



Development Review Center  
Planning Services  
281 North College Avenue  
PO Box 580  
Fort Collins, CO 80522-0580  
970-221-6689  
[fcgov.com/DevelopmentReview](http://fcgov.com/DevelopmentReview)

## NOTICE OF HEARING DECISION

September 24, 2019

Dear Public Hearing Attendee:

This letter is being sent to you because you signed in at a recent Administrative Hearing for the **Fox Grove Phase 2 Project Development Plan #PDP190002**. Attached to this letter you will find a copy of the Type 1 Administrative Hearing Decision approving the project.

This final decision of the Administrative Hearing Officer may be appealed to the City Council, in accordance with Chapter 2, Article II, Division 3 of the City Code, within 14 calendar days of the decision dated (September 21, 2019) by the Hearing Officer. The deadline to file an appeal is 5:00 p.m. on October 5, 2019. An Appeal Form and Guidelines explaining the appeal process, including the Code provisions noted above, can be found online at [fcgov.com/cityclerk/appeals.php](http://fcgov.com/cityclerk/appeals.php), or may be obtained in the City Clerk's Office at 300 Laporte Avenue.

As previously mentioned, this decision letter was sent because you signed in at the public hearing. There may be an instance where someone may have attended the hearing but did not sign in and therefore will not receive this letter. Please feel free to share this information with them. Additionally, you may contact Sylvia Tatman-Burruss, Neighborhood Development Review Outreach Specialist, at 970-224-6076 or [statman-burruss@fcgov.com](mailto:statman-burruss@fcgov.com) or me with any questions. Sylvia is available to assist residents who have questions about the review process, hearing officer decisions or how to appeal a decision to City Council. Thank you for participating in the development review process.

Sincerely,

Jason Holland, PLA | City Planner  
970.224.6126 [jholland@fcgov.com](mailto:jholland@fcgov.com)

*The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Auxiliary aids and services are available for persons with disabilities. V/TDD: Dial 711 for Relay Colorado.*

*Esta es una notificación sobre la reunión de su vecindario o sobre una audiencia pública sobre el desarrollo o proyecto en la propiedad cerca de donde usted es el dueño de propiedad. Si usted desea que esta notificación sea traducida al español sin costo alguno, favor enviar un correo electrónico en español a la siguiente dirección electrónica: [translate@fcgov.com](mailto:translate@fcgov.com).*

### HEARING TIME AND LOCATION

Monday, September 16, 2019  
5:30 P.M.  
281 N. College Avenue  
Conference Room A

### PROPOSAL NAME & LOCATION

Fox Grove Phase 2, PDP190002

Project Location: Approximately 2,000 feet southeast of the corner of East Mulberry Street and I-25

### PROPOSAL DESCRIPTION

- This is a request for a Project Development Plan (PDP) to build 47 single-family detached homes as part of the second phase of the Fox Grove Subdivision located southeast of E. Mulberry St. and Interstate 25 (parcel #8715220001).
- Access is taken from Vixen Dr. and Fox Grove Dr. to the east, connecting phase one and phase two.

### ZONING INFORMATION

- Property is located within the Low Density Mixed-Use Neighborhood (L-M-N) Zone District
- The proposal is a permitted use in this district and is subject to an Administrative Hearing.

### HELPFUL RESOURCES

- Hearing Notice, Plans, and Staff Report: [fcgov.com/ReviewAgendas](http://fcgov.com/ReviewAgendas)
- Appeals Process: [www.fcgov.com/appeals](http://www.fcgov.com/appeals)
- Appeal Guidelines: <http://www.fcgov.com/cityclerk/pdf/appeal-guidelines.pdf>
- Information About the Review Process: [fcgov.com/CitizenReview](http://fcgov.com/CitizenReview)

**CITY OF FORT COLLINS  
TYPE 1 ADMINISTRATIVE HEARING  
FINDINGS AND DECISION**

HEARING DATE: September 16, 2019

PROJECT NAME: Fox Grove Phase 2 Project Development Plan (“Fox Grove 2 PDP” or “Fox Grove Phase 2” or “Phase 2”)

CASE NUMBER: PDP#190002

APPLICANT: Klara Rossouw  
Ripley Design, Inc.  
419 Canyon Avenue, Suite 200  
Fort Collins, CO 80521

OWNER: Imago Enterprises, Inc.  
140 Palmer Dr.  
Fort Collins, CO 80525

HEARING OFFICER: Marcus A. McAskin

**PROJECT DESCRIPTION:** The Fox Grove 2 PDP is the second and final phase of the Fox Grove Overall Development Plan (ODP). Fox Grove Phase 2 proposes a total of 47 single-family detached dwellings on approximately 14 acres (3.35 du/acre).

