

SUBJECT

Items Relating to the Kechter No. 3 Annexation and Zoning.

- A. Second Reading of Ordinance No. 086, 2012, Annexing Property Known as the Kechter Annexation No. 3.
- B. Second Reading of Ordinance No. 087, 2012, Amending and Classifying for Zoning Purposes the Property Included in the Kechter Annexation No. 3.

EXECUTIVE SUMMARY

These Ordinances, unanimously adopted on First Reading on August 21, 2012, annex and zone 18.644 acres located approximately 900 feet east of the intersection of South Timberline Road and Kechter Road. The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (L-M-N).

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

- 1. Copy of First Reading Agenda Item Summary - August 21, 2012
(w/o attachments)

DATE: August 21, 2012
STAFF: Jason Holland

AGENDA ITEM SUMMARY
 FORT COLLINS CITY COUNCIL

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SUBJECT

Items Relating to the Kechter No. 3 Annexation and Zoning.

- A. Resolution 2012-072 Setting Forth Findings of Fact and Determinations Regarding the Kechter Annexation No. 3.
- B. Hearing and First Reading of Ordinance No. 086, 2012, Annexing Property Known as the Kechter Annexation No. 3.
- C. Hearing and First Reading of Ordinance No. 087, 2012, Amending and Classifying for Zoning Purposes the Property Included in the Kechter Annexation No. 3.

EXECUTIVE SUMMARY

As the Owner and Applicant, the City of Fort Collins has submitted a written petition requesting the annexation of three sequential annexation tracts. Kechter Annexation No. 3 is the third of this series of sequential annexations, which are as follows: Kechter Annexation No. 1 - 0.130 acres; Kechter Annexation No. 2 - 0.505 acres; Kechter Annexation No. 3 - 18.644 acres; Kechter Annexation total area is 19.279 acres. The majority of the land within Kechter Annexation No. 3 includes 2313 Kechter Road, which is owned by the City of Fort Collins as part of the Land Bank program. 2313 Kechter Road contains one single-family residence and is in the FA-1 – Farming Zoning District in Larimer County. The Kechter Annexation does not create an enclave. There are no immediate plans to develop this annexation area.

Kechter Annexation No. 3 is located approximately 900 feet east of the intersection of South Timberline Road and Kechter Road. The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (L-M-N). The surrounding properties are existing residential land uses currently zoned FA-1 – Farming Zoning District in Larimer County to the north, south, east and west.

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, and the Larimer County and City of Fort Collins Intergovernmental Agreements.

BACKGROUND / DISCUSSION

This is a 100% voluntary annexation for a property located within the Growth Management Area (GMA). According to policies and agreements contained in the *Larimer County and City of Fort Collins Intergovernmental Agreements*, the City will agree to consider annexation of property in the GMA when the property is eligible for annexation according to State law.

Annexation No. 3 has 19.7% of its perimeter boundary contiguous with City limits from a common boundary with Kechter Annexation No. 2, thus satisfying the requirement that no less than one-sixth of the perimeter boundary be contiguous to the existing City boundary.

The surrounding land uses are as follows:

Zoning:	Land Uses:
N: County FA-1	Blehm residential subdivision
S: County FA-1	Existing single family residence
E: County FA-1	Existing single family residence
E: County FA-1	Homestead residential community
W: County FA-1	Kechter Crossing – planned community

The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (L-M-N). The Land Use Code describes this zone district as follows:

Purpose. The Low Density Mixed-Use Neighborhood District is intended to be a setting for a predominance of low density housing combined with complementary and supporting land uses that serve a neighborhood and are developed and operated in harmony with the residential characteristics of a neighborhood. The main purpose of the District is to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices, that invite walking to gathering places, services and conveniences, and that are fully integrated into the larger community by the pattern of streets, blocks, and other linkages. A neighborhood center provides a focal point, and attractive walking and biking paths invite residents to enjoy the center as well as the small neighborhood parks. Any new development in this District shall be arranged to form part of an individual neighborhood.

