

Development Review Staff Report

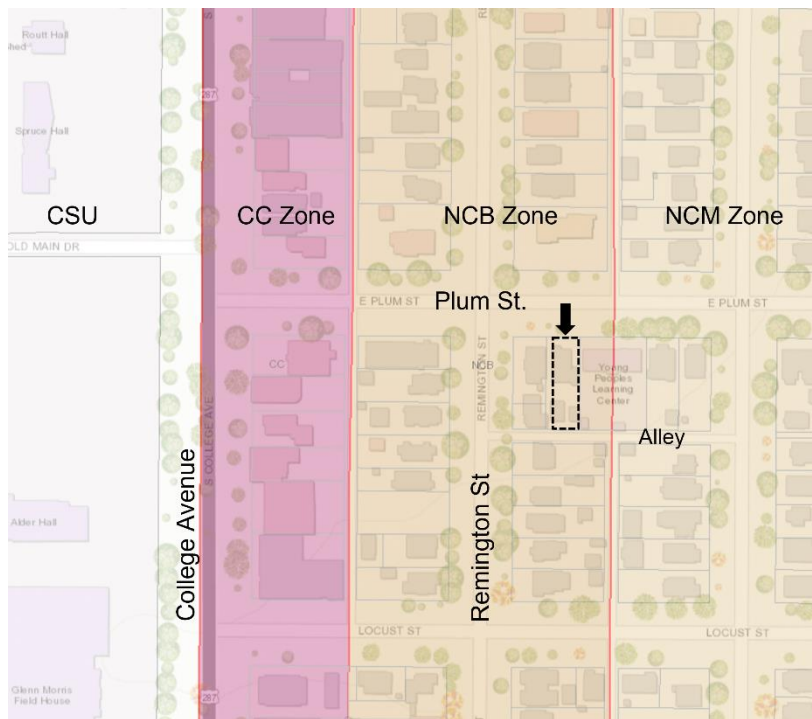
Administrative Hearing: November 1, 2021

205 East Plum Street Carriage House #FDP210013

Summary of Request

This is a combined Project Development Plan/Final Development Plan to convert a detached garage into a 'carriage house' dwelling in the rear yard of an existing street-fronting duplex. Three modifications of standards are included to allow parking along the alley with no setbacks from side lot lines; to allow some of the parking spaces to be 8.5 feet wide; and to allow dormers on the carriage house to exceed a limit on width in a standard.

Zoning Map



Next Steps

If approved by the Hearing Officer, the applicant will be eligible to proceed to a building permit.

