PROJECT: Elizabeth Subdivision, PDP160046

APPLICANT: Shelley LaMastra
Russell + Mills Studios
506 S College Ave.
Unit A
Fort Collins, CO 80524

OWNERS: Barry Schram
2620 Brush Creek Dr
Fort Collins, CO 80528

PROJECT DESCRIPTION:
This is a request for a Project Development Plan to subdivide one lot into two lots, improve a parking lot, and build a single-family detached home with a carriage house. The site currently contains a small office that has been operational since the 1950’s. The proposal calls for improving the existing parking lot serving the office use and bringing the parking area into conformance with current Land Use Code standards. The rear lot contains a small shed but is otherwise vacant. As part of this proposal, the applicant requests to build a single-family detached home with a carriage house. The rear lot is 21,710 square feet and the proposed residential buildings would total 6,102 square feet in floor area. The floor area includes an existing shed that would be repurposed as a garage. The site is located in the Neighborhood Conservation - Low Density District (NCL) zone district. The PDP includes nine modifications.

RECOMMENDATION: Staff recommends approval of the modifications and Elizabeth Subdivision, PDP160046.

EXECUTIVE SUMMARY:
Staff finds the proposed Elizabeth Subdivision Project Development Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:
• The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.

• The Modification of Standard to Section 3.2.2(J) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(3).

• The Project Development Plan complies with relevant standards of Article 3 – General Development Standards, provided the modification to Section 3.2.2(J) is approved.

• The Modification of Standard to Section 4.7(D)(3) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1).

• The Modification of Standard to Section 4.7(D)(4) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1).

• The Modification of Standard to Section 4.7(E)(1) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(3).

• The Modification of Standard to Sections 4.7(E)(5) and 4.7(F)(2)(a)(1) that are proposed with this Project Development Plan meet the applicable requirements of Section 2.8.2(H)(1).

• The Modification of Standard to Section 4.7(F)(1)(c) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1).

• The Modification of Standard to Section 4.7(F)(1)(b) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1).

• The Modification of Standard to Section 4.7(F)(2)(d) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1).

• The Modification of Standard to Section 4.7(F)(3)(a)(2) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1).
The Project Development Plan complies with relevant standards located in Division 4.7 Neighborhood Conservation, Low Density (NCL) of Article 4 – Districts, provided the modifications to Sections 4.7(D)(3), 4.7(D)(4), 4.7(E)(1), 4.7(E)(5), 4.7(F)(2)(a)(1), 4.7(F)(1)(c), 4.7(F)(1)(b), 4.7(F)(2)(d), and 4.7(F)(3)(a)(2) are approved.

COMMENTS:

1. **Background**

Before annexing into the City of Fort Collins, the property contained an office built in 1951. The property was incorporated into the City as part of the First Lemay Annexation on October 26, 1967. Since annexation into the City, the office has operated as a legal non-conforming use. A previous applicant sought to expand the office in 1985 by building a shed on the rear, vacant lot. On March 25, 1985, the Planning & Zoning Board approved the shed.

The surrounding zoning and land uses are as follows:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zone District</th>
<th>Existing Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Neighborhood Conservation – Low Density (NCL)</td>
<td>Residential, school</td>
</tr>
<tr>
<td>South</td>
<td>Low Density Residential (RL)</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>Neighborhood Conservation – Low Density (NCL)</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>Neighborhood Conservation – Low Density (NCL)</td>
<td>Residential</td>
</tr>
</tbody>
</table>

Below is a zoning and site vicinity map.
2. Compliance with Section 2.8.2(H) of the Land Use Code - Modification of Standards

Many of the modifications requested by the applicant stem from an unusual lot shape for this zone district. The NCL zone district standards envision deep lots with 40 – 50 feet of frontage on a public street. This lot is one of the few in the NCL zone shaped like a flagpole. This lot must have the shape of a flagpole since it contains an office and parking lot to serve the office. No other lots in the NCL have an office with a vacant lot behind it suitable for a single-family detached home. By virtue of having the small office in the front, the buildable portion of the rear lot is 98 feet away from Elizabeth Street. Most of the lots in the NCL also have alley access. This alley access is what allows for the provision of carriage houses and garages that are setback further from the street than the principal structure. An alley does not serve this portion of Elizabeth Street. These factors make the project unique and make it difficult to fulfill all of the requirements of the NCL zone district.

Modification #1 Description:
The applicant requests a Modification to Section 3.2.2(J) – Setbacks to have a vehicular use area closer than 5 feet to a lot line.

