

**DATE:** June 5, 2012  
**STAFF:** Courtney Levingston

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**8**

**SUBJECT**

Second Reading of Ordinance No. 042, 2012, Amending the Zoning Map of the City and Classifying for Zoning Purposes the Property Included in the Wild Plum Farm Annexation Numbers 1 and 2 to the City of Fort Collins, Colorado.

**EXECUTIVE SUMMARY**

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This Ordinance, unanimously adopted on First Reading on May 15, 2012, zones 3.96 acres located on the east side of North Taft Hill Road, approximately 1,750 feet north of West Vine Drive. The requested zoning for these annexations is Urban Estate. Horse boarding facilities are an allowed use in the Urban Estate zone district.

Additionally, as a condition on the requested Urban Estate zoning, staff is recommending the restrictions placed on the property at the County's Special Review hearing are carried over as restrictions on the horse boarding facility use within the city.

**STAFF RECOMMENDATION**

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Staff recommends adoption of the Ordinance on Second Reading.

**ATTACHMENTS**

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1. Copy of First Reading Agenda Item Summary - May 15, 2012  
(w/o attachments)

**DATE:** May 15, 2012  
**STAFF:** Courtney Levingston

**AGENDA ITEM SUMMARY**  
 FORT COLLINS CITY COUNCIL

**12**

**SUBJECT**

Hearing and First Reading of Ordinance No. 042, 2012, Amending the Zoning Map of the City and Classifying for Zoning Purposes the Property Included in the Wild Plum Farm Annexation Numbers 1 and 2 to the City of Fort Collins, Colorado.

**EXECUTIVE SUMMARY**

This is a request to zone 3.96 acres located on the east side of North Taft Hill Road, approximately 1,750 feet north of West Vine Drive. The property is developed with an existing single family residence and horse boarding stable and is in the FA – Farming Zone District in Larimer County. The surrounding properties are currently zoned FA – Farming in the Larimer County to the north, west and south; and, Urban Estate in the city (Lincoln Middle School) to the east. The requested zoning for these annexations is Urban Estate. Horse boarding facilities are an allowed use in the Urban Estate zone district.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary as this property is already in the District. The “Residential Neighborhood Sign District” was established for the purpose of regulating signs for nonresidential uses in certain geographical areas of the city which may be particularly affected by such signs because of their predominantly residential use and character.

Additionally, as a condition on the requested Urban Estate zoning, staff is recommending the restrictions placed on the property at the County’s Special Review hearing are carried over as restrictions on the horse boarding facility use within the city.

**BACKGROUND / DISCUSSION**

The applicant/ property owner, Mr. Shane L. Beckers, submitted a written petition requesting annexation of 0.64 acres located on the east side of North Taft Hill Road, approximately 1,750 feet north of West Vine Drive. The property contains an existing single family residence and a commercial horse boarding facility and is in the FA - Farming District in Larimer County. The requested zoning for is Urban Estate. Commercial horse boarding facilities are an allowed use in the Urban Estate zone district.

The property is 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 Urban Growth Area, the City will agree to consider annexation of property in the GMA when the property is eligible for annexation according to State law. This property gains the required 1/6 contiguity to existing city limits from a common boundary with the Lincoln Junior High School Second Annexation (October, 1998) to the east.

The surrounding zoning and land uses are as follows:

N:	FA in Larimer County;	existing residential
E:	UE in the City of Fort Collins;	existing Lincoln Middle School
S:	FA in Larimer County;	existing residential
W:	FA in Larimer County;	existing residential

In February 2011, the Larimer County Board of County Commissioners held a Special Review meeting regarding the horse boarding facility located on the subject property. The County Board of Commissioners approved the boarding stable with conditions such as a 25 horse maximum, stable operational conditions and a requirement for the applicant/property owner to petition for annexation into the city (minutes from the Board of County Commissioner meeting are attached).

Findings:

1. The requested placement into the Urban Estate Zone District is in conformance with the policies of the City's Comprehensive Plan.
2. The zoning request is in conformance with the City of Fort Collins Land Use Code.

**FINANCIAL / ECONOMIC IMPACTS**

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No direct financial impacts result from the proposed zoning. The property is developed at the present time, containing a single-family residence and a commercial horse boarding facility.

**ENVIRONMENTAL IMPACTS**

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No direct economic impacts will result with this proposed zoning. The health, safety and well-being of our community and its citizens will not be adversely impacted by the proposed zoning of the property.

**STAFF RECOMMENDATION**

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Staff recommends approval of the requested Urban Estate Zoning. Additionally, staff is recommending that as a condition of zoning, the restrictions placed on the property at the County's Special Review hearing are carried over as restrictions on the horse boarding facility use within the city.

**BOARD / COMMISSION RECOMMENDATION**

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The Planning and Zoning Board conducted a public hearing regarding the annexation and zoning request on April 19, 2012 and voted 6-0 to recommend approval of the annexation. The Board voted 6-0 to recommend that the property be placed in the Urban Estate Zone District. The motion made note of the conditions that were put in place at the time the County Commissioners approved the Special Review. The minutes from the April 19, 2012 Planning and Zoning Board Hearing are attached.

**PUBLIC OUTREACH**

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The public notification of the annexation and zoning request occurred two weeks prior to the item going before the Planning and Zoning Board at their scheduled public hearing on April 19, 2012. A letter of notification of the public hearing was mailed to all Affected Property Owners within 800 feet of the property 14 days prior to the hearing. The Land Use Code does not require a neighborhood meeting for initial zonings tied to an annexation and a meeting was not held for this zoning request.

