

AGENDA ITEM SUMMARY

May 4, 2021

City Council

STAFF

Brad Yatabe, Legal
Carrie Daggett, City Attorney

SUBJECT

First Reading of Ordinance No. 069, 2021, Amending the Zoning Map of the City of Fort Collins By Changing the Zoning Classification of the Hughes Stadium Annexation Property from the Transition District to Public Open Lands as Required by the Citizen-Initiated Ordinance Passed at the April 6, 2021, Regular Municipal Election.

EXECUTIVE SUMMARY

On April 6, 2021, Fort Collins' voters passed the citizen-initiated ordinance requiring, among other things, that the City rezone the approximately 164.56-acre property that was subject to the Hughes Stadium Annexation from its current Transition District zoning to the Public Open Lands District. The rezoning ordinance is presented for Council adoption on First Reading.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In October 2018, Council annexed into the City the approximately 164.56-acre property upon which Hughes Stadium stood (the "Hughes Stadium Property") by adopting Ordinance No. 123, 2018, and the Hughes Stadium Property was concurrently zoned as Transition District by Ordinance No. 124, 2018. On November 17, 2020, by means of Resolution 2020-105, Council submitted a citizen-initiated ordinance, subject to modification based upon judicial review, to a vote of the registered electors of the City at the April 6, 2021, regular municipal election. Based upon a Larimer County District Court decision, the citizen-initiated ordinance as set forth in Resolution 2020-105 was later amended by Council adoption of Resolution 2021-024.

The amended ballot measure put to a vote of the registered electors of the City read as follows:

Shall the City enact an ordinance requiring the City Council of the City of Fort Collins to immediately rezone upon passage of the ordinance a 164.56-acre parcel of real property formerly home to the Hughes Stadium from the Transition District to the Public Open Lands District, and requiring the City to acquire the property at fair market value to use said property for parks, recreation, and open lands, natural areas, and wildlife rescue and restoration, and further prohibiting the City from de-annexing, ceasing acquisition efforts or subsequently rezoning the property without voter approval of a separate initiative referred to the voters by City Council, and granting legal standing to any registered elector in the City to seek injunctive and/or declaratory relief in the courts related to City noncompliance with said ordinance?

On April 6, 2021, the registered electors of the City passed the ballot measure and as called for in that ballot measure the Ordinance will rezone the Hughes Stadium Property from its current Transition District zoning to Public Open Lands District zoning.

ORDINANCE NO. 069, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS BY CHANGING THE
ZONING CLASSIFICATION OF THE HUGHES STADIUM ANNEXATION PROPERTY
FROM THE TRANSITION DISTRICT TO PUBLIC OPEN LANDS AS REQUIRED BY THE
CITIZEN-INITIATED ORDINANCE PASSED AT THE APRIL 6, 2021, REGULAR
MUNICIPAL ELECTION

WHEREAS, by adoption of Ordinance No. 123, 2018, on October 16, 2018, City Council approved the Hughes Stadium Annexation, which annexed into the City the approximately 164.56-acre property (the “Hughes Stadium Property”) upon which Hughes Stadium formerly stood; and

WHEREAS, by adoption of Ordinance No. 124, 2018, on October 16, 2018, the Hughes Stadium Property was zoned as Transition District; and

WHEREAS, by adoption of Resolution 2020-105 on November 17, 2020, City Council submitted a citizen-initiated ordinance related to the Hughes Stadium Property, subject to modification based upon judicial review, to a vote of the registered electors of the City at the April 6, 2021, regular municipal election; and

WHEREAS, by adoption of Resolution 2021-024 on February 16, 2021, City Council revised the citizen-initiated ordinance as set forth in Resolution 2020-105 based upon a related Larimer County District Court decision; and

WHEREAS, the revised ballot measure (the “Ballot Measure”) put to a vote of the registered electors of the City at the April 6, 2021, regular municipal election read as follows:

Shall the City enact an ordinance requiring the City Council of the City of Fort Collins to immediately rezone upon passage of the ordinance a 164.56-acre parcel of real property formerly home to the Hughes Stadium from the Transition District to the Public Open Lands District, and requiring the City to acquire the property at fair market value to use said property for parks, recreation, and open lands, natural areas, and wildlife rescue and restoration, and further prohibiting the City from de-annexing, ceasing acquisition efforts or subsequently rezoning the property without voter approval of a separate initiative referred to the voters by City Council, and granting legal standing to any registered elector in the City to seek injunctive and/or declaratory relief in the courts related to City noncompliance with said ordinance?

; and

WHEREAS, on April 6, 2021, the Ballot Measure was passed; and

WHEREAS, the Ballot Measure requires City Council to rezone the Hughes Stadium Property from the Transition District to the Public Open Lands District; and

WHEREAS, in order to carry out the will of the voters, City Council is adopting this Ordinance to rezone the Hughes Stadium Property from the Transition District to the Public Open Lands District.

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

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Council, in order to carry out the will of voters and as required by the approved Ballot Measure, hereby changes and amends 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 to rezone from the Transition Zone District to the Public Open Lands Zone District, the Hughes Stadium Property more particularly described as:

A parcel of land situate in the East Half of Section 20, Township 7 North, Range 69 West of the 6th P.M., being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 20 as bearing South 00°16'25" West and with all bearings contained herein relative thereto:

BEGINNING at the Southeast corner of Foothills Annexation to the City of Fort Collins, recorded at Book 1439 Page 17 Larimer County Clerk and Recorder, said corner also being the Northwest corner of Becksted Addition to the City of Fort Collins recorded at Reception No. 910170 Larimer county Clerk and Recorder; thence along the West line of said Becksted Addition, said line also being the East line of said Section 20, South 00°16'25" West, 1,390.85 feet to the East Quarter corner of said Section 20, said point also being the Northwest corner of Mountain Shadows Annexation to the City of Fort Collins recorded at Book 1500 Page 6 Larimer County Clerk and Recorder; thence along the West line of said Mountain Shadows Annexation, said line also being the East line of said Section 20, South 00°17'42" West, 690.54 feet to a point on the Northerly line of Pine Ridge 5th Annexation to the City of Fort Collins recorded at Reception No. 2001113963 Larimer County Clerk and Recorder; thence along said Pine Ridge 5th Annexation the following three (3) courses and distances, North 89°42'16" West, 30.00 feet; thence, South 00°17'42" West, 456.97 feet; thence, South 78°29'11" West, 1,114.50 feet to a point on the Northeast corner of Pine Ridge 3rd Annexation to the City of Fort Collins, recorded at Reception No. 99006010 Larimer County Clerk and Recorder; thence along the Northerly line of said Pine Ridge 3rd Annexation, said line also being the Northerly right of way line of Dixon Canyon Road, South 78°29'11" West, 948.91 feet; thence along the Westerly line of said Pine Ridge 3rd Annexation, South 11°30'33" East, 60.00 feet to the Southerly right of way line of Dixon Canyon Road; thence along said line South 78°28'57" West, 635.98 feet; thence departing said line, and along the Easterly line of State Board of Agriculture Lands as recorded at Reception No. 10510582 the following two (2) courses and distances, North 00°04'23" East, 61.42 feet; thence,

North 00°30'58" East, 878.03 feet to the Southeast corner of Maxwell Open Space Annexation to the City of Fort Collins recorded at Reception No. 90017479 Larimer County Clerk and Recorder; thence along the East line of said Maxwell Open Space Annexation, North 00°31'43" East, 1,573.16 feet; thence departing said line, and along the line of said State Board of Agriculture Lands the following six (6) courses and distances, North 57°47'42" East, 65.46 feet; thence along a curve concave to the Northwest having a central angle of 25°26'23", an arc length of 149.40 feet with a radius of 336.48 feet, and the chord of which bears North 45°04'30" East, 148.18 feet; thence along a curve concave to the Northwest having a central angle of 31°42'57", an arc length of 133.40 feet with a radius of 240.99 feet, and the chord of which bears North 16°32'04" East, 131.70 feet; thence, North 00°30'42" East, 111.20 feet; thence along a curve concave to the East having a central angle of 23°27'51", an arc length of 96.85 feet with a radius of 236.49 feet, and the chord of which bears North 11°47'37" East, 96.17 feet; thence, North 86°25'25" East, 1,487.45 feet to the Southwest corner of Foothills 3rd Annexation to the City of Fort Collins recorded at Book 1497 Page 190 Larimer County Clerk and Recorder; thence along the South line of said Foothills 3rd Annexation, North 86°25'25" East, 25.79 feet to the Southwest Corner of Foothills 2nd Annexation to the City of Fort Collins recorded at Book 1456 Page 668 Larimer County Clerk and Recorder; thence along the South line of said Foothills 2nd Annexation, North 86°25'25" East, 446.63 feet to the Southwest Corner of Foothills Annexation to the City of Fort Collins recorded at Book 1439 Page 17 Larimer County Clerk and Recorder; thence along the South line of said Foothills Annexation, North 86°25'25" East, 479.58 feet to the Point of Beginning.

The above described tract of land contains 7,167,953 square feet or 164.554 acres, more or less, and is subject to all easements and rights-of-way now on record or existing.

Section 3. The Hughes Stadium Property is not 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 4th day of May, A.D. 2021, and to be presented for final passage on the 18th day of May, A.D. 2021.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 18th day of May, A.D. 2021.

Mayor

ATTEST:

City Clerk