

Planning and Zoning Commission Hearing October 21, 2021

Fort Collins/Loveland Water District Overall Development Plan

Summary of Request

This is a proposed Overall Development Plan (ODP), #ODP210001, for future expansion of Fort Collins/Loveland Water District (FCLWD) office and operations facilities. The plan enables expansion of existing accessory storage/garage buildings and outdoor storage associated with the water district office headquarters.

The FCLWD property comprises four parcels. Three of the parcels are in the Low Density Residential (RL) Zone District, which does not list the uses in the plan as Permitted Uses, and thus the plan includes a request for Addition of Permitted Uses (APU) under the Land Use Code.

Zoning Map



Next Steps

There are two next steps for this project that have different decision-makers. The Planning & Zoning Commission is the decision-maker on the Overall Development Plan; and must provide a recommendation to City Council regarding the Addition of Permitted Uses. If the Commission approves the ODP and recommends approval of the APU, the APU will then be considered by City Council. If the APU is approved, then the applicants could submit Project Development Plans with the approved uses.

Location

5150 Snead Drive—south of Harmony Road between Fairway Lane and Fossil Creek Parkway on the east side of College Avenue. Parcel #'s 9601333901; 9601334902; 960133490; 9601300905.

Zoning

The zoning map to the left shows the four parcels that are part of the FCLWD operations. The large parcel fronting onto Snead Drive, which contains the main office building, is zoned General Commercial (CG), and the other three parcels are zoned Low Density Residential (RL).

Property Owner

Fort Collins/Loveland Water District
5150 Snead Drive
Fort Collins, Colorado 80525

Applicant/Representative

Mike McBride
MMLA Landscape and Planning
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Fort Collins, Colorado 80528

Staff

Clark Mapes, City Planner

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Staff Recommendation

Staff recommends that the Commission
1) make a recommendation to City Council to approve the Addition of Permitted Uses; and 2) approve the ODP.

