

September 1, 2026

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

A) PROCLAMATIONS AND PRESENTATIONS

1. **Declaring the Month of September 2026 as Suicide Prevention Month.**
2. **Declaring the Month of September 2026 as National Preparedness Month.**

**REGULAR MEETING
6:00 PM**

B) CALL MEETING TO ORDER

Mayor Pro Tem Julie Pignataro called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Pro Tem Julie Pignataro led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Pro Tem Julie Pignataro
Councilmember Melanie Potyondy
Councilmember Amy Hoeven
Councilmember Chris Conway
Councilmember Anne Nelsen
Councilmember Josh Fudge

ABSENT

Mayor Emily Francis

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, including:

- Items 1-26 on the Consent Calendar are recommended for adoption.
- Minor amendment to Item No. 26 to correct a scrivener's error.
- No planned Discussion items.

F) COMMUNITY REPORTS – None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS

Jared McGlothlin spoke to pedestrian safety improvements needed in downtown Fort Collins.

Christopher Deile spoke about public safety and Senate Bill 26-141. He noted some alternative funding models that could ensure a sustainable model for public safety.

Rich Stave spoke to several items on the Consent Calendar.

Spencer Burris spoke about messaging related to downtown parking and related fees.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Nelsen thanked the speakers and expressed concern for those who were impacted by the accident in Old Town on Saturday. She also expressed gratitude to the first responders. She requested a follow-up on allowing only compact vehicles to park in Old Town and asked when the next Vision Zero update and street standards update would be coming forward. City Manager DiMartino replied the Council Ad Hoc Committee on Sustainable Growth will discuss the street standards in December and Vision Zero work will be presented in late November or early December.

Councilmember Potyondy asked the City Attorney to speak to the ability of audience members to use video and audio recording devices in Council Chambers. City Attorney Daggett replied recording has been allowed during her tenure; restrictions have existed on standing in the aisle, holding up signs, or otherwise interfering with others' ability to see.

Councilmember Potyondy commended Mr. Deile for raising awareness about forthcoming ballot initiatives.

Councilmember Nelsen noted the Ad Hoc Committee meetings are public and can be watched remotely in real time.

Mayor Pro Tem Pignataro asked about the 90-day provision in Item No. 20, *First Reading of Ordinance No. 122, 2026, Amending Section 2-76 of the Code of the City of Fort Collins to Update the Board and Commission Member Residency Requirement and Directing Amendments to the Boards and Commissions Manual*, and whether it could be extended indefinitely. City Attorney Daggett replied the 90-day provision is focused on a temporary period of time.

Councilmember Fudge commented on Item No. 21, *Items Relating to Funding and Financing of the Construction of Improvements to the City's Wastewater System, Including the Intent to Reimburse Capital Expenditures from Bond Proceeds and the Appropriation of Grant and Fund Reserves for the Wastewater Utility Septage Receiving Facility Project*, noting there are out-of-city customers for the facility and program, though they contribute financially based on their use of the facility.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Nelsen withdrew Item No. 16, *First Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses*, from the Consent Calendar for additional discussion.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the August 18, 2026, Regular Meeting.

The purpose of this item is to approve the minutes of the August 18, 2026, Regular Meeting.

Approved.

2. Second Reading of Ordinance No. 103, 2026, Appropriating Remaining Reserves Generated From the 2016-2025 Community Capital Improvement Program Sales Tax for the Affordable Housing Capital Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates the remaining reserve funds from the 2016-2025 Community Capital Improvement Program ("CCIP") quarter cent capital sales tax, as directed by Council by Resolution 2025-104, which directs excess revenues to the Affordable Housing Capital Fund Program.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 104, 2026, Authorizing Transfer of Previously Appropriated American Rescue Plan Act Funds for Purchase of a Property to Expand the Land Bank Program.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, transfers previously appropriated Federal American Rescue Plan Act Funding ("ARPA") funds for the expansion of the Land Bank Program to purchase a comparable parcel of land at a different location than originally planned and pay some pre-development costs.

Adopted on Second Reading.

