

**Staff Presentation to Council
August 15, 2023**

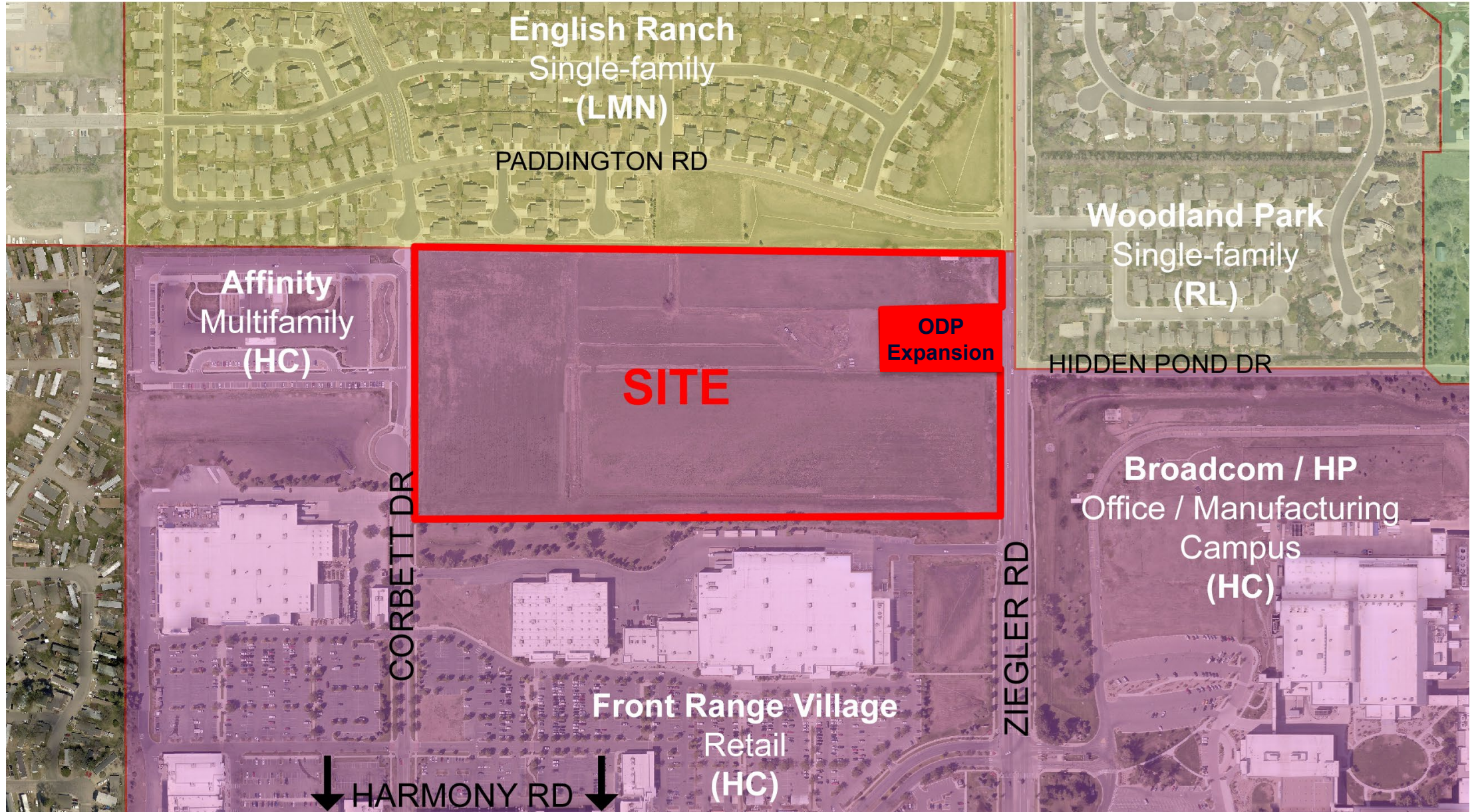


