

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 37 A-C
DATE: May 4, 1999
STAFF: Bob Blanchard

SUBJECT:

Items Relating to the Wykoff-Larimer Second Annexation and Zoning.

RECOMMENDATION:

Staff and the Planning and Zoning Board recommend adoption of the Resolution and of the Ordinances on First Reading.

EXECUTIVE SUMMARY:

- A. Resolution 99-51 Setting Forth Findings of Fact and Determinations Regarding the Wykoff-Larimer Second Annexation.
- B. First Reading of Ordinance No. 69, 1999, Annexing Property Known as the Wykoff-Larimer Second Annexation to The City of Fort Collins.
- C. First Reading of Ordinance No. 70, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Wykoff-Larimer Second Annexation.

This is a request for the voluntary annexation of 14.47 acres of land located north of County Road 38E, west of Taft Hill Road. The site is currently zoned FA1 – Farming in Larimer County. The requested zoning is LMN – Low Density Mixed Use Neighborhood. This zoning requires an amendment of the City Structure Plan from Rural Open Lands and River Corridor and Urban Estates to Low Density Mixed Use Residential. Staff is not supporting the Structure Plan Amendment. The recommended zoning is RF – Residential Foothills.

APPLICANT: Bret Larimer
1600 West Horsetooth Road
Fort Collins, CO 80526

OWNERS: Rex W. and Amender F. Wykoff
2916 W. County Road 38E
Fort Collins, CO 80526

After hearing this matter at its April 20, 1999 regular meeting, Council postponed these items to this date for further consideration and action.

BACKGROUND:

The Wykoff-Larimer Second Annexation is a voluntary annexation consisting of 14.47 acres. The property is located north of County Road 38 E, approximately .75 miles west of Taft Hill Road. The site is currently zoned FA1 – Farming in Larimer County. A combined Annexation Impact Report for this annexation as well as the adjacent annexation to the north was forwarded to the Board of County Commissioners on March 2, 1999.

This is a voluntary annexation, located within the Urban Growth Area (UGA) of the City of Fort Collins. The City may annex property located within the UGA provided that the property has 1/6 contiguity with the existing City limits. The Wykoff-Larimer Second Annexation complies with this requirement. The property has 728 feet of its total boundary of approximately 4,090 feet contiguous to the proposed annexation area to the north. This exceeds the minimum 695 feet required to achieve 1/6 contiguity.

Contiguity to existing City limits is gained from the common boundary to the north which is the subject of the Wykoff-Larimer First Annexation.

The surrounding zoning and land uses are as follows:

- N: FA1 – Farming (County), Proposed Wykoff-Larimer First Annexation
- E: FA1 – Farming (County)
- S: County Road 38E, Rock View PUD (County)
- W: FA1 – Farming (County)

Structure Plan Amendment

The requested zoning of LMN – Low Density Mixed Use Neighborhood, is inconsistent with the City Structure Plan designation for this site (Rural Open Lands and Stream Corridors and Urban Estates). Before considering the requested LMN zoning, a Structure Plan amendment to Low Density Mixed Use Residential is required. The applicant has submitted application for the amendment which is attached.

The subject property, as well as the proposed annexation to the north (which is designated Rural Open Lands and Stream Corridors) is near the western edge of the Urban Growth Area. The applicant has submitted justification for the Plan amendment citing CityPlan Principles and Policies which focus on the concept of creating a compact development pattern within the City and the benefit derived from that type of development. Specifically, the applicant has referred to Principles and Policies pertaining to minimizing auto dependency, reducing vehicle miles traveled, providing for a variety of housing types and densities, preservation of natural areas, new neighborhoods and Low Density Mixed Residential next to open lands.

Neither the Planning and Zoning Board nor the staff support the request for a Structure Plan amendment based on many of the same Principles and Policies supporting the retention of the Rural Open lands and Stream Corridors designation on the subject property (as well as the Rural Open Lands and Stream Corridors to the north). These include:

HSG 1.1: The City will encourage a variety of housing types and densities.....

This Policy recognizes that there should be a variety of lot sizes, housing types and residential densities. The provision of low density housing, which would implement the Rural Open Lands and Stream Corridors and Urban Estates Plan designations at the edge of the City meets this requirement.

NOL 1.2: The City will conserve and integrate natural areas into the developed landscape by directing development away from sensitive areas and using innovative planning, design and management practices....

Retention of the existing Structure Plan designations and the implementation of appropriate zone districts (Residential Foothills and Urban Estates) provide the best opportunity for the conservation of the natural areas associated with the combined annexations including the area adjacent to and north of Spring Creek.

AN 1.1 ...In a Residential District, Low Density Mixed-Use Neighborhoods will be located around a Medium Density Mixed-Use Neighborhood which has a Neighborhood Commercial Center or Community Commercial District as its Core. This provides nearby access to most things a resident or household needs on an everyday basis.

The subject property is located near the edge of the City and Urban Growth Area. While there is a convenience commercial development at the corner of County Road 38E and Taft Hill Road, the property is located approximately two road miles from the nearest designated or developed Neighborhood Commercial area. This distance does not fit the description of Low Density Mixed Use Residential areas being in close proximity to commercial developments.

Zoning:

The property is currently zoned FA1 – Farming in Larimer County. The requested zoning is LMN – Low Density Mixed Use Neighborhood. However, this zoning is not consistent with the City Structure Plan which designates the property Rural Open Lands and Stream (see attached Structure Plan map).

There are two zoning districts which could implement the Structure Plan designation: UE – Urban Estate and RF – Residential Foothills, especially when this annexation is considered together with the proposed annexation to the south. Staff is recommending the RF zoning district.

