

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 16 A-C

DATE: January 16, 2007

STAFF: Steve Olt

### SUBJECT

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Items Pertaining to the Plank PLD & PD Annexation and Zoning.

### RECOMMENDATION

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Staff recommends approval of the annexation and requested zoning of LMN - Low Density Mixed-Use Neighborhood.

The Planning and Zoning Board voted 6-0 to recommend approval of the annexation and voted 6-0 to recommend that the property be placed in the LMN - Low Density Mixed-Use Neighborhood Zoning District.

The Planning and Zoning Board voted 6-0 to recommend this property be included in the Residential Neighborhood Sign District.

### EXECUTIVE SUMMARY

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- A. Resolution 2007-001 Setting Forth Findings of Fact and Determinations Regarding the Plank PLD & PD Annexation and Zoning.
- B. Hearing and First Reading of Ordinance No. 006, 2007, Annexing Property known as the Plank PLD & PD Annexation.
- C. Hearing and First Reading of Ordinance No. 007, 2007, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Plank PLD & PD Annexation.

This is a request to annex and zone 17.35 acres located at the southeast corner of Kechter Road and Ziegler Road. The property is developed as a single-family residence with outbuildings and is in the FA-1 Farming District in Larimer County. The area to be annexed is the entirety of an enclaved property that has been surrounded by the City of Fort Collins for more than three (3) years. The requested zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

APPLICANT: The Everitt Companies  
c/o Stanley Everitt  
3030 South College Avenue  
Fort Collins, CO 80525

OWNER: Leonard and Barbara Plank  
3217 East County Road 36  
Fort Collins, CO 80528

## BACKGROUND

The applicant, Stanley Everitt, on behalf of the property owners, Leonard and Barbara Plank, has submitted a written petition requesting annexation of 17.35 acres located at the southeast corner of Kechter Road and Ziegler Road. The property is developed as a single-family residence with outbuildings and is in the FA-1 Farming District in Larimer County. The requested zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood. The area to be annexed is the entirety of an enclaved property that has been surrounded by the City of Fort Collins for more than three (3) years. The surrounding properties are currently zoned LMN - Low Density Mixed-Use Neighborhood in the City to the north, south, east, and west. This is a 100% voluntary annexation.

The property is located within the Fort Collins Urban Growth Area. According to policies and agreements between the City of Fort Collins and Larimer County contained in the *Intergovernmental Agreement for the Fort Collins Urban Growth Area*, the City will agree to consider annexation of property in the UGA when the property is eligible for annexation according to State law. This property gains the required 1/6 contiguity to existing City limits from common boundaries with the Webster Farm Annexation (February, 2002) to the north the Fossil Lake Annexation No. 2 (February, 2002) to the west, east, and south.

The surrounding zoning and land uses are as follows:

N:	LMN in the City of Fort Collins;	existing high school (Fossil Ridge)
E:	LMN in the City of Fort Collins;	existing single-family residential
S:	LMN in the City of Fort Collins;	existing single-family residential
W:	LMN in the City of Fort Collins;	existing single-family residential

The requested zoning for this annexation is the LMN – Low Density Mixed-Use Neighborhood Zoning District. There are several uses permitted in the District, subject to either administrative review or review by the Planning and Zoning Board. The City's adopted Structure Plan, a part of the Comprehensive Plan, suggests that Low Density Mixed-Use Neighborhoods are appropriate in this location.

Staff is recommending this property be included in the Residential Neighborhood Sign District, which was established for the purpose of regulating signs for non-residential uses in certain geographical areas of the City that may be particularly affected by such signs because of their

predominantly residential use and character. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

### **FINDINGS**

1. The annexation of this area is consistent with the policies and agreements between Larimer County and the City of Fort Collins contained in the *Intergovernmental Agreement for the Fort Collins Urban Growth Area*.
2. The area meets the eligibility requirements included in State law to qualify for a voluntary annexation to the City of Fort Collins.
3. On November 21, 2006, the City Council approved a resolution that accepted the annexation petition and determined that the petition was in compliance with State law. The resolution also initiated the annexation process for the property by establishing the date, time and place when a public hearing would be held regarding the readings of the Ordinances annexing and zoning the area.
4. The requested LMN – Low Density Mixed-Use Neighborhood Zoning District is in conformance with the policies of the City's Comprehensive Plan.