Staff is recommending that this property be included in the Residential Neighborhood Sign District, which was established for the purpose of regulating signs for non-residential uses in certain geographical areas of the City that may be particularly affected by such signs because of their predominantly residential use and character. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

Findings

1. The property meets the eligibility requirements included in State law to qualify for a voluntary annexation to the City of Fort Collins.
2. The requested placement into the Low Density Mixed-Use Neighborhood District is consistent with the City of Fort Collins Structure Plan Map and the Fossil Creek Reservoir Area Plan Map.
3. The annexation of this area is consistent with the policies and agreements between Larimer County and the City of Fort Collins contained in the Amended *Intergovernmental Agreement – Growth Management Area*.
4. On July 17, 2012, the City Council adopted Resolution 2012-055 that accepted the annexation petition and determined that the petition was in compliance with State law. The Resolution also initiated the annexation process for the property by establishing the date, time and place when a public hearing would be held regarding the readings of the Ordinances annexing and zoning the area.
5. The requested L-M-N, Low Density Mixed-Use Neighborhood Zoning District is in conformance with the policies of the City's Comprehensive Plan.
6. The annexation and zoning request is in conformance with the City of Fort Collins Land Use Code.

STAFF RECOMMENDATION

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

BOARD / COMMISSION RECOMMENDATION

The Planning and Zoning Board conducted a public hearing regarding the annexation and zoning request on July 19, 2012 and voted 5-1 to recommend approval of the annexation. The Board voted 5-1 to recommend that the property be placed in the Low Density Mixed-Use Neighborhood Zone District. The minutes from the July 19, 2012 Planning and Zoning Board Hearing are attached (Attachment 6).

PUBLIC OUTREACH

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 July 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 annexation and initial zoning and a meeting was not held for this annexation and zoning request.

ATTACHMENTS

1. Vicinity Map
2. Area Context Map
3. Zoning Map
4. Structure Plan Map
5. Fossil Creek Reservoir Area Land Use Map
6. Planning and Zoning Board minutes, July 19, 2012

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ORDINANCE NO. 086, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING PROPERTY KNOWN AS THE
KECHTER ANNEXATION NO. 3
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2012-055, 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 SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 5, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5 TO BEAR S89°29'46"W, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 33642, AND ON ITS WEST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 17497, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, S00°43'36"W, A DISTANCE OF 30.01 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF KECHTER ROAD, S89°29'46"W, A DISTANCE OF 299.94 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED JANUARY 24, 2006 AT RECEPTION NO. 20060005697 IN THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER;
THENCE ALONG THE EASTERLY, SOUTHERLY, AND WESTERLY BOUNDARIES OF SAID TRACT THE FOLLOWING FIVE (5) COURSES:

1. S00°44'36"W, A DISTANCE OF 725.89 FEET;

2. N89°31'04"E, A DISTANCE OF 300.15 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 8;

3. ALONG SAID EAST LINE, S00°43'36"W, A DISTANCE OF 559.09 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 8;

4. ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 8, S89°38'55"W, A DISTANCE OF 709.81 FEET;

5. N00°38'19"E, A DISTANCE OF 1,263.15 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF KECHTER ROAD;
 THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE, THE FOLLOWING THREE (3) COURSES:

1. S89°29'46"W, A DISTANCE OF 1,004.03 FEET;
2. N00°02'14"W, A DISTANCE OF 20.00 FEET;
3. S89°29'46"W, A DISTANCE OF 67.30 FEET TO THE SOUTHEAST CORNER OF THE THORLAND ANNEXATION NO. 2 TO THE CITY OF FORT COLLINS;

THENCE ALONG THE EAST LINE OF SAID THORLAND ANNEXATION NO. 2, N00°18'28"W, A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF KECHTER ROAD;
 THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, N89°29'46"E, A DISTANCE OF 1,783.56 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 5;
 THENCE S86°35'52"W, A DISTANCE OF 791.12 FEET;
 THENCE S88°19'42"E, A DISTANCE OF 790.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 812,118 SQUARE FEET (18.644 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 Kechter Annexation No. 3, which annexation shall become effective upon completion of the conditions 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 21st day of August, A.D. 2012, and to be presented for final passage on the 4th day of September, A.D. 2012.

Mayor Pro Tem

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of September, A.D. 2012.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 087, 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 KECHTER ANNEXATION NO. 3 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 Kechter Annexation No. 3 to the City of Fort Collins, Colorado, in the Low Density Mixed Use Neighborhood ("L-M-N") Zone District, which property is more particularly described as:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 5, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5 TO BEAR S89°29'46"W, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 33642, AND ON ITS WEST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 17497, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

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CONTAINING 812,118 SQUARE FEET (18.644 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 21st day of August, A.D. 2012, and to be presented for final passage on the 4th day of September, A.D. 2012.

Mayor Pro Tem

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of September, A.D. 2012.

Mayor

ATTEST:

City Clerk