

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

FINDINGS AND DECISION

HEARING DATE: October 27, 2020

PROJECT NAME: Trail Head Filing Four Major Amendment

CASE NUMBER: MJA #200001

APPLICANT: Kenneth Merritt
JR Planners and Engineers
2900 S. College Ave., Ste. 3D
Fort Collins, CO 80525

OWNER: Trail Head LLC
Stan Scott, Manager
5013 Bluestem Ct.
Fort Collins, CO 80525

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for approval of a Major Amendment (the “**Application**”) to a portion of the Trail Head Filing Two development plan which was approved in 2018 (the “**2018 Plan**”). The subject property is approximately 4.6 acres and is bounded by East Vine Drive to the south, Greenfields Drive to the west, Campfire Drive to the east, and existing single family lots to the north (the “**Subject Property**”). The Subject Property will be bisected by Green Lake Drive which is to be completed as part of the project.

The proposed amendment to the 2018 Plan:

- Changes the lots within the Subject Property from 45 single-family *attached* lots to 27 single-family *detached* lots.
- Reduces the density of housing on the Subject Property from 9.8 dwelling units per acre to 5.9 dwelling units per acre.
- Reduces the width of the central north-south walkway spines by 8 feet, from 77 to 69 feet. (This reduction is due to an update in the rear eave setback and the space required for the driveway aprons from 6’ to 8’ for fire access and utility easement purposes).
- Retains the same lot orientation as the 2018 Plan; i.e., homes will face either a public street or a landscaped walkway spine perpendicular to the street, with garage access from rear shared drives.
- Increases the lot sizes to about 3,500-5,600 square feet per lot.
- Retains essentially the same landscape plan as 2018 Plan. Minor updates to tree mitigation plans were made to address trees that have declined since 2018.

BACKGROUND AND LAND USE: The Subject Property is part of the original Trail Head development plan approved in 2004. That plan designated the location for future multi-family development. In 2018, Trail Head Filing Two was approved with townhome lots on the Subject Property.

The surrounding zoning and land uses are as follows:

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)
Land Use	Trail Head houses	Undeveloped land across E. Vine Drive	Trail Head houses	Trail Head Filing Two Townhomes

SUMMARY OF DECISION: Approved.

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

HEARING: The Hearing Officer opened the virtual hearing on Tuesday, October 27, 2020 at approximately 7:45 p.m. and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings.

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 Trail Head Filing Four Major Amendment (MJA200001). The staff report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
2. Applicant Narrative/Statement of Planning Objectives (Trail Head Filing Four Major Amendment).
3. Trail Head Filing Four – Major Amendment #1 (Final Plan) – 8 sheets, including site plan, tree mitigation plan, landscape plan and hydrozone plan.
4. Utility Plans for Trail Head Filing Four.
5. Trail Head Filing Four Final Plat (3 sheets).
6. Plan illustration from the Trail Head Filing Two development plan.

7. Evidence of posted Hearing Notice July 20, 2020, Sign #563.
8. A copy of Written Notice of Public Hearing dated October 13, 2020 (353 addresses mailed).
9. Confirmation of Publication (Ad# 0004425315) ordered October 15, 2020 evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on October 20, 2020.
10. A copy of the Planning Department PowerPoint prepared for the October 27, 2020 hearing.
11. The City's Comprehensive 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.
12. Rules of Conduct for Administrative Hearings.
13. Administrative (Type 1) Order of Proceedings.

TESTIMONY: The following persons testified at the hearing:

From the City: Clark Mapes, City Planner

From the Applicant/Owner: Kenneth Merritt, JR Planners & Engineers
2900 South College Avenue, Suite 3D
Fort Collins, CO 80525

From the Public: Kim Wessier, 709 Elgin Court, Fort Collins, CO 80524

ATTENDANCE: The following persons attended the virtual hearing but did not provide testimony:

From the Applicant/Owner: Stan Scott
5013 Bluestem Court
Fort Collins, CO 80525

From the Public: Joey Frank, 516 Aspen Grove Way, Severance, CO 80550

The virtual hearing on this matter was closed at approximately 8:20 p.m.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed, and published.
2. As required by City Council Ordinance 079, Series 2020 (the “**City Ordinance**”), 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 the City Ordinance, because meeting in person would not be prudent for some or all persons due to a public health emergency.
3. 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 located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration; and
 - 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 standards of the Low Density Mixed-Use Neighborhood (L-M-N) District standards contained in Article 4 of the Land Use Code.
4. The Application’s satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently evidenced by the Staff Report and the testimony and materials presented at the hearing.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the Trail Head Filing Four Major Amendment (MJA #200001) for the Subject Property as submitted.

