

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

FINDINGS AND DECISION

HEARING DATE: October 13, 2020

PROJECT NAME: Nittman Subdivision

CASE NUMBER: FDP #200008

APPLICANT: Brett Barrow
Creative Angle Builders LLC
PO Box 307
LaPorte, CO 80535

OWNER: Roxanna Nittman
1000 Scenic Drive
Fort Collins, CO 80526

HEARING OFFICER: Lori Strand

PROJECT DESCRIPTION: This is a request for a consolidated Project Development Plan and Final Development Plan (the “**Application**”) to create one additional lot for one new single-family dwelling unit on existing parcel number 9611209701, located at 1000 Scenic Drive (the “**Subject Property**”). The Subject Property is comprised of one approximately 4.81-acre lot. Upon approval and recordation of the Nittman Subdivision, First Filing (the “**Plat**”), the Subject Property will be comprised of two approximately 2.40-acre lots.

The new single-family dwelling unit is proposed for Lot 1 of the Plat (“**Lot 1**”). Lot 1 contains no existing buildings. A single-family residence, built in 1900, exists and will remain on Lot 2 of the Plat (“**Lot 2**”); no changes are proposed to this residence.

Vehicular access to Lot 1 and Lot 2 will be taken off Scenic Drive via a 24’ private access drive as shown on the Plat.

The requirement for an Ecological Characterizations Study for this project was waived by the City.

No modifications of standards are requested as part of the Application.

The Staff Report does not identify any issues of noncompliance or adverse effects of the development proposal, and no conditions of approval are recommended by the Staff Report.

BACKGROUND: The Subject Property was platted and the existing single-family residence on Lot 2 was developed when the Subject Property was within unincorporated Larimer County. The Subject Property annexed into Fort Collins as part of the Southwest Enclave Annexation Phase Three in 2009.

The Subject Property is zoned Urban Estate (U-E). Single-family detached dwellings are permitted in the U-E district, subject to administrative (Type 1) review.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Land Uses
North	Urban Estate (U-E)	Residential (single-family) and agriculture
South	Urban Estate (U-E)	Residential (single-family)
East	Urban Estate (U-E)	Residential (single-family)
West	Urban Estate (U-E) and Low Density Residential (R-L)	Residential (single-family), agriculture, and Cathy Fromme Prairie Natural Area

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: (U-E) Urban Estate

HEARING: The Hearing Officer opened the virtual hearing on Tuesday, October 13, 2020 at approximately 5:30 P.M. and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present.

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 Nittman Subdivision (FDP #200008). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
2. Vicinity and Zoning Map.
3. Site Plan for Lot 1, Nittman Subdivision, First Filing.
4. Existing Conditions Map.
5. Nittman Subdivision, First Filing.
6. Xcel Energy Will Serve Letter, dated August 26, 2020.
7. Confirmation of Publication (Ad# 0004400757) ordered September 30, 2020 and Affidavit of Publication evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on October 6, 2020.
8. Copy of Written Notice of Public Hearing dated September 29, 2020.
9. PowerPoint presentation prepared by Staff for the October 13, 2020 public hearing.

10. 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.
11. Rules of Conduct for Administrative Hearings.
12. Administrative (Type 1) Order of Proceedings.

TESTIMONY: The following persons testified at the hearing:

From the City: Shawna Van Lee, Associate Planner

From the Applicant: Cassandre Moorhead
Roxanna Starika

The virtual hearing on this matter was closed at approximately 5:50 P.M.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the virtual 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 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 relevant standards contained in Division 4.2, Urban Estate District (U-E) of 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 Nittman Subdivision (FDP #200008) for the Subject Property as submitted.

DATED this 22nd day of October 2020.

A handwritten signature in cursive script that reads "Lori Strand". The signature is written in black ink and is positioned above a horizontal line.

Lori Strand
Hearing Officer

ATTACHMENT A

Staff Report
Nittman Subdivision
(FDP #200008)

Administrative Hearing: October 13, 2020

Nittman Subdivision – Single-Family Dwelling

Summary of Request

This is a request for a Project Development Plan/Final Development Plan combination to create one additional lot for one new single-family dwelling unit on existing parcel #9611209701, located at 1000 Scenic Drive. The property is within the Urban Estate (UE) Zone District and is subject to an Administrative (Type 1) Review.