4. Second Reading of Ordinance No. 105, 2026, Making Supplemental Appropriations and Authorizing Transfers of Appropriations for the Vine and Timberline Rail Grade Separation Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on August 18, 2026, requests a supplemental appropriation for the Vine and Timberline Rail Grade Separation project (the "Project"). The funding will be used to acquire an all-purpose easement on the southeast corner of the Timberline Road and Vine Drive intersection. The Project will elevate Timberline Road over Vine Drive and the adjacent BNSF Railway ("BNSF") rail yard, eliminating the existing at-grade crossing. The easement acquisition is needed to provide space for the overpass embankment. If approved, the item will: 1) appropriate \$113,098 in Transportation Capital Expansion Fee funds to the Project; 2) appropriate \$22 in Transportation Services Reserve funds to the Project; and 3) transfer \$1,120 (1% of new Project funding) in Capital Projects funds to the Art in Public Places program.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 106, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado State Patrol for the Beat Auto Theft Through Law Enforcement Grant Program.**

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates \$26,860 of unanticipated grant revenue from the Colorado State Patrol ("CSP") for the Beat Auto Theft Through Law Enforcement ("BATTLE") grant program. The funding will support Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 107, 2026, Making a Supplemental Appropriation of Grant Funds from the Colorado Statewide Internet Portal Authority for the Micro-Grant Program.**

This Ordinance, unanimously adopted on First Reading on August 18, 2026, appropriates \$8,122 of unanticipated grant revenue from the Colorado Statewide Internet Portal Authority ("SIPA") for the Micro-Grant Program. This funding will support an accessibility audit for the Municipal Court's digital services.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 108, 2026, Amending Section 3-85 of the Code of the City of Fort Collins for the Purpose of Expanding the Distance Exemption for Liquor Licenses for Schools and Colleges.**

This Ordinance, unanimously adopted on First Reading on August 18, 2026, amends City Code Section 3-85 to expand the exemption for the 500-foot radius buffer beyond application to areas around Colorado State University ("CSU"), to include other schools and colleges that choose to locate within mixed-use or non-residential areas that are intended for commercial use. This proposed Code update would permit continued City liquor license issuance within these areas intended for and supporting businesses and restaurants, in accordance with all other applicable requirements, even if a school or college is present.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 109, 2026, Amending Chapter 2, Article VII, Division 2 of the Code of the City of Fort Collins Ethics Rules Related to Councilmember Obligations to Report Contacts with City Staff about Non-Routine City Matters.**

This Ordinance, unanimously adopted on First Reading on August 18, 2026, considers amendments recommended by the Ethics Review Board to a section of City Code related to Councilmember obligations to report a contact with a City officer or employee regarding a request in connection with the contacted officer's or employee's role about a non-routine City matter and not within the Councilmember's role as an officer of the City.

Adopted on Second Reading.

9. **Second Reading of Ordinance No. 110, 2026, Making a Supplemental Appropriation for the Linden Street Interim Parking Project.**

This Ordinance, unanimously adopted on First Reading on August 18, 2026, enables the City to receive and expend Downtown Development Authority ("DDA") grant funds for the Linden Street

Interim Parking project (the "Project"). The funds will be used for construction of improvements along Linden Street between the Poudre River and Buckingham Street. If approved, the item will appropriate \$112,438 of DDA grant funds to the Project.

Adopted on Second Reading.

10. **First Reading of Ordinance No. 111, 2026, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Support of the Utilities Customer Information Systems Project and Integrated Maximo Asset Management System Project.**

The purpose of this item is to appropriate supplemental funding within the respective Utilities Fund for an extension of the Utilities Customer Information Systems ("CIS") Project and integrated Maximo Asset Management System Project.

Fort Collins Utilities is evaluating extending the software go-live date for the implementation of the new Utilities CIS. While replanning efforts are underway to determine an exact date, the project is recommended to be extended into the spring of 2027 for full system readiness and allow for comprehensive product development and testing. Consequently, this project requires additional budget appropriations to cover the extended project duration through 2026.

Adopted on First Reading.

11. **Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant and HOME Investment Partnership Program Funds.**

A. First Reading of Ordinance No. 112, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 113, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the HOME Investment Partnerships Grant Fund.