The subject property is located southeast of E. Mulberry Street and Interstate 25 (parcel #8715220001) and is zoned L-M-N, Low Density Mixed-Use Neighborhood. The subject property is undeveloped except for a stormwater detention area located in the southwest portion of the property. The detention area was developed as part of Fox Grove Phase One

The Fox Grove ODP contemplates a total of 115 single-family detached units. Fox Grove Phase One Final Development Plan approved 67 single-family detached units for the first phase of the ODP (“Phase 1”). The infrastructure and most of the homes approved for Phase 1 have been constructed. Upon completion of Phase 1 and Phase 2, the total number of single-family detached units within the ODP area will be 114 units.

The application includes a proposal to replat Tract A, Fox Grove Subdivision. A final plat will be required at the time of Final Plan submittal.

Three Modifications of Standards to the Land Use Code were approved with the Fox Grove ODP, allowing: (1) a reduction to the minimum required density in the L-M-N zone district, (2) a reduction in the minimum required housing types in the L-M-N zone district, and (3) single-family lots within 1,320 feet of the Interstate 25 corridor.

Specifically, the Modifications of Standards to Sections 4.5(D)(1)(a), 4.5(D)(2) and 3.9.2(A) of the Land Use Code were approved by the Planning and Zoning Board at its April 10, 2014 regular meeting.

**SURROUNDING ZONING AND LAND USES:**

<b>Direction</b>	<b>Zone District</b>	<b>Existing Land Uses</b>
North	General Commercial (G-C)	Interchange Business Park – commercial uses
South	Industrial (I)	Undeveloped
East	Low Density Mixed-Use Neighborhood (L-M-N)	Fox Grove Phase One; Clydesdale Park residential subdivision
West	Larimer County, zoned Commercial (C)	Boxelder Creek and currently undeveloped Larimer County Lot 1 Lee M.L.D.

**SUMMARY OF DECISION:**      Approved.

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

**HEARING:**    The Hearing Officer opened the hearing on Monday, September 16, 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) Development Review Staff Report for Fox Grove Phase 2 Project Development Plan (PDP 190002). A copy of the Staff Report is attached to this decision **as ATTACHMENT A** and is incorporated herein by reference;
- (2) Vicinity Map;
- (3) Zoning Map;
- (4) Site Plan Rendering (1 sheet);
- (5) Fox Grove ODP (1 sheet);
- (6) Fox Grove Phase 2 Site Plan, Landscape Plan, and Natural Habitat Buffer Zone Plan (8 sheets);

- (7) Phase 2 Plat (2 sheets);
- (8) Traffic Impact Statement (TIS) dated February 12, 2019;
- (9) Memo from Delich Associates to Applicant re: TIS dated June 19, 2019;
- (10) Prairie Dog Acceptance Letter from adjoining property owner;
- (11) Fox Grove Phase II – Revised Environmental Characterization Study;
- (12) Letter to Assistant City Traffic Engineer from Les Kaplan re: lack of pedestrian connection between Fox Grove and Waterdale property;
- (13) Fox Grove Phase 2 Utility Plans (9 sheets);
- (14) Fox Grove Phase 1 recorded plat (4 sheets);
- (15) Fox Grove Phase One Final Development Plan (8 sheets);
- (16) City of Fort Collins Staff Report for Fox Grove Overall Development Plan (ODP #130003);
- (17) Planning & Zoning Board Minutes on Fox Grove Overall Development Plan (ODP #130003), dated 4/10/14;
- (18) Decision Letter for Fox Grove Overall Development Plan and Modifications of Standard, dated 4/14/14;
- (19) Findings and Decision for Fox Grove Project Development Plan Phase 1, dated 10/13/14;
- (20) Sign Posting Form of Fox Grove Project Development Plan Phase 2 and pictures of sign posting for Fox Grove Project Development Plan Phase 2 (two pictures);
- (21) Written comments regarding Fox Grove Project Development Plan Phase 2;
- (22) Confirmation of Publication dated September 5, 2019 evidencing proof of publication of Notice of Hearing in the *Fort Collins Coloradan* on September 5, 2019;
- (23) Notice of Public Hearing dated August 30, 2019;
- (24) The PowerPoint presentation prepared by City Staff for the September 16, 2019 hearing (15 slides);
- (25) The PowerPoint presentation prepared by the Applicant for the September 16, 2019 hearing (26 slides);
- (26) Administrative (Type 1) Hearing: Order of Proceedings; and
- (27) Rules of Conduct for Administrative Hearings.

