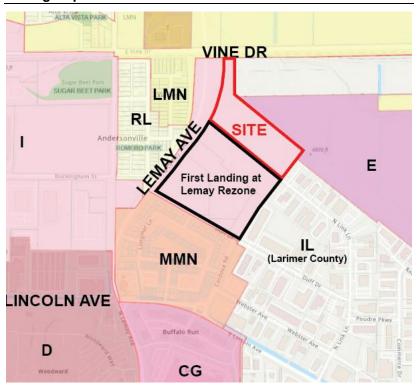
Planning and Zoning Commission Hearing: May 18, 2023

The Landing at Lemay Two Rezone & Structure Plan Map Amendment, #REZ230001

Summary of Request

This is a request to amend the Structure Plan Map and rezone approximately 9 acres from the Industrial (I) zone district to the Medium Density Mixed-Use Neighborhood (MMN) zone district. The rezoning request was prompted by the approval of the first Landing at Lemay Rezoning, which created split zoning on a parcel of land and discussion amongst staff, project applicants, and the Planning and Zoning Commission about the logic of the remaining Industrial zoning north of the first Landing at Lemay site.

Zoning Map



Next Steps

After receiving a recommendation from the Planning and Zoning Commission, the proposed Structure Plan amendment and rezoning will be presented to City Council for consideration of approval via ordinance.

Site Location

Located southeast of the Lemay Avenue overpass over Vine Drive.

Petitioner

Thompson Thrift Residential 111 Monument Circle, Suite 1500 Indianapolis, IN 46204

Owners

John James & Marlena Niforos. Representatives of the Tonia Niforos Estate 705 14th Street SE 303 Loveland, CO 80537

Staff

Ryan Mounce, City Planner

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Recommendation

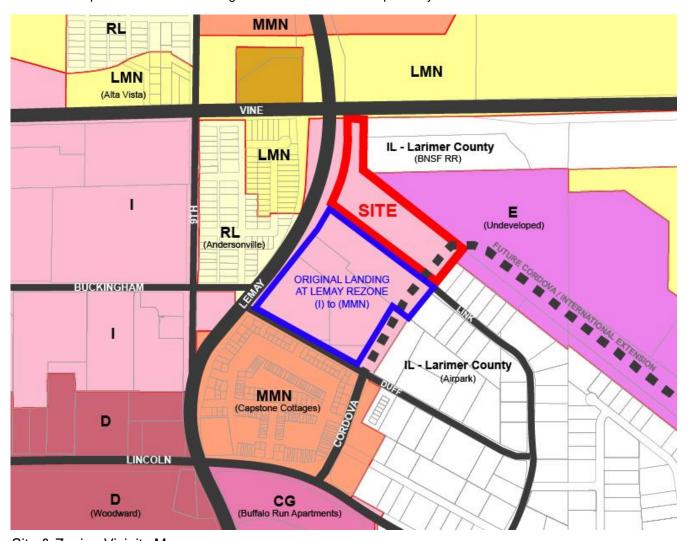
Approval

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1. Project Introduction

A. PROJECT DESCRIPTION

The petitioners are requesting an amendment to the Structure Plan and Zoning Maps for a proposed 9.4-acre rezoning from the Industrial (I) zone district to the Medium Density Mixed-Use Neighborhood (MMN) zone district. The Structure Plan map is proposed to be changed from the Industrial Place Type to the Mixed Neighborhood Place Type to align with the proposed MMN zoning designation. There are no immediate development proposals for the property, however, the rezoning would alter the characteristic of future development from office and light industrial land uses to primarily residential land uses.



Site & Zoning Vicinity Map



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B. BACKGROUND & CONTEXT

The site was annexed in 1986 as part of the larger Fort Collins Business Center Annexation. Under the zoning designations at the time, the site was zoned Light Industrial (IL), conditioned upon the property being developed as a planned unit development. While development was contemplated for the site shortly after annexation in the 1980's, the site remains vacant and undeveloped.

In February 2023, City Council approved a rezoning request for the land immediately south of the property, known as The Landing at Lemay Rezoning, from the Industrial Zone District to the Medium Density Mixed-Use Neighborhood Zone District. A development proposal for multifamily dwelling on The Landing at Lemay Rezoning site is currently under review. The Landing at Lemay Two Rezoning site is the remainder of one parcel of land in the original Landing at Lemay Rezoning.

