

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

FINDINGS AND DECISION

HEARING DATE: June 27, 2019

PROJECT NAME: Harmony Ridge PUD Fourth Replat

CASE NUMBER: FDP #180029

APPLICANT: Toby Terhune & Wendy Jakes
Shadow Creek Homes
2535 W. 115th Drive
Westminster, CO 80234

OWNERS: Ridgeview Business Ventures, LLC
1841 Vantage View Place
Fort Collins, CO 80525

Harmony Ridge Estates Homeowners Association
11002 Benton Street
Westminster, CO 80020

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for approval of the Harmony Ridge P.U.D. Fourth Replat (the “Application”). The Application proposes a replat of Lot 13 and a portion of Tract 6, Harmony Ridge P.U.D., according to the final plat recorded on March 16, 1999 at Reception No. 99022490 in the real property records of Larimer County, Colorado (the “Subject Property”), in order to create four (4) lots for the future development of single-family attached residences. The Subject Property consists of 13,850 square feet, more or less, and is located south of the intersection of West Harmony Road and Seneca Street approximately 300 feet north of the Cathy Fromme Prairie Natural Area.

The four (4) proposed lots shown in the Application are proposed to be developed with (4) single-family attached residences.

BACKGROUND: The Subject Property was annexed into the City as part of the Harmony-Taft Hill Annexation on April 4, 1989. Lot 13, Harmony Ridge P.U.D, was created as part of the Harmony Ridge P.U.D, approved March 11, 1999, and by recordation of the final plat of the

Harmony Ridge P.U.D. on March 16, 1999. Per City Staff, Lot 13 is one of the two remaining undeveloped lots within the 37-lot Harmony Ridge subdivision.

SURROUNDING ZONING AND LAND USES:

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhood	Low Density Mixed-Use Neighborhood	Low Density Mixed-Use Neighborhood	Low Density Mixed-Use Neighborhood
Land Use	Single-family attached homes (townhomes)	Single-family attached homes (townhomes)	Single-family attached homes (townhomes)	Single-family attached homes (townhomes)

SUMMARY OF DECISION: Approved

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

HEARING: The Hearing Officer opened the hearing on Thursday, June 27, 2019, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 5:30 p.m.

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

1. Project Vicinity and Zoning Map.
2. Planning Department Staff Report prepared for Harmony Ridge PUD Fourth Replat (FDP #180029). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Harmony Ridge PUD Fourth Replat (2 Sheets).
4. Staff PowerPoint presentation prepared for June 27, 2019 hearing (8 slides).
5. Written Notice of Public Hearing dated June 13, 2019.
6. Confirmation of Publication of Notice of Public Hearing, notice published in *Fort Collins Coloradoan* on June 20, 2019.
7. Rules of Conduct for Administrative Hearings.
8. Order of Proceedings – Administrative (Type 1) Hearing.
9. The City’s Comprehensive Plan, Land Use Code (“Code”) 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 hearing:

From the City: Kai Kleer, City Planner

From the Applicant: Matt Taranto, TST, Inc. Consulting Engineers
748 Whalers Way, Suite 200
Fort Collins, CO 80525

From the Public: Linda Cashman
4615 Morning Dove Lane #3
Fort Collins, CO 80526

Greg Cashman
4615 Morning Dove Lane #3
Fort Collins, CO 80526

Paul Glick
4615 Morning Dove Lane #1
Fort Collins, CO 80526

Fred Swinson
4702 Dusty Sage Drive #1
Fort Collins, CO 80526

Jeanie Swinson
4702 Dusty Sage Drive #1
Fort Collins, CO 80526

The majority of public input was focused on questions pertaining to building setbacks and other details regarding the future development of the single-family attached residences on the Subject Property. The Hearing Officer notes that while certain construction drawings/building elevations were pulled up by City Staff and the Applicant on the screen in Conference Rooms A-D for review with members of the public in attendance at the hearing, said documents were not provided to the Hearing Officer for review and are not considered as a part of the record of this proceeding.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. 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 Code;
 - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Code, specifically the Plat and Development Plan Standards set forth in Section 3.3.1 of the Code;

- C. the Application complies with the applicable Low Density Mixed-Use Neighborhood District (L-M-N) standards contained in Article 4, Division 4.5 of the Land Use Code, specifically the density requirements set forth in Section 4.5(D)(1) of the Code.
- 3. The Application's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently detailed in the Staff Report, a copy of which is attached as **ATTACHMENT A** and is incorporated herein by reference.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the Harmony Ridge PUD Fourth Replat (FDP #180029) as submitted, on the condition that:

