

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 7

DATE: November 15, 2005

STAFF: Ted Shepard

SUBJECT

Items Relating to the State Highway 14 – East Frontage Road Annexation and Zoning.

RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

EXECUTIVE SUMMARY

- A. Second Reading of Ordinance No. 086, 2005, Annexing Property Known as the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 087, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 35.86 acres in size. The site is located on the east side of the I-25 East Frontage Road approximately one-quarter mile south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along the entire southern boundary which is shared with the north property line of the Galatia Annexation (230 acres). The annexation does not include the westerly 11.3 acres located along the Frontage Road and mostly in the Boxelder Creek floodplain. The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood which is in conformance with the I-25 Sub Area Plan.

Ordinance Nos. 086 and 087, 2005, were unanimously adopted on First Reading on August 16, 2005.

ORDINANCE NO. 086, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING PROPERTY KNOWN AS THE
STATE HIGHWAY 14 EAST FRONTAGE ROAD ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2005-070, finding substantial compliance and initiating annexation proceedings, has heretofore been adopted by the Council of the City of Fort Collins; and

WHEREAS, the Council does hereby find and determine 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:

Lot 2, Lee M.L.D. No. 04-S2309, County of Larimer, State of Colorado, containing 35.8638 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 State Highway 14 East Frontage Road 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 16th day of August, A.D. 2005, and to be presented for final passage on the 15th day of November, A.D. 2005.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2005.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 087, 2005
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 STATE HIGHWAY 14 EAST FRONTAGE ROAD 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 State Highway 14 East Frontage Road Annexation to the City of Fort Collins, Colorado, in the Low Density Mixed-Use (LMN) Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

Lot 2, Lee M.L.D. No. 04-S2309, County of Larimer, State of Colorado, containing 35.8638 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 16th day of August, A.D. 2005, and to be presented for final passage on the 15th day of November, A.D. 2005.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of November, A.D. 2005.

Mayor

ATTEST:

City Clerk

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 13 A-C

DATE: August 16, 2005

STAFF: Ted Shepard

SUBJECT

Items Relating to the State Highway 14 – East Frontage Road Annexation and Zoning.

RECOMMENDATION

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

EXECUTIVE SUMMARY

- A. Public Hearing and Resolution 2005-086 Setting Forth Findings of Fact and Determinations Regarding the State Highway 14 – East Frontage Road Annexation.
- B. First Reading of Ordinance No. 086, 2005, Annexing Property Known as the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.
- C. First Reading of Ordinance No. 087, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the State Highway 14 – East Frontage Road Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 35.86 acres in size. The site is located on the east side of the I-25 East Frontage Road approximately one-quarter mile south of State Highway 14 (East Mulberry Street). Contiguity with the existing municipal boundary is gained along the entire southern boundary which is shared with the north property line of the Galatia Annexation (230 acres). The annexation does not include the westerly 11.3 acres located along the Frontage Road and mostly in the Boxelder Creek floodplain. The recommended zoning is L-M-N, Low Density Mixed-Use Neighborhood which is in conformance with the I-25 Sub Area Plan.

BACKGROUND

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 Intergovernmental Agreement for the City of Fort Collins Growth Management Area ("IGA"), the City will agree to consider annexation of property in the GMA when the property is eligible for annexation according to State law.

The parcel gains the necessary one-sixth contiguity along the entire south property line. Of the total perimeter boundary, the parcel has 31.63% contiguity with the city limits. This

substantially exceeds the required minimum of 16.66% (one-sixth). The parcel, therefore, complies with the requirements of the IGA and is eligible for annexation.

This is a 100% voluntary annexation for a property located within the Growth Management Area. The property satisfies the requirement that no less than one-sixth of the perimeter boundary be contiguous to the existing City boundary. The recommended zoning of L-M-N, Low Density Mixed-Use Neighborhood, is in compliance with the City's Comprehensive Plan, Structure Plan Map and the I-25 Sub Area Plan. Staff recommends the parcel be placed within the Residential Neighborhood Sign District.

The subject parcel was legally divided in the County and described as Lot Two of the Lee Minor Land Division. (The westerly 11.3 acres are described as Lot One and not a part of the annexation.)

The Initiating Resolution was considered by City Council on July 5, 2005 and approved. On July 21, 2005, the Planning and Zoning Board voted 5 – 2 to annex the property, to place into the L-M-N zone and to include in the Residential Neighborhood Sign District.

Consistency with Existing Policies

According to the policies and agreements between the City of Fort Collins and Larimer County, contained in the amended (November 21, 2000) IGA, the City will agree to consider for annexation property in the G.M.A. when such property is eligible for annexation according to State law. According to Section 8A of the I.G.A., as amended:

“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.”