### **STAFF RECOMMENDATION**

Staff recommends approval of the annexation and requested zoning of LMN - Low Density Mixed-Use Neighborhood.

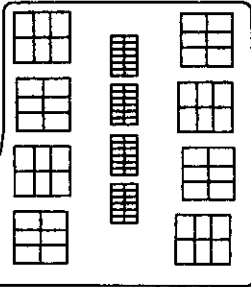
Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

### **PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board, at its regular monthly meeting of December 7, 2006, voted 6-0 to recommend approval of the annexation. The Board voted 6-0 to recommend that the property be placed in the LMN - Low Density Mixed-Use Neighborhood Zoning District.

The Planning and Zoning Board voted 6-0 to recommend that this property be included in the Residential Neighborhood Sign District.

SAGE CREEK RD



ZIEGLER RD

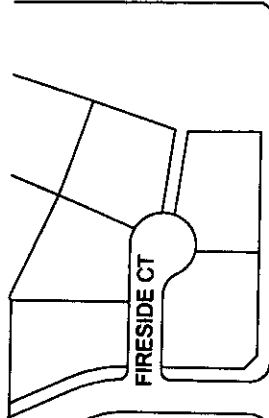
FUTURE PARK

McCallister Channel

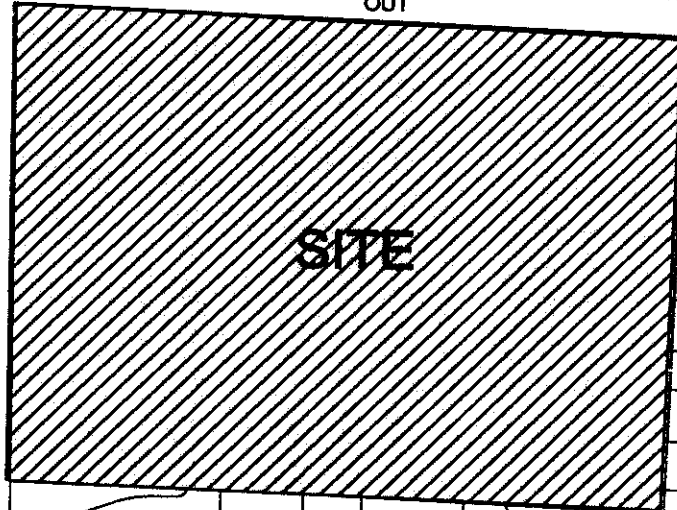
KECHTER RD

OUT

KECHTER RD



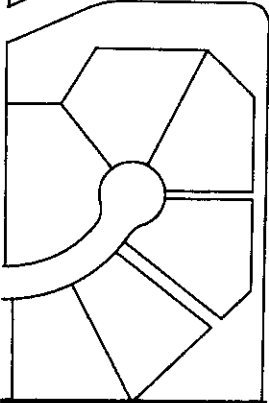
FIRESIDE CT



SITE

LONG CREEK DR

MUSKRAT CREEK DR



ZIEGLER RD

DRIPPING ROCK LN

LMN

FALLING WATER DR

WILD VIEW DR

LEDGESTONE CT

LADY MOON DR

SHALLOW POND DR

KINARD CORE KNOWLEDGE JR HIGH

TWIN WASH SQ

# #33-01N Plank Annexation (Fossil Lake Ranch PUD 6th Filing)

10/25/2006

N

1 inch equals 300 feet



# PLANK ANNEXATION

Being a Part of the Northwest Quarter of Section Nine (9), Township Six North (T.6N.), Range Sixty-eight West (R.68W.), of the 6th P.M.,  
City of Fort Collins, County of Larimer, State of Colorado

**CITY OF FORT COLLINS**  
A parcel of land being a portion of the Northwest Quarter (NW1/4) of Section Nine (9), Township Six North (T.6N.), Range Sixty-eight West (R.68W.), of the 6th P.M., County of Larimer, State of Colorado and being more particularly described as follows:

**CHANGES** in the Northwest Corner of said Section 9 and extending the north line of the NW1/4 of said Section 9 to bearing South 87°52'47" East, a distance of 2025.01 feet with all other bearings and distances made relative thereto.