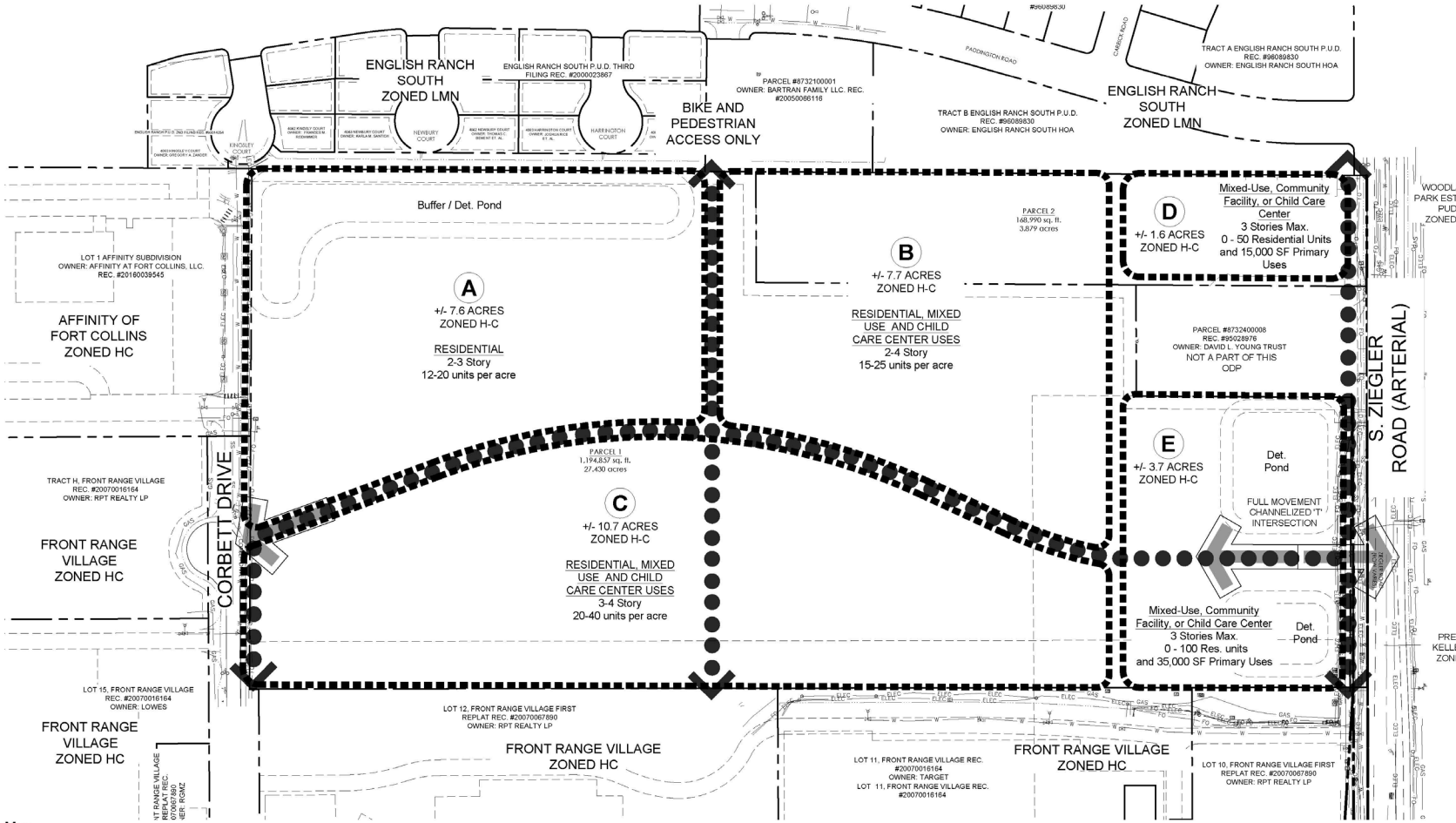
Ziegler-Corbett Overall Development Plan
Major Amendment Appeal