In addition, the City’s Comprehensive Plan, Land Use Code (“Code” or “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 hearing:

From the City: Jason Holland, PLA, City Planner  
Stephanie Blochowiak, Environmental Planner

From the Applicant/  
Owner: Klara Rossouw, Ripley Design, Inc.  
Stephanie Hansen, Ripley Design, Inc.  
Stephanie Thomas, PE, Northern Engineering, Inc.  
Matt Delich, Delich Associates  
Nick Galluzzo, LC Real Estate Group  
Lester Kaplan, Imago Enterprises, Inc.

From the Public (in attendance): Kristi Rice, 865 Pleasure Drive

From the Public (via written comment): Deborah Blennerhassett, 955 Sunchase Drive  
George Ross, 4635 Withers Drive

### 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 Land Use Code.
  - B. Except for Section 3.6.3 of the Land Use Code, for which an alternative development plan was approved through the Fox Grove ODP (discussed in Finding C), and Section 3.9.2(A) of the Land Use Code, which standard was modified by the Fox Grove ODP (discussed in Finding D), the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code.
  - C. The Application complies with the alternative development plan approved for the standard set forth in Section 3.6.3 (requiring future public street connections along each boundary that abuts potentially developable land at maximum intervals of 660 feet).

- D. The Application complies with Section 3.9.2(A) of the Land Use Code, as such standard was modified by the Fox Grove ODP. The Fox Grove ODP modifies Section 3.9.2(A) by allowing single-family residential lots within 1,320 feet of the centerline of Interstate 25. The Application complies with this modified standard.
  - E. The multiple and noncontiguous buffer zones depicted on Sheet 8 of the Fox Grove Subdivision Second Filing, including the encroachments depicted thereon, comply with the buffer zone performance standards set forth in Section 3.4.1(E)(1)(a)-(i).
  - F. Except for Sections 4.5(D)(1)(a) and 4.5(D)(2) of the Land Use Code, which standards were modified by the Fox Grove ODP (discussed in Findings G and H, respectively), the Application complies with the applicable Low Density Mixed-Use Neighborhood (L-M-N) district standards contained in Article 4 of the Land Use Code, including Section 4.5(B)(2)(a) which permits single-family detached units as a permitted use, subject to administrative review.
  - G. The Application complies with Section 4.5(D)(1)(a) of the Land Use Code, as such standard was modified by the Fox Grove ODP. The Fox Grove ODP reduced the required overall minimum average density of 4.00 dwelling units per acre for PDPs and ODPs containing more than 20 acres to 3.00 units per acre. Phase 1's density of 3.06 dwelling units per acre complied with this modified standard. Phase 2's density of 3.35 dwelling units per acre also complies with this modified standard.
  - H. The Application complies with Section 4.5(D)(2) of the Land Use Code, as such standard was modified by the Fox Grove ODP. The Fox Grove ODP reduced the required number of housing types from four to one. The Application, which includes one housing type, complies with this modified standard.
  - I. The Application complies with the Fox Grove ODP.
3. The Application's satisfaction of the applicable Article 2, 3, and 4 requirements of the Land Use Code and the Fox Grove ODP 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 enters the following ruling:

- A. The Fox Grove Phase 2 Project Development Plan (PDP#190002) is approved for the subject property as submitted.
- B. The buffer zones depicted on Sheet 8 of the Fox Grove Subdivision Second Filing, including the encroachments depicted thereon, are approved.

DATED this 21st day of September, 2019.



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Marcus A. McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
Fox Grove Phase 2 Project Development Plan  
Project Development Plan  
#PDP190002



# Development Review Staff Report

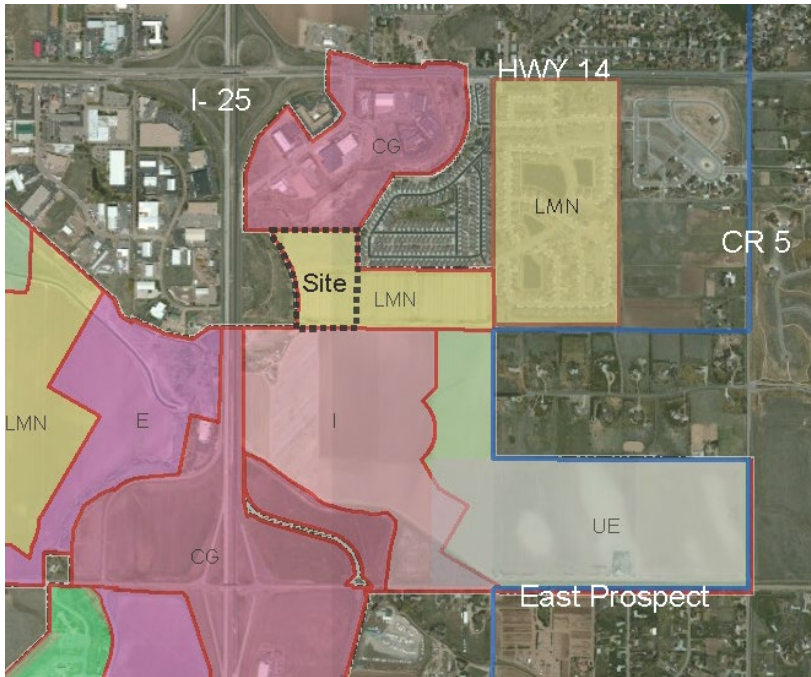
Administrative Hearing: September 16, 2019

