



May 15, 2013

Planning, Development and
Transportation
Current Planning
281 North College Ave.
P.O. Box 580
Fort Collins, CO 80522-0580
970.221.6750
970.224.6134 - fax
fcgov.com/developmentreview

Dear Resident/Property Owner:

On Thursday, May 30, 2013, at 6:30 p.m., in Conference Room A, 281 North College Avenue, Fort Collins, Colorado, a City of Fort Collins Hearing Officer will conduct a public hearing to consider a development project in your area. **The project is referred to as the Stoner Subdivision, Project Development Plan, #PDP130005 with two Modifications of Standard.**

This is a request to consider the replat of Lots 14 and 15, Block 5, of Kenwood Heights into two new lots. The project site is a total of 15,987 square feet located at 502 Wayne Street, at the southeast corner of Wayne and Magnolia Streets. A location map is shown on the back of this letter. An existing single family dwelling would remain on the newly created west lot (Lot 1), and the 502 Wayne Street address would remain. A new two-story single-family dwelling is proposed on the new lot created to the east (Lot 2), and a new Magnolia Street address would be created for the new dwelling. The project is located in the (N-C-L) - Neighborhood Conservation Low Density zone district, and is subject to an administrative (Type I) review. Two Modifications of Standard to the Land Use Code accompany the request. The first Modification addresses Section 4.7(F)(7) which states that no lot may be further subdivided to create a new lot in the rear portion of the existing lot. The second Modification addresses Section 3.6.2(J)(2) which requires that portions of alleys be paved in conjunction with this proposed use. The project proposes a lot subdivision and that the alley frontage remains unpaved. The plans are available online for your review at:

<http://www.fcgov.com/developmentreview/agendas.php>

The City's Hearing Officer considers your input an important part of the City's review of the proposal. If you are unable to attend this meeting, but would like to provide input, written comments are welcome via U.S. mail to the address above or please e-mail me at jholland@fcgov.com. The list of affected property owners for this neighborhood meeting is derived from official records of the Larimer County Assessor. Because of the lag time between home occupancy and record keeping, or because of rental situations, a few affected property owners may have been missed. Please feel free to notify your neighbors of this hearing so that all may have an opportunity to attend. Thank you for your time and participation in the City's planning process.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Holland", is written over a horizontal line.

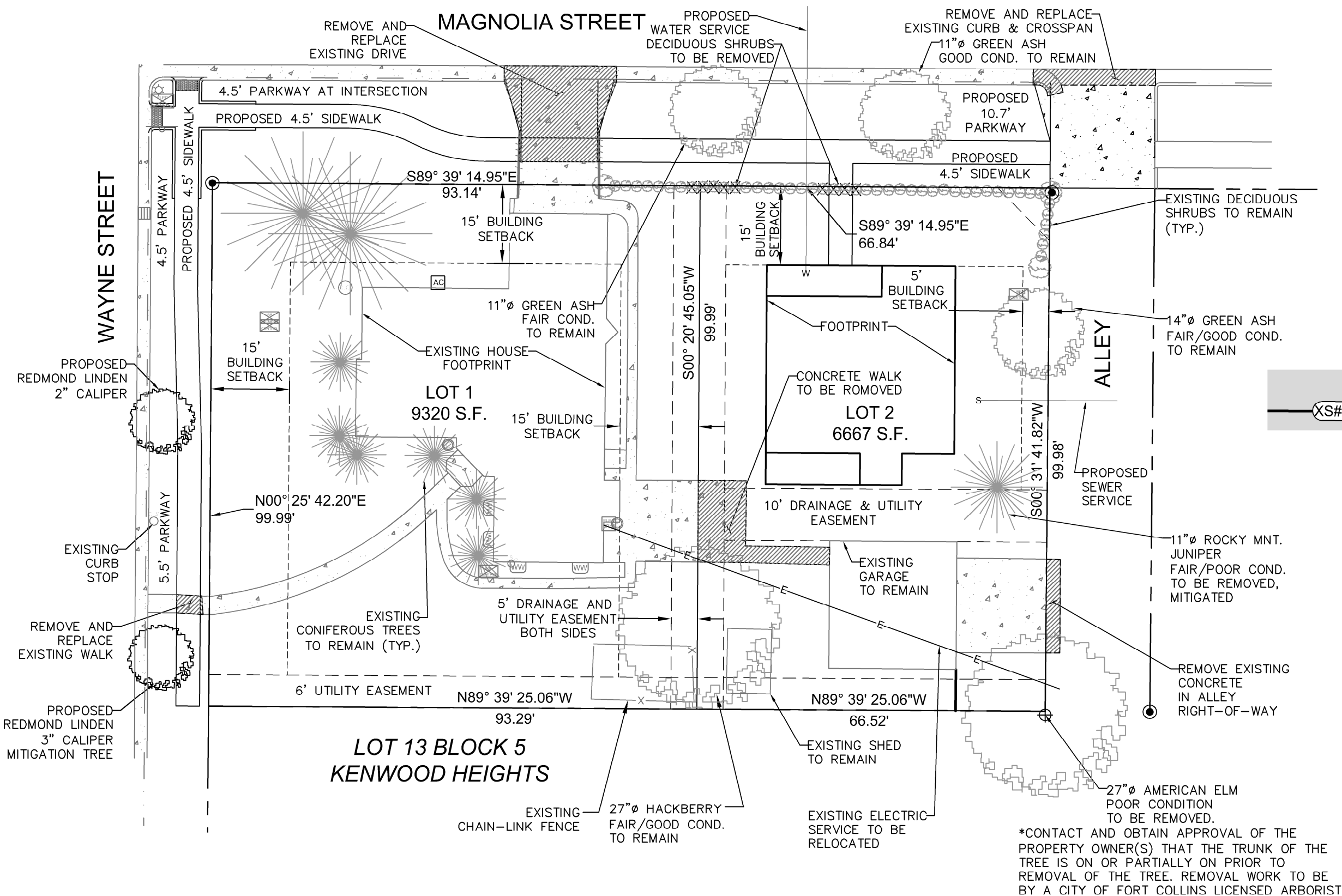
Jason Holland, RLA
City Planner

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. Please call 970-221-6750 for assistance.

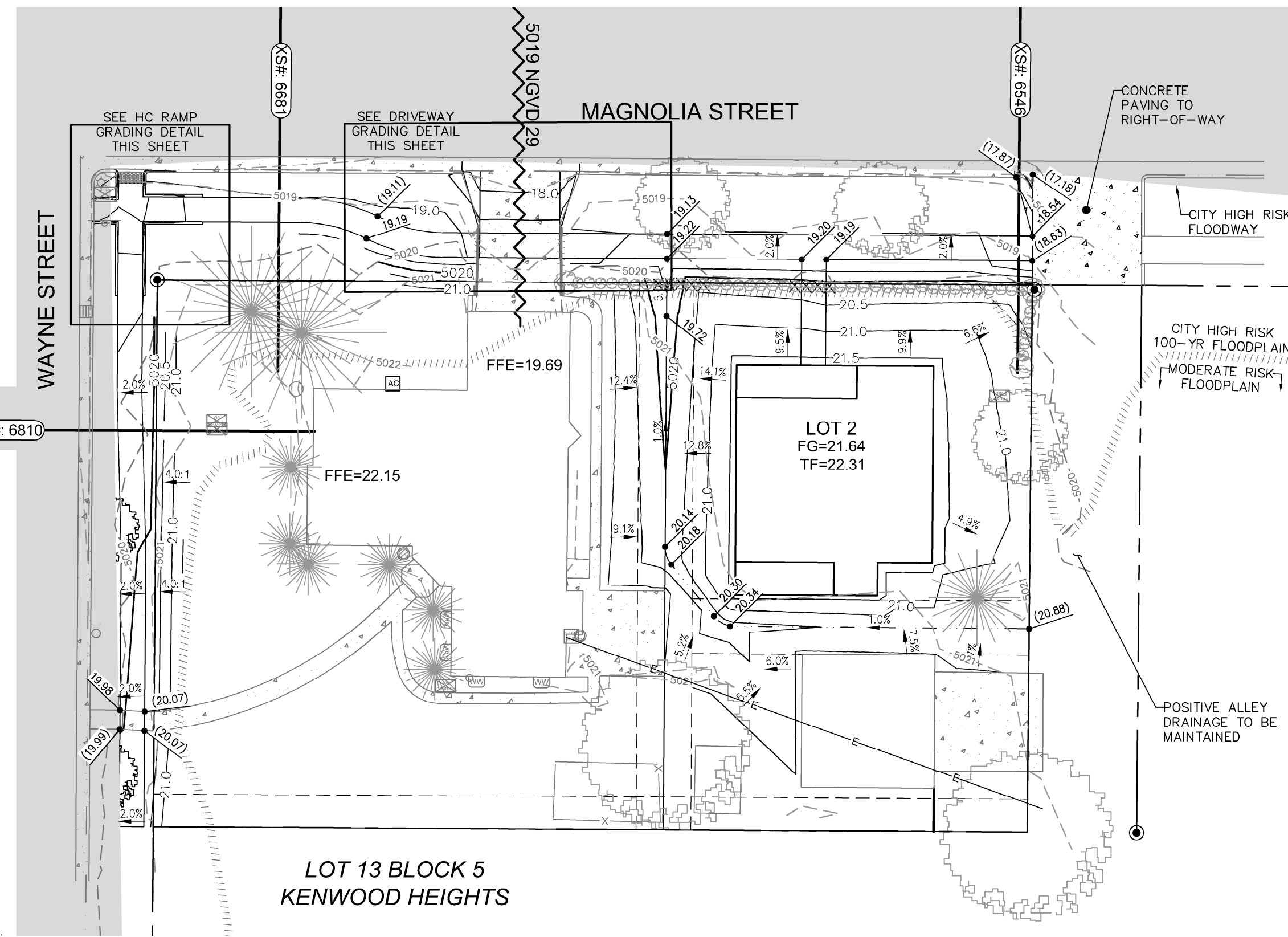
STONER SUBDIVISION PROJECT DEVELOPMENT PLAN

AS A REPLAT OF LOTS 14 AND 15, BLOCK 5, KENWOOD HEIGHTS
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6th P.M.
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

