

**PROJECT:** Hacienda Higgins-Marquez  
Project Development Plan/Final Plan FDP#120022

**APPLICANT:** William H. & Rosalba M. Higgins  
8571 Secretariat Drive  
Wellington, CO 80549

**OWNER:** William H. & Rosalba M. Higgins  
8571 Secretariat Drive  
Wellington, CO 80549

**PROJECT DESCRIPTION:**

This is a request to plat a 13,482 square foot lot and construct a single-family detached dwelling located at 1717 West Mulberry Street (southeast corner of the intersection of West Mulberry Street and Cook Drive). The project site is zoned Low Density Residential (R-L) District. Two Modifications of Standards accompany this development request.

The first modification addresses Section 4.4(D)(2)(b), which requires the minimum front yard setback in the Low Density Residential zone district to be 20 feet. The applicant proposes a modification to this standard to allow the front porch of the single-family detached dwelling's front setback to begin at 15.7 feet.

The second modification relates to Section 4.4(D)(2)(e), which states the maximum building height for a single-family dwelling in the Low Density Residential zone district shall be 28 feet. The applicant proposes a modification to this standard to permit the building height of the single-family dwelling to reach 28.21 feet.

**RECOMMENDATION:** Approval of the Project Development Plan/Final Plan and two requested Modifications of Standards.

## **EXECUTIVE SUMMARY:**

Single-family detached dwellings are permitted in the R-L, Low Density Residential zone district subject to Basic Development Review, provided that such use is located on a lot that is already part of an approved site specific development plan. As the site for the proposed single-family detached dwelling is currently unplatted and not yet part of a site specific development plan, the platting and single-family detached dwelling is permitted subject to administrative review and public hearing.

The Project Development Plan/Final Plan complies with the applicable standards of Article 3, General Development Standards of the Land Use Code and the applicable standards of the R-L zone district, pending the approval of the two requested Modifications of Standards. The two Modification of Standards requests were found to be justified by the criteria in Section 2.8.2(H)(4) of the Land Use Code.

### **1. Background**

The surrounding zoning and land uses are as follows:

|    |       |   |
|----|-------|---|
| N: | L-M-N | Existing retail and business service shops. |
| S: | R-L   | Existing Single-Family Dwellings            |
| E: | R-L   | Existing Single-Family Dwellings            |
| W: | R-L   | Existing Place of Worship                   |

Historically, the project site (Parcel# 97152-01-011) was part of the Western Second Annexation and annexed into the City in January 1958.

### **2. Article 2 - Administration**

The Hacienda Higgins-Marquez, Project Development Plan/Final Plan complies with the applicable requirements of the Land Use Code, including the procedural requirements located in Divisions 2.2 – Common Development Review Procedures for Development Applications, and Divisions 2.4 & 2.5 – Project Development Plan/Final Plan.

### **3. Compliance with Applicable Article 4, Low Density Residential R-L District Standards**

A. *Section 4.4(D)(1) – Density*

This section requires the minimum lot area in the R-L district to be the equivalent of three times the total floor area of the building, but not less than 6,000 square feet. The Hacienda-Higgins Marquez subdivision lot is 13,482 square feet in size and the single-family detached dwelling is 2,598 square feet. The lot size is both larger than three times the total floor area of the building and 6,000 square feet.

B. *Section 4.4(D)(2) – Dimensional Standards*

1. *Section 4.4(D)(2)(a)*

The lot's width is 148.98 feet, exceeding the 60 foot minimum lot width for a single-family dwelling in the R-L zone district.

2. *Section 4.4(D)(2)(b)*

This section requires the minimum setback of the front yard to be 20 feet. The applicant is proposing a Modification of Standard for a front yard setback of 15.7 feet. Please refer to Section 5 - Modification of Standards Requests.

3. *Section 4.4(D)(2)(c)*

The lot's rear yard setback is 17 feet, exceeding the 15 foot minimum setback required by this section.

4. *Section 4.4(D)(2)(d)*

As a corner lot, the side yard setback for the street side corner is a minimum of 15 feet and a minimum of 5 feet is required for an interior side yard setback. The single-family detached dwelling accommodates a 22 foot setback for the side yard that is street facing and a 67.6 foot interior side yard setback. Both measurements exceed the standards set forth in this section.

5. *Section 4.4(D)(2)(e)*

This section states the maximum building height for a single-family dwelling shall be 28 feet. The applicant is proposing a Modification of Standard to allow for a building height of 28.21 feet. Please refer to Section 5 – Modification of Standards Requests.

4. **Compliance with Applicable Article 3, General Development Standards**

The Hacienda Higgins-Marquez, Project Development Plan/Final Plan complies with the applicable requirements of the Land Use Code, including those located in Division 3, General Standards, as noted below.

A. *Section 3.2.2(K)(1)(c) - Parking Lots - Required Number of Off-Street Spaces for Type of Use*

The project complies with this section, providing more than the required 1 off-street parking space for a single-family detached dwelling on a lot with more than 40 feet of street frontage.

**B.     *Section 3.3.1(B)(1) - Lots***

This section requires lots to meet the applicable area requirements set forth under the applicable zoning of the subject site. The R-L zone district requires lots to be at least three times greater than the floor area of the building, but not less than 6,000 square feet.

As proposed, the single-family detached dwelling is 2,598 square feet and the proposed lot is 13,482 square feet, meeting the requirements that the lot is both greater than 6,000 square feet and three times greater than the total floor area of the building.

The lot provides vehicular access to a public street and the general layout of the lot, driveway, utilities and drainage is designed so that compliance with development standards is not difficult or infeasible.

**B.     *Section 3.3.1(C)(1) – Public Sites, Reservations and Dedications***

The proposed development is required to dedicate additional right-of-way for Mulberry Street at the site's northern boundary. At the northwest corner, 9 feet of additional right-of-way is being dedicated, increasing to approximately 14 feet at the northeast corner of the site as Mulberry Street turns and begins travelling to the southeast.

**C.     *Section 3.5.1 – Building and Project Compatibility***

This purpose of this section is to create physical and operational compatibility of the development when considering the surrounding environment.

