



Development Review Center
Planning Services
281 North College Avenue
PO Box 580
Fort Collins, CO 80522-0580
970-221-6689
fcgov.com/DevelopmentReview

NOTICE OF HEARING DECISION

October 29, 2019

Dear Public Hearing Attendee:

This letter is being sent to you because you signed in at a recent Administrative Hearing for the **614 Lesser Drive – Carriage House Project Development Plan/Final Plan #FDP190013**. Attached to this letter you will find a copy of the Type 1 Administrative Hearing Decision approving the project.

This final decision of the Administrative Hearing Officer may be appealed to the City Council, in accordance with Chapter 2, Article II, Division 3 of the City Code, within 14 calendar days of the decision dated (October 25, 2019) by the Hearing Officer. The deadline to file an appeal is 5:00 p.m. on November 8, 2019. An Appeal Form and Guidelines explaining the appeal process, including the Code provisions noted above, can be found online at fcgov.com/cityclerk/appeals.php, or may be obtained in the City Clerk's Office at 300 Laporte Avenue.

As previously mentioned, this decision letter was sent because you signed in at the public hearing. There may be an instance where someone may have attended the hearing but did not sign in and therefore will not receive this letter. Please feel free to share this information with them. Additionally, you may contact Sylvia Tatman-Burruss, Neighborhood Development Review Outreach Specialist, at 970-224-6076 or statman-burruss@fcgov.com or me with any questions. Sylvia is available to assist residents who have questions about the review process, hearing officer decisions or how to appeal a decision to City Council. Thank you for participating in the development review process.

Sincerely,

Kai Kleer, AICP | City Planner
970.416.4284 kkleer@fcgov.com

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. Auxiliary aids and services are available for persons with disabilities. V/TDD: Dial 711 for Relay Colorado.

Esta es una notificación sobre la reunión de su vecindario o sobre una audiencia pública sobre el desarrollo o proyecto en la propiedad cerca de donde usted es el dueño de propiedad. Si usted desea que esta notificación sea traducida al español sin costo alguno, favor enviar un correo electrónico en español a la siguiente dirección electrónica: translate@fcgov.com.

HEARING TIME AND LOCATION

Wednesday, October 16, 2019
6:00 P.M.
215 N. Mason Street, Community Room

PROPOSAL NAME & LOCATION

614 Lesser Drive Carriage House,
FDP190013
614 Lesser Dr., Fort Collins, CO
80524

PROPOSAL DESCRIPTION

- This is a proposal to add onto an existing single-family residence and construct a carriage house on the rear portion of the lot.
- The proposed addition to the existing home is 217 square feet.
- The proposed carriage house is 799 square feet.
- Parking for the site will be located between the existing single-family residence and proposed building.
- The lot is 5,000 square feet.

ZONING INFORMATION

- Property is located within the Neighborhood Conservation Buffer Zone District (N-C-B) Zone District.
- The proposal is a permitted use in this district and is subject to an Administrative Hearing.

HELPFUL RESOURCES

- Hearing Notice, Plans, and Staff Report: fcgov.com/ReviewAgendas
- Appeals Process: www.fcgov.com/appeals
- Appeal Guidelines: <http://www.fcgov.com/cityclerk/pdf/appeal-guidelines.pdf>
- Information About the Review Process: fcgov.com/CitizenReview

**CITY OF FORT COLLINS
TYPE 1 ADMINISTRATIVE HEARING**

FINDINGS AND DECISION

HEARING DATE: October 16, 2019

PROJECT NAME: 614 Lesser Drive Carriage House

CASE NUMBER: PDP/FDP #190013

APPLICANT: Mike Hutsell
Highcraft Builders
429 S. Howes Street
Fort Collins, CO 80521

OWNER: Taliesen LLC
429 S. Howes Street
Fort Collins, CO 80521

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: Taliesen, LLC, a Colorado limited liability company, has filed an application to construct the following on Lot 16, Lesser’s Subdivision, City of Fort Collins (the “Subject Property”): (1) a one and one-half story, 799 square foot carriage house on the rear half of the Subject Property; and (2) a 217 square foot addition onto the existing single-family residence located on the Subject Property. The Subject Property is addressed as 614 Lesser Drive, Fort Collins, CO 80524.