**IMPACT:** South 87°52'47" East along the north line of the NW1/4 of said Section 9 a distance of 2025.01 feet to the North Line of the Webster Farm Annexation, recorded March 6, 2008 as Registration No. 20080111A-ANNEX.

**IMPACT:** South 87°52'47" East along the West Side of said Webster Farm Annexation a distance of 2025.01 feet to the Southwest Corner of said Section 9 and extending the north line of the NW1/4 of said Section 9 to bearing South 87°52'47" East, a distance of 2025.01 feet with all other bearings and distances made relative thereto.

**IMPACT:** South 87°52'47" East along the South Side of said Webster Farm Annexation a distance of 2025.01 feet to the Southwest Corner of said Section 9 and extending the north line of the NW1/4 of said Section 9 to bearing South 87°52'47" East, a distance of 2025.01 feet with all other bearings and distances made relative thereto.

**IMPACT:** South 87°52'47" East a distance of 2025.01 feet to the Southwest Corner of said Section 9 and extending the north line of the NW1/4 of said Section 9 to bearing South 87°52'47" East, a distance of 2025.01 feet with all other bearings and distances made relative thereto.

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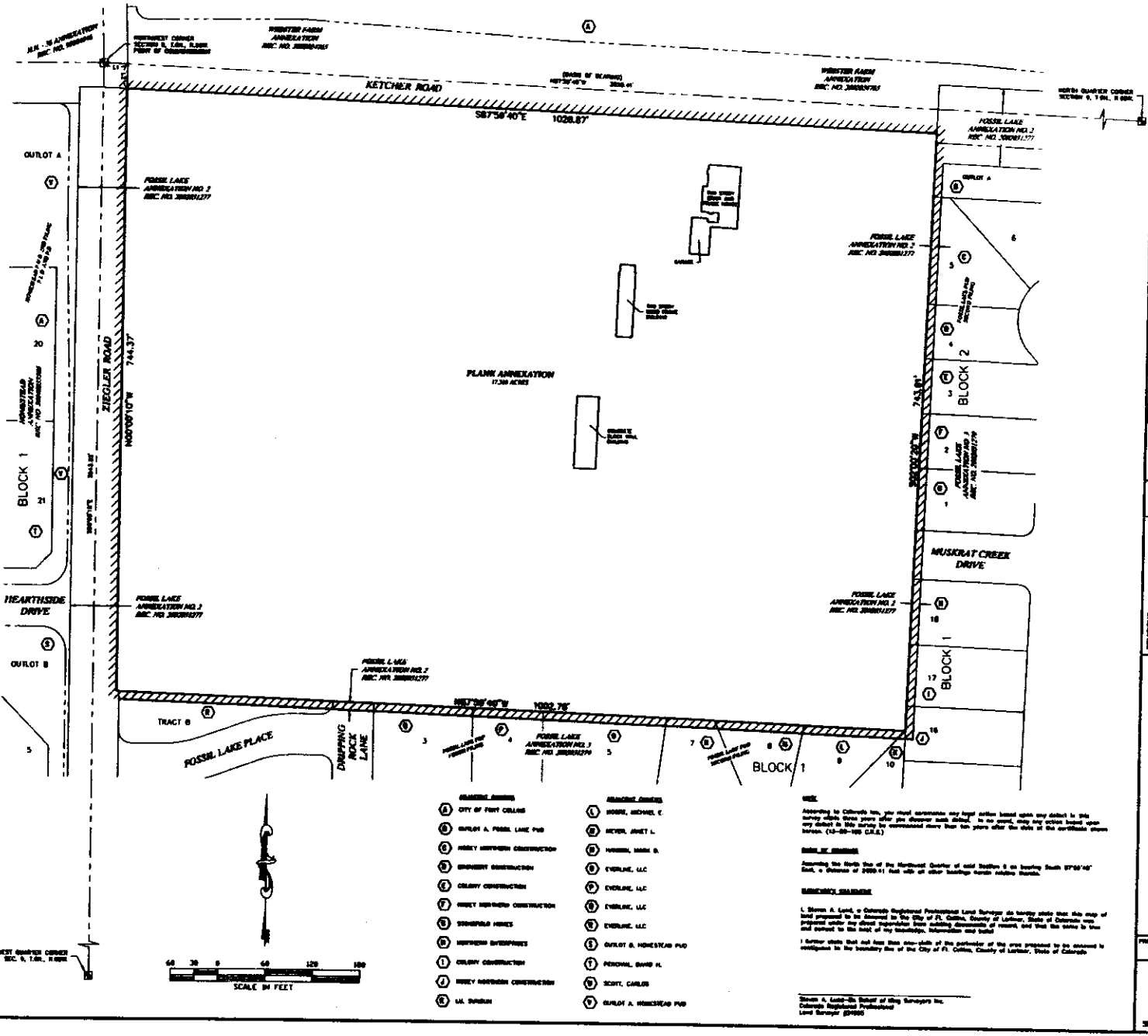
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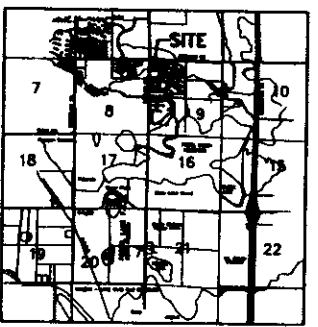
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LINE TABLE		
LINE	BEARING	LENGTH
1	S87°52'47" E	2025.01
2	S87°52'47" E	2025.01

