

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

FINDINGS AND DECISION

HEARING DATE: October 23, 2017

PROJECT NAME: 2620 W Elizabeth St. – Single Family Detached

CASE NUMBER: PDP #160037

APPLICANT: Mike Walker
TB Group
444 Mountain Ave.
Berthoud, CO 80524

OWNER: Flagstone Investments LLC
P.O. Box 2796
Gillette, WY 82717

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a Project Development Plan (“PDP”) to plat nine (9) lots for single-family detached homes, with lots ranging in size from 5,515 to 9,462 square feet.

The site consists of approximately 2.065 acres, more or less, and is legally described as TRACT A, WEST PLUM STREET, A PLANNED UNIT DEVELOPMENT (the “Subject Property”). The Subject Property is located north of West Elizabeth Street between generally Rickey Road and Timber Lane.

The existing farm house on the Subject Property will be preserved and will be on its own lot, specifically Lot 5, Elizabeth Street Farms (following the date on which the final plat for the Subject Property is approved and recorded).

The applicant is requesting three modifications of standard as part of this application, and is also requesting alternative compliance for Section 3.6.2(G) of the Code. The site is located in the Low Density Residential (R-L) zone district.

BACKGROUND: As set forth in the Staff Report, the Subject Property annexed into the City of Fort Collins in two phases. The eastern 45.97 feet was included in the Valley Hi Second Annexation on March 24, 1966. The remainder of the Subject Property was included in the Overland Trail Annexation on November 25, 1970.

The Subject Property was platted as Tract A of the West Plum Street PUD on July 22, 1996. The West Plum Street PUD indicates that Tract A was not a part of the development. The Subject Property was subsequently rezoned to the City’s R-L (Low Density Residential) zoning district.

Testimony at the hearing provided by the Applicant and members of the public in attendance evidenced that the Applicant originally sought rezoning of the Subject Property to accommodate a higher density multi-family residential development, and also previously submitted a version of the PDP and lot layout that included eleven (11) lots.

The current proposal is for nine (9) lots for single-family detached homes.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Low Density Residential (R-L)	Single-family detached residential
South	Low Density Residential (R-L)	Single-family detached residential
East	Low Density Residential (R-L)	Single-family detached residential
West	Low Density Residential (R-L)	Single-family detached residential

SUMMARY OF DECISION: Approved, with conditions.

ZONE DISTRICT: R-L (Low Density Residential District).

HEARING: The Hearing Officer opened the hearing on Monday, October 23, 2017, 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. Zoning and Site Vicinity Map.
2. Planning Department Staff Report dated October 23, 2013
3. Statement of Planning Objectives.
4. Elizabeth Street Farms Subdivision Plat and Utility Plan Set.
5. Planning Document Set (includes site plan, landscape plan, and photometric plan).
6. Modification of Standard Requests and Alternative Compliance Request.
7. Ecological Characterization Study.
8. Neighborhood Meeting Summary.
9. PowerPoint presentation prepared by City Staff for the hearing (13 slides).
10. The City’s Comprehensive Plan, Land Use Code (“LUC” or “Code”), and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.
11. Affidavit of Publication dated October 13, 2017, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on October 13, 2017.
12. Notice of Public Hearing dated October 9, 2017.

TESTIMONY: The following persons testified at the hearing:

From the City: Clay Frickey, City Planner

From the Applicant: Mike Walker
TB Group

From the Owner: Tony Willie

From the Public: Al Quam, 1001 Timber Lane
John Pedos, 925 Timber Lane
Jay Bowers, 927 Pear Street
Christine Bowman*, 908 Pear Street
Stan Wamhof, 2504 W. Elizabeth
Kelly Pollard, 832 Timber Lane
Steve Silva, 1425 Beech Court
Nick Werner, 2708 Pleasant Valley Road
Peter Rhoades, 3730 W. Elizabeth
Bruce Nuttall, 915 Pear Street

* representing herself, individually, and the Plum Street Village Association, Inc., a Colorado nonprofit corporation (Plum Street Village HOA).

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 PDP complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
 - B. The Modification of Standard to Section 3.8.11(A) that is proposed with this PDP meets the applicable requirements of Section 2.8.2(H)(1), in that the granting of the Modification would not be detrimental to the public good and 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. Specifically, the Hearing Officer finds that the PDP proposes stone columns on the fence at the corner of each lot and 4” by 6” cedar posts every 7’-6” to add additional visual relief to the fence. The Hearing Officer concludes that these architectural treatments will soften the appearance of the fence

line, and mitigate against the “tunnel effect” that LUC Section 3.8.11(A) is designed to address.

