the development review process. At conceptual review, City staff from various departments involved in development review offer comments on a proposed project. At this point, the project proposal is typically in the very early design phases, and engineering drawings are not submitted.

While most projects opt to discuss their project proposals with City staff in the conceptual review process, there is a second option: preliminary design review. Preliminary design reviews (PDR) offer a more involved process for complex or larger projects requiring a greater level of collaboration and problem solving. For a \$500 application fee and a more detailed submittal package (including, for example preliminary civil plans, site plans, renderings, photos of existing conditions on the site, and detailed project ideas), City staff from various departments research the site, offer comments, provide answers to specific questions and offer potential solutions to difficult design challenges.

### Is the property historic?

As a part of the City's review, whenever a permit or development application is sought for a property that is 50 years old or older, the project is required to go through a "Demolition/Alteration Review" ([Chapter 14-72 of the Municipal Code](#)). This review is designed to prevent the loss of Fort Collins' historic resources and to preserve our historic character. Demolition/Alteration Review is also another opportunity for citizens to participate in development review by attending the [Landmark Preservation Commission's](#) final hearing or contacting us anytime during the project's review. To find out more, visit [fcgov.com/historicreview](http://fcgov.com/historicreview).

## STEP TWO

### YOU CAN ATTEND THE DEVELOPMENT REVIEW OVERVIEW

On projects having a large neighborhood impact, City staff will conduct a development review overview (DRO). The DRO is an opportunity for neighbors to learn about the development review process prior to meeting with a developer and reviewing the proposed plan. City staff leads this meeting and walk neighbors through the criteria the project has to meet and the most effective means and opportunities for neighbors to provide feedback and work with the developer for the best outcome. DRO meetings are held between City staff and the neighbors, without the applicant present, to focus on the development review process instead of the proposed project.

## STEP THREE

### YOU CAN ATTEND THE PROJECT'S NEIGHBORHOOD MEETING(S)

After conceptual or preliminary design review, but before submitting a formal application, some projects will need to hold a neighborhood meeting. The decision to hold a meeting is based on the applicant's proposed uses and the zoning of the proposed location. In almost all cases, all uses requiring a Type 2 public hearing (where the Planning and Zoning Board review the project) require a neighborhood meeting prior to formal submittal. Staff may also recommend applicants/developers hold neighborhood meetings if their proposal warrants extra public input.

Held early in the design process, neighborhood meetings allow applicants/developers an opportunity to communicate their proposal to adjacent neighbors and any impacted citizens. The meetings also allow citizens to share their questions and opinions about the proposal to the developer and City staff.

#### How will I know if a project is happening in my neighborhood?

Property owners of record residing within at least an 800-foot radius (or a greater distance in accordance with the standards outlined in the LUC) of the boundaries of a project are notified via U.S. mail of the time, date, and place of the hearing. Additionally, an ad is placed in the local paper and a sign is posted on the property notifying the public of a development proposal under review.

See [Section 2.2.6](#) of the Land Use Code for more details.

## STEP FOUR

### FORMAL SUBMITTAL - IS THE PROJECT MOVING FORWARD? DO YOU SEE THE SIGN?

At conceptual review or preliminary design review, applicants receive information to help them prepare for formal application submittal. Once the applicant has prepared the documents required, they submit the information to the City for review. The submittal materials are routed to various City departments and outside agencies. The City reviewing departments may include:

- Advance Planning
- Building Inspection
- Development Review Engineering
- Development Review Planning
- Economic Development
- Environmental Planning
- Environmental Regulatory Specialist
- Forestry
- Geographic Information Systems (GIS)
- Historic Preservation
- Light and Power
- Neighborhood Services
- Park Planning
- Pavement Management
- Real Estate Services
- Street Oversizing
- Stormwater
- Technical Services (Surveying)
- Traffic Operations
- Transfort
- Transportation Planning
- Water Conservation
- Water/Waste Water
- Zoning

The outside agencies involved in development review can include:

- Cable, telephone and internet providers
- Colorado Department of Transportation (CDOT)
- County assessors
- Ditch companies
- Railroads
- Post Office
- Power/gas providers
- Poudre Fire Authority
- Schools and universities
- Utility agencies (non-City)

- Water districts
- Water providers

These reviewers include the reviewing departments and outside agencies that were present at the conceptual review or preliminary design review plus any other appropriate departments and agencies for the proposal as needed.

