

## Fischer Properties Rezone (1201 and 1185 Westward Drive) Project Narrative and Written Justification of Rezoning Request

October 25, 2024

### Background

The applicant, Mr. Erik Fischer, is a long-time Fort Collins resident who has been actively working toward the redevelopment of his properties along Shields Street. Mr. Fischer spent his childhood at 1201 Westward Drive, and his sister continues to live and run her horses on the adjacent properties. The Fischer family has operated a law practice in downtown Fort Collins, serving the community for decades. The applicant has been involved in the development review process for several years, conducting multiple conceptual reviews (in 2019 and 2021) and successfully rezoning the 1201 and 1185 Westward Drive parcels in 2020 to the Neighborhood Conservation Buffer (N-C-B) Zone District. The 2020 Rezone of the subject parcels included one condition; that condition reads as follows:

*"Section 3. That the following condition be imposed upon the Fischer Rezoning:*

- *Any development plan involving 1185 or 1201 Westward Drive, or both, for residential use must provide as least one parking space per bedroom."*

This condition, which was offered by Mr. Erik Fischer throughout the 2020 rezone application, requires more space on-site to be dedicated to parking than what the 2020 Land Use Code (LUC) would require. Since the 2020 Rezone, two significant policy decisions have been adopted at the City and State level which further reduced the parking requirements for the subject properties, neighborhood, and Fort Collins community. Phase 1 of the Land Use Code (LUC) Update, approved by City Council on May 7<sup>th</sup>, 2024, reduced parking requirements for studio, one-bedroom, and two-bedroom units compared to what the previous Land Use Code required. Additionally, the Phase 1 LUC Update also rezoned the N-C-B parcels along Shields Street to the Old Town District, High (OT-C). During the same week that the new LUC update was adopted, Governor Polis signed *HB24-1304*, an act concerning minimum parking requirements for multifamily residential developments in applicable transit service areas. Due to these significant changes, the applicant is requesting to review the 2020 condition of approval so that future development will comply with the new state law.



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Working with City of Fort Collins staff, it was determined that the only way to remove the recorded condition of the 2020 rezone is to bring forth a new rezoning application. If approved, Mr. Fischer will again go through the development review process (Project Development Plan, hearing, and Final Development Plan) to entitle a new viable residential project that is competitive with other residential projects in the community.

### Site, Vicinity, & Zoning

The subject rezone properties are located along Westward drive between Shields and Del Mar Street in the Western Heights Subdivision. Historically, 1201 and 1185 Westward Drive were zoned as Low Density Residential (R-L) until the properties were rezoned to the Neighborhood Conservation Buffer District (N-C-B) in 2020. The parcels are presently zoned as *Old Town District, High* (OT-C) because of the 2024 Land Use Code Update. Single-family residential houses are on the properties. To the immediate south and east, Mr. Fischer owns other parcels that are zoned OT-C and are comprised of single-family residences. Immediately west of the 1201 Westward Drive parcel, single family detached residences exist in the Low-Density Residential District (RL). Many of these single-family residences are rental properties leased by university students. Mr. Fischer also owns a large vacant lot to the southwest of the subject parcels that is used as horse pasture.

The relative location of the parcels adjacent to an arterial and transit corridor (Shields Street) makes them ideal candidates for redevelopment that would add to the housing diversity and choice in the area. Future residents will be within walking distance to employment opportunities and neighborhood centers (Shields and Prospect, and Elizabeth and Shields). The parcels are located within walking distance to the Elizabeth and Shields neighborhood center to the north (0.3 miles) and the Shields and Prospect neighborhood center to the south (0.4 miles). Colorado State University is also within walking distance to the east across Shields Street along with the Stadium (0.5 miles) and access to the Max (1 mile). The nearest transit stops are located along Shields Street (southbound 0.14 miles; northbound 0.2 miles). The nearest grocery store is King Soopers located at Elizabeth and Taft Hill (1.3 miles away); the grocery store is easily accessed via the 32-bus line. Multifamily development is located within close proximity, including Carriage House Apartments (0.1 miles south), multiple developments along University Avenue (0.2 miles northwest) and Union on Elizabeth (0.3 miles north).

