




MEMORANDUM

DATE: July 2, 2024

TO: Mayor and City Councilmembers ^{DS} 

THRU: Kelly DiMartino, City Manager
Tyler Marr, Deputy City Manager
Caryn Champine, Director, Planning, Development & Transportation

FROM: Clay Frickey, Planning Manager, Community Development & Neighborhood Services

RE: Update on Aragon Holdings Batch Plant Development Proposal

Purpose: The purpose of this memorandum is to update Councilmembers on the status of the proposed Aragon Holdings Batch Plant development at 516 N. Highway 287.

Bottom Line

Staff has provided comments in accordance with our standard process. If additional action is desired, Council may consider the following options related to the proposed Aragon Holdings Batch Plant:

1. Pass a resolution in opposition to the project.
2. Send a letter to the County Commissioners expressing Council's opposition to the project.
3. Provide comment at the land use hearing expressing Council's opposition to the project.

Background

Larimer County is processing a development application for a proposed concrete batch plant near the intersection of Highway 287 and Terry Lake Road. Since the property is within the City's Growth Management Area the City provides comments to the County on the proposed development.

City staff provided comments to the County on this development project on January 29, 2024. Staff's comments indicated that the proposed development does not align with the vision and plans for Fort Collins in this area. City Plan identifies this area as being a Suburban Mixed-Use corridor. Suburban Mixed-Use designation considers principal land use for this property to be retail, restaurants, and other commercial services. Supporting land uses include high-density residential, entertainment, childcare centers, and other supporting uses. Staff would consider a concrete batch plant to meet the definition of a heavy industrial use. Heavy industrial is only permitted in the Industrial zone district in the City. Upon annexation, staff would not assign the Industrial zone district to this property. This means that the proposal is not consistent with the



vision for the area in City Plan and Planning staff are not supportive of the proposed development.

Currently, County staff are collecting comments from other reviewing agencies. After collecting all comments from outside agencies County staff will evaluate if the project is ready for hearing or if they will need another round of review.

Attachments

1. Planning comments on proposed Aragon Holdings Batch Plant



MEMORANDUM

DATE: January 29, 2024

TO: Savanah Benedick-Welch, Norris Design Planner
Michael Whitley, Larimer County Senior Planner

FROM: Katelyn Puga, City Planner

CC: Clay Frickey, Planning Manager

RE: **Aragon Holdings Batch Plant Letter Request**

Introduction

The following memo has been prepared at the request of the applicant team for the Aragon Holdings Batch Plant project. Larimer County Land Use Code Article 4.3.5 Wastewater Disposal, subsection 4 *On-Site Wastewater Treatment Systems in the Urban Districts and GMAs*, requires that proposals to use on-site wastewater treatment systems must submit an appeal as part of their application. Because the subject property at 516 N. Highway 287 is within the Fort Collins Growth Management Area (GMA), the City of Fort Collins is the applicable municipality that must respond to the following requirements of the application:

- c. A letter from the applicable municipality indicating their concurrence that the development as proposed will achieve the land use pattern envisioned for this part of the growth management area.**
- d. A letter from the applicable municipality that indicates their willingness to annex the property when it becomes eligible for annexation;**

The following summary addresses sections C and D and shall serve as the letter from the applicable municipality as specified in the Larimer County Land Use Code.

Background/Discussion

As mentioned, the proposed development of a concrete batch plant on the property at 516 Highway 287 is located within the Fort Collins GMA. The City of Fort Collins utilizes the Structure Plan as adopted in City Plan as guidance for future land use composition and density within the Fort Collins GMA. The property at 516 N. Highway 287 (Concrete Batch Plant) has a designation of Suburban Mixed-Use. A Suburban Mixed-Use designation considers principal land use for this property to be retail, restaurants, and other commercial services. Supporting land uses include high-density residential, entertainment, childcare centers, and other supporting uses.

Structure Plan place type designations also serve to inform future zoning of properties when annexation is proposed. The City of Fort Collins zone districts that correlate to the Suburban Mixed-Use place type



include various commercial zone districts exclusively. City staff would consider the function and use of the proposed Concrete Batch Plant to correspond with a land use of heavy industrial as defined in Division 5.1 of the City of Fort Collins Land Use Code:

Heavy industrial uses shall mean uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions.

Heavy industry shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yards, container storage).

Heavy industrial land uses are only considered for approval on properties zoned as the Industrial Zone District in the City. Unincorporated areas within the Fort Collins GMA that are designated as Industrial District place types by the Structure Plan would align with the purpose of the Industrial Zone District. Therefore, the development as proposed does not achieve the land use pattern envisioned for this part of the GMA.

Alignment of Proposed Development with Adopted Plans and Policies

The proposed development does not align with the following adopted policies in City plans including, but not limited to the following policies found within City Plan, Our Climate Future, and the Air Quality Plan:

1a. CITY PLAN 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.*
- *Work with Larimer County to develop plans and policies for public services and facilities required for new and existing development located in unincorporated areas of the GMA.*

1b. City Staff Response: The City has been informed that there is no feasible public sewer connection available to this property today. Division 3.7.3 of the Land Use Code requires that all development provides adequate facilities to serve the property. The Land Use Code requires that adequate wastewater service to the property is provided through the design and construction of functional mains and stubs. The City would require adequate facilities and connection to the public sewer as prescribed in the Land Use Code for the future annexation consideration of the property.

