

Planning and Zoning Board Hearing: November 16, 2023

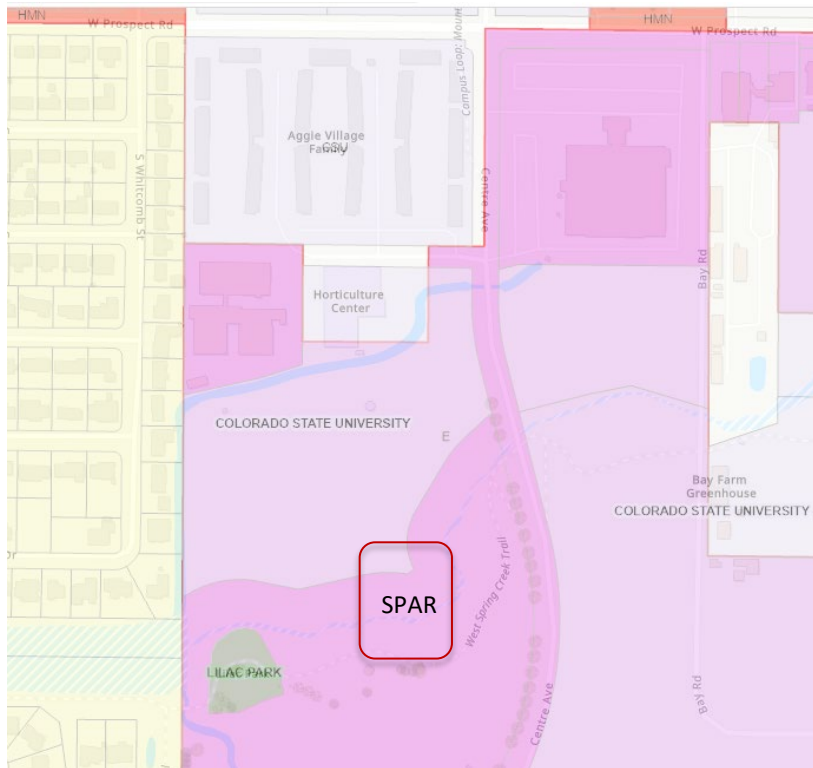
## CSU Phemister Trail Site Plan Advisory Review SPA230001

### Summary of Request

This is a request for a Site Plan Advisory Review (SPAR) for the CSU Phemister trail project.

The SPAR process allows the Planning and Zoning Board to provide comments on the plan to the governing body (Board of Governors of the Colorado State University) per State statutes.

### Zoning Map



### Next Steps

If the Planning and Zoning Board is not satisfied with the response to its comments by the governing body, the Planning and Zoning Board can request a hearing before the Board of Governors of the Colorado State University System.

### Site Location

The CSU Phemister trail project located south of the CSU Horticulture Center will connect the Prospect Road underpass to the Spring Creek Trail at the Gardens on Spring Creek. The area reviewed by staff is specific to the limits of construction on city-owned property and located within the Spring Creek floodplain.

### Zoning

Employment (E)

### Property Owner

Board of Governors of the Colorado State University System  
01 Administration Building  
Fort Collins, CO 80523

### Applicant/Representative

David Hansen  
University Landscape Architect  
Colorado State University

### Staff

Kristie Raymond, Environmental Planner  
kraymond@fcgov.com

### Contents

- 1. Project Introduction..... 2
- 2. Public Outreach ..... 4
- 3. Procedural Requirements – Land Use Code Article 2..... 4
- 4. Staff Evaluation ..... 5
- 5. Staff Conclusions and Recommendation ..... 7
- 6. Attachments..... 8

### Staff Recommendation

Staff recommends approval with conditions of approval.