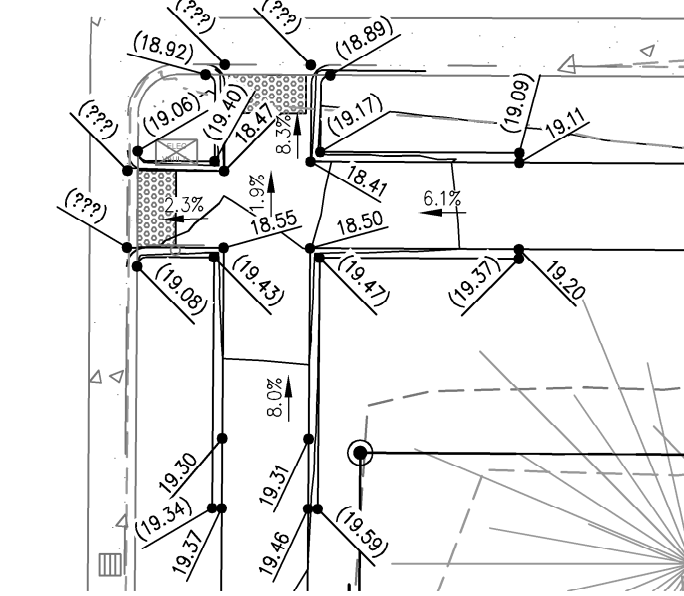
SITE, LANDSCAPE AND UTILITY PLAN



GRADING AND DRAINAGE PLAN

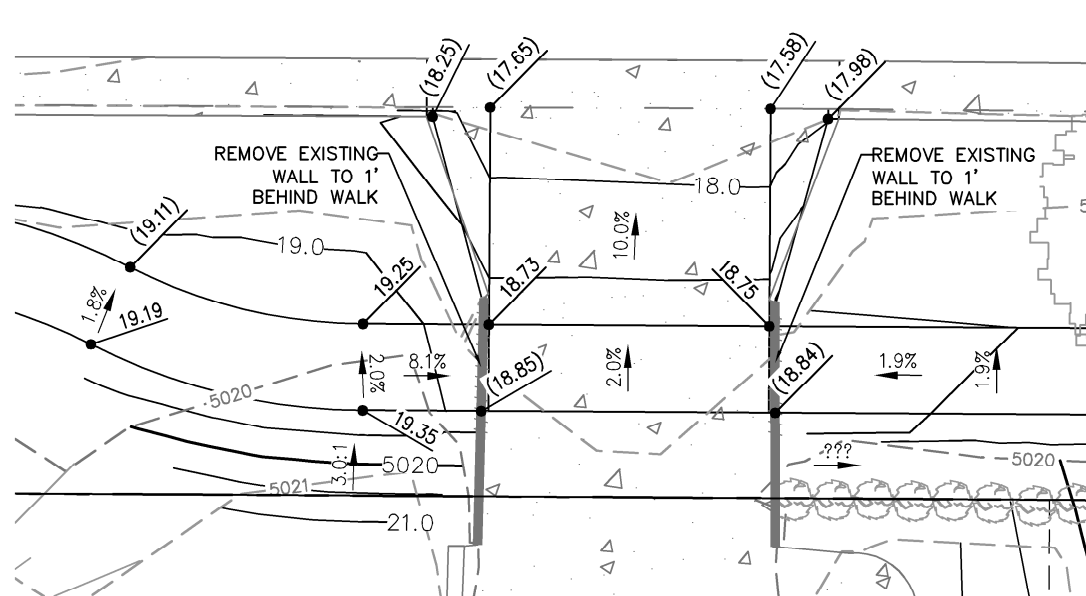


| SITE PLAN TABULATIONS | | | |
|--|---------|-------|----------|
| EXISTING ZONING: NEIGHBORHOOD CONSERVATION, LOW DENSITY DISTRICT | | | |
| | | | |
| GROSS LAND AREA | SF | AC | REAR 50% |
| LOT 1 | 9320 | 0.214 | 4660 |
| LOT 2 | 6667 | 0.153 | 3333 |
| TOTAL GROSS AREA | 15987 | 0.367 | 7993 |
| TOTAL DWELING UNITS | | 2 | |
| OVERALL DENSITY (UNITS/ACRE) | | 5.4 | |
| | | | |
| DENSITY CALCULATIONS | | SF | REAR 50% |
| | | | |
| LOT 1 | | | |
| TOTAL FLOOR AREA | 2184 | 519 | |
| MINIMUM LOT AREA, 2.5 X FA = | 5460 | - | |
| REAR 50% FLOOR AREA RATIO | - | 0.11 | |
| | | | |
| LOT 2 | | | |
| PRINCIPAL BUILDING | 1212 | 81 | |
| SECOND FLOOR AREA | 504 | - | |
| GARAGE FLOOR AREA | 590 | 590 | |
| TOTAL FLOOR AREA | 2306 | 671 | |
| MINIMUM LOT AREA, 2.5 X FA = | 5766 | - | |
| REAR 50% FLOOR AREA RATIO | - | 0.20 | |
| | | | |
| BUILDING HEIGHT | | | |
| LOT 2-PRINCIPAL BUILDING | 2 | | |
| LOT 2-SECONDARY BUILDING | 1 | | |
| | | | |
| HOUSING TYPES | | | |
| SINGLE-FAMILY TWO BEDROOM UNITS | | 2 | |
| | | | |
| AREA COVERAGE | | | |
| BUILDING COVERAGE | 4329.84 | 27% | |
| DRIVEWAYS | 398 | 2% | |
| OPEN SPACE AND LANDSCAPING | 10321 | 65% | |
| HARDSCAPE | 938 | 6% | |
| PUBLIC STREET RIGHT-OF-WAY | 0 | 0% | |
| TOTAL | 15987 | 100% | |

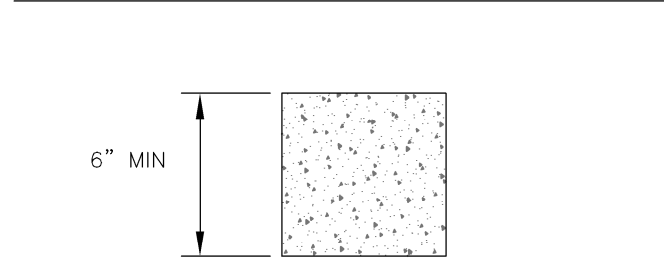


HC RAMP GRADING DETAIL

RAMPS AND WARNING DOMES TO BE CONSTRUCTED PER LCUASS DETAILS 1606 AND 1607.



DRIVEWAY GRADING DETAIL



CONCRETE DRIVE TYPICAL SECTION

TREE PROTECTION NOTES:

- WITHIN THE DRIP LINE OF ANY PROTECTED EXISTING TREE, THREE SHOULD BE NO CUT OR FILL OVER A FOUR-INCH DEPTH UNLESS A QUALIFIED ARBORIST OR FORESTER HAS EVALUATED AND APPROVED THE DISTURBANCE.
- ALL PROTECTED EXISTING TREES SHALL BE PRUNED TO THE CITY OF FORT COLLINS FORESTRY STANDARDS.
- PRIOR TO AND DURING CONSTRUCTION, BARRIERS SHALL BE ERCTED AROUND ALL PROTECTED EXISTING TREES WITH SUCH BARRIERS TO BE OF ORANGE FENCING A MINIMUM OF FOUR (4) FEET IN HEIGHT, SECURED WITH METAL T-POSTS, NO CLOSER THAN SIX (6) FEET FROM THE TRUNK OR ONE-HALF (1/2) OF THE DRIP LINE, WHICHEVER IS GREATER. THERE SHALL BE NO STORAGE OR MOVEMENT OF EQUIPMENT, MATERIAL, DEBRIS OR FILL WITHIN THE FENCED TREE PROTECTION ZONE.
- DURING THE CONSTRUCTION STAGE OF DEVELOPMENT, THE APPLICANT SHALL PREVENT THE CLEANING OF EQUIPMENT OR MATERIAL OR THE STORAGE AND DISPOSAL OF WASTE MATERIAL SUCH AS PAINTS, OILS, SOLVENTS, ASPHALT, CONCRETE, MOTOR OIL OR ANY OTHER MATERIAL HARMFUL TO THE LIFE OF A TREE WITHIN THE DRIP LINE OF ANY PROTECTED TREE OR GROUP OF TREES.
- NO DAMAGING ATTACHMENT, WIRES, SIGNS OR PERMITS MAY BE FASTENED TO ANY PROTECTED TREE.
- LARGE PROPERTY AREAS CONTAINING PROTECTED TREES AND SEPARATED FROM CONSTRUCTION OR LAND CLEARING AREAS, ROAD RIGHTS-OF-WAY AND UTILITY EASEMENTS MAY BE "RIBBONED OFF," RATHER THAN ERECTING PROTECTIVE FENCING AROUND EACH TREE AS REQUIRED IN SUBSECTION (G)(3) ABOVE. THIS MAY BE ACCOMPLISHED BY PLACING METAL T-POST STAKES A MAXIMUM OF FIFTY (50) FEET APART AND TYING RIBBON OR ROPE FROM STAKE-TO-STAKE ALONG THE OUTSIDE PERIMETERS OF SUCH AREAS BEING CLEARED.
- THE INSTALLATION OF UTILITIES, IRRIGATION LINES OR ANY UNDERGROUND FIXTURE REQUIRING EXCAVATION DEEPER THAN SIX (6) INCHES SHALL BE ACCOMPLISHED BY BORING UNDER THE ROOT SYSTEM OF PROTECTED EXISTING TREES AT A MINIMUM DEPTH OF TWENTY-FOUR (24) INCHES. THE AUGER DISTANCE IS ESTABLISHED FROM THE FACE OF THE TREE (OUTER BARK) AND IS SCALED FROM TREE DIAMETER AT BREAST HEIGHT AS DESCRIBED IN THE CHART BELOW.

| TREE DIAMETER AT BREAST HEIGHT (INCHES) | AUGER DISTANCE FROM FACE OF TREE (FEET) |
|---|---|
| 0-2 | 1 |
| 3-4 | 2 |
| 5-9 | 5 |
| 10-14 | 10 |
| 15-19 | 12 |
| OVER 19 | 15 |