The following page shows the parcel's proximity toward the built environment, other multifamily development, and Colorado State University. A zoning map is also provided.



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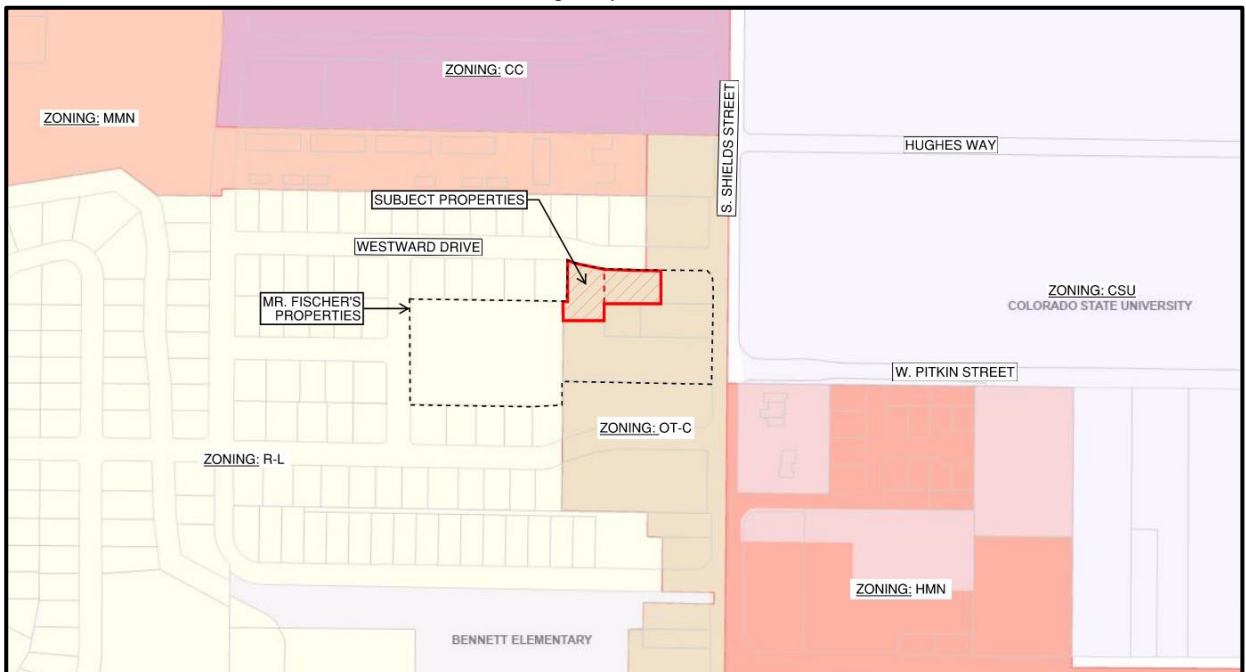
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Vicinity Diagram



Zoning Map



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### Request for Rezoning 1201 and 1185 Westward Drive

As proposed, 1201 and 1185 Westward Drive will retain the current zoning designation of Old Town District, High (OT-C). The rezoning application will remove the 2020 rezone condition related to residential parking requirements. This rezone application is justified in accordance with the following section of the Fort Collins Land Use Code:

#### **Fort Collins Land Use Code Section 6.25.4(H)**

*(2) 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 Commission 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) In determining whether to recommend approval of any such proposed amendment, the Planning and Zoning Commission 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 significant 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.*

### Justifications

- a) Consistent with the City's Comprehensive Plan; and/ or*

#### **Policy LIV 2.1 – Revitalization of underutilized properties**

*Support the use of creative strategies to revitalize vacant, blighted or otherwise underutilized structures and buildings, including, but not limited to:*

- o Voluntary consolidation and assemblage of properties to coordinate the redevelopment of blocks or segments of corridors where individual property configurations would otherwise limit redevelopment potential.*



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**Analysis:** By removing the 2020 rezone condition, the applicant will be able to continue his pursuit of a creative consolidation of all properties so that the current underutilized single-family lots may redevelop in a viable manner that contributes toward housing supply. While the 2020 Rezone condition would allow for residential uses, excessive parking requirements will ensure that future development that includes 1201 and 1185 Westward Drive will prioritize parking. This does not position future development to align with the City's need for *Affordable Housing* and a *15-minute City*, particularly in an area with existing transit services and complementary land uses. With the removal of the 2020 rezone condition, future development can fully utilize the development potential for the properties associated with this rezone.

