

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 8 A-B

**DATE:** August 19, 2003

**FROM:** Troy W. Jones

### **SUBJECT :**

Postponement of Items Relating to the Peterson Annexation, until October 7, 2003.

### **RECOMMENDATION:**

Staff recommends postponement of the Ordinances on Second Reading, to October 7, 2003.

### **EXECUTIVE SUMMARY:**

- A. Postponement of Second Reading of Ordinance No. 051, 2003, Annexing Property Known as the Peterson Annexation to the City of Fort Collins, to October 7, 2003.
- B. Postponement of Second Reading of Ordinance No. 052, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Peterson Annexation, to October 7, 2003.

On April 1, 2003, Council unanimously adopted Resolution 2003-041, amending the Structure Plan for the property known as the Peterson Annexation, and Council also unanimously adopted Resolution 2003-042, setting forth findings of fact and determinations regarding the Peterson Annexation. This is a request for a 100% voluntary annexation of approximately 27.89 acres, located a half mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate.

On April 1, 2003, Council unanimously adopted Ordinance No. 051, 2003 and Ordinance No. 052, 2003, annexing and zoning the property included in the Peterson Annexation. Because there have been further delays in the final approval of this project, staff recommends postponing Second Reading of these Ordinances to October 7, 2003.

ORDINANCE NO. 051, 2003  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ANNEXING PROPERTY KNOWN AS THE  
PETERSON ANNEXATION  
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2003-016 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:

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING N 89° 25' 59" W WITH ALL BEARINGS HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 10; THENCE N 89° 25' 59" W 324.35 FEET; THENCE, S 01° 50' 54" E 50.07 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST VINE DRIVE AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; CONTINUING, S 01° 50' 54" E 687.94 FEET; THENCE, N 89° 28' 17" W 1014.23 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF THE KIRSCHNER ANNEXATION TO THE CITY OF FORT COLLINS; THENCE, S 00° 03' 28" E 1857.02 FEET ON AND ALONG SAID EASTERLY LINE; THENCE S 89° 28' 14" E 754.47 FEET; THENCE, S 89° 28' 13" E 963.99 FEET; THENCE, N 00° 09' 15" W 80.01 FEET; THENCE N 89° 28' 13" W 963.10 FEET; THENCE, N 89° 28' 02" W 149.85 FEET; THENCE, N 00° 10' 34" W 1187.93 FEET; THENCE, N 87° 43' 24" W 352.93 FEET; THENCE, N 00° 31' 42" E 518.31 FEET; THENCE S 89° 28' 17" E 847.21 FEET; THENCE, N 02° 55' 31" W 299.26 FEET; THENCE S 89° 33' 50" E 262.00 FEET; THENCE, N 00° 32' 13" W 274.63 FEET; THENCE, N 50° 40' 29" W 245.44 FEET; THENCE, N 00° 28' 32" E 19.73 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST VINE DRIVE; THENCE, N 89° 25' 59" W 165.25 FEET ON AND ALONG SAID RIGHT-OF-WAY TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; CONTAINING 27.89 ACRES MORE OR LESS.

be, and hereby is, annexed to the City of Fort Collins and made a part of said City, to be known as the Peterson 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 1st day of April, A.D. 2003, and to be presented for final passage on the 19th day of August, A.D. 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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

Passed and adopted on final reading this 19th day of August, A.D. 2003.