Site Location

205 East Plum Street (parcel #9713221010)

Zoning

Neighborhood Conservation Buffer (NCB) zone district

Property Owner

John Runkles
205 E Plum St.
Fort Collins, CO 80524

Applicant/Representative

Same

Staff

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Staff Recommendation

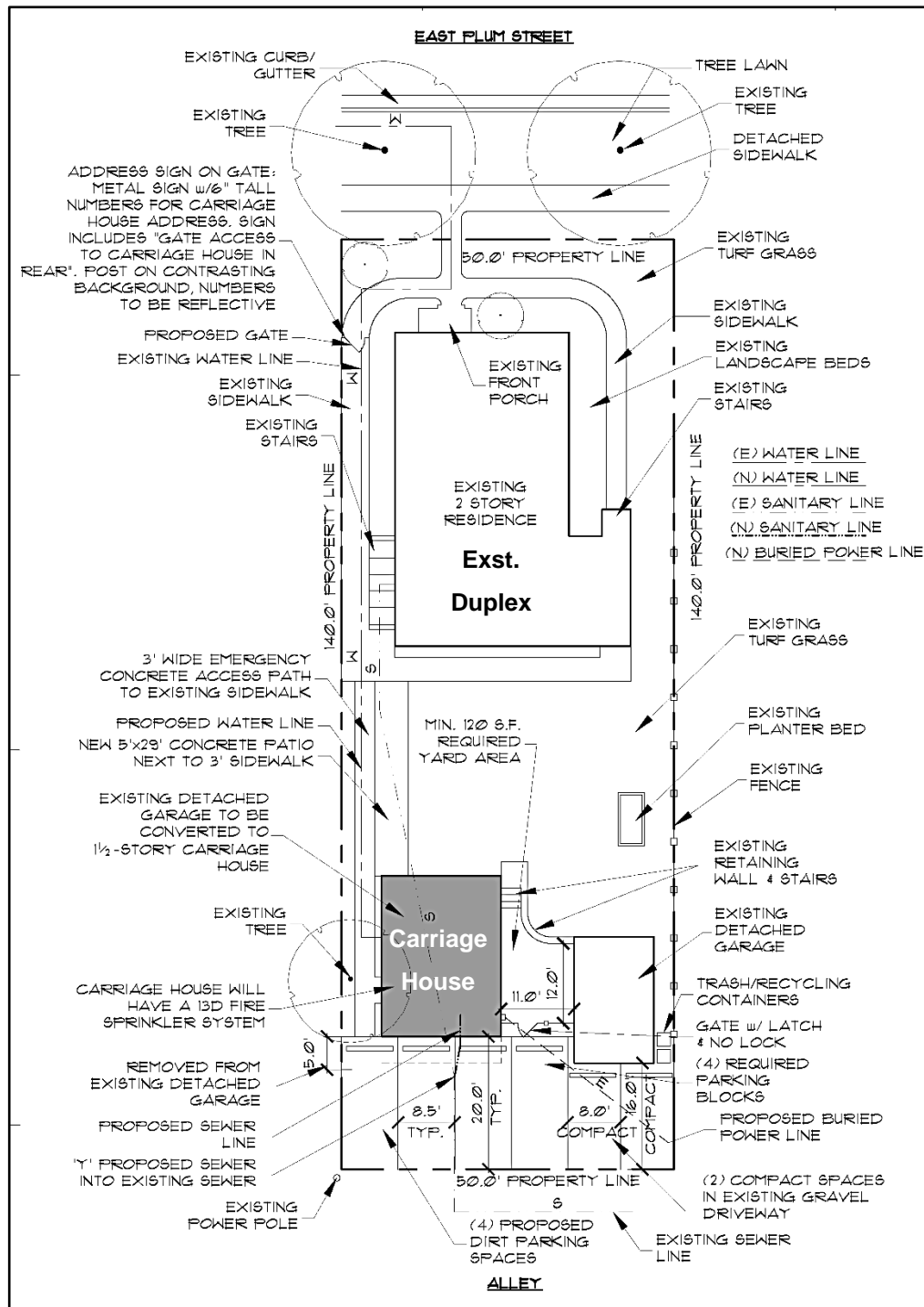
Approval of three Modifications of Standards, and approval of the development plan.

1. Project Introduction

A. PROJECT DESCRIPTION – KEY ASPECTS

- The lot contains a duplex and two detached single-car garages.
- The plan is to convert an existing single-car garage to a dwelling, known as a carriage house, in the rear yard of the existing duplex, along the alley.
- Six head-in parking spaces are provided along the alley.
- Three Modifications of Standards are included.

Proposed Plan



B. SITE CHARACTERISTICS

1. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	NCB, Neighborhood Conservation Buffer	NCB, Neighborhood Conservation Buffer	NCB, Neighborhood Conservation Buffer	NCB, Neighborhood Conservation Buffer
Land Use	Houses	Houses	Child Care Center next door	Houses

