

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 32 A-C

DATE: February 21, 2006

STAFF: Steve Olt

### SUBJECT

Items Relating to Boma Annexation and Zoning.

### RECOMMENDATION

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

The Initiating Resolution was considered by City Council on January 17, 2006 and approved. On February 16, 2006, the Planning and Zoning Board considered annexation and zoning request. Since the printing of City Council packet materials precedes the Board's hearing, the result of the Board's action will be forwarded to City Council under separate cover.

### EXECUTIVE SUMMARY

- A. Resolution 2006-016 Setting Forth Findings of Fact and Determinations Regarding the Boma Annexation and Zoning.
- B. Hearing and First Reading of Ordinance No. 036, 2006, Annexing Property Known as the Boma Annexation to the City of Fort Collins.
- C. Hearing and First Reading of Ordinance No. 037, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Boma Annexation to the City of Fort Collins.

This is a request to annex and zone 82.05 acres located at the southwest corner of East Douglas Road (County Road 54) and Turnberry Road (County Road 11). The property contains one (1) existing farmstead with agricultural uses and several existing oil wells and is in the FA-1 Farming District in Larimer County. The requested zoning in the City of Fort Collins is UE - Urban Estate.

Staff recommends 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 because the property is shown to already be outside of the Areas Not In The Sign District.

APPLICANT: Crystal Cove Development LLC  
c/o Mike Tilley  
1301 Wazee Street, #4D  
Denver, CO 80204

OWNER: Crystal Cove Development LLC  
8020 South County Road 5, #200  
Windsor, CO 80528

## BACKGROUND

The applicant, Mike Tilley, on behalf of the property owners, Crystal Cove Development LLC, has submitted a written petition requesting annexation of 82.05 acres. The property is located at the southwest corner of East Douglas Road (County Road 54) and Turnberry Road (County Road 11). The property contains one existing farmstead with agricultural uses and several existing oil wells. It is in the FA1 - Farming District in Larimer County. The requested zoning for this annexation is UE - Urban Estate. The surrounding properties are currently zoned as follows:

The surrounding zoning and land uses are as follows:

N:	O in Larimer County;	existing residential acreages, agriculture
E:	LMN in the City of Fort Collins;	undeveloped (Lind Overall Development Plan)
S:	FA1 in Larimer County;	existing single-family residential (Serramonte Highlands)
W:	FA1 in Larimer County;	existing single-family residential (Cherrywood Acres)

This is a 100% voluntary annexation.

The property is located within the Fort Collins Urban Growth Area (UGA). 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 1/6th contiguity to existing City limits from common boundaries with the Country Club North First Annexation (January, 1984) to the east. Approximately 0.17% (or just over 1/6th) of the property is contiguous with the City of Fort Collins limits.

The requested zoning for this annexation is the UE - Urban Estate Zoning District. There are numerous uses permitted in this District, 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 Neighborhood is 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 because the property is shown to already be outside of Areas Not In The Sign District.