2a. CITY PLAN POLICY LIV 3.3 – GATEWAYS: *Enhance and accentuate the community's gateways including Interstate 25 interchanges and College Avenue, to provide a coordinated and positive community entrance.*

2b. City Staff Response: Although the subject site remains north of city limits, its visually prominent location on Highway 287 contributes towards the overall approach into the North College gateway. This



stretch of 287 from Shields continuing south into the City of Fort Collins is ultimately envisioned as a continuous Suburban Mixed-Use District. As previously mentioned, the proposed land use would qualify as heavy industrial and is therefore incompatible with land uses and place types envisioned in City Plan. Subsequent passages of Policy LIV 3.3 describe supportive land uses as a factor contributing towards gateway design elements.

3a. CITY PLAN POLICY LIV 3.6 – CONTEXT – SENSITIVE DEVELOPMENT: *Ensure that all development contributes to the positive character of the surrounding area. Building materials, architectural details, color range, building massing, relationships to streets and sidewalks should be tailored to the surrounding area.*

3b. City Staff Response: Property within the City of Fort Collins is subject to the development standards as required by the Land Use Code to ensure that development provides a design that is appropriate to the context of the surrounding land uses and zone district. While this site is not incorporated into the City yet, any improvements that would be considered in the future upon annexation would be required to meet the standards of the Land Use Code to accomplish this policy to the maximum extent feasible.

4a. CITY PLAN 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.*

4b. City Staff Response: Compatibility with surrounding land uses is a factor in the determination of the Structure Plan place type designation. Adjacent properties within the Fort Collins GMA are also designated as a Suburban Mixed-Use District and Suburban Neighborhood Districts. There is no future industrial development planned as part of the envisioned land use pattern in the immediate vicinity. Strategies to mitigate any incompatibility between uses would be required as part of an annexation proposal in the future.

5a. CITY PLAN POLICY ENV 1.3 – NATURE IN THE CITY: *Conserve, protect, and enhance natural resources and high-value biological resources throughout the GMA by:*

- *Directing development away from natural features to the maximum extent feasible*

5b. OUR CLIMATE FUTURE HNS3 – HEALTHY NATURAL SPACES: *Protect and expand natural habitats as growth occurs.*

5c. City Staff Response: The property is located near several natural features as identified by the City including Dry Creek and Terry Lake, and Great blue heron colonial nest sites. To further protect these resources the Land Use Code requires a 100-foot natural habitat buffer zone for developments that are proposed near natural features.

6a. AIR QUALITY PLAN POLICY ENV 4.1 PRIORITY AIR POLLUTANTS: *Focus on high-priority air pollutants, as identified in the Air Quality Plan, considering such criteria as health impacts, community concerns, air pollution trends, compliance with current state and federal standards and ability to affect improvements at the local level.*

6b. AIR QUALITY PLAN POLICY ENV 4.2 AIR POLLUTANT SOURCES: *Implement a full spectrum of options including engagement, incentives, and regulation – that focus on prevention of air pollution at the source.*



6c. City Staff Response: The City of Fort Collins prioritizes the protection of public health and the environment through improvement of outdoor and indoor air quality. The proposed location of the Concrete Batch Plant is adjacent to resources and residents within the City. The stockpiles of raw material on site are incidental to the heavy industrial land use that could be a source of air pollution that impacts the nearby community within the City and does not promote the goals adopted by the Air Quality Plan through prevention of air pollution.

Future Annexation Eligibility

Pursuant to the Intergovernmental Agreements (IGA) between Larimer County and the City of Fort Collins, the City agrees to consider the annexation of any parcel located within the GMA which are eligible for voluntary annexation. If the subject property becomes eligible for annexation, the City will abide by the guidance in the IGA and process the annexation request. An annexation proposal for a property with a heavy industrial use would be subject to the following considerations:

- a. As outlined in the first section of this letter, the anticipated Zone District for this property would not allow this land use. The annexation of a land use that is not conforming would lead the property to be considered a nonconforming land use upon annexation. Nonconforming land uses are subject to limitations for site improvements. Most future improvement would require that the site and land use be brought into compliance with the Land Use Code.
- b. The City would not accept a property that is served by a septic system and requires that adequate public facilities be provided to the property in order to meet City standards. This would be a consideration of the annexation and the proposal would be evaluated for compliance with this standard.
- c. The City would ensure that any risks with noise, lighting, odor, and dust created by the Concrete Batch Plant use be mitigated as part of the annexation request and may be incorporated into a future Annexation Agreement to ensure compliance with the City standards.

Based on the adopted policies outlined in this letter, the development proposal for the Concrete Batch Plant for Aragon Holdings located at 516 N. Highway 287 does not align with the vision and plans for the City of Fort Collins at this property. The City of Fort Collins does not support an appeal to allow the proposal to provide an on-site wastewater treatment system. Aligning future development with the City's goals and plans is the utmost priority of the City of Fort Collins. Thank you for the opportunity to review the proposal and provide comments. Please contact me if you have any questions regarding the information provided in this memo at kpuga@fcgov.com or at 970-221-6343.

Sincerely,

A handwritten signature in blue ink that reads "Katelyn Puga".

Katelyn Puga, City Planner