# 1. Project Introduction

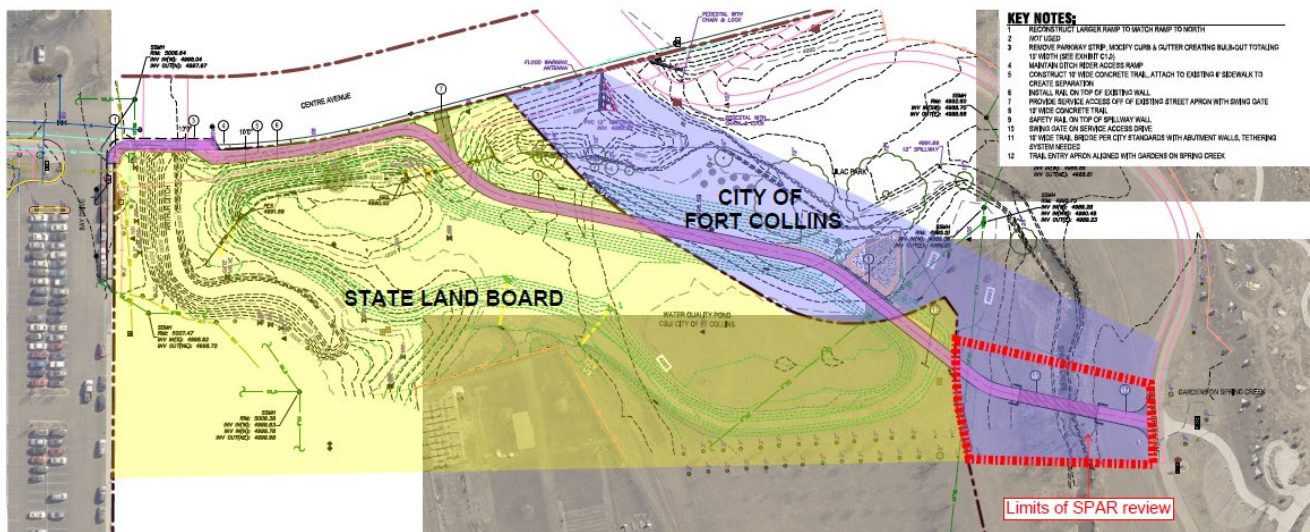
## A. PROJECT DESCRIPTION

The intent of this project is to provide a 12' wide concrete trail, graded to meet ADA requirements and striped to support 2-way bicycle and pedestrian movement to provide direct, safe connectivity for users of the Spring Creek trail into the larger Fort Collins Centre Avenue bikeway network which provides direct access to CSU. The southern segment of the trail includes a pedestrian bridge spanning 60' from the City's Lilac Park over Spring Creek and is the specific subject of this SPAR review.

The SPAR review includes the construction of a grade separated pedestrian bike trail through the Natural Habitat Buffer of Spring Creek as well as designated Spring Creek Floodplain. The proposed alignment of the Phemister trail was updated in the 2016 Colorado State University (CSU) master plan as the CSU Horticulture Center was developed in conjunction with stormwater obligations for this area. Alternative alignments were reviewed with City Parks Planning and during the most recent updates to the Gardens on Spring Creek ([Gardens on Spring Creek Major Amendment](#)) which includes a trail spur that also connects with the Spring Creek trail. In 2016, Fort Collins Utilities provided a stormwater easement to Colorado State University to support development within the vicinity identified by CSU master plans for South Campus. The 2016 Ordinance ([Ordinance 113, 2016](#)) authorizing the conveyance of a permanent stormwater easement is the first time City Council reviewed the proposed alignment in support of a future Lilac Park and trail spur connections to the Spring Creek trail. The 2016 Ordinance also provides a conceptual landscape plan to be installed as a part of constructing the stormwater basin and as a condition of providing the City-owned property to CSU at no cost.

The CSU Phemister Trail has, in good faith, coordinated with City-Staff over the years to complete the connection of the trail from the Prospect underpass to the Spring Creek trail. In addition, The CSU Master Plan as well as the Bicycle Master Plan identifies a framework for South Campus where the CSU Phemister Trail is located. Guiding principles for the development of this framework include the following: restrict development in the Spring Creek floodplain, maintain and reinforce open spaces and quads, establish a green setback at the campus edges, establish pedestrian and bike gateways, provide parking at key locations, establish mass transit centers and preserve view corridors. City Staff review and proposed conditions of approval are consistent with the CSU plans for South Campus as well conditions established by past easements provided by the City.

This project is subject to review by the Planning & Zoning Board because the project area is located on parcels not included in the original Intergovernmental Agreement between the City of Fort Collins and Colorado State University.



## B. SITE CHARACTERISTICS

### 1. Development History

The SPAR review area includes one parcel (parcel 9723100930) owned by the City of Fort Collins that was originally annexed in 2002 as part of the College Fourth Annexation.