City staff and outside agencies receive the development plans and review them to determine if the designs meet the applicable standards and codes, address conceptual review comments and resolve identified issues. A staff review is held three weeks following the formal submittal (see more details in the next step) to discuss any comments staff and outside reviewing agencies have about the development plans.

### What types of plans are submitted to the City?

ODP - Overall development plans (ODP) are required when projects will develop in a phased approach. The ODP establishes general planning and development parameters for the project site, while allowing for detailed requirements to be determined at the PDP stage.

PDP - The project development plan (PDP) contains a general description of the uses of land, the layout of buildings, landscaping, circulation, and site lighting. It shall include a subdivision plat and architectural elevations if necessary.

FDP - A final plan is submitted following the approval of a PDP. The final plan is the site specific development plan which describes and establishes the type and intensity of use for a specific parcel or parcels of property.

See also [Section 2.1.3](#) of the Land Use Code for more details on plan types.

## STEP FIVE

### STAFF REVIEWS APPLICATION

The culmination of the review period is a staff review meeting where both parties (reviewers and the applicant) come together to discuss comments on the project. Staff review is intended to identify issues that the applicant must address before the public hearing.



At the end of the staff review, the project planner and other reviewers will determine whether the project is ready for review at public hearing. Some small projects or projects with very well-prepared plans may only require one round of review to be ready for hearing. However, sometimes reviewers comments may conflict with each other or complex issues may require an additional meeting to resolve the issues discussed during the staff review. In these cases, a second round of revisions may be required, meaning the applicant must address the comments provided to them by all reviewers and resubmit for another round of review.

After staff review, the project planner provides the applicant with a letter with all reviewer's comments and redlined development plans. If a project is ready for hearing, the project planner and the applicant schedule a Type 1 or Type 2 hearing (see green box to the right for more details on hearing types).

### Development Standards

There are two sections (or articles) of the Land Use Code (LUC) addressing site design. [Article 3](#) of the LUC contains the General Development Standards. General Development Standards

apply to all development applications and building permit applications, with the exception of single-family dwellings, on a citywide basis.

While [Article 3](#) of the LUC describes the general development standards that apply to all development in Fort Collins, [Article 4](#) includes development standards that apply to individual zone districts. All land within city limits is given zoning classifications on the [City of Fort Collins Zoning Map](#).

The zoning classification provides two directions to a property's site design. First, each zone district has a set of unique design standards, which can be more stringent than the standards set forth in [Article 3](#). Second, which zone district a project is in determines the type of review process (see green box below for more details on hearing types). The differing review types are based on the intensity and purpose of the zone district.

### Hearing Types for Reviewing Projects

All Fort Collins properties are assigned to one of the City's 25 zone districts. Within these zones, uses are separated into one of three review types based on the intensity of the use in a given district:

1. Basic development review - these uses are viewed as the least intense when considering the intent of the zone district, i.e. a single family home in a residential zone district, BDR projects are approved by staff and notification is not required.
2. Type 1 (Administrative Review) - These uses are slightly more intense and require a public hearing, are heard by a hearing officer, requires notification.
3. Type 2 (Planning and Zoning Board review) - These uses are viewed to be more intense when considered from the intent of the zone district, i.e. fraternity or sorority houses in a residential zone district. Requires notification.

### Staff Recommendations

Based on the proposal's compliance with the applicable standards (Municipal Code, Land Use Code, Larimer County Urban Area Street Standards (LCUASS), City Plan, subarea plans, etc.) the project planner writes a staff report making a recommended action to the decision maker. Remember, the decision maker for Type 1 projects is an Administrative Hearing Officer, while the decision maker for Type 2 projects is the Planning and Zoning Board. Thus, the staff report only recommends whether a project complies with or does not comply with City standards; only the decision maker has the authority to approve a project.

### Why do some projects need modifications?

The City of Fort Collins Land Use Code is a very prescriptive document, therefore projects and sites may have difficulties meeting some standards and metrics due to a variety of circumstances. Alternatively, a project may propose a design element that is aligned with City standards but does not exactly meet a precise metric, e.g., a 15' setback. The code allows for some flexibility by offering a process for modifications of standards. These modifications cannot be detrimental to the public good and they must meet one or more of the four criteria outlined in the LUC (see [Section 2.8](#) of the Land Use Code for more details).

