

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17

DATE: May 6, 2003

FROM: Cameron Gloss

SUBJECT:

First Reading of Ordinance No. 074, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying the Huber Property for Zoning.

RECOMMENDATION:

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY:

This is a request to zone a parcel owned by the City of Fort Collins Stormwater Utility, that is presently "not zoned", to POL (Public Open Lands). The subject site consists of 1.05 ± acres located south of Drake Road and west of Taft Hill Road.

BACKGROUND:

The City of Fort Collins annexed the subject property and assigned an initial zone district designation of R-P, Planned Residential, in May of 1991.

In March of 1997, as part of the comprehensive rezoning of the City, all properties were to be zoned based upon new zone district classifications created under *City Plan*. During this comprehensive rezoning process, staff overlooked this parcel and didn't assign a new zone designation. The subject property was purchased by the City's Stormwater Utility in 1996 to implement needed stormwater improvements along the Spring Creek floodplain. This zoning error was identified during the process of mapping the South Taft Hill Seventh Annexation area, a portion of which shares a common boundary with the south property line of the subject property.

Staff made the decision to sponsor the rezone request as allowed by Section 2.9.3(A) of the Code.

The subject property contains a stormwater detention facility owned and operated by the City of Fort Collins Stormwater Utility.

Surrounding Zoning and Existing Land Use

	Existing Land Use	Existing Zoning
North	Water detention areas, Spring Creek trail	POL
East	Vacant	MMN
South	Apartments	County FA -1 (proposed UE as part of the South Taft 7th annexation)
West	Water detention areas, Spring Creek trail	POL

Staff Analysis – Zoning Request

Is the request consistent with the City's Comprehensive Plan?

The *City Structure Plan*, an element of the City's comprehensive plan, is a map that sets forth a basic framework, showing how Fort Collins should grow and evolve over the next 20 years. The map designates the parcel as "Rural/Open Lands and Stream Corridors". Therefore, the request is in compliance with the *City Structure Plan*.

It is the opinion of staff that the zoning is consistent with the following policies of *City Plan*.

Policy NOL-2.1 Floodplain – The City will preserve and protect sensitive natural areas of the 100-year floodplains of the Poudre River, Spring Creek, Fossil Creek, and other waterways, for conservation purposes.

Policy NOL-3.1 Corridors – Trails along streams, drainage ways, and irrigation ditch corridors should be dispersed throughout the city, provide public access, and link neighborhoods, parks, activity centers, commercial centers, and streets where environmentally appropriate and compatible with natural habitat values.

Is the amendment warranted by changed conditions within the neighborhood surrounding and including the subject property?

The request is based on an oversight that occurred in March of 1997 during the *City Plan* rezoning process, not based on any change in conditions. Therefore, this criterion is not applicable.

FINDINGS OF FACT/CONCLUSIONS:

In evaluating the request for Amendment to the Zoning Map for the Huber property, with a designation of POL, Staff makes the following findings of fact:

- A. The City Plan rezoning in March of 1997 failed to provide a zone designation on the subject property.
- B. The subject area is designated on the *City Structure Plan* as "Rural/Open Lands and Stream Corridors". The request is therefore consistent with the *City Structure Plan*.

- C. The request to rezone satisfies the applicable review criteria of the Section 2.9.4 (H) of the Land Use Code.

In conclusion, staff agrees that the 1997 City Plan zoning designation process should have applied a zone district classification to the subject property. Staff's perspective is that this was a simple oversight. Had the facts been known at the time, the parcel would have been designated POL. The request, therefore, represents a corrective measure.

The Planning and Zoning Board Recommendation

The Planning and Zoning Board considered the Huber Zoning at its April 10, 2003 meeting. The Board voted unanimously (4-0, Gavaldon and Carpenter absent; one vacant Board position) to recommend that City Council approve the zoning request as recommended by staff. The application was approved on the Consent Agenda.

ORDINANCE NO. 074, 2003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS
AND CLASSIFYING THE HUBER PROPERTY FOR ZONING

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, 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 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 "Huber Property" in the Public Open Lands (POL) Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

Lots 8 and 9 of Heineman's Spring Creek Subdivision, County of Larimer, State of Colorado.