August 15, 2023

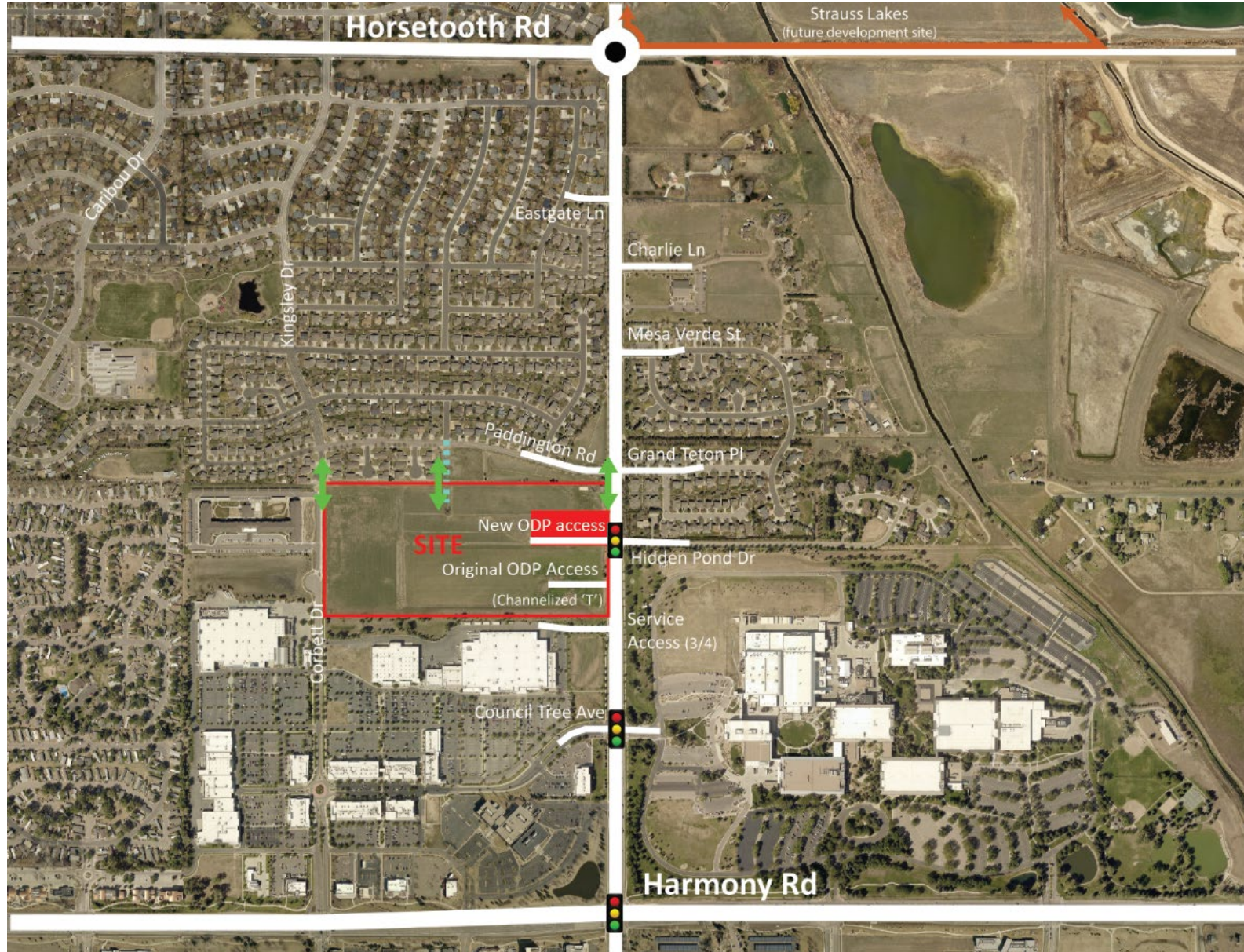


- Major Amendment to the Ziegler-Corbett Overall Development Plan (ODP)
- Size: ~33 acres
- Zone: Harmony Corridor (HC)
- Major Amendment Elements:
 - Expand ODP by incorporating one additional property
 - Shift Ziegler Rd access north to align with Hidden Pond Dr.
 - Install traffic signal at Ziegler/Hidden Pond intersection
 - No proposed changes to land uses or intensity





