# AGENDA ITEM SUMMARY City Council

October 6, 2020

#### STAFF

Clark Mapes, City Planner Paul Sizemore, Interim Director, Comm. Devt. & Neighborhood Serv. Brad Yatabe, Legal

#### SUBJECT

Consideration of an Appeal of Hearing Officer Decision on 613 S. Meldrum Carriage House Modifications of Standards (MOD 200001).

#### **EXECUTIVE SUMMARY**

The purpose of this item is to consider an Appeal of the Hearing Officer Decision, dated July 15, 2020, denying the request for five Modifications of Standards (MOD 200001) for a "carriage house" (i.e., a single-family detached dwelling) located behind a street-facing dwelling in the Neighborhood Conservation (NCB) zoning district. On July 28, 2020, a Notice of Appeal was filed alleging that the administrative hearing officer failed to properly interpret and apply relevant provisions of the City of Fort Collins Land Use Code (LUC) in rendering a final decision.

#### **BACKGROUND / DISCUSSION**

#### SUBJECT OF THE ADMINISTRATIVE HEARING

The subject of the hearing was a stand-alone request for five modifications of standards under the LUC (MOD 200001) related to the applicants' proposed plan for a carriage house in the rear yard of an existing historic house at 613 S. Meldrum Street. The five modifications were described on page 2 of the Staff Report provided to the hearing officer as follows:

	Zoning Standard	Modified Request
Building Footprint	600 sq. ft.(max)	1,570 sq. ft.
Total Floor Area	1,000 sq. ft. (max)	2,190 sq. ft.
Floor Area in Rear Half of Lot	1,583 sq. ft. (max)	2,190 sq. ft.
Eave Height Along Side Lot Line	13 feet (max)	23 feet
Width of Dormers Along Side Lot Line	25% of side wall length (max)	43% of side wall length

The specific LUC standards for which modifications were requested were:

- Section 4.9(D)(2) regarding floor space area limit
- Section 4.9(D)(2) regarding building footprint limit
- Section 4.9(D)(5) regarding building floor area limit in the rear half of lots
- Section 4.9(E)(2) regarding side wall eave height limit in the rear yard
- Section 4.9(E)(2) regarding dormer height in relation to side wall eave height

Review of the proposed modifications was governed by two requirements in LUC Section 2.8.2(H) regarding the modification of standards: that the granting of the modification would not be detrimental to the public good; and that the plan as submitted would 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.

The crux of the hearing was the wording in the LUC that "the plan as submitted will promote the <u>general</u> <u>purpose of the standard for which the modification is requested</u> equally well or better than would a plan which complies." The applicants contended that the proposed plan promotes the general purpose of <u>the NCB zoning</u> <u>district</u> equally well or better than other plans for other permitted forms of development in the NCB zoning district. The contention was that other forms of development that would comply with NCB standards are more impactful than the larger carriage house would be.

The hearing officer acknowledged contradictions presented by the applicants and their proposed plan:

- she concluded that the proposed plan would not be detrimental to the public good (Hearing Officer Decision p. 5), however,
- she also concluded that she was obligated to make a decision based on her interpretation that the purpose of the LUC standards to specifically limit the extent and mass of construction in rear yards, and that the much larger construction would not promote that general purpose as well as a compliant plan.

The hearing officer struggled (Hearing Transcript, p. 25, starting at line 22) with the applicants' point that their plan to maintain their existing house and add the larger carriage house is equal or better than a plan for several other types of redevelopment that <u>are</u> permitted in the zone, based on the stated purpose of the NCB zoning district to provide a transition from residential to commercial areas.

She concluded that the "equal or better" criterion refers to the purpose of the size limit standards and not the larger purpose of the NCB zone district and so the hearing officer found no basis for approval (Hearing Officer Decision pp. 5-6).

As just one example of other types of development that would be permitted in the NCB zone district, the applicants noted that zoning allows for an existing house to be demolished and replaced with an apartment building and parking lot, without the same size limits. This has occurred at 621 S. Meldrum, two lots south of the applicants' house. (Verbatim Transcript, pp. 8, starting at line 13)

As another example, the proposed carriage house could be connected to the existing historic house with a breezeway hallway, resulting in classification as a duplex which is permitted. (Verbatim Transcript, p. 23, starting at line 30)

These and other technicalities and apparent contradictions were discussed. The hearing officer acknowledged that a text amendment to the zoning appears to be warranted to address and clarify the contradictions and questions raised by the discussion.

The Verbatim Transcript page 25, lines 26-28 reflects the hearing officer's dilemma with the wording in the LUC.

The Hearing Decision pages 5-7, B.i.-vi. are the hearing officer's conclusions based on the extensive discussion.

#### APPEAL ALLEGATION

The Notice of Appeal alleges that the hearing officer failed to properly interpret and apply relevant LUC provisions, namely Sections 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2).

Page 4 of the Notice of Appeal states the Appellant's "primary objection" to the hearing Officer's decision is her finding that she lacks the authority to grant the modifications for reasons other than the wording of the ""equal or better" criterion in the LUC, and that this contradiction between her findings about that criterion and the "detriment to the public good" criterion demonstrates a failure to properly interpret the Land Use Code.

#### **ATTACHMENTS**

- 1. Public Notices with Mailing List (PDF)
- 2. Notice of Appeal July 29, 2020 (PDF)
- 3. Staff Report to Hearing Officer July 1, 2020(PDF)
- 4. Staff Presentation to Hearing Officer (PDF)
- 5. Correspondence to Administrative Hearing Officer (PDF)
- 6. Applicant Presentation to Administrative Hearing Officer (PDF)
- 7. Project Plans (PDF)
- 8. Verbatim Transcript (PDF)
- 9. Hearing Officer Decision July 15, 2020 (PDF)
- 10. Appeal Video Link (PDF)
- 11. Powerpoint Presentation (PDF)

**ATTACHMENT 1** 

# City Clerk's Public Hearing Notice Site Visit Notice Mailing List



City Clerk 300 LaPorte Avenue PO Box 580 Fort Collins, CO 80522

**970.221.6515** 970.221-6295 - fax fcgov.com/cityclerk

#### PUBLIC HEARING NOTICE

# Appeal of the Administrative Hearing Officer Decision regarding the 613 South Meldrum Street Modification of Standards, MOD 200001, located at 613 South Meldrum Street

The Fort Collins City Council will hold a public hearing on the enclosed appeal.

Appeal Hearing Date: October 6, 2020

Time:6:00 pm (or as soon thereafter as the matter may come on for hearing)

Location: Council Chambers, City Hall, 300 LaPorte Avenue, Fort Collins, CO

Agenda Materials: Available after 3 pm, October 1, 2020, in the City Clerk's office and at <u>fcgov.com/agendas</u>.

Why am I receiving this notice? City Code requires that a Notice of Hearing be provided to Parties-in-Interest, which means you are the applicant of the project being appealed, have a possessory or proprietary interest in the property at issue, received a City mailed notice of the hearing that resulted in the decision being appealed, submitted written comments to City staff for delivery to the decision maker prior to the hearing resulting in the decision being appealed, or addressed the decision maker at the hearing that resulted in the decision being appealed.

Further information is available in the Appeal Guidelines online at <u>fcgov.com/appeals</u>.

The Notice of Appeal and any attachments, any new evidence that has been submitted and presentations for the Appeal Hearing can be found at <u>fcgov.com/appeals</u>.

If you have questions regarding the appeal process, please contact the City Clerk's Office (970.221.6515). For questions regarding the project itself, please contact Rebecca Everette, Community Development and Neighborhood Services Senior Manager (reverette@fcgov.com 970.416.2625).

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 the City Clerk's Office at 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

Delynn Coldiron, City Clerk

Notice Mailed: September 10, 2020

cc: City Attorney

Community Development and Neighborhood Services Lori Strand, Administrative Hearing Officer



City Clerk 300 LaPorte Avenue PO Box 580 Fort Collins, CO 80522

**970.221.6515** 970.221-6295 - fax fcgov.com/cityclerk

#### NOTICE OF SITE INSPECTION

An appeal of the Administrative Hearing Officer decision of July 15, 2020 regarding the 613 South Meldrum Street Modification of Standards, MOD 200001, will be heard by the Fort Collins City Council on October 6, 2020.

Pursuant to Section 2-53 of the City Code, members of the City Council will be inspecting the site of the proposed project on Monday, October 5, 2020 at 3:30 p.m.. Notice is hereby given that this site inspection constitutes a meeting of the City Council that is open to the public, including the appellants and all parties-in-interest. The gathering point for the site visit will be 613 South Meldrum Street, Fort Collins, Colorado.

The purpose of the site inspection is for the City Council to view the site and to ask related questions of City staff to assist Council in ascertaining site conditions. There will be no opportunity during the site inspection for the applicant, appellants, or members of the public to speak, ask questions, respond to questions, or otherwise provide input or information, either orally or in writing. Other than a brief staff overview and staff responses to questions, all discussion and follow up questions or comments will be deferred to the hearing on the subject appeal to be held on October 6, 2020.

Any Councilmember who inspects the site, whether at the date and time above, or independently shall, at the hearing on the appeal, state on the record any observations they made or conversations they had at the site which they believe may be relevant to their determination of the appeal.

If you have any questions or require further information, please feel free to contact the City Clerk's Office at 970.221.6515.

Delynn Coldiron, City Clerk

Notice Mailed: September 10, 2020

Cc: City Attorney Community Development and Neighborhood Services

Please see other side for Public Hearing Notice

OBJECTID Parcel Number	Site Address	Name	Name1	Address	City	State	Zipcode	Tax District	Site City	Schedule Nu)	BJECTID	ACCTTYPE
58724 9714106015	219 W MULBERRY ST	219 WEST MULBERRY LLC	Namor	1010 ASHFORD CT	FORT COLLINS	CO	80634	1100	FORT COLLINS			Residential
60455 9714106013	229 W MULBERRY ST	229 W MULBERRY LLC		1404 43RD AVE	GREELEY	СО	80634	1100	FORT COLLINS			Residential
137011 9714120003	321 W MYRTLE ST	321 W MYRTLE LLC		2012 TOPANGA CT	FORT COLLINS	CO	80528	1100	FORT COLLINS			Multiple Unit
58950 9714107017	326 W MYRTLE ST THRU	326-332 W MYRTEL LLC		904 W MOUNTAIN AVE	FORT COLLINS	CO	80521	1100	FORT COLLINS			Multiple Unit
135075 9714205016	529 S WHITCOMB ST	529 S WHITCOMB STREET LLC		1201 PARKWOOD DR	FORT COLLINS	CO	80525	1100	FORT COLLINS			Residential
137012 9714120002 136761 9714111015	604 S MELDRUM ST 605 S MELDRUM ST	604 SOUTH MELDRUM STREET LLC 605 SOUTH MELDRUM STREET LLLP		10374 PUMA GULCH RD 2291 ARAPAHOE AVE	LOVELAND BOULDER	CO	80538 80302	1100	FORT COLLINS FORT COLLINS			Residential
136760 9714111015	606 S SHERWOOD ST	606 S SHERWOOD LLC		PO BOX 1017	BOULDER	CO CO	80302 80306	1100 1100	FORT COLLINS			Residential Residential
137951 9714113005	615 S MASON ST	615 SOUTH MASON STREET LLC		526 S COLLEGE AVE	FORT COLLINS	co	80524	1100	FORT COLLINS			Multiple Unit
	620 S HOWES ST	620 S HOWES ST LLC		PO BOX 1164	FORT COLLINS	CO	80522	1100	FORT COLLINS			Residential
137937 9714113004	631 S MASON ST	ABSILLC		202 W LAUREL ST	FORT COLLINS	СО	80521	1100	FORT COLLINS			Commercial
136759 9714111016	411 W MYRTLE ST	ACERS LADANA K		PO BOX 2125	LOVELAND	CO	80539	1100	FORT COLLINS	0067695		Residential
58695 9714107010	321 W MULBERRY ST	ALLEN ASWAD		321 W MULBERRY ST	FORT COLLINS	CO	80521	1100	FORT COLLINS			Residential
136827 9714212026	619 S WHITCOMB ST THRU	ATN INVESTMENTS LLC	·····	5125 E COUNTY ROAD 52	FORT COLLINS	CO	80524	1100	FORT COLLINS			Residential
137948 9714113018	203 W MYRTLE ST	BAKER ERIC BBK PROPERTIES LLLP	GUNNARSDOTTIR STEFANIA	1736 BUSHNELL DR 3020 ABBOTSFORD ST	LOVELAND FORT COLLINS	CO	80537	1100 1100	FORT COLLINS			Commercial
137002 9714117001 145071 9714124001	630 S SHERWOOD ST 621 S MELDRUM ST	BIG DEAL REAL ESTATE LLC		2519 RIDGE CREEK RD	FORT COLLINS	CO CO	80524 80528	1100	FORT COLLINS			Multiple Unit Multiple Unit
37577 9714109013	502 W MYRTLE ST	BLUTEGEL CPA LLC		PO BOX 270930	LOUISVILLE	co	80027	1100	FORT COLLINS			Multiple Unit
58691 9714107901	555 S HOWES ST	CSU BOARD OF GOVERNORS		CAMPUS DELIVERY 6009	FORT COLLINS	CO	80523	1109	FORT COLLINS			Exempt
137967 9714113010	608 S HOWES ST	BROWN MITCHELL F/SHERRI A		1907 N WHITCOMB ST	FORT COLLINS	CO	80524	1100	FORT COLLINS	0068055		Multiple Unit
63331 9714110024	630 S WHITCOMB ST	BRZEZINSKI WAYNE E/WAYNE		7760 WELD COUNTY ROAD 5	LONGMONT	CO	80504	1100	FORT COLLINS			Residential
60454 9714106016	506 S HOWES ST	CASAUS WENDIE WOLCOTT LIVING TRUST THE		1210 SALAZAR RD STE D	TAOS	NM	87571	1100	FORT COLLINS			Residential
137960 9714113011	612 S HOWES ST	CENTER GREEN PROPERTIES LLC		PO BOX 4655	BOULDER	CO	80306	1100	FORT COLLINS			Residential
60452 9714106012 125074 0714205015	526 S HOWES ST		CHAVEZ ALEXANDER CARLOS	4630 ROYAL VISTA CIR APT 13		CO	80528	1100 1100	FORT COLLINS			Multiple Unit
135074 9714205015 60451 9714106002	527 S WHITCOMB ST 202 W MYRTLE ST	CHAVEZ DAVID A/MILLER-CHAVEZ PAMELA A CHIU SHEAN-TSONG	YUAN-YEE	527 S WHITCOMB ST 807 ROCKY MOUNTAIN WAY	FORT COLLINS FORT COLLINS	CO CO	80521 80526	1100	FORT COLLINS FORT COLLINS			Residential Residential
137016 9714112916	622 S MELDRUM ST	CHURCH OF JESUS CHRIST OF LATTER DAY SAINT		50 E NORTH TEMPLE	SALT LAKE CITY	UT	84150	1100	FORT COLLINS			Exempt
134952 9714116001	634 S WHITCOMB ST	CLEMENTS DAVID ARTHUR	0	634 S WHITCOMB ST	FORT COLLINS	CO	80521	1100	FORT COLLINS			Residential
58431 9714106005	212 W MYRTLE ST 1/2	COLLEGE HEIGHTS LLC		7480 N COUNTY ROAD 15	FORT COLLINS	CO	80524	1100	FORT COLLINS			Mobile Home
137006 9714122001	306 W LAUREL ST	COLORADO DELTA ASSN OF SIGMA ALPHA EPSILO	DI SIGMA ALPHA EPSILON	3528 PRECISION DR STE 100	FORT COLLINS	CO	80528	1109	FORT COLLINS	1649863		Commercial
55357 9714108005	515 S MELDRUM ST	CSM VENTURES LLC		2306 VALLEY FORGE CT	FORT COLLINS	CO	80526	1100	FORT COLLINS			Residential
137019 9714112904	601 S HOWES ST	CSURF		PO BOX 483	FORT COLLINS	CO	80522	1109	FORT COLLINS			Exempt
136833 9714212019	645 S WHITCOMB ST	DOUBLE D RE LLC FIRST KOREAN CHURCH OF FORT COLLINS/THE		608 S COLLEGE AVE	FORT COLLINS	CO	80524	1100	FORT COLLINS			Commercial
136822 9714212931 58693 9714107015	601 S WHITCOMB ST 520 S MELDRUM ST	FROSETH BRUCE M	KREUL-FROSETH SUSAN A	601 S WHITCOMB ST 900 PETERSON ST	FORT COLLINS FORT COLLINS	CO CO	80521 80524	1100 1100	FORT COLLINS FORT COLLINS			Exempt Residential
58634 9714107018	522 S MELDRUM ST THRU	FROSETH BRUCE M	KREUL-FROSETH SUSAN A	524 SPRING CANYON CT	FORT COLLINS	CO	80525	1100	FORT COLLINS			Residential
	617 S MELDRUM ST	GLASER FOREST E		141 S COLLEGE AVE STE 103	FORT COLLINS	CO	80524	1100	FORT COLLINS			Residential
136752 9714111020	612 S SHERWOOD ST	GREEN CHRISTIE/STEPHEN D		349 SILVER SPRING CT	COLORADO SPRINGS	CO	80919	1100	FORT COLLINS	0067725	28547	Residential
117686 9714212027	617 S WHITCOMB ST	HAMMERS TIMOTHY J/SUZANNE L		1721 FELTLEAF CT	FORT COLLINS	CO	80528	1100	FORT COLLINS			Residential
137941 9714113028	642 S HOWES ST	HBC LAUREL LLC		PO BOX 271262	FORT COLLINS	CO	80527	1100	FORT COLLINS			Residential
115004 9714212028	611 S WHITCOMB ST	HOFFMAN WILLIAM E JR		1616 MEADOWAIRE DR	FORT COLLINS	CO	80525	1100	FORT COLLINS			Residential
37619 9714109009 137965 9714113008	515 W MULBERRY ST 606 S HOWES ST	HOOVER LAURA B HOWES LLC	HAINES THOMAS L	515 W MULBERRY ST 214 SOPHIA TER	FORT COLLINS SAINT AUGUSTINE	CO FL	80521 32095	1100 1100	FORT COLLINS FORT COLLINS			Residential Residential
137006 9714113008	306 W LAUREL ST	HSRE FLATS AT THE OVAL LLC		PO BOX 92129	SOUTHLAKE	TX	76092	1100	FORT COLLINS			Commercial
136765 9714111022	620 S SHERWOOD ST	J AND M INVESTMENT PROPERTIES LLC		PO BOX 657	CASTLE ROCK	CO	80104	1100	FORT COLLINS			Residential
37620 9714109010	511 W MULBERRY ST	JAH LLC		500 E OAK ST	FORT COLLINS	CO	80524	1100	FORT COLLINS	0067300	28418	Residential
135076 9714205025	531 S WHITCOMB ST	JOHNSON MARK S/JANE G		7957 BAYSIDE DR	FORT COLLINS	CO	80528	1100	FORT COLLINS			Residential
117706 9714212033	609 S WHITCOMB ST	K AND R TOWNSEND LLC		528 WHEDBEE ST	FORT COLLINS	CO	80524	1100	FORT COLLINS			Residential
37636 9714109005	510 S WHITCOMB ST	KENNY PAUL J (.50)	KENNY STACIE L (.50)	1506 W OAK ST	FORT COLLINS	CO	80521	1100	FORT COLLINS			Residential
137020 9714112013 37628 9714109007	608 S MELDRUM ST 504 S WHITCOMB ST	KEYS ELSA A/JAMES M KIRKPATRICK KRISTIN/ROBERT		521 MAPLE ST 504 S WHITCOMB ST	FORT COLLINS FORT COLLINS	CO CO	80521 80521	1100 1100	FORT COLLINS FORT COLLINS			Residential Residential
37617 9714109007	517 W MULBERRY ST	KLUDING AARON G		3305 N COUNTY ROAD 23E	LAPORTE	co	80535	1100	FORT COLLINS			Residential
58487 9714110023	626 S WHITCOMB ST	KOA INVESTMENTS LLC		6577 COTTONWOOD SHORES DR	WELLINGTON	CO	80549	1100	FORT COLLINS			Residential
58654 9714107006	515 S HOWES ST	KRUGER RENTALS INC		515 S HOWES ST	FORT COLLINS	CO	80521	1109	FORT COLLINS	0066893	28386	Residential
136835 9714212018	608 W LAUREL ST	LIVINGSTON RICHARD A		608 W LAUREL ST	FORT COLLINS	CO	80521	1100	FORT COLLINS			Residential
	211 W MYRTLE ST	LJD PROPERTIES LLC		4134 HARBOR WALK DR	FORT COLLINS	CO	80525	1100	FORT COLLINS		-	Commercial
137954 9714113027	636 S HOWES ST	M AND R PROPERTIES LLC		PO BOX 273487	FORT COLLINS	CO	80527	1100	FORT COLLINS			Residential
137949 9714113019 36209 9714109008	605 S MASON ST 500 S WHITCOMB ST	M H MALL INC MAGNUSON CELESTE G		605 S MASON ST 409 E PROSPECT RD	FORT COLLINS FORT COLLINS	CO CO	80524 80525	1109 1100	FORT COLLINS FORT COLLINS		-	Commercial Residential
37637 9714109004	516 S WHITCOMB ST	MANNO LUKE H		516 S WHITCOMB ST	FORT COLLINS	CO	80521	1100	FORT COLLINS			Residential
137964 9714113009	600 S HOWES ST	MARTIN FAMILY TRUST THE		429 S LOOMIS AVE	FORT COLLINS	CO	80521	1100	FORT COLLINS			Multiple Unit
37627 9714109012	503 W MULBERRY ST	MATLOCK JAMES J	MENGES ZONA-EMORY E	PO BOX 1453	FORT COLLINS	СО	80522	1100	FORT COLLINS			Residential
	617 S SHERWOOD ST	MCELHOES DAVID/ALYCE		16605 DANCING WOLF	COLORADO SPRINGS		80908	1100	FORT COLLINS			Residential
	612 W LAUREL ST	MCENDAFFER DAVID A	CAROL J	5113 MAIL CREEK LN	FORT COLLINS	CO	80525	1100	FORT COLLINS			Residential
63323 9714110026	511 W MYRTLE ST	MCGUIRE KENNETH/JULIE 2007 FAMILY TRUST		1390 SHADY TREE LN	MEADOW VISTA	CA	95722	1100	FORT COLLINS			Residential
58686 9714107014 55345 9714108002	516 S MELDRUM ST 519 S MELDRUM ST	MELDRUM HOUSE LLC MELDRUM PROPERTIES INC		6312 CATTAIL CT 215 W MAGNOLIA ST 200	FORT COLLINS FORT COLLINS	CO CO	80525 80521	1100 1100	FORT COLLINS			Multiple Unit Multiple Unit
58494 971410002	609 S SHERWOOD ST	MEYER JACK D/KAREN T		3207 ALUMBAUGH CT	FORT COLLINS	co	80526	1100	FORT COLLINS			Residential
137935 9714113003	625 S MASON ST	MINI INVESTMENTS LLC		PO BOX 607	FORT COLLINS	co	80522	1100	FORT COLLINS			Commercial
	208 W MYRTLE ST	MISHLOVE DAVID NICHOLAS		905 S SUMMIT VIEW DR	FORT COLLINS	CO	80524	1100	FORT COLLINS			Residential
137968 9714113034		MYRTLE STREET VILLAGE APARTMENTS ASSOC		PO BOX 395	TIMNATH	CO		1100		1603162		Multiple Unit
	520 S HOWES ST	NEW HOWES STREET HIDEAWAYS LLC		1920 LINDEN RIDGE DR	FORT COLLINS	CO	80524	1100	FORT COLLINS			Multiple Unit
	611 W MYRTLE ST	NIELSEN BYRON W/MARTHA R		3918 N COUNTY ROAD 13	FORT COLLINS	CO	80524	1100	FORT COLLINS			Residential
	417 W MYRTLE ST 613 S MELDRUM ST	NORMAN JAMES PALOMO JEFF A		422 W MYRTLE ST 2345 WALNUT ST UNIT 23	FORT COLLINS DENVER	CO CO	80521 80205	1100 1100	FORT COLLINS FORT COLLINS			Residential Residential
					22	~~	00200			200100L	20071	

137958 9714113026	218 W LAUREL ST	PECK THOMAS H/MARY MCQUAID/	MCQUAID THOMAS O/COOL JE	A 4122 VISTA LAKE DR	FORT COLLINS	СО	80524	1100	FORT COLLINS 0068209	26749	Multiple Unit
146026 9714115904	412 W LAUREL ST THRU	PHI EPSILON HOUSE CORP OF KAPPA DELTA SORO	ORITY	PO BOX 891	FORT COLLINS	CO	80522	1100	FORT COLLINS 0068594	26880	Exempt
134954 9714119001	518 W LAUREL ST	PURA VIDA FTC CO LLC		999 SHADY GROVE RD S STE 600	MEMPHIS	TN	38120	1100	FORT COLLINS 1652088	166315	Multiple Unit
58499 9714110015	605 S SHERWOOD ST	QUANSTROM ROY/AMANDA		605 S SHERWOOD ST	FORT COLLINS	CO	80521	1100	FORT COLLINS 0067482	28527	Residential
136748 9714111021	616 S SHERWOOD ST	RAJA PROPERTIES LLC		2212 S QUEEN ST	LAKEWOOD	CO	80227	1100	FORT COLLINS 0067733	28548	Residential
63326 9714110018	521 W MYRTLE ST	RAY CHRISTIAN PHILIP JR	RAY CHRISTIAN PHILIP SR	521 W MYRTLE ST	FORT COLLINS	CO	80521	1100	FORT COLLINS 0067539	28530	Residential
63325 9714110025	517 W MYRTLE ST	REILLY CHRISTOPHER B		6427 COUNTY ROAD 68 1/2	WINDSOR	CO	80550	1100	FORT COLLINS 0067601	28537	Residential
145208 9714123001	505 S MASON ST 100	RHI 1 MAX FLATS LLC		5200 W 20TH ST	GREELEY	CO	80634	1109	FORT COLLINS 1654641	165609	Commercial
60425 9714106003	206 W MYRTLE ST	RHT LLC		2731 GRANADA HILLS DR	FORT COLLINS	CO	80525	1100	FORT COLLINS 0066621	28271	Residential
63329 9714110017	602 S WHITCOMB ST	ROBINSON TIMBERLINE HOLDINGS LLC		1812 LAKESHORE CIR	FORT COLLINS	CO	80525	1100	FORT COLLINS 0067512	28529	Multiple Unit
117703 9714212022	635 S WHITCOMB ST	ROSOFF INGRID K MARK		1437 S SUMMIT VIEW DR	FORT COLLINS	CO	80524	1100	FORT COLLINS 0071269	27797	Residential
37635 9714109019	515 S SHERWOOD ST	S SHERWOOD STREET LLC		515 S SHERWOOD ST	FORT COLLINS	CO	80521	1100	FORT COLLINS 0067407	28520	Residential
136750 9714111009	629 S MELDRUM ST	SCHMID JAMES E		4803 PRAIRIE RIDGE DR	FORT COLLINS	CO	80526	1100	FORT COLLINS 0067610	28538	Residential
136762 9714111019	610 S SHERWOOD ST	SCHNEIDER EDWARD M/JENNIFER G		1013 FOSSIL CREEK PKWY	FORT COLLINS	CO	80525	1100	FORT COLLINS 0067717	28546	Residential
136763 9714111014	609 S MELDRUM ST	SMELDRUM LLC		10 STONEHOUSE RD	SOMERS	NY	10589	1100	FORT COLLINS 0067679	28542	Residential
137018 9714112017	624 S MELDRUM ST	SMITH LESTER N/MARIE L		624 S MELDRUM ST	FORT COLLINS	CO	80521	1100	FORT COLLINS 0067890	26723	Residential
136755 9714111025	600 S SHERWOOD ST	SMITH RYAN MICHAEL		600 S SHERWOOD ST	FORT COLLINS	CO	80521	1100	FORT COLLINS 0067776	26716	Residential
58712 9714107009	325 W MULBERRY ST	SOTH BRYAN J	SAILER DWIGHT D	429 S HOWES	FORT COLLINS	CO	80521	1100	FORT COLLINS 0066923	28388	Residential
137015 9714112002	629 S HOWES ST	ST VRAIN LAND HOLDINGS LLC		14570 CLAY ST	BROOMFIELD	CO	80023	1109	FORT COLLINS 1582669	123266	Residential
37631 9714109006	506 S WHITCOMB ST	STOLDT DEREK S		506 S WHITCOMB ST	FORT COLLINS	CO	80521	1100	FORT COLLINS 0067261	28414	Residential
117708 9714212029	615 W MYRTLE ST	STONE CHARLES FELIX	WATERSON SARAH JANE	615 GILGALAD WAY	FORT COLLINS	CO	80526	1100	FORT COLLINS 0071331	27901	Residential
137017 9714112028	626 S MELDRUM ST	SUMNER ZACHARY A/COLLEEN		626 S MELDRUM ST	FORT COLLINS	CO	80521	1100	FORT COLLINS 1296540	97656	Residential
55354 9714108006	511 S MELDRUM ST	TGI PROPERTIES INC		2803 E HARMONY RD	FORT COLLINS	CO	80528	1100	FORT COLLINS 0067067	28400	Residential
63271 9714110016	601 S SHERWOOD ST	TIMBER ROCK INVESTMENTS LLC		434 CRYSTAL BEACH DR	WINDSOR	CO	80550	1100	FORT COLLINS 0067504	28528	Residential
117701 9714212023	631 S WHITCOMB ST	TOWNSEND MARY C		2930 QUERIDA ST	FORT COLLINS	CO	80526	1100	FORT COLLINS 0071277	27798	Residential
134955 9714116002	522 W LAUREL ST	UNGER DON E/KAREN L		920 CHEYENNE DR	FORT COLLINS	CO	80525	1100	FORT COLLINS 0068659	26980	Commercial
136764 9714111010	625 S MELDRUM ST	UTOPIAN CAPITAL LLC		4636 BROOKWOOD DR	LOVELAND	CO	80538	1100	FORT COLLINS 0067628	28539	Residential
137996 9714113001	212 W LAUREL ST	WASHECKA LINDA C/GAIL A	JONES STEVE D	212 W LAUREL ST	FORT COLLINS	CO	80521	1100	FORT COLLINS 0067946	26728	Commercial
136758 9714111017	603 S MELDRUM ST	WELTE JAMES A/MERCEDES		15475 GADSDEN DR	BRIGHTON	CO	80603	1100	FORT COLLINS 0067709	28545	Residential
146027 9714125001	406 W LAUREL ST	WEST RANGE FORT COLLINS LLC		8347 W RANGE CV	MEMPHIS	TN	38125	1100	FORT COLLINS 1655218	15607	Multiple Unit
55348 9714108017	412 W MYRTLE ST	WILLIAMS MARK		412 W MYRTLE ST	FORT COLLINS	CO	80521	1100	FORT COLLINS 0067164	28406	Residential
136828 9714212025	625 S WHITCOMB ST	WOLFF FUND MANAGEMENT LLC		2009 LINDEN LAKE RD	FORT COLLINS	CO	80524	1100	FORT COLLINS 0071293	27897	Residential
	617 S MELDRUM ST	TUTTLE CAROLINE & NICK		617 S MELDRUM ST	FORT COLLINS	CO	80521				
	10 STONE HOUSE ROAD	CHRISTENSEN COLIN & RITA		10 STONE HOUSE ROAD	SOMERS	NY	10589				
	47 Bradwell Road	MARTIN RAYNE		47 Bradwell Road	Newcastle Upon Tyne	Englar	NE3 3LJ				
						-					

# **Notice of Appeal**

- Notice of Appeal filed by Jeff Palomo, July 29, 2020

Date o	of Action: 07/15/2020 Decision Make	er: Lori Strand	INITIALS: JUL
Appe	ellant/Appellant Representative (if more t	than one appellant):	
Name:	: Jeff Palomo	Phone #: (720) 560-1832	RECEIVED City Clerk's Office
Addres	ss: 613 South Meldrum Fort Collins, Colorado 80512	Email: japalomo@comcast.net	7.29-2020
		INSTRUCTIONS	
supp		parate summary of the facts contained in the rec ges, Times New Roman 12-point font. Please restat	
	GR	OUNDS FOR APPEAL	
The De	ecision Maker committed one (1) or more	e of the following errors (check all that apply):	
$\checkmark$		evant provisions of the City Code, the Land Use Cod provision(s) here, by specific Section an	
	Division 4.9 of the City of Fort Collins Lar - LUC Section 4.9(D)(2) - LUC Section 4.9(D)(5) - LUC Section 4.9(E)(2)	nd Use Code (LUC)	
	Failure to conduct a fair hearing in that:		
	(a) The Board, Commission, or other De the Code or Charter. [New evidence	ecision Maker exceeded its authority or jurisdiction not allowed]	as contained in
	(b) The Board, Commission or other Dec procedure. [New evidence not allowe	ision Maker substantially ignored its previously esta	iblished rules of
	(c) The Board, Commission or other Dec substantially false or grossly misleadi	ision Maker considered evidence relevant to its finding. [New evidence allowed]	lings which was
	(d) The Board, Commission or other Deci by the appellant. [New evidence allow	ision Maker improperly failed to receive all relevant e wed]	vidence offered
		ision Maker was biased against the appellant by rea rsonal or social relationship that interfered with the D idence allowed]	
subm	nitted to the City Clerk within seven (7) ca nust be clearly marked as new evidence.	uncil to consider at the hearing on the appea alendar days after the deadline for filing a Notice . No new evidence will be received at the hearing in y Clerk by the deadline (7 days after the deadline to	of Appeal support of

# 613 South Meldrum Street Modifications of Standards,

MOD 200001, Type 1 Administrative Hearing Decision

**Action Being Appealed:** 

NOTICE OF APPEAL

FOR CITY CLERK'S USE ONLY:

DATE FILED: 119

Form updated 4/22/2020

or offered in response to questions posed by Councilmembers at the hearing.

