

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Ryan Mounce, City Planner

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## SUBJECT

**Items Relating to the Heritage Annexation.**

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## EXECUTIVE SUMMARY

A. Resolution 2025-011 Setting Forth Findings of Fact and Determinations Regarding the Heritage Annexation.

B. Public Hearing and First Reading of Ordinance No. 027, 2025, Annexing the Property Known as the Heritage Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex a 24.84-acre property located northeast of the intersection of International Boulevard and Mexico Way. The Initiating Resolution was adopted on January 7, 2025. A related item to zone the annexed property is presented as the next item on this Agenda.

*This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexation, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.*

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## STAFF RECOMMENDATION

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

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## BACKGROUND / DISCUSSION

### Introduction

This is a 100% voluntary annexation of an approximately 24.84-acre site located northeast of the intersection of International Boulevard and Mexico Way in the East Mulberry Enclave. The eastern portions of the property contain an existing structure housing the Heritage Christian Academy school and several light industrial businesses while the western half of the property is undeveloped.

The site is bound by the Lake Canal and the TimberVine Neighborhood to the North and East, International Boulevard and portions of the Industrial Business Park International Planned Unit Development (PUD) to the South, and Mexico Way to the West. The total annexation area of approximately 24.84 acres is composed of 21.26 acres of private property and approximately 3.58 acres of right-of-way. The annexing property is also the subject of a development application for an Overall Development Plan (ODP) seeking a future phased development as a private school campus with additional academic, administrative, and

recreation facilities. The site already features basic infrastructure, including streets, utilities, and stormwater facilities originally developed as part of the Industrial Business Park International PUD in Larimer County.

### **Larimer County and City of Fort Collins Intergovernmental Agreement**

The property is located within the Fort Collins Growth Management Area (GMA) and according to policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Growth Management Area, the City agrees to consider annexation of property in the GMA when the property is eligible for annexation according to State law.

### **Contiguity Requirements**

The Heritage Annexation gains contiguity with City limits along its northern edge with the Timbervine neighborhood (RDC Annexation, 1998) and along its southern edge fronting International Boulevard (Airpark Village Annexation, 2006). The annexation site has a total perimeter of 5,569 feet and a contiguous perimeter with City limits of 1,783 feet. The contiguous perimeter is 32% of the overall perimeter, exceeding the one-sixth (1/6, approximately 17%) required by State statute to be contiguous with the annexing municipality.

### **Enclave Implications & East Mulberry Plan Threshold Annexation Strategy**

The annexation site is located within the East Mulberry Enclave, a large area of unincorporated Larimer County surrounded by City limits. If annexed, the site will create an additional area of unincorporated Larimer County further surrounded by City limits to the west bounded by International Boulevard, Mexico Way, and the boundaries of the TimberVine and Dry Creek neighborhoods. This “enclave-within-an-enclave” remains a part of the overall East Mulberry Enclave and eligible to be involuntarily annexed by the City. Based on strategies adopted in the East Mulberry Plan, the City will consider involuntary annexations based on a thresholds approach when the timing, resources, and policy goals of annexation align for portions of the enclave over time.

If the Heritage Annexation is approved, staff plans to initiate further study and analysis of nearby areas within the East Mulberry Enclave based on the guidance adopted in the East Mulberry Plan and share this information with City Council to seek direction on the appropriateness of initiating a potential threshold annexation.

### **Procedural Background**

On November 19, 2024, Council adopted Resolution 2024-136 initiating this annexation. However, Resolution 2025-002 was necessary due to a notice publication error. The published Notice after the 2024 Resolution indicated that Council was hearing this annexation on January 7, 2024, not 2025. State law requires Notice to be published for four consecutive weeks; so after it was discovered there was not time to remedy the notice error before January 7, 2025. Colorado Revised Statutes Section 31-12-108 includes certain timeframes during which an annexation petition must be addressed, namely, a hearing must be held not less than 30 days and not more than 60 days after the effective date of the Resolution setting the hearing. The January 7, 2025, Council meeting would have been 49 days after the November 19, 2024, passage of Resolution 2024-136. The January 21, 2025, Council meeting would have been at 63 days. Therefore, the new initiating resolution, Resolution 2025-002, was passed, and the required Notice was published thereafter in preparation for this February 18, 2025, hearing.

### **CITY FINANCIAL IMPACTS**

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The annexation will not result in any initial direct, significant financial impacts. Annexation will trigger the transition of law enforcement from the Larimer County Sheriff's Office to Fort Collins Police Services; however, a majority of the site is currently undeveloped.

When additional development of the site occurs, water services will be provided by the East Larimer Water District and wastewater services by Boxelder Sanitation District. Fort Collins Light and Power will provide electric service for the site.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The Planning and Zoning Commission recommended City Council annex the Heritage Annexation 7-0 at the Commission's December 19, 2024, hearing. The minutes from December 19, 2024, reflecting the Commission's recommendation, are attached.

### **PUBLIC OUTREACH**

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A joint neighborhood meeting for the annexation and proposed ODP for the site was held on September 5, 2024. All other notification requirements as required by State and local law have been met.

A majority of questions and comments at the neighborhood meeting related to the ODP application, specifically traffic impacts associated with growth of the school and student drop-off/pick-up schedules.

### **ATTACHMENTS**

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1. Resolution for Consideration
2. Ordinance for Consideration
3. Vicinity Map
4. Applicant Narrative
5. Annexation Petition
6. Annexation Map
7. Planning & Zoning Commission Minutes, December 19, 2024