



SUBMITTAL REQUIREMENTS:  
REZONING PETITION

**Petitioner:**

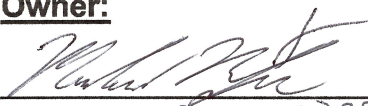
Thompson Thrift Residential  
Name

111 Monument Circle, Suite 1500  
Address  
Indianapolis, IN 46204  
City, State, Zip

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip

**Owner:**

  
Name BCDL #3885050

7912 Eagle Ranch Road  
Address  
Fort Collins, CO 80528  
City, State, Zip

JOHN JAMES NIFOROS II AND MARLENA  
NIFOROS AS CO-PERSONAL  
REPRESENTATIVES OF THE ESTATE OF  
TONIA L. NIFOROS, DECEASED

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip

To the City Council of the City of Fort Collins, Colorado.

I (We), the undersigned, do hereby respectfully petition and request that the City Council amend the zoning ordinance of the City of Fort Collins by changing the zoning of the hereinafter described parcel, containing 9.4 acres, more or less, from Industrial zoning district to M-M-N zoning district:

**Legal Description:** See legal description (Exhibit A) attached.  
**Reason for Request:** See rezone justification narrative (Exhibit B) attached.

Please attach listing of names and addresses of all persons owning land (as per Larimer County Assessor's office on date of request) within 800 feet of any portion of the area under petition for rezoning.

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Province of British Columbia*

~~State of Colorado~~ )

*Alabama* ) ss.


County of Larimer )

The forgoing instrument was acknowledged before me this 23rd day of January, 2023;

BY Martena Niforos for the purpose therein set forth,  
*one of the personal representatives of the estate of Tonia L. Niforos, Deceased.*

My commission expires n/a - non-expiring.

**D'Arcy J. Frankland**  
**Notary Public**  
440 - 10<sup>th</sup> Avenue  
Campbell River, B.C.  
V9W 4E3

  
\_\_\_\_\_  
Notary Public

Please return to the City of Fort Collins Community Development and Neighborhood Services Department.

**WITNESSED AS TO SIGNATURE ONLY.**  
**NO ADVICE SOUGHT OR GIVEN**

D'Arcy J. Frankland  
Notary Public



# The Landing at Lemay North Rezone

Exhibit B - Request for Zoning Map and Structure Plan Amendment  
April 25, 2023

## Project Team

Developer/Applicant

Monica Unger  
Thompson Thrift Residential  
111 Monument Circle, Ste 1500  
Indianapolis, IN 46204

Planner/Landscape Architect

Russell Lee  
Ripley Design, Inc.  
419 Canyon Ave, Suite 200  
Fort Collins, CO 80521

Civil Engineer

Danny Weber  
Northern Engineering  
301 N Howes St #100  
Fort Collins, CO 80521

## Introduction

The applicant, Thompson Thrift Residential, requests an amendment to the City Structure Plan and an amendment to the Zoning Map to rezone a 9.4-acre portion of a 26.5-acre property located at the southeast corner of Vine Drive and Lemay Avenue from Industrial to MMN (see Figure 1 below). The southern 17.1-acres received final approval to rezone from Industrial to MMN on February 21, 2023. At the Planning & Zoning Commission meeting on December 15, 2022, there was concern that the portion of land to the north was remaining industrial land, which has initiated this secondary rezone.