## Fox Grove Phase 2 Project Development Plan

### Summary of Request

This is a request for a Project Development Plan (PDP) to build 47 single-family detached homes as part of the second phase of the Fox Grove Subdivision. Access is taken from Vixen Drive and Fox Grove Drive to the east, connecting phases one and two.

### Zoning Map



### Next Steps

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

### Site Location

Located southeast of E. Mulberry St. and Interstate 25 (parcel #8715220001).

### Zoning

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

### Property Owner

Imago Enterprises, Inc.  
140 Palmer Drive  
Fort Collins, CO 80525

### Applicant/Representative

Klara Rossouw  
Ripley Design, Inc.  
419 Canyon Avenue, Suite 200  
Fort Collins, CO 80521

### Staff

Jason Holland, City Planner

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### Staff Recommendation

Approval

# 1. Project Introduction

## A. PROJECT DESCRIPTION

- Project Development Plan (PDP) to build 47 single-family detached homes. This PDP is the second and final phase of the Fox Grove Overall Development Plan (ODP). The ODP was approved by the Planning and Zoning Board on April 10, 2014. The Overall Development Plan includes 35.8 acres overall.
- Phase two is approximately 14 acres, with a total gross density of 3.35 du's/acre.
- Access is taken from Vixen Drive and Fox Grove Drive to the east, connecting phase one and phase two.
- Phase One included 21.87 acres to accommodate 67 lots for single-family detached homes. The total lots for both phases is 114 dwellings. The infrastructure and the majority of the homes in phase one have been constructed.
- Three Modifications of Standard were approved with the Overall Development Plan. The approved modifications include a reduction to the minimum required density in LMN Zone, a reduction in the minimum required housing types in LMN Zone, and a modification to allow single family lots within 1,320 feet of I-25.

## B. SITE CHARACTERISTICS

### 1. Development Status/Current Conditions

The phase two site is currently undeveloped, with the exception of the stormwater detention area which was developed as part of Fox Grove Phase One. The site is bordered by Boxelder Creek to the west with existing residential development to the north and west.

### 2. Surrounding Zoning and Land Use

	North	South	East	West
<b>Zoning</b>	General Commercial (G-C)	Industrial (I)	Low Density Mixed-Use Neighborhood (L-M-N)	Larimer County, zoned Commercial (C)
<b>Land Use</b>	Interchange Business Park – commercial uses	Undeveloped	Fox Grove Phase One; Clydesdale Park residential subdivision	Boxelder Creek and currently undeveloped Larimer County Lot 1 Lee M.L.D.

## C. OVERVIEW OF MAIN CONSIDERATIONS

The main considerations are compliance with the Land Use Code standards and the approved Overall Development Plan.

Three Modifications of Standard were approved with the Overall Development Plan. The approved modifications include:

- a reduction to the minimum required density in LMN Zone,
- a reduction in the minimum required housing types in LMN Zone and,
- a modification to allow single family lots within 1,320 feet of I-25.

Staff has evaluated the phase two PDP under the applicable sections of the Land Use Code and finds that all issues have been addressed.

## 2. Public Outreach

### A. NEIGHBORHOOD MEETING

A neighborhood meeting was not required and was not held for the phase two PDP. A City neighborhood meeting was held for Fox Grove Overall Development Plan in 2014. With the ODP neighborhood meeting, a concept plan was presented and the general layout of the development was discussed.

