

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

FINDINGS AND DECISION

HEARING DATE: November 1, 2021

PROJECT NAME: Foothills Unitarian Church Expansion

CASE NUMBER: MJA 210002

OWNER: Carlson Land Development
14570 Clay Street
Broomfield, CO 80023

APPLICANT REPRESENTATIVE: Peter Ewers & Ann Ormsby
Ewers Architecture
1420 Washington Avenue
Golden, CO 80401

HEARING OFFICER: Lori Strand

PROJECT DESCRIPTION/BACKGROUND: This is a request for a Major Amendment to build an 13,177 square foot addition (the “Addition”) to the existing Foothills Unitarian Church (the “Application”) located at 1815 Yorktown Avenue, Fort Collins (the “Subject Property”).

The Subject Property is in the Low Density Residential (RL) zone district. The RL zone permits suburban style subdivisions with a limited range of permitted uses, including single-family houses, schools, and places of worship.

The church was constructed in the 1970s contemporaneously with the adjacent Lexington Green Subdivision. The existing church consists of two, two-level, buildings with a total square footage of 16,408 square feet. The current buildings have a Sanctuary that seats approximately 180 people, a Social Hall that is approximately 1500 square feet, an Administration wing with 5 offices, and an Education wing with 14 classrooms on two levels that are smaller than ideal.

The Applicant’s narrative provides the following regarding the project:

1. The Addition will include a new Sanctuary with up to 388 seats when packed full;
2. The existing Sanctuary will become the Social Hall;
3. The existing Social Hall will become the Main Lobby;
4. The existing administration wing will remain as-is, but the existing Lobby area will be repurposed as an open office area;

5. The existing Education wing will remain as-is; and
6. The space below the new Sanctuary will be unfinished.

The Development Review Staff Report prepared for the Application, a copy of which is attached to this decision as **ATTACHMENT A** (the “Staff Report”) and is incorporated herein by reference, states that the Application required significant discussion only with respect to bringing the sidewalks around the Subject Property into compliance with the Americans With Disabilities Act (ADA), the Public Right-of-Way Accessibility Guidelines (PROWAG), and the City’s minimum sidewalk with standards. The Staff Report and Mr. Mapes’ presentation at the virtual hearing confirm that such standards are met.

No requests for modifications of standards or for alternative compliance are included with the Application.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	RL, Low Density Residential Neighborhood	MMN, Medium Density Mixed Use Neighborhood across Drake Road	RL, Low Density Residential Neighborhood	RL, Low Density Residential Neighborhood
Land Use	Houses in Lexington Green Subdivision	Multi-family dwellings across Drake Road	Houses in Lexington Green Subdivision	Houses in Lexington Green Subdivision

Additional project background is detailed in the Staff Report. The Staff Report recommends approval of the Application.

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Low Density Residential (RL) zone district

HEARING: The Hearing Officer opened the remote hearing at approximately 5:30 P.M. on November 1, 2021.

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 attached to this decision as **ATTACHMENT A** (8 pages).
2. Applicant narrative (5 pages).
3. Site plan (2 sheets).
4. Landscape Plans (4 sheets).
5. Architectural Exteriors (2 sheets).

6. Utility Plans (17 sheets).
7. Lighting Plan (1 sheet).
8. Traffic memo (1 page).
9. Copy of written notice of virtual public hearing mailed on October 18, 2021 (2 pages).
10. Copy of the language used for published notice (1 page).
11. Copy of PowerPoint presentation presented during the hearing by Clark Mapes, AICP, City Planner.
12. Copy of PowerPoint presentation presented during the hearing by the Applicant.
13. Rules of Conduct for Administrative Hearings.
14. Administrative (Type 1) Hearing: Order of Proceedings.
15. 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.

TESTIMONY: The following persons testified at the hearing:

From the City: Clark Mapes, AICP, City Planner

From the Applicant/Owner: Ann Ormsby

From the Public: None.

The virtual hearing on this Application was closed at approximately 6:15 P.M. on November 1, 2021.