When the first Landing at Lemay Rezoning was first submitted for review in 2021, staff and the project applicants discussed the merits of including the current site in the overall rezoning effort, however, unlike the boundaries of the first Landing at Lemay Rezoning, this site was not being immediately considered for a future development proposal. In addition, staff had recently begun the East Mulberry Corridor Plan update process and felt the land use designation for the site could be evaluated more holistically alongside other potential corridor-wide land-use and zoning changes.

As the first rezoning moved through the review process the East Mulberry Corridor Plan was temporarily paused and the timeline to consider other corridor-wide land use changes was delayed in comparison to the first rezoning application. At the December 2022 Planning and Zoning Commission hearing on the first Landing at Lemay rezoning, concerns were raised about the viability and compatibility of the split zoning. Specific concerns included uncertainty about what buffering may or may not be needed given the direct interface of residential and industrial zoning designations, and that the characteristics and justification for the first Landing at Lemay rezone applied to an even greater degree to the remainder of the site.

With these concerns in mind, staff encouraged the applicants for the first Landing at Lemay rezoning to submit this second rezoning request for Planning and Zoning Commission and City Council consideration. The rezoning request may resolve these zoning uncertainties in a more timely and direct approach rather than relying on the delayed East Mulberry Corridor Plan process.

1. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Employment (E), Industrial Light (IL – Larimer County)	Medium Density Mixed- Use Neighborhood (MMN – recently rezoned)	Employment (E), Industrial Light (IL – Larimer County)	Low Density Residential (RL), Low Density Mixed-Use Neighborhood (LMN)
Land Uses	Undeveloped land, Burlington Northern Santa Fe railroad yard	Vacant land / Proposed multifamily dwellings	Vacant land & various industrial and custom industry / workshop uses	Single-unit dwellings, Institutional (Place of Worship, Museo de las Tres Colonias)

Beyond adjacent land-uses, a prominent characteristic of the site is its isolation due to nearby edges and barriers which limit connectivity and visibility from several directions:

 North of the site, the Burlington Northern Santa Fe railroad tracks and switching yard prevent street connectivity from Vine Drive.



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- West of the site features the re-aligned Lemay Avenue as it curves and increases in height, building towards the overpass over Vine Drive. While the site has frontage along Lemay Avenue, visibility and direct access is limited due to grades. .
- Following future development, the site's eastern edge will be defined by an extension of Cordova Road, a collector street that is intended to curve 90 degrees at the approximate location of its frontage with this site and then travel parallel to the old runways of the Fort Collins Airpark and connect with International Drive and Timberline Road. Given the older local streets of the airpark and the much wider right-of-way of newer collector street standards, Cordova Road is likelty to create a more defined edge between development on either side of the street once it has been constructed.

C. OVERVIEW OF MAIN CONSIDERATIONS

A primary consideration of the proposed rezoning is the discussion at the first Landing at Lemay Rezoning hearing in December 2022. Staff and commissioners discussed that this site, the remnant of industrial land resulting from the first rezoning, is characterized by the same conditions that justified the first Landing at Lemay Rezoning from the Industrial to Medium Density Mixed Use Neighborhood zone district. In the case of access and visibility, this site may suffer even more than the first rezoning given its odd shape and location between a railroad switching yard and the highest portions of the Lemay Avenue overpass over Vine Drive.

An additional concern was raised that by leaving this site under an industrial zoning designation, when the first Landing at Lemay multifamily proposal moves forward it will create a requirement for buffering between industrial and residential land uses while staff may be simultaneously planning zoning changes via updates to the East Mulberry Corridor Plan.

The proposed rezoning would resolve the uncertainty over buffering requirements between the current Medium Density Mixed Use Neighborhood and Industrial interface, and in staff's evaluation detailed below, would create a more logical and orderly development pattern by unifying a larger strip of MMN zoning as a buffer between industrial development to the east (Fort Collins Airpark and undeveloped Employment land) and the lower density residential neighborhoods to the west across Lemay Avenue.

Five criteria govern the review and findings on rezonings. They can be paraphrased as 'consistent with the comprehensive plan'; 'warranted by changed conditions'; 'compatible with surrounding uses'; 'impacts to the natural environment'; and 'a logical and orderly development pattern'. These criteria are explained and evaluated in detail within the staff analysis section of this report below and are substantially similar to the same characteristics and analysis provided by staff in the first Landing at Lemay Rezoning given the sites share a similar context.

