

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

FINDINGS AND DECISION

HEARING DATE: October 10, 2023

PROJECT NAME: Sunrise Ridge, Third Filing, Major Amendment
& Final Development Plan

CASE NUMBER: FDP #230015

APPLICANT: Michael McBride
MMLA
2339 Spruce Creek Drive
Fort Collins, CO 80528

OWNER: Ian Bromell
425 W Mulberry Street, Suite 208
Fort Collins, CO 80521

HEARING OFFICER: Marcus McAskin

PROJECT DESCRIPTION/BACKGROUND: This is a request for approval of a Major Amendment (“**MJA**”) and Final Development Plan (“**FDP**”) (together, the “**MJA/FDP**” or “**Application**”) for certain property currently located within the boundaries of Sunrise Ridge, Second Filing. Specifically, the Application seeks approval of a replat of LOTS 1 THROUGH 5 AND TRACT A, SUNRISE RIDGE SECOND FILING (the “**Subject Property**”) to allow for certain existing and planned two-family units (ten planned duplex or two-family units on five lots) to be converted into ten (10) single-family attached units on ten (10) lots, with each single-family attached unit to be located on its own separate, subdivided lot. The Subject Property is located at the southwest corner of Strauss Cabin Road and Rock Creek Drive on an area of approximately 3.47 acres and is zoned U-E, Urban Estate. The Application does not seek to change the total number of residential units to be constructed on the Subject Property or increase the density from that which was approved with the Sunrise Ridge Second Filing, Major Amendment.

As set forth above, the Application includes a proposed replat (SUNRISE RIDGE THIRD FILING¹) to allow each proposed single-family attached unit to be located on a separate lot, creating ten (10) total lots from the five (5) existing lots. The MJA/FDP also includes a Request for Modification of Standard to Section 4.2.(D)(1)(b) – *Urban Estate District (U-E) Land Use Standards – Density/Intensity* to reduce the minimum lot size required in the Urban Estate Zone District from the required .5 acres to .20 acres.

¹ SUNRISE RIDGE THIRD FILING, BEING A REPLAT OF LOTS 1 THROUGH 5 AND TRACT A, SUNRISE RIDGE SECOND FILING, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO.

The existing and approved land use at the site for Sunrise Ridge Second Filing is for two-family dwelling units (duplex) and single-family detached homes. A two-family dwelling is defined in the Land Use Code as: “Dwelling, two-family shall mean a dwelling containing two (2) dwelling units.” The proposed land use for a single-family detached dwelling is defined in the Land Use Code as: “Dwelling, single-family attached shall mean a single-family dwelling attached to one (1) or more dwellings or buildings, with each dwelling located *on its own separate lot*.”

Each unit is attached by a shared space/wall that is located between the two units. The shared lot line dividing the units onto separate lots is located at this shared space. Shared driveway locations between lots are shown on the site plan. The proposal includes the dedication of private access easements and emergency access easements to ensure that every lot has the appropriate access to lots that do not have street frontage. The proposal does not include any changes to the existing buildings that have already been constructed or are under construction. Any changes required to convert the existing units constructed as a duplex will be addressed with a building permit application. There is one request for modification of standard to reduce the minimum lot size required in the Urban Estate Zone District to allow for the existing lots to be further subdivided. Since the subdivision of each unit into separate lots does not create more dwelling units per acre, the density will not change with this proposal.

The site plan for Sunrise Ridge Third Filing, provided in the application, shows the new lots created with the single-family attached land use proposed.

The zoning and land uses surrounding the Subject Property are set forth in the table below:

Direction	Zone District	Existing Land Uses
North	Urban Estate (UE) Harmony Corridor (HC)	Sunrise Ridge, Filing Multi-Family uses (Brookfield Subdivision)
South	Urban Estate (UE)	Single-Family Detached Uses (Old Oak Estates – six lots on 4.98 acres)
East	Unincorporated Larimer County (FA-1)	Vacant property – Fossil Creek Reservoir Inlet Ditch
West	Low-Density Mixed-Use Neighborhood (LMN)	Single-Family Attached (Willow Subdivision/Observatory Village)

Additional background information and City staff’s analysis of LUC compliance are detailed in the Development Review Staff Report prepared for the Proposed MJA/FDP. This report is attached to this decision as **ATTACHMENT A** (the “**Staff Report**”) and is incorporated herein by reference.

SUMMARY OF DECISION: Approved, with conditions.

ZONE DISTRICT: Urban Estate (UE)

HEARING: The Hearing Officer opened the virtual public hearing on Tuesday, October 10, 2023 at approximately 5:30 p.m. At the public hearing, the Hearing Officer reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and City staff present.

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

1. Staff Report (24 pages).
2. Applicant narrative by Michael McBride, PLA, dated May 17, 2023 (1 page).
3. Landscape plan (1 sheet)
4. Site plan (1 sheet).
5. (Preliminary) Plat of Sunrise Ridge Third Filing (3 sheets, inclusive of cover sheet).
6. Modification of Standard Request submitted by Michael McBride, PLA on behalf of Applicant dated July 5, 2023 (2 pages)
7. Copy of written/mailed notice of virtual public hearing, dated September 25, 2023 (2 pages).
8. Confirmation of published notice of hearing in the *Coloradoan*, notice published on September 29, 2023 (1 page).
9. Email dated October 2, 2023 from T.J. Shurigar to K. Puga regarding Subject Property.
10. City Staff PowerPoint presentation (29 slides).
11. Applicant PowerPoint presentation (7 slides).
12. The City's Comprehensive 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 at the virtual public hearing:

From the City:	Katelyn Puga, City Planner
	John Gerwel, City Engineering
From the Applicant:	Michael McBride, PLA

No members of the public participated during the public comment portion of the hearing.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the virtual public hearing was properly posted, mailed, and published.

2. As required by City Council Ordinance 079, Series 2020 (the “**City Ordinance**”), the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the October 10, 2023 hearing on the FDP by remote technology so as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of the City Ordinance, because meeting in person would not be prudent for some or all persons.
3. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
 - A. The Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
 - B. The Application complies with all relevant general development standards set forth in Article 3 of the Land Use Code.
 - C. Except for LUC Subsection 4.2(D)(1)(b) – *Urban Estate District (U-E) Land Use Standards – Density/Intensity*, which is satisfied by way of the Modification of Standard, the Application complies with the standards contained in Article 4 of the LUC as more specifically set forth in the Staff Report attached as **ATTACHMENT A**. An analysis of the requested Modification of Standard follows below.
 - D. The requested Modification of Standard to LUC Subsection 4.2(D)(1)(b) – *Urban Estate District (U-E) Land Use Standards – Density/Intensity*: (i) will not be detrimental to the public good, and (ii) the plan as submitted will not divert from the applicable LUC standards 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. With respect to the foregoing, the Hearing Officer specifically finds:
 - i. The granting of the modification will not be detrimental to the public good because the MJA/FDP the proposed replat of the Subject Property will not increase the overall density of the development. In addition, the granting of the modification will not be detrimental to the public good because the MJA/FDP does not propose any modifications to building placement or building orientation within the boundaries of the Subject Property.
 - ii. 2.8.2(H)(4) is met because approval of the MJA/FDP (proposing a replat or re-subdivision of the Subject Property) will not diverge from the standards of the LUC except in a nominal and inconsequential way. Deviating from lot size minimum set forth in Subsection 4.2(D) is nominal and inconsequential when considered in the context of the entire Application, and the development as detailed in the proposed the MJA/FDP will continue to advance the purposes of LUC Section 1.2.2. Specifically, the Hearing Officer finds that development of the Subject Property consistent with the Application will not change the existing or proposed building placement or building orientation within the boundaries of the Subject Property. The Hearing Officer also finds that approval of the Application will further

encourage the development of vacant properties within established areas, consistent with the purpose of the LUC set forth and articulated in Section 1.2.2(L).

4. The Application’s satisfaction with the applicable requirements and standards of the LUC is sufficiently detailed in the Staff Report, the testimony at the October 10, 2023 hearing, and materials in the record.

DECISION

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

- A. The Modification of Standard for the minimum lot size standard set forth in LUC Subsection 4.2(D)(1)(b) – *Urban Estate District (U-E) Land Use Standards – Density/Intensity* is approved.
- B. The Sunrise Ridge Third Filing MJA/FDP (FDP #230015) is hereby **approved**, subject to the following conditions of approval:
 1. Paragraph 7 of the site plan notes on the cover page of the Sunrise Ridge Third Filing shall be amended to reference single-family attached homes in addition to single-family detached homes.
 2. Applicant and City staff to confirm whether the Sunrise Ridge Third Filing Statement of Ownership and Subdivision set forth on Sheet 1 of 2 of the proposed replat should be amended to replace reference to “Sunrise Ridge **Estates** HOA” (emphasis supplied) with “Sunrise Ridge Homeowners Association,” a Colorado nonprofit corporation (Colorado Secretary of State identification number 20121223129) or other current owner of record of TRACT A, Sunrise Ridge Second Filing (“TRACT A”); or whether the reference to “Sunrise Ridge Estates HOA” as set forth on the proposed replat is correct. The Hearing Officer has not been provided with nor has reviewed current title work associated with the Subject Property as part of the review of the Application. Per Secretary of State records, there is no entity registered in Colorado under the name “Sunrise Ridge Estates HOA” or “Sunrise Ridge Estates Homeowners Association.”
 3. The Sunrise Ridge Third Filing “Land Use Table” set forth on Sheet 1 of 2 of the proposed replat shall be amended to replace references to “Metro District” with “Sunrise Ridge HOA²” or “HOA” in both the *Intended Fee Ownership* and *Maintenance Upon Completion & Acceptance* columns.

² Or “Sunrise Ridge Estates HOA” depending on determination of correct owner of record of TRACT A. *See* condition #2 above.