# **APPELLANTS**

Parties-in-interest have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature:	Date: 07/28/2020
Name: Jeff Palomo	Email: japalomo@comcast.net
Address: 613 South Meldrum Street, Fort Collins, CO 80521	Phone #: (720) 560-1832
Describe how you qualify as a party-in-interest: The Applicant/Property Owner/Occupant	

Signature: Jan Will	Date: 07/28/2020		
Name: Denise White	Email: white.denise@ymail.com		
Address: 2345 Walnut Street, Unit 23, Denver, CO 80205	Phone #: (303) 638-2204		
<b>Describe how you qualify as a party-in-interest:</b> Spoke at the hearing/Applicant Partner/Part-Time Occupant			

Signature:	Date:
Name:	Email:
Address:	Phone #:
Describe how you qualify as a party-in-interest:	

#### ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

#### APPEAL LETTER for Jeff Palomo 613 South Meldrum Street Fort Collins, Colorado 80521

July 28, 2020

Fort Collins City Councilmembers (Wade Troxell, Mayor; Kristin Stephens, Mayor Pro Tem; Susan Gutowsky; Julie Pignataro; Ken Summers; Ross Cunniff; and, Emily Gorgol) City Hall West, LaPorte Avenue Fort Collins, CO 80521

RE: Notice of Appeal for 613 South Meldrum Street Modifications of Standards, MOD 200001, Type 1 Administrative Hearing Decision

Dear City of Fort Collins Councilmembers,

I'm filing this appeal asking the Fort Collins City Council to change a hearing officer's decision denying a Modification of Use request. This written Notice of Appeal is filed within the required 14 calendar days following the decision dated July 15, 2020. I appeal this decision by Hearing Officer Lori Strand, which denied the request based on a "failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code, and Charter."

As the property owner and occupant of a historic resource property, located at 613 S. Meldrum St., I've been exploring how best to develop additional living space on the back lot of my property. Through this process, I've engaged city planning staff in multiple conversations as development ideas evolved. My goal was to determine which use best complements the primary structure (built 1910) and the surrounding neighborhood, is allowable by Land Use Code, and meets the residential needs of the applicant and occupant (myself).

Following an initial Conceptual Review in January 2020, and a subsequent meeting on May 4, 2020, planning staff suggested the pursuit of a Modification of Standards through a Type 1 Administrative Hearing for the proposed design of an enhanced carriage house. The design is larger than permitted by current Neighborhood Conservation, Buffer (NCB) standards; it combines habitable living space and additional storage/hobby space for the primary property into one structure.

In a Project Review meeting (June 10, 2020), as well as the Development Review Staff Report prepared for the July 1, 2020 hearing, staff stated that as the project did not strictly comply with code, they could not approve it to move forward in the process. Staff must apply code objectively; however, a hearing officer could find differently based on an ability to evaluate the intent of the code. Upon this recommendation, I applied for a modification of five standards in Division 4.9, the Neighborhood Conservation, Buffer zone district. My primary objection to the hearing officer's final decision is that she acknowledges she "lacks the authority under LUC 2.8.2(H) to grant the Modifications of Standards on the basis that the subject standards (i.e., LUC 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2) might be outdated or that the Modification of Standards might facilitate development that is compatible with the surrounding area." The hearing officer's findings also state that she found that "the Modifications of Standards would not be detrimental to the public good." In fact, she says they would generally be "compatible with the floor areas, building footprints, and heights of existing and planned development in the area surrounding the Subject Property, the purposes of the N-C-B zone district, and the density and eclectic character of this area." The contradiction between these findings statement demonstrates a failure to interpret the Land Use Code.

Similarly, staff stated in the *Development Review Staff Report* that "to the extent that the proposal may represent compatibility with neighborhood character to a greater degree than zoning allows for other proposals on other properties, the larger question of whether the NCB zone standards are appropriate is beyond the scope of review of an individual development pursuant to the standards as adopted."

Throughout this process, the staff has been professional and helpful. In exchanges, they've shared that this is the "first time" they have received questions like mine regarding the NCB and that this proposal has revealed several apparent contradictions. The hearing officer and staff have also suggested a need to revisit the LUC for the NCB as code seems to be outdated and designed based on usage in other buffer zones, which may not be applicable here.

In various documents, the staff and the hearing officer refer to compatibility and other merits of the proposed design, and that it reveals contradictions contained in the LUC and NCB. Yet, neither party feels they have the authority to approve the modification of use request; this determination appears to be under the purview of City Council. I now turn to you, and your role as decision-makers, to review this matter and overturn the hearing officer's final decision.

As part of this process, I understand that the staff provides City Councilmembers with a transcript and recording of the July 1, 2020, proceeding. Likewise, they provide the exhibits shared in that proceeding, including the applicant's materials and submitted Modification Request. Similarly, I understand that councilmembers, alone or with city staff, may wish to inspect the site of the development plan. I welcome the opportunity to see the property, and its context in the NCB neighborhood to better understand this proposal and the challenges which exist if required to adhere strictly to current code requirements.

Thank you for your consideration of this appeal.

appl

ATTACHMENT 3 Staff Report

# Staff Report (with attachment) Provided to the Administrative Hearing Officer, Hearing held on July 1, 2020

# Development Review Staff Report

Administrative Hearing: July 1, 2020

#### 613 South Meldrum Street Modifications of Standards, MOD 200001

#### **Summary of Request**

This is a stand-alone request for five Modifications of Standards in the City of Fort Collins Land Use Code (LUC) governing size limits on carriage houses in the Neighborhood Conservation Buffer (NCB) zone district.

#### Zoning Map



#### **Next Steps**

If approved by the Hearing Officer, the applicant would be eligible to submit a development plan application for a carriage house with the modified size limits within the next 12 months. This application for building size modifications is separate from subsequent review of an actual development plan and must not be construed as an implied approval of a development plan. If the modifications are approved, they would represent modified *maximum* size limits for building footprint and floor area. A development plan process could possibly involve design and compatibility findings that could result in reduced final dimensions.

#### **Site Location**

613 S. Meldrum Street, located on the first block north of the Colorado State University (CSU) main campus.

#### Zoning

Neighborhood Conservation, Buffer District (NCB)

#### **Property Owner**

Jeff Palomo 613 S. Meldrum St. Fort Collins, CO 80521

#### Applicant/Representative

Same as above

#### Staff

Clark Mapes, City Planner

#### Contents

1.	Project Introduction	2
----	----------------------	---

- 7. Attachments ...... 8

#### Staff Recommendation

Denial of the Modification Requests.



# **1. Project Introduction**

#### A. PROJECT DESCRIPTION

The Neighborhood Conservation, Buffer (NCB) Zoning District contains detailed standards that limit the size of carriage houses in rear yards of residential lots. This stand-alone request consists of the following five Modifications of Standards:

Subject	Zoning Standard	Modified Request	
Building Footprint	600 sq. ft.(max)	1,570 sq. ft.	
Total Floor Area	1,000 sq. ft. (max)	2,190 sq. ft.	
Floor Area in Rear Half of Lot	1,583 sq. ft. (max)	2,190 sq. ft.	
Eave Height Along Side Lot Line	13 feet (max)	23 feet	
Width of Dormers Along Side Lot Line	25% of side wall length (max)	43% of side wall length	

#### 1. Development Status and Background

**Historic Resource**. The subject property contains a brick Classic Cottage constructed circa 1910 and found eligible for local landmark designation in 2018, based on its original architectural integrity. This eligibility limits any ability to remove and replace the principal building on the lot and requires that any new construction on the site meets design compatibility and historic resource treatment standards. Compatibility requirements would be applied when a future development plan is submitted.

**Old Town Neighborhoods Plan and NCB zoning.** The subject property is in the Old Town Neighborhoods subarea plan area of Fort Collins. The neighborhoods encompass many of the earliest residential blocks in Fort Collins and are characterized by the classical grid street pattern of short blocks, historic home styles, and mature trees.

An ongoing neighborhood concern has long been how best to preserve, protect and enhance neighborhood character while still allowing opportunities to adapt to evolving community and social changes.

A continuum of community planning has produced subarea plans, character studies, zoning standards, and design guidelines in open and highly engaged public processes since at least the 1980's. The NCB zoning district, and carriage house standards specifically, result from some of these processes.

The adopted Old Town Neighborhoods Plan recognizes the NCB area around south Meldrum as catering primarily to college student rental housing, including many apartment buildings. NCB zoning allows two-family and multifamily residential development, and within the past 10 years, several larger apartment projects have been constructed along Laurel Street, across from the CSU campus and located within the same zone district as this proposal.

The Modification of Standard requests are based largely on apparent contradictions in the NCB zoning – i.e., that it allows for removal of original houses, if they are not historic landmark-eligible, for replacement by much larger apartment buildings and parking lots; while it limits new construction to a greater degree when an existing house is preserved and a detached carriage house is proposed. The applicant suggests that the latter approach is the most compatible approach to new construction.



### 2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Neighborhood Conservation, Buffer (NCB)	Neighborhood Conservation, Buffer (NCB)	Neighborhood Conservation, Buffer (NCB)	Neighborhood Conservation, Buffer (NCB)
Land Use	Single family houses and a rear yard duplex	Single family houses and apartment buildings	CSU parking lot and single family houses	Rear yards and parking for single family houses and a rear yard duplex across the alley

## **B. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF REVIEW**

Staff engaged in extensive consideration and exploration of potential support for the requested Modifications of Standards, due to the context on this particular block and adjoining blocks. The original historic pattern of modest houses with generous rear yards and small garages has been altered by 1) re-subdivision of corner lots, resulting in additional houses in formerly rear yard areas; 2) assembly of lots and removal of houses, replaced by larger apartment buildings, an office building, and parking lots in the southern portion of the block; and 3) construction of duplexes in rear yards. A large carriage house in the rear yard of a preserved and renovated historic landmark could arguably represent one of the more compatible changes that has occurred and will occur on the block.

Staff review has included extensive discussion with the applicants to reach mutual understanding of both the NCB standards and the specific proposal. The proposal has evolved in pre-submittal discussions and throughout the review process. For example, the original Conceptual Review meeting in January 2020 was for a proposed duplex in the rear yard (which is not a permitted use), followed by extensive exploration of the idea of two carriage houses, leading to this proposal for a large carriage house requiring modifications to all size limit standards.

Discussion has highlighted nuances and apparent contradictions in the NCB zone, which have been part of the applicant's justifications.

Staff considered the possibility of findings based on modifications serving the purpose of the standards equally well or better than less-conservation-oriented plans that *would* meet NCB standards, e.g., demolition of houses and construction of larger multifamily buildings.

However, historic landmark eligibility would prevent such a plan on the subject property; and this perspective, i.e., that a more intense plan could meet the standards, has come up in the past but has not been used for staff findings.

Essentially, the proposed justification is that NCB zoning is not appropriate for its purposes. To the extent that may be the case, it is not a criterion on which staff can base findings on the carriage house standards.

A Potential Subsequent Development Plan. The consideration of modifications of size limits is separate from subsequent review of an actual development plan if the modifications are approved. They would represent *maximum* size limits; however it is important to be clear that review of the development plan could involve staff findings regarding design and compatibility that could require reduced building size in order for staff to recommend approval of the actual development plans.



### 2. Public Outreach

#### A. NEIGHBORHOOD MEETING

A neighborhood meeting was not required for this land use, which requires 'Administrative Review' and for which neighborhood meeting requirements are not applicable.

#### **B. PUBLIC COMMENTS:**

No public comment has been received to-date. Any comments received prior to the hearing will be forwarded to the hearing officer for consideration.

# 3. Land Use Code Article 2 – Procedural Requirements

#### A. PROCEDURAL OVERVIEW

#### 1. Conceptual Review – CDR200005

A conceptual review meeting for the property was held on January 23, 2020.

#### 2. First Submittal – PDP200002

The first submittal of this modification request was completed on May 22, 2020.

#### 3. Neighborhood Meeting

Not required and not held as noted above.

#### 4. Notice (Posted, Written and Published)

Posted Sign: June 1, 2020, Sign #546

Written Hearing Notice: June 17, 2020, 107 addresses mailed.

Published Hearing Notice: June 2, 2020 in the Coloradoan newspaper

#### Hearing notification area (blue shading)







# 4. Land Use Code Article 2 - Staff Analysis of Modifications of Standards

#### A. STANDARDS SUMMARY

The applicant requests modifications of five standards in Division 4.9, the Neighborhood Conservation, Buffer zone district, in order to enable construction of a carriage house that would be larger than would otherwise be permitted by the standards. The standards address building footprint, total floor area, floor area in the rear half of a lot, side wall eave height, and extent of dormers along side walls.

Staff analysis of the request discusses the modification requests together as a single unified request because they are all inseparable aspects of the larger building construction sought by the applicant.

#### **B. STANDARDS FOR REVIEW OF MODIFICATIONS**

Modifications are governed by Section 2.8.2(H) and are provided here for reference:

"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 citywide 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)."





### C. MODIFICATION REQUESTS AND APPLICANT'S JUSTIFICATION

The specific request comprises five standards as follows:

1. Code Section 4.9(D)(2) limits the total floor area for carriage houses as follows:

"Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of one thousand (1,000) square feet of floor area."

The request is for 2,190 square feet.

2. Code Section 4.9(D)(2) also limits the building footprint:

"The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet."

The request is for 1,570 square feet.

3. Code Section 4.9(D)(5) limits building floor area in the rear half of lots:

"The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot." The rear half of the lot is 4,750 square feet; 33 percent of that is 1,583 square feet.

The request is for 2,190 square feet.

4. Code Section 4.9(E)(2) limits side wall eave height in the rear yard:

"The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space."

The request is for a gabled eave 23 feet high.

5. Code Section 4.9(E)(2) limits dormers, related to the issue of side wall eave height:

"An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length."

The request includes a dormer feature that is 43% of the wall length. It is set back approximately 15 feet.

**Applicant's Justification.** The applicant's justification is attached. Staff's interpretation is that the request is based upon the modification criteria in subparagraph 2.8.2(H)(1) above -- "as good or better."

Staff's interpretation of the applicant's key points in the request is summarized as follows:

- The zoning does not fit well with the character of this particular NCB area as it exists and is evolving. Much of the original neighborhood context has been lost due to redevelopment and infill that alters the character of this block, as well as adjacent blocks in this NCB area.
- Relatedly, the historic neighborhood context continues to be lost because more of the original houses can be removed for multifamily development i.e.,, those houses that are not eligible for landmark designation.
- The proposed approach to infill -- preserving the house and adding floor area in the rear yard is "as good or better" than other changes that have occurred and will continue to occur under NCB zoning, for purposes of the NCB zoning.
- The applicant has noted that the zoning does not prohibit construction of two carriage houses, and the justification suggests that the requested floor area allowance is similar to two carriage houses.

#### Back to Top



The application highlights nearby examples of the bullet points above. For example, a recent example is two doors to the south, 621 S. Meldrum, where the original house was removed and replaced with a new large multifamily building, which overlooks the subject property as well as the intervening lot, and has a parking lot in its rear yard. Other examples are noted on the block and adjoining blocks. The request includes photos of these examples.

Also, on the intervening lot between the 621 S. Meldrum example and the subject property, the owner has had a Conceptual Review meeting for a proposal to remove the existing house and construct two duplexes, one behind the other. The second duplex would not be permitted behind the street-facing one under NCB zoning, and so the proposal connects the two duplexes with a roof over an intervening patio, which changes the classification to a fourplex, which is permitted. That conceptual proposal for the lot next door is shown on the last page of the request. No plan has been submitted following the Conceptual Review, but it is an example of what the NCB zoning permits.

As part of the overall block context, the applicant notes that two other rear yard duplexes exist on the block – one two doors to the north, and one across the alley, built before the NCB zoning standards were adopted. The one to the north is a garden level two-story building that faces the neighboring rear yard and has similar floor area to the proposed floor area.

#### D. STAFF FINDINGS

Staff finds that the Modifications of Standards would be detrimental to the public good and are not justified under subparagraph 2.8.2(H)(1) because:

- The carriage house size and height standards specifically limit the scale of construction in rear yards, with limits on total size and side walls facing and overlooking neighboring rear yards. The standards result from thorough public processes and represent an adopted compromise among varied interests. The overall scale of proposed building as well as the high side walls would introduce construction of a scale that exceeds the specific limits to a degree that would introduce significant visual and privacy impacts that are intended to be avoided under the standards.
- 2) The standards require a scale of construction that is typically subordinate to the original houses which define the historic character that is intended to be reflected in development projects. The proposed modifications would allow a building with similar or greater mass than the original houses along the fronts of lots in the area.
- 3) To the extent that the proposal may represent compatibility with neighborhood character to a greater degree than zoning allows for other proposals on other properties, the larger question of whether the NCB zone standards are appropriate is beyond the scope of review of an individual development pursuant to the standards as adopted.
- 4) To the extent that the proposal may represent compatibility with neighborhood character that is equal or better in comparison to past development prior to the current zoning, it would not be a reason to support the modifications because the current standards may reflect a community response to past development.



In evaluating the request for the 613 South Meldrum Street Modifications of Standards, MOD200001, staff makes the following findings of fact:

- The modification requests comply with the process located in Division 2.2 Common Development Review Procedures for Development Applications of Article 2 Administration.
- The proposed modifications do not comply with standards in Section 2.8.2(H) and would be detrimental to the public good due to the extent of departure from the adopted carriage house size limit standards.
- The extent of the proposed increased size limits does not meet the purposes of the carriage house size limits standards equally well or better than a compliant plan, regardless of design mitigation of the size.

#### 6. Recommendation

Staff recommends that the Hearing Officer deny MOD200001 based on the analysis and Findings of Fact/Conclusion in this Staff Report.

#### 7. Attachments

1. Applicants' Narrative



# Modification Request for

# 613 South Meldrum Street, Fort Collins, Colorado 80521

# DIVISION 4.9 - NEIGHBORHOOD CONSERVATION, BUFFER (N-C-B) DISTRICT IN THE UNIVERSITY NORTH NEIGHBORHOOD

## (D) Land Use Standards.

(5) *Allowable Floor Area on Rear Half of Lots.* The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot.

In the Neighborhood Conservation, Buffer (N-C-B) District, carriage houses are permitted in this zoned area. They are considered by City of Fort Collins definition as "a single-family detached dwelling, typically without street frontage, that is located behind a separate, principal dwelling on the same lot, which fronts on the street" (City of Fort Collins Land Use Code, 5.1.2 – Definitions; adopted amendments Sept. 3, 2019).

Per the City of Fort Collins <u>Carriage House Development Standards</u> Brochure, the maximum total floor area, which includes the floor area of the basement (if any), ground floor plus the portion of any second story having a ceiling height of at least 7 ½ feet, in the N-C-B District is 1,000 sq. ft. with a maximum building footprint of 600 sq. ft. In March 2019, the N-C-B District Land Use Code was modified to permit carriage homes on lots less than ten thousand sq. ft. as confirmed by a city planner. Also confirmed in a conversation with a city planner is that the current <u>Carriage House Development Standards</u> brochure contains an error in that the basement is not included in the allowable square foot; instead, it is excluded as well as deck space.

# **DESCRIPTION OF PROJECT**

The project requests to construct a carriage home behind an existing single-family structure. The site (parcel #9714111013) is approximately 1,600 feet west of S. College Avenue and approximately 700 feet south of W. Mulberry Street. Future access will be taken from S. Meldrum Street. The proposal will include an additional two garage parking spaces. The property is within the N-C-B District and is an addition of a Permitted Use application subject to City Council Review.

# **REASON FOR MODIFICATION REQUEST**

The purpose statement for the Neighborhood Conservation, Buffer (N-C-B) District states that the district "is intended for areas that are a transition between residential neighborhoods and more intensive commercial-use areas or high traffic zones that have been given this designation in accordance with an adopted subarea plan."

Fort Collin's demographics are changing, creating a demand for different housing types and a focus on livability issues. Neighborhoods need to ensure that development contributes to the positive character of the city, meet the needs of a variety of community members – including those who wish to age in place - and protect and enhance our historic resources. Likewise, the University North neighborhood and the 600 block of South Meldrum character, located in the N-C-B District, have evolved, and since the Land Use Code was adopted initially; however, the same neighborhood goals remain timeless.

This modification is requesting to modify the maximum total floor area allowed for a single carriage home under the current requirement, which is 1,000 sf. ft. maximum total floor area (600 sq. ft. maximum footprint) (City of Fort Collins <u>Carriage House Development Standards</u> brochure). The applicant requests a variance to construct a single Carriage home per plan in *Attachment A: 613 S Meldrum Carriage House 4-23-20*, consisting of 1468 sq. ft. of livable sq. ft. above 7'6" above grade, 510 sq. ft. below 7'6", 730 sq. ft. of garage space and 848 sq. ft. of basement on the rear yard at 613 S. Meldrum St., Fort Collins, CO 80521. The N-C-B District permits carriage houses, and the proposed design will be in keeping with the character of the primary home, built in 1910, and continuity of the neighborhood.

The applicant intends for the enhanced total floor area allowance to construct a single carriage home, which provides housing in the community and extra storage (e.g., cars, lawn equipment) and accessory hobby rooms (e.g., fitness, art) for the primary residence, better than a plan that would comply. This working design (*Attachment A: 613 S Meldrum Carriage House 4-23-20*) strengthens compatibility between the proposed new development, the existing primary structure, and the current neighborhood context. Without the modification, the development would require the construction of two separate carriage homes, a carriage home and a separate storage building, or a duplex; however, these permitted options do not complement but compromise the integrity of the primary residence and green space on the lot.

The applicant understands the Landmark Preservation Commission and have taken code into account on the plans based on 613 S. Meldrum being identified by the city as a historic resource.

## **JUSTIFICATION**

Fort Collin's demographics are changing, creating a demand for different housing types and creative solutions to livability issues. Land Use Standards and zoning restrictions are established by cities to help provide a framework for growth that maintains property values, supports neighborhood character, and enhances community livability. Neighborhoods need to ensure that any development contributes to its positive character, meets the needs of a variety of community members – including those who wish to age in place - and protects and enhances historic resources. The character of the University North neighborhood and the 600 block of South Meldrum, located in the N-C-B District, has evolved over time, and since the Land Use Code originally was adopted; however, the overarching neighborhood goals remain constant.

Once a street lined with single-family homes situated on generous lots, this block now consists of single-family homes (several considered historic resources, including 613 S. Meldrum) surrounded by multi-family complexes, a fraternity, a Colorado State University commercial parking lot, and the Church of Latter-Day Saints facing the street. Several duplexes and an apartment complex line the alley at the rear of the lot (*Attachment B: Visual Context of Neighborhood Block*). In 2013, the city approved the construction of a quadplex at 621 S. Meldrum and, more recently, a conceptual review from Oct. 3, 2019, for a direct neighboring property (617 S. Meldrum, built in 1920) indicates a plan to demolish this structure to allow for construction of a duplex behind a street-facing building attached by a roof on the site, essentially another quadplex which does not honor the historic resource buffer (*Attachment C: Proposed Concept for Neighboring 617 S. Meldrum Property*).

Furthermore, the proposed site of development, 613 S. Meldrum St., is one block away from Howes St. and two blocks from Mulberry St. which is zoned as the Downtown District. As the N-C-B District's purpose is to provide a transition between residential neighborhoods and more intensive commercial-use area. The address of this property puts it right on the front line of this transition. This location also adds to the responsibility of properties to help balance the transition between residence and commercial use by maintaining a blend of single and multi-family residences, residential and commercial properties, preserved and new-build structures.

For residents on this block, only two of the homes appear to be owner-occupied, the applicant's property and the neighboring property at 609 S. Meldrum; the remainder of the residential population on the street seems to be renters of college-age. The applicant, property/homeowner of 613 S. Meldrum, appreciates the vibrancy of the street due to its demographics, proximity to Old Town and the Colorado State University campus, and its appeal as an age-in-place residence. Additionally, the large lot and the historic charm of the 1910 home was a draw. Following the purchase of the property, the applicant has invested additional time, resources, and money to revitalize and restore the home's historical features.

However, the family usage of a home in 1910 compared to that of 2020 has evolve. The original structure lacks a garage for storage of a car and lawn equipment, or adequate space needed to accommodate equipment for fitness or hobbies. As the lot size is large, the applicant explored various options to add storage space and a separate line of income from a rental unit that would ease the ability to age-in-place. This idea was buoyed by the fact that several other properties on the block possess large duplexes on the rear of their lot, behind the primary residence. As the applicant wishes to only manage one rental residence onsite while creating extra space for primary residence usage, a duplex like neighboring properties does not make sense to construct. The applicant then explored carriage houses as an alternate option. The carriage house concept adheres to the historic resources buffer (concerning the main house and the neighboring properties), maintains the neighborhood character by preserving the original primary structure while creating a secondary structure that complements the home and remains invisible from the street.

Through the exploration and idea evolution process, the applicant has engaged city planning staff in conversation to best achieve city goals and project-specific ones and comply with zoning codes. In recent discussions, the city expressed concern regarding eave height on the carriage house design, and the applicant is working to address this.

These conversations with city staff guided the evolution of the project; various explorations include:

• Demolishing the original 1910 structure for new construction, which better accommodates storage/accessory use needs and a separate carriage house for additional investment or a duplex.

This idea does not appeal as the historic charm of the home is what led to its purchase. Additionally, much time and money have already been invested in refreshing the existing property. Currently, the applicant sees demolition as a last resort.

- Maintaining the original primary structure and constructing a duplex to the rear of the lot. While permitted, a duplex inhibits real improvement to the property in a reasonable manner as the applicant does not require two additional fully habitable units. Additionally, this option causes practical hardship due to the expense of extra infrastructure not reflective of the project's true scope. This option also significantly reduces green space on the property.
- Maintaining the original primary structure and constructing two new buildings both carriage houses or a carriage house/separate storage structure combinations on the rear of the lot. While permitted, as with the previous duplex option, this design inhibits real improvement to the property in a reasonable manner as the applicant does not require two additional fully habitable units. Additionally, this option causes practical hardship due to the expense of extra infrastructure not reflective of the project's true scope. This option also significantly reduces green space on the property.
- Constructing an enhanced single carriage house that combines habitable living space and additional storage/hobby space in one structure.
  This design takes up less of the rear lot footprint than other considerations, maintains more green space, and provides a structure that meets the goals of the development. This option also keeps design and construction costs in the project's scope, best complements the primary structure on the property and is in harmony with neighboring properties. This option does not alter the character of the N-C-B District or University North neighborhood.

The preferred option of an enhanced carriage house, however, is not a permitted use as under current build codes, a carriage house may not exceed 1,000 sf. ft. maximum total floor area (600 sq. ft. maximum footprint). Thus, the applicant requests the modification be allowed.

The modification is justified (although not currently permitted) by current Land Use Standards and build code, including how these standards have been applied to neighboring development projects on the block over the past decade.

#### Article 3 – General Development Standards

#### **Division 3.1 – General Provisions**

#### Applicability

Under the Land Use Standards General Provisions, the following section on applicability aligns with the modification request:

#### 3.1.1 – Applicability

All development applications and building permit applications shall comply with the applicable standards contained in divisions 3.1 through 3.11 with the following exceptions:

- (A) Single-family detached dwellings and extra occupancy rental houses on platted lots that are subject only to building permit review.
- (B) Accessory buildings, structures and accessory uses associated with the single-family dwellings and extra occupancy rental houses listed in (A) above.