The surrounding zoning and land uses are as follows:

- N: County – C Commercial, FA-1 Farming; Partially developed commercial (Interchange Business Park) and residential (Waterdale Subdivision – a.k.a. “Sunflower”)
- S: City – I Industrial and U-E Urban Estate; Vacant (Galatia Annexation, 230 acres, includes 100 acre Poudre School District property)
- E: County – R-1 Residential; Existing residential (Clydesdale Subdivision)
- W: County – C Commercial; Vacant (Lot One, Lee Minor Land Division)

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 July 5, 2005, City Council approved a Resolution which accepted the annexation petition and established that the petition is in compliance with State statutes.

Consistency with the I-25 Sub Area Plan

A. City Plan Principles and Policies

As mentioned, the parcel is contained within the I-25 Sub Area Plan. This sub-area plan is a component of the I-25 Regional Communities Corridor Plan which was adopted by the City Council in November of 2001. The I-25 Sub Area Plan was adopted on August 19, 2003.

City Plan **Principle LU-4** states:

"More specific subarea planning efforts will follow adoption of these City Plan Principles and Policies which tailor City Plan's city-wide perspective to individual neighborhoods, districts, corridors and edges."

City Plan **Policy LU-4.5** states:

"The following areas have been identified as priority for future subarea planning:

- *I-25 Corridor*
- *Mountain Vista*
- *East Mulberry*
- *Fossil Creek Reservoir Area"*

B. L-M-N Zoning

The I-25 Sub Area Plan calls for a mix of neighborhoods and densities. The Plan states:

"The Low Density Mixed-Use Neighborhood classification represents, for the most part, existing residential neighborhoods that were developed in unincorporated Larimer County, and located within 1/2 mile both north and south of Mulberry Street (Highway 14), including some manufactured housing developments. The Mulberry Street corridor is more urban in character than other areas within the sub area and the proposed densities of five (5) to eight (8) units per acre in the Low Density Mixed-Use Neighborhood classification are in keeping with existing development. Two undeveloped properties, east of I-25, are included in the low density neighborhood classification; one (35 acres) is located north of East Mulberry Street immediately east of the Cloverleaf Mobile Home Park, and the other (45 acres) is located within 1/2 mile south of East Mulberry Street, with its western border adjacent to Boxelder Creek."

The entire 35.86 acres are located within 1/2 mile of East Mulberry Street. The parcel is contiguous to two County residential subdivisions. Therefore, the applicant has applied for L-M-N zoning in conformance with the I-25 Sub Area Plan.

C. Boxelder Creek

The Sub Area Plan identifies the 100-year floodplain of Boxelder Creek as a valuable open land amenity within the corridor. Boxelder Creek runs north-to-south immediately to the west of the subject parcel parallel to the Frontage Road. This area is not a part of the annexation.

Zoning

The Planning and Zoning Board voted 5 – 2 to recommend placement into the Low Density Mixed-Use Neighborhood zone district. According to the Land Use Code:

“This 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.

Typically, Low Density Neighborhoods will be clustered around and integral with a Medium Density Mixed-Use Neighborhood with a Neighborhood Commercial Center at its core. For the purposes of this Division, a neighborhood shall be considered to consist of approximately eighty (80) to one hundred sixty (160) acres, with its edges typically consisting of major streets, drainageways, irrigation ditches, railroad tracks and other major physical features.”

In addition, the Planning and Zoning Board recommended the parcel be placed within the Residential Neighborhood Sign District which was created for the purpose of regulating signs for non-residential uses in certain geographic locations of the City. The applicant is in agreement with this designation.

Compliance with State Law

As mentioned, the annexation has 31.63% 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 State Highway 14 – East Frontage Road Annexation and Zoning, staff makes the following findings of fact:

- A. 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 IGA.
- B. The parcel meets all criteria included in State law to qualify for annexation by the City of Fort Collins.
- C. The requested zone district, L-M-N, Low Density Mixed-Use Neighborhood, is in conformance with the City's Comprehensive Plan (I-25 Sub Area Plan) and the City Structure Plan Map.
- D. The Planning and Zoning Board recommended the parcel be placed within the Residential Neighborhood Sign District.
- E. On July 5, 2005, City Council approved the Resolution which accepted the annexation petition and determines that the petition is in compliance with State law.

Planning and Zoning Board Recommendation

On July 21, 2005, the Planning and Zoning Board voted 5 – 2 to recommend annexation into the municipal boundary, placement into the L-M-N zone district and inclusion into the Residential Sign District.

The reason for the two dissenting votes was to express concern that the westerly 11.3 acres, legally divided in the County as Lot One of the Lee Minor Land Division, were not included within the annexation boundary.

ATTACHMENTS

1. Vicinity Map