



Development Review Center  
281 North College Avenue  
PO Box 580  
Fort Collins, CO 80522-0580  
970-221-6750  
[fcgov.com/DevelopmentReview](http://fcgov.com/DevelopmentReview)

May 16, 2019

Josh Harrison  
Helix Properties, LLC  
314 E Mulberry Street  
Fort Collins, CO 80524

**RE: Bennett House Duplex, BDR180011 – Manager’s Decision**

Dear Josh:

On April 12, 2018, the City of Fort Collins Development Review Division received and processed a request for the Bennett House Duplex, a request for a Basic Development Review to convert an existing single-family home into a duplex with no exterior changes. The proposed project is located in the Neighborhood Conservation, Buffer District (N-C-B).

This request has been processed in accordance with Section 2.18.3 – Basic Development Review Procedures, of the City of Fort Collins Land Use Code. In addition, the request has been reviewed for compliance with applicable sections of Article 3 – General Development Standards and Division 4.9 – Neighborhood Conservation, Buffer District (N-C-B).

No public comment was received during the review period of this project.

The applicant is requesting a modification of standards for Land Use Code *Section 3.6.2(L)(2)*, which states:

“Design Construction Requirements. All public alleys shall be constructed in conformance with the *Larimer County Urban Area Street Standards* as adopted by the City Council by ordinance or resolution, except those public alleys within the N-C-L, N-C-M and N-C-B zone districts that do not abut commercially zoned properties and that provide access only for carriage houses and habitable accessory buildings as such terms are described in Article 4. Dead-end alleys shall not be allowed.”

The applicant is requesting not to pave the alley as required by Larimer County Urban Area Street Standards.

### Overview of Land Use Code Modification Criteria:

*"The decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:*

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

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

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

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

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

### Applicant's Justification

The applicant presents the following justification using Modification Criteria 2.8.2(H)(4):

The granting of this modification of standards would not be detrimental to the public good, and 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.



Development Review Center  
281 North College Avenue  
PO Box 580  
Fort Collins, CO 80522-0580  
970-221-6750  
[fcgov.com/DevelopmentReview](http://fcgov.com/DevelopmentReview)

1. The standard requires that the portion of the alley behind the house be paved per LCUASS standards. To meet the standard, the project would have to have to pave the alleyway to Matthews Street. The rest of the alley would remain unpaved to Peterson Street and it seems anomalous to pave just a portion and not the entire alley.
2. Requiring a single property to pave the alley to a public street creates an undue hardship and financial burden to the owners of 314 Mulberry Street. Without a cost-sharing solution with the other property owners, it is financially infeasible.
3. Finally, the proposed alternative plan is not a detriment to the public good, as it results in the development of a vacant property within an established area in accordance with the overall City goals outlined in City Plan.

### **Staff Analysis**

In reviewing the proposed project to convert an existing single-family residence into a duplex, the request to not improve the existing conditions of the adjacent alley to the design requirements contained within the Larimer County Urban Area Street Standards would diverge from the standard in a nominal and inconsequential way. In the case of Bennett House Duplex, staff finds the following:

- The impact of an additional residential unit would bear a nominal impact on the existing conditions of the alley. The Institute of Transportation Engineers Trip Generation Manual 10<sup>th</sup> Edition estimates that a single-family residence generates 9.44 one-way trips per day. This includes everything from resident trips, visitors, postal service, garbage, UPS, etc. It is expected that the additional unit created by this project would generate 8 vehicle trips per day, which factors a slight reduction based on the efficiency of service delivery.
- The proposed duplex adds a single unit to the overall development. In comparison, 3.6.2(L)(2) grants an exemption to carriage houses which would add a proportional number of units when compared to the proposed duplex. Therefore, the modification request would have an inconsequential impact when compared to the exemption provided for carriage houses located in the N-C-L, N-C-M and N-C-B zone districts.

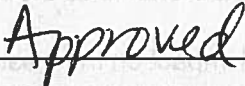
In reviewing the proposed conversion from a single-family residence to a duplex. The Development Review Manager hereby makes the following findings of fact:


1. Bennett House Duplex BDR180011, has been accepted and properly processed in accordance with the requirements of Section 2.2.10, and 2.18 of the Land Use Code.
2. Bennett House Duplex BDR180011, complies with the applicable sections of Article Three, General Development Standards, with the exception of the modification request for *Section 3.6.2(L)(2) Design Construction Requirements*.



3. The request for Modification of Standards to Standards to Section 3.6.2(L)(2), is justified by the applicable standards in 2.8.2(H)(4), and has been determined that the Modification of Standard would not be detrimental to the public good, and the plan as submitted will not diverge from the standards of the Land Use Code except in a nominal, inconsequential way.
4. Bennett House Duplex BDR180011, complies with the requirements of Article Four, Section 4.9 – Neighborhood Conservation, Buffer District (N-C-B).
5. The proposed use, duplex, is a permitted use in the Neighborhood Conservation, Buffer District (N-C-B).
6. Bennett House Duplex BDR180011, conforms to the vision and policy guidance in the 2017 *Old Town Neighborhoods Plan*.

Based on these findings of fact, the Development Review Manager of the City of Fort Collins makes the following decision:

 _____ Decision	5/16/19 _____ Date
--	--------------------------

  
 \_\_\_\_\_  
 Rebecca Everett  
 City of Fort Collins, Development Review Manager

*This final decision of the Development Review Manager may be appealed to the Planning & Zoning Board, in accordance with Article II, Division 2.18.3(L) of the Land Use Code, within 14 calendar days of the date of final action by the Development Review Manager. Guidelines explaining the appeal process, including the Code provisions previously referenced, can be found online at [fcgov.com/cityclerk/appeals.php](http://fcgov.com/cityclerk/appeals.php), or may be obtained in the City Clerk's Office at 300 Laporte Avenue.*