Applications for the development noted in exceptions (A) and (B) above must comply only with the standards contained in division 3.8; and with respect to extra occupancy rental houses, the additional standards contained in Section 3.2.2(k)(1)(j).

Existing Development. In addition to the foregoing, this Land Use Code shall continue to apply to ongoing use of land in completed developments to the extent that the provisions of this Land Use Code can be reasonably and logically interpreted as having such ongoing application.

(Ord. No. 59, 2000 §11, 6/6/00; Ord. No. 204, 2001 §§1, 11, 12/18/01; Ord. No. 120, 2003 §1, 9/2/03; Ord. No. 198, 2004 §3, 12/21/04; Ord. 123, 2005 §3, 11/15/05; Ord. 104, 2006 §12, 7/18/06; Ord. No. 063, 2018 , §6, 6/5/18; Ord. No. 077, 2019 , §5, 7/16/19)

# Division 3.4 – Environmental, Natural Area, Recreational and Cultural Resource Protection Standards Historic Resource

As the applicant's primary structure was built in 1910 and identified by the city as a historic resource, the following sections align with the modification request:

#### 3.4.7 – Historic and Cultural Resources

- (A) Purpose
  - (1) The purpose of this Section is to ensure that proposed development is compatible with and protects historic resources by ensuring that:
    - (a) Historic resources on a development site are preserved, adaptively reused, and incorporated into the proposed development;

- (b) Development does not adversely affect the integrity of historic resources on nearby property within the area of adjacency surrounding a development site; and
- (c) The design of new structures and site plans are compatible with and protect the integrity of historic resources located within a development site and within the area of adjacency surrounding a development site.
- (2) To accomplish its purpose, this Section provides:
  - (a) The requirements for the treatment of historic resources located on a development site; and
  - (b) The standards for design compatibility between proposed development and historic resources on a development site and within the delineated area of adjacency surrounding a development site.
  - (c) This Section is intended to work in conjunction with the standards for the treatment of historic resources set forth in Chapter 14 of the Fort Collins Municipal Code and any relevant adopted standards for historic resources.

In Fort Collins, a historic resource is "any resource (a building, structure, object, or site) that has importance to the past for association with important history, culture, or design...Buildings and other resources that help tell the story of a historic district are considered 'contributing' to that district and are integral pieces of the larger historic story." Maren Bzdek, with the Historic Preservation Department identified the primary structure at 613 S. Meldrum as a "historic resource." The property is also eligible for landmark status; however, the applicant is not pursuing that designation at this time.

As stated earlier in the request, the applicant purchased the property because of its 1910 historic charm and has invested significant time, resources, and funds into preserving the property. Additionally, the applicant is working with an architect to design a carriage house that is compatible in design and size so as not to impact the integrity of the primary structure adversely.

Approving this modification will support the city's desire to ensure that this historic resource remains in the N-C-B District, supporting the neighborhood character, while also providing the site to be adaptively "reused." The addition of an enhanced carriage house will support both historic resource and contemporary usage needs.

- (B) Historic Resources on the Development Site and within the Area of Adjacency.
  - (1) As used in this Section, the area of adjacency shall mean an area, the outer boundary of which is two hundred (200) feet in all directions from the perimeter of the development site. Any lot or parcel of property shall be considered within the area of adjacency if any portion of such lot or parcel is within the two hundred (200) foot outer boundary.
  - (2) Historic preservation staff shall identify as expeditiously as possible the historic resources on the development site and within the area of adjacency to be used for application of the design standards contained in below Subsection (E), Design

Requirements for a Proposed Development, and provide a list of such resources to the applicant. The procedure for identifying the relevant historic resources shall be as follows:

- (a) The location of the following shall be identified within the area of adjacency:
  - 1. Any historic resource; and
  - 2. Any building, site, structure, and object that requires evaluation as to whether it is eligible for Fort Collins landmark designation and, therefore, qualifies as a historic resource.
- (b) All historic resources on the development site shall be identified and the procedure in below Subsection (C)(1) shall be completed if necessary.
- (c) Any building, site, structure, or object requiring evaluation shall be reviewed for eligibility for Fort Collins landmark designation pursuant to below Subsection (C)(2).
- (d) Any historic resource identified in above steps (a), (b), or (c) shall be the historic resources utilized as the basis for applying Subsection (E). Identified historic resources on the development site and within the area of adjacency shall be classified as follows for purposes of applying the design standards set forth in the below Subsection (E):
  - 1. Historic resources on the development site, or abutting or on the other side of a side alley that abuts the development site; and
  - 2. All other historic resources.
- (e) The historic comparison boundary shall be established at two hundred (200) feet in all directions from the perimeter of each identified historic resource except those located on the development site. The historic influence area formed by the overlapping area between the outer boundary of the development site and the historic comparison boundary is the area within which the standards in below Subsection (E) apply to any new construction proposed within such area.
- *(f)* The historic influence area for any historic resource located on the development site shall be the entire development site.

Example of Area of Adjacency, Historic Comparison Boundary, and Historic Influence Area



(3) The historic preservation staff determination pursuant to this Section of the historic resources relevant to the application of the design standards set forth in below Subsection (E) is not subject to appeal. Notwithstanding, eligibility determinations pursuant to below Subsection (C)(1) are subject to appeal pursuant to Fort Collins Municipal Code Section 14-23.

Additionally, Maren Bzdek stated that the abutting property, 609 S. Meldrum, is also a historic resource and eligible for historic landmark status. A historic comparison boundary is to be *"established at two hundred (200) feet in all directions from the perimeter of each identified historic resource except those located on the development site."* 

Contrary to the description cited above, the neighboring property at 605 S. Meldrum has a duplex constructed on the rear lot, which does not align architecturally with the historic character of other properties within the historic boundary comparison. *Attachment B: Context of the Neighborhood Block* illustrates that multiple buildings have been developed within 100 feet of the properties at 613 and 609 S. Meldrum St. which do not maintain a compatible design with these historic resources. However, these buildings now also contribute to the character of the neighborhood. The city has permitted the construction of duplexes and quadplexes within the boundary of these historic resources, which demonstrates precedence in veering from the Land Use Standards in the N-C-B District.

Unlike these multi-family developments, the applicant proposes a structure that aligns with efforts to preserve what remains of the historic character of the neighborhood. The proposed design of an enhanced carriage house provides cohesiveness to not only the primary structure but an appropriate design to the abutting historic 609 S. Meldrum as well. The modification to allow the carriage home to increase its total floor area also aligns the plan with the character of newer developments in the neighborhood.

#### Article 4 – Districts

#### Division 4.9 – Neighborhood Conservation, Buffer (N-C-B) District Permitted Uses

Several options for permitted residential use are outlined in the context of the N-C-B District's Land Use Standards. In particular, the following sections align with the modification request:

- (2) The following uses are permitted in the N-C-B District, subject to administrative review:
  - (a) Residential Uses:
    - 1. Single-family detached dwellings when there is more than one (1) principal building on the lot and/or when the lot has only alley frontage.

- 2. Two-family dwellings when there is more than one (1) principal building on the lot, provided that such two-family dwelling is located within a street-fronting principal building.
- (3) The following uses are permitted, subject to Planning and Zoning Board review:
  - (a) Residential Uses:
    - 2. Single-family attached dwellings
    - 4. Mixed-use dwellings which are combined with any other use subject to Planning and Zoning Board review.

As stated earlier in the request, there is a need in Fort Collins to find a variety of housing options that add to neighborhood livability and character. The cited permitted uses allow for multiple dwellings on a single lot within the N-C-B District. The applicant's property has an existing single-family, principal building on the lot and space available at the rear of the lot, which has remained undeveloped and possesses alley frontage for access. A second structure – such as the proposed enhanced carriage house - could easily subscribe to these parameters, including consideration as a mixed-use dwelling (singlefamily dwelling with additional storage space). The applicant recognizes that the permitted uses within the cited section are subject to either administrative or Planning and Zoning Board review.

The applicant also wishes to highlight that the block consists of duplexes and a quadplex, both constructed in recent years. While each of these structures is a permitted use, the duplexes possess larger footprints than the applicant's proposed modification for an enhanced carriage house. This requirement presents a hardship for the applicant by inhibiting the ability to improve the property with a right-sized design.

## **City Plan**

This modification request is further justified through the City Plan, unanimously adopted by City Council on April 16, 2019. The City Plan outlines important community values and provides an aspirational vision for the future. The *Principles and Policies, Structure Plan,* and *Implementation and Monitoring* sections of the document provide further support that this modification aligns with the city's vision and core values.

#### **Principles and Policies**

First, the 2019 City Plan identifies *Livability* as a core value establishing an overall policy foundation and a reference as questions arise. In particular, the following Livability outcome areas align with the modification request:

- Principle LIV 3: Maintain and enhance our unique character and sense of place as the community grows.
  - Policy LIV 3.4 Design Standards and Guidelines: Maintain a robust set of citywide design standards as part of the City's Land Use Code to ensure a flexible, yet predictable,

level of quality for future development that advances the community's sustainability goals, e.g., climate action. Continue to develop and adopt location-specific standards or guidelines where unique characteristics exist to promote the compatibility of infill redevelopment.

- Policy LIV 3.5 Distinctive Design: Require the adaptation of standardized corporate architecture to reflect local values and ensure that the community's appearance remains unique. Development should not consist solely of repetitive design that may be found in other communities.
- Policy LIV 3.6 Context-Sensitive Development: Ensure that all development contributes to the positive character of the surrounding area. Building materials, architectural details, color range, building massing, and relationships to streets and sidewalks should be tailored to the surrounding area.
- Principle LIV 4: Enhance neighborhood livability.
  - Policy LIV 4.2 Compatibility of Adjacent Development: Ensure that development that occurs in adjacent districts complements and enhances the positive qualities of existing neighborhoods. Developments that share a property line and/or street frontage with an existing neighborhood should promote compatibility by:
    - Continuing established block patterns and streets to improve access to services and amenities from the adjacent neighborhood;
    - Incorporating context-sensitive buildings and site features (e.g., similar size, scale and materials); and
    - Locating parking and service areas where impacts on existing neighborhoods such as noise and traffic—will be minimized.

Policies LIV 3.4, 3.5 and 3.5, along with LIV 4.2, identify the goal for development to be contextsensitive, avoid repetitive design, and work with location-specific standards to promote utilization of undeveloped infill property. The rear lot at 613 S. Meldrum offers an opportunity build a develop an enhanced carriage house that is sensitive to the historic and changing character of the neighborhood. This structure also avoids cookie-cutter design through an architectural design which supports the unique characteristics of the primary structure. This use would also promote infill utilization of a previously undeveloped property.

- Principle LIV 5: Create more opportunities for housing choices
  - Policy LIV 5.6 Existing Neighborhoods: Expand housing options in existing neighborhoods (where permitted by underlying zoning) by encouraging:
    - Infill development on vacant and underutilized lots; » Internal ADUs such as basement or upstairs apartments;
    - Detached ADUs on lots of sufficient size; and
    - Duplexes, townhomes or other alternatives to detached single-family homes that are compatible with the scale and mass of adjacent properties.

Policies LIV 5 promotes the desire creative housing solutions that expand options in existing neighborhoods like the N-C-B District. The policy calls for infill development on unutilized lots and for detached alternative housing solutions that are a compatible with adjacent properties. As stated before, the modification would align with both the context of the historic main property as well as adjacent duplexes on the block. This development would serve as both additional single-family housing, as well as be a creative solution for storage and accessory space needs of the primary structure.

- Principle LIV 6: Improve access to housing that meets the needs of residents regardless of their race, ethnicity, income, age, ability or background.
  - Policy LIV 6.5 Aging in Place: Retain attainable housing options in existing neighborhoods so residents can "age in place."

Policy 6.5 recommends development provide opportunities to age-in-place. As the applicant wishes to retire while living in the primary structure, the enhanced carriage house modification would provide a residence which allows the applicant to do so in this neighborhood, while also maintaining an ongoing income stream from the rental unit.

- Principle LIV 10: Recognize, protect and enhance historic resources.
  - Policy LIV 10.1 Identify Historic Resources: Determine through survey techniques what historic resources exist within the GMA; how significant these resources are; the nature and degree of threat to their preservation; and methods for their protection.
  - Policy LIV 10.2 Preserve Historic Resources: Preserve historically significant buildings, sites and structures throughout Downtown and the community. Ensure that new construction respects the existing architectural character of the surrounding historic resources without artificially duplicating historic elements.
  - Policy LIV 10.5 Planning and Enforcement: Recognize the contribution of historic resources to the quality of life in Fort Collins through ongoing planning efforts and enforcement of regulations.

Finally, the policies listed under Principle LIV 10 states a need to identify and preserve historic resources. Addressed in an earlier section, allowance of the modification to the size of the carriage house supports both the preservation of this historic resources and its vital role in maintaining this history as part of the neighborhood's character.

#### **Structure Plan**

The city's *Structure Plan* (*City Plan*, pages 47) provides direction on a growth framework, the how and where different areas of the community may change or grow in the future. This section of the *City Plan* is a tool for city staff to evaluate and make decisions regarding the location, intensity and design of future development, including infill development.

Per the *Structure Plan*, the Neighborhood Conservation, Buffer (N-C-B) District is identified as a Mixed Neighborhood. The primary home, and site of the proposed carriage home development, is at 613 S.

Meldrum St.; this site is a block away from Howes St. and two blocks from Mulberry St. which is identified in the plan as a *Downtown* neighborhood. As referenced earlier, the N-C-B District's purpose is to provide a transition between residential neighborhoods and more intensive commercial-use area. The address of this property puts it right on the front line of this transition.

The *Mixed Neighborhood* has a Principal Land Use of single-family detached homes, duplexes, triplexes and townhomes with a Supporting Land Use of ADUs, small-scale multifamily buildings, retail, restaurants/cafes, community and public facilities, parks and recreational facilities, school, places of worship. Key characteristics/considerations for existing neighborhoods, such as University North include:

- While many existing Mixed-Neighborhoods may consist predominantly of single-family detached homes today, opportunities to incorporate ADUs or other attached housing options of a compatible scale and intensity may be feasible in some locations.
- The introduction of larger townhome or multifamily developments into existing single-family neighborhoods should generally be limited to edge or corner parcels that abut and/or are oriented toward arterial streets or an adjacent Neighborhood Mixed-Use District where transit and other services and amenities are available.
- Where townhomes or multifamily buildings are proposed in an existing neighborhood context, a transition in building height, massing and form should be required along the shared property line or street frontage.
- As existing neighborhoods change and evolve over time, rezoning of some areas may be appropriate when paired with a subarea or neighborhood planning initiative. See the Priority Place Types discussion on page 107 for more details about changes in existing neighborhoods over time.

Additionally, the *Structure Plan* states that opportunities for Mixed Neighborhoods include diversifying housing options in existing neighborhoods based on the age and condition of existing homes and lot sizes. Additional considerations shared detailed a need to reinvest in existing neighborhoods and provide more housing alternatives.

#### Implementation and Monitoring

Finally, the 2019 City Plan identifies performance measurements to track outcomes tied to the plan's *Policy and Principles* in its *Implementation and Monitoring* section. The following dashboard strategies/measurements further justify granting the modification request:

- Principle LIV 2: Promote Infill and redevelopment.
  - Strategy LIV-2a: Review and update the Land Use Code as needed to align with the place types established in the Stricture Plan.
- Principle LIV 3: Maintain and enhance our unique character and sense of place as the community grows.
  - Strategy LIV-3c: Identify locations within the community in the need of neighborhood or subarea planning to address area-specific issues and opportunities.

- Principle LIV 4: Enhance neighborhood livability.
  - Strategy LIV-4a: Develop and adopt updated design standards to address transitions between areas desired for intensification and existing neighborhoods.
  - Strategy LIV-4d: Explore developing a conditional use permit process to allow for a greater range of compatible uses.
- Principle LIV 5: Create more opportunities for range of housing choices.
  - Strategy LIV-5a: Conduct an evaluation and community dialogue with existing neighborhoods to determine the feasibility of and reasonable requirements for expanding allowances of attached/detached ADUs, duplexes, or other housing options. Consider factors such as lot size, age and condition of exiting housing stock, long-term attainability, proximity to services and amenities, and level of community support.
  - Strategy LIV-5b: Update development standards to require or encourage the inclusion of greater range of housing product types.
- Principle LIV 10: Recognize, protect and enhance historic resources.
  - Strategy LIV-10d: Reevaluate the design, development and demolition review processes to increase consistency and predictability.
  - Strategy LIV-10e: Consider codifying general compatibility standards for new construction. Clarify the role of the adopted design guidelines and standards and develop guidelines for additional districts or general guidelines.

As shared in previous section related to the Livability Principle, allowance of this modification supports each of these strategies to achieve the principle's goal. The enhanced carriage house provides an opportunity to address infill development and transitional needs of the neighborhood, which itself is defined as a transition between downtown and more residential neighborhoods. The design creates an opportunity for a diverse housing options as it serves as additional housing and as support to the primary structure. It is also designed to support the historic character of the primary structure and surrounding properties.

In conclusion, the City of Fort Collin's demographics are changing, which creates a demand for different housing types and a focus on solving livability issues. Property owners are adapting remodel and development plans to enhance neighborhood livability and compatibility. The goal for the development of the property at 613 S. Meldrum is to construct a right-sized carriage home that provides an additional housing unit and accessory space for the primary residence in a single design that keeps with the character of the primary home and continuity of the neighborhood.

By allowing this development to proceed with an enhanced maximum total floor area, the city will fill a need to help grow the property, and the neighborhood, in a way that is orderly and serves the public interests of enhancing historic resources and neighborhood livability, while supporting *City Plan* principles and policies. Strict compliance with the current Land Use Standard regarding carriage houses in the N-B-C- District inhibits improvement of the property in a reasonable manner that is consistent with other properties in the area. Such compliance would cause practical hardship due to the expense of

additional infrastructure, which permitted alternatives cost considering the scope of the project. These permitted options make it more feasible, although less desirable, to demolish the historic resource of the 1910 built property. In contrast, the city will meet the purpose of the N-B-C- District equally well or better by allowing this modification.


#### Attachment A: 613 S Meldrum Carriage House 4-23-20











#### **Attachment B: Context of Neighborhood Block**























630 S. Sherwood St 14 Unit Apt Complex in Alley 55' from my home Attachment C: Proposed Concept for Neighboring 617 S. Meldrum Property





# Staff Presentation to the Administrative Hearing Officer, July 1, 2020



## **Contact Information**

## City Staff Information:

<b>Clark Mapes, AICP</b>
City Planner

T: 970.221.6225

cmapes@fcgov.com

Leslie Spencer Community Development **Alyssa Stephens** 

Neighborhood Development Liaison

970.416.4288

lspencer@fcgov.com

Please give Leslie your name and address to receive the decision report. 970.224.6076 astephens@fcgov.com

Please contact Alyssa with any technical questions.





As required by City Council Ordinance No. 079, 2020, a determination has been made that it is desirable to conduct a remote hearing to provide reasonably available participation by parties-in-interest and the public, because meeting in person would not be prudent.



#### **During the hearing:**

- You will join the meeting and be automatically muted. Your video feed will not be on.
- Use the "raise hand" button to let us know you would like to speak. City staff will call on you and unmute you when it's your turn.
- If you are joining by phone, dial \*9 to raise your hand and press \*6 to unmute yourself in Zoom (you may still need to unmute your phone).
- Please state your name and address when you speak, so we can send you the decision report. OR,
- If you prefer, email your name and address to <a href="mailto:lspencer@fcgov.com">lspencer@fcgov.com</a>.
- If you experience technical issues and need assistance during the hearing, please contact: Alyssa Stephens, Neighborhood Development Liaison, at <u>astephens@fcgov.com</u> or 970.224.6076.

### **Order of Proceedings**

- 1. Project Introduction (staff)
- 2. Applicant Presentation
- 3. Staff Presentation
- 4. Staff Response to Applicant Presentation
- 5. Public Testimony
- 6. Applicant Response
- 7. Staff Response
- 8. Decision
  - Within 10 business days, Hearing Officer issues written decision
  - May approve, approve with conditions, or deny the development application

9. Decision is mailed to applicant and any person who provided testimony at public **h**earing

#### 10. Appeal Process

- Appeals are filed with the City Clerk's Office
- Written appeal must be received within 14 calendar days of the decision
- Filing fee of \$100.00
- City Clerk will schedule appeal for City
  Council





## **Contact Information**

## City Staff Information:

Clark Mapes, AICP
City Planner

T: 970.221.6225

cmapes@fcgov.com

Leslie Spencer Community Development **Alyssa Stephens** 

Neighborhood Development Liaison

970.416.4288

lspencer@fcgov.com

Please give Leslie your name and address to receive the decision report. 970.224.6076 astephens@fcgov.com

Please contact Alyssa with any technical questions.

## Proposal Overview



Fort Collins





Subject	Zoning Standard	Modified Request
Building Footprint	600 sq. ft.(max)	1,570 sq. ft.
Total Floor Area	1,000 sq. ft. (max)	2,190 sq. ft.
Floor Area in Rear Half of Lot	1,583 sq. ft. (max)	2,190 sq. ft.
Eave Height Along Side Lot Line	13 feet (max)	23 feet
Width of Dormers Along Side Lot Line	25% of side wall length (max)	43% of side wall length

10





# Looking EAST Over the Rear Yard

Coogle Larth

2020 Good







"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) "as good or better" in achieving the general purpose of the standard than a plan which complies; or
- (2) "alleviate a defined community need"
- (3) "unusual or exceptional physical hardship"; or

(4) "the plan will not diverge from the standards 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.

Land Use Code Modification Criteria



#### 1.2.2 - Purpose

The purpose of this Code is to improve and protect the public health, safety and welfare by:

(A) ensuring that all growth and development which occurs is consistent with this Code, City Plan and its adopted components.

(B) encouraging innovations in land development and renewal.

(C) fostering the safe, efficient and economic use of land, transportation infrastructure, and other public facilities and services.

(D) facilitating and ensuring the provision of adequate public facilities and services such as transportation.

(E) avoiding the inappropriate development of lands and providing for adequate drainage and reduction of flood damage.

(F) encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.

(G) increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation.

(H) reducing energy consumption and demand.

- (I) minimizing the adverse environmental impacts of development.
- (J) improving the design, quality and character of new development.

(K) fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all.

- (L) encouraging the development of vacant properties within established areas.
- M) ensuring that development proposals are sensitive to the character of existing neighborhoods.

(N) ensuring that development proposals are sensitive to natural areas and features.

(O) encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages and abilities.



#### **Modification**



### **Modification**



### **Modification**



...detrimental to the public good and not justified under 2.8.2(H)(1) because:

- 1) Specific limits on scale of construction in rear yards; total size and side walls facing/overlooking neighboring rear yards. Limits based on thorough public processes and compromise among varied interests. The overall scale and walls would introduce significant visual and privacy impacts that are intended to be avoided under the standards.
- 1) The standards require a scale of construction that is typically subordinate to the original houses which define the historic character that is intended to be reflected in development projects. The proposed modifications would allow similar or greater mass than the original houses in the area.
- 1) To the extent that the proposal may represent compatibility with neighborhood character to a greater degree than zoning allows for other proposals on other properties, that larger question of whether the NCB zone standards are appropriate is beyond the scope of review of an individual development pursuant to the standards as adopted.
- 1) To the extent that the proposal may represent compatibility with neighborhood character that is equal or better in comparison to *past* development prior to the current zoning, it would not be a reason to support the modifications because the current standards may reflect a community response to past development.



#### Staff recommends denial of the Request for Modifications, MOD 200001



# Correspondence provided to the Administrative Hearing Officer before the July 1, 2020 Hearing

#### 613 S. Meldrum Administrative Hearing - Modifications of Standards for a 'Carriage House'

#### List of Citizens who provided written comments before the hearing

- 1. Rayne Martin Architect no address given
- 2. Colin Christensen 609 S. Meldrum St. Fort Collins
- 3. Caroline Tuttle 617 S. Meldrum St. Fort Collins
#### Hi Jeff,

The demolition review and public posting process that we use for a proposed new single-family detached residence is found here: <u>https://www.fcgov.com/historicpreservation/demolition-review</u>. Assuming you have approved plans to build a new single-family dwelling that is not subject to the land use code (see 3.1.1), and the property has been fully documented through an intensive-level survey, we would sign off on the demolition permit. However, it does include the possibility of a proposed landmark designation to prevent demolition by 3 or more members of the community, which would have to occur during the public posting period. That situation occurs only rarely, and City Council would be the decision maker if such a request were to come forward.

Thanks, Maren

MAREN BZDEK

970-221-6206 office mbzdek@fcgov.com

From: japalomo@comcast.net <japalomo@comcast.net> Sent: Wednesday, June 24, 2020 1:32 PM To: Maren Bzdek <<u>mbzdek@fcgov.com</u>>; Clark Mapes <<u>CMAPES@fcgov.com</u>> Subject: [EXTERNAL] RE: RE: 1925 map

Hi Maren,

Thank you for your quick reply, information, and narrative. I assumed this a possibility, so I appreciate the clarification, and agree that building onto the existing home is not my preferred option (although an option nonetheless). My partner and I would rather preserve the historic home as-is and create the additional living space we and potential future homeowners need in the proposed carriage house.

I also understand size and scale considerations and think we all agree this certainly was not honored in other developments in this neighborhood in the past - hence, my application for modification. To that point, this property is in a transitional (NCB) zone. The attic in the existing home is substantial and primary home height is greater than that I proposed on back lot structure; I feel it would certainly appear subordinate. As shared in my application, I'm certain the proposed carriage home would not even be visible from the street.

That aside, I continue to consider all possibilities should my modification request be denied, even demolishing and creating from scratch. This would certainly be my last option; however, can you confirm that property labeled a 'historic resource' does not preclude it from demolition as an option? Hopefully, I get approved with my preferred option and all this moot, but I continue to seek information that allows me to keep all options on the table as I choose the best path forward so as not to waste more time and money. Particularly should the modification request be denied.

Let me know.

Thanks,

Jeff

From: Maren Bzdek <<u>mbzdek@fcgov.com</u>>
Sent: Tuesday, June 23, 2020 5:01 PM
To: japalomo@comcast.net; Clark Mapes <<u>CMAPES@fcgov.com</u>>
Subject: RE: RE: RE: 1925 map

#### Jeff,

Typically, it is easier to get approval under the historic review standards for new construction that is not attached to the original structure, just because creating that attachment impacts the original building form and materials and will often bring the new construction close enough to be more visible from the street. However, additions on the rear are definitely possible and successful recent examples that meet our current code requirements use a "hyphenation" technique that creates a connecting element between the original building and new construction, minimizes how much you need to cut into the rear elevation, and preserves the original building form and roofline. So picture a passageway of sorts that can have a variety of functions, perhaps connected through an existing rear opening as closely as possible to preserve most of the rear elevation.

Do note that, like new construction anywhere on the site, there is this idea for additions to historic buildings of "sensitive and subordinate" in terms of design character, massing, and placement. With that principle in mind, there are several ways to add square footage to a historic property, but sticking points in that conversation are often centered on size/scale of the new construction.

I think it is something you could look into for your property, although it would be less preferable than a smaller carriage house than what you are showing now, so that would be another option we would encourage you to consider.

Also, an addition to your single-family historic home that meets lot coverage requirements, since it is not a historic landmark, would not require the application of the 3.4.7 standards because that would not fall under the land use code. The principles I have highlighted above would only be regulated by Historic Preservation if the land use code were otherwise triggered, as is the case with adding a carriage house.

Hope this helps! Maren

MAREN BZDEK 970-221-6206 office <u>mbzdek@fcgov.com</u>

From: japalomo@comcast.net <japalomo@comcast.net>
Sent: Tuesday, June 23, 2020 3:48 PM
To: Clark Mapes <<u>CMAPES@fcgov.com</u>>; Maren Bzdek <<u>mbzdek@fcgov.com</u>>
Subject: [EXTERNAL] RE: RE: 1925 map

Less preferred of course, but just want to consider all options. At some point I have to get results on the money I'm spending!

From: Clark Mapes <<u>CMAPES@fcgov.com</u>>
Sent: Tuesday, June 23, 2020 3:41 PM
To: japalomo@comcast.net; Maren Bzdek <<u>mbzdek@fcgov.com</u>>
Subject: RE: RE: 1925 map

Now THAT I have seen. Maren, what are chances of an addition on the back?

Clark Mapes City of Fort Collins Planning cmapes@fcgov.comNow 970-221-6225

Tell us about our service, we want to know!

From: japalomo@comcast.net <japalomo@comcast.net> Sent: Tuesday, June 23, 2020 3:39 PM To: Clark Mapes <<u>CMAPES@fcgov.com</u>> Subject: [EXTERNAL] RE: 1925 map

Another option I had thought of was expanding the back of the home in addition to a carriage and accessory building to try and achieve desired rooms and purpose. I see that some historic homes have done so, in particular the one on corner of college and mulberry.

From: Clark Mapes <<u>CMAPES@fcgov.com</u>> Sent: Tuesday, June 23, 2020 3:21 PM To: <u>japalomo@comcast.net</u> Subject: 1925 map

Hello, regardless of what happens with your proposals, I thought you might be interested to see these 1925 map images from an old archive. No agenda here, just interesting to see the original development.





raynebyrd@gmail.com 1.970.690.1433 US +44 7444 584055 UK

JUNE 26, 2020

TO: CLARK MAPES, CITY OF FORT COLLINS PLANNING DEPARTMENT

RE: 613 S. MELDRUM

DEAR MR. MAPES,

I AM WRITING TO YOU IN SUPPORT OF THE DEVELOPMENT MODIFICATION REQUEST AT 613 S. MELDRUM, FORT COLLINS, CO. WHEN I BEGAN WORKING WITH JEFF PALOMA, WE DISCUSSED THE DESIGN OF A CARRIAGE HOUSE TO BE BUILT TO THE REAR OF THE PROPERTY. WE BEGAN WITH SOME CONCEPT DRAWINGS, AND ADAPTED THEM TO ADHERE TO THE DESIGN STANDARDS OF THE CITY OF FORT COLLINS.

As the design evolved, it became clear that the additional enclosed space would be required. One option was a duplex, which was quickly dismissed as, it would not be keeping in the character of the existing home. A second option for an additional accessory building was looked at. While this option presented some promise as it provided the additional room, it was determined that the most efficient use of space would be to enlarge the single carriage home.

I BELIEVE THIS IS THE BEST OPTION BECAUSE IT COMBINES THE QUIANTNESS OF THE CARRIAGE HOME, AND THE FLEXIBILITY OF A COMFORTABLE SIZED SPACE. IT WILL ALSO ALLOW FOR BETTER LANDSCAPING BETWEEN THE BUILDINGS, THAT WOULD HAVE BEEN BROKEN UP BY THE PRESENCE OF A THRID STRUCTURE.