- 400 – 700 dwelling units
- 50,000sf Office/Community Facility Space
- Childcare Center
- Ziegler Rd access via ‘Channelized T’ intersection
- Modification of standards:
 - 4.26(D)(2) – Secondary Uses
 - 4.26(D)(3)(a) – Dimensional Standards
- Alternative compliance:
 - 3.6.3 for bike/ped connection in lieu of local street



Existing or Proposed Bike/Ped Connection



Former Master Street Plan Collector Street Connection & Proposed Alternative Compliance

- Feb. 17, 2022 – P&Z Approval of Ziegler-Corbett Overall Development Plan
 - Approval includes two modification of standards and alternative compliance to street connectivity standards

- Nov. 15, 2022 – Applicant submits Major Amendment to original ODP
 - Incorporate additional parcel into ODP boundary
 - Change in Ziegler Rd access location and installation of traffic signal

- Mar. 23, 2023 – Ziegler Corbett ODP Major Amendment approved by P&Z

- Apr. 5, 2023 – Two Notices of Appeal Filed

- Aug. 15, 2023 – City Council Hearing for Appeals

The combined appeals allege the Planning and Zoning Commission committed the following errors:

- 1) Failure to conduct a fair hearing – substantially ignored previously established rules of procedure.
- 2) Failure to properly interpret and apply Land Use Code Section 3.6.3(E) & 3.6.3(F).
- 3) Failure to properly interpret and apply Land Use Code Section 1.2.2(K).
- 4) Failure to properly interpret and apply City Code Policy LIV 4.2.

Did the Planning and Zoning Commission fail to conduct a fair hearing by substantially ignoring previously established rules of procedure?

The Latzke Notice of Appeal allege the following errors:

- The Planning and Zoning Commission allowed the Applicant to address the Commission during deliberation as they considered a condition of approval after a prior statement there would be no additional opportunity for the Commission to engage the Applicant.

Did the Planning and Zoning Commission fail to properly interpret and apply Land Use Code Section 3.6.3(E) and 3.6.3(F)?

The combined Notices of Appeal allege the following errors:

- The major amendment changes the original ODP to an extent the previously approved alternative compliance is no longer applicable.
- The alternative compliance in the Major Amendment presents substantially different tradeoffs, considerations, and additional negative consequences.
- City staff and the Planning and Zoning Commission should have been aware a prior Council decision to remove the Corbett Drive collector street connection should still result in a local street connection.
- The additional acreage of the Young Property incorporated with the Major Amendment presents new traffic mobility considerations and the original alternative compliance should not have been continued.

Did the Planning and Zoning Commission fail to properly interpret and apply Land Use Code Section 1.2.2(K)?

The Joyal Notice of Appeal allege the following errors:

- The location of a traffic signal at the Ziegler/Hidden Pond intersection does not foster a rational or common-sense pattern of development as a signalized intersection would typically occur at an arterial/collector intersection (Ziegler/Paddington/Grand Teton).

Land Use Code Section 1.2.2 outlines the purpose and broad goals for the Code and is not applied as a specific development standard similar to those found in Articles 3 and 4. Land Use Code Section 1.2.2(K) states:

fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all.

Did the Planning and Zoning Commission fail to properly interpret and apply City Code Policy LIV 4.2?

The combined Notices of Appeal allege the following errors:

- The major amendment does not continue established block patterns and streets to improve access to services.

Policy LIV 4.2 is found in the Comprehensive Plan (City Plan) and is not a Land Use Code, City Code, or Charter standard. Policy LIV 4.2 states:

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:

- » *Continuing established block patterns and streets to improve access to services and amenities from the adjacent neighborhood;*
- » *Incorporating context-sensitive buildings and site features (e.g., similar size, scale and materials); and*
- » *Locating parking and service areas where impacts on existing neighborhoods—such as noise and traffic—will be minimized.*

RESOURCES

Land Use Code Section 3.6.3(E) Distribution of Local Traffic to Multiple Arterial Streets.

All development plans shall contribute to developing a local street system that will allow access to and from the proposed development, as well as access to all existing and future development within the same section mile as the proposed development, from at least three (3) arterial streets upon development of remaining parcels within the section mile, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature.

The local street system shall allow multi-modal access and multiple routes from each development to existing or planned neighborhood centers, parks and schools, without requiring the use of arterial streets, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature.

Land Use Code Section 3.6.3(F) Utilization and Provision of Sub-Arterial Street Connections to and From Adjacent Developments and Developable Parcels.

All development plans shall incorporate and continue all sub-arterial streets stubbed to the boundary of the development plan by previously approved development plans or existing development. All development plans shall provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed six hundred sixty (660) feet along each development plan boundary that abuts potentially developable or redevelopable land.

Land Use Code Section 3.6.3(H) Alternative Compliance

Upon request by an applicant, the decision maker may approve an alternative development plan that may be substituted in whole or in part for a plan meeting the standards of this Section.

(1) Procedure. Alternative compliance development plans shall be prepared and submitted in accordance with submittal requirements for plans as set forth in this Section. The plan and design shall clearly identify and discuss the alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than would a plan which complies with the standards of this Section.

(2) Review Criteria. To approve an alternative plan, the decision maker must first find that the proposed alternative plan accomplishes the purposes of this Division equally well or better than would a plan and design which complies with the standards of this Division, and that any reduction in access and circulation for vehicles maintains facilities for bicycle, pedestrian and transit, to the maximum extent feasible.

In reviewing the proposed alternative plan, the decision maker shall take into account whether the alternative design minimizes the impacts on natural areas and features, fosters nonvehicular access, provides for distribution of the development's traffic without exceeding level of service standards, enhances neighborhood continuity and connectivity and provides direct, sub-arterial street access to any parks, schools, neighborhood centers, commercial uses, employment uses and Neighborhood Commercial Districts within or adjacent to the development from existing or future adjacent development within the same section mile.

1.2.2 - Purpose

The purpose of this Code is to improve and protect the public health, safety and welfare by:

- (A) ensuring that all growth and development which occurs is consistent with this Code, City Plan and its adopted components, including, but not limited to, the Structure Plan, Principles and Policies and associated sub-area plans.
- (B) encouraging innovations in land development and renewal.
- (C) fostering the safe, efficient and economic use of the land, the city's transportation infrastructure, and other public facilities and services.
- (D) facilitating and ensuring the provision of adequate public facilities and services such as transportation (streets, bicycle routes, sidewalks and mass transit), water, wastewater, storm drainage, fire and emergency services, police, electricity, open space, recreation, and public parks.
- (E) avoiding the inappropriate development of lands and providing for adequate drainage and reduction of flood damage.
- (F) encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
- (G) increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation.
- (H) reducing energy consumption and demand.
- (I) minimizing the adverse environmental impacts of development.
- (J) improving the design, quality and character of new development.
- (K) fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all.
- (L) encouraging the development of vacant properties within established areas.
- (M) ensuring that development proposals are sensitive to the character of existing neighborhoods.
- (N) ensuring that development proposals are sensitive to natural areas and features.
- (O) encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages and abilities.

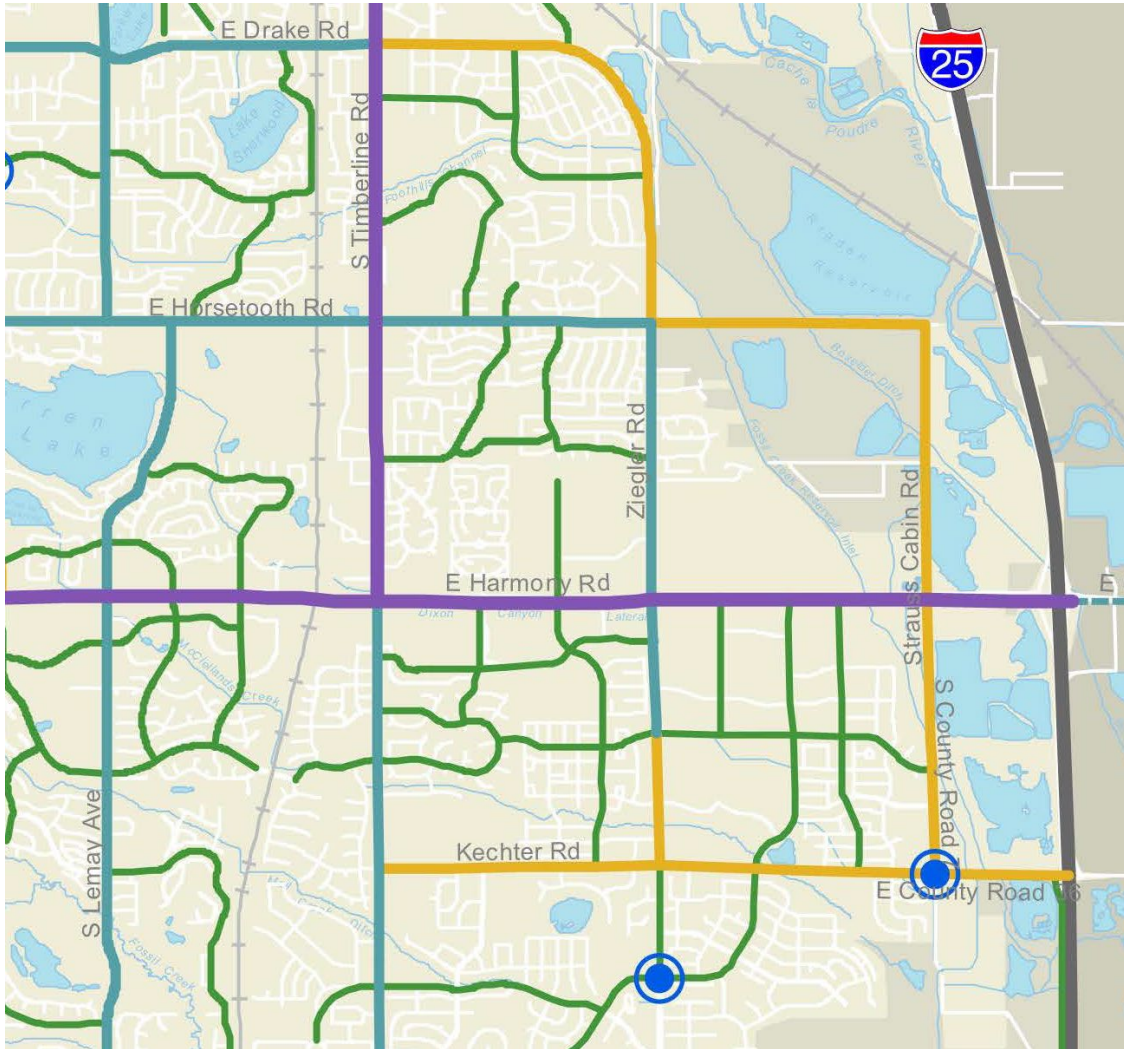
(B) Conduct of Public Hearing.

- (1) Rights of All Persons. Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall state his or her name, address and, if appearing on behalf of a person or organization, the name and mailing address of the person or organization being represented.
- (2) Exclusion of Testimony. The decision maker conducting the public hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.
- (3) Continuance of Public Hearing. The decision maker conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place. All continuances shall be granted at the discretion of the body conducting the public hearing.

