

**AGENDA ITEM SUMMARY**  
**FORT COLLINS CITY COUNCIL**

**ITEM NUMBER: 8**

**DATE: October 16, 2007**

**STAFF: Ted Shepard**

**SUBJECT**

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Items Relating to the Old Oak Estates Annexation and Zoning.

**RECOMMENDATION**

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Staff recommends adoption of the Ordinances on Second Reading.

**EXECUTIVE SUMMARY**

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- A. Second Reading of Ordinance No. 108, 2007, Annexing Property Known as the Old Oak Estates Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 109, 2007, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Old Oak Estates Annexation to the City of Fort Collins, Colorado.

These Ordinances, unanimously adopted on First Reading on October 2, 2007, annex and zone property located at 5227 Strauss Cabin Road, located approximately one-half mile south of Harmony Road. This is a 100% voluntary annexation.

**ATTACHMENTS**

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- 1. Copy of First Reading Agenda Item Summary - October 2, 2007.

ATTACHMENT 1

**AGENDA ITEM SUMMARY**  
**FORT COLLINS CITY COUNCIL**

ITEM NUMBER: 13 A-C

DATE: October 2, 2007

STAFF: Ted Shepard

COPY

**SUBJECT**

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Items Relating to the Old Oak Estates Annexation and Zoning.

**RECOMMENDATION**

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

**EXECUTIVE SUMMARY**

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- A. Resolution 2007-088 Setting Forth Findings of Fact and Determinations Regarding the Old Oak Estates Annexation.
- B. Hearing and First Reading of Ordinance No. 108, 2007, Annexing Property Known as the Old Oak Estates Annexation to the City of Fort Collins, Colorado.
- C. Hearing and First Reading of Ordinance No. 109, 2007, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Old Oak Estates Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property that is approximately 5.73 acres in size. The site is 5227 Strauss Cabin Road located approximately one-half mile south of Harmony Road. Contiguity with the existing municipal boundary is gained along the entire northern and western boundaries.

**BACKGROUND**

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The property is located within the Growth Management Area. According to the policies and agreements between the City of Fort Collins and Larimer County contained in the *Intergovernmental Agreement for the City of Fort Collins Growth Management Area*, the City will agree to consider annexation of property in the GMA when the property is eligible for annexation according to State law.

The parcel gains the necessary one-sixth contiguity along the entire northern and western boundaries.

Of the total perimeter boundary, the parcel has 50% contiguity with the city limits. This substantially exceeds the required minimum of 16.66% (one-sixth). The parcel, therefore, complies with the requirements of the *Intergovernmental Agreement for the City of Fort Collins Growth Management Area* and is eligible for annexation.

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This is a 100% voluntary annexation for a property located within the Growth Management Area. The property satisfies the requirement that no less than one-sixth of the perimeter boundary be contiguous to the existing City boundary. The recommended zoning of U-E, Urban Estate, is in compliance with the City's Comprehensive Plan and Structure Plan Map. Staff recommends the parcel be placed within the Residential Neighborhood Sign District.

The Initiating Resolution was considered by City Council on August 21, 2007 and adopted. On September 20, 2007 the Planning and Zoning Board considered the item and made two specific recommendations to City Council:

1. The Board voted 7-0 to recommend approval of the annexation.
2. The Board then voted 7-0 to recommend the property be placed in the Urban Estate zone district and within the Residential Neighborhood Sign District.

**Consistency with Existing Policies**

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According to the policies and agreements between the City of Fort Collins and Larimer County, contained in the amended *Intergovernmental Agreement for the City of Fort Collins Growth Management Area* (IGA), the City will agree to consider for annexation property in the U.G.M.A. when such property is eligible for annexation according to State law. According to Section 8A of the I.G.A., as amended:

“It is the City’s intent to annex properties within the GMA as expeditiously as possible consistent with the terms of this Agreement. Except as provided in Section 8(B), the City agrees to consider the annexation of any parcel or parcels of land located within the GMA which are eligible for voluntary annexation pursuant to the provisions of Title 31, Article 12 Colorado Revised Statutes.”

The surrounding zoning and land uses are as follows:

- |    |       |  |
|----|-------|--|
| N: | U-E   | Existing Single Family Home (Pending Sunrise Ridge 2nd P.D.P.)                               |
| S: | FA-1  | (County) Existing large-lot, semi-rural single family detached residential                   |
| E: | FA-1  | (County) Existing church and Fossil Creek Reservoir Inlet Ditch                              |
| W: | L-M-N | Existing Single Family Attached (Willowbrook Subdivision – marketed as Observatory Village). |

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The parcel gains the necessary one-sixth contiguity along the entire northern and western boundaries. Of the total perimeter boundary, the parcel has 50% contiguity with the city limits. This substantially exceeds the required minimum of 16.66% (one-sixth). The parcel, therefore, complies with the requirements of the IGA and is eligible for annexation.

One of the stated intents of the IGA is to have urban development occur within the City in order that the provision of urban level services by the County would be minimized. This is a 100% voluntary annexation. The parcel is not an enclave. On August 21, 2007, City Council approved a Resolution which accepted the annexation petition and established that the petition is in compliance with State statutes.

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**Zoning**

The proposed zoning for the Old Oak Estates Annexation is U-E, Urban Estate. This district is intended to be a setting for a predominance of low-density and large-lot housing. In addition, the zone provides for the Residential Cluster Plan Development option. 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.

In addition, staff recommends the parcel be placed within the Residential Neighborhood Sign District which was created for the purpose of regulating signs for non-residential uses in certain geographic locations of the city. The applicants are in agreement with this designation.

**Fossil Creek Reservoir Area Plan**

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Old Oak Estates represents the third property in a sequence, from north to south, that has recently annexed along the west side of Strauss Cabin Road. All three parcels gain contiguity with Willowbrook Subdivision (marketed as Observatory Village). These parcels are:

Sunrise Ridge Annexation	10.34 acres	July 5, 2005
Sunrise Ridge Second Annexation	5.23 acres	March 7, 2006
Old Oak Estates	5.00 acres	Pending

All three annexations are located within the Fossil Creek Reservoir Area Plan. In a description the Land Use Framework Plan, the Plan states:

“Achieve higher densities where they are appropriate and feather to lower densities as development nears Fossil Creek Reservoir.”

“Estate Residential development will provide the transition from the more intensive development in the north to rural residential in the south.”

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The Fossil Creek Reservoir Area Plan was jointly adopted by the City and Larimer County in 1998. The requested zoning of U-E complies with both the City’s Structure Plan Map and the Fossil Creek Reservoir Area Plan.

**Compliance with State Law**

As mentioned, the annexation has 50% of its perimeter boundary contiguous with existing city limits which exceeds the required one-sixth as mandated by State law. Further, the parcel is found to have a community of interest with the city and the parcel is expected to urbanize shortly.

**Findings of Fact/Conclusion**

In evaluating the request for the Old Oak Estates Annexation and Zoning, staff makes the following findings of fact:

- The annexation of this parcel is consistent with the policies and agreements between Larimer County and the City of Fort Collins, as contained in the amended IGA.
- The parcel meets all criteria included in State law to qualify for annexation by the City of Fort Collins.
- The requested zone district, U-E, Urban Estate, is in conformance with the City's Comprehensive Plan (Fossil Creek Reservoir Area Plan) and the City Structure Plan Map.
- The Planning and Zoning Board recommends the parcel be placed within the Residential Neighborhood Sign District.
- On August 21, 2007, City Council approved the Resolution which accepted the annexation petition and determines that the petition is in compliance with State law.

**Planning and Zoning Board Recommendation**

On September 20, 2007, the Planning and Zoning Board voted 7-0 to recommend annexation into the municipal boundary and inclusion into the Residential Sign District. It voted 7-0 to recommend placement into the U-E, Urban Estate zone district.

**ATTACHMENTS**

1. Vicinity Map.
2. Zoning Map.

ORDINANCE NO. 108, 2007  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ANNEXING PROPERTY KNOWN AS THE  
OLD OAKS ESTATES ANNEXATION  
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2007-071 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 located in the Southeast Quarter of Section 4 and the Southwest Quarter of Section 3, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 4 as bearing South 03°37'29" East and with all bearings contained herein relative thereto:

Commencing at the East Quarter Corner of said Section 4; thence, along the East line of the Southeast Quarter of said Section, South 03°37'29" East, 985.16 feet to the POINT OF BEGINNING; thence, North 90°00'00" East, 35.07 feet to the East Right-of-way line of Strauss Cabin Road; thence, along said East Right-of-Way line, South 03°37'29" East, 328.56 feet; thence, North 90°00'00" West, 35.07 feet to a point on the East Line of the Southeast Quarter of said Section; thence, North 90°00'00" West, 662.50 feet; thence, North 03°33'16" West, 328.53 feet; thence, North 90°00'00" East, 662.10 feet to POINT OF BEGINNING.

The above described tract of land contains 228,666 square feet or 5.249 acres more or less.

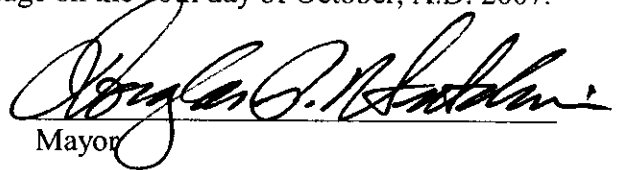
is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Old Oaks Estates Annexation, which annexation shall become effective in accordance with the provisions contained in Section 31-12-113, C.R.S., including, without limitation, all required filings for recording 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 2nd day of October, A.D. 2007, and to be presented for final passage on the 16th day of October, A.D. 2007.

  
Mayor

ATTEST:

  
\_\_\_\_\_  
Chief Deputy City Clerk

Passed and adopted on final reading on the 16th day of October, A.D. 2007.

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Mayor

ATTEST:

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City Clerk

ORDINANCE NO. 109, 2007  
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 OLD OAKS ESTATES 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 2.9 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 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 is hereby changed and amended by including the property known as the Old Oaks Estates 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:

A tract of land located in the Southeast Quarter of Section 4 and the Southwest Quarter of Section 3, Township 6 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 4 as bearing South 03°37'29" East and with all bearings contained herein relative thereto:

Commencing at the East Quarter Corner of said Section 4; thence, along the East line of the Southeast Quarter of said Section, South 03°37'29" East, 985.16 feet to the POINT OF BEGINNING; thence, North 90°00'00" East, 35.07 feet to the East Right-of-way line of Strauss Cabin Road; thence, along said East Right-of-Way line, South 03°37'29" East, 328.56 feet; thence, North 90°00'00" West, 35.07 feet to a point on the East Line of the Southeast Quarter of said Section; thence, North 90°00'00" West, 662.50 feet; thence, North 03°33'16" West, 328.53 feet; thence, North 90°00'00" East, 662.10 feet to POINT OF BEGINNING.

The above described tract of land contains 228,666 square feet or 5.249 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 is hereby changed and amended by showing that the above-described property is included in the Residential Neighborhood Sign District.

Section 3. 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 2nd day of October, A.D. 2007, and to be presented for final passage on the 16th day of October, A.D. 2007.

  
Mayor

ATTEST:

  
\_\_\_\_\_  
Chief Deputy City Clerk

Passed and adopted on final reading on the 16th day of October, A.D. 2007.

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Mayor

ATTEST:

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City Clerk