### 2. Surrounding Zoning and Land Use

The proposed project disturbance includes two parcels between the CSU Horticulture Center and the Gardens. The area of this SPAR review is located in the FEMA designated 100-year Spring Creek floodplain. Spring Creek is a major watercourse that flows from Spring Canyon Dam at Horsetooth Reservoir to its confluence with the Poudre River. The Spring Creek drainage basin encompasses nearly nine square miles in central Fort Collins. The zoning and land uses surrounding the proposed project area are as follows:

	North	South	East	West
<b>Zoning</b>	CSU Jurisdiction (CSU)	Employment (E)	Employment (E) CSU Jurisdiction (CSU)	Low Density Residential District (RL)
<b>Land Use</b>	CSU Horticulture Center	Gardens on Spring Creek	CSU Bay Farm Greenhouse	Single-family housing

## C. REVIEW PROCEDURES

### 1. State Requirements for City Review

Colorado Revised Statutes, as amended (C.R.S.), govern the City’s review of development plans for public facilities, these supersede the City’s typical processes for development plan review of private land.

- Section 31-23-209, C.R.S. generally governs all public facilities with the following pertinent provisions:
  - “No street, square, park or other public way, ground or open space, public building or structure, or publicly or privately owned public utility shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof has been submitted for approval by the commission.”
  - “In case of disapproval, the commission shall communicate its reasons to the municipality's governing body, which has the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership.”
  - “The failure of the commission to act within sixty days from and after the date of official submission to it shall be deemed approval.”

### 2. Land Use Code Requirements

The Land Use Code incorporates the statutory requirements above into Sections 2.1.3(E) and 2.16(H) under the Site Plan Advisory Review Process (“SPAR”). Following are pertinent excerpts for convenient reference:

“2.1.3(E) *Site Plan Advisory Review*. The Site Plan Advisory Review process requires the submittal and approval of a site development plan that describes the location, character and extent of improvements to parcels owned or operated by public entities. In addition, with respect to public and charter schools, the review also has as its purpose, as far as is feasible, that the proposed school facility conforms to the City's Comprehensive Plan.”

“2.16.2 Site Plan Advisory Review Procedures

(H) Standards: [LUC standards are] Not applicable, and in substitution thereof, an application for a Site Plan Advisory Review shall comply with the following criteria:

- (1) The site location for the proposed use shall be consistent with the land use designation described by the City Structure Plan Map, which is an element of the City's Comprehensive Plan.
- (2) The site development plan shall conform to architectural, landscape and other design standards and guidelines adopted by the applicant's governing body. Absent adopted design standards and guidelines, the design character of the site development plan shall be consistent with the stated purpose of the respective land use designation as set forth in the City's Comprehensive Plan.
- (3) The site development plan shall identify the level of functional and visual impacts to public rights-of-way, facilities and abutting private land caused by the development, including, but not limited to, streets, sidewalks, utilities, lighting, screening and noise, and shall mitigate such impacts to the extent reasonably feasible.”

## 2. Public Outreach

### A. NEIGHBORHOOD MEETING

A neighborhood meeting was waived for this project.

### B. PUBLIC COMMENT

No public comment has been received.

## 3. Procedural Requirements – Land Use Code Article 2

### A. SITE PLAN ADVISORY REVIEW PROCEDURAL OVERVIEW

#### 1. Conceptual Review

Conceptual Review meeting was waived.

#### 2. Neighborhood Meeting

Neighborhood meeting was waived.

#### 3. Submittal

The project development plans were submitted on September 27, 2023 and deemed complete. The project was routed to all reviewing departments, and comments were provided on October 18, 2023, and the project was deemed complete.

#### 4. Notice

Posted notice: November 5, 2023, Sign 748

Written notice: November 1, 2023,

## 4. Staff Evaluation

### A. BACKGROUND

The City's review of a public facility is governed by State statutes. Plans are evaluated based on the requirements explained below.

#### Location Criterion:

(1) The site location for the proposed use shall be consistent with the land use designation described by the City Structure Plan Map, which is an element of the City's Comprehensive Plan.

#### Character Criterion:

(2) The site development plan shall conform to architectural, landscape and other design standards and guidelines adopted by the applicant's governing body. Absent adopted design standards and guidelines, the design character of the site development plan shall be consistent with the stated purpose of the respective land use designation as set forth in the City's Comprehensive Plan.