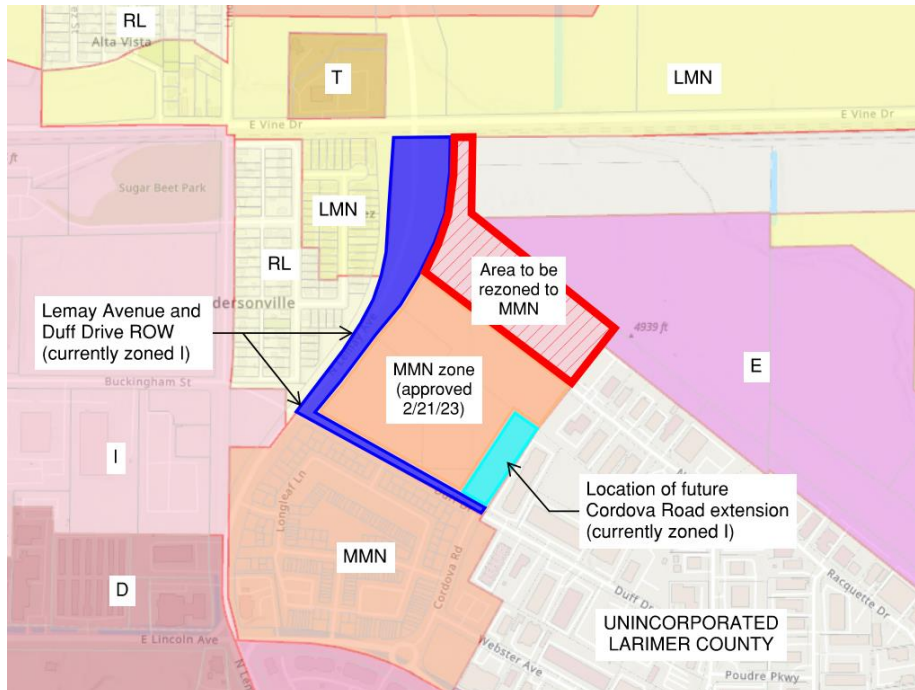


Figure 1 - Zoning Map



MINIMAL RISK. PAINLESS PROCESS. BEAUTIFUL SPACES.

o: 970.224.5828 | w: ripleydesigninc.com

RIPLEY DESIGN, INC. | 419 Canyon Avenue, Suite 200 | Fort Collins, CO 80521

This rezone will create a more cohesive transition from the RL and LMN zones on the west to the Employment zones and unincorporated industrial park areas to the east, eliminate concerns of an increased buffer requirement if this land was to develop as industrial adjacent to the southern MMN property, and eliminates the split zoning between this area and the MMN zone to the south.

As illustrated in Figure 1 above, the existing Lemay Avenue and Duff Drive ROW (shown in dark blue) and the parcel which contains the future extension of Cordova Road (shown in cyan), are currently zoned Industrial and are not included in this rezone application. These areas will potentially be rezoned by the City as part of the Mulberry Plan due for adoption later this year.

Note that the parcel show in cyan in Figure 1 has not been included in this rezone since the developer is finalizing the purchase agreement with the owner for its acquisition. The applicants do not object to the City rezoning this land in the future as part of the Mulberry Plan.

## Request for Zoning Map Amendment

This request for a Zoning Map Amendment is justified in accordance with the following section of the City of Fort Collins Land Use Code.

### *Fort Collins LUC Section 2,9.4(H)*

- (2) Mandatory Requirements for Quasi-judicial Zonings or Rezoning. Any amendment to the Zoning Map involving the zoning or rezoning of six hundred forty (640) acres of land or less (a quasi-judicial rezoning) shall be recommended for approval by the Planning and Zoning Board or approved by the City Council only if the proposed amendment is:
  - (a) consistent with the City's Comprehensive Plan; and/or*
  - (b) warranted by changed conditions within the neighborhood surrounding and including the subject property.**
  
- (3) Additional Considerations for Quasi-Judicial Zonings or Rezoning. 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 functioning of the environment;*

- (c) *whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

1. The Zoning Map amendment is consistent with the City's Comprehensive Plan (*City Plan adopted in 2019*)

*Strategy LIV-1d. Update the East Mulberry Corridor Plan to reflect land use and policy directions established as part of City Plan. Include a full assessment of annexation impacts as part of the plan update, or as a stand-alone effort, to help inform the annexation process and long-term service provision.*