The purpose of this item is to appropriate the City's FY2026 Community Development Block Grant ("CDBG") Entitlement Grant and FY2026 Home Investment Partnerships Program ("HOME") Participating Jurisdiction Grant from the Department of Housing and Urban Development ("HUD"), CDBG program income from FY2024 & FY2025 and HOME Program Income from FY2024 & FY2025.

Both Ordinances Adopted on First Reading.

12. **First Reading of Ordinance No. 114, 2026, Appropriating Art in Public Places Reserves for a Community Arts and Art in Public Places Master Plan.**

The purpose of this item is to appropriate \$103,500 from Art in Public Places ("APP") reserves to fund a Community Arts and Art in Public Places Master Plan (the "Master Plan"). The appropriation includes \$90,000 for consultant services and a 15% contingency of \$13,500. The planning process will build on the FoCo Creates Master Plan and prior APP and community arts work to evaluate programs, governance, funding and reserve strategies, staffing and operational capacity, community engagement, partnerships, and public art policies. The final plan will provide actionable priorities, implementation strategies, and measures of success to guide the future of Community Arts and APP and will be referred to as the Community Arts and Art in Public Places Master Plan.

Adopted on First Reading.

13. **First Reading of Ordinance No. 115, 2026, Appropriating Unanticipated Grant Revenue from the Colorado Department of Natural Resources for the Fishing is Fun Grant Program and Authorizing a Transfer of Appropriations.**

The purpose of this item is to appropriate \$72,700 of unanticipated grant revenue from the Colorado Department of Natural Resources, Colorado Parks and Wildlife Division, for the Fishing is Fun Grant Program. The funding will support improved angling opportunities, accessibility, and angler satisfaction in Northern Colorado by enhancing infrastructure and aquatic habitat at Arapaho Bend Natural Area. This item also appropriates \$44,700 from within fund 272 to meet the cost-share requirement of the grant.

Adopted on First Reading.

14. **First Reading of Ordinance No. 116, 2026 Appropriating Unanticipated Revenue From the Extended Producer Responsibility Program for Recycling Education and Outreach and Curbside Recycling Collection.**

The purpose of this item is to appropriate \$5,525,525 in funds from the statewide Extended Producer Responsibility Program to conduct recycling and outreach education activities and offset the cost of residential recycling service.

Adopted on First Reading.

15. **First Reading of Ordinance No. 117, 2026, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.**

The purpose of this item is to update City Code to modify the Contracted Residential Waste Collection Program to clarify the City Manager's authority to approve necessary and appropriate contract amendments with the intent of streamlining administrative processes.

Adopted on First Reading.

16. **First Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.**

*At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.***

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review ("BDR") in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to remove this item from the consent agenda and adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

Moved to Discussion.

- 17. First Reading of Ordinance No. 119, 2026, Authorizing the Purchasing Agent to Enter into a Contract with HDR, Inc., for Professional Services for a Period Longer Than Five Years for the Design and Construction Support of the North Mason Stormwater Project.**

The purpose of this item is to authorize the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract with HDR, Inc., for a period longer than five years in length, for professional services for the design and construction support of the proposed North Mason Stormwater Project. Contracts authorized under the Ordinance would be extended up to the completion of the project. Design for the project began in 2019 and is expected to be completed in 2029, with pauses to better formulate the project. Under the current scenario, without the Ordinance, the existing contract would expire before the design could be completed, a situation that would result in logistical and cost ramifications for the project.

Adopted on First Reading.

- 18. First Reading of Ordinance No. 120, 2026, Approving the Second Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.**

The purpose of this item is for Council to consider the Second Amendment to Planned Unit Development ("PUD") Master Plan Development Agreement for the Montava PUD Overlay and Master Plan. The amendment would extend the contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for up to two additional years.

Adopted on First Reading.

- 19. First Reading of Ordinance No. 121, 2026, Authorizing the Conveyance of a Permanent Easement and Temporary Construction Easements on Parks Property.**

The purpose of this item is to authorize the conveyance of one Permanent Easement (the "PE") and two Temporary Construction Easements (the "TCEs") (the "Easements"), being a portion of City property owned by Parks, for the abandonment of a septic vault and installation of a sewer line.

Adopted on First Reading.

