

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: November 15, 2005

STAFF: Steve Olt

SUBJECT

Items Pertaining to the Minatta Annexation and Zoning.

RECOMMENDATION

Staff recommends approval of the annexation and requested zoning of RF - Residential Foothills and LMN - Low Density Mixed-Use Neighborhood.

The Planning and Zoning Board voted 7-0 to recommend approval of the annexation; and, the Board voted 7-0 to recommend that the property be placed in the RF - Residential Foothills and LMN - Low Density Mixed-Use Neighborhood Zoning Districts.

The Planning and Zoning Board voted 7-0 to recommend that this property be included in the Residential Neighborhood Sign District.

EXECUTIVE SUMMARY

- A. Second Reading of Ordinance No. 130, 2005, Annexing Property Known as the Minatta Annexation.
- B. Second Reading of Ordinance No. 131, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Minatta Annexation.

This is a request to annex and zone 35.829 acres located on the west side of Overland Trail, at the southwest corner of the Overland Trail - West Elizabeth Street intersection. The property is partially developed, containing one existing single-family residence (with out-buildings) and a portion of the existing Fort Collins-Loveland Water District Pump Station. It is in the FA1 - Farming Zoning District in Larimer County. The requested zoning in the City of Fort Collins is RF - Residential Foothills (15.132 acres) and LMN - Low Density Mixed-Use Neighborhood (20.697 acres).

Ordinance Nos. 130 and 131, 2005, which were unanimously adopted on First Reading on November 2, 2005, have been amended on Second Reading to correct the legal descriptions contained in each Ordinance.

ORDINANCE NO. 130, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING PROPERTY KNOWN AS THE
MINATTA ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2005-104, 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:

A parcel of land located in the Southeast Quarter (SE1/4) of Section Seventeen (17), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the East Quarter Corner (E1/4) of said Section 17 and assuming the North line of said SE1/4 to bear South 85°25'09" West a distance of 2651.92 feet with all bearings here in relative thereto:

THENCE South 85°25'09" West along said North line a distance of 30.40 feet to a point on the West line of the Fort Collins Substation Annexation as recorded May 26, 1989 as Reception No. 89023302, said point being the POINT OF BEGINNING;

THENCE South 00°31'30" West along the West line of said Fort Collins Substation Annexation, also being the West line of Fort Collins-Loveland Water District Pump Station Annexation as recorded April 17, 1989 as Reception No. 89016100, extended, a distance of 597.90 feet;

THENCE South 85°25'38" West along the Northerly line of said Fort Collins-Loveland Water District Pump Station Annexation, also being the North line of Overland Trail Annexation as recorded November 10, 1994 as Reception No. 94090903, extended, a distance of 2621.45 feet to the West line of said SE1/4;

THENCE North 00°31'16" East along said West line, said line also being the East line of said Overland Trail Annexation a distance of 597.53 feet to the Center Quarter Corner of said Section 17;

THENCE North 85°25'09" East along said North line of said SE1/4 distance of 2621.52 feet to the POINT OF BEGINNING.

Said parcel contains 35.829 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 Minatta 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 2nd day of November, 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. 131, 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 MINATTA 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 Minatta Annexation to the City of Fort Collins, Colorado, in the Residential Foothills (RF) Zone District and the Low Density Mixed-Use Neighborhood (LMN) Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

Property Description for the RF Zone District:

A parcel of land located in the Southeast Quarter (SE1/4) of Section Seventeen (17), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the East Quarter Corner (E1/4) of said Section 17 and assuming the North line of said SE1/4 to bear South 85°25'09" West a distance of 2651.92 feet with all bearings here in relative thereto:

THENCE South 85°25'09" West along said North line a distance of 30.40 feet to a point on the West line of the Fort Collins Substation Annexation as recorded May 26, 1989 as Reception No. 89023302;

THENCE South 00°31'30" West along the West line of said Fort Collins Substation Annexation, also being the West line of Fort Collins-Loveland Water District Pump

Station Annexation as recorded April 17, 1989 as Reception No. 89016100, extended, a distance of 597.90 feet;

THENCE South 85°25'38" West along the Northerly line of said Fort Collins-Loveland Water District Pump Station Annexation, also being the North line of Overland Trail Annexation as recorded November 10, 1994 as Reception No. 94090903, extended, a distance of 1487.51 feet to the POINT OF BEGINNING;

THENCE continuing South 85°25'38" West along said Northerly line a distance of 1133.94 feet to the West line of said SE1/4;

THENCE North 00°31'16" East along said West line, said line also being the East line of said Overland Trail Annexation a distance of 597.53 feet to the Center Quarter Corner of said Section 17;

THENCE North 85°25'09" East along said North line of said SE1/4 a distance of 1080.80 feet;

THENCE South 04°34'51" East a distance of 595.32 feet to the POINT OF BEGINNING.

Said parcel contains 15.132 acres more or less (±).

Property Description for the LMN Zone District:

A parcel of land located in the Southeast Quarter (SE1/4) of Section Seventeen (17), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the East Quarter Corner (E1/4) of said Section 17 and assuming the North line of said SE1/4 to bear South 85°25'09" West a distance of 2651.92 feet with all bearings here in relative thereto:

THENCE South 85°25'09" West along said North line a distance of 30.40 feet to a point on the West line of the Fort Collins Substation Annexation as recorded May 26, 1989 as Reception No. 89023302, said point being the POINT OF BEGINNING;

THENCE South 00°31'30" West along the West line of said Fort Collins Substation Annexation, also being the West line of Fort Collins-Loveland Water District Pump Station Annexation as recorded April 17, 1989 as Reception No. 89016100, extended, a distance of 597.90 feet;

THENCE South 85°25'38" West along the Northerly line of said Fort Collins-Loveland Water District Pump Station Annexation, also being the North line of

Overland Trail Annexation as recorded November 10, 1994 as Reception No. 94090903, extended, a distance of 1487.51 feet;

THENCE North 04°34'51" West a distance of 595.32 feet to said North line of said SE1/4;

THENCE North 85°25'09" East along said North line a distance of 1540.72 to the POINT OF BEGINNING.