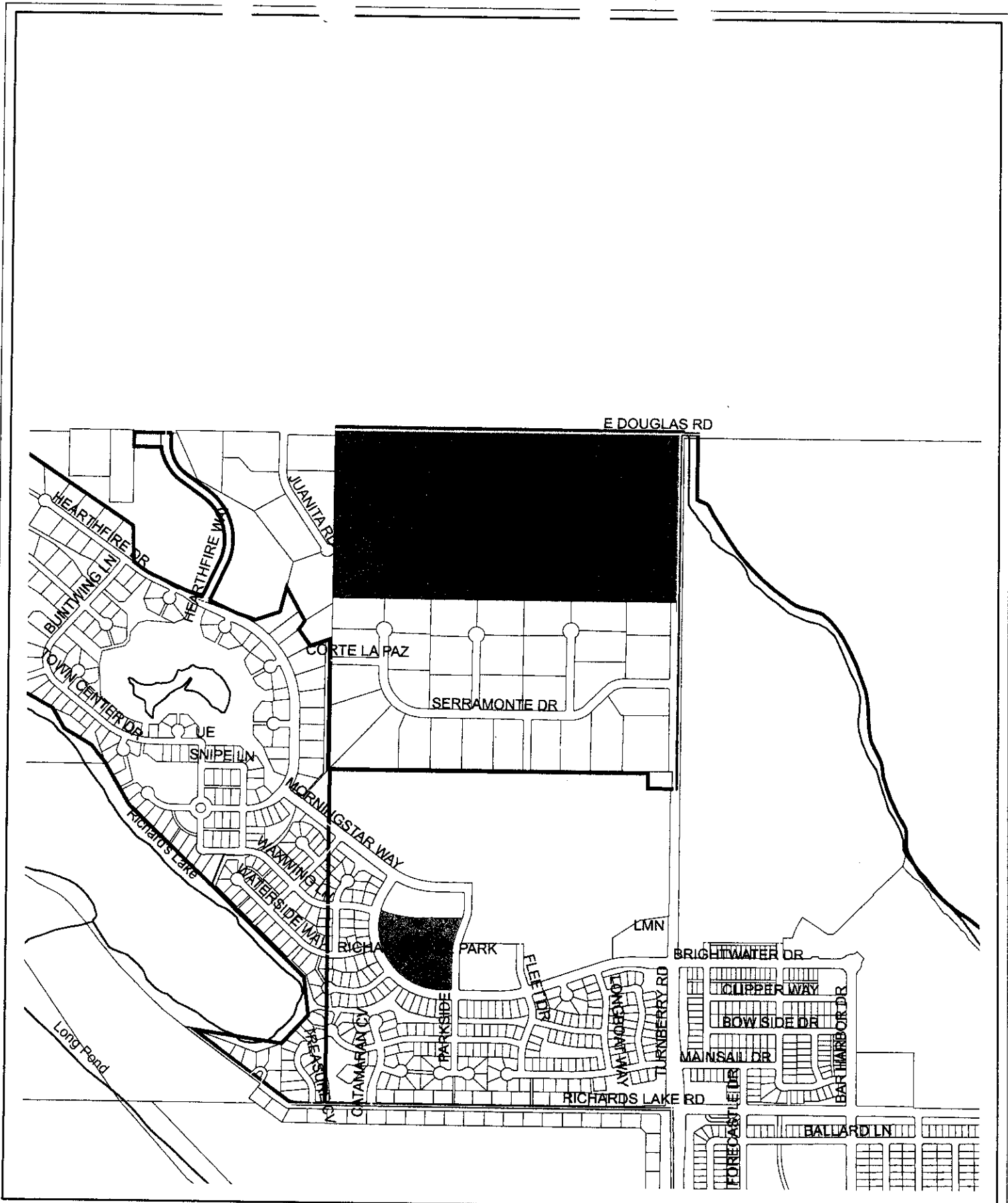
**FINDINGS:**

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 January 17, 2006, 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 UE – Urban Estate Zoning District is in conformance with the policies of the City's Comprehensive Plan.

**STAFF RECOMMENDATION:**

Staff recommends approval of the annexation and requested zoning of UE - Urban Estate.

Staff recommends 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.



# #53-05 Boma Annexation & Zoning Type II

12/19/05

N

1 inch equals 1,000 feet



# BOMA ANNEXATION

A PORTION OF LAND LOCATED IN THE NORTHEAST QUARTER SECTION 30, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO.

**DESCRIPTION**  
 A portion of land located in the Northeast Quarter of Section 30, Township 8 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 Northeast Quarter of said Section 30 as bearing South 89°51'19" West and with all bearings contained therein relative thereto:  
 Beginning at the North Quarter corner of said Section 30, thence North 0°22'09" East, 30.00 feet to a corner on the North right-of-way line of County Road No. 24, thence along said North line, South 89°51'19" West, 2074.53 feet to a corner, South 0°21'41" West, 34.00 feet to a corner, North 89°51'19" West, 20.00 feet to the Northeast Corner of said Section 30, thence along the East line of said Section 30, South 89°51'19" West, 1218.59 feet to a corner, South 0°21'41" West, 34.00 feet to a corner, North 89°51'19" West, 2074.53 feet to the Northeast Corner of said Section 30, thence, along said West line, North 0°22'09" East, 1223.57 feet to the POINT OF BEGINNING.

The above described tract of land contains 1,574.852 acres less or 82,051 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

**APPROVED:**  
 THIS PLAN IS TO BE KNOWN AS BOMA ANNEXATION TO THE CITY OF FORT COLLINS, COLORADO, IS APPROVED AND ACCEPTED FOR ANNEXATION TO THE CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO BY ORDINANCE NO. \_\_\_\_\_ PASSED AND ADOPTED ON REGULAR MEETING AT A REGULAR MEETING OF THE CITY COUNCIL OF FORT COLLINS, COLORADO, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

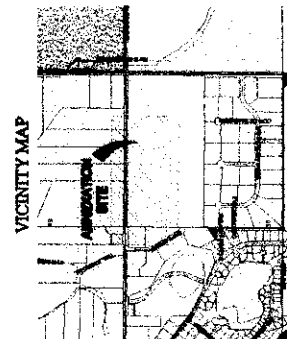
**CITY CLERK**  
 \_\_\_\_\_

**APPROVED:**  
 THIS PLAN IS TO BE KNOWN AS BOMA ANNEXATION TO THE CITY OF FORT COLLINS, COLORADO, WAS APPROVED BY ACTION OF THE PLANNING AND ZONING BOARD OF THE CITY OF FORT COLLINS, COLORADO AT A REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