### B. PUBLIC COMMENTS:

Neighborhood comments at the meeting concerned the following topics:

- 1) The responsibility for the future maintenance of the existing portion of Carriage Parkway, which is within the boundaries of the Clydesdale Park neighborhood northwest of the Fox Grove O.D.P. This existing portion of Carriage Parkway is currently maintained by the Clydesdale Park residents through the funding of a Public Improvement District.
  - Resolution: The City annexed Clydesdale Park to take over the maintenance of Carriage Parkway.
- 2) The use of the existing portion of Carriage Parkway for construction access.
  - Resolution: This remains a continued concern because Carriage Parkway is the the only construction access for both phases of Fox Grove. Erosion control and construction ingress/egress measures are required. Staff will enforce the erosion control plan consistent with City policies and procedures.
- 3) Lack of open space / park space and the distribution of park space, as proposed with the initial Phase One concept plan presented at the neighborhood meeting. Concern was expressed that the lack of open space and amenities originally presented will cause future residents of Fox Grove to over-utilize existing open space amenities and walking paths within Clydesdale Park.
  - Resolution: The phase one PDP and the ODP were revised to include additional functional park and open space.
- 4) Concern that the general character and overall form proposed with the initial plan does not adequately transition and complement Clydesdale Park.
  - Resolution: The overall street and lot pattern of the ODP and phase one PDP dwas revised to be more varied and more compatible with the area. Additional trail connections were also provided. The revisions are reflected in both PDP phases.

## 3. Article 2 – Applicable Standards

This project was submitted on February 15, 2019. The PDP complies with all Common Development Review Procedures for Development Applications of Article 2 – Administration. Written and published notice for this hearing were provided in accordance with the Article 2 procedures.

## 4. Article 3 - Applicable Standards

### A. DIVISIONS 3.2 AND 3.3 - SITE PLANNING, DESIGN AND PLAT STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.2.1 Landscaping and Tree Protection</b>	Street trees are provided at approximately 40-foot intervals along portions of the proposed street network. The project meets the minimum tree species diversity requirement of this section and all utility separation requirements	Complies
<b>3.2.2 Access, Circulation and Parking</b>	In conformance with the Purpose, General Standard, and Development Standards described in this section, the parking and circulation system provided with the project is well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the development and to and from surrounding areas.	Complies
<b>3.2.2(C)(6) Direct On-Site Access to Pedestrian and Bicycle Connections</b>	<p>The standard reads as follows:</p> <p><i>(6) Direct On-Site Access to Pedestrian and Bicycle Destinations. The on-site pedestrian and bicycle circulation system must be designed to provide, or allow for, direct connections to major pedestrian and bicycle destinations including, but not limited to, parks, schools, Neighborhood Centers, Neighborhood Commercial Districts and transit stops that are located either within the development or adjacent to the development as required, to the maximum extent feasible. The on-site pedestrian and bicycle circulation system must also provide, or allow for, on-site connections to existing or planned off-site pedestrian and bicycle facilities at points necessary to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations located within the neighborhood. In order to provide direct pedestrian connections to these destinations, additional sidewalks or walkways not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway, may be required.</i></p> <p>The proposed street sidewalk system is designed with block lengths that are spaced at intervals less than the 660 feet maximum permitted. In accordance with the ODP, the development incorporates small neighborhood parks and open space trails as integrated features that provide additional convenient pedestrian and bicycle connections within and through the project.</p> <p>Because a regional trail connection may eventually be constructed following Boxelder Creek along the western portion of the property, a 30-foot public access easement is described on the project plat. Additionally, an east/west walkway is shown along the southern boundary of the project, connecting the regional trail easement to Carriage Parkway. This east/west connection to Carriage Parkway is an important component, providing a separated pedestrian/bicycle connection not associated with a street, in accordance with section 3.2.2(C)(6).</p>	Complies
<b>3.2.3(C) Solar-Oriented Residential Lots</b>	This standard requires that 65% of the lots be solar-oriented. 50 of the 67 lots from phase one are solar oriented. Phase two includes 25 solar-oriented lots. A total of 75 solar-oriented lots are provided for phases one and two -- 66% overall.	Complies
<b>3.3.1 Plat Standards</b>	All lots have direct access to a public street. The layout of roads, driveways, utilities, drainage facilities, and other services are designed in a way that enhances an interconnected system within and between potential future development to the south. The plat demonstrates proper dedication of public rights-of-way, drainage easements, public trail and utility easements that are needed to serve the area being developed.	Complies