The project site and surrounding environment features a mix of uses, lot dimensions/orientation and architectural styles. No definitive architectural character has been established within the vicinity owing to the varying age of nearby structures and their uses (single-family detached dwellings, place of worship, and retail/service businesses). To achieve building and project compatibility, the project will help establish a high standard of architectural character through the use of design elements, building size, height, bulk, mass, scale and building materials as noted below.

**1.     *Section 3.5.1(B) Architectural Character***

The proposed single-family detached dwelling will utilize a Craftsman-style architectural design that will promote a high architectural standard. The outline of the home, use of gables, corbels, eaves, complex roof lines and variation in materials are designed to set a high standard of architectural character for the area.

2. *Section 3.5.1(C) Building Size, Height, Bulk, Mass, Scale*

The detached dwelling helps achieve compatibility with building height, bulk, mass and scale through building variation, including the use of multiple projections and recesses, helping break-up the bulk and mass of the overall structure.

3. *Section 3.5.1(E) Building Materials*

The house will utilize multiple and high-quality building materials. Portions of the dwelling near the base will use a stone-pattern finish. Siding will be used in the middle while the top portions under the gables will feature shake-shingle hardboard siding painted an accent color. Additional architectural features such as corbels will be utilized under the gables. Window and door openings will be surrounded by trim board or shutters.

D. *Section 3.5.2(E) – Garage Doors*

This section applies certain standards on the location, size and architectural features of garages to help promote visually interesting residential streetscapes. This development meets these standards as noted below.

1. *Section 3.5.2(E)(1)*

The proposed garage is not street-facing and is instead considered a “side-loaded” garage.

2. *Section 3.5.2(E)(2)*

The proposed garage is “side-loaded” and features a window and architectural details that mimic the living portion of the building.

3. *Section 3.5.2(E)(3)*

Alley and corner lots are exempt from this standard.

E. *Section 3.6.2(D) – Streets, Streetscapes, Alleys and Easements*

This section states no residential lots in a subdivision that abuts an arterial street shall have access from the arterial street.

This development abuts an arterial street (Mulberry Street); accordingly, access for the lot and single-family detached dwelling will be taken from Cook Drive.

F. *Section 3.8.10(A) – Single-Family and Two-Family Parking Requirements*

This project complies with this section by providing more than the required 1 off-street parking space for a single-family detached dwelling on a lot with more than 40 feet of street frontage.

## 5. **Modification of Standards Requests**

A. The applicant has requested modifications to the following standards:

1. Section 4.4(D)(2)(b) – Allow a front yard setback of 15.7 feet.
2. Section 4.4(D)(2)(e) – Allow a single-family dwelling building height of 28.21 feet.

B. Review Criteria

1. Land Use Code Section 2.8.2 – Modification of Standards:

*(H) Step 8 (Standards): The decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:*

*(1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or*

*(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or*

*(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or*

*(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.*

*Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).*

B. First Modification – Section 4.4(D)(2)(b)

1. Standard – Minimum setback of the front yard shall be twenty (20) feet.

2. Description of the Modification

The single-family detached dwelling's living area is setback the required 20 feet; however, portions of the dwelling's front porch lay within the minimum setback area. Approximately 4.3 feet of the porch is within the minimum setback area, meaning the front yard setback as measured to the front of the porch is 15.7 feet.

3. Summary of the Applicant's Modification Request

The applicant requests the front yard setback be lowered to 15.7 feet as the proposed change would be considered nominal and inconsequential. The area of the front porch lying in the setback area is not a large area, nor will it affect the surrounding properties. Further, the need to dedicate additional right-of-way has left a smaller building envelope in which to construct the single-family detached dwelling.

4. Staff Evaluation of the Modification Request

The lot on which the single-family detached dwelling is to be constructed does not lay within an established neighborhood with a uniform pattern of front yard street setbacks. To the north and west are non-residential land-uses (a place of worship and retail/business service shops. In these directions, there is no pattern or congruity of existing setbacks in which to follow or mimic. The retail and business service shops to the north feature parking lots as their front yard.

To the south and east are existing single-family detached dwellings; however their lot sizes, orientations and front yard setbacks again offer no consistent pattern which a reduced front yard setback would disrupt.

The lot was required to dedicate additional right-of-way for Mulberry Street. At its narrowest point, 9 feet at the front of the lot along Mulberry Street will be dedicated as additional right-of-way. This dedication has reduced the building envelope in which to construct a dwelling and had no dedication taken place, the building would meet and exceed the minimum front yard setback.

5. Staff Recommendation and Findings of Fact:

Staff recommends approval of the modification. In evaluating the request, staff makes the following findings:

- (1) The granting of the modification would not be detrimental to the public good and;
- (2) The plan as submitted will not diverge from the standards of the Land Use Code except in a nominal, inconsequential way when considered from the perspective of the entire development plan.

**B. Second Modification – Section 4.4(D)(2)(e)**

1. Standard – Maximum building height shall be twenty-eight (28) feet for a single family dwelling.

2. Description of the Modification

The single-family detached dwelling will exceed the current standard maximum of 28 feet by less than 3 inches. The building height for the structure will be 28.21 feet.

3. Summary of the Applicant's Modification Request

The applicant requests a modification that would be considered nominal and inconsequential given that the extra height above the standard is less than 3 inches. This will help accommodate the Craftsman-style design of the dwelling and a slight elevation increase due to hard and expansive soil conditions.

4. Staff Evaluation of the Modification Request

The lot on which the single-family detached dwelling will sit is a corner lot; two streets abut the lot to the north and west, mitigating privacy or "looming" issues the increased height may create. Further, the lot is relatively large and the structure will be situated near the middle of the lot with side yard setbacks greater than standards require, reducing and mitigating potential impacts to the southern and eastern properties. Existing, mature landscaping surrounds much of the perimeter of the site to help mitigate visual impacts.

The additional few inches of height above the standard's maximum only occur near the pinnacle of two articulated roof lines; the vast majority of the roof and structure's height is below the 28 foot height maximum.

5. Staff Recommendation and Findings of Fact:

Staff recommends approval of the modification. In evaluating the request, staff makes the following findings:



- (1) The granting of the modification would not be detrimental to the public good and;
- (2) The plan as submitted will not diverge from the standards of the Land Use Code except in a nominal, inconsequential way when considered from the perspective of the entire development plan.