OWNER

STONER FAMILY LIMITED DEVELOPMENT
502 WAYNE ST
FORT COLLINS, COLORADO 80521

DEVELOPER/APPLICANT

THE GROUP INC.
375 E HORSETOOTH ROAD
FORT COLLINS, COLORADO 80525
(970) 223-0700

OWNER'S CERTIFICATION

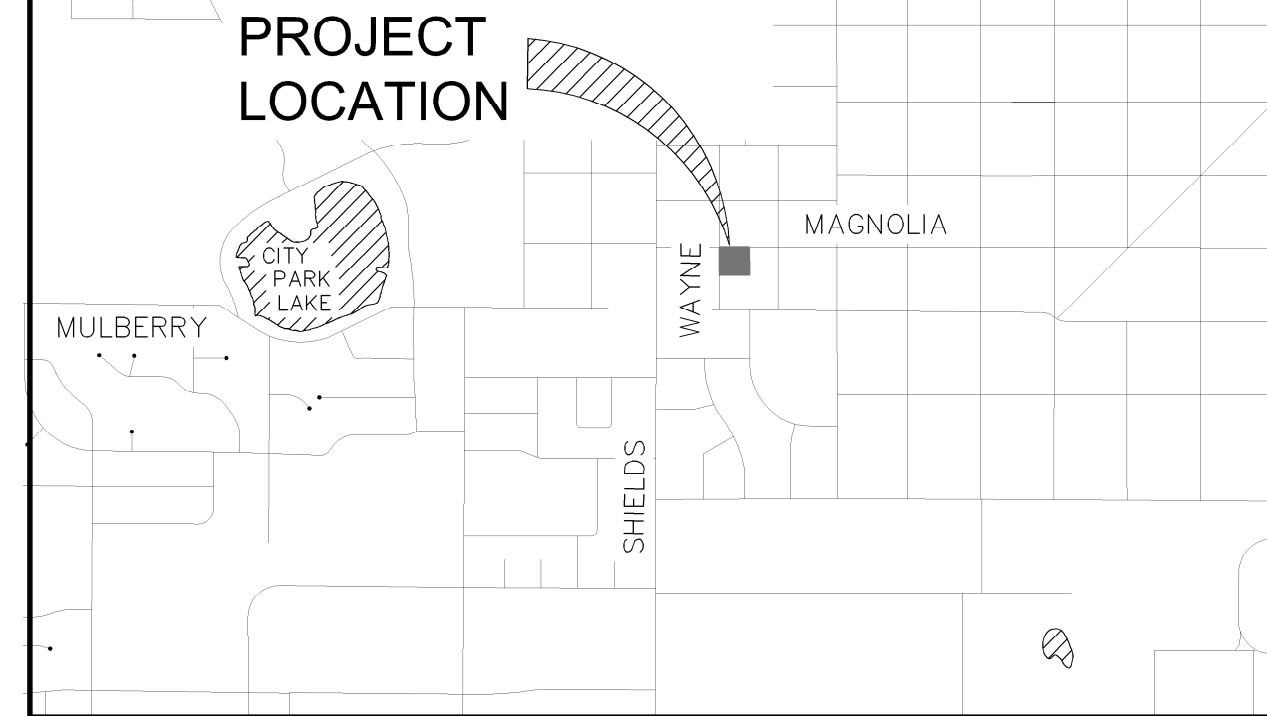
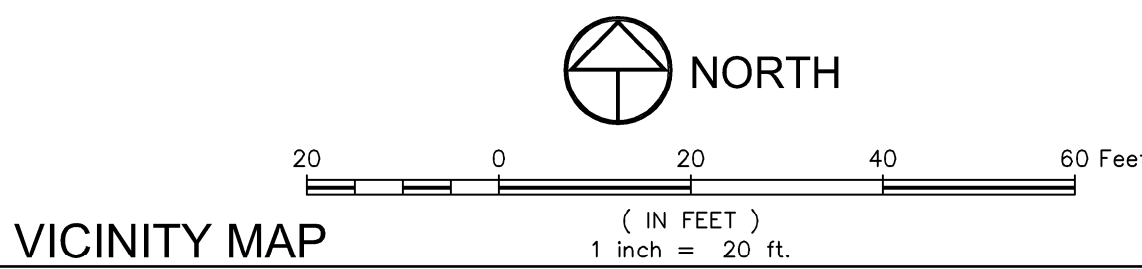
THE UNDERSIGNED DOES/DO HEREBY CERTIFY THAT I/WE ARE THE LAWFUL OWNERS OF THE REAL PROPERTY DESCRIBED ON THIS SITE PLAN AND DO HEREBY CERTIFY THAT I/WE ACCEPT THE CONDITIONS AND RESTRICTIONS SET FORTH ON SAID SITE PLAN.

OWNER _____ DATE _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____ A.D., _____ BY _____
(PRINT NAME)
AS _____
MY COMMISSION EXPIRES: _____
WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC _____ ADDRESS _____

PLANNING CERTIFICATE

APPROVED BY THE DIRECTOR OF PLANNING OF THE CITY OF FORT COLLINS, COLORADO ON THIS _____ DAY OF _____, 20____.
DIRECTOR OF PLANNING _____



LEGEND:

| | |
|-----------------------------------|--|
| EXISTING CURB & GUTTER | |
| PROPERTY BOUNDARY | |
| PROPOSED LOTLINE | |
| EASEMENT LINE | |
| BUILDING ENVELOPE | |
| EXISTING FENCE | |
| EXISTING LIGHT POLE | |
| EXISTING ELECTRIC METER | |
| EXISTING CURB STOP | |
| EXISTING IRRIGATION BOX | |
| EXISTING ELECTRIC BOX | |
| EXISTING POWER POLE | |
| EXISTING GAS METER | |
| EXISTING AC UNIT | |
| EXISTING ELECTRIC BREAKER | |
| EXISTING CLEAN OUT | |
| EXISTING WINDOW WELL | |
| EXISTING TREES TO REMAIN | |
| EXISTING SHRUBS TO REMAIN | |
| EXISTING SHRUBS TO BE REMOVED | |
| PROPOSED STREET TREE | |
| PROPOSED SPOT ELEVATION | |
| EXISTING SPOT ELEVATION | |
| PROPOSED SLOPES | |
| EXISTING 100-YEAR CITY FLOODPLAIN | |
| EXISTING 100-YEAR CITY FLOODWAY | |
| CROSS-SECTION (CSL) | |
| ELEVATION NGVD 29 (UNADJUSTED) | |
| BASE FLOOD ELEVATION (BFE) | |

PROPERTY DESCRIPTION:

BEING A REPLAT OF LOTS 14 AND 15, BLOCK 5, KENWOOD HEIGHTS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF BLOCK 5, KENWOOD HEIGHTS AS BEARING SOUTH 89° 39' 15" EAST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO,

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 5; THENCE, SOUTH 89° 39' 15" EAST, 159.98 FEET; THENCE, SOUTH 00° 31' 42" WEST, 99.98 FEET; THENCE, NORTH 89° 39' 25" WEST, 159.80 FEET; THENCE, NORTH 00° 25' 42" EAST, 99.99 FEET TO THE POINT OF BEGINNING, CONTAINS 15,987 SQUARE FEET OR 0.367 ACRES, MORE OR LESS.

GENERAL NOTES:

- THE FINAL PLANS ARE INTENDED TO SHOW THE GENERAL CHARACTER OF THE BUILDING ELEVATIONS AND FOOTPRINT FOR LOT 2. BUILDING PLANS FOR LOT 2 SUBMITTED AT THE TIME OF BUILDING PERMIT APPLICATION MAY VARY FROM THE FINAL PLANS, PROVIDED THAT THE GENERAL CHARACTER OF THE BUILDING ELEVATIONS AND FOOTPRINT IS SIMILAR AND THE PLANS ARE IN COMPLIANCE WITH THE APPLICABLE CODE REQUIREMENTS IN EFFECT AT THE TIME OF THIS PROJECT SUBMITTAL. AT THE TIME OF BUILDING PERMIT, BUILDING PLANS SHALL BE REVIEWED FOR COMPLIANCE WITH THE PLANS AND ELEVATIONS INCLUDED WITH THE FINAL PLANS. THE DIRECTOR SHALL DETERMINE WHETHER THE APPROVAL OF VARIATIONS FROM THESE PLANS SHALL BE PERMITTED AS PART OF THE BUILDING PERMIT OR MINOR AMENDMENT OR MAJOR AMENDMENT TO THESE PLANS.
- ALL HARD SURFACES FROM HOUSE, GARAGE, AND DRIVEWAY TO DRAIN TO MAGNOLIA AND/OR THE ALLEY.
- EXISTING ELEVATIONS RECORDED SHOWN ON GRADING PLAN, ABOVE RIGHT, ARE SHOWN IN PARENTHESES (XX.XX).
- REFER TO SHEET S1 FOR THE APPROVED BUILDING ELEVATIONS FOR THIS PLAN. BUILDING ELEVATIONS SHALL BE POSITIONED IN THE BUILDING ENVELOPE IN ACCORDANCE WITH THE SETBACK AND BUILDING HEIGHT REQUIREMENTS IN LAND USE CODE SECTION 4.7(E).
- EXISTING SANITARY SERVICE FOR LOT 1 TO BE RE-LOCATED THROUGH 10' UTILITY EASEMENT NORTH OF THE EXISTING GARAGE. WATER AND SEWER SERVICES ARE PROPOSED FOR LOT 2. CONTRACTOR SHALL COORDINATE WITH ADJACENT PROPERTY OWNER REGARDING REPLACEMENT AND SERVICE OUTAGE. CONTRACTOR SHALL NOTIFY CITY OF FORT COLLINS WATER/WASTEWATER DEPARTMENT PRIOR TO STARTING WORK.
- A PERMIT MUST BE OBTAINED FROM THE CITY FORESTER BEFORE ANY TREES OR SHRUBS AS NOTED ON THIS PLAN ARE PLANTED, PRUNED OR REMOVED WITHIN THE PUBLIC RIGHT-OF-WAY. THIS PERMIT SHALL APPROVE THE LOCATION AND SPECIES TO BE PLANTED. FAILURE TO OBTAIN THIS PERMIT MAY RESULT IN REPLACING OR RELOCATING TREES AND A HOLD ON CERTIFICATE OF OCCUPANCY. TREE PRUNING AND REMOVAL WORK TO BE PERFORMED BY A CITY OF FORT COLLINS LICENSED ARBORIST WHERE REQUIRED BY CODE.
- PLACEMENT OF ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE SIGHT DISTANCE CRITERIA AS SPECIFIED BY THE CITY OF FORT COLLINS. NO STRUCTURES OR LANDSCAPE ELEMENTS GREATER THAN 24" SHALL BE ALLOWED WITHIN THE SIGHT DISTANCE TRIANGLE OR EASEMENT WITH THE EXCEPTION OF DECIDUOUS TREES PROVIDING THE LOWEST BRANCH IS AT LEAST 6' FROM GRADE. ANY FENCES WITHIN THE SIGHT DISTANCE TRIANGLE OR EASEMENT SHALL BE NO MORE THAN 42" IN HEIGHT AND OF AN OPEN DESIGN.

STONER SUBDIVISION

SITE PLAN

Sheet

S1

Of 1 Sheets

Revisions: No. _____ Date: _____
REVIEW SET
NOT FOR CONSTRUCTION
05/15/13

These drawings are instruments of service provided by Northern Engineering Services, Inc. and are not to be used for any type of construction without the approval of a Professional Engineer in the employ of Northern Engineering Services, Inc.

**NORTHERN
ENGINEERING**

NE
200 South College Avenue, Suite 010
Fort Collins, Colorado 80524
PHONE: 970.221.4158 FAX: 970.221.4159
www.northernengineering.com

PROJECT: 358-002 DATE: MAY 15, 2013
DESIGNED BY: N. Haws SCALE: 1" = 20'
DRAWN BY: A. Brees REVIEWED BY: N. Haws

STONER SUBDIVISION

BEING A REPLAT OF LOTS 14 & 15, BLOCK 5, KENWOOD HEIGHTS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, STATE OF COLORADO

STATEMENT OF OWNERSHIP AND SUBDIVISION:

Know all persons by these presents, that the undersigned owner(s) of the following described land:

Being a replat of Lots 14 and 15, Block 5, Kenwood Heights located in the Southwest Quarter of Section 11, Township 7 North, Range 69 West of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado, more particularly described as follows:

Considering the North line of Block 5, Kenwood Heights as bearing South 89° 39' 15" East, and with all bearings contained herein relative thereto,

BEGINNING at the Northwest corner of said Block 5; thence, South 89° 39' 15" East, 159.98 feet; thence, South 00° 31' 42" West, 99.98 feet; thence, North 89° 39' 25" West, 159.80 feet; thence, North 00° 25' 42" East, 99.99 feet to the POINT OF BEGINNING, contains 15,987 square feet or 0.367 acres, more or less.

For themselves and their successors in interest (collectively "Owner") have caused the above described land to be surveyed and subdivided into lots, tracts and streets as shown on this Plat to be known as STONER SUBDIVISION (the "Development"), subject to all easements and rights-of-way now of record or existing or indicated on this Plat. The rights and obligations of this Plat shall run with the land.