- C. The alternative compliance request for Section 3.6.2(G) of the Code is approved. In making this determination, the Hearing Officer has considered whether the lot layout provides screening and protection of the lots adjacent to West Elizabeth Street (specifically Lots 3, 4 and 5) from noise, light and other negative impacts from the arterial street equally well or better than a plan which complies with the Section 3.6.2(G) of the Code. The Applicant has proposed a 5’ solid privacy fence and 6’ detached sidewalk in accordance with the West Elizabeth Enhanced Travel Corridor Plan, as adopted by the City¹. The Hearing Officer concludes that these improvements justify approval of the alternative lot layout plan set forth in the PDP.
- D. The PDP complies with relevant standards of Article 3 – General Development Standards, including the approved Modification of Standard to Section 3.8.11(A) of the LUC and the approved alternative compliance request for Section 3.6.2(G) of the LUC. The Hearing Officer finds that compliance with the relevant Article 3 Standards is addressed in the Staff Report, a copy of which is attached to this Decision as ATTACHMENT A and incorporated herein by reference.
- E. The Modification of Standard to Section 4.4(D)(1) that is proposed with this PDP meets the applicable requirements of Section 2.8.2(H)(1), in that the granting of the Modification would not be detrimental to the public good and 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. The Hearing Officer concludes that Lots 6 – 9 of the proposed Elizabeth Street Farm plat are not out of character with lots in the West Plum Street PUD immediately north of the Subject Property and that the detached sidewalks in the PDP will provide enhanced pedestrian safety and enhanced opportunities for landscaping, including street trees, and snow removal/management. The Hearing Officer concludes that by providing detached sidewalks and having a lot pattern consistent with the neighborhood located to the north, that the proposed plan is equal to or better than a compliant plan.
- F. The Modification of Standard to Section 4.4(D)(2)(a) that is proposed with this PDP meets the applicable requirements of Section 2.8.2(H)(4), in that the granting of the Modification would not be detrimental to the public good and the plan will not diverge from the standards of the Land Use Code except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2. The Hearing Officer concludes that the request to have Lots 6-9 less than sixty feet (60’) wide is in character with the West Plum Street PUD immediately north of the

¹ <https://www.fcgov.com/westelizabeth/> (last visited November 5, 2017).

Subject Property and does not diverge or deviate from the standards of the LUC except in a nominal or inconsequential manner. In addition, the Hearing Officer finds that approval of the PDP will continue to advance the purposes of the LUC as set forth in Section 1.2.2, including specifically subsections 1.2.2(L) and (M) of the Code:

- *(L) encouraging the development of vacant properties within established areas.*
- *(M) ensuring that development proposals are sensitive to the character of existing neighborhoods.*

G. The PDP complies with relevant standards located in Division 4.4, Low Density Residential District (R-L) of Article 4 – Districts, including the approved Modification of Standard to Section 4.4(D)(1) of the LUC and the approved Modification of Standard to Section 4.4(D)(2)(a) of the LUC. The Hearing Officer finds that compliance with the relevant Article 4 Standards is addressed in the Staff Report attached hereto as ATTACHMENT A.

DECISION

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

The 2620 W. Elizabeth Street – Single-Family Detached Project Development Plan (PDP #160037) is approved for the Subject Property, subject to the conditions set forth below in (E), (F), (G) and (H) below.

- A. The Article 3 Alternative Compliance Request (Request for approval of alternative lot plan submitted in accordance with Section 3.6.2(G) of the LUC) is approved.
- B. The Article 3 Modification of Standard (to Section 3.8.11(A) of the LUC) is hereby approved.
- C. The Article 4 Modification of Standard (to Section 4.4(D)(1), Density) is hereby approved for Lots 6-9.
- D. The Article 4 Modification of Standard (to Section 4.4(D)(2)(a), Dimensional Standards for minimum lot width) is hereby approved for Lots 6-9.
- E. The Applicant shall submit a final plan for the Subject Property within three (3) years of the date of this decision. If Applicant fails to submit a final plan to the City within said three (3) year period, this PDP approval shall automatically lapse and become null and void in accordance with Section 2.2.11(C) of the LUC.
- F. In accordance with Section 2.2.11(C) of the Code, the PDP shall not be considered a site-specific development plan and no vested rights shall attach to the PDP.

- G. The Applicant shall coordinate with the Plum Street Village HOA regarding sidewalk and fencing improvements, to the satisfaction of City Staff.
- H. The Applicant shall schedule and conduct an on-site meeting with Mr. Pedos (925 Timber Lane) to address Mr. Pedos's concerns with shading and other site-specific concerns with the future home to be located on Lot 9 of the development, as raised by Mr. Pedos during the October 23rd public hearing.