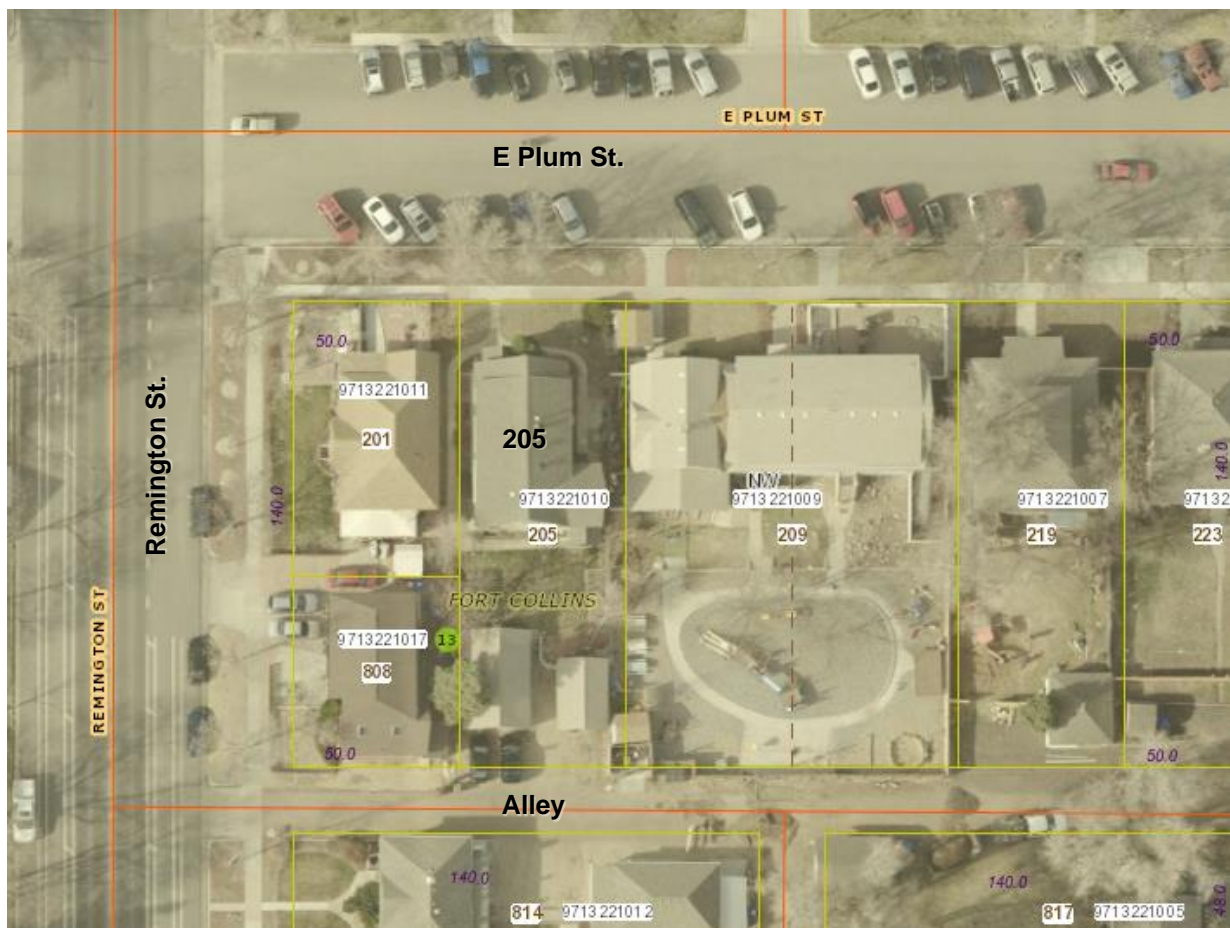
2. Site History

The subject lot is in the original town site plat area dating to 1873.

Over the past decades, the neighborhood has come to include extensive student rental houses.

The property next door to the east was converted to a child care center in the 1960s, with various remodels and additions over time.

The properties next door to the west, at the corner of Plum and Remington Streets, were subdivided in 1995 to create the new lot facing Remington Street with a blank rear wall of the house abutting 205 E. Plum.



C. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF'S REVIEW

The main issue has been parking. The existing street-fronting dwelling on the lot is a duplex with a 7-bedroom house and a 1-bedroom basement unit. Standards require 3 parking spaces for the house and 1.5 spaces for the basement unit, rounded up for a total of 5 spaces required. (3 spaces are required for a unit with four or more bedrooms.)

The proposed carriage house requires an additional space for a total of six required.

The six spaces could not be provided without modifications of standards.

The applicant and staff considered alternatives to provide only five spaces along the alley, which would have rendered the setback standard non-applicable. One of those alternative ideas was to recognize the second detached garage that exists on the lot as a space, with a space in the driveway area behind the garage. However, this approach would have required a different modification, for the number of spaces, because tandem spaces are not counted toward parking requirements in the standards.

Another alternative idea was to re-classify the occupancy of the 7-bedroom unit in the duplex to only 3 bedrooms via a new Certificate of Occupancy. Neither staff nor the applicant was particularly interested in that approach, which would not match the physical reality of the dwelling even if the occupants did not use the extra bedrooms as such.

In the proposed plan, the applicant decided to propose the six spaces along the alley as shown on the plan, with staff's support, with the needed modifications.

The other main consideration has been adjustment of sewer and electric service on the lot to serve the carriage house.

The carriage house is well within size limit standards in the NCB zone.

2. Land Use Code Article 2 Procedural Requirements

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR 200005

A conceptual review meeting was held on December 3, 2020.

2. Neighborhood Meeting

A neighborhood meeting was not required, nor held, for this Type 1 review process.

3. Submittal

The project was submitted on May 14, 2021. The project was routed to all reviewing departments with three rounds of review conducted to reach the proposed plan iteration.

4. Notice (Posted, Written and Published)

Posted notice: May 6, 2021, Sign # 630

Written notice: October 18, 2021, 278 letters sent.

Published Notice: October 22, 2021, Confirmation # 4966206.

B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The Land Use Code is adopted with the recognition that there will be cases where circumstances in a given development plan may warrant a design solution that does not comply with a standard as written.

Accordingly, the code includes a provision for 'Modification of Standards' under certain criteria.

In this case, the plan includes two modifications. One is to allow parking spaces along the alley with no setbacks from the side lot lines, and the other is to allow four out of six required parking spaces to be 8.5 feet wide instead of the standard 9 feet.

The modification criteria in Land Use Code Division 2.8.2(H) provide for evaluation of modification requests, 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).

1. Modification of a Standard Requiring Parking Setbacks From Side Lot Lines – 3.22(J) Setbacks

This standard requires any vehicular use area containing six or more parking spaces to be set back from side lot lines by five feet.

In the plan, six parking spaces are required and are provided along the alley, and the request is for the six spaces to span clear from side lot line to lot line with zero setbacks.

Applicant Justification:

The applicant's modification request is attached. It explains that:

- The modification would not be detrimental to the public good and would be equal to a plan with the side setbacks because both sides of the lot already have solid screening, with a fenced trash enclosure for a commercial child care center on the east side, and the blank rear wall of a house located almost on the property line on the west.
- There is a short stretch of property on the west where the abutting house does not extend all the way to the alley, and the plan adds a short section of privacy fence to extend the solid screening clear to the alley line.
- The lack of setbacks is also nominal and inconsequential when considered from the perspective of the entire plan, because if the setbacks were provided and landscaping was fitted into the small strips, it would not provide any additional screening. The alley is characterized by gravel parking, storage, garage doors, etc. with no screening along the alley.

Staff Findings:

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criterion (1), "equal or better" and criterion (4) "nominal and inconsequential".

Detriment to the public good. The parking is fully screened from abutting properties, and the alley is characterized by utilitarian functions such as parking, storage, garage doors, and weeds, without landscape screening. Note that the area in question is already used for parking, and the plan does not represent physical change. Therefore, counting the six spaces along the alley is a continuation of existing conditions.

Criterion (1), "equal or better". A plan with the 5-foot setbacks would not be noticeably different than the proposed plan because the setback areas would be insignificant in the setting as described previously. To the extent that the purpose of the setbacks is to provide landscape buffers for the benefit of abutting properties, in this case the abutting properties are completely cut off from the setback areas as noted previously.

Criterion (4), "nominal and inconsequential". The lack of the 5-foot setbacks between the parking and the abutting fence and wall is insignificant because the area in question has very low visibility and its use as part of the parking area is consistent with the utilitarian character of the rest of the entire alley.