FINDINGS

1. Testimony of Mr. Mapes, City Planner, and evidence presented to the Hearing Officer establish the fact that notice of the remote public hearing was properly posted, mailed, and published.
2. As required by City Council Ordinance 079, 2020, 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 Ordinance 079, because meeting in person would not be prudent for some or all persons due to a public health emergency.
 - (a) There did occur technical difficulties early in the public hearing. While the Applicant, City staff, and the Hearing Officer were able to sign into the virtual hearing prior to the scheduled 5:30 P.M. start time, the Hearing Officer was made

aware prior to the presentation of evidence that the City of Fort Collins website was down, making it impossible for individuals to join the virtual hearing using the Zoom link that was posted to the City's website. It is unclear whether the City's website went down prior or after the 5:30 P.M. start time. The City's website was down for approximately 10 to 15 minutes. Once the website came back up (at approximately 5:45 P.M.), the Hearing Officer confirmed that the link to the public hearing on the City's website was accurate and working correctly. No testimony was provided while the City's website was down.

(b) The Hearing Officer confirmed with Mr. Mapes that there had been very little public interest in the proposed Addition.

(c) Based on the foregoing, the Hearing Officer determined it was appropriate to proceed with the virtual hearing.

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 LUC.
 - B. The Application complies with the applicable General Development Standards contained in Article 3 of the LUC.
 - C. The Application complies with the applicable standards in Division 4.9 of the LUC.
4. The Application's satisfaction with the applicable Article 2, 3, and 4 LUC requirements is sufficiently evidenced by the Staff Report, the testimony at the November 1, 2021 public hearing, and materials accepted into the record.

DECISION

Based on the findings set forth above, the Hearing Officer approves the Foothills Unitarian Church Expansion MJA 210002.

DATED this 8th day of November, 2021.



Lori Strand
Hearing Officer

ATTACHMENT A

Staff Report
Foothills Unitarian Church Expansion
MJA 210002

Development Review Staff Report

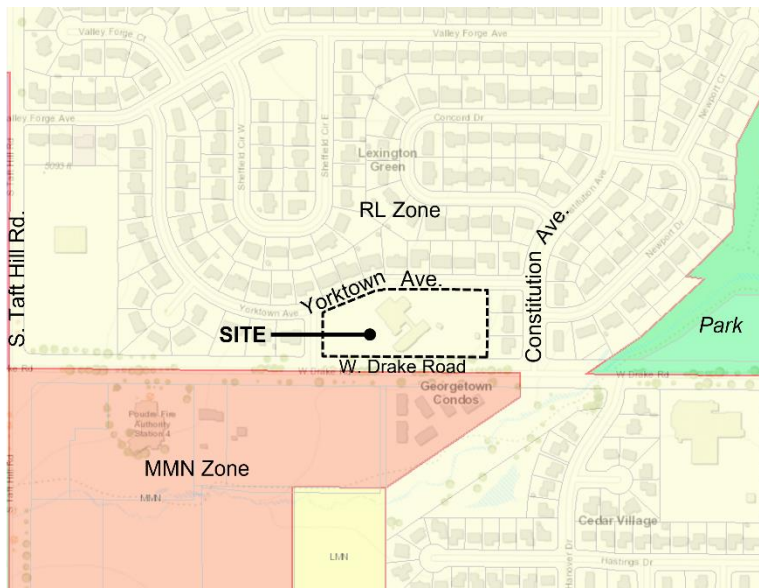
Administrative Hearing: November 1, 2021

Foothills Unitarian Church Expansion #MJA210002

Summary of Request

- This is a request for a Major Amendment to build an addition to the existing Foothills Unitarian Church in Fort Collins. The plan for the addition joins the two buildings that exist on the property. Existing parking and landscaping will remain, with a few minor adjustments.

Zoning Map



Next Steps

If approved by the Hearing Officer, the applicant will be eligible to proceed to filing of final plans and then to permits for site work and the building.

Site Location

1815 Yorktown Avenue, along West Drake Road between Shields St. and Taft Hill Rd. Parcel #9722307964

Zoning

The property is in the Low Density Residential (RL) zone district.

Property Owner

Carlson Land Development
14570 Clay St.
Broomfield, CO 80023

Applicant/Representative

Peter Ewers, Ann Ormsby
Ewers Architecture
1420 Washington Avenue
Golden, CO 80401

Staff

Clark Mapes, City Planner
p. (970) 221-6225 e. cmapes@fcgov.com

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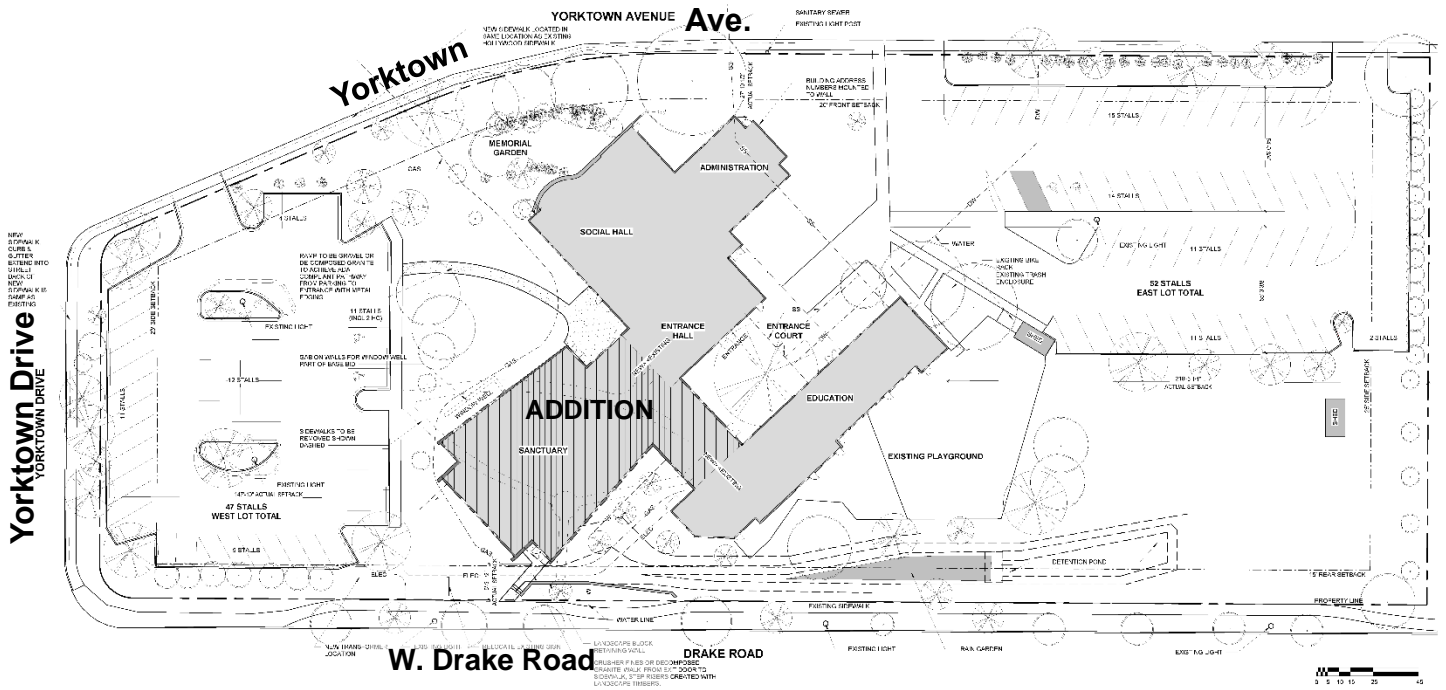
Staff Recommendation

Approval of the Major Amendment.

1. Project Introduction

A. PROJECT DESCRIPTION – KEY ASPECTS

- The existing church consists of two 1970 buildings connected by a continuously roofed breezeway. The existing buildings total 16,408 square feet on two levels, with the upper level along Yorktown Ave. and the lower level being a walk-out portion facing Drake Road. The addition is 13,177 square feet, also on two levels, and joins the two existing buildings.
- Existing parking lots on site are modified slightly with reconfigured landscape islands and striping, for fire truck access and parking efficiency. The parking count changes from 100 spaces currently to 99 spaces, which complies with requirements for the plan. Below is the proposed plan.



