

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 13 A-B

DATE: April 4, 2006

STAFF: Ted Shepard

SUBJECT

Items Relating to the Airpark Village Annexation and Zoning.

RECOMMENDATION

Staff recommends adoption the Ordinances on Second Reading.

EXECUTIVE SUMMARY

- A. Second Reading of Ordinance No. 053, 2006, Annexing Property Known as the Airpark Village Annexation to the City of Fort Collins, Colorado.
- B. Second Reading of Ordinance No. 054 , 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Airpark Village Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 148 acres in size. The site is an existing, privately owned airport and three abutting properties, all generally located north of East Lincoln Avenue, south of East Vine Drive and west of Timberline Road. Contiguity with the existing municipal boundary is gained along portions of the west and east property lines. The east property line abuts the Dry Creek Subdivision.

These Ordinances were unanimously adopted on First Reading on March 21, 2006.

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 25 A-C

DATE: March 21, 2006

STAFF: Ted Shepard

SUBJECT

COPY

Items Relating to the Airpark Village Annexation and Zoning.

RECOMMENDATION

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

EXECUTIVE SUMMARY

- A. Resolution 2006-038 Setting Forth Findings of Fact and Determinations Regarding the Airpark Village Annexation.
- B. Hearing and First Reading of Ordinance No. 053, 2006, Annexing Property Known as the Airpark Village Annexation to the City of Fort Collins, Colorado.
- C. Hearing and First Reading of Ordinance No. 054, 2006, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Airpark Village Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 148 acres in size. The site is an existing, privately owned airport and three abutting properties, all generally located north of East Lincoln Avenue, south of East Vine Drive and west of Timberline Road. Contiguity with the existing municipal boundary is gained along portions of the west and east property lines. The east property line abuts the Dry Creek Subdivision.

BACKGROUND

The property is located within the Growth Management Area (GMA). 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*, 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 portions of the west and east property lines. Of the total perimeter boundary, the parcel has 25.53% contiguity with the City limits. This exceeds the required minimum of 16.66% (one-sixth). The parcel, therefore, complies with the

requirements of the *Intergovernmental Agreement – Growth Management Area* 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 E, Employment, is in compliance with the City's Comprehensive Plan, Structure Plan Map and East Mulberry Corridor Plan. Staff recommends the parcel be placed within the Residential Neighborhood Sign District.

The original Initiating Resolution was considered by City Council on May 3, 2005 and has since lapsed. The request was re-initiated February 7, 2006 and approved. On May 19, 2005 and again on July 21, 2005, the Planning and Zoning Board considered both the annexation and zoning request.

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) *Intergovernmental Agreements – Growth Management Area* (IGA), the City will agree to consider for annexation property in the UGMA when such property is eligible for annexation according to state law. According to Section 8A of the IGA, 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: I – Industrial (County); Burlington Northern Railroad tracks and switching yard
- S: I – Industrial (County); Existing Industrial Park (For Collins Community Airpark Subdivision)
- E: L-M-N; Existing Dry Creek Mobile Home Park
- E: I – Industrial (County); Existing Industrial Park (Industrial Business Park International P.U.D.)
- W: I – Industrial (County); Existing Industrial Park (Fort Collins Business Center, Fort Collins Industrial Park, Fort Collins Community Airpark Subdivision)

The parcel gains the necessary one-sixth contiguity along the portions of the west and east property lines. Of the total perimeter boundary, the parcel has 25.53% contiguity with the City limits. This exceeds the required minimum of 16.66% (one-sixth). The parcel, therefore, complies with the requirements of the *Intergovernmental Agreement – Growth Management Area* and is eligible for annexation.

One of the stated intents of the *Agreement* 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 February 7, 2006, City Council approved

a Resolution which accepted the annexation petition and established that the petition is in compliance with State statutes.

Zoning

A. Employment Zone District

The proposed zoning for the Airpark Village Annexation is E, Employment. As stated in the Land Use Code:

(A) **Purpose.** The Employment District is intended to provide locations for a variety of workplaces including light industrial uses, research and development activities, offices and institutions. This District also is intended to accommodate secondary uses that complement or support the primary workplace uses, such as hotels, restaurants, convenience shopping, child care and housing.

Additionally, the Employment District is intended to encourage the development of planned office and business parks; to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes; to direct the development of workplaces consistent with the availability of public facilities and services; and to continue the vitality and quality of life in adjacent residential neighborhoods.

B. Mixed-Use Dwelling Units – Condition of Zoning

At the September 6, 2005 Council consideration of the Amendment to the East Mulberry Corridor Plan, the petitioners voluntarily offered to restrict the extent of potential housing types to *Mixed-use Dwelling Units* only. These units are defined as:

“*Dwelling, mixed-use* shall mean a dwelling that is located on the same lot or in the same building as a nonresidential use.”

