

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

FINDINGS AND DECISION

HEARING DATE: March 30, 2022

PROJECT NAME: 301 Parker Street Two-Family

CASE NUMBER: FDP 210026

OWNER/APPLICANT: Parker FC, LLC
Ralph Shields
PO Box 271310
Fort Collins, CO 80527

APPLICANT/REPRESENTATIVE: Ralph Shields, WRKSHP, Inc.
3702 Manhattan Ave.
Fort Collins, CO 80526

HEARING OFFICER: Lori B. Strand

PROJECT DESCRIPTION/BACKGROUND:

This is a request for a combined Project Development Plan/Final Development Plan (“FDP”) to construct a single-story, two-family dwelling on approximately 0.158 acres at 301 Parker Street, Fort Collins (Parcel No. 9724218008) (the “Subject Property”), with each dwelling unit consisting of: approximately 640 square feet, one bedroom, and one bathroom (the “Project”).

A 670-square foot single-family home previously occupied the Subject Property; it recently was demolished and the Subject Property is now vacant.

Primary access to the Subject Property is from Parker Street. Four off-street gravel parking spaces will be located at the rear of the Subject Property and will be accessed from the existing alley located along the southern boundary of the Subject Property.

The Subject Property is located in the Low Density Mixed-Use Neighborhood (L-M-N) zone district.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhoods (L-M-N)	Low Density Mixed-Use Neighborhoods (L-M-N)	Low Density Mixed-Use Neighborhoods (L-M-N)	Low Density Mixed-Use Neighborhoods (L-M-N)
Land Use	Single-family detached residential, and two-family	Single-family detached residential, and two-family	Single-family detached residential, two-family, and multi-family	Single-family detached residential, and two-family

The Applicant also is seeking a modification of standard to Section 4.5(D)(1)(b) of the City of Fort Collins Land Use Code (“LUC”) which provides: “The maximum density of any development plan taken as a whole shall be nine (9) dwelling units per gross acre of residential land, except that affordable housing projects [] containing ten (10) acres or less may attain a maximum density, taken as a whole, of twelve (12) dwelling units per gross acre of residential land.” Specifically, the Applicant seeks a modification to this standard to allow a maximum density of 12.66 dwelling units per gross acre of land (the “Requested Modification of Standard”).

No written public comments were received on the FDP.

Additional project background and analysis of LUC compliance are detailed in the Development Review Staff Report prepared for the Project, a copy of which is attached to this decision as **ATTACHMENT A** (the “Staff Report”) and is incorporated herein by reference.

The Staff Report recommends approval of the FDP and the Requested Modification of Standard, with no conditions.

SUMMARY OF DECISION: Approved with a condition.

ZONE DISTRICT: Low Density Mixed-Use Neighborhood (L-M-N)

HEARING: The Hearing Officer opened the remote hearing at approximately 5:30 p.m. on March 30, 2022.

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding:

1. The Staff Report.
2. Rules of Conduct for Administrative Hearings.
3. Administrative (Type 1) Hearing: Order of Proceedings.

4. The Fort Collins City Plan, the LUC, and the formally promulgated ordinances and polices of the City are all considered part of the record considered by the Hearing Officer.
5. Vicinity Map.
6. City of Fort Collins Structure Plan.
7. City of Fort Collins Zoning Map for Subject Property and surrounding area.
8. Owner's project narrative.
9. Site plan (2 sheets).
10. Landscape plan (2 sheets).
11. Architectural elevations (1 sheet).
12. Utility plans (8 sheets).
13. Exhibit and legal description for utility easement.
14. Owner's written request for the Requested Modification of Standard.
15. Drainage letter from Frederick S. Wegert, PE, from Northern Engineering Service, Inc. to City of Fort Collins Stormwater, dated February 4, 2022, concluding that the proposed grading for the Project "matches the original drainage patterns and comply with the City of Fort Collins Stormwater Manual [and that t]here will be no adverse impacts to downstream properties and City of Fort Collins infrastructure from the proposed improvements for 301 Parker Street."
16. Pete Wray, Senior City Planner, City of Fort Collins, power point presentation for hearing on March 30, 2022 (26 pages).
17. Affidavit of Publication from Fort Collins Coloradoan that published notice of the public hearing on the FDP and Requested Modification of Standard occurred on March 18, 2022 (Ad # 0005178281).
18. Copy of written notice of the public hearing on the FDP and Requested Modification of Standard, dated March 16, 2022.