The first Landing at Lemay Rezoning included two staff recommended conditions of approval. One condition related to buffering requirements along the future Cordova Road right-of-way, which was ultimately not recommended by the Planning and Zoning Commission based on consideration that it would be substantially similar to buffering requirements that would also be applied during a Project Development Plan (PDP) review. Based on this prior discussion, staff is not recommending a similar condition of approval with this rezoning.

A second set of staff conditions was recommended during the first rezoning related to encouraging stronger policy support for the change to a residential designation. Staff is not recommending these conditions for this rezoning as the site is substantially smaller in size and suffers to an even greater degree with visibility and access issues that are the primary justification criteria for the rezoning. In addition, the opportunity to create a more logical and orderly development pattern in association with the first rezoning lends additional support and justification without the need for the same set of conditions recommended with the first rezoning.



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2. Public Outreach

A. NEIGHBORHOOD MEETING

A neighborhood meeting for the first rezoning was held in October 2021 and a meeting summary is attached. This first neighborhood meeting indicated rezoning boundaries that originally included this site. A separate neighborhood meeting to discuss only the second Landing at Lemay rezoning was not held. The applicant's presentation focused on the proposed rezoning of the property from (I) to (MMN) zoning, and if approved, plans for a future three-story multifamily residential project. Other elements of the applicant presentation included highlighting opportunities and constraints of the property, such as proximity to Downtown and employment areas, as well as the site being located in a floodplain which will require mitigation measures for any future development of the property.

Concerns from meeting participants primarily related to potential impacts from future residential development, including traffic, building heights, effects on wildlife, water availability, and suggestions to focus on trails and multimodal connectivity and a desire for different types of housing and retail or restaurants in the vicinity.

B. PUBLIC COMMENTS:

No public comments have been received.

3. Land Use Code Article 2 Procedural Standards

A. PROCEDURAL OVERVIEW

1. Preliminary Design Review – PDR210013

A preliminary design review meeting was held on August 11, 2021.

2. Petition - REZ230001

The rezoning petition and Structure Plan Map amendment was received on January 27, 2023.

3. Neighborhood Meeting

A virtual neighborhood meeting was held on October 4, 2021, via Zoom.

4. Notice (Posted, Written and Published)

Posted Notice: January 30, 2023, Sign # 734

Written Hearing Notice: May 3, 2023, 391 addresses mailed.

Published Hearing Notice: May 8, 2023



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4. Land Use Code Article 2 Standards

A. DIVISION 2.9 - AMENDMENT TO ZONING MAP

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
2.9.4 – Map Amendment Review	This Code Section enables City Council to approve a change to the zoning map after receiving a recommendation from the Planning and Zoning Commission; and contains the applicable standards governing rezoning of property, as follows:	Complies
Procedures	Any amendment to the Zoning Map involving the rezoning of land shall be recommended for approval by the Planning and Zoning Commission or approved by the City Council only if the proposed amendment is:	
	 Consistent with the City's Comprehensive Plan; and/or 	
	 Warranted by changed conditions within the neighborhood surrounding and including the subject property. 	
	Additional considerations for rezoning parcels less than 640 acres (quasi-judicial):	
	 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. 	
	 Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment. 	
	 Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern. 	
	Petitioners' Justification: The petitioners' justification and project narrative are attached and address these criteria.	
	Staff Analysis: Staff analysis follows, for each criteria.	
Staff Analysis: Is the proposed rezoning "Consistent with the City's Comprehensive Plan"?	Consistency with City Plan, Fort Collins' comprehensive plan, comes from both the land use guidance provided by the Structure Plan Map and City Plan principles and policies. City Plan also encourages the review of more specific subarea plans, adopted as elements of City Plan. For this site, the 2002 East Mulberry Corridor Plan is relevant for additional context and guidance.	Complies
	City Plan & East Mulberry Corridor Plan – Land Use Framework:	
	The existing City Plan Structure Plan Map identifies the site as part of the Industrial Place Type, consistent with its established industrial zoning. This industrial designation is also represented in the Land Use Framework Map of the 2002 East Mulberry Corridor Plan. These land use designations are not consistent with the proposed MMN zoning, and a Structure Plan Amendment is required alongside a rezoning to create the necessary alignment between site zoning and the land use guidance in these policy documents.	
	Staff is currently working on updates to the East Mulberry Corridor Plan. If the proposed Structure Plan Map amendment and rezoning are approved by City Council, staff intends to reflect those changes in the upcoming Plan update.	
	City Plan & East Mulberry Corridor Plan – Policies	
	City Plan and East Mulberry Corridor Plan policies present a tension between a handful of policies that seek both to ensure the success and preservation of the community's industrial and employment land supply, as well as policies seeking to	



