

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

FINDINGS AND DECISION

HEARING DATE: November 16, 2020

PROJECT NAME: 308 Cherry Street Carriage House

CASE NUMBER: PDP/FDP #190011

APPLICANT: Kim Medina
308 Cherry Street
Fort Collins, CO 80521

OWNER: Cherry Street LLC
308 Cherry Street
Fort Collins, CO 80521

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: The applicant has made a request to construct a 960 square foot carriage house behind the commercial office building (immigration law office) located at 308 Cherry Street.

This application is being processed as a combined Project Development Plan (PDP) / Final Development Plan (FDP). The lot is comprised of 10,433 square foot site, more or less (50' x 208.6'). The one and a half-story carriage house is proposed to be located on the rear half of the lot (consisting of approximately 5,217 square feet). The 960 square foot carriage house consists of a 600 square foot first floor and a 360 square foot second level.

The site will contain three off-street parking spaces located behind the existing commercial office building (immigration law office), with access to Cherry Street.

BACKGROUND:

The site currently contains a commercial office building and one shed. Larimer County Assessor records indicate that the building was built in 1918, and later remodeled in 2013.

The site was part of the original Town Site Annexation on February 2, 1873.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhoods (L-M-N)	Downtown (D)	Neighborhood Conservation, Buffer District (N-C-B)	Neighborhood Conservation, Buffer District (N-C-B)
Land Use	Single-family attached and detached residential	Single-family detached residential	Single-family detached residential	Single-family detached residential

SUMMARY OF DECISION: Approved.

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

HEARING: The Hearing Officer opened the virtual hearing on Monday, November 16, 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. Project Vicinity and Zoning Map.
2. Planning Department Staff Report prepared for 308 Cherry Street Carriage House (PDP/FDP #190011). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference
3. 308 Cherry Street Carriage House Plan Set (3 pages).
4. 308 Cherry Street Carriage House Utility Plan Set (4 pages).
5. 308 Cherry Street Carriage House Drainage Memo dated October 19, 2020 prepared by Keefe Civil, Inc.
6. Administrative Interpretation #6-17 (dated November 1, 2017).
7. PowerPoint presentation prepared by City Staff for the November 16, 2020 public hearing.
8. Evidence of posted Hearing Notice (Sign #580).
9. Copy of written notice of Public Hearing dated November 2, 2020.

10. Confirmation of Publication (Ad# 0004450764) ordered on November 2, 2020 evidencing proof of publication of Notice of Hearing in the *Fort Collins Coloradan* on November 3, 2020
11. Rules of Conduct for Administrative Hearings.
12. Administrative (Type 1) Hearing: Order of Proceedings.
13. 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 or participated in the virtual hearing:

From the City: Pete Wray, Senior City Planner

Morgan Stroud, Engineer

From the Applicant: Kim Medina
308 Cherry Street
Fort Collins, CO 80521

Ramon Medina Aguilera
308 Cherry Street
Fort Collins, CO 80521

From the Owner: 308 Cherry Street LLC
308 Cherry Street
Fort Collins, CO 80521

From the Public: Ted Shepherd (no address provided;
tshepard533@gmail.com)

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.

5. 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.
6. 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 approves the 308 Cherry Street Carriage House combined Project Development Plan / Final Development Plan (PDP/FDP #190011) as submitted.

DATED this 25th day of November, 2020.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report

308 Cherry Street Carriage House Project Development Plan / Final Development Plan
(PDP/FDP# 190011)

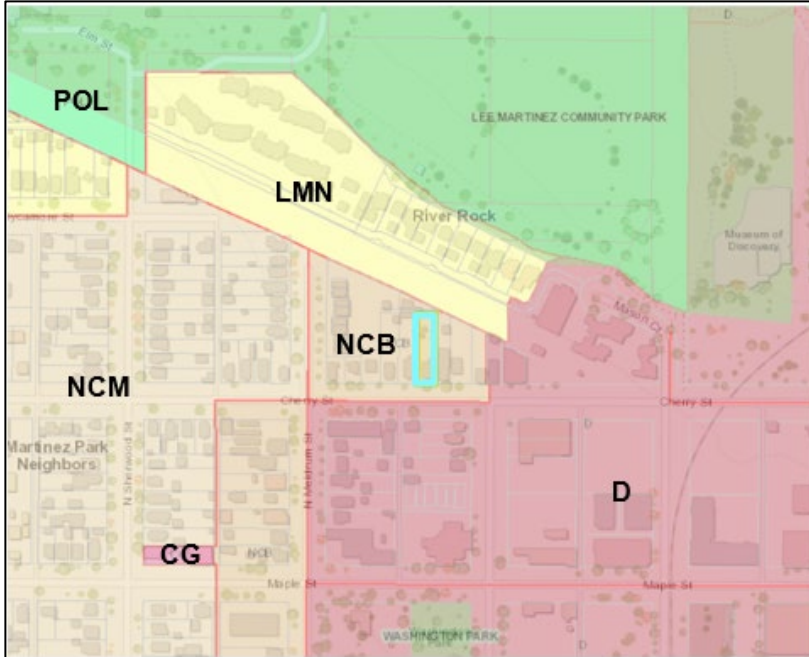
Administrative Hearing: November 16, 2020

308 Cherry Street – Carriage House, FDP190011

Summary of Request

This is a request to construct a 960 square foot carriage house behind the street fronting commercial office building located at 308 Cherry Street.