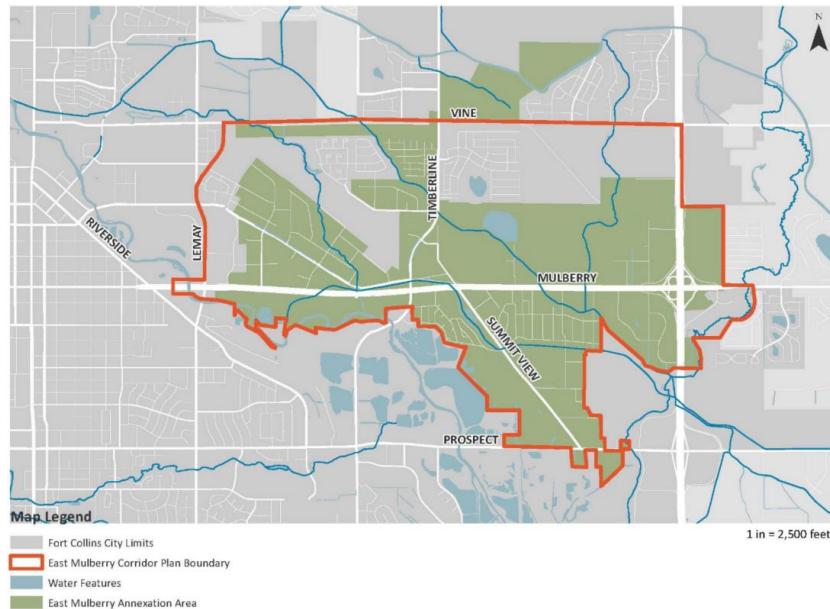
**Analysis:**

The Landing at Lemay property lies within the East Mulberry Corridor Area. The previous Corridor Plan was adopted in 2002, and City staff is currently in process of updating the plan to better reflect the evolving needs of northeast Fort Collins. The City held meetings in 2020 and 2021 with City Council members as well as local businesses and residents to gain input on the revisions that will be made to the Plan. Feedback received was that there is a community interest in preserving Industrial properties which were most accessible from I-25 and East Mulberry.

The subject property lies about 1 mile north of East Mulberry Street and would require traffic to pass by several existing residential developments, placing a lower value on preserving this property for industrial uses given its distance from Mulberry. The green areas shown on the map below depict areas proposed to be annexed into the City as part of the East Mulberry Plan project. This illustrates the considerable potential for future industrial properties which will better align with the community interest.







**Policy LIV 1.6 - Adequate Public Facilities** Utilize the provision of public facilities and services to direct development to desired location, in accordance with the following criteria:

- Direct development to locations where it can be adequately served by critical public facilities and services such as water, sewer, police, transportation, schools, fire, stormwater management and parks, in accordance with adopted levels of service for public facilities and services.

**Analysis:**

The subject property is bordered by developed properties to the south and west, providing an existing network of public utilities in the immediate vicinity. The proposed M-M-N zoning for this property will allow for a logical extension of the existing street and utility framework established by the multi-family development to the south, and the newly constructed Lemay Ave to the west will provide adequate vehicular and pedestrian circulation to surrounding areas. Transfort also has an existing bus stop approximately ½ mile south of the property which offers stops each hour. Additionally, the applicant has agreed to take over the maintenance of the landscape within their adjacent Lemay Avenue overpass right of way to the back of walk to support this public facility.

**Policy LIV 4.2 - Compatibility of Adjacent Development** Ensure that development that occurs in adjacent districts complements and enhances the positive qualities of existing neighborhoods. Developments that share a property line and/or street frontage with an existing neighborhood should promote compatibility by:



MINIMAL RISK. PAINLESS PROCESS. BEAUTIFUL SPACES.

o: 970.224.5828 | w: ripleydesigninc.com

RIPLEY DESIGN, INC. | 419 Canyon Avenue, Suite 200 | Fort Collins, CO 80521

- *Incorporating context-sensitive buildings and site features (e.g., similar size, scale and materials); a*
- *Locating parking and service areas where impacts on existing neighborhoods—such as noise and traffic—will be minimized.*