TESTIMONY: The following persons testified at the hearing:

From the City: Pete Wray, Senior City Planner

From the Applicant/Owner: Ralph Shields (address provided on page 1 of this decision)

From the Public: None.

The virtual hearing on this Project was closed at approximately 6:05 p.m. on March 30, 2022.

FINDINGS

1. The Staff Report and testimony of Mr. Wray, Senior 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.
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 FDP complies with the applicable procedural and administrative requirements of Article 2 of the LUC.
 - B. The FDP complies with the applicable General Development Standards contained in Article 3 of the LUC with .
 - C. The Requested Modification of Standard to Section 4.5(D)(1)(b) of the LUC: (i) will not be detrimental to the public good and (ii) will not diverge from Section 4.5(D)(1)(b) except in a nominal, inconsequential way when considered from the perspective of the entire development plan and will continue to advance the purposes of Section 1.2.2 of the LUC. With respect to the foregoing, the Hearing Officer specifically finds:
 - i. The FDP limits the massing, height, square footage, and number of dwellings per unit in such a way to ensure that the proposed two-family dwelling will have a level of activity and impacts to the surrounding area that are comparable to the level of activity and impacts of a one-family dwelling on the Subject Property.
 - ii. The Fort Collins City Plan contemplates that it may be feasible for properties within existing mixed use neighborhoods which currently consist of single-family detached homes to be redeveloped with attached housing options of comparable scale and intensity.
 - iii. The FDP with the Requested Modification is consistent with the Fort Collins City Plan because it will expand housing options in an

existing neighborhood while maintaining compatibility with the building height, massing, and form of adjacent properties.

- D. Except for LUC Section 4.5(D)(1)(b), which is satisfied by way of the Requested Modification of Standard, the FDP complies with Division 4.5 of the LUC.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the 301 Parker Street Two-Family, FDP 210026 and the Requested Modification of Standard to Section 4.5(D)(1)(b) of the LUC allowing for a maximum density of 12.66 dwelling units per gross acre of land, provided that the Project is constructed in substantial compliance with the 301 Parker Street Two-Family Site Plan submitted to the Hearing Officer in this case, including limiting the number of bedrooms per dwelling unit to one bedroom each.

DATED this 11th day of April, 2022.



Lori B. Strand
Hearing Officer

ATTACHMENT A

Staff Report
301 Parker Street Two-Family, FDP 210026

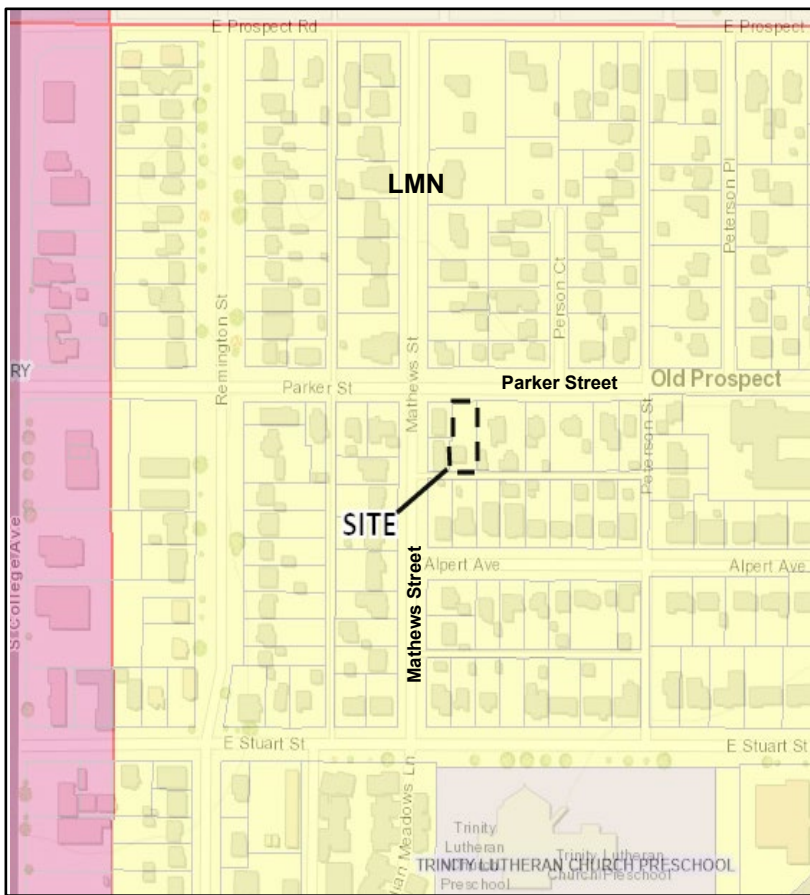
Administrative Hearing: March 30, 2022

301 Parker Street Two-Family, FDP210026

Summary of Request

This is a combined PDP/FDP to construct a single-story, two-family dwelling with each unit consisting of approximately 600 finished square feet, one bedroom and bathroom, on approximately .158 acres. The plan includes demolition of the existing house. Primary access to the site is from Parker Street, and secondary access from the existing alley, with four parking spaces provided with access from the rear alley. This property is in the Low Density Mixed-Use (L-M-N) zone district and is subject to a Type 1 (Administrative Hearing) review.

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

The site is located at 301 Parker Street (parcel #9724218008).

Zoning

Low Density Mixed-Use Neighborhood (L-M-N) zone district.

Property Owner

Parker FC, LLC
 Ralph Shields
 PO Box 271310
 Fort Collins, CO 80527

Applicant/Representative

Ralph Shields, WRKSHP, Inc.
 3702 Manhattan Ave
 Fort Collins, CO 80526

Staff

Pete Wray, Senior City Planner

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Staff Recommendation

Approval of combined Project Development Plan/Final Development Plan

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 6,861 square feet in size (75'x149'), and .158 acres.
- There was an existing 670 square foot single-family home on site that was removed.
- The proposed 1,280 square foot one-story two-family dwelling, with each unit consisting of approximately 600 finished square feet, one bedroom, and one bathroom.
- The site would contain four off-street gravel parking spaces, with access from the existing alley.
- The property is zoned Low Density Mixed-Use Neighborhood District (L-M-N). The proposed overall gross density is 12.66 DU/ gross acre of residential land.
- A Request for Modification has been provided to allow the construction of new two-family dwelling, resulting in a gross density of 12.66 D.U./ acre, more than the maximum allowance of 9 D.U./ acre in the LMN zone district.

B. SITE CHARACTERISTICS

1. Development Status/Background

- The site currently vacant with the removal of the existing home and garage.
- The site was part of the South College Avenue Consolidated Annexation in 1957.
- The site is part of the Old Prospect Neighborhood and Alpert Subdivision.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhoods (L-M-N)	Low Density Mixed-Use Neighborhoods (L-M-N)	Low Density Mixed-Use Neighborhoods (L-M-N)	Low Density Mixed-Use Neighborhoods (L-M-N)
Land Use	Single-family detached residential, and two-family	Single-family detached residential, and two-family	Single-family detached residential, two-family, and multi-family	Single-family detached residential, and two-family

C. OVERVIEW OF MAIN CONSIDERATIONS

- The main considerations have been utility coordination, easement dedication, building placement on site, LMN density, and the provision of vehicle parking. Since the lot is 50 feet in width, each single-family dwelling must have one off-street parking space.

D. CITY PLAN

The City's comprehensive plan (2019 *City Plan*) reflects the participation of thousands of community members and embodies the vision and values of the community for the future.

A significant theme in the plan is encouraging more housing options in general. For example, Policy LIV 5.6 on p. 42 states: "EXISTING NEIGHBORHOODS: Expand housing options in existing neighborhoods (where permitted by underlying zoning) by encouraging: Infill development on vacant and underutilized lots; Internal ADUs [Accessory Dwelling Units] such as basement or upstairs apartments; Detached ADUs on lots of sufficient size; and Duplexes, townhomes, or other alternatives to detached single-family homes that are compatible with the scale and mass of adjacent properties."

The plan designates this area of the Old Prospect neighborhood as a "Mixed Neighborhood place type, which is characterized by a mixture of housing types. The following excerpt from p.98 in *City Plan* gives a sense of the main ideas for land uses in that designation:

"Principal Land Use

Single-family detached homes, duplexes, triplexes, and townhomes

Supporting Land Use

ADUs, small scale multifamily buildings, small-scale retail, restaurants/cafes, community and public facilities, parks and recreational facilities, schools, places of worship

Key Characteristics/Considerations (Existing Neighborhoods)

- *While many existing Mixed-Neighborhoods may consist predominantly of single-family detached homes today, opportunities to incorporate ADUs or other attached housing options of a compatible scale and intensity may be feasible in some locations.*
- *The introduction of larger townhome or multifamily developments into existing single-family neighborhoods should generally be limited to edge or corner parcels that abut and/or are oriented toward arterial streets or an adjacent Neighborhood Mixed-Use District where transit and other services and amenities are available.*
- *Where townhomes or multifamily buildings are proposed in an existing neighborhood context, a transition in building height, massing and form should be required along the shared property line or street frontage.*
- *As existing neighborhoods change and evolve over time, rezoning of some areas may be appropriate when paired with a subarea or neighborhood planning initiative. See the Priority Place Types discussion on page 107 for more details about changes in existing neighborhoods over time.*
- *While reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not."*

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 Officer to be considered when making a decision on the project.

3. Land Use Code Article 2 – Applicable Standards

A. BACKGROUND

This project was submitted on October 30, 2020. The project required two rounds of staff review, following the initial plan submittal.

B. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

3. Conceptual Review # CDR210060

A conceptual review meeting was held on August 5, 2021.

4. First Submittal (PDP/FDP210026)

The first submittal of this project was completed on November 10, 2021.

5. Neighborhood Meeting

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

6. 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.

7. Notice (Posted, Written and Published)

Posted Notice: November 17, 2021, Sign # 654

Written notice: March 16, 2022, 253 addresses mailed.

Published Notice: March 18, 2022, Coloradoan confirmation # 0005178275

C. DIVISION 2.8 – MODIFICATION OF STANDARDS

The applicant requests a modification of a standards as mentioned in this report.

The Land Use Code (LUC) is adopted with the recognition that there will be instances where a project would support the implementation of City Plan, but due to unique and unforeseen circumstances would not meet a specific standard of the Land Use Code as stated. The modification process and criteria in Land Use Code Division 2.8.2(H) provide for evaluation of these instances on a case-by-case basis, 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 Standards to Section 4.5 (D)(1)(b) – Density

The applicant has submitted a request for a Modification to Section 4.5 (D)(1)(b) – *Density*, to allow a two-family dwelling with a density of 12.66 dwellings units per gross acre of land.

1. LUC Code Section 4.5 (D)(1)(b) Citation. This standard requires that:

(b) The maximum density of any development plan taken as a whole shall be nine (9) dwelling units per gross acre of residential land, except that affordable housing projects (whether approved pursuant to overall development plans or project development plans) containing ten (10) acres or less may attain a maximum density, taken as a whole, of twelve (12) dwelling units per gross acre of residential land.

The proposed PDP on a 6,861 square foot lot (.158-acres) includes a two-family dwelling with an increased density of 12.66 dwellings units per gross acre of land, exceeding the maximum density of 9 dwelling units per gross acre by 3.66.

2. Applicant's Justification

The Applicant requests that the modification be approved and provides the following justification based upon the following Criterion:

The granting of this modification of standards would not be detrimental to the public good and 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.