## **FINDINGS OF FACT/CONCLUSIONS**

After reviewing the Hacienda Higgins-Marquez Project Development Plan/Final Plan FDP#120022, Staff makes the following findings of fact and conclusions:

1. The Project Development Plan/Final Plan complies with all applicable administrative and procedural standards contained within Article 2 of the Land Use Code.
2. The Project Development Plan/Final Plan complies with all applicable district standards of Section 4.4 of the Land Use Code, R-L – Low Density Residential District pending approval of the two requested Modifications of Standards.
3. The Project Development Plan/Final Plan complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.

## **RECOMMENDATION:**

Staff recommends approval of the Hacienda Higgins-Marquez Project Development Plan/Final Plan FDP#120022 and the two requested Modifications of Standards.

## **ATTACHMENTS:**

- Vicinity Map
- Subdivision Plat
- Site Plan
- Elevations
- Site Photos



## Aerial Site Map

Site

Lab - Polaris



**Hacienda Higgins-Marquez**  
**(1717 W Mulberry St)**

1 inch = 333 feet

SITUATE IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M.  
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

## Director of Planning







# SITE PLAN FOR THE PROPOSED HACIENDA HIGGINS - MARQUEZ SUBDIVISION

SITUATE IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M.,  
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

## LAND USE DATA TABLE:

| LAND AREA               | SQUARE FEET    | ACRES     | % OF NET |
|-------------------------|----------------|-----------|----------|
| SITE AREA (GROSS)       | 13,482.5± S.F. | 0.31± AC. | N/A      |
| SITE AREA (NET)         | 13,482.5± S.F. | 0.31± AC. | N/A      |
| BUILDING COVERAGE       | 2598.0± S.F.   | 0.06± AC. | 19.3%    |
| ON-SITE IMPERVIOUS AREA | 815.0± S.F.    | 0.02± AC. | 6.0%     |
| PUBLIC STREET R.O.W.    | N/A            | N/A       | N/A      |

FLOOR AREA RATIO: 2598.0± S.F. = .193 F.A.R.  
EXISTING ZONING: R-L LOW DENSITY RESIDENTIAL  
BUILDING HEIGHT: TWO (2) STORY SF RESIDENCE - 28' BLDG. HEIGHT

## OWNER'S CERTIFICATION:

THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE LAWFUL OWNERS  
OF THE REAL PROPERTY DESCRIBED AS:

LOT 1, HACIENDA HIGGINS-MARQUEZ SUBDIVISION, CITY OF FORT COLLINS,  
COUNTY OF LARIMER, STATE OF COLORADO,

AS SHOWN ON THIS SITE PLAN AND DO HEREBY CERTIFY THAT WE ACCEPT  
THE CONDITIONS AND RESTRICTIONS SET FORTH ON SAID SITE PLAN.

WILLIAM H. HIGGINS DATE

ROSALBA M. HIGGINS DATE

STATE OF COLORADO )  
COUNTY OF LARIMER )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2013, BY WILLIAM H. HIGGINS AND

ROSALBA M. HIGGINS AS OWNERS OF LOT 1, HACIENDA HIGGINS-MARQUEZ  
SUBDIVISION, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF  
COLORADO.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC

## DIRECTOR OF PLANNING APPROVAL:

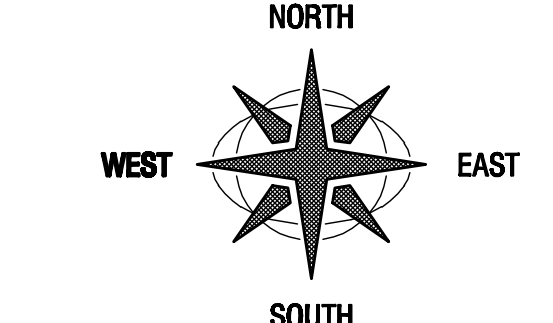
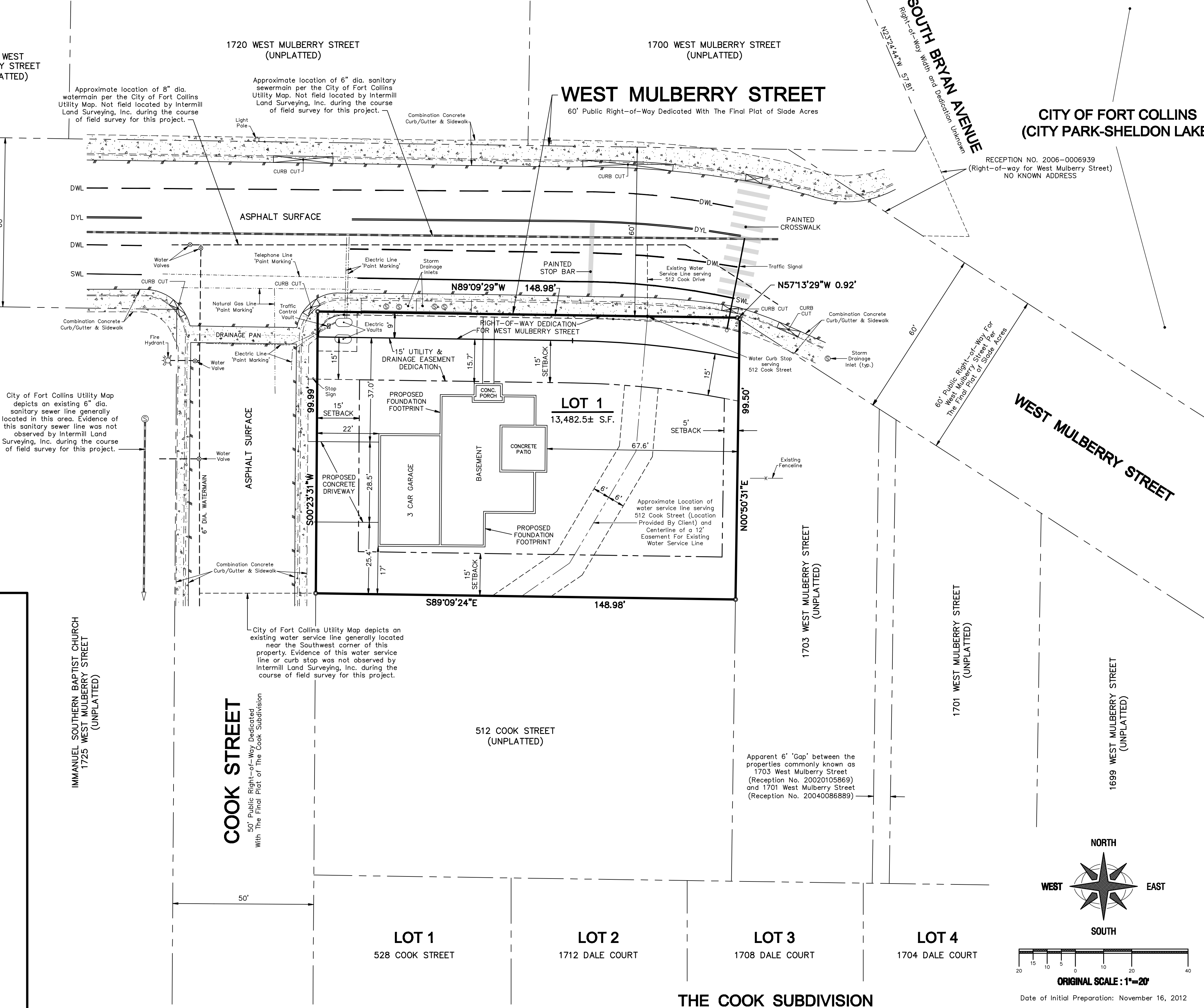
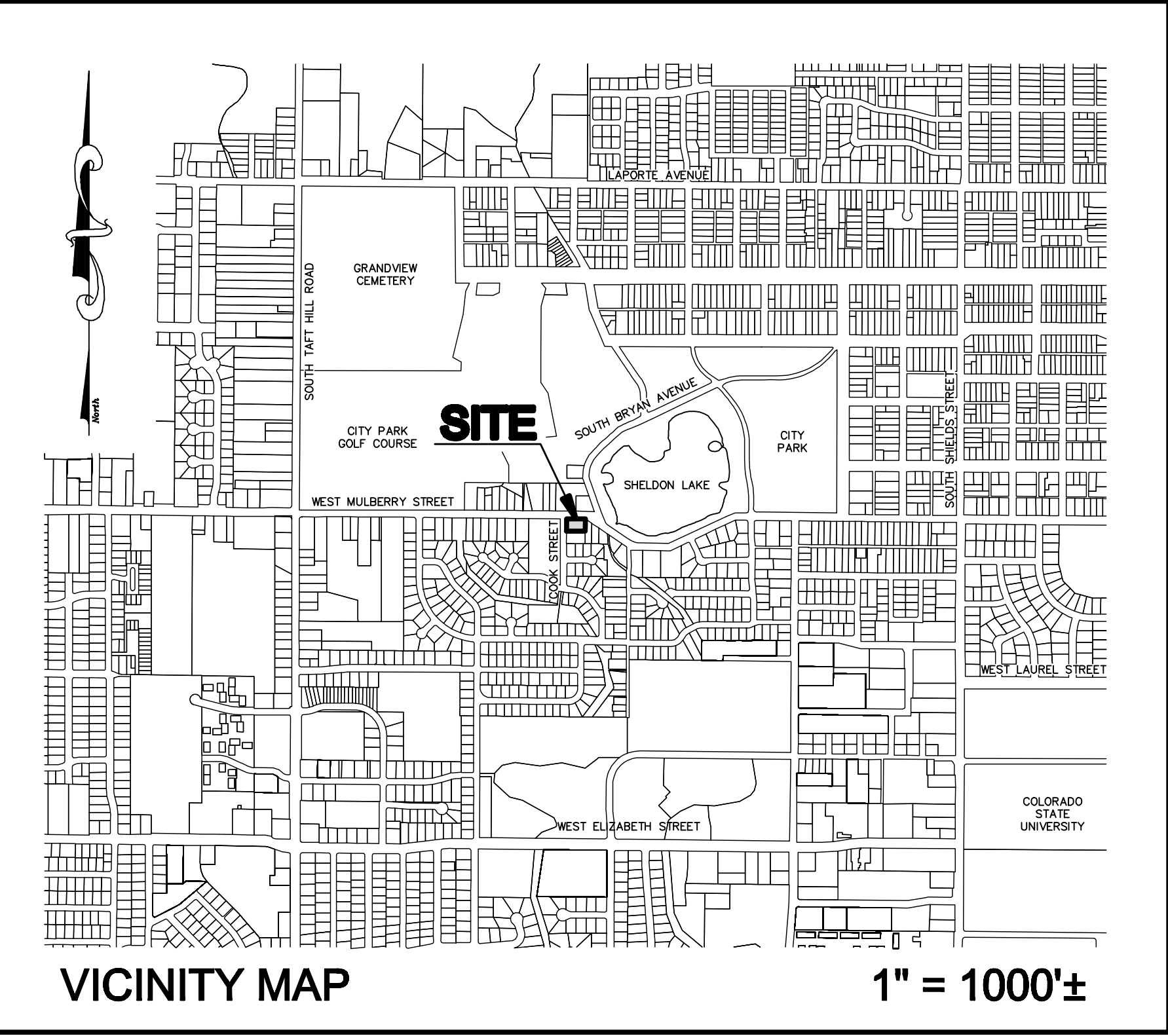
APPROVED BY THE DIRECTOR OF PLANNING OF THE CITY OF FORT COLLINS,  
COLORADO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

