

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

FINDINGS AND DECISION

HEARING DATE: January 13, 2016

PROJECT NAME: East Ridge Major Amendment and Replat

CASE NUMBER: MJA #150005

APPLICANT: Russell + Mills Studios
Craig Russell, RLA Planner
141 South College Avenue
Fort Collins, CO 80525

OWNER: Hartford Companies
1218 West Ash Street, Suite A
Windsor, CO 80550

Owner representative:
Landon Hoover, Hartford Homes, LLC

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request to amend the original East Ridge Final Development Plan (FDP), which was approved by the Director of Planning on July 13, 2009. The subject property consists of approximately 152.3 acres located at the southeast corner of Timberline Road and East Vine Drive (the “Property”). The current application consists of a request for approval of a Major Amendment and Replat of the Property.

The Major Amendment and Replat includes conceptual plans for multi-family and single-family attached units and lot line adjustments for single-family detached lots, and consists of the following:

- 1) Adjustments to lot lines, size of lots and tracts;
- 2) Increase in total number of lots and residential dwelling unit totals;
- 3) Realignment of some local public streets, private drives and alleys; and
- 4) Re-configuration of the proposed neighborhood park and proposed wetland habitat area.

BACKGROUND AND LAND USE HISTORY:

- The Property was annexed into the City of Fort Collins in 2002 and the initial zoning of the Property was established as Low Density Mixed-Use Neighborhoods (L-M-N).
- The City adopted the East Mulberry Corridor Plan (EMCP) in 2003. The EMCP established the land use framework for the area in the vicinity of the Property.

- The current zoning is consistent with the EMCP, which recommends the L-M-N Zone District designation.
- The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Larimer County (FA-1)	Vacant land in Larimer County
South	Larimer County Industrial (I)	Existing residence, farm and sand gravel operation
East	Low Density Mixed-use Neighborhoods (LMN)	Vacant land
West	Larimer County Open (O), Industrial (I)	Existing commercial/industrial and residential

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: L-M-N, Low Density Mixed-Use Neighborhood

HEARING: The Hearing Officer opened the hearing on Wednesday, January 13, 2016, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, following the conclusion of the public hearings on the Mulberry and Lemay Crossings Filing No. 3 Replat and the University Square Replat.

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

- (1) Planning Department Staff Report for East Ridge Major Amendment and Replat (MJA #150005);
- (2) East Ridge vicinity map;
- (3) Replat of East Ridge – Major Amendment Site Submittal (10 Sheets);
- (4) Replat of East Ridge – Major Amendment Landscape Submittal (13 Sheets);
- (5) Proposed plat (East Ridge Second Filing) (17 sheets);
- (6) Overall Site Lighting Plan (1 sheet);
- (7) Narrative regarding Section 3.2.3(C) – Solar Oriented Residential Lots Alternative Compliance;

(8) Memorandum regarding East Ridge Traffic Analyses Related to the Vine/Lemay Intersection (File No. 1505ME04) dated July 28, 2015 and prepared by Matt Delich (Delich Associates Traffic & Transportation Engineering) (12 pages including Appendices A, B and C);

(9) Notice of Public Hearing Letter dated December 29, 2015;

(10) Affidavit of Publication of the Fort Collins Coloradoan dated January 5, 2016 evidencing publication of the Notice of Hearing on January 5, 2016;

(11) the PowerPoint presentation prepared by City staff for the January 13, 2016 hearing; and

(12) the PowerPoint presentation prepared by the Applicant for the hearing.

In addition, the City's Comprehensive Plan, Code, and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

A copy of the Planning Department Staff Report prepared for the above-referenced Application is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.

TESTIMONY: The following persons testified at the hearing:

From the City: Pete Wray, AICP, Senior City Planner
 Martina Wilkinson, PE, City Traffic Engineer

From the Owner: Craig Russell, RLA Planner, Russell + Mills Studios
 Landon Hoover, Hartford Homes, LLC

From the Public: Ken Barker, 142 N. Timberline Road, Fort Collins, CO
 Jean Marie Yarbrough, 3168 Lower Loop Drive, Fort Collins, CO

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
 - A. the Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code; and
 - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code, including specifically the following:
 1. Section 3.2.3(C) and (F) – Solar Orientation – Alternate Compliance. The applicable standard requires that at least 65% of the lots (369) be oriented to within thirty degrees of an east-west line. The East Ridge Major Amendment provides

58.2% (331 lots) at this orientation, resulting in a deficiency of 38 lots or seven percent (7%). Based on the evidence in the record, the Hearing Officer finds that the alternative site layout accomplishes the purposes of Section 3.2.3 equally well or better than a plan which complies with the 65% requirement. Specifically, the Hearing Officer concludes that the alternative site layout will enhance continuity and connectivity within the Property and will foster non-vehicular access to and through the Property. The Hearing Officer also concludes that the East Ridge Major Amendment reduces the publically fronted open space/park area by 50% from the previously approved plan, a goal that was specifically articulated and requested by the City's Park Planning staff during the preliminary development process; and

- C. the Application complies with the applicable standards of the Low Density Mixed Use Neighborhood (L-M-N) District standards contained in Article 4 of the Land Use Code, including Section 4.5(B)(2)(a)(1) and (a)(3) which permit single family detached and single family attached dwellings, subject to administrative (Type 1) review.
3. The Application's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently detailed in the Staff Report, a copy of which is attached as **ATTACHMENT A** and is incorporated herein by reference.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the application for the East Ridge Major Amendment and Replat (MJA #150005) in the form submitted.

DATED this 27th day of January, 2016.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report

East Ridge Major Amendment and Replat (MJA #150005)

(attached)



ITEM NO: 3

MEETING DATE: January 13, 2016

STAFF: Pete Wray

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: East Ridge Major Amendment and Replat, # MJA150005

APPLICANT: Russell + Mills Studios
Craig Russell, RLA Planner
141 S. College Ave
Fort Collins, CO 80525

OWNER: Hartford Companies
1218 W. Ash St., Suite A
Windsor, CO 80550

PROJECT DESCRIPTION:

This is a request to amend the original East Ridge Final Development Plan, which was approved by the Director of Planning on July 13, 2009. The Overall Development Plan amendment was approved on August 13, 2015. The parcel is located generally at the southeast corner of Timberline Road and East Vine Drive. As proposed, the current project consists of a Major Amendment and Replat of 152.3 acres including lot line adjustments for single-family detached lots and additional conceptual plans for multi-family and single-family attached units.

The project includes a total of 568 dwelling units, including 292 single-family detached (front garage), 136 single-family detached (rear garage), and 140 single-family attached houses. The project includes an 8.5 acre neighborhood park and connected wetland/storm drainage detention area central to the site. The project is located in the L-M-N, Low Density Mixed-Use Neighborhood zone district.

RECOMMENDATION: Approval

EXECUTIVE SUMMARY:

The Major Amendment and Replat consists of:

- 1) Adjustments to lot lines, size of lots and tracts; and
- 2) increase in number of lots and residential dwelling unit totals; and
- 3) realignment of some local public streets, private drives and alleys; and
- 4) re-configuration of proposed neighborhood park and wetland habitat area.

The Major Amendment continues to comply with the applicable General Development Standards in Article Three, with a request for Alternative Compliance, and applicable L-M-N standards in Article Four of the Land Use Code (LUC).

STAFF COMMENTS:

1. Background:

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Larimer County (FA-1)	Vacant land in Larimer County
South	Larimer County Industrial (I)	Existing residence, farm and sand gravel operation
East	Low Density Mixed-use Neighborhoods (LMN)	Vacant land
West	Larimer County Open (O), Industrial (I)	Existing commercial/industrial and residential

On February 19, 2002, the Property was annexed as the East Ridge Annexation and zoned Low Density Mixed-Use Neighborhoods (L-M-N). The Annexation Ordinance was recorded on May 13, 2002 of the Larimer County, Colorado records. The Annexation Plat was recorded the same day.

The East Mulberry Corridor Plan (EMCP), adopted in 2003 established the land use framework for this area. The proposed MJA is consistent with the EMCP, which recommends the L-M-N designation.



2. Compliance with Applicable L-M-N District Standards [Division 4.5]:

A. *Purpose:*

The purpose of the L-M-N District is as follows:

The Low Density Mixed-Use Neighborhood District is intended to be a setting for a predominance of low density housing combined with complementary and supporting land uses that serve a neighborhood and are developed and operated in harmony with the residential characteristics of a neighborhood. The main purpose of the District is to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices that invite walking to gathering places, services and conveniences, and that are fully integrated into the larger community by the pattern of streets, blocks, and other linkages.

The proposed project remains consistent with the stated purpose of the zone district. The East Ridge plan integrates with the existing L-M-N Collins Aire mobile home park neighborhood to the west and fills in a designated swath of residential use that includes the adjacent vacant L-M-N land to the south and east.

B. Section 4.5(B)(2) – Permitted Uses

The MJA includes two land uses – single family detached and single family attached. Both are permitted in the L-M-N zone subject to Administrative (Type One) Review.

C. Section 4.5(D)(1) – Density

The MJA features 568 dwelling units on 152.3 acres for a gross density of 3.72 dwelling units per gross acre. There are several parcels that are deducted from the gross acreage in accordance with *Section 3.8.18 (Residential Density Calculation)*. This includes landscape buffer yards and stormwater detention ponds resulting in a net acreage of 99.85 acres and a net density of 5.68 dwelling units per acre.

The gross density is well under the maximum allowed (9 d.u./acre) and the net density exceeds the required minimum of 4 d.u./acre, thus complying with the standard.

D. Section 4.5(D)(2) – Mix of Housing

The Major Amendment results in the following mix of at least four housing types:

Housing Type:	# of Dwelling Units	Percent of Total
Single Family Detached (Front Loaded Garage)	292	29.9%
Single Family Detached (Alley)	136	13.9%
Single Family – Attached	140	14.3%
Multi-family/Single-family attached/Two-family	402	41.9%
Total:	970	100%

The standard calls for three housing types on projects containing 20 acres or more and four housing types on projects containing 30 acres or more of developable land. The net developable land area is 99.85 acres, requiring a fourth housing type. The plan includes a future phase of a combination of multi-family, single-family attached and or two-family residential housing types, thus satisfying the required four housing types.

The standard also requires that a single housing type not constitute more than 80% or less than 5% of the total number of dwelling units. As shown above, the MJA complies with these parameters.

E. Section 4.5(D)(6) – Small Neighborhood Parks

This standard requires that either a public neighborhood park or a private park, at least one acre in size, be located within one-third of a mile (1,760 feet), as measured along street frontage, of 90% of the dwellings, for development projects ten acres or larger.

The MJA does not change the East Ridge plan's compliance with the standard. The proposed project includes an approximate eight-acre public neighborhood park and a .85 acre pocket park. Both parks are connected to a network trail system and central open space.

All of the dwellings are within one-third of a mile of the future neighborhood park.

F. Section 4.5(E)(1)(a) – Streets and Blocks – Street System Block Size

This standard requires that the local street system provide an interconnected network of streets such that blocks do not exceed 12 acres.

The MJA features a network of streets that result in no block exceeding 12 acres.

G. Section 4.5(E)(1)(b) – Streets and Blocks – Mid-Block Pedestrian Connections

This standard requires that if any block face is over 700 feet long, then walkways connecting to other streets must be provided at approximately mid-block or at intervals of at least every 650 feet, whichever is less.

The MJA does not change the East Ridge plan's compliance with the standard. For each block face that is longer than 700 feet long, a mid-block bicycle and pedestrian connection is provided at intervals that do not exceed 650 feet.

3. Compliance with Applicable Article Three General Development Standards:

A. Section 3.2.1 – Landscaping

The MJA does not change the East Ridge plan's compliance with the standard. All public streets will be landscaped with street trees, including the external streets, consistent with the *Larimer County Urban Area Street Standards*. The MJA provides

canopy street trees at 30-40 foot spacing along all street parkway landscaping areas and separated from street light locations.

The plan provides landscape area treatments for all open areas, buffers, detention areas and park locations with turf grass, planting beds and trees.

B. Section 3.2.2 – Access, Circulation and Parking

The MJA does not change the East Ridge plan's compliance with the standard. The plan provides for an off-street pedestrian and bicycle circulation system primarily by constructing a central park and wetland area perimeter loop trail and series of internal paths and mid-block connections. Off street parking is provided with the future neighborhood park site.

C. Sections 3.2.3(C) and (F) – Solar Orientation

The MJA results in a change to the East Ridge plan's compliance with the solar orientation standard. This standard requires that at least 65% of the lots (369) be oriented to within 30 degrees of an east-west line. The East Ridge MJA provides 58.2% (331 lots) at this orientation, thus short by 38 lots or 7% deficiency.

This standard allows for alternative compliance.

Section 2.2.3 (F):

Alternative Compliance. *Upon request by an applicant, the decision maker may approve an alternative site layout that may be substituted in whole or in part for a plan meeting the standards of this Section.*

- (1) Procedure. Alternative compliance plans shall be prepared and submitted in accordance with submittal requirements for plans as set forth in this Section. The plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purpose of this Section than a plan which complies with the standards of this Section.*
- (2) Review Criteria. In approving an alternative plan, the decision maker shall find that the proposed alternative plan accomplishes the purposes of this Section equally or better than a plan which complies with the standards of this Section. In reviewing the proposed alternative plan, the decision maker shall take into account whether the alternative design enhances neighborhood continuity and connectivity, **fosters non-vehicular access**, and preserves existing natural or topographic conditions on the site.*

In compliance with provision of Section 3.2.3(F), East Ridge MJA is designed in an alternative manner and meets the applicable review criteria:

The proposed plan includes 331 solar oriented lots out of the 568 total lots in the plan – this equals 58% solar-oriented lots, a 7% deficiency from the code requirement of 65%. The proposed plan accomplishes the purpose of this requirement equal to or better than a plan that complies with the standards of 3.2.3(C). The proposed plan accomplishes the purpose of this requirement in several ways:

- The proposed plan improves the walkability through well-connected open space tracts both in the north/south direction, but also from the east/west direction towards the open space/park area as compared to the previously approved 2009 plan, providing more effective connections from proposed lots as well as future development tracts.
- The proposed lot orientation, in particular the single family attached lots adjacent to the park space, reinforces and fosters non-vehicular connectivity to open space through open space tracts that were not included in the previously approved plan from 2009.
- As requested by Fort Collins City Parks Planning staff during the preliminary development process the proposed plan reduces the publically-fronted park area by 50% from the previously approved plan.
- The proposed plan provides more housing with direct access to open space than the previously approved plan. This is accomplished by fronting single-family attached and detached lots around the open space/park area.

The proposed plan creates a neighborhood that enhances continuity and connectivity through well connected open space tracts, fosters non-vehicular access through improved lot layout and orientation that improves connections to open space and preserves existing or natural conditions on-site by the extensive wetland and park area improvements.

For all the reasons cited above, the Applicant requests an alternative compliance of the standard in LUC Section 3.2.3(C) to allow a reduced number of solar-oriented residential lots. The Applicant proposes that the alternative compliance is not detrimental to the public good, and promotes the purposes of the standard equal to or better than a plan that complies with the solar-oriented residential lot requirement (See attached Applicant Request for Alternative Compliance – Section 3.2.3 (C) – Solar Orientation).

D. Section 3.3.1(B)(C) – Plat Standards – Lots and Public Dedications

The MJA does not change the East Ridge plan's compliance with the standard. All lots gain access to a public street. The general layout of lots, roads, driveways, utilities, drainage facilities and other services are designed in a way that enhances an interconnected street system within and between future neighborhoods and preserves natural features. Dedications are platted for drainage and utility easements as well as public access easements for the off-street walkways.

E. Section 3.4.1 – Natural Habitats and Features

The MJA does not change the East Ridge plan's compliance with the standard. To meet the standards associated with Section 3.4.1, the project has proposed to apply the quantitative (100' buffer) and qualitative standards contained in Section 3.4.1(E) of the Land Use Code to enhance the existing wetland habitat area on-site. The proposed buffer is 100' in width, meeting the quantitative standard.