***Policy LIV 2.3 – Transit Oriented Development***

*Require higher-density housing and mixed-use development in locations that are currently, or will be, served by BRT and/or high-frequency transit in the future as infill and redevelopment occurs. Promote a variety of housing options for all income levels.*

**Analysis:** As identified in the City Plan, "BRT and high-frequency service may be expanded along several key corridors where the future land use and density are expected to support transit." A Frequent Peak (15min peak) Service is proposed along Shields Street where the site fronts it. City Plan also notes that, "high-frequency transit is only viable with supportive land use pattern such as mixed-use with higher-density residential, employment and services" (pg.25), and "policies support the conversion of vacant and underutilized properties to meet current and future needs to promote efficient use of infrastructure" (pg. 25).

Additionally, State HB24-1304 relates directly to transit oriented development, and the presence of excessive parking requirements placed upon residential developments that limit compact, walkable development that ultimately requires additional vehicle ownership and vehicle miles traveled. Per the State Act, "Beginning June 30, 2025, a municipality shall neither enact nor enforce local laws that establish a minimum parking requirement that applies to a land use approval for a multifamily development... within the municipality, a metropolitan planning organization, and at least partially within an applicable transit service area." The subject parcels of this rezone are within a transit service area as defined by the Department of Local Affairs and thus should embody a transit-oriented development.

With the removal of the 2020 condition, future development will ensure that existing BRT and high-frequency services will be utilized and support one another. Without the removal of the condition, any future development utilizing the parcels would be vehicle dependent and not align with the new state law.



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***b) Warranted by changed conditions within the neighborhood surrounding and including the subject property.***

Multiple land use and housing legislation were enacted during the 2024 legislative calendar that have profound impacts to the Fort Collins community and parcels at 1201 and 1185 Westward Drive. One such act, *HB24-1304 Minimum Parking Requirements*, specifically concerns parking requirements within metropolitan planning organizations.

The state legislation has concluded:

- *Residential developments frequently have more parking than is utilized, which adds to housing costs and encourages additional vehicle ownership and vehicle miles traveled.*
- *Excessive parking requirements limit compact, walkable development by mandating additional space between uses, which then necessitates driving to reach most destinations.*
- *Local government land use decisions that require a minimum amount of parking spaces increase the cost of new residential projects, which increase housing costs.*
- *Off-street surfacing parking costs up to ten thousand dollars per space, and each space requires up to two and one-half times its square footage to accommodate. As a result, off-street surface parking requirements may also discourage developers from building new residential projects, or, if they do move forward with projects, force them to build fewer units than they otherwise could and recoup the excessive cost by increasing home prices and rents.*

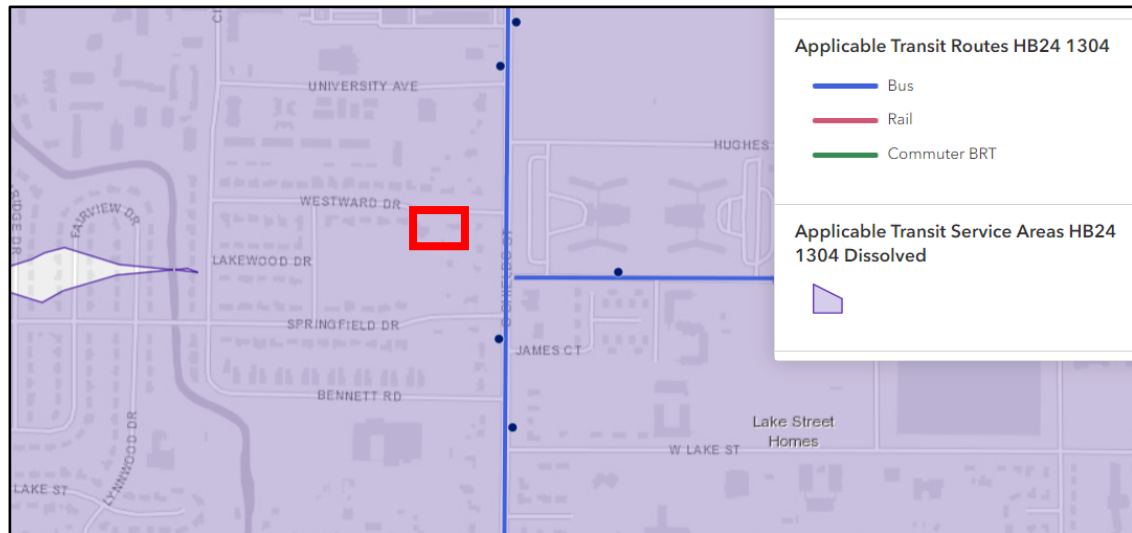
To combat these concluded issues, HB24-1304 requires: On or after June 30, 2025, a municipality shall neither enact nor enforce local laws that establish a minimum parking requirements that applies to a land use approval for a multifamily residential development, adaptive re-use for residential purposes, or adaptive re-use mixed use purposes which include at least fifty percent of use of residential purposes that is within the municipality, a metropolitan planning organization and at least partially within an applicable transit service area. A map of transit service areas within applicable jurisdictions was published on September 30<sup>th</sup>, 2024, by the Colorado Department of Local Affairs; the image on the following page is from that map and shows the subject rezone parcels within transit service areas.



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The State Act to remove parking requirements within areas that have existing (and robust) transit infrastructure will represent a significant change to affected areas as redevelopment efforts will focus on housing as a defining factor rather than vehicles. If the 2020 residential parking condition is removed, future development that involves the 1201 and 1185 Westward Drive would follow state legislation and be able to provide additional housing opportunities within the defined transit service area (and neighborhood) directly west of CSU. Clearly, the degree of change to the neighborhood and community as a result of state-wide legislation warrants the approval of this rezone application and removal of the 2020 residential parking condition.

Additional factors for consideration:

- 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;* This factor for consideration is not applicable to the proposed rezoning application as the application requests that the zone district remains the same as it does today (OT-C). City Council and Staff have determined that the *Old Town District, High* is the appropriate zone district for these parcels with the approval of the Land Use Code Phase 1 Update on May 7<sup>th</sup>, 2024. Council has already determined that the uses within the OT-C district are compatible with the adjacent R-L district. No additional uses can be allowed than what the current zone district would allow. Future development plans will be reviewed by City staff at the Project Development Plan application phase for site specific compatibility and would be subject to a hearing for approval.



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- b) *whether and the extent to which the proposed amendment would result in significant 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;*

The site has previously been developed and the application requests that the zone district remains the same as it does today (OT-C). No additional uses can be allowed than what the current zone district would allow. No natural habitats and features exist on the parcels.

Residential developments frequently have more parking than what is utilized, which encourages additional vehicle ownership and vehicle miles traveled. Fewer parking space requirements also translates to less impervious surfaces in the form of concrete or asphalt in parking lots. Less parking lot surface will translate to less pollutants in stormwater systems and greater amount of water infiltration. This will also help reduce the urban heat island effect on the subject properties with future redevelopment. The proposed amendment will not result in adverse impacts to the natural environment.

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

This factor for consideration is not applicable to the proposed rezoning application as the application requests that the zone district remains the same as it does today (OT-C). The property may develop in a logical and orderly development pattern with and without the requested rezone application.

### Conclusion

To conclude, we are requesting a rezoning of these two properties so that the condition placed upon 1201 and 1185 Westward Drive by the 2020 rezoning effort can be removed, and the properties may redevelop in a manner that is not only financially viable but can carry out the vision of City Plan in a way that is beneficial to the Fort Collins community. Additionally, the removal of the 2020 rezone condition will align future development using the subject parcels with new state legislation. The change is consistent with the existing zoning and development pattern along Shields, will not result in adverse impacts to the natural environment, and will enable a logical and orderly development pattern. Thank you for your consideration in the rezoning of 1201 and 1185 Westward Drive; we look forward to exploring the opportunities that this rezoning will be able to provide.



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