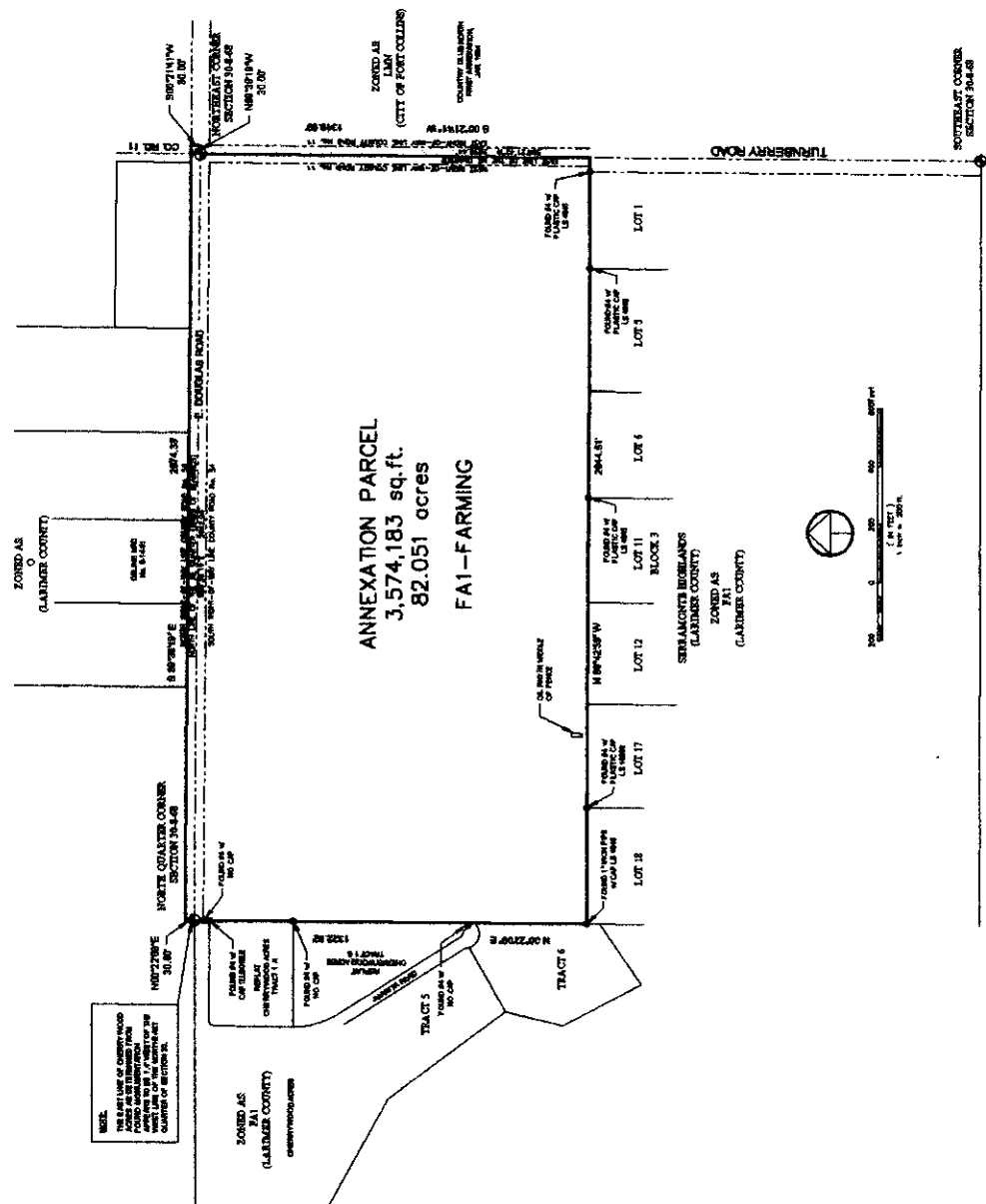
**SECRETARY OF THE PLANNING AND ZONING BOARD**  
 \_\_\_\_\_

**APPROVED AS TO FORM:**  
 \_\_\_\_\_

**DIRECTOR OF ENGINEERING**  
 \_\_\_\_\_



NOT TO SCALE



**NOTE:**  
 THIS PLAN DOES NOT REPRESENT A FIELD SURVEY AND DOES NOT REPRESENT A PLAT. IT IS INTENDED TO BE USED AS A GENERAL REFERENCE ONLY. FIELD SURVEYS, PLATS, LEGAL DESCRIPTIONS, AND SURVEYS TAKE PRECEDENCE.

