

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

FINDINGS AND DECISION

HEARING DATE: October 13, 2020

PROJECT NAME: 3009 S. Taft Hill Road – Single-Family Detached

CASE NUMBER: FDP #190027

APPLICANT/OWNER: Dustin Couture
315 S. Impala Drive
Fort Collins, CO 80521

HEARING OFFICER: Lori Strand

PROJECT DESCRIPTION: This is a request for a consolidated Project Development Plan and Final Development Plan approval to construct a new single-family residence on and to relocate an existing accessory building (the “**FDP**”) within the property located at 3009 South Taft Hill Road (the “**Subject Property**”). The Subject Property is approximately 4.2 acres and is Lot 2 of the Couture Subdivision.

Vehicular access to the Subject Property will be taken off South Taft Hill Road using an existing curb cut.

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 FDP.

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 annexed into the City as part of the South Taft Hill Seventh Annexation in 2003. Three outbuildings are shown on the site plan for the Subject Property; one of the outbuildings was permitted by the City of Fort Collins under building permit number B0707821. A single-family residence, built in 1976, is located on Lot 1 of the Couture Subdivision. Lot 1 is located to the south of the Pleasant Valley and Lake Canal and is not subject to the FDP.

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)	Single-family detached, agriculture
South	Urban Estate (U-E)	Single-family detached (Tefft Acres)
East	Low Density Mixed Use Neighborhood	Single-family detached (Craws Resub)
West	Urban Estate (U-E)	Single-family detached (Talon Estates)

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 6:00 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 3009 S. Taft Hill Road (FDP #190027). 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, Landscape and Grading Plan.
4. Letter from Brian Johnson, P.E., Prism Design & Consulting Group to Dustin Couture, dated Oct. 27, 2019 and revised Nov. 30, 2019, re: Drainage Summary.
5. Stormwater Management Plan.
6. Ditch Crossing Agreement.
7. Emergency Access Easement Exhibit.
8. Confirmation of Publication (Ad# 0004400745) 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.
9. Copy of Written Notice of Public Hearing dated September 29, 2020.
10. PowerPoint presentation prepared by Staff for the October 13, 2020 public hearing.
11. The City's Comprehensive Plan, the Land Use Code, and the formally promulgated policies and ordinances 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: Kai Kleer, Associate Planner

Kelly Smith, Sr. Environmental Planner, testified that a 50' natural habitat buffer zone was established along the Pleasant Valley and Lake Canal in the Couture Subdivision. Ms. Smith testified that the width of the buffer zone has contracted in some places along the driveway as part of the FDP. Ms. Smith testified that the existing buffer zone, even before being disturbed by the canal company and the Applicant, was of low quality and consisted of invasive plant species. Ms. Smith testified that the Applicant has signed a development agreement with the City that requires the Applicant to restore the entire buffer zone with native grasses and to mitigate harm to trees. As part of the development agreement, the Applicant is required to escrow funds for the duration of the City-required installation, weed management, and monitoring program.

From the Applicant: Dustin Couture testified, among other things, that all work required to install utilities beneath the Pleasant Valley and Lake Canal is complete and confirmed there will be no further disturbance within the buffer zone (aside from City-required restoration and mitigation activities). Mr. Couture also testified that two of the existing outbuildings had been removed. The third outbuilding (i.e., the one permitted by the City in 2007), if relocated, will be relocated to the location shown on the FDP.

From the Public: Trevor Fiorentino, 1951 Kinnison Drive, Fort Collins, CO 80526

Monte Mead (address unclear)

The virtual hearing on this matter was closed at approximately 6:49 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 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 evidence presented at the hearing.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the 3009 S. Taft Hill Road, Single-Family Detached FDP #190027 for the Subject Property, including the natural habitat buffer zones shown thereon, as submitted.

DATED this 22nd day of October 2020.