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Mayor

ATTEST:

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City Clerk

ORDINANCE NO. 052, 2003  
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 PETERSON 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 Peterson Annexation to the City of Fort Collins, Colorado, in the Urban Estate ("UE") Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING N 89° 25' 59" W WITH ALL BEARINGS HEREIN REALITIVE THERETO.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 10; THENCE N 89° 25' 59" W 324.35 FEET; THENCE, S 01° 50' 54" E 50.07 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST VINE DRIVE AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; CONTINUING, S 01° 50' 54" E 687.94 FEET; THENCE, N 89° 28' 17" W 1014.23 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF THE KIRSCHNER ANNEXATION TO THE CITY OF FORT COLLINS; THENCE, S 00° 03' 28" E 1857.02 FEET ON AND ALONG SAID EASTERLY LINE; THENCE S 89° 28' 14" E 754.47 FEET; THENCE, S 89° 28' 13" E 963.99 FEET; THENCE, N 00° 09' 15" W 80.01 FEET; THENCE N 89° 28' 13" W 963.10 FEET; THENCE, N 89° 28' 02" W 149.85 FEET; THENCE, N 00° 10' 34" W 1187.93 FEET; THENCE, N 87° 43' 24" W 352.93 FEET; THENCE, N 00° 31' 42" E 518.31 FEET; THENCE S 89° 28' 17" E 847.21 FEET; THENCE, N 02° 55' 31" W 299.26 FEET; THENCE S 89° 33' 50" E 262.00 FEET; THENCE, N 00° 32' 13" W 274.63 FEET; THENCE, N 50° 40' 29" W

245.44 FEET; THENCE, N 00 ° 28' 32" E 19.73 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST VINE DRIVE; THENCE, N 89° 25' 59" W 165.25 FEET ON AND ALONG SAID RIGHT-OF-WAY TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; CONTAINING 27.89 ACRES MORE OR LESS.

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 1st day of April, A.D. 2003, and to be presented for final passage on the 19th day of August, A.D. 2003.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 19th day of August, A.D. 2003.

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Mayor

ATTEST:

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City Clerk

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 15 A-D

**DATE:** April 1, 2003

**FROM:** Troy W. Jones

### SUBJECT:

Items Relating to the Peterson Annexation and Zoning.

### RECOMMENDATION:

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

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### EXECUTIVE SUMMARY:

- A. Resolution 2003-041 Amending the Structure Plan for the Property Known as the Peterson Annexation.
- B. Resolution 2003-042 Setting Forth Findings of Fact and Determinations Regarding the Peterson Annexation.
- C. First Reading of Ordinance No. 051, 2003, Annexing Property Known as the Peterson Annexation to the City of Fort Collins.
- D. First Reading of Ordinance No. 052, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Peterson Annexation.

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### BACKGROUND:

This is a request for a 100% voluntary annexation of approximately 27.89 acres, located a half mile east of I-25 and south of Vine Drive. This requested zone district is Urban Estate. A Structure Plan amendment is also requested to change the designation of the property from Rural Open Lands / Stream Corridor to Urban Estate.

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This property is eligible for annexation according to CRS, requiring 1/6 contiguity to the existing city limits. Peterson Annexation and Zoning complies with this standard since the property has 1866.19 feet of its total boundary of approximately 10,643.30 feet contiguous to the existing City limits. This meets the minimum 1773.88 feet required to achieve 1/6 contiguity. This contiguity occurs through a common boundary with the Kirschner Annexation (December 1993).

The property is located within the Fort Collins Urban Growth Area (UGA). 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.

### ZONING AND ANALYSIS:

The property is currently zoned FA1 - Farming in Larimer County. The requested zoning for this annexation is the Urban Estate District (UE). An assignment of UE zoning is consistent with the approved County subdivision (Peterson MLD) for the property. The site is a large vacant property located between Industrial zoned property within the City Limits, and the Streamside Planned Land Division, which is a County development application, of Urban Estate type density, currently under review, located directly east of the site. Although the developer is not currently pursuing development of this property, annexation of this property will allow any future development of the site to be reviewed under the City's jurisdiction.

### I-25 SUBAREA PLAN:

A. Regional I-25 Plan.

The parcel is contained within the I-25 Sub Area Plan. This sub-area plan is a component of the I-25 Regional Communities Corridor Plan, which was adopted by the City Council in November of 2001.

