

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

FINDINGS AND DECISION

HEARING DATE: September 28, 2023

PROJECT NAME: 556 Cajetan Street – Duplex and “Carriage House”
Major Amendment/Final Development Plan

CASE NUMBER: FDP #230003

APPLICANT/OWNER: Erik & Brianne Haagenson
245 Osiander Street
Fort Collins, CO 80524

HEARING OFFICER: Lori Strand

PROJECT DESCRIPTION/BACKGROUND: This is a request for a Major Amendment (“**MJA**”) and Final Development Plan (“**FDP**” and, together with the MJA, the “**Application**”) for a property located at the northwest corner of Cajetan Street and Redwood Street that consists of a 5,990 s.f. lot (the “**Lot**”) and an adjacent/abutting 7,606 s.f. tract (the “**Tract**” and, together with the Lot, the “**Subject Property**”).

The “Narratives” on the Applicant’s Site & Building Plans submitted for Hearing Officer review state that the project consists of developing the Lot “with a duplex and detached 3 car garage with a two bedroom apartment above [the garage] referred to as a carriage house.” (Emphasis added.)

The Subject Property is located within the Old Town North neighborhood development and is zoned Community Commercial—North College District (“**CCN**”). The City of Fort Collins Land Use Code (“**LUC**”) does not use the terms “duplex” or “carriage house” when listing the uses permitted in the CCN zone district. LUC Div. 4.19. Rather, the LUC permits “single-family detached dwellings on lots containing less than [6,000] square feet” and “two-family dwellings” in the CCN zone district. Id. §4.19(B)(2)(a)1 and 2, respectively. Both uses are subject to Administrative (Type 1) Review. The LUC defines a “single-family detached dwelling” as “a single-family dwelling which is not attached to any other dwelling or building by any means,” and a “two-family dwelling” as “a dwelling containing two (2) dwelling units.” Id. §5.1.2. These terms accurately describe the uses proposed by the Application. The LUC does not prohibit multiple principal uses on a lot zoned CCN. Id. Div. 4.19.

“Carriage house” is listed as a permitted use only in the Neighborhood Conservation Districts. LUC Divs. 4.7, 4.8, & 4.9. “Carriage house” is defined as “a single-family detached dwelling, typically without street frontage, that is located behind a separate, principal dwelling on the same lot, which fronts on the street.” Id. §5.1.2. The LUC does not prohibit a similar layout on a lot zoned CCN. Id. Div. 4.19.

The LUC expressly allows water and sewer lines to be extended from a principal building on a Neighborhood Conservation District lot to a carriage house on the same lot. *Id.* §§ 4.7(F)(2)(a)1, 4.8(F)(2)(a)1, 4.9(E)(3)(a)1. The LUC does not prohibit the extension of water and sewer lines from one principal dwelling on a CCN lot to another dwelling on a CCN lot; rather, the LUC is silent on this issue. *Id.* Div. 4.19. Water and sewer utilities are subject to Chapter 26 of the Fort Collins Municipal Code and Fort Collins Utility Services supervise and control such utilities. Municipal Code §26-21, *et seq.* Here, Fort Collins Utility Services approved the extension of water and sewer utilities from the Application’s proposed two-family dwelling on the Lot to the proposed single-family detached dwelling on the Lot.

Based on the foregoing, the MJA is treated herein as a request to change the use of the Lot from single-family detached dwelling (only) to “single-family detached dwelling” and “two-family dwelling.” The findings and decision herein will refer to the proposed uses using this LUC terminology rather than the terms “duplex” and “carriage house.”

The zoning and land uses surrounding the Subject Property are:

	North	South	East	West
Zoning	CCN, Community Commercial – North College	CCN, Community Commercial – North College	I, Industrial	CCN, Community Commercial – North College
Land Use	Houses	Houses	County fleet facility	Houses

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

SUMMARY OF DECISION: Approved with one condition.

ZONE DISTRICT: CCN zone district

HEARING: The Hearing Officer opened the virtual public hearing on September 28, 2023 at approximately 5:40 P.M. At the public hearing, the Hearing Officer reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant. There were no members of the public present during the hearing.

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.
2. Applicant Site & Building Plan – “Cajetan Street Duplex” (8 sheets).