#### Extent Criterion:

(3) The site development plan shall identify the level of functional and visual impacts to public rights-of-way, facilities and abutting private land caused by the development, including, but not limited to, streets, sidewalks, utilities, lighting, screening and noise, and shall mitigate such impacts to the extent reasonably feasible."

### B. LOCATION

The first criterion for the review of the application is 'location.' This criterion requires that the site location for the proposed public facility be consistent with the land use designation described by the City Structure Plan Map, which is an element of the City's Comprehensive Plan.

The City Structure Plan shows the trail to be in the transition of Urban Mixed-Use District and Parks and Natural/Protected Lands, with the section of the trail in the SPAR review primarily in the Parks and Natural/Protected Lands.

The location and alignment of the proposed trail aligns with the CSU Master Plan and the City Structure Plan. The Phemister Trail has been represented in multiple planning documents of both the City and CSU and has been reviewed by the City in the past. A timeline is as follows:

- June 2014 - CSU Horticulture Center Informal Conceptual Review
  - Trail represented in Horticulture Site master plan to City Planning Staff
- December 2014 -February 2015 - CSU Horticulture Center SPAR– P&Z Approval
  - Trail represented in Horticulture Site master plan to City Planning Staff, specifically referenced in staff questions and response by CSU Planning.
- 2015 - Gardens on Spring Creek Master plan – City Council Approval
  - Trail represented in Gardens on Spring Creek master plan. North entry of the Garden specifically built in current location in anticipation of trail.
- August 2016 - Lilac Park planning - Parks Planning
  - Parks Planning team developed a conceptual plan for Lilac Park water quality pond outfall to support Parks board presentation, P&Z presentation, neighborhood meeting and City Council easement approval.
- August 2016 - CSU/ City of Fort Collins Centre Avenue Outfall water quality pond – Parks Board Presentation

- Trail represented in water quality pond design as future trail that was coordinated with Parks Planning & City Stormwater in the Lilac Park Concept Plan.
- October 2016 - Centre Avenue Outfall water quality pond – City Council Approval
  - City Council Approved easement for water quality pond which specifically references future trail to be built by CSU.

## C. CHARACTER

The second criteria for review is “character” which requires the plan to conform to architectural, landscape and other design standards and guidelines adopted by the applicant’s governing body.

The CSU Master Plan identifies a framework for South Campus where the CSU Phemister Trail is located. Guiding principles for the development of this framework include the following: restrict development in the Spring Creek floodplain, maintain and reinforce open spaces and quads, establish a green setback at the campus edges, establish pedestrian and bike gateways, provide parking at key locations, establish mass transit centers and preserve view corridors.

City of Fort Collins Environmental Planning Staff reviewed the architectural, landscape and other design standards and guidelines adopted by Colorado State University, CDOT, and Colorado Parks and Wildlife which pertain to the project development Plan:

[CSU 2014 Master Plan](#)

[CSU 2014 Bicycle Master Plan](#)

[CSU FACILITIES PLANNING, DESIGN AND CONSTRUCTION STANDARDS](#)

[Chapter 2. Design Administration](#)

[Division 32 Exterior Improvements](#)

[Colorado State University Campus Planning and Design Philosophy](#)

[Colorado State University Aesthetic Guidelines](#)

[CDOT Design Guidelines – Ch. 13 Bicycle and Pedestrian facilities](#)

[CDOT Landscape Architecture manual](#)

[Colorado’s guide for planning trails with wildlife in mind](#)

[Fort Collins Design Guidelines for Grade-Separated Pedestrian Structures](#)

The proposed trail and pedestrian bridge are in the Spring Creek floodplain but does allow for pedestrian and bike gateways. There will be construction disturbance to the Spring Creek floodplain, however, restoration is planned and will be finalized in the Final Development Plan (FDP) phase. The applicant will need to define the limits of development including temporary impacts associated with construction activities in the FDP along with temporary and permanent soil stabilization measures for all disturbed areas. The proposed plan shows five trees will be disturbed due to grading or clearance. Mitigation of these trees will be shown in the FDP along with the landscaping details associated with Ordinance No 113, 2016. As outlined by the Ordinance authorizing the conveyance of a permanent stormwater easement on city property at the Gardens to CSU, 54 trees and 150 shrubs were recommended. The applicant has shared that quantities were reduced from the concept plan dated 10/12/2016 that was developed by parks planning referring to 54 trees and 150 shrubs. At that time, concessions were made (34 trees and 33 shrubs) on the project due to budget overrun with the constructed sandstone pond outfall that was constructed, additionally, areas shown on the concept plan weren’t actually areas that could be planted as they were already well established. Staff recommends that the Final Development Plan address the previously agreed upon landscape plan.