**ATTACHMENTS**

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1. Vicinity Map
2. City Structure Plan
3. City Zoning Map
4. Planning and Zoning Board Minutes, April 19, 2012
5. Board of County Commissioners Minutes, February 17, 2011

ORDINANCE NO. 042, 2012  
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 WILD PLUM FARM ANNEXATION NUMBERS 1 AND 2 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 Wild Plum Farm Annexation No. 1 to the City of Fort Collins, Colorado, together with the property known as the Wild Plum Farm Annexation No. 2 to the City of Fort Collins, Colorado, (together hereinafter referred to as the "Property") in the Urban Estate ("U-E") Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A tract of land being a portion of the tract of land described in the Warranty Deed recorded November 27, 1996 at Reception No. 96085333; being located in the S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4 of Section 3, Township 7 North, Range 69 West of the 6th P.M., which considering the West line of the SW 1/4 of said Section 3 as bearing due North with all bearings herein relative thereto is described as follows:

Commencing at the Northwest corner of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence along the West line of said SW 1/4 South, 90.60 feet; thence East, 146.75 feet; thence North 44 degrees 01 minutes East, 15.65 feet; thence East, 58.00 feet; thence North, 81.19 feet more or less to the North line of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence North 89 degrees 30 minutes 32 seconds East, 768.80 feet to the Point of Beginning; thence North 89 degrees 30 minutes 32 seconds East, 329.00 feet to the NE corner of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence South 00 degrees 00 minutes 39 seconds West, 164.70 feet to the Southeast corner of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence South 89 degrees 30 minutes 12 seconds West, 10.00 feet; thence North 00 degrees 00 minutes 39 seconds East, 82.35 feet; thence South 89 degrees 30 minutes 32 seconds West, 319.00 feet; thence North 00 degrees 00 minutes 39 seconds East, 82.35 feet to the Point of Beginning.

And,

Commencing at the Northwest corner of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence along the West line of said SW 1/4 South, 90.60 feet; thence East, 40.00 feet to the East Right-of-Way line of North Taft Hill Road and the Point of Beginning; thence East, 106.75 feet; thence North 44 degrees 01 minutes East, 15.65 feet; thence East, 58.00 feet; thence North 81.19 feet more or less to the North line of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence North 89 degrees 30 minutes 32 seconds East, 768.80 feet; thence South 00 degrees 00 minutes 39 seconds West, 82.35 feet; thence North 89 degrees 30 minutes 32 seconds East, 319.00 feet; thence South 00 degrees 00 minutes 39 seconds West, 82.35 feet; thence South 89 degrees 30 minutes 12 seconds West, 1263.40 feet to the East Right-of-Way line of North Taft Hill Road; thence North, 73.88 feet to the Point of Beginning.

This Property contains 4.463 acres.

Section 2. That the foregoing Property to be placed in the U-E zone district shall be subject to the following conditions:

1. The maximum number of horses at any time on the Property shall not exceed twenty-five, boarded, owned, or confined on the site. In the event other livestock is kept on the Property, such livestock shall be allowed only in exchange for a one-to-one reduction in the number of horses on the Property.
2. The pens adjacent to the south side of the barn must be cleaned daily to keep the flies and offensive odor to a minimum. The other pens must be cleaned no less than weekly.
3. Construction of concrete bunkers, per design and plans approved by Larimer County on February 7, 2011, for temporary manure storage is required to be completed within six months of said approval.
4. Manure must be hauled from the Property and disposed of regularly. The combination of the concrete bunkers and frequent manure removal must be performed in a manner that will eliminate the possibility of water mixing with the manure piles and leaving the Property.
5. All of the roads and parking areas must continue to be covered with ground asphalt, which must be maintained by the operator.
6. The arena must be watered as needed, if visible dust occurs.
7. In the area east of the irrigation ditch, required pasture grass and trees were planted on the three surrounding sides (north, south and east).

The trees were saplings spaced twelve feet apart and the grass was planted from the fence line outward forty feet. This leaves an area in the center that may contain smaller pens for horses. The grassed area, once established, may be utilized only for turn out and not for grazing. A minimum grass cover must be maintained at all times in the area. Trees, once established, must be protected to avoid grazing and damage from horses. All grass and trees are required to be planted by July 2011.

8. Parking for client vehicles and horse trailers must be as designated on the site map approved by Larimer County on February 7, 2011.
9. The three light poles on the north and the three light poles on the south side of the arena as depicted on the site plan approved by Larimer County on February 7, 2011, were required to have been removed by June 1, 2011.
10. There shall be no lights on the outdoor arena yard and security lighting shall not produce glare off of the Property.
11. All areas of confinement shall be as depicted on the site plan approved by Larimer County on February 7, 2011. The site plan does not specify pen configurations or individual pen populations.
12. The front manure collection point must be a concrete collection bin, additionally, construction of both the front and back manure collection points must be of concrete to prevent manure from spreading or mixing with water in the irrigation ditch. The concrete bunkers must also be covered with a mesh/screen to control flies.
13. No clinics or shows are permitted on the Property.
14. Hours of operation and public access shall be limited to 7:00 a.m. to 9:00 p.m., except for emergencies.

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 15th day of May, A.D. 2012, and to be presented for final passage on the 5th day of June, A.D. 2012.

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Mayor

ATTEST:

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Interim City Clerk

Passed and adopted on final reading on the 5th day of June, A.D. 2012.

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Mayor

ATTEST:

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Interim City Clerk