CERTIFICATE OF DEDICATION:

The Owner does hereby dedicate and convey to the City of Fort Collins, Colorado (hereafter "City"), for public use, forever, a permanent right-of-way for street purposes and the "Easements" as laid out and designated on this Plat; provided, however, that (1) acceptance by the City of this dedication of Easements does not impose upon the City a duty to maintain the Easements so dedicated, and (2) acceptance by the City of this dedication of streets does not impose upon the City a duty to maintain streets so dedicated until such time as the provisions of the Maintenance Guarantee have been fully satisfied. The streets dedicated on this Plat are the fee property of the City as provided in Section 31-23-107 C.R.S. The City's rights under the Easements include the right to install, operate, access, maintain, repair, reconstruct, remove and replace within the Easements public improvements consistent with the intended purpose of the Easements; the right to install, maintain and use gates in any fences that cross the Easements; the right to mark the location of the Easements with suitable markers; and the right to permit other public utilities to exercise these same rights. Owner reserves the right to use the Easements for purposes that do not interfere with the full enjoyment of the rights hereby granted. The City is responsible for maintenance of its own improvements and for repairing any damage caused by its activities in the Easements, but by acceptance of this dedication, the City does not accept the duty of maintenance of the Easements, or of improvements in the Easements that are not owned by the City. Owner will maintain the surface of the Easements in a sanitary condition in compliance with any applicable weed, nuisance or other legal requirements.

Except as expressly permitted in an approved plan of development or other written agreement with the City, Owner will not install on the Easements, or permit the installation on the Easements, of any building, structure, improvement, fence, retaining wall, sidewalk, tree or other landscaping (other than usual and customary grasses and other ground cover). In the event such obstacles are installed in the Easements, the City has the right to require the Owner to remove such obstacles from the Easements. If Owner does not remove such obstacles, the City may remove such obstacles without any liability or obligation for repair and replacement thereof, and charge the Owner the City's costs for such removal. If the City chooses not to remove the obstacles, the City will not be liable for any damage to the obstacles or any other property to which they are attached.

The rights granted to the City by this Plat inure to the benefit of the City's agents, licensees, permittees and assigns.

OWNER:

BY: _____

STATE OF COLORADO)
 JSS
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, as _____ of _____.

Witness my hand and official seal

My commission expires: _____

Notary Public

LIENHOLDER:

BY: _____

STATE OF COLORADO)
 JSS
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, as _____ of _____.

Witness my hand and official seal

My commission expires: _____

Notary Public

MAINTENANCE GUARANTEE:

The Owner hereby warrants and guarantees to the City, for a period of two (2) years from the date of completion and first acceptance by the City of the improvements warranted hereunder, the full and complete maintenance and repair of the improvements to be constructed in connection with the Development which is the subject of this Plat. This warranty and guarantee is made in accordance with the City Land Use Code and/or the Transitional Land Use Regulations, as applicable. This guarantee applies to the streets and all other appurtenant structures and amenities lying within the rights-of-way, Easements and other public properties, including, without limitation, all curbing, sidewalks, bike paths, drainage pipes, culverts, catch basins, drainage ditches and landscaping. Any maintenance and/or repair required on utilities shall be coordinated with the owning utility company or department.

The Owner shall maintain said improvements in a manner that will assure compliance on a consistent basis with all construction standards, safety requirements and environmental protection requirements of the City. The Owner shall also correct and repair, or cause to be corrected and repaired, all damages to said improvements resulting from development-related or building-related activities. In the event the Owner fails to correct any damages within thirty (30) days after written notice thereof, then said damages may be corrected by the City and all costs and charges billed to and paid by the Owner. The City shall also have any other remedies available to it as authorized by law. Any damages which occurred prior to the end of said two (2) year period and which are unrepaired at the termination of said period shall remain the responsibility of the Owner.

REPAIR GUARANTEE:

In consideration of the approval of this final Plat and other valuable consideration, the Owner does hereby agree to hold the City harmless for a five (5) year period, commencing upon the date of completion and first acceptance by the City of the improvements to be constructed in connection with the development which is the subject of this Plat, from any and all claims, damages, or demands arising on account of the design and construction of public improvements of the property shown herein; and the Owner furthermore commits to make necessary repairs to said public improvements, to include, without limitation, the roads, streets, fills, embankments, ditches, cross pans, sub-drains, culverts, walls and bridges within the right-of-way, Easements and other public properties, resulting from failures caused by design and/or construction defects. This agreement to hold the City harmless includes defects in materials and workmanship, as well as defects caused by or consisting of settling trenches, fills or excavations.

Further, the Owner warrants that he/she owns fee simple title to the property shown hereon and agrees that the City shall not be liable to the Owner or his/her successors in interest during the warranty period, for any claim of damages resulting from negligence in exercising engineering techniques and due caution in the construction of cross drains, drives, structures or buildings, the changing of courses of streams and rivers, flooding from natural creeks and rivers, and any other matter whatsoever on private property. Any and all monetary liability occurring under this paragraph shall be the liability of the Owner. I further warrant that I have the right to convey said land according to this Plat.

NOTICE OF OTHER DOCUMENTS:

All persons take notice that the Owner has executed certain documents pertaining to this Development which create certain rights and obligations of the Development, the Owner and/or subsequent Owners of all or portions of the Development site, many of which obligations constitute promises and covenants that, along with the obligations under this Plat, run with the land. The said documents may also be amended from time to time and may include, without limitation, the Development Agreement, Site And Landscape Covenants, Final Site Plan, Final Landscape Plan, and Architectural Elevations, which documents are on file in the office of the clerk of the City and should be closely examined by all persons interested in purchasing any portion of the Development site.

ATTORNEY'S CERTIFICATION

I hereby certify that this Subdivision Plat has been duly executed as required pursuant to Section 2.2.3(C)(3)(a) through (e) inclusive of the Land Use Code of the City of Fort Collins and that all persons signing this Subdivision Plat on behalf of a corporation or other entity are duly authorized signatories under the laws of the State of Colorado. This Certification is based upon the records of the Clerk and Recorder of Larimer County, Colorado as of the date of execution of the Plat and other information discovered by me through reasonable inquiry and is limited as authorized by Section 2.2.3(C)(3)(f) of the Land Use Code.

Attorney: _____

Address: _____

Registration No.: _____

APPROVED AS TO FORM, CITY ENGINEER

By the City Engineer of the City of Fort Collins, Colorado this _____ day of _____ A.D., 20____.

City Engineer

PLANNING APPROVAL

By the Director of Planning the City of Fort Collins, Colorado this _____ day of _____ A.D., 20____.

Director of Planning

NOTICE

ALL RESPONSIBILITIES AND COSTS OF OPERATION, MAINTENANCE AND RECONSTRUCTION OF THE PRIVATE STREETS AND/OR DRIVES LOCATED ON THE PRIVATE PROPERTY THAT IS THE SUBJECT OF THIS PLAT SHALL BE BORNE BY THE OWNERS OF SAID PROPERTY, EITHER INDIVIDUALLY, OR COLLECTIVELY, THROUGH A PROPERTY OWNERS' ASSOCIATION, IF APPLICABLE. THE CITY OF FORT COLLINS SHALL HAVE NO OBLIGATION OF OPERATION, MAINTENANCE OR RECONSTRUCTION OF SUCH PRIVATE STREETS AND/OR DRIVES NOR SHALL THE CITY HAVE ANY OBLIGATION TO ACCEPT SUCH STREETS AND/OR DRIVES AS PUBLIC STREETS OR DRIVES.

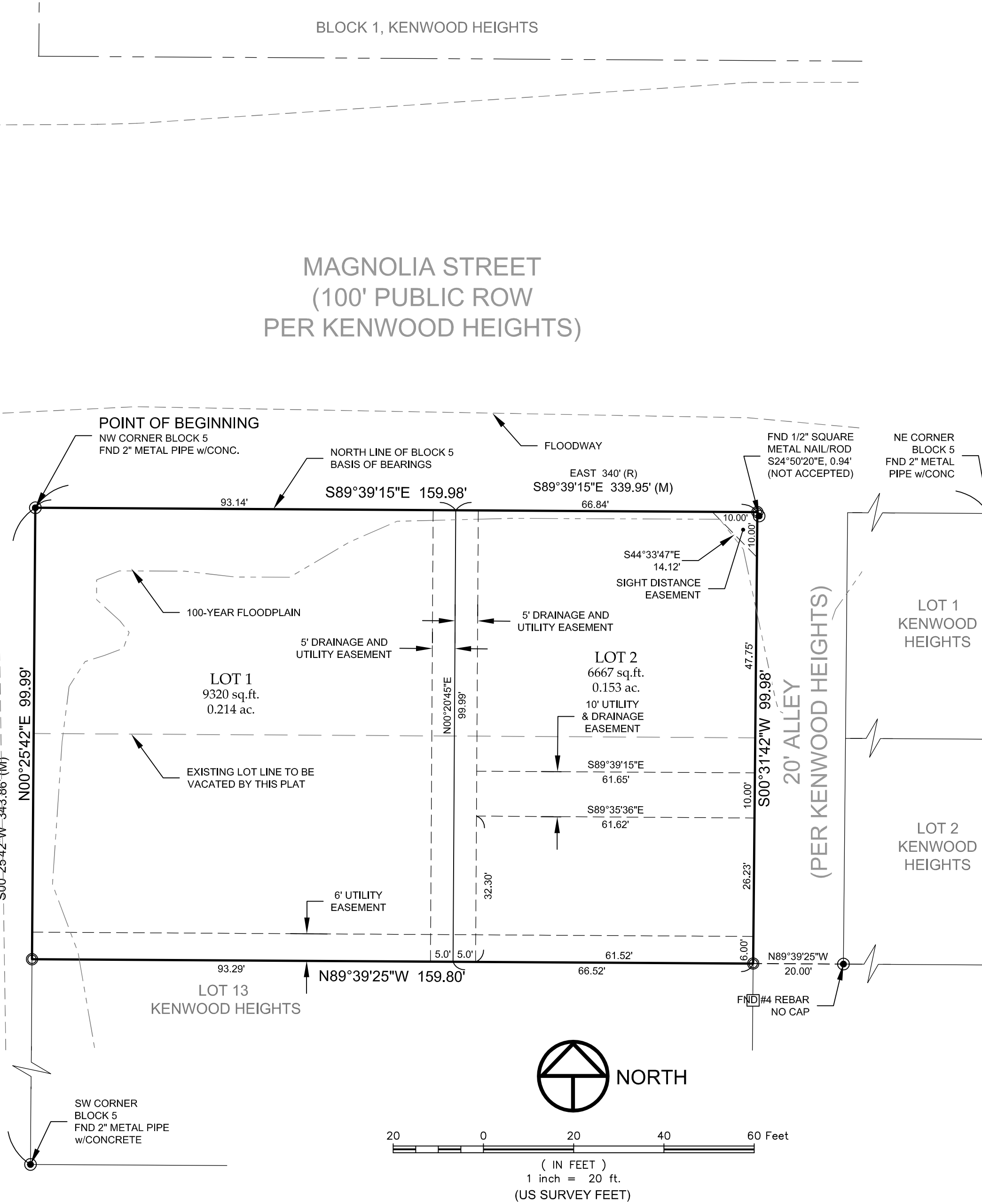
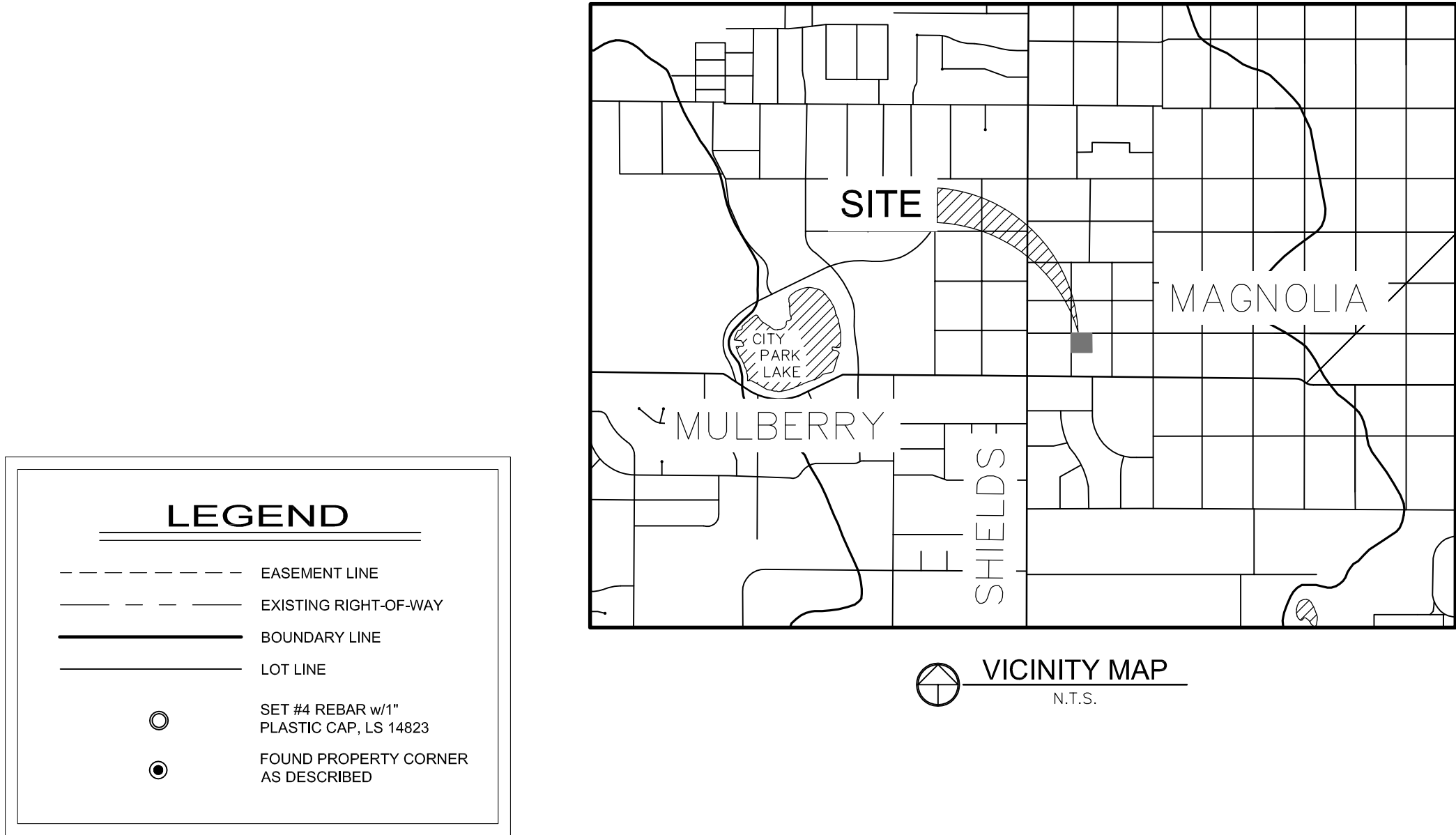
SURVEYOR'S STATEMENT