Additionally for approval, a trail or public access easement will be required for the portion of the trail that goes through City of Fort Collins’ property and the wingwalls of the pedestrian bridge. This is required to legally allow access to the City’s property for the owner of the trail to perform maintenance duties. It is also suggested that a

Memorandum of Understanding be added to the easement agreement specifying CSU's responsibility for inspection, vegetation and maintenance.

#### D. EXTENT

The third criteria for review is “extent” which requires the plan to identify the level of functional and visual impacts to public rights-of-way, facilities and abutting private land caused by the development, including, but not limited to, streets, sidewalks, utilities, lighting, screening and noise, and shall mitigate such impacts to the extent reasonably feasible.

The project supports the City Plan in enhancing pedestrian and bicycle connectivity by supporting connected bicycle/pedestrian networks between neighborhoods and districts and increases access to Nature in the City by increasing the number of residents who have access to natural areas, parks and/ or open space within a 10-minute walk of their home. In addition, the project addresses a few key safety concerns that are witnessed daily:

1. Wrong-way riding on Centre Ave. Cyclists often choose to ride within the street bike lane contraflow to on-coming vehicles. If not in the street, many choose to ride the sidewalks adjacent to the street, crossing multiple driveways and cross-streets from the sidewalk.
2. During high-water events, the Centre Avenue underpass of the Spring Creek trail is inundated with high water and is impassible. Cyclists and pedestrians detour up to Centre Ave to make an at grade crossing of a high-volume street that lacks infrastructure to accomplish this crossing safely. The trail would provide a safer alternative detour around this issue.

As we consider the needs for equitable access in our community, CSU can identify several thousand students and staff within a ½ mile buffer along the Spring Creek Trail corridor, that could directly benefit from this infrastructure as well as the community at large. The trail will allow users to access the Spring Creek Trail without navigating two busy arterial streets. Benefactors will include low-income and zero vehicle households (often students), privately owned student apartments, international family housing, CSU employee households, Federal center employees and daily bicycle commuters utilizing the campus to commute to their destination along the Center Bikeway and Spring Creek Trail.

This project is in the Natural Habitat Buffer Zone of Spring Creek and associated riparian forest and wetland area, however, the Fort Collins Land Use Code 3.4.1 does allow for disturbance or construction activity within the buffer zone for the construction of a trail or pedestrian walkway that will provide public access for educational or recreational purposes provided that the trail or walkway is compatible with the ecological character or wildlife use of the natural habitat or feature. Proper mitigation of existing trees and wetland disturbance will be conducted for this project to ensure it is compatible with the ecological character.

### 5. Staff Conclusions and Recommendation

Staff recommends Planning and Zoning Board approve with the following motion and conditions of approval:

The Fort Collins Planning and Zoning Board finds that the location, character, and extent of the proposed development plan for the CSU Phemister Trail #SPA230001, is consistent with the City’s Land Use Code and mitigates its functional and visual impacts to streets, sidewalks, utilities, and environmental resources, to the extent reasonably feasible.

The following conditions of approval are:

- In accordance with CSU Campus Planning and Design Philosophy and Aesthetic Guidelines (“Learning Landscapes”), the development plan should address human dimension elements for trail users, including Spring Creek signage and the associated wetland educational information.
- No lighting will be on the trail section on City-owned Property. Lighting included on CSU owned sections of the trail should minimize disturbance to the natural buffer area.
- In addition to Spring Creek restoration, complete landscaping outlined by Ordinance No. 113-2016 and supplemental concepts updated by CSU and Parks Planning thereafter.

- A trail or public access easement will be required for the portion of the trail that goes through City of Fort Collins' property and the wingwalls of the pedestrian bridge.

## 6. Attachments

- 1) Applicant's Project Narrative
- 2) Preliminary Landscape Plan Set
- 3) Preliminary Site Grading Plan Set
- 4) Ordinance No. 113
- 5) Updated Concept Plan for Ordinance No. 113 – Lilac Park Planting Zones
- 6) Gardens on Spring Creek Major Amendment