DATED this 5th day of November, 2020.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Trail Head Filing Four Major Amendment
(MJA #200001)

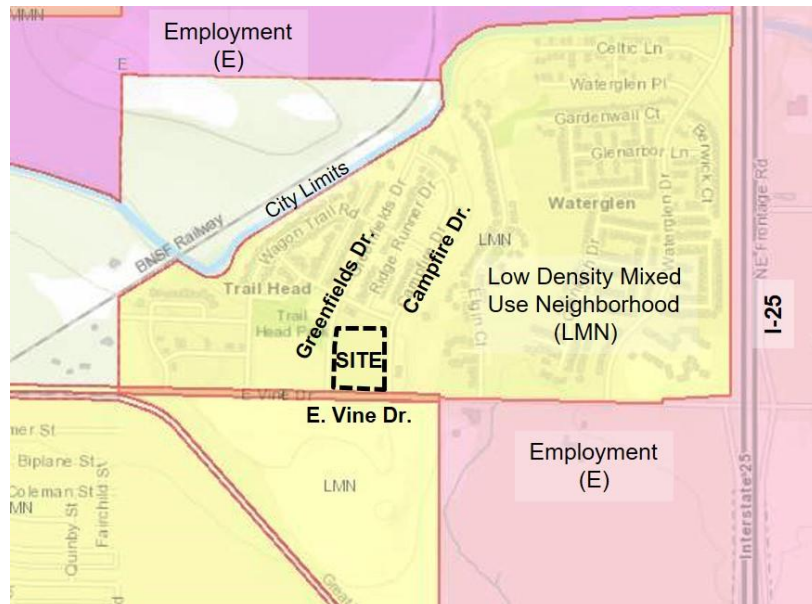
Administrative Hearing: October 27, 2020

Trail Head Filing 4 Major Amendment #MJA200001

Summary of Request

This proposed Major Amendment requests that a portion of the approved Trail Head Filing 2 development plan which currently comprises 45 lots for single-family attached dwellings (townhomes) be amended to 27 lots for single-family detached dwellings.

Zoning Map



Next Steps

If approved by the Hearing Officer, the applicant will be eligible to have final plans signed and proceed to construction permits.

Site Location

East Vine Drive at Greenfields Drive and Campfire Drive, within the Trail Head subdivision approximately ¼ mile west of I-25.

Zoning

Low Density Mixed Use Neighborhood (LMN)

Property Owner

Trail Head LLC
Stan Scott, Manager
5013 Bluestem Ct.
Fort Collins, CO 80525

Applicant/Representative

Kenneth Merritt
JR Planners and Engineers
2900 S. College Ave. Ste. 3D
Fort Collins, CO 80525

Staff

Clark Mapes, City Planner

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Staff Recommendation

Approval.

1. Project Introduction

A. PROJECT DESCRIPTION

- The subject property comprises a portion of the approved Trail Head Filing 2 Subdivision bounded by East Vine Drive, Greenfields Drive, Campfire Drive, and existing single family lots bordering on the north.
- The proposed amendment to the Filing 2 plan rearranges the lot layout from 45 single-family attached lots to 27 single-family detached lots, almost entirely within the same area of the original lotting, leaving the rest of the plan essentially unchanged.
- The only visible change is a reduction in width of the central north-south walkway spines by 8 feet, from 77 to 69 feet, due to an update in the rear eave setback and the space required for the driveway aprons from 6' to 8' for fire access and utility easement purposes.
- The property is approximately 4.6 acres, bisected by Green Lake Drive which is to be completed as part of the plan.
- Density of housing on the subject property would be reduced from 9.8 dwelling units per acre to 5.9, which is still well within LMN zoning standards of 4-9 dwelling units per acre with up to 12 allowed in a single phase of a multi-phase development.
- Lots range in size from about 3,500-5,600 square feet. Lots are arranged in the same orientation as the previously approved townhome lots, for houses to face either a public street or a landscaped walkway spine perpendicular to the street, with garage access from rear shared drives.
- The landscape plan is essentially the same as the previously approved Filing 2 plan.