4. The Sunrise Ridge Third Filing (Sheet 1 of 2) shall be amended to add an easement vacation signature block for the Sunrise Ridge HOA³ (as the assignee of Sunrise Ridge, LLC, a Colorado limited liability company dissolved January 26, 2021) (“Sunrise Ridge, LLC”), to confirm the HOA’s intent to vacate that certain Storm Water Drainage Easement dated July 24, 2006 and recorded November 8, 2006 at Reception No. 20060084931 in the Larimer County records (the “Drainage Easement”).
5. The Applicant / Owner(s) shall provide documentation satisfactory to City staff and the City Attorney’s Office that the HOA is authorized to vacate the Drainage Easement on behalf of Sunrise Ridge, LLC.

DATED this 16th day of October, 2023.



Marcus McAskin
Hearing Officer

³ Or “Sunrise Ridge Estates HOA” depending on determination of correct owner of record of TRACT A. *See* condition #2 above.

ATTACHMENT A

Staff Report

Sunrise Ridge, Third Filing, Major Amendment & Final Development Plan

(# FDP230015)

Development Review Staff Report

Administrative Hearing: October 10, 2023

Sunrise Ridge, Third Filing, Major Amendment & Final Development Plan # FDP230015

Summary of Request

This is a request for a Major Amendment (MJA) and Final Development Plan (FDP) for an amendment to the Sunrise Ridge, Second Filing Major Amendment to allow for the existing and planned duplex units (ten planned units on five lots) to be converted into ten (10) single-family attached units on ten lots, with each unit located on separate, subdivided lot. The site is located at the southwest corner of Strauss Cabin Road and Rock Creek Drive on an area of 4.08 acres. The zoning of the site is U-E, Urban Estate. This request does not change the number of units or density from that which was approved with the Sunrise Ridge Second Filing, Major Amendment. A replat is requested to allow each proposed unit to be located on a separate lot, creating ten (10) total lots from the five (5) existing lots. The Major Amendment and Final Development Plan also includes a Request for Modification of Standard to Section 4.2.(D)(1)(b) – Urban Estate District (U-E) Land Use Standards – Density/Intensity to reduce the minimum lot size required in the Urban Estate Zone District from the required .5 acres to .20 acres.

Zoning Map



Next Steps

If approved by the Hearing Officer, the applicant will be eligible to submit Final Development Plan mylars and apply for construction and building permits.

Site Location

South of Rock Creek Drive, West of Strauss Cabin Road on SunGlow Court.

Parcel #'s 8604436001, 8604436002, 8604436003, 8604436004, & 8604436005

Zoning

Urban Estate (UE) Zone District

Owner

Ian Bromell
425 W Mulberry Street, Suite 208
Fort Collins, 80521

Applicant/Representative

Mike McBride
MMLA
2339 Spruce Creek Drive
Fort Collins, CO 80528

Staff

Katelyn Puga, City Planner

Contents

1. Project Introduction	2
2. Land Use Code Article 2 Procedural Requirements.....	10
3. Land Use Code Article 3 - Applicable Standards	16
4. Land Use Code Article 4 – Applicable Standards	22
5. Findings of Fact/Conclusion	23
6. Recommendation	24
7. Attachments.....	24

Staff Recommendation

Approval of the Request for Modification of Standard and Major Amendment.

1. Project Introduction

A. PROJECT DESCRIPTION

This is a request for a Major Amendment and Final Development Plan (FDP) to allow for a partially developed two-dwelling development (duplex) at the Sunrise Ridge subdivision to allow for single-family attached dwelling units in addition to the previously approved land use of single family detached homes.

The existing and approved land use at the site for Sunrise Ridge Second Filing is for two-family dwelling units (duplex) and single-family detached homes. A two-family dwelling is defined in the Land Use Code as:

Dwelling, two-family shall mean a dwelling containing two (2) dwelling units.

The proposed land use for a single-family detached dwelling is defined in the Land Use Code as:

*Dwelling, single-family attached shall mean a single-family dwelling attached to one (1) or more dwellings or buildings, with each dwelling located **on its own separate lot**.*

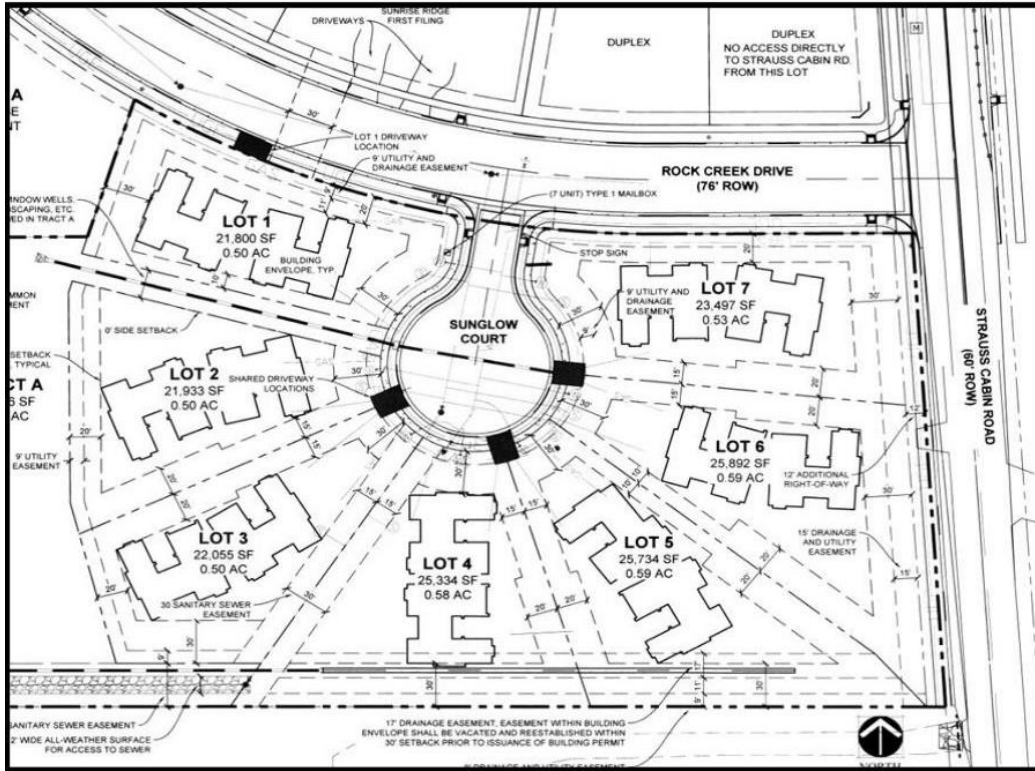
To ensure that the existing and future development complied with the Land Use Code without creating a nonconformity of any nature or circumventing the intent of the requirements of the Land Use Code, the proposal required that a Major Amendment and Final Development Plan be proposed to allow for the conversion of the duplex units (two-family dwelling) into single-family attached dwellings (one unit per lot).

As stated above, the conversion of existing and future dwelling units for existing Lots 1-5 from two-family dwellings to single-family attached dwellings will require that each dwelling unit be located on a separate lot. A subdivision plat request is included with the proposal to separate each unit onto its own lot for a single-family attached land use. The Major Amendment/Final Development Plan is proposed for Lots 1 – 5 to be subdivided into ten (10) total lots to allow for the single-family attached land use. The site is in the Urban Estate (UE) zone district and the proposal for the single-family attached dwelling land use is subject to Administrative (Type 1) Review.

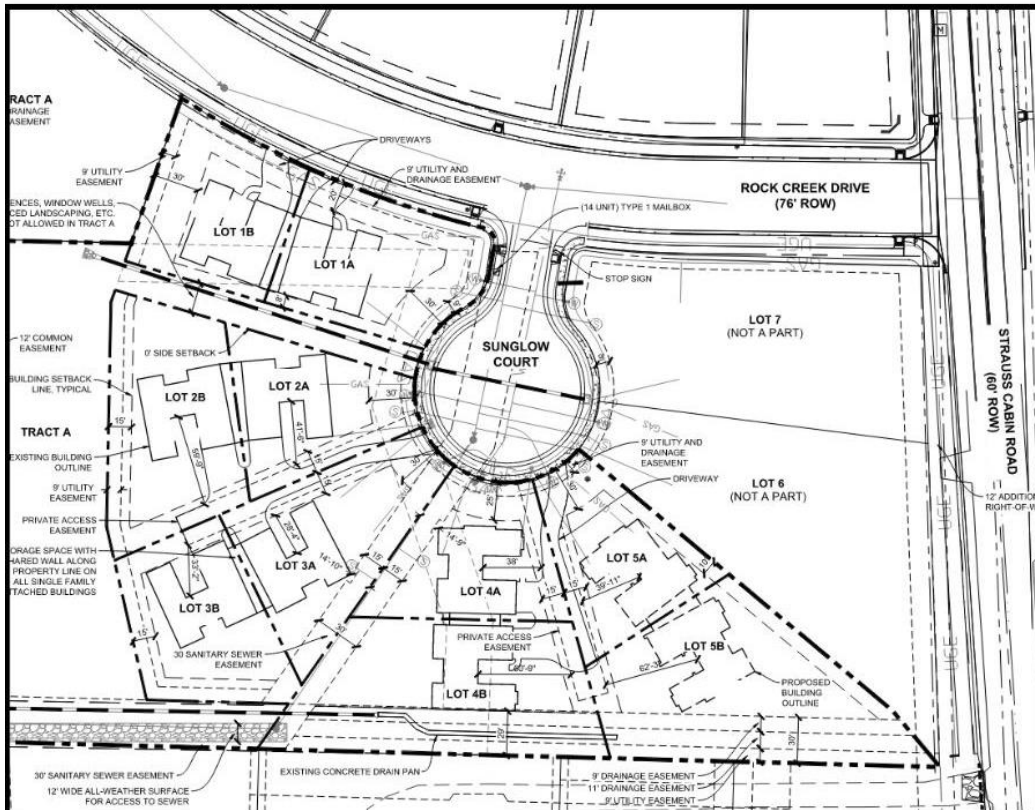
Since lots 6 and 7 are not included in this proposal the single family attached use will only apply to Lots 1-5, as included in this proposal. Proposed Lots 1A-4B are already constructed as two-family dwellings (duplex), Lots 5A and 5B are still vacant. Since proposed Lots 1A-4B were approved under Sunrise Ridge Second Filing, they were constructed to meet the standards approved with that development plan. Those standards are detailed in the site history section of this report.

Each unit is attached by a shared space/wall that is located between the two units. The shared lot line dividing the units onto separate lots is located at this shared space. Shared driveway locations between lots are shown on the site plan. The proposal includes the dedication of private access easements and emergency access easements to ensure that every lot has the appropriate access to lots that do not have street frontage. The proposal does not include any changes to the existing buildings that have already been constructed or are under construction. Any changes required to convert the existing units constructed as a duplex will be addressed with a building permit application. There is one request for modification of standard to reduce the minimum lot size required in the Urban Estate Zone District to allow for the existing lots to be further subdivided. Since the subdivision of each unit into separate lots does not create more dwelling units per acre, the density will not change with this proposal.

The site plan for Sunrise Ridge Third Filing, provided in the application, shows the new lots created with the single-family attached land use proposed.



Sunrise Ridge Second Filing MJA



Sunrise Ridge Third Filing

B. SITE CHARACTERISTICS

1. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Urban Estate (UE) Harmony Corridor (HC)	Urban Estate (UE)	Unincorporated Larimer County (FA-1)	Low-Density Mixed-Use Neighborhood (LMN)
Land Use	Sunrise Ridge, Filing Multi-Family uses (Brookfield Subdivision)	Single-Family Detached Uses (Old Oak Estates – six lots on 4.98 acres)	Vacant property – Fossil Creek Reservoir Inlet Ditch	Single-Family Attached (Willow Subdivision/ Observatory Village)

2. Site History

The site was originally located in unincorporated Larimer County in a semi-rural setting and was known as the Adler Exemption. Prior to annexation of the site, the properties within the Adler Exemption were included in the boundary area of the Fossil Creek Reservoir Area Plan, a plan that was adopted by both the City of Fort Collins and Larimer County in 1999. The plan designated that this site be zoned and developed into the Urban Estate zone district.

The Adler Exemption properties were later annexed by the City of Fort Collins and zoned Urban Estate in July of 2005. Sunrise Ridge First Filing was the first phase of development, located north of Rock Creek Drive. The second phase of development for Sunrise Ridge (south of Rock Creek Drive) was annexed and zoned Urban Estate in February of 2006.

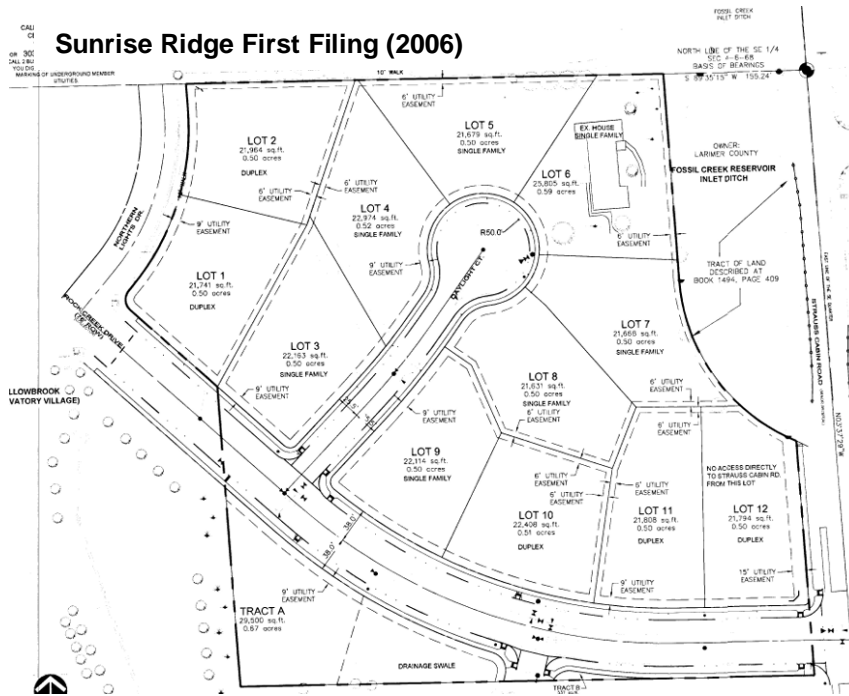
Sunrise Ridge First Filing

Sunrise Ridge First Filing was approved on October 12, 2006, and consisted of 12 lots located on the north side of Rock Creek Drive and east of Strauss Cabin Road. Five of these lots were designated for two-family dwellings, also known as “duplexes,” allowing for 10 dwelling units. The remaining seven lots were limited to single family detached dwellings allowing for a total of 17 dwelling units.

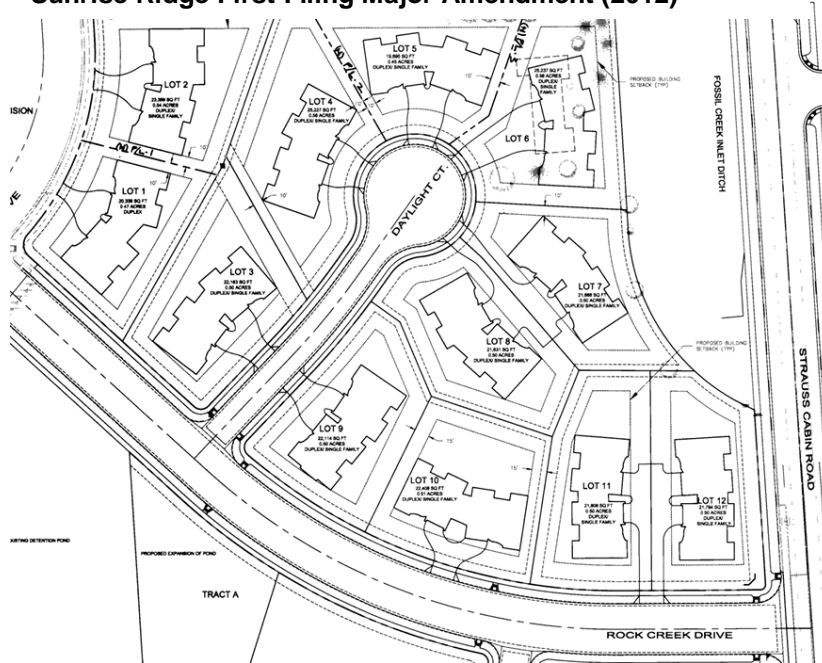
In November of 2012, Sunrise Ridge First Filing was approved for a Major Amendment and Replat. (See attachment for reference.) This project resulted in an increase in the number of approved dwelling units from 17 to 24. Also, the project increased the number of approved two-family dwellings (duplexes) from five (ten dwelling units) to 12 (24 dwelling units) allowing all lots to become eligible for a two-family dwelling. The request included slightly reducing the lot sizes on Lot One and Lot Five. The project also adjusted the side yard setbacks on Lots 1,2,4,5, 7 and 10 and the front yard setback on Lot 7. Consequently, four Modifications were granted:

- An increase in density from 2.00 to 2.76 dwelling units per acre;
- A decrease in minimum lot size for two lots from .5 to .47 and .45 acres;
- A reduction in the side yard setback of less than 20 feet on six lots;
- A reduction in the minimum lot width from 100 to 75 feet on one lot.

Following the approval for duplex units across the lots in Sunrise Ridge First Filing Major Amendment, the lots were subdivided through the county so that each unit could be sold on a separate lot. Since the subdivision did not occur through prescriptive requirements outlined for a minor subdivision in Section 2.18.2 and Section 2.18.3 of the Land Use Code, the subdivision of these lots is not recognized as a legal subdivision through the city since it create a nonconformity and circumvents the intent or requirements of the Land Use Code.



Sunrise Ridge First Filing Major Amendment (2012)

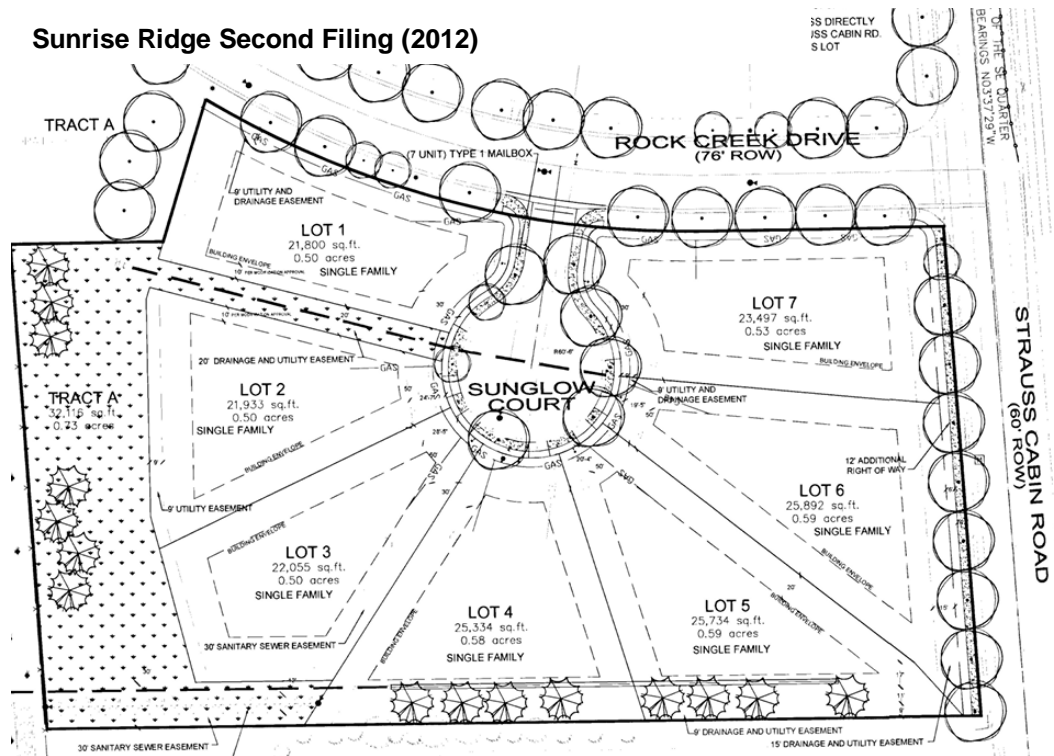


Sunrise Ridge Second Filing

Sunrise Ridge Second Filing was approved on November 21, 2007 and consisted of custom-built single-family detached homes on seven lots (5.04 acres) and was located on the south side of Rock Creek Drive, west of Strauss Cabin Road. This is the same area as the current proposal for Sunrise Ridge Third Filing.

Sunrise Ridge Second Filing was approved with two Modifications:

- A Modification to Section 4.2(D)(2)(a) was granted to allow a reduction in the minimum required lot width from 100 feet to 50 feet for Lots 2 – 6 only.
- A Modification to Section 4.2(D)(2)(d) was granted to allow a reduction in the minimum required side yard setback from 20 feet to 10 feet but only for the south side of Lot 1 and the north side of Lot 2.



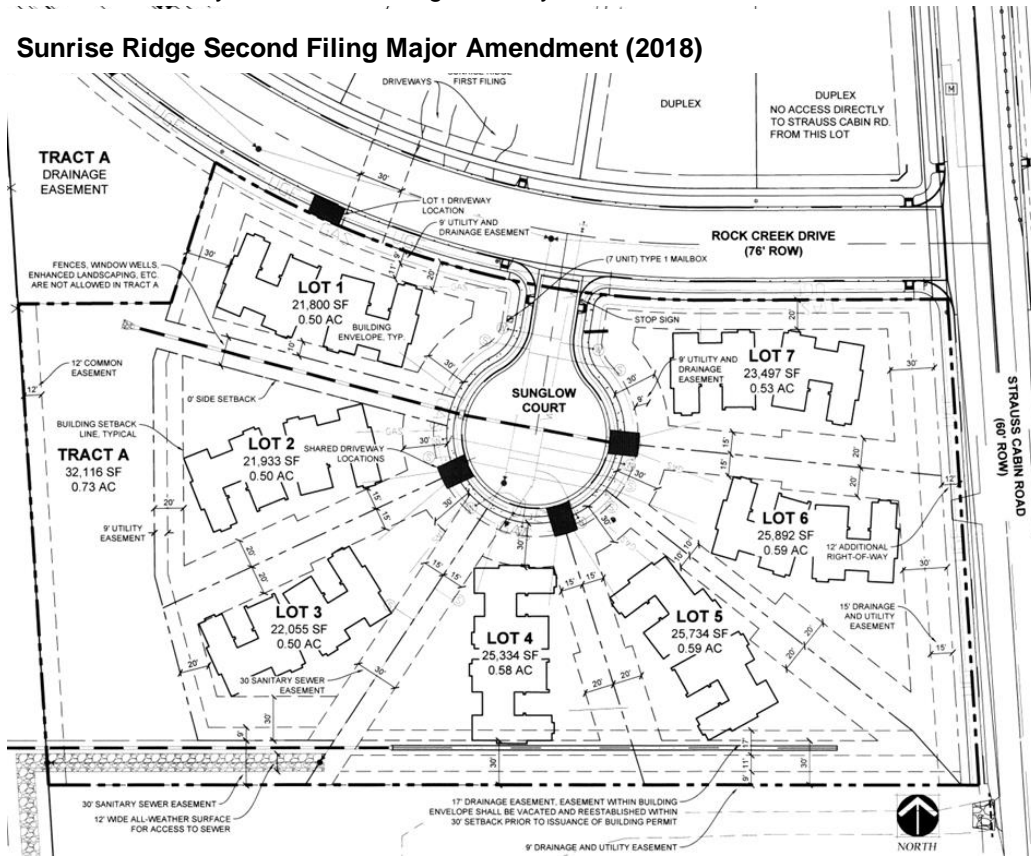
In May of 2018, a Major Amendment was approved for Sunrise Ridge Second Filing to reflect the same change in conditions to the area by allowing a two-family dwelling land use in addition to the single-family detached land use, increasing the allowable density, and reducing setbacks with 3 requests for Modification of Standard:

- A Modification to Section 4.2(D)(1)(a) was granted to allow the density of the development to be 2.77 dwelling units per gross acre. An increase from the maximum density allowed in the UE zone district of two (2) dwelling units per gross acre.
- A Modification to Standard to Section 4.2(D)(2)(c) was granted to reduce the minimum depth of the rear yard from 25 feet to 20 feet.
- A Modification to Section 4.2(D)(2)(d) was granted to reduce the required minimum setback for the side yards. The side yard setbacks were approved as follows:

Lot	Requested Setback	% of Side	Required 20'	Modification
2	N pl 0' S pl 15'	100% 50%	10'*	10' 5'
3	N pl 15' N pl 15'	46% 29%		5' 5'
4	W pl 15' E pl 15"	56% 52%		5' 5'
5	SW pl 15" NE pl 10"	50% 49%		5' 10'
6	S pl 10' N pl 15'	50% 49%		10' 5'
7	S pl 15'	50%		5'

*A 10-foot side yard setback was granted by Modification in 2007.

Sunrise Ridge Second Filing Major Amendment (2018)



In sum, the following approved Modification of Standard Requests will apply to the Sunrise Ridge, Third Filing Final Development Plan:

MODIFICATION OF STANDARD	RELATED APPROVED PLAN
Section 4.2.(D)(2)(a) – minimum lot width for lots 2,3,4,5, and 6 is reduced from 100 ft. to 50 ft.	Sunrise Ridge Second Filing
Section 4.2(D)(2)(c) – rear yard setback for Lots 2 and 3 are reduced to 20 ft.	Sunrise Ridge Second Filing Major Amendment
Section 4.2(D)(2)(d) – side yard setbacks are on a per lot basis as indicated on the Site Plan. (Setback Table listed above)	Sunrise Ridge Second Filing Major Amendment
4.2(D)(2)(d) – increase in maximum density allowed to be 2.80 dwelling units per gross acre.	Sunrise Ridge Second Filing Major Amendment

The proposal for Sunrise Ridge Third Filing is compliant with the intent of the requirements in the Land Use Code and follows the requirements under Division 3 and 4 to ensure that the proposal is not creating a nonconformity through the development and design standards, or the proposal of the single-family attached land use. To comply with Land Use Code procedures, the standard for minimum lot size will require a Modification of Standard.

C. CITY PLAN PRINCIPLES AND POLICIES:

Land Use Code Section 1.2.2(A) requires, “...that all growth and development which occurs is consistent with this Code, City Plan and its adopted components, including, but not limited to, the Structure Plan, Principles and Policies and associated sub-area plans”. The City’s comprehensive plan (2019 City Plan) was developed with the participation of thousands of community members and embodies the vision and values of the community for the future. A basic aspect of the vision pertinent to the proposal is the unique character and sense of place in Fort Collins.

The City Plan’s Structure Plan Map includes place types—or land use categories—which provide a framework for the ultimate buildout of Fort Collins. These place types provide a policy structure that can apply to several specific zone districts within each place type by outlining a range of desired characteristics.

The subject property is consistent with the “Mixed Neighborhood place type” land use designation, which is the overlying land use designation for the Urban Estate (UE) zone district.

City Plan provides guidance that the Structure Plan is not intended to be used as a stand-alone tool; rather, it should be considered in conjunction with the accompanying principles, goals and policies contained in City Plan as a tool to guide future growth and development. Key principles and policies relevant to the project include the following:

OUTCOME AREA “LIV” -- NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH – Managing Growth: These principles help the City to manage growth by encouraging infill and redevelopment, ensuring this development is compatible with the character of the surrounding neighborhood or area.

- **PRINCIPLE LIV 2: Promote Infill and Redevelopment:**
 - **POLICY LIV 2.1 - REVITALIZATION OF UNDERUTILIZED PROPERTIES.** Support the use of creative strategies to revitalize vacant, blighted or otherwise underutilized structures and buildings, including, but not limited to: Infill of existing surface parking lots—particularly in areas that are currently, or will be, served by bus rapid transit (BRT) and/or high-frequency transit in the future.

- **PRINCIPLE LIV 3: Maintain and enhance our unique character and sense of place as the community grows:**
 - POLICY LIV 3.4 – DESIGN STANDARDS AND GUIDELINES. Maintain a robust set of citywide design standards as part of the City’s Land Use Code to ensure a flexible, yet predictable, level of quality for future development that advances the community’s sustainability goals...Continue to develop and adopt location-specific standards or guidelines where unique characteristics exist to promote the compatibility of infill redevelopment.
 - POLICY LIV 3.6 - CONTEXT-SENSITIVE DEVELOPMENT. Ensure that all development contributes to the positive character of the surrounding area. Building materials, architectural details, color range, building massing, and relationships to streets and sidewalks should be tailored to the surrounding area.