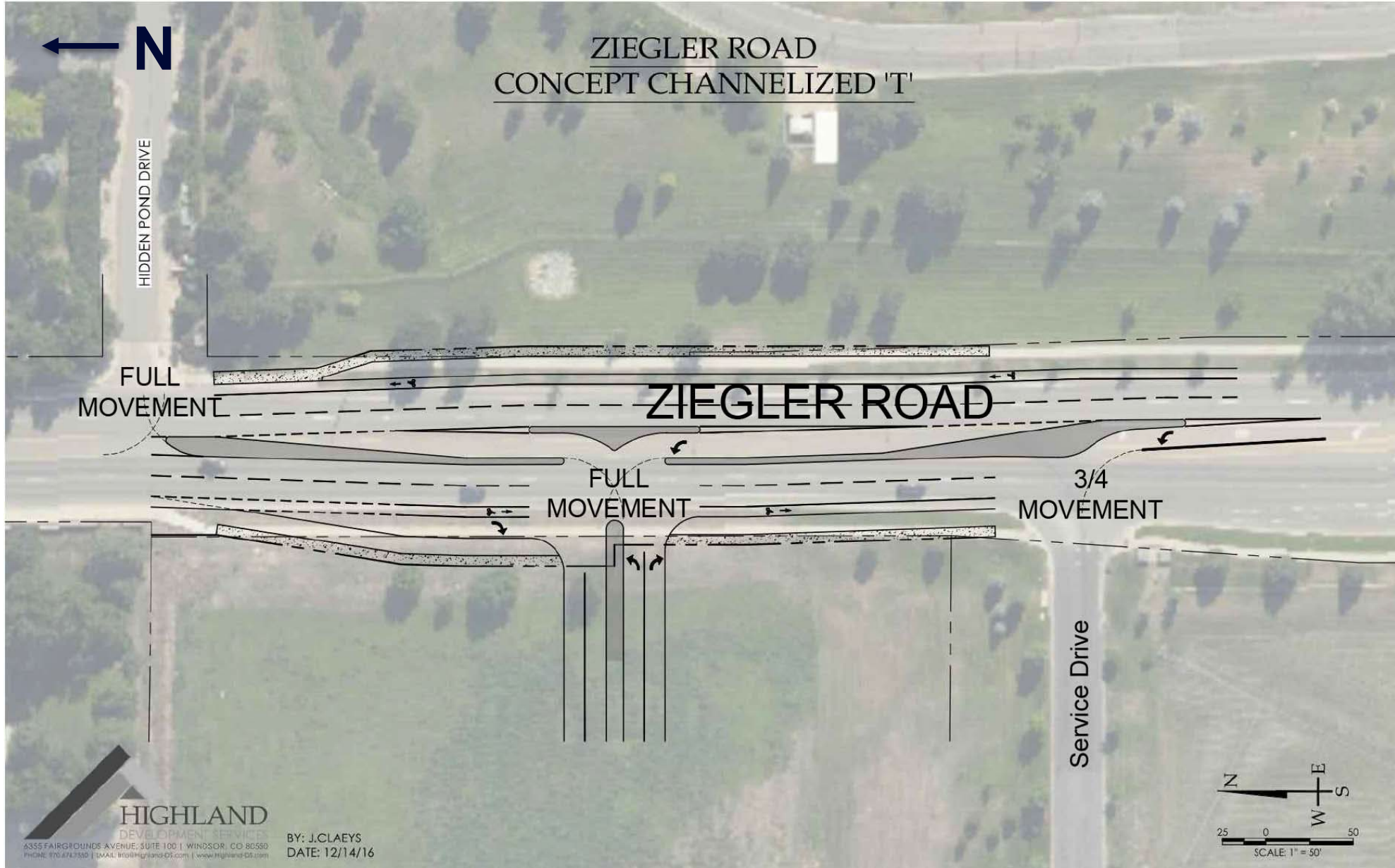
(C) Order of Proceedings at Public Hearing.

The order of the proceedings at the public hearing shall be as follows:

- (1) Director Overview. The Director shall provide an overview of the development application.
- (2) Applicant Presentation. The applicant may present information in support of its application, subject to the determination of the Chair as to relevance. Copies of all writings or other exhibits that the applicant wishes the decision maker to consider must be submitted to the Director no less than five (5) working days before the public hearing.
- (3) Staff Report Presented. The Director shall present a narrative and/or graphic description of the development application, as well as a staff report that includes a written recommendation. This recommendation shall address each standard required to be considered by this Code prior to approval of the development application.
- (4) Staff Response to Applicant Presentation. The Director, the City Attorney and any other City staff member may respond to any statement made or evidence presented by the applicant.
- (5) Public Testimony. Members of the public may comment on the application and present evidence, subject to the determination of the Chair as to relevance.
- (6) Applicant Response. The applicant may respond to any testimony or evidence presented by the public.
- (7) Staff Response to Public Testimony or Applicant Response. The Director, the City Attorney and any other City staff member may respond to any statement made or evidence presented by the public testimony or by the applicant's response to any such public testimony.