Zoning Map



Next Steps

Upon approval from the Administrative Hearing Officer, the applicant will be eligible to apply for a building permit and submit Mylars for recording with Larimer County and the City. Once recorded, the permit application will be released to all reviewing departments.

Site Location

Located directly east of South Shields Street and directly north of Scenic Drive.

Zoning

Urban Estate (U-E)

Property Owner

Roxanna Nittman
1000 Scenic Drive
Fort Collins, CO 80526

Applicant/Representative

Brett Barrow
Creative Angle Builders LLC
PO Box 307
LaPorte, CO 80535

Staff

Shawna Van Zee, Associate Planner

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Staff Recommendation

Approval of Project Development Plan/Final Development Plan

1. Project Introduction

A. SUMMARY OF PROJECT & PROCESS

This is a request for a combined Project Development Plan (PDP) and Final Development Plan (FDP) to replat an existing parcel to create an additional new lot and to establish a new single-family dwelling. The new lot is approximately 2.4-acres and contains no existing buildings. Access to the new lot will be taken from a shared driveway along the eastern edge of the new lot from Scenic Drive to the south. The property is currently zoned Urban Estate (U-E).

The request complies with the applicable requirements of the Land Use Code, specifically:

- Procedural requirements located in Division 2.1 General Procedural Requirements;
- Division 2.2 Common Development Review Procedures for Development Applications;
- Division 2.4 Project Development Plan located in Article 2 Administration;
- Standards and requirements located in Section 3.3.1 Plat Standards in Article 3 General Development Standards; and
- Applicable standards located in Section 4.2(D) Land Use Standards and Section 4.2(E) Development Standards in Article 4 Districts, Division 4.2 Urban Estate District.

B. SITE CHARACTERISTICS

1. Current Conditions

Natural Features

The site contains one single-family residence which will remain and will be located on lot 2 of the new subdivision. The requirement for an ECS for this project has been waived. The proposed location of the new residence does not interfere with the existing wetlands to the north of the site. Existing trees are shown on the existing/proposed conditions map and no additional landscape is proposed.

Historic and Cultural Facilities

The existing single-family dwelling was built in 1900. There are no proposed changes to the existing residence.

Road, Pedestrian and Bike Network

The property has frontage on Scenic Drive along the entire southern length. Access will extend along the eastern edge of the new lot and serve both the existing and proposed residential units. Sidewalks do not exist along Scenic Drive and may be installed through a larger redevelopment of the area. The improvement/construction of Scenic Drive has been deferred until time of future development/redevelopment.

Utilities

The existing water service from Scenic Drive will be extended to the new residence and continue to be provided by the Fort Collins Loveland Water District. The proposed site will be served by City of Fort Collins Light and Power for electrical service and Xcel Energy for natural gas service. The proposed septic system will require permitting prior to the commencement of construction from the Larimer County Department of Health. Final utilities details will be determined at building permit.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Urban Estate (U-E)	Urban Estate (U-E)	Urban Estate (U-E)	Urban Estate (U-E) and Low Density Residential R-L)
Land Use	Residential (single-family) and agriculture	Residential (single-family)	Residential (single-family)	Residential (single-family), agriculture, and Cathy Fromme Prairie Natural Area

3. History

- The property contained within 1000 Scenic Drive was platted and developed in Larimer County.
- 1000 Scenic Drive was part of the Southwest Enclave Annexation Phase Three in 2009.
- There is one existing single-family residence on the site.

2. Public Outreach

A. NEIGHBORHOOD MEETING

Pursuant to *Section 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 has been received for this proposal. Any communication received between the public notice period and hearing will be forwarded to the Hearing Officer to be considered when making a decision on the project.

3. Article 2 – Applicable Standards

A. BACKGROUND

This project was submitted on May 8, 2020. The project required three rounds of staff review.

B. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review - CDR190018

A conceptual review meeting was held on March 7, 2019.

2. First Submittal – FDP200008

The first submittal of this project was completed on May 8, 2020.

3. Neighborhood Meeting

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

4. Notice (Posted, Written and Published)

Posted Notice: May 12, 2020, Sign # 538

Written Hearing Notice: September 29, 2020, 64 addresses mailed.