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Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	maximize housing opportunities and the efficient use of land for housing located along transit and near employment and services.	
	Relevant City Plan policies:	
	 Principle EH 4: Ensure that an adequate and competitive supply of space and/or land is available to support the needs of businesses and employers of all sizes. 	
	 Policy LIV 5.1: To enhance community health and livability, encourage a variety of housing types and densities, including mixed-use developments that are well served by public transportation and close to employment centers, shopping, services, and amenities. 	
	The East Mulberry Corridor Plan also includes relevant policies addressing both additional housing opportunities and retention/expansion of industrial space and businesses within the Mulberry corridor:	
	 Principle EMC.LU-4: The East Mulberry Corridor study area supports the retention of existing industrial and agricultural business uses and their future expansion. 	
	 Policy EMC.LU – 4.1: Existing and future industrial uses will be supported and focused along I-25 frontage and around the Fort Collins Downtown Airport area. 	
	 Policy EMC.H-1.1: A variety of housing types will be developed within new neighborhoods and located close to neighborhood shopping, employment, and recreation. 	
	Either set of policies could be used to support either the existing industrial designation of the property to ensure a long-term supply of land available for industrial development, or for a residential rezoning given the site's proximity to major employment centers, retail, and a direct to Downtown, including a transit route along Lincoln Avenue.	
	Given the direction nearby zoning and land uses have been trending away from industrial development, including multiple private and City-led rezonings, staff's evaluation is the rezoning is supportable under the policy guidance to encourage housing that is in close proximity to shopping, transit, and employment. The site's limited size and constraints related to visibility and accessibility, discussed in the next criteria, indicate the loss of potential industrial capacity is minimal and would not be detrimental to the other policy guidance encouraging a competitive supply of industrial land in the community.	
Staff Analysis: Is the proposed rezoning "Warranted by Changed Conditions Within the Neighborhood	The site's current industrial designation (and equivalent designations under prior zoning) date to the property's annexation in the mid-1980s. The site was located in the middle of a larger geographic area of industrial zoning split between the City and Larimer County. To the south and west included other undeveloped or partially developed industrial land along Lincoln Avenue and Buckingham Street and to the east is the established airpark in Larimer County, featuring smaller-scale workshop and custom small industry businesses.	Complies
Surrounding and Including	Over the three decades since annexation and zoning, the vicinity has seen both physical, adjacent zoning, and market-based changes that have altered the suitability for certain types of industrial uses.	



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Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
the Subject	Visibility & Connectivity	
Property"?	Following annexation and zoning, early plans for the site included the possibility of a larger industrial planned unit development and older annexation agreements from the 1980s indicated future local streets would be constructed through the site and intersect with Lemay Avenue. With the realignment of Lemay Avenue and the new overpass over Vine Drive, the site no longer has direct arterial street access and suffers reduced ground-level visibility due to the grade of the nearby overpass. Visibility and street connectivity from the north is also limited by the BNSF railroad yard.	
	For certain types of industrial development such as logistics and warehousing, these visibility and accessibility impacts, as well as the site's odd shape and smaller size, may reduce the suitability of the site for this type of industrial development. The City Plan Employment Land Demand Analysis, attached, weighs visibility and direct arterial and highway accessibility as some of the most important factors for industrial and employment development suitability.	
	Changes in Adjacent Zoning	
	There have also been prominent reductions in the amount of industrially zoned land around the project site. In 2015 and early 2023, two properties to the southwest were rezoned from (I) to (MMN) and now feature a residential project (Capstone Cottages) with attached and duplex housing and a proposal under review for multifamily dwellings. Combined with the Andersonville and San Cristo neighborhood to the northwest, the site now abuts primarily residential rather than industrial zoning.	
	Part of the rationale for the Capstone Cottages rezoning was that the former Link-N-Greens golf course was rezoned from Public Open Lands (POL) to what is now the Downtown (D) zone district to accommodate the new Woodward headquarters. This resulted in a large net increase in employment in the vicinity, even factoring in the loss of industrial land that became Capstone Cottages.	
	West of the site along Lincoln Avenue, former industrially zoned properties were also recently included in a new sub-district of the Downtown (D) zone, recognizing the growing shift in this area's activity from traditional industrial developments such as supply yards, manufacturing, and outdoor storage, to an area increasingly focused on services and retail/tourism activities anchored by breweries.	
	Most recently in early 2023, a portion of the same parcel as this site was also rezoned to the Medium Density Mixed Use Neighborhood zone district as part of the first Landing at Lemay Rezone.	
	Given these rezonings and shifts in prior industrial activities, the site is now on the edge of an industrial area rather than being within the middle of a broader industrial district as envisioned in the 1980's when the site was first annexed and zoned.	
	Market Dynamics / Industrial Development Demand & Available Sites	
	With policy direction in City Plan encouraging a long-term adequate supply of industrial and employment land, staff also requested updated market and industrial development history information from the applicants when considering the first Landing at Lemay Rezoning. Summit Economics, hired by the applicant team, provided information that since 2000 the average annual industrial development square footage built per year in Fort Collins is approximately 55,000 square feet. While larger spikes of industrial demand were observed in the 1980s and 1990s, the last several decades have observed flat or even slightly decreasing industrial demand and development in Fort Collins even as the population has continued to grow.	



