



Development Review Center  
281 North College Avenue  
PO Box 580  
Fort Collins, CO 80522-0580  
970-221-6689  
[fcgov.com/DevelopmentReview](http://fcgov.com/DevelopmentReview)

September 24, 2019

Kate Penning  
226 Cajetan St.  
Fort Collins, CO 80524

**RE: 644 Remington Street - Extra Occupancy – BDR190010 – Manager’s Decision**

Dear Kate:

On June 28, 2019, the City of Fort Collins Development Review Division received a request for 644 Remington Street – Extra Occupancy, the proposed conversion of a single-family residence to an extra occupancy rental house for five occupants. This parcel is located on Remington Street, north of E. Laurel Street. The property is zoned Neighborhood Conservation, Buffer District (N-C-B) which permits the extra occupancy rental house use.

This request has been processed in accordance with Section 2.18.3 – Basic Development Review and Minor Subdivision Review Procedures of the City of Fort Collins Land Use Code. In addition, the request has been reviewed for compliance with Section 4.9 – Neighborhood Conservation, Buffer (N-C-B) zone district.

This project does not require a two-week open comment period, public notice, or published notice. No letters, e-mail messages, phone calls, or other comments have been received by the project planner. This written decision will be mailed to the applicant and abutting property owners and will be posted on the City’s website.

The parking lot located along the alley at the rear of 644 Remington Street is currently shared informally with the multi-family property next door at 200 Laurel Street. The neighboring property at 200 Laurel Street was built prior to the City’s Land Use Code and does not have any off-street parking available to the residents other than the shared parking lot.

The priority in the design and layout of the parking lot was to define the entry of the parking lot, to maintain as many parking spaces as possible, and to maintain as much room for circulation in the drive aisle as possible. A new, restrictive covenant has been placed on the properties to formalize the shared parking agreement.

**Alternative Compliance:**

The applicant is requesting alternative compliance for the site and landscape plan for two (2) Land Use Code subsections which relate to parking lot landscaping:

Section 3.2.1(E)(4)(b) *Parking Lot Perimeter Landscaping*, which in this case specifies five (5) feet of parking lot perimeter landscaping for screening. A six (6) foot fence with no opacity extends the entire length of the northern edge of the parking lot. Due to high levels of shading from mature trees and the screening provided by the fence, no additional landscaping along the northern edge is proposed. The alternative plan preserves and incorporates the existing, mature tree located along the northern edge of the parking lot.

Section 3.2.1(E)(5) *Parking Lot Interior Landscaping*, which specifies six (6) percent of the interior space of all parking lots will be landscaped areas. In order to maintain as many parking spaces as possible in this existing parking lot, the 6% interior parking lot landscaping standard was not met. As an alternative, the applicant is proposing one landscaped island in the northwest corner of the parking lot. The island will be landscaped with a redbud tree, boulders, and cobble mulch.

Alternative compliance requests for specific projects are reviewed independently based on specific location, context and circumstances. In reviewing the proposed development plan and applicant request, staff finds that the alternative compliance requests would accomplish the purposes of the sections outlined above equally well or better than would a plan which complies with the standards. There are several unique circumstances that support staff's findings:

- The alternative plan preserves and incorporates the existing, mature tree located along the northern edge of the parking lot.
- The alternative plan incorporates one landscaped island in the northwest corner of the parking lot with a redbud tree, boulders, and cobble mulch.

**Modification of Standard:**

The applicant is requesting a Modification of Standard for two (2) Land Use Code subsections which relate to parking lot layout:

Section 3.2.2(J) – *Setbacks*, which specifies any vehicular use area containing six (6) or more parking spaces or one thousand eight hundred (1,800) or more square feet shall be set back from the side and rear yard lot line by five (5) feet. The existing parking lot asphalt is set back four (4) feet along the northern lot line. Staff is not requiring the removal of the additional foot of asphalt in the five (5) foot setback area because it is an existing condition.

Section 3.2.2(L)(1) – *Parking Stall Dimensions*, which specifies the drive aisle width as twenty-four (24) feet. The drive aisle width of the alternative plan is twenty-three (23) feet and eight (8) inches due to existing site constraints.



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The request for a modification of a standard requires findings under criteria in Section 2.8 of the Land Use Code, as follows:

**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).*

Modification requests are reviewed on a case-by-case basis considering specific location, context and circumstances. In reviewing the proposed parking lot layout, which does not meet the five (5) setback requirement or the twenty-four (24) foot drive aisle standard, staff finds that the proposed plan would not be detrimental to the public good and meets the applicable requirements for modifications in subsection 2.8.2(H) (4) above.

Under 2.8.2(H)(4) above, staff finds that the modifications are nominal and inconsequential from the perspective of the entire development plan. The existing fence along the northern lot line and its lack of public visibility negates the need for the setback area to be altered from its existing depth of four (4) feet. The four (4) inch difference in the drive aisle width is not substantial enough to create navigation issues for the users.

**Findings of Fact:**

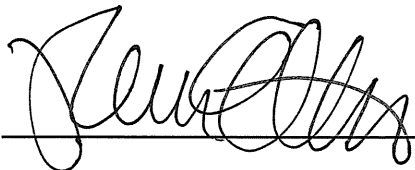
The Development Review Manager hereby makes the following findings of fact:

1. 644 Remington Street - Extra Occupancy, BDR190010, has been accepted and properly processed in accordance with the requirements of Section 2.18 of the Land Use Code.
2. 644 Remington Street - Extra Occupancy complies with the applicable sections of Article 3, General Development Standards, of the Land Use Code including alternative compliance for two (2) landscaping standards, with the exception of the modifications to Section 3.2.2.
3. Staff finds that the modifications to Section 3.2.2 are nominal and inconsequential from the perspective of the entire development plan.
4. 644 Remington Street - Extra Occupancy complies with standards located in Division 3.8.28 – Extra Occupancy Rental House Requirements of Article 3 – General Development Standards.
5. The proposed use, extra occupancy rental house, is a permitted use in the Neighborhood Conservation, Buffer (N-C-B) zone district and can be accommodated on the proposed lot in compliance with applicable standards located in Section 4.9 of Article 4 - Districts.

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

Approved  
Decision

9/24/19  
Date

  
\_\_\_\_\_

Rebecca Everette  
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.