3. Applicant Site & Building Plan – “Cajetan Street Garage/Carriage House” (5 sheets).
4. Applicant Landscape Plan (2 sheets).
5. Applicant Civil Construction Plan (9 sheets).
6. Email from C. Mapes to L. Strand re: published notice (2 pages).
7. Old Town North Fourth Filing (3 sheets).
8. Copy of written notice of virtual public hearing, dated September 13, 2023 (2 pages).
9. Confirmation of published notice in the Coloradoan, published September 22, 2023 (Ad# 0005830434) (1 page).
10. Rules of Conduct and Order of Proceedings for Administrative Hearings.
11. City Staff and Applicant PowerPoint presentations (a combined document with 19 pages).
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: Clark Mapes

From the Applicant: Erik Haagenson

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the 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 September 28, 2023 hearing on the Application 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. The information provided in the Project Description/Background section of this decision is incorporated here as findings of the Hearing Officer.
4. The Hearing Officer concludes as follows:
 - a) The Application generally furthers the purposes of the LUC set forth in Section 1.2.2.
 - b) The Application complies with the applicable procedural and administrative requirements of Article 2 of the LUC.

- c) The Application complies with the applicable General Development Standards in Article 3 of the LUC.
 - d) The Application complies with the applicable standards in Division 4.19 of the LUC.
5. The Application’s satisfaction with the applicable requirements and standards of the LUC is sufficiently detailed in the Staff Report, the testimony at the September 28, 2023 hearing, and materials in the record.

DECISION

Based on the findings set forth above, the Hearing Officer approves the Application with the following condition:

- 1. The site plans included in the Application must be revised to reflect that the permitted uses on the Lot are “single-family detached dwelling” and “two-family dwelling.”

DATED this 10th day of October, 2023.



Lori Strand
Hearing Officer

ATTACHMENT A

Staff Report

556 Cajetan Street – Duplex and “Carriage House” #FDP230003

Development Review Staff Report

Administrative Hearing: September 28, 2023

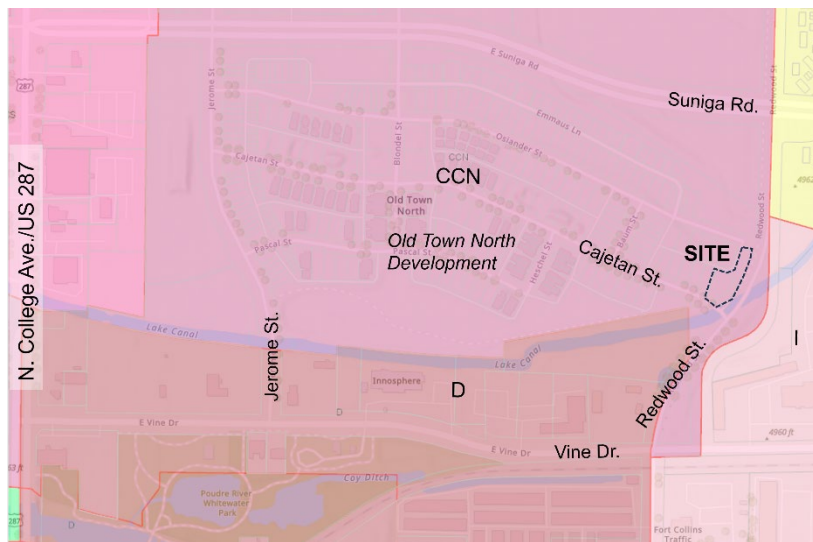
556 Cajetan Street – Duplex and “Carriage House” #FDP230003

Summary of Request

This is a combined Major Amendment/Final Development Plan to develop a duplex and a 3-car detached garage with a “carriage house” dwelling unit above.

The site is within the Old Town North neighborhood development, within the Community Commercial - North College (CCN) zone district which permits the uses subject to a Type (1) Administrative Hearing.

Zoning Map



Next Steps

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

Site Location

556 Cajetan Street (parcel #9701387001)

Zoning

Community Commercial – North College (CCN)

Property Owner

Erik Haagenson
245 Osiander St.
Fort Collins, CO 80524

Applicant/Representative

Same

Staff

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

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Staff Recommendation

Approval.

1. Project Introduction

A. PROJECT DESCRIPTION

- This is the last vacant lot along Cajetan Street, on the east end of the street where it meets Redwood Street. The lot is part of a 2018 Old Town North Fourth Filing subdivision plan that listed single family detached dwellings as the only land use, and so this Major Amendment was required to enable the duplex.
- The duplex faces Cajetan Street with the garage accessed from the existing alley-like rear drive. Two uncovered parking spaces are provided in addition to the garage.
- The plan technically comprises a 5,990 sq. ft. residential lot and a separately defined Tract of 7,606 sq.ft. These two parcels are unified in ownership and responsibility, and in this development plan. They were defined in this manner because the CCN zoning permits single family detached dwellings on lots of 6,000 sq. ft. or less; and the approved subdivision plan only enabled single family detached dwellings, so the 5,990 sq.ft. lot was separated from the Tract to be consistent with the zoning.



