

AGENDA ITEM SUMMARY

February 5, 2019

City Council

STAFF

Kai Kleer, Associate Planner
Ted Shepard, Chief Planner
Brad Yatabe, Legal

SUBJECT

Second Reading of Ordinance No. 009, 2019, Annexing the Property Known as the Strauss Cabin Enclave Annexation to the City of Fort Collins, Colorado.

EXECUTIVE SUMMARY

This Ordinance, adopted on First Reading on January 15, 2019 by a vote of 5-1 (Nays: Summers), annexes an enclave of approximately 35.036 acres located in southeast Fort Collins. The property abuts Kechter Road to the south and is bisected by Strauss Cabin Road. The parcels consist primarily of single-family residences with related agricultural outbuilding and a place of worship known as Crossroads Church.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, January 15, 2019 (PDF)
2. Ordinance No. 009, 2019 (PDF)

AGENDA ITEM SUMMARY

City Council

January 15, 2019

STAFF

Kai Kleer, Associate Planner
Ted Shepard, Chief Planner
Brad Yatabe, Legal

SUBJECT

Public Hearing and First Reading of Ordinance No. 009, 2019, Annexing the Property Known as the Strauss Cabin Enclave Annexation to the City of Fort Collins, Colorado.

EXECUTIVE SUMMARY

The purpose of this item is to annex an enclave of approximately 35.036 acres located in southeast Fort Collins. The Initiating Resolution 2018-110 was adopted on consent, November 20, 2018. The property abuts Kechter Road to the south and is bisected by Strauss Cabin Road. The parcels consist primarily of single-family residences with related agricultural outbuilding and a place of worship known as Crossroads Church.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

This is an enclave annexation of eight parcels located in southeast Fort Collins that partially abut Kechter Road to the south and are bisected by Strauss Cabin Road. According to policies and agreements contained in the Larimer County and City of Fort Collins Intergovernmental Agreement (IGA) regarding Growth Management dated June 24, 2008, as amended, the City of Fort Collins agrees to consider annexation of property in the Growth Management Area (GMA) when the property becomes eligible for annexation under the Colorado Revised Statutes.

In addition to the policies contained within the IGA, the City of Fort Collins has a long-standing history of annexing property that becomes eligible within the GMA in order to maintain the community's vision as outlined on p. 50 of the City's Comprehensive Plan.

The Strauss Cabin Enclave was surrounded by the City of Fort Collins upon the annexation of the Riverwalk Annexation on October 27, 2009. The surrounding incorporated land consists of the 6 previous annexations listed below.

1. Willow Brook Annexation No. 2, 1999
2. Sunrise Ridge Annexation, 2005
3. Sunrise Ridge Second Annexation, 2006
4. Old Oak Estates Annexation, 2007
5. McClelland's Creek PD & PLD Second Filing Annexation, 2007
6. Eagle View Natural Area First Annexation, 2008

Below is a list of the eight-parcels contained within the enclaved area:

#	Property Address	Parcel Number	Acres	Current Land Use
1	4000 Kechter Road	8604000014	5	Single-family detached, Agriculture
2	5505 S County Road 7	8604000013	5	Single-family detached, Agriculture
3	5425 S County Road 7	8604000020	5	Single-family detached, Agriculture
4	5335 S County Road 7	8604000026	4.76	Single-family detached, Agriculture
5	5236 Strauss Cabin Road	8603000013	1.82	Place of worship or assembly
6	5416 S County Road 7 A	8603307701	3.3	Single-family detached
7	5416 S County Road 7 B	8603307702	3	Unimproved Land
8	5550 S County Road 7	8603005702	4.4	Single-family residence; Agriculture

CITY FINANCIAL IMPACTS

There are no financial impacts as a result of the proposed annexation.

BOARD / COMMISSION RECOMMENDATION

The Planning and Zoning Board voted 7-0 to recommend approval of the annexation and associated Structure Plan amendment and zoning, December 20, 2018. (**Attachment 5**)

PUBLIC OUTREACH

An outreach process is not required by Colorado Revised Statutes or the City of Fort Collins Land Use Code. City staff held a stakeholder meeting, September 26, 2018, to answer questions and inform those affected by the Kechter Farm Enclave and Strauss Cabin Enclave, of any changes that may result from being annexed into the City.

