

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

HEARING DATE: November 13, 2013

PROJECT NAME: Storybook Third Filing PDP

CASE NUMBER: #PDP130021

APPLICANT: Loveland Midtown Development, Inc.
c/o Michael McBride
BHA Design
1603 Oakridge Drive
Fort Collins, CO 80525

OWNER: Loveland Midtown Development, Inc.
1043 Eagle Drive
Loveland, CO 80537

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a request to subdivide 13.92 acres into 76 lots for single family detached homes. The site is located at the northeast corner of Mountain Vista Drive and Little John Lane. This PDP is a continuation of Storybook First Filing located on the west side of Little John Lane. The Second Filing, which was approved in 2005, expired under Section 2.2.11(D) of the Land Use Code. This PDP includes a request for two Modifications of Standard under Section 3.6.3 of the Land Use Code, Street Pattern and Connectivity, both of which were originally approved with the Second Filing, but expired when the Second Filing expired.

SUMMARY OF DECISION: Approved

ZONE DISTRICT: Low Density Mixed Use Neighborhood (L-M-N)

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on November 13, 2013, in Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; and (2) application, plans, maps and other supporting documents submitted by the applicant (the Land Use Code, the Comprehensive Plan and the formally promulgated policies of the City are all considered part of the record considered by the Hearing Officer).

TESTIMONY: The following persons testified at the hearing:

From the City: Ted Shepard

From the Applicant: Michael McBride, Nick Galuzzo, Jerry Robinson

From the Public: Lloyd Spawn, Lynette Seymour, Jeff Snowden, Ed Holder

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 complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.
 - a. The PDP complies with Section 3.2.1, Landscaping because street trees are provided at approximately 40-foot intervals on both sides of all five new public streets, on the east side of existing Little John Lane and the north side of existing Mountain Vista Drive.
 - b. The PDP complies with Section 3.2.2(8), Access, Circulation and Parking, because: the Third Filing is well-connected to the First Filing by the extension of four east-west public streets; the private park is centrally located and accessible by three streets; a 6' wide concrete walkway connects the southeast corner of the project to Mountain Vista Drive; Chesapeake Drive would be dedicated as a local street to the east property line for a future connection to a north-south street that is designated on the Master Street Plan as a collector street, and will likely be constructed in conjunction with development of the 100-acre Poudre School District campus; and connections to the north, for all modes, have been discouraged by the Poudre School District.
 - c. The PDP complies with Section 3.2.2(6), Direct On-site Access to Pedestrian and Bicycle Destinations, because the logical destination is the private park located in the Third Filing, which is accessible by three public streets and public sidewalks.
 - d. The PDP complies with Section 3.2.2(C)(7), Off-site Access to Pedestrian and Bicycle Destinations, because four local streets will connect the project to the First Filing and Chesapeake Drive is stubbed to the east property line for future connection to Bar Harbor Drive and the 6'-wide walkway to Mountain Vista Drive will allow bicyclists to access community-wide public street system and allow pedestrians to loop around the development.
 - e. The PDP complies with Section 3.2.3, Solar Orientation, because the east-west streets are conducive to orienting lots to within 30 degrees of an east-west line allowing 80% of the lots to be designated as solar-oriented.
 - f. The PDP complies with Section 3.3.1, Plat Standards, because: all lots have direct access to a public street; the layout of roads, driveways, utilities, drainage facilities and other services is designed to enhance an interconnected street system within and between neighborhoods; and the PDP dedicates public rights-of-way, drainage easements and utility easements that are needed to serve the area being developed.
 - g. The PDP complies with Section 3.5.1(H), Land Use Transition, because along the east property line, there are two significant future developments, including the 100-acre

school campus; the PDP provides for a landscaped buffer yard located within the publicly dedicated, 20'-wide, off-site drainage easement along the rear yards of all the lots that back onto the east property line, consisting of evergreen trees, planted at regular intervals, designed to act as a visual and acoustical screen at maturity.

h. The PDP complies with Section 3.5.2(E), Residential Building Setbacks, Lot Width and Size, because all lots will accommodate the proposed house models and comply with applicable setbacks; there would be two distinct lot widths (48 lots are 45' wide and 28 lots are 55' wide, with slight variations at street intersections and at street curvatures); the placement of driveways, utilities and street trees have proper separation as determined by the utility providers and the City Forester; and utility services and trees are capable of being adequately maintained over the passage of time.