As the archtectural designer of other carriage homes within the City, I am coffident that should the request be granted, this home will be an attractive and harmonious addition to the character of the Neighborhood.

SINCERELY,

Rayne Martin Rainbird Design Colin Christensen (cell) 914-325-6337 CBC Construction Corp.

------ Forwarded message ------From: **Colin Christensen** <<u>Colin.B.Christensen@gmail.com</u>> Date: Mon, Jun 29, 2020 at 1:52 PM Subject: 613 S.Meldrum Rd, Fort Collins To: <<u>CMAPES@fcgov.com</u>>

Clark,

I am the current owner of 609 S.Meldrum Rd, Fort Collins. Our adjacent neighbor, Jeff Palomo, shared with my wife and I his Application for Modification Request at 613 S.Meldrum. He explained the project to us and we are aware of the elements of this request. I am writing to let you know that we take no exception to his plans and fully support the request.

We are particularly pleased to see he is maintaining the architectural and historical character of the property. Unlike many of the surrounding properties that have much more substantial structures which bear no resemblance to the original neighborhood, we believe Jeff's request helps protect and enhance the historical character of the original community.

We hope you find our support helpful in your review of Jeff & Denise's request.

Thank you

**Colin Christensen** 

Good afternoon Clark,

Jeff and Denise have shared their challenges with the approval of their architectural plans and we are reaching out to let you know that we strongly support what they are hoping to do to the property. We really appreciate their effort to thoughtfully preserve the historical appearance of the original house, while creating more livable space for themselves and also trying to allow for more affordable housing in the back. We believe that their plans would not negatively impact the character of the neighborhood, unlike the neighboring building to our south.

Thanks for taking our support into consideration as you make a decision!

Sincerely, Caroline and Nick 617 S Meldrum St (512)517-3834



Community Development and Neighborhood Services 281 North College Avenue PO Box 580 Fort Collins, CO 80522

**970.221.6689** 970.224.6134 - fax *fcgov.com* 

January 24, 2020

Jeff Palomo Fort Collins, CO

#### Re: 613 S. Meldrum Duplex

**Description of project:** This is a request to construct a duplex behind an existing single-family structure. The site (parcel #9714111013) is approximately 1,600 feet west of S. College Avenue and approximately 700 feet south of W. Mulberry Street. Future access will be taken from S. Meldrum Street. The proposal includes 2 on-site parking spaces. The property is within the Neighborhood Conservation, Buffer District (N-C-B) zone district and is an Addition of a Permitted Use application subject to City Council Review.

Please see the following summary of comments regarding 613 S. Meldrum Duplex. The comments offered informally by staff during the Conceptual Review will assist you in preparing the detailed components of the project application. Modifications and additions to these comments may be made at the time of formal review of this project. If you have any questions regarding these comments or the next steps in the review process, please contact your Development Review Coordinator, Tenae Beane via phone at 970-224-6119 or via email at tbeane@fcgov.com.

#### **Comment Summary**

#### **Development Review Coordinator**

Contact: Tenae Beane, 970-224-6119, tbeane@fcgov.com

- I will be your primary point of contact throughout the development review and permitting process. If you have any questions, need additional meetings with the project reviewers, or need assistance throughout the process, please let me know and I can assist you and your team. Please include me in all email correspondence with other reviewers and keep me informed of any phone conversations.
- 2. The proposed development project is subject to an Addition of Permitted Use process. The decision maker for your project will be City Council at a public hearing. Prior to City Council, the Planning & Zoning Board will make a recommendation on the project to City Council. For both hearings, we will formally notify surrounding property owners within 800 feet (excluding public right-of-way and publicly owned open space). A neighborhood meeting is required at least 10 days prior to formal submittal of a development review application. For the

neighborhood meeting, we will formally invite surrounding neighbors to attend the meeting. Neighborhood meetings offer an informal way to get feedback from surrounding neighbors, identify any potential concerns prior to the formal hearing, and are an opportunity for you to share your development proposal. The assigned Planner and the City's Development Review Liaison will help facilitate the meeting. Please contact me, your Development Review Coordinator, to assist you in setting a date, time, and location.

- 3. I will provide you a roadmap specific to your development review project, helping to identify each step of the process. For more detailed process information, see the Development Review Guide at www.fcgov.com/drg. This online guide features a color coded flowchart with comprehensive, easy to read information on each step in the process. This guide includes links to just about every resource you need during development review.
- 4. I will provide a Project Submittal Checklist to assist in your submittal preparation. Please use the checklist in conjunction with the Submittal Requirements located at: http://www.fcgov.com/developmentreview/applications.php. The checklist provided is specific to this Conceptual project; if there are any significant changes to this project, please let me know so we can adjust the checklist accordingly. I can send an updated copy of the Submittal Checklist to ensure you are submitting the correct materials.
- 5. As part of your submittal you will respond to the comments provided in this letter. This letter is provided to you in Microsoft Word format. Please use this document to insert responses to each comment for your submittal, using a different font color. When replying to the comment letter please be detailed in your responses, as all comments should be thoroughly addressed. Provide reference to specific project plans or explanations of why comments have not been addressed, when applicable.
- 6. The request will be subject to the Development Review Fee Schedule: <u>https://www.fcgov.com/developmentreview/fees.php</u>

I will provide estimated fees, which are due at time of project submittal for formal review. This is an estimate of the initial fees to begin the development review process based on your Conceptual Review Application. As noted in the comments, there are additional fees required by other departments, and additional fees at the time of building permit. The City of Fort Collins fee schedule is subject to change - please confirm these estimates before submitting. If you have any questions about fees, please reach out to me.

- 7. Submittals are accepted any day of the week, with Wednesday at noon being the cut-off for routing the same week. Upon initial submittal, your project will be subject to a completeness review. Staff has until noon that Friday to determine if the project contains all required checklist items and is sufficient for a round of review. If complete, a formal Letter of Acceptance will be emailed to you and the project would be officially routed with a three-week round of review, followed by a formal meeting.
- **8.** When you are ready to submit your formal plans, please make an appointment with me at least 24 hours in advance. Applications and plans are submitted electronically in person with initial fees.

Pre-submittal meetings can be beneficial to ensure you have everything for a complete submittal. Please reach out and I will assist in those arrangements.

#### Planning Services Contact: Clark Mapes, 970-221-6225, cmapes@fcgov.com

- 1. As we discussed by phone, the Addition of a Permitted Use process in code Section 1.3.4 allows an applicant to "submit a plan that does not conform to the zoning, with the understanding that such plan will be subject to a heightened level of review, with close attention being paid to compatibility and impact mitigation. This process is intended to allow for consideration of unforeseen uses and unique circumstances on specific parcels with evaluation based on the context of the surrounding area. The process allows for consideration of emerging issues, site attributes or changed conditions within the neighborhood surrounding and including the subject property. For residential neighborhoods, land use flexibility shall be balanced with the existing residential character."
- 2. In this case, findings would have to justify adding a use that is specifically prohibited. The unique circumstances of the eclectic, scruffy pattern of rear yards on this block are understood. A basic question would appear to be "why not just add a permitted carriage house"? If a duplex could be fitted onto the site within constraints of stormwater runoff and parking, could one of the units be qualified affordable to help justify it?
- **3.** If you proceed to a neighborhood meeting, staff would like to coordinate on ideas for findings to justify the APU as part of proceeding and preparation.
- 4. This development proposal will be subject to all applicable standards of the Fort Collins Land Use Code (LUC), including Article 3 General Development Standards. The entire LUC is available for your review on the web at <u>http://www.colocode.com/ftcollins/landuse/begin.htm</u>.
- **5.** If this proposal is unable to satisfy any of the requirements set forth in the LUC, a Modification of Standard Request will need to be submitted with your formal development proposal. Please see Section 2.8.2 of the LUC for more information on criteria to apply for a Modification of Standard.

#### Department: Historic Preservation

#### Contact: Maren Bzdek, 970-221-6206, mbzdek@fcgov.com

 CODE REQUIREMENTS FOR HISTORIC RESOURCES ON DEVELOPMENT SITE: This property was determined to be eligible for Fort Collins landmark status in 2018, which means that the adaptive reuse requirements in 3.4.7 of the land use code will apply.

This section of the code outlines that the project must include a rehabilitation and adaptive reuse plan for those structures pursuant to Land Use Code Section 3.4.7(B), to the maximum extent feasible.

Designated historic resources are eligible for financial incentives to support adaptive reuse and historic rehabilitation projects that meet the Secretary of Interior's Standards for the Treatment of Historic Properties. If the development site contains a historic resource that is on the National or State Register of Historic Places but is not already a Fort Collins Landmark as well, and you would like to designate it, you would then qualify for zero-interest landmark rehabilitation loans from the City as well as the state and

federal tax credits and other grants from the state for rehab and structural assessment that are available for properties on the National or State Registers. All proposed work would have to comply with the federal standards for rehabilitation and our local codes in order to be eligible for these incentives, and all changes to the property would have to be approved by staff or the Landmark Preservation Commission, in concurrence with the development review process.

## 2. DESIGN COMPATIBILITY WITH HISTORIC RESOURCES ON OR NEAR DEVELOPMENT SITE

The abutting property at 609 S Meldrum is also eligible for Fort Collins landmark status, which means that any new construction on the site at 613 S Meldrum will need to be compatible with the historic resources on both properties.

The design compatibility requirements for new construction are in land use code section 3.4.7(E), Table 1. Those requirements are designed to create an appropriate design relationship between new construction and nearby historic resources. They cover building massing and design features to ensure that any new construction fits in with the existing historic context.

3. Designated historic resources are eligible for financial incentives to support adaptive reuse and historic rehabilitation projects that meet the Secretary of Interior's Standards for the Treatment of Historic Properties. If the development site contains a historic resource that is not already a Fort Collins Landmark, and you would like to designate it, you would then qualify for zero-interest landmark rehabilitation loans from the City as well as the state and federal tax credits and other grants from the state for rehab and structural assessment that are available for all historic properties, including those on the National or State Registers. All proposed work would have to comply with the federal standards for rehabilitation and our local codes in order to be eligible for these incentives, and all changes to the property would have to be approved by staff or the Landmark Preservation Commission, in concurrence with the development review process.

#### Department: Engineering Development Review

#### Contact: Morgan Stroud, 970-416-4344, mstroud@fcgov.com

1. Site Specific:

There are some sections of the sidewalk in front of this property that do not meet ADA requirements. These will need to be replaced to bring them up to standard with this project.

2. Site Specific:

The existing fence is located too close to the sidewalk as it is. It will need to be moved a minimum of 2 feet from the back of the sidewalk or on the property line, whichever is greater.

3. Site Specific:

The existing alleyway behind this property is partially paved, the section directly behind this property appears to be unpaved. Depending on the project and how many units are being added to the property, this may need to be paved and brought up to standards with this project.

- **4.** Larimer County Road Impact Fees and Transportation Expansion Fees are due at the time of building permit. Please contact Kyle Lambrecht at 221-6566 if you have any questions.
- The City's Transportation Development Review Fee (TDRF) is due at the time of submittal. For additional information on these fees, please see: <u>http://www.fcgov.com/engineering/dev-review.php</u>
- 6. 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.
- **7.** All public sidewalk, driveways and ramps existing or proposed adjacent or within the site need to meet ADA standards, if they currently do not, they will need to be reconstructed so that they do meet current ADA standards as a part of this project.
- 8. Any public improvements must be designed and built in accordance with the Larimer County Urban Area Street Standards (LCUASS). They are available online at: <a href="https://www.larimer.org/engineering/standards-and-guides/urban-area-street-standards">https://www.larimer.org/engineering/standards-and-guides/urban-area-street-standards</a>
- 9. This project is responsible for dedicating any right-of-way and easements that are necessary or required by the City for this project. This shall including the standard utility easements that are to be provided behind the right-of-way (15 foot along an arterial, 8 foot along an alley, and 9 foot along all other street classifications). Information on the dedication process can be found at: http://www.fcgov.com/engineering/devrev.php
- **10.** Utility plans will be required and if needed a Development Agreement will be recorded once the project is finalized.
- **11.** A Development Construction Permit (DCP) will need to be obtained prior to starting any work on the site.
- **12.** LCUASS parking setbacks (Figure 19-6) apply and will need to be followed depending on parking design.
- **13.** All fences, barriers, posts or other encroachments within the public right-of-way are only permitted upon approval of an encroachment permit. Applications for encroachment permits shall be made to Engineering Department for review and approval prior to installation. Encroachment items shall not be shown on the site plan as they may not be approved, need to be modified or moved, or if the permit is revoked then the site/ landscape plan is in non-compliance.
- **14.** The development/ site cannot use the right-of-way for any rain gardens to treat the storm runoff. We can look at the use of rain gardens to treat street flows the design standards for these are still in development.
- **15.** Doors are not allowed to open out into the right-of-way.
- **16.** Bike parking required for the project cannot be placed within the right-of-way and if placed just behind the right-of-way need to be placed so that when bikes are parked they do not extend into the right-of-way.
- **17.** In regards to construction of this site, the public right-of-way shall not be used for staging or storage of materials or equipment associated with the Development, nor shall it be used for parking by any contractors, subcontractors, or other personnel working for or

hired by the Developer to construct the Development. The Developer will need to find a location(s) on private property to accommodate any necessary staging and/or parking needs associated with the completion of the Development. Information on the location(s) of these areas will be required to be provided to the City as a part of the Development Construction Permit application.

#### **Department: Traffic Operations**

#### Contact: Steve Gilchrist, 970-224-6175, sgilchrist@fcgov.com

- 1. TRAFFIC IMPACT STUDY: The addition of two units (or a single duplex) on the property is not expected to generate a level of traffic that would warrant a traffic impact study. TIS waived.
- **2.** FOR INFORMATION ONLY: Will need to work with Engineering on improvements that may be needed to the street frontage, sidewalks, and alley.

#### Department: Erosion Control

#### Contact: Chandler Arellano, carellano@fcgov.com

1. Information Only:

No Comment from Erosion Control. Based upon the submitted Planning Materials it has been determined that this project; will disturb less than 10,000 sq. ft., is not proposed to be in a sensitive area, has no steep slopes (greater than 3H:1V) within or adjacent to the project, and is not part of a larger common development that will or is under construction. Therefore, no Erosion Control Material submittal is needed. If this project substantially changes in size or design where the above criteria now apply, erosion control materials should be submitted. Though the project at this time requires no erosion control material submittal, the project still must be swept and maintained to prevent dirt, saw cuttings, concrete wash, trash debris, landscape materials and other pollutants from the potential of leaving the site and entering the storm sewer at all times during the project in accordance with City Code 26-498. If complaint driven or site observation of the project seem not to prevent the pollutant discharge the City may require the project to install erosion and sediment control measures. Nearby inlets that may be impacted by the pollutants, in particular dirt, should be protected as a good preventative practice and individual lots should be protected from material escaping onto the sidewalk. If at building permit issuance any issues arise please email erosion@fcgov.com to help facilitate getting these permits signed off.

#### Department: Stormwater Engineering Contact: Matt Simpson, (970)416-2754, <u>masimpson@fcgov.com</u>

 Master plan and criteria compliance (site specific comment): The design of this site must conform to the drainage basin design of the Old Town Master Drainage Plan as well the Fort Collins Stormwater Criteria Manual. Please note, a new stormwater criteria manual was released in December 2018:

https://www.fcgov.com/utilities/business/builders-and-developers/development-forms-guildelines-regulations/stormwater-criteria

 Documentation requirements (site specific comment): A drainage report and construction plans are required and must be prepared by a Professional Engineer registered in the State of Colorado. The drainage report must address the four-step process for selecting structural BMPs.

4. Stormwater outfall (site specific comment):

The stormwater outfall options for this site appear to be surface flow to Meldrum Street. There is an alley at the west side (rear) of this property. Drainage into alleys in the Old Town Basin can be problematic, causing damage to downstream and neighboring properties. As part of any construction with this development, a drainage analysis will need to be completed by a Civil Engineer addressing any additional drainage created by the development and may be required to show how conveyance of site drainage is conveyed to an adequate public facility without impacting downstream properties.

5. Alley Drainage and Arthur Ditch (site specific comment):

The alley behind this property drains to a stormwater inlet that is connected to the Arthur Ditch pipe. The Arthur Ditch is contained within a buried pipe and crisscrosses throughout properties in this area of town. It is recommended that this development reduces the amount of area and flow that drains to the alley from this property. Any development that increases stormwater discharge into the alley and the Arthur Ditch will: 1) need to obtain permission and an agreement from the ditch company for this discharge; and 2) need water quality treatment.

The Arthur Ditch company will also need to be contacted about any construction or site work above or near to the ditch pipe. The Ditch contact information is: Arthur Irrigation Co. 2600 S. Timberline, Fort Collins, CO 80525 970-874-0189

6. Detention requirements (site specific comment):

When improvements are being added to an existing developed site, onsite detention is only required if there is an increase in impervious area greater than 5000 square feet. If it is greater, onsite detention is required with a 2-year historic release rate for water quantity.

7. Imperviousness documentation (standard comment):

It is important to document the existing impervious area since drainage requirements and fees are based on new impervious area. An exhibit showing the existing and proposed impervious areas with a table summarizing the areas is required prior to the time fees are calculated for each building permit.

8. Detention drain times (standard comment):

Per Colorado Revised Statute §37-92-602 (8) that became effective August 5, 2015, criteria regarding detention drain time will apply to this project. As part of the drainage design, the engineer will be required to show compliance with this statute using a standard spreadsheet (available on request) that will need to be included in the drainage report. Upon completion of the project, the engineer will also be required to upload the approved spreadsheet onto the Statewide Compliance Portal. This will apply to any volume-based stormwater storage, including extended detention basins

**9.** Standard Water Quality – Site Tributary to Udall Water Quality Facility (standard comment):

The City requires stormwater quality treatment of all new or modified impervious areas. This is requirement has two categories: 1) 'standard water quality' treatment, and 2) 'Low Impact Development' (LID) requirement. For this site, the 'standard water quality' requirement is already provided for in the City's Udall Natural Area water treatment facility.

**10.** Low Impact Development requirements (standard comment):

The City requires the use of Low Impact Development (LID) methods to treat stormwater quality on all new or redeveloping property, including sites required to be brought into compliance with the Land Use Code. There are two (2) categories of LID requirements; the development will need to meet one of the two following options:

1. LID with Permeable Pavers: When using the permeable pavers option, 50% of the new or modified impervious areas must be treated by LID methods. Of the new or modified paved areas, 25% must be pervious.

2. LID - without Pavers: 75% of all new or modified impervious areas must be treated by LID methods. This typically consists of a rain garden or bioretention system, but other options are allowed.

Accepted methods are described in the Fort Collins Stormwater Criteria Manual (FCSCM), Chapter 7:

http://www.fcgov.com/utilities/business/builders-and-developers/development-forms-gui delines-regulations/stormwater-criteria

\*\*The existing Single Family residence with one proposed Carriage House would not be required to add LID to the site. A new duplex on the rear of the lot will require LID. Please feel free to contact Water Utilities with any questions\*\*

**11.** Erosion control requirements (standard comment):

The erosion control report requirements are in Chapter 2, Section 6 of the Fort Collins Stormwater Criteria Manual (December 2018, www.fcgov.com/erosion). If you need clarification concerning this section, please contact the Erosion Control Inspector, Jesse Schlam at 224-6015 or jschlam@fcgov.com

**12.** Inspection and maintenance (standard comment):

There will be a final site inspection of the stormwater facilities when the project is complete and the maintenance is handed over to an HOA or another maintenance organization. Standard operating procedures (SOPs) for on-going maintenance of all onsite drainage facilities will be included as part of the Development Agreement. More information and links can be found at:

http://www.fcgov.com/utilities/what-we-do/stormwater/stormwater-quality/low-impact-dev elopment

**13.** Fees (standard comment):

The 2020 city wide Stormwater development fee (PIF) is \$9,447/acre of new impervious area over 350 square feet and there is a \$1,045/acre of site review fee. No fee is charged for existing impervious area. These fees are to be paid at the time each building permit is issued. Information on fees can be found at: <u>http://www.fcgov.com/utilities/business/builders-and-developers/plant-investment-development-fees</u> or contact our Utility Fee and Rate Specialists at (970) 416-4252 for questions on fees. There is also an erosion control escrow required before the Development Construction permit is issued. The amount of the escrow is determined by the design engineer, and is based on the site disturbance area, cost of the measures, or a minimum amount in accordance with the Fort Collins Stormwater Manual.

#### Department: Water-Wastewater Engineering

#### Contact: Matt Simpson, (970)416-2754, masimpson@fcgov.com

- Existing Water Infrastructure (site specific comment): There is an existing 8-inch water main in Meldrum Street with an existing 3/4-inch water service to the site.
- 2. Existing Sewer Infrastructure (site specific comment):

There is an existing 8-inch sanitary sewer main in Meldrum Street with an existing sanitary sewer service to the site. The City does not keep accurate records of the location of sewer services - which are private. The sewer service can be located with the help of a professional plumber.

- Water and Sewer Services for Proposed Site (standard comment): Each building will require a separate water and sewer service connecting to the City main.
- **4.** Utility Separations (standard comment):

Water and sewer service configurations for redeveloping lots in this area of the City can be problematic. Exact location of the existing water and sewer services and other utilities onsite will be required for your site engineer to determine service routing options.

For your reference, minimum water and sewer service separations are:

- > 10-ft min. between water and sewer services.
- > 6-ft min. between trees and water or sewer services.
- > 4-ft min. between shrubs and water or sewer services.
- > 10-ft min. between storm-drain pipes and other utilities.
- > Service lines of the same type may be joint trenched with 3-ft of separation

Other utilities, such as gas, electric, and communications will also have spacing requirements and will need space on the site. Last, please remember that there may be service lines on the adjacent properties for which clearances also need to be maintained.

5. Service abandonment (standard comment):

Any existing water and sewer services that are not planned to be re-used with this project will be required to be abandoned at the main.

6. Water service sizing (standard comment):

The water service and meter for this project site will need to be sized based on the AWWA M22 manual design procedure. A sizing justification letter that includes demand calculations for maximum flows and estimated continuous flows will need to be provided as a part of the final submittal package for this project.

7. Sewer discharge (standard comment):

Please note that all City of Fort Collins Utility Customers are subject to City Code requirements for wastewater. These requirements include Section 26-306 Wastewater Discharge Permit Requirements and Section 26-332 Prohibitive Discharge Standards. A permit may be required depending on activities on the site; however, discharge standards apply to every customer, both large and small, regardless of what activities take place on the site. Please contact Industrial Pretreatment, (970) 221-6900, to discuss these requirements and how they apply to this development

- Water conservation (standard comment): The water conservation standards for landscape and irrigation will apply. Information on these requirements can be found at: http://www.fcgov.com/standards
- 9. Fees (standard comment):

Additional or larger services will incur development fees and water rights. These fees are due at building permit. Information on fees can be found at: http://www.fcgov.com/utilities/business/builders-and-developers/plant-investment-develo pment-fees or contact our Utility Fee and Rate Specialists at (970) 416-4252 for questions on fees.

\*\*An additional dwelling unit will incur additional water and sewer fees – even if there are no new water and sewer services. Please contact Water Utilities with any questions\*\*

#### Department: Electric Engineering

#### Contact: Rob Irish, 970-224-6167, rirish@fcgov.com

- The existing property is currently fed from the rear of the property by a 1/0T underground cable from an existing 25kva pad mount transformer to the North of 605 Meldrum St. This cable looks to be direct buried and may need to be relocated for the carriage house and upgraded back to the transformer.
- 2. Any relocation or modification to existing electric facilities will be at the expense of the owner/developer.
- **3.** Any existing and/or proposed Light & Power electric facilities that will remain within the limits of the project must be located within a utility easement.
- **4.** Depending on load requirements, it may be necessary for the owner to provide a pocket easement for a pad mount transformer to handle the additional capacity.
- **5.** Secondary service for any buildings other than single-family detached, will be installed, owned and maintained by the owner.
- 6. A commercial service information form (C-1 Form) and a One-line diagram will need to be submitted to Light & Power Engineering for any proposed electric changes and/or additions. A link to the C-1 form is below: <u>http://www.fcgov.com/utilities/business/builders-and-developers/development-forms-guidelines-regulations</u>
- 7. Electric Capacity Fee, Building Site charges, and any system modification charges necessary will apply to this development. Please contact Light & Power Engineering at ElectricProjectEngineering@fcgov.com. Please reference our Electric Service Standards, development charges and fee estimator at the following link: http://www.fcgov.com/utilities/business/builders-and-developers
- Please contact Light & Power Engineering at ElectricProjectEngineering@fcgov.com if you have any questions. Please reference our policies, construction practices, development charge processes, electric services standards, and fee estimator at <u>http://www.fcgov.com/utilities/business/builders-and-developers</u>.

#### **Department: Environmental Planning**

#### Contact: Kelly Smith, <u>ksmith@fcgov.com</u>

- 1. City of Fort Collins Land Use Code [Section 3.2.1 (E)(3)], requires that to the extent reasonably feasible, all plans be designed to incorporate water conservation materials and techniques. This includes use of low-water-use plants and grasses in landscaping or re-landscaping and reducing bluegrass lawns as much as possible. Native plants and wildlife-friendly (ex: pollinators, butterflies, songbirds) landscaping and maintenance are also encouraged. Please refer to the Fort Collins Native Plants document available online and published by the City of Fort Collins Natural Areas Department for guidance on native plants is: http://www.fcgov.com/naturalareas/pdf/nativeplants2013.pdf. Also see the City of Fort Collins Plant List : https://www.fcgov.com/forestry/plant\_list.pdf.
- Site light sources shall be fully shielded and down-directional to minimize up-light, spill-light, glare and unnecessary diffusion on adjacent property. All lighting shall have a nominal correlated color temperature (CCT) of no greater than three thousand (3,000) degrees Kelvin [see LUC 3.2.4(D)(3)].

#### Department: Forestry

#### Contact: Molly Roche, 224-616-1992, mroche@fcgov.com

 1/21/2020: PRE-SUBMITTAL: Forestry Tree Inventory There appear to be existing private property and City-owned street trees on-site. What are the anticipated impacts to them associated with this development? Regardless of tree impact, please schedule an on-site meeting with City Forestry to obtain tree

inventory and mitigation information. Existing significant trees, specifically City-owned and maintained street trees, should be retained to the extent reasonably feasible. This meeting should occur prior to first round PDP.

2. 1/21/2020: INFORMATION ONLY FOR PDP

Please provide a landscape plan that meets the Land Use Code 3.2.1 requirements such as 'full tree stocking'. This should include the existing tree inventory, any proposed tree removals with their locations clearly noted and any proposed tree plantings (including species, size, quantity and method of transplant). The plans should also include the following City of Fort Collins notes:

General Landscape Notes Tree Protection Notes Street Tree Permit Note, when applicable. These notes are available from the city planner or Molly Roche (mroche@fcgov.com)

Required tree sizes and method of transplant: Canopy Shade Tree: 2.0" caliper balled and burlapped Evergreen tree: 6.0' height balled and burlapped Ornamental tree: 1.5" caliper balled and burlapped

Required mitigation tree sizes: Canopy Shade Tree: 2.0" caliper balled and burlapped Evergreen tree: 8.0' height balled and burlapped Ornamental tree: 2.0" caliper balled and burlapped

3. 1/21/2020: INFORMATION ONLY FOR PDP

Please include locations of utilities on the landscape plan including but not limited to water service/mains, sewer service/mains, gas, electric, street lights and stop signs. Please adjust tree locations to provide for proper tree/utility separation. 10' between trees and public water, sanitary, and storm sewer main lines

6' between trees and water or sewer service lines

- 4' between trees and gas lines
- 10' between trees and electric vaults
- 40' between canopy shade trees and streetlights
- 15' between ornamental trees and streetlights
- 20-40' between street trees and stop signs

#### 4. 1/21/2020: INFORMATION ONLY FOR PDP

If applicable, please provide an "Existing Tree Removal Feasibility Letter" for City Forestry staff to review. Proposals to remove significant existing trees must provide a justification letter detailing the reason for tree removal. This is required for all development projects proposing significant tree removal regardless of the scale of the project. The purpose of this letter is to provide a document of record with the project's approval and for the City to maintain a record of all proposed significant tree removals and justifications. Existing significant trees within the project's Limits of Disturbance (LOD) and within natural area buffer zones shall be preserved to the extent reasonably feasible. Streets, buildings and lot layouts shall be designed to minimize the disturbance to significant existing trees.

(Extent reasonably feasible shall mean that, under the circumstances, reasonable efforts

have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.) Where it is not feasible to protect and retain significant existing tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) according to City mitigation requirements.

#### Department: Fire Authority

#### Contact: Jim Lynxwiler, 970-416-2869, jlynxwiler@poudre-fire.org

1. DUPLEX

The following comments apply only to duplex development on this site. Other code options may allow for construction of a carriage house, should that become the primary option. Contact PFA for details.

#### 2. REQUIRED FIRE ACCESS

Fire access is required to within 150' of all exterior portions of any building as measured by an approved route around the perimeter. The building's proposed footprint places the structure out of access as measured from Meldrum and fire access from residential alleys is not considered reliable. Future site plans shall account for the construction of a fire lane on the property or how otherwise this requirement is mitigated. Fire lane specifications provided below.

3. FIRE LANE SPECIFICATIONS

A fire lane plan shall be submitted for approval prior to installation. In addition to the design criteria already contained in relevant standards and policies, any new fire lane must meet the following general requirements:

> Fire lanes established on private property shall be dedicated by plat or separate document as an Emergency Access Easement.

> Maintain the required 20 foot minimum unobstructed width & 14 foot minimum overhead clearance.

> Be designed as a flat, hard, all-weather driving surface capable of supporting 40 tons.

> Dead-end fire access roads in excess of 150 feet in length shall be provided with an approved turnaround area for fire apparatus.

> The required turning radii of a fire apparatus access road shall be a minimum of 25 feet inside and 50 feet outside. Turning radii shall be detailed on submitted plans.

> Be visible by red curb and/or signage, and maintained unobstructed at all times. Sign locations or red curbing should be labeled and detailed on final plans. Refer to LCUASS detail #1418 & #1419 for sign type, placement, and spacing. Appropriate directional arrows required on all signs.

4. REQUIRED WATER SUPPLY

A fire hydrant capable of providing 1000 gpm at 20 psi residual pressure is required within 400' of any residential building, as measured along an approved path of vehicle travel. While the closest hydrant on the NE corner of Meldrum and Myrtle appears to exceed this distance, it may be deemed acceptable if all other conditions for fire access have been resolved.

