

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. 010, 2019, Amending the Zoning Map of the City of Fort Collins and Classifying For Zoning Purposes the Property Included in the Strauss Cabin Enclave Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

EXECUTIVE SUMMARY

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2018-034.

This Ordinance, unanimously adopted on First Reading on January 15, 2019, zones the property included in the Strauss Cabin Enclave Annexation into the Urban Estate (U-E) zone district and Residential Neighborhood Sign District.

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. 010, 2019 (PDF)

AGENDA ITEM SUMMARY

City Council

January 15, 2019

STAFF

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

SUBJECT

Items Relating to the Zoning of the Strauss Cabin Enclave Annexation.

EXECUTIVE SUMMARY

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2018-034.

- A. Resolution 2019-007 Amending the City's Structure Plan Map.
- B. First Reading of Ordinance No. 010, 2019, Amending the Zoning Map of the City of Fort Collins and Classifying For Zoning Purposes the Property Included in the Strauss Cabin Enclave Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.

The purpose of this item is to amend the Structure Plan and zone the property included in the Strauss Cabin Enclave Annexation into the Urban Estate (U-E) zone district and Residential Neighborhood Sign District.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and Ordinance on First Reading.

BACKGROUND / DISCUSSION

Context

The surrounding zoning and land uses are as follows:

DIRECTION	ZONE DISTRICT	LAND USE
NORTH	Low Density Mixed-Use Neighborhood (L-M-N)	Single-Family Residential (Kechter Farm Subdivision); Kinard Junior High School
SOUTH	Low Density Mixed-Use Neighborhood (L-M-N)	Single-Family Residential (Kechter Farm Subdivision)
EAST	Low Density Mixed-Use Neighborhood (L-M-N)	Single-Family Residential Fossil lake PUD
WEST	Low Density Mixed-Use Neighborhood (L-M-N)	Single-Family Residential (Kechter Farm Subdivision)

Zoning

The property is currently zoned FA1 - Farming as assigned by Larimer County. The proposed zoning for this annexation is the Urban Estate (U-E) zone district. The zoning will require a Structure Plan Amendment for the eastern portion of the enclave while the western half complies with the City of Fort Collins Structure Plan and Fossil Creek Reservoir Area Land Use Framework Plan. The parcels contain a combination of single-family homes, agricultural outbuildings, one vacant parcel and a place of worship. The purpose of the Urban Estate (U-E) zone district is as follows:

“The Urban Estate District is intended to be a setting for a predominance of low-density and large-lot housing. The main purposes of this District are to acknowledge the presence of the many existing subdivisions which have developed in these uses that function as parts of the community and to provide additional locations for similar development, typically in transitional locations between more intense urban development and rural or open lands.”

The existing conditions within the enclave align with this purpose statement.

Fossil Creek Reservoir Area Plan

The subject parcels are contained within the Fossil Creek Reservoir Area Plan. This Plan was adopted in 1999 and covers 5,062 acres of land in southeast Fort Collins. The creation of the sub-area plan was a joint effort between the City of Fort Collins and Larimer County and is an element of the Larimer County Land Use Plan. The Plan states:

“The Land Use Framework Plan balances urban development with conservation of natural resources and compatibility with existing development in the area. Mixed-use Neighborhood development is concentrated in the northern portion of the area. The area around and south of the reservoir is largely identified as a resource management area targeted primarily for implementing strategies to protect the area from development. Estate Residential development will provide the transition from the more intensive development in the north to rural residential in the south...”

“Estate Residential (Urban Estate). Neighborhoods in this area will consist of single-family homes on larger lots than those found in mixed-use residential neighborhoods. The Land Use Framework Plan calls for Estate development north and west of the reservoir, providing a gradual transition between urban development and open lands. Estate areas will vary from lots between one-half and one acre in size, to lots of up to five acres or more, with overall gross density ranges from .5 to 2 units per acre. This category provides for large lot single family residential development of the type already found in the northwestern portion of the study area. The Estate Residential classification will require design and development standards agreed upon by both Larimer County and the City of Fort Collins.”

Structure Plan Amendment Process

Section 2.9.4(H)(2)(a) allows a zoning request to be satisfied if the proposed request is consistent with the City's Comprehensive Plan (The Structure Plan is a component of the Comprehensive Plan.)

According to Council Resolution 2014-086, Revisions to the Structure Plan, an element of *City Plan*, can be considered by City Council after a recommendation by the Planning and Zoning Board and may be processed at any time when brought forward by City Staff. The plan amendment requires two findings:

- The existing City Plan and/or any related element thereof (e.g., Structure Plan) is in need of the proposed amendment, and

- The proposed amendment will promote the public welfare and will be consistent with the vision, goals, principles and policies of City Plan and the elements thereof.