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 200 feet northwest of the intersection of N. Howes Street and Cherry Street.

Zoning

Neighborhood Conservation Buffer District (N-C-B)

Property Owner

Cherry Street LLC
308 Cherry Street
Fort Collins, CO 80521

Applicant/Representative

Kim Medina
308 Cherry Street
Fort Collins, CO 80521
p. 970.308.1184 e. kimbakermedina@gmail.com

Staff

Pete Wray, Senior City Planner
p. (970) 221-6754 e. pwray@fcgov.com

Contents

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

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 lot is a 10,433 square foot site (50'x208.6').
- The principal building fronting Cherry Street includes commercial office use.
- The one and a half-story carriage house is proposed to be located on the rear half of the lot consists of 600 square feet on first floor and 360 square feet on second level (total 960 SF).
- The site will contain three off-street parking spaces located behind the existing office building, with access to Cherry Street.

B. SITE CHARACTERISTICS

1. Development Status/Current Conditions

The site currently contains a commercial office building and one shed. Larimer County Assessor records indicate that the building was built in 1918, and later remodeled in 2013.

The site was part of the original Town Site Annexation on February 2, 1873.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhoods (L-M-N)	Downtown (D)	Neighborhood Conservation, Buffer District (N-C-B)	Neighborhood Conservation, Buffer District (N-C-B)
Land Use	Single-family attached and detached residential	Single-family detached residential	Single-family detached residential	Single-family detached residential

C. OVERVIEW OF MAIN CONSIDERATIONS

The main considerations have been utility coordination, parking, and site design for the carriage house on rear half of lot. Because the lot is 50 feet in width each single-family residence/carriage house require one off-street parking space (three total) for both uses on site 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 May 24, 2019 as a combined Project Development Plan (PDP)/Final Development Plan (FDP). The project required three additional submittals prior to hearing.

B. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review # CDR170034

A conceptual review meeting was held on May 22, 2017.

2. First Submittal (PDP/FDP190011)

The first submittal of this project was completed on May 24, 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: October 23, 2020, Sign # 580

Written notice: November 2, 2020, 282 addresses mailed.

Published Notice: November 3, 2020, Coloradoan confirmation #0004450764

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 50-foot lot, each single-family detached dwelling will require one off-street space (one total).</p> <p>The plan proposes three off-street parking spaces, one for the new carriage house and two spaces for the existing office building (1 standard/1 HC space). The existing parking lot behind the street fronting office building accommodates these combined parking spaces for both 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>The project includes a 15' area containing the utility easement and right-of-way along the street, in 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 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	<p>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.</p> <p>The proposed plan complies with the aforementioned standards by providing a 600 square foot building footprint, an approximate 100-foot setback from the existing building and overall square footage of 790 square feet. An Administrative Interpretation was completed on November 1, 2017 to allow a carriage house behind the commercial office building.</p>	Complies
4.9(D)(5) Allowable Floor Area on Rear Half of Lots	<p>The allowable floor area on the rear half of lot must not exceed thirty-three (33) percent of the overall lot area.</p> <p>The allowable floor area is calculated as follows $((10,433/2).33) = 1,721$ square feet. The proposed 790 square foot building and existing shed (182 SF) = 1,142 square feet, and is less the above sum, therefore meeting this requirement.</p>	Complies
4.9(D)(6) Dimensional Standards	<p>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 at side yard, an additional 1 foot of setback. Building height is also limited to 1 ½ stories.</p> <p>The plan provides the required minimum of 5 feet side and 15 feet rear setbacks. The project proposes a wall height of 16 feet along the west side yard at the 5' setback and does not require any additional setback to meet dimensional standards of this section. The proposed carriage house is 1 ½ stories.</p>	Complies
4.9(E)(3)(c)(1) Additional Review Criteria for Carriage Houses	<p>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.</p> <p>The plan provides an approximate 1,690 sq. ft. yard space between the office building and carriage house, consisting of landscaping and walks. This rear yard space is screened from adjacent lots with 6' privacy fence.</p>	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.9(E)(3)(c)(2)	<p>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.</p> <p>The plan complies by proposing the major entry access and deck facing the existing office building. Windows facing the side lot are also minimize and placed in a way to preserve privacy of the neighboring properties.</p>	Complies
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 office building.</p>	Complies

6. Findings of Fact/Conclusion

In evaluating the request for the 308 Cherry Street – Carriage House Final Development Plan, FDP190011, 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 308 Cherry Street – Carriage House, FDP190011.

8. Attachments

1. Vicinity & Zoning Map
2. Structure Plan Map
3. Plan Set
4. Utility Plan Set
5. Drainage Memo
6. Administrative Interpretation (11/1/17)
7. Staff Presentation