The project meets the qualitative performance standards in Section 3.4.1 by incorporating the following elements into the design:

1. A wetland delineation report completed on March 9, 2015, assessed the wetlands at 4.5 acres. A subsequent wetland delineation report completed on June 24, 2015, assessed the wetlands at 2.2 acres. The City accepted the June 24, 2015 wetland delineation, with the agreement that 2.2 acres of wetland will be mitigated on-site, including a 100 foot buffer, and that the 2.3 acre difference between the delineations would be maintained as enhanced upland habitat (See attached June Report). The proposed wetland includes a larger 2.43 acre area. As part of the proposed mitigation, the plan includes a separate upland transitional/detention area. The transitional area includes water quality forebays, and Low Impact Development (LID) sand filter ponds and detention area (total mitigation area 2.31 acres). As a result the plan is in compliance with the mitigation requirements quantitatively and has taken a systems approach with water quality, wetlands and uplands integrated into one large area totaling approximately 11 acres south of the proposed neighborhood park.
2. A mitigation and monitoring plan will need to be developed with the Development Agreement to indicate how these two Natural Habitats Areas – wetland with buffer and upland - will be installed and monitored to ensure success. The wetland will be designed as a wetland and will have responding success criteria, e.g., a wetland soil moisture regime. The upland will be designed and monitored for the establishment of native trees, shrubs, and grasses/forbs, and all areas will be evaluated for the establishment of native and desirable plants, with limited weeds and bare spots.

F. Section 3.5.1 – Project Compatibility

The MJA does not change the East Ridge plan's compliance with the standard. The East Ridge MJA is zoned L-M-N, and is located across Timberline Road from the existing Collins Aire Mobile Home Park, Timbervine, and Dry Creek neighborhoods to the west, and future L-M-N residential to the south and east. The proposed East Ridge MJA will provide direct street and pedestrian connections to Timberline Road, and to future residential adjacent to this site.

G. Section 3.5.2(C) – Housing Model Variety

For developments of 100 or more single-family dwelling units, four different types of housing models are required. The housing models have not yet been selected at the plan stage. The standard acknowledges that enforcement occurs at the building permit review stage, in accordance with Section 3.8.15.

H. Section 3.5.2(F)(1) – Street Facing Garage Doors

This standard requires that street-facing garage doors must be recessed behind either the front façade of the ground floor living area portion of the dwelling or a covered porch that measure at least 6' x 8' by at least four (4) feet. For individual lots, compliance will be evaluated at the time of building permit application.

I. Section 3.6.4 – Transportation Level of Service (LOS) Requirements

The original approved project included a Traffic Impact Study (TIS) that outlined anticipated vehicular trips, especially as it relates to capacity reservation at Vine / Lemay. The still-active and unexpired approvals accommodate up to 8,200 daily vehicular trips (from 970 residential units). The amendment to the Overall Development Plan (ODP) last summer, and now this major amendment and replat reflect land uses and their associated vehicular trip generation that are equal to or less than the approved capacity reservation. (For instance the major amendment shows 568 residential units.) Factoring in the future residential phase of 402 dwelling units, the proposed total reflects 970 total dwelling units. Therefore, the level of service standards shown to be met with the original approval, and the capacity reservation at Vine / Lemay related to potential Adequate Public Facilities (APF) are applicable and adequate.

In general, East Ridge MJA is served by a network of public streets which provide an adequate level of both internal and external connectivity, given the existing constraints within the area for potential street connections.

4. Neighborhood Meeting:

A neighborhood meeting was not required since this project is a Type I review.

5. Findings of Fact:

In evaluating the request for the East Ridge MJA, staff makes the following findings of fact:

- A. The MJA complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
- B. The MJA complies with the land use and the applicable development standards of the L-M-N zone district as found in Article 4 of the Land Use Code.
- C. The MJA complies with the applicable General Development Standards of Article 3 of the Land Use Code. The applicant has submitted a request for Alternative Compliance for Section 3.2.3 (C) – Solar-Oriented Residential Lots.

RECOMMENDATION:

Staff recommends approval of East Ridge MJA, #MJA150005

ATTACHMENTS:

- 1. Site Plans
- 2. Plat Plans
- 3. Landscape Plans
- 4. Utility Plans
- 5. Lighting Plan
- 6. Traffic Analysis Update Memo, July, 2015
- 7. Alternative Compliance Request, January 5, 2016.