- (1) the Applicant/Owner coordinate with City Staff to correct any technical issues as directed by City Staff prior to submitting the Replat in mylar form to the City for recording, including but not limited to: (a) removing the reference to "OLD TOWN NORTH PLAT" in the left hand column of Sheet 1 of the Replat; and (b) adding an additional ATTORNEY'S CERTIFICATION signature block on the Replat; and
- (2) City Staff follow up with the members of the public present at the June 27th public hearing in order to provide more complete answers to the technical questions that were raised during the public comment portion of the hearing related to building setbacks and other details regarding the future development of the single-family attached residences on the Subject Property.

DATED this 3rd day of July, 2019.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Harmony Ridge PUD Fourth Replat
(FDP# 180029)

Development Review Staff Report

Administrative Hearing: June 27, 2019

Harmony Ridge PUD Fourth Replat, FDP180029

Summary of Request

This is a request for a combined Project Development/Final Development Plan to replat Lot 13 of the Harmony Ridge PUD to create four single-family attached lots.

Zoning Map (ctrl + click map to follow link)



Next Steps

If approved by the decision maker, the applicant will be eligible to submit the replat for recording with Development Review Center & Larimer County. The project will require the review and approval of an associated Minor Amendment prior to issuance of a building permit.

Site Location

The site is located approximately 700 feet south of the intersection of West Harmony Road & Seneca Street and 300 feet north of the Cathy Fromme Prairie Natural Area.

Zoning

Low Density Mixed-Use Neighborhood (L-M-N)

Property Owner

Ridgeview Business Ventures, LLC
1841 Vantage View Place
Fort Collins, CO 80525

Applicant/Representative

Toby Terhune & Wendy Jakes
Shadow Creek Homes
2535 W 115th Drive
Westminster, CO 80234
p. 303.635.0830
e. toby@shadowcreekhomes.net

Staff

Kai Kleer, City Planner
p. (970) 416-4284 e. kkleer@fcgov.com

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Staff Recommendation

Approval

1. Project Introduction

A. BACKGROUND

The property was annexed into the City as part of the Harmony-Taft Hill Annexation on April 4, 1989. The lot was later created as part of the Harmony Ridge PUD, approved March 11, 1999. This is one of the two remaining undeveloped lots within the 37-lot subdivision.

B. SUMMARY OF PROJECT

Similar to Harmony Ridge PUD Second and Third replat, this is a request to replat Lot 13 of Harmony Ridge PUD in order to develop four single-family attached residences.

The lot was originally approved for five townhomes, however, the previously constructed townhomes on lot 14 located a driveway over the property line into the adjacent Lot 13 resulting in a reduced number of buildable units to four. Private negotiation between the applicant, adjacent property owner, and homeowner’s association have taken place to rectify the situation resulting in the attached plat which complies with all applicable requirements of the City’s Land Use Code.

C. SITE CHARACTERISTICS

1. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhood	Low Density Mixed-Use Neighborhood	Low Density Mixed-Use Neighborhood	Low Density Mixed-Use Neighborhood
Land Use	Single-family attached homes (townhomes)	Single-family attached homes (townhomes)	Single-family attached homes (townhomes)	Single-family attached homes (townhomes)

2. Public Outreach

A. NEIGHBORHOOD MEETING

A neighborhood meeting is not required for Administrative (Type 1) projects, therefore, a neighborhood meeting was not held for this project.

B. PUBLIC COMMENTS:

No public comment has been received at this time. Any communication received between the public notice period and hearing will be forwarded to the Hearing Officer to be considered when making a decision on the project.

3. Article 2 – Applicable Standards

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review (April 20, 2017)

A conceptual review meeting was held on April 20, 2017.

2. Submittal (December 7, 2018)

The submittal of the project occurred on December 07, 2018.

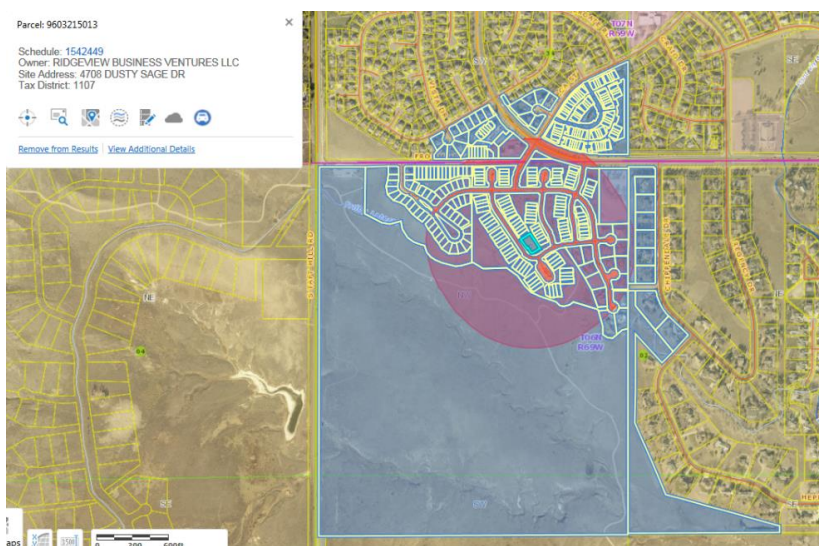
3. Notice (Posted, Written and Published)

Posted notice: June 14, 2019, Sign # 500.

Note: According to Section 2.2.6(B) of the Land Use Code, a posted development review sign shall be posted within fourteen (14) days following the submittal of a development application. The deadline for this proposal to meet the fourteen (14) day requirement was December 21, 2018. The posted notice was not posted within the fourteen (14) day timeframe due to staff oversight. Once staff identified the development review sign had not been posted, the issue was corrected, and the sign was posted as soon as possible. The sign will have been posted for fifteen (15) days prior to the date of the hearing. Given that there is an expectation that the two remaining undeveloped lots of the subdivision will be developed, and that the written and published notice were provided in accordance with the standards outlined in Article 2, staff finds that the affected property owners have received adequate notice.

Written notice: June 12, 2019, 800-foot notification boundary, 302 letters sent

Published Notice: June 20, 2019, Coloradoan AD #3641182



4. Article 3 - Applicable Standards

A. DIVISION 3.3 - ENGINEERING

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1(B)	<p>No lot in a subdivision shall have less area than required under the applicable zoning requirements. Each lot must also have vehicular access to a public street. All lots meet the minimum dimensional standards outlined in sections 4.8(D) (E) of the Land Use Code.</p> <p>While none of the lots have direct frontage on a public street, each lot gains access to the street since they have common ownership of the HOA tract that separates the building from the street. Due to their common ownership, each owner has access to the HOA-owned land and can therefore cross this land to get access to the public street.</p>	Complies

5. Article 4 – Applicable Standards:

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

Purpose

The Low Density Mixed-Use Neighborhood District is intended to be a setting for a predominance of low density housing combined with complementary and supporting land uses that serve a neighborhood and are developed and operated in harmony with the residential characteristics of a neighborhood. The main purpose of the District is to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices, that invite walking to gathering places, services and conveniences, and that are fully integrated into the larger community by the pattern of streets, blocks, and other linkages. A neighborhood center provides a focal point, and attractive walking and biking paths invite residents to enjoy the center as well as the small neighborhood parks. Any new development in this District shall be arranged to form part of an individual neighborhood.

Typically, Low Density Neighborhoods will be clustered around and integral with a Medium Density Mixed-Use Neighborhood with a Neighborhood Commercial Center at its core. For the purposes of this Division, a neighborhood shall be considered to consist of approximately eighty (80) to one hundred sixty (160) acres, with its edges typically consisting of major streets, drainageways, irrigation ditches, railroad tracks and other major physical features.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.5(B)(2)(a) Permitted Uses	The proposed use, single-family attached dwellings, is permitted in the L-M-N zone district and is consistent with the district’s purpose to be a setting for a predominance of low-density housing.	Complies

6. Findings of Fact/Conclusion

In evaluating the request for the Harmony Ridge PUD Fourth Replat Project Development Plan/Final Development Plan, Staff makes the following findings of fact:

- A. The Project Development Plan/Final Development Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Project Development Plan/Final Development Plan complies with relevant standards located in Article 3 – General Development Standards.
- C. The Project Development Plan/Final Plan complies with relevant standards located in Division 4.5, Low Density Mixed-Use Neighborhood (LMN) of Article 4 – Districts.

7. Recommendation

Staff recommends approval of Harmony Ridge PUD Fourth Replat, FDP180029.

8. Attachments

- 1. Vicinity & Zoning Map
- 2. Harmony Ridge PUD Fourth Replat