The modification does not hinder any of the overall purposes of the Lan Use Code found in subsection 1.2.2.

2. Modification of a Standard for Parking Space Width – 3.22(L) Parking Stall Dimensions

This standard requires 90-degree head-in parking stalls to be 9 feet by 19 feet.

In the plan, six parking spaces are required and are provided along the alley, and the request is for four of the six required parking spaces along the alley to be 8.5 feet wide instead of 9 feet per the standard.

Applicant Justification:

The applicant's modification request is attached. It explains that:

- The modification would not be detrimental to the public good and would be equal to a plan with the 9-foot width because this parking is only for residents who will be familiar and will be able to adjust and use the parking if it is truly ever needed. The standards look like they are more important for the public, or tenants in apartment complexes.
- The code recognizes that residential parking qualifies as “long-term parking”; and long term parking can be compact spaces that are 8 feet x 15 feet. Compact spaces are limited to 40% of the parking in a parking lot, but the code seems related to actual parking lots for bigger commercial or apartment projects. It does not seem to be related to issues with houses in the neighborhood, judging by the definition which says: “*Long-term parking* shall mean parking which has limited turnover during a normal working weekday. Long-term parking includes employee-type parking or residential-type parking.”
- The six-inch difference is also nominal and inconsequential when considered from the perspective of the entire plan, because residents will be familiar with the situation and will adapt their parking similar to many people who park at their homes in the neighborhood in narrow driveways, old model-T-size garages, garages crowded with storage, etc. Also, there is diagonal street parking on Plum which is not striped, demonstrating that it is not necessary to have 9 feet in all situations.

Staff Findings:

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criterion (1), “equal or better” and criterion (4) “nominal and inconsequential”.

Detriment to the public good. The spaces in question would serve residents of the houses on the lot, who would be familiar with the situation and would be able to adapt and use the space available for parking. There is no other public interest involved.

Criterion (1), “equal or better”. The 8.5-foot wide space per vehicle in this situation will function as well for residents of the houses, as would 9-foot spaces. Evidence that the spaces can function includes the allowance for ‘compact spaces’ to be 8 feet; and the fact that parallel on-street parking is typically allocated 8 feet in the city.

Criterion (4), “nominal and inconsequential”. The six-inch difference, when considered from the perspective of the whole plan, meets this criterion for all of the reasons stated above.

The difference does not hinder any of the overall purposes of the Land Use Code found in subsection 1.2.2.

3. Modification of a Standard for Width of Dormers – 4.9(E)(1)(b)2.b. Eave Height

This standard limits the width of dormers on a carriage house to 25% of the wall length.

The architectural elevations show dormers on the carriage house that are 50% of the wall length.

Applicant Justification:

The applicant's modification request is attached. It explains that:

- The simple architecture was designed to match the main front house. It has been considered compatible and appropriate by staff and the applicant from the initial conceptual review, with the need for the modification discovered late in the process for that reason.
- The modification would not be detrimental to the public good and would be equal to a plan with the 25% width because the standard involves mitigating building mass overlooking neighbors' rear yards, and there are no abutting rear yards for the dormers to overlook.

On the west, the rear yard of the abutting corner lot was subdivided in the 1990's and a house was built in the rear yard, with the back of the house along the rear yard of 205 E. Plum, including a second-level deck facing the proposed carriage house. Therefore, there is no rear yard for the carriage house to overlook or loom over.

On the east, the neighboring yard is 26 feet away and separated by the second detached garage on the subject lot. That neighboring property on the east is a commercial child care center.

- The 25% difference in dormer width is nominal and inconsequential when considered from the perspective of the entire plan, because reducing its proportion would not significantly change the effect on abutting lots, which themselves have been intensified over the years and do not have the privacy sensitivity upon which the standard is based.

Staff Findings:

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criterion (1), "equal or better" and criterion (4) "nominal and inconsequential".

Detriment to the public good. The simple architecture was designed to match the main front house and has been considered compatible and appropriate by staff from the initial conceptual review until the need for the modification was discovered in final drafting of the staff report. The standard involves the relationship to abutting rear yards and in this case there is no particular public interest involved as explained in the applicants request and below.