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 6th day of May, A.D. 2003, and to be presented for final passage on the 20th day of May, A.D. 2003.

Mayor

ATTEST:

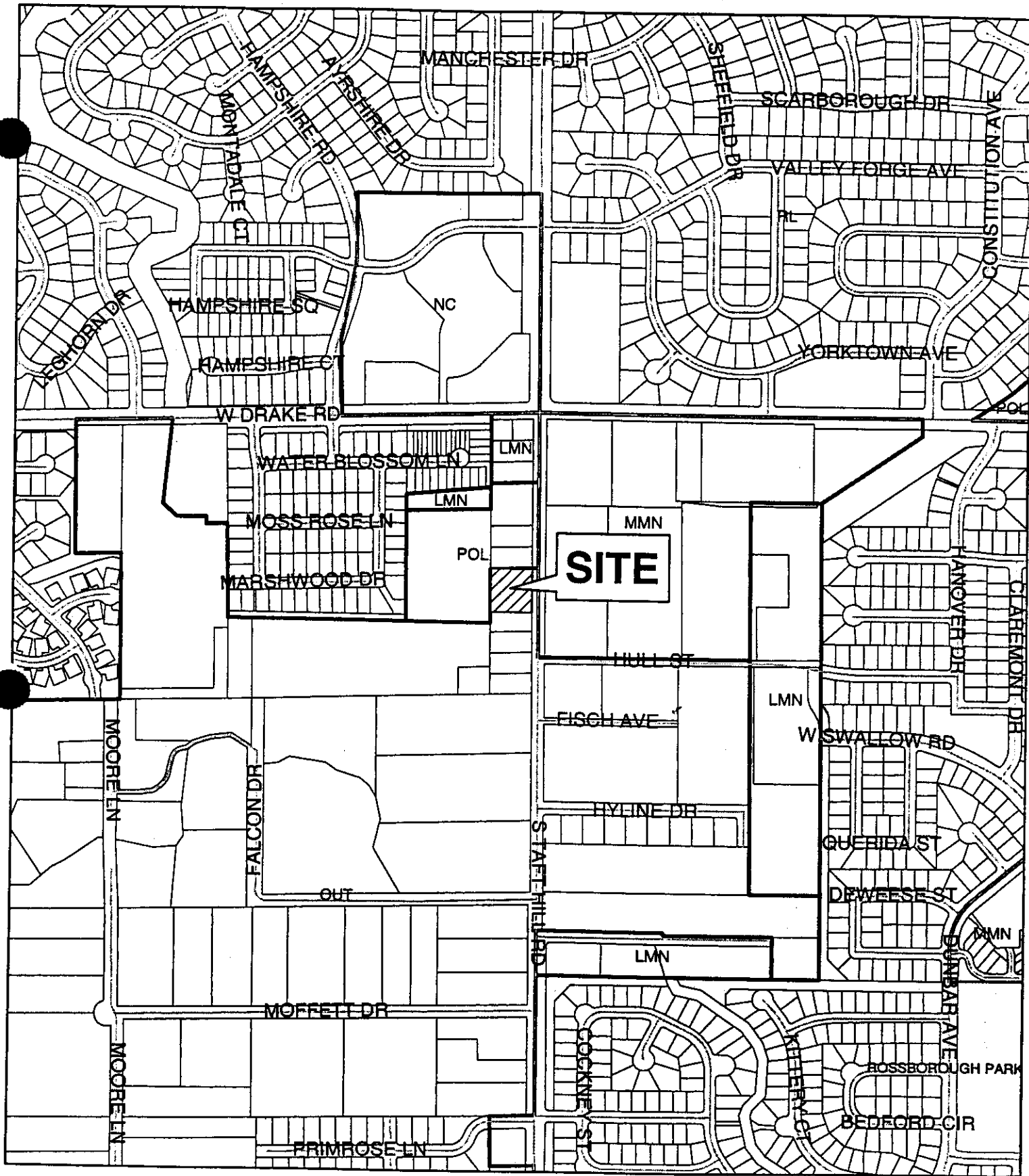
City Clerk

Passed and adopted on final reading this 20th day of May, A.D. 2003.

Mayor

ATTEST:

City Clerk



Huber Rezoning

3/6/03

N



1 inch : 600 feet