Proposed Plan – Duplex and Rear “Carriage House”

B. SITE CHARACTERISTICS

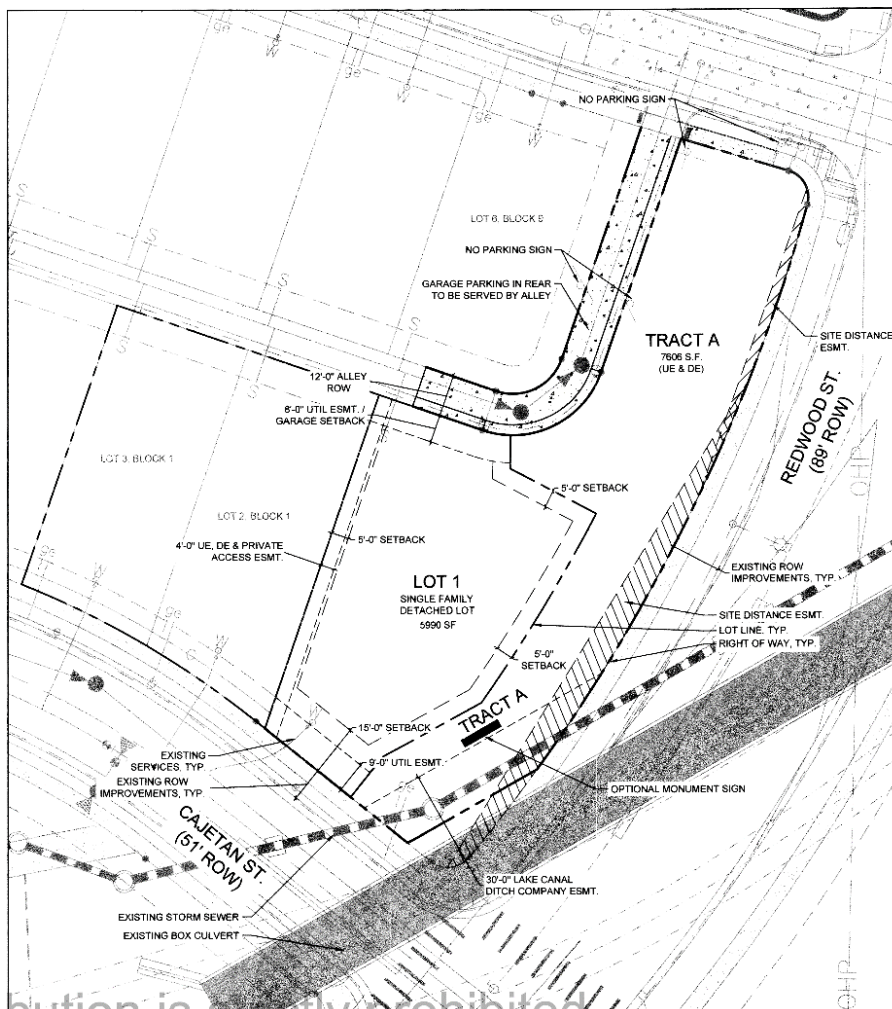
1. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	CCN, Community Commercial – North College	CCN, Community Commercial – North College	I, Industrial	CCN, Community Commercial – North College
Land Use	Houses	Houses	County fleet facility	Houses

2. Site History

The ~ 50-acre Old Town North neighborhood has been under continuous construction in multiple filings over the years since that original overall plan was first approved in 2002.

The subject property is part of the 2018 Old Town North Fourth Filing, which replatted some easements and tracts that had been part of the original overall Old Town North plan, and established the subject lot as Lot 1 and associated 'Tract A' shown below.



Fourth Filing Plan

C. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF’S REVIEW

Two main issues have needed to be resolved through 5 rounds of review.

“Carriage House” Utilities: the first issue involved crucial semantics of the “carriage house”. That term is not a recognized housing type in this CCN zone district. The term and the concept are only used in three other zone districts in the City (the original pre-war grid neighborhoods around Downtown); but not this CCN zone; and the significance is that Fort Collins Utilities allows the water and/or sewer services to be extended from a primary structure to carriage houses in those districts.