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Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	If these trends persist, Fort Collins should have ample industrial land available for new development through 2040 and beyond. The most recent 2018 City Plan Trends and Forces Report, attached, provided an estimate of 850 acres of remaining vacant industrial land in the community. Assuming a 20% floor area ratio for new industrial development, approximately seven acres of industrial land is needed each year to meet recent average annual industrial demand. This does not account for additional space achieved through redevelopment and intensification of existing sites, or development of industrial space and activities in other commercial zone districts which permit similar activities and land uses, such as custom small industry spaces.	
	While overall available space and land needs may be met, the quality and suitability of the land is also an important factor. Larger sites with high visibility and highway access are particularly suitable for logistics/warehousing and industrial flex space and have been some of the most popular recent forms of new industrial development regionally/nationally. However, the inventory of sites in Fort Collins meeting the aforementioned criteria remain largely undeveloped. For example, large areas of industrial zoned properties located along I-25 between Mulberry Street and Mountain Vista Drive remain undeveloped.	
	The City Plan Trends and Forces report documents the growing popularity of this style of industrial development with large warehouse space in back and office/workshop/retail activities located up front in multi-tenant spaces. In recent years, large new industrial flex developments have been constructed regionally in Loveland near I-25 and Crossroads Boulevard and in Johnstown east of I-25 and US34. Fort Collins has also seen several examples of this development in the Harmony Technology Park and the under construction Mulberry Connection development near I-25 and Mulberry.	
	Summary	
	Since the original annexation and zoning of the site, adjacent infrastructure and zoning changes have eroded what was once planned as a larger and more cohesive industrial area. Due to rezonings and the reorientation of preexisting industrial land toward services, retail, and tourism-based activity, the site now sits at the edge of an industrial area rather than in the middle. Changes in visibility and access due to the construction of the Lemay Overpass may make the site less suitable for certain types of industrial development, while demand for industrial space in Fort Collins over the past several decades has been flat or slightly decreasing.	
	Given the suitability characteristics of the site, demand trends, and the remaining inventory of industrial land in the community in more favorable locations, staff feels the City's overall industrial land inventory for the future remains intact if the proposed rezoning is approved.	
Staff Analysis: " Compatible with Existing and Proposed Uses and is the Appropriate Zone District for the Land"	The site now sits at the edge between two different types of land-uses and zoning: residential from the southwest to the north, and industrial/employment zoning from the northeast to southeast. While the zoning context remains mixed, the future Cordova Road right-of-way will partially buffer the site to the east and existing or future industrial and employment development, while the more immediate boundary with the site lies to the south with the newly rezoned Medium Density Mixed-Use Neighborhood zoning. Given these factors, the staff's evaluation to minimize compatibility impacts is weighted towards the rezoning of the site to a residential designation. This would also help clarify buffering and compatibility requirements for the first Landing at Lemay Rezoning site that was discussed at its rezoning hearing.	Complies
	Other qualitative compatibility factors related to intensity or possible nuisance and quality-of-life issues are difficult to evaluate, especially for the industrial district which permits a large variety of land-uses and has more potential for direct visual or noise	



