

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

FINDINGS AND DECISION

HEARING DATE: June 17, 2019

PROJECT NAME: 630 S. Howes St. – Extra Occupancy Rental

CASE NUMBER: #FDP190007

APPLICANT: Kate Penning
 KP Designs
 226 Cajetan Street
 Fort Collins, CO 80524

OWNERS: Robert Kulikowski
 RK Real Estate
 P.O. Box 1017
 Boulder, CO 80306

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a combined Project Development Plan (PDP) and Final Development Plan (FDP) to modify the use of an existing single-family dwelling located at 630 S. Howes Street (parcel #9714113015) (the “Subject Property”) into an extra occupancy rental house to allow up to six unrelated tenants. The existing single-family dwelling on the Subject Property has 2,271 sq. ft. of habitable floor area, equaling 378.5 sq. ft. per tenant, with six (6) bedrooms and one and three-fourths (1.75) bathrooms. Three (3) new parking spaces in the rear of the Subject Property are proposed, for a total of five (5) off-street parking spaces. This Subject Property is located in the Community Commercial (C-C) District. Extra occupancy rental houses with more than five (5) tenants may be permitted in the C-C District, subject to Administrative (Type 1) review.

The surrounding zoning and land uses are as follows:

	North	South	East	West
Zoning	Community Commercial (C-C)	Community Commercial (C-C) and Colorado State University (CSU)	Community Commercial (C-C)	Community Commercial (C-C)
Land Use	Single-family detached	Two-family dwelling CSU Office Building	Commercial	Place of Worship United Presbyterian Church

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Community Commercial District (C-C).

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on Monday, June 17, 2019, in Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

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

1. Letter of Completion
2. Vicinity/Zoning Map
3. Proposed Site Plan (including Site Images and Floor Plans)
4. Engineering Variance Request
5. Engineering Variance Approval
6. Confirmation of Publication dated June 6, 2019, evidencing proof of publication of Notice of Hearing in the *Fort Collins Coloradan* on June 6, 2019.
7. Notice of Public Hearing dated June 3, 2019.
8. A copy of the Planning Department Staff Report prepared for the above-referenced Application, a copy of which is attached to this decision as Attachment A.
9. A copy of the Planning Department PowerPoint prepared for the June 17, 2019 hearing (8 slides).
10. Rules of Conduct applicable to Administrative (Type 1) hearings.

In addition to the documents identified above, the Hearing Officer also considers the City's Comprehensive Plan, Land Use Code ("LUC" or "Code"), and the formally promulgated polices of the City as part of the record of this proceeding.

TESTIMONY: The following persons testified at the hearing:

From the City:

Pete Wray, Senior City Planner

Rebecca Everette, Development Review Manager

From the Applicant: Kate Penning
KP Designs
226 Cajetan Street
Fort Collins, CO 80524

From the Public: None

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly mailed and published.
2. Evidence presented to the Hearing Officer established the fact that the notice of the public hearing was posted on the Subject Property on June 10, 2019. While the posted notice did not strictly comply with the requirements of Section 2.2.6(B) of the LUC, requiring said posting to be completed within fourteen (14) days following submittal of the development application to the City, the Hearing Officer finds that there was substantial compliance with the notice requirements set forth in Section 2.2.6 of the Code, and that the deviation from the requirements of Section 2.2.6(B) of the Code is minor and shall not affect the validity of the decision set forth below.
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 Code;
 - b. the Application conforms to all applicable standards set forth in Article 3 of the LUC – General Development Standards, including the applicable supplemental regulations located in Section 3.8.28 of the Code, titled “Extra Occupancy Rental House Regulations.”
 - c. the Application complies with relevant standards located in Division 4.18, C-C Community Commercial District of Article 4.
4. The Application’s satisfaction of the applicable Article 2, 3 and 4 Code requirements is sufficiently detailed in the Staff Report, which is part of the record of this proceeding.

DECISION

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

The Application (630 S. Howes Street – Extra Occupancy Rental, FDP190007) is approved for the Subject Property in the form submitted.

DATED this 18th day of June, 2019.