Citizen input during consideration of the plan amendment identified a potential issue with neighborhood compatibility. Since Employment zoning offers a more diverse range housing types than Industrial zoning, the concern was that multi-family housing complexes could be constructed. Such projects could potentially lead to complaints regarding the existing helicopter operations that are located in the immediate vicinity. This self-imposed restriction was offered as a mitigation technique to promote neighborhood compatibility by allowing only one particular type of housing product within the annexation boundary.

C. Residential Neighborhood Sign District

In addition, staff recommends the parcel be placed within the Residential Neighborhood Sign District which was created for the purpose of regulating signs for non-residential land uses in certain geographic locations of the City. Although it may appear incongruous to apply the Neighborhood Sign District to parcels in the Employment zone, the applicant has stated that mixed-use residential dwelling units would be a key component of any future development plan.

Compliance with State Law

As mentioned, the annexation has 25.53% 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.

East Mulberry Corridor Plan Amendment

The East Mulberry Corridor Plan (EMCP) was adopted September 17, 2002. The Plan shows two scenarios for the Downtown Airpark. One assumes continuing operations as an airport while the other indicates redevelopment. The redevelopment scenario is referred to in the EMCP as the "Framework Overlay Plan" and calls for combination of Industrial (60%) and Employment (40%) zoning to be placed on the Airpark property.

On September 6, 2005, Council amended the "Framework Overlay Plan" of the East Mulberry Corridor Plan by Resolution 2005-098. This amendment changed the recommended zoning of the Airpark from a mix of Industrial (60% - northwest portion) and Employment (40% - southeast portion) to Employment (100%).

Findings of Fact and Conclusion

In evaluating the request for the Airpark Village 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 *Intergovernmental Agreement – Growth Management Area*.
- 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, E, Employment, is in conformance with the City's Comprehensive Plan and the Amended "Framework Overlay Plan of the East Mulberry Corridor Plan.
- D. Staff recommends that a condition be placed on the Employment zone district such that *Mixed-use dwelling units* shall be the only permitted housing type allowed within the annexation boundary.
- E. Staff recommends the parcel be placed within the Residential Neighborhood Sign District based on the applicant's statements that mixed-use dwelling units will comprise a key feature of future development.
- F. On February 7, 2006, City Council approved the Resolution which accepted the annexation petition and determines that the petition is in compliance with State law.

Recommendation of the Planning and Zoning Board

In matters pertaining to annexation, zoning and amendments to adopted sub-area plans, the Planning and Zoning Board is authorized only to make recommendations to City Council. Since these actions are legislative and not quasi-judicial, final authority rests with Council. The Board took the following actions:

A. May 19, 2005:

Voted 5 – 0 to recommend annexation of the subject parcel.
Voted 4 – 1 to recommend the parcel be zoned Industrial.

B. July 21, 2005:

At the request of the applicant, the Board considered additional information and voted 6-0 to recommend the parcel be zoned Industrial (60%) and Employment (40%) in accordance with the East Mulberry Corridor Plan Framework Overlay Plan.

C. April 20, 2006:

Due to City Council amending the East Mulberry Corridor Plan on September 6, 2005, the Planning and Zoning Board will reconsider its initial zoning recommendation. The Planning and Zoning Board recommendation will be forwarded to City Council at Second Reading on May 2, 2006.

ATTACHMENTS

1. Maps
2. Resolution 2005-098

Material submitted by Applicant

3. Avigation Covenant

COPY

ORDINANCE NO. 053, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING PROPERTY KNOWN AS THE
AIRPARK VILLAGE ANNEXATION
TO THE CITY OF FORT COLLINS, COLORADO