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

Land Use Code 3.2.2(J):

<table>
<thead>
<tr>
<th></th>
<th>Minimum average landscaped setback area (feet)</th>
<th>Minimum width of setback at any point (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Along an arterial street</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>Along a non-arterial street</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Along a lot line</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

Land Use Code Modification Criteria:

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

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

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

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

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

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

Summary of Applicant’s Justification:
The applicant requests that the Modification be approved and provides the following justification based upon Criterion 3 (physical hardship):

Applicant’s Justification Modification #1:

The current parking area for the commercial lot does not meet code requirements; this development plan seeks to bring it up to code requirements. The pedestrian connection from Elizabeth down the east side of the building was extended to continue all along the building façade. Moving eastward from edge of walk a 24’ drive aisle was located as well as parking spaces that utilizes the reduced stall depths of 17’-0” and the 2’ overhangs. In order to access the residential lot a 12’-0” drive aisle was also accounted for. The remaining area of lot width was broken up to provide landscape buffering from the parking lot, drive and adjacent property. Similarly, the south portion for the parking backup area was divided with the existing accessory structure which yielded at 3’-0” setback from the south lot line of the commercial lot.
Staff Finding:

Staff finds that the request for a Modification of Standard to Section 3.2.2(J) is justified by the applicable standards in 2.8.2(H)(3).

A. The granting of the Modification would not be detrimental to the public good
B. The project design satisfies 2.8.2(H)(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.

The purpose of this standard is to prevent negative impacts of vehicle use areas on adjacent properties. The setback allows room for landscaping and buffering from the vehicle use area. The office building is 67 feet away from the eastern property line. To meet this standard and all of the other Land Use Code standards for access drives and parking stall dimensions the site would need to accommodate the following:

- Four foot sidewalk for the office
- 24 foot drive aisle for the parking lot
- 17 foot deep parking stalls
- 6 foot landscape buffer on the office side
- 10 feet of landscape buffers total on residential side (5 feet on west side of the drive aisle, 5 feet on east side adjacent to residential property)
- 12 foot wide driveway

In total, this would require 73 feet of space. It is not possible to fit all of these amenities into the space on the existing lot. As such, staff finds the modification is justified due to a physical hardship caused by the existing shape and dimensions of the lot.

Modification #2 Description:
The applicant requests a Modification to Section 4.7(D)(3) – Allowable Floor Area on Rear Half of Lots to exceed the rear half floor area ratio by 1,311 square feet.

Land Use Code Standard Proposed to be Modified (areas underlined and bolded for emphasis):
Land Use Code 4.7(D)(3):

The allowable floor area on the rear half of a lot shall not exceed twenty-five (25) percent of the area of the rear fifty (50) percent of the lot.

Summary of Applicant’s Justification:
The applicant requests that the Modification be approved and provides the following justification based upon Criterion 3 (physical hardship):

Applicant’s Justification for Modification #2:

- **Primary Residence in back and Carriage in Front:** If the proposed plan were to be labeled with the primary house being in the back and the carriage house in front the basement floor area would not be required to be taken into account as it is not 3’ above grade (Section 4.7(2)(b)(2)). This scenario would not exceed the rear lot floor area. As discussed above, Article 5 defines a carriage house as behind the primary and therefore the plans cannot be labeled with this approach.
- **Flagpole creating skewed mid lot line:** If the mid lot line did have to take into account the flagpole portion of the lot then the mid lot line would move further south. As the plan is shown with the carriage house in the rear and primary residence in front this would result in only 140 sf over the maximum allowed amount. Please see attached Floor Area Diagram – Theoretical A-3.
- **Lot without Commercial Building:** This lot is the only lot within the NCL district that has a commercial building located on it. As mentioned in the project narrative this was built prior to the lot being annexed into the City limits. In a normal case the Primary Residence would be located roughly where the commercial building is. This would never then create an issue with the carriage house and rear lot floor area being exceeded.

Staff Finding:

Staff finds that the request for a Modification of Standard to section 4.7(D)(3) is justified by the applicable standards in 2.8.2(H)(1).

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

The purpose of the rear floor area ratio limit is to minimize large structures
looming over the backyards of neighbors. This standard did not envision flagpole lots like the one necessary for this project in order to build a home on the rear lot. As a result, the midpoint is further forward on the developable portion of the site compared to a rectangular lot. What further complicates meeting this standard is the design necessary to make the lot function well as a residential lot.

The site layout proposed by the applicant places the smaller of the two proposed dwelling units closest to Elizabeth Street. Normally, the smaller residential structure would be placed in the rear. An alley would also normally provide access for this smaller unit. This lot does not have alley access. To place the smaller unit behind the larger structure, the applicant would have to pave a large portion of their lot (Exhibit 1.1 in the applicant’s requests for modifications). This pavement would be necessary to meet emergency access requirements. Instead of proposing the smaller unit behind the larger unit, the applicant proposes an access drive that will serve both units. What this does, however, is it makes the larger unit the “carriage house” per the definitions in Article 5 of the Land Use Code. The definition of a carriage house is, “a single-family detached dwelling, typically without street frontage, that is located behind a separate, principal dwelling on the same lot, which fronts on the street.” Definitions cannot be modified like standards in Article 3 and Article 4.

In this case, a compliant plan with the smaller structure behind the larger structure would not result in a better plan. The proposed plan retains more yard space for residents and minimizes the amount of pavement needed with a compliant plan. The proposed plan exceeds the floor area ratio limits since the basements of carriage houses count towards floor area calculations whereas basements do not count as floor area in principal structures. The larger unit is a carriage house in name only. It will function as the principal structure despite having to be called a carriage house since it is located behind another unit. For these reasons, staff finds the proposed plan to be equal to or better than a compliant plan.

Modification #3 Description:
The applicant requests a Modification to Section 4.7(D)(4) – Residential to have a carriage house with 4,175 square feet of floor area.

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

*Land Use Code 4.7(D)(4):*
Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of eight hundred (800) square feet of floor area unless such new single-family dwelling contains a two-car garage, in which case it shall contain a maximum of one thousand (1,000) square feet of floor area, including the garage. Floor area shall include all floor space within the basement and first floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet. A new single-family dwelling may be located in any area of the rear portion of such lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures. The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet.

Summary of Applicant’s Justification:
The applicant requests that the Modification be approved and provides the following justification based upon Criterion 3 (physical hardship):

Applicant’s Justification for Modification #3:

The overall depth of the residential lot is over 294’. Because of this, locating the carriage house behind the principle residential home is virtually impossible due to access and emergency access requirements. Per Poudre Fire Authority (PFA), the following requirements must be met for fire protection and safety:

a) A fire hydrant within 400’ of the home

b) General fire access within 150’ of a building along an approved path

Per conversations with PFA one requirement may be offset with a sprinkler system, but not both. Due to the distance from a fire hydrant, the access requirement would need to be met. In order to provide the required access and turnaround area for a fire truck the overall site plan would be similar to what is shown in EXHIBIT 1.1.

As discussed above, the carriage house definition cannot be modified; therefore, what would normally be a primary residence is now a carriage house by definition. The proposed floor area for the carriage house is 4,175 square feet.

Staff Finding:

Staff finds that the request for a Modification of Standard to section 4.7(D)(4) is justified by the applicable standards in 2.8.2(H)(1).

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

As discussed in the previous modification request, the larger structure is a carriage house in name only. A compliant plan with the smaller of the two structures further in the rear of the lot would result in a less desirable plan.

Modification #4 Description:
The applicant requests a Modification to Section 4.7(E)(1) – Minimum Lot Width to have a 20-foot wide lot.

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

\textit{Land Use Code 4.7(E)(1):}

\textit{Minimum lot width shall be forty (40) feet.}

Summary of Applicant’s Justification:
The applicant requests that the Modification be approved and provides the following justification based upon Criterion 3 (physical hardship):

\textbf{Applicant’s Justification for Modification #4:}

\textit{The existing lot has a lot width of 100’. In the proposed plan the commercial lot would have 80’ of street frontage, with 20’ becoming the residential lot frontage along Elizabeth. The street frontage has been broken up in this way to accommodate the existing 1,231 sf medical office building and small parking lot that serves this building. The existing parking lot is being brought up to current code requirements for layout and landscaping with this development plan. In order to provide the street frontage property line within the confines of the existing east and west property lines and the commercial parking area drive and east residential lot the street frontage was set at 20’. Due to driveway spacing concerns with the existing commercial lot and residential drive to the east the entry point for both the commercial and residential lot will be shared at the existing access point with a platted access easement.}

\textbf{Staff Finding:}

Staff finds that the request for a Modification of Standard to section 4.7(E)(1) is justified by the applicable standards in 2.8.2(H)(3).
A. The granting of the Modification would not be detrimental to the public good.
B. The project design satisfies 2.8.2(H)(1): 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.

The purpose of this standard is to have a consistent lot pattern in the zone district. This plan proposes a 20-foot lot width for the residential lot. This lot width is a result of the lot having an existing office and parking lot in the front of it. In order to place all of the office and parking lot on one lot, the office lot needs at least 80 feet of width. This width is still not enough to accommodate fully an ample setback per Land Use Code section 3.2.2(J). This leaves the residential lot with only 20 feet of width. The applicant did not create this physical constraint so staff finds this modification is justified due to a physical hardship.

Modification #5 Description:
The applicant requests a Modification to Section 4.7(E)(5) – Maximum Building Height and 4.7(F)(2)(a)(1) – Building Height to have a two-story carriage house.

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

Land Use Code 4.7(E)(5):

*Maximum building height shall be two (2) stories, except for carriage houses, and accessory buildings containing habitable space, which shall be a maximum of one and one-half (1½) stories.*

Land Use Code 4.7(F)(2)(a)(1):

*Maximum building height shall be two (2) stories, except in the case of carriage houses and accessory buildings containing habitable space, which shall be a maximum of one and one-half (1½) stories.*

Summary of Applicant’s Justification:
The applicant requests that the Modification be approved and provides the following justification based upon Criterion 3 (physical hardship):

Applicant’s Justification for Modification #5:
The flagpole shape of the lot pushes the structures further to the rear of the lot than is typical in the zone district.

The building will be setback further than the minimum required, reducing the impact on adjacent properties.

Large, existing trees screen the building from adjacent properties.

Site conditions dictate that the house be virtually buried from view from Elizabeth Street since the house is so far away from the street.

Staff Finding:

Staff finds that the request for a Modification of Standard to sections 4.7(E)(5) and 4.7(F)(2)(a)(1) are justified by the applicable standards in 2.8.2(H)(1).

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

The purpose of these standards is to prevent large structures that loom over adjacent properties. Carriage houses are in the rear of the lot, which is why the code specifically limits the height of these structure to 1 ½ stories. In the case of this lot, most of both structures are in the rear of the lot.

Once again, the context of the site is unique in that the proposed structures will have a limited impact on neighbors. The building lines the east property line with approximately 63 feet of wall length. The east property line contains a stand of mature trees and a solid, 6’ tall fence that provide screening for the easterly neighbor. A large garage occupies the middle portion of the lot to the east and bisects the lot. South of the garage is a large grass area that is disconnected from the rest of the lot. By looking over a low use portion of the lot, the proposed structures will have little impact on the neighbor to the east. On the west side of the lot, the building only contains one story. This minimizes the impact of the new home on the neighbor to the west. The patios, decks, and second story windows are all located to minimize intrusions of privacy. For these reasons, staff finds the plan equal to or better than a compliant plan.

Modification #6 Description:
The applicant requests a Modification to Section 4.7(F)(1)(c) to have a garage 14 feet closer to the street than the principal structure.
Land Use Code Standard Proposed to be Modified (areas underlined and bolded for emphasis):

Land Use Code 4.7(F)(1)(c):

**Accessory buildings and attached garages shall have a front yard setback that is at least ten (10) feet greater than the front setback of the principal building that is located on the front portion of the lot.**

Summary of Applicant’s Justification:
The applicant requests that the Modification be approved and provides the following justification based upon Criterion 1 (equal to or better than a compliant plan):

**Applicant’s Justification for Modification #6:**

- Home is setback from the street by 138 feet.
- Heavy landscape buffer minimizes visual impact of garage.
- Structure already exists on the lot and the owner is looking to re-purpose that structure rather than tear it down.

Staff Finding:

Staff finds that the request for a Modification of Standard to section 4.7(F)(1)(c) is justified by the applicable standards in 2.8.2(H)(1).

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

The purpose this standard is to prevent the streetscape from being dominated by garage doors. In this case, the applicant proposes converting the existing barn into a garage, which would put the garage closer to the street than the principal structure. Due to the shape of the lot, the garage is located directly behind the existing office building and a dense row of landscaping. This means the location of the garage has no impact to the street. Similarly, the design of the building integrates the carport and garage below the principal structure. No garage doors will be visible from Elizabeth Street. From the street, there will be minimal visual impact with the proposed design. Staff finds the proposed plan to be equal to or better than a compliant plan.
Modification #7 Description:
The applicant requests a Modification to Section 4.7(F)(1)(d) to have the second floor overhang the lower front or side exterior wall of a new building.

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

Land Use Code 4.7(F)(1)(d):

* A second floor shall not overhang the lower front or side exterior walls of a new or existing building.

Summary of Applicant’s Justification:
The applicant requests that the Modification be approved and provides the following justification based upon Criterion 1 (equal to or better than a compliant plan):

Applicant’s Justification for Modification #7:

*Since a carport is provided below the “overhang” and since this carport is integrated into and even enhances the architecture equally well or better than would a solution that simply proposed a two-car garage, it is believed this solution is justified.*

Staff Finding:

Staff finds that the request for a Modification of Standard to section 4.7(F)(1)(d) is justified by the applicable standards in 2.8.2(H)(1).

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

The purpose this standard is to promote homes that have an architectural character that reflects a more compact residential scale that is compatible with the existing residential neighborhood. The proposed building elevations show the second floor of the principal structure overhanging the carport below. A wall supports a portion of the overhang while a series of wood slats supports the remainder of the overhang. From the street, the building will look anchored to the ground by the wall and slats. Staff finds the proposed plan to be equal to or better than a compliant plan.
Modification #8 Description:
The applicant requests a Modification to Section 4.7(F)(2)(b) to have 21 foot high eaves in the rear of the lot higher where 13 feet is the maximum.

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

Land Use Code 4.7(F)(2)(b):

The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space.

Summary of Applicant’s Justification:
The applicant requests that the Modification be approved and provides the following justification based upon Criterion 1 (equal to or better than a compliant plan):

Applicant’s Justification for Modification #8:

- The shape of the lot and desire to preserve the existing barn pushes the majority of the building to the rear portion of the lot.
- The building is set further back from Elizabeth, minimizing negative impacts from the street.
- The stand of trees along the east property mitigates the impact of the structure.
- On the west property line, the existing lilac hedge mitigates the impact of the building height.

Staff Finding:

Staff finds that the request for a Modification of Standard to section 4.7(F)(2)(b) is justified by the applicable standards in 2.8.2(H)(1).

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

The purpose of this standard is to minimize the height of structures on the rear half of the lot. Shorter structures prevent the looming affect on adjacent properties, along with shading and privacy impacts. This standard also promotes
pitched roof forms since the code allows a second story or a half-story for a carriage house. In order to accomplish a second story or a half-story and meet the eave height standards, a pitched roof is practically a necessity.

Due to the shape of the lot, it would be difficult to build solely in the front of the lot or put the majority of the building mass of a two-story building in the front of the lot. As discussed as part of modification request #5, the existing landscaping, orientation of windows and outdoor spaces, and configuration of adjacent lots minimizes the impact of a larger structure on the neighboring properties. The proposed building also has pitched roofs in accordance with the Land Use Code similar to many of the other houses nearby. Staff finds the proposed plan is equal or better than a compliant plan.

Modification #9 Description:
The applicant requests a Modification to Section 4.7(F)(3)(a)(2) to provide one parking space for the carriage house where four is required.

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

**Land Use Code 4.7(F)(3)(a)(2):**

*A minimum of one (1) off-street parking space must be provided for every bedroom contained within a carriage house.*

Summary of Applicant’s Justification:
The applicant requests that the Modification be approved and provides the following justification based upon Criterion 1 (equal to or better than a compliant plan):

**Applicant’s Justification for Modification #9:**

*In a normal situation within the NCL the carriage house would be located behind the primary residence and contain 1 bedroom, requiring 1 parking space. Along with the primary residence the total amount of parking required would be 3 parking spaces for the site (2 primary residence + 1 carriage house). In this situation because of the definition of Article 5 of a carriage house what would normally be the labeled as a primary residence has been labeled the carriage house. This creates an unreasonable amount of parking that would be required, 6 total spaces (2 primary residence + 4 carriage house). Given that the normal situation would require 3 spaces it is requested that the 3 provided be accepted.*
Staff Finding:

Staff finds that the request for a Modification of Standard to section 4.7(F)(3)(a)(2) is justified by the applicable standards in 2.8.2(H)(1).

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

The purpose of this standard is to provide ample parking for carriage houses. Due to the definition of a carriage house in Article 5, what would normally be considered the principal structure on this lot has to be considered the carriage house. This would result in a minimum of four parking spaces required since the carriage house, in this case, has four bedrooms. Normally, a carriage house of this size would not be allowed due to limitation on the size of carriage houses in the NCL zone. On a standard lot in the NCL, the smaller unit proposed as part of this development would be located behind the larger unit. In that instance, the Land Use Code requires three parking spaces: two for the larger unit since it has less than 40 feet of street frontage and one for the carriage house. Since the carriage house, in this case, will function as the principal structure despite having to be called the carriage house, staff finds that requiring five parking spaces due to an issue with a definition would not result in a better plan. As such, staff finds the proposal with three parking spaces is equal to or better than a compliant plan and would satisfy the parking needs of site residents and visitors.

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

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

A. Section 3.2.1(D)(2) - Tree Planting Standards - Street Trees

The Land Use Code requires canopy shade trees to be planted at 30’-40’ spacing in the center of parkway areas where the sidewalk is detached from the street. Elizabeth Street contains one Buckeye tree in the parkway. The proposed landscape plan shows this tree to remain in place with two additional American Lindens planted in the parkway to meet this standard.
B.  **Section 3.2.1(D)(3) – Minimum Species Diversity**

Projects with 10-19 trees may not have one species make up more than 50% of the overall number of trees. None of the trees makes up more than 50% of the total number of trees.

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

All of the proposed landscaping meets the minimum sizes required per the table below.

<table>
<thead>
<tr>
<th>Type</th>
<th>Minimum size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canopy Shade Tree</td>
<td>2.0&quot; caliper balled and burlapped or equivalent</td>
</tr>
<tr>
<td>Evergreen Tree</td>
<td>6.0' height balled and burlapped or equivalent</td>
</tr>
<tr>
<td>Ornamental Tree</td>
<td>1.5&quot; caliper balled and burlapped or equivalent</td>
</tr>
<tr>
<td>Shrubs</td>
<td>5 gallon or adequate size consistent with design intent</td>
</tr>
<tr>
<td>Canopy Shade Tree as a street tree on a Residential Local Street Only</td>
<td>1.25&quot; caliper container or equivalent</td>
</tr>
</tbody>
</table>

D.  **Section 3.2.1(E)(1) – Buffering Between Incompatible Uses and Activities**

This section requires incompatible uses to provide enhanced landscape screening from other nearby uses. Since the NCL zone does not allow offices, this standard applies. The applicant proposes a series of evergreen trees, and evergreen and deciduous shrubs, to buffer from the new house. The applicant also proposes to keep the existing lilac hedge on the west property line to maintain buffering from the adjacent single-family home to the west.

E.  **Section 3.2.1(E)(3)(b) – Hydrozone Table**

All proposed landscaping should be designed to incorporate water conservation materials and techniques. The annual water use should not exceed 15 gallons/square foot over the site. The proposed landscaping uses low water use plants and has an overall annual water budget of 6.5 gallons/square foot.
F. **Section 3.2.1(E)(4) - Parking Lot Perimeter Landscaping**

Parking lots with six or more spaces must be screened from abutting uses and the street through fences or walls in combination with plant material. The proposed landscape plan shows both a fence and a series of shrubs to screen the new parking area from adjacent properties. These shrubs consist of both evergreen and deciduous varieties to provide visual interest and year-round screening in the case of the evergreen shrubs.

G. **Section 3.2.1(E)(5) – Parking Lot Interior Landscaping**

Parking lots with six or more spaces must contain landscaping on 6% of their interior area. The landscape plan shows bulb outs with canopy shade trees and shrubs in accordance with this standard.

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

To the extent feasible, existing significant trees should be preserved. Most of the trees on the site will be protected per the landscape plan. A number of trees in fair or poor health exist on the site currently but are proposed to be removed as part of this plan. The tree mitigation plan submitted shows six trees slated for removal. Removing these six trees requires 5.5 mitigation trees per the City Forester. The proposed landscape plan shows 10 mitigation trees on-site in the form of upsized trees. Each mitigation tree satisfies the caliper size requirement for a mitigation tree.

I. **Section 3.2.2(C)(4)(b) - Bicycle Parking Space Requirements**

Offices require one bicycle parking space per 4,000 square feet or a minimum of four spaces if the office is smaller than 16,000 square feet. 20% of these spaces must be in enclosed locations while fixed racks may be used for the remaining 80%. The site plan shows three spaces provided by fixed racks and one space inside the office, which meets this standard.

J. **Section 3.2.2(C)(5) - Walkways**

Walkways must be provided to link sidewalks with building entries through parking lots. These walkways must also provide direct connections to off-site pedestrian and bicycle destinations. The site plan shows a sidewalk...
connection leading directly from the entrance of the office to the sidewalk along Elizabeth Street. For the residential lot, the driveway functions as the connection to the sidewalk along Elizabeth Street.

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

The on-site pedestrian and bicycle circulation system must be designed to provide, or allow for, direct connections to major pedestrian and bicycle destinations. The site provides walkway connections to the sidewalk along Elizabeth and provides access to Elizabeth for bicyclists.

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

All vehicular use areas in any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system. The proposed parking area meets these requirements by providing unobstructed access to vehicles, separating modes, and providing parking in an appropriate location.

M. **Section 3.2.2(E) - Parking Lot Layout**

The proposed parking lot layout is consistent with requirements of the Land Use Code in regards to circulation routes, orientation, and points of conflict.

N. **Section 3.2.2(K) – Off-Street Parking Requirements**

The table below shows how the project complies with the parking requirements for both uses. The staff report covers the carriage house parking requirements separately since that standard is contained in Article 4.

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Minimum</th>
<th>Parking Maximum</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Office</td>
<td>3 spaces (2 * 1.231)</td>
<td>6 spaces (4.5 * 1.231)</td>
<td>6 spaces</td>
</tr>
<tr>
<td>Single-family detached</td>
<td>2 spaces (less than 40’ frontage)</td>
<td>N/A</td>
<td>2 spaces</td>
</tr>
</tbody>
</table>

O. **Section 3.2.2(K)(5) - Handicap Parking**
Parking lots with 1-25 parking spaces are required to provide one handicap parking space with an 8-foot access aisle to make the space van accessible. The site plan shows one handicap parking space, which is in close proximity to the main entrance to the office. The site plan also shows the handicap space having an 8-foot access aisle to make the space van accessible.

P. Section 3.2.2(L) – Parking Stall Dimensions

Head-in parking spaces must be at least 19 feet deep and 9 feet wide. Stalls may be 17 feet deep if there is a landscape area at least six feet deep that allows cars to overhang and the stall has wheel stops. All of the proposed parking stalls are 17 feet deep with wheel stops and abut a landscape area more than six feet deep.

Q. Section 3.2.3 - Solar access, orientation, shading

All developments must be designed to accommodate active and/or passive solar installations and must not deny adjacent properties access to sunshine. The proposed building is designed and located to minimize the casting of shadows on adjacent properties and could accommodate future active and/or passive solar installations.

R. Section 3.2.4 - Site Lighting

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

S. Section 3.2.5 - Trash and Recycling Enclosures

Trash and recycling enclosures must be provided in locations abutting refuse collection or storage areas, shall be designed to allow walk-in access without having to open the main service gate, shall be screened from public view and shall be constructed on a concrete pad. The proposed trash and recycling enclosure abuts the alley, allows walk-in access without having to open the main service gate, is screened from public view, and is built on a concrete pad.

T. Section 3.3.1(B) – Lots
Lots must meet the minimum lot size requirements of the underlying zone and provide vehicular access to a public street. Both lots meet the minimum lot size requirements of the underlying zone. The home will achieve vehicular access to Elizabeth Street through an easement on the office lot, which complies with this standard.

U. Section 3.6.6 – Emergency Access

The proposal meets the standards for providing adequate access for emergency vehicles and emergency service providers as required in Chapter 9 of the City Code, which satisfies this code section.

4. Compliance with Article 4 of the Land Use Code – Neighborhood Conservation, Low Density (NCL), Division 4.7:

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

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

Single-family detached dwellings when there is more than one (1) dwelling on the lot or when the lot has only alley frontage is an allowed use subject to administrative review.

B. Section 4.7(D)(1) – Required Lot Area

The minimum lot size required for a single-family detached home with a carriage house is 12,000 square feet (6,000 square feet per dwelling unit). The lot at 811 E Elizabeth is 21,710 square feet.

C. Section 4.7(D)(2)(a)(3) – Allowable Floor Area on Residential Lots

For residential lots with more than 10,000 square feet, the allowable floor area shall not exceed 30% plus 250 square feet for a detached accessory structure. 30% of 21,710 square feet equates to 6,513 square feet. The proposal shows 6,102 square feet of floor area.

D. Section 4.7(D)(2)(a)(4) – Allowable Floor Area on Non-residential Lots

For lots containing non-residential uses, the allowable floor area shall not exceed 40% of the lot area. The office lot is 7,840 square feet, which
means the maximum floor area is 3,136 square feet. The office contains 1,231 square feet of floor area.

E. **Section 4.7(D)(3) – Allowable Floor Area on Rear Half of Lots**

The allowable floor area on the rear half of the lot shall not exceed 25% of the rear 50% of the lot. For the office lot, the maximum floor area allowed in the rear half is 980 square feet (3920 * .25). The office lot contains 784 square feet of floor area in the rear half of the lot. Modification #2 deals with the allowable floor area in the rear half of the residential lot.

F. **Section 4.7(E) – Dimensional Standards**

The NCL zone district has various setback and building height standards. Barring the minimum lot width and building height, the proposed plan meets all of the dimensional requirements of the zone district. Please note that for the residential lot that the front yard setback is measured from the portion of the lot that abuts Elizabeth Street.

<table>
<thead>
<tr>
<th>Table 1 - Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard</strong></td>
</tr>
<tr>
<td>Min. lot width</td>
</tr>
<tr>
<td>Min. front yard setback</td>
</tr>
<tr>
<td>Min. rear yard setback</td>
</tr>
<tr>
<td>Min. side yard setback</td>
</tr>
<tr>
<td>Max. building height</td>
</tr>
</tbody>
</table>

G. **Section 4.7(F)(1) – Building Design**

The proposed building meets all applicable building design standards with two exceptions discussed earlier in this staff report (accessory building setback and second floor overhang). The proposed building has exterior walls at right angles, the primary entrance on the front wall, a front porch that is not more than one story in height, a roof pitch between 2:12 and 12:12, a front porch that meets the requirements for front façade character, and a one-story element on the west side of the building, all in accordance with this code section.
H. **Section 4.7(F)(2) – Bulk and Massing**

The accessory structure meets the height requirement of not exceeding 20 feet in height. The other two standards in this section require a modification. This staff report discussed these two standards in an earlier section.

I. **Section 4.7(F)(3)(c) - Additional Review Criteria for Carriage Houses and Accessory Buildings With Habitable Space**

The proposed plan is consistent with this code section by providing a separate 120 square foot yard area for the carriage house, minimizing windows and openings that look onto adjacent properties, and maintaining natural resources.

5. **Findings of Fact/Conclusion:**

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

A. The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.

B. The Modification of Standard to Section 3.2.2(J) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and that by reason of physical hardship, the strict application of this code standard would result in unusual or exceptional practical difficulties.

C. The Project Development Plan complies with relevant standards of Article 3 – General Development Standards, provided the modification to Section 3.2.2(J) is approved.

D. The Modification of Standard to Section 4.7(D)(3) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.

E. The Modification of Standard to Section 4.7(D)(4) that is proposed with this Project Development Plan meets the applicable requirements of Section
2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.

F. The Modification of Standard to Section 4.7(E)(1) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and that by reason of physical hardship, the strict application of this code standard would result in unusual or exceptional practical difficulties.

G. The Modification of Standard to Sections 4.7(E)(5) and 4.7(F)(2)(a)(1) that are proposed with this Project Development Plan meet the applicable requirements of Section 2.8.2(H), in that the granting of the Modifications would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.

H. The Modification of Standard to Section 4.7(F)(1)(c) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.

I. The Modification of Standard to Section 4.7(F)(1)(b) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.

J. The Modification of Standard to Section 4.7(F)(2)(d) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.

K. The Modification of Standard to Section 4.7(F)(3)(a)(2) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.

L. The Project Development Plan complies with relevant standards located in Division 4.7 Neighborhood Conservation, Low Density (NCL) of Article 4 – Districts, provided the modifications to Sections 4.7(D)(3), 4.7(D)(4), 4.7(E)(1), 4.7(E)(5), 4.7(F)(2)(a)(1), 4.7(F)(1)(c), 4.7(F)(1)(b), 4.7(F)(2)(d), and 4.7(F)(3)(a)(2) are approved.
RECOMMENDATION:

Staff recommends approval of the modification requests and Elizabeth Subdivision, PDP160046.

ATTACHMENTS:

1. Zoning & Site Vicinity Map
2. Applicant’s Modification of Standard Requests
3. Elizabeth Subdivision Planning Document Set (Plat, Site Plan, Landscape Plan, and Architectural Elevations)
4. Elizabeth Subdivision FAR Diagrams
**Elizabeth Subdivision Project Narrative:**
The existing lot at 811 East Elizabeth was developed as a commercial lot prior to the lot being annexed into the City limits. There are several unusual site conditions that make this a one of a kind lot within the NCL zone district. Several of the modifications listed below would be needed to develop this lot even as a single family home only located with the residential lot limits.

**Lot size:**
The current lot is 29,550 sf (0.678 acres) with an overall lot depth of 295' and width of 100'. With the commercial building and parking lot only needing approximately 0.18 acres it leaves a large area of the lot (0.498 acres) that is ideal for residential infill.

**Existing Commercial Use:**
The lot currently has an existing commercial building (1,231 sf) located on the front half of the lot. With the re-plat for the residential lot the existing commercial development parking area has been redesigned to meet current Land Use code requirements. Working with the existing commercial building location a new lot has been designed to include emergency access within the 24' drive lane, 6 parking spaces (1 accessible), bike parking, and a pedestrian connection extended to continue an existing walk to the rear of the building and new trash/recycling enclosