

ORDINANCE NO. 115, 2020  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE ZONING MAP OF THE  
CITY OF FORT COLLINS AND AMENDING ORDINANCE NO. 177, 2017, BY  
CHANGING THE ZONING CLASSIFICATION FOR PROPERTY KNOWN AS THE  
SPRING CREEK REZONING REZ170001 – CORRECTION OF MAP ERRORS

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

WHEREAS, Division 2.9 of the Land Use Code establishes procedures and criteria for reviewing the rezoning of land; and

WHEREAS, on January 2, 2018, Fort Collins City Council adopted on second reading Ordinance No. 177, 2017, amending the City Zoning Map by changing the zoning classification, with 6 conditions, for certain property known as the Spring Creek Rezoning REZ170001 (the “2017 Rezoning Ordinance”); and

WHEREAS, the 2017 Rezoning Ordinance adjusted the location, size and boundary between two zone districts within a 19.55 acre parcel located at the southeast corner of South Shields Street and Hobbit Street, by shifting the Neighborhood Commercial (N-C) zone south and reducing it by 2.88 acres to 6.42 acres and shifting the Medium Density Mixed-Use Neighborhood (M-M-N) zone north and increasing it by 2.88 acres to 13.13 acres; and

WHEREAS, the 2017 Rezoning Ordinance contained minor typographical errors in the text of the legal descriptions (the “Map Errors”) for the two parcels of the property described therein (collectively, the “Property”) that require correction; and

WHEREAS, correction of the Map Errors will not modify the location, size of or the boundary between the two zone district parcels located within the Property, but will only adjust the written legal description of those parcels to correct errors in the written text of the legal descriptions; and

WHEREAS, the proposed rezoning of the Property to correct the Map Errors does not alter the intent, analysis, findings or conditions related to the 2017 Rezoning Ordinance; and

WHEREAS, no formal development plans have been submitted to the City since the 2017 Rezoning Ordinance was approved, although City staff is aware of development interest in the property and may receive a formal submittal in 2020 so that time is of the essence to correct the Map Errors in the legal description of and zoning map for the Property; and

WHEREAS, the City Council has considered this proposed rezoning of the Property to correct these Map Errors (“Rezoning to Correct Map Errors”), including information, materials, findings of fact and conclusions contained in the Agenda Item Summary and Agenda materials prepared for this hearing, as well as the information, materials, public comment presented at this hearing and Council discussion thereof; and

WHEREAS, the City Council has found and determined that this proposed Rezoning to Correct Map Errors continues to comply with all applicable Land Use Code requirements, including the requirements established in Section 2.9.4(H)(3) of the Land Use Code; and

WHEREAS, the City Council has also found and determined that this proposed Rezoning to Correct Map Errors remains consistent with the City's Comprehensive Plan and/or is warranted by changed conditions within the neighborhood surrounding and including the subject property; and

WHEREAS, the City Council has further found that the Conditions included in the 2017 Rezoning Ordinance remain in compliance with the provisions of LUC Section 2.2.9 in that they are necessary to accomplish the purposes and intent of the LUC and have a reasonable nexus to the potential impacts of the proposed rezoning and are roughly proportional in nature and extent to such impacts, and that such Conditions are not impacted or modified by this proposed Rezoning to Correct Map Errors; and

WHEREAS, in accordance with the foregoing, the City Council has considered this Rezoning to Correct Map Errors and has determined that said Property is the subject of this Ordinance should be rezoned to correct the Map Errors as hereinafter provided.

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

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 adopted by Division 1.3 of the Land Use Code and as modified by the 2017 Rezoning Ordinance is hereby amended to correct the legal description of the Medium Density Mixed-Use Neighborhood ("M-M-N") zone district to read as follows:

A tract of land located in the Northwest Quarter of Section 23, Township 7 North, Range 69 West of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of the Northwest Quarter of Section 23, T7N, R69W as bearing South 00° 19' 01" West and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of Section 23; thence along the West line of the Northwest Quarter of Section 23, South 00° 19' 01" West, 713.81 feet; thence, South 89° 21' 59" East, 50.00 feet to the POINT OF BEGINNING; thence along a curve concave to the southeast having a central angle of 90° 19' 00" with a radius of 25.00 feet, an arc length of 39.41 feet and the chord of which bears North 45° 28' 31" East, 35.45 feet; thence, South 89° 21' 59" East, 456.98 feet; thence along a curve concave to the northwest having a central angle of 25° 59' 21" with a radius of 267.00 feet, an arc length of 121.11 feet and the chord of which bears North 77° 38' 20" East, 120.07 feet; thence, South 89° 21' 59" East, 435.72 feet; thence along a curve concave to the south having a central angle of 13°

05' 59" with a radius of 518.12 feet, an arc length of 118.46 feet and the chord of which bears South 84° 06' 19" West, 118.20 feet; thence, South 10° 06' 09" East, 153.80 feet; thence along a curve concave to the east having a central angle of 24° 24' 52" with a radius of 664.52 feet, an arc length of 283.16 feet and the chord of which bears South 22° 22' 22" East, 281.02 feet; thence, South 55° 47' 39" West, 20.96 feet; thence, South 07° 14' 10" East, 409.86 feet; thence, South 05° 39' 23" East, 103.47 feet; thence, North 52° 49' 40" West, 174.60 feet; thence, North 22° 53' 52" West, 9.39 feet; thence, North 72° 41' 45" West, 13.65 feet; thence, North 52° 45' 08" West, 71.61 feet; thence along a curve concave to the south having a central angle of 35° 29' 52" with a radius of 400.00 feet, an arc length of 247.82 feet and the chord of which bears North 78° 45' 38" West, 243.88 feet; thence, North 00° 19' 01" East, 284.42 feet; thence, North 89° 40' 59" West, 647.89 feet; thence, North 00° 19' 01" East, 407.00 feet to the Point of Beginning, containing 571,975 square feet or 13.131 acres more or less.

Section 3. That the Zoning Map adopted by Division 1.3 of the Land Use Code as modified by the 2017 Rezoning Ordinance is hereby amended to correct the legal description of the Neighborhood Commercial ("N-C") zone district south to read as follows:

A tract of land located in the Northwest Quarter of Section 23, Township 7 North, Range 69 West of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of the Northwest Quarter of Section 23, T7N, R69W as bearing South 00° 19' 01" West and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of Section 23; thence along the West line of the Northwest Quarter of Section 23, South 00° 19' 01" West, 713.81 feet; thence, South 89° 21' 59" East, 50.00 feet; thence, South 00° 19' 01" West, 407.00 feet to the POINT OF BEGINNING; thence, South 89° 40' 59" East, 647.89 feet; thence, South 00° 19' 01" West, 284.42 feet; thence along a curve concave to the south having a central angle of 16° 57' 53" with a radius of 400.00 feet, an arc length of 118.44 feet and the chord of which bears South 75° 00' 30" West, 118.00 feet; thence, South 66° 20' 56" West, 227.30 feet; thence, South 68° 21' 24" West, 94.78 feet; thence South 44° 26' 15" West, 213.35 feet; thence, South 59° 17' 14" West, 104.96 feet; thence, North 00° 19' 01" East, 650.61 feet to the Point of Beginning, containing 279,656 square feet or 6.420 acres more or less.

Section 4. That this Rezoning to Correct Map Errors shall operate to correct, modify and supersede the legal descriptions of the parcels described in Ordinance 117, 2017; all other provisions of Ordinance 17, 2017, shall remain in full force and effect, including the Conditions set forth therein.

Section 5. 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 September 2020, and to be presented for final passage on the 6th day of October, A.D. 2020.

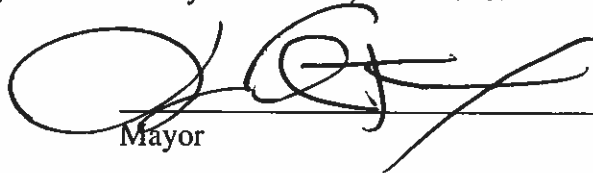
  
\_\_\_\_\_  
Mayor

ATTEST:

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



Passed and adopted on final reading on this 6th day of October, A.D. 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