5. FIRE SPRINKLER SYSTEM

The addition of a duplex or triplex will require the installation of a residential fire sprinkler system. Please contact the City Building Department for further information.

6. ADDRESS POSTING & WAYFINDING

Wayfinding to a residence not immediately fronting the public street and accessible via an alley is problematic. The residence will need to be addressed off of Meldrum and accessible from Meldrum via a pedestrian sidewalk. The address shall be posted at Meldrum with signage directing emergency resources to the duplex. Such information shall be accounted for and detailed on the site plan.

#### Department: Building Code Review

#### Contact: Katy Hand, khand@fcgov.com

- 1. -Both a duplex and a single family carriage house will be designed/built under the current IRC Code
- -A Duplex typically needs to sprinkled to P2904 (installed by a plumber) or in this case, likely an upgraded 13R system for fire access issues. (installed by a fire sprinkler contractor)

-A Triplex will need to be sprinkled to a 13R system (installed by a fire sprinkler contractor)

-A Carriage house does not need to be sprinkled unless there is a fire access issue. If

PFA will require a sprinkler system it would be a P2904 systmen

- 3. To avoid exterior fire rated walls with limited or no openings:
  -A Duplex will need to be located 3ft min from property lines or per land use code (whichever is stricter)
  -A Carriage house will will need to be located 5ft min from property lines
  -The new building and existing house will need to be separated from each other by 10ft min
- 4. INFORMATIONAL: Please visit our website for a list of current adopted building codes and local amendments for building permit submittal: https://www.fcgov.com/building/codes.php
- 5. Linked is some additional information/guides for a new house/duplex: <u>https://www.fcgov.com/building/files/handout-dulplex-conversion-v2.pdf?1576697467</u> <u>https://www.fcgov.com/building/res-requirements.php</u> <u>https://www.fcgov.com/building/pdf/single-family-permit-requirements-2015.pdf?157669</u> <u>7467</u>

#### **Department: Technical Services**

#### Contact: Jeff County, 970-221-6588, jcounty@fcgov.com

- As of January 1, 2015, all development plans are required to be on the NAVD88 vertical datum. Please make your consultants aware of this, prior to any surveying and/or design work. Please contact our office for up to date Benchmark Statement format and City Vertical Control Network information.
- 2. If submitting a replat for this property/project, addresses are not acceptable in the Subdivision Plat title/name. Numbers in numeral form may not begin the title/name. Please contact our office with any questions.

#### Pre-Submittal Meetings for Building Permits

Pre-Submittal meetings are offered to assist the designer/builder by assuring, early in the design, that <u>new commercial or multi-family</u> projects are on track to complying with all of the adopted City codes and Standards listed below. The proposed project should be in the early to mid-design stage for this meeting to be effective and is typically scheduled after the Current Planning PDP submittal. Applicants should be prepared to present site plans, floor plans, and elevations and be able to discuss code issues of occupancy, square footage, type of construction, and energy compliance method being proposed. Applicants of <u>new</u> <u>commercial or multi-family</u> projects should contact their Development Review Coordinator to schedule a pre-submittal meeting.

#### Construction shall comply with the following adopted codes and standards as

#### amended:

2018 International Building Code (IBC) with local amendments 2018 International Residential Code (IRC) with local amendments 2018 International Existing Building Code (IEBC) with local amendments 2018 International Energy Conservation Code (IECC) with local amendments 2018 International Mechanical Code (IMC) with local amendments 2018 International Fuel Gas Code (IFGC) with local amendments 2018 International Swimming Pool and Spa Code (ISPSC) with local amendments 2015 International Plumbing Code (IPC) as amended by the State of Colorado 2017 National Electrical Code (NEC) as amended by the State of Colorado

Accessibility: State Law CRS 9-5 & ICC/ANSI A117.1-2017. <u>Snow Load Live Load</u>: 30 PSF / Ground Snow Load 30 PSF. <u>Frost Depth</u>: 30 inches. Wind Loads:

<u>Ind Loads</u>: Diale Cata

- Risk Category II (most structures):
  - \* 140mph (Ultimate) exposure B or
  - \* Front Range Gust Map published by The Structural Engineer's Association of

#### Colorado

Risk Category I: 130mph (Ultimate) exposure B

Risk Category III & IV: 150mph (Ultimate) exposure B

Seismic Design: Category B.

Climate Zone: Zone 5.

Energy Code Use:

- 1. Single Family; Duplex; Townhomes: 2018 IRC Chapter 11 or 2018 IECC Chapter 4 Residential Provisions
- 2. Multi-family and Condominiums 3 stories max: 2018 015 IECC Chapter 4 Residential Provisions.
- 3. Commercial and Multi-family 4 stories and taller: 2018 IECC Chapter 4 Commercial Provisions.

Current codes and amendments are effective as of January 12, 2019. Copies of the code amendments can be obtained at <u>www.fcgov.com/building/codes.php</u> or at the Building Services office.

## Applicant Presentation to the Administrative Hearing Officer, July 1, 2020

## 613 S. MELDRUM Modifications of Standards Request

Administrative Hearing

July 1, 2020







## NOW MAY 2020



Reaching the decision to request a *Modification of Use* was a journey.

# THE WHY HOW DID WE GET HERE?



#### **CURRENT | ENHANCED CARRIAGE HOUSE**







613

NEIGHBORHOOD CHARACTER AREA SURROUNDING CONTEXT/BLOCK ADJACENT PROPERTIES LAND USE CODE

# WE ARE UNIQUE

ZONE DISTRICTS HISTORIC BOUNDARIES



# WHAT SERVES GREATER GOOD



# **SITE CONTEXT**

Institutes

**Rockwell Hall North** 

"The subject property is in the Old Town Neighborhoods subarea plan of Fort Collins..."

- Development Review Staff Report, p. 1

**Ammons Hall** 

613

#### 613 S Meldrum St

"The Old Town Neighborhoods Plan (Plan) is a combined update of the Eastside and Westside Neighborhood Plans developed in the 1980s, and provides a renewed vision and policy guidance for the two neighborhoods..

> The Fort Collins Old Town Neighborhood Plan, p. 7
>  Adopted Feb. 21, 2017

Colorado State University

Human Resource

**City of Fort C** 

lins



Image credit: City of Fort Collins OTNP Plan 613

## SITE CONTEXT NCB ZONE

-A

million

Rockwell Hall North

ckwell Hall North

613 S Meldrum St

Latter-day Saints Institutes

Ammons Hall

Human Resources

**City of Fort Collins** 

-10-10-12-100-





The 2013 Eastside Westside Character Study identified six distinct character areas comprising the NCL and NCM zone districts of the Old Town Neighborhoods. Character districts were determined based on building age, size and height, as well as lot size, lot coverage and floor area ratio. Additional information about the neighborhood character districts can be found in the Old Town Neighborhoods Design Guidelines, available for download on the Old Town Neighborhoods Plan webpage: www.fcgov.com/otnp

Image credit: City of Fort Collins OTNP Plan

## TIMELINE OF NEIGHBORHOOD PLANNING EFFORTS & ZONING CHANGES

1986 Eastside Neighborhood Plañ. 1989 Westside Neighborhood New . 1991 Plañ Conservation. Zoning Districts 1996 Eastside Westside Design Guidelines 2004 Carriage House Standards 2013 Eastside Westside Character Study 2017 8 Design Old Town Standards Neighborhoods Plañ & Design Guidelines

Image credit: City of Fort Collins OTNP Plan 613



### ΝCΒ

#### A PLACE WITHOUT REAL PLACEMAKING...

OR IS IT?













608 610 •

617 S. Sherwood | Stucco Duplex Add-on 3,338 sf



627 S. Sherwood | Primary with Duplex 842 sf primary + 1,524 sf secondary





600

604

ST SS 承UM :

MELDRUM

S

321

608 🔸

622 624

626

628

630

638 -640

644

642

0 10

328

322

320

18

Collins.

629 S. Sherwood | Primary with Addition and Sep. Unit 888 sf primary + 834 sf addition + 2,584 sf separate

## SITE CONTEXT **OUR NEIGHBORHOOD** WWMYRTLE S



Proposed Concept for 617 S. Meldrum 2 duplexes connected by a patio roof





9.965 sf

Image credit City of Fort Collins planning document Square Footage: County Assessor 613

## LEVELS OF CONTEXT



Image credits: City of Fort Collins OTNP Design Guidelines


# OTNP VISION STRUCTURE

Neighborhood Character & Compatibility

Land Use & Transition Areas

Sustainability

**Circulation & Mobility** 

Unique	Livable	Connected	Sustainable
—Diversity of Building Styles	— Anticipate and Manage Change	—Enhanced Arterial Corridors	<ul> <li>Variety of Housing Choices</li> </ul>
-Historic Context -	- Smooth Transitions	<ul> <li>Improved</li> <li>Connectivity</li> </ul>	<ul> <li>Socioeconomic</li> <li>Diversity</li> </ul>
-Compatible Design	- Neighborhood Identity	— Safe Travel Environment	<ul> <li>Connected Open</li> <li>Space Network</li> </ul>
—Single-Family Character –	- Social Interaction	— Walkability and Bikeability	<ul> <li>Environmental</li> <li>Stewardship</li> </ul>
Landscaping and Tree Canopy	— High Quality of Life		
		Grid Street Pattern	- Adequate Infrastructure

## LISTENING TO OUR COMMUNITY

E.

CELEBRATING AND ENHANCING THE QUALITIES THAT MAKE THE NEIGHBORHOODS UNIQUE

Image credits: City of Fort Collins OTNP Plan



### AREA CALCULATIONS:

SECOND FLOOR AREA = 1138 SQ. FT. INCL. STAIRS ( APPROXIMATELY: 620 SQ. FT. ABOVE 7'-6" HT. / 510 SQ. FT. BELOW 7'-6") FIRST FLOOR AREA = 1578 SQ. FT. (848 SQ. FT. LIVING SPACE / 730 SQ. FT. GARAGE)

BASEMENT = 848 SQ. FT.

613



SITE PLAN

613 S. MELDRUM ST.

2 STORY BRICK/ WOOD SIDING WITH BASEMENT

- GRAVEL DRIVE

50'-0**'** 

### OF ALL POSSIBLE OPTIONS

PROPOSED ENHANCED CARRIAGE HOUSE IS EQUAL OR BETTER & BEST INTERESTS OF PUBLIC GOOD



DEVELOP TWO CARRIAGE HOMES, CARRIAGE HOME & ADU, or CARRIAGE HOME, ADU & SHED







### PLAN B – DUEL CARRIAGE HOMES PERMITTED IN CURRENT L.U.C.

### AREA CALCULATIONS:

SECOND FLOOR AREA = 630 30. FT. INCL. STAIRS ( 378 50. FT. ABOVE 7'-6" HT. / 252 30. FT. BELOW 7'-6") FIRST FLOOR AREA = 600 50. FT. (296 30. FT. LIVING SPACE (INCL. STAIRS) / 304 50. FT. GARAGE) BASEMENT = 254 30. FT. (198 30. FT. LIVING SPACE / 56 30. FT. STOR. & STAIRS)







THANK YOU FOR YOUR CONSIDERATION

## QUESTIONS?



**ATTACHMENT 7** 

### Proposed Plans Provided to Administrative Hearing Officer, July 1, 2020













### Verbatim Transcript of the Administrative Hearing Officer, July 1, 2020

#### ADMINISTRATIVE HEARING

#### CITY OF FORT COLLINS

Held July 1, 2020

Remote/Virtual Meeting

In the Matter of:

613 South Meldrum Street Carriage House Modifications of Standard #MOD200001

#### Meeting Time: 5:30 PM, July 1, 2020

Hearing Officer:

Lori Strand

Staff Members Participating: Clark Mapes, City Planner Maren Bzdek, Senior Historic Preservation Planner Leslie Spencer MS. LORI STRAND: I'm going to go ahead and open the public meeting; the time is 5:31 PM on July 1<sup>st</sup>, 2020. Tonight, the City of Fort Collins will be conducting an administrative hearing virtually for the 613 South Meldrum Street project. The project number is MOD200001. My name is Lori Strand, I am going to be the hearing officer this evening. Myself and several members of City staff, as well as the applicant, are participating remotely. I see right now we have Collin and Rita attending from the public, and we'll keep an eye to see if there's other folks that join.

7 I think I'm going to ask you to put your screen up, Clark, if that's okay? As I mentioned, there are a couple members of staff that are here. Clark Mapes will be the presenter on behalf of the City tonight, 8 9 Leslie Spencer is here tonight to help with the public comment portion. You can also email Leslie if you 10 don't intend on giving public comment put would like to get a copy of my decision. Her email address is up on the screen and we'll be sure to show it again. If you're having any technical difficulties, please 11 12 reach out to Alyssa Stephens; her phone number and her email address are up on the screen, so I'll go 13 ahead and let that stay up for just a couple minutes in case you want to jot that down...and folks that are 14 either applicants or members of the public, in case you run into technical issues.

Okay...so, if we can go to the next screen. In order for us to hold this meeting remotely, as the hearing officer, I'm required by Ordinance 079 to make a determination that it's appropriate and desirable to conduct this hearing using remote technology in order to provide a reasonably available participation to the parties-in-interest and to the public consistent with the requirements of Ordinance 079, because meeting in person would not be prudent for some or all persons due to a public health emergency. I do make that finding; we all know that we're still facing challenges of COVID-19, so it is in fact prudent for us to continue remotely for this particular matter. Next screen please.

22 So, again, tonight everybody is going to be participating through the Zoom platform or by phone. 23 You will be muted, so if you're trying to chat, you won't be able to until it's your turn to speak. We'll go 24 over the order of proceedings in a moment, but there will opportunity for staff to speak, for the applicant 25 to speak, and the public to speak. When it comes time for public comment...actually at any point leading 26 up to public comment, you can raise your hand on your screen. At the middle bottom of your screen, 27 there should be a button that says 'participants.' When you click on that, a screen will show up to your right, and in the bottom right-hand corner there's a 'raise hand' button. So, if you would like to give 28 public comment, go ahead, raise your hand, keep it raised, and come public comment period, we'll 29 30 unmute you and give you your moment to speak. If you're joining by phone, which it doesn't look like anyone is right now, so I won't speak to that at the moment, but if we see folks that join by phone...I 31 think...Leslie, can you let me know if that occurs? Leslie is muted so... 32

MS. LESLIE SPENCER: Yes, I can do that. I will unmute myself and let you know when we get
 another attendee who wants to speak during public comment.

MS. STRAND: Okay. When it is time to speak, we'll ask that you state your name and address, spelling your name, provide your address to us so that we can give you a copy of the decision, or again, you can email your address to Leslie Spencer at the email address on the screen again. Again, Alyssa's information is up there if you're having technical difficulties.

So, before every administrative hearing, we read some of the rules of conduct. So, I'm going to go ahead and do that, and then we'll go through the order of proceedings. So, this is an administrative type I hearing, this is a legal hearing; I will moderate it for civility and fairness to ensure that everyone who wishes to speak can be heard. All persons present by Zoom or phone have an obligation to follow 1 my instructions in that regard. Our expectations of all attendees is to not speak until you are

- 2 recognized...we'll unmute you when you are recognized, so that makes it a little bit more straightforward.
- 3 Please confine your remarks to the merits of the proposal under consideration, please address your
- 4 remarks to me and maintain a courteous tone, and avoid injecting personal tone into the debate. We will
- 5 not tolerate personal attacks or questioning the motivations of another speaker. The proposal and not the
- 6 speaker is the topic of interest. So, those are our rules of conduct that we like to read for each hearing,
- 7 and now we'll go ahead to the orders of proceedings so everybody knows what to expect.

8 So, as we do with all administrative hearings, there will be a brief introduction of the project by 9 staff followed by an opportunity for the applicant and their team to present on what they're proposing, 10 followed by a more detailed presentation by staff. Afterwards, there will be an opportunity for me to get clarity from the applicant and the staff and for staff to respond to the applicant presentation. Afterwards, 11 12 we will open up the public testimony portion, so, again, raise your hand if you'd wish to speak. The 13 applicant will have an opportunity to respond to public testimony as will staff, and then I will close the 14 public hearing and within ten business days, I will issue a written decision. Again, if you provide your 15 address to Leslie, we'll make sure you get a copy of that. I have authority to approve, approve with conditions, or to deny the application. The appeals process is up there; there will be fourteen days to 16 17 appeal a decision. And, with that, I believe we are done with all the administrative components and I'm going to turn it over to Clark to start us off. 18

19 MR. CLARK MAPES: Hello, good evening, Clark Mapes, City Planner. I'm going to very 20 quickly here just skip ahead to my screen with some of the maps and graphics on it. This introduction 21 will be very brief. Here we go with the screen...I hope you're seeing the zoning map and the location of the proposal here. The City Land Use Code governs development in Fort Collins and this request is 22 23 defined as development. The Land Use Code contains legal regulations that govern all the development 24 in the city, and the Land Use Code contains the different zoning districts in different parts of the city. 25 This subject property is in the Neighborhood Conservation Buffer zoning district. You can see 26 there...and it's the middle area...you see the site highlighted, and you can see that one block to the east is 27 the Downtown zoning district, and a little bit to the west is the next level of intensity in the transition of zoning districts, which is called the Neighborhood Conservation Medium Density zoning district. We'll be 28 29 talking tonight about the NCB zone, Neighborhood Conservation Buffer district...we'll be talking quite a 30 bit about that I expect.

Here's a Google Earth view of the block with the site...the lot highlighted in yellow. You can see the block defined by Meldrum Street, South Meldrum, and the address is 613 South Meldrum, Laurel Street with Colorado State University on the other side of Laurel, Sherwood and Myrtle. So here we have a block sitting right next to Colorado State University, just to help orient you to the location.

35 And then an aspect of the Land Use Code zoning regulations and other development regulations...and by the way, we call those regulations 'standards,' we refer to those as 'standards.' 36 Standards in the Land Use Code come with a section that allows for modification of the standards based 37 38 on unique circumstances of a property, and based on meeting criteria that are listed for required findings 39 in order to approve modifications of standards. This is the last slide I'm going to present for now. We'll 40 let the applicants give their presentation, and then I'll come back to this later...I'll come back to the criteria for findings that are required to approve or deny modifications of standards. In this case, the 41 request is to modify standards for the size of a building footprint on the ground, and I think everybody 42 43 can see here, 600 square feet is the stated limit in the NCB zone, and the request is for 1,570 square feet 44 in the building footprint. Likewise, total floor area allowed within a...these standards apply to carriage

1 houses in the rear yard of a residential lot in the NCB zoning district. The total floor area allowed for a

- 2 carriage house, 1,000 square feet. You can see there the request, 2,190. There's a limit on floor area in
- 3 the rear half of the lot, a limit for the height of building walls alongside lot lines, you can see there,
- 4 standard 13, a request for about 23 feet, and the...actually...okay, yes, there's a standard involving
- 5 dormers, kind of getting a little bit technical in the architecture of the building, but there's also a request
- 6 that requires a modification regarding the dormers. Kind of technical...I'm going to stop here and let the
- applicant give their presentation and then I can come back and give a little more presentation about the
  zoning and the modifications and the criteria for modifications. So, I'll stop sharing and I'm ready for the
- 9 applicant...to see the applicant's presentation.

MS. DENISE WHITE: Great, I'm just getting that ready. This is Denise White, and I know you
said to start with the presentation slide up, but it's not wanting to let me share my screen once I do that, so
I'm going to just go ahead and share screen and we will make a quick transition.

13

MR. JEFF PALOMO: And just so I remain unmute, Denise and I will be tag-teaming this.

14 MS. WHITE: There we go; thank you for your patience there with the little technical...my screen would not show me the share screen when I put it into presentation mode. Thank you everyone for 15 joining us tonight and giving us your time. We realize for many this is before a long holiday weekend, so 16 we do appreciate the time this evening. We also have gratitude for all the conversations we've had with 17 staff between emails and meetings and phone calls that have been supportive in giving us information or 18 19 helping us get to where we're at tonight, including recommending we go for this modification of use as 20 we do not meet the land codes of use. So, quick introduction to who we are. I'm Densie White, my partner Jeff Palomo is actually the property owner and he is the primary resident in that home. Again, I'm 21 22 his partner. I'm a former Fort Collins resident...actually used to work for the City, so it's a little strange 23 being on this side of the presentation. But I'm also a current part-time resident of the home as we try to 24 make it something that becomes more of our full-time retirement home for both of us.

25 And so, tonight, kind of as we talk about the process through the meeting...our presentation 26 basically is going to give a quick background of what we put into our application and what we read out of the staff report, a refresher as to why we're asking our request, and then really we're going to focus, since 27 28 we know the hearing officer and staff have seen our application, kind of addressing some of the concerns we saw in the staff report as we realize, and Clark just said, some technical issues, and the numbers speak 29 30 for themselves, so really we want to speak to what we feel is in the best interest of public good as well as 31 an answer to our construction dilemma here...or our development dilemma here...that really is equal or 32 better than the options that are currently available to us by those technical standards in the Land Use 33 Code.

34 So, quick look here...this is the property we're talking about, that's 613 South Meldrum. You know, it's got charm. When we first found it, you can see it with the for-sale sign on there. With a little 35 history about ourselves, kind of our elevator pitch is that, you know, we are both individuals that really 36 37 enjoy historic properties. We also have been drawn to eclectic neighborhoods, and I think you couldn't find one that is maybe a little more eclectic than this one, as we found out...it's actually not even a 38 39 neighborhood, it's a zone. So, you know, we have another home in Fort Collins that we do have a tenant in. But, we were up in the area and we drove by this home and we both just kind of fell in love with it. 40 We fell in love with the historic nature of it, not even knowing the background to it yet, but just the 41 42 appeal of...the curbside appeal of the historic resource approach to it. We also loved the vibrancy of the neighborhood. We are definitely not representative of the demographic that's in that neighborhood. We 43

skew a little bit older; I'm not going to say how much older, but we do skew a little bit older, and we are
owners versus renters. And Jeff, as I said, is a primary resident in that home at this time. I kink of come
and go based on my work, but he is on-site living in as a homeowner in a single-family unit right there.

4 Again, we like this neighborhood, we like this house, and we are really looking to design the 5 home in a space that not only can we age-in-place in and enjoy our retirement years, but also one that 6 meets that historic needs with contemporary needs...or the historic preservation with contemporary 7 needs...and give us space that we need for what we want to have a full, rich, live-in-place life which includes things like a hobby space, fitness room, and a garage...these homes don't have garages. Finally, 8 9 we are looking at long-term, chance to have an income stream to cover the investment we put into 10 development as well as once we retire and we lose some of that income stream that we have from working, how can we help supplement from that. And what we are trying to achieve with the proposal, or 11 12 with what we've put forth as our preferred option of design, is to really work with rehabilitating the house that we have as a historic resource. You can kind of see the before and after picture there; we've already 13 put a lot of work into it, including having, you know, pulled a permit and done all the work on that front 14 15 porch. When we purchased the house, the brickwork was pulling away from the home, so we have already invested quite a bit of time, money, and love into making this the home we want it to be to live in. 16 Again, just trying to find and create a space that's desirable for someone living in it now, being Jeff and I, 17 as well as making it a space and a piece of property that will make future generations also want to 18 19 preserve it and keep this historic resource intact, as well as our development, which cohesively fits into 20 that.

21 So, how did we get here? Reaching the decision to request a modification for use really was a 22 journey for us. We have definitely not picked the easiest path. Actually, now that I'm on this side of development and processing, I'm not sure why anybody ever goes through this. It is a lot of work. But 23 24 you can see that it was an iterative process for us. We didn't just land on wanting an enhanced carriage home as our first option. We started, in our first thoughts, of just putting a duplex out there. Early 25 26 discussions, we realized that although that is possible, it's a process, and so we'd be sitting probably where 27 we are right now going down that road. Second, we kind of looked at what was allowed by Land Use 28 Code, and we found that we could actually put two smaller carriage homes on the property. That is still a 29 possibility; however, it is less desirable to us because it eats up some of that Nature in the City, open 30 space, green space, areas that we could do some urban agriculture. I'd like to have a farm...or not a 31 farm...but a salad garden in the backyard and grow some of our own vegetables and whatnot. And so you 32 can see where we've landed on this current enhanced carriage house, which it is larger than what by Code and definitions of the City of Fort Collins a carriage house is, but it still is basically a carriage house. 33 34 And we do continue to explore options with the city. You can see over here, we have some sketches there 35 where we considered to go back and forth on this gable or dormer discussion, but tonight, for the purposes of what we've requested for the modification of use, you can see the plan as it is. Next slide. 36

You know, again, it's not an easy decision to be here and go through this process. And it's funny, because you don't go through this process unless you think you're unique, and of course everyone thinks they're unique, everyone thinks their baby is the cutest, everyone thinks their puppy is the most adorable and most well-behaved, and everybody probably coming to Planning and Zoning and going through this process truly feels their project is unique because it's theirs, right? And so, you know, again, I don't want to touch too much on what was included in the packet as to why we feel the justifications are there. The hearing officer has seen the packet, staff and their response have seen our packet, and so we're happy, of course, to respond to any questions you may have about how we feel our plan fits into the City Plan, the
 Structure Plan, and the greater good for the city as a whole, but particularly this neighborhood area.

- But mostly we want to focus on some other things that were brough up in the staff report tonight. And, again, I think what we're looking at is addressing those questions that were concerned because, as Clark mentioned, again, the technical stuff we're not going to mix the numbers and make the numbers come up different from what our plan is, from what Land Use Code allows. So, we're trying to really set that context as to why we fit those other things.
- 8 MR. PALOMO: Denise, just to give a little context to the neighborhood in the pictures here...you 9 have the upper two right pictures are all one unit connected by breezeways and extensions of...I mean 10 there's actually two carriage homes attached to this particular property. But this is what the NCB is 11 comprised of. There's a side of an apartment complex to the far right, on the bottom left is a home which 12 looks circa 1900 with a carriage house in the back with gabled roofs overlooking each neighbor's back as 13 well as a separate structure for a garage.
- MS. WHITE: Thanks Jeff, and I think Jeff is right, so that helps set some of the context here. We understand Code has changed since many of these structures were built, but we're also here to kind of say that this has become the character of the neighborhood that we're in so what we're asking for fits the character of the neighborhood, and we'll get a little more into that in a little bit here.
- 18 Again, one of the...you know...different experiences and perspectives really drive interpretation 19 and opinion on what is for the better good. This is a staff...a comment that came up in the staff report which was that they felt that this option was a detriment to the public good, and you know, that is 20 something we actually take great exception to because we feel like we've put a lot of thought into what 21 22 serves this neighborhood and what serves this area, this zone, not just ourselves...obviously we have a personal interest, but as we said, we appreciate historic resources. We also appreciate being in 23 24 that...closer to that commercial area, being closer to downtown. So, we really have thought about that 25 and I think, you know, as I mentioned earlier, you know...my background is I've had over 25 years in 26 actual...on the other side of government, being in public engagement and communications, and having gone through planning processes. So, I know in a lot of times when I'm working with different points of 27 28 view, you know, you realize everybody wants the best solution, we're just differing on how we get there. 29 And so staff has expressed to us in previous meetings that, you know, they really have a job to stick to 30 Code as it's written, and we respect that. They've also shared with us though, and that's kind of what led 31 us with some guidance to start this modification of use process and hearing, is that applicants going 32 through this process and those developing on their property really have a little more wiggle room to maybe contextualize and interpret what character means, what that Code means, even though staff kind of 33 34 have to stick to that technical definition.
- 35 So, what we were going to cover for the rest of the presentation really is tackling a couple of the things that we felt staff brough up in their report that is why they really are recommending denial of our 36 37 application here, and key, we see, you know, that they say it's a departure from standards for a carriage house in the NCB zone. Clearly when we look just by the numbers, that's true. I mean, we can't, as we 38 39 said, we can't make magic numbers work here. Our plan has the numbers it has, the Code has the number it has. So, really what we're trying to do is bring forth what we feel is more, again, what staff brought up 40 again as being detrimental to public good or not providing an option that is equally well or better than one 41 42 that complies. So, again, we feel pretty strongly that this is the best option. There are others available to

us; we will share a couple of those and why we could consider those should we be forced down that road,but that we don't think that those options really serve the better good here for the public.

MR. PALOMO: And, Denise, I'm going to segue into that...it truly was an iterative process. I mean, we considered many possibilities and went back and forth with the architect. We spent a good deal of time and money and truly feel that our proposal is...is the best solution for the neighborhood as well as us.

7 MS. WHITE: As I said, from the neighborhood, trying to pull it's standards and it's character, as 8 well as for us personally trying to find and build that property that we want to call home and age 9 in...combining historic with that need for some more contemporary use space. So, I know, again, Clark 10 shared the zoning map originally so I've got a couple repeats here, but maybe we can share how we're viewing them a little differently. So, site context...as Clark pointed out and staff have pointed out, we are 11 in that NCB zone. That's part of the zone district for those neighborhood buffers, and so this is kind of a 12 13 bigger shot of that. One of the things we want to address or look at through a different lens, because when we put in our application initially, we didn't look closely at the Old Town Neighborhood Plans...we 14 15 looked at it, we just didn't feel it really covered us, so we want to show...or this piece of land, not 16 necessarily us personally, but this neighborhood and this land. So we are going to share, kind of, that 17 interpretation and set some of that context. And you can see right away, in 2017 right there in the Old Town Neighborhood Plan which is pretty new, they clearly say that the Plan is a combined update of two 18 previous neighborhood plans developed in the '80's and that it provides a renewed vision and policy 19 20 guidance for two neighborhoods. Again, two neighborhoods...and I'm going to emphasize that because 21 when we go to the next slide, you're going to see we're not really those neighborhoods. So, we are a 22 conservation zone, and the Old Town Neighborhood Plan, I might refer to it as the OTNP because it gets 23 to be a mouthful, really was designed and how it's explained in the Plan, to create a lasting value, to 24 support a quality of life, and to help make neighborhoods a great place to live. So, for the neighborhoods, that's awesome. For the buffer zones, that's who we are, we don't really get to have that same quality of 25 life attribute applied to us. Instead what we get is we get to become the neighborhood protectors, we get 26 27 to be that buffer zone, exactly what it's called, and our job in that zone living there is to make sure that commercial doesn't get over into the neighborhoods so that they can protect their neighborhood character. 28

29 So, again we mentioned the two neighborhood plans that merged, and so that's the Westside 30 Neighborhood and the Eastside Neighborhood. You can see the lovely little blue arrow shows you exactly where we're located in the Old Town Neighborhood Plans, and it is just on the inside of that NCB 31 zone. I think it's the Downtown District right next to it, and more than once Jeff and I have laughed about 32 33 how it might be easier if we had been in the Downtown District by half a block, and I think even City staff have shared with us that, you know, when they looked at this part of the zone, that might have been 34 35 something that was considered, but it didn't happen, so we now in the NCB zone. Again, this is a block 36 that is designed to transition residential to the more intense commercial land uses. We are on the edges, 37 and so, you know, we kind of feel like we're fringe in this plan, and we'll go a little bit more into that. And the Plan does include standards to really enhance compatibility between the neighborhoods and the 38 larger buildings or intenser [*sic*] land uses. And again, as we go through our options and what's already 39 existing in context and the character of the zone and into that buffering neighborhood, we feel that our 40 plan, even though it doesn't necessarily align technically with Land Use Code, fits the spirit of this Plan, 41 of the Old Town Neighborhood Plan, and it aligns nicely with what City Plan is looking to accomplish. 42

1 MR. PALOMO: So, and I point here Denise is, I mean we ponder the question, I mean, how do 2 you best preserve a mixed-use section zone. I mean, is that really fostering more residential preservation 3 and development, or is it really allowing for more multi-plex dwellings? So, segue into...