In the CCN zone and the rest of the City, the Land Use Code considers a second single family detached dwelling on a lot the same as any other detached dwelling, requiring separate taps and services. But in this case, following multiple discussions, Utilities staff agreed to consider the rear dwelling the same as a carriage house in the zones that do recognize that use.

Just for the record, note that water and sewer plant investment fees for the carriage house are still required.

All Utility Services: The second main issue, related to the first, was adjusting utility services and fitting new electric, water and sewer services onto the lot, through multiple iterations.

2. Land Use Code Article 2 Procedural Require

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR 220036

A conceptual review meeting was held on May 5, 2022.

2. Neighborhood Meeting

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

3. Submittal

The project was submitted on January 17, 2023. It was routed to all reviewing departments with five iterations of review conducted to reach the proposed plan.

4. Notice (Posted, Written and Published)

Posted notice: March 17, 2023, Sign #731

Written notice: September 13, 2023, 121 letters sent.

Published Notice: September 22, 2023. Confirmation number 0005830434.

3. Land Use Code Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Landscaping Standards Section 3.2.1	<p>This Section requires a fully developed landscape plan that addresses relationships of landscaping to sidewalks, and walkways, parking, the building, abutting properties, and users of the site in a manner appropriate to the neighborhood context.</p> <p>The plan is complete, including the following main components:</p> <ul style="list-style-type: none"> Cajetan Street parkway landscaping with turfgrass and a street tree. Redwood Street parkway landscaping with turfgrass and street trees, with the street trees repeated along the outer side of the sidewalk to form an allee effect. Mulched planting beds around the building and the driveway parking. A native grass rear and side yard landscape area in Tract A along Redwood Street. An irrigation plan will be included in a building permit. 	Complies
Access, Circulation and Parking Standards Section 3.2.2	<p>This Section requires convenient, efficient parking and circulation that adds to the attractiveness of the development.</p> <ul style="list-style-type: none"> The plan provides driveway access to the garages and two additional parking spaces from the existing alley-like rear drive. A 3-foot walkway provides access to the carriage house from the street. 	Complies
Bicycle parking: subsection 3.2.2(C)(4)	Bicycle parking standards do not apply to the single family and two-family dwellings.	N.A.
Parking - number of off-street spaces subsection 3.2.2(K)(1)(a) and (c)	<p>Standards in this subsection require a total of five spaces.</p> <p>The duplex requires 4 spaces (2 for each 3-bedroom unit) and the “carriage house” – technically a single-family detached dwelling in code terminology – requires one space.</p> <ul style="list-style-type: none"> The plan provides five spaces. 	Complies
Site Lighting Section 3.2.4	No lighting plan is included because the only lighting, if any, will be on the buildings and any fixture(s) would be reviewed with a building permit.	N.A.
	A trash enclosure is not required for the dwellings, which will have residential bin service.	N.A.

Trash and Recycling Section 3.2.5		
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B. DIVISION 3.3 - ENGINEERING

This Division contains Sections with requirements for subdivision plats and engineering requirements for streets, walks, bikeways, and utilities.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Subdivision and Development Standards Section 3.3.1	<p>This Section requires dedication of any required rights-of-way and necessary easements.</p> <ul style="list-style-type: none"> Previously approved Old Town North plans provided all needed dedications. 	Complies
Required Improvements Sections 3.3.2 and 3.3.5	<p>These Sections require specific improvements and documentation for all engineering infrastructure and services.</p> <ul style="list-style-type: none"> Existing development provides infrastructure <u>to</u> this lot, and the plan provides all on-site services and access as needed. 	Complies

C. DIVISION 3.5 – BUILDING DESIGN STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Building and Project Compatibility Section 3.5.1	<p>This Section requires the physical and operational characteristics of proposed buildings and uses to be compatible when considered within the context of the surrounding area.</p> <p>The pertinent context is the Old Town North neighborhood and specifically the eastern edge of Old Town North. Old Town North is almost entirely built-out after about 20 years in development. It is characterized by houses on small lots, and townhomes in a street and block pattern that includes alley-like rear drives so that the streetscape is lined with the faces of homes. Adjoining houses are on 40' wide rectangular lots, with minimal setbacks and yards, and have rooftop terraces above the garages.</p> <p>Much of the neighborhood is characterized by distinct modern semi-industrial architectural styles with juxtaposed masses, materials, and angled roof planes.</p> <p><i>continued</i></p>	Complies



Existing Houses – Character, Massing, Roof Planes



Proposed Architecture

- The proposed buildings are designed with similar characteristics to the adjacent existing context. Staff finds that the 3-story massing of the duplex is mitigated by staggered sawtooth footprint on the east side. The lot is much larger than adjacent lots which accommodates the slightly larger building mass.
- The streetscapes are designed as a continuation of improvements Cajetan and Redwood Street. The building and landscape design provide pedestrian interest and comfort in a way that is consistent with the context.