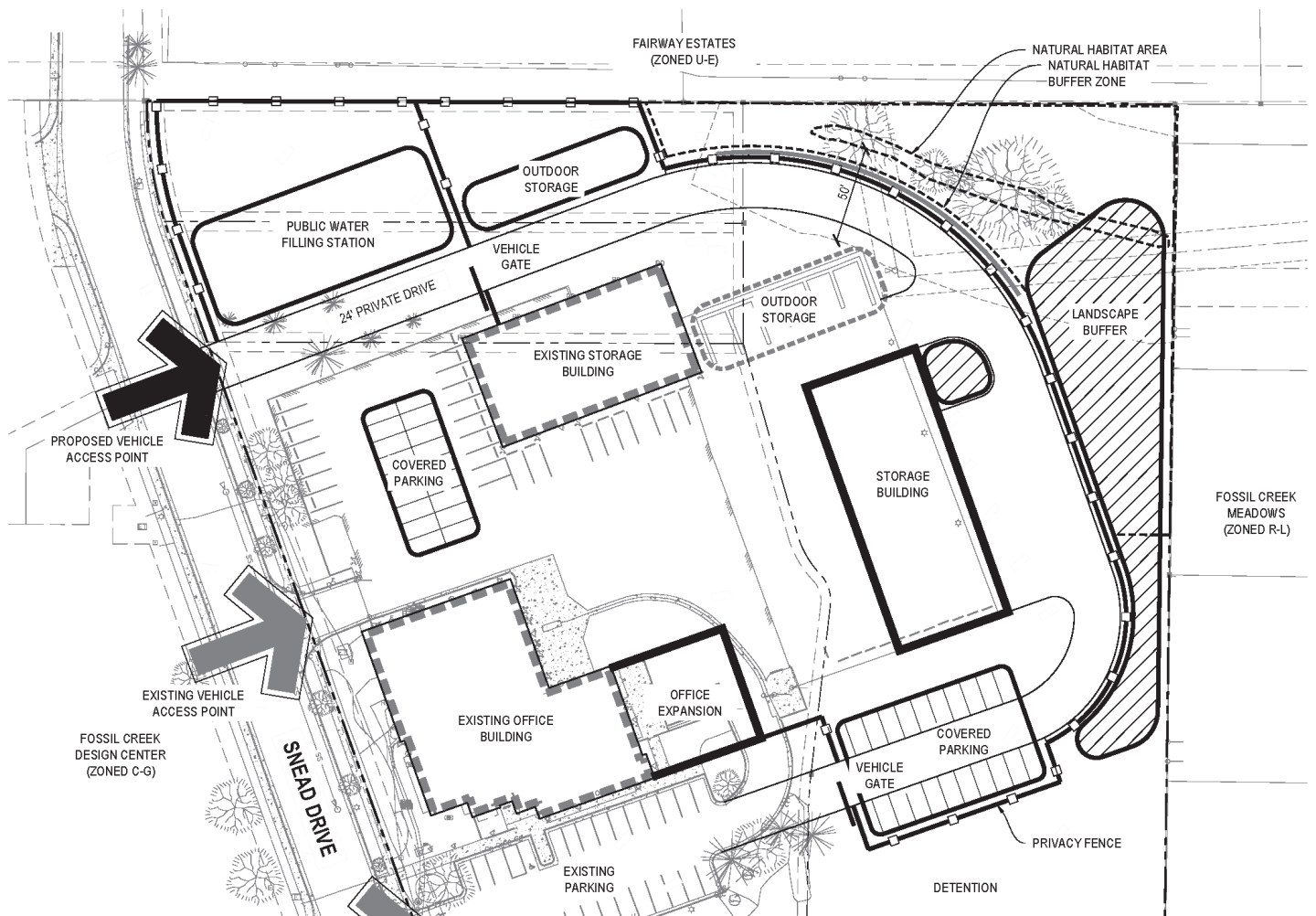
1. Project Introduction

A. PROJECT DESCRIPTION

This request for an Overall Development Plan (ODP) with Addition of Permitted Uses (APU) to enable future expansion of existing facilities at the Fort Collins-Loveland Water District (FCLWD) campus.

The District is a quasi-municipal water utility that has provided water service to businesses and citizens since 1961. It serves an area of approximately 60 square miles 50,000-plus people in parts of Fort Collins, Loveland, Timnath, Windsor and Larimer County.

The proposed expansion includes a new garage building for vehicle storage and light maintenance, expanded outdoor storage, a publicly accessible water filling station, and covered parking for fleet vehicles associated with the existing office and operations facility. The ODP is shown below.



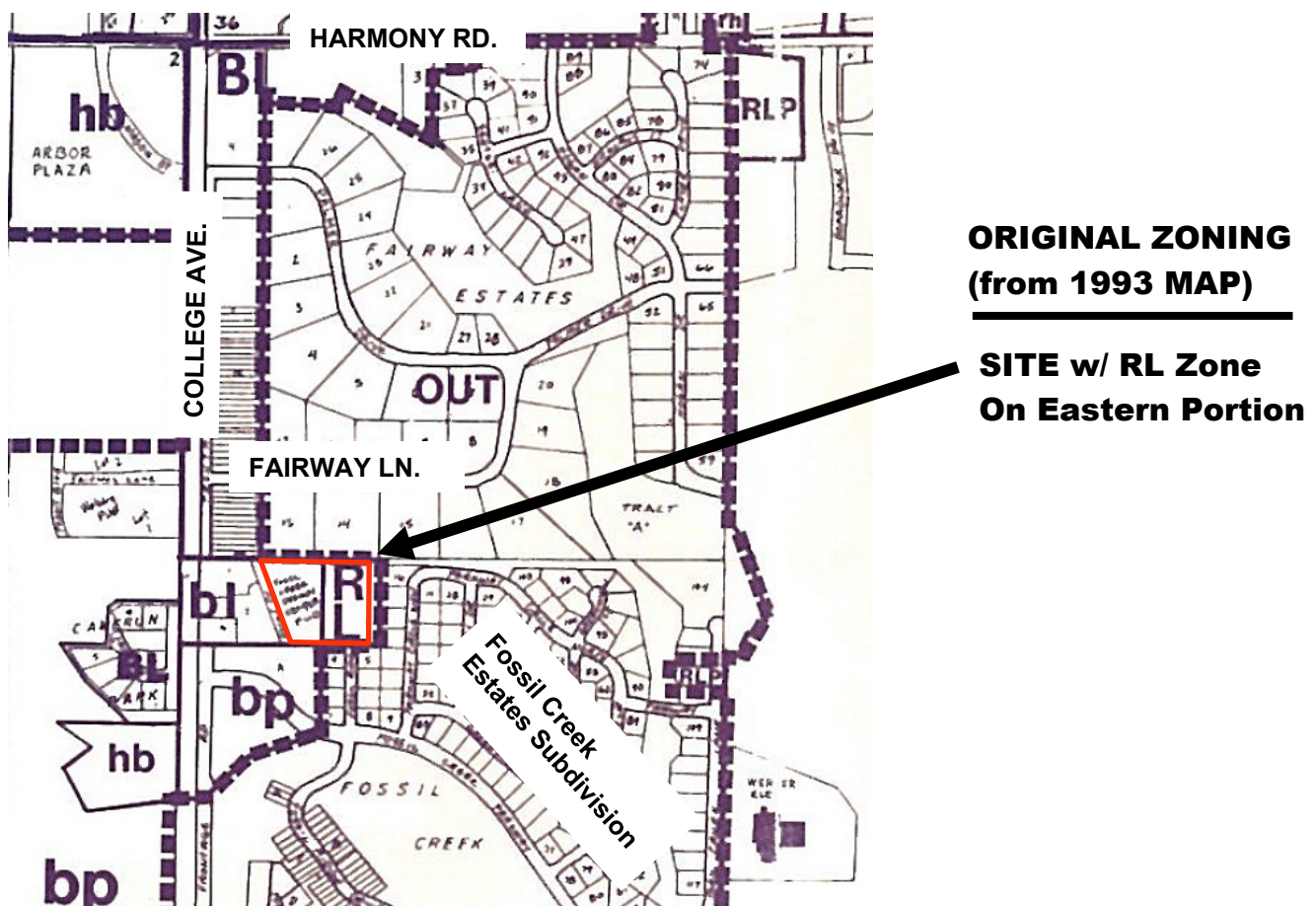
As shown on the zoning map on the first page of this report, the existing development and operations already extend onto the portion of the property that is zoned RL, and the ODP proposes to expand further into the RL zone. The RL zone does not list the outdoor storage and accessory garage for the office as permitted uses, and thus the APU code section needs to be satisfied in order to permit the uses.