Lori Strand
Hearing Officer

ATTACHMENT A

Staff Report
3009 S. Taft Hill Road, Single-Family Detached
(FDP #190027)

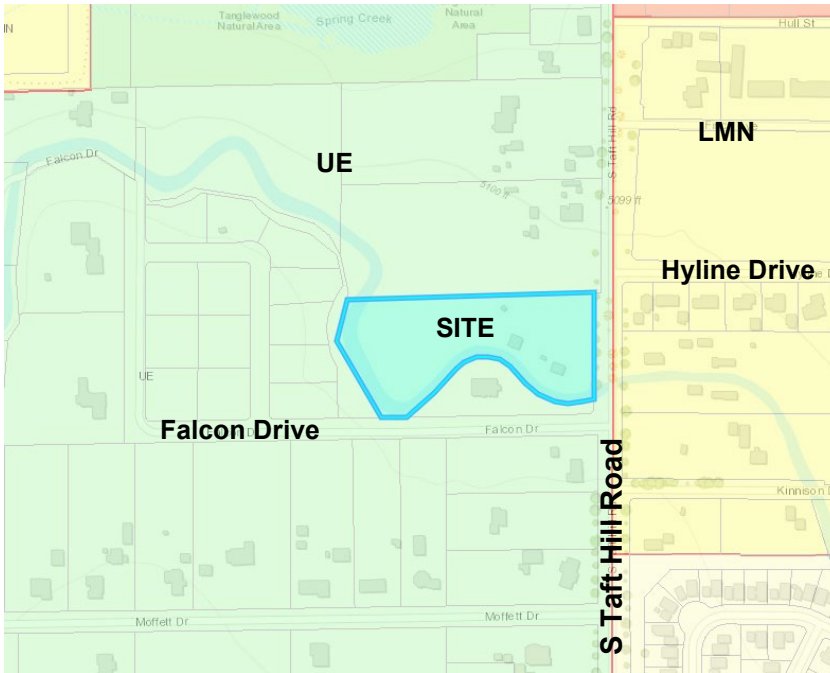
Administrative Hearing: October 13, 2020

3009 S Taft Hill Road – Single-Family Detached, FDP190027

Summary of Request

This is a request to construct a new sing-family residence and relocate an existing accessory building. The project is located in the Urban Estate (UE) zone district and is subject to a Type 1 Administrative review.

Zoning Map (ctrl + click map to follow link)



Next Steps

If approved by the decision maker, the applicant will be eligible to record all items related to the plan and apply for a site permit.

Site Location

The site is located on the west side of S Taft Hill Road, 40 feet north of Falcon Drive. The Pleasant Valley and Lake Canal forms the southern and western boundary of the lot.

Zoning

Urban Estate (UE)

Property Owner

Dustin Couture
315 S Impala Drive
Fort Collins, CO 80521

Applicant/Representative

Owner/Applicant is the same.

Staff

Kai Kleer, City Planner

Contents

1. Project Introduction.....
2. Comprehensive Plan
3. Public Outreach
4. Article 2 – Applicable Standards
5. Article 3 - Applicable Standards
6. Article 4 – Applicable Standards:
7. Findings of Fact/Conclusion
8. Recommendation
9. Attachments.....

Staff Recommendation

Approval

1. Project Introduction

A. PROJECT DESCRIPTION

- This is a request for a Final Development Plan (FDP) to establish a single-family detached use on Lot 2 (4.2-acres) of the Couture Subdivision.
- Approval of this plan will allow the applicant to construct a single-family residence and relocate an existing out-building approximately 60 feet northeast of its current location.
- The Pleasant Valley and Lake Canal ditch runs along the west and south side of the lot. The ditch company removed 30-years' worth of vegetation and trees as part of a larger project to maintain the entire 20 mile length of irrigation ditch. This effort is unrelated to the proposed development of this site.

B. SITE CHARACTERISTICS

1. Development Status/Background

The property was annexed into the City as part of the South Taft Hill Seventh Annexation (2003). At the time of annexation the site was unplatted and contained an existing single-family residence built in 1976 and one out-building built in 1982. In 2007 a second out-building was added to the site under building permit # B0707821.

After the 2017 subdivision, Lot 1 contains the original single-family residence while Lot 2 contains the two out-buildings previously mentioned.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Urban Estate	Urban Estate	Low Density Mixed Use Neighborhood	Urban Estate
Land Use	Single-family detached, Agriculture	Single-family detached (Tefft Acres)	Single-family detached (Craws Resub)	Single-family detached (Talon Estates)

C. OVERVIEW OF MAIN CONSIDERATIONS

- A primary consideration of the plan has been distinguishing which work was happening as part of ditch maintenance effort of Pleasant Valley and Lake Canal Company or by the applicant. It was determined during the review process that the applicant had illegally started grading and was issued a stop work order. The project went through four rounds of review in an effort to accurately depict existing site conditions because of the changes done during the review process.
- Since, the applicant has worked with City erosion control, environmental planning, and forestry staff to limit impacts of the earthwork and stockpiling and reflect the changes on the plan.

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 comments have been received regarding this project. 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 December 20, 2019. The project required four rounds of staff review largely because of unpermitted earthwork and an effort by staff to accurately depict the change in site conditions.

B. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review

The applicant recently completed a development review process to plat the property. A new conceptual review was determined would not derive substantial benefit and was waived by the Director in accordance with 2.2.1(A)(2).

2. First Submittal - PDP190006

The first submittal of this project was completed on December 20, 2019.

3. Neighborhood Meeting

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

4. Notice (Posted, Written and Published)

Posted Notice: December 26, 2019, Sign # 613

Written Hearing Notice: September 29, 2020, 91 addresses mailed.

Published Hearing Notice: October 6, 2020, Coloradoan Confirmation #0004400745

4. Article 3 - Applicable Standards

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	The plan provides a comprehensive approach to landscaping that includes the required tree protection, seeding, and planting measures required by forestry and environmental planning standards.	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. Six (6) 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 STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1(C) – Public Sites, Reservations and Dedications	<p>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.</p> <p>The property owner and Pleasant Valley Lake Canal Company signed an agreement to allow sanitary and water utilities to pass under the ditch from existing utility taps on Falcon Drive. An exhibit can be found attached to this report.</p>	Complies

C. 3.4 ENVIRONMENTAL, NATURAL AREA, RECREATIONAL AND CULTURAL RESOURCE PROTECTION STANDARDS

The purpose of this Section is to ensure that when property is developed consistent with its zoning designation, the way in which the proposed physical elements of the development plan are designed and arranged on the site will protect the natural habitats and features both on the site and in the vicinity of the site.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.4.1 – Natural Habitats	<p>This section applies if any portion of the development site is within five hundred feet of an area or feature identified as a natural habitat on the City's Natural Habitats and Features Inventory Map. The Pleasant Valley and Lake Canal which runs along the southern and western edge of the lot is identified as a natural feature.</p> <p>An ecological characterization study has been waived by the environmental planning staff. The plan provides a Natural Habitat Buffer Zone along portions of the ditch and in compliance with City standards.</p>	Complies

D. 3.6 TRANSPORTATION AND CIRCULATION

This Section is intended to ensure that the transportation network of streets, alleys, roadways and trails is in conformance with adopted transportation plans and policies established by the City.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.6.6 –	<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> <p>The plan demonstrates the appropriate on-site emergency access easement in compliance with the 2018 International Fire Code. The easement overlays the 12 foot driveway and provides a turnaround for emergency vehicles.</p>	Complies

5. Article 4 – Applicable Standards:

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.

A. 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 and accessory building are expressly permitted uses 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	<p>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:</p> <ul style="list-style-type: none"> Standard: Overall average density cannot exceed 2 dwelling units/gross acre. The plan proposes 0.24 dwelling units/gross acre. Standard: Lot size must be one-half (1/2) acre or larger. The project is contained within a 4.2 acre lot that was approved as part of a previous development application. 	Complies
4.2(D)(2) Dimensional Standards	<p>The final development plan meets the dimensional standards of the Urban Estate District. Because of the undulating property line, exact measurements are not provided for this section. All points measured from the property edge exceed minimum setback requirements.</p> <ul style="list-style-type: none"> Minimum lot width: 100 feet, Minimum front yard depth: 30 feet. Minimum rear yard depth: 25 feet. Minimum side yard width: 20 feet. Maximum building height: three (3) stories. Proposed: one (1) story. 	Complies

6. Findings of Fact/Conclusion

In evaluating the request for the 3009 S Taft Hill Rd –Single-Family Home Final Development Plan, FDP190027, staff makes the following findings of fact:

- The Final Development Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Final Development Plan complies with relevant standards located in Article 3 – General Development Standards.
- The Final Development Plan complies with relevant standards located in Division 4.2, Urban Estate District (U-E).

7. Recommendation

Staff recommends approval of the 3009 S Taft Hill Rd –Single-Family Home Final Development Plan, FDP190027.

8. Attachments

1. Vicinity & Zoning Map
2. Site, Landscape and Grading Plan
3. Stormwater Management Plan
4. Drainage Summary
5. Ditch Crossing Agreement
6. Emergency Access Easement Exhibit