

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 5

DATE: October 27, 2009

STAFF: Ted Shepard

### SUBJECT

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Items Relating to the Riverwalk Annexation and Zoning.

### RECOMMENDATION

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Staff recommends adoption of this Ordinance on Second Reading.

### EXECUTIVE SUMMARY

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- A. Second Reading of Ordinance No. 099, 2009, Annexing Property Known as the Riverwalk Annexation to the City.
- B. Second Reading of Ordinance No. 100, 2009, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Riverwalk Annexation to the City.

These Ordinances, unanimously adopted on First Reading on October 6, 2009 annex and zone 265.65 acres generally located at the southwest quadrant of Interstate 25 and East Harmony Road. The site is bounded by I-25 on the east, Harmony Road on the north, the Fossil Creek Reservoir Inlet Ditch on the west and Kechter Road on the south. The requested zoning is T, Transition.

The applicant has asked that the zoning for the south half of the property be amended on Second Reading from Public Open Lands District (POL) to Transition District (T). This is consistent with the petition for annexation, which requests that the entire property be placed in the T zone. Staff and the P&Z Board initially recommended that the south half of the property be placed in the Public Open Lands (POL) zone since the anticipated use of that portion of the property is for a water storage facility. However, staff does not object to the request to place the entire parcel in the T-Transition Zone District as the land use regulations that would control the property are not impacted. The property, if zoned T-Transition, would require a subsequent zone change before any development could occur except that the proposed zoning condition recommended by the P&Z would allow dirt removal in accordance with a Type II permit. Staff believes that rezoning the entire parcel T does not impact the City's ability to ensure the property conforms with the City's adopted Plans, Policies and Regulations.

### ATTACHMENTS

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1. Copy of First Reading Agenda Item Summary - October 6, 2009.  
(w/o original attachments)

## AGENDA ITEM SUMMARY

### FORT COLLINS CITY COUNCIL

ITEM NUMBER: 21

DATE: October 6, 2009

STAFF: Ted Shepard

#### SUBJECT

Items Relating to the Riverwalk Annexation and Zoning.

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#### RECOMMENDATION

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

#### EXECUTIVE SUMMARY

- A. Resolution 2009-096 Setting Forth Findings of Fact and Determinations Regarding the Riverwalk Annexation.
- B. Hearing and First Reading of Ordinance No. 099, 2009, Annexing Property Known as the Riverwalk Annexation to the City.
- C. Hearing and First Reading of Ordinance No. 100, 2009, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Riverwalk Annexation to the City.

This is a request to annex and zone 265.65 acres generally located at the southwest quadrant of Interstate 25 and East Harmony Road. The site is bounded by I-25 on the east, Harmony Road on the north, the Fossil Creek Reservoir Inlet Ditch on the west and Kechter Road on the south.

Contiguity with the existing municipal boundary is gained along a portion of the northern boundary which is shared with the Arapaho Bend Second Annexation and a portion of the west boundary which is shared with the Stute Annexation Number Three, the Brookfield Annexation and the Sunrise Ridge Annexation. The property is mostly a former gravel extraction operation and zoned FA-1, Farming District in Larimer County.

The requested zoning is T, Transition for the northerly 139.65 acres and P-O-L, Public Open Lands for the southerly 126 acres.

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 Agreements, and the City of Fort Collins Land Use Code. There are no issues or known controversies with this annexation.

APPLICANTS: Mr. Jay Stoner, et.al.  
605 South College Avenue  
Fort Collins, CO 80521

OWNERS: Mr. Jay Stoner – On Behalf of 14 Owners by Power of Attorney  
605 South College Avenue  
Fort Collins, CO 80521

**BACKGROUND**

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The applicants and property owners have submitted a written petition requesting annexation of 265.65 acres located generally at the southwest quadrant of Interstate 25 and East Harmony Road. The property is a former gravel extraction operation and undeveloped.

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 amended *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. According to the IGA, as amended:

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“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.”

Contiguity with the existing municipal boundary is gained along a portion of the northern boundary which is shared with the Arapaho Bend Second Annexation and a portion of the west boundary which is shared with the Stute Annexation Number Three, the Brookfield Annexation and the Sunrise Ridge First and Second Annexations.

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The parcel, therefore, complies with the requirements of the *Intergovernmental Agreement – Growth Management Area* 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 18, 2009, City Council adopted Resolution 2009-080, which accepted the annexation petition and established that the petition is in compliance with state statutes.

The surrounding zoning and land uses are as follows:

- N: City – Public Open Lands
  - N: County – Commercial
  - S: County – Farming
  - S: County – Commercial
  - E: County – Farming
- Arapaho Bend Natural Area  
Transit Center and Commercial  
Vacant  
Recreation and Event Center  
Active gravel extraction

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W: City – Harmony Corridor	Morningside Townhomes
W: City – Urban Estate	Sunrise Ridge and Old Oak Estates
W: County – Farming	Existing large-lot residential

**Residential Neighborhood Sign District**

Staff is recommending placement into the Residential Neighborhood Sign District. This is particularly appropriate for the southerly 126 acres. For the northerly 139.65 acres, however, this designation is appropriate for the T, Transition zone. Future re-zoning into an ultimate zone district will be the result of additional planning activity and any reconsideration out of the Residential Neighborhood Sign District may be made at that time.

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**Zoning - Requested Zoning – Transition**

The northerly 139.65 are proposed to be zoned T, Transition. The Land Use Code describes this zone district as follows:

*Purpose.* The Transition District is intended for properties for which there are no specific and immediate plans for development. The only permitted uses are those existing at the date the property was placed into this District.

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The owners have indicated that there are no specific and immediate plans for development. While in the Transition zone, the owners and the City of Fort Collins can evaluate various future development scenarios. The owners may at any time petition to remove the property from the Transition zone and place it in another zone district.

The Transition zone district accomplishes the purpose of annexing the property while placing the ultimate zoning decision in abeyance.

**Condition of Zoning to Allow Earth Work in the T Zone**

Section 2.9.4(I) of the Land Use Code allows the City to add conditions to a zoning request. The site is currently in the County and the owners are operating under a State permit to reclaim the former gravel pit on the northerly portion. This basically involves recontouring the site and restoring the ground cover in accordance with the standards of the State Mined Land Reclamation Board. If a permanent water body is created, then it must be certified by the State Engineer and properly augmented with sufficient water rights to compensate for evaporation loss.

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In addition to reclamation work, the Riverwalk developer would like to conduct overlot grading in order to create developable ground that is out of the 100-year floodway and floodplain. There would be significant cost efficiency if the overlot grading could be done in conjunction with the gravel pit reclamation work.

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Staff supports the continuation of the reclamation work. Further, staff would support a Project Development Plan application that describes the extent of the earth work necessary to create the developable parcels. Since the Transition zone does not allow new earth work, such work under the

Transitional zone would need to be added as an allowable use as a condition of zoning.

Staff, therefore, recommends the following condition of zoning:

Notwithstanding the restrictions contained in Section 4.12 of the Land Use Code, earth-moving activities that are necessary to complete the terms and conditions of the State of Colorado Mined Land Reclamation Board for reclamation of the former gravel pit on the property, as well as the addition, stockpiling and grading of fill dirt in order to establish the necessary grades for future development of the property, shall also be permitted. Any earth work activity that exceeds the requirements for gravel pit reclamation is subject to submittal, review, and approval of a Project Development Plan subject to review by the Planning and Zoning Board in accordance with the Land Use Code.

### **Zoning – Requested Zoning – Public Open Land**

The southerly 126 acres are proposed to be zoned P-O-L, Public Open Land. The Land Use Code describes this zone district as follows:

**Purpose.** The Public Open Lands District is for large publicly owned parks and open lands which have a community-wide emphasis or other characteristics which warrant inclusion under this separate designation rather than inclusion in an adjoining neighborhood or other District designation.

The City of Fort Collins has entered into purchase contract to acquire the southerly 126 acres for a variety of purposes.

#### **a. Flood Control**

Significant portions of the southerly 126 acres are located within both the 100-year floodway and floodplain, as designated by the Flood Insurance Rate Maps of the Federal Emergency Management Agency. Approximately 80 acres are a former gravel pit and are undergoing reclamation under a permit from the State of Colorado Mined Land Reclamation Board. With sufficient freeboard, reclaimed gravel pits can serve as effective flood conveyance channels without having to build costly flood control structures.

#### **b. Water Storage**

Development of reclaimed gravel pits as water storage reservoirs can provide the following benefits:

- They can serve as sources of raw water for water treatment.
- They can be used as compensating reservoirs to accommodate water trades among various entities.
- They can supplement effluent discharges from wastewater treatment facilities.
- They can add to minimum stream flows in the Poudre River.

The location downstream of the Drake Water Reclamation Facility is strategic and will allow the City to meet certain water management objectives and obligations related to the storage and release of the City's reusable effluent as prescribed by City water rights decrees. The City of Fort Collins Water Utility Capital Fund has already appropriated funding for acquisition and development of gravel pit water storage on a regional basis. The Water Utility expects to gain approximately between 1,500 and 2,000 acre feet of water storage upon execution of the terms of the purchase contract.

**c. Natural Area**

Reclaimed gravel mines, and their surrounding dry land, are prime candidates for future natural areas. Examples of restored gravel pits converted to natural areas include Riverbend Ponds, Arapaho Bend and McMurry Ponds. Approximately 48 acres of the proposed acquisition will be added to the City's natural areas inventory to be restored to enhance habitat and recreational opportunities. Eagle View Natural Area is to the south and Arapaho Bend Natural Area is to the north. In the future, all three areas are planned to be linked by a trail. Finally, an additional 48 acres of open space along I-25 will mitigate the urbanization expected at the major interchanges.

**Structure Plan and Harmony Corridor Plan**

The Structure Plan Map indicates three designations:

- "Employment" in the northwest quarter
- "Poudre River" in the northeast quarter
- "Rural Lands" in the southern one-half.

The parcel is also contained within the boundary of the Harmony Corridor Plan and designated as "Basic Industrial and Non-Retail Employment Activity Center."

The proposed zoning on the northerly 139.65 acres, T, Transition, acknowledges that further planning efforts are warranted in order to place this area into an ultimate zone district. Until such time, a Structure Plan amendment is not needed.

The proposed zoning on the southerly 126 acres, P-O-L, Public Open Lands, is consistent with the "Rural Lands" Structure Plan designation. For example, the purpose of the Rural Lands zone district is as follows:

"The Rural Lands District is intended for privately owned lands that are planned as rural edge to the community. Rural lands include but are not limited to community separators, clustered residential development, large lot residential, agriculture, natural area buffers and corridors and other open land of similar character and purpose."

The two proposed zone districts, at this time, are consistent with the Structure Plan Map.

**Compliance with State Law**

The annexation has 31.33% 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 Riverwalk Annexation and Zoning, staff makes the following findings of fact:

1. 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 *Intergovernmental Agreement – Growth Management Area*.
2. The parcel meets all criteria included in state law to qualify for annexation by the City of Fort Collins.
3. The two requested zone districts, T, Transition, and P-O-L, Public Open Lands, are in conformance with the City’s Comprehensive Plan (Harmony Corridor Plan) and the City Structure Plan Map.
4. The Planning and Zoning Board recommends the parcel be placed within the Residential Neighborhood Sign District.
5. On August 18, 2009, City Council adopted Resolution 2009-080, which accepted the annexation petition and determined that the petition is in compliance with State law.

**Planning and Zoning Board Recommendation**

On September 17, 2009, the Planning and Zoning Board took the following action:

1. The Board voted 7 - 0 to recommend annexation into the municipal boundary and inclusion into the Residential Sign District.
2. The Board voted 7 – 0 to recommend placement of the northerly 139.65 acres into the T, Transition zone district, subject to the following zoning condition:

Notwithstanding the restrictions contained in Section 4.12 of the Land Use Code, earth-moving activities that are necessary to complete the terms and conditions of the State of Colorado Mined Land Reclamation Board for reclamation of the former gravel pit on the property, as well as the addition, stockpiling and grading of fill dirt in order to establish the necessary grades for future development of the property, shall also be permitted. Any earth work activity that exceeds the requirements for gravel pit reclamation is subject to submittal, review and approval of a Project Development Plan subject to review by the Planning and Zoning Board in accordance with the Land Use Code.

3. The Board voted 7 – 0 to recommend placement of the southerly 126 acres into the P-O-L, Public Open Lands zone district.

**ATTACHMENTS**

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1. Vicinity Map
2. Structure Plan Map
3. City of Fort Collins Zoning Map
4. Two Proposed Zone Districts
5. Planning and Zoning Board minutes, September 17, 2009
6. Powerpoint presentation

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ORDINANCE NO. 099, 2009  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ANNEXING PROPERTY KNOWN AS THE  
RIVERWALK ANNEXATION  
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2009-080, finding substantial compliance and initiating annexation proceedings, has heretofore been adopted by the City Council; and

WHEREAS, the City Council 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 LOCATED IN THE WEST HALF OF SECTION 3, THE SOUTHEAST QUARTER OF SECTION 4, AND THE NORTHWEST QUARTER OF SECTION 10, ALL BEING IN 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 NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3 AS BEARING S 89°29'55" E AND WITH ALL BEARINGS HEREIN RELATIVE THERETO:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3;  
THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER S 01°44'18" E, 51.01 FEET TO THE POINT OF BEGINNING;  
THENCE S 89°47'25" E, 30.01 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STRAUSS CABIN ROAD, ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE FOR EAST HARMONY ROAD,  
THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, THE FOLLOWING NINE (9) COURSES:

1. S 89°47'25" E, 670.82 FEET;
2. S 89°18'55" E, 245.96 FEET;
3. S 84°57'34" E, 86.41 FEET;
4. ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 208.64 FEET, SAID CURVE HAVING A RADIUS OF 92.87 FEET, A CENTRAL ANGLE OF 128°43'21", AND A CHORD BEARING S 67°08'05" E, 167.45 FEET;
5. N 48°30'14" E, 98.38 FEET;
6. ALONG THE ARC OF CURVE TO THE RIGHT A DISTANCE OF 13.92 FEET, SAID CURVE HAVING A RADIUS OF 32.81 FEET, A CENTRAL ANGLE OF 24°18'57", AND A CHORD BEARING N60°39'40"E, 13.82 FEET;
7. N 72°49'06" E, 56.60 FEET;

8. S 83°57'55" E, 29.18 FEET;  
9. S 83°44'43" E, 158.80 FEET;  
THENCE ALONG THE WESTERLY, SOUTHERLY, AND EASTERLY BOUNDARIES OF THE PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 20060008730, THE FOLLOWING FIVE (5) COURSES:

1. S 00°30'05" W, 227.41 FEET;
2. S 89°29'55" E, 25.40 FEET;
3. S 00°30'05" W, 5.00 FEET;
4. S 89°29'55" E, 200.00 FEET;
5. N 00°30'05" E, 173.90 FEET;

THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 25, THE FOLLOWING FIVE (5) COURSES:

1. S 89°36'28" E, 265.38 FEET;
2. S 56°56'01" E, 82.86 FEET;
3. S 24°15'59" E, 793.35 FEET;
4. S 02°02'35" E, 4185.48 FEET;
5. 135.77 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 11295.00 FEET, A CENTRAL ANGLE OF 00°41'19", AND A CHORD WHICH BEARS S 01°43'13" E, 135.77 FEET;

THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF THE COLORADO DEPARTMENT OF TRANSPORTATION PARCEL DESCRIBED IN THE INSTRUMENT RECORDED JANUARY 16, 1964, IN BOOK 1234, PAGE 254, THE FOLLOWING TWO (2) COURSES:

1. S 84°55'54" W, 574.58 FEET;
2. S 00°55'24" W, 30.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3;

THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF THE COLORADO DEPARTMENT OF TRANSPORTATION PARCEL DESCRIBED IN THE INSTRUMENT RECORDED FEBRUARY 3, 1964 IN BOOK 1236, PAGE 143, THE FOLLOWING TWO (2) COURSES:

1. ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, N 89°04'36" W, 100.00 FEET;
2. S 00°55'24" W, 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD 36;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE N 89°04'36" W, 1181.36 FEET;

THENCE N 00°55'24" E, 70.00 FEET TO A POINT ON THE NORTH LINE OF THAT RIGHT OF WAY PARCEL DESCRIBED AT RECEPTION NUMBER 88059400;

THENCE N 09°16'32" W, 283.78 FEET;

THENCE N 01°46'32" W, 289.41 FEET;

THENCE N 32°46'32" W, 144.50 FEET;

THENCE N 23°39'02" W, 631.96 FEET;

THENCE N 01°50'02" E, 208.47 FEET;

THENCE N 17°13'48" W, 642.38 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STRAUSS CABIN ROAD AS DESCRIBED IN THE DEED OF DEDICATION RECORDED AT RECEPTION NO. 20040047101;

THENCE S 88°10'46" W, 65.00 FEET TO A POINT ON THE EXISTING BOUNDARY OF THE CITY OF FORT COLLINS AS DEFINED IN THE EMERGENCY ORDINANCE NO. 130, 2008 OF THE COUNCIL OF THE CITY OF FORT COLLINS, N 01°49'14" W,

493.55 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, T6N, R68W;  
THENCE ALONG SAID NORTH LINE S 88°36'42" E, 30.04 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 3;  
THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, N 01°44'18" W, 2598.32 FEET TO THE POINT OF BEGINNING.

is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Riverwalk 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 6th day of October, A.D. 2009, and to be presented for final passage on the 27th day of October, A.D. 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 27th day of October, A.D. 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 100, 2009  
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 RIVERWALK 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 City 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 is hereby changed and amended by including the property known as the Riverwalk Annexation to the City of Fort Collins, Colorado, in the Transition ("T") 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 WEST HALF OF SECTION 3, THE SOUTHEAST QUARTER OF SECTION 4, AND THE NORTHWEST QUARTER OF SECTION 10, ALL BEING IN 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 NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3 AS BEARING S 89°29'55" E AND WITH ALL BEARINGS HEREIN RELATIVE THERETO:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3;  
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THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, THE FOLLOWING NINE (9) COURSES:  
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2. S 89°18'55" E, 245.96 FEET;  
3. S 84°57'34" E, 86.41 FEET;  
4. ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 208.64 FEET, SAID CURVE HAVING A RADIUS OF 92.87 FEET, A CENTRAL ANGLE OF 128°43'21", AND A CHORD BEARING S 67°08'05" E, 167.45 FEET;  
5. N 48°30'14" E, 98.38 FEET;  
6. ALONG THE ARC OF CURVE TO THE RIGHT A DISTANCE OF 13.92 FEET, SAID CURVE HAVING A RADIUS OF 32.81 FEET, A CENTRAL ANGLE OF 24°18'57", AND A CHORD BEARING N60°39'40"E, 13.82 FEET;  
7. N 72°49'06" E, 56.60 FEET;  
8. S 83°57'55" E, 29.18 FEET;  
9. S 83°44'43" E, 158.80 FEET;  
THENCE ALONG THE WESTERLY, SOUTHERLY, AND EASTERLY BOUNDARIES OF THE PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 20060008730, THE FOLLOWING FIVE (5) COURSES:  
1. S 00°30'05" W, 227.41 FEET;  
2. S 89°29'55" E, 25.40 FEET;  
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3. S 24°15'59" E, 793.35 FEET;  
4. S 02°02'35" E, 4185.48 FEET;  
5. 135.77 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 11295.00 FEET, A CENTRAL ANGLE OF 00°41'19", AND A CHORD WHICH BEARS S 01°43'13" E, 135.77 FEET;  
THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF THE COLORADO DEPARTMENT OF TRANSPORTATION PARCEL DESCRIBED IN THE INSTRUMENT RECORDED JANUARY 16, 1964, IN BOOK 1234, PAGE 254, THE FOLLOWING TWO (2) COURSES:  
1. S 84°55'54" W, 574.58 FEET;  
2. S 00°55'24" W, 30.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3;  
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2. S 00°55'24" W, 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF LARIMER COUNTY ROAD 36;  
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THENCE N 23°39'02" W, 631.96 FEET;  
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THENCE N 17°13'48" W, 642.38 FEET TO A POINT ON THE EASTERLY RIGHT OF  
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DEDICATION RECORDED AT RECEPTION NO. 20040047101;  
THENCE S 88°10'46"W, 65.00 FEET TO A POINT ON THE EXISTING BOUNDARY  
OF THE CITY OF FORT COLLINS AS DEFINED IN THE EMERGENCY ORDINANCE  
NO. 130, 2008 OF THE COUNCIL OF THE CITY OF FORT COLLINS, N 01°49'14" W,  
493.55 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER  
OF SECTION 4, T6N, R68W;  
THENCE ALONG SAID NORTH LINE S 88°36'42" E, 30.04 FEET TO THE WEST  
QUARTER CORNER OF SAID SECTION 3;  
THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID  
SECTION 3, N 01°44'18" W, 2598.32 FEET TO THE POINT OF BEGINNING.

Section 2. That the foregoing parcel of land to be placed in the Transition ("T") zone district shall be subject to the following condition:

Notwithstanding the restrictions contained in Section 4.12 of the Land Use Code, earth-moving activities that are necessary to complete the terms and conditions of the State of Colorado Mined Land Reclamation Board for reclamation of the former gravel pit on the property, as well as the addition, stockpiling and grading of fill dirt in order to establish the necessary grades for future development of the property, shall also be permitted. Any earth work activity that exceeds the requirements for gravel pit reclamation is subject to submittal, review and approval of a Project Development Plan subject to review by the Planning and Zoning Board in accordance with the Land Use Code.

Section 3. 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 4. 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 6th day of October, A.D. 2009, and to be presented for final passage on the 27th day of October, A.D. 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on the 27th day of October, A.D. 2009.

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Mayor

ATTEST:

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City Clerk