DIRECTOR OF PLANNING

## GENERAL NOTES:

- REFER TO THE FINAL PLAT OF HACIENDA HIGGINS-MARQUEZ SUBDIVISION FOR ADDITIONAL BOUNDARY,  
RIGHT-OF-WAY, AND EASEMENT DIMENSIONING.
- Evidence and location of sanitary sewer service line to this site was not observed by Intermill Land Surveying,  
Inc. during the course of field survey for this project. The location of the sanitary sewer service line serving  
this property shall be determined during the time of construction for the proposed single-family residence  
on this site and a horizontal as-built plan shall be submitted to the City of Fort Collins prior to Certificate  
of Occupancy for this property.
- Evidence of a domestic water service line and/or curb stop was not observed by Intermill Land Surveying, Inc.  
during the course of field survey for this project. The location of the domestic water service line and/or curb  
stop serving this property shall be determined during the time of construction for the proposed single-family residence  
on this site and a horizontal as-built plan shall be submitted to the City of Fort Collins prior to  
Certificate of Occupancy for this property.
- Owner, Contractor and/or Developer of this site to verify the existence and location of all utility main lines  
and utility service lines prior to any construction and/or development on this site.
- Any damaged curb, gutter and sidewalk existing prior to construction, as well as streets, sidewalks, curbs and  
gutters, destroyed, damaged or removed due to construction of this project, shall be replaced or restored to  
City of Fort Collins standards at the Developer's expense prior to the acceptance of completed improvements  
and/or prior to the issuance of the first Certificate of Occupancy.
- The Owner will be responsible for the cost of the new secondary service to the house. No square footage or  
front footages charges will apply. Electric meter will need to be installed on the West side of the house  
along Cook Street.

**WEST MULBERRY STREET  
STRIPING LEGEND**  
DWL: INDICATES DASHED WHITE LINE  
DYL: INDICATES SOLID DOUBLE YELLOW LINE  
SWL: INDICATES SOLID WHITE LINE



DATE OF INITIAL PREPARATION: November 16, 2012  
STATEMENT OF LINEAR UNITS USED:  
Linear Units Used for this survey - U.S. Survey Feet

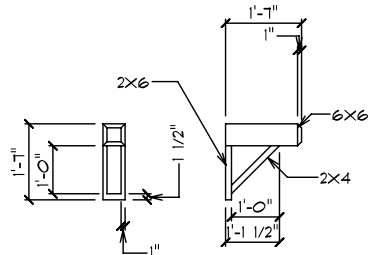
According to Colorado law you must commence any legal action  
based upon any defect in this survey within three years after  
you first discover such defect. In no event, may any action  
based upon any defect in this survey be commenced more than  
ten years from the date of the certification shown hereon.

INTERMILL LAND SURVEYING, INC.  
1301 NORTH CLEVELAND AVENUE  
LOVELAND, COLORADO 80537  
BUS. (970)-669-0516 / FAX (970)-635-9775

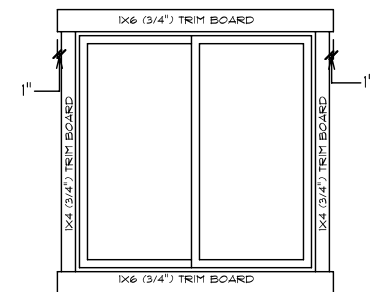
CLIENT:  
WILLIAM H. HIGGINS  
ROSALBA M. HIGGINS

TITLE:  
SITE PLAN FOR THE PROPOSED  
HACIENDA HIGGINS-MARQUEZ SUBDIVISION  
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

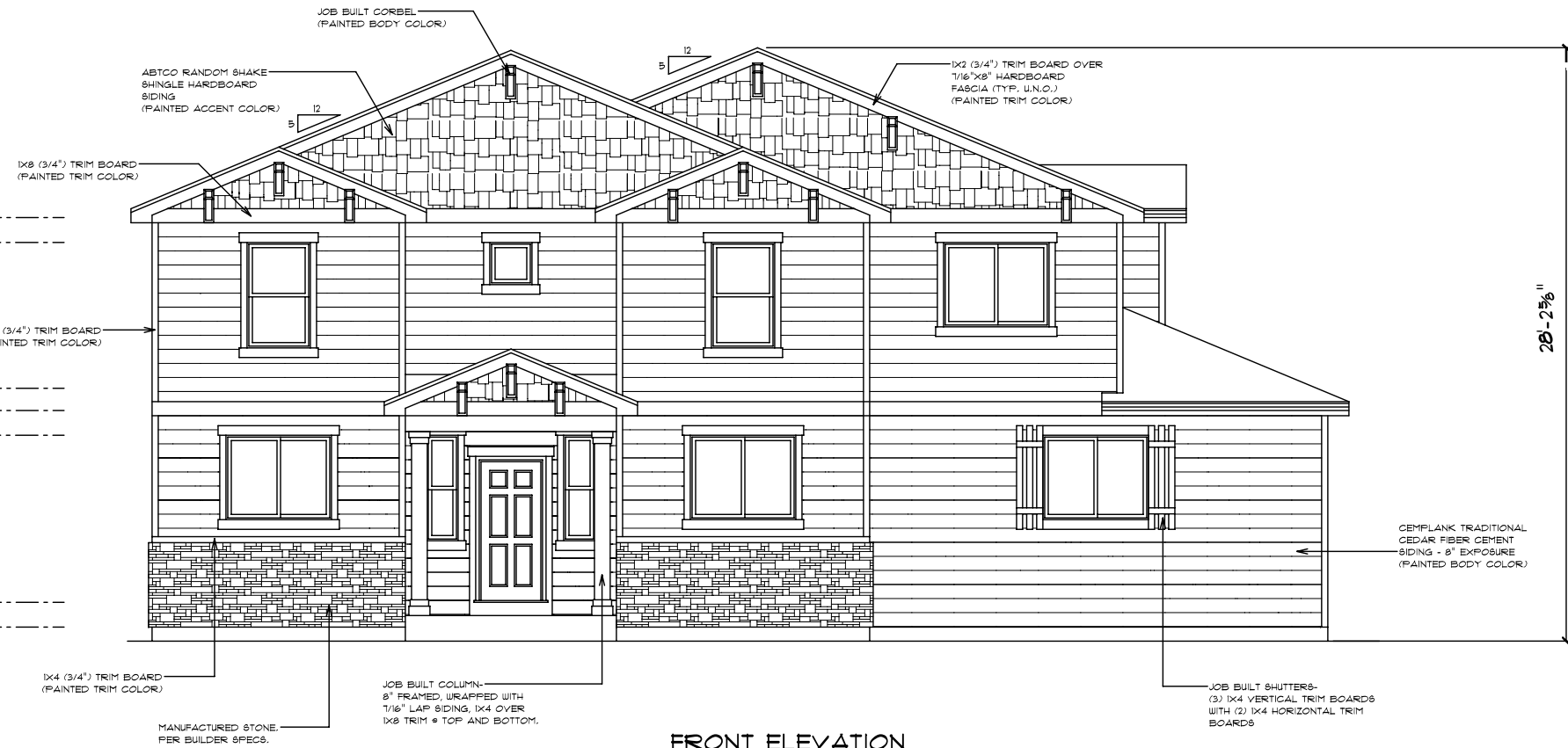
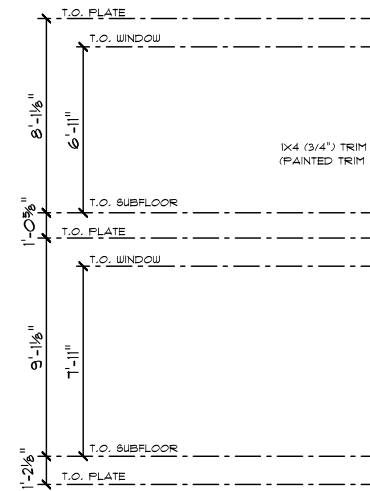
DRAWN BY: RGP  
CHECKED BY:  
APPROVED BY:  
DATE: 11-16-2012  
SCALE: 1" = 20'  
PROJECT NO.:  
P-12-7267  
SHEET 1 OF 1