It is important to remember that modification requests are not indicative of the quality of a project, but more the site's constraints in meeting the prescriptive standards set forth in the LUC. Sometimes modifications can make a project better. For example, the use of pervious paving would be considered a modification. Each modification needs to be evaluated against the applicable criteria and not on the number of modifications requested.

## STEP SIX

### YOU CAN ATTEND THE PUBLIC HEARING

All projects required to go through development review are subject to evaluation at a public hearing. There are two types of public hearings depending on the uses proposed: Type 1 (Administrative) hearings and Type 2 (Planning and Zoning Board) hearings.

- Type 1 hearings are heard by one hearing officer.
- Type 1 hearings are usually held in a City conference room and are not televised.
- Type 2 hearings are heard by the Planning and Zoning Board.
- Type 2 hearings are held in the City Council Chambers at City Hall and they are televised.

Remember, you will be notified of the hearing via a mailing that is sent out no less than 10 business days prior to the hearing. See the green box on page 2 for more details on notification.

The public hearing provides an opportunity for the decision maker to hear from the applicant and staff regarding project details and recommendations and to hear from and consider testimony from affected parties-in-interest.

Administrative Hearings (Type 1 hearings) may be scheduled at any time with at least 11 business days of lead time for notification. Planning and Zoning Board hearings (Type 2 hearings) are held the third Thursday of each month. Agendas for the Planning and Zoning Board hearings are set approximately one month in advance of the hearing.

#### What comes before the Board

The Planning and Zoning Board is the final decision making authority regarding land use proposals including overall development plans and any project development plan that is determined to be a Type 2 use as described in the Land Use Code.

In addition to project approvals, the Board also makes recommendations to the City Council regarding zoning, annexations, major public and private projects and any long range planning activities (such as City Plan or subarea plans) that require Council approval.

#### How does a board member review a project? What is the review based on?

Board members must stay impartial when reviewing a project and evaluate projects only based on whether or not they comply with the applicable standards. Recall that staff has prepared a staff report outlining the application's compliance with the applicable standards. The board is tasked with reviewing staff's findings and determining if they agree using the criteria provided in the Land Use Code.

## STEP SEVEN

### APPEALING THE DECISION TO CITY COUNCIL

Appeals of any final decision of a decision maker can be filed with the City Clerk within 14 calendar days of the date of a decision by any of the following parties:

- The applicant,
- Anyone who owns, occupies, or has some other legal interest in the property which was the subject of the decision made by the decision maker,
- Anyone who received the mailed notice of, or spoke at, the hearing of the decision maker,
- Anyone who sent written comments to the decision maker prior to the action which is being appealed, or a
- City Councilmember.

For more info on the appeal process, visit [fcgov.com/appeals](http://fcgov.com/appeals).

Questions regarding the appeal process should be directed to the City Clerk at 970-221-6515 or [fcgov.com/cityclerk](http://fcgov.com/cityclerk).

# Frequently Asked Questions

## Who can Comment on a Proposed Project?

Anyone! Residents, students, employees and business owners - anyone who feels they might be impacted by a proposed project.

## Can My Comments Make a Difference?

Absolutely! Community comments on more than one project have prompted the applicant to return to the drawing board and propose modifications or a completely new plan that addresses neighborhood concerns. What makes a difference are comments that are directly related to the specific project, that recognize how much of the problem is caused by the project, and that propose reasonable solutions for consideration.

## How Can I Provide Effective Input?

- Although the quantity of letters may indicate the extent of neighborhood or agency interest, it is the relevance of the comments, as they relate to objective criteria in the Fort Collins Land Use Code, that will most affect a project's outcome.
- Briefly explain who you are and why you are interested in the project
- State your comments/concerns clearly and succinctly using objective language
- Comment only on issues relevant to the decision being made
- State opinions and preferences, ask questions, and propose alternative solutions to particular issues. State informed opinions and, where possible, include data/background to support your opinion
- Review the project's technical reports/case file analysis, comment on conclusions, assumptions and the data collecting methods
- Ask for studies you think are important but have not been provided
- Identify project features that you like and think should not be changed, and
- Provide any comments about the project's compliance with city regulations.