FCWLD needs the ODP to provide a framework for future phased expansion with the uses allowed. The need for expansion is anticipated over the next 10-15 years to keep up with growth of district service and operations.

B. DEVELOPMENT STATUS/BACKGROUND

1. Annexation and Planning

The land was annexed as part of the 1984 Fossil Creek Second Annexation. Initial zoning was divided, with the dividing line being a straight extension of the west edge of the Fossil Creek Estates residential subdivision on the south. Low Density Residential (RL) zoning in the portion of the area that is a straight northward extension of the subdivision. The area west of the line was placed into a business designation.



FOSSIL CK. DR.

TRILBY RD.

In 1989, the Fossil Creek Design Center PUD resulted in platting and construction of Snead Drive along the angled west side of the subject property, along with the shopping center across Snead Drive to the west.

In 1999, the Fort Collins Loveland Water District Project Development Plan (PDP) was approved and the facility was constructed. That original development was contained within the commercially zoned parcel along Snead Drive. However, that plan indicated “Future Expansion” onto the abutting parcels on the north and east which are zoned RL (and were zoned RL at the time).

In 2008-2009 the existing storage/maintenance building was built, which extends into the RL-zoned land. Staff finds no record of how this development was approved relative to the zoning.

In 2014 an eastern expansion of the outdoor storage area was completed, which extends further into the RL-zoned land. Similarly, staff finds no record of how this development was approved relative to the zoning.

The above history represents the current state of the property, which is shown on the zoning map on p. 1.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Urban Estate (UE)	Low Density Residential (RL)	Low Density Residential (RL)	General Commercial (CG)
Land Use	Single family detached residential, abutting back yards	Single family detached residential, abutting side yards	Single family detached residential, abutting back yards	Multi-tenant strip shopping center building, rear side

C. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF’S REVIEW

The initial concept by the applicants was to rezone the RL portion of the property to General Commercial to create unified zoning on the district-owned property and enable the proposed uses.

Staff advised against a rezoning, in favor of APU, as the appropriate way to propose the desired uses. Commercial zoning would introduce a whole range of commercial and multi-family residential uses that have no relationship to FCLWD’s intent and purpose, and which staff felt would not be appropriate next to the abutting residential subdivisions.