The standard requires that this property be limited to a maximum of 9 dwelling units per gross acre of residential land. To meet the standard this project would be limited to one dwelling unit. When considered from the perspective of the entire development plan, including the small size of the proposed dwelling units and the marginal increase in overall density in the Alpert Subdivision that would result, this project would not diverge from the standards of the Land Use Code except in a nominal, inconsequential way.*

**(Based on my survey of Larimer County property records there are 39 residential dwelling units and approximately 5.12 acres of gross residential land in the Alpert subdivision, the addition of one dwelling unit at this project would increase the overall density of the Alpert Subdivision from 7.62 DU/gross acre of land to 7.82 DU/gross acre of land.)*

The proposed small duplex makes the project financially feasible as a long term rental. Finally, the proposed alternative plan is not a detriment to the public good as it results in the development of a vacant property within an established area in accordance with the overall City goals as outlined in the City Plan.

3. Staff's Analysis of Modification Request

Staff finds that the request for the Modification of Standard to Section 4.5(D)(1)(b) is justified by the applicable standards in 2.8.2(H) (1) and (4):

- The plan as submitted **will not be detrimental to the public good**. The PDP is providing a two-family housing type that is compatible with the surrounding existing established residential neighborhood, and consistent with the LUC Division 4.5 (LMN) District standards. The main issue identified in this regard is the noticeable size and massing of the building in relation to its surrounding context. The additional density of a two-family dwelling is not detrimental because eliminating one unit to reduce the density would not necessarily be noticeable. The same building could be built with one fewer unit, but with slightly larger units, containing more total bedrooms, than the proposed plan.

(1) **"Equal or Better"**. *Citation*. This criteria requires that:

"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."

The proposed plan continues to advance the purpose and intent of the LUC Division 4.5 (LMN) District:

"to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices, that invite walking to gathering places, services and conveniences, and that are fully integrated into the larger community by the pattern of streets, blocks, and other linkages."

The proposed plan replaces an existing 670 square foot single-family dwelling with a new two-family dwelling (640 SF ea. unit). To meet the density requirement, only one dwelling unit is allowed, to fall under the maximum density of 9 dwellings units per gross acre (6.33). By adding a second dwelling unit, this increases the density to 12.66.

Staff finds that the plan with 2 units is equal to a plan with 1 unit, relative to the purpose of the density standard which is to generally limit density and intensity to a level appropriate for development in the LMN zone. A plan with 2 units could be virtually identical to a single-family dwelling except for the number of units, with the same building size, parking configuration, and level of activity. In this case and assessing the context of the immediate neighborhood, staff finds that the allowance for a two-family dwelling that results in an increase in density creates no definable negative impact. The proposed increase in density is not a noticeable characteristic, nor results in a change of character on the affected residential block.

(4) **“Nominal and Inconsequential”**. *Citation*. This criteria requires that:

“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.”

To comply with the standard, 1 dwelling unit would be allowed. When considered from the perspective of the entire development plan, 2 units rather than 1 in the proposed building has little or no noticeable effect because the entire development plan could be virtually identical with 1 unit. The essential aspects of the overall plan are not affected by the additional unit -- e.g., the building, parking, traffic, landscaping, lighting, and general activity level would be essentially the same.

In review of the context of the affected block area, the applicant has assessed the change in density with the addition of one unit, included in the Alpert Subdivision that includes 39 residential dwelling units and approximately 5.12 acres of gross residential land, the addition of one dwelling unit at this project would increase the overall density of the Alpert Subdivision from 7.62 DU/gross acre of land to 7.82 DU/gross acre of land. Staff assessed the same block to include similar numbers (5.15 acres, existing density 7.58=DU/AC, proposed density=7.7 DU/AC). Again, the change in density is not noticeable, and is considered nominal and inconsequential. Because of this lack of differences or additional impacts, the plan as proposed will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2 with the additional unit.