DATED this 5th day of November, 2017.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
2620 W. Elizabeth Street – Single Family Detached
PDP160037



ITEM NO 1
MEETING DATE Oct. 23, 2017
STAFF Clay Frickey

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: 2620 W Elizabeth St. – Single-family Detached, PDP160037

APPLICANT: Mike Walker
TB Group
444 Mountain Ave.
Berthoud, CO 80524

OWNERS: Flagstone Investments LLC
PO Box 2796
Gillette, WY 82717

PROJECT DESCRIPTION:

This is a request for a Project Development Plan to plat 9 lots for single-family detached homes. The lots will range in size from 5,515 to 9,462 square feet. The existing home on the lot will be preserved and will be on its own lot. The applicant is requesting 4 modifications of standard as part of this application. The site is located in the Low Density Residential (RL) zone district.

RECOMMENDATION: Staff recommends approval of the modification requests and the 2620 W Elizabeth St. – Single-family Detached, PDP160037.

EXECUTIVE SUMMARY:

Staff finds the proposed 2620 W Elizabeth St. – Single-family Detached Project Development Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Modification of Standard to Section 3.8.11(A) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1).

- The Project Development Plan complies with relevant standards of Article 3 – General Development Standards, provided the modification to 3.8.11(A) is approved.
- The Modification of Standard to Section 4.4(D)(1) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1).
- The Modification of Standard to Section 4.4(D)(2)(a) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1).
- The Project Development Plan complies with relevant standards located in Division 4.4, Low Density Residential District (RL) of Article 4 – Districts, provided the modifications to 4.4(D)(1) and 4.4(D)(2)(a) are approved.

COMMENTS:

1. Background

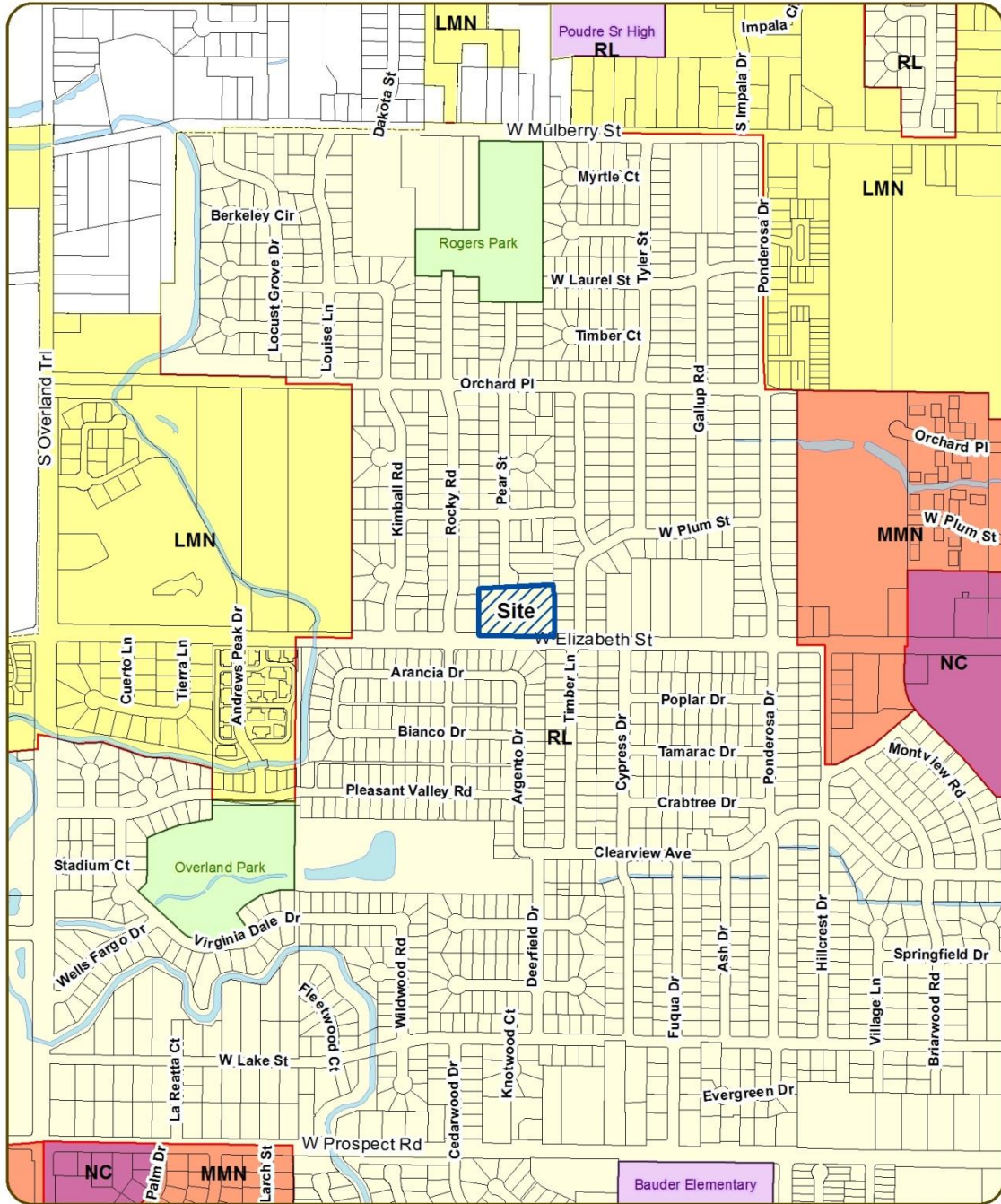
The property annexed into the City of Fort Collins in two phases. The eastern 45.97 feet was included in the Valley Hi Second Annexation on March 24, 1966. The remainder of the property was included in the Overland Trail Annexation on November 25, 1970. The property was platted as Tract A of the West Plum Street PUD on July 22, 1996. West Plum Street PUD indicates, however, Tract A was not a part of the development.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Low Density Residential (RL)	Single-family detached residential
South	Low Density Residential (RL)	Single-family detached residential
East	Low Density Residential (RL)	Single-family detached residential
West	Low Density Residential (RL)	Single-family detached residential