20. First Reading of Ordinance No. 122, 2026, Amending Section 2-76 of the Code of the City of Fort Collins to Update the Board and Commission Member Residency Requirement and Directing Amendments to the Boards and Commissions Manual.

The purpose of this item is to amend Section 2-76 of the Code of the City of Fort Collins to allow board and commission members to temporarily relocate outside the Fort Collins Growth Management Area for up to 90 days without losing their board or commission membership. If adopted, the City Clerk will amend the Boards and Commissions Manual to reflect the revised residency requirement and incorporate recent changes to the Code of Conduct.

Adopted on First Reading.

21. Items Relating to Funding and Financing of the Construction of Improvements to the City's Wastewater System, Including the Intent to Reimburse Capital Expenditures from Bond Proceeds and the Appropriation of Grant and Fund Reserves for the Wastewater Utility Septage Receiving Facility Project.

A. Resolution 2026-106 Expressing the Intent of the City to be Reimbursed for Certain Expenses Relating to the Construction of Improvements to the City's Wastewater System and Other Capital Assets of the City Through the Issuance of Bonds.

B. Resolution 2026-107 Authorizing the City Manager to Execute an Agreement for a Grant of the Colorado Department of Local Affairs Energy and Mineral Assistance Funds Between the City of Fort Collins and the State of Colorado for the Septage Receiving Facility Project.

C. First Reading of Ordinance No. 123, 2026, Making a Supplemental Appropriation from the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund and Appropriating Wastewater Fund Reserves for the Septage Receiving Facility Project.

The purpose of Resolution 2026-106 is to express the City's intent to reimburse itself with bond proceeds for out-of-pocket expenses if it decides to finance projects identified in Wastewater Utility's 2027–2028 Capital Improvement Plan ("Wastewater Utility CIP"), with the issuance of bonds. Treasury Regulation Section 1.150-2 (the "Regulation") dictates whether an issuer can use proceeds from a tax-exempt issuance to reimburse prior capital expenditures. The Regulation requires the issuer to adopt a declaration of official intent to reimburse prior capital expenditures with the proceeds of a tax-exempt issuance in order to actually do so. The issuer can reimburse capital expenditures made within 60 days prior to the adoption of the official intent.

Adoption by Council of a reimbursement resolution, like Resolution 2026-106, does not obligate the City to issue bonds in the future, but rather serves as a declaration of the City's "official intent," pursuant the Regulation to reimburse itself with the proceeds of a bond issue in the future if the City should choose to finance the projects by issuing bonds. Resolution 2026-106, allows Fort Collins Utilities ("Utilities") to spend current Wastewater Utility Fund reserves on critical projects in the Wastewater Utility CIP immediately, and then later, to reimburse those amounts using proceeds from a planned future bond issuance. Any future bond issuance would still come forward to Council for consideration of actions to authorize that financing—the resolution does not authorize the issuance of bonds.

The Colorado Department of Local Affairs ("DOLA") made an award from the Energy/Mineral Impact Assistance Fund Grant ("EIAF") for the City's Septage Receiving Facility Project. Resolution 2026-107, if adopted by Council, is the action to accept that DOLA grant and authorize execution of the grant agreement.

Resolution 2026-106 and Resolution 2026-107 are related because the Septage Receiving Facility Project is one of the critical projects (within the Wastewater Utility CIP) for which the City plans to commence as soon as possible by applying Wastewater Utility Fund reserves and for which later financing proceeds may be used to reimburse.

Ordinance No. 123, 2026, if adopted, will appropriate the grant award revenue from DOLA, as well as amounts from the Wastewater Fund reserves, to expend for the Septage Receiving Facility Project.)

Both Resolutions Adopted and Ordinance Adopted on First Reading.

22. **Resolution 2026-108 Approving Expenditures to Commission an Artist to Create Artwork for the Future Mariposa Park.**

The purpose of this item is to approve the Art in Public Places (“APP”) Mariposa Park Project, based upon the recommendations of the Arts & Culture Board.

Adopted.

23. **Resolution 2026-109 Authorizing the City Manager to Execute an Intergovernmental Agreement with the Northern Colorado Water Conservancy District for the Development, Operation, and Administration of the Regional Water Efficiency Incentives Portal.**

The purpose of this item is to seek authorization to execute an intergovernmental agreement (“IGA”) with the Northern Colorado Water Conservancy District (“Northern Water”) for participation in the Regional Water Efficiency Incentives Portal, a centralized online platform that will allow customers of participating water providers to apply for and receive water efficiency incentives.

Adopted.

24. **Resolution 2026-110 Approving the Second Amendment to Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan.**

The purpose of this item is to consider the Second Amendment to the Development Agreement to Secure Public Benefits for Montava Planned Unit Development (“PUD”) Master Plan (the “Public Benefits Agreement”). The amendment would extend the contingency for closing of the Development’s purchase from the Anheuser-Busch Foundation for up to two additional years.

Adopted.

25. **Resolution 2026-111 Finding Substantial Compliance and Initiating Annexation Proceedings for the Strauss Lakes Annexation.**

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Strauss Lakes Annexation, a voluntary annexation located northeast of the intersection of Horsetooth Road and Ziegler Road. The applicant has submitted a written petition requesting annexation of 147.499 acres and zoning into the Low Density Mixed-Use Neighborhood (“LMN”) and Medium Density Mixed-Use Neighborhood (“MMN”) zone district, which is consistent with the City of Fort Collins Structure Plan Map.

This annexation request is in conformance with Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

Adopted.

26. Resolution 2026-112 Adopting Amended Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions.

This item was amended to update page 5 of Exhibit A to Resolution 2026-112.

The purpose of this item is to consider an update to the Council Meeting Rules of Procedure.

Adopted.

END OF CONSENT CALENDAR

Councilmember Nelsen moved, seconded by Councilmember Hoeven, to approve the recommended actions on items 1-26, minus Item No. 16, on the Consent Calendar.

The motion carried 6-0.

K) CONSENT CALENDAR FOLLOW-UP

None.

L) STAFF REPORTS – None

M) COUNCILMEMBER REPORTS

Councilmember Amy Hoeven

- Held a listening session on August 22nd.
- Participated in one of two CSU neighborhood meetings to help residents living near CSU talk through issues.
- Reminder of the first CSU home game and associated parking regulations on Saturday.
- Attended a walking tour with Outreach Fort Collins.
- Participated in the First People's Community Center grand opening.

Councilmember Melanie Potyondy

- Attended the First People's Community Center grand opening.
- Attended the Center for Family Outreach's summer fest event.

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

16. First Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.

*At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.***

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review ("BDR") in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to remove this item from the consent agenda and adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

STAFF PRESENTATION

Clay Frickey, Planning Manager, stated this item was born out of some discussions with the Ad Hoc Committee about how to create a clearer path for housing projects going through the Development Review process. The Ordinance proposes moving the level of review for many residential land uses to Basic Development Review (BDR). Frickey noted there are two options for Council consideration, one being a staff recommendation based on alignment with City Plan and other plans, and the other being a request from the Ad Hoc Committee to move all of the uses mentioned to BDR in zone districts in which the uses are already permitted. Frickey stated staff is recommending keeping the review level for lower-density uses in commercial districts and outlined the key considerations of staff for making that recommendation. Additionally, he suggested the way fees are assessed should be evaluated should more project types be moved to BDR, as fees are the main method of cost recovery for staff time. He noted the City would have received \$873,400 less in revenue over the past five years with that change.

Frickey noted the Planning and Zoning Commission recommended adopting staff's recommendation with some changes to differentiate between smaller multi-unit and mixed-use projects and larger ones. He stated staff is recommending Council adopt staff's recommended Land Use Code changes.

PUBLIC INPUT

Rich Stave stated the materials for this item were unclear and noted members of the public have made clear their concerns about the way the city gets developed. He expressed concern that these changes would bypass public comment.

COUNCIL QUESTIONS/COMMENTS

Councilmember Potyondy asked why this item was originally placed on the Consent Calendar. Mayor Pro Tem Pignataro replied that was discussed at Leadership Planning Team and the item was placed on Consent given the Ad Hoc Committee has spoken about it at least twice and this will be one of quite a few items coming forward from the work of that committee.