1. Development Status/Background

The property is part of the original Trail Head development plan approved in 2004. That plan designated the location for future multi-family development. In 2018, Trail Head Filing 2 was approved with townhome lots on the subject property.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Low Density Mixed Use Neighborhood (LMN)	Low Density Mixed Use Neighborhood (LMN)	Low Density Mixed Use Neighborhood (LMN)	Low Density Mixed Use Neighborhood (LMN)
Land Use	Trail Head houses	Undeveloped land across E. Vine Drive	Trail Head houses	Trail Head Filing Two Townhomes

B. OVERVIEW OF MAIN CONSIDERATIONS

Staff review of the project was straightforward with no significant issues because the subject property was recently approved for residential development with the Trail Head Filing 2 plans, which provide for the framework of utilities, transportation, parking and landscaping.

In the replatting from 45 single-family attached to 27 single-family detached lots, the only adjustments to previously approved plans involved technical requirements for utility services and easements. Also, minor updates to tree mitigation plans were made to address additional trees that had declined since 2018.

2. Public Outreach

A. NEIGHBORHOOD MEETING

Pursuant to *Section 2.2.2 – Step 2: Neighborhood Meetings*, a neighborhood meeting was not required for this land use, and was not held.

B. PUBLIC COMMENTS:

No public contact has been received since submittal.

3. Land Use Code Article 2 – Procedural Standards

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review - CDR190012

A conceptual review meeting was held on June 5, 2020.

2. First Submittal

The first submittal of this project was completed on July 17, 2020.

3. Neighborhood Meeting

Not required or held.

4. Notice (Posted, Written and Published)

Posted Notice: July 20, 2020, Sign #563.

Written Hearing Notice: October 13, 2020, 353 addresses mailed.

Published Hearing Notice: October 20, 2020

4. Land Use Code Article 3 - Applicable Citywide Standards

Because previously approved Trail Head Filing 2 plans remain largely unchanged in the proposed Filing 4 plans, most of the following analysis is reiterated and adapted from the Filing 2 staff report. Because Filing 2 is mentioned throughout this report, a plan illustration from Filing 2 is attached for background context.

A. DIVISION 3.2 - SITE PLANNING AND DESIGN STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2.1 – Landscaping and Tree Protection	<p>This Code Section requires a fully developed landscape plan that addresses relationships of landscaping to the circulation system, the outdoor spaces, surrounding streets and the neighborhood, and various users of the site in a manner appropriate to the neighborhood context.</p> <ul style="list-style-type: none"> Central walkway spine/courtyard spaces provide lawn space, picnic tables, bbq grills, and a gazebo. The PDP includes existing trees which have been carefully evaluated for protection, relocation, removal, and mitigation for removals. The developer will fully landscape and irrigate the entire development including the lots. 	Complies
3.2.2 – Access, Circulation and Parking	<p>This Code Section requires secure, convenient, efficient parking and circulation improvements that add to the attractiveness of the development.</p> <p>The plan includes the following main components:</p> <ul style="list-style-type: none"> Extension of Green Lake Drive through the site, which provides the basic framework of access and circulation together with existing streets on three sides of the property. Convenient, direct walkway access from sidewalks. Street parking on Greenfields, Campfire, and Green Lake Drives. A walkway leading to a new neighborhood park to be located across Greenfields Drive to the west. Driveway apron width in front of garages along the rear drives was increased from 6 feet as approved with Filing 2, to 8 feet to address concerns about the tendency for vehicles to be parked parallel to the rear drive in front of garages, extending into emergency access easements, observed in similar situations throughout the city. 	Complies
3.2.2(C)(4)(b) – Bicycle Parking Space Requirements	<p>No bike parking is required for single-family dwellings.</p> <ul style="list-style-type: none"> The plan provides a small bike rack in each of the central walkway spine/courtyard spaces. Otherwise, bike parking will be accommodated in garages or houses. 	Complies

3.8.10—Single Family Parking Requirements	<p>This Code subsection is listed here out of code numbering order because parking standards are found in Section 3.2.2 with the lone exception of single-family parking standards which are listed separately as a vestige of past zoning code. The applicable single-family parking standard in this case is one off-street space per unit.</p> <ul style="list-style-type: none"> • The plan provides for a 2-car attached garage with each unit. • 8 additional guest parking spaces are provided along the northern rear drive. • Abutting streets on the east and west offer street parking. 	Complies
3.2.4 – Site Lighting	<p>This Code Section contains standards to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood.</p> <ul style="list-style-type: none"> • No exterior lighting is proposed in the plan. When building permits are reviewed for the houses, light fixtures on house exteriors will be confirmed to be down-directional, sharp cutoff fixtures in compliance with standards. 	Complies

