



**MORRISON ANNEXATION AND INITIAL ZONING STAFF REPORT
PROJECT NO. LUP2020-0006 / PLAN NOS. ANX2020-0001 & COZ2020-0001**

PROJECT DESCRIPTION

Project No.: LUP2019-0025 / Plan Nos. ANX2019-0007 & COZ2019-0007

Project name: Morrison Annexation & Initial Zoning

Owner's Name: Andrew Morrison & Kamber Morrison ("Applicants")

Representative: Jack Silver, Terry Jo Epstein, and Sarah Ostby with Holsinger Law, LLC

Location of Request:

The site consists of a parcel of land located approximately a quarter mile north of County Road 8 and west and adjacent to County Road 29 right of way (Parcel No. 147117000091) (the "Property"). The site is located in the Northeast Quarter of Section 17, Township 1 North, Range 66 West of the 6TH Principal Meridian, City of Fort Lupton, County of Weld, State of Colorado. It is directly adjacent to the City Limits on the west.



Nature of Request:

The Applicant has submitted a request for annexation of a parcel of land with an initial zoning designation to the 'A' Agricultural Zone District. The Applicant is interested in inclusion into the Northern Colorado Water Conservancy District and the Municipal Subdistrict in order to supply water to the Property. The current uses of the Property are agricultural and residential, and is not expected to change at this time.

Site Size: 37.58 acres, more or less.

Proposed Zone District: 'A' Agricultural

Concept Land Use Plan: The annexation will not entail new or additional residential, commercial, or industrial development. The project shall consist of an annexation into the city limits of Fort Lupton for purposes of inclusion into the Northern Colorado Water Conservancy District and the Municipal Subdistrict ("Inclusion") in order to supply water to the Property. Any improvements to be constructed upon the Property will be limited to digging and/or trenching related to the establishment of structures intended to convey water to the property in connection with the Inclusion.

Existing Use: Agricultural and residential facilities.

Hearing Dates: Planning Commission – April 23, 2020 at 6:00 PM; and
City Council – May 5, 2020 at 7:00 PM.

Hearing Location: Virtual Public Hearing via GoToMeeting. See instructions for attending the virtual meeting on the Planning Commission agenda.

Staff Recommendation: Approval with conditions as listed in the proposed resolution.

SUMMARY OF PREVIOUS APPLICATIONS

To staff's knowledge, there are no prior applications for these properties through the City of Fort Lupton.

APPLICATION PROCESS

The Applicant is requesting approval of an annexation and initial zoning to the 'A' Agricultural Zone District.

An annexation is processed under [Chapter 15: Annexation](#) of the Fort Lupton Municipal Code ("Code").

After required public notice of annexation and initial zoning, the Planning Commission shall review the annexation map, the concept land use plan and the zoning request at a public hearing, and shall submit a written recommendation to City Council.

The City Council shall then conduct a public hearing and consider the approval of an ordinance annexing the property to the City without election if it finds that the annexation is in compliance with the requirements of the Colorado Municipal Annexation Act of 1965, as amended, and the Fort Lupton Municipal Code. The City Council shall then either:

1. Approve, or approve with conditions, the ordinances for annexation and initial zoning. Approval may be contingent upon specific changes to the zoning or to the annexation agreement provided to the City Council prior to the public hearing.
2. Disapprove the ordinances to annex and initially zone the Property. If the City Council disapproves annexation, no similar request may be heard for a period of one year from the date of denial.

NOTIFICATION REQUIREMENTS

All notification requirements were met, including posting notice of the hearings on the property at least 15 days prior to this public hearing, mailing notice to property owners within 500 feet of the site, and the

publishing notice of the hearing in the Fort Lupton Press for four consecutive weeks, with the first publication being at least 30 days prior to the City Council public hearing.

In addition, notice of the public hearings, as well as the resolution and petition, was sent to the Weld County Commissioners and Weld County Attorney, the school district and all special districts on March 24, 2020 by certified mail, return-receipt requested. The annexation impact report was sent on March 24, 2020 to the Weld County Commissioners by certified mail, return-receipt requested.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

This annexation meets the requirements set forth by the Municipal Annexation Act of 1965, as amended and by [Chapter 15 of the Municipal Code](#) relating to Annexation. The Planning Department staff has determined that the applicant has submitted all required documents pursuant to the Code.

Section 15-3 of the Municipal Code outlines the Annexation Policy, which is:

- a) The City Council shall have the sole discretion in the annexation of territory proposed for annexation to the City, and the City is under no obligation to approve any annexation petition.

Staff Comment: On March 17, 2020, the City Council accepted the annexation petition and set the public hearing date for this matter on May 5, 2020.

- b) Land to be annexed shall conform to the goals, policies and strategies of the City.

Staff Comment: The Planning Department finds that the annexation meets the goals, policies and strategies of the City, specifically in relation to the Comprehensive Plan, which is further explained later in this Staff Report.

- c) The petitioner for annexation of land to the City shall be responsible for paying all required fees and for all related costs and overhead incurred by the City in reviewing and processing the annexation petition.

Staff Comment: The Applicant has paid all required land use fees, and has a fee deposit established to cover any costs related to the project.

- d) Annexation shall not divide tracts of land in such a way as to prevent annexation of adjoining land.

Staff Comment: The proposed will not prevent future annexation of land.

- e) All annexations shall be accompanied by an [annexation] agreement between the petitioner and the City, stating conditions related to municipal services or other terms of annexation that are not specifically provided for in the Code.

Staff Comment: The Applicant and City Attorney are working in good faith to finalize an annexation agreement. A draft will be provided to the Fort Lupton City Council for consideration prior to the public hearing.

- f) Unless specifically deferred by the City Council, zoning of the property shall occur concurrently with the annexation. Proposed zoning shall conform to a concept land use plan submitted with the annexation petition. In the event that sufficient planning has not been done to define zoning boundaries at the time of annexation, the City may zone the property "A," Agricultural, as an interim zoning classification.

Staff Comment: The Applicant is requesting zoning to the 'A' Agricultural Zone District. This zoning conforms to the surrounding zoning and the Comprehensive Plan.

- g) Required contiguity of noncontiguous parcels proposed for annexation may be achieved by annexation of one (1) or more portions of street right-of-way or other public way, a process commonly referred to as "flagpole" annexation.

Staff Comment: The proposed annexation meets the required continuity of noncontiguous parcels.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area for industrial land uses. This designation allows for a mix of heavy. However, the Fort Lupton Municipal Code states that the A Agricultural District is intended to apply in areas which economically have value for agricultural uses and are not yet ready for development into urban usage. It also states that the A District is appropriate as a temporary zoning district for newly annexed land that has not been subdivided. Since there is no development planned at this time for the property, the 'A' Agricultural Zone District is appropriate as a placeholder until such time that the Property is ready for development.

The property is surrounded by uses that are similar to the proposed use. The proposed use also conforms to the designated land use type and zoning.

REFERRALS

Referrals were provided to the list below. Any comments received are enclosed with the Planning Commission packet.

City Attorney	Police Chief	Public Works Director
Building Inspector	OMI	GIS Specialist
Fort Lupton Fire Protection District	CDOT	NCWCD
Colorado DRMS	Colorado Parks and Wildlife	United Power
Comcast	CenturyLink	Xcel Energy
Weld County Department of Planning	Weld County Public Works	Weld County School District RE-8
NCWCD	Futon Ditch Company	City of Brighton

For more information on this development, please refer to the Planning Commission packet provided. Additional documents are available for review at the Fort Lupton City Hall.