Marcus A. McAskin
Hearing Officer

Attachment A

Staff Report
630 S. Howe Street
(FDP #190007)

Development Review Staff Report

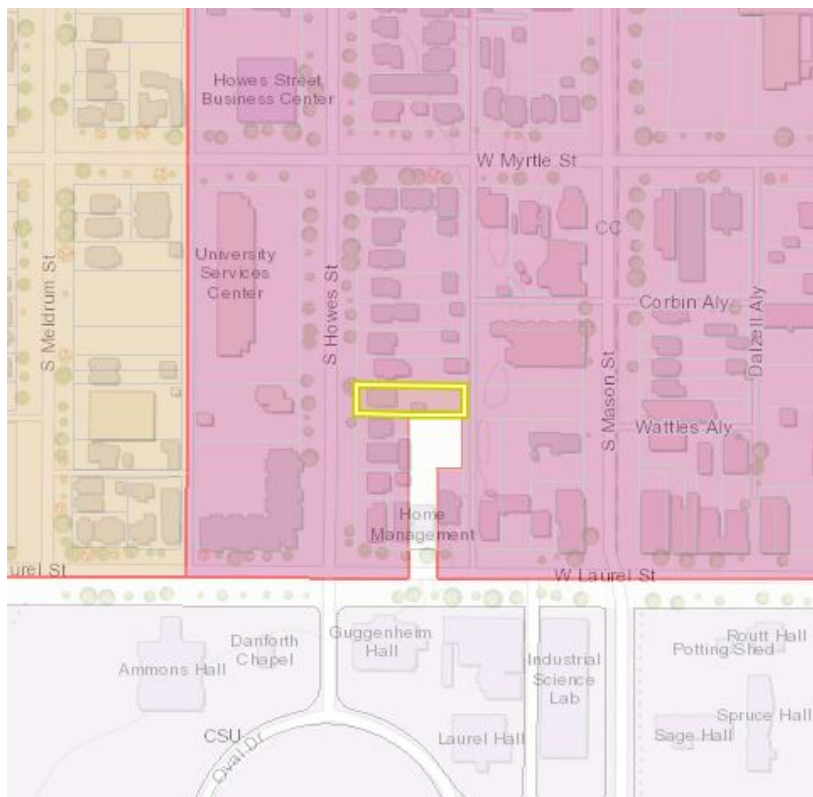
Administrative Hearing: June 17, 2019

630 S Howes St – Extra Occupancy Rental, FDP190007

Summary of Request

This is a request for a combined Project Development Plan (PDP) and Final Development Plan (FDP) to modify the use of an existing single-family dwelling into an extra occupancy rental house to allow six unrelated tenants (parcel #9714113015). The unit has 2,271 sq. ft. of habitable floor area, equaling 378.5 sq. ft. per tenant, with six (6) bedrooms and one and three-fourths (1.75) bathrooms. Three (3) new parking spaces in the rear of the lot are proposed, for a total of five (5) off-street parking spaces. This property is in the Community Commercial (C-C) Zone District and is subject to an Administrative (Type 1) review.

Zoning Map



Next Steps

If approved by the decision maker, the applicant will be eligible to apply for a building permit and submit mylars for recording with the Technical Services Department. Once recorded, the permit application will be released to all reviewing departments.

Site Location

630 S. Howes Street

Zoning

Community Commercial District (C-C)

Property Owner

Robert Kulikowski – RK Real Estate
P.O. Box 1017
Boulder, CO 80306

Applicant/Representative

Kate Penning – KP Designs
226 Cajetan Street
Fort Collins, CO 80524
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Staff

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Staff Recommendation

Approval

1. Project Introduction

A. SUMMARY OF PROJECT & PROCESS

During the Conceptual Review process, City records showed the property had received a violation notice on October 31, 2018 for work completed without a permit. The applicant was required to coordinate with Building Services to submit a scope of work as a follow up to this violation notice prior to initial submittal of a development review application. The work was inspected for conformance with applicable building codes and was given a Letter of Completion prior to first development review submittal. The Letter of Completion has been attached to this report.

The applicant is proposing to modify the current land use of 630 S. Howes St. from a single-family dwelling to an extra occupancy rental house for 6 tenants.

The existing house is a two-story residence with a basement, detached garage, concrete drive, and detached sidewalk. It is currently being used as a rental property for 3 tenants. There is a total habitable floor area of 2,271 sq. ft., equaling 378.5 sq. ft. per tenant. The house currently has 6 bedrooms, 1.75 bathrooms, and 7 bike parking spaces. There are no plans for exterior alterations to the existing building.

The applicant is proposing the addition of off-street parking to accommodate the needs and code requirements for 6 occupants. The existing drive, with minor alterations, can accommodate 2 compact parking spaces (8'x15') and the applicant is proposing the addition of three (3) standard parking spaces (9'x19') to the rear portion of the lot. Long term housing allows for 40% of parking spaces to be compact, which accounts for the two (2) compact spaces. The three (3) additional parking spaces will be accessible via the adjoining alley. Per the civil engineering drainage report, completed by Keefe Civil, LLC, the estimated increase in site runoff by these proposed changes will be negligible.

B. SITE CHARACTERISTICS

1. Surrounding Zoning and Land Use

This property is in an area close to Colorado State University (CSU) campus. Directly to the north and south of the lot are residential properties, utilized as rental properties. To the east of the lot, an alley separates the property from commercial properties. There is a dirt parking lot to the southeast, with a CSU office building on the southern portion of the lot extending to W. Laurel Street.

	North	South	East	West
Zoning	Community Commercial (C-C)	Community Commercial (C-C) and Colorado State University (CSU)	Community Commercial (C-C)	Community Commercial (C-C)
Land Use	Single-family detached	Two-family dwelling CSU Office Building	Commercial	Place of Worship United Presbyterian Church

2. Public Outreach

A. 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 Office to be considered when making a decision on the project.

3. Article 2 – Applicable Standards

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review (February 7, 2019)

A conceptual review meeting was held on February 7, 2019.

2. Submittal (April 17, 2019)

The submittal of the project was completed on April 17, 2019 and deemed complete on April 19, 2019. The project was subsequently routed to all reviewing departments.

Only one formal round of review was necessary prior to hearing.

3. Notice (Posted, Written and Published)

Posted notice: June 10, 2019, Sign # 496

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 May 1, 2019. 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 one week prior to the date of the hearing. Given 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 3, 2019, 800-foot notification boundary, 96 letters sent

Published Notice: June 6, 2019, Coloradoan confirmation #3612829

4. Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2.2(C)(4)	Bike parking: Residential and Institutional Parking Requirements. Extra Occupancy Rental Houses: minimum of one (1) bicycle parking space required per bed.	Complies
3.2.2(K)(1)(j)	Vehicular parking: Residential and Institutional Parking Requirements. Extra Occupancy Rental Houses: minimum of three-fourths (0.75) parking space per tenant, rounded up to the nearest whole parking space.	Complies

B. DIVISION 3.3 – ENGINEERING STANDARDS

The project is located along a section of S. Howes Street where the City of Fort Collins Master Street Plan currently identifies S. Howes Street as a minor arterial road. Based on the Larimer County Urban Area Street Standards Figure 7-4F, the applicant is required to widen the existing sidewalk to six (6) feet. According to City officials, this section of Howes Street is expected to be downgraded to a collector street, which only requires a five-foot sidewalk per Larimer County Urban Area Street Standards Figure 7-3F. The current sidewalk is five (5) feet wide, with little to no damage, and meets the Americans with Disabilities Act accessible routes standards. Based on this information, the applicant requested an engineering variance for the existing sidewalk width which was approved by the Engineering Manager.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.2(D)(6)	The applicant is responsible for any necessary street improvements to serve the lot in accordance with Section 24-95 of the City Code including sidewalk widths.	Variance Approved

C. DIVISION 3.8 – SUPPLEMENTARY REGULATIONS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.8.28	Outlines occupancy limits and separation requirements for extra occupancy rental houses.	Complies

5. Article 4 – Applicable Standards

A. SUMMARY

The purpose of the Community Commercial (C-C) District is to provide “a combination of retail, offices, services, cultural facilities, civic uses and higher density housing.” This proposal comports with the purpose of the C-C District by maintaining the physical character of the neighborhood while contributing to the higher density and a variety of housing choices.

B. DIVISION 4.18 – COMMUNITY COMMERCIAL DISTRICT (C-C)

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.18(B)(2)(a)	Outlines Extra Occupancy Rental House with more than five (5) tenants as a permitted use in the C-C zone district subject to Administrative Review.	Complies

6. Findings of Fact/Conclusion

In evaluating the request for the 630 S Howes St - Extra Occupancy Rental, consolidated Project Development Plan/Final Plan, FDP190007, staff makes the following findings of fact:

- The consolidated Project PDP/FDP complies with relevant standards located in Article 3 – General Development Standards.
- The consolidated Project PDP/FDP complies with standards located in Division 3.8.28 – Extra Occupancy Rental House Requirements of Article 3 – General Development Standards.
- The consolidated Project PDP/FDP complies with relevant standards located in Division 4.18, C-C Community Commercial District of Article 4.

7. Recommendation

Staff recommends approval of the 630 S Howes St - Extra Occupancy Rental, consolidated Project Development Plan/Final Plan, FDP190007.

8. Attachments

1. Letter of Completion
2. Vicinity/Zoning Map
3. Proposed Site Plan (including Site Images and Floor Plans)
4. Engineering Variance Request
5. Engineering Variance Approval
6. Notification Letter