The purpose of the RF zoning district is for low density residential areas located near the foothills. In addition to the location of the property near the foothills, the presence of Spring Creek bisecting the property subject to the combined annexations and the designation of the northern portion as Rural Open Lands and Stream Corridors lends itself to a district that allows the clustering of residential units while maintaining an overall low density. The minimum lot area in the RF zoning district is 100,000 square feet (2.29 acres).

However, the Planning and Zoning Board can approve a development plan where lot sizes are reduced in order to cluster development on a portion of the property with the remainder permanently preserved as public or private open space provided the overall density for the entire property is not greater than one unit per net acre. There are specific development standards in the Land Use Code for reviewing RF cluster plans. While the cluster plan would allow a higher density within the actual development than anticipated by the Urban Estate Structure Plan designation, the potential for

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clustering development and maintaining the area north of Spring Creek in permanent open space clearly implements the intent of the Structure Plan.

PLANNING AND ZONING BOARD RECOMMENDATION:

On February 4, 1999, the Planning and Zoning Board, by a vote of 4-0, recommended that the Council approve the request for annexation, deny the request for a City Structure Plan amendment and approve the zoning of RF – Residential Foothills.

RESOLUTION 99-51
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS
REGARDING THE WYKOFF-LARIMER SECOND ANNEXATION

WHEREAS, annexation proceedings were heretofore initiated by the Council of the City of Fort Collins for property to be known as the Wykoff-Larimer Second 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:

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 Wykoff-Larimer Second 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 held this 4th day of May, A.D. 1999.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 69, 1999
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING PROPERTY KNOWN AS THE
WYKOFF-LARIMER SECOND ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 99-25, 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 TRACT OF LAND SITUATE IN THE WEST ½ OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THE NORTHWEST ¼ OF SAID SECTION 33 AS BEARING N 00°00'00" E AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO: BEGINNING AT THE NORTHWEST 1/16 CORNER OF SAID SECTION 33; THENCE ALONG THE EAST LINE OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33, S 00°14'35" W 400.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°14'35" W 284.71 FEET; THENCE N 89°45'25" W 114.72 FEET; THENCE S 00°14'35" W 108.85 FEET; THENCE S 85°58'35" W 115.03 FEET; THENCE S 00°14'35" W 614.00 FEET; THENCE N 84°59'38" E 230.40 FEET, MORE OR LESS, TO THE EAST LINE OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 33; THENCE ALONG SAID EAST LINE S 00°14'35" W 25.77 FEET TO A POINT 104 FEET SOUTH OF THE CENTER-WEST 1/16 CORNER OF SAID SECTION 33; THENCE S 00°14'35" W 30.00 FEET; THENCE S 84°48'42" W 725.39 FEET; THENCE N 00°00'00" E 30.00 FEET; THENCE N 00°00'00" E 1082.94 FEET, MORE OR LESS, TO A POINT 400.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33; THENCE N 89°43'41" E 728.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SUBJECT TO ALL RIGHT OF WAY, EASEMENTS, OR RESTRICTIONS AS NOW IN USE OR ON RECORD.

SAID TRACT OF LAND CONTAINS 14.47 ACRES, MORE OR LESS, GROSS.

be, and hereby is, annexed to the City of Fort Collins and made a part of said City, to be known as the Wykoff-Larimer Second Annexation.

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 4th day of May, A.D. 1999, and to be presented for final passage on the 18th day of May, A.D. 1999.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 18th day of May, A.D. 1999.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 70, 1999
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 WYKOFF-LARIMER SECOND 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 2.8 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 be, and the same hereby is, changed and amended by including the property known as the Wykoff-Larimer Second Annexation to the City of Fort Collins, Colorado, in the Residential Foothills (RF) Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A TRACT OF LAND SITUATE IN THE WEST ½ OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THE NORTHWEST ¼ OF SAID SECTION 33 AS BEARING N 00°00'00" E AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO: BEGINNING AT THE NORTHWEST 1/16 CORNER OF SAID SECTION 33; THENCE ALONG THE EAST LINE OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33, S 00°14'35" W 400.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°14'35" W 284.71 FEET; THENCE N 89°45'25" W 114.72 FEET; THENCE S 00°14'35" W 108.85 FEET; THENCE S 85°58'35" W 115.03 FEET; THENCE S 00°14'35" W 614.00 FEET; THENCE N 84°59'38" E 230.40 FEET, MORE OR LESS, TO THE EAST LINE OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 33; THENCE ALONG SAID EAST LINE S 00°14'35" W 25.77 FEET TO A POINT 104 FEET SOUTH OF THE CENTER-WEST 1/16 CORNER OF SAID SECTION 33; THENCE S 00°14'35" W 30.00 FEET; THENCE S 84°48'42"

W 725.39 FEET; THENCE N 00°00'00" E 30.00 FEET; THENCE N 00°00'00" E 1082.94 FEET, MORE OR LESS, TO A POINT 400.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33; THENCE N 89°43'41" E 728.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SUBJECT TO ALL RIGHT OF WAY, EASEMENTS, OR RESTRICTIONS AS NOW IN USE OR ON RECORD.

SAID TRACT OF LAND CONTAINS 14.47 ACRES, MORE OR LESS, GROSS.

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 be, and the same hereby is, changed and amended by showing that the above-described property is included in the Residential Neighborhood Sign District.

Section 3. That the City Engineer 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 4th day of May, A.D. 1999, and to be presented for final passage on the 18th day of May, A.D. 1999.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 18th day of May, A.D. 1999.

Mayor

ATTEST:

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