The application is being processed as a combined Project Development Plan (PDP) / Final Development Plan (FDP) and the Subject Property consists of 5,000 square feet (lot dimensions of 40’ x 125’).

The project contains a total of four (4) off-street parking spaces located behind the existing single-family residence.

BACKGROUND:

Applicable project background is detailed in the Planning Department Staff Report prepared for this application, a copy of which is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	Neighborhood Conservation, Buffer District (N-C-B)	Neighborhood Conservation, Buffer District (N-C-B)	Limited Commercial (C-L)	Neighborhood Conservation, Buffer District (N-C-B)
Land Use	Single-family attached (Lesser's Subdivision)	Single-family attached (Lesser's Subdivision)	Major Automotive Repair (Houska Automotive)	Single-family attached (Lesser's Subdivision)

SUMMARY OF DECISION: Approved.

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

HEARING: The Hearing Officer opened the hearing at approximately 6:00 p.m. on Wednesday, October 16, 2019, in the Community Room (North Entrance), 215 N. Mason Street, Fort Collins, Colorado.

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

1. Project Vicinity and Zoning Map.
2. Planning Department Staff Report prepared for 614 Lesser Drive Carriage House (PDP/FDP #190013). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference
3. 614 Lesser Drive Carriage House Project Narrative.
4. 614 Lesser Drive Carriage House Plan Set (6 pages).
5. 614 Lesser Drive Carriage House Utility Plan Set (3 pages).
6. 614 Lesser Drive Carriage House Drainage Letter dated September 6, 2019 prepared by Advanced Engineering, LLC.
7. Deed of Dedication for Right-of-Way (draft).
8. Deed of Dedication for Easement (draft).
9. PowerPoint presentation prepared by City Staff for the October 16, 2019 public hearing.
10. Copy of written notice of hearing mailed on October 2, 2019.

11. Affidavit of Publication dated October 7, 2019, evidencing proof of publication of Notice of Hearing in the *Fort Collins Coloradoan* on October 7, 2019.
12. Rules of Conduct for Administrative Hearings.
13. Administrative (Type 1) Hearing: Order of Proceedings.
14. The City’s Comprehensive Plan, Land Use Code, and the formally promulgated 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: | Kai Kleer, City Planner |
| From the Applicant: | Mike Hutsell
Highcraft Builders
429 S. Howes Street
Fort Collins, CO 80521 |
| From the Owner: | Bryan Soth
Taliesen LLC
429 S. Howes Street
Fort Collins, CO 80521 |
| From the Public: | Chris Lawrence, 616 Lesser Dr., Fort Collins, CO 80524
Terry Scofield, 516 E. County Rd 66E, Fort Collins, CO 80524 |

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. Evidence presented to the Hearing Officer established the fact that a portion of the trunk of an existing large elm tree located mainly on property addressed as 616 Lesser Drive (Lawrence residence) may cross the property line and be located on the southeastern portion of the Subject Property.
3. Sec. 4.9(E)(3)(c) of the Land Use Code sets forth additional review criteria for carriage houses and accessory buildings with habitable space. Subsection 3. of that Section includes the following additional standard applicable to the proposed carriage house on the Subject Property: “Buildings, structures, open spaces and other features of the site plan shall be oriented and located such that they maintain natural resources, including existing significant trees and shrubs, to the extent reasonably feasible.” Evidence presented to the Hearing

Officer confirmed that there is likely no conflict between parking space #4 (located between the proposed carriage house and the Lawrence residence at 616 Lesser Drive), but the Hearing Officer finds that an on-site meeting with the City Forestry Department, the Applicant, and Mr. Lawrence should be scheduled and conducted in order to ensure that appropriate mitigation strategies are investigated and employed, if necessary, to ensure that the existing large elm in the vicinity parking space #4 is maintained, to the extent reasonably feasible.