Staff's analysis of the need to amend the City of Fort Collins Structure Plan:

Currently, the *Structure Plan* and *Fossil Creek Area Land Use Framework Map* indicates all property contained within the enclave annexation east of Strauss Cabin Road be zoned Rural Lands District (R-U-L). The property is constrained on its eastern edge by the ridge of the Poudre River Valley. Beyond the ridge, moving east, the grade slopes down 40 feet into the floor of the valley and then into Interstate 25.

The four affected RUL properties are comprised of the following:

Address	Use	Size (Acres)
5236 Strauss Cabin Road	Place of worship / counseling	1.82
5416 Strauss Cabin Road	Single Family residence	3.30
5416 Strauss Cabin Road	Vacant	3.00
5550 Strauss Cabin Road	Single Family Residence w/ agricultural outbuildings.	4.40

The Structure Plan amendment is in need of an amendment to better match the existing character of the three developed lots. If the aforementioned residential properties were brought into the City of Fort Collins under the Rural Lands District, the required density of 1 dwelling unit per 10-acres would be unachievable by any future development or redevelopment of existing residential lots. The existing place of worship would also be considered a non-conforming use and be restricted to any future enlargement, expansion or construction on the site. As can be seen in the above chart, no parcel complies with minimum 10-acre lot sizes as required by the RUL district.

Staff's analysis that the proposed amendment will promote the public welfare and will be consistent with the vision, goals, principles and policies of City Plan and the elements thereof.

The proposed Structure Plan Map amendment will allow annexation and Urban Estate zoning that will allow for the future development or redevelopment of the four affected properties that is consistent with the character of the area and is supported by City Plan Principles and Policies. The existing character to the west of Strauss Cabin Road consists of large lot single family residences which reflect the eastern side of the road. The ridge and 40 foot wall created by the Poudre River acts as a natural buffer to the existing Rural Lands zoning to the east.

The recommendation of Urban Estate is consistent with the following Principles and Policies of the City's Comprehensive Plan:

- **Principle LIV 27**-Urban Estate Neighborhoods will provide a setting for a predominance of low-density and large-lot housing.
- **Policy LIV 27.2**-Existing County Subdivisions and Urban Estate Neighborhoods No significant changes to the character of Urban Estate Neighborhoods will be initiated as a result of City Plan. The purpose of their inclusion on the City Structure Plan is to acknowledge their presence as a part of the Fort Collins community. Changes, if any, will be carefully planned and will result from initiatives by residents or from a specific subarea plan prepared in collaboration with residents. Any further subdivision of lots will be limited to a minimum of one-half (1/2) acre.

CITY FINANCIAL IMPACTS

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

BOARD / COMMISSION RECOMMENDATION

The Planning and Zoning Board voted 7-0 to recommend approval of the proposed Structure Plan amendment, Urban Estate (U-E) zoning, and placement into the Residential Neighborhood Sign District, December 20, 2018. This unanimous action was taken as part of the Board discussion agenda (**Attachment 4**).

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. Zoning Map (PDF)
2. Structure Plan Map (PDF)
3. Fossil Creek Reservoir Area Land Use Framework Plan (PDF)
4. Planning and Zoning Minutes Excerpt, December 20, 2018 (PDF)

ORDINANCE NO, 010, 2019
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 STRAUSS CABIN ENCLAVE ANNEXATION TO THE
CITY OF FORT COLLINS, COLORADO, AND APPROVING CORRESPONDING
CHANGES TO THE RESIDENTIAL NEIGHBORHOOD SIGN DISTRICT MAP

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, pursuant to Land Use Code Section 2.9.2, the City Planning and Zoning Board, at its meeting on December 20, 2018, unanimously recommended zoning the property to be known as the Strauss Cabin Enclave Annexation (the “Property”) as more particularly described below as Urban Estates (U-E), and determined that the proposed zoning is consistent with the City’s Comprehensive Plan and/or is warranted by changed conditions within the neighborhood surrounding and including the Property; and

WHEREAS, the City Council has determined that the proposed zoning of the Property, as described below is consistent with the City’s Comprehensive Plan and/or is warranted by changed conditions within the neighborhood surrounding and including the Property; and

WHEREAS, to the extent applicable, the City Council has also analyzed the proposed zoning against the applicable criteria set forth in Section 2.9.4(H)(3) of the Land Use Code and finds the proposed zoning to be in compliance with all such criteria; and

WHEREAS, in accordance with the foregoing, the City Council has considered the zoning of the Property as described below, finds it to be in the best interests of the City, and has determined that the 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 City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. 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 in the Urban Estates (“U-E”) Zone District the Property more particularly described as:

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

Section 3. That the Sign District Map adopted pursuant to Section 3.8.7.1(E) of the Land Use Code of the City of Fort Collins is hereby changed and amended by showing that the Property described herein is included in the Residential Neighborhood Sign District.

Section 4. 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 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