Residential Building Standards

Section 3.5.2

This Section promotes variety, visual interest, and pedestrian-oriented streets in residential development, with human-scaled elements and architectural articulation.

Much of this Section pertains to larger developments and larger buildings. A few basic standards that pertain are for minimum setbacks and building entrances facing the street.

- The plan places the duplex and its entrances consistent with the standards, and buildings meet the 15' front, 5' side, and 8' rear setbacks.

Complies

D. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

This Division contains Sections with requirements for the transportation system, with a focus on the street network. The existing overall Old Town North development provides the required improvements.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Emergency Access Section 3.6.6	<p>This Section is to ensure that emergency vehicles can gain access to and maneuver within the project so that emergency personnel can provide fire protection and emergency services without delays.</p> <ul style="list-style-type: none"> The plan includes a walkway from the street to the entry of the rear dwelling in a manner that is appropriate for emergency access. Poudre Fire Authority approved an alternative method of compliance for fire protection involving sprinklers and building design. 	Complies

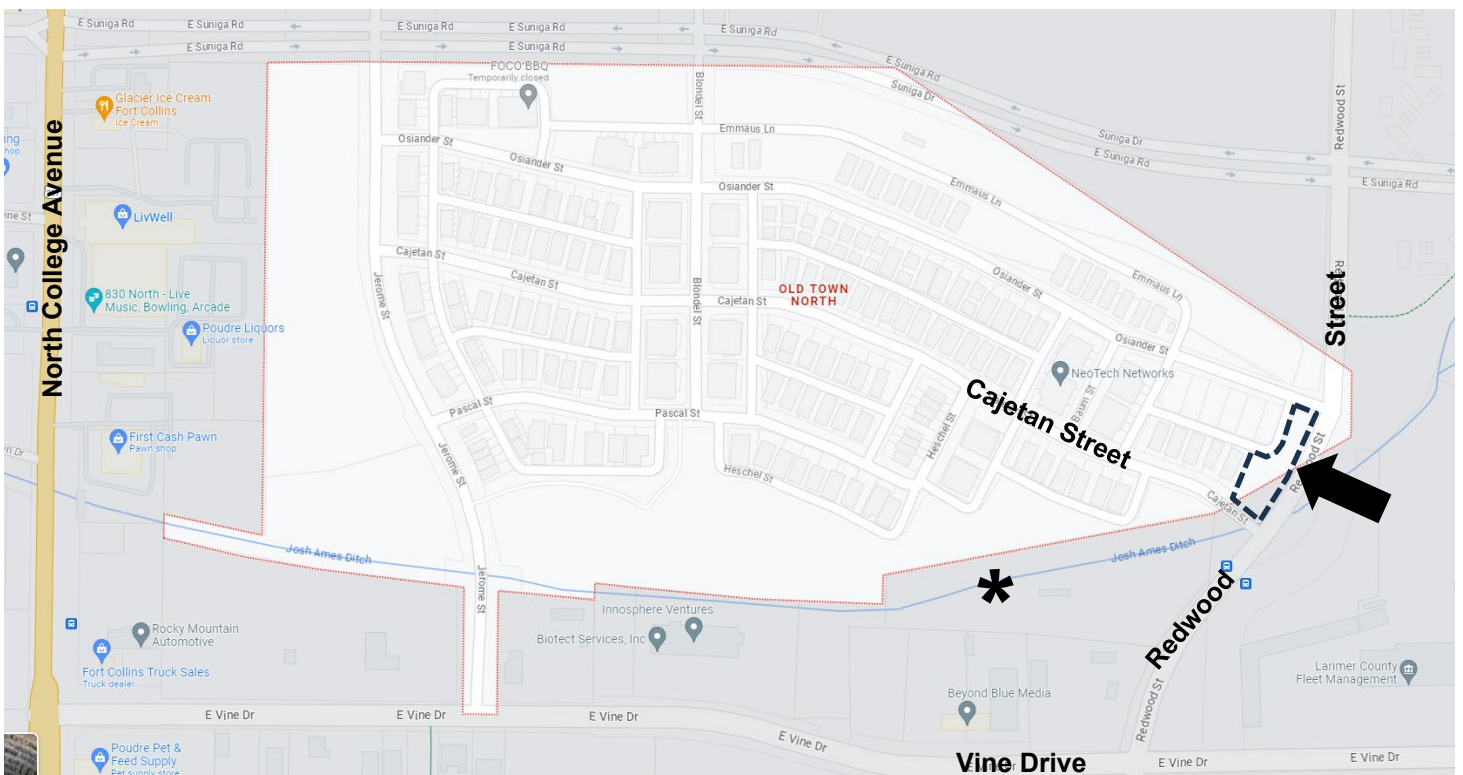
4. Land Use Code Article 4 – Applicable Standards