Criterion (1), "equal or better". Because the dormers as designed are set back from the wall below and because of the nature of development on the lots next door, the specific width of the dormers does not matter in terms of a sensitive privacy relationship to back yards.

Criterion (4), "nominal and inconsequential". The difference in dormer width, when considered from the perspective of the whole plan, meets this criterion for the reasons stated above.

The difference does not hinder any of the overall purposes of the Lan Use Code found in subsection 1.2.2.

3. Land Use Code Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Landscaping Standards Section 3.2.1	<ul style="list-style-type: none"> Existing established landscaping is retained in the plan as-is. 	N.A.
Access, Circulation and Parking Standards Section 3.2.2	<p>This Section requires convenient, efficient parking and circulation that adds to the attractiveness of the development.</p> <ul style="list-style-type: none"> The plan fits within the established historic neighborhood pattern of streets and blocks with alleys; and a walkway provides access to the carriage house from the street. 	Complies
Bicycle parking: subsection 3.2.2(C)(4) -	Bicycle parking standards do not apply to the single family and two-family dwellings.	N.A.
Vehicle Use Area Setbacks Subsection 3.2.2(J)	A modification of this standard is discussed previously in this report in discussion under Article 2.	Modification Requested
Parking - number of off-street spaces subsection 3.2.2(K)(1)(a) and (c)	<p>Standards in this subsection require a total of six spaces.</p> <p>The existing duplex requires 5 spaces (3 for the 7-bedroom house and 1.5 for the basement apartment, rounded up to result in 5).</p> <p>The carriage house requires 1 additional space.</p> <ul style="list-style-type: none"> The plan provides six spaces, based on a modification for side lot line setbacks. 	Complies
3.2.2(L) Stall Dimensions	A standard in this subsection requires 90-degree head-in parking space to be 9 feet wide. A modification of the standard is discussed previously in this report in discussion under Article 2.	Modification Requested
Site Lighting Section 3.2.4	No lighting plan is included because the only lighting, if any, will be on the building and any fixture(s) would be reviewed with a building permit.	N.A.
Trash and Recycling Section 3.2.5	A trash enclosure is not required for the houses on the lot, which will continue its current residential bin service.	N.A.

B. DIVISION 3.3 - ENGINEERING

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Plats and Easements Section 3.3.1	This Section requires dedication of any necessary easements. <ul style="list-style-type: none"> • The plan includes dedication of the City's standard 8-foot utility easement along the alley. No other dedications are needed. 	Complies

C. DIVISION 3.5 – BUILDING DESIGN STANDARDS

Staff finds that building design standards in Article 3 are do not apply because building design is governed by specific standards for carriage houses in the NCB zone district in Article 4.

D. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Emergency Access Section 3.6.6	This Section is 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. <ul style="list-style-type: none"> • The plan includes a walkway from the street to the entry of the dwelling in a manner that is appropriate for emergency access to the development. 	Complies

4. Land Use Code Article 4 – Applicable Standards

Article 4 of the Land Use Code contains standards for the various zoning districts throughout the City.

