A Short History of the Hughes Property Under CSU’s Ownership

- Horsetooth Reservoir was completed in 1949, and the land that eventually became home to Hughes Stadium was used during its construction as a staging area for heavy equipment and home to a gravel pit from which materials were extracted to build the reservoir.

- In September 1957, the land was granted by the federal government to the State Board of Agriculture, which had been acquiring parcels of land against the foothills since 1901 for the University’s future use. (Other parcels eventually became the CSU Foothills Campus and home to the B.W. Pickett Equine Center.)

- The Bureau of Land Management first transferred the property to the Department of Health, Education, and Welfare, and then ownership was transferred to the State Board of Agriculture. The property at the time still contained the gravel pit facing Overland Trail, with the 20 acres on the north end used for dryland farming.

- Under the terms of the land grant, CSU was to use the land for educational purposes, as agreed upon between the campus and the granting agency, for a period of 20 years, and could not sell, lease, mortgage or encumber the land without the approval of the Secretary of Health, Education, and Welfare for that same period. Those requirements expired in the 1970s.

- At the time it obtained the property, the University was struggling with its old and outdated football facilities at Colorado Field on campus, described as “a glorified high school field on a college campus” that could seat 12,000-13,000 people. It had aging wooden bleachers and lacked any locker room space, and the University’s hopes of being accepted into the Western Athletic Conference hinged on better facilities. After a 1958 game against CU, the Buffaloes refused to play CSU again because of the lack of a stadium. Despite public pressure to keep football on campus, President Bill Morgan determined the best option for constructing a new stadium was the parcel near the foothills.

- CSU opened Hughes Stadium on the site in 1968.

- Concerts were held occasionally at Hughes Stadium, with acts including Bob Dylan, the Rolling Stones, the Beach Boys, and Elton John performing there. A 1978 lawsuit by the Miller Family who lived north of the stadium put an end to concerts there.

- Almost 50 years after its construction, Hughes was in need of expansion and significant structural repairs. The uneven bedrock condition and expansive soils underlying Hughes Stadium led to structural issues over the life of the stadium, and the resulted in a significantly deteriorated structure requiring extensive repairs. The expansion of the stadium in the same location would be negatively impacted by these same inherent liabilities of the site.

- The new CSU on-campus Canvas Stadium opened August 26, 2017.

- Demolition of Hughes Stadium began in April 2018.
While the structure no longer exists, the impact of having a massive concrete structure on the land for half a century means the site requires extensive reclamation costing millions of dollars if it were to be considered for open space. This also applies to the more than 50 percent of the Hughes land parcel that served as event parking for 10,000 vehicles for 50 years. The parcel remains fully equipped with utility and plumbing access that make it ideally suited for development, as opposed to pristine open space parcels around the city.

Given the plans for an on-campus stadium, CSU worked with the City of Fort Collins to discuss the new uses and plans for the Hughes property. At that time, the Hughes property was not within the City limits. Discussions between employees for the City and the University about the new uses and plans for the Property were productive at that time. The University and City agreed the Property should be used to meet housing and other needs for the University and the City.

At the City’s request, in February of 2018, the Board petitioned for the Property to be annexed to the City. Once annexed, the City designated the Property as having “Transitional” zoning.

On April 16, 2019, the City approved its City Plan, which aligns with CSU’s plans for the Hughes property. The City Plan includes the City’s Structure Plan map, which is used in conjunction with the principles and policies stated in the City Plan to guide where and how growth occurs. The April 2019 Structure Plan map references the Hughes property and contemplates that the property would be developed for “suburban neighborhood” and “mixed neighborhood” uses.

Instead of following its typical development process, the City Council, on July 16, 2019, voted to initiate the rezoning of the Hughes property to amend the City’s Zoning Map from the current Transition zoning. City Council directed City staff to prepare a rezoning application on behalf of the City and make a recommendation to the City’s Planning and Zoning Board and City Council regarding the appropriate zoning.