In addition to the neighborhood meeting, Planning and Neighborhood Services use two strategies to reach the greater community and encourage participation, they are:

1. Posting “Development Proposal Under Review” sign(s) that provides a contact phone number and project number to connect any interested party directly to staff. Staff is then available to answer any questions they may have.
2. An email newsletter called “This Week in Development Review” is sent to nearly 1,000 people weekly summarizing project submittals (such as the enclave annexation), hearings and other development review related events that happen throughout the City of Fort Collins.

Main concerns focused around the involuntary nature of the annexation.

ATTACHMENTS

1. Vicinity Map(PDF)
2. Annexation Plat (PDF)
3. Strauss Cabin and Kechter Enclave FAQ (PDF)
4. Neighborhood Meeting Sign-in Sheet (PDF)
5. Planning and Zoning Minutes, December 20, 2018 (PDF)

ORDINANCE NO. 009, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING PROPERTY KNOWN AS THE
STRAUSS CABIN ENCLAVE ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2018-110 stating the intent of the City to annex and initiating annexation proceedings for the Strauss Cabin Enclave Annexation, as defined therein and described below, has heretofore been adopted by the City Council; and

WHEREAS, the City Council hereby finds that the area proposed to be annexed has been entirely contained within the boundaries of the City for a period of not less than three years prior to this date and complies with all requirements for enclave annexation set forth in Colorado Revised Statutes Section 31-12-106; and

WHEREAS, the City Council hereby finds and determines 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 City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following described property, to wit:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, THE SOUTHEAST QUARTER OF SECTION 4, THE NORTHEAST QUARTER OF SECTION 9, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 4, AND CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4 TO BEAR S01°49'10"E, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N88°36'06"W, A DISTANCE OF 30.05 FEET;
THENCE S01°49'10"E, A DISTANCE OF 493.33 FEET TO THE **POINT OF BEGINNING**;

THENCE ALONG THE BOUNDARY OF THE RIVERWALK ANNEXATION TO THE CITY OF FORT COLLINS THE FOLLOWING EIGHT (8) COURSES:

1. N88°10'50"E, A DISTANCE OF 65.00 FEET;
2. S17°13'48"E, A DISTANCE OF 642.38 FEET;
3. S01°50'02"W, A DISTANCE OF 208.47 FEET;
4. S23°39'02"E, A DISTANCE OF 631.96 FEET;
5. S32°46'32"E, A DISTANCE OF 144.50 FEET;
6. S01°46'32"E, A DISTANCE OF 289.41 FEET;
7. S09°16'32"E, A DISTANCE OF 283.78 FEET;

8. S00°55'24"W, A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTH BOUNDARY OF THE EAGLE VIEW NATURAL AREA FIRST ANNEXATION TO THE CITY OF FORT COLLINS;
THENCE ALONG SAID NORTH BOUNDARY, N89°04'36"W, A DISTANCE OF 506.64 FEET TO THE SOUTHEAST CORNER OF THE THIRD TRACT DESCRIBED IN EMERGENCY ORDINANCE NO. 130, 2008, BY WHICH SAID TRACT WAS DISCONNECTED FROM THE CITY;
THENCE ALONG THE SOUTH AND WEST BOUNDARIES OF SAID TRACT THE FOLLOWING TWO (2) COURSES:

1. N89°04'36"W, A DISTANCE OF 59.02 FEET;
2. N01°48'47"W, A DISTANCE OF 60.56 FEET TO A POINT ON THE NORTH BOUNDARY OF THE McCLELLAND'S CREEK PD & PLD SECOND FILING ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID NORTH BOUNDARY, N88°11'39"W, A DISTANCE OF 633.99 FEET TO A POINT ON THE EAST BOUNDARY OF THE WILLOW BROOK SECOND ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID EAST BOUNDARY, N01°44'57"W, A DISTANCE OF 1,240.70 FEET TO THE SOUTHWEST CORNER OF THE OLD OAK ESTATES ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG THE SOUTH BOUNDARY OF SAID OLD OAK ESTATES ANNEXATION, S88°11'41"E, A DISTANCE OF 632.47 FEET TO THE SOUTHWEST CORNER OF THE SECOND TRACT DESCRIBED IN SAID EMERGENCY ORDINANCE NO. 130, 2008;

THENCE ALONG THE WEST BOUNDARY OF SAID TRACT, N01°49'10"W, A DISTANCE OF 850.17 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,526,187 SQUARE FEET (35.036 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 Strauss Cabin Enclave Annexation.

Section 3. 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 4. 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 15th day of January, A.D. 2019, and to be presented for final passage on the 5th day of February, A.D. 2019.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of February, A.D. 2019.

Mayor

ATTEST:

City Clerk