Said parcel contains 20.697 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 2nd day of November, 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: 8 A-C

DATE: November 2, 2006

STAFF: Steve Olt

SUBJECT

Items Pertaining to the Minatta Annexation and Zoning.

RECOMMENDATION

Staff recommends approval of the annexation and requested zoning of RF - Residential Foothills and LMN - Low Density Mixed-Use Neighborhood.

The Planning and Zoning Board voted 7-0 to recommend approval of the annexation; and, the Board voted 7-0 to recommend that the property be placed in the RF - Residential Foothills and LMN - Low Density Mixed-Use Neighborhood Zoning Districts.

The Planning and Zoning Board voted 7-0 to recommend that this property be included in the Residential Neighborhood Sign District.

EXECUTIVE SUMMARY

- A. Resolution 2005-114 Setting Forth Findings of Fact and Determinations Regarding the Minatta Annexation.
- B. Hearing and First Reading of Ordinance No. 130, 2005, Annexing Property Known as the Minatta Annexation.
- C. Hearing and First Reading of Ordinance No. 131, 2005, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Minatta Annexation.

This is a request to annex and zone 35.829 acres located on the west side of Overland Trail, at the southwest corner of the Overland Trail - West Elizabeth Street intersection. The property is partially developed, containing one existing single-family residence (with out-buildings) and a portion of the existing Fort Collins-Loveland Water District Pump Station. It is in the FA1 - Farming Zoning District in Larimer County. The requested zoning in the City of Fort Collins is RF - Residential Foothills (15.132 acres) and LMN - Low Density Mixed-Use Neighborhood (20.697 acres).

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

APPLICANT: John Minatta
2037 Lexington Court
Fort Collins, CO 80526

OWNERS: John Minatta
2037 Lexington Court
Fort Collins, CO 80526

COPY

Al Minatta
1313 Fairway Five Drive
Fort Collins, CO 80524

Sam Minatta
1101 South Overland Trail
Fort Collins, CO 80521

Evelyn Minatta
2903 Blue Leaf
Fort Collins, CO 80526

BACKGROUND

The applicant, John Minatta, on behalf of the property owners, John Minatta, Al Minatta, Sam Minatta, and Evelyn Minatta, has submitted a written petition requesting annexation of 35.829 acres. The property is located on the west side of Overland Trail, at the southwest corner of the Overland Trail - West Elizabeth Street intersection. The property is partially developed, containing one existing single-family residence (with out-buildings) and a portion of the existing Fort Collins-Loveland Water District Pump Station. It is in the FA1 - Farming Zoning District in Larimer County. The requested zoning in the City of Fort Collins is RF - Residential Foothills and LMN - Low Density Mixed-Use Neighborhood. The surrounding properties are zoned RL - Low Density Residential and LMN - Low Density Mixed Use Neighborhood in the City to the east, RF - Residential Foothills and RL - Low Density Residential in the City to the south, RF - Residential Foothills in the City to the west, and FA1 - Farming in Larimer County to the north. This is a 100% voluntary annexation.

The property is located within the Fort Collins Urban Growth 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 UGA when the property is eligible for annexation according to State law. This property gains the required 1/6 contiguity to existing City limits from common boundaries with the Fort Collins-Loveland Water District Pump Station Annexation (in April, 1989) to the south, the Fort Collins-Loveland Substation Annexation (in May, 1989) to the east, and the Overland Trail (1994) Annexation (in September, 1994) to the south.

The surrounding zoning and land uses are as follows:

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- N: FA1 in Larimer County; property owned by Colorado State University
- E: RL, LMN; existing single-family residential
- S: RF, RL; existing single-family residential
- W: RF; existing single-family residential, open space

The requested zoning for this annexation is the RF - Residential Foothills and LMN - Low Density Mixed-Use Neighborhood Zoning Districts. There are several uses permitted in these

Districts, subject to either administrative review or review by the Planning and Zoning Board. The City's adopted Structure Plan, a part of the Comprehensive Plan, suggests that Urban Estate and Low Density Mixed-Use Neighborhoods are appropriate in this location.

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 annexation of this area is consistent with the policies and agreements between Larimer County and the City of Fort Collins contained in the Intergovernmental Agreement for the Fort Collins Urban Growth Area.
2. The area meets the eligibility requirements included in State law to qualify for a voluntary annexation to the City of Fort Collins.
3. On September 20, 2005, the City Council approved a resolution 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.
4. The requested RF - Residential Foothills and LMN - Low Density Mixed-Use Neighborhood Zoning Districts are in conformance with the policies of the City's Comprehensive Plan.

Staff Recommendation

Staff recommends approval of the annexation and requested zoning of RF - Residential Foothills and LMN - Low Density Mixed-Use Neighborhood.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

Planning and Zoning Board Recommendation

The Planning and Zoning Board, at its regular monthly meeting of October 20, 2005, voted 7-0 to recommend approval of the annexation. The Board voted 7-0 to recommend that the property be placed in the RF - Residential Foothills and LMN - Low Density Mixed-Use Neighborhood Zoning Districts.

The Planning and Zoning Board voted 7-0 to recommend that this property be included in the Residential Neighborhood Sign District.