On November 5, 2019, City Council voted to adopt a City staff recommendation to split the Property into two zones, which would accommodate CSU’s plans for the property. At the second reading on May 19, 2020, the City Council failed to approve that rezoning, and the City Council-initiated rezoning failed.

In order to move forward with the new uses and plans for the Hughes property, CSU requested a pre-application review with City Council and Chancellor Tony Frank was scheduled to present to City Council on August 4, 2020. At the City Council’s July 21, 2020 meeting, the City indefinitely postponed the August 4, 2020 pre-application meeting. Instead, the City Council asked City staff to pursue a City purchase of some or all of the property. The Board rejected the City’s offer based on a $7M loss to the tax payers of Colorado and the inability to pursue affordable housing for CSU employees.

On October 9, 2020, the Board passed its resolution, which approves a site plan for the property and articulates eight goals for its planned development and use of the Hughes property, including:
Serving the interests of the University, Larimer County, and the City of Fort Collins;
Providing opportunities for open space and environmentally conscious development;
Providing public access to adjacent trails and open spaces;
Maintaining strong connection to existing off-site trail systems;
Providing connections to bike trails and transit systems;
Offering opportunities for affordable attainable, and workforce housing;
Meeting broader University and community needs, such as neighborhood retail, senior and childcare services, health care facilities, and community facilities;
Satisfying the University’s fiduciary duty to general a financial return from the Property, with such revenues from the use of the Property supporting operations of the CSU System and Colorado State University, in order to benefit University employees, faculty, and students, as well as the residents of Fort Collins, Larimer County, and the State of Colorado.

These goals align with the City Plan’s identified core values and outcomes areas including livability, sustainability, and community. The Board’s Site Plan is also consistent with the City Plan, including the City’s structure map and its five focus areas.

The Board authorized the Chancellor to move forward with any necessary actions to implement development and other activities to accomplish the uses illustrated in the Site Plan and the Board’s public purposes, goals, and plans for the property. The Resolution authorized the Chancellor to submit an application with the City in accordance with Colorado law and Section 2.16 of the City’s Land Use Code to provide the City an opportunity to have an advisory review of the Board’s application.

The City’s land use code provides that its Site Plan Advisory Review (SPAR) process applies to the development of land owned by public entities, such as the Board. On November 2, 2020, CSU started the SPAR process with the City by submitting a formal application and the Site Plan in accordance with the City Code. On November 19, 2019, the Board and City staff participated in a Conceptual Review as part of the SPAR process. On November 20, 2020, the City provided its written comments to the Board’s plans for the Property. In the City’s letter of November 20, the City questioned whether the SPAR process is appropriate for the Board’s plans for the Property.

On December 8, 2020, the City informed CSU that the City would not move forward with the next step in the SPAR process and would not schedule the Neighborhood Meeting. Without a Neighborhood Meeting, the City stated that the Board is ineligible to submit an application for development of the Property through the SPAR process and that the City would not accept any such application.

The City asserts that the Board’s plan for the Property should not follow the City’s SPAR process. The Board disagrees with the City’s position and believes the entire Board plan for the Property is eligible for the City’s SPAR process under the City’s Land Use Code.

The Board has express and exclusive authority over development and use of its real property under Colorado law. Colorado law further contemplates that a state actor, such as the Board, has the authority to overrule a local governmental entity, such as the City of Fort Collins, and the
City’s Land Use Code establishing its SPAR process acknowledges that the City’s review over the Board’s uses for the Hughes property is merely advisory and the Board has the authority to overrule any denial of the Board’s application. The Colorado Constitution, Colorado statutory law, and the City’s Land Use Code evidence a legislative intent at all levels that the Board has plenary authority over its property, including the Hughes Property. Given the Board’s superior authority, the City’s zoning of property owned by the Board is not applicable and has no force and effect.