- **PRINCIPLE LIV 4 – Enhance neighborhood livability:**
 - POLICY LIV 4.1 – NEW NEIGHBORHOODS. Encourage creativity in the design and construction of new neighborhoods that include but are not limited to, providing an interconnected framework of streets, sidewalks, walkway spines, and other public spaces; expands housing options, and improves access to services and amenities.
 - POLICY LIV 4.2 - COMPATIBILITY OF ADJACENT DEVELOPMENT. Ensure that development that occurs in adjacent districts complements and enhances the positive qualities of existing neighborhoods. Developments that share a property line and/or street frontage with an existing neighborhood should promote compatibility by: Continuing established block patterns and streets to improve access to services and amenities from the adjacent neighborhood; Incorporating context-sensitive buildings and site features (e.g., similar size, scale and materials); and locating parking and service areas where impacts on existing neighborhoods—such as noise and traffic—will be minimized.

- **Principle LIV 5 – Create more opportunities for housing choices.**
 - POLICY LIV 5.1 – HOUSING OPTIONS. To enhance community health and livability, encourage a variety of housing types and densities, and including mixed-use developments that are well served by public transportation and close to employment centers, shopping, services, and amenities.
 - POLICY LIV 5.3 - LAND FOR RESIDENTIAL DEVELOPMENT. Use density requirements to maximize the use of land for residential development to positively influence housing supply and expand housing choice.

D. FOSSIL CREEK RESERVOIR PLANNING AREA

The project site is located within the boundaries of the Fossil Creek Reservoir Plan. This subarea plan was originally adopted in 1999. When the Fossil Creek Reservoir Plan was adopted, the property presently known as Sunrise Ridge Second Filing (previously known as Adler Exemption in the Fossil Creek Reservoir Plan) was in unincorporated Larimer County. The land use guidance identified the site for Farming (FA-1). However, under the FA-1 land use designation, the land classification anticipated cluster development where permitted.

As a site for future cluster development, the 1999 Fossil Creek Reservoir Plan identifies several direct policy goals and strategies relevant to this site and the proposed development:

- **GOAL FC-LUF-1:** New urban development will be required to be consistent with the principles and policies for community design and new residential neighborhoods established by the Fort Collins City Plan.

- *Staff Findings: This policy was a factor in the initial annexation and zoning for the site, given that the property was zoned to allow for new residential neighborhoods and cluster development in the UE zone district.*
- **GOAL FC-I-3:** Areas east of County Road 7 and west of I-25 designated as FA-1 zoning are required to cluster at rural conservation development standards, as outlined in the Larimer County Master Plan.
 - *Staff Findings: This area was annexed and zoned as Urban Estate development to align with the possibility of having future cluster development to align with rural conservation development standards and the development standards provided under policy FC-15:*

FC-I-5.1 The maximum number of units which may be developed are based on the underlying zoning and are calculated as follows: Total number of acres, less areas in designated flood ways, divided by minimum lot size for the applicable zoning classification.

FC-I-5.2 All dwelling units must be located in clusters on the site such that the cluster is consistent with the planned densities and standards specified in the Land Use Framework Plan and development regulations for the Fossil Creek Reservoir Area. The residual area of the development not in the cluster must be designated as a future development area.

FC-I-5.3 The designated future development area could further be developed to planned densities and standards upon adoption of a Transfer of Density Unit Program Land Regulation by Larimer County.

- *Staff Findings: The proposed Major Amendment to Sunrise Ridge Third Filing complies with the original intent of the residential development intended for this property as it does not increase the density from what has been approved with the original development plan for Sunrise Ridge upon annexation.*
- ***Based on staff's analysis, staff finds the Sunrise Ridge Third Filing conforms with the policies of City Plan and the Fossil Creek Reservoir Plan and that the development meets the requirements of Land Use Code Section 1.2.2(A).***

2. Land Use Code Article 2 Procedural Requirements

A. FINAL DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR 210074

A conceptual review meeting was held on April 13, 2023.

2. Neighborhood Meeting

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

3. Submittal

The project was submitted on May 24, 2023. The project was routed to all reviewing departments with three rounds of review conducted to reach the proposed plan.

4. Notice (Posted, Written and Published)

Posted notice: June 18, 2023, Sign #742

Written notice: September 25, 2023, 291 letters sent.

B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The applicant requests one modification of standard which addresses:

- 4.2.(D)(1)(b) – Urban Estate District (U-E) Land Use Standards – Density/Intensity

The Land Use Code 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. Accordingly, code standards include provisions for modifications. 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 to Section 4.2.(D)(1)(b) – Urban Estate District (U-E) Land Use Standards – Density/Intensity

a. The Standard:

(D) Land Use Standards.

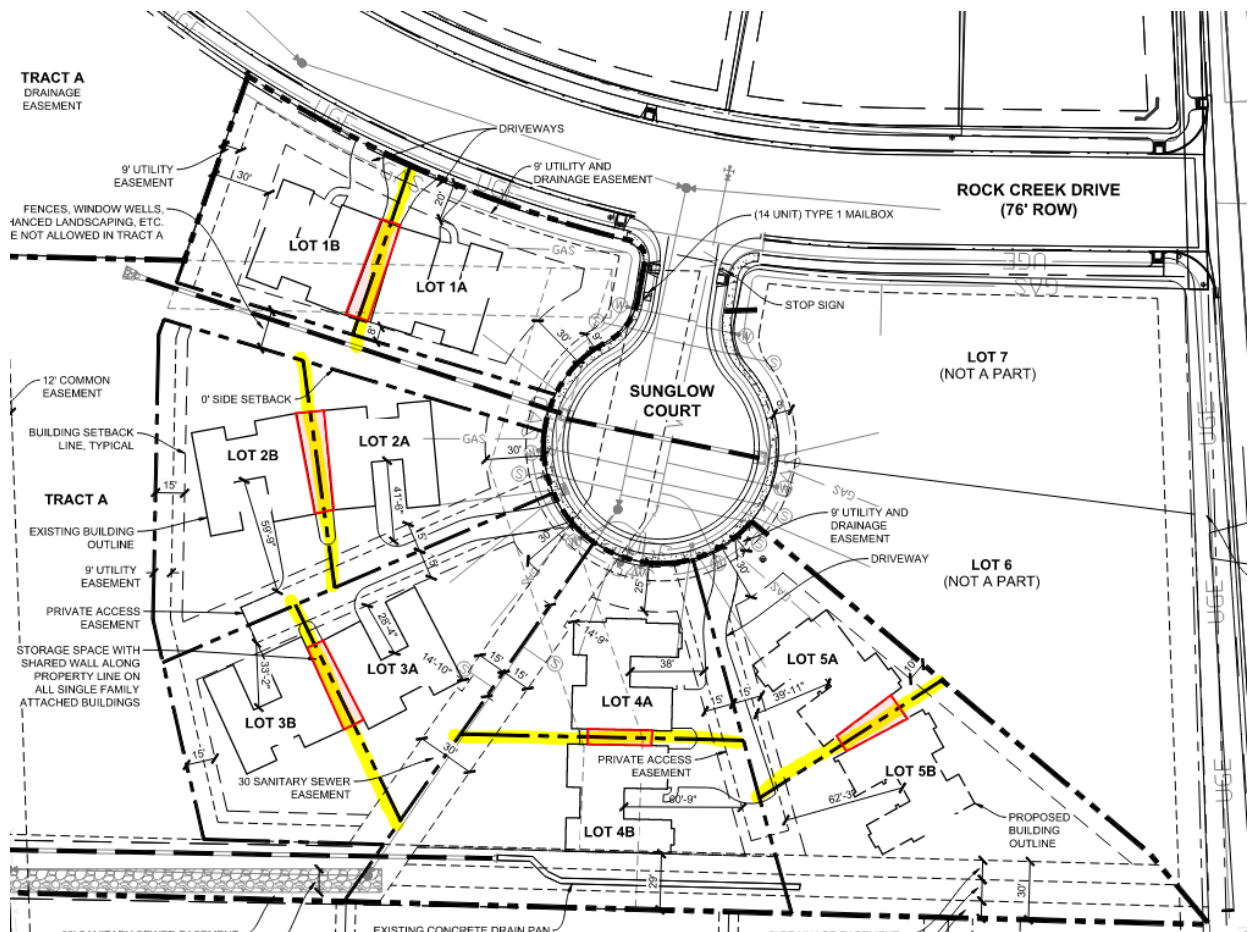
(1) Density/Intensity. All development shall meet the following requirements:

(a) Overall average density shall not exceed two (2) dwelling units per gross acre.

(b) Lot sizes shall be one-half (½) acre or larger for dwellings that are not clustered in accordance with the standards set forth in this Division.

Overview

The Sunrise Ridge Third Filing is comprised of a combination of vacant lots and lots with two-family dwelling (duplex) buildings already constructed. Lots 1-4 buildings are already constructed, or under construction with approved building permits under the requirements of Sunrise Ridge Second Filing and Sunrise Ridge Second Filing Major Amendment with modifications (2018). Lot 5 has yet to be constructed but the previously approved plans indicate future development as a two-family dwelling. The applicant requests to separate the dwelling units through subdivision so that there is one dwelling unit per lot. Separating each unit onto its own lot would require a lot line that separates the existing buildings at the point where a shared wall is located between the two attached units. The subdivision of the existing lots would create lots that are between .202 and .391 acres in size. This is less than the required minimum lot size in the Urban Estate zone district of .5 acres.



The highlighted yellow lines indicate the new property line to divide each lot into two lots. The red highlighted space indicates the shared space where the units will be split by these lot lines.

Applicant's Request & Justification

The applicant contends that the proposed modification of standards to the lot size for this proposed development results in a deviation of the standard that does not change the overall lot area for the paired homes, building position, orientation, or character of the houses. With eight of the ten units included in the proposal already constructed to allow for units on separate lots, it is argued that this deviation is nominal and inconsequential because it will not diverge from the standards of the Land Use Code as constructed and that the modification of standard request meets criteria (1) and (4) of Section 2.8 of the Land Use Code.