Councilmember Potyondy asked how the Planning and Zoning Commission arrived at a unanimous vote when members seemed to have some significant misgivings. Frickey replied the Commission ultimately wants to be housing forward and support the development of a variety of housing options in the community; therefore, it opted to support some changes with notes hoping it would spur a discussion at this meeting about the best way to ensure the community's desire to weigh in on projects that would impact them is being addressed.

Councilmember Potyondy asked why different levels of review based on size, scale, and community impact were not established. Frickey replied part of that is a function of time and noted that some of those scale elements were once built into the Land Use Code and there were several reasons they were eliminated.

Councilmember Potyondy noted it is very different to have a duplex built next door as opposed to a 100-unit apartment complex and stated they should have different levels of public involvement.

Councilmember Nelsen asked about some of the existing differentiation in notification radii for developments. Frickey replied the Land Use Code contains different notice requirements for buildings greater than 100 units because they used to be tied to different review levels.

Councilmember Potyondy stated it is important to include the public and give opportunities for feedback. She asked about actual cost savings for switching projects to BDR. Frickey replied the review would be the same, because no matter the process, all of the same Codes apply. He stated the fundamental difference is between who makes the decision on the project and whether there is a neighborhood meeting.

Councilmember Potyondy asked if enough work would be saved on the City's side that a deficit is not being created with lost fees. Frickey replied these changes would not drastically reduce the staff workload with the exception of staffing of neighborhood meetings or Commission meetings. He stated review positions are funded partially through the Development Review fees. Councilmember Potyondy stated she believes programs should be self-sustaining.

Councilmember Potyondy asked what opportunities for meaningful public involvement for a large residential project would exist under BDR, particularly when the project is compliant with the Code. Frickey replied the current process for BDR still involves the opportunity for members of the public to provide input, though there is no public forum by means of a neighborhood meeting or public hearing. He noted letters are sent to all property owners within the set radius of a project indicating that public comments are being accepted. That is followed by a mailed notice of a forthcoming decision and notice of decision sent to those who provided comment. Frickey noted Type II projects currently have a neighborhood meeting that is required prior to the submittal of the development application and a public hearing occurs before the Planning and Zoning Commission where a decision is made. Type I projects do not have the neighborhood meeting requirement but do have public hearings before a Hearing Officer.

Councilmember Potyondy thanked staff and the Ad Hoc Committee for their work but stated she is not comfortable going to BDR for all of the proposed housing types across the city. She stated proportionality should make a difference in review and public input opportunities.

Mayor Pro Tem Pignataro noted the Ad Hoc Committee consists of Councilmembers Nelsen and Conway and Mayor Francis. She asked if this item was unanimously recommended to move to the full Council by the Committee. Councilmember Nelsen replied in the affirmative.

Councilmember Conway commented on Council's goal of increasing housing affordability and diversity by having things be more efficient and predictable in the development process, which was the basis for this discussion at the Ad Hoc Committee.

Councilmember Nelsen noted a requested modification of standards under the proposal would go to the Director for a decision with no public hearing and asked how staff would handle a significant modification request. Frickey replied several projects have gone through the BDR process with requested modifications of standards and it follows the same sort of protocol as a modification request that would go before the Planning and Zoning Commission. The decision maker, the Director of Planning and Development Services in this case, would read the staff report and make a decision based on the facts with a letter outlining the findings of fact for their decision.

Councilmember Nelsen asked about the Land Use Code regulations around affordable housing in the Transit Overlay Zone (TOD). Frickey replied affordable housing projects currently go through the BDR process city-wide, and any multi-unit development in transit centers also go through the BDR process. He noted those changes were recently made to become compliant with two separate pieces of State legislation.

Councilmember Nelsen asked if a duplex would pay less or more under the proposed ordinance. Frickey replied there would be no change as the project would still qualify for a limited scope review.

Councilmember Nelsen asked how one determines what falls under the limited scope review. Frickey replied applicants are notified proactively that they qualify for limited scope review, and there are some specific criteria in the associated policy which he could provide prior to Second Reading.

Councilmember Nelsen asked if a BDR decision can be appealed. Frickey replied the Director's decision is appealable to the Planning and Zoning Commission which would hold a hearing if there is merit for the appeal, and that decision is appealable to City Council.