- Collector 2 Lanes
- Arterial 2 Lanes
- Arterial 4 Lanes
- Major Arterial 6 Lanes
- Collector 2 Lanes - Outside GMA
- Arterial 2 Lanes - Outside GMA
- Arterial 4 Lanes - Outside GMA
- Major Arterial 6 Lanes - Outside GMA
- Interstate
- Potential Roundabout
- City Limits
- Growth Management Area
- Larimer County
- Potential Grade Separated Rail Crossing



CORBETT DRIVE & THE MASTER STREET PLAN

1998



2000



- Master Street Plan (MSP) identifies the long-range vision for the collector & arterial street network
- MSP previously identified Corbett Drive connecting from Harmony Road to English Ranch thru ODP site
- Concerns during Front Range Village development about the Corbett vehicular connection
- Council removed collector street connection during 2010 City Plan/ MSP update

STREET CONNECTIVITY NORTH OF FRONT RANGE VILLAGE

- **Current MSP**
 - **Indirect Corbett Drive street connection**
 - **No direct connection to Kingsley**
- **Bicycle and pedestrian trail will remain**
- **If Corbett Drive removed from MSP, Land Use Code may require a non-Corbett street connection to the property north of Front Range Village**
 - **Depends on land uses and traffic impact study**
 - **May impact traffic signal locations and access points along Ziegler**

Local Street Connection from ODP to English Ranch (Paddington Rd)

- Generally opposed by English Ranch neighbors
- Successful petition to remove Corbett Dr (collector-level) connection in 2010
 - Local street connection nearly duplicates this condition
- Arterial roadways able to continue to meet Transportation Level of Service standards w/o connection

Signalized Intersection at Ziegler/Hidden Pond (Major Amendment Proposal)

- Provides a bike/ped crossing along this stretch of Ziegler
 - Recently identified as a need in the Active Modes Plan
- Precludes future possibility of a traffic signal at the Ziegler/Paddington/Grand Teton intersection
- Serves ODP site, Front Range Village, Affinity, Hidden Pond Estates
 - Does not directly benefit English Ranch, Woodland Park
- Identified as a potential outcome in 2010 of removing the Corbett Dr connection to English Ranch
- Many feel this prioritizes new development over traffic issues for existing neighborhoods
- May lead to accidental trips/traffic east of Ziegler Rd on Hidden Pond Dr (no outlet)
- Does not follow typical signalized intersection locations (collector road, public street)

Signalized Intersection at Ziegler/Paddington/Grand Teton

- Generally desired by neighbors to improve access onto Ziegler Rd
- Generally supported by Woodland Park which only has Ziegler Rd access to their neighborhood
- Could potentially serve more locations (English Ranch, Woodland Park, ODP/Affinity/FRV via connections)
- Would also serve as a bike/ped crossing for this stretch of Ziegler Rd
- Signal not warranted under current conditions without a connection to ODP site
 - Tension between desire for signal and opposition to a street connection from ODP site to help generate traffic warrants

Misc.

- Staff support for a signal somewhere along this stretch of Ziegler Rd
- A signal at Ziegler/Paddington or Ziegler/Hidden Pond preferable to the Channelized T intersection from original ODP

Staff Evaluation

- No reduction in access / connection for bikes or pedestrians
 - ODP site features three north-south bike/ped access points
- Amenities to the north include English Ranch Park, Linton Elementary School
 - Located half-mile walking distance from center of ODP site
 - City policies / PSD walksheds encourage non-vehicular travel at these distances
 - ODP providing onsite park / gathering space; lower school enrollment demand
- TIS modeled connection / no connection. Both scenarios do not present level of service issues
- No connection requires trips to access an arterial; but detour is limited in distance
- No connection requested by neighborhood; aligns with previous policy decision made by City Council in 2010/2011 to remove connection from MSP