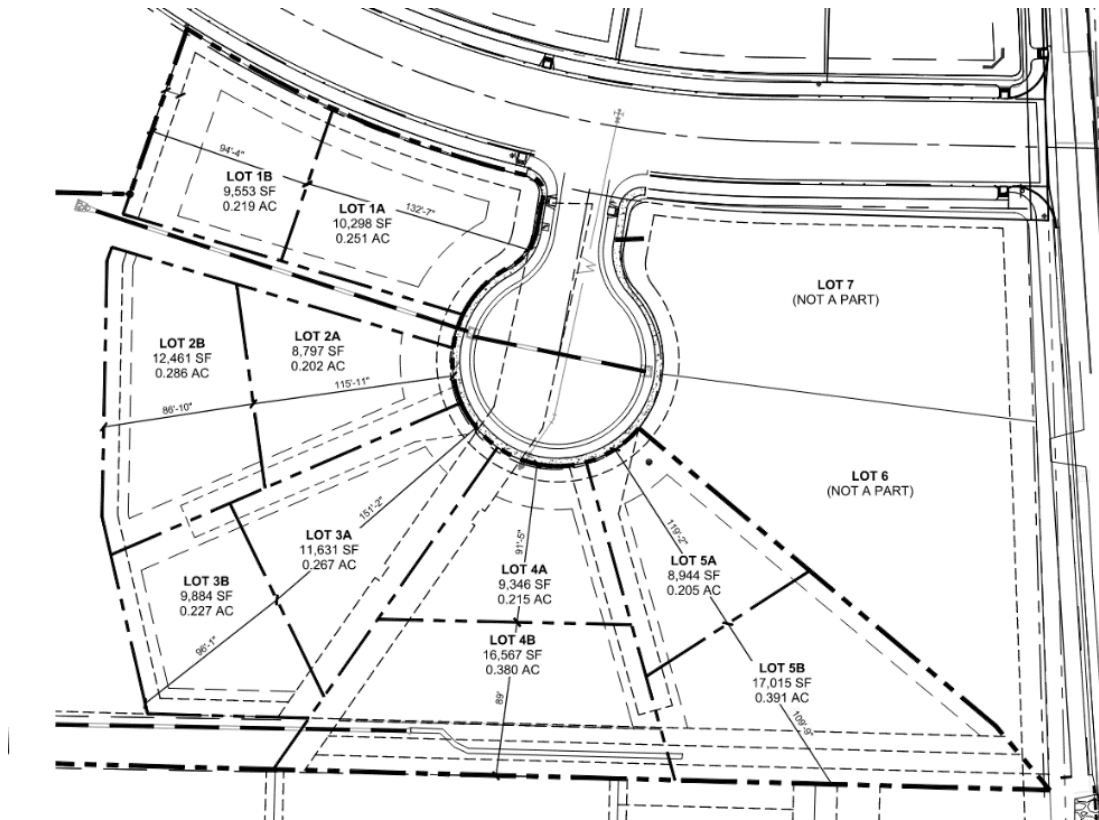
Criteria 1 being: the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or

Criteria 4 being: (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.

Applicant statements:

- The preferred plan is not detrimental to the public good in that it maintains high quality habitat, open space and promotes a sense of community through its special structure and open space amenities.
- Within the context of the existing neighborhood, this project will positively influence housing supply and expand housing choice. Requires half- acre lots adjacent to a major commercial corridor offers little compelling community benefit with respect to housing options.

- This project provides a rural neighborhood edge and transition from the rural county lots to the south and the more dense neighborhoods to the north. The generous buffers of the proposed plan complements and enhances the positive qualities of the existing surrounding neighborhoods.



The applicant's modification request is provided with this report as an attachment.

Staff Findings

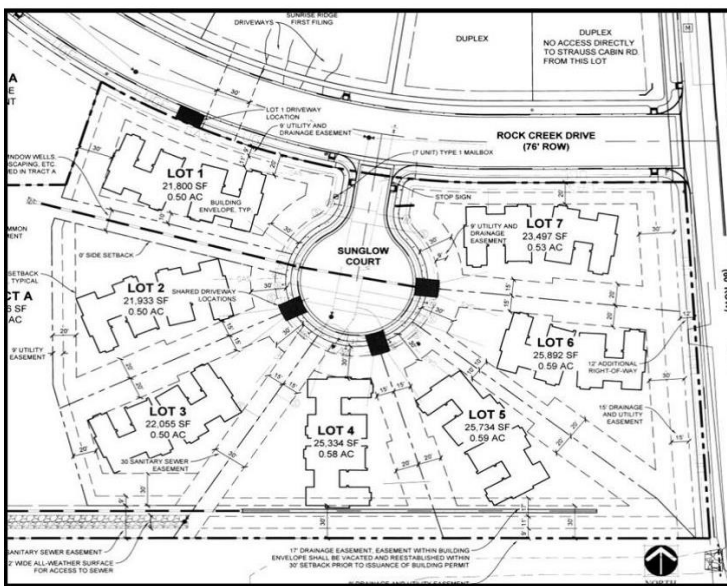
Staff finds that the granting of the modification would not be detrimental to the public good and that the request satisfies criteria (4) in subsection 2.8.2(H):

- Granting this modification request as submitted will not be detrimental to the public good.** Subdividing each lot so that each unit is located on a separate lot that is smaller than $\frac{1}{2}$ acre will not change the function of the development as a whole. Lots 1-4 were constructed to have two units. No changes are required to the overall density of the development, existing lots, building placement, or building orientation because of this change.
- The modification meets criteria 4 of Section 2.8.2(H)(4)** because further subdividing the existing lots that are over .5 acre to be no smaller than .20 acre will not diverge from the standards of the Land Use Code that are authorized by this Division except in a nominal and inconsequential way. The proposed modification does not change the aesthetics, density, or building placement and orientation of the existing development. Subdividing each lot into two smaller lots, with one lot line down a shared space between the buildings does not physically change the land use, building form, or density.

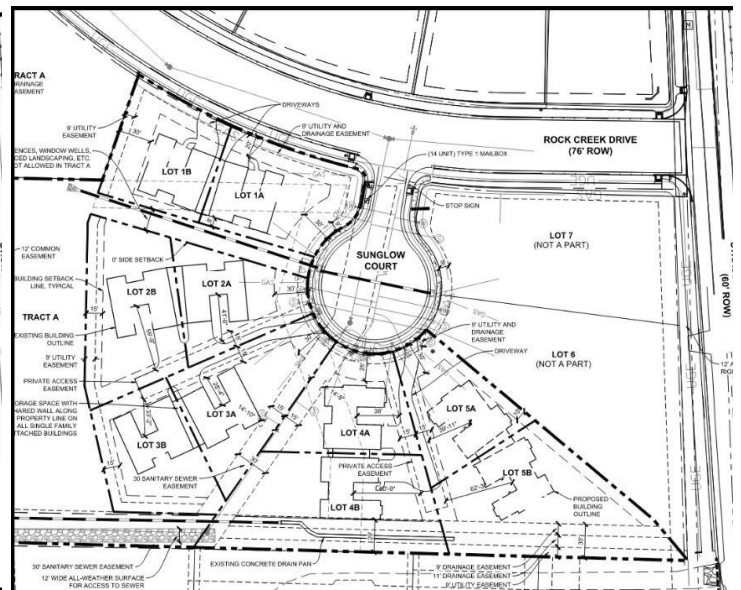
A lot size less than .5 (one-half) acre would not diverge from the Land Use Code standards for residential buildings for a single-family attached land use. The standards for the Urban Estate Zone District provides an opportunity for cluster development that allows for smaller lot sizes through the standards in Section 4.2.E.2 – Site Design for Residential Cluster Development. It could be argued that this proposal to have smaller lot sizes aligns with the standards outlined in the UE Zone District, and while it may not meet all of the standards required to be designated as a cluster development, it does meet the intent for cluster development to preserve space for public or private open space (Tract A).

When considered from the perspective of the entire development plan, the proposed modification request will continue to advance the purpose of the Land Use Code as contained in Section 1.2.2, including:

- 1.2.2 (I) minimizing the adverse environmental impacts of development.
- 1.2.2 (J) improving the design, quality and character of new development.
- 1.2.2 (L) encouraging the development of vacant properties within established areas.
- 1.2.2 (M) ensuring that development proposals are sensitive to the character of existing neighborhoods.



Sunrise Ridge Second Filing MJA



Sunrise Ridge Third Filing

3. Land Use Code Article 3 - Applicable Standards

Because the plan involves a portion of property with existing development, the only applicable development standards in Land Use Code are those reviewed below. Staff findings indicate sections where the standard relates to the proposed plan but there are no changes from the original development plan that result from the current proposal.