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Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	impacts given relaxed standards for industrial businesses to utilize outdoor storage, heavy machinery and/or the presence of larger vehicles. Alternatively, a multifamily proposal, the predominant type of development in MMN zoning may be considered a more intensive use of the land from a traffic or building height perspective when compared to some of the other nearby industrial development analogs in the nearby airpark.	
	Ultimately, either land use would be expected to mitigate potential issues through Land Use Code compatibility and buffer standards when a specific development is proposed. In regard to impacts northwest of the site and the lower intensity residential uses in the RL and LMN zones, impacts may be partially moderated due to the visual and distance buffer provided by the overpass over Vine Drive and serve to improve compatibility whether the site remains I or is rezoned to MMN.	
Staff Analysis: "Adverse Impacts on the	The site does not contain any identified sensitive or natural features and a rezoning from (I) to (MMN) is not likely to substantially alter the level of intensity or impact on the natural environment from either a future industrial or residential development.	N/A / Complies
Natural Environment"	Aerial imagery indicates the potential presence or past presence of prairie dogs on the site and during any proposed future development will need to evaluate and provide mitigation measures, regardless of the site's zoning.	
Staff Analysis: "a Logical and Orderly Development Pattern"	The site's vicinity features a mix of different zoning designations and land-uses and abuts both residential and industrial/employment zoning. Given the adjacent land uses and the lack of a more cohesive land-use pattern, staff finds the proposed rezoning would create a logical and orderly development pattern by extending an abutting area of MMN zoning and using the future extension of Cordova Road to establish a clear boundary and buffer between the more industrial airpark east of the site and the residential areas to the west.	Complies
	This reasoning would also resolve uncertainties about buffering requirements raised by the presence of directly abutting industrial and residential zoning raised in discussions during the first Landing at Lemay Rezoning hearing in December 2022.	
	Under the City's industrial zone district Land Use Code standards, buffers are to be established where the (I) district abuts residential zone districts or development as follows:	
	A minimum eighty-foot deep landscaped yard shall be provided along any boundary line that adjoins a residential land use or a zone district (whether within or beyond the City's jurisdictional boundary) that is predominately characterized by residential uses as permitted uses. This residential buffer yard may be reduced to thirty (30) feet if the adjoining residential land use or zone district (whether within or beyond the City's jurisdictional boundary) is separated by a public street.	
	Separately, there are also buffering requirements for residential development adjacent to industrial uses. From the perspective of this site, the buffering requirement would be 80-ft wide adjacent to the first Landing at Lemay rezoning under the current industrial zoning designation, further compromising this site's size and viability for industrial development alongside the site's existing access and visibility constraints.	
	Also similar to the first Landing at Lemay rezoning, should this site be rezoned to a residential zoning designation, there may be portions of the site that will be required to buffer along the Cordova Road right of way where industrial uses exist to the east.	
	Finally, an MMN zoning designation for the site follows similar zoning and intensity patterns established elsewhere in the community where multifamily residential and MMN zoning is typically utilized as an intermediate zone district between nearby commercial and industrial zoning and other lower intensity residential zone districts such as LMN or RL.	



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Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	Extending beyond the immediate vicinity, the site also has access to well established employment areas along the Mulberry Corridor and Downtown, as well as the amenities and shopping Downtown and just south of Lincoln Avenue at the Lemay Crossing Shopping Center. Transit access on Lincoln Avenue in addition to the aforementioned features make this site well suited towards providing amenities for residential units.	

5. Findings of Fact/Conclusion

In evaluating the petition for The Landing at Lemay Two Rezoning and Structure Plan Amendment from Industrial (I) to Medium Density Mixed-Use Neighborhood (MMN), staff finds that the petition complies with the standards in Section 2.9.

6. Recommendation

Staff recommends that the Planning and Zoning Commission approve a motion to recommend that City Council approve The Landing at Lemay Two Rezoning and Structure Plan Amendment, #REZ2300001, based on the analysis and Findings of Fact in the Staff Report.

7. Attachments

- 1. Rezoning Petition
- 2. Rezoning Map & Legal Description
- 3. Applicant's Project Narrative & Justification
- 4. Industrial Land Use, Forecasts, and Absorption in Fort Collins Report
- 5. City Plan Land Employment Analysis
- 6. Neighborhood Meeting Summary
- 7. Staff presentation