### **Analysis**

The adjacent zoning districts include Low-Density Mixed-Use Neighborhood District (L-M-N) and Low Density Residential (R-L) zoning to the west, and the property to the south is currently in process to be rezoned from I to MMN. To the north and east are properties zoned Employment (E) and L-M-N. Rezoning the subject parcel to M-M-N will provide a more appropriate transition between the lower density residential properties to the west and the higher intensity industrial and employments areas to the east. The architectural character associated with the future multi-family development on this site will be more sensitive to the context of these adjacent residential uses than what would likely be developed on an industrial-zone property.

The Lemay overpass flattens out at the southern half of the site. The subject property is visible from Andersonville at this point. A multi-family development provides a more logical transition to the industrial to the east rather than having industrial uses 100'-200' from residential houses.

A neighborhood meeting was held with the residents from the Andersonville neighborhood. At that meeting the applicant asked if the neighbors preferred multifamily versus industrial and residents in attendance expressed a preference for multifamily.

### ***Policy Liv 5.3 – Land for Residential Development***

*Use density requirements to maximize the use of land for residential development to positively influence housing supply and expand housing choice.*

### **Analysis:**

City Plan has identified the need for increased housing supply and emphasizes a broader mix of housing types and densities to support the changing population and housing market (page 29). This need for housing stock is a result of an increase of jobs in Fort Collins and a housing market that has not been able to keep up with the rising demand. City Plan identifies the greatest need for housing supply to be for higher density products such as multifamily and attached units. Rezoning to M-M-N will allow for the subject property to directly contribute to these City goals.

***Policy SC 4.2 - Design for Active Living*** *Promote neighborhood and community design that encourages physical activity by establishing easy and equitable access to parks and trails,*



*providing interesting routes that feature art and other visually interesting elements, and locating neighborhoods close to activity centers and services so that active modes of transportation are a desirable and convenient choice.*

**Analysis:**

According to City Plan, a key characteristic of the Mixed Neighborhood Place Type (which aligns with M-M-N zoning) are properties which are located within walking or biking distance of services and amenities. The subject property is located within ½ mile walk or biking distance of several breweries, restaurants, and grocery stores, and is approximately 1 mile from Old Town Fort Collins which will encourage active living.

**2. The Zoning Map amendment is warranted by changed conditions within the neighborhood surrounding and including the subject property.**

In addition to being consistent with with the City's Comprehensive Plan, the proposed rezone is warranted by the following changed conditions within the surrounding neighborhood.

- The Capstone property which lies directly south of the subject property received approval to rezone from I to M-M-N in 2015 and has since been developed as a multi-family project, setting the precedent for compatible multi-family projects in the area.
- The airport is no longer in operation. Concerns raised by City staff in the 2003 consideration of a rezoning to M-M-N for the Capstone property included concerns about locating residential areas too close to the airport. With the closure of the airport, this concern is no longer an issue.
- Woodward recently constructed a new campus on the 100+ acre property at the southwest corner of the Lincoln and Lemay intersection, located less than ½ mile from the subject property. This property was rezoned to be within the Innovation Subdistrict, which is part of the Downtown District. The Innovation Subdistrict was created to promote development that supports employment and industrial uses, which enabled Woodward to accommodate their new office/manufacturing campus that is anticipated to retain and/or create between 1,400 and 1,700 primary jobs. The loss of 9.4 acres of I-zoned property is more than offset by the increase in industrial use and jobs realized by the Woodward project. The Woodward developemnt would also benefit from adjacent housing and continue to promote City Plan Poilcy SC4.2 by placing market rate housing within ½ mile of this major employer. This would encourage pedestrian and bike transportation to work, reducing carbon emissions and promoting the City's climate action goals.