Councilmember Nelsen asked if there were any other consistent comments from the Planning and Zoning Commission. Frickey replied the motion language well summarized the conversation. He noted the meeting minutes are not yet available, though they could be provided prior to Second Reading.

Councilmember Fudge noted the majority of District 3 is zoned Low-Density Mixed-Use Neighborhood (LMN), Urban Estate (UE), or Low-Density Residential (RL). He asked if there could be a large project of 150 units in any of those districts. Frickey replied that could happen only in the LMN if it is an affordable housing project as there is no density cap on those in the LMN; however, those projects would still need to meet all of the other requirements of the LMN zone district in terms of building size, height, and other requirements.

Councilmember Nelsen expressed appreciation for staff's recommendation over the Committee's request; however, she stated her opinion differs regarding large multi-family and mixed-use projects, which she believes should go before the Planning and Zoning Commission for a hearing. She requested staff provide a size threshold recommendation for 'large' for Second Reading.

Mayor Pro Tem Pignataro asked if staff would need more time to develop that recommendation. Frickey replied it would be helpful to delay Second Reading to allow for additional time.

Mayor Pro Tem Pignataro asked if it would then be beneficial to delay First Reading. City Attorney Daggett stated it may be better to indefinitely postpone the item to allow staff to return with a new ordinance, should Council opt to not adopt the ordinance on First Reading.

Councilmember Hoeven stated she did not believe the Ad Hoc Committee was formed to be a vote by proxy and questioned why Code changes are even being considered at this point in the process given the timeline. She specifically questioned why the item was on the Consent

Calendar and expressed support for delaying First Reading in the name of transparency and to follow what was originally set out.

Mayor Pro Tem Pignataro took some accountability for the item being on Consent and clarified there is no vote by proxy as any item can be withdrawn from the Consent Calendar.

City Manager DiMartino noted there are some standard practices with Council committees given any Councilmember can withdraw an item from Consent for full Council discussion.

Councilmember Hoeven stated this Committee was formed differently to have a dedicated team to work with staff to identify friction points and not to make quick decisions.

Mayor Pro Tem Pignataro noted the Committee has been charged with a large amount of work, and there may need to be a discussion about the scope of work.

Councilmember Fudge agreed with Councilmembers Hoeven and Potyondy about the process and noted moving as quickly as possible was discussed.

Councilmember Potyondy expressed support for the work of the Committee and for moving at a quicker pace, though she noted there is a speed of trust issue that needs to be considered. She stated there are still a number of unanswered questions related to this item and the amount of information still needed by Council perhaps speaks to a need to slow down. She stated she would support indefinite postponement in order to ensure things are done correctly.

Councilmember Conway noted this item relates to increasing permitting speed and making things more efficient, which was discussed when the Ad Hoc Committee was formed. He concurred the item probably should have been on the Discussion Agenda.

Councilmember Nelsen clarified that this item would not change what would be allowed to be built in any part of the city and only relates to the review process. Additionally, all notification requirements would still apply, and members of the public would still have a chance to comment. She discussed review fees and noted they are the same for any project size. She stated easing the process for smaller projects would open the door to a wider range of builders. She also commented on components of the Land Use Code that remain subjective, including compatibility and context, and stated that until the Code is precise enough that staff can simply check compliance, she would rather the judgement on subjective items be made in public for projects that will dramatically shape the built environment; therefore, she would prefer to keep the Type 2 hearings for larger projects.

Councilmember Nelsen noted submittal requirements are not listed in the Code. Frickey replied they are not in the Code as they shift over time. Additionally, he noted Basic Development Review requires all planning and engineering documents to be complete.

Councilmember Nelsen stated she believes this item is a partial fix on the way to something better and stated she would rather have a partial improvement over waiting for a perfect improvement. She reiterated her request to have a project size threshold above which projects would go to a hearing.

Frickey noted some Land Use Code changes will be going before Council in November and suggested perhaps bundling changes to this item with those changes.

Councilmember Hoeven thanked staff and the Ad Hoc Committee for their work but stated she needs more information before making a decision.

Councilmember Conway stated he feels ready to move forward with some of the changes as he feels an urgency to start getting things passed related to this Council priority.