i. The PDP complies with Section 3.5.2(F)(1), Garage Doors, because for the lots that are generally 45' in width (interior and corner), the garages are recessed by four feet from a front porch that exceeds 6' x 8', and for the lots that are generally 55' in width (interior and corner), the garages are recessed by four feet from the ground floor living area of the house.

j. The PDP complies with Section 3.6.4, Transportation Level of Service Requirements, because a Transportation Impact Study dated June 26, 2013 concludes that with full development of the Third Filing, the future level of service at key intersections will be acceptable, and the Third Filing is not constrained by the Adequate Public Facilities limitation at the East Vine Drive/North Lemay Avenue intersection.

3. The PDP complies with all applicable development standards contained in Article 4 of the Land Use Code for the L-M-N zone district.

a. The PDP complies with Section 4.5(8)(2), Permitted Uses, because single family detached dwellings are a permitted use in the L-M-N zone district, subject to Administrative Review.

b. The PDP complies with Section 4.5(0)(1), Density, because the PDP provides 76 dwelling units on 13.9 acres for a density of 5.68 dwelling units per gross acre.

c. The PDP complies with Section 4.5(D)(6)(a-e), Small Neighborhood Park, because: there is an existing, private neighborhood park that has been partially developed as part of the First Filing, which is slightly larger than one acre, and all lots in the Third Filing are within one-third of mile of this park; a letter of intent has been provided by the First Filing Homeowner's Association stating that formal permission will be forthcoming to allow the developer of the Third Filing to complete the improvements to this park; the improved park will be highly visible and formed by three public streets so that rear yards only form one side of the park; the improved park will be safely and easily accessible by pedestrians and open to the public; the improved park will feature a multiple-use turf area, walking path and pavilion; and the improved park will be owned and maintained by the relevant property owners' association.

4. The first Modification of Standard (Section 3.6.3(D)) meets the applicable requirements of Section 2.8.2(H) of the Land Use Code.

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

b. By reason of exceptional physical conditions or other extraordinary and exceptional situations unique to this property, including without limitation physical conditions such as exceptional narrowness, shallowness or topography, the strict application of Section 3.6.3(D) would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the property owner, and such difficulties or hardship were not caused by the act or omission of the applicant. Here, the topography associated with the existing stormwater detention pond precludes the extension of a local street to the south. To the north, the Poudre School District has discouraged the extension of a street into its campus. With Little John Lane only 500' to the west and capable of providing safe north-south travel, a western street extension is not necessary. Also, with a future collector roadway (Bar Harbor Drive) planned 180' to the east, also capable of providing north-south travel, extending Deep Woods Lane to Mountain Vista Drive would be duplicative. To the east, a fully constructed street stub with no outlet would result in unused pavement that would fall into disrepair and attract unwanted nuisances.

5. The second Modification of Standard (Section 3.6.3(F)) meets the applicable requirements of Section 2.8.2(H) of the Land Use Code.

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

b. By reason of exceptional physical conditions or other extraordinary and exceptional situations unique to this property, including without limitation physical conditions such as exceptional narrowness, shallowness or topography, the strict application of Section 3.6.3(F) would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the property owner, and such difficulties or hardship were not caused by the act or omission of the applicant. Here, the topography associated with the existing stormwater detention pond precludes the extension of a local street to the south. To the north, the Poudre School District has discouraged the extension of a street into its campus. With Little John Lane only 500' to the west and capable of providing safe north-south travel, a western street extension is not necessary. Also, with a future collector roadway (Bar Harbor Drive) planned 180' to the east, also capable of providing north-south travel, extending Deep Woods Lane to Mountain Vista Drive would be duplicative. To the east, a fully constructed street stub with no outlet would result in unused pavement that would fall into disrepair and attract unwanted nuisances.

DECISION

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

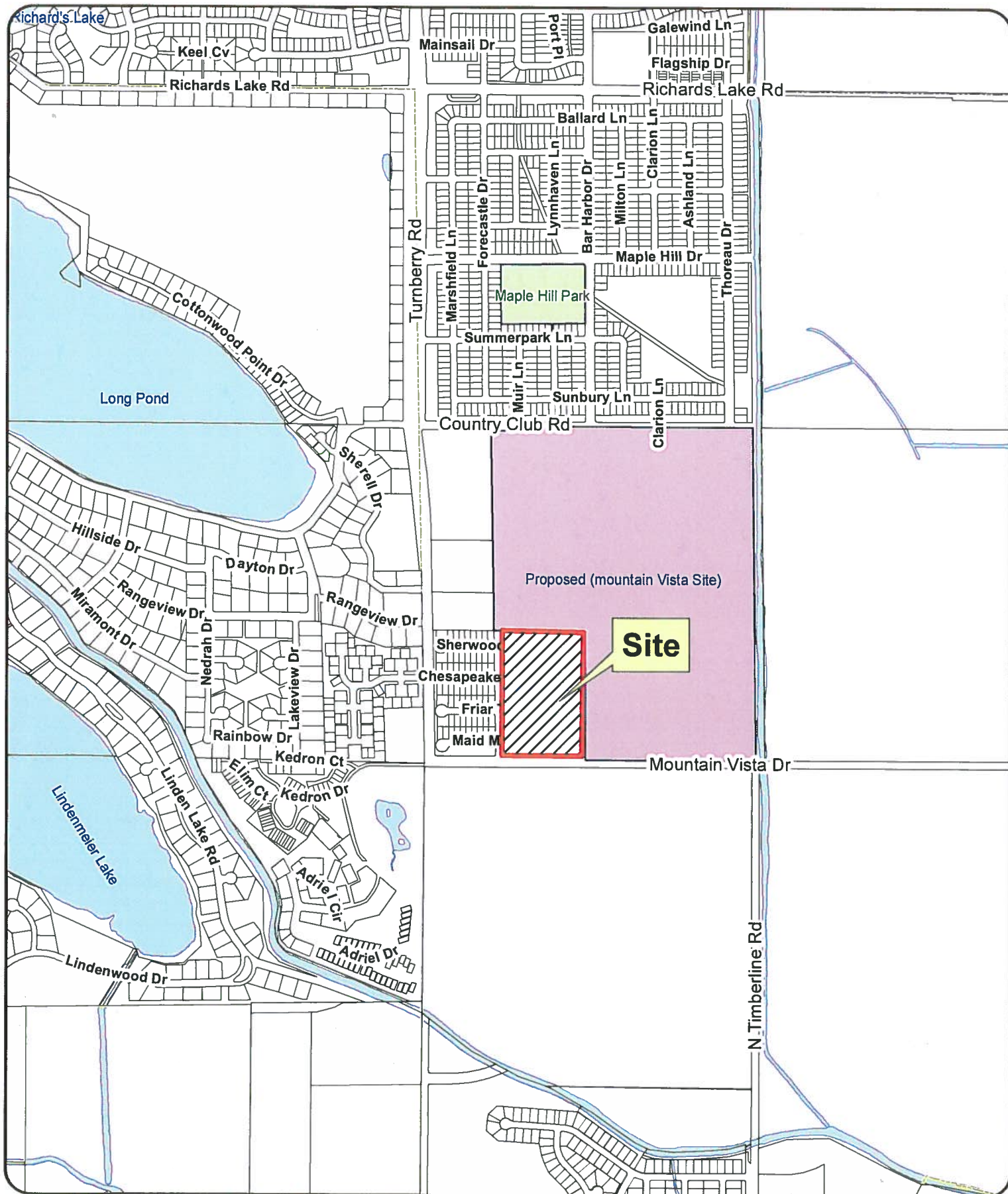
1. The PDP and the two Modifications of Standard are approved as submitted, with the following condition:

a. At the time of the Final Plan submittal, the Landscape Plan shall indicate a sufficient amount and variety of evergreen trees and a management plan for irrigation and protection from wildlife, so that at maturity, there will be an effective visual and acoustical screen between Lots 63 and 76 and the future collector roadway and the public school campus.

DATED this 25th day of November, 2013.



Kendra L. Carberry
Hearing Officer



Storybook Filing 3

1 inch = 1,000 feet