B. DIVISION 3.3 – ENGINEERING STANDARDS

Code Standard Noted for the Record	Summary of Code Requirement and Analysis	Staff Findings
3.3.1(C) – Public Sites, Reservations and Dedications	<p>This Section requires a subdivision plat to define buildable lots and dedicate rights-of-way and easements needed to serve the development.</p> <ul style="list-style-type: none"> • A new subdivision plat is provided and meets the requirements. 	Complies

C. DIVISION 3.5 – BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.5.1(B)(C)(E)(F) – Building Project and Compatibility	<p>Standards in Section 3.5.1 require compatibility with the context of the surrounding area in terms of building size, massing proportions, design character and building materials.</p> <ul style="list-style-type: none"> • The arrangement of development is an integral extension of the surrounding Trail Head neighborhood. Building design standards for model variety will be implemented in the building permit stage. 	Complies

D. 3.6 TRANSPORTATION AND CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.6.2 – Streets, Streetscapes, Alleys and Easements	<p>This Section requires street improvements in accordance with the <i>Larimer County Urban Area Street Standards</i>, and requires necessary easements for utilities and access.</p> <ul style="list-style-type: none"> • The plan provides extension of Green Lake Drive extension. • The plan provides a sidewalk along Vine Drive in its ultimate planned location, with the remainder of Vine Drive improvements to be part of a larger future project. • The plan provides all needed easements for utilities, access, and drainage. 	Complies
3.6.3 – Street Pattern and Connectivity Standards	<p>This Section is intended to ensure that the local street system is safe, efficient and convenient for people walking, driving vehicles, and bicycling.</p> <ul style="list-style-type: none"> • The extension of Green Lake Drive through the site completes the street and block network as originally approved in the Trail Head subdivision, in compliance with standards. 	Complies
3.6.4 – Transportation Level of Service Requirements	<p>This Section requires appropriate mitigation of impacts to the transportation system. It is closely interrelated with several other Sections involving streets and other transportation system aspects.</p> <p>Transportation level of service standards were evaluated and shown to be met in the approval of the original Trail Head PDP in 2004.</p> <p>Also, a Traffic Impact Study addressed levels of service as part of Trail Head Filing 2 in 2018.</p> <p>Traffic impacts from the 89 dwelling units in Filing 2 were reviewed and found to be relatively minor.</p> <ul style="list-style-type: none"> • A monetary contribution to a future signalization project at the Vine Dr./Timberline Rd. intersection was made as a part of Filing 2. The proposed reduction by 18 dwelling units does not involve any new issues. 	Complies
3.6.6 – Emergency Access	<p>This section is intended to ensure that emergency vehicles can gain access to, and maneuver within, the project so that emergency personnel can provide fire protection and emergency services without delays.</p> <ul style="list-style-type: none"> • Poudre Fire Authority has reviewed the development plan and finds adequate access to and throughout the site. • PFA was a key voice in widening the driveway aprons in front of garages from 6 feet in the Filing 2 plan, to 8 feet. 	Complies

5. Article 4 – Applicable Standards:

A. DIVISION 4.5 LOW DENSITY MIXED-USE NEIGHBORHOOD (LMN) ZONE DISTRICT

The Low Density Mixed-Use Neighborhood District is intended to be a setting for a predominance of low density housing combined with complementary and supporting land uses that serve a neighborhood and are developed and operated in harmony with the residential characteristics of a neighborhood.

Single-family detached dwellings are permitted subject to administrative review (Type 1 review), and the density of 5.9 dwelling units per acre is well within the density requirements for the LMN zone.

LMN zoning requires a mix of housing types, which was met in the original Trail Head development plan. The proposed change increases the proportion of 'single-family detached dwellings with rear loaded garages' in the mix of types, but does not otherwise affect compliance.

6. Findings of Fact/Conclusion

In evaluating the request for the Trail Head Filing 4 Major Amendment MJA200001, staff makes the following findings of fact:

- A. The Project Development Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Project Development Plan complies with pertinent standards located in Article 3 – General Development Standards.
- C. The Project Development Plan complies with a pertinent standard located in Division 4.5, Low Density Mixed Use Neighborhood (LMN) Zone District.

7. Recommendation

Staff recommends that the Planning and Zoning Board approve Trail Head Filing 4 Major Amendment MJA200001 based on the Findings of Fact and analysis in this Staff Report.

8. Attachments Trail Head Park BDR200002

- 1. Applicants' Narrative
- 2. Site Plan and Landscape Plans
- 3. Civil Plans
- 4. Plat
- 5. Trail Head Filing 2 Plan for Reference