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

A. DIVISION 4.19 – COMMUNITY COMMERCIAL-NORTH COLLEGE DISTRICT (CCN)

The CCN zone was created in conjunction with the first *North College Avenue Corridor Plan* in 1995-1996. It was “intended for fringes of the main retail/commercial highway corridor with moderate intensity uses that are supportive of the commercial core or corridor, and that help to create a transition and a link between the commercial areas and surrounding residential areas.”

The zone originally envisioned more mixing of uses than what has occurred in development over the years, which is all residential. The overall Old Town North development, which includes this lot, has developed as a distinct residential neighborhood characterized by mostly single detached houses, along with townhomes on a few blocks.



Old Town North Development
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Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.9(B) Permitted Uses	<p>The proposed two-family dwelling (the duplex) and the single-family detached house (the “carriage house”) are permitted uses. Note that this zone district does not use the term “carriage house”, although the garage with dwelling unit above is consistent with common use of that term.</p> <p>In this specific case, Fort Collins Utilities has agreed to allow the rear dwelling to be served in the manner that carriage houses are served in the zone districts that do use the term.</p>	Complies
4.9(D)(2) Building Height	Maximum building height is 5 stories.	Complies
4.9(E) Development Standards	<p>The CCN zone refers to a Standards and Guidelines document done in conjunction with the original 1995 North College Corridor Plan and corresponding rezoning.</p> <p>The subject matter content of the document was incorporated into the 1997 Land Use Code, in various Sections. Therefore, the document is no longer used, and that content was met by the overall Old Town North development plan.</p> <p>The only pertinent CCN standards for this review are the permitted use list and the building height noted above.</p>	Complies via the overall plan for Old Town North

5. Comprehensive Plan Background

A. CITY PLAN (2019)

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. The plan is the main basis for development standards in the Land Use Code.

Development plans are reviewed for compliance with the code. They are not reviewed for compliance with City Plan per se; rather, City Plan can be used to add perspective on the background and purposes behind the code standards; to help interpret standards that warrant a degree of interpretation; and to aid review of requests for modifications of standards.

Encouraging more housing options is a major theme in City Plan. And specifically, Accessory Dwelling Units (ADUs) are encouraged. (pp. 25, 29, 98.) The proposed "carriage house" is an example of an ADU, although the term ADU is not currently used in the code.

An overall premise is that additional housing options help support the plan's broader housing affordability goals to expand workforce and affordable housing. This one remaining lot on Cajetan can have little effect on the City's housing supply, and the detached lots in Old Town North are not geared toward affordability for the local workforce as contemplated in City Plan. But the duplex and carriage house do add housing options if they are indeed used as housing rather than lodging in the form of short term rentals. This latter issue is completely separate from review of the dwellings in the development plan.

Fort Collins City Plan is easily found online.

6. Findings of Fact/Conclusion

In evaluating the request for the 556 Cajetan Duplex and "Carriage House" Major Amendment/Final Development Plan #FDP230003, staff makes the following findings of fact:

1. The Plan complies with Section 1.2.2(A) – Purpose of the Land Use Code, via compliance with the pertinent Sections.
2. The plan complies with process requirements located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
3. The plan complies with pertinent standards located in Article 3 – General Development Standards.
4. The plan complies with pertinent standards located in Division 4.16, Downtown (D) District in Article 4 – Districts.

7. Recommendation

Staff recommends that the Hearing Officer approve the 556 Cajetan Duplex and "Carriage House" Major Amendment/Final Development Plan #FDP230003, based on the Findings of Fact and supporting explanations found in the staff report.

8. Attachments

1. Site and building plans for the duplex
2. Site and building plans for the "carriage house"
3. Landscape Plan
4. Utility Plan