

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

FINDINGS AND DECISION

HEARING DATE: March 30, 2022

PROJECT NAME: Timber Lark Subdivision

CASE NUMBER: PDP # 210015

APPLICANT
/REPRESENTATIVE: Schroyer Resources
Steve Schroyer
900 Greenfields Court
Fort Collins, CO 80524

OWNER: AADT Land Holdings LLC
Alexander Aigner
13005 Lowell Blvd.
Broomfield, CO 80020

HEARING OFFICER: Lori B. Strand

PROJECT DESCRIPTION & BACKGROUND: The Timber Lark Subdivision PDP #210015 (the “**PDP**”) proposes to subdivide and develop in one phase 197 residential dwelling units and a 1-acre park (the “**Project**”) on an approximately 35.17-acre parcel of vacant land described as Parcel #8607400003 and located at 6363 S. Timberline Road, northwest of the S. Timberline Road/Trilby Road intersection (the “**Subject Property**”). The residential dwelling units will include a mix of single-family detached, two-family, and single-family attached dwellings, with a density of approximately 5.63 dwelling units per acre.

Primary access to the Subject Property will be by a connection to South Timberline Road. Secondary local street access will be provided from the north through the Linden Park neighborhood. Future street connections from the Subject Property to East Trilby Road to the south will be completed at an unknown point in the future when the currently unincorporated parcels to the south redevelop. The PDP includes a stormwater detention area, an existing mature tree habitat, and soft-path trail connections to a future multi-use off-site trail.

The Subject Property was annexed to the City on February 25, 2022. The Subject Property is located in the Low Density Mixed-Use Neighborhood (L-M-N) zone district and is designed Mixed-Use Neighborhood on the Fort Collins City Plan Structure Plan map. The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhood (L-M-N)	County FA-1	Low Density Mixed-Use Neighborhood (L-M-N)	Residential Low Density (R-L)
Land Use	Linden Park Subdivision	Rural Residential large lots	West Chase Subdivision, across Timberline Road	Union Pacific Railroad/Power Trail, and South Ridge Subdivision

The PDP includes a request for the following two modifications of standards:

- (1) The City of Fort Collins Land Use Code (“**LUC**”) *Subsection 3.2.3(C) – Solar-Oriented Residential Lots* provides that “[a]t least sixty-five (65) percent of the lots less than fifteen thousand (15,000) square feet in area in single- and two-family residential developments must conform to the [LUC] definition of a ‘solar-oriented lot’ in order to preserve the potential for solar energy use.” This standard applies to 149 of the 197 residential lots proposed for the PDP; as such, 97 lots are required to be solar-oriented lots. The Applicant is requesting a modification of standard to provide only 71 solar-oriented lots, which equals forty-eight percent (48%) of the lots subject to this standard (the “**Modification of Solar-Oriented Lot Standard**”).

- (2) LUC *Subsection 4.5(D)(2) – Mix of Housing* provides that “[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.” *Sub-subsection (a)(3)* of this requirement states that “a minimum of four (4) housing types is required on any such project development plan containing thirty (30) acres or more.” *Sub-subsection (c)* of this requirement lists out specific housing types that “shall be used to satisfy this requirement.” The PDP includes the following housing types: single-family detached (front loaded), two-family (front loaded), two-family (alley loaded), and single-family attached. However, *sub-subsection (c)* lists “two-family” as only one housing type. As such, the Applicant is requesting a modification of standard for two-family (front loaded) and two-family (alley loaded) to be recognized as two distinct housing types (the “**Modification of Housing Type Standard**”).

The PDP also includes a request for alternative compliance to LUC *Subsection 3.5.2(E)(2) – Setback from Nonarterial Streets*, which standard requires: (i) a 15-foot setback from non-arterial streets to the single-family detached, two-family, and single-family attached 3-plex buildings within the PDP and (ii) a 20-foot setback from garage doors to the nearest portion of any public sidewalk that intersects the driveway. The Applicant is requesting alternative compliance to: (i) reduce the non-arterial street setback from 15-feet to 12-feet as shown on the PDP Site Plan and (ii)

reduce the minimum setback between the garage door and public sidewalk from 20-feet to 19-feet (collectively, the “**Alternative Compliance for Non-arterial Street Setbacks**”).

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

The Staff Report recommends approval of the PDP, the Modification of Solar-Oriented Lot Standard, the Modification of Housing Type Standard, and the Alternative Compliance for Non-arterial Street Setbacks.

SUMMARY OF DECISION: Approved.

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

HEARING: The Hearing Officer opened the virtual hearing on March 30, 2022 at approximately 6:05 P.M. and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present.

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

1. The Staff Report.
2. Vicinity Map.
3. Master Street Map.
4. Structure Plan Map.
5. Applicant project narrative.
6. Timber Lark Residential Project Development Plan (31 sheets, including overall site plan, building variation exhibit, site plan enlargements, landscape plan, tree mitigation plan, and landscape enlargements) (the “**PDP Site Plan**”).
7. Utility plans (32 sheets).
8. Preliminary plat (8 sheets).
9. Building elevations (9 sheets).
10. Applicant alternative compliance request.
11. Applicant request for Modification of Housing Type Standard.
12. Applicant request for Modification of Solar-Oriented Lot Standard.
13. Traffic impact study.
14. Ecological Characterization Study report.
15. Neighborhood meeting summary re: annexation and zoning request.

16. Affidavit of publication of Notice of Hearing in the *Fort Collins Coloradan* on 3/18/2022 (Ad # 0005178275).
17. Copy of Written Hearing Notice, dated March 16, 2022.
18. The PowerPoint presentation prepared by City staff for the hearing (the “**Staff PowerPoint**”).
19. The PowerPoint presentation prepared by the Applicant for the hearing.
20. Written comment from Ted Manahan.
21. Written comment from Peggy B. La Point
22. Rules of Conduct for Administrative Hearings.
23. Administrative (Type 1) Hearing: Order of Proceedings.
24. The Fort Collins City Plan, the Fossil Creek Reservoir Area Plan, the LUC, and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified or participated during the virtual hearing:

From the City: Pete Wray, Senior City Planner
 Kelly Smith, Senior City Environmental Planner
 Spencer Smith, City Traffic Operations
 Sophie Buckingham, City Engineer

From the Applicant: Steve Schroyer
 Russ Lee, Ripley Design

From the Public:

1. Lane Hanson, 1630 E. Trilby Road
2. Ted Manahan, 919 Fossil Creek Parkway
3. Ken Willmingham, 6207 Eagle Ridge Court
4. Jay Miller, 6315 Fossil Creek Circle
5. Ginger Amador, 2221 Chandler Street
6. Colleen Gibley-Reed, 1721 Falcon Ridge Drive
7. David Reed, 1721 Falcon Ridge Drive
8. Eric Wilson, Linden Park

The public comment portion of the hearing opened at approximately 6:50 P.M. and closed at approximately 7:15 P.M.

The virtual hearing was closed at approximately 7:45 P.M.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the virtual public hearing was properly posted, mailed, and published.
2. As required by City Council Ordinance 079, 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 virtual public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
 - A. The PDP complies with the applicable procedural and administrative requirements of Article 2 of the LUC.
 - B. The requested Modification of Solar-Oriented Lot Standard: (i) will not be detrimental to the public good and (ii) by reason of exceptional physical conditions and other extraordinary and exceptional situations, unique to the Subject Property, the strict application of *Subsection 3.2.3(C)* would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the Owner. Further, such difficulties or hardship are not caused by the act or omission of the Owner. With respect to the foregoing, the Hearing Officer specifically finds:
 - i. The modification will not be detrimental to the public good because the PDP includes building options with sloped and varied roof orientations that can accommodate solar energy rooftop systems for all lots not meeting the standard. Providing these building options accomplishes the stated purpose of Subsection 3.2.3(C) “to preserve the potential for solar energy use.”
 - ii. The following exceptional physical conditions and constraints, not caused by the Owner, exist on the Subject Property which limit the Owner’s ability to provide the east-west roadway alignments that are necessary for compliance with the standard:
 - (1) The Subject Property has a flagpole configuration. The property boundaries of the Subject Property are long from west to east and narrow from north to south, and particularly narrow at the eastern portion of the Subject

Property where a large parcel abutting the Subject Property to the south and South Timberline Road to the west remains in separate ownership. The Subject Property is made even narrower from north to south by a fifteen (15) foot drainage easement that runs along the northern property boundary.