GENERAL DATA	
TOTAL PERMITS	2025.01
COMMISSIONS DUES	2025.01
TOTAL AREA	17.30 ACRES



- PLANK ANNEXATION**
- 1 CITY OF FORT COLLINS
  - 2 HARVEY A. FOSSEL, FIRM
  - 3 HARVEY A. FOSSEL, FIRM
  - 4 HARVEY A. FOSSEL, FIRM
  - 5 HARVEY A. FOSSEL, FIRM
  - 6 HARVEY A. FOSSEL, FIRM
  - 7 HARVEY A. FOSSEL, FIRM
  - 8 HARVEY A. FOSSEL, FIRM
  - 9 HARVEY A. FOSSEL, FIRM
  - 10 HARVEY A. FOSSEL, FIRM
  - 11 HARVEY A. FOSSEL, FIRM
  - 12 HARVEY A. FOSSEL, FIRM
  - 13 HARVEY A. FOSSEL, FIRM
  - 14 HARVEY A. FOSSEL, FIRM
  - 15 HARVEY A. FOSSEL, FIRM
  - 16 HARVEY A. FOSSEL, FIRM
  - 17 HARVEY A. FOSSEL, FIRM
  - 18 HARVEY A. FOSSEL, FIRM
  - 19 HARVEY A. FOSSEL, FIRM
  - 20 HARVEY A. FOSSEL, FIRM
  - 21 HARVEY A. FOSSEL, FIRM
  - 22 HARVEY A. FOSSEL, FIRM

**NOTES**

1. According to Colorado law, no parcel description may be filed unless based upon a survey which shows three years after the date of recording, the survey shall be correct and shall not be subject to any change in the survey by subsequent surveys. It is the policy of the City of Fort Collins, Colorado, to require that all surveys be based upon a survey which shows three years after the date of recording, the survey shall be correct and shall not be subject to any change in the survey by subsequent surveys. (C.R.S. 12-10-105, C.A.S.)

**PLANK ANNEXATION**

According to the North Line of the Northwest Quarter of said Section 9 on bearing South 87°52'47" East, a distance of 2025.01 feet with all other bearings and distances made relative thereto.

**PLANK ANNEXATION**

1. Harvey A. Fossil, a Colorado Registered Professional Land Surveyor, do hereby certify that this map and plat were prepared by him or under his direct supervision and that he is a duly Licensed Professional Land Surveyor in the State of Colorado and that he is duly qualified to prepare this map and plat and that the same are true and correct to the best of his knowledge, information and belief.

I further certify that not less than one-half of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Fort Collins, County of Larimer, State of Colorado.

Harvey A. Fossil, Registered Professional Land Surveyor (2008)

DATE: 10-20-08  
 FILE NAME: 2008111A-ANNEX  
 SCALE: 1" = 60'  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 DATE: [Signature]

**KING SURVEYORS, INC.**  
 650 Garden Drive | Windsor, Colorado 80550  
 phone: (970) 686-5011 | fax: (970) 686-5821

DATE: [Table]  
 REVISIONS: [Table]

**PLANK ANNEXATION FOR EVERETT COMPANY FORT COLLINS, CO 80525**

TRACT # 2008111-A  
 1  
 SHEET 1 OF 1

RESOLUTION 2007-001  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS  
REGARDING THE PLANK PLD & PD ANNEXATION

WHEREAS, annexation proceedings were heretofore initiated by the Council of the City of Fort Collins for property to be known as the Plank PLD & PD Annexation; and

WHEREAS, following notice given as required by law, the Council has held a hearing on said annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Council hereby finds that the petition for annexation complies with the Municipal Annexation Act.

Section 2. That the Council hereby finds that there is at least one-sixth (1/6) contiguity between the City and the property proposed to be annexed; that a community of interest exists between the property proposed to be annexed and the City; that said property is urban or will be urbanized in the near future; and that said property is integrated with or is capable of being integrated with the City.

Section 3. That the Council further determines that the applicable parts of said Act have been met, that an election is not required under said Act and that there are no other terms and conditions to be imposed upon said annexation.

Section 4. That the Council further finds that notice was duly given and a hearing was held regarding the annexation in accordance with said Act.

Section 5. That the Council concludes that the area proposed to be annexed in the Plank PLD & PD Annexation is eligible for annexation to the City and should be so annexed.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of January, A.D. 2007.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 006, 2007  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ANNEXING PROPERTY KNOWN AS THE  
PLANK PLD & PD ANNEXATION  
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2006-114, finding substantial compliance and initiating annexation proceedings, has heretofore been adopted by the Council of the City of Fort Collins; and

WHEREAS, the Council does hereby find and determine that it is in the best interests of the City to annex said area to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the following described property, to wit:

A parcel of land being a portion of the Northwest Quarter (NW1/4) of Section Nine (9), Township Six North (T.6N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

**COMMENCING** at the Northwest Corner of said Section 9 and assuming the North line of the NW1/4 of said Section 9 as bearing South 87°59'40" East, a distance of 2659.41 feet with all other bearings contained herein relative thereto:

THENCE: South 87°59'40" East along the North line of the NW1/4 of said Section 9 a distance of 30.02 feet to the West line of the Webster Farm Annexation, recorded March 6, 2002 as Reception No. 2002024765 of the Records of Larimer County;

THENCE: South 00°00'01" West along the West line of said Webster Farm Annexation a distance of 30.01 feet to the Southwest Corner of said Webster Farm Annexation and the **POINT OF BEGINNING**;

THENCE: South 87°59'40" East along the South line of said Webster Farm Annexation a distance of 1028.87 feet to a Westerly line of the Fossil Lake Annexation No. 2, recorded March 21, 2002 as Reception No. 2002031277 of the Records of Larimer County;

The next Three (3) courses and distances are along Westerly, Northerly and Easterly lines of said Fossil Lake Annexation No. 2:

THENCE: South 02°00'20" West a distance of 743.91 feet;

THENCE: North 87°59'40" West a distance of 1002.78 feet;

THENCE: North 00°00'10" West a distance of 744.37 feet to the Southwest Corner of said Webster Farm Annexation and the **POINT OF BEGINNING**.