1 SITE PLAN
 1" = 20'-0"

B. SITE CHARACTERISTICS

1. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	RL, Low Density Residential Neighborhood	MMN, Medium Density Mixed Use Neighborhood across Drake Road	RL, Low Density Residential Neighborhood	RL, Low Density Residential Neighborhood
Land Use	Houses in Lexington Green Subdivision	Multi-family dwellings across Drake Road	Houses in Lexington Green Subdivision	Houses in Lexington Green Subdivision

2. Site History

The site was platted and developed as part of the Lexington Green single-family subdivision, which was approved in multiple filings in the late 1960's. The RL zone has always been for suburban style subdivisions with a limited range of permitted uses, predominately houses, schools and places of worship.

C. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF'S REVIEW

Only one issue required significant discussion: the existing sidewalks around the site on Yorktown Avenue and Yorktown Drive which are 30 inches wide and do not comply with minimum sidewalk width required by the federal Americans With Disabilities Act (ADA). ADA requires 36 inches minimum width and Public Right-of-Way Accessibility Guidelines (PROWAG) requires 48 inches for accessibility.

Beyond these minimums, Fort Collins' minimum standard for a local street sidewalk is 4.5 feet; and the City typically seeks to provide at least that minimum width sidewalk in any development plan, including those with existing sidewalks.

In this case, Streets & Engineering staff offered a unique solution for the developer's consultant to consider through several iterations of the plan while exploring all alternatives. The resulting plan replaces existing sidewalks with wider attached sidewalks that extend into the existing gutter section of the street.

The streets have extra width beyond current Fort Collins standards, and the reduced width still exceeds minimum standards for the Local Streets.

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 July 11, 2019.

2. Neighborhood Meeting

A virtual online neighborhood meeting was held on June 2, 2021. Two neighbors spoke, mainly to share their concern about cars parking on the street when services are happening on Sunday mornings.

The applicants responded that fortunately the parking overflow only happens on Sundays, for a few hours; and part of the reason for the expansion is to allow for two services on Sundays instead of three, with a longer time between services, which will reduce cars coming and going to the multiple services.

Staff noted that parking on the streets is allowed, and is one of the functions of the street, and that the street has ample width to accommodate parking.

3. Submittal

The project was submitted on June 23, 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: June 10, 2020, Sign # 627

Written notice: October 18, 2021, 296 letters sent.

Published Notice: October 22, 2021, Confirmation #0004966222.

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 and Tree Protection Standards Section 3.2.1	<p>This Section requires a fully developed landscape plan that addresses relationships of landscaping to sidewalks, parking and walkways, the building, adjoining properties, and users of the site in a manner appropriate to the neighborhood context.</p> <p>Requirements include mitigation for existing trees that are removed to accommodate the development. Mitigation is based on Forestry Department evaluation of the value of the trees to be lost and assignment of a number of replacement trees to offset the loss.</p> <p>Because this site is an existing fully developed landscape, the plan only consists of tree plantings to offset losses of existing trees due to building expansion; and seeding of grass where construction disturbs the existing landscape.</p> <ul style="list-style-type: none"> The plan removes 16 trees to accommodate the building addition, and provides 24 mitigation trees. 21 are to be planted on-site and 3 are to be planted off-site. The plan includes seeding of turfgrass in areas to be disturbed, to be cohesive with the lawns throughout the site. Irrigation plans will be included with final plans. 	Complies
Access, Circulation and Parking Standards Section 3.2.2	<p>This Section requires convenient, efficient parking and circulation for vehicles, pedestrians, and bicycles that adds to the attractiveness of the development.</p> <ul style="list-style-type: none"> Existing development provides a complete access and circulation system in the neighborhood and on the site. The plan replaces sidewalks along Yorktown Drive and Yorktown Avenue with wider sidewalks to meet local street standards, which then meet federal Americans With Disabilities Act (ADA) and Public Right-of-Way Accessibility Guidelines (PROWAG) for accessibility as well. The plan includes minor adjustments to parking lot layouts for fire truck access, and for parking efficiency. The applicants' narrative states that the church encourages carpooling, bike-riding, walking, and public transportation. 	Complies
Bicycle parking: subsection 3.2.2(C)(4) -	<p>This subsection requires bicycle parking for listed land use categories. Places of worship and assembly have a standard requirement of 3 spaces per 1,000 sq. ft.</p> <p>For the 29,600 sq. ft. building, 10 spaces would be required.</p> <ul style="list-style-type: none"> Existing bike racks have 16 spaces. 	Complies