B. City Plan's reference to the I-25 Sub Area Plan.

City Plan **Principle LU-4** states: "More specific sub-area planning efforts will follow adoption of these City Plan Principles and Policies which tailor City Plan's city-wide perspective to individual neighborhoods, districts, corridors and edges."

City Plan **Policy LU-4.5** states: "The following areas have been identified as priority for future Subaru planning:

- *I-25 Corridor*
- *Mountain Vista*
- *East Mulberry*
- *Fossil Creek Reservoir Area*

C. U-E Zoning within the I-25 Sub Area.

The Final Draft of the I-25 Sub Area Plan calls for a mix of neighborhoods and densities. The Final Draft states: "The Urban Estate classification is intended to allow for choices of very low density and large-lot housing in the community, and to provide a physical transition between urban development and rural/open lands. Most of the undeveloped areas designated for residential development in the Sub Area Plan are classified as Urban Estate areas, that will have a maximum allowable density of two (2) dwelling units per acre. These areas provide for a transition between the higher intensity commercial and industrial uses located adjacent to the I-25 highway and a larger lot residential development (2 ½ acre lots) east of County Road 5."

Both Peterson and Streamside Annexations satisfy the language of the U-E land use classification quoted above. Industrial zoned property abuts the West Side of the Peterson Annexation and rural and larger lot residential development exists east of the Streamside Annexation. Additionally, the Draft Land Use Plan for the I-25 Sub Area Plan identifies the property as Urban Estate. Therefore, the applicant has applied for U-E zoning in conformance with the Final Draft of the I-25 Sub Area Plan.

D. Status of the I-25 Sub Area Plan.

The I-25 Sub Area Plan has not been adopted at this time. The Planning and Zoning Board and City Council schedule the Plan for consideration in the Spring of 2003. The Structure Plan identified the need to do additional planning for the I-25 corridor by designating the area as the *I-25 Special Study Corridor*.

### STRUCTURE PLAN AMENDMENT

As mentioned, the Final Draft of the I-25 Sub Area Plan, which calls for U-E zoning, has not yet been considered by the Planning and Zoning Board nor adopted by the City Council. Since the Structure Plan Map indicates "*Rural Open Lands/Stream Corridor and Employment*," a Structure Plan amendment is part of this request. The Structure Plan Map also designates I-25 as a "*Special Study Corridor*" indicating that the 1997 version of the Structure Plan did not provide sufficient guidance for land use decision-making and that future land use considerations were anticipated.

A. Request

Section 2.9.4(H)(2)(a) allows a zoning request to be justified 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 2000-140, a Comprehensive Plan Amendment may be approved if the City Council makes specific findings that:

- The existing City Plan and/or any related element thereof is in need of the proposed amendment; and
- The proposed major plan amendment will promote the public welfare and will be consistent with the vision, goals, principles and policies of City and the elements thereof.

B. Staff Analysis of Structure Plan Amendment:

- (1) Staff finds that the Structure Plan is in need of Change because the final draft of the I-25 Sub Area Plan identifies that the property's designation should be changed from it's current designation of "*Rural Open Lands / Stream Corridors*" to a designation of "*Urban Estate*."



- (2) Staff finds that the proposed Structure Plan amendment will promote the public welfare by specifying a land use configuration at the edge of the community that will provide for a transition between the higher intensity industrial uses located adjacent to the I-25 highway and the larger lot rural residential development in the County located east of County Road 5.
  
- (3) Staff finds that the Structure Plan amendment will be consistent with the vision, goals, principles and policies of City Plan because the principle and policy statements within City Plan specify that the I-25 subarea planning efforts will tailor City Plan's city-wide perspective to individual neighborhoods, districts, corridors and edges.

**THE PLANNING AND ZONING BOARD HEARING**

The Planning and Zoning Board recommended approval of the requested annexation and zoning on January 16, 2003 by a vote of 5-0.

**INITIATING RESOLUTION**

City Council recommended adoption of the Initiating Resolution for the Peterson Annexation on February 4, 2003 by a vote of 6-0.

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