3. The Zoning Map amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land.

The rezone will be compatible with existing land uses for the following reasons:

- The properties to the west are zoned R-L and L-M-N which have a lower intensity than the properties to the east which are unincorporated, but are developed as industrial. Rezoning the subject property to M-M-N will provide a more natural transition between land uses.
  - The northern 9.3-acres of the subject property will remain as industrial-zoned land and will maintain future employment opportunities within the City of Fort Collins. The industrial-zone district also accommodates uses such as convenience shopping, child care centers and housing which will support the multi-family use proposed for the subject property. This remaining industrial-zoned area will still have adequate circulation, with direct access to Vine Drive to the north, a 2-lane collector street at this location which transitions to a 2-lane arterial street as it approaches I-25 to the east.
4. The Zoning Map amendment would not 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;

No significant adverse impacts are anticipated on the natural environment for the following reasons:

- There are no significant natural features identified on the subject property or adjacent properties. Additionally, a multi-family development within the M-M-N zone district would typically be a lower intensity use than a development within an industrial-zoned property would, therefore reducing any potential environment impact for the surrounding areas.
- The proposed rezone will provide housing opportunities in a location which will have access to a multitude of employment and service areas within a 2-mile radius. Providing housing in areas that are within close proximity to jobs, healthcare, recreation, retail, and restaurants significantly cuts down the amount of time residence must spend in their cars, thus reducing their environmental impact.



5. The Zoning Map amendment will result in a logical and orderly development pattern.

The rezone will result in a logical and orderly development pattern for the following reasons:

- The property south of Duff Drive was rezoned as M-M-N in 2015, and the property directly to the south is currently requesting a rezone to M-M-N, so the proposed zoning will provide a logical extension of that zone district to the north.
- The transition between the proposed M-M-N zone and the existing industrial zone is defined by extending the centerline of Link Lane across the subject property to create a clearly defined boundary.
- The proposed rezone would place a medium-density use along the newly-constructed Lemay Avenue, a 4-lane collector street. This complies with the City Plan which promotes placement of townhome or multifamily developments along arterial streets where transit and other services and amenities are available (page 98).

## Request for Structure Plan Amendment

This request for a Structure Plan Amendment is justified in accordance with the following section of the City Plan.

City Plan (page 221) states: *a plan amendment will be approved if the City Council makes specific findings that:*

- *The existing City Plan and/or any related element thereof is in need of the proposed amendment; and*
- *The proposed amendment will promote the public welfare and will be consistent with the vision, goals, principles and policies of City Plan and the elements thereof.*

1. *The existing City Plan and/or any related element thereof is in need of the proposed amendment;*

The Structure Plan Map needs to be amended in order to rezone approximately 9.4-acres of land. The resulting M-M-N zone will be able to accommodate a multi-family housing project and create an appropriate land use transition between industrial development and single-family neighborhoods.



Since the current Structure Plan was adopted in 2018, additional conversations have occurred regarding the best suited locations for industrial properties, and City Staff has identified the areas closest to East Mulberry Street and I-25 as the lands which would be most appropriate. This parcel is outside those parameters.

Additionally, the need for more housing has increased considerably in the last 2 years. Based on the monthly report issued by the Fort Collins Board of Realtors, the median home price in Fort Collins increased by over 14.5% for townhomes/condos in the last year alone. Meanwhile, the number of days on the market decreased by 31.5% from 89 to just 61.

The Fort Collins Housing Strategic Plan was since released in 2021, reinforcing the urgency for increased housing supply. The tables from page 27 of the Strategic Plan illustrate that there is a shortage of affordable housing for both the rental and ownership markets. For the rental market, housing shortages are reported for residents with up to 80% AMI (Area Median Income) and up to 150% AMI for the ownership market. The evolving needs in the City are a clear indication that there is a need for action.

2. *The proposed amendment will promote the public welfare and will be consistent with the vision, goals, principles and policies of City Plan and the elements thereof.*

The proposed Structure Plan Map amendment is part and parcel with the rezoning request. See arguments above to show how the amendment is supported by City Plan Principles and Policies.