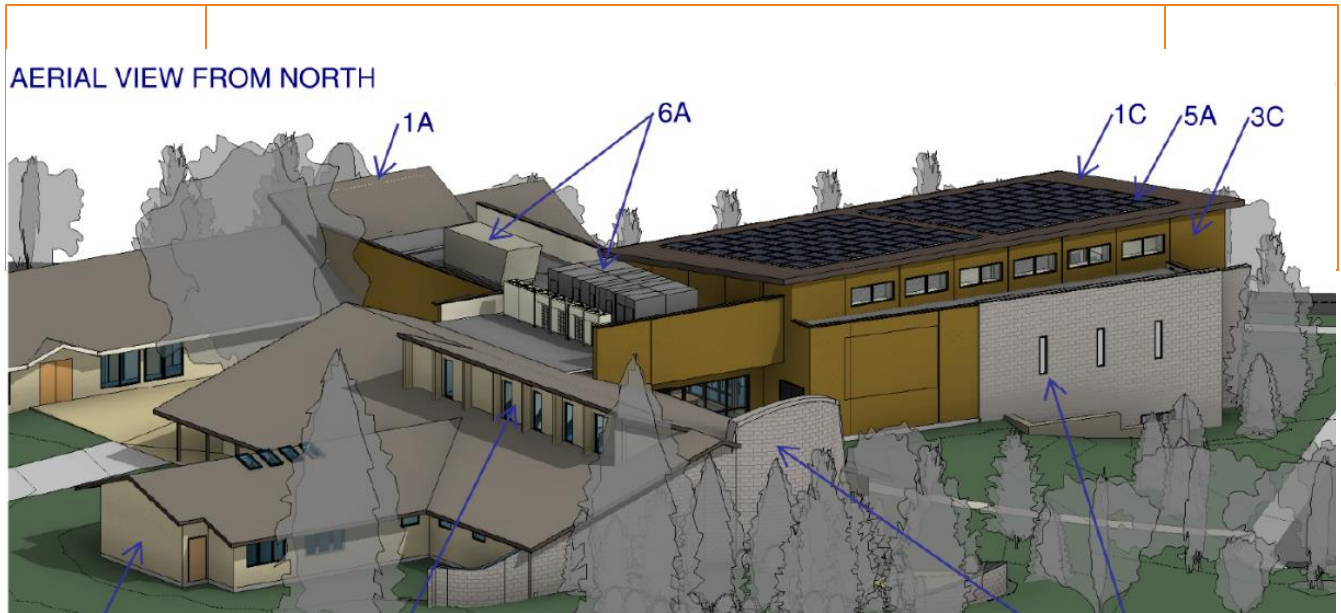
Parking - number of off-street spaces subsection 3.2.2(K)(1)(a)1.	<p>This subsection has a standard requirement of 1 parking space per 4 seats. The applicants' narrative explains that the maximum seating is 388 seats when packed full (more like 308 for a typical Sunday chair layout), for a requirement of 97 spaces.</p> <p>4 Handicap-accessible spaces are required.</p> <ul style="list-style-type: none"> • 99 spaces are provided. • 5 handicap-accessible spaces are provided. 	Complies
Site Lighting Section 3.2.4	<p>This Section requires all lighting to be down-directional with sharp cutoff fixtures to ensure that the functional and security needs of a project are met in a way that does not create glare or adversely affect adjacent properties.</p> <ul style="list-style-type: none"> • The lighting plan consists of existing lighting with the exception of new wall mounted fixtures at exterior doors. Those fixtures are down-directional full cutoff fixtures. • All lighting complies with the standards. 	Complies
Trash and Recycling Section 3.2.5	<p>This Section requires trash and recycling enclosures to be adequate, convenient, and accessible as appropriate for the proposed use. The plan is straightforward and complete, meeting the purpose and standards.</p> <ul style="list-style-type: none"> • The church has an existing enclosure that will remain. 	Complies

B. DIVISION 3.3 - ENGINEERING

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Plats and Easements Section 3.3.1	<p>This Section requires dedication of rights-of-way for public streets and easements for drainage, utilities, and emergency access as needed to serve the development.</p> <ul style="list-style-type: none"> • Easements are needed for emergency access in the parking lot, for stormwater drainage and detention, and for the electric transformer. The plan does not include a subdivision plat, which is a common method of dedicating easements; but in this case staff and the applicants agree that necessary easement documents will be provided with final plans. 	Complies

C. DIVISION 3.5 – BUILDING DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>Building and Project Compatibility Section 3.5.1</p>	<p>This Section requires the physical and operational characteristics of proposed buildings and uses to be compatible when considered within the context of the surrounding area.</p> <p>Standards involve architectural character, building massing and scale, building materials, and operational characteristics.</p> <p>The pertinent context consists of houses in the surrounding Lexington Green subdivision. Lexington Green exemplifies the RL zone district, which has long been limited to single family houses, schools, and churches. (A few other similar low-intensity uses have been added over the years.)</p> <ul style="list-style-type: none"> • The applicants narrative, attached, explains the plan in a manner that addresses all aspects of compatibility. • The plan places the addition toward Drake Road, an arterial street, to minimize any impact on houses across Yorktown Avenue to the north. • The building design uses massing modulation and building materials to relate to the existing building. • HVAC equipment is incorporated into the architecture. • The operations of churches and schools are presumed to be generally compatible aspect of the RL zone. 	<p>Complies</p>
<p>Building Placement and Design Section 3.5.3</p>	<p>This Section promotes the design of an urban environment that is built to human scale. Subsections require buildings to be placed in direct relation to street sidewalks; variation in building massing related to entrances and organization of integral structure, spaces, and activities in the building; building façade articulation; and clearly defined entrances.</p> <ul style="list-style-type: none"> • The building is located in relation to the streets with direct walkway access to the main entrance. • Building massing is highly modulated and design character is cohesive with the existing building. The applicants’ narrative illustrates and explains design, materials, and colors. Below is a view from the north across Yorktown, cut-and-pasted from the applicants narrative: 	<p>Complies</p>



D. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Streets, Streetscapes, and Easements Section 3.6.2	<p>This Section contains requirements for street system design including conformance with the <i>Larimer County Urban Area Street Standards</i> (LCUASS) for street design including streetscapes. It also requires easements for utilities, access, drainage or other public purposes.</p> <ul style="list-style-type: none"> The only change to existing streets is the replacement of existing substandard sidewalks with wider sidewalks. As mentioned previously, needed easements are to be dedicated by appropriate documents in conjunction with final plans. 	Complies
Transportation Level of Service Section 3.6.4	<p>This Section requires a Transportation Impact Study (TIS) unless the proposed development is deemed to have a nominal impact pursuant to LCUASS Chapter 4, in which case a TIS may be waived by the Traffic Engineer.</p> <ul style="list-style-type: none"> A one-page memo was submitted, reviewed, and general conclusions were accepted by the City, because the trip generation by the plan is minimal and is only focused on limited service times. The memo is attached. 	Complies
Emergency Access Section 3.6.6	<p>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.</p> <ul style="list-style-type: none"> The lower west parking lot is reconfigured based on a fire truck turning template for circulation through the lot. Yorktown Ave. and the upper lot provide additional access. 	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. The plan is located within the Low Density Residential (RL) zone district, Division 4.4 of the Land Use Code.

The purpose of the zone is to recognize and accommodate the predominately single-family residential areas located throughout the City which were existing at the time of original adoption of the Code in 1997. The RL zone actually dates back to at least the mid-1960's and has always included schools and places of worship along with houses as the predominant, nearly exclusive, uses in the zone. There is a long-standing presumption that neighborhoods are the appropriate place type for these uses.

Aside from the place of worship being listed as a permitted use requiring hearing officer review (Type 1 review) in subsection 4.4(B)(2), no other zoning district standards are pertinent to the plan. Most of the standards apply to residential-based development plans.

5. Findings of Fact/Conclusion

In evaluating the request for the Foothills Unitarian Church Expansion MJA 210002, staff makes the following findings of fact:

1. The PDP complies with process requirements located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
2. The PDP complies with pertinent standards located in Article 3 – General Development Standards.
3. 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 Foothills Unitarian Church Expansion #MJA210002, based on the Findings of Fact and supporting explanations found in the staff report.

7. Attachments

1. Applicants Narrative
2. Site Plan
3. Landscape Plan
4. Architectural Exteriors
5. Utility Plans
6. Lighting Plan
7. Traffic Memo