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 3.2.1(D) Tree Planting Standards 3.2.1(D)(1)(c) Full Tree Stocking	<p>The standards of this section require that a development plan demonstrates a comprehensive approach to landscaping that enhances the appearance and function of the neighborhood, buildings, and pedestrian environment. The proposed plan provides the following:</p> <ul style="list-style-type: none"> A landscaping plan for all landscape parkways along Rock Creek Drive, Strauss Cabin Road, and Sunglow Court was approved with the Sunrise Ridge, Filing 2 Major Amendment. Since there are no changes to the parkways, nor the landscaping, the site is subject to the previously approved landscape plan that is included with this proposal. There are no changes proposed with the landscape plan for Sunrise Ridge Third Filing Major Amendment/ Final Development Plan. The Landscape Plan provides 22 street trees, adjacent to Lots 1A-Lot 7 (Lot 6 and Lot 7 are not included with this proposal) and provides full tree stocking for the development. The locations of the street trees are not changing with the proposed landscaped plan. Fifteen (15) Evergreen trees are proposed to be located adjacent to the site in Tract A. There is no change to these tree plantings with this proposal. A sod mix is proposed along the Strauss Cabin Road, Rock Creek Drive, and Sunglow Court right-of-way. A Dryland seedmix is proposed in Tract A. There are no changes to the proposed ground cover with this proposal. 	<p>Complies (No Change)</p>
3.2.1(F) – Tree Preservation Mitigation	<p>This standard requires that developments provide on-site mitigation in the form of a defined number of replacement trees if existing significant trees are removed. The number of mitigation trees is determined by City Forestry staff based off existing tree species, breast diameter, and health/condition. Mitigation values can range between 1 and 6 for a tree that is removed. Dead, dying, and certain invasive species are exempt from this standard.</p> <ul style="list-style-type: none"> There were no changes to the landscape plan with the MJA/FDP that required mitigation for trees on-site. 	<p>NA (No Change)</p>
3.2.2 – Access, Circulation and Parking – General Standard	<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. In compliance, the plan includes the following:</p> <ul style="list-style-type: none"> Emergency Access Easements are provided with the proposal to allow access through the front lots to the back lots for emergency service providers. Private Access Easements are provided in the location of each existing driveway and future driveways to allow access through the front lots to the back lots. 	<p>Complies</p>

	<ul style="list-style-type: none"> There are no changes proposed to the proposed pedestrian, bicycle, and vehicular access to the lots from Sunglow Court. All existing sidewalks are built to LCUASS standards. 											
Section 3.2.2(K)(2)(a,b,c) – Parking	<p>The minimum number of required parking spaces for attached dwellings is based the parking ratios in the table below, on a per-bedroom basis.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="text-align: center;"><i>Number of Bedrooms/Dwelling Unit</i></th> <th style="text-align: center;"><i>Parking Spaces Per Dwelling Unit</i></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><i>One or less</i></td> <td style="text-align: center;">1.5</td> </tr> <tr> <td style="text-align: center;"><i>Two</i></td> <td style="text-align: center;">1.75</td> </tr> <tr> <td style="text-align: center;"><i>Three</i></td> <td style="text-align: center;">2.0</td> </tr> <tr> <td style="text-align: center;"><i>Four and above</i></td> <td style="text-align: center;">3.0</td> </tr> </tbody> </table> <p><i>* Spaces that are located in detached residential garages (but not including parking structures) or in attached residential garages, which attached garages do not provide direct entry into an individual dwelling unit, may be credited toward the minimum requirements contained herein only if such spaces are made available to dwelling unit occupants at no additional rental or purchase cost (beyond the dwelling unit rental rate or purchase price).</i></p> <ul style="list-style-type: none"> There are no proposed changes or differences in parking requirements between two-family dwellings (duplex land use) and single-family attached dwellings (proposed land use). No changes from the Sunrise Ridge Second Filing plans are proposed to the parking provided on-site. Each existing unit provides two parking spaces within a two-car garage. 	<i>Number of Bedrooms/Dwelling Unit</i>	<i>Parking Spaces Per Dwelling Unit</i>	<i>One or less</i>	1.5	<i>Two</i>	1.75	<i>Three</i>	2.0	<i>Four and above</i>	3.0	Complies (No Change)
<i>Number of Bedrooms/Dwelling Unit</i>	<i>Parking Spaces Per Dwelling Unit</i>											
<i>One or less</i>	1.5											
<i>Two</i>	1.75											
<i>Three</i>	2.0											
<i>Four and above</i>	3.0											

B. DIVISION 3.3 - ENGINEERING


Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1(B) – Public Sites, Reservations and Dedications	<p>This standard requires that each lot must have vehicular access to a public street.</p> <ul style="list-style-type: none"> Vehicular access is provided for the lots with no direct street frontage by dedicated private access easements for the benefit of Lots 2B, 3B, 4B, and 5B to have vehicular access to the public street (Sunglow Court). These access easements are dedicated with the plat associated with the proposal. The previously approved plan for Sunrise Ridge Second Filing Major Amendment created the lots to have two units, with one unit directly adjacent to the street and the second unit at the rear of the lot. Providing the private access easements allows for this building orientation to continue to be feasible while providing vehicular access as required by this standard. 	Complies

3.3.1(C) – Public Sites, Reservations and Dedications	<p>This standard requires the applicant 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 street is abutting or within the property being developed, the applicant must dedicate such additional rights-of-way to meet the minimum width required by Larimer County Urban Area Street Standards and the City of Fort Collins Land Use Code. The proposal complies with this standard by:</p> <ul style="list-style-type: none"> • Easements for rights-of-way and public utilities were dedicated with the previous plans for Sunrise Ridge. Easements for access and emergency access for Lots 1A-5B are provided with this proposal. • A private South Fort Collins Sanitation District (SFCSD) Easement is required to be vacated with this proposal so that no permanent buildings are constructed on the easement. The applicant has provided the City with a Letter of Intent that the vacation will be completed with this proposal. 	Complies
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A. DIVISION 3.5 - BUILDING STANDARDS

The purpose of this Section is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area. Building design requirements are discussed again related to additional code language in Section 3.8.30 which is covered later in this staff report.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.5.1(A) and (B) – Building Project and Compatibility, Purpose and General Standard	<p>This section is designed to ensure compatibility of new buildings with the surrounding context. Absent any established character, the standard requires that new buildings set an enhanced standard of quality for future projects or redevelopment in the area. The standards in this section are intended to complement the more specific requirements in Article 4, which are addressed in Section H of this report. For reference, the Land Use Code definition of “compatibility” in Article 5 has been included below:</p> <p><i>Compatibility shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.</i></p> <ul style="list-style-type: none"> • Overall, staff finds that the design of the plan is compatible with the existing context surrounding the site. • There are no changes to the building size, height, bulk, mass, or scale with this MJA/FDP proposal. 	Complies (No Change)
3.5.2 (E) – Residential Building Setbacks, Lot Width, and Size.	<p>The purpose of this section is to promote variety, visual interest and pedestrian – oriented streets in residential development.</p> <ul style="list-style-type: none"> • There are no changes to the architectural design or models of the buildings with this MJA/FDP proposal. • There are no changes to the position and orientation or location of the buildings in relation to the connecting walkway with this MJA/FDP proposal. • Emergency Access Easements are provided so that there is direct access for emergency responders for each individual single family attached dwelling for units that are farther than 150 feet from the closest emergency access easement or designated fire lane (Sunglow Court). 	Complies

	<ul style="list-style-type: none"> • Residential Building Setbacks, Lot Width, and Size: The front yard, side yard, and rear yard setback requirements in Section 4.2 applies to this property. <ul style="list-style-type: none"> ○ Setback from Nonarterial Streets (Sunglow Ct & Rock Creek Drive) – <table border="1" data-bbox="602 323 1192 655"> <tr><td>Lot 1A</td><td>20 ft.</td></tr> <tr><td>Lot 1B</td><td>20 ft.</td></tr> <tr><td>Lot 2A</td><td>30 ft.</td></tr> <tr><td>Lot 3A</td><td>30 ft.</td></tr> <tr><td>Lot 4A</td><td>25 ft.</td></tr> <tr><td>Lot 5A</td><td>30 ft.</td></tr> </table> ○ Side Yard Setbacks –Modification Request approved with Sunrise Ridge Second Filing MJA/FDP for Section 4.2(D)(2)(D) for side yard setbacks to be on a per lot basis as indicated on the site plan. ○ Rear Yard Setbacks – Modification Request approved with Sunrise Ridge Second Filing MJA/FDP for Section 4.2(D)(2)(C) for rear yard for Lot 2 and Lot 3 to be reduced to 20 feet. All other lots are setback a minimum of 30 feet. ○ Minimum Lot Width – Modification Request approved with Sunrise Ridge Second Filing MJA/FDP for Section 4.2(D)(2)(A) for minimum lot width to be reduced from 100 feet to 50 feet. (No Change) 	Lot 1A	20 ft.	Lot 1B	20 ft.	Lot 2A	30 ft.	Lot 3A	30 ft.	Lot 4A	25 ft.	Lot 5A	30 ft.	
Lot 1A	20 ft.													
Lot 1B	20 ft.													
Lot 2A	30 ft.													
Lot 3A	30 ft.													
Lot 4A	25 ft.													
Lot 5A	30 ft.													
<p>3.5.2 (F) – Garage Doors</p>	<p>The purpose of this section is to prevent residential streetscapes from being dominated by protruding garage doors and to allow for active, visually interesting features of the house to dominate the streetscape.</p> <ul style="list-style-type: none"> • All buildings are constructed and intended to meet the garage door requirements of this section. • Garage doors of existing units for Lots 1A and 1B do not protrude forward from the front façade of living area portion of the dwelling by more than eight (8) feet.  <ul style="list-style-type: none"> • Garage doors of existing units for Lots 2A, 2B, 3A, 3B, 4A, and 4B are side loaded and the side of the garage facing the front street has windows and other architectural details that mimic the features of the living portion of the dwelling. 	<p>Complies</p>												



B. DIVISION 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
3.6.2– Streets, Streetscapes, Alleys And Easements	<p>This Section is intended to ensure that the various components of the transportation network are designed and implemented in a manner that promotes the health, safety and welfare of the City. It details minimum requirements for private streets and private drives when they are proposed as part of a development project.</p> <ul style="list-style-type: none"> • There are no proposed changes to the streets, or streetscapes with this proposal. Private easements are provided with the proposal to allow all lots access from the street (Sunglow Ct). 	Complies
3.6.3(A-F) – Street Pattern and Connectivity Standards	<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"> • The proposed development is adjacent to Strauss Cabin Road, Rock Creek Drive. The single-family attached buildings for Lots 1A and 1B are accessed from Rock Creek Drive. The single-family attached buildings for Lots 2A-6B are accessed from Sunglow Court with access easements for the benefit of the back lots that are not directly adjacent to Sunglow Court. • There are no changes to the street pattern and connectivity standards related to this MJA/FDP for Sunrise Ridge Third Filing. 	Complies (No Change)
3.6.4 – Transportation Level of Service Requirements	<p>In order to ensure that the transportation needs of a proposed development can be safely accommodated by the existing transportation system, or that appropriate mitigation of impacts will be provided by the development, the project must demonstrate that all adopted level of service (LOS) standards will be achieved for all modes of transportation as outlined in this Section. A Transportation Impact Study (TIS) may be required.</p>	Complies (No Change)