- (2) The Subject Property is required to connect to existing stub outs in the Linden Park subdivision to the north. These streets further bisect the Subject Property with north-south alignments.

In addition, the following components of the PDP, which provide benefits to the public and future residents of the Project, further constrain the Owner's ability to construct east-west alignments: the 1-acre private park proposed for a central location in the development and the natural habitat buffer established for the existing mature cottonwood tree at the northwest of the Subject Property.

See Slide 23 of the Staff PowerPoint depicting exceptional physical conditions and constraints.

- C. The PDP with the requested Alternative Compliance for Non-arterial Street Setbacks will accomplish the purpose of LUC *Section 3.5.2* to promote variety, visual interest, and pedestrian-oriented streets equally well or better than would a plan which fully complies with *Subsection 3.5.2(E)(2)*. The PDP promotes variety by, among other things, providing four housing types, a broad range of housing models, building variations, multiple floor plans, different exterior materials, and multiple exterior color palettes. A primary reason stated for requesting the Alternative Compliance relates to a change that occurred following submittal of the PDP in the Larimer County Urban Area Street Standards ("LCUAS Standards"). The change increased required parkway and sidewalk widths within the nonarterial street right-of-way; the change resulted in an increased right-of-way dimension of 6-feet, which resulted in a reduced lot depth of 3-feet on each side of the street. The Hearing Officer agrees with staff's conclusion in the Staff Report that approval of the reduced setbacks will allow for more usable space in the rear yard of the lots subject to the standard, while maintaining the same distance between the roadway and the face of the building or covered porch as compared to the prior LCUAS Standards. Similarly, the Hearing Officer agrees with, and incorporates, the findings in the Staff Report regarding the standards set forth in LUC *Subsection 3.5.2(E)(2)a. through d.*; the Hearing Officer finds that, with limited warranted exceptions as explained in the Staff Report, the PDP meets or exceeds such standards which further supports approval of the requested Alternative Compliance.
- D. Except for LUC *Subsection 3.2.3(C) – Solar-Oriented Lots*, which is satisfied by way of the Modification of Solar-Oriented Lot Standard, and LUC *Subsection*

3.5.2(E)(2), which is satisfied by way of the Alternative Compliance for Non-arterial Street Setbacks, the PDP complies with the standards contained in Article 3 of the LUC.

- E. The requested Modification of Housing Type Standard: (i) will not be detrimental to the public good and (ii) will promote the general purpose of said standard equally well or better than would a plan which complies with said standard. With respect to the foregoing, the Hearing Officer specifically finds:
- i. The modification will not be detrimental to the public good because the PDP still provides four housing types as intended by *Subsection 4.5(D)(2)* and furthers several purposes of the L-M-N District, including providing a variety of housing choices, inviting walking to gathering places such as to the centrally located 1-acre private park, and providing trail and local street linkages.
 - ii. The PDP promotes the general purpose of *Subsection 4.5(D)(2)* to provide a variety of housing types equally well or better as it would if it were to provide a fourth housing type that is specifically listed in *Subsection 4.5(D)(2)(c)*. Recognizing a distinction between front-loaded and alley-loaded two-family dwellings is consistent with the distinction recognized in the LUC for front-loaded and rear-loaded single-family detached dwellings, and alternating garage door placements between the front and rear of two-family dwellings will increase variety of housing types and create visual interest along the streetscape in a similar manner.
- F. Except for LUC *Subsection 4.5(D)(2) – Mix of Housing*, which is satisfied by way of the Modification of Housing Type Standard, the PDP complies with the standards contained in Article 4, Division 4.5 of the LUC (Low Density Mixed-Use Neighborhood District standards).

DECISION

Based on the findings set forth above, the Hearing Officer hereby enters the following ruling:

- A. The Timber Lark Subdivision Project Development Plan (PDP #210015) is approved for the Subject Property.
- B. The Modification of the Solar-Oriented Lot Standard reducing the number of required solar-oriented lots to 71, which equals forty-eight percent (48%) of the lots subject to this standard, is approved.
- C. The Modification of the Housing Type Standard to recognize two-family (front loaded) and two-family (alley loaded) as two distinct housing types, is approved.

- D. The Alternative Compliance for Non-arterial Street Setbacks to reduce the non-arterial street setback from 15-feet to 12-feet for single-family detached, two-family, and single-family attached 3-plex buildings as shown on the PDP Site Plan and reduce the minimum setback between the garage door and public sidewalk from 20-feet to 19-feet is approved.

DATED this 12th day of April, 2022.



Lori B. Strand
Hearing Officer

ATTACHMENT A

Staff Report
Timber Lark Subdivision
(PDP #210015)

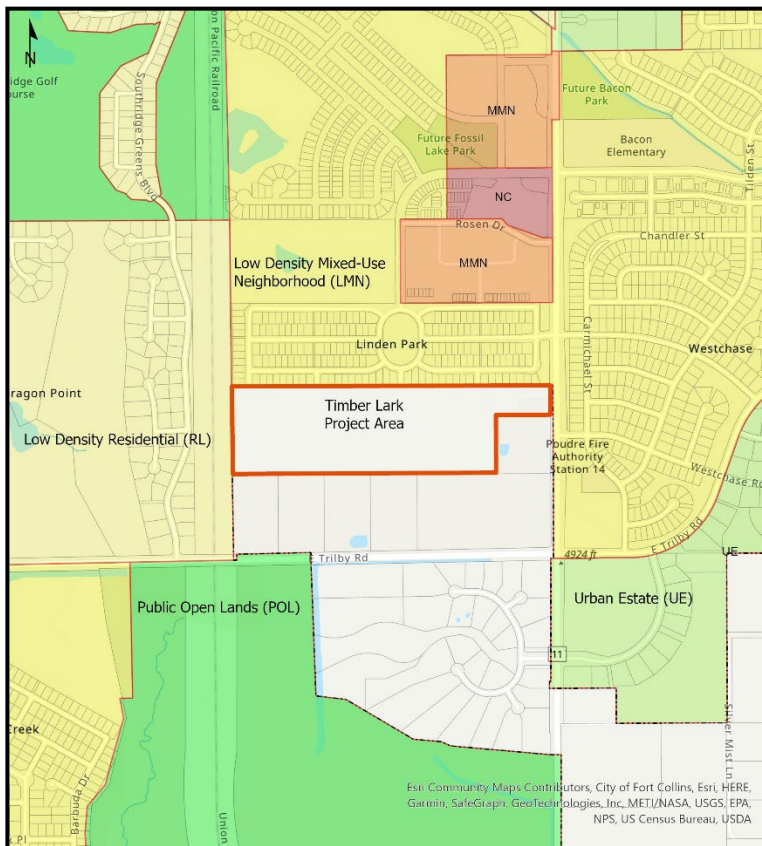
Administrative Hearing: March 30, 2022

Timber Lark Subdivision – PDP210015

Summary of Request

This is a request for a Project Development Plan (P.D.P.) to subdivide and develop 197 residential dwelling units and 1-acre park on 35.17-acres, parcel #8607400003. Primary access to the property will be served by South Timberline Road. The property is within the Low Density Mixed-Use Neighborhood (LMN) Zone District. The project would be developed in one phase and is subject to review by an Administrative Hearing Officer (Type 1) Review.

Zoning Map (ctrl + click map to follow link)



Next Steps

If approved by the decision maker, the applicant will be eligible to submit for Final Development Plan which must be consistent with the Project Development Plan and any associated conditions. The Final Plan submittal is subject to additional review and can be approved, approved with conditions, or denied based on the consistency with the Project Development Plan. After final review and approval all documents can be submitted for recordation and the project will be eligible to apply for a building permit.

Site Location

Located at 6363 S. Timberline Road, northwest of the S. Timberline Road/Trilby Road intersection.

Zoning

Low Density Mixed-Use Neighborhood (L-M-N), Zone District

Property Owner

AADT Land Holdings LLC
Alexander Aigner
13005 Lowell Blvd.
Broomfield, CO 80020

Applicant/Representative

Schroyer Resources
Steve Schroyer
900 Greenfields Court
Fort Collins, CO 80524

Staff

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

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Staff Recommendation

Staff recommends approval of the P.D.P., with Modifications and Alternative Compliance.

1. Project Introduction

A. PROJECT DESCRIPTION

- PDP to subdivide 35.17-acres located at 6363 S Timberline Rd (parcel # 8607400003).
- The project includes a request to develop 197 residential dwelling units, with a mix of Single-Family Detached, Two-Family, and Single-Family Attached dwellings, with a density of approximately 5.63 dwelling units per acre.
- The project includes a one-acre neighborhood park with amenities.
- Primary access to the property will be served by a connection to South Timberline Road. Secondary local street access is provided from the north through the Linden Park neighborhood. Future street connections to East Trilby Road to the south will be completed when the adjacent parcels develop in the future.
- The P.D.P. includes stormwater detention, existing mature tree habitat, and soft-path trail connections to the future multi-use trail off-site.
- The property is within the Low Density Mixed-Use Neighborhood (LMN) Zone District, subject a (Type 1) Review.
- Request for Modification of Standard to *Section 4.5 (D) (2) (c) – Mix of Housing*.
- Request for Modification of Standard to *Section 3.2.3 (C) – Solar-Oriented Residential Lots*.
- Request for Alternative Compliance to Section 3.5.2 (E)(2) – Front Setback.

B. SITE CHARACTERISTICS

1. Development Status/Background

The site currently includes:

- Vacant site, with open grass pastures
- An existing mature deciduous tree is located near the northwest portion of the site.
- Lot slopes from its high point along northern edge of property to the southeast.
- The Union Pacific Railroad to the west, private residential lots to the south and southeast, Linden Park neighborhood to the north, and S. Timberline Road to the east.
- The Timber Lark Annexation was completed on February 25, 2022.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhood (L-M-N)	County FA-1	Low Density Mixed-Use Neighborhood (L-M-N)	Residential Low Density (R-L)
Land Use	Linden Park Subdivision	Rural Residential large lots	West Chase Subdivision, across Timberline Road	Union Pacific Railroad/Power Trail, and South Ridge Subdivision

C. OVERVIEW OF MAIN CONSIDERATIONS

The main considerations for staff review of the P.D.P. include: the extent of S. Timberline Road frontage improvements with the timing of this arterial street capital project, local street connections, and emergency access. This Project Development Plan has gone through 3 rounds of staff review.

Other key issues that have been explored and addressed are:

- Request for Modification of Standards to allow front and rear loaded two-family dwellings as two different housing types.
- Request for Modification of Standards to allow for a reduction from 65% to 48% of solar-oriented lots.
- Request for Alternative Compliance to allow a reduced front yard setback.
- Size of future neighborhood park and type of park amenities.
- Existing tree habitat protection.
- Storm drainage requirements.

Staff has evaluated the request under the applicable sections of the Land Use Code and finds that all issues have been addressed in compliance with the code with exception to Mix of Housing Types, number of solar oriented lots, and front setbacks.

2. Comprehensive Plan

A. CITY PLAN (2019)

City Plan, the community's comprehensive plan, last updated in 2019, provides more general city-wide policy direction for future development. The City Structure Plan map identifies the Timber Lark residential P.D.P. future land uses as Mixed-Use Neighborhoods, establishing a basis for the same zoning. Please see the attached Project Narrative for the full list of related principles and policies. Relevant key categories include:

- Principle ENV 1 – Environmental Health and related policies
- Principle LIV 1 – Community & Neighborhood Livability and related policies
- Policy SW 2.4 – Safety and Wellness and related policies
- Principle T 3 – Transportation and related policies

B. FOSSIL CREEK RESERVOIR AREA PLAN

The Fossil Creek Reservoir Area Plan (FCP), an element of City Plan, was adopted in 1998 and represents a more specific policy plan for the area. The plan provides general direction for future annexation, zoning, and development in the plan area. The FCP provides key policies relative to the P.D.P. Please see the attached Project Narrative for the full list of related principles and policies. Related Policies include:

- FC-LUF-3 Mixed-Use Neighborhoods.
- FC-T-3 Street Connectivity and Pedestrian Linkages
- FC-T-6 Off-Street Bicycle Trails
- FC-PSCF-1 Parks
- TH-2 – Natural Resources

The P.D.P. is consistent with the related policies from the *Fossil Creek Reservoir Area Plan* and *City Plan*. The P.D.P. provides L-M-N land uses, densities, and housing types consistent with current zoning and policies of approved plans. The P.D.P. provides existing tree habitat buffering, a neighborhood park and passive open space. The P.D.P. provides a network of local streets and access to South Timberline Road, a future 4-lane arterial street, and connections to future regional trail system.

3. Public Outreach

A. NEIGHBORHOOD MEETING

Pursuant to *Section 2.2.2 – Step 2: Neighborhood Meetings*, a neighborhood meeting is not required for Administrative (Type 1) projects. A neighborhood meeting was held for the initial annexation and preliminary conceptual plans on August 23, 2021.

B. PUBLIC COMMENTS:

Staff has not received any public comments since the hearing notice on March 16. Preliminary public comments received during the neighborhood meeting are highlighted below:

- Traffic on Timberline
- Timing of expansion of Timberline to a 4-lane arterial street in area
- How will project mitigate traffic and cut-through traffic through Linden Park.
- Density and timing of proposed project.

4. Article 2 – Applicable Standards

A. BACKGROUND

This project was submitted on September 10, 2021.

B. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR200021

A conceptual design review meeting was held on March 20, 2020. The original proposal consisted of 221 lots, with a combination of single-family detached and single-family attached dwellings, future neighborhood park, pool and clubhouse, and storm drainage area.

2. First Submittal – PDP210015

As previously mentioned, the first submittal of this project was completed on September 10, 2021. The second submittal of the PDP was on November 2, 2021, third submittal on December 7, 2021.

3. Neighborhood Meeting

A neighborhood meeting is not applicable pursuant to *2.2.2 – Step 2: Neighborhood Meetings*, for a Type I review. A neighborhood meeting was held for the initial annexation and preliminary conceptual plans on August 23, 2021.

4. Notice (Posted, Written and Published)

Posted Notice (PDP210015): August 11, 2021, Sign # 702

Written notice: March 16, 2022, 759 letters sent

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

C. DIVISION 2.8 – MODIFICATION OF STANDARDS

The applicant requests two 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 3.2.3 – Solar-Oriented Residential Lots

The applicant has submitted a request for a Modification to Section 3.2.3 (C) – *Solar-Oriented Residential Lots*, to reduce the number of residential lots from 65% to 48%.

1. LUC Code Section 3.2.3 Citation. This standard requires that:

(C) Solar-Oriented Residential Lots. At least sixty-five (65) percent of the lots less than fifteen thousand (15,000) square feet in area in single- and two-family residential developments must conform to the definition of a "solar-oriented lot" in order to preserve the potential for solar energy usage.

The proposed PDP on 35.17-acres includes 149 single- and two-family lots, of which 71, or 48%, are designated as solar-oriented lots.

2. Applicant's Justification

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

The request for a reduction from 65% to 48% of solar-oriented lots will not be detrimental to the public good. The architecture of the single-family detached and two-family dwellings incorporates varied roof orientations which would allow the ability for solar-energy systems to be installed on any unit within the development, thereby promoting the intent of the Land Use Code to encourage the use of solar energy to heat homes. In addition, we find that criteria #3 has been met with this proposal, as illustrated below.

Criteria #3 states that physical conditions such as exceptional narrowness would result in undue hardship on the owner of such property. The north to south dimension of the property is approximately 695 linear feet. There is also a 15-foot drainage easement which runs along the northern property boundary. In order to orient at least 65% of the lots so that they front onto an east-to-west street, the site would need to be redesigned to include a third east-to-west street, rather than the two currently shown on the plan. With each of these streets requiring a 53' R.O.W., this would result in single-family lots with a maximum depth of about 86 feet, rather than the 105' lot depth currently provided. Reducing the lot depths by almost 20 feet would drastically reduce the privacy and available space for future homeowners to enjoy their backyards.

Additionally, the reduced lot depths would result in a reduction of solar gain at the back of the house since the houses would be placed much closer together. For the largest single-family detached footprint, this would result in a dimension of just 13' from the building wall to the property line, versus 32' provided with the current lot configuration. During the winter months when the sun is low in the sky, it is anticipated that the current lot configuration will provide much greater opportunity for solar gain due to the separation provided between structures.

3. Staff's Analysis of Modification Request

Staff finds that the request for the Modification of Standard to Section 3.2.3 (C) is justified by the applicable standards in 2.8.2(H) (3):

The plan as submitted **will not be detrimental to the public good**. The PDP includes a 17% reduction (48%) of the required applicable single-family and two-family solar-oriented lots (71 lots out of 149). Of the remaining 78 single-family and two-family lots, all these lots include building options with sloped and varied roof orientations that would accommodate solar energy rooftop systems on a portion of these roofs, still meeting the intent to preserve the potential for solar energy usage.

(3) **Exceptional or undue hardship** upon the owner of such property. This criteria includes the same situation of this property stated below:

*"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 PDP includes a large narrow rectangular parcel, with the north/south lot dimension total of 695 feet, including a 15 foot drainage easement along the north property boundary. The street layout to maximize solar-oriented lots needs to be aligned in an east/west configuration. To meet this standard three streets would need to be located on an east/west pattern, with the resulting lots having reduced lot depths of 86 feet, instead of 105 feet, and smaller rear yard space as shown in plans. The reduced lot depths would result in a reduction of solar gain at the back of the house since the houses would be placed much closer together.

In addition, three streets are required to connect to existing stub out streets in Linden Park subdivision to the north, further bisecting the property with north/south street alignments. Many of those lots do not meet the solar orientation criteria.

In this case, the strict application of the standard results in unusual and exceptional practical difficulties, and exceptional or undue hardship upon the owner or applicant. The hardship is not caused by an act or omission by the applicant. The overall length and narrowness of this parcel is unique, and difficult to fully apply this standard.

2. Modification of Standards to Article Four Division 4.5 (D)(2)(c) – Mix of Housing

The applicant has submitted a request for a Modification to Division 4.5 (D)(2)(c) – *Mix of Housing*, to allow front-loaded and rear-loaded two-family dwellings to be classified as two different housing types.

1. LUC Code Division 4.5 (D)(2)(c) Citation. This standard requires that:

(2) Mix of Housing. 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. In order to promote such variety, the following minimum standards shall be met:

3. a minimum of four (4) housing types is required on any such project development plan containing thirty (30) acres or more.

2. Applicant's Justification

The Applicant requests that the modification be approved and provides the following justification based upon the following Criterion (1):

The request for two-family front-loaded and alley-loaded units to be classified as two separate housing types will not be detrimental to the public good. The intent of the requirement to provide four housing types is to ensure that the community will offer a variety of housing choices and encourage a variety in architecture. Since the project is not proposing to eliminate the fourth housing type, but rather is requesting that two-family front versus alley loaded dwellings be considered separate housing types, the intent of this requirement will still be satisfied. In addition, we find that criteria #1 listed above is being met through this proposal.

Criteria #1 requires that the proposed modification will promote the purpose of the standard equal to or better than a plan which would comply with the standard. The Land Use Code provides a distinction between front-loaded and rear-loaded single-family detached housing types; however, there is no provision which distinguishes between front-loaded and rear-loaded two-family housing types. The two-family housing types proposed will create a dynamic streetscape by alternating garage door placements between the front and rear of the home, creating the same effect as having front and rear loaded single-family detached homes.

Within the two-family housing types proposed, there will be 2, 3, and 4-bedroom options which will further diversify the available housing options and add unique architectural styles to the neighborhood. This range of bedroom options emphasizes the purpose of Land Use Code Article 4.5 which states that developments should "meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices."

Additionally, the Land Use Code allows for a minimum of 5% and a maximum of 80% for anyone housing type. The project proposes no less than 13% and no more than 42% for each of the four housing types proposed, thereby maximizing the diversity of housing across the site.

The Timber Lark project exemplifies the purpose statement for the LMN zone district. The project will provide residential housing for the community through a variety of housing choices including single-family detached with both two and three car garage options, two-family front-loaded, two-family alley-loaded, and single-family attached. Within each of these housing types, floor plans range from 2-bedroom to 4-bedroom units, further increasing the housing variety for the community.

3. Staff's Analysis of Modification Request

Staff finds that the request for the Modification of Standard to Division 4.5 (D)(2)(c) is justified by the applicable standards in 2.8.2(H) (1):

The plan as submitted **will not be detrimental to the public good**. The proposed PDP is not proposing to eliminate a fourth housing type, instead continuing to maintain the required four housing types, and variety of housing options within the development. Similar to single-family dwellings with both front and rear loaded products,

incorporating the same two descriptions for two-family products provides more variation of building architecture and street facing appearance along the block face.

*(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.*

The LUC permits single-family detached dwellings with rear loaded garages, and single-family detached dwellings with front or side loaded garages as two housing types. The LUC also shows two-family dwellings are an approved housing type; however, the code does not differentiate between front-loaded and rear-loaded product types for two-family dwellings. The request for a modification to this standard is to include both two-family front, versus alley rear loaded two-family dwellings as separate housing types, continuing to meet the intent of the standard in providing a variety of housing options, not diminishing the purpose or minimum requirements of the standard.

The applicant's justification is correct in that the two-family housing types proposed will create a dynamic streetscape by alternating garage door placements between the front and rear of the home, creating the same effect as having front and rear loaded single-family detached homes. Within the two-family housing types proposed, there will be 2, 3, and 4-bedroom options which will further diversify the available housing options and add unique architectural styles to the neighborhood.

5. Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.2.1 - Landscaping and Tree Protection</p>	<p>The intent of this Section is to require 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> <p>The plan provides the following main components:</p> <ul style="list-style-type: none"> • Street Trees. All local public streets will be landscaped with street trees. These parkways will be also landscaped with irrigated turf. • South and East portions of Property (Tract L and O). Along the east and south boundaries of the P.D.P. two storm drainage detention ponds are located. These areas are reseeded with native seed mix and naturalistic tree plantings within the pond slope areas. • Tract G – Neighborhood Park. Tract G includes a small 1-acre private park. This park will include full tree stocking and shrub landscaping, and irrigated turf. The park will include amenities such as walking paths, paved plaza with overhead shelter, seating, tables, BBQ, and lighting. • Tract Q – Along the northwest portion of the site an existing mature cottonwood tree is located. An approximate 50-foot natural habitat buffer is established between the single-family lots and this tree on a separate tract. This buffer will include naturalized plantings. • This standard requires that existing significant trees be preserved to the extent reasonably feasible. Upon inspecting the site, the City Forester has determined that of the 47 existing trees on site, 46 trees are to be removed, 85 mitigation trees are required. While the reason for removal of the trees is due to land development, the existing trees are rated as fair, fair minus, or poor. This is due to lack of irrigation and neglect over the decades. 	<p>Complies</p>
<p>3.2.1 (D) (2) – Street Trees</p>	<p>Wherever the sidewalk is separated from the street by a parkway, canopy shade trees must be planted at thirty-foot to forty-foot spacing (averaged along the entire front and sides of the block face) in the center of all such parkway areas. Such street trees shall be placed at least eight (8) feet away from the edges of driveways and alleys.</p> <ul style="list-style-type: none"> • The plan provides 355 parkway trees on the Site (30' – 40' spacing) in compliance. 	<p>Complies</p>
<p>3.2.1(D)(3) Minimum Species Diversity</p>	<p>The intent of this standard is to avoid extensive monocultures and prevent uniform insect and disease susceptibility on a development site, based on the number of trees on the site.</p> <p>The plan provides 20 tree species, and none exceed the required 15% of the 329-total number of new trees.</p>	<p>Complies</p>

<p>3.2.1(D)(4) Tree Species and Minimum Sizes</p>	<p>This standard requires minimum tree and shrub sizes included in the landscape plan. The minimum sizes are:</p> <p>Canopy shade tree - 2" caliper</p> <p>Evergreen tree – 8' height</p> <p>Ornamental tree – 1.5" caliper</p> <p>Shrubs – 5 gal.</p> <ul style="list-style-type: none"> All minimum required tree and shrub sizes are met. 	<p>Complies</p>
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<p>3.2.2 - Access, Circulation and Parking</p>	<p>This standard requires that development projects accommodate the movement of vehicles, bicycles, pedestrians, and transit throughout the project and to and from surrounding areas safely and conveniently and contribute to the attractiveness of the neighborhood.</p> <ul style="list-style-type: none"> The P.D.P. includes ten public streets. The extension of A Street to S. Timberline Road intersection will be the primary access point into the site. Secondary points of access include street connections with Corona Avenue, Red Willow Drive, Weeping Willow Drive, and Golden Willow Drive to street stub outs along the north property boundary and Linden Park neighborhood. The other internal connections include private alleys that provide access to the rear-loaded garages or guest parking spaces for the P.D.P. <p>The pedestrian and bicycle network will be a combination of public sidewalks and private walkways, and undesignated on-street bicycle circulation. This network will connect to the following:</p> <ul style="list-style-type: none"> Perimeter public sidewalk and on-street bike lane along S. Timberline Road. Bike and pedestrian path along the west boundary to connect eventually to the future multi-use trail along the Mail Creek Ditch corridor along the north boundary of Hansen Farm P.D.P., to be built by the city with available funding. Red Willow Drive (Local Street with bike lane on one side). Direct street and sidewalk connections are provided with this P.D.P. to the central private park. A stormwater detention pond and passive open space includes sidewalk connections from the local street network and internal paths within this area. For the 83 single family detached units, requiring one space per unit (lots greater than 50 feet is width). These lots will include a two-car driveway and garage per unit, requiring a total of 83 spaces. The P.D.P. provides a total of 166 spaces in compliance. A third garage option is not part of this calculation. <p><i>Parking on an internal street fronting on a lot or tract containing, attached or two-family dwellings (except for mixed-use dwellings and single-family detached dwellings) may be counted to meet the parking requirements for the development.</i></p> <ul style="list-style-type: none"> For the 66 two-family dwelling units (front and rear-loaded), the minimum required spaces are 143 based on the number of bedrooms. The P.D.P. provides 132 garage spaces, and 73 additional on-street parking spaces for a total of 205 parking spaces. <p>Number of spaces required:</p> <ul style="list-style-type: none"> 26 units x 2 spaces per unit (front loaded garage) = 52 13 2-bedroom units x 1.75 (rear-loaded) = 23 13 3-bedroom units x 2 (rear-loaded) = 26 14 4-bedroom units x 3 (rear-loaded) = 42 <ul style="list-style-type: none"> For the 48 single family attached units, the standard requires compliance on a per bedroom-per unit basis. The minimum required number of spaces is 94 spaces. The P.D.P. provides 88 garage spaces and an additional 51 on-street spaces for a total of 139 parking spaces. <p>Number of Spaces Required:</p> <ul style="list-style-type: none"> 8 2-bedroom units x 1.75 spaces = 14 40 3-bedroom units x 2 spaces = 80 <ul style="list-style-type: none"> The P.D.P. provides a total of 510 parking spaces 386 spaces in garages, and 124 on-street spaces in compliance with standard. 	<p>Complies</p>
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<p>3.2.3 – Solar Access and Shading</p>	<p>This standard requires 65% of the single family lots be oriented to within 30 degrees of an east-west line to preserve the potential for solar exposure.</p> <ul style="list-style-type: none"> The P.D.P. includes a total of 149 single-family and two-family lots. The minimum required number of solar oriented lots is 97 (65%). The P.D.P. includes 71 designated solar oriented lots out of a total of 149 lots, comprising 48%. A request for Modification of Standards to this section is included above. 	<p>Complies with Modification</p>
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B. DIVISION 3.3 – ENGINEERING STANDARDS

<p>Applicable Code Standard</p>	<p>Summary of Code Requirement and Analysis</p>	<p>Staff Findings</p>
<p>3.3.1(C) – Public Sites, Reservations and Dedications</p>	<p>This standard requires the applicant 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 street is abutting or within the property being developed, the applicant must dedicate such additional rights-of-way as may be necessary to increase such rights-of-way 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 plat for the project includes one lot that includes 22 blocks (197 lots), and 23 tracts and right-of-way for the entire property. The project will dedicate both onsite and offsite easements prior to final plan approval. 	<p>Complies</p>
<p>3.3.2 – Development Improvements</p>	<p>Approval of final plat by the City Engineer is completed at Final Development Plan.</p>	<p>NA</p>

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

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.4.1 Natural Habitats and Features</p>	<p>The General Standard in this section requires, to the maximum extent feasible, the development plan be designed and arranged to be compatible with and to protect natural habitats and features and the plants and animals that inhabit them and integrate them within the developed landscape of the community by: (1) directing development away from sensitive resources; (2) minimizing impacts and disturbance through the use of buffer zones; (3) enhancing existing conditions; or (4) restoring or replacing the resource value lost to the community when a development will result in the disturbance of natural habitats or features.</p> <p>Background: The Ecological Characterization Study (ECS) was completed by Ecological Resource Consultants in June 2021, prior to the Project Development Plan submittal. The report highlights an active red-tailed hawk nest in a mature Cottonwood tree as the only natural resource on the property that warrants protection or mitigation by the Land Use Code requirements. The remainder of the site is dominated by non-native upland grasses (smooth brome, crested wheatgrass), Russian olive (invasive tree) and Rabbitbrush (native shrub). Remnants of a prairie dog colony are also present, but the colony is no longer active due to poisoning that occurred prior to the annexation and formal development submittal of the property. Also present are shallow remnant irrigation laterals from previous farming operations. However, these features are low in habitat quality and function, have not been active for years, and thus do not serve as wildlife corridors.</p> <p>Development Proposal:</p> <p>The existing site contains an active red-tailed hawk nest which does not require permanent buffering. Instead, the nest is to be protected through site design. Additionally, a 450-foot temporary buffer is required during the nesting season (February 15-July 15) of the first year of a multi-year construction project.</p> <p>The Colorado Parks and Wildlife (CPW) provides <i>recommendations</i> for buffering of active red-tailed hawk nests. CPW recommends a ½ mile buffer for active nests in rural contexts from February 15 through July 15, or until the young have fledged. Staff consulted with CPW to determine whether protective measures other than those outlined in the Land Use Code should be taken during construction (e.g., 450-foot temporary buffer). CPW representatives felt 450' was an adequate distance given the more urban context and didn't recommend additional mitigation measures.</p> <p>Summary: The applicant amended the original site plan to protect the red-tailed hawk nest and surrounding trees. The applicant is prepared to limit construction activity within a 450-foot buffer during the nesting season (or until the young have fledged) of the first year of construction.</p>	<p>Complies</p>
<p>3.4.3 – Water Quality</p>	<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>	<p>Complies</p>

<p>3.4.8 – Parks and Trails</p>	<p>The intent of this standard is to ensure that all residential development connects to a park and or trails on-site and off-site in accordance with the Parks and Recreation Policy Master Plan.</p> <ul style="list-style-type: none"> The plan provides connections to the on-site private park, and future neighborhood park in the Hansen Farm subdivision to the north, and sidewalk connections to the future multi-use regional trail off-site. 	<p>Complies</p>
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D. 3.5 – BUILDING STANDARDS

<p>Applicable Code Standard</p>	<p>Summary of Code Requirement and Analysis</p>	<p>Staff Findings</p>
<p>3.5.1– Building Project and Compatibility (B)(C)(E)(F)(G)</p>	<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 contained in Article 4.</p> <ul style="list-style-type: none"> The P.D.P. is zoned L-M-N and is located adjacent to the Linden Park subdivision to the north (LMN zoning), and existing LMN zoning and Urban Estate zoning to the south. Across Timberline Road to the east is the existing LMN zoned Westchase subdivision. The P.D.P. will provide direct street and pedestrian connections to Timberline Road, and to future residential neighborhoods adjacent to this site. The P.D.P. includes single-family detached dwellings, two-family dwellings, all in one and two-story buildings height limits, and two-story single-family attached dwellings. All proposed residential buildings include compatible residential architectural design elements consistent with the existing neighborhood context. 	<p>Complies</p>
<p>3.5.2 - (C)Housing Model Variety</p>	<p>This standard requires that single family attached projects that consist of more than five buildings must feature three distinctly different building designs. Buildings are considered similar unless they vary significantly in footprint size and shape (architectural style). Further, no similar buildings can be placed next to each other. With 48 single family attached (3-plex, 4-plex, and 5-plex-plex) buildings, the P.D.P. provides the following three building footprints and three shapes as determined by their architectural style in Table below:</p> <p>Sizes: 4 Architectural Styles/Footprints:</p> <p>3-plex Colorado Modern, Contemporary Farmhouse, Modern Hill Country</p> <p>4-plex Colorado Modern, Contemporary Farmhouse, Modern Hill Country</p> <p>5-plex Colorado Modern, Contemporary Farmhouse, Modern Hill Country</p> <ul style="list-style-type: none"> The three styles are characterized by distinctive architecture and building footprint sizes. For the 12 single-family attached buildings, the three building footprints and three design styles are distributed among all the single-family attached buildings that include rear-loaded garages. As noted on the Site Plan, there are no similar buildings, as differentiated by both footprint size and shape (architectural style), placed next to each other, in compliance with this standard. 	<p>Complies</p>

3.5.2 (D) (E) - Relationship of Dwellings to Streets and Parking, Setbacks

This standard requires that all dwellings are connected to the public street sidewalk by a connecting walkway (as specifically defined) that does not exceed 200 feet or by a major walkway spine (as specifically defined) that does not exceed 350 feet.

- All the 12 single family attached building front entrances face a public street and connect directly to the street sidewalk with a distance less than 200 feet distance, in compliance with this standard.

(E)(2) Setbacks from Non-arterial Streets. This standard requires that the single-family detached, two-family, and single-family attached (3 unit) buildings be setback at least 15 feet from nonarterial street right-of-way.

The applicant requests an alternative compliance to LUC Article 3.5.2(E)(2) to reduce the minimum setback between residential buildings and the nonarterial street right-of-way from 15' to 12', and to reduce the minimum setback between the garage door and public sidewalk from 20' to 19' (see attached Alternative Compliance Request).

During the initial design of the project, the Larimer County Urban Area Street Standards (LCUASS) defined residential and connector local street sections as having a minimum 6' tree-lined parkway and a 4.5' sidewalk. After the Timber Lark design was established, the LCUASS standards were revised to require a minimum 8.5' parkway and 5' sidewalk. This change resulted in a right-of-way dimension that was 6' wider overall, which in turn resulted in a reduced lot depth of 3' on each side of the street. Allowing for a 12' setback rather than a 15' setback will allow for more usable space in the rear yard of the home, while maintaining the same distance (25'-6") between the roadway and the face of the building or covered porch as compared to the original LCUASS standards (see Figure 1 and 2 below).

Complies with Alternative Compliance

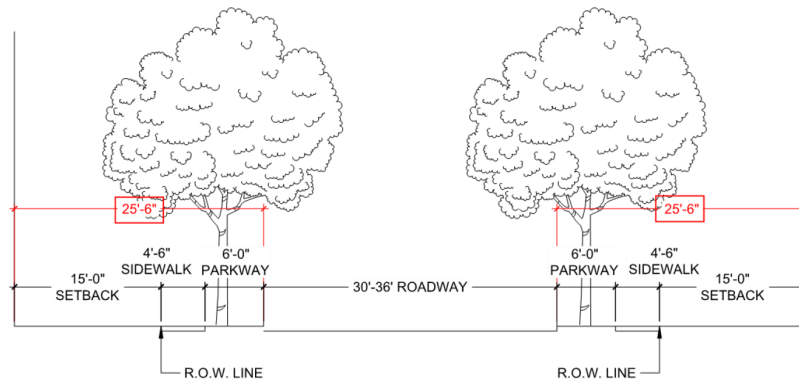


Figure 1 - Original Street Section

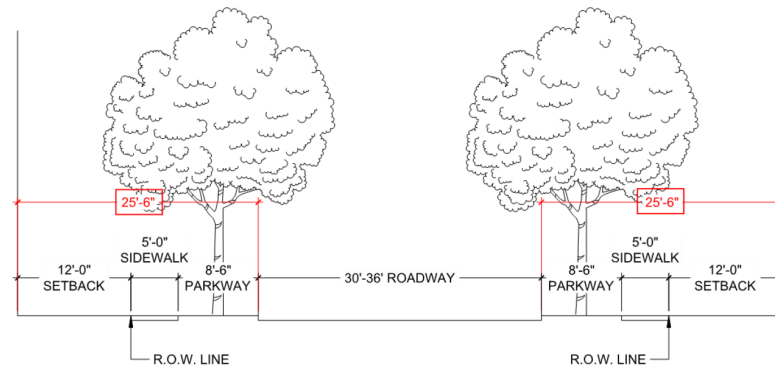


Figure 2 - Revised Street Section

The Timber Lark PDP is located within the LMN zone districts where alternative compliance is allowed.

2. Review Criteria. To approve an alternative plan, the decision maker must first find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than would a plan which complies with the standards of this Section.

The following criteria shall be considered into the decision:

a. Porches and Entry Features.

(i) A front porch with a minimum depth of six (6) feet (as measured from the building facade to the posts, railings and spindles) and a minimum length of eight (8) feet shall be provided on single-family detached dwellings.

- For single-family detached dwellings, proposed porches range in size from 6' to 7' feet deep and 15' to 21' feet wide. In all cases they exceed the 6-foot x 8-foot minimum standard.

(ii) A clearly defined building front facing the street with a covered front porch or stoop measuring at least four (4) feet by four (4) feet shall be provided on each ground floor single-family attached dwelling.

- All dwelling units located on streets have a clearly defined building entry with a covered porch that significantly exceeds the 4-foot x 4-foot minimum requirement.

(iii) The floor elevation of the front porch or stoop shall be a minimum of eighteen (18) inches above grade.

- Many of the front porches will be 18 inches above grade; however, a portion of the single-family attached units will have porches at grade in order to meet accessibility standards.

b. Off-Street Parking. Off-street parking shall be located behind the dwelling and access to such parking shall be gained from an alley or, if there is no alley, then from the street via a driveway which, up to the rear building line of the house, does not exceed ten (10) feet in width.

- The Timber Lark PDP proposes that 45% of the dwelling units will be alley-loaded and comply with the above standard. 55% of units are front-loaded and do not meet the standard to the letter. However, the front-loaded units provide 2-3 off street garage parking spaces per unit, which is significantly more off-street parking than what is required per code. This substantially reduces the number of cars that will need to park on the street, prioritizing the pedestrian experience on the streetscape. Based on these reasons, the proposed alternative compliance will result in a design which is equal to or better than the original standard.

c. Private Open Space.

(i) A readily accessible, functional, and clearly defined private outdoor space (such as a patio, courtyard or deck) with minimum dimensions of twelve (12) feet by eighteen (18) feet shall be provided for each dwelling unit.

- Each dwelling unit within the Timber Lark community will have a usable side yard that exceeds the square footage of a 12' x 18' outdoor space. In some cases, individual outdoor spaces per dwelling unit far exceeds this minimum requirement, reaching up to 30' x 55', creating significantly more usable yard space.

(ii) All buildings on the same lot shall be spaced at least sixteen (16) feet apart.

- There is only one building proposed per lot.

d. Front Yard Fences.

(i) Front yard fences shall not exceed sixty percent (60%) opacity.

	<ul style="list-style-type: none">• This development is not proposing any front yard fences; therefore, this standard is met. <p><i>(ii) Front yard fences shall be between two and one-half (2½) feet and three (3) feet in height.</i></p> <ul style="list-style-type: none">• This development is not proposing any front yard fences and therefore, this standard is not applicable. <p><i>(iii) Front yard fences made of chain link are prohibited.</i></p> <ul style="list-style-type: none">• No chain link fences are proposed; therefore, this standard is met.• There are no utility conflicts because of the reduced front setback from 15' to 12' since the utility easement is 9' behind the street right-of-way.• The requested setback reduction is only for single-family detached, two-family, and single-family attached with three units. The single-family attached with more than three units will still maintain the required 9' setback.	
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E. 3.6 TRANSPORTATION AND CIRCULATION

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.6.1 – Master Street Plan</p>	<p>This criterion requires the P.D.P. to conform to the Master Street Plan. The Master Street Plan does not address streets below the collector classification.</p> <p>The following street, and its classification, is not part of the PDP, but adjacent to the north of Linden Park subdivision, included on the Master Street Plan:</p> <ul style="list-style-type: none"> Red Willow Drive – this street north of the P.D.P and Linden Park is shown as a two-lane collector on the Master Street Plan. However, this collector classification is not shown to extend through this site to Trilby Road to the south. If this street segment is reclassified in the future, the street cross section and on-street parking would need to be removed to accommodate bike lanes and travel lanes. The P.D.P. does not include any street classifications above the collector level as part of the Master Street Plan. In general, the P.D.P. demonstrates overall compliance with City Plan in that development is served by a network of public streets, which provide safe and convenient internal and external connectivity. 	<p>NA</p>
<p>3.6.3 (B) - Street Pattern and Connectivity Standards</p>	<p>Section 3.6.3 (B) is the general standard that requires the local street system to provide for safety, efficiency, and convenience for all modes both within the neighborhood and to destinations outside the neighborhood.</p> <ul style="list-style-type: none"> All the proposed ten public internal streets include detached sidewalks. A portion of Red Willow Drive will include an on-street designated bike lane. The P.D.P. includes a trail segment on the west edge of the site to ultimately connect to the future Power Trail adjacent to railroad right-of-way, and regional trail link along the Mail Creek ditch corridor south of Willow Springs Subdivision. This trail is a key component of the Parks and Trails Master Plan and is expected to serve most areas along the City’s southeastern edge between Fossil Creek Reservoir on the south and Poudre River on the north. The proposed P.D.P. includes primary access from the extension of A Street to S. Timberline Road, providing access to the arterial street bike lanes and public transit routes. A secondary access is shown from the extension of Red Willow Drive, Cordova Avenue, Weeping Willow Drive, and Golden Willow Drive to the north into the Linden Park Subdivision. These streets stubbed out to the south will need to be coordinated with future development between this site and E. Trilby Road for additional connectivity in the area. 	<p>Complies</p>
<p>Section 3.6.3. (F)</p>	<p>Section 3.6.3. (F) requires that the P.D.P. incorporate and continue all sub-arterial streets stubbed to the boundary or provide for future public street connections along each boundary that abuts potentially developable land at maximum intervals of 660 feet.</p> <ul style="list-style-type: none"> The proposed P.D.P provides local-street connections to the south, where future development can occur. The P.D.P. includes four street connections to the Linden Park subdivision to the north, with each street interval of approximately 200 feet, not exceeding the 660’ connectivity requirement. 	<p>Complies</p>

<p>3.6.4 – Transportation Level of Service Requirements</p>	<p>This standard requires that the transportation needs of a proposed development can be safely accommodated by the existing transportation system, or includes appropriate mitigation of impacts, for all travel modes.</p> <p>A Transportation Impact Study (TIS) dated November 2021 was submitted by the applicant and reviewed by staff. The study assesses the impacts of the Timber Lark subdivision on the street system in the vicinity of the proposed development in the short range (2026) and long range (2040) futures.</p> <p>Vehicular Traffic:</p> <ul style="list-style-type: none"> • At full buildout, the Timber Lark project would generate 1,940 daily trip ends, 145 morning peak hour trip ends and 195 afternoon peak hour trip ends. • Key intersections analyzed in the TIS include: <ul style="list-style-type: none"> ○ Timberline/Trilby ○ Timberline/Westchase ○ Timberline/Fossil Creek ○ Trilby/Red Willow • Currently, the key intersections all operate at an acceptable LOS with existing control and geometry. Stop-controlled left turn movements at Timberline/Fossil Creek and Timberline/Westchase currently experience the most significant delays and operate at LOS F. • In the long range (2040) future, the key intersections will operate at an acceptable LOS with the recommended control and geometry. • The Timberline/Trilby intersection is currently signalized. The Timberline/Zephyr intersection will be signalized with the Hansen Farm project in 2022. The signal at Zephyr will provide a signalized alternative for residents in the area and help alleviate some of the long delay times associated with the stop-controlled left turn movements at Timberline/Fossil Creek and Timberline/Westchase. • Timberline will be widened to four lanes from Stetson Creek to Zephyr. This is a city capital improvements project that is anticipated to be completed in 2022. The Timber Lark development will provide a payment in-lieu (PIL) for its Timberline frontage, rather than widen Timberline at this time. • At the Timberline/Trilby intersection, the eastbound left turn volume exceeds the 300+ vehicles per hour “rule of thumb” that would require dual left turn lanes. However, a single eastbound left turn lane was analyzed in the TIS for the short range (2026) future. <p>Multi Modal Level of Service (Bikes and Pedestrians)</p> <p>Bike and pedestrian levels of service were evaluated, and the project is required to construct complete bike and pedestrian facilities that meet LOS standards within its site.</p> <ul style="list-style-type: none"> • Acceptable level of service is achieved for bicycle and transit modes based upon the measures in the multi-modal transportation guidelines and future improvements to the street system in the area. Acceptable pedestrian and bicycle level of service can be achieved for all pedestrian destinations. • Bicycle and pedestrian connections to external destinations beyond the site are provided utilizing the existing sidewalk network within the Linden Park and Crowne at Timberline subdivisions as well as Timberline Road. The Timber Lark project will install sidewalk and multi-use path along its Timberline frontage from the proposed site access to Fossil Creek Parkway, which includes approximately 350 LF of offsite improvement adjacent to the Linden Park subdivision. • The section of Red Willow Drive within the Timber Lark project will include a dedicated bike lane. • Once the traffic signal is in operation at Timberline/Zephyr, the city will evaluate removing the existing pedestrian signal at Timberline/Fossil Creek Parkway. Additionally, the existing emergency signal at Westchase may be converted to a pedestrian signal in the future. 	<p>Complies</p>
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	<ul style="list-style-type: none"> The city is currently constructing a pedestrian underpass of Timberline Road, just north of Zephyr, that will connect to the sidewalk network along Timberline. <p>Regarding transportation, the proposal complies with Section 3.6.4 as well as Larimer County Urban Area Street Standards and the City of Fort Collins Multi-Modal Transportation Level of Service Manual.</p>	
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6. Article 4 – Applicable Standards:

A. DIVISION 4.5 – LOW DENSITY MIXED-USE NEIGHBORHOODS (L-M-N)

The Low Density Mixed-Use Neighborhood (L-M-N) District’s primary purpose 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.