I, Gerald D. Gilliland, a Colorado Registered Professional Land Surveyor do hereby state that this Subdivision Plat was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon were found or set as shown, and that the foregoing plat is an accurate representation thereof, all this to the best of my knowledge, information and belief.

Gerald D. Gilliland
Colorado Registered Professional
Land Surveyor No. 14823

NOTES:

- The Basis of Bearings is the North line of Block 5, Kenwood Heights, as bearing South 89°39'15" East (assumed bearing) as monumented on drawing.
- All information regarding easements, right-of-way or title of record, Northern Engineering relied upon File Number 598-H0356401-081-TMY prepared by Heritage Title Company, dated November 21, 2012.
- The lineal unit of measurement for this plat is U.S. Survey Feet.



NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION: 11
TOWNSHIP: 7N
RANGE: 69 W of the 6th PM

NORTHERN ENGINEERING
200 South College Avenue, Suite 10
Fort Collins, Colorado 80524
PHONE: 970.221.4158 FAX: 970.221.4159
www.northerneng.com

PROJECT: 358-002
DATE: 04/15/13
DESIGNED BY:
DRAWN BY: U. Smith
REVIEWED BY: G. Gilliland
SCALE: 1"=20'

STONER SUBDIVISION
CITY OF FORT COLLINS
STATE OF COLORADO

Sheet
1
Of 1 Sheet

1234567

A

B

C

D

E

A

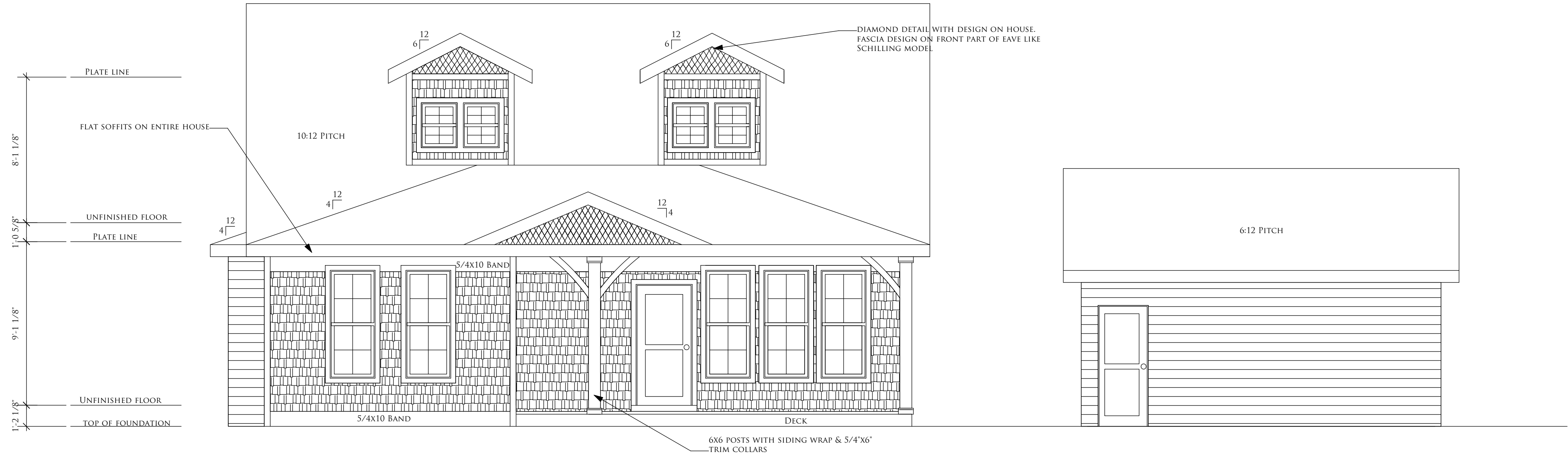
B

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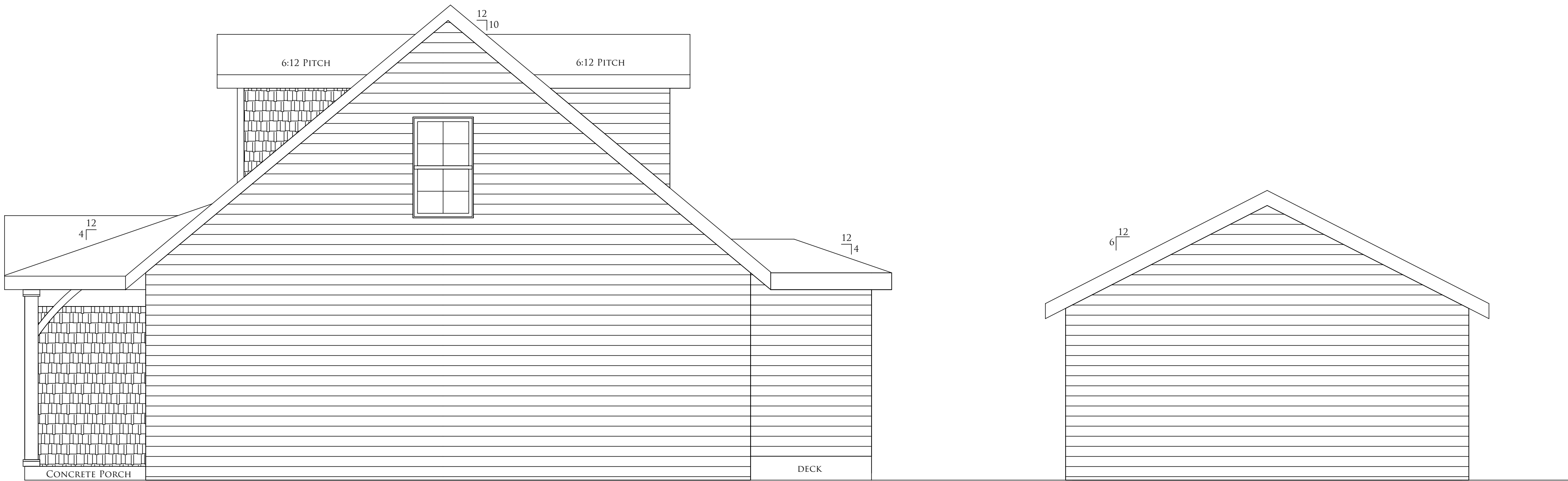
E

Stoner Subdivision



FRONT EXTERIOR ELEVATION OPTION ONE

SCALE: 1/4" = 1' - 0"



RIGHT EXTERIOR ELEVATION OPTION ONE

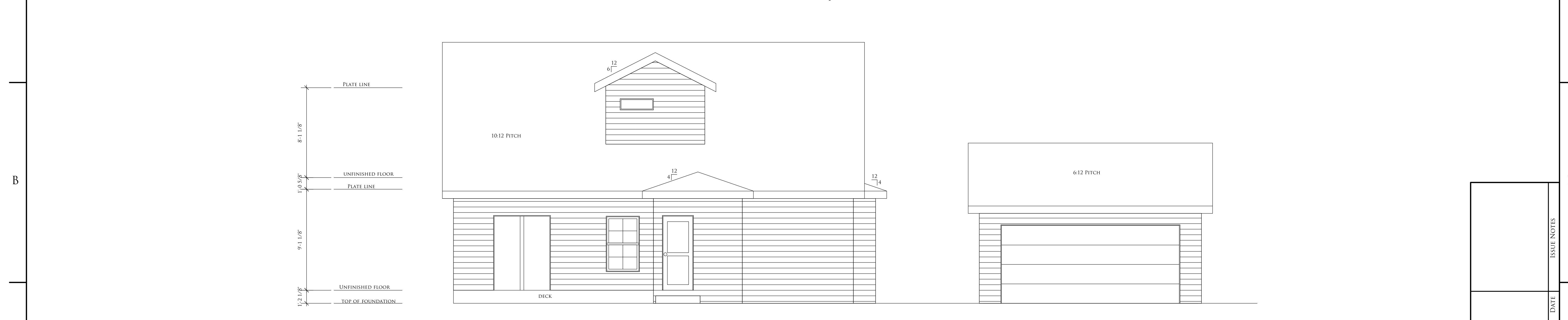
SCALE: 1/4" = 1' - 0"