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	<ul style="list-style-type: none"> A Transportation Impact Study was not required for this proposal since there were no changes to the level of service with the proposed land use. 	
3.6.6 – Emergency Access	<p>This standard states, “all developments shall provide adequate access for emergency vehicles and for those persons rendering fire protection and emergency services by complying with Article 9, Fire Department Access and Water Supply, of the Uniform Fire Code as adopted and amended pursuant to Chapter 9 of the City Code. All emergency access ways, easements, rights-of-way or other rights required to be granted pursuant to the Uniform Fire Code must include not only access rights for fire protection purposes, but also for all other emergency services.”</p> <ul style="list-style-type: none"> The project has been reviewed by Poudre Fire Authority (PFA) and meets the needs and requirements of PFA regulations. Emergency access easements are provided with the proposal to serve the development. 	Complies

C. DIVISION 3.7 - COMPACT URBAN GROWTH

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.7.3 – Adequate Public Facilities	<p>This section requires that any approval of a development is 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> <p>The project is served by Fort Collins Loveland Water District, Fort Collins Sanitation District (SFCSD), Fort Collins Light and Power, and the Poudre Fire Authority. Each party has commented on the project and have demonstrated existing infrastructure capable of serving the proposed project at the developer’s expense.</p>	Complies (No Change)

D. DIVISION 3.8.30 - MULTI-FAMILY AND SINGLE-FAMILY ATTACHED DWELLING DEVELOPMENT STANDARDS

The standards in this section apply to all multi-family developments that contain at least four (4) dwelling units and single-family attached developments that contain at least four (4) dwelling units where there is no reasonably sufficient area for outdoor activities and useable outdoor space on an individual per lot basis. This section is intended to promote variety in building form and product, visual interest, access to parks, pedestrian-oriented public or private streets and compatibility with surrounding neighborhoods.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings

<p>3.8.30(B) – Mix of Housing Types</p>	<p>A complete range of the permitted housing types is encouraged in a neighborhood and within any individual development plan, to the extent reasonably feasible, depending on the size of the parcel. A minimum of two (2) housing types is required on any development parcel sixteen (16) acres or larger.</p> <ul style="list-style-type: none"> The MJA/FDP is less than 16 acres in size and therefore, did not require a second housing type for Sunrise Ridge Second Filing or the present application for Sunrise Ridge Third Filing. 	<p>NA</p>
<p>3.8.30(C) – Access to a Park, Central Feature or Gathering Place</p>	<p>At least ninety (90) percent of the dwellings in all development projects containing two (2) or more acres shall be located within 1,320 feet (¼ mile) of either a neighborhood park, a privately owned park or a central feature or gathering place that is located either within the project or within adjacent development, <u>which distance shall be measured along street frontage</u> without crossing an arterial street.</p> <p>For projects greater than ten (10) acres, the private park must be a minimum of ten thousand (10,000) square feet.</p> <p>The “location” criterion requires that “such parks” shall be highly visible, secure settings formed by the street layout and pattern of lots and easily observed from streets. This requirement is intended to reinforce the “town-like pattern” of development where a street grid is provided along with prominent park nodes that are integral to the street pattern.</p> <ul style="list-style-type: none"> The original development plan provides access to nearby parks in the Observatory Village development within ¼ of a mile of this development. There is no change related to this standard for the MJA/FDP. 	<p>Complies (No Change)</p>
<p>3.8.30(D) – Block Requirements</p>	<p>Each multi-family project must be developed as a series of complete blocks bounded by public or private streets. Natural areas, irrigation ditches, high-voltage power lines, operating railroad tracks and other similar substantial physical features may form up to two (2) sides of a block. Blocks must be 7 acres or less in size. Buildings, plazas, or other functional open space must comprise 40% of each block side or 50% of the block faces of the total block.</p> <ul style="list-style-type: none"> Natural Areas to the west and south of this development site form up to two (2) sides of the block. This was approved with the original development plan. The block for this development is 4.08 acres in size, less than the 7 acres required and was approved with the original development plan. 	<p>Complies (No Change)</p>
<p>3.8.30(E) – Buildings</p>	<p>This section mainly discusses multifamily building setbacks from streets. A minimum setback from the right-of-way along an arterial street must be fifteen (15) feet and along a nonarterial street must be nine (9) feet.</p> <ul style="list-style-type: none"> Rock Creek Drive is designated as a collector street (nonarterial), the units fronting Duff Drive exceed the minimum (9) foot setback required. Sunglow Court is designated as a local street. The front yard setback in Section 4.2 applies to this property. 	<p>Complies (No Change)</p>

4. Land Use Code Article 4 – Applicable Standard

A. DIVISION 4.2 – URBAN ESTATE (UE)

The Urban Estate District is intended to be a setting for a predominance of low-density and large-lot housing. The main purposes of this District are to acknowledge the presence of the many existing subdivisions which have developed in these uses that function as parts of the community and to provide additional locations for

similar development, typically in transitional locations between more intense urban development and rural or open lands.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings																																			
4.2 – Permitted Uses	<p>This section ensures that a change of use or addition of use on the property would go through the prescribed Development Review process as determined in this section.</p> <ul style="list-style-type: none"> The proposed single-family attached dwelling land use is permitted subject to review by a Hearing Officer at a public hearing (Type 1 review). 	Complies																																			
4.2.D.1 – Land Use standards – Density/Intensity	<p>This section ensures that proposed land uses meet the intent of the zone district through density and intensity of the land uses.</p> <ul style="list-style-type: none"> The overall average density does not change with the two-family dwellings becoming single-family attached dwellings, there is no change to the density that was approved in Sunrise Ridge Filing 2, Major Amendment for 2.80 dwelling units per acre. A Modification of Standard is requested for the Lot Size to be less than the one-half acre or larger requirement for dwellings in the UE zone district to be a minimum of 0.20 acres. 	Complies/ Modification Requested																																			
4.2.D.2 – Land Use Standards – Dimensional Standards	<p>This section ensures that proposed land uses meet the minimum lot width, minimum depth of front yard, rear yard, and side yards, and the maximum building height.</p> <ul style="list-style-type: none"> Modifications were approved to the rear and side yard standards in the Urban Estate Zone District with the Sunrise Ridge Second Filing and Sunrise Ridge Second Filing Major Amendment. <ul style="list-style-type: none"> Section 4.2(D)(2)(c) – rear yard setback for Lots 2 and 3 are reduced to 20 ft. Section 4.2(D)(2)(d) – side yard setbacks are on a per lot basis as indicated on the Site Plan. (Refer to setback table) <table border="1" data-bbox="467 1129 1268 1455"> <thead> <tr> <th>Lot</th> <th>Requested Setback</th> <th>% of Side</th> <th>Required 20'</th> <th>Modification</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>N pl 0' S pl 15'</td> <td>100% 50%</td> <td>10*</td> <td>10' 5'</td> </tr> <tr> <td>3</td> <td>N pl 15' N pl 15'</td> <td>46% 29%</td> <td></td> <td>5' 5'</td> </tr> <tr> <td>4</td> <td>W pl 15' E pl 15"</td> <td>56% 52%</td> <td></td> <td>5' 5'</td> </tr> <tr> <td>5</td> <td>SW pl 15" NE pl 10"</td> <td>50% 49%</td> <td></td> <td>5' 10'</td> </tr> <tr> <td>6</td> <td>S pl 10' N pl 15'</td> <td>50% 49%</td> <td></td> <td>10' 5'</td> </tr> <tr> <td>7</td> <td>S pl 15'</td> <td>50%</td> <td></td> <td>5'</td> </tr> </tbody> </table>	Lot	Requested Setback	% of Side	Required 20'	Modification	2	N pl 0' S pl 15'	100% 50%	10*	10' 5'	3	N pl 15' N pl 15'	46% 29%		5' 5'	4	W pl 15' E pl 15"	56% 52%		5' 5'	5	SW pl 15" NE pl 10"	50% 49%		5' 10'	6	S pl 10' N pl 15'	50% 49%		10' 5'	7	S pl 15'	50%		5'	Modifications Approved
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4.2.E.1 – Development Standards	<p>This section ensures that the proposed land use meets street connectivity and design development standards.</p> <ul style="list-style-type: none"> Neighborhood connectivity and design was approved with the original development plan. There are no changes proposed with this MJA/FDP proposal. 	Complies (No Change)																																			

5. Findings of Fact/Conclusion

In evaluating the request for the Sunrise Ridge Third Filing Major Amendment and Final Development Plan # FDP230015, staff makes the following findings of fact:

- The FDP complies with process requirements located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.

2. The Modification to Section 4.2.(D)(1)(b) Urban Estate District (U-E) Land Use Standards – Density/Intensity is not detrimental to the public good and meets criteria 2.8.2(H)(4).
3. The FDP complies with pertinent standards located in Article 3 – General Development Standards.
4. The proposed Single-Family Attached dwellings are a permitted use subject to Type 1 review and hearing in the Urban Estate Zone District in Article 4 – Districts.

6. Recommendation

- Staff recommends that the Hearing Officer make a motion to approve the Modification of Standard to Section and subsection 4.2.(D)(1)(b) based on the Findings of Fact and supporting explanations found in the staff report and hearing materials.
- Staff recommends that the Hearing Officer approve the Sunrise Ridge Third Filing Major Amendment and Final Development Plan # FDP230015 based on the Findings of Fact and supporting explanations found in the staff report.

7. Attachments

1. Project Submittal Narrative
2. FDP Plan Set (Site & Landscape Plan)
3. Plat
4. Modification of Standard Request