**TOTAL SQUARE FEET:** 8,051  
**ACRES:** 1,574.852  
**NET ACRES:** 1,590  
**GROSS ACRES:** 2,101.852

**DIRECTIONS CONTIGUOUS BOUNDARY WITH CURRENT CITY LIMITS**

RESOLUTION 2006-016  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS  
REGARDING THE BOMA ANNEXATION

WHEREAS, annexation proceedings were heretofore initiated by the Council of the City of Fort Collins for property to be known as the Boma Annexation; and

WHEREAS, following notice given as required by law, the Council has held a hearing on said annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Council hereby finds that the petition for annexation complies with the Municipal Annexation Act.

Section 2. That the Council hereby finds that there is at least one-sixth (1/6) contiguity between the City and the property proposed to be annexed; that a community of interest exists between the property proposed to be annexed and the City; that said property is urban or will be urbanized in the near future; and that said property is integrated with or is capable of being integrated with the City.

Section 3. That the Council further determines that the applicable parts of said Act have been met, that an election is not required under said Act and that there are no other terms and conditions to be imposed upon said annexation.

Section 4. That the Council further finds that notice was duly given and a hearing was held regarding the annexation in accordance with said Act.

Section 5. That the Council concludes that the area proposed to be annexed in the Boma Annexation is eligible for annexation to the City and should be so annexed.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of February, A.D. 2006.

\_\_\_\_\_  
Mayor

ATTEST:

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

ORDINANCE NO. 036, 2006  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ANNEXING PROPERTY KNOWN AS THE  
BOMA ANNEXATION  
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2006-003, 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 portion of land located in the Northeast Quarter of Section 30, Township 8 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 Northeast Quarter of said Section 30 as bearing South 89°38'19" East and with all bearings contained herein relative thereto:

BEGINNING at the North Quarter corner of said Section 30; thence, North 00°22'09" East, 30.00 feet to a point on the North right-of-way line of County Road No. 54; thence, along said North line, South 89°38'19" East, 2674.33 feet; thence, South 00°21'41" West, 30.00 feet; thence, North 89°38'19" West, 30.00 feet to the Northeast Corner of said Section 30; thence, along the East line of the Northeast Quarter of said Section 30, South 00°21'41" West, 1319.59 feet; thence, departing said East line, North 89°42'39" West, 2644.51 feet to a point on the West line of the Northeast Quarter of said Section 30; thence, along said West line, North 00°22'09" East, 1322.92 feet to the POINT OF BEGINNING.

The above described tract of land contains 3,574,183 square feet or 82.051 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Boma 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 21st day of February, A.D. 2006, and to be presented for final passage on the 7th day of March, A.D. 2006.

Introduced, considered favorably on first reading, and ordered published this 21st day of February, A.D. 2006, and to be presented for final passage on the 7th day of March, A.D. 2006.

\_\_\_\_\_  
Mayor

ATTEST:

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

Passed and adopted on final reading on the 7th day of March, A.D. 2006.

\_\_\_\_\_  
Mayor

ATTEST:

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



ORDINANCE NO. 037, 2006  
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 BOMA 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 Boma Annexation to the City of Fort Collins, Colorado, in the Urban Estate (UE) Zone District, which property is more particularly described as situate in the County of Larimer, State of Colorado, to wit:

A portion of land located in the Northeast Quarter of Section 30, Township 8 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 Northeast Quarter of said Section 30 as bearing South 89°38'19" East and with all bearings contained herein relative thereto:

BEGINNING at the North Quarter corner of said Section 30; thence, North 00°22'09" East, 30.00 feet to a point on the North right-of-way line of County Road No. 54; thence, along said North line, South 89°38'19" East, 2674.33 feet; thence, South 00°21'41" West, 30.00 feet; thence, North 89°38'19" West, 30.00 feet to the Northeast Corner of said Section 30; thence, along the East line of the Northeast Quarter of said Section 30, South 00°21'41" West, 1319.59 feet; thence, departing said East line, North 89°42'39" West, 2644.51 feet to a point on the West line of the Northeast Quarter of said Section 30; thence, along said West line, North 00°22'09" East, 1322.92 feet to the POINT OF BEGINNING.

The above described tract of land contains 3,574,183 square feet or 82.051 acres,

more or less and is subject to all easements and rights-of-way now on record or existing.

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 February, A.D. 2006, and to be presented for final passage on the 7th day of March, A.D. 2006.

\_\_\_\_\_  
Mayor

ATTEST:

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

Passed and adopted on final reading on the 7th day of March, A.D. 2006.

\_\_\_\_\_  
Mayor

ATTEST:

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