Rather, the proposed uses are a function of the specific intent and purpose of FCLWD. The ODP with APU fits precisely with the intent and purpose of APU’s. Staff’s considerations have included:

- The uses are already established on the property, which renders the purpose and permitted uses of the RL zoning seemingly moot. I.e., FCLWD’s ownership and mission to serve their customers with critical infrastructure will prevent RL uses being built on the RL-zoned land.

- An incidental observation is that FCLWD serves the adjacent neighbors, in addition to providing critical water infrastructure to approximately 45,000 people and counting.
- At two neighborhood meetings, the closest abutting neighbors spoke about FCLWD being a good neighbor, but also shared concerns about the expansion, along with ideas to mitigate impacts and an invitation to visit their properties to get a different perspective. The ODP reflects those conversations.
- There are some unavoidable impacts involving noise and activity levels such as back-up beepers on FCLWD trucks and potential emergency dispatches at any time of night if necessary. These impacts are similar to impacts of fire stations or other emergency services, which are permitted in the RL zone.

2. Land Use Code Article 1

A. DIVISION 1.3 – ZONING AND APU

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>1.3.4 – Addition of Permitted Uses</p>	<p>The purpose of the APU process is to allow for approval of a particular land use on a specific parcel within a zone district that otherwise would not permit such a use.</p> <p>An applicant may submit a plan that does not conform to the zoning, with the understanding that such plan will be subject to a heightened level of review, with close attention being paid to compatibility and impact mitigation.</p> <p>This process is intended to allow for consideration of unique circumstances on specific parcels with evaluation based on the context of the surrounding area. The process encourages dialogue and collaboration among applicants, affected property owners, neighbors and City Staff.</p> <p>There are two versions of APUs:</p> <p>The first version is <i>not</i> the type of APU being proposed in this case; however, it is important as background for staff's findings under the required criteria:</p> <p>(1) Where the proposed use is a new use in the Fort Collins Land Use Code, meaning that it is not recognized in any existing use classification, and is proposed as being appropriate to add into a zone district(s).</p> <p>In other words, it is to incorporate a new use into the code that was not previously recognized. It is determined by staff ("the Director").</p> <p>A list of eight criteria must be met for such a use to be approved.</p> <p>The eight criteria are:</p> <p>(a) Such use is appropriate in the zone district to which it is added.</p> <p>(b) Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added.</p> <p>(c) The location, size and design of such use is compatible with and has minimal negative impact on the use of nearby properties.</p> <p>(d) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount</p>	<p>Complies</p>

normally resulting from the other permitted uses listed in the zone district to which it is added.

(e) Such use will not change the predominant character of the surrounding area.

(f) Such use is compatible with the other listed permitted uses in the zone district to which it is added.

(g) Such use, if located within or adjacent to an existing residential neighborhood, shall be subject to two (2) neighborhood meetings, unless the Director determines, from information derived from the conceptual review process, that the development proposal would not have any significant neighborhood impacts. The first neighborhood meeting must take place prior to the submittal of an application. The second neighborhood meeting must take place after the submittal of an application and after the application has completed the first round of staff review.

(h) Such use is not a medical marijuana business as defined in Section 15-452 of the City Code or a retail marijuana establishment as defined in Section 15-603 of the City Code.

The second type of APU is the type that is proposed:

(2) Where the proposed use is listed in other zone districts other than the zoning on the subject property, and is proposed based solely on unique circumstances and attributes of the site and development plan.

In other words, this second type is to allow a use to be added on one specific site in a given development plan, rather than to add an entirely new use into the Land Use Code.

However, this second type refers to same criteria. Accordingly, staff has consistently interpreted the criteria differently in this second type than in the first type, because the use is not proposed to be added to the zone, which is the basis for the criteria as written.

In some cases, a proposed use may *not* be appropriate to be added to the zone district; may *not* conform to basic characteristics of other uses in the zone; may generate more traffic than other uses permitted in the zone; and may *not* be compatible with other uses in the zone district except for under the unique circumstances of a particular plan.

The way staff typically interprets the criteria is illustrated by the yellow highlighted ideas below for interpreting the pertinent criteria. These can be compared to the criteria as stated in the code text on the previous page.

(a) Such use is appropriate in the particular location, based on the plan and the context and circumstances of the location.

(b) Such use has basic characteristics that are appropriate in the particular location, based on the plan and the circumstances and context of the proposed location.