4. Land Use Code 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	<p>This Code Section requires a fully developed landscape plan that addresses relationships of landscaping to the circulation system and parking, the building, abutting properties, and users of the site in a manner appropriate to the neighborhood context.</p> <ul style="list-style-type: none"> Section 3.2.1(D)(2) Street trees. Two street trees are provided behind the attached sidewalk along the Parker Street frontage, in accordance with the standards of this section. Section 3.2.1(D)(3) Minimum Species Diversity. The project provides 11 trees, not more than 50% of any one tree species in compliance with this standard. Nine Siberian Elm trees, exempt from the tree mitigation requirements were removed. A 17” Honey Locust tree, in fair-minus condition was removed with a 1.5 tree mitigation needed for replacement. Tree mitigation requirements are met, with two mitigation trees provided per City Forestry requirements. 	Complies
3.2.2 – Access, Circulation and Parking – General Standard	<p>This code Section requires secure, convenient, efficient parking and circulation improvements that add to the attractiveness of the development.</p> <ul style="list-style-type: none"> The plan provides primary access from Parker Street, and secondary access from the existing alley and parking spaces for the project. The plan provides specific required parking per the subsections noted below. 	Complies
3.2.2(C)(4)(b) – Bicycle Parking Space Requirements	NA	NA
3.2.2(K)(2) – Residential Parking Requirements	<ul style="list-style-type: none"> See section 3.8.10 below 	Complies
3.2.3 - Solar Access, Orientation and Shading	NA	NA
3.2.4 – Site Lighting	NA	NA
3.2.5 – Trash and Recycling Enclosures	NA	NA

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> <ul style="list-style-type: none"> The project includes a 9-ft area containing the utility easement and right-of-way along Parker Street, and an 8’ utility easement of the alley, in compliance with all applicable engineering standards and guidelines. 	Complies

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.4.1 – Natural Habitats and Features	NA	NA
3.4.3 – Water Quality	<p>The Project is designed so that precipitation runoff flowing from the site is treated in accordance with the criteria set forth in the <i>Stormwater Criteria Manual</i>.</p>	NA
3.4.4 – Noise & Vibration	NA	NA
3.4.5 – Hazardous Materials	NA	NA
3.4.6 – Glare and Heat	NA	NA
3.4.7 – Historic and Cultural Resources	NA	NA
3.4.8 – Parks and Trails	NA	NA
3.4.9 – Health Risks	NA	NA

D. 3.5 – BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.5.1– Building Project and Compatibility (C)(E)(F)	<p>These subsections require new developments in or adjacent to existing developed areas are compatible, when considered within the context of the surrounding area, by using a design that is complimentary. They should be read in conjunction with the more specific building standards contained in the zone district standards in Article 4.</p> <ul style="list-style-type: none"> • The site is zoned L-M-N and is in the Old Prospect neighborhood. The site is surrounded by other single-family detached dwellings in the L-M-N zone district. • <i>Building Size, Height, Bulk, Mass, Scale:</i> The proposed structure is a one-story, 1,280 square foot two-family dwelling. It is similar in square footage to other dwellings on the block face which range from 800-1,600 square feet in size. Most homes along the block-face do not exceed one-story. The building design utilizes a pitched roof, not out of character with pitched roofs found on adjacent single-family dwellings. • <i>Privacy Considerations:</i> The building design includes human-scaled windows on the west and north elevations, which face the lot lines and adjacent properties. The number of windows and placement on these elevations is done to provide interest to the building façade while also maximizing privacy for the residents and adjacent properties. • <i>Building Materials:</i> The proposed dwelling uses a combination of horizontal lap siding, wood window trim, metal roof or brown shingles (alternative) and gutters. None of the building materials proposed will result in excessive glare. • <i>Building Color:</i> The proposed white wood lap siding, similar to other buildings along the block and throughout the neighborhood. 	Complies
3.5.2 – Residential Building Standards (C)	<p>This standard applies to single-family detached, single-family attached, and two-family dwellings and requires that projects containing residential buildings place a high priority on building entryways and their relationship to the street. Buildings shall include human-scaled elements, architectural articulation, and in projects containing more than one (1) building, design variation.</p> <ul style="list-style-type: none"> • <i>Housing Model Variety and Variation Among Buildings:</i> This requirement does not apply to developments containing ten (10) or fewer dwelling units. 	NA
3.5.2(D)(1)(a) – Relationship of Dwellings to Streets and Parking	<p>Every front facade with a primary entrance to a dwelling unit must face the adjacent street to the extent reasonably feasible. Every front facade with a primary entrance to a dwelling unit shall face a connecting walkway with no primary entrance more than two hundred (200) feet from a street sidewalk and the address shall be posted to be visible from the intersection of the connecting walkway and public right of way. The following exceptions to this standard are permitted:</p> <ul style="list-style-type: none"> • Each unit of the two-family dwelling includes an entrance that opens and faces Parker Street, with a direct sidewalk connection to the street sidewalk, approximately 24 feet. 	Complies
3.5.2(E)(2) – Setback from Nonarterial Streets	<p>The minimum setback of every residential building and of every detached accessory building that is incidental to the residential building shall be fifteen (15) feet from any public street right-of-way other than an arterial street right-of-way.</p> <ul style="list-style-type: none"> • The project exceeds the minimum 15-foot setback required for residential buildings, and the proposed building is 28'-10" to the ROW. 	Complies

3.5.2(E)(3) – Side and Rear Yard Setbacks	<p>The minimum side yard setback for all residential buildings and for all detached accessory buildings that are incidental to the residential building shall be five (5) feet from the property line, except for alley-accessed garages, for which the minimum setback from an alley shall be eight (8) feet.</p> <ul style="list-style-type: none"> The proposed project exceeds the minimum 5’ side yard setback. The rear parking area does not include a garage. An 8’ utility easement is shown off the alley, and the main building is setback from the rear property line approximately 53 feet. 	Complies
3.5.2(F) – Garage Doors	<p>The intent of this standard is to prevent residential streetscapes from being dominated by protruding garage doors, and to allow the active, visually interesting features of the house to dominate the streetscape.</p> <ul style="list-style-type: none"> The proposed building design does not include a garage. 	NA

E. 3.6 TRANSPORTATION AND CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.6.1 – Master Street Plan	<p>This criterion requires the project to conform to the Master Street Plan.</p> <ul style="list-style-type: none"> Parker Street is an existing designated local street, not included in the Master Street Plan. The development as proposed is consistent with uses allowed on local streets. 	NA
3.6.2 (K) – Streets, Streetscapes, Alleys and Easements	<p>The intent of this standard is to ensure that the public and private streets and alleys are designed to support the infrastructure proposed, consistent with the <i>Larimer County Urban Area Street standards and Master Street Plan</i>.</p> <ul style="list-style-type: none"> Parker Street and the alley are an existing condition. The frontage of Parker Street will be improved to include a wider sidewalk and ROW. 	Complies
3.6.3 – Street Pattern and Connectivity	<p>This standard requires the development be designed to be safe, efficient, convenient, and attractive, considering use by all modes of transportation.</p> <ul style="list-style-type: none"> A new sidewalk is provided along the Parker Street frontage, and parking is accessed from the rear alley to maximize the pedestrian oriented street front. 	Complies
3.6.4 – Transportation Level of Service Requirements	<p>This standard requires demonstration that the transportation needs of a proposed development can be adequately accommodated by the existing transportation system, or including appropriate mitigation of impacts, for all travel modes.</p> <ul style="list-style-type: none"> A traffic impact study is not required for this type of project. The plan meets exceeds the minimum parking requirements based on the number of units. 	Complies
3.6.5 – Bus Stop Design	NA	NA

3.6.6 – Emergency Access	<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> <ul style="list-style-type: none"> The plan includes primary access from Parker Street, and secondary access off the alley. The plan includes a connecting walkway from the street, around the building and to the alley in a manner that is appropriate for emergency access to the development. 	Complies
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F. 3.7 COMPACT URBAN GROWTH

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.7.1 - General	NA	NA
3.7.2 - Contiguity	NA	NA
3.7.3 – Adequate Public Facilities	<p>The purpose of the adequate public facilities (APF) management system is to establish an ongoing mechanism which ensures that public facilities and services needed to support development are available concurrently with the impacts of such development.</p> <p>This section requires that any approval of a development be conditioned on the provision of all services necessary to serve the new development. This includes transportation, water, wastewater, storm drainage, fire and emergency services, electrical power and any other public facilities and services as required.</p> <ul style="list-style-type: none"> The project is located within the City of Fort Collins Light and Power, Poudre Fire Authority and Fort Collins Stormwater Districts. Water service is provided by City of Fort Collins Utilities. Each entity has commented on the project and has found that the existing infrastructure can serve the proposed project. 	Complies

G. 3.8 SUPPLEMENTARY REGULATIONS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.8.10 – Single-Family and Two-Family Parking Requirements	<p>Development of Single-Family and Two-Family dwellings must provide one (1) parking space per dwelling on lots with greater than forty (40) feet of street frontage or two (2) parking spaces on lots with less than forty (40) feet of street frontage.</p> <ul style="list-style-type: none"> The lot has 50 feet of street frontage; therefore 1 parking space is required for each two-family dwelling unit. The plan provides 2 parking space for each unit, exceeding the standard. 	Complies

5. Land Use Code Article 4 – Applicable Standards:

A. DIVISION 4.5 – LOW DENSITY MIXED-USE NEIGHBORHOOD (L-M-N) ZONING DISTRICT

The Low Density Mixed-Use Neighborhood District is intended to be a setting for a predominance of low density housing combined with complementary and supporting land uses that serve a neighborhood and are developed and operated in harmony with the residential characteristics of a neighborhood. The main purpose of the district is to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices that invite walking to gathering places, services and conveniences, and that are fully integrated into the larger community by the pattern of streets, blocks, and other linkages.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.5(B)(2) – Permitted Uses	The proposed use is a two-family detached dwelling. Two-family detached dwellings are a permitted use subject to Type 1 review.	Complies
4.5(D)(1) – Density	<p>Residential developments less than 20 acres in size shall have an overall minimum average density of three (3) dwelling units <u>per net acre</u> of residential land. The maximum density of any development plan taken as a whole shall be 9 dwelling units <u>per gross acre</u> of residential land.</p> <ul style="list-style-type: none"> • The P.D.P. has no netted land on this site, so the net density requirement is not applicable. • The gross density is 12.66 dwelling units per gross acre of land. <ul style="list-style-type: none"> ○ Calculation: 2 du / .158-acres = 12.66 <p>One dwelling unit on this site meets the minimum density of 9 DU/gross acre. The proposed two-family dwelling exceeds this standard.</p> <p>See page 4, Section C of this staff report for request for Modification of Standards to allow an increase in density.</p> <p>The maximum building height permitted within this district is 2.5 stories.</p> <ul style="list-style-type: none"> • The proposed building is one story. 	Complies with Modification
4.5(D)(2) – Mix of Housing	<p>In the L-M-N zone district a mix of permitted housing types shall be included in any individual development plan, to the extent reasonably feasible, depending on the size of the parcel.</p> <p>A minimum of housing types is required on any project development plan as follows:</p> <p>1. A minimum of two (2) housing types is required on any project development plan containing <u>at least</u> fifteen (15) acres and less than twenty (20) acres.</p> <p>Since the development plan is less than one total acre it was determined that the requirement for a mix of housing types which would generally only apply to a development of at least 15 acres was infeasible.</p>	N/A
4.5(E) – Development Standards	<p>(3) – Maximum Residential Building Height: The maximum height of one-, two- and three-family dwellings shall be two and one-half (2.5) stories.</p> <ul style="list-style-type: none"> • The project includes a one-story building. 	Complies

6. Findings of Fact/Conclusion

In evaluating the request for the 301 Parker Street Two-Family, FDP210026, staff makes the following findings of fact:

- A. The F.D.P. complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The F.D.P. complies with relevant standards located in Article 3 – General Development Standards.
- C. The F.D.P. complies with relevant standards located in Division 4.5, Low Density Mixed-Use Neighborhoods (L-M-N) of Article 4, with one Modification of Standards.

7. Recommendation

Staff recommends approval of the 301 Parker Street Two-Family, FDP210026 based on staff report information and the aforementioned Findings of Fact.

ATTACHMENTS:

- 1. Vicinity Map
- 2. Structure Plan Map
- 3. Zoning Map
- 4. Project Narrative
- 5. Site Plan
- 6. Landscape Plan
- 7. Architectural Elevations
- 8. Utility Plan
- 9. Utility Easement
- 10. Request for Modification of Standards
- 11. Drainage Memo
- 12. Staff Presentation