WHEREAS, Resolution 2006-011, 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 tract of land situate in Sections 7 and 8, Township 7 North, Range 68 West of the Sixth P.M., County of Larimer, State of Colorado, which, considering the North line of the West 1/2 of said Section 8 as bearing S89°28'51"E and with all bearings contained herein relative thereto, is contained within the boundary lines which begin at a point which bears S16°38'59"W 4367.77 feet from the North 1/4 Corner of said Section 8, and run thence S00°17'01"W 687.33 feet to the Northeast Corner of Lot 3 of the Replat of Lot 1, Fort Collins Community Airpark Subdivision; thence along the Northerly line of said Lot 3, N59°04'20"W 269.73 feet; thence S38°07'20"W 228.23 feet to a point on the Northerly right-of-way line of Airway Avenue; thence S40°48'26"W 100.00 feet to a point on the Southerly right-of-way line of Airway Avenue; thence along said Southerly right-of-way line, along the arc of a 100.00 foot radius curve to the left a distance of 4.77 feet, the long chord of which bears N50°32'47"W 4.77 feet, and again N51°54'51"W 1002.79 feet; thence N38°46'56"E 337.18 feet to the Northeast Corner of Lot 29, Fort Collins Community Airpark Subdivision; thence along the Northerly line of said Fort Collins Community Airpark Subdivision, N51°47'27"W 921.48 feet to a point on the Easterly right-of-way line of Airpark Drive; thence along said Easterly right-of-way line, along the arc of a 100.00 foot radius curve to the right a distance of 17.45 feet, the long chord of which bears S33°12'32"W 17.43 feet; thence N51°47'33"W 100.00 feet to a point on the Southerly right-of-way line of Airpark Drive; thence along said Southerly right-of-way line, along the arc of a 20.00 foot radius curve to the left a distance of 31.36 feet, the long chord of which bears N06°58'49"W 28.26 feet, and again N52°01'54"W 862.28 feet, and again along the arc of a 134.02 foot radius curve to the right a distance of 77.75 feet, the long chord of which bears N35°13'30"W 76.66 feet, and again along the arc of a 214.40 foot radius curve to the left a distance of 125.62 feet, the long chord of which bears N35°24'16"W 123.84 feet; thence along the Northerly line of the Second Replat of the Fort Collins Industrial Park, N52°20'51"W 1462.19

feet to the Northwest Corner of Lot 106A of the 3rd Replat of Fort Collins Industrial Park; thence along the West line of said Lot 106A, S00°23'41"E 30.80 feet; thence along the Northerly line of Lot 12 of the Replat of Lots 11 through 17, Fort Collins Business Center 1st Filing, N52°03'36"W 480.54 feet; thence along the Northerly line of Fort Collins Business Center 2nd Filing, N52°08'56"W 599.99 feet; thence N37°43'58"E 107.72 feet; thence N52°04'42"W 913.48 feet; thence N88°32'50"E 1505.93 feet to the Northeast Corner of Tract S, Dry Creek Minor Subdivision; thence along the Westerly line of said Tract S, S00°18'06"E 171.84 feet, and again N88°14'57"E 422.85 feet, and again S55°25'36"E 400.19 feet, and again S00°00'36"W 510.00 feet; thence along the Southerly line of said Dry Creek Minor Subdivision, S55°19'53"E 1778.89 feet to the Southeast Corner of said Dry Creek Minor Subdivision; thence along the East line of said Dry Creek Minor Subdivision, N00°06'35"E 121.43 feet to a point on the Northerly right-of-way line of International Boulevard; thence along said Northerly right-of-way line, S55°19'53"E 945.07 feet, and again S89°29'21"E 802.17 feet; thence S00°05'31"W 1299.48 feet to the point of beginning, containing 147.8331 acres, more or less, and being subject to all easements and rights-of-way which are existing or are of record or as shown on this plat.

is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Airpark Village 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 March, A.D. 2006, and to be presented for final passage on the 4th day of April, A.D. 2006.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of April, A.D. 2006.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 054, 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 AIRPARK VILLAGE 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 Airpark Village Annexation to the City of Fort Collins, Colorado, in the Employment ("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 situate in Sections 7 and 8, Township 7 North, Range 68 West of the Sixth P.M., County of Larimer, State of Colorado, which, considering the North line of the West 1/2 of said Section 8 as bearing S89°28'51"E and with all bearings contained herein relative thereto, is contained within the boundary lines which begin at a point which bears S16°38'59"W 4367.77 feet from the North 1/4 Corner of said Section 8, and run thence S00°17'01"W 687.33 feet to the Northeast Corner of Lot 3 of the Replat of Lot 1, Fort Collins Community Airpark Subdivision; thence along the Northerly line of said Lot 3, N59°04'20"W 269.73 feet; thence S38°07'20"W 228.23 feet to a point on the Northerly right-of-way line of Airway Avenue; thence S40°48'26"W 100.00 feet to a point on the Southerly right-of-way line of Airway Avenue; thence along said Southerly right-of-way line, along the arc of a 100.00 foot radius curve to the left a distance of 4.77 feet, the long chord of which bears N50°32'47"W 4.77 feet, and again N51°54'51"W 1002.79 feet; thence N38°46'56"E 337.18 feet to the Northeast Corner of Lot 29, Fort Collins Community Airpark Subdivision; thence along the Northerly line of said Fort Collins Community Airpark Subdivision, N51°47'27"W 921.48 feet to a point on the Easterly right-of-way line of Airpark Drive; thence along said Easterly right-of-way line, along the arc of a 100.00 foot radius curve to the right a distance of 17.45 feet, the long chord of which

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Section 2. That any residential development upon the above-described property shall be limited to "mixed use dwellings" as that term is defined in the Land Use Code.

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 21st day of March, A.D. 2006, and to be presented for final passage on the 4th day of April, A.D. 2006.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of April, A.D. 2006.

Mayor

ATTEST:

City Clerk