CORBEL DETAIL



WINDOW TRIM  
DETAIL



FRONT ELEVATION



REAR ELEVATION

3229

G.J. Gardner. **HOMES**  
"We're Great Together"

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BUYER: HIGGINS  
COMMUNITY: \_\_\_\_\_  
LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ FILING: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

**DISCLAIMER:**  
THIS PLAN IS NOT 100% TO SCALE  
AS INTERNAL DIMENSIONS MAY  
VARY. HOWEVER TOTAL SQUARE  
FOOTAGE SHOWN ARE CORRECT  
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FURNISHINGS, FIXTURES OR  
APPLIANCES SHOWN OTHER THAN  
THOSE NOTED IN YOUR  
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ONLY AND NOT INCLUDED.

REVISIONS

01/12/17  
02/13/17  
10/02/17  
12/08/17

DRAWN BY:

CHECKED:

SCALE: AS NOTED

DRAWN: 04/21/17

FRONT  
& REAR  
ELEVATIONS

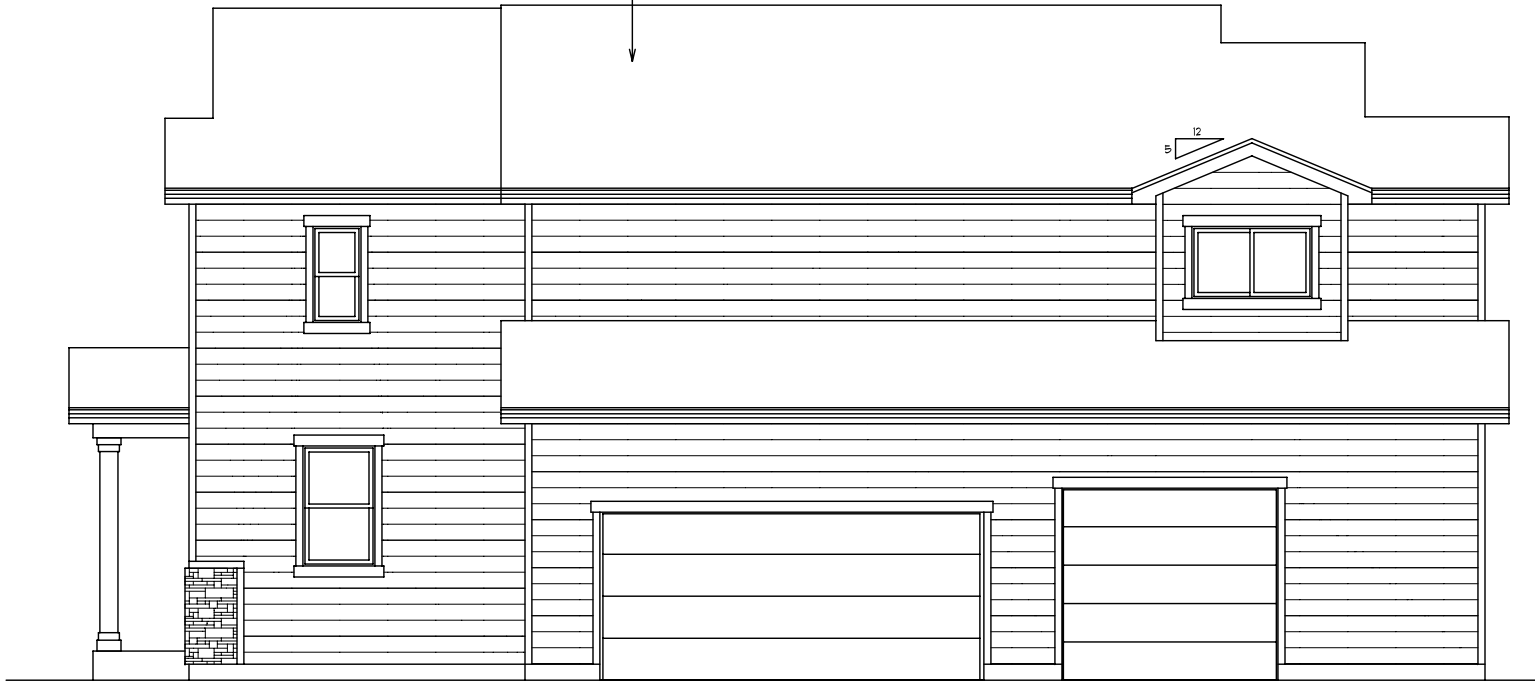
A4.0

10" RAISED HEEL  
TRUSSES-EXCEPT  
GARAGE



LEFT ELEVATION

ASPHALT SHINGLES ON ROOF FELT ON 1/16" OSB NAILED TO PRE-ENGINEERED TRUSSES.  
PROVIDE R-38 INSULATION AT BOTTOM CHORD W/ VAPOR BARRIER AT INTERIOR.  
PROVIDE ROOF AND SOFFIT VENTING PER CODE. FLASH ALL ROOF AND ROOF TO  
WALL JUNCTIONS AND PENETRATIONS.