(c) The location, size and design of such use is compatible with the context of the specific location within the zone district and has minimal negative impact on the use of nearby properties.

(d) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the zone district to which it is added, unless any additional impacts are addressed/accounted for in the plan, and warranted by the specific plan and context due to minimal negative impact or offsetting benefits to adjacent properties and/or the public.

(e) Such use will not change the predominant character of the surrounding area.

(f) Such use is compatible with the other listed permitted uses in the zone district to which it is added, **in the given location based on the plan as proposed.**

Staff intends to propose an update to the code Section with criteria along these lines to acknowledge the difference in the second type of APU.

Staff finds that the APU request conforms to the code criteria as follows:

(a) Such use is appropriate in the zone district to which it is added.

The proposed uses are appropriate in the particular location, based on the plan and the context and circumstances, because they already exist on the site and the facility has been a good neighbor for a number of years; and because the proposed ODP reflects conversations with affected neighbors; and because the facility provides critical infrastructure for adjacent neighbors and over 45,000 others in a large area of south Fort Collins, Larimer County and Timnath.

(b) Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added.

The use has basic characteristics appropriate in the particular location, based on the plan and the circumstances and context of the proposed location, for the reasons stated under (a) above; and because the ODP incorporates collaboration with neighbors on a landscaped setback on the east with a privacy fence placed well within the property so that the landscaping provides a sense of space for the neighbors; and because abutting lots on the north have outdoor storage adjacent to the facility.

(c) The location, size and design of such use is compatible with and has minimal negative impact on the use of nearby properties.

The proposed expansion of existing uses is compatible with the context of the specific location within the zone district and has minimal negative impact on the use of nearby properties for reasons stated above.

(d) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the zone district to which it is added.

The most tangible impact that may be generated is noise, based on neighbor comments about the existing facility – backup beepers on trucks/equipment, and occasional late-night emergency dispatch mobilizations. The RL zone permits public facilities such as fire stations and emergency services providers, and the proposed uses are part of an operation that is similar or lesser in impact than those uses, which rely on sirens.

Any other impacts will be addressed/accounted for in any subsequent Project Development Plans.

(e) Such use will not change the predominant character of the surrounding area.

The proposed expansion continues the existing character, and the surrounding residential area will retain its character.

(f) Such use is compatible with the other listed permitted uses in the zone district to which it is added.

The proposed expansion of existing uses is compatible with the other listed permitted uses in the zone district to which it is added, in the given location based on the plan as proposed, for all of the reasons stated above.

(g) Such use, if located within or adjacent to an existing residential neighborhood, shall be subject to two (2) neighborhood meetings, unless the Director determines, from information derived from the conceptual review process, that the development proposal would not have any significant neighborhood impacts. The first neighborhood meeting must take place prior to the submittal of an application. The second neighborhood meeting must take place after the submittal of an application and after the application has completed the first round of staff review.

Two neighborhood meetings were held. Also, the applicants have met with neighbors at an adjacent home.

City Council Approval Required In This Case. In certain residential-based zone districts, including RL, any APU application shall be determined by the City Council after a Planning and Zoning Commission recommendation on the APU. The Commission shall remain the decision maker on the development plan.

Applicants Justification. The applicants' justification narrative is attached and addresses each of the pertinent criteria.

This Google Earth view below shows the site in context of abutting streets and buildings.



3. Land Use Code Article 2

A. DIVISION 2.2 – DEVELOPMENT REVIEW PROCEDURES

Applicable Code Standard	Summary of Code Requirement and Staff Analysis	Staff Findings
<p>2.2.1-2.2.8 Procedural Steps</p>	<p>These subsections outline the required steps for processing development applications. Pertinent steps have been:</p> <p>Conceptual Review – CDR190082</p> <p>A conceptual review meeting was held on August 20, 2020.</p> <p>First Submittal –ODP 200001</p> <p>The application was submitted on March 12, 2021.</p> <p>Neighborhood Meetings</p> <p>Pursuant to <i>LUC Section 1.3.4 – Addition of Permitted Uses</i>, two neighborhood meetings are required for an APU in the RL Zone District. The first meeting was held virtually on January 28, 2021. The second meeting was held virtually on May 10, 2021 following submittal of the ODP as required. 234 letters were mailed to owners within the notice area for both meetings.</p> <p>Notice (Posted, Written and Published)</p> <p>Posted Notice: Sign posted January 15, 2021, Sign #593.</p> <p>Written Hearing Notice: October 7, 2021, 234 addresses mailed.</p> <p>Published Hearing Notice: Scheduled for October 10, 2021.</p>	<p>Complies</p>