MS. WHITE: And, again, I will add to that, you add additional complexities, again, as I said, we think we're unique and we do think we're unique, so you add to the additional complexities that we're not really fitting into these neighborhoods, we're part of a buffer zone, and we have a historic resources as our primary property. So there's extra context and sensitivities and design that need to be considered when we're looking at anything we do to that property as long as that primary home stands.

9 MR. PALOMO: And one more point that, I mean, literally 25 feet away you have a quad-plex 10 that is nearly 10,000 square feet that was built in 2013. I mean it's 25 feet away from our home that is a 11 1910 build, and we've invested quite a bit of money in preserving that as a residential structure. That is 12 how eclectic that block is.

13 MS. WHITE: So, again, just kind of giving that big shot, and as I said, the quick overview in the beginning also referenced it, but this is that Google Earth shot showing you what that zone looks like and 14 where we are located into it, and it gives you a little more of the landscape architecture around us: mixed 15 buildings, parking lots, apartment buildings, multiple structures on one piece of property due to either 16 duplexes, carriage homes, add-ons, or all of the above actually into it. And you can also see that we are 17 one of the few actual single resident homes still within this context of this NCB. We have two neighbors, 18 19 one is I believe in the public participation section for today, that's our neighbor to the north, and they have 20 a home similar to ours, also bought around the same time. Unique context, just a little fun fact, is these 21 three homes were actually owned by the same owner previously. He passed away and his family sold all 22 three of these. So, around the same time, we all became homeowners in the same area. As I said, we 23 know his son who lives next door to us in there as an owner-occupied. The property to the south is one 24 that we will bring up again and you also saw it in the packet. That is a home that we have seen a 25 proposed concept for where the current owner is going to demolish that property. So when we're looking 26 at maintaining character and context, we really are one of the few single residences looking to make our 27 space livable as still a single residence as we continue to protect those neighborhoods as part of our job in 28 the NCB zone.

29 And again, this is just a closer one, we won't stay on this too long. But again, to give you a little context, a little closer, that's our home, those are our blocks...our block and immediate neighbors. So 30 31 again, as the staff report kind of deferred back to some of the Old Town Plan neighborhood character 32 areas, this just goes back to, again, saying that we are unique, we are not, you know, we are the odd duck, 33 we are the square peg, round hole here, because what you can see is that the Old Town Plan, even though its public participation process encompassed a lot of this area and probably extensively more...I've been 34 part of public process engagement...what you're seeing here is that our NCB zone, which is where we're 35 36 located, and it's kind of that clear area versus all the colored areas, doesn't even have it's own character area defined for it in the Plan. Our job strictly is to be a buffer zone; we don't even get to have a 37 38 neighborhood character, which as I said, kind of hurts my feelings because I feel like we are in a 39 neighborhood. And I left the text from this image because this image came right out of the Old Town 40 Neighborhood Plans, because it talks about how the 2013 Eastside/Westside character study identified six distinct character areas comprising the NCL and the NCM zone, but uh-oh, just like everything else, the 41 42 NCB is missing. I mean, it's not even referenced here.

MR. PALOMO: And, Denise, and hence my question before, again, what do you consider in a
 proposal when there's no character, right? What are you trying to preserve?

MS. WHITE: So, again, yeah, in terms of location and the site, per this Plan, the surrounding neighborhoods and their character and location are protected. It's really where our house is located in this zone where we're solely there to protect the other neighborhoods and not necessarily be able to develop our own character, which, based on photos and context you've seen, we do have a character. And, even though we're considered a zone, I think we are a neighborhood.

8 Again, from the Old Town Neighborhood Plan, we have a timeline of these planning facts, and I included this just to show how much time goes by before zoning changes. And I'm sure Jeff will pop in 9 10 here because he's done a little more research on this that I have. But, you can see that this Eastside/Westside character study and the Old Town Neighborhood Plans were developed out of these 11 12 plans that were again, in the '80's. But what wasn't mentioned necessarily in these plans is that 13 conservation zoning districts, the thing that we're part of, was developed in the 1990's, so 1991. Again, the property we're talking about is a carriage home, and the carriage house standards were developed in 14 15 2004. So, I'm not a math major, I'm more in communications, so I don't even want to do that math on 16 that, but that's like sixteen, twenty some years ago. And so, yes, these neighborhoods were looked at, 17 public participation was brought into it to look at the neighborhoods, and so they developed new 18 standards for those, and yet it still feels like the conservation zoning districts were left out of the process 19 and left unrepresented. Or, again, at worst just didn't matter because we're not really supposed to be a 20 neighborhood, we're supposed to be a buffer zone. And, yes, we've looked through Code; there have been 21 changes to the conservation zoning district and to the carriage house standards in like, minor steps, 22 including what allows us to build a carriage home was a zone change or a change in the Land Use Code 23 last year I think it was that allows smaller properties to allow for a carriage home. We wouldn't have 24 qualified prior to that either.

MR. PALOMO: So, Denise, leave this up here. And on point to this, and I take exception to staff's report on this forum not being appropriate to address zoning code. When do you do so, thirty years from now when another deep dive is taken? I mean look at how much change we've experienced over the last six months let alone thirty years. I mean, that's astounding, right? And to Denise's point, I mean carriage house standards were developed sixteen years ago. I mean how did staff maintain nimbleness to be in front of it as opposed to after it, right, after the fact, reactive where it's too late.

MS. WHITE: And we get that, we get that, because as I said I've worked in planning before, you are reacting, you're hearing voices from the public or concerns and you're trying to react and then be proactive by creating plans. But as we said, when we look at the timelines here, knowing Jeff and I want to age in place here and make this a great property for future generations, we could be dead before the next zoning change happens. So, you know, I'm not looking forward to that...

- MR. PALOMO: But appreciating our asset and the character of our home individually, I mean we've spent money and time in preserving it and we want to add value to it, and the amenities that anyone would expect that has the means to purchase a new home and call it their forever home, right? And I think our proposal actually adds that value and will go a long way in helping stabilize the preservation of that primary home.
- 41 MS. WHITE: So I kind of talked a lot about what the character and compatibility and what the 42 goals were for the Old Town Neighborhood Plan, and again kind of showed that we were kind of

1 peripheral in that plan. As I said, we weren't living in that home at the time when the public planning

- 2 process went on leading to the Old Town Plan. It does show that, you know, there's appendices that show
- 3 how robust that outreach really was, and I know how hard it is to listen to the points of view to find
- 4 something that is kind of a compromise across the whole, but then when you compare the fact that
- 5 thousands of, or a little over a thousand, public participation and process and surveys for the Old Town
- 6 Neighborhood Plan, and then for tonight's meeting, for our zone, I think it was 107 notifications went out.
- 7 It just kind of shows contextually how kind of marginalized we can be because we live in a zone. And,
- you know, we get it, we picked this house because we liked the vibrancy, we liked what we consider a
  neighborhood, and we understand it's not a neighborhood, it's a zone, but we still would love some of the
- opportunity to have it be a neighborhood and create a character in our property and in our development
- 11 that aligns with what is already there in the zone and what has...what actually matches that.

12 So, as I said, the Old Town Neighborhood Plan that has been referred to...we didn't heavily rely on it in our initial application because we didn't feel like it super applied to us other than our house 13 happened to fall into it. So then you start to ask like, well, what are we really? Are we a place without 14 15 real placemaking? Have we been overlooked? And not just us, I mean the whole zone area. Or is it? The City Plan actually calls our area, and gives a little more definition as to what the NCB should be, and 16 you can kind of see the big Structure Plan over here on the right and the close up on the left, but we are a 17 mixed neighborhood. And we're identified in the Land Use Code and in City Plan as being that mixed 18 19 neighborhood. And so, being in that mixed neighborhood, again, it's a mix of all sorts of things. That's 20 the character of that area. It's residential, it's commercial, it's retail, it's places of worship, it's multi-21 families, it's single-families, it's carriage homes, it's duplex. So, really when we look around at our neighborhood and see what's there, like what we're proposing fits the context and the character of where 22 we're at. In addition to that, when we're looking back to that greater public good, because we interpret 23 24 looking at that public good as representing the larger audience of the Old Town Neighborhood Plan, again, we think we, being tasked with being protectors of that, being in a buffer zone, this opportunity 25 exists to kind of create a great, cohesive development which, yes, it doesn't align numbers-wise, but 26 27 intent, and character, and compatibility, it really does.

28 MR. PALOMO: And point here that I want to make Denise is, you know, being a protector, what 29 are you protecting? I mean, being a buffer zone... I mean my perception is the Downtown district is 30 mostly commercial and pretty resilient right? I mean, you could plop anything in there and it's going to be a downtown based upon what exists there now. I think a little more sensitive are the residential 31 32 neighborhoods, right? So we think in terms of protecting the residential neighborhood, and that being what we're actually proposing. I mean, all of our efforts have been preserving that residential home by 33 34 adding the best proposal that we've considered of all we considered, and I think that will go a long way in 35 maintaining that preservation.

36 MS. WHITE: The next slide has a bit of graphics in it so it will take just a second to load. There 37 we go. So, again, as Jeff kind of said, how do we protect what's already happened? And so this is just a slide, and I do want to say thank you to Clark because, you know, we do like history, and so another little 38 39 aside, we found this postcard from we believe the 1925 when we found the print mark on it that we found when we were doing some tearing up old wallpaper in the house, and it's almost pristine. So, you know, 40 it's kind of cool that we have that. And Clark shared with us this map that he had and it was really cool to 41 42 get, but then we also realized it kind of laid out better than a Google map to show what we're trying to show here. So, appreciate that support again in providing some materials to us. 43

1 But you can see here, this is kind of, again, that NCB block area and some of the character that is 2 developed in it, some of the compatibility that's developed in it. And granted, many of these were done prior to Code change or they've found ways to get around it, and we'll talk a little bit more about that too. 3 4 But just trying to establish when we're talking that the proposal that we are putting out there is not for the 5 greater good or that it's not compatible, or that there's not something equal...or that it's not equal or better 6 than what we can do. These are some examples of things we can do...there's a process to each of them, 7 but these are all examples we can do. So, I'd love to call attention to the property at 629 South Sherman [sic], that's the blue block right in the middle of the screen there, and that's like a block away from us. 8 9 That is a property that has a primary home, that's the front picture you see, the one on the far left. It is 10 connected to that structure that is right in the middle picture you see...this is all one structure. And then, in addition to that, it has a third unit on the back which you see on the right. You know, this is something 11 12 that already exists in that neighborhood, and I understand in the staff report they call out saying that's not 13 a good enough reason to change the Code, or give us an exclusion on the Code. But, at the same time, 14 what we're trying to say is, you know, the forest fire has already gone through here. You know, these are things that already exist, and we have the ability to do...we'll show in a moment some of the things that 15 we have also considered that could be backup plans that fit into maybe this as character, but is that for the 16 17 better good of the public here?

18 MR. PALOMO: So, Denise, let me add a point here. I mean, the zones, the Code was established 19 and you know, they've been modified to some degree over the years, but they were established thirty 20 years ago, and I think even today we can try to add space and, you know, the aggregate space that we 21 want, by connecting to the existing historic home. But, we don't want to do that. We think that's an 22 inferior design, and we've actually considered that. And, you know, we could pursue that. That would be 23 the easier path to take. But, again, we're adamant that that is an inferior path.

MS. WHITE: As Jeff just said, there are actually a lot of easier paths to take if we didn't want to really pursue what we feel is the best option for us and for the community, bot the NCB community and the larger community.

27 So, just to touch on a couple other ones here because I know we did include a couple in the 28 application packet. You can see over here, closer to our home, as we talked about that one single 29 residence at 617, that's our neighbor. You know, staff also graciously provided us an image of what was 30 a proposed concept. Now, that may not be what the design is right now, but we have been old that this concept could be allowed. It is permitted via Land Use Code. So, when you look at it, it really is just two 31 32 duplexes, but, it's connected by this patio and a roof over it which suddenly makes it a quad-plex. And 33 what we're saying is, you know, that's not such a bad design, but it also is very different when you're putting that next to a historic resource. It's just showing that we could do something similar to that, but is 34 35 that really for the better good when we have a historic resource on the site.

36 MR. PALOMO: So, let me speak to this Denise. And again, from an investment standpoint, I mean this is an investor that obviously owns this property and he wants a return off it. You know, that 37 38 might potentially be the easier path, right? You can...I don't know why two duplexes were not allowed 39 over a quad-plex. I don't know what differentiates them other than, you know, a few hundred dollars of 40 lumber and shingles connecting them...what the characteristic difference would be from an impact standpoint. But, you can tell we're genuinely invested in that property to call it our forever home. I 41 42 mean, I think that proposed concept looks awesome, just not for a neighbor, a next door neighbor. I think 43 that contradiction is too substantial personally.

MS. WHITE: And that's permitted via the Land Use Code, so, again, these are things we can also do. We are not taking the easy path, we are taking the one that we truly feel that...we wouldn't be going down this hard of road if we didn't feel that this was the best option, again, that isn't detrimental to public good. We feel those other options could be. And I'll let the other photos kind of speak for themselves there, but these are all things that are in the neighborhood and help define, for lack of having our own neighborhood character defined for us in the Old Town Neighborhood Plans, this is what's defining the character of our little NCB zone.

8 MR. PALOMO: But Denise, one point...stay there if you can go back. I mean they're really 9 relevant here...I think they highlight the eclecticness [*sic*] of it. I mean, that center one to the left there, 10 the stucco duplex...I mean that was an add-on to a circa 1900 pretty charming home through a series of 11 breezeways. The one below...I mean it shows the...what appears to be a circa 1900 home in front, and to 12 the right is a duplex. And on the side that you can't see, I mean there's a gabled entranceway that 13 overlooks the one to the right there. But there's three pretty substantial duplexes right next to each other. 14 That is the zone we're in.

15 MS. WHITE: And again, we understand Code may have changed since these were built; however, again, it's like that ship has sailed. This is the character of this neighborhood now...of this 16 17 zone. So again, just kind of quickly referring back to the Old Town Neighborhood Plans because we did 18 revisit it seeing it come up in the staff report again. What were we not paying attention to there? And the 19 more we read through it, the more we just realized it actually supports the fact that we really weren't 20 considered. And by we, I don't mean Jeff and I, I just mean those zone districts, in particular this NCB, 21 and perhaps because there's not a lot of owners there...or residents that live there...that they weren't as 22 vocal or didn't feel it impacted them as much, but you know, just because something happened in the past, 23 or just because it wasn't vocalized at the time doesn't mean it's not time to try to steer into a different 24 direction or right the course.

25 So, in that Plan, you know...or the design guidelines, sorry, this came out of the design 26 guidelines...you know, they looked through these level of context as they're looking at what a 27 development might fit or not fit into that neighborhood, how it's appropriate. And this is, again, aside 28 from Land Use Code, we can't argue the numbers, but you look there on the right and this is kind of the 29 layers it goes through, which is like looking at the neighborhood. In this case their example is a historic 30 neighborhood which can be good because we have a historic resource as our property...they go down to the character study. Again, we don't have a character study in the Old Town Plan. We are a zone and we 31 weren't given a character study other than what we can find in the City Plan. 32

Next you go to that surrounding context in the block. We have shown you what's in that surrounding context and block. And then the adjacent properties, and we've also talked about those. The one that plans to demolish and build and then our neighbor to the right who I believe is here for public comment, so we'll let him speak for himself, but he has provided us a letter of support saying that he doesn't object to this project.

Also in that plan was this...and I know there's a lot of words and I hate putting a lot of words...people start to read them...on a slide, but this was a vision structure that was shared in there. And so going back to that public participation process and knowing that this Plan was vetted, a lot of that that boiled down to and is shown in this plan is that there were four kind of key areas of concern, or themes, that rose to the top here. And so those were neighborhood character and compatibility, land use and transition areas, sustainability, and then circulation and mobility. Really, you know, those all kind of 1 broke down into what was in these other categories which are kind of like, what's unique, livable,

2 connected, sustainable. And again, Land Use Code aside, when you look at our proposed project and then

3 you compare it to these kind of categories which are in the Old Town Neighborhood Plan and in the

4 design guidelines, you know, unique...we were looking for unique here. A diversity of building styles,

5 historic context, compatible design, single-family character, landscaping and tree canopy. Like, our

6 design hits all of these buttons. We aren't looking to create a diversity of building styles, we're not

7 looking to do the piecemeal mish-mash non-cohesive design that we've seen in that previous slide where

8 you see the add-on then the triplex added to it. We're looking to preserve that historic context and help

9 keep that integrity intact here in this neighborhood, and to protect the neighborhoods that that's our job to

10 protect.

11 Compatible design...it's a mish-mash of design, but we do feel like this is a compatible design, 12 both to, like, what the character of the NCB zone is already, as well as a compatible design to the existing structure on the property which is a historic resource. Single-family character; we are one of the few 13 14 single-family homes left in that area, and we are trying to maintain that by respecting that property with 15 the best preferred option here. Landscaping and tree canopy, again, this option continues to give us some of that urban nature in the city kind of space, a chance for some urban agriculture, as well as just that 16 green space that's between the two structures. Some of our other alternate options will eat into that, we'll 17 kind of give you a quick show of that. 18

19 MR. PALOMO: And point to that...I mean we feel righting the path would be best by nurturing 20 and fostering the preservation of some of these circa 1900 homes. But the contradiction in the Code just 21 makes it so challenging to do so. I mean, relative to accessory dwellings in the back, termed carriage 22 homes, a quad-plex has very little to zero constraints to build. There's not height restrictions, there's no 23 footprint restrictions, there's no floor whole square footage restrictions...it's insane. I mean, you could 24 essentially do whatever you want if you demolish that structure that exists on there, versus a carriage home, versus our challenge. I mean, there are so many constraints that were developed sixteen years ago 25 for a carriage home. And mind you, the Code for our zones were established nearly thirty years ago, and 26 27 all those are, with minor modifications over the years, are still applicable and apply and restrict us from 28 really adding true value in righting the wrong.

29 MS. WHITE: So, again, just kind of looking at these, and as Jeff kind of said, we're trying to 30 show, again, we know Code...by Code...the numbers are what they are. But, here's where we feel like we fit these other aspects that the City is asking of any property development that's happening within the 31 Old Town Neighborhood Plan or this Neighborhood Conservation Buffer. So, you know, again, livability 32 33 and sustainability. Connectibility [sic] I'm not going to touch on so much. We are right on a major 34 Transfort path right into the student union center, so we've got connectivity. We have made many 35 friends, even though we don't know all their names, of people who walk by when we're out in the yard, 36 you know, and so we were trying to get some of them to call in today to say, you know, because they're 37 always telling us they love what we're doing with the place, they looked at the development review online. But you know, I don't believe, you know, it's like...they just...they are happy with what we're 38 doing with it, they like the plan, but they're not so opposed to it or whatever that they feel they need to 39 40 speak up to defend it.

So...sustainable. Again, sustainable here...we're talking from the green and open space in there,
but more in that sustainable and keeping in that historic context is the fact that this is a property we're
trying to maintain, historic preservation for the historic resource as well as into future generations and

1 future uses, because we're trying to create the best option that will make someone else invest and keep

2 this going on in perpetuity.

3 I'm going to kind of skip over this slide because I did share most of what we were going to speak 4 to on it in the last slide, but it's just to acknowledge that we have read through the Plan. We are also 5 trying to listen to the community just as the planners did when they went through that process. But again, 6 looking through that Plan, you know, it feel like focus was on those neighborhoods, less focus on the 7 conservation buffers, which really just have a job to do, and that's not to be a neighborhood, it's to be a 8 protector of the neighborhoods. And, again, pulling from that Plan, these pictures, and I know they're 9 kind of artistic so you can't quite see all of the details in them...these were pulled from that Plan and they 10 were all included in the Plan as good examples. And they go to the examples that Jeff and I have already showed you...that it's a mixed bag. And so, if you're really trying to protect the neighborhoods in the 11 12 next zones over, that ship has sailed. And so, this really is the character of the neighborhood that we live 13 in now and it's the character of the neighborhood that is protecting those other neighborhoods.

14 So, let's get to that preferred option we keep referring to...just to refresh your memory of what 15 that looks like. We really are, in this modification request, looking to have what we're calling the 16 enhanced carriage house. So, it is a carriage house in its main purpose, but it's oversized. And the 17 oversize is because we are looking to not only have the carriage house, but to have extra living space for the primary residence. And that's basically, again, to mix what we've been hearing from staff as well as 18 what you read in the Old Town Neighborhood Plans, is that this is really an area that is 50/50. Fifty 19 20 percent of them want nothing touched, they want to maintain the history, and fifty percent are really 21 looking for, like, development, and moving into the next century. And we feel like this is that best option 22 that fits those needs. It really is a 50/50 option. We maintain the historic residence and the integrity of it, 23 and then we build something very compatible to that property...or to that primary structure...that is also 24 compatible to the neighborhood and the neighborhood character. And it also brings the old back into the new, because we get to keep that beautiful old structure, but we get to bring some of the new world uses 25 to it. By new world, I just mean things like art room, hobby space, fitness room, a garage, you know, we 26 27 don't have a garage. So, this is to accomplish that. You can see from the site plan, the basic kind of layout, and you can see the space that weaves between the primary structure and the carriage home. Even 28 29 though it's an enhanced carriage home, we still have quite a bit of yard there, and so...again, those 30 common needs. So, yes, it is sounding oversized, but it's not all just people livable space...730 square 31 feet of this is for garage, which is a contemporary need and use. So, just kind of going through what the 32 existing plan is and why. We'll go through next what our other alternate options are and why we think this is the best. 33

34 MR. PALOMO: Denise, let me speak to this a bit here. I mean, it's...you consider it stand-alone, and, yeah, it exceeds the parameters of what a carriage home is, but truly this is a combination of 35 36 otherwise having this parsed out to accommodate not only the features for the front as well as the back. I 37 mean, garage, 730 square feet, in my opinion, that shouldn't go against allowable livable square feet. I mean, that's housing two vehicles, a couple motorcycles, and lawn equipment. I mean, 730 square feet...I 38 mean, that alone, just for storage, chews up 1,000 square feet of what technically is allowable for a 39 40 carriage home. I mean, that's insane, that's not current...you know, that's not sustainable. I mean, code needs to be addressed to accommodate the needs of today, not the needs sixteen to thirty years ago, right? 41 42 So, you know, we can parse all this out, and we've considered that possibility, but it is truly an inferior design; it chews up all the green space in the vard and you get more of the same. Back to you Denise. 43

MS. WHITE: Thanks...and so, yeah, we've talked about those possible options, and Jeff just referred to parsing it out, so, you know, of all the options we've looked at, we really truly believe that in looking through the neighborhood plans, through the buffer zone definitions, through City Plan, and what the City is trying to achieve, you know, this proposed enhanced carriage house really is equal or better than our alternatives, and it really is in the best interest of the public good, so it's not detrimental to the public good.

7 And so, we have four options on the table...there's actually five options; the fifth option would be leave the structure just as it is and not do any development on it, but that doesn't meet our needs, so that is 8 9 off the table. The rest of these options we maintain, and we considered them, but they are back-up plans. 10 Really, we feel like we have presented the best option. So, some of these other options include adding to the primary home, and remember that primary home is a historic resource. So, in talking with Maren, the 11 12 Senior Historic Preservation Planner with the City, you know, she's given us some parameters and some 13 information on how this could be done, and it is a process, and there are concerns with diminishing or 14 damaging that primary home which is the historic resource, and there's limitations into kind of how it can 15 be done. Like, one of these options is this hyphen, so that's kind of what we did there, which is like a jut out connection between the back of the house to addition, the next construction. 16

MR. PALOMO: And, Denise, let me chime in here. I mean, and we've illustrated examples of
that, and that's actually predominant and proliferated throughout this zone in those few blocks, and you
know, I don't think anyone would agree that that is a great design.

- MS. WHITE: And it doesn't feel compatible, if you're trying to protect those other
   neighborhoods, it doesn't feel compatible to those other designs. But, it is an option...it is an option.
- MR. PALOMO: And the option you spoke to before of doing nothing, I mean it still leaves that historic home vulnerable to, you know, someone that, beyond us, that acknowledges it doesn't meet their, you know, current livable standards from a space standpoint and a feature and amenities standpoint. So, you know, there's a lot of yard there. So, so yeah, that's not an option.

26 MS. WHITE: Yeah; it also leaves that property vulnerable to not existing. Because, in addition 27 to...it's like looking at our neighbor to the south, you know, they bought that property to demolish that home to build from scratch what they wanted to do, which is another one of our options. I'll jump ahead 28 29 to that. You know, I know in the staff report it says we cannot demolish existing structures; however, you 30 know, through email exchanges and clarification, we do believe we can. It does...it is a process just like we're going through right now; it's a different type of process. But, we can, and it actually could be easier 31 32 than what we're doing right now because it doesn't trigger other codes or other surveys that have to go on. 33 And so, yeah, it is not...I think staff represented the resources as being historic landmark or designated 34 landmark, it is not, it is a historic resource. We, down the road, may consider trying to get it landmarked, but we've also found through this process we have enough hurdles and hoops to get through that if we 35 36 added another hurdle or hoop for ourselves, we could actually hurt our process and our intent of trying to 37 maintain this main primary structure which is a historic resource, but it is an option on the table.

A couple of the other ones, and Jeff referred to them a little earlier, is we can add more structures to the property. We can do two carriage homes, smaller in size. We could do a carriage home and an accessory dwelling unit, or we could do a carriage home, an accessory dwelling unit, and a shed. So, you know, code allows us to do a lot of things. Again, working through processes, but more allowable than what we're trying to do right now. We are not taking the easy path; we are trying to do this, even though
it's hard, because we think it is the best option for everyone.

And finally, you've seen some of them; we could develop a duplex. That was actually one of the first courses we went down and paths we went down. You know, and both that, as well as perhaps two carriage homes, requires additional infrastructure, and so that's why we went back to one solo structure; however, that is an avenue available to us.

So, just wanted to kind of give you a quick view of what one of those alternates might look like.
So, you saw our original plan which is one larger carriage home which doesn't eat up too much of the
yard space, which fits into kind of that 50/50 old/new kind of feel of the neighborhood and respects the
character and our neighbors on that.

11 This would be another alternate option; probably if we get denied on this first one, this could be the path we go down next, and it's building two smaller carriage homes, which is not our intent, it's not 12 our desire because it does eat up a lot of space. But, it would serve our purposes better than just doing a 13 carriage home and a shed for garage stuff because, again, as I said, we have additional needs for fitness 14 and some art space and both of those require some plumbing, and if we have to put plumbing in, we have 15 to go through a different review process and have infrastructure put in, and if we're going to put all that 16 infrastructure in, rather than twenty years from now, or ten years from now, go, oh, let's try to turn that 17 into a carriage house and be caught by land code use then, we would probably look to our future and say, 18 19 let's get it done now and just make sure that we can have it even though we don't need it now, in case we 20 need it in the future or a future owner does.

MR. PALOMO: And, let me speak to this. And, it's sad, because, you know, we're being...one of the issues is a gable to the side yards. We'd have to address that in this as well to a dormer configuration, but pretty doable. But again, contrasting that to a quad-plex, or two duplexes connected by a breezeway, or a few hundred dollars in lumber and shingles...they're not governed by that. It's a sad omission in the Code. So, you know, staff's standing behind the position that, you know, this allows you to overlook the neighbor's yard...it's not a consideration for multi-family units.

27 MS. WHITE: And, as I said, Jeff and I have talked about how we think that this is kind of crazy, that something like this would be allowed. And I believe even staff have told us in one meeting that, you 28 29 know, it probably is something that was overlooked because when they were doing the Old Town 30 Neighborhood Plans, nobody thought about this scenario. And so, again, it just speaks to the point that like, code, just by it's nature, is always a step behind, it's always a step behind. And so we're trying to 31 32 move forward, and as I said, marry that contemporary with the historic on this. So, you've kind of seen what we think is a viable option should we not be able to move ahead with our preferred option, but this 33 34 also just feeds into more of that clutter, or what we feel like when the neighborhood plans groups, the Old Town Neighborhood Plans groups, were giving their public feedback, this is probably more of what they 35 36 were concerned with than a single structure that might be a little oversized.

So, we'll go back to that one just so you can kind of see, again, what we're putting forth. And we hope we've really made the case here that this option truly is equally good or better than other options that would comply, and that it truly is in the best interest of everyone's good, the public good, our good, the Neighborhood Conservation Buffer and doing our job, because we do think that of all the options available to us...if our job in the Neighborhood Conservation Buffer zone is to kind of protect those neighborhoods on the other side, this one feels like it has the most character and compatibility to some of those single family homes, or other options that we see in those neighborhoods. And I'll let Jeff talk for a moment, see if he has anything else to say in conclusion.

3 MR. PALOMO: Well, a couple other things...a concern from staff is the back structure should 4 appear subordinate to the primary. You know, from the front, even on the sidewalk, you truly cannot see 5 beyond the primary structure. This would be virtually non-visible from anyone walking down or driving 6 down the front. And for two, I mean this is a combination of value, not only into itself, but it adds value 7 to that front. I mean, again, these old homes which have plenty of character don't have amenities that are 8 expected by consumers today, and that is, you know, garage space, garage space...and again, to reiterate 9 that point, 730 square feet of this structure is garage, is for storage, is protecting vehicles from the 10 elements. And...I'm sorry?