Councilmember Potyondy stated having a summary of the Ad Hoc Committee's discussion would be helpful and stated she does not feel she has enough context to make a decision.

Councilmember Fudge asked about the process should the ordinance be adopted on First Reading tonight with subsequent changes for Second Reading. City Attorney Daggett replied the item would come back before Council for Second Reading in two weeks if it were adopted as written tonight. She also noted the date for Second Reading could be modified to provide more time for staff work.

Councilmember Fudge stated he wants to respect the desire for more information but also wants to move more quickly. He expressed concern about putting things off until November or December; however, he stated it likely makes sense to postpone the item to allow for additional information to be gathered.

Councilmember Nelsen questioned whether including this item with other Land Use Code changes would be beneficial.

Mayor Pro Tem Pignataro asked about the risks of adopting the Ordinance as written on First Reading and including the Second Reading with the other Land Use Code changes. Frickey replied the risks would be relatively low, and staff would ensure extra attention is paid to this item. City Attorney Daggett noted there could be applications for fairly large projects that may be submitted during the time the Ordinance is in effect but prior to modifications being made. Frickey noted applicants are made aware of upcoming Code changes to allow them to make decisions about when to submit their applications.

Councilmember Hoeven stated voting to approve anything at this meeting overlooks the fact that this should have been a Discussion item, and by voting on one of these two options seems to indicate that Council is accepting of this process.

Mayor Pro Tem Pignataro stated she is aligned with Councilmember Conway on this item as it is something for which she has been advocating for the past six years. She stated she would be willing to pass the Ordinance as it is and add some quantifiable pieces with the forthcoming set of Land Use Code changes.

Councilmember Conway asked Councilmember Hoeven if she would be more comfortable knowing her concerns about the item being on Consent were registered, and in the future, these items will be brought forward on Discussion. Councilmember Hoeven replied she would like to have Council follow through with what was agreed upon when the Ad Hoc Committee was formed in terms of Council receiving full updates.

Mayor Pro Tem Pignataro stated she feels as if she has been getting updates and that the Work Session fully prepared her for this discussion. She asked Councilmember Hoeven how she would prefer to see the updates. Councilmember Hoeven replied the definition of updates should have been determined when the Committee was formed, though she disagreed that the Work Session discussion provided enough information.

Councilmember Potyondy stated she would rather vote on a complete Ordinance with thresholds included. Additionally, she stated she would like to have the feedback from the Planning and Zoning Commission included.

Mayor Pro Tem Pignataro noted First Reading could be postponed.

Frickey noted Council could watch the Planning and Zoning Commission meeting video if desired.

Councilmember Potyondy stated she would like to see the Commission's suggestions about maintaining a higher level of review for larger developments across zones included in the Ordinance. Councilmember Fudge concurred.

Councilmember Nelsen asked if there was a consensus among Commission members for the threshold. Frickey replied a specific number was not discussed, though the vote on having a threshold was unanimous.

Councilmember Nelsen expressed support for postponing First Reading for two weeks and addressing the threshold component during Second Reading with the other Land Use Code changes.

Councilmember Nelsen moved, seconded by Councilmember Fudge, to postpone consideration of the First Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses, to September 15, 2026.

The motion carried 5-1.

Yeas: Mayor Pro Tem Pignataro, Councilmembers Conway, Fudge, Potyondy, and Nelsen.

Nays: Councilmember Hoeven.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION – None

P) RESUMED PUBLIC COMMENT (if applicable)

Q) OTHER BUSINESS

OB 1. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

Councilmember Hoeven noted Council received a memo regarding the RP3 parking program and pricing changes. She requested support for pausing the implementation of the pricing changes for a month to allow time for additional clarification regarding restructuring the program to provide more information to the residents who are directly affected. She stated she has received a great deal of feedback from constituents regarding the first vehicle not being free under the program.

Councilmember Conway and Mayor Pro Tem Pignataro declined to offer support.

City Manager DiMartino stated staff would stay the course with the timeline and implementation of the program changes but would commit to expanded communication being built into the implementation.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:26 p.m.

Mayor Pro Tem

ATTEST:

City Clerk

DRAFT