B. DIVISION 2.3 - OVERALL DEVELOPMENT PLAN

Division 2.3 contains the standards for ODP's.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings

<p>2.3.1 Purpose</p>	<p>The purpose of the overall development plan (ODP) is to establish general planning and development control parameters for projects that will be developed in phases with multiple submittals while allowing sufficient flexibility to permit detailed planning in subsequent submittals. Approval of an overall development plan does not establish any right to develop property in accordance with the plan.</p>	<p>Complies</p>
<p>2.3.2 (H) Standards for Review</p>	<p>An ODP must comply with the following pertinent criteria:</p> <p>The plan shall be consistent with the permitted uses and pertinent zone district standards and pertinent general development standards (Article 3) that can be applied at the level of detail required for an overall development plan submittal.</p> <ul style="list-style-type: none"> • The permitted uses are enabled by the APU request. • The ODP shows access, building locations, key landscape and fence concepts, extension of a street stub on the south as a hammerhead turnaround, and key stormwater detention concepts at an appropriate level of detail. <p>The plan shall conform to the Master Street Plan requirements and the street pattern/connectivity standards both within and adjacent to the boundaries of the plan as required pursuant to Sections 3.6.1 and 3.6.3.</p> <ul style="list-style-type: none"> • There are no Master Street Plan facilities involved, which is the subject of Section 3.6.1. • The ODP reflects appropriate extension of Fossil Ridge Drive on the south, which is stubbed to the property line, by providing a turnaround. This is the only pertinent subject of Section 3.6.3 and staff has found the turnaround to be the best solution for the situation. <p>The plan shall identify appropriate transportation improvements to be constructed and shall demonstrate how the development, when fully constructed, will meet the Transportation Level of Service Requirements in Section 3.6.4, with submittal of a Master Level Transportation Impact Study.</p> <ul style="list-style-type: none"> • A traffic impact memo was done and accepted by City Traffic Engineering. The memo is attached. <p>The plan shall provide for the location of transportation connections to adjoining properties in such manner as to ensure connectivity into and through the overall development plan site from neighboring properties for vehicular, pedestrian and bicycle movement, as required pursuant to Section 3.6.3(F) and Section 3.2.2(C)(6).</p> <ul style="list-style-type: none"> • Besides the Fossil Ridge Drive turnaround mentioned previously, no other connections to and through the site were appropriate to require, given the existing development on and abutting the site. <p>The plan shall show the general location and approximate size of any natural habitats and features within its boundaries.</p> <ul style="list-style-type: none"> • No such features are present. An Environmental Characterization Study was done and agreed to by staff. The study is attached. <p>The plan shall be consistent with the appropriate Drainage Basin Master Plan.</p> <ul style="list-style-type: none"> • Drainage and detention would be part of any future PDPs, and the ODP has notes regarding drainage and detention based on thorough discussion among staff and the applicant team. 	<p>Complies via APU</p>

4. Land Use Code Article 3

Article 3 standards do not apply to ODP's except for the few references found in Section 2.3, as explained above.

5. Land Use Code Article 4

Article 4 standards do not apply to ODP's except for the few references found in Section 2.3, as explained above.

6. Findings of Fact/Conclusion

In evaluating the request for the Fort Collins-Loveland Water District Overall Development Plan #ODP210001, staff makes the following findings of fact and conclusions:

1. The Project Development Plan complies with criteria for Addition of Permitted Uses in Article 1, Section 1.3.4 as required for approval of the proposed uses.
2. The Project Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.

7. Recommendation

Staff recommends that the Planning and Zoning Commission make a motion to recommend that City Council approve the Addition of Permitted Uses in the Fort Collins-Loveland Water District Overall Development Plan #ODP210001, and that the Commission make a motion to approve the Overall Development Plan, based on the Findings of Fact and supporting explanations found in the staff report.

8. Attachments

1. Applicants Narrative for the ODP
2. Applicants Narrative for the APU
3. Overall Development Plan
4. Ecological Characterization Study
5. Drainage Memo
6. Staff Presentation for Work Session