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Stoner Subdivision

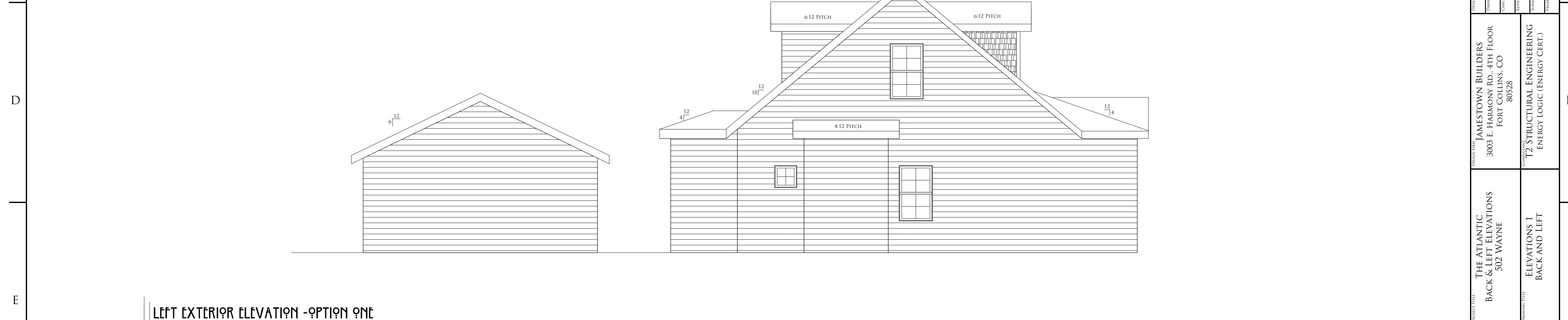


REAR EXTERIOR ELEVATION -OPTION ONE

SCALE: 1/4" = 1' - 0"

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| DATE | 4/12/12 | REVISION | 1 | NO. | |
| PROJECT | THE ATLANTIC | | | | |
| DRAWING CODE | DRAWING CODE | | | | |
| CDD FILE NAME | ATLANTIC MASTER.VWX | | | | |
| PLOT DATE | 00/00/00 | | | | |

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| DRAWN BY ANNE MARKS | CHECKED BY JTB | |
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SCALE: 1/4" = 1' - 0"

SCALE SHEET SCALE

DRAWING NO.

EV-6

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| THE ATLANTIC BACK & LEFT ELEVATIONS 502 WAYNE | | JAMESTOWN BUILDERS 3003 E. HARMONY RD., 4TH FLOOR FORT COLLINS, CO 80528 | | AARON EVERITT | | 4/12/12 | |
| SCALE | | SHEET SCALE | | DRAWN BY | | REVISION | |
| DRAWING NO. | | EV-6 | | AE | | | |
| DRAWING TITLE | | CONSULTANT | | CHECKED BY | | PROJECT NO. | |
| ELEVATIONS 1 BACK AND LEFT | | T2 STRUCTURAL ENGINEERING ENERGY LOGIC (ENERGY CERT.) | | ANNE MARKS | | THE ATLANTIC | |
| | | | | SUBMITTED BY | | DRAWING CODE | |
| | | | | JTB | | ATLANTIC MASTER.VWX | |
| | | | | PROJECT MANAGER | | PLOT DATE | |
| | | | | | | 00/00/00 | |
| | | | | NO. | | DATE | |
| | | | | | | ISSUE NOTES | |



**NORTHERN
ENGINEERING**

ADDRESS:
200 S. College Ave. Suite 10
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February 13, 2013

Stoner Subdivision Project Development Plan

Modification Request for Section 4.7(F)(7) *Subdivision of Existing Lots*

Modification Description:

This is a request for Modification to Standard contained in Section 4.7(F)(7) of the City of Fort Collins Land Use Code which pertains to the subdivision of existing lots.

Modification to this standard will allow the subdivision of an existing lot in such a manner to create a new lot in the rear portion of the existing lot.

Land Use Code Standard:

Section 4.7(F)(7) *Subdividing of Existing Lots*. No existing lot may be further subdivided in such manner as to create a new lot in the rear portion of the existing lot.

Land Use Code Modification Criteria (Section 2.8.2):

"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).

Supporting Findings:

This request for approval of Modification to Standard complies with the standards per Review Criteria 2.8.2(H) in that it would not be detrimental to the public good and that it meets the additional criteria set forth in Standards (1) and (4) in the following ways:

Criteria (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*

Supporting Findings:

Our project is situated on a corner lot that is bordered on two sides by public streets, and by an alley on the third side. This allows for the proposed single family home to be oriented so that it aligns with the already established public frontage of Magnolia Street. This orientation allows for direct access to the public sidewalk and roadway. The orientation and setback replicate those of adjoining homes, further enhancing the integration of the project with the existing neighborhood. Access for city and utility personnel is preserved, and the collection of trash and recyclables is easily integrated with the surrounding homes. Most importantly, clear and effective addressing of the home can be achieved, meeting the critical needs of our first responders.

Criteria (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*

Supporting Findings:

When viewed from the perspective of the entire development plan, this modification should be considered nominal and inconsequential. Currently, the project is comprised of two lots abutting Wayne Street. Our project seeks to reorient these lots in a manner that results in one lot frontage remaining on Wayne St, with the other frontage changing to Magnolia Street instead. This change results in a new lot that is able to accommodate a new home that meets the goals set forth in Section 1.2.2 of the Land Use Code by:

- (J) Improving the design, quality, and character of new development
- (L) Encouraging the development of vacant properties within the established zone
and
- (M) Ensuring that development proposals are sensitive to the character of existing neighborhoods



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STONER SUBDIVISION PROJECT DEVELOPMENT PLAN (PDP #130005)

Fort Collins Land Use Code Modification Request

3.6.2(J) Public alleys shall be controlled by the following requirements:

(2) *Design Construction Requirements.* All public alleys shall be constructed in conformance with the Larimer County Urban Area Street Standards as adopted by the City Council by ordinance or Resolution, except those public alleys within the N-C-L, N-C-M and N-C-B zone districts that do not abut commercially zoned properties and that provide access only for carriage houses and habitable accessory buildings as such terms are described in Article 4. Dead-end alleys shall not be allowed.

This request for approval of Modification to Standard complies with the standards per Review Criteria 2.8.2(H) in that it would not be detrimental to the public good and that it meets the additional criteria set forth in Standard (4) as follows:

Criteria (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*

The removal of natural features, such as significant trees, makes widening and/or improving the alley right-of-way beyond the concrete apron impractical or undesirable. An alley pavement section of 20' as required by Larimer County Urban Area Street Standards would encroach upon an existing 14" diameter Green Ash tree that has been characterized as Fair to Good condition by the City Forester. If the Green Ash were to be removed, there would be no large shade bearing trees remaining on the site's frontage to the alley. Full alley improvements would also require the removal of at least 8 shrubs, which currently line the alleyway. These shrubs provide privacy for the property and are a green, viable, alternative to privacy fencing.

Improving alley right-of-way beyond the concrete apron is not necessary because the existing condition is adequate for pedestrian and vehicular traffic. There will be a minimal net impact on the alley by the proposed lot split development. There is an existing garage located on the rear 50% of the proposed lot which has historically served the existing residence. The garage usage will transfer entirely to the residence proposed on Lot 2. In addition, the new lot's Magnolia Street frontage will serve as its primary pedestrian access point, thus creating no additional pedestrian or vehicular traffic for the alley. The proposed development will have substantially less of an impact than a new carriage house or habitable accessory building would. If the intent of the Land Use Code is to allow alleys to remain unimproved with the addition of carriage houses and habitable accessory buildings, then it is reasonable to assume that maintaining an existing non-habitable garage (with no change of use, increase in traffic, etc.) should follow the same exemption.

KENWOOD HEIGHTS

FORT COLLINS, COLORADO.

SCALE 1 IN. = 100 FEET.

State of Colorado, } ss
County of Larimer }

Sidney W. Cooper, being duly sworn on his oath, deposes and says that he is a licensed engineer under the laws of the State of Colorado; that he surveyed Kenwood Heights, that such survey is accurately represented upon this map; and that the statements thereon are true of his own knowledge.

Sidney W. Cooper
Licensed Engineer.

Subscribed and sworn to before me this 21st day of June, A. D. 1924.

My commission expires May 23, 1926

Gertrude Fritz
Notary Public.

Emergency ordinance pending vacating this strip



FORT COLLINS, COLO.

June 21, 1924

I hereby certify that the map and survey of Kenwood Heights has been examined and checked under my supervision and found to be correct and in conformity with the requirements of Ordinance No 14, Series of 1924.

C. A. Lowmyer
CITY ENGINEER

Know all men by these presents:- That Clyde M. Lyon and J. F. Spangler, being the owners of more than two-thirds of the following described land situated in the County of Larimer and State of Colorado, to-wit:- Part of the Southwest Quarter of the Southwest Quarter of Section Eleven (11), Township Seven (7) North, Range Sixty-Nine (69) West of the Sixth Principal Meridian, more particularly described by metes and bounds as follows, to-wit:- Beginning at the southwest corner of said Section Eleven (11), thence north along the west line of said Section, seven hundred twenty-four and eight-tenths (724.8) feet, thence east twelve hundred and two (1202) feet, thence south seven hundred twenty-four and eight-tenths (724.8) feet to the south line of said section, thence west along said south line twelve hundred and two (1202) feet to point of beginning, also a strip of land formerly a part of the south side of Woodford Avenue, and vacated by ordinance of the City of Fort Collins, and adjoining the above described tract on the north; said strip being more particularly described by metes and bounds as follows:- Beginning at a point seven hundred twenty-four and eight-tenths (724.8) feet north and thirty (30) feet east of the southwest corner of said Section Eleven, thence north two-tenths (0.2) of one foot to a point forty (40) feet south of the north line of Woodford Avenue, thence east parallel to said north line, eleven hundred sixty-one and one-tenth (1161.1) feet to the west line of Washington Avenue, thence south eight (8) feet to a point seven hundred twenty-four and eight-tenths (724.8) feet north of the south line of said section, thence west parallel to said south line eleven hundred sixty-one and one-tenth (1161.1) feet to point of beginning; excepting therefrom those portions of said strip where it is intersected by an alley eighteen (18) feet wide in Block Number One, Wayne Street sixty (60) feet wide, an alley twenty (20) feet wide in Block Two, Gordon Street sixty (60) feet wide and an alley twenty (20) feet wide in Block Three; hereby subdivide the same into blocks, lots, streets, and alleys as shown by this map, to be known as Kenwood Heights, and hereby grant, convey and dedicate to the City of Fort Collins for the use and benefit of the public the streets and alleys shown hereon.

Witness our hands and seals this 21st day of June A. D. 1924.

Clyde M. Lyon (SEAL)
J. F. Spangler (SEAL)

State of Colorado, } ss
County of Larimer }

I, *Gertrude Fritz*, a Notary Public, in and for said County in the State aforesaid, do hereby certify that Clyde M. Lyon and J. F. Spangler known to me to be the persons whose names are subscribed to this map, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument of writing of their free and voluntary act for the uses and purposes herein set forth.

Given under my hand and Notarial Seal this 21st day of June A. D. 1924.

Gertrude Fritz
Notary Public.

My Commission expires May 23, 1926



ITEM NO PDP #130005
MEETING DATE 5-30-2013
STAFF Holland
HEARING OFFICER

STAFF REPORT

PROJECT: Stoner Subdivision Project Development Plan #130005,
Modification of Standard to Section 4.7(F)(7) and
Modification of Standard to Section 3.6.2(J)(2).

APPLICANT: The Group, Inc.
C/O Berin Wachsmann
375 E. Horsetooth Road
Fort Collins, CO 80525

OWNER: Stoner Family Limited Partnership
502 North Whitcomb Street
Fort Collins, CO 80521

PROJECT DESCRIPTION:

This is a request to consider the replat of Lots 14 and 15, Block 5, of Kenwood Heights into two new lots known as the Stoner Subdivision. The project site is a total of 15,987 square feet located at 502 Wayne Street, at the southeast corner of Wayne and Magnolia Streets. An existing single family dwelling at 502 Wayne Street is situated on both of the existing Lots 14 and 15. The existing single family dwelling would remain on the newly created west lot (Lot 1), and the 502 Wayne Street address would remain. A new two-story single-family dwelling is proposed on a new lot created to the east (Lot 2), and a new Magnolia Street address would be created for the new dwelling. An existing detached garage will remain on Lot 2 south of the new Magnolia Street residence, and will provide off-street parking for the Lot 2 dwelling. The project is located in the (N-C-L) - Neighborhood Conservation Low Density zone district, and is subject to an administrative (Type I) review. Two Modifications of Standard to the Land Use Code accompany the request. The first Modification addresses Section 4.7(F)(7) which states that no lot may be further subdivided to create a new lot in the rear portion of the existing lot. The second Modification addresses Section 3.6.2(J)(2) which requires that portions of alleys be paved in conjunction with the proposed use on Lot 2. This is because the proposed single-family detached residence on Lot 2 is a principal dwelling and not a carriage house or accessory building with habitable space. The project proposes that the alley frontage to the east of Lot 2 remain unpaved with limited improvements, and this is permitted only with a carriage house or accessory building with habitable space unless a Modification is approved.

RECOMMENDATION: Approval of the Project Development Plan, Modification of Standard to Section 4.7(F)(7) and Modification of Standard to Section 3.6.2(J)(2), with conditions.

EXECUTIVE SUMMARY:

The approval of the Stoner Subdivision Project Development Plan (P.D.P.) complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The P.D.P. 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 4.7(F)(7) and Modification of Standard to Section 3.6.2(J)(2) that are proposed with this P.D.P. meet the applicable requirements of Section 2.8.2(H), and the granting of these Modifications would not be detrimental to the public good, subject to conditions.
- The P.D.P. complies with the relevant standards located in Article 3 – General Development Standards, with conditions, provided that the Modification of Standard to Section 3.6.2(J)(2) that is proposed with this P.D.P. is approved.
- The P.D.P. complies with relevant standards located in Division 4.27, Neighborhood Conservation, Low Density District (N-C-L) of Article 4 – Districts, provided that the Modification of Standard to Section 4.7(F)(7) that is proposed with this P.D.P. is approved.

COMMENTS:

1. Background:

The surrounding zoning and land uses are as follows:

| | | |
|----|--------|------------------------------------|
| N: | N-C-L; | Existing Single-Family Residential |
| S: | N-C-L; | Existing Single-Family Residential |
| E: | N-C-L; | Existing Single-Family Residential |
| W: | N-C-L; | Existing Single-Family Residential |

The project site is part of the Kenwood Heights Annexation, June 21, 1924. The annexation consisted of 80 platted lots that were typically 50 feet wide by 140 feet deep. The subject property consists of two of the platted lots, each measuring 50 by 160 feet. The proposed amended plat shows the original east/west interior lot line which is to be re-oriented to run north/south to bisect Lots 1 and 2.

2. Compliance with Applicable Article 4, Neighborhood Conservation, Low Density District N-C-M Standards:

A. Section 4.7(B)(2)(a) - Permitted Uses

Typically, single-family dwellings are a permitted use in the N-C-L zone, subject to basic development review, provided that the dwelling is on a lot that is part of an approved site specific development plan. Basic development review is defined as a review without a public hearing by City of Fort Collins staff for the purpose of determining compliance with the applicable standards of Article 3 and Article 4.

Due to the fact that the project proposes a new lot orientation, a new plat and development plan are required. The new single-family dwelling is considered a permitted Type 1 use subject to an administrative review and public hearing.

B. Section 4.7(D)(1) – Density

The project is in compliance with the minimum required lot area ratio of this section requiring that the lots are two and one-half ($2\frac{1}{2}$) times the total floor area of the buildings, which is a ratio of 0.4 overall. Both lots are below the maximum ratio of 0.4, with Lot 1 having a floor-to-lot ratio of 0.234, and Lot 2 having a floor-to-lot ratio of 0.346. Section 4.7(D)(1) also requires that the lots be at least 6,000 square feet for single-family dwellings, and the two lots are in compliance with the minimum lot size, with 9,320 square feet provided for Lot 1 and 6,667 square feet provided for Lot 2.

C. Section 4.7(D)(4) – Accessory Buildings Without Habitable Space:

There is an existing garage which will remain on Lot 2 as an accessory building. The existing garage meets the requirement of this section which states that the total floor area of the accessory building shall not exceed 600 square feet. The floor area proposed for the garage is 590 square feet, therefore meeting the requirements of this Section.

D. Section 4.7(D)(5) – Floor Area Ratio (FAR):

This section requires that lots are subject to a maximum FAR of twenty-five hundredths (0.25) on the rear 50% of the lot. The project's proposed Lots 1 and 2 are in compliance with this requirement, and the site plan tabulations chart is provided on the Project Development Plan to show compliance as follows:

| DENSITY CALCULATIONS | | SF | REAR 50% | |
|----------------------|------------------------------|------|----------|--|
| | LOT 1 | | | |
| | TOTAL FLOOR AREA | 2184 | 519 | |
| | MINIMUM LOT AREA, 2.5 X FA = | 5460 | - | |
| | REAR 50% FLOOR AREA RATIO | - | 0.11 | |
| | | | | |
| | LOT 2 | | | |
| | PRINCIPAL BUILDING | 1212 | 81 | |
| | SECOND FLOOR AREA | 504 | - | |
| | GARAGE FLOOR AREA | 590 | 590 | |
| | TOTAL FLOOR AREA | 2306 | 671 | |
| | MINIMUM LOT AREA, 2.5 X FA = | 5766 | - | |
| | REAR 50% FLOOR AREA RATIO | - | 0.20 | |

E. Section 4.7(E)(1) – Dimensional Standards, Minimum Lot Width

This standard requires that each single-family dwelling have a minimum lot width of 40 feet. The proposed lots have a width of approximately 100 feet for Lot 1 and 72 feet for Lot 2.

F. Section 4.7(E)(2) – Dimensional Standards, Minimum Front Yard Setback

This standard requires that the minimum front yard setback be 15 feet and that the setbacks from garage doors to the backs of public walks be at least 20 feet. The project complies with these front setback standards. For the existing house on Lot 1, Wayne Street is considered the front setback, due to the fact that the front door faces Wayne Street. For Lot 2, Magnolia Street is considered the front. Lot 2 acknowledges the 15 foot front setback and the existing detached garage on Lot 2 is in excess of the minimum 20 foot garage setback.

G. Section 4.7(E)(3) – Dimensional Standards, Minimum Rear Yard Setback

The rear yard standard requires a minimum rear yard setback of 15 feet, and the standard does not specify different setbacks for principal and accessory buildings. A 15 foot setback is required for all buildings. Lots 1 and 2 are in compliance with this standard. The existing detached garage on Lot 2 has a reduced setback that is less than the standard 15 feet. The reduced setback is considered an existing non-conformance, and is permitted provided that the garage building is not altered to further reduce the non-conformance. This is addressed in Division 1.2.4 of the Land use Code, which states:

“Except as hereinafter provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed,

reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein or to an amount greater than the maximum requirements set forth herein”.

H. *Section 4.7(E)(4) – Dimensional Standards, Minimum Side Yard Setback*

The side yard setback standard requires a minimum 5 feet for all interior side yards and 15 feet on the street side of any corner lot. The standard does not specify different side setbacks for principal and accessory buildings. For Lot 2, the proposed building and existing garage are in compliance with the minimum side yard setbacks. For Lot 1, the existing single-family dwelling has a reduced setback that is less than the 15 feet typically required for a street-facing side yard. This existing reduced setback is considered an existing non-conformance, and is permitted provided that the building is not altered to further reduce the non-conformance.

I. *Section 4.7(E)(5) – Dimensional Standards, Maximum Building Height*

This standard requires that the maximum building height for the N-C-L zone is 2 stories; the project is in compliance with this standard.

J. *Section 4.7(F)(1) – Development Standards, Building Design*

The project is in compliance with all applicable building design standards of this section, which require that buildings be constructed at right angles to the lot, that the primary entrance be located along the front wall of the building, that accessory buildings be located at least 10 feet behind the principal building, that the second floor not overhang the lower front or side of the building, that the front porch proposed is limited to one story, and that the roof pitch is between 2:12 and 12:12.

K. *Section 4.7(F)(2) – Development Standards, Bulk and Massing*

The project is in compliance with the maximum building height limit of 2 stories for the principal dwelling units. This section also requires that the detached garage, which is an accessory building with no habitable space, have a maximum height of 20 feet and an eave height that does not exceed 10 feet. No height alterations to the existing garage are proposed. These standards would only apply to the existing garage if it is proposed to be altered in a way that would affect the standard.

L. *Section 4.7(F)(4) – Development Standards, Landscape/Hardscape Material*

This standard requires that not more than 40% of the front yard be covered with inorganic material, and the project is in compliance with this standard.

M. Section 4.7(F)(7) – Development Standards, Subdividing of Existing Lots

This standard states that no existing lot may be further subdivided in such manner as to create a new lot in the rear portion of the existing lot. The project proposes a new lot in the rear portion of the existing lot, and a Modification of Standard is proposed to address this standard.

Request for Modification – Section 4.7(F)(7)

a. The Standard At Issue:

Section 4.7(F)(7) of the Land Use Code states that:

“No existing lot may be further subdivided in such manner as to create a new lot in the rear portion of the existing lot”.

b. Description of the Modification:

The applicant proposes a Modification of Standard to Section 4.7(F)(7) to permit a new lot in the rear portion of an existing lot.

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).

c. Summary of Applicant's Justification:

The Applicant states that the Modification of Standard complies with Review Criteria 2.8.2(H) in that it would not be detrimental to the public good and that it meets the additional criteria set forth in criteria (1) and (4) in the following ways:

"Criteria (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"

Applicant's Supporting Findings:

Our project is situated on a corner lot that is bordered on two sides by public streets, and by an alley on the third side. This allows for the proposed single family home to be oriented so that it aligns with the already established public frontage of Magnolia Street. This orientation allows for direct access to the public sidewalk and roadway. The orientation and setback replicate those of adjoining homes, further enhancing the integration of the project with the existing neighborhood. Access for city and utility personnel is preserved, and the collection of trash and recyclables is easily integrated with the surrounding homes. Most importantly, clear and effective addressing of the home can be achieved, meeting the critical needs of our first responders.