Below is a zoning and site vicinity map.

Figure 1: 2620 W Elizabeth St. – Single-family Detached Zoning & Site Vicinity Map



1 inch = 667 feet

2620 W Elizabeth St. - Single-family Detached Zoning & Vicinity Map



2. **Compliance with Section 2.8.2(H) of the Land Use Code - Modification of Standards**

Modification #1 Description:

The applicant requests a Modification to Section 3.8.11(A) to have a fence that exceeds 100 feet in length without a change in setback.

Land Use Code Standard Proposed to be Modified (areas underlined and bolded for emphasis):

Land Use Code 3.8.11(A):

If used along collector or arterial streets, such features shall be made visually interesting and shall avoid creating a "tunnel" effect. Compliance with this standard may be accomplished by integrating architectural elements such as brick or stone columns, incorporating articulation or openings into the design, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or similar techniques. In addition to the foregoing, and to the extent reasonably feasible, fences and sections of fences that exceed one hundred (100) feet in length shall vary the alignment or setback of at least one-third (1/3)of the length of the fence or fence section (as applicable) by a minimum of five (5) feet.

Land Use Code Modification Criteria:

“The decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:

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

(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or

(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or

(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).

Summary of Applicant's Justification:

The applicant requests that the Modification be approved and provides the following justification based upon Criterion 1 (proposal is equal or better than provisions in the Land Use Code):

Applicant's Justification for Criterion 1:

- *The modification is minor as the fence line is only 288'.*
- *Variation in the fence line will reduce the length of the side yard lot lines and reduce the overall size of the lot creating additional conflicts with the land use codes and in the design of the subdivision.*
- *The proposed alternative fence plan continues to improve the design, quality and character of new development. This is achieved by using high quality fence and column materials and landscape. This will still create the desired streetscape along this portion of Elizabeth and far improved compared to the existing fencing in the adjacent neighborhoods.*
- *We feel that the proposed alternative plan ensures sensitivity to the surrounding neighborhood by still building an attractive, desirable product in an infill site with a price point that the market desires and that the community can be proud of.*
- *Finally, the proposed alternative plan is not a detriment to the public good, as it results in the development of a vacant property within an established area in accordance with the overall City goals outlined in City Plan.*

Staff Finding:

Staff finds that the request for a Modification of Standard to Section 3.8.11(A) is justified by the applicable standards in 2.8.2(H)(1).

- A. The granting of the Modification would not be detrimental to the public good;
- B. The project design satisfies 2.8.2(H)(1): *the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested.*

As stated in the code language, the purpose of this standard is to avoid the tunnel effect, where a long, uninterrupted fence creates a monotonous streetscape. This standard requires the fence to be visually varied, both architecturally with columns or openings, as well as a change in plane, when it exceeds 100 feet in length. The proposed fence is approximately 288 feet in length. The proposed fence shows a change in plane only along Lot 3 where the fence is 113 feet long. Lots 4 and 5 contain a fence 175 feet in length without a change in plane. One of the issues with providing a second change in plane is how it affects the lot size for Lots 4 and 5. Lots 4 and 5 would not meet the minimum lot size requirement by pushing the fence five feet further into either lot. To break up the tunnel effect of the fence, the applicant proposes stone columns at the corners of each lot. The applicant also proposes 4 x 6 cedar posts every 7'-6" to add further visual relief to the fence. This proposal effectively breaks up the fence visually while still providing a change in plane without pushing the lots into non-compliance. For these reasons, staff finds the proposal is equal to or better than a compliant plan.

Modification #2 Description:

The applicant requests a Modification to Section 4.4(D)(1) – *Density* to have four lots with less than 6,000 square feet of lot area.

Land Use Code Standard Proposed to be Modified (areas underlined and bolded for emphasis):

Land Use Code 4.4(D)(1):

Density. All development in the Low Density Residential District shall have a minimum lot area the equivalent of three (3) times the total floor area of the building but not less than six thousand (6,000) square feet.

Summary of Applicant's Justification:

The applicant requests that the Modification be approved and provides the following justification based upon Criterion 1 (proposal is equal or better than provisions in the Land Use Code):

Applicant's Justification for Criterion 1:

- *As stated in the purpose statement, the R-L zone district was intended to be a broad brush zoning district for the many of the established neighborhoods in the City. It did not contemplate infill, redevelopment, or small underutilized parcels of land. Meeting all of the dimensional and density standards is infeasible.*
- *The modification is minor and only affects four lots. If the lot areas were measured to the flowline instead of the back of the detached sidewalk, then they would meet the minimum size.*
- *The proposed alternative plan continues to improve the design, quality and character of new development by exceeding the building standards set forth in Section 3.5. The use of high quality residential building materials, building articulation, projections and recesses, along with pitched roof elements ensures sensitivity to and compatibility with the surrounding neighborhood.*
- *We feel that the proposed alternative plan ensures sensitivity to the surrounding neighborhood by building an attractive, desirable product in an infill site with a price point that the market desires and that the community can be proud of.*

Staff Finding:

Staff finds that the request for a Modification of Standard to Section 4.4(D)(1) is justified by the applicable standards in 2.8.2(H)(1).

- A. The granting of the Modification would not be detrimental to the public good;
- B. The project design satisfies 2.8.2(H)(1): *the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested.*

The purpose of this standard is to maintain the character of subdivisions with a predominance of single-family detached homes developed from the 1950s until the 1980s. Neighborhoods with few opportunities for redevelopment received the RL zoning designation as part of City Plan in 1997. Few lots in the RL zone district have less than 6,000 square feet of area. One of the subdivisions with lots

below 6,000 square feet in the RL zone is the West Plum Street PUD immediately north of the proposed development. Four of the twelve lots in the West Plum Street PUD have less than 6,000 square feet of lot area. Lots 1, 6, 11, 12, and 13 all have less than 6,700 square feet of lot area each. The remaining lots have over 9,000 square feet of lot area.

The lot pattern the applicant proposes is similar to the West Plum Street PUD. Lots 6-9 would contain less than 6,000 square feet with the smallest lot having 5,515 square feet of area. Lots 1, 4, and 5 would contain more than 6,000 square feet but less than 6,500 square feet of area. Lots 2 and 3 would contain more than 8,000 square feet of area. One other feature that limits the lots sizes for this subdivision is the proposed detached sidewalk. West Plum Street PUD has attached sidewalks. Detached sidewalks provide more safety for pedestrians, allow for the planting of street trees, and provide an area for plows to push snow in the wintertime. Lots 6-9 would comply with the minimum lot size if the sidewalks were attached and the property lines went to the back of the sidewalk. By virtue of providing detached sidewalks and having a lot pattern consistent with the adjacent neighborhood, staff finds the proposed plan to be equal to or better than a compliant plan.

Modification #3 Description:

The applicant requests a Modification to Section 4.4(D)(2)(a) to have Lots 6-9 less than 60 feet wide.

Land Use Code Standard Proposed to be Modified (areas underlined and bolded for emphasis):

Land Use Code 4.4(D)(2)(a):

Minimum lot width shall be sixty (60) feet for a single-family dwelling or child-care center and one hundred (100) feet for all other uses.

Summary of Applicant's Justification:

The applicant requests that the Modification be approved and provides the following justification based upon Criterion 1 (proposal is equal or better than provisions in the Land Use Code):

Applicant's Justification for Criterion 1:

- *As stated in the purpose statement, the R-L zone district was intended to be a broad brush zoning district for the many of the established*

neighborhoods in the City. It did not contemplate infill, redevelopment, or small underutilized parcels of land. Meeting all of the dimensional and density standards is infeasible.

- *The modification is minor and only affects three lots, which are 52.3', 52.7' and 53.3' respectively. The lots will meet all of the required setbacks in the R-L zone. The project is designed and intended for small, narrow homes in order to provide more housing choices and is not a standard single family greenfield development.*
- *The proposed alternative plan continues to improve the design, quality and character of new development by exceeding the building standards set forth in Section 3.5. The use of high quality residential building materials, building articulation, projections and recesses, along with pitched roof elements ensures sensitivity to and compatibility with the surrounding neighborhood.*
- *We feel that the proposed alternative plan ensures sensitivity to the surrounding neighborhood by building an attractive, desirable product in an infill site with a price point that the market desires and that the community can be proud of.*

Staff Finding:

Staff finds that the request for a Modification of Standard to Section 4.4(D)(2)(a) is justified by the applicable standards in 2.8.2(H)(4).

- A. The granting of the Modification would not be detrimental to the public good;
- B. The project design satisfies 2.8.2(H)(4): *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 the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.*

The purpose of this standard is similar to the minimum lot size requirement in that it promotes a certain character of development typical of subdivisions from the 1950s to 1980s. Most RL lots in the City have at least 60 feet of width. West Plum Street PUD, immediately adjacent to the north, features lots less than 60 feet wide. Nine of the 12 lots have less than 60 feet of lot width. The lots range in width from 56 feet up to 79 feet. Similarly, the applicant proposes lots ranging in width from 52 feet up to 77 feet. This range of lot widths is similar to the lot pattern of West Plum Street PUD. The applicant is also only seeking this

modification for Lots 6-9. From the perspective of the overall development, staff finds the modification requested is nominal and inconsequential by having a similar lot pattern to the adjacent development and by only requesting the modification for four lots.

3. Compliance with Article 3 of the Land Use Code – General Development Standards:

The project complies with all applicable General Development Standards as follows:

A. *Section 3.1.1 – Applicability*

Single-family homes subject to Basic Development Review (BDR) in Article 4 must only comply with the standards in Article 4 and any supplemental regulations contained in division 3.8. Single-family detached dwellings part of an approved site specific development plan are subject to BDR per Section 4.4(B)(1)(a)(1). Owners of the lots created by this subdivision will submit a BDR for the design of their individual homes. This PDP only deals with creating buildable lots for the single-family detached homes. As such, this staff report does not cover setbacks or building height per the standards in Section 4.4 of the Land Use Code since each individual lot owner will submit a BDR with their specific home designs later.

B. *Section 3.2.1(D)(2) – Street Trees*

Developments that front on streets with a landscape parkway must provide canopy shade trees at 30-40 foot spacing in the center of such parkway areas. The proposed landscape plan shows street trees planted behind the sidewalk rather than in the landscape parkway. The applicant proposes these locations since the landscape parkway is acting as a swale for stormwater purposes. This precludes planting trees in the parkway. The proposed alternative with a street tree planted in the front yard of each lot and two additional trees on the side of Lot 6 meets the intent of this code standard. All of the trees must remain per the landscape plan so homeowners will not be able to remove these trees. All of the trees will contribute to the urban tree canopy, which is the purpose of this

standard. Due to these factors, staff finds the proposal to meet this code standard.

C. *Section 3.2.1(D)(3) – Minimum Species Diversity*

To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required and extensive monocultures are prohibited. The maximum percentage of any one species when there are 20-39 trees is 33%. No species consists of more than 20% of the overall amount of trees provided.

D. *Section 3.2.1(D)(4) – Tree Species and Minimum Sizes*

All trees provided must meet the minimum sizes as follows:

<i>Type</i>	<i>Minimum Size</i>
Canopy Shade Tree	2.0" caliper balled and burlapped or equivalent
Evergreen Tree	6.0' height balled and burlapped or equivalent
Ornamental Tree	1.5" caliper balled and burlapped or equivalent
Shrubs	5 gallon or adequate size consistent with design intent
Canopy Shad Tree as a street tree on a Residential Local Street Only	1.25" caliper container or equivalent

The trees shown on the landscape all meet these minimum requirements.

E. *Section 3.2.1(E)(3) – Water Conservation*

All landscape plans must be designed to incorporate water conservation materials and techniques in order to meet the Xeriscape principals established in the Land Use Code. Total annual water use shall not exceed 15 gallons/square foot over the site. The landscape plan meets the Xeriscape principals in the Land Use Code and has an annual water use of 9.6 gallons/square foot over the site.

F. *Section 3.2.1(F) – Tree Protection and Replacement*

Significant trees slated for removal require mitigation based on their size, species, and condition. The City Forester conducts a site visit, inventories all existing trees, and establishes a mitigation value for all significant trees on the development site. Sheet LS3 of the landscape plan indicates the locations, species, size, and condition of all existing trees on the development site. The City Forester determined the mitigation value of all trees on the site. The applicant proposes removing all but two of the existing trees on the site, resulting in a mitigation value of 38 trees. The project will provide mitigation for 36.5 of these trees by upsizing all trees on the site per the standards in this code section. The applicant will pay the Forestry department for providing mitigation trees off-site for the remaining trees in accordance with this standard.

G. *Section 3.2.2(C)(1) – Safety Considerations*

To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles. The proposed development shows sidewalks separated from the roadway by a curb and a landscape parkway. These walkways allow pedestrians to move within the site without encountering vehicles or bicycles.

H. *Section 3.2.2(C)(5) – Walkways*

Walkways must be located and aligned to directly and continuously connect areas or point of pedestrian origin and destination. Sidewalks line the street-like private drive and connect to each lot. The proposal shows each sidewalk connecting to the existing sidewalks on Pear Street and Elizabeth Street.

I. *Section 3.2.2(C)(6) – Direct On-Site Access to Pedestrian and Bicycle Destinations*

Pedestrian and bicycle facilities provided on site must connect to or allow for direct connections to major pedestrian and bicycle destinations. The sidewalk network connects to the sidewalks on Pear Street and Elizabeth Street, which provide direct connections to major destinations.

J. *Section 3.2.2(C)(7) – Off-Site Access to Pedestrian and Bicycle Destinations*

Developments may need to provide off-site improvements to provide for safety, efficiency and convenience for bicycles and pedestrians both within the development and to and from surrounding areas. This development will add a detached sidewalk, bike lane, and buss pull out on the north side of Elizabeth Street in accordance with this standard.

K. *Section 3.2.2(C)(8) – Transportation Impact Study*

A Transportation Impact Study is required for developments that could have an impact on the traffic conditions surrounding the development. Traffic Operations staff waived the requirement for a Traffic Impact Study due to the low amount of traffic generation anticipated from this development.

L. *Section 3.2.2(D) – Access and Parking Lot Requirements*

The proposal meets the requirements outlined in Land Use Code section 3.2.2(D) including the separation of vehicles and pedestrians, unobstructed vehicle access, location of off-street parking areas, pavement material, and lighting.

M. *Section 3.2.2(K)(1)(c) – Residential and Institutional Parking Requirements - Single-family Detached*

Single-family detached homes with more than 40 feet of street frontage must provide at least one off-street parking space. Each lot has more than 40 feet of frontage and will provide a two-car garage in accordance with this standard.

N. *Section 3.2.3 – Solar Access, Orientation, Shading*

All development shall be designed throughout to accommodate active and/or passive solar installations to the extent reasonably feasible while minimizing the casting of shadows onto adjacent developments. The architectural elevations show solar panels on the roofs of each duplex and are located to minimize casting shadows on the neighborhood to the south.

O. *Section 3.2.4 – Site Lighting*

The proposed lighting plan is consistent with the requirements of the Land Use Code in regards to the general standard, lighting levels and design standards.

P. *Section 3.3.1(B) – Lots*

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. Should Modifications 2 and 3 be approved, all lots meet the minimum dimensional standards outlined in Section 4.4 of the Land Use Code.

Q. *Section 3.4.1 – Natural Habitats and Features*

Since this site contains an irrigation ditch, an Ecological Characterization Study (ECS) was required. An ECS establishes what natural habitat features and other environmental sensitive resources should be protected as part of a development plan. The applicant submitted an ECS in accordance with this standard. Based on the ECS, the only valuable habitat feature on the site are the trees. The ECS recommends preserving the existing trees or mitigating for lost trees per the City Forester's requirements. As discussed earlier, the proposed landscape plan shows the removal of many trees on the site with appropriate mitigation. As such, the proposal satisfies this code standard.

R. *Section 3.6.2(C)*

Streets on a project development plan shall conform to the Master Street Plan where applicable. The applicant proposes to improve Elizabeth Street in conformance with the Master Street Plan.

S. *Section 3.6.2(F)*

Individual lots abutting an arterial street may not access directly onto the arterial street. None of the proposed lots will access Elizabeth Street. Each lot will access the street-like private drive proposed that would connect with Pear Street.

T. *Section 3.6.2(G)*

Lots must have 150 feet of depth if abutting an arterial street. Applicants may request alternative compliance as part of this standard. The applicant must demonstrate that their proposal minimizes the noise, light, and other potential negative impacts of the arterial street on the residential lots. The applicant submitted an alternative compliance request in accordance with this standard.

U. *Section 3.6.2(N) – Private Drives*

Developments may supply private drives in lieu of public streets as long as the private drive does not result in additional cut-through traffic, functions similarly to a public street, satisfies emergency access requirements, will be maintained in a satisfactory way, and can meet naming and addressing requirements. The proposed development will be served by Bartlett Drive, which is a street-like private drive. Bartlett Drive would have a five-foot-widesidewalk, 6'-4" landscape parkway, and 30-foot wide drive. This proposed cross section meets the standards of a Residential Local Street in the Larimer County Urban Area Street Standards (Attachment 9, Figure 7-9F), in accordance with this code section. The plan will not promote significant cut through traffic, will function similarly to a public street, satisfies emergency access per 3.6.6 of the Land Use Code, ensures maintenance by the HOA, and is named properly for addressing purposes, satisfying this standard.

V. *Section 3.6.3 – Street Pattern and Connectivity Standards*

This standard requires streets to provide connections to existing streets and provide safe, convenient, and attractive streets for all modes of transportation. Pear Street stubs into the north property line of the development site. West Plum Street PUD indicates Pear Street will continue once the site develops. In accordance with this standard, the applicant proposes Bartlett Drive to continue Pear Street with an emergency access point along Elizabeth Street. A connection to Elizabeth Street from Pear Street for all modes would not meet the spacing requirements of intersections in this code section.

W. *Section 3.6.4 – Transportation Level of Service Requirements*

Developments must demonstrate that all adopted Level of Service will be achieved for all modes of transportation. All modes of transportation meet

the requisite Level of Service as part of this development by supplying a private drive and connections for bikes and pedestrians.

X. *Section 3.6.5 – Bus Stop Design Standards*

The proposed bus stop and pull out supplied by the development is consistent with the City of Fort Collins Bus Stop Design Standards and Guidelines, which satisfies this code standard.

Y. *Section 3.6.6 – Emergency Access*

All proposed developments shall provide adequate access for emergency vehicles and for those persons rendering fire protection and emergency services. The proposed development's emergency access plan has gained preliminary approval from Poudre Fire Authority for meeting all applicable code requirements.

Z. *Section 3.8.11(B) – Materials*

Fences required for screening may not be constructed out of chain link. The proposed fences would be constructed using wood and stone.

AA. *Section 3.8.11(C)*

Fences must be less than four feet in height in a side yard, less than six feet in a rear yard, and no closer than two feet to a public sidewalk. All of the fences proposed meet these requirements. Note that the sidewalk along Bartlett Drive is not a public sidewalk. This means the two-foot separation requirement does not apply for that section of fence.

4. **Compliance with Article 4 of the Land Use Code – Division 4.4, Low Density Residential (RL):**

The project complies with all applicable Article 4 standards as follows:

A. *Section 4.4(B)(2)(a) – Permitted Uses*

This section permits single-family detached dwellings subject to Administrative Review.

5. **Public Outreach Summary**

As part of this project, the applicant conducted one neighborhood meeting. This meeting occurred on February 15, 2017. At that point in time, the applicant was considering a re-zone to allow a higher density of housing. The applicant presented their two development ideas and those in attendance weighed in on both proposals. 41 neighbors participated in the neighborhood meeting. Comments primarily dealt with:

- Desire for single-family detached homes in accordance with the underlying zoning
- Concern about increase in traffic in the neighborhood
- No support for a re-zone
- Ensure irrigation lateral on-site is not impacted by development

6. Findings of Fact/Conclusion:

In evaluating the request for the Harmony Cottages Project Development Plan, Staff makes the following findings of fact:

- A. The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Modification of Standard to Section 3.8.11(A) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- C. The Project Development Plan complies with relevant standards of Article 3 – General Development Standards, provided the modification to 3.8.11(A) is approved.
- D. The Modification of Standard to Section 4.4(D)(1) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- E. The Modification of Standard to Section 4.4(D)(2)(a) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the

public good and the proposal submitted is equal to or better than a proposal that would meet the code.

- F. The Project Development Plan complies with relevant standards located in Division 4.4, Low Density Residential District (RL) of Article 4 – Districts, provided the modifications to 4.4(D)(1) and 4.4(D)(2)(a) are approved.

RECOMMENDATION:

Staff recommends approval of the modification requests and 2620 W Elizabeth St. – Single-family Detached, PDP160037.

ATTACHMENTS:

1. Zoning & Site Vicinity Map
2. Statement of Planning Objectives
3. Elizabeth Street Farms Subdivision Plat
4. Planning Document Set (includes site plan, landscape plan, and photometric plan)
5. Modification Requests and Alternative Compliance Request
6. Ecological Characterization Study
7. Utility Plan Set
8. Larimer County Urban Area Street Standards Fort Collins Figures
9. Neighborhood Meeting Summary