The proposed single-family dwelling is permitted use, subject to Administrative Review in this district.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.5 (B) Permitted Uses	The P.D.P. includes three land uses – single-family detached, two-family, and single-family attached dwellings. The three land uses are permitted in the L-M-N zone subject to Administrative (Type One) Review.	Complies
4.5 (D) (1) – Density	<p>The P.D.P. features a total of 197 dwelling units (D.U.) on 35.17-acres.</p> <ul style="list-style-type: none"> Within the L-M-N zone there are 188 dwelling units for a gross density of 5.6 D.U. per gross acre. The net density equals 5.8 D.U./net acre. In compliance with the standard, the gross density is under the maximum allowed (9.00 D.U./acre, and the net density exceeds the required minimum net density of 4.00 D.U./acre. 	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings																		
<p>4.5 (D) (2) – Mix of Housing</p>	<p>This standard requires that for projects that are 30 acres or larger, four housing types are required. The L-M-N tracts total 35.17-acres. The overall L-M-N tracts features three housing types, with a Request for Modification of Standards to Section 4.5 (D) (2) to add a fourth housing type (see Request for Modification of Standards section above).</p> <p>Table 1 - Mix of Housing</p> <table border="1" data-bbox="410 531 1149 1129"> <thead> <tr> <th>Housing Type</th> <th># Of Dwelling Units</th> <th>% Of Total</th> </tr> </thead> <tbody> <tr> <td>Single-Family Detached (Front-loaded garages)</td> <td>83</td> <td>42.5 %</td> </tr> <tr> <td>Two-Family (Front-loaded garages)</td> <td>26</td> <td>13%</td> </tr> <tr> <td>Two-Family (Rear-loaded garages) See request for Modification of Standards.</td> <td>40</td> <td>20%</td> </tr> <tr> <td>Single-Family Attached (Rear-loaded garages)</td> <td>48</td> <td>24.5 %</td> </tr> <tr> <td>Total:</td> <td>197</td> <td>100 %</td> </tr> </tbody> </table> <p>Single Family Attached Dwellings are defined as dwellings that are attached to one or more dwellings or buildings, with each dwelling located on its own separate lot. These units are often referred to as townhomes. In the case of this P.D.P., units are arranged in the following manner: 3-plex (4 buildings), 4-plex (4 buildings), and 5-plex (4 buildings).</p>	Housing Type	# Of Dwelling Units	% Of Total	Single-Family Detached (Front-loaded garages)	83	42.5 %	Two-Family (Front-loaded garages)	26	13%	Two-Family (Rear-loaded garages) See request for Modification of Standards.	40	20%	Single-Family Attached (Rear-loaded garages)	48	24.5 %	Total:	197	100 %	<p>Complies, with Modification</p>
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<p>4.5 (6) – Access to Small Park</p>	<p>This standard requires that for projects greater than ten acres a small neighborhood park or privately owned park that is at least one-acre in size be located within a maximum of 1/3 mile of at least 90% of the dwellings in the project.</p> <ul style="list-style-type: none"> The P.D.P. identifies a private park in Tract G (1 +/- acres) on the site plan. A future larger size public neighborhood park is part of the Hansen Farm property to the north, intended to serve the surrounding L-M-N neighborhoods. In addition, passive open space and stormwater detention ponds are provided in Tracts L and O which combined contain 2.96-acres. All dwellings are within one-third of a mile of both the proposed private park and the passive open space, in compliance with this standard. 	<p>Complies</p>																		

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings				
<p>4.5 (E) (1) (a) – Streets and Blocks</p>	<p>This standard requires that the local street system provide an interconnected network of streets such that blocks do not exceed 12 acres. The internal roadway network consists of the following local streets:</p> <table border="1" data-bbox="410 459 1338 989"> <tr> <td data-bbox="410 459 626 905">Public Streets</td> <td data-bbox="626 459 1338 905"> Red Willow Drive (Collector north of Linden Park) Weeping Willow Drive Golden Willow Drive Corona Avenue Street A (not named yet for A-I) Street B Street C Street E Street G Street I </td> </tr> <tr> <td data-bbox="410 905 626 989">Private Alley/Drive</td> <td data-bbox="626 905 1338 989">Not Named</td> </tr> </table> <p>As noted, the P.D.P. includes ten new public streets identified above. The other roadways are private alleys. The largest block is defined by Weeping Willow Drive, Street A, B and G, containing 12 dwelling lots. This block is approximately 8.26-acres and thus below the allowable maximum. The other blocks are smaller, due to separation from streets or pedestrian connections between lots.</p>	Public Streets	Red Willow Drive (Collector north of Linden Park) Weeping Willow Drive Golden Willow Drive Corona Avenue Street A (not named yet for A-I) Street B Street C Street E Street G Street I	Private Alley/Drive	Not Named	<p>Complies</p>
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Private Alley/Drive	Not Named					

7. Findings of Fact/Conclusion

In evaluating the request for the Timber Lark Subdivision Project Development Plan, PDP210015, staff makes the following findings of fact:

- A. The P.D.P. is consistent with related policies in the Fossil Creek Reservoir Area Plan, an element of City Plan, and City Plan.
- B. The P.D.P. complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- C. The P.D.P. complies with the applicable standards located in Division 4.5, Low Density Mixed-Use Neighborhood of Article Four – Districts, if the request of Modification of Standard to Section 4.5 (D) (2) (c) is approved.
- D. The Modification complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration. The Modification of Standard to Section 4.5 (D) (2) (c) – *Variation of Housing Types*, is justified by the applicable standards in 2.8.2(H) (1).
- E. The P.D.P. complies with the applicable standards located in Article 3 - General Development Standards of Article Three, if the request of Modification of Standard to Section 3.2.3 (C) – *Solar-Oriented Residential Lots*, is justified by the applicable standards in 2.8.2 (H) (3), and the request for Alternative Compliance to Section 3.5.2 (E)(2) - *Setbacks from Non-arterial Streets*, is justified by the applicable standards in 3.5.2 (E) (2) (a).

8. Recommendation

Staff recommends approval of the Timber Lark Subdivision, PDP210015.

9. Attachments

1. Vicinity Map
2. Zoning Map
3. Master Street Plan Map
4. City Structure Plan Map
5. Project Narrative
6. Site/Landscape Plan Set
7. Utility Plan
8. Plat
9. Building Elevations – Single-Family Attached
10. Alternative Compliance Request – Front Setbacks
11. Modification Request – Housing Types
12. Modification Request – Solar Oriented Lots
13. Traffic Impact Study
14. Ecological Characterization Study
15. Neighborhood Meeting Summary – Annexation/Conceptual Plan
16. Staff Hearing Presentation