Criteria (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

Applicant's Supporting Findings:

When viewed from the perspective of the entire development plan, this modification should be considered nominal and inconsequential. Currently, the project is comprised of two lots abutting Wayne Street. Our project seeks to reorient these lots in a manner that results in both lots with a frontage on Magnolia Street instead. This results in a new

lot that is able to accommodate a new home that meets the goals set forth in Section 1.2.2 of the Land Use Code by:

*(J) Improving the design, quality, and character of new development
(L) Encouraging the development of vacant properties within the established zone and
(M) Ensuring that development proposals are sensitive to the character of existing neighborhoods.”*

d. Staff Evaluation and Findings of Fact:

Staff recommends approval of the Modification. In evaluating the request and in fulfillment of the requirements of Section 2.8.2(H), Staff makes the following findings of fact:

- (1.) The granting of the Modification would not be detrimental to the public good;
- (2.) In accordance with 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 the Modification is requested;
- (4.) In accordance with 2.8.2(H)(4), the plan as submitted 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.

This is because:

The Modification meets criteria 2.8.2(H)(1). The original general purpose of Section 4.7(F)(7) was to prohibit existing lots from being subdivided in a manner that would allow a new carriage house to be on its own separate lot. However, when Section 4.7(F)(7) was added to the Land Use Code, the standard did not specify that creating a new lot in the rear portion of an existing lot applied only to carriage houses. The project proposes a single-family principal dwelling unit on the new lot, and does not propose a carriage house.

The Modification meets criteria 2.8.2(H)(4). The front-to-back lot orientation is minor and inconsequential because the lots are at the corner of two streets and both lots have frontage on a public street, so that the resulting lot shape and orientation is consistent with the overall existing lot pattern of the surrounding neighborhood. The proposed front setback orientation of Lot 1 and Lot 2 are the same as the adjacent lots to the south and east, therefore no detrimental impacts are created by the new lot orientation. The lot subdivision permits a development plan that overall is in compliance with and reinforces the purpose statement and development standards of the N-C-L zone. The resulting project enhances the established street pattern and

character of the neighborhood with a lot size, density and character that is consistent with the neighborhood and consistent with City policies.

3. Compliance with Article Three – General Development Standards:

The following General Development Standards are applicable to the Stoner Subdivision P.D.P.

A. *Section 3.2.1 – Landscaping and Tree Protection*

The project is in compliance with this Section. The plans provide for two new street trees, with a caliper size that exceeds the minimum requirements, in order to provide adequate replacement for existing trees that are proposed to be removed. The project's proposed tree replacement and mitigation plan was proposed under the review, direction, and approval of the City Forester.

B. *Section 3.2.2(K)(1)(c) – Required Off-Street Parking*

The project provides at least one off-street parking space per lot, which is in compliance with this standard.

C. *Section 3.5.1 – Building and Project Compatibility*

(1) Architectural Character; (2) Building Size, Height, Bulk, Mass, Scale

This standard requires that new projects be compatible with the established architectural character and context of the general area.

The project provides two building prototype options which are intended to demonstrate the architectural "character" for the project. In terms of architecture, this P.D.P. sets an appropriate standard that provides appropriate size, bulk, massing, scale, detail and articulation in the following ways:

- The Primary Elements of the proposed architecture – the overall outline of the home, the use of gables and hip roof elements, and the use of second-story elements that are integrated into the roof line – are designed with a moderate size, bulk, and massing that provides an appropriate transition and compatible fit with existing homes on the block.
- An appropriate number of Secondary Elements such as bay windows, porch elements and roof dormers are provided that are appropriate in size, scale and proportion so that these elements do not overpower the overall building form while providing visual interest and articulated massing on all sides of the home.

- Architectural detailing is provided through the use of building projections and recesses that are appropriately scaled, stepping down at interior lot lines to provide transition with adjacent lots.
- A mix of materials is used with lap siding, shake siding, and large windows that provide a traditional feel that fits the pattern of surrounding residences.

D. Section 3.6.2(J)(2) – Public Alleys, Design Construction Requirements

This standard requires that the public alley frontage of this project be paved in conformance with the Larimer County Urban Area Street Standards. The applicant is requesting a Modification of Standard to this section, as follows:

Request for Modification – Section 3.6.2(J)(2)

a. The Standard At Issue:

Section 3.6.2(J)(2) of the Land Use Code states that:

“3.6.2(J)(2) Design Construction Requirements. All public alleys shall be constructed in conformance with the Larimer County Urban Area Street Standards as adopted by the City Council by ordinance or resolution, except those public alleys within the N-C-L, N-C-M and N-C-B zone districts that do not abut commercially zoned properties and that provide access only for carriage houses and habitable accessory buildings as such terms are described in Article 4. Dead-end alleys shall not be allowed”.

b. Description of the Modification:

The applicant proposes a Modification of Standard to Section 3.6.2(J)(2) so that, other than the improvements shown on the P.D.P. plans, the P.D.P. shall be exempt from the requirements of this Section.

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).

c. Summary of Applicant's Justification:

The Applicant states that the Modification of Standard complies with Review Criteria 2.8.2(H) in that it would not be detrimental to the public good and that it meets the additional criteria set forth in criteria 2.8.2(H)(4) in the following ways:

"Criteria (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

Applicant's Supporting Findings:

The removal of natural features, such as significant trees, makes widening and/or improving the alley right-of-way beyond the concrete apron impractical or undesirable. An alley pavement section of 20' as required by Larimer County Urban Area Street Standards would encroach upon an existing 14" diameter Green Ash tree that has been characterized as Fair to Good condition by the City Forester. If the Green Ash were to be removed, there would be no large shade bearing trees remaining on the site's frontage to the alley. Full alley improvements would also require the removal of at least 8 shrubs, which currently line the alleyway. These shrubs provide privacy for the property and are a green, viable, alternative to privacy fencing.

Improving the alley right-of-way beyond the concrete apron is not necessary because the existing condition is adequate for pedestrian and vehicular traffic. There will be a minimal net impact on the alley by the proposed lot split development. There is an existing garage located on the rear 50% of the proposed lot which has historically served the existing residence. The garage usage will transfer entirely to the residence proposed on Lot 2. In addition, the new lot's Magnolia Street frontage will serve as its primary pedestrian access point, thus creating no additional pedestrian or vehicular traffic for the alley. The proposed development will have substantially less of an impact than a new carriage house or habitable accessory building would. If the intent of the Land Use Code is to allow alleys to remain unimproved with the addition of carriage houses and habitable accessory buildings, then it is reasonable to assume that maintaining an existing non-habitable garage (with no change of use, increase in traffic, etc.) should follow the same exemption".

d. Staff Evaluation and Findings of Fact:

Staff recommends approval of the Modification, with conditions. In evaluating the request and in fulfillment of the requirements of Section 2.8.2(H), Staff makes the following findings of fact:

- (1.) The granting of the Modification would not be detrimental to the public good;
- (2.) In accordance with 2.8.2(H)(4), the plan as submitted 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.

This is because:

The Modification meets criteria 2.8.2(H)(4). The alley currently provides access to the existing garage adjacent to the alley, and the project does not propose to increase the intensity of vehicular access in the alley. The standard allows an exemption for public alleys within the N-C-L zone district that do not abut commercially zoned properties and that provide access only for carriage houses and habitable accessory buildings. Because the garage parking already exists and the use of the garage parking will transfer from the Lot 1 dwelling to Lot 2, with no increase in the intensity of access, the request that this P.D.P. be exempt from the requirements of this Section, other than the improvements shown on the P.D.P. plans, is nominal and inconsequential.

4. Neighborhood Meeting:

The Land Use Code does not require a neighborhood meeting for Administrative (Type I) P.D.P.'s, and the applicant chose not to conduct a formal meeting.

5. Findings of Fact / Conclusion:

In reviewing and evaluating this Project Development Plan, Staff makes the following findings of fact and conclusions:

- A. The P.D.P. 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 4.7(F)(7) meets the applicable requirements of Section 2.8.2(H), and the granting of these Modifications would not be detrimental to the public good. This is because The Modification meets criteria 2.8.2(H)(1). The original general purpose of Section 4.7(F)(7) was to prohibit existing lots from being subdivided in a manner that would allow a new carriage house to be on its own separate lot. However, when Section 4.7(F)(7) was added to the Land Use Code, the standard did not specify that creating a new lot in the rear portion of an existing lot applied only to carriage houses. The project proposes a single-family principal dwelling unit on the new lot, and does not propose a carriage house. The Modification also meets criteria 2.8.2(H)(4). The front-to-back lot orientation is minor and inconsequential because the lots are at the corner of two streets and both lots have frontage on a public street, so that the resulting lot shape and orientation is consistent with the overall existing lot pattern of the surrounding neighborhood. The proposed front setback orientation of Lot 1 and Lot 2 are the same as the adjacent lots to the south and east, therefore no detrimental impacts are created by the new lot orientation. The lot subdivision permits a development plan that overall is in compliance with and reinforces the purpose statement and development standards of the N-C-L zone. The resulting project enhances the established street pattern and character of the neighborhood with a lot size, density and character that is consistent with the neighborhood and consistent with City policies.
- C. Subject to conditions, the Modification of Standard to Section 3.6.2(J)(2) that is proposed with this P.D.P. meets the applicable requirements of Section 2.8.2(H), and the granting of these Modifications would not be detrimental to the public good. This is because the Modification meets criteria 2.8.2(H)(4). The alley currently provides access to the existing garage adjacent to the alley, and the project does not propose to increase the intensity of vehicular access in the alley. The standard allows an exemption for public alleys within the N-C-L zone district that do not abut commercially zoned properties and that provide access only for carriage houses and habitable accessory buildings. Because the garage parking already exists and the use of the garage parking will transfer from the Lot 1 dwelling to Lot 2, with no increase in the intensity of access, the request that this P.D.P. be exempt from the requirements of this Section, other than the improvements shown on the P.D.P. plans, is nominal and inconsequential.

- D. The P.D.P. complies with relevant standards located in Article 3 – General Development Standards, with conditions, provided that the Modification of Standard to Section 3.6.2(J)(2) that is proposed with this P.D.P. is approved.
- E. The P.D.P. complies with relevant standards located in Division 4.27, Neighborhood Conservation, Low Density District (N-C-L) of Article 4 – Districts, provided that the Modification of Standard to Section 4.7(F)(7) that is proposed with this P.D.P. is approved.

RECOMMENDATION

Staff recommends approval of the Stoner Subdivision Project Development Plan #130005, Modification of Standard to Section 4.7(F)(7) and Modification of Standard to Section 3.6.2(J)(2), with the following conditions:

1. A 10 foot minimum site distance triangle shall be provided per the Larimer County Urban Area Street Standards within Lot 2 where the alley intersects with the street right of way. All existing shrubs shall be removed from Lot 2 within the site distance triangle. All existing shrubs located on Lot 2 adjacent to the alley right of way shall be removed.
2. A horizontal and vertical design for the 20 foot alley right of way along the east frontage of Lot 2 shall be included as part of the Final Development Plan documents. The design shall provide a 20 foot all-weather roadway surface, crowned at the right of way centerline with a drainage swale on both sides of the roadway surface.
3. The existing 14 inch caliper green ash on Lot 2 shall be removed as part of Final Development Plan documents if determined by the City Forester that the removal is required. If removed, the tree shall be replaced in accordance with the standards in Section 3.2.1(F) of the Land Use Code.

ATTACHMENTS

1. Stoner Subdivision Site Plan
2. Stoner Subdivision Plat
3. Stoner Subdivision Building Elevations
4. Stoner Subdivision Modification Request 4.7(F)(7)
5. Stoner Subdivision Modification Request 3.6.2(J)(2)
6. Stoner Subdivision Hearing Notice
7. Original Kenwood Heights Annexation Plat