

AGENDA ITEM SUMMARY

City Council



STAFF

Clark Mapes, City Planner

SUBJECT

First Reading of Ordinance No. 025, 2025, Removing a Condition on the Zoning Classification and Amending the Zoning Map of the City of Fort Collins for that Certain Property Known as the Second Fischer Rezoning.

EXECUTIVE SUMMARY

The purpose of this item is to remove the condition on the zoning of these two parcels, which condition was part of a 2020 rezoning into the current zone district.

This is a request to rezone 1185 and 1201 Westward Drive to remain in the current zone district, but to remove a previously approved condition for a specific parking requirement in potential future development. Such a condition is currently in place upon the zoning.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The applicant's narrative is attached and explains the request, which is to remove a condition that accompanied rezoning into the current zone district in 2020 via Ordinance No. 122, 2020.

The 2020 rezoning of the two subject parcels included the following condition:

"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 at least one parking space per bedroom."*

The condition was a voluntary commitment by the owner, who now proposes to remove the condition from the zoning. Staff found that the only way to do that is through a new rezoning petition.

The 2020 rezoning changed the zoning on the two properties from Low Density Residential (RL) to incorporate them into the larger Neighborhood Conservation, Buffer District (NCB) along the west side of Shields Street. The reason was to enable assembly of a group of properties for multi-family redevelopment.

The zone district is to remain the same; however, note that in the 2020 rezoning, the zone district was named Neighborhood Conservation Buffer (NCB); and since that time, the name and formatting of the NCB zone in the Land Use Code was changed as part of an overall update of the code. The current zoning

terminology is Old Town, High (OT-C) which replaced the NCB terminology. The update was adopted in May of 2024.

The condition upon the 2020 rezoning was not required by the City; rather, it was a personal commitment offered by the owner/developer in response to a concern by neighbors about parking on neighborhood streets, as discussed at a neighborhood meeting. This condition required more space dedicated to parking than what the Land Use Code has ever required for apartment developments.

Legislative Changes. Since that time, public discussions about land use and housing policy, at both the city and state levels, have led to significant evolution of code requirements for parking (i.e., reducing or eliminating such requirements):

- The Land Use Code update adopted in May 2024 reduced parking requirements for studio, one-bedroom, and two-bedroom units, following years of discussion that included parking as part of a wider exploration of housing issues.
- Also in May, a new state law was enacted which prohibits any parking requirements for residential development within a defined “Transit Service Area.” The subject property is within such area, and within the locally-identified “Transit-Oriented District” (TOD) area.

Approved Plan. The 2020 rezoning was intended to enable a development plan for apartments on assembled property. A development plan was then subsequently submitted and approved.

The proposed “re-rezoning” that removes the parking condition would enable the owner/developer to reprogram and redesign that approved plan with less space dedicated to parking, which aligns with both newer state law as well as several city policies related to a 15-Minute City, supporting use of transit and alternate mode of transportation, various environmental considerations, and encouraging supportive development.

Main Considerations. The code section governing rezoning is for amendments to the zoning map. In this case, the rezoning is an unusual, possibly one-of-a-kind situation because the map is not being amended.

Five criteria govern rezonings, found in Land Use Code Section 6.25.4. Two are ‘Mandatory Requirements’ and the other three are “Additional Considerations.”

The two mandatory criteria are “consistent with the comprehensive plan,” and “warranted by changed conditions.” The other three are “compatible with surrounding uses,” “impacts to the natural environment,” and “a logical and orderly development pattern.” These five criteria were the basis of the 2020 rezoning.

Staff’s 2020 recommendation to include the condition was based on the neighborhood meeting, as explained in the staff report for the 2020 Planning and Zoning Commission hearing. An excerpt is relevant:

...After considering the body of comprehensive plan policy direction, the primary consideration staff finds to tip the balance in staff’s recommendation is the concluding sentence on page 23 of the West Central Area Plan under the heading Vacant and Under-Utilized Parcels: Collaboration with surrounding neighbors is expected to result in land uses that are appropriate with a design that is sensitive to the surrounding context.

Accordingly, staff supported the agreement between the owner/prospective developer and the neighbors to include the condition; and Council approved it with a recommendation of approval by the Planning and Zoning Commission.

Now, the main considerations in staff's review of this proposed "re-rezoning" are:

1. Changes to regulations locally and statewide since the condition was adopted, and
2. A neighborhood meeting in September 2024, which showed that the original concerns and opposition about street parking have diminished, perhaps completely. To the extent any neighbor concerns about street parking may remain, they are being addressed by establishment of the Residential Parking Permit Program which directly limits parking on the street.

Staff finds that reducing required pavement for parking reflects major changed conditions in the policy and regulatory context and is consistent with the Comprehensive Plan; has neutral or positive impacts on the natural environment; and is consistent with a logical and orderly development pattern in the neighborhood.

CITY FINANCIAL IMPACTS

None.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission asked questions about this matter at their January 10, 2025, work session and chose to recommend with unanimous approval on their January 16, 2025, regular meeting consent agenda that City Council approve the rezoning.

PUBLIC OUTREACH

The Rezoning was presented at a Pre-submittal Neighborhood Meeting on September 23, 2024.

ATTACHMENTS

1. Ordinance for Consideration
2. Applicant Narrative
3. Overview Graphic Map
4. Neighborhood Meeting Notes
5. Legal Rezoning Plat Map
6. Legal Description
7. Presentation (if requested)