11 MS. WHITE: Is that about it?

MR. PALOMO: Well, actually, one other point here. And one other thing I want to take 12 exception to in the staff report is, there's a statement in there that mentions, should we be successful in 13 getting approval for our application, that we've convinced you guys, and hopefully we do get approval on 14 this, but they reserve the right to reduce the square footage based upon design and concept. This is our 15 design, this is our concept. I mean, that would deem this meeting, this whole process, a complete charade 16 and irrelevant to that if they're permitted to reduce the size. I mean, we've reduced this, you know, in a 17 responsible, respectful way of the primary structure, and complete consideration into the neighborhood 18 19 and really establishing character that we think would bode best for encouraging preservation of other 20 circa 1900 homes in the neighborhood. And I think that is truly the bulk of them; I mean some of them 21 are in disrepair, but some of them have great bones and this might encourage a preservation perspective as 22 opposed to a tear down and putting up a quad-plex perspective. And, with that, I turn it over to Denise.

#### MS. WHITE: Yeah, I think that's it. That's all we've got to present in addition to what was presented in the original packet. So, I will stop screen sharing now and go into mute. I think it goes to staff, but, as I said, we weren't one hundred percent sure of the flow, so if you do have questions that we're able to respond to now, we are open for those too, but I will stop sharing my screen now.

MS. STRAND: Thanks Denise. I actually jotted quite a few questions down, but I think that it
would be most effective and efficient for Clark to do his presentation, and then I will throw my questions
out there, because perhaps some will be answered, but thank you for that.

MR. MAPES: Alright, thank you for that presentation. I think everyone can see why staff, over the last I'm not sure how many months, six or more months, has explored this so far in depth, and I 'll say I think more in-depth examination of all those issues in the NCB zoning district than have ever come up before. There's a lot of first-time topics that we've discussed with the applicants in this whole process, one definite example being the idea of two carriage houses. It's true, that was just...there's nothing in the zone that prohibits that, but it was never even contemplated as a possibility. That's just one example.

This would be kind of repetitive, I think, to what the applicants have presented, but this is...so, to be clear, this is looking east over the rear yard of the property. You see the property outlined there...so typically you might have the imagery with north to the top, but here it's looking east so that you can see the property from the rear yard. And this shows you the whole block...doesn't go quite as far to the right as where Laurel Street is, but Laurel Street fronts those large buildings that you see right there. And these are properties where larger buildings have been built...either the houses removed or larger buildings built

- 1 in the rear yards of what formerly was the original, you know, modest houses on large lots. I think the
- 2 applicants have covered this whole idea pretty well, but that's available for us. And then here we are with
- 3 another view looking the opposite way, west, over the front yard. You see the property there. It's just to
- 4 give a sense of how this property and its yard, you know, fits in the context of the block. If there's any
- 5 detailed questions or discussions, we can come back to this and identify specific properties and so on.
- 6 And again, I understand that in the last few days we have received comments, or you know,
- 7 communications of support from the neighbors on both sides of this lot regarding, you know, the impacts
- 8 on the rear yards that could be introduced if this were to happen.

9 On the modification, the staff report explains the criteria that govern modifications. The decision 10 maker can grant the modification only if it finds that it not be detrimental to the public good and that it meets one of these four criteria. I want to speak to the not detrimental to the public good. I want to be 11 12 candid here in saying that all through the discussions we've had over the months, staff has...and it's not just me as the staff planner, I've discussed this with all of our planning staff...and we've been struggling 13 14 whether to find that this is in some way as good or better as a plan that would comply with the carriage 15 house standards, or maybe it be closer to the 1,000 square feet of floor area and so on, and the 600 square foot footprint, and the thirteen foot eave height. In the staff report when I mentioned a finding that it 16 would be detrimental to the public good, that part of it has not had much thought. And I would retract 17 that part of it. I think staff's main finding involves that criterion one that, when you compare this carriage 18 house to a carriage house that complies with those much more limited size and height limits, staff just 19 20 simply was not able to make a finding that that was the case, that it was as good or better in that regard. 21 But, if I can do that here...never done this before, but there wasn't much thought, if any, given to...it was 22 kind of a rote aspect of finding that staff was going to recommend denial of the request...but, the detrimental to the public good part, I would not have been able to explain a strong, or a clear, finding in 23 24 support of that.

25 So, with that...also...on the modification, you've seen enough of the...

MS. STRAND: I'm sorry, Clark, can I just interrupt real quick? You just said that you would have difficulty finding support for a finding that it's not detrimental to the...there's a lot of cross negatives so I just want to be clear. So, are you saying that you would have difficulty not finding that that criterion was met? If you were to...it's staff's recommendation that this alternative that's being proposed is not detrimental to the public good? I just want to be clear on what staff's finding is on that piece.

31 MR. MAPES: I would have difficulty finding that it would be detrimental to the public good, 32 which is what the staff report says. And I could explain why, you know, I didn't consider that very much. 33 Usually these things go together, whether it's in support or denial of a modification. Usually....that's another first that I've ever seen...that I think there is a difference in this case between the detrimental to 34 the public good and then one of the criteria. To approve a modification, there has to be a finding for both, 35 36 that it not be detrimental to the public good and that it meets one of these criteria. And staff's entire review has been really based on the criterion one, and really not on any discussion of whether and how it 37 38 would be detrimental to the public good. So, the finding would be the same, that staff does not find that it 39 is...that it meets criterion one, even though I would retract the finding in the staff report that says that it 40 would be detrimental to the public good.

41 MS. STRAND: Okay, thanks for the clarification. Go on.

1 MR. MAPES: Yeah...I don't think it would be detrimental to the public good because of the...for 2 a whole number of reasons. So...I think you've seen enough of the plans for the modification. This shows the size, the footprint, you know...larger than the existing home and so forth, as explained in the 3 4 staff report. It's that magnitude of exceeding the written stated standards that staff has struggled with as 5 far as finding support. Here, the lower elevation here shows you the wall height exceeding 13 feet, in 6 fact, you know, by quite a bit, where the left gable is just a wall, a straight up wall that far exceeds 13 feet. The right gable you see here would be a dormered feature that occupies more than 25% of the wall 7 length. So those are size limits that would require modifications. And this is just the other side, looking 8 9 at the top elevation here, the north elevation where, again, there is wall height in excess of 13 feet, as 10 specifically intended to not occur under the limits, and then a dormer feature...this is actually recessed back but, it would be considered a dormer feature and that would be limited to no more than 25% of the 11 12 wall length, and it would exceed that. So, those are, again, it's just the numbers that we've talked about.

Staff's findings, as stated in the staff report, again, this detrimental to the public good...that was
 kind of a rote statement that I put in there without giving it much thought, because typically, as I said, that
 normally goes hand in hand with whatever finding is made on these other criteria.

16 I don't know...I guess I can read through these. I'll try to summarize a little bit, but the point is, 17 with staff's finding, that the limits that are in the Code are very specific, limiting total size and the height 18 of side walls. It's been acknowledged that those are based on extensive public processes; they represent compromise. There are people throughout the Old Town neighborhoods who even feel that the standards 19 20 that exist are too lenient, but you know, these represent a compromise. But among those who feel that the 21 standards are too lenient, there's some strong sentiment that the least the City can do is follow our own 22 zoning standards. I have been involved in a lot of those past processes and they do involve other parts of 23 the Old Town neighborhoods, mostly...the vast majority of the concerns and issues are in other parts of 24 the Old Town neighborhoods that are more intact with their original historic patter of modest houses, or even small houses, with yards around them and so on. So, staff agrees that this is a unique situation. This 25 area of NCB zoning next to CSU is unique, and it's unique among the Old Town neighborhoods in 26 27 general, the larger Old Town neighborhoods.

But that first finding there that the scale and those walls would introduce visual and privacy 28 impacts that are specifically intended to be avoided. The impacts would be on the neighbors on either 29 30 side, and again, you've got information, comments, from those neighbors on both sides that we've gotten today, and I think yesterday or Friday. And we appreciate hearing from that, but...so that could be a 31 32 consideration. The standards that are in the Code have a general overall part of their vision, I guess, 33 behind them, that they would be subordinate to the original houses, kind of more like the pattern that was 34 the original historic pattern in the neighborhoods that people are concerned is threatened by 35 redevelopment and larger construction in the rear yards. Again, that really is more pertinent in other parts

36 of these Old Town neighborhoods.

37 Staff's finding is based on comparing the proposal not to the other things that could be done on 38 the property, such as removing the house and building an apartment building, but comparing it to the 39 purpose of the standard and comparing it to a plan that would have a carriage house, again, of the size that 40 complies with the standard. And also, just acknowledging that also comparing it to past development isn't something that staff can really base a finding on, because in fact some of the...well, the zoning in these 41 42 neighborhoods and the carriage house standards were done in response to some of that past development, 43 so it's not a reason to find that we could continue to do those things. Again, all of those provisions in the 44 zone and regarding carriage houses were done more with other areas in mind.

19

Staff...okay...this is my last slide. Staff acknowledges the points in the application. The original context...in fact the original development of this block and this whole area has changed dramatically over the years. And we understand the applicants' contention that the larger carriage house would be as good or better than some of the other kinds of development that could be done here, but again, that's not the way staff ended up...didn't base our recommendation on that, based more on comparing it to, as I said, to a carriage house that does meet the standards.

I mentioned this is the first time that staff has encountered, at least at this level, some of the
contradictions in the zoning. Staff, I can tell you, is thinking that we do need to revisit this NCB zoning.
There's a number of issues that you've heard some of tonight, that I don't think...it's not just me, again,
the Planning staff, is seeing that the standards and the limits and so forth may not be consistent with the
purpose of the zoning or neighborhood character conservation.

12 So, with that, that's my presentation. Oh, there were a few points, kind of some specific points, to 13 respond to the applicants' presentation. One, as far as the property being a landmark, my understanding is that it's been found to be eligible as designation as a historic landmark, but staff has not ever said that it is 14 15 a historic landmark. But the fact that it's eligible for designation makes it a historic resource and subject 16 to Land Use Code limits for that. Very, very semantic point, but staff's...the staff report says that the 17 ability to demolish an eligible historic resource like that is limited. The staff report didn't say that it's 18 prohibited, but it's pretty strictly limited, and the process to do that is a difficult one...just semantics 19 really.

20 There is the idea of a duplex, I think, a duplex in the rear yard, which was the first conceptual proposal, and that actually is something that's just directly not permitted in the list of permitted uses in the 21 zoning. Again, a minor point, but to the extent that if the applicants feel that one of their options is to go 22 23 back to the idea of a duplex in the rear yard, that's not permitted. One of the things that staff has realized, I think here for the first time, is the contradiction in the fact that a duplex could be put in the rear yard 24 25 behind the street-facing house if it was connected by a roof. So, again, that's something that we just hadn't seen prior to the conceptual review for the property next door, and that's an obvious contradiction 26 27 that doesn't make sense in the zoning.

28 And then, finally, if the modifications were to be approved here, the staff report just wanted to make sure that everyone understands that that doesn't represent approval of a development plan to build 29 the carriage house. If the modifications are approved here, then the applicants can submit a development 30 31 plan, and they can submit those very plans that we're looking at, but they would go through the 32 development review process, and the particular difference there, from the review that's been done regarding the modification so far, is that it would go before the Landmark Preservation Commission 33 which would be looking at the design compatibility of the proposal. And the staff report just kind of has 34 a, sort of, caveat, or warning in there that if the LPC, or staff, in our review were to find that it's violating 35 36 other provisions of the Code for design compatibility, this approval of this modification wouldn't just override any further review and enable that to be built as it is. So, with those points, I will stop sharing 37 38 and see how we want to move on next. Thank you.

MS. STRAND: Thank you...a lot of information. It sounds like there's some text amendments that may be needed at some point in the near future. But, I do have a number of questions, and they're going to be scattered. And I think...so I apologize if they seem to jump around, but I'd like to have staff answer them first and then the applicant can respond and provide their take on it. So, I may have to pause a couple times as I try to read my scribbles.

1 The first thing I want to understand, and both presentations have spoken to this, but I'm not 2 entirely clear on it, is a clear understanding of what the alternatives are. And I'm focused on the standards that I have to make a decision by. And both staff and the applicant have focused on one of the four, kind 3 4 of, alternatives, for the granting of a modification, and that's the equally or better. So, you know, that 5 language says the plan as submitted will promote the general purpose of the standard for which the 6 modification is requested. So, there are one, two, three, four, five, different modifications that are being 7 requested...equally well or better than a plan which complies with those standards. So, I know that that's more narrow probably than what folks would like, but I do feel I am somewhat constrained to that 8 9 criterion in what I am able to move within.

10 So, what I want to understand is that, assuming the 1910 home stays, what can, or can't be allowed in the rear, and what is the kind of comparative analysis of those massing components. Because 11 12 these standards that we're seeking a modification to are really building footprint, floor area, height of the eave, dormers...they all kind of go to that massing and, you know, whether or not there is a kind of 13 14 privacy issue with adjacent properties. So, we talked about a duplex. So, a duplex in the rear yard, from 15 what you just said, is not permitted, but perhaps would be permitted if it was connected in some way. So, can you just go through, Clark, if we keep the 1910 house, these are the options. And I like a kind of 16 massing comparison because of that standard. 17

MR. MAPES: So, there could be...if you find the point going from front to back in the lot where you find the rear half of the lot...within the rear half of the lot, there could be 1,583 square feet divided up among carriage houses that are limited to 1,000 square feet, other accessory buildings, think garage or shed, limited to 600 square feet. So, any combination of carriage houses and other garages or sheds, with carriage houses not exceeding 1,000 and sheds not exceeding 600. So like one carriage house and one shed, you'd have 1,600 square feet...

- 24 MS. STRAND: Minus seventeen, because it's 1,583.
- MR. MAPES: So, 1,000 and 600...so there's 1,600...so just in the rear half, that would exceed
  the 1,583, but that's pretty close.
- 27 MS. STRAND: Right.

28 MR. MAPES: If it was possible for part of the carriage house or one of the sheds to overlap into 29 the front half, then, you know, there could be additional square footage permitted.

30 MS. STRAND: So, in what context would it be allowed to cross over that middle mark?

- 31 MR. MAPES: Okay...there's nothing that requires that these things be built in the rear half...
- 32 MS. STRAND: Oh, I see.

MR. MAPES: And so, the lot itself also would have a total square footage allowance. I don't have that total in front of me...you know that actually has never come up, but I could easily find it if we want. But the lot itself, the overall lot, also has a total square footage limit. So, as long as they're within the total square footage limit for the lot, whatever it is, and 1,583 square feet in the rear half of the lot, then they could do an addition to the house, they can have a combination of additions to the house and those other accessory buildings I mentioned, the carriage house, garages and sheds...so that's what they
1 could do. They could add on to the house and build these other buildings within those overall floor area

2 limits, and with the accessory buildings, carriage house and other accessory buildings limited to those

- 3 sizes.
- 4 MS. STRAND: So, I guess...

5 MR. MAPES: Now, to the extent that there is a possible way for this owner or some future owner 6 to demolish that historic resource, then one of the alternatives would be a multi-family building...it 7 wouldn't even have to be limited to a four-plex, a multi-family building with its parking lot, as long as it 8 complied with these floor area limits. The total for the lot, whatever it is, and then the 1,583 in the rear 9 half. The building that is two door down, the four-plex that you saw some photos of...

10 MS. STRAND: That's proposed, that is in concept plan?

11 MR. MAPES: No, two doors down is a four-plex that is built where a house was removed. And there is a four-plex...largest building in this row of little houses. The...next door to the south is the 12 13 image you saw with essentially two duplexes connected by a roof. And in fact, that's a bit ironic that this 14 applicant started requested a duplex in the rear yard, was told the Code doesn't permit that...and that was around the time that this conceptual review came in for the property next door in which they would scrape 15 the house, remove the house, build two duplexes, one behind the other, but have it be permitted by 16 17 connecting them with a roof that forms kind of a little courtyard between them. So, that's one of the, sort of contradictions that you've heard about. So, that's next door...two doors down is the four-plex. That 18 19 four-plex, if it was possible to fit the floor area and the parking, that four-plex could have been probably 20 more. The limit there is 24 units per acre, so I don't know what the density per acre is on that four-plex,

21 but if it's possible to get more than four units, multi-family buildings are permitted.

- 22 MS. STRAND: For the house where there is the four-plex, was it a...eligible for designation?
- 23 MR. MAPES: No.
- 24 MS. STRAND: No; so they are distinguishable in that regard.

MR. MAPES: And likewise, the house next door that came to conceptual review, which was...you know, is being proposed...that owner does indeed intend to remove it and build the two duplexes. Whether they come in with that very contemporary, modern design that you saw would have to be, you know, that would have to go through the design review process, and it doesn't look likely that that could come in just the way they designed it, but I don't know yet. That would have to...

- 30 MS. STRAND: For the concept one, I think I missed it, is that eligible for designation?
- 31 MR. MAPES: That was my point, no, that one is not.
- 32 MS. STRAND: Neither of them are? Okay.

33 MR. MAPES: None of these...you know, we're not seeing any proposals for demolishing eligible34 houses.

MS. STRAND: Okay. So, you know, to my initial question, you know, I guess the point of my question is that when you talk about what can go in the rear yard, is there a contradiction with respect to,

we're keeping the 1910 home, but if we were to do a duplex in the rear yard, it could have greatermassing. And the answer, it sounds like, no, that's not the case. Am I summarizing correctly?

3 MR. MAPES: The only way a duplex could be put in the rear...well, behind the street-facing
4 house, is if it was connected to the...

5 MS. STRAND: Right, and so let's assume it's connected, let's assume it's allowed...because, 6 again, these standards go to...mostly go to massing and height. So, you couldn't have something bigger 7 that would be allowed than what's allowed for a carriage house because these rear lot requirements apply 8 regardless of if it's a carriage house, and accessory building...

- 9 MR. MAPES: I see...
- 10 MS. STRAND: That's my question.

MR. MAPES: Actually, no, the total floor area limits would be the same, but the wall height, side wall height, would not. So, that's the main thing. But, a duplex attached to the main house that was going to maximize its floor area could be any mass, subject to design review, but any mass that doesn't violate the total floor area limits for the whole lot or for the rear half.

15 MS. STRAND: Right.

MR. MAPES: So, there's a kind of a fine, almost a semantic point in the Code...the duplex that's
not permitted in the rear yard, it's not permitted to be behind the street-facing house. So, that's a little
different than the floor area limits on the rear fifty percent of the lot...it's all related, it all overlaps, but...

19 MS. STRAND: Go ahead Jeff...

20 MR. PALOMO: I'm sorry; I just want to see if you see my hand raised?

21 MS. STRAND: I saw you light up, so...

MR. PALOMO: Okay...so, that was the initial concept submitted and included in the documents that Clark submitted to you, or remitted to you, were the staff findings on that initial concept, so he speaks to it there...there's written review. And, to my understanding, Clark, it's not permitted by Code, but there's a process to, much like this, to go through an approval for it.

MR. MAPES: The addition of a permitted use...right. So, a duplex behind the street-facing house is not a permitted use, but like everything in the Code, there is a procedure for that, and that would be...another process called the addition of a permitted use...so that is true. There'd even be a way to propose a duplex behind the street-facing house, that's correct. Thank you.

- MR. PALOMO: Yep, and a couple other points here. And, to answer some of your questions, and my understanding, and correct me if I'm wrong Clark, but, both Denise and I have spent a lot of time going through Code, and my understanding is, and this is illustrated on some of the pictures that we've also provided Lori, that if you connect a back structure with a breezeway, you're not governed by the constraints that govern a carriage house...it's part of the primary structure. Now...
- 35 MR. MAPES: Correct.

1 MR. PALOMO: Yeah...so all the concerns on eave height, on total height of the structure, on 2 square footage...I mean, you're governed by the primary, and, relative to the size of the lot. And, you know, we see illustration there, and we provided a couple and spoke to it... I mean, I think the most 3 4 flagrant one that...is the one...I think it's 617 Sherwood. But, they've added a couple breezeways...and 5 all these homes appear to be circa 1900 homes. Nothing looks new other than that quad-plex. And I don't 6 know if back then, Code dictated that they actually had to have a landmark study done. And Clark, you 7 would know more so that I, but just from a design and a conceptual compatibility standpoint, I mean you have a pretty much square block of stucco connected by breezeway to a circa 1900 home, and I think the 8

9 total square footage excluding basement is over 3,300 square feet, and I think that lot size is the same. In

10 fact, I think on this whole NCB, all of them are 9,500 square feet.

MR. MAPES: Yeah, it's correct; your essential point is correct. Carriage houses have these 11 12 specific, special size limits that don't pertain to the other things that are permitted in the zone and that...staff finds...and I don't even think anyone could disagree, that that needs to be revisited. The 13 14 carriage house standards make a lot more sense in the intact, other character areas that the Plan...you 15 know, the Old Town Neighborhoods Plan, identifies, where there really is that original pattern more intact. So, the intention for those...even the original intention for those could be revisited for a number of 16 17 other reasons, so your points about the Code needing some attention, staff agrees with. And, you're right, carriage houses have limits that don't pertain to other kinds of things that could be done. That's in the 18 zoning...for historic resources, there's still design standards, design compatibility standards, that would 19

20 affect just jumping straight ahead to, you know, maximizing all the numbers.

MR. PALOMO: Yeah, and to that point, Lori, and we spoke to it, I mean this isn't the easiest of all the paths we could have chosen, but, you know, our argument is it is the best path and there's a lot of added value not only to us, but to preservation of that front property, as well as, you know, fostering, you know, some like development in the neighborhood as opposed to the idea of scraping and erecting multiplexes, right? So, yeah...we certainly chose the harder path, but it is genuinely, in our opinion, and we hope we've convinced you, that it is the best.

MS. STRAND: Well, I have some more questions, and we still have a lone member of the public, so, I'm going to try to go through them a little more quickly. But, you know, preservation of the front property seems to be, you know, a big grounds for why this is equally well or better. So, I'd like Maren to just quickly confirm what's been said, that this property is eligible, and so were a request for demolition to be submitted, you know, what's the process? And you know, is this saving this property? I mean, it sounds like it's a difficult process, but maybe you can just speak a little bit to what's been said.

MS. MAREN BZDEK: Yeah, the process for demolition of a historic resource that meets our Code requirements for significance and integrity is different under the Land Use Code versus replacing an existing single-family building with another single-family use. So, that would be the only reasonably easy route forward. It still includes...

37 MS. STRAND: Single-family to single-family?

MS. BZDEK: Single-family to single-family. There is an exception to that process; we do have a demolition posting process and members of the public could potentially come forward and propose a nonconsensual landmark designation and if Council were approve that, that would prevent demolition in that circumstance, but that's the only thing that would prevent it other than not having plans that would meet building permit requirements for a new single-family structure. 1 MS. STRAND: So, if they wanted to propose a new single-family structure or a duplex, because 2 we're talking about razing the whole lot, what's the process in that context?

MS. BZDEK: The duplex would happen as a change of use under the Land Use Code, and that would be reviewed just as this proposal is. And so, the Code is much stricter in that regard. Any change of use requires essentially adaptive reuse of the historic resource because simply, the way the Code is written is, that identified historic resource on the development site, any treatment of it has to meet the Secretary of Interior standards, and demolition, in and of itself, doesn't meet those standards.

8 The other thing that I think is important to understand for any change of use considerations is 9 carriage house versus addition...you know it's been said that, you know, in some ways a carriage house 10 would be...or can, and should be, easier...and certainly in the regard of the Secretary of Interior standards, it is, because once you start putting an addition on to a historic resource, you're following, 11 12 under our Code, the Secretary of Interior standards for changing that historic resource, which is a more 13 rigorous, you know, examination, than adding new construction to the site. There are similarities there, but you're not impacting the structure itself with the new construction as you are with an addition. So, 14 15 you know, the other example that was given of the property on Sherwood, yes, was done before the 16 adaptive reuse requirement was in place that required the identification of historic resources on the 17 development site, and their retention were they to be established. The other thing that would have 18 happened, if that were to come through today, is that those...that additional square footage added on to those existing homes, presuming they were in that particular case considered a historic resource, would 19 20 have to meet the Secretary of Interior standards, which that particular project would be unlikely to be able 21 to prove.

MS. STRAND: Okay, so that just pre-exists these standards, so, again, okay. Alright, thank you.I may need you again.

Okay, I'm going to look again, quickly, through my notes. Alright, I have lots of scribbles so I'mgoing to read them...

26 So, one question I have...again, the struggle I have is I think the same struggle that staff has 27 already communicated, that I think there's an acknowledgement that there are issues here, but whether this meets the standard that I'm obligated to apply in making a decision is frankly what I'm struggling with, so 28 29 I just have a question which really doesn't go to my decision, but it is in terms of, has this been 30 considered. You are a couple blocks from the Downtown zone district, and I think that I read in the applicants' materials that there is this redevelopment that's gone on, and there are these changed 31 32 circumstances. I mean, these are all the terms and plan-based, you know, changes that tend to support a rezoning. And, obviously, you're in the middle. You've got, you know, properties to the east of you, but 33 34 only a block to the east of you. I mean, would this be allowed in the Downtown zone district I guess is a question I have. And, if this...this has even been explored, and maybe it's more my curiosity, but it 35 36 sounds like there's a bunch of planning-type folks that are both on the applicants' side and the staff side, 37 so, what do you think Clark?

MR. MAPES: The Downtown zone permits...I will say almost anything. Not industrial uses, not
 truck stops, but any kind of residential, commercial...possibly with the exception of listing single-family
 detached dwellings. I can look real quick and check and see.

41 MS. STRAND: I mean, it doesn't...yeah...

1 MR. MAPES: If the Downtown zone does not list single-family detached dwellings as a use, it 2 would only be because it would have been considered moot for development in the downtown. But, the 3 downtown is very permissive of all kinds of commercial, residential, mixed-use kinds of uses. To your 4 question...like, whether this could or should have been included in the Downtown zone, I don't think so. 5 The Downtown zone, and it has various sub-districts, this would be in the Campus North subdistrict, but 6 they list the permitted uses, and like I said, it's all kinds of commercial uses. But, I have come to realize 7 over the last six or more months that at least this particular bit of NCB zoning needs some kind of tailored character area-based examination to address the fact that, for an investor, there is kind of an incentive to 8 9 demolish the existing little houses along the street in order to get your square footage as opposed to

keeping the small original houses along the street and getting your additional square footage in the rear
 yard, which changes the character of the neighborhood much less than demolishing the little houses does.

So, anyway, Downtown zone wouldn't be right just because of all the permitted uses that are
 listed, but if this was in the Downtown zone, I would think it would be permitted unless it's just not

14 listed...

MS. STRAND: I did have a use question too. So...and I know we're not reviewing the plans tonight specifically, but...so, the front property is a single-family detached, the rear property is detached and is clearly another dwelling unit, but it's attached to an additional accessory use with habitable space that's accessory to the primary...the principal structure up front. Is there a use issue? Because you have...I mean, is this really a mixed-use dwelling because there's two uses in the structure?

- 20 MR. MAPES: The carriage house?
- 21 MS. STRAND: Yeah.

MR. MAPES: No, the carriage house is a single-family detached dwelling behind the street-facing single-family detached dwelling.

MS. STRAND: But looking at the plans, the accessory use space that has the art, the hobby, the garage...it's not...they can't access one another. So, there's two different uses in the one structure. And Jeff, correct me if I'm wrong, I don't think that the hobby, or the two-car garage, or the basement space that I think is intended for the 1910 space owners to use is accessible to the actual dwelling unit space, so it's...

29 MR. PALOMO: So, Lori, the reason we pursued a carriage home is because we truly want an 30 accessory building that is part of the primary structure, and our intended use is for not only the standalone dwelling for family, friends, and potentially income in the future, but those hobby rooms and art 31 rooms are intended for use for the primary...and that's one of the reasons we didn't pursue a duplex. I 32 mean, it's a similar hearing to this, but we know that was an option, but our intent is not to get return on 33 34 our investment purely on that, and we don't want it really separated, autonomous from that primary 35 structure. The intent is to call that the forever home with the amenities that we could otherwise afford in a new home somewhere else, but you know, we love that neighborhood and walkability to everything that 36 37 we cherish is there, so that's why we're making the investment.

38 MR. MAPES: I think I should chime in here. So, there's kind of some land use planning
39 semantics here. When we think about the use and the classification of the use is based on that building
40 being a single-family detached dwelling, and whether those rooms are used by the owner or a tenant or

1 anything else, you know, what goes on inside of that dwelling we...it doesn't affect the use of it as a single-family detached dwelling. And, they did provide floorplans, but the wall that kind of divides parts 2 of this dwelling doesn't change the land use classification of it as simply a single-family detached 3 4 dwelling. It's one building, and that building is a single-family detached dwelling. And, to the extent that the dwelling has rooms, sort of accessory to the dwelling, that would be used by the front house and not 5 the rear...that kind of stuff we just don't even get into, we don't even know...we being the City. The City 6 7 doesn't even know, really, what goes on in those rooms. Art, hobbies, carpentry... MS. STRAND: Yeah, it was an unusual layout... 8 9 MR. MAPES: It is...that's part of...there are a number of unprecedented aspects to this and, you 10 know, it's got...what makes it one dwelling unit is the fact that it has one kitchen. 11 MS. STRAND: Right. 12 MR. MAPES: We happen to get floorplans; I see three bathrooms, something like an art room, 13 hobby room, knitting room, carpentry room...but we just don't... MS. STRAND: It's a unique layout where it's two different...spaces... 14 15 MR. PALOMO: Can I speak to that? 16 MR. MAPES: But we just don't...there just isn't anything... 17 MS. STRAND: Jeff, I don't think...like I said...I don't think it's necessary; I just wanted to hear if it was a use issue, and I'm hearing that there's not a use issue. 18 19 MR. PALOMO: I mean, we considered; we'd probably comply with one carriage house in the 20 back other than, you know, maybe garage storage for the front, and that unique layout in the front of that, I mean, we can propose at attachment to the primary structure, but we want to keep that primary structure 21 22 intact. 23 MS. STRAND: Like I said, it sounds like Clark said there isn't a use issue, so that was my 24 question. 25 MR. MAPES: To thoroughly answer your question, it crossed my mind whether staff would somehow insist that there be a doorway between what appears to be the dwelling unit and the other parts, 26 27 but we just don't have anything that gets to that level of detail. 28 MS. STRAND: Fair enough...okay, I'm just going down my questions. Okay, I do think that those are my questions right now. I'm going to let...open up public comment, and then we'll go back with 29 30 more questions if I scan through my notes and see that there's more there. So, it's 7:32 PM; I'm going to 31 open up the public comment period and ask Leslie, are there any hands raised? I don't see any, but it may just be I don't see it. 32 33 MS. SPENCER: No; I don't see any hands raised at this point. 34 MS. STRAND: So, the only attendee in the audience is Mr. and Mrs. Christensen, so if you do want to speak, now is the time. Raise your hand, I'll give you a second. If not, then thanks for joining 35

and listening in. Okay, with that, I'm going to go ahead and close the public hearing at 7:33 PM, there
being no public comments.

