

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 14 A-B

DATE: April 15, 2003

FROM: Troy W. Jones

SUBJECT:

Items Relating to the Strauss Lakes Development Annexation and Zoning.

RECOMMENDATION:

Staff recommends adoption of the Ordinances on Second Reading.

EXECUTIVE SUMMARY:

- A. Second Reading of Ordinance No. 059, 2003, Annexing Property Known as the Strauss Lakes Development Annexation to the City of Fort Collins.
- B. Second Reading of Ordinance No. 060, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Strauss Lakes Development Annexation.

On April 1, 2003, Council unanimously adopted Resolution 2003-052 Setting Forth Findings of Fact and Determinations Regarding the Strauss Lakes Development Annexation.

On April 1, 2003, Council also unanimously adopted Ordinance No. 059, 2003, annexing the property, this is a 100% voluntary annexation of approximately 17.79 acres of privately owned property located on the northeast corner of Horsetooth Road and Ziegler Road. The recommended zoning is LMN – Low Density Mixed-Use Neighborhood. Ordinance No. 060, 2003, was also unanimously adopted on First Reading on April 1, 2003, amending the City of Fort Collins Zoning Map and zoning the property known as the Strauss Lakes Development Annexation.

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Planning and Zoning Board Minutes
January 16, 2003
6:30 p.m.

Council Liaison: Karen Weitkunat

Staff Liaison: Cameron Gloss

Chairperson: Mikal Torgerson
Vice Chair: Jerry Gavaldon

Phone: (W) 416-7435
Phone: (H) 484-2034

Chairperson Gavaldon called the meeting to order at 6:30 p.m.

Roll Call: Carpenter, Bernth, Meyer, Torgerson, Gavaldon. Members Colton and Craig were absent.

Staff Present: Gloss, Eckman, Olt, Jones, McWilliams, Barkeen, Moore, Sanford, Schlueter, Dodge, Stringer and Deines.

Election of Officers:

Member Meyer nominated Member Torgerson for Chairperson. The motion was approved 5-0.

Member Carpenter nominated Member Gavaldon for Vice Chair. The motion was approved 5-0.

Director of Current Planning Cameron Gloss reviewed the Consent and Discussion Agendas:

1. **Minutes of the September 5, October 17 (Continued), and November 4, (Continued), 2002 Planning and Zoning Board Minutes.**
2. **Resolution PZ03-01 – Easement Vacation.**
3. **Resolution PZ03-02 – Easement Vacation.**
4. **#55-02 Streamside Annexation and Zoning.**
5. **#54-02 Peterson Annexation and Zoning.**
6. **#47-02 Strauss Lakes Development Annexation and Zoning.**

Discussion Agenda:

7. **#35-00 Peterson Place (611 Peterson Street) – Project Development Plan.**
8. **#38-02 South Taft Hill Seventh Annexation and Zoning.**
9. **#18-02 Caribou Apartments – Project Development Plan.**

John Trowbridge, citizen pulled Strauss Lakes Development Annexation and Zoning for discussion.

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Member Gavaldon moved for approval of Consent Items 1 (September 5th only), 2, 3, 4 and 5. Member Carpenter seconded the motion. The motion was approved 5-0.

Project: Strauss Lakes Development Annexation & Zoning, # 47-02

Project Description: Request to annex approximately 17.79 acres of privately owned property located on the northeast corner of Horsetooth Road and Ziegler Road. The requested zoning is LMN, Low Density Mixed Use Neighborhood.

Recommendation: Approval

Hearing Testimony, Written Comments and Other Evidence:

Troy Jones, City Planner gave the staff presentation. Planner Jones showed an aerial photograph of the property and the surrounding uses. The site was recommended to be zoned Low Density Mixed Use Neighborhood and that is consistent with what the Structure Plan shows.

Public Input

John Trowbridge, lives in the Stoneridge Townhomes which is adjacent to this property. Mr. Trowbridge was concerned that this zoning would permit a trailer park. They were interested in the type of use, type of buildings, density and commercial uses. They were interested in knowing if any environmental impact statement has been done. He was mostly interested in what the use would be.

Planner Jones responded that from a zoning standpoint, LMN is one of our residential zone districts, which are low density and which do allow mobile home communities as a permitted use. It is not to say that this will become a mobile home park by any means, that is just one of the long list of permitted uses that is allowed within that zone district. Given the topography, he would be very surprised if it would be physically possible to put mobile homes on this site. The density that is permitted within the LMN zone district is between 5 and 8 dwelling units per acre. At the annexation stage we do not get into what is being proposed and we don't get to the environmental analysis. An annexation is

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simply a change in jurisdiction from the County to the City. When any development application comes in then we would apply all the standards.

Member Carpenter asked if there were any structures on this property.

Planner Jones replied that the closest thing would be cement foundations for the irrigation ditch. There are no buildings.

Chairperson Torgerson asked for the applicant's presentation.

Jim Sell, Jim Sell Design stated that at this point they were just there to bring the property into compliance with City Plan and the Structure Plan. They don't have any formalized plans for the development right now.

Planner Jones explained the Intergovernmental Agreement with Larimer County to the public.

Public Input

Wayne Rothgary, owns property to the south that is zoned UE, Urban Estate. He was curious if this property were to come into the city, could it also be zoned Urban Estate. He was concerned that the property was being given low density zoning as well as the commercial part of it.

Planner Jones responded that the zoning for this property in the County is FA-1, Farming Zone District. That zone district allows a fairly rural density, it is one unit for 100,000 s.f. lots. The UE zone district is a city zone district and the County does not have that particular zone district.

Chairperson Torgerson added that the proposed zoning is consistent with the city Structure Plan.

Robert Hendrickson, who lives in the Stoneridge Townhomes questioned whether there was another zoning designation that could be applied, rather than the one that is being proposed that would allow a lower density. Eight Units per acre is pretty crowded. He was concerned because the neighborhood they live in has houses that run anywhere from \$250,000 to \$700,000. They were not interested in apartments or a lower grade housing.

Planner Jones clarified that across the Fossil Lake Inlet Ditch to the east and to the north of this site, that is the boundary on the Structure Plan Map for what is designated as Urban Estate and what is designated as Low Density

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Neighborhood. Just this vacant corner of this piece of vacant area of town is at the LMN designation, whereas the remainder of quite a bit of the property to the north and east of it is designated as Urban Estate. The Structure Plan would have to be amended to zone this property something else.

Bryce Neff, lives in Stoneridge Townhomes and also has concerns about the density.

Planner Jones stated that there would be a neighborhood meeting held on this property as soon as there is something solid being proposed here.

Cindy Lodes, lives in Stoneridge community and also had concerns about what development would take place on this property. Her concern was that if some big development goes on there, what would happen to traffic and schools. She was not happy with the notification area and would like to see it expanded for this project.

Erin Stall, homeowner in the Stoneridge Townhomes asked if their community does not like what is proposed, what recourse do they have to get it rezoned.

Planner Jones replied that as far as an application to rezone goes the only parties that could do that is the City Council, the Planning and Zoning Board, the Director of Planning or the property owner. To rezone this property something else, that would also require a Structure Plan Amendment.

Citizen, asked if the property to the south was in city limits. If not were there any plans to bring that property into the city.

Planner Jones replied that it was not in the city, and if in the future those property owners don't want to change from being a single family house or come into develop their property, it is very likely that it will stay in the County rural residential.

Keith Lodes, lives in Stoneridge asked if the Project Planner was a city employee and did he have a personal interest in this project.

Planner Jones replied that he is a city employee and no he did not have any vested interest in this project.

Mr. Lodes stated that it was mentioned to him that this parcel was in the floodplain and that basement construction would not be possible. Any structures there would have to be put onto slabs.

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Planner Jones replied that he had not heard that this was in the floodplain, but again this is just a review of the change in jurisdictions. If it is we will find that out as an application comes in for development.

Glen Schlueter, Stormwater Utility responded that this particular parcel is not in the floodplain. The floodplain goes up to the ditch from the river in this area. Mr. Schlueter also stated that the groundwater conditions would be looked at the time of development review.

Mr. Lodes felt that this proposal should not be considered until a groundwater study is done. That could seriously limit the LMN option for possible single family homes. He also has a concern with Horsetooth Road as it proceeds from Ziegler down to the wildlife refuge if basically a dirt road. Any type of development will necessitate a paving of that road from Horsetooth to Harmony ruining that natural area and creating a shortcut from I-25 into Fort Collins. He would just as soon leave this in Larimer County's jurisdiction. He felt that much more needed to be known about this property before it should be annexed into the city.

Chairperson Torgerson reminded the public that the city is required by an Intergovernmental Agreement with Larimer County to look at this annexation tonight.

Public Input Closed

Member Gavaldon asked what the density was of the townhomes to the west.

Planner Jones replied it looked consistent with 5 to 8, but without measuring he did not want to be giving out false information. It looks like a density that would be possible in the LMN zone district. Those townhomes are in the RL, Low Density Residential District.

Member Gavaldon asked what the density was in the RL district.

Planner Jones replied 3 units per acre, it also does not allow the same variety of uses that LMN does.

Director of Current Planning Gloss added that the RL District conceivably could accommodate up to 7 units per acre according to the Code.

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Member Gavaldon recommended to City Council approval of the Strauss Lakes Development Annexation and Zoning with a zoning designation of Low Density Mixed-Use Neighborhood, LMN, #47-02. Citing facts and conclusions on page 2, numbers 1, 2 and 3.

Member Bernth seconded the motion.

Member Carpenter would be supporting the motion. This is what we need to do to get this parcel into the city. She appreciated the public coming out and encouraged them to pay attention and come out when there is a Project Development Plan application. That is the point where they really have input about what happens to this piece of land.

Member Gavaldon commented that he felt that what would be going into the east of Stoneridge is similar. There would not be development that would disrupt their neighborhood. Their chance is still there to make a difference and he encouraged the neighborhood to continue to participate in the process. He would be supporting the motion.

Deputy City Attorney Eckman reminded the public that this is a recommendation to City Council and the first reading of this application would be March 18th. That would be another opportunity for their input.

Chairperson Torgerson commented that they had heard a lot of really good input tonight, unfortunately a lot of it was irrelevant to what was being heard tonight. He also explained that the Neighborhood Resources Office has staff that could also help in the process.

The motion was approved 5-0.

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 31 A-C

DATE: April 1, 2003

FROM: Troy W. Jones

SUBJECT:

Items Relating to the Strauss Lakes Development Annexation and Zoning.

RECOMMENDATION:

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

COPY

EXECUTIVE SUMMARY:

- A. Resolution 2003-052 Setting Forth Findings of Fact and Determinations Regarding the Strauss Lakes Development Annexation.
- B. First Reading of Ordinance No. 059, 2003, Annexing Property Known as the Strauss Lakes Development Annexation to the City of Fort Collins.
- C. First Reading of Ordinance No. 060, 2003, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Strauss Lakes Development Annexation.

COPY

BACKGROUND:

This is a request for a 100% voluntary annexation of approximately 17.79 acres of privately owned property located on the northeast corner of Horsetooth Road and Ziegler Road. The recommended zoning is LMN - Low Density Mixed-Use Neighborhood.

This property is eligible for annexation according to CRS, requiring 1/6 contiguity to the existing city limits. Strauss Lakes Development Annexation and Zoning complies with this standard since the property has 1219 feet of its total boundary of approximately 3934 feet contiguous to the existing City limits. This meets the minimum 656 feet required to achieve 1/6 contiguity. This contiguity occurs through a common boundary with the Webster 2nd Annexation (July 1992).

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.

COPY

DATE:

The site is located about 1 mile south of the existing wastewater treatment plant located at Drake Road and Ziegler Road. There are gravel mining operations taking place about a half mile north of the site. Existing residential is located directly west of the site. Any impacts that the surrounding uses would have on a future development of this site, or any impacts a future development on this site would have on existing surrounding uses are issues that will be addressed when a development application is submitted and reviewed. This application is to annex the site into the City and assign it a zone district upon annexation. In a nut shell, it is simply a change in jurisdiction from Larimer County to the City of Fort Collins. Until the City has jurisdiction over the site, there is no authority of the City to consider any impacts of development.

ZONING AND ANALYSIS:**COPY**

The requested zoning for this annexation is the Low-Density-Mixed-Use Neighborhood (LMN). The City's adopted Structure Plan, a part of City Plan, designates the site as Low-Density Mixed-Use Residential. A zoning designation of LMN is consistent with the Structure Plan designation.

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**COPY**

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

COPY

ORDINANCE NO. 059, 2003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING PROPERTY KNOWN AS THE
STRAUSS LAKES DEVELOPMENT ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2003-015, 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:

A TRACT OF LAND SITUATE IN THE COUNTY OF LARIMER, STATE OF COLORADO, TO-WIT:

A PORTION OF LAND LOCATED IN SECTIONS 28, AND 33, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, LARIMER COUNTY, COLORADO, WHICH IS BOUNDED ON THE SOUTH BY MORGAN'S RIDGE EXEMPTION PLAT, AS RECORDED AT BOOK 2165, PAGE 588, RECORDS OF LARIMER COUNTY, COLORADO, ON THE WEST BY COUNTY ROAD NO. 9, AND ALONG THE NORTHEAST BY THE CENTERLINE OF THE FOSSIL CREEK INLET DITCH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28 BEING MONUMENTED AT THE SOUTH END BY AN ALUMINUM CAP STAMPED "RBD, LS 14823, 1995" AND AT THE NORTH END BY AN ALUMINUM CAP STAMPED "LS 17497" IS ASSUMED TO BEAR N00°10'43"W, WITH A DISTANCE OF 2650.99 FEET BETWEEN SAID MONUMENTATION.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N00°10'43"W, ON SAID WEST LINE, A DISTANCE OF 30.05 FEET; THENCE S89°32'22"E, A DISTANCE OF 30.00 FEET, TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF COUNTY ROAD 9 (ZIEGLER ROAD) AND THE NORTHERLY RIGHT-OF-WAY OF COUNTY ROAD 40, AND THE POINT OF BEGINNING; THENCE N00°10'43"W, ON THE EASTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 9 (ZIEGLER ROAD), A DISTANCE OF 1077.11 FEET; THENCE N57°57'13"E, CONTINUING ON THE

OUTHEASTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 9 (ZIEGLER ROAD), A DISTANCE OF 1.98 FEET; THENCE N32°02'47"W, A DISTANCE OF 60.00 FEET, TO THE NORTHWESTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 9 (ZIEGLER ROAD); THENCE N57°57'13"E, ON SAID NORTHWESTERLY RIGHT-OF-WAY, A DISTANCE OF 93.99 FEET; THENCE S32°02'47"E, A DISTANCE OF 60.00 FEET; TO THE CENTERLINE OF THE FOSSIL CREEK INLET DITCH; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID DITCH THE FOLLOWING THREE (3) COURSES:

1. S46°56'19"E, A DISTANCE OF 839.47 FEET;
2. S37°49'49"E, A DISTANCE OF 188.78 FEET;
3. S23°16'09"E, A DISTANCE OF 513.94 FEET, TO THE SOUTH RIGHT OF WAY OF LARIMER COUNTY ROAD NO. 40;

THENCE ON SAID RIGHT OF WAY, N89°38'17"W, A DISTANCE OF 31.31 FEET, TO THE NORTHWEST CORNER OF THE ROSELLE-SHIELDS PARCEL, RECORDED UNDER RECEPTION NO. 2000042210, LARIMER COUNTY RECORDS; THENCE S25°40'17"E, ON THE WESTERLY LINE OF SAID ROSELLE-SHIELDS PARCEL, A DISTANCE OF 5.56 FEET, TO THE NORTHEAST CORNER OF MORGAN'S RIDGE EXEMPTION PLAT, RECORDED UNDER BOOK 2165, PAGE 588, LARIMER COUNTY RECORDS; THENCE ON THE NORTHERLY LINE OF SAID MORGAN'S RIDGE EXEMPTION PLAT, THE FOLLOWING THREE (3) COURSES:

1. N89°38'17"W, A DISTANCE OF 478.11 FEET;
2. S83°28'09"W, A DISTANCE OF 125.00 FEET;
3. N89°38'17"W, A DISTANCE OF 378.86 FEET;

THENCE N00°04'46"W, A DISTANCE OF 80.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 17.792 ACRES.

be, and hereby is, annexed to the City of Fort Collins and made a part of said City, to be known as the Strauss Lakes Development 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.

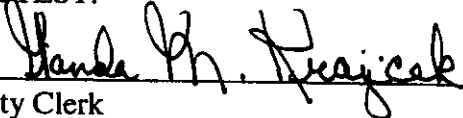
Section 3. That the City hereby consents, pursuant to Section 37-45-136(3.6), C.R.S., to the inclusion of said property into the Municipal Subdistrict, Northern Colorado Water Conservancy District.

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 15th day of April, A.D. 2003.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading this 15th day of April, A.D. 2003.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 060, 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 STRAUSS LAKES DEVELOPMENT 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 Strauss Lakes Development Annexation to the City of Fort Collins, Colorado, in the Low Density Mixed Use Neighborhood (LMN) Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A PORTION OF LAND LOCATED IN SECTIONS 28, AND 33, TOWNSHIP 7 NORTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN, LARIMER COUNTY, COLORADO, WHICH IS BOUNDED ON THE SOUTH BY MORGAN'S RIDGE EXEMPTION PLAT, AS RECORDED AT BOOK 2165, PAGE 588, RECORDS OF LARIMER COUNTY, COLORADO, ON THE WEST BY COUNTY ROAD NO. 9, AND ALONG THE NORTHEAST BY THE CENTERLINE OF THE FOSSIL CREEK INLET DITCH, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28 BEING MONUMENTED AT THE SOUTH END BY AN ALUMINUM CAP STAMPED "RBD, LS 14823, 1995" AND AT THE NORTH END BY AN ALUMINUM CAP STAMPED "LS 17497" IS ASSUMED TO BEAR N00°10'43"W, WITH A DISTANCE OF 2650.99 FEET BETWEEN SAID MONUMENTATION.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE N00°10'43"W, ON SAID WEST LINE, A DISTANCE OF 30.05 FEET; THENCE S89°32'22"E, A DISTANCE OF 30.00 FEET, TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF COUNTY ROAD 9 (ZIEGLER ROAD) AND THE NORTHERLY RIGHT-OF-WAY OF COUNTY ROAD 40, AND THE POINT OF BEGINNING;

THENCE N00°10'43"W, ON THE EASTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 9 (ZIEGLER ROAD), A DISTANCE OF 1077.11 FEET; THENCE N57°57'13"E, CONTINUING ON THE SOUTHEASTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 9 (ZIEGLER ROAD), A DISTANCE OF 1.98 FEET; THENCE N32°02'47"W, A DISTANCE OF 60.00 FEET, TO THE NORTHWESTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 9 (ZIEGLER ROAD); THENCE N57°57'13"E, ON SAID NORTHWESTERLY RIGHT-OF-WAY, A DISTANCE OF 93.99 FEET; THENCE S32°02'47"E, A DISTANCE OF 60.00 FEET; TO THE CENTERLINE OF THE FOSSIL CREEK INLET DITCH; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID DITCH THE FOLLOWING THREE (3) COURSES:

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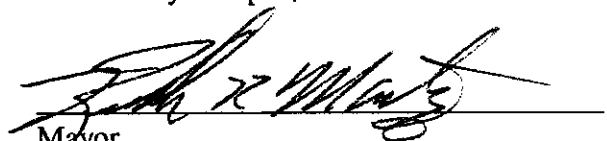
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CONTAINING A CALCULATED AREA OF 17.792 ACRES.

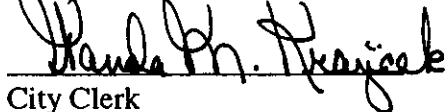
Section 2. That the Sign District Map adopted pursuant to Section 3.8.7(E) of the Land Use Code of the City of Fort Collins be, and the same hereby is, changed and amended by showing that the above-described property is included in the Residential Neighborhood Sign District.

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 15th day of April, A.D. 2003.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading this 15th day of April, A.D. 2002.

Mayor

ATTEST:

City Clerk