4. 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 Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code; and
 - C. the Application complies with the applicable Neighborhood Conservation, Buffer (N-C-B) Zone District standards contained in Article 4, Division 4.9 of the Land Use Code.
5. The Application's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently detailed in the Staff Report, a copy of which is attached as **ATTACHMENT A** and is incorporated herein by reference.

DECISION

Based on the findings set forth above, the Hearing Officer hereby enters the following ruling:

- A. The 614 Lesser Drive Carriage House Project Development Plan (PDP/FDP #190013) is approved for the Subject Property as submitted.
- B. The Applicant shall coordinate and participate in an on-site meeting with the City Forestry Department and Mr. Lawrence to explore appropriate mitigation strategies, if and as necessary, to ensure that the existing large elm in the vicinity of parking space #4 is maintained, to the extent reasonably feasible.

DATED this 25th day of October, 2019.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report

614 Lesser Drive Carriage House Project Development Plan / Final Development Plan
(PDP/FDP# 190013)

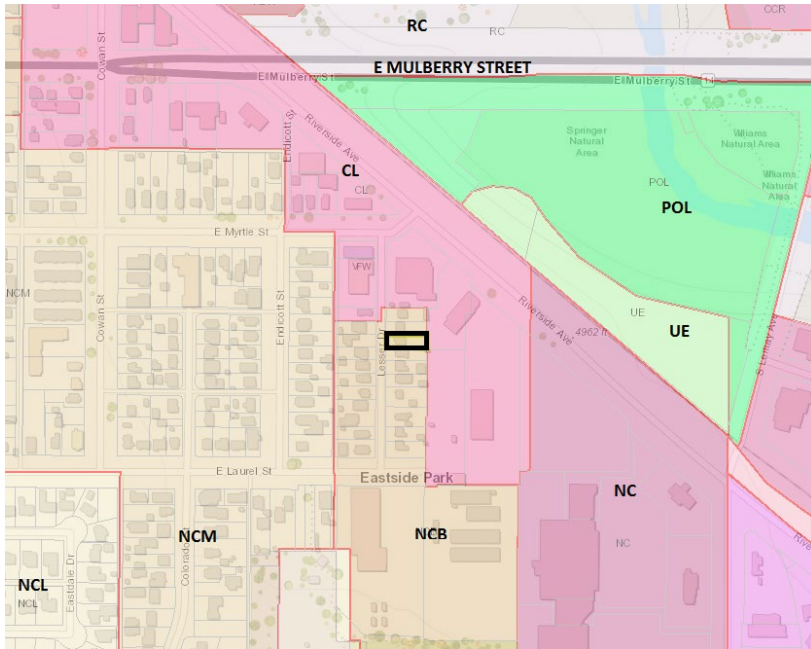
Administrative Hearing: October 16, 2019

614 Lesser Drive – Carriage House

Summary of Request

This is a request to construct a 799 square foot carriage house and a 217 square foot addition onto the existing single-family residence located at 614 Lesser Drive.

Zoning Map (ctrl + click map to follow link)



Next Steps

If approved by the decision maker, the applicant will be eligible to submit plans for recordation. Following recordation, the applicant or representative thereof will be eligible to submit the construction drawings for building permit review and issuance.

Site Location

Located approximately 500 feet southwest of the Springer Natural Area and 650 feet north of Laurel Elementary School.

Zoning

Neighborhood Conservation Buffer District (N-C-B)

Property Owner

Taliesen LLC
429 S Howes Street
Fort Collins, CO 80521

Applicant/Representative

Mike Hutsell
Highcraft Builders
429 S Howes Street
Fort Collins, CO 80521
p. 970.472.8100 e. mike@highcraft.net

Staff

Kai Kleer, City Planner
p. (970) 416-4284 e. kkleer@fcgov.com

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Staff Recommendation

Approval

1. Project Introduction

A. PROJECT DESCRIPTION

- This application is being processed as a combined Project Development Plan (PDP)/Final Development Plan (FDP).
- The project is contained within Lot 16 of the 1947 Lesser’s Subdivision.
- The lot is a 5,000 square foot site (40’x125’).
- The one and a half-story carriage house is proposed to be located on the rear half of the lot.
- Existing sheds are anticipated to be removed with the development of this site.
- The addition to the existing single-family residence proposes to add 217 square feet
- The site will contain four off-street parking spaces located behind the existing single-family residence.

B. SITE CHARACTERISTICS

1. Development Status/Current Conditions

The site currently contains a single-family residence and two sheds. Larimer County Assessor records indicate that the building was built in 1921, however no building permit is on record with the City of Fort Collins.

The site was part of the 1947 Lesser’s Subdivision which was later annexed as part of the Lesser’s Addition on May 26, 1955.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Neighborhood Conservation, Buffer District (N-C-B)	Neighborhood Conservation, Buffer District (N-C-B)	Limited Commercial (C-L)	Neighborhood Conservation, Buffer District (N-C-B)
Land Use	Single-family attached (Lesser’s Subdivision)	Single-family attached (Lesser’s Subdivision)	Major Automotive Repair (Houska Automotive)	Single-family attached (Lesser’s Subdivision)

C. OVERVIEW OF MAIN CONSIDERATIONS

The main considerations have been parking and design of the carriage house. Because the lot is 40 feet in width each single-family residence/carriage house require two off-street parking spaces (four total) to meet the required standard.

2. Public Outreach

A. NEIGHBORHOOD MEETING

Pursuant to 2.2.2 – *Step 2: Neighborhood Meetings*, a neighborhood meeting is not required for Administrative (Type 1) projects. Therefore, a neighborhood meeting was not held for this project.

B. PUBLIC COMMENTS:

No public comment on the development project has been received at this time. Any communication received between the public notice period and hearing will be forwarded to the Hearing Office to be considered when making a decision on the project.

3. Article 2 – Applicable Standards

A. BACKGROUND

This project was submitted on July 28, 2019 as a combined Project Development Plan (PDP)/Final Development Plan (FDP). The project required three rounds of staff review prior to hearing.

B. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review # CDR190042 (May 16, 2019)

A conceptual review meeting was held on May 16, 2019.

2. First Submittal (PDP190013)

The first submittal of this project was completed on June 28, 2019.

3. Neighborhood Meeting

Not applicable pursuant to 2.2.2 – *Step 2: Neighborhood Meetings*.

4. Project Expiration

In accordance with 2.2.11 – *Step 11: Lapse*, a project must be diligently pursued and resubmitted within 180 days of receiving written comments. The project satisfies this requirement and has not lapsed.

5. Notice (Posted, Written and Published)

Posted Notice: July 5, 2019, Sign # 501

Written notice: October 2, 2019, 140 addresses mailed.

Published Notice: October 7, 2019, Coloradoan confirmation #0003829384

4. Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2.2 (K)(1)(c) Parking Lots – Required Number of Off-Street Spaces for Type of Use	<p>For each single-family dwelling there must be one (1) parking space on lots with greater than forty (40) feet of street frontage or two (2) parking spaces on lots with forty (40) feet or less of street frontage.</p> <p>Because the project is contained within a 40-foot lot, each single-family detached dwelling will require two off-street spaces (four total).</p> <p>The plan proposes four off-street parking spaces with one contained in the garage of the carriage house and three surrounding the rear and side of the existing and proposed buildings.</p>	<p>Complies</p>

B. DIVISION 3.3 – ENGINEERING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1(C) – Public Sites, Reservations and Dedications	<p>An applicant is required to dedicate rights-of-way for public streets, drainage easements and utility easements as needed to serve the area being developed. In cases where any part of an existing road is abutting or within the tract being developed, the applicant must dedicate such additional rights-of-way as may be necessary to increase such roadway to the minimum width required by Larimer County Urban Area Street Standards and the City of Fort Collins Land Use Code.</p> <p>As part of this application the project will dedicate an additional 6 feet of right-of-way and a 9-foot utility easement located behind the new right-of-way limits. The 15’ area containing the easement and right-of-way bring the site into compliance with all applicable engineering standards and guidelines.</p>	<p>Complies</p>

5. Article 4 – Applicable Standards:

A. SUMMARY

The Neighborhood Conservation, Buffer District (N-C-B) 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.