Published Hearing Notice: October 6, 2020, Coloradoan Confirmation # 0004400757

4. Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2.1 Landscaping and Tree Protection	Development on existing lots for single-family detached dwellings is exempt from the standards in Section 3.2.1. The applicant has met with the City Forestry Department and is proposing to preserve all existing trees on the site. The existing/proposed conditions plan indicates the preservation of existing trees.	Complies
3.2.2(K)(1)(c) Residential Parking Requirements	Vehicle parking requirements for single-family detached houses are a minimum of 1 off-street parking space on lots with greater than 40 feet of street frontage. There is no maximum number of parking spaces for a single-family detached house. A minimum of 2 off-street parking spaces are proposed on the site, which exceeds the residential parking standards as outlined in 3.2.2(K).	Complies

B. DIVISION 3.3 - ENGINEERING

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1 Plat Standards	The plat demonstrates proper lot size, access to a public street, dedication of rights-of-way for public streets and utility easements. The applicant has satisfactorily coordinated utility requirements with the relevant outside utility providers including the Fort Collins-Loveland Water District and Xcel Energy. The proposed house will be served by an onsite septic system and will be required to complete necessary steps pursuant to the On-site Wastewater Treatment System Act, 25-10-101 and as described by the Larimer County Health Department.	Complies

C. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

The proposal meets the relevant street, streetscape, alley and easement standards of the Land Use Code as detailed by the applicable standards.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.6.2(J) Streets right-of-way	The plat for the proposed development dedicates the existing right-of-way along Scenic Drive to the south and South Shields Street to the west.	Complies
3.6.2(O) Easements	Easements for utilities, water, and emergency access have been provided as required by the City Engineer, outside utility providers, and Poudre Fire Authority.	Complies

3.6.6 Emergency Access	The proposal meets the emergency access standards of the Land Use Code and the requirements of the Poudre Fire Authority. A 24-foot emergency access easement is shown along the driveway to provide access to both existing and future residences on the new lot.	Complies
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5. Article 4 – Applicable Standards:

A. SUMMARY

This proposed project complies with all applicable requirements of the Urban Estate (U-E) zone district. More specifically, the property complies with all metrics as it relates to density, dimensions, and connectivity.

B. DIVISION 4.2 – URBAN ESTATE DISTRICT (U-E)

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.1(B)(2)(a) Permitted Uses	Single-family detached dwelling is an expressly permitted use in the Urban Estate (U-E) zone district, subject to Administrative (Type 1) Review. The final development plan as proposed meets this standard.	Complies
4.2(D)(1) Density/Intensity	The final development plan meets the density/intensity standards of the Urban Estate District. The proposed project provides the following characteristics, in compliance with the standards: <ul style="list-style-type: none"> Standard: Overall average density cannot exceed 2 dwelling units/gross acre. Proposed: 0.42 dwelling units/gross acre. Standard: Lot size must be one-half (1/2) acre or larger. Proposed: approximately 2.4 acres. 	Complies
4.2(D)(2) Dimensional Standards	The final development plan meets the dimensional standards of the Urban Estate District. The proposed project provides the following characteristics, in compliance with the standards: <ul style="list-style-type: none"> Minimum lot width: 100 feet, Provided: 285 feet. Minimum front yard depth: 30 feet. Provided: 75 feet. Minimum rear yard depth: 25 feet. Provided: 210 feet. Minimum side yard width: 20 feet. Provided: 127 feet to the west, 67 feet to the east. Maximum building height: three (3) stories. Proposed: one (1) story (to be finalized at building permit, not to exceed three (3) stories). 	Complies
4.2(E)(1) Street Connectivity and Design	Any development within the Urban Estate District require compliance with the standards contained in Section 3.6.3, Street Pattern and Connectivity Standards. The proposed development dedicates the necessary Right-of-Way.	Complies

6. Findings of Fact/Conclusion

In evaluating the request for the Nittman Subdivision – Single-Family Detached Final Development Plan, FDP200008, staff makes the following findings of fact:

- The Nittman Subdivision Final Development Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.

- The Nittman Subdivision Final Development Plan complies with relevant standards located in Article 3 – General Development Standards.
- The Nittman Subdivision Final Development Plan complies with relevant standards located in Division 4.2, Urban Estate District (U-E).

7. Recommendation

Staff recommends approval of the Nittman Subdivision Final Development Plan, FDP200008.

8. Attachments

1. Vicinity & Zoning Map
2. Site Plan
3. Existing/Proposed Conditions Map
4. Subdivision Plat
5. Xcel Will Serve Letter