3 So, this is the part of the hearing where the staff, or the applicant, would respond to public 4 testimony, but there wasn't any. So, I just want to...I just want to ask, you know, kind of, one narrow 5 question again, and I really want Jeff or Denise to kind of focus on the question because I do feel 6 constrained by the standard itself. So, the standard that I'm obligated to apply is: the granting of the 7 modification would not be detrimental to the public good. I think you've spoken a lot to that, I think that 8 Clark has spoken a lot to that at the start of his presentation, but, you know, in focusing on the second 9 component, the plan as submitted will promote the general purpose of the standard, and that specifically, 10 the footprint standard, the floor area standard, the eave height and the dormer width...that modifying those standards will equally or better...will serve the purposes of those standards which is, you know, to 11 12 not have a big footprint, to not invade on the neighboring property owners, better than a plan that would 13 comply with those five standards. So, if you could speak...just take a couple minutes...to speak to that 14 question, I think it would be really helpful. Because you've spoken a lot to the public detriment, and I 15 appreciate that, but the other piece I think is...where I need help.

16 MR. PALOMO: Sure...let me start and if Denise wants to chime in...absolutely. So, that was the 17 first thing we...well, it was actually the second avenue we considered. Initially, it was the inquire on the 18 duplex...kind of abandoned that; we didn't want that, you know, entity separation. And, secondly, which is our plan B, is something that would comply. Granted, we'd have to address the dormers, but it 19 20 just...parsing the utility out across the entire backyard just chews it up and doesn't do the primary home 21 justice, nor utility. And Denise spoke to it, it creates space that could be a concern from a safety 22 standpoint. It chews up, you know, any aggregated green space, it just...it provides more eclectic and 23 mish-mosh that we've illustrated is what's proliferated through the neighborhood. And that, we feel, is, 24 you know...genuinely the intent of staff, to really try and prevent that and get some direction that is in the best interest of not only the neighborhood, but the community, right? And we feel by consolidating that 25 space, it is aesthetically more appealing, and it accomplishes...it achieves that goal based upon anything 26 27 that would comply with Code at this juncture. And, you know, we spoke to Code, it's fourteen to thirty 28 years old.

- MS. STRAND: So the alternative that you're speaking to is this duplex with attachment to getaround that issue.
- 31 MR. PALOMO: No, the two stand-along carriage homes.
- 32 MS. STRAND: The two stand-alone...okay the two stand-alone...
- 33 MR. PALOMO: With a storage.
- MS. STRAND: And then, if you actually built one stand-alone, it doesn't serve your personal
  purposes in having that space that allows you to age in place and to, you know, have more of those
  modern amenities that you see in homes.

MR. PALOMO: Lori, I have \$10,000 in damage done by hail on my vehicle. I mean, 730 square
feet of garage would leave, what 270 square feet left for actual living space? I mean, a consideration for
staff on any Code changes would be to eliminate garage as technically livable space. I mean, we better be
able to achieve and work within the confines of Code. But again, I mean part of...look at the changes that

1 have taken place in the world here over the last six months, and look at historically the Code

- 2 changes...it's just completely reactive. Process needs to improve to be in front of it, right, and
- 3 accommodate, you know, current needs.
- 4 MS. STRAND: Denise, did you want to add something?

5 MS. WHITE: No, I think as you were talking to that historic, because I think you were also going to check with Maren on this one or something... I think when we look at what we feel is in the best intent 6 7 of the equally or better structures as to really honoring that primary structure, when you do start to clutter 8 that backyard up, I think it does, in my opinion, and I don't have the Code background, but it does start to 9 clutter up that backyard which detracts more from, we feel, that historic primary resource. Because you 10 see that. I mean, even if you hide it from the street and they are smaller structures, you walk around the side, you walk down the alley, you loose that primary structure and the appeal of it because it suddenly 11 becomes some of those other pictures we saw, which is kind of a puzzle put together on a piece of 12 13 property.

And, so, yeah, as I said, things we didn't share is, you know, Jeff had restored a historic building in Breckenridge, I restored a home I lived in that was built in 1890, so, like, we do love the history of this piece of property. And so, you know, it's personal opinion, maybe, over Code, but with our love and our past history on this, we feel this best honors that piece of property and the primary structure that we really were drawn to and have put a lot of work into to date.

MS. STRAND: Thank you, Denise. So that was my last question. I think this has been really
useful. I appreciate everybody's time and effort and discussion, Jeff, Denise, and Clark. And thank you
Maren. So, I'm going to go ahead and close the public hearing. It is 7:40 PM. If Mr. and Mrs.
Christensen would like a copy of the decision, I would like to just remind them to email Leslie Spencer,
so if we could put Leslie's email address back up on the screen, that would be great. I'll be making my
decision in the next ten business days I believe it is, but it will be sooner than that. And that's all; thanks
for everybody's time tonight. I appreciate the time spent.

# Hearing Officer Decision, July 15, 2020

## CITY OF FORT COLLINS TYPE 1 ADMINISTRATIVE HEARING

### FINDINGS AND DECISION

HEARING DATE:	July 1, 2020
PROJECT NAME:	613 S. Meldrum Street Modifications of Standards
CASE NUMBER:	MOD 200001
APPLICANT/OWNER:	Jeff Palomo 613 S. Meldrum Street Fort Collins, CO 80521
HEARING OFFICER:	Lori Strand

PROJECT DESCRIPTION: This is a standalone request for five (5) modifications of standards set forth in Division 4.9 of the City of Fort Collins Land Use Code ("<u>LUC</u>") governing size limits on carriage houses in the Neighborhood Conservation, Buffer (N-C-B) zone district.

The request has been submitted in advance of a development plan application.

The subject property is located at 613 S. Meldrum Street, Fort Collins, CO 80521 (the "<u>Subject</u> <u>Property</u>"). The Subject Property contains a brick classic cottage constructed circa 1910.

The Applicant is requesting the modifications of standards to facilitate development in the rear of the Subject Property of one structure that combines a single dwelling unit with 1-car garage and an additional habitable living space with a hobby/knitting room, a carpentry/utility room, art room, and a 2-car garage (collectively referred to herein as the "Enhanced Carriage House").

#### BACKGROUND:

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	Neighborhood	Neighborhood	Neighborhood	Neighborhood
	Conservation, Buffer	Conservation, Buffer	Conservation, Buffer	Conservation, Buffer
	(N-C-B)	(N-C-B)	(N-C-B)	(N-C-B)

Land Use	Single-family houses and a rear yard duplex	Single-family houses and apartment buildings	CSU parking lot and single-family houses	Rear yards and parking for single-family houses and a rear yard duplex across the alley
-------------	--	---	--	--

The Applicant requests the following five (5) modifications of standards set forth in Division 4.9 of the LUC (collectively, the "<u>Modifications of Standards</u>"):

1. LUC Section 4.9(D)(2) limits the total floor area for carriage houses as follows:

"Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of one thousand (1,000) square feet of floor area."

The request is for 2,190 square feet.

2. LUC Section 4.9(D)(2) limits the building footprint for carriage houses as follows:

"The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet."

The request is for 1,570 square feet.

3. LUC Section 4.9(D)(5) limits building floor area in the rear half of lots:

"The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot."

The rear half of the Subject Property is 4,750 square feet; 33 percent of that is 1,583 square feet. The request is for 2,190 square feet.

4. LUC Section 4.9(E)(2) limits side wall eave height in the rear yard:

"The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space."

The request is for a gabled eave 23 feet high.

5. LUC Section 4.9(E)(2) limits dormers, related to the issue of side wall eave height:

"An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length."

The request includes a dormer feature that is 43% of the wall length. It is set back approximately 15 feet.

Additional project background is detailed in the Development Review Staff Report prepared for this application, a copy of which is attached to this decision as **ATTACHMENT A** (the "Staff Report") and is incorporated herein by reference.

SUMMARY OF DECISION: Denied.

ZONE DISTRICT:Neighborhood Conservation, Buffer (N-C-B)

HEARING: The Hearing Officer opened the remote hearing at approximately 5:35 p.m. on Wednesday, July 1, 2020 .

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding:

- 1. Development Review Staff Report prepared for 613 S. Meldrum St. (MOD #200001), attached to this decision as ATTACHMENT A.
- 2. Applicant's written Request & Justification.
- 3. Copy of written notice of hearing mailed on June 17, 2020.
- 4. Copy and confirmation of purchase from *Fort Collins Coloradoan Ad*#0004247864, and Affidavit of Publication, evidencing proof of publication of Notice of Hearing in the *Fort Collins Coloradoan* on June 21, 2020.
- 5. Copy of PowerPoint presentation presented during the hearing by Clark Mapes, AICP, City Planner.
- 6. Copy of PowerPoint presentation presented during the hearing by Denise White and Jeff Palomo.
- 7. Proposed Carriage House Plans.
- 8. Written comment from Rayne Martin, Rainbird Design, dated June 26, 2020
- 9. Written comment from Colin Christensen, dated June 29, 2020.
- 10. Written comment from Caroline and Nick Tuttle, dated June 25, 2020.
- 11. Written correspondence between Maren Bzdek, Clark Mapes, and Jeff Palomo.
- 12. Rules of Conduct for Administrative Hearings.
- 13. Administrative (Type 1) Hearing: Order of Proceedings.

14. The City's Comprehensive Plan, the Old Town Neighborhoods subarea plan, the Land Use Code, and the formally promulgated ordinances and polices 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:	Clark Mapes, AICP, City Planner Maren Bzdek, Senior Historic Preservation Planner
From the Applicant/Owner:	Jeff Palomo Denise White (Owner's partner and part-time resident)
From the Public:	None.

### **FINDINGS**

- 1. Testimony of Mr. Mapes, City Planner, and evidence presented to the Hearing Officer establish the fact that notice of the remote public hearing was properly posted, mailed, and published.
- 2. As required by City Council Ordinance 079, 2020, the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the hearing by remote technology so as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of Ordinance 079, because meeting in person would not be prudent for some or all persons due to a public health emergency.
- 3. Based on testimony of Maren Bzdek and the Staff Report, the existing single-family structure on the Subject Property, constructed circa 1910, is eligible for local landmark designation, which eligibility requires an heightened review process prior to demolition of the structure and requires any new construction on the Subject Property to meet design compatibility and historic resource treatment standards.
- 4. The Hearing Officer evaluated the request based on the standards set forth in Section 2.8.2(H) of the LUC governing decisions on modifications of standards. Per Section 2.8.2(H), the Hearing Officer may grant a modification of standard <u>only if</u> the granting of the modification would not be detrimental to the public good <u>and</u> that one of four other criteria set forth in Section 2.8.2(H)(1) through (4) is met.
- 5. The Applicant's written Request & Justification and presentation focused on the Enhanced Carriage House not being detrimental to the public good and the criterion set forth in Section 2.8.2(H)(1). The criterion in Section 2.8.2(H)(1) requires the Hearing Officer to find that "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." (Emphasis added.)

- 6. Mr. Mapes provided clarification during the hearing that, notwithstanding the Staff Report, City staff's analysis focused on the criterion in Section 2.8.2(H)(1) and not on whether or not the Modifications of Standards would be detrimental to the public good. Mr. Mapes testified that he did <u>not</u> think the Modifications of Standards would be detrimental to the public good.
- 7. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
  - A. The application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
  - B. The Modifications of Standards do not meet the applicable requirements of Section 2.8.2(H) of the Land Use Code. The Hearing Officer specifically finds:
    - i. Granting of the standalone Modifications of Standards would not be detrimental to the public good. The area of the N-C-B zone district where the Subject Property is located is comprised of a variety of uses (including single-family, duplex, quadplex, and multi-family uses, a fraternity house, a commercial parking lot, and a church) with a range of different floor areas, building footprints, and heights. The Modifications of Standards would facilitate the development of an enlarged carriage house that is generally compatible with the floor areas, building footprints, and heights of existing and planned development in the area surrounding the Subject Property, the purposes of the N-C-B zone district, and the density and eclectic character of this area of the N-C-B zone district. This finding is limited to the standalone Modifications of Standards and does not extend to the proposed design and development plan for the Enhanced Carriage House, which have not been fully reviewed by the City or the Hearing Officer.
    - ii. While the Applicant presented testimony that their proposed Enhanced Carriage House would provide a transition between residential and commercial areas consistent with the purpose of the N-C-B zone district, the Applicant failed to demonstrate that the Modifications of Standards will promote the general purposes of the standards set forth in LUC Sections 4.9(D)(2) (as to total floor area and building footprint), 4.9(D)(5) (as to building floor area in the rear half of lots), and 4.9(E)(2) (as to side wall eave heights and dormers) equally or better than a project that complies with the subject standards (including, for example, a compliant carriage house). These purposes include, without limitation, protecting the privacy

of and views from adjacent properties and ensuring that carriage houses are subordinate in massing to primary dwelling units.

- iii. The Applicant presented testimony that the subject standards (i.e., LUC §§ 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2)) are no longer appropriate for the area of the N-C-B zone district where the Subject Property is located, suggesting that the standards are outdated and misaligned with the changed conditions and demographics of the area. The Applicant more broadly testified that the N-C-B zone district does not reflect the existing and changing conditions of the area of the N-C-B zone district where the Subject Property is located and that a City planning effort specific to this area of the N-C-B zone district is needed.
- iv. It is not the role of the Hearing Officer to determine whether changed conditions and demographics of an area warrant revisions to legislativelyadopted standards in the LUC and, if so, what new standards may be appropriate. Such determinations are the purview of City Council after appropriate public outreach and input.
- v. The Hearing Officer lacks the authority under LUC §2.8.2(H) to grant the Modifications of Standards on the basis that the subject standards (i.e., LUC §§ 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2)) might be outdated or that the Modifications of Standards might facilitate development that is compatible with the surrounding area.
- vi. The Applicant did not present evidence to support the granting of the Modifications of Standards under the other criteria set forth in Sections 2.8.2(H)(2) through (4) and, therefore, the Hearing Officer finds that none of these criteria are met.
  - (a) With regard to Section 2.8.2(H)(2), the Applicant expressed their desire to maintain the existing single-family dwelling, which is an historic resource, in furtherance of several City policies related to historic preservation, but the record fails to demonstrate that strict application of LUC §§ 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2) will render the project practically infeasible. The Applicant testified that the Enhanced Carriage House is their preferred option from a design, functionality, and financial perspective, but they acknowledged there remain other alternatives that would not require demolition of the historic resource (e.g., two carriage houses or rear expansion of the existing structure).

- (b) With regard to Section 2.8.2(H)(3), no evidence was presented that there exist exceptional physical conditions or other extraordinary and exceptional situations, unique to the Subject Property, that warrant granting the Modifications of Standards.
- (c) Finally, with regard to Section 2.8.2(H)(4), the Modifications of Standards diverge substantially from the subject standards (i.e., LUC §§ 4.9(D)(2), 4.9(D)(5), and 4.9(E)(2)).

### DECISION

Based on the findings set forth above, the Hearing Officer hereby denies the 613 S. Meldrum Street Modifications of Standards (MOD 200001).

DATED this 15<sup>th</sup> day of July, 2020.

L Strand

Lori Strand Hearing Officer

## ATTACHMENT A

Staff Report 613 S. Meldrum Street Modifications of Standards, MOD 200001

#### Administrative Hearing: July 1, 2020

#### 613 South Meldrum Street Modifications of Standards, MOD 200001

#### **Summary of Request**

This is a stand-alone request for five Modifications of Standards in the City of Fort Collins Land Use Code (LUC) governing size limits on carriage houses in the Neighborhood Conservation Buffer (NCB) zone district.

#### **Zoning Map**



#### **Next Steps**

If approved by the Hearing Officer, the applicant would be eligible to submit a development plan application for a carriage house with the modified size limits within the next 12 months. This application for building size modifications is separate from subsequent review of an actual development plan and must not be construed as an implied approval of a development plan. If the modifications are approved, they would represent modified *maximum* size limits for building footprint and floor area. A development plan process could possibly involve design and compatibility findings that could result in reduced final dimensions.

#### **Site Location**

613 S. Meldrum Street, located on the first block north of the Colorado State University (CSU) main campus.

#### Zoning

Neighborhood Conservation, Buffer District (NCB)

#### **Property Owner**

Jeff Palomo 613 S. Meldrum St. Fort Collins, CO 80521

#### Applicant/Representative

Same as above

#### Staff

Clark Mapes, City Planner

#### Contents

1.	Project	Introduction2	
----	---------	---------------	--

- 5. Findings of Fact/Conclusion ......7
- 7. Attachments ...... 8

#### Staff Recommendation

Denial of the Modification Requests.



## **1. Project Introduction**

### A. PROJECT DESCRIPTION

The Neighborhood Conservation, Buffer (NCB) Zoning District contains detailed standards that limit the size of carriage houses in rear yards of residential lots. This stand-alone request consists of the following five Modifications of Standards:

Subject	Zoning Standard	Modified Request
Building Footprint	600 sq. ft.(max)	1,570 sq. ft.
Total Floor Area	1,000 sq. ft. (max)	2,190 sq. ft.
Floor Area in Rear Half of Lot	1,583 sq. ft. (max)	2,190 sq. ft.
Eave Height Along Side Lot Line	13 feet (max)	23 feet
Width of Dormers Along Side Lot Line	25% of side wall length (max)	43% of side wall length

### 1. Development Status and Background

**Historic Resource**. The subject property contains a brick Classic Cottage constructed circa 1910 and found eligible for local landmark designation in 2018, based on its original architectural integrity. This eligibility limits any ability to remove and replace the principal building on the lot and requires that any new construction on the site meets design compatibility and historic resource treatment standards. Compatibility requirements would be applied when a future development plan is submitted.

**Old Town Neighborhoods Plan and NCB zoning.** The subject property is in the Old Town Neighborhoods subarea plan area of Fort Collins. The neighborhoods encompass many of the earliest residential blocks in Fort Collins and are characterized by the classical grid street pattern of short blocks, historic home styles, and mature trees.

An ongoing neighborhood concern has long been how best to preserve, protect and enhance neighborhood character while still allowing opportunities to adapt to evolving community and social changes.

A continuum of community planning has produced subarea plans, character studies, zoning standards, and design guidelines in open and highly engaged public processes since at least the 1980's. The NCB zoning district, and carriage house standards specifically, result from some of these processes.

The adopted Old Town Neighborhoods Plan recognizes the NCB area around south Meldrum as catering primarily to college student rental housing, including many apartment buildings. NCB zoning allows two-family and multifamily residential development, and within the past 10 years, several larger apartment projects have been constructed along Laurel Street, across from the CSU campus and located within the same zone district as this proposal.

The Modification of Standard requests are based largely on apparent contradictions in the NCB zoning – i.e., that it allows for removal of original houses, if they are not historic landmark-eligible, for replacement by much larger apartment buildings and parking lots; while it limits new construction to a greater degree when an existing house is preserved and a detached carriage house is proposed. The applicant suggests that the latter approach is the most compatible approach to new construction.



## 2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Neighborhood Conservation, Buffer (NCB)	Neighborhood Conservation, Buffer (NCB)	Neighborhood Conservation, Buffer (NCB)	Neighborhood Conservation, Buffer (NCB)
Land Use	Single family houses and a rear yard duplex	Single family houses and apartment buildings	CSU parking lot and single family houses	Rear yards and parking for single family houses and a rear yard duplex across the alley

## **B. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF REVIEW**

Staff engaged in extensive consideration and exploration of potential support for the requested Modifications of Standards, due to the context on this particular block and adjoining blocks. The original historic pattern of modest houses with generous rear yards and small garages has been altered by 1) re-subdivision of corner lots, resulting in additional houses in formerly rear yard areas; 2) assembly of lots and removal of houses, replaced by larger apartment buildings, an office building, and parking lots in the southern portion of the block; and 3) construction of duplexes in rear yards. A large carriage house in the rear yard of a preserved and renovated historic landmark could arguably represent one of the more compatible changes that has occurred and will occur on the block.

Staff review has included extensive discussion with the applicants to reach mutual understanding of both the NCB standards and the specific proposal. The proposal has evolved in pre-submittal discussions and throughout the review process. For example, the original Conceptual Review meeting in January 2020 was for a proposed duplex in the rear yard (which is not a permitted use), followed by extensive exploration of the idea of two carriage houses, leading to this proposal for a large carriage house requiring modifications to all size limit standards.

Discussion has highlighted nuances and apparent contradictions in the NCB zone, which have been part of the applicant's justifications.

Staff considered the possibility of findings based on modifications serving the purpose of the standards equally well or better than less-conservation-oriented plans that *would* meet NCB standards, e.g., demolition of houses and construction of larger multifamily buildings.

However, historic landmark eligibility would prevent such a plan on the subject property; and this perspective, i.e., that a more intense plan could meet the standards, has come up in the past but has not been used for staff findings.

Essentially, the proposed justification is that NCB zoning is not appropriate for its purposes. To the extent that may be the case, it is not a criterion on which staff can base findings on the carriage house standards.

A Potential Subsequent Development Plan. The consideration of modifications of size limits is separate from subsequent review of an actual development plan if the modifications are approved. They would represent *maximum* size limits; however it is important to be clear that review of the development plan could involve staff findings regarding design and compatibility that could require reduced building size in order for staff to recommend approval of the actual development plans.



## 2. Public Outreach

### A. NEIGHBORHOOD MEETING

A neighborhood meeting was not required for this land use, which requires 'Administrative Review' and for which neighborhood meeting requirements are not applicable.

#### **B. PUBLIC COMMENTS:**

No public comment has been received to-date. Any comments received prior to the hearing will be forwarded to the hearing officer for consideration.

## 3. Land Use Code Article 2 – Procedural Requirements

#### A. PROCEDURAL OVERVIEW

## 1. Conceptual Review – CDR200005

A conceptual review meeting for the property was held on January 23, 2020.

#### 2. First Submittal – PDP200002

The first submittal of this modification request was completed on May 22, 2020.

#### 3. Neighborhood Meeting

Not required and not held as noted above.

#### 4. Notice (Posted, Written and Published)

Posted Sign: June 1, 2020, Sign #546

Written Hearing Notice: June 17, 2020, 107 addresses mailed.

Published Hearing Notice: June 2, 2020 in the Coloradoan newspaper

#### Hearing notification area (blue shading)







## 4. Land Use Code Article 2 - Staff Analysis of Modifications of Standards

#### A. STANDARDS SUMMARY

The applicant requests modifications of five standards in Division 4.9, the Neighborhood Conservation, Buffer zone district, in order to enable construction of a carriage house that would be larger than would otherwise be permitted by the standards. The standards address building footprint, total floor area, floor area in the rear half of a lot, side wall eave height, and extent of dormers along side walls.

Staff analysis of the request discusses the modification requests together as a single unified request because they are all inseparable aspects of the larger building construction sought by the applicant.

### **B. STANDARDS FOR REVIEW OF MODIFICATIONS**

Modifications are governed by Section 2.8.2(H) and are provided here for reference:

"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 citywide 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)."





## C. MODIFICATION REQUESTS AND APPLICANT'S JUSTIFICATION

The specific request comprises five standards as follows:

1. Code Section 4.9(D)(2) limits the total floor area for carriage houses as follows:

"Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of one thousand (1,000) square feet of floor area."

The request is for 2,190 square feet.

2. Code Section 4.9(D)(2) also limits the building footprint:

"The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet."

The request is for 1,570 square feet.

3. Code Section 4.9(D)(5) limits building floor area in the rear half of lots:

"The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot." The rear half of the lot is 4,750 square feet; 33 percent of that is 1,583 square feet.

The request is for 2,190 square feet.

4. Code Section 4.9(E)(2) limits side wall eave height in the rear yard:

"The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space."

The request is for a gabled eave 23 feet high.

5. Code Section 4.9(E)(2) limits dormers, related to the issue of side wall eave height:

"An eave of a dormer or similar architectural feature may exceed thirteen (13) feet if set back two (2) feet from the wall below and does not exceed twenty-five (25) percent of the wall length."

The request includes a dormer feature that is 43% of the wall length. It is set back approximately 15 feet.

**Applicant's Justification.** The applicant's justification is attached. Staff's interpretation is that the request is based upon the modification criteria in subparagraph 2.8.2(H)(1) above -- "as good or better."

Staff's interpretation of the applicant's key points in the request is summarized as follows:

- The zoning does not fit well with the character of this particular NCB area as it exists and is evolving. Much of the original neighborhood context has been lost due to redevelopment and infill that alters the character of this block, as well as adjacent blocks in this NCB area.
- Relatedly, the historic neighborhood context continues to be lost because more of the original houses can be removed for multifamily development i.e.,, those houses that are not eligible for landmark designation.
- The proposed approach to infill -- preserving the house and adding floor area in the rear yard is "as good or better" than other changes that have occurred and will continue to occur under NCB zoning, for purposes of the NCB zoning.
- The applicant has noted that the zoning does not prohibit construction of two carriage houses, and the justification suggests that the requested floor area allowance is similar to two carriage houses.

#### Back to Top



The application highlights nearby examples of the bullet points above. For example, a recent example is two doors to the south, 621 S. Meldrum, where the original house was removed and replaced with a new large multifamily building, which overlooks the subject property as well as the intervening lot, and has a parking lot in its rear yard. Other examples are noted on the block and adjoining blocks. The request includes photos of these examples.

Also, on the intervening lot between the 621 S. Meldrum example and the subject property, the owner has had a Conceptual Review meeting for a proposal to remove the existing house and construct two duplexes, one behind the other. The second duplex would not be permitted behind the street-facing one under NCB zoning, and so the proposal connects the two duplexes with a roof over an intervening patio, which changes the classification to a fourplex, which is permitted. That conceptual proposal for the lot next door is shown on the last page of the request. No plan has been submitted following the Conceptual Review, but it is an example of what the NCB zoning permits.

As part of the overall block context, the applicant notes that two other rear yard duplexes exist on the block – one two doors to the north, and one across the alley, built before the NCB zoning standards were adopted. The one to the north is a garden level two-story building that faces the neighboring rear yard and has similar floor area to the proposed floor area.

### D. STAFF FINDINGS

Staff finds that the Modifications of Standards would be detrimental to the public good and are not justified under subparagraph 2.8.2(H)(1) because:

- The carriage house size and height standards specifically limit the scale of construction in rear yards, with limits on total size and side walls facing and overlooking neighboring rear yards. The standards result from thorough public processes and represent an adopted compromise among varied interests. The overall scale of proposed building as well as the high side walls would introduce construction of a scale that exceeds the specific limits to a degree that would introduce significant visual and privacy impacts that are intended to be avoided under the standards.
- 2) The standards require a scale of construction that is typically subordinate to the original houses which define the historic character that is intended to be reflected in development projects. The proposed modifications would allow a building with similar or greater mass than the original houses along the fronts of lots in the area.
- 3) To the extent that the proposal may represent compatibility with neighborhood character to a greater degree than zoning allows for other proposals on other properties, the larger question of whether the NCB zone standards are appropriate is beyond the scope of review of an individual development pursuant to the standards as adopted.
- 4) To the extent that the proposal may represent compatibility with neighborhood character that is equal or better in comparison to past development prior to the current zoning, it would not be a reason to support the modifications because the current standards may reflect a community response to past development.



In evaluating the request for the 613 South Meldrum Street Modifications of Standards, MOD200001, staff makes the following findings of fact:

- The modification requests comply with the process located in Division 2.2 Common Development Review Procedures for Development Applications of Article 2 Administration.
- The proposed modifications do not comply with standards in Section 2.8.2(H) and would be detrimental to the public good due to the extent of departure from the adopted carriage house size limit standards.
- The extent of the proposed increased size limits does not meet the purposes of the carriage house size limits standards equally well or better than a compliant plan, regardless of design mitigation of the size.

#### 6. Recommendation

Staff recommends that the Hearing Officer deny MOD200001 based on the analysis and Findings of Fact/Conclusion in this Staff Report.

## 7. Attachments

1. Applicants' Narrative



YouTube link to the video of Administrative Hearing for the 613 South Meldrum Street request for Modifications of Standards.

https://youtu.be/Gy36ik4xqb4

**ATTACHMENT 11** 

# Staff Powerpoint Presentation to Council October 6, 2020



## Appeal of 613 S. Meldrum Decision

City Council Hearing October 6, 2020







## **Overview and Timeline**

- Project Overview
  - Location: 613 S. Meldrum Street
  - Zoning: Neighborhood Conservation, Buffer (NCB)
  - Project Summary: 5 Modification Requests to allow a carriage house larger than permitted by Land Use Code
- Key Dates
  - July 1: Administrative Hearing
  - July 15: Decision denial of requested modifications
  - July 28: Notice of Appeal filed by Applicant

# 5 Carriage House Modifications

Subject	Zoning Standard	Modified Request
4.9(D)(2) Building Footprint	600 sq. ft.(max)	1,570 sq. ft.
4.9(D)(2) Total Floor Area	1,000 sq. ft. (max)	2,190 sq. ft.
4.9(D)(5) Floor Area in Rear Half of Lot	1,583 sq. ft. (max)	2,190 sq. ft.
4.9(E)(2) Eave Height Along Side Lot Line	13 feet (max)	23 feet
4.9(E)(2) Width of Dormers Along Side Lot Line	25% of side wall length (max)	43% of side wall length

Fort Collins



"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 the modification:

- (1) is "as good or better" in achieving the general purpose of the standard than a plan which complies; or
- (2) "alleviate a defined community need"

ollins

(3) "unusual or exceptional physical hardship"; or

(4) "the plan will not diverge from the standards 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.



Main Consideration of the Hearing:

• for the purpose of the standard

VS.

• for the purpose of the NCB zoning district



- Modifications must promote the general purpose of the standard
  - Staff recommended denial of the modifications because the proposal would not promote the general purpose of the standards "equally well or better than" a project that complies
- Applicant contends that the proposed plan promotes the purpose of the NCB zone district better than plans for other types of redevelopment that <u>are</u> permitted in the zone (i.e. apartments).
  - NCB zone purpose: provide a transition from commercial to residential areas.



## Hearing and Findings

- Hearing Officer concluded that the proposed plan would not be detrimental to the public good (Hearing Officer Decision p. 5) however,
- Hearing Officer concluded that she was obligated to make a decision based on the purpose of the standards to specifically to limit the extent and mass of construction in rear yards, and that the much larger construction would not promote that general purpose as well as a plan which complies.
- Modifications were denied



- Failure to properly interpret and apply relevant provisions of the Land Use Code:
  - Section 4.9(D)(2); Section 4.9(D)(5); Section 4.9(E)(2)

ollins

 Primary objection to the Hearing Officer's finding that she lacks the authority to grant the modifications for reasons other than the wording of the "equal or better" criterion in the Land Use Code, and that the contradiction between her findings about that criterion and the "detriment to the public good" criterion demonstrates a failure to interpret the Land Use Code.