RIGHT ELEVATION

3229

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BUYER: HIGGINS  
COMMUNITY: \_\_\_\_\_  
LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ FILING: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

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**REVISIONS**  
08/19/12  
12/02/12  
12/02/12

DRAWN BY: \_\_\_\_\_  
CHECKED: \_\_\_\_\_  
SCALE: AS NOTED  
DRAWN: 04/21/13

LEFT &  
RIGHT  
ELEVATIONS

A5.0

STANLEY

DEVELOPMENT  
PROPOSAL  
UNDER REVIEW  
FOR THIS PROPERTY

City of  
Fort Collins

29

221-6750











Planning, Development and  
Transportation  
Current Planning  
281 North College Ave.  
P.O. Box 580  
Fort Collins, CO 80522-0580  
**970.221.6750**  
970.224.6134 - fax  
[fcgov.com/developmentreview](http://fcgov.com/developmentreview)

February 6, 2013

Dear Neighbor / Property Owner:

On **Wednesday, February 20th, 2013, at 5:00 p.m.**, in Conference Room A at 281 North College Avenue, Fort Collins, Colorado, a City of Fort Collins Hearing Officer will conduct an administrative public hearing to consider a development proposal in your neighborhood. The project is referred to as Hacienda Higgins-Marquez, Project Development Plan/Final Plan - FDP #120022.

This proposal seeks to plat a piece of property and construct a single-family detached dwelling located at 1717 West Mulberry Street (the southeast corner of the intersection of West Mulberry Street and Cook Drive). The site is zoned R-L, Low Density Residential. Single-family detached dwellings are permitted in this zone district subject to administrative review and public hearing. Additional information, including the subdivision plat, site plan, and building elevations (provided by the applicant), can be found at [www.fcgov.com/developmentreview/agendas.php](http://www.fcgov.com/developmentreview/agendas.php).

Two proposed Modifications of Standard accompany this proposal: a modification to exceed the 28' single family dwelling height limit in the R-L Zone District (proposed height: 28' 2  $\frac{5}{8}$ "') and a modification to the front yard setback of 20' (as proposed, the setback to the front porch is 15.7').

The City's Current Planning Staff and Hearing Officer consider your interest and input in this matter an important part of the City's review of the proposal. If you are unable to attend the public hearing, but would like to provide input, written comments are welcome via U.S. mail to the address above or you may e-mail me at [rmounce@fcgov.com](mailto:rmounce@fcgov.com).

The notification mailing list for this public hearing is derived from Larimer County Assessor records. Because of the lag time between home occupancy and record keeping, or because of rental situations, a few affected property owners may have been missed. Please feel free to notify your neighbors of this hearing so all may have the opportunity to attend.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Mounce".

Ryan Mounce  
Project Planner

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 221-6750 for assistance.



**Hacienda Higgins-Marquez  
(1717 W Mulberry St)**

1 inch = 333 feet

## Ryan Mounce

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**From:** HALUnitAE35ae <warnedunn@gmail.com>  
**Sent:** Wednesday, February 13, 2013 12:34 PM  
**To:** Ryan Mounce  
**Subject:** Comment on Hacienda Higgins-Marquez Plat & Single Family Home, P.D.P/F.D.P. #120022M

Mr. Mounce,

I will be unable to attend the public hearing regarding the Hacienda Higgins-Marquez Plat & Single Family Home, P.D.P/F.D.P. #120022M, however, I would like to offer comment.

I have reviewed the subdivision plat, site plan, and building elevations provided by the applicant and I support both modification to the height limit and modification to the front yard setback to permit the construction of a single family dwelling at this location.

--

Thomas R. Warne  
[warnedunn@gmail.com](mailto:warnedunn@gmail.com)

1707 Homer Drive  
Fort Collins, Colorado 80521

423-483-2129 (m)  
970-812-3376 (m)

**CITY OF FORT COLLINS  
ADMINISTRATIVE HEARING OFFICER  
TYPE 1 ADMINISTRATIVE HEARING  
FINDINGS, CONCLUSIONS AND DECISION**

HEARING DATE: February 20, 2013

PROJECT NAME: Hacienda Higgins-Marquez  
1717 West Mulberry Street

CASE NUMBER: Project Development Plan/Final Plan #120022

APPLICANT: William H. & Rosalda M. Higgins  
8571 Secretariat Drive  
Wellington, CO 80549

OWNER: William H. & Rosalda M. Higgins  
8571 Secretariat Drive  
Wellington, CO 80549

HEARING OFFICER: Kendra L. Carberry

**PROJECT DESCRIPTION:**

This is a request to plat a 13,482 square foot lot and construct a single-family detached dwelling at 1717 West Mulberry Street, Fort Collins, Colorado (southeast corner of the intersection of West Mulberry Street and Cook Drive). The property is zoned Low Density Residential (R-L) District. Two separate Modifications of Standard are requested.

The first Modification of Standard relates to Section 4.4(D)(2)(b) of the City's Land Use Code (the "Code"), which establishes the minimum front yard setback in the R-L district at 20 feet. The Modification would allow the front porch to encroach into the front setback, so that the front setback would be 15.7 feet.

The second Modification of Standard relates to Section 4.4(D)(2)(e) of the Code, which establishes the maximum building height for a single-family dwelling in the R-L District at 28 feet. The Modification would allow the height of the dwelling to reach 28.21 feet.

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Low Density Residential (R-L)

HEARING:

The Hearing Officer opened the hearing at approximately 5:00 p.m. on February 20, 2013, in Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

The following persons testified at the hearing:

For the City: Ryan Mounce

For the Applicant: William H. Higgins

The Hearing Officer accepted the following documents: (1) the Planning Department Staff Report; and (2) the application, plans, maps and other supporting documents submitted by the Applicant to the City. The Code, the City's Comprehensive Plan and the City's formally promulgated policies are all additional evidence considered by the Hearing Officer.

### FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
2. The PDP/FDP and Modifications of Standard were processed in accordance with Division 2.2 of the Code, and no neighborhood input meeting was required or held.
3. The PDP/FDP complies with the applicable General Development Standards contained in Article 3 of the Code.
  - a. The PDP/FDP complies with Section 3.2.2(K)(1)(c), Parking Lots, and Section 3.8.10(A), Single-Family and Two-Family Parking Requirements, because it provides more than the required one off-street parking space for a single-family detached dwelling on a lot with more than 40 feet of street frontage.
  - b. The PDP/FDP complies with Section 3.3.1(B)(1), Lots, because the lot is 13,482 square feet in size and the single-family detached dwelling is 2,598 square feet in size. The lot size is larger than three times the total floor area of the building and larger than 6,000 square feet. The lot provides vehicular access to a public street and the general layout of the lot, driveway, utilities and drainage is well-designed.
  - c. The PDP/FDP complies with Section 3.3.1(C)(1), Public Sites, Reservations and Dedications, because the Applicant will be required to dedicate additional right-of-way for Mulberry Street at the property's northern boundary. At the northwest corner, nine feet of additional right-of-way is being dedicated, increasing to approximately 14 feet at the northeast corner of the site as Mulberry Street turns to the southeast.
  - d. The PDP/FDP complies with Section 3.5.1, Building and Project Compatibility, because the surrounding environment features a mix of uses, lot dimensions/orientation and architectural styles. No definitive architectural character has been established within the neighborhood, because of the varying age of nearby structures and their varied uses. To achieve building and project compatibility, the PDP/FDP will help establish a high standard of architectural character through the use of design elements, building size, height, bulk, mass, scale and building materials as noted below.



- e. The PDP/FDP complies with Section 3.5.1(B), Architectural Compatibility, because the dwelling is a Craftsman-style design that will promote a high architectural standard.
  - f. The PDP/FDP complies with Section 3.5.1(C), Building Size, Height, Bulk, Mass, Scale, because the dwelling uses multiple projections and recesses, breaking up the bulk and mass of the overall structure.
  - g. The PDP/FDP complies with Section 3.5.1(E), Building Materials, because the dwelling will utilize high-quality building materials. Portions of the dwelling near the base will use a stone-pattern finish, siding will be used in the middle, and the top portions under the gables will feature shake-shingle hardboard siding painted an accent color. Additional architectural features such as corbels will be utilized under the gables. Window and door openings will be surrounded by trim board or shutters.
  - h. The PDP/FDP complies with Section 3.5.2(E), Garage Doors, because the garage is not street-facing, and features a window and architectural details that mimic the living area of the dwelling.
  - i. The PDP/FDP complies with Section 3.6.2(D), Streets, Streetscapes, Alleys and Easements, because this lot abuts an arterial street (Mulberry Street), and access for the lot is from Cook Drive.
4. The PDP/FDP complies with the applicable standards contained in Article 4 of the Code for the R-L zone district.
- a. The PDP/FDP complies with Section 4.4(D)(1), Density, because the lot is 13,482 square feet in size and the dwelling is 2,598 square feet in size. The lot size is larger than three times the total floor area of the dwelling and larger than 6,000 square feet.
  - b. The PDP/FDP complies with Section 4.4(D)(2)(a), Dimensional Standards, because the width of the lot is 148.98 feet, exceeding the 60-foot minimum.
  - c. The front setback established by Section 4.4(D)(2)(b), Dimensional Standards, is addressed in the first Modification below.
  - d. The PDP/FDP complies with Section 4.4(D)(2)(c), Dimensional Standards, because the rear setback is 17 feet, exceeding the 15-foot minimum.
  - e. The PDP/FDP complies with Section 4.4(D)(2)(d), Dimensional Standards, because the lot is a corner lot, and the street-facing side yard has a 22 foot setback and the interior side yard setback will be 67.6 feet, exceeding the minimums.
  - f. The maximum building height established by Section 4.4(D)(2)(e), Dimensional Standards, is addressed in the second Modification below.

5. The first Modification of Standard (front setback) meets the applicable requirements of Section 2.8.2(H) of the Code.

a. The Modification would not be contrary to the public good.

b. The Modification will not diverge from the standards of the Code except in a nominal, inconsequential way when considered from the perspective of the entire PDP/FDP. The living area of the dwelling is setback the required 20 feet, but approximately 4.3 feet of the front porch encroach into the minimum setback, meaning the front yard setback measured to the front of the porch is 15.7 feet. To the south and east of the property are existing single-family detached dwellings, but their lot sizes, orientations and front yard setbacks offer no consistent pattern that a reduced front yard setback would disrupt. As such, the Modification will not affect the surrounding properties. Finally, a portion of the property fronting Mulberry Street has been dedicated as additional right-of-way for Mulberry Street, which reduces the building envelope in which to construct a dwelling.

6. The second Modification of Standard (building height) meets the applicable requirements of Section 2.8.2(H) of the Code.

a. The Modification would not be contrary to the public good.

b. The Modification will not diverge from the standards of the Code except in a nominal, inconsequential way when considered from the perspective of the entire PDP/FDP. The dwelling will exceed the current standard maximum of 28 feet by less than three inches, which will help accommodate the Craftsman-style design of the dwelling. The additional height only occurs near the pinnacle of two articulated roof lines, and the vast majority of the roof is below the maximum height. Part of the elevation increase is due to hard and expansive soil conditions. The lot is a corner lot, mitigating privacy or “looming” issues from the increased height. The lot is relatively large and the dwelling will be situated near the middle of the lot with side yard setbacks greater than standards require, reducing and mitigating potential impacts to the southern and eastern properties. Existing, mature landscaping surrounds much of the perimeter of the site and helps mitigate visual impacts.

#### DECISION

Based on the foregoing findings, the Hearing Officer hereby enters the following rulings:

1. The PDP/FDP and the two Modifications of Standard are approved as submitted.

DATED this 26<sup>th</sup> day of February, 2013.



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Kendra L. Carberry  
Hearing Officer