

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 8 A-B

DATE: June 3, 2008

STAFF: Shelby Sommer

SUBJECT

Items Relating to the Shields and Vine Enclave Annexation and Zoning.

RECOMMENDATION

Staff recommends adoption of these Ordinances on Second Reading.

EXECUTIVE SUMMARY

- A. Second Reading of Ordinance No. 052, 2008, Annexing Property Known as the Shields and Vine Enclave Annexation to the City of Fort Collins, Colorado .
- B. Second Reading of Ordinance No. 053, 2008, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Shields and Vine Enclave Annexation to the City.

These Ordinances, unanimously adopted on First Reading on May 20, 2008, annex an enclave of 4.84 acres at the northwest corner of North Shields Street and West Vine Drive and place the properties in the CL – Limited Commercial Zone District.

ATTACHMENTS

- 1. Copy of First Reading Agenda Item Summary - May 20, 2008.
(w/o original attachments)

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 16 A-B

DATE: May 20, 2008

STAFF: Shelby Sommer

COPY

SUBJECT

Items Relating to the Shields and Vine Enclave Annexation and Zoning.

RECOMMENDATION

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

The Planning and Zoning Board, at its regular monthly meeting of April 17, 2008, voted to recommend approval of the annexation, and include the property in the CL – Limited Commercial Zone District and the Residential Neighborhood Sign District, as part of the Board's Consent Agenda.

COPY

EXECUTIVE SUMMARY

- A. Hearing and First Reading of Ordinance No. 052, 2008, Annexing Property Known as the Shields and Vine Enclave Annexation to the City of Fort Collins, Colorado .
- B. Hearing and First Reading of Ordinance No. 053, 2008, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the Shields and Vine Enclave Annexation to the City.

This is a request to annex an enclave of 4.84 acres at the northwest corner of North Shields Street and West Vine Drive and place the properties CL – Limited Commercial Zone District. The annexation area has been surrounded by the City of Fort Collins for more than three years; therefore, no annexation petition is required for this annexation. This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, the Larimer County and City of Fort Collins Intergovernmental Agreement, the City of Fort Collins *Land Use Code* and the *Northwest Subarea Plan*. There are no issues or known controversies associated with this annexation.

Applicant: City of Fort Collins

Property Owners: Arthur and Martha Gallegos
 4421 Rosegate Ct.
 Fort Collins, CO 80526

Animal House Pets and Grooming Inc.

1104 W. Vine Dr.
Fort Collins, CO 80524
GBP Partnership
P.O. Box 1986
Fort Collins, CO 80522

Adams Family Trust
P.O. Box 3041
Ventura, CA 93006

COPY

BACKGROUND

The proposed enclave annexation consists two properties (1104 through 1108 West Vine and 723 North Shields), totaling 4.84 acres in size, located at the northwest corner of the intersection of Shields Street and Vine Drive. The property at 1104 through 1108 West Vine Drive contains commercial businesses (Animal House Pets and Grooming and Apex Plumbing), and storage/out buildings. The property at 723 North Shields Street contains two single-family residential houses with outbuildings. The Arthur Ditch runs along the north property line of 723 North Shields Street.

Although the proposed enclave annexation is an involuntary action, the property owners of 1104 through 1108 West Vine Drive and 723 North Shields Street have been contacted and have not expressed objection to the annexation.

COPY

Compliance with Existing Policies and State Law

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

These properties are an enclave (completely surrounded by the City of Fort Collins since 1995) and gain the required 1/6 contiguity to existing City limits from common boundaries with the Snyder Annexation (August 1995) to the east, the Granada Heights Annexation (June 1977) to the north and west, and the Hanna Second Annexation (September 1976) to the south.

This annexation complies with Colorado state statutes as the unincorporated area has been entirely contained within the boundaries of the City for more than three years and notice by publication has been given at least 30 days prior to the adoption of the ordinance.

COPY

The Initiating Resolution was adopted on April 15, 2008. On April 17, 2008, the Planning and Zoning Board considered the item and recommended annexation of the properties and placement in the CL – Limited Commercial Zone District and the Residential Neighborhood Sign District.

Proposed Zoning

The proposed zoning for this annexation is CL – Limited Commercial District, which is consistent

with the City Structure Plan and with recommendations from the adopted *Northwest Subarea Plan*, an element of the City's Comprehensive Plan. The surrounding properties are zoned:

- N and W: LMN - Low Density Mixed-Use Neighborhood
- E: CL - Limited Commercial
- S: NCL - Neighborhood Conservation Low Density.

COPY

Staff and the Planning and Zoning Board recommend that these properties also be placed in the Residential Neighborhood Sign District. A map amendment will be necessary in order to include these properties in the Residential Neighborhood Sign District. The properties to the west and south of the proposed annexation area are included in the Residential Neighborhood Sign District.

Findings

In evaluating the proposal for the Shields Vine Enclave Annexation and Zoning, staff makes the following findings of fact:

1. The annexation of this area is consistent with the policies and agreements between Larimer County and the City of Fort Collins contained in the Intergovernmental Agreement.
2. The area meets the eligibility requirements included in State law to qualify for an involuntary annexation to the City of Fort Collins.
3. The requested Zone District, CL - Limited Commercial, in conformance with the City's Comprehensive Plan, Northwest Subarea Plan, and City Structure Plan Map.
4. The Planning and Zoning Board recommends the parcel be placed within the Residential Neighborhood Sign District.
5. On April 15, 2008, the City Council adopted a resolution determining the annexation process for this property that includes a public hearing regarding the readings of the Ordinances annexing and zoning the area.

COPY

ATTACHMENTS

1. Proposed Zoning.
2. Growth Management Area.
3. Structure Plan.

COPY

ORDINANCE NO. 052, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING PROPERTY KNOWN AS THE
SHIELDS AND VINE ENCLAVE ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2008-036 stating the intent of the City to annex and initiating annexation proceedings for the Shields and Vine Enclave Annexation has heretofore been adopted by the Council of the City of Fort Collins; and

WHEREAS, the Council of the city of Fort Collins hereby finds that the area proposed to be annexed has been entirely contained within the boundaries of the City for a period of not less than three years prior to this date; and

WHEREAS, the Council of the City of Fort Collins hereby finds and determines 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 SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO;

CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3 AS BEARING NORTH 00° 23' 26" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 3, THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE ALONG THE SOUTH LINE OF THE SAID SOUTHEAST QUARTER, N 89° 20' 03" W 314.00 FEET TO THE EASTERLY LINE OF THE GRANADA HEIGHTS ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID EASTERLY LINE AND ALONG THE SOUTHERLY LINE OF THE SAID ANNEXATION THE FOLLOWING FIVE (5) COURSES AND DISTANCES, (1) N 00° 23' 26" E 286.86 FEET; (2) N 34° 20' 03" W 75.00 FEET; (3) N 00° 23' 26" E 318.61 FEET; (4) S 72° 45' 03" E 193.95 FEET; (5) N 86° 51' 57" E 172.00 FEET TO A POINT OF INTERSECTION WITH SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 3; THENCE ALONG THE SAID EAST LINE, S 00° 23' 26" W 623.12 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 4.84 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 Shields and Vine Enclave Annexation.

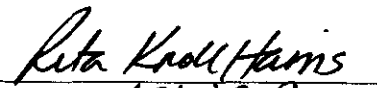
Section 2. That, in annexing said property to the City, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the property hereby annexed except as may be provided 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 ("the Subdistrict"). Upon inclusion into the Subdistrict, said property shall be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the Subdistrict.

Introduced, considered favorably on first reading, and ordered published this 20th day of May, A.D. 2008, and to be presented for final passage on the 3rd day of June, A.D. 2008.


Mayor

ATTEST:


City Clerk / Chief Deputy

Passed and adopted on final reading on the 3rd day of June, A.D. 2008.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 053, 2008
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 SHIELDS AND VINE ENCLAVE 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 Shields and Vine Enclave Annexation to the City of Fort Collins, Colorado, in the Limited Commercial ("CL") Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A TRACT OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO;

CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3 AS BEARING NORTH 00° 23' 26" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 3, THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE ALONG THE SOUTH LINE OF THE SAID SOUTHEAST QUARTER, N 89° 20' 03" W 314.00 FEET TO THE EASTERLY LINE OF THE GRANADA HEIGHTS ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID EASTERLY LINE AND ALONG THE SOUTHERLY LINE OF THE SAID ANNEXATION THE FOLLOWING FIVE (5) COURSES AND DISTANCES, (1) N 00° 23' 26" E 286.86 FEET; (2) N 34° 20' 03" W 75.00 FEET; (3) N 00° 23' 26" E 318.61 FEET; (4) S 72° 45' 03" E 193.95 FEET; (5) N 86° 51' 57" E 172.00 FEET TO A POINT OF INTERSECTION WITH SAID EAST

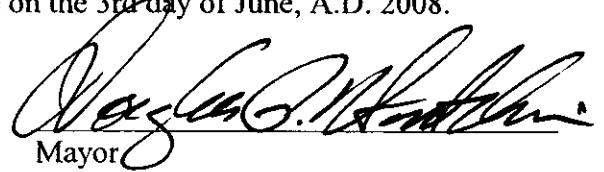
LINE OF THE SOUTHEAST QUARTER OF SECTION 3; THENCE ALONG THE SAID EAST LINE, S 00° 23' 26" W 623.12 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 4.84 ACRES MORE OR LESS.

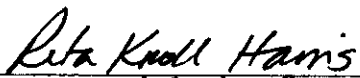
Section 2. That the Sign District Map adopted pursuant to Section 3.8.7(E) of the Land Use Code of the City of Fort Collins is hereby changed and amended by showing that the above-described property is included in the Residential Neighborhood Sign District.

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 20th day of May, A.D. 2008, and to be presented for final passage on the 3rd day of June, A.D. 2008.


Mayor

ATTEST:



City Clerk / Chief Deputy

Passed and adopted on final reading on the 3rd day of June, A.D. 2008.

Mayor

ATTEST:

City Clerk