## B. DIVISION 3.5 – BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.5.2(C)            Housing Model Variety</b>	<p><b>Background:</b></p> <p>Any development of one hundred (100) or more single-family detached dwellings shall have at least four (4) different types of housing models. Any development containing fewer than one hundred (100) single-family or two-family dwelling units shall have at least three (3) different types of housing models.</p> <p>Each housing model shall have at least three (3) characteristics which clearly and obviously distinguish it from the other housing models, which characteristics may include, without limitation, differences in floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot and/or building face.</p> <p>These requirements do not apply to developments containing ten or fewer dwelling units.</p> <p>For single-family detached dwellings, the enforcement procedure for this standard shall be in accordance with <a href="#">Section 3.8.15</a> which requires enforcement at the time of building permit.</p> <p><b>Compliance:</b></p> <p>This standard was addressed with the ODP. The project exceeds the minimum 4 models required, providing a total of seven housing models to add equivalent architectural variety within the single housing type provided.</p> <p>The seven housing models are provided as a part of the Modification of Standard that was approved with the ODP, which reduced the number of housing types required for the ODP. (see further in this staff report under <i>Section 4.5(D)(2) Mix of Housing</i>, and as discussed in the attached ODP staff report dated April 10, 2014.</p>	Complies
<b>3.5.2(E)            Residential Building Setbacks, Lot Width and Size</b>	<p>The project is in compliance with this section, which requires a minimum lot width of 50 feet for single-family detached dwellings if the garage is served by access from the abutting street. The proposed project provides the following setbacks in conformance with the standards:</p> <ul style="list-style-type: none"> <li>• 15-foot Front Yard</li> <li>• 20-foot Garage</li> <li>• 5-Interior Side Yard</li> <li>• 15-foot Corner Side</li> <li>• 8-foot Rear Yard</li> </ul>	Complies

### C. DIVISION 3.4 - ENVIRONMENTAL, NATURAL AREA, RECREATIONAL & CULTURAL RESOURCES

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>3.4.1(C) Natural Habitats and Features – General Standard</b></p>	<p>An Ecological Characterization Report is required because the project is within 500 feet of an area identified as a natural habitat or feature on the City’s Natural Habitats and Features Inventory Map (Boxelder Creek).</p> <p><i>“To the maximum extent feasible, the development plan shall be designed and arranged to be compatible with and to protect natural habitats and features and the plants and animals that inhabit them and integrate them within the developed landscape of the community by: (1) directing development away from sensitive resources, (2) minimizing impacts and disturbance through the use of buffer zones, (3) enhancing existing conditions, or (4) restoring or replacing the resource value lost to the community (either on-site or off-site) when a development proposal will result in the disturbance of natural habitats or features.”</i></p>	<p>Complies</p>
<p><b>3.4.1(E)(1)(a-i) Buffer Zone Performance Standards</b></p>	<p>These standards allow the decision maker [Hearing Officer] to determine buffer zones that may be multiple and noncontiguous. The general buffer zone distance for each natural habitat or feature is established in the quantitative buffer zone table, but the Hearing Officer may reduce or enlarge any portion of the general buffer zone distance in order to ensure qualitative performance standards are achieved. The general buffer zone for Boxelder Creek is 100 feet, per the quantitative buffer zone table.</p> <p><b>Background:</b> The locations of onsite natural habitats and features is informed by the updated Ecological Characterization Study (ECS) dated May 2019. The property vegetation is dominated by non-native annual upland species and weeds. The Boxelder Creek flows outside the limits of development (LOD) to the north and to the west of the proposed development site. Onsite features include a 0.30 ac colony of black-tailed prairie dogs and some native plants (P. smithii western wheatgrass, C. nauseosus rubber rabbitbrush). Eight Colorado State noxious weed species were observed throughout the site and within the Boxelder Creek corridor. The quantitative buffer standard is one-hundred feet (100 ft) for Boxelder Creek. Black-tailed prairie dog colonies are special habitat features [LUC 5.1.2] and colonies one (1) acre or greater in size require protection and mitigation.</p> <p><b>Boxelder Creek:</b> The majority of the 100 ft setback for this resource is being maintained.</p> <p><b>Development Proposal:</b> The Fox Grove Phase II development proposes 19 feet of encroachment into the Boxelder Creek 100 foot buffer with lots 12 and 13. During the review process, two lots were eliminated to expand the 100 foot buffer by 20 feet near lots 10 and 11. A minimum 1.36 acre natural habitat buffer zone is required and the project is proposing 1.74 acres total.</p> <p><b>Summary:</b> The Fox Grove Phase II development project proposal meets all nine (9) buffer zone performance standards listed in LUC 3.4.1(E)(a-i). The project has been designed to preserve and enhance ecological character and functions through maintaining wildlife movement along Boxelder Creek, removing noxious weed species, adding several native plant species and preserving Boxelder corridor topography. The proposed pedestrian walkways and trails align with the Nature in the City Strategic Plan by providing residents with appropriate access to nature, including nature-viewing opportunities and in keeping waterways open rather than piped. Staff has determined this proposed PDP satisfies the applicable standards set forth in LUC 3.4.1.</p>	<p>Complies</p>