A. DIVISION 4.9 – NEIGHBORHOOD CONSERVATION, BUFFER DISTRICT

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 NCB zone contains specific standards for building dimensions with specific standards for carriage houses.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.9(B) Permitted Uses	The proposed carriage house is a permitted use. Note that the land use code refers to a 'carriage house' interchangeably with 'single-family detached dwelling located behind a street-fronting dwelling on the same lot'.	Complies
4.9(D)(2) Floor Area and Footprint	This standard limits the floor area and footprint of a carriage house to 1,000 sq. ft. and 600 sq. ft. respectively. <ul style="list-style-type: none"> • The proposed plan complies with a footprint of 435 sq. ft. and total floor area under 700 sq. ft. 	Complies
4.9(D)(5) Allowable Floor Area on Rear Half of Lots	This standard limits floor area on the rear half of a lot to 33 percent of the overall lot area. <ul style="list-style-type: none"> • The proposed plan complies, with less than 1,000 sq. ft. in the rear half of the 7,000 sq. ft. lot., which would allow for 1,167 sq. ft. 	Complies
4.9(D)(6) Dimensional Standards	Several standards require building setbacks, and a standard limits building height to 1½ stories. Setback standards do not apply because the building is existing. However the building does happen to have setbacks that would comply. <ul style="list-style-type: none"> • The building height is 1½ stories. 	Complies
4.9(E)(1)(b)2. Eave Height and Dormer Width	This standard limits exterior eave height along a side lot line to 13 feet. The eave of a dormer may exceed that height if set back at least two feet from the wall below and does not exceed 25% of the wall length. <ul style="list-style-type: none"> • The eave height is less than 13 feet. • A modification is requested for the dormer width, as explained previously in this report under Article 2. 	Modification Requested
4.9(E)(3)(c)(1) Additional Review Criteria for Carriage Houses	This standard requires a yard area with privacy screening containing at least 120 square feet to serve both the carriage house and the existing principal dwelling. Such yard area shall be at least 10 feet in its smallest dimension. <ul style="list-style-type: none"> • The site plan identifies a compliant 120 sq.ft. yard area between the carriage house and the other existing detached garage, plus there is much larger additional outdoor space between the carriage house and the main house. 	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>4.9(E)(3)(c)(2)</p>	<p>This standard requires that to the extent reasonably feasible, decks, entry doors, major entry access stairs or major windows shall face the existing principal building or the alley to minimize windows overlooking an abutting side or rear yard.</p> <p>Staff finds that this standard is not applicable because there are no abutting side or rear yards as explained below.</p> <p>The carriage house has dormer windows on its sides, facing abutting lots, however, staff finds that the windows do not overlook side or rear yards because:</p> <p>The rear yard lot of the corner lot on the west was subdivided in the 1990's and a house was built in that rear yard, with the back of the house overlooking the rear yard of the subject property, with a deck overlooking the subject property. Therefore, there is no rear yard for the carriage house to overlook, which is the subject of the standard.</p> <p>The rear yard of the property to the east is separated from the carriage house by 26 feet with an intervening detached garage. Note that that property is a commercial child care center.</p>	<p>N.A.</p>

5. Findings of Fact/Conclusion

In evaluating the request for the 205 East Plum Street Carriage House #FDP210013, staff makes the following findings of fact:

1. The combined PDP/FDP complies with process requirements located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
2. The modification of a standard to subsection 3.22(J) *Setbacks*, requiring parking setbacks from side lot lines, would not be detrimental to the public good and meets the applicable requirements of subsection 2.8.2(H)(1) and (4) because the abutting lots are fully screened from the parking in the plan as explained in this report.
3. The modification of a standard to subsection 3.2.2(L) *Parking Stall Dimensions*, would not be detrimental to the public good and meets the applicable requirements of subsection 2.8.2(H)(1) and (4) because the reduced parking space width from 9 feet to 8.5 feet, for four of the six parking spaces along the alley, is adequate for residents of the houses who would use the spaces as explained in this report.
4. The modification of a standard to subsection 4.9(E)(1)(b)2.b. *Eave Height*, for width of dormers, would not be detrimental to the public good and meets the applicable requirements of subsection 2.8.2(H)(1) and (4) because of the relationship to development on abutting lots and separation from the lot to the east as explained in this report.
5. The PDP complies with pertinent standards located in Article 3 – General Development Standards.
6. The PDP complies with pertinent standards located in Division 4.16, Downtown (D) District in Article 4 – Districts.

6. Recommendation

Staff recommends that the Hearing Officer approve the 205 East Plum Street Carriage House #FDP210013 based on the Findings of Fact and supporting explanations found in the staff report.

7. Attachments

1. Applicants Narrative
2. Site Plan
3. Building Elevations
4. Modification Request #1 – Parking Setback From Side Lot Lines
5. Modification Request #2 – Parking Space Width
6. Modification Request #3 – Dormer Width