Said parcel contains 17.348 acres more or less (±).

is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Plank PLD & PD Annexation, which annexation shall become effective in accordance with the provisions contained in Section 31-12-113, C.R.S., including, without limitation, all required filings for recording with the Larimer County Clerk and Recorder.

Section 2. That, in annexing said property to the City, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the property hereby annexed except as may be provided by the ordinances of the City.

Section 3. That the City hereby consents, pursuant to Section 37-45-136(3.6), C.R.S., to the inclusion of said property into the Municipal Subdistrict, Northern Colorado Water Conservancy District.

Introduced, considered favorably on first reading, and ordered published this 16th day of January, A.D. 2007, and to be presented for final passage on the 6th day of February, A.D. 2007.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 6th day of February, A.D. 2007.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



ORDINANCE NO. 007, 2007  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS  
AND CLASSIFYING FOR ZONING PURPOSES THE PROPERTY INCLUDED  
IN THE PLANK PLD & PD ANNEXATION TO THE  
CITY OF FORT COLLINS, COLORADO

WHEREAS, Division 1.3 of the Land Use Code of the City of Fort Collins establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code of the City of Fort Collins establishes procedures and criteria for reviewing the zoning of land; and

WHEREAS, in accordance with the foregoing, the Council has considered the zoning of the property which is the subject of this ordinance, and has determined that the said property should be zoned as hereafter provided.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Zoning Map of the City of Fort Collins adopted pursuant to Section 1.3.2 of the Land Use Code of the City of Fort Collins is hereby changed and amended by including the property known as the Plank PLD & PD Annexation to the City of Fort Collins, Colorado, in the Low Density Mixed-Use Neighborhood (LMN) Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A parcel of land being a portion of the Northwest Quarter (NW1/4) of Section Nine (9), Township Six North (T.6N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

**COMMENCING** at the Northwest Corner of said Section 9 and assuming the North line of the NW1/4 of said Section 9 as bearing South 87°59'40" East, a distance of 2659.41 feet with all other bearings contained herein relative thereto:

**THENCE:** South 87°59'40" East along the North line of the NW1/4 of said Section 9 a distance of 30.02 feet to the West line of the Webster Farm Annexation, recorded March 6, 2002 as Reception No. 2002024765 of the Records of Larimer County;

**THENCE:** South 00°00'01" West along the West line of said Webster Farm Annexation a distance of 30.01 feet to the Southwest Corner of said Webster Farm Annexation and the **POINT OF BEGINNING**;

THENCE: South 87°59'40" East along the South line of said Webster Farm Annexation a distance of 1028.87 feet to a Westerly line of the Fossil Lake Annexation No. 2, recorded March 21,2002 as Reception No. 2002031277 of the Records of Larimer County;

The next Three (3) courses and distances are along Westerly, Northerly and Easterly lines of said Fossil Lake Annexation No. 2:

THENCE: South 02°00'20" West a distance of 743.91 feet;

THENCE: North 87°59'40" West a distance of 1002.78 feet;

THENCE: North 00°00'10" West a distance of 744.37 feet to the Southwest Corner of said Webster Farm Annexation and the **POINT OF BEGINNING**.

Said parcel contains 17.348 acres more or less ( $\pm$ ).

Section 2. That the Sign District Map adopted pursuant to Section 3.8.7(E) of the Land Use Code of the City of Fort Collins is hereby changed and amended by showing that the above-described property is included in the Residential Neighborhood Sign District.

Section 3. That the City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 16th day of January, A.D. 2007, and to be presented for final passage on the 6th day of February, A.D. 2007.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 6th day of February, A.D. 2007.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk