

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 12

**DATE:** January 19, 1999

**STAFF:** Bob Blanchard

### **SUBJECT :**

Second Reading of Ordinance No. 5, 1999, Annexing Property Known as the Lemay Avenue 3rd Annexation to The City of Fort Collins, Colorado.

### **RECOMMENDATION:**

Staff and the Planning and Zoning Board recommend adoption of the Ordinance on Second Reading. -

### **EXECUTIVE SUMMARY:**

On January 5, 1999, Council unanimously adopted Resolution 99-1 Setting Forth Findings of Fact and Determinations Regarding the Lemay Avenue 3rd Annexation.

Also on January 5, 1999, Council also unanimously adopted Ordinance No. 5, 1999, which annexes an enclave approximately 2.00 acres in size, located on the east side of North Lemay Avenue, between East Lincoln Avenue and East Vine Drive. The property is currently vacant. The property being considered for annexation has, for a period of not less than three (3) years, been completely surrounded by property contained within the boundaries of the City of Fort Collins.

The Council Growth Management Committee met on Monday, January 11, 1999, and recommended the zoning on the property be I-Industrial. The First Reading of the Ordinance zoning the property is scheduled for the February 2, 1999 meeting.

**APPLICANT:** City of Fort Collins

**OWNER:** Norman L. Royval  
3739 North County Road 13  
Fort Collins, CO 80524

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 20 A-D

**DATE:** January 5, 1999

**STAFF:** Bob Blanchard

### SUBJECT:

Items Relating to the Lemay Avenue 3rd Annexation and Zoning.

### RECOMMENDATION:

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

### EXECUTIVE SUMMARY:

- A. Resolution 99-1 Setting Forth Findings of Fact and Determinations Regarding the Lemay Avenue 3rd Annexation.
- B. First Reading of Ordinance No. 5, 1999, Annexing Property Known as the Lemay Avenue 3rd Annexation to The City of Fort Collins, Colorado.
- C. Resolution 99-2 Amending the City Structure Plan Map.
- D. First Reading of Ordinance No. 6, 1999, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Lemay Avenue 3rd Annexation.

This is an involuntary annexation and zoning of an enclave approximately 2.00 acres in size, located on the east side of North Lemay Avenue, between East Lincoln Avenue and East Vine Drive. The property is currently vacant. The proposed zoning for this annexation is LMN - Low Density Mixed-Use Neighborhood. The property being considered for annexation has, for a period of not less than three (3) years, been completely surrounded by property contained within the boundaries of the City of Fort Collins.

APPLICANT: City of Fort Collins

OWNER: Norman L. Royval  
3739 North County Road 13  
Fort Collins, CO 80524

## BACKGROUND:

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. The property became completely surrounded by the City of Fort Collins through the following annexations:

- N: Northeast Consolidated Annexation - June 6, 1974  
E: Fort Collins Business Center Annexation - September 2, 1986  
S: East Lincoln 3<sup>rd</sup> Annexation - December 6, 1994  
W: Northeast Consolidated Annexation - June 6, 1974

Enclave areas become eligible for annexation when they have been completely surrounded by properties that have been within the city limits for at least three (3) years. The property became eligible for annexation as an enclave on December 6, 1997.

There are several issues related to enclave areas that warrant the City considering their annexation:

- First is the desirability to consolidate the provision of public safety services. While fire service is provided by the Poudre Fire Authority in both enclave areas and within the city limits, police services are limited to areas within the city.
- The second issue is the ability to avoid confusion among the property owners, surrounding property owners and the City or County entities. Again, this is related to the provision of public safety services as it is common for those individuals who are part of an enclave to not realize they are actually part of the County, not the City.
- The third issue pertains to the likelihood of development occurring under County regulations rather than those of the City. The Intergovernmental Agreement between the City of Fort Collins and Larimer County only applies to those land use decisions requiring an action by the Board of County Commissioners. Therefore, development may take place through the issuance of building permits for permitted uses.

The surrounding zoning and land uses are as follows:

- N: RL Single family residential (Andersonville)  
E: I Lemay Avenue Bypass ROW, vacant  
S: I Vacant  
W: I Vacant

The existing zoning is I, Industrial in Larimer County.

City Structure Plan

A strict interpretation of the City Structure Plan would indicate that this property is in the Industrial District. However, the location of the established right-of-way for the Lemay Avenue bypass was not recognized when the map was initially adopted. Recognizing that arterial streets frequently identify the boundaries of a neighborhood, the boundary of the Industrial/Low Density Mixed Use Residential districts should have followed the established right-of-way. Staff has made this interpretation and the Planning and Zoning Board agreed at its October 15, 1998 meeting. However, to minimize any future interpretation issues, a Structure Plan amendment is recommended to change the designation to Low Density Mixed Use Residential, the same as the residential neighborhood to the north.

The recommended amendment is supported by City Plan. The introduction to the Industrial District policies states:

"...Industrial Districts will be located away from, or adequately buffered from, residential neighborhoods." (*City Plan Principles and Policies*, Page 203)

Recommended Zoning

As noted above, the existing zoning in the County is I Industrial. Both the Planning and Zoning Board and staff recommend a zoning of LMN, Low Density Mixed Use Neighborhood. This would be consistent with City Plan provided the City Structure Plan is amended as recommended. It is also compatible with the RL, Low Density Residential zoning directly to the north.

**PLANNING AND ZONING BOARD RECOMMENDATION**

As explained above, on October 15, 1998, the Planning and Zoning Board recommended approval of the annexation with LMN, Low Density Mixed Use Neighborhood zoning. The Board was not asked to act on a Structure Plan amendment. However, the Board did agree with the staff interpretation that the district boundaries should be considered the Lemay Avenue bypass right-of-way.

**STAFF RECOMMENDATION**

Staff recommends approval of the Structure Plan amendment and the proposed zoning.