The proposed carriage house and addition is permitted subject to Administrative Review in this district.

B. DIVISION 4.9 – NEIGHBORHOOD CONSERVATION, BUFFER DISTRICT

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.9(B) Permitted Uses	The proposed carriage house is a permitted use in the N-C-B zone district. The land use code refers to a carriage house interchangeably as a single-family detached dwelling.	Complies
4.9(D)(2) Residential	Any new single-family dwelling (carriage house) that is proposed to be located behind a street fronting principal residence can only contain 1,000 square feet of floor area, must be 10 feet away from any other structure and can only have a 600 square foot footprint. The proposed plan complies with the aforementioned standards by providing a 600 square foot building footprint, 20-foot setback from the existing building and overall square footage of 799 square feet.	Complies
4.9(D)(5) Allowable Floor Area on Rear Half of Lots	The allowable floor area on the rear half of lot must not exceed thirty-three (33) percent of the overall lot area. The allowable floor area is calculated as follows $((5,000/2),33) = 825$ square feet. The proposed 799 square foot building is less the above sum, therefore meeting this requirement.	Complies
4.9(D)(6) Dimensional Standards	Dimensional standards require a minimum rear yard setback of 15 feet, side yard setback of 5 feet and when any portion of building or wall exceeds 18 feet along a side yard, an additional 1 foot of setback. Building height is also limited to 1 ½ stories. The plan provides the required minimum of 5 feet side and 15 feet rear setbacks. The project proposes a wall height of 15 feet along the side yard and does not require any additional setback to meet dimensional standards of this section. The proposed carriage house is 1 ½ stories.	Complies
4.9(E)(3)(c)(1) Additional Review Criteria for Carriage Houses	The site plan shall provide a separate yard area containing at least one hundred twenty (120) square feet to serve both the carriage house and the existing principal dwelling. Such yard area shall be at least ten (10) feet in its smallest dimension and must provide privacy and screening for abutting properties. The plan provides a 15'x40' (600 sq. ft.) rear-yard space.	Complies
4.9(E)(3)(c)(2)	Decks, entry doors, major entry access stairs or major windows shall face the existing principal building or the alley (if the lots front the alley). Windows that overlook an abutting side or rear yard must be minimized. The plan complies by proposing the major entry access facing the existing single-family residence. Windows facing the side lot are also minimize and placed in a way to preserve privacy of the neighboring properties.	

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.9(E)(3)(c)(3)	<p>Buildings, structures, open spaces and other features of the site plan shall be oriented and located such that they maintain natural resources, including existing significant trees and shrubs, to the extent reasonably feasible.</p> <p>No significant natural resources will be impacted by the project proposal.</p>	Complies
4.9(E)(4) Landscape / Hardscape Material	<p>A maximum of forty (40) percent of the front yard of a lot may be covered with inorganic material such as asphalt or cement concrete, paving stone, flagstone, rock or gravel.</p> <p>The project does not propose the addition of any inorganic material in the front yard.</p>	Complies
4.9(E)(5) Site Design	<p>Permanent open off-street parking areas shall not be located any closer to a public street right-of-way than the distance by which the principal building is set back from the street right-of-way. This provision shall not be construed to preclude temporary parking in driveways.</p> <p>The project proposes all parking to be located behind the street fronting single-family residence</p>	Complies

6. Findings of Fact/Conclusion

In evaluating the request for the 614 Lesser Drive – Carriage House Final Development Plan, FDP190013, staff makes the following findings of fact:

- The F.D.P. complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The F.D.P. complies with relevant standards located in Article 3 – General Development Standards.
- The F.D.P. complies with relevant standards located in Division 4.9, Neighborhood Conservation, Buffer District of Article 4.

7. Recommendation

Staff recommends approval of 614 Lesser Drive – Carriage House, FDP190013.

8. Attachments

1. Vicinity & Zoning Map
2. Project Narrative
3. Plan Set
4. Utility Plan Set
5. Drainage Letter
6. ROW Dedication
7. Utility Easement Dedication