<b>3.4.1(N)(6) Prairie Dog Removal</b>	This section requires that before the commencement of grading or other construction activities on the development site, any prairie dogs inhabiting portions of the site within the LOD shall be relocated or eradicated by the developer. Passive relocation techniques are planned to relocate the 0.30 ac onsite black-tailed prairie dog colony into a receiving site, the property directly west of the proposed project site, and with verified permission from adjacent receiving site property owner. Please see attached prairie dog relocation letter.	Complies
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## D. DIVISION 3.6 – TRANSPORTATION AND CIRCULATION

<b>Applicable Code Standard</b>	<b>Summary of Code Requirement and Analysis</b>	<b>Staff Findings</b>
<b>3.6.3 Street Pattern and Connectivity Standards</b>	<p>This Section was reviewed and addressed comprehensively for both phases with the ODP approval through Alternative Compliance. Section 2.3.2(H) of the Land Use Code identifies seven criteria for reviewing ODP's which includes street pattern and connectivity.</p> <p>Section 3.6.3 requires that the ODP provide for future public street connections along each boundary that abuts potentially developable land at maximum intervals of 660 feet. The southern boundary of the ODP is approximately 2,025 feet in length, therefore requiring three street connections along the southern boundary. Alternative compliance was approved with the ODP to provide two street connections along this southern boundary, with the third connection to the west approved as a bicycle and pedestrian connection. No street connections were required to the north or west other than Carriage Parkway.</p> <p>Alternative Compliance was approved with the ODP, with the following staff comments provided:</p> <ul style="list-style-type: none"> <li>• In strict conformance with the standard, any boundary over 1,980 feet requires three public street connections (660 feet x 3). The southern boundary's 2,025 foot length is not significantly longer than 1,980 feet, with the southwestern portion of the boundary containing open space and a natural feature, which reduces the developable length of the southern boundary so that two street public street connections provide adequate access and distribution, while recognizing the specific context of the site.</li> <li>• A second factor to consider is the presence of Industrial zoning to the south of the O.D.P. boundary. Given this context, two street connections provide adequate vehicular cross-access and traffic distribution, with a greater emphasis on providing a transition and buffer to non-residential uses to the south.</li> <li>• Access and connectivity for bicycles and pedestrians are maintained. Non-vehicular connections to the south and north are provided along the west boundary of the ODP.</li> </ul>	Complies with Alternative Compliance approved with the ODP
<b>3.6.4 Transportation Level of Service Requirements</b>	The Traffic Operations and Engineering Departments have reviewed the Transportation Impact Study that was submitted to the City for review and have determined that the vehicular, pedestrian and bicycle facilities proposed with this PDP are consistent with the standards contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual.	Complies

<p><b>3.6.6 Emergency Access</b></p>	<p>All developments must provide adequate access for emergency vehicles and for those persons rendering fire protection and emergency services. In order to meet this standard two access points are required for the project. This requirement was first addressed with the ODP by determining a second access point in addition to Carriage Parkway. The second access point is in the phase one portion of the project, providing a gated emergency-only connection to Quest Drive within the Sunflower Larimer County subdivision to the north.</p>	<p>Complies</p>
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**E. DIVISION 3.9 – DEVELOPMENT STANDARDS FOR THE I-25 CORRIDOR**

<p><b>Applicable Code Standard</b></p>	<p><b>Summary of Code Requirement and Analysis</b></p>	<p><b>Staff Findings</b></p>
<p><b>3.9.2(A) Location of Single-Family Residential Lots From I- 25</b></p>	<p>A modification was approved with the ODP to address this standard. The standard prohibits the development of new single-family residential lots within one thousand three hundred twenty (1,320) feet (one-quarter [<math>\frac{1}{4}</math>] mile) of the centerline of Interstate Highway 25 (I-25) One exception is permitted for single family detached dwellings in the Rural Lands District (R-U-L).</p> <p>The ODP finding for the modification concluded that the request for the Modification of Standard to Section 3.9.2(A) is justified by the applicable standards in 2.8.2(H). The granting of the Modifications would not be detrimental to the public good and:</p> <p>The request satisfies Modification Criteria (2.8.2(H)(1):</p> <p>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, because the Boxelder Creek corridor will provide an enhanced value landscape buffer that will protect views to and from the development.</p>	<p>Complies with ODP Modification</p>

**5. Article 4 – Applicable Standards**

**A. SUMMARY**

The single-family land use proposed in with phase two is consistent with the purpose of the L-M-N district by providing a predominance of low density housing with fully integrated small neighborhood parks within the pattern of streets and blocks.

**B. DIVISION 4.5 – LOW DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (L-M-N)**

<p><b>Applicable Code Standard</b></p>	<p><b>Summary of Code Requirement and Analysis</b></p>	<p><b>Staff Findings</b></p>
<p><b>4.5(B)(2)(a)(1) Permitted Uses</b></p>	<p>Single family detached dwellings are a permitted use in the L-M-N District subject to administrative review.</p>	<p>Complies</p>



<p><b>4.5(D)(1) Density</b></p>	<p>This section was addressed with the ODP through the approval of a modification.</p> <p>This standard typically requires that residential density on projects that are part of Project Development Plans or Overall Development Plans containing more than 20 acres have a density not less than 4.00 dwelling units per gross acre and not greater than 9.00 dwelling units per net acre.</p> <p>A Modification of Standard was approved with the ODP to Section 4.5(D)(1)(a) allowing the project to provide an overall minimum of 3.00 units per gross acre.</p> <p>Phase one of the Overall Development Plan provided 67 units for a density of 3.06 dwelling units per gross acre, which complied with the Modification of Standard approved with the ODP.</p> <p>Phase two also complies, providing 47 units for a density of 3.35 dwellings units per gross acre.</p>	<p>Complies</p>
<p><b>4.5(D)(2) Mix of Housing</b></p>	<p>This standard requires a minimum of four housing types on any overall project containing 30 acres or more.</p> <p>The following list of housing types shall be used to satisfy this requirement:</p> <ol style="list-style-type: none"> <li>1. <i>Single-family detached dwellings with rear loaded garages.</i></li> <li>2. <i>Single-family detached dwellings with front or side loaded garages.</i></li> <li>3. <i>Small lot single-family detached dwellings (lots containing less than four thousand [4,000] square feet or with lot frontages of forty [40] feet or less) if there is a difference of at least two thousand (2,000) square feet between the average lot size for small lot single-family detached dwellings and the average lot size for single-family detached dwellings with front or side loaded garages.</i></li> <li>4. <i>Two-family dwellings.</i></li> <li>5. <i>Single-family attached dwellings.</i></li> <li>6. <i>Mixed-use dwelling units.</i></li> <li>7. <i>Multi-family dwellings containing more than three (3) to four (4) units per building;</i></li> <li>8. <i>Multi-family dwellings containing five (5) to seven (7) units per building.</i></li> <li>9. <i>Multi-family dwellings containing more than seven (7) units per building (limited to twelve [12] dwelling units per building).</i></li> <li>10. <i>Mobile home parks.</i></li> </ol> <p>A Modification of Standard was approved with the ODP to reduce the required four housing types to provide one housing type (single-family detached). The phase two PDP utilizes the modification by providing only single-family detached housing. As part of the Modification, additional housing models (seven total) are required, which are distributed throughout both phases of the ODP.</p>	<p>Complies with ODP Modification</p>
<p><b>4.5(D)(6) Small Neighborhood Park</b></p>	<p>This standard requires that small neighborhood parks be provided equaling at least one acre in size. This park requirement was identified with the ODP and addressed with the phase one PDP. Three parks in phase one have been constructed in Outlots C, D and H. The three parks meet all design and location criteria of this section and provide 1.76 acres, exceeding the minimum acre requirement.</p>	<p>Complies</p>

## 6. Findings of Fact/Conclusion

In evaluating the request for the Fox Grove Phase Two Project Development Plan, PDP190002, staff makes the following findings of fact:

- The Fox Grove Phase Two PDP complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Fox Grove Phase Two PDP complies with the relevant standards located in Article 3 – General Development Standards, with a Modification of Standard approved with the Fox Grove Overall Development Plan for Section 3.9.2(A).
- The Fox Grove Phase Two PDP complies with relevant standards located in Division 4.5, Low Density Mixed-Use Neighborhood (L-M-N) of Article 4, with Modification of Standards approved with the Fox Grove Overall Development Plan for Sections 4.5(D)(1)(a) and 4.5(D)(2).
- The Fox Grove Phase Two PDP complies with the approved Fox Grove Overall Development Plan.

## 7. Recommendation

Staff recommends approval of the Fox Grove Phase Two Project Development Plan, PDP190002 based on the Findings of Fact in this staff report.

## 8. Attachments

1. Vicinity Map
2. Zoning Map
3. Site plan color rendering
4. Approved Overall Development Plan (ODP)
5. Site and Landscape Plan
6. Plat
7. Traffic Impact Memo
8. Prairie Dog Acceptance Letter
9. Ecological Characterization Study (ECS)
10. Letter to staff regarding pedestrian connections
11. Phase two utility plans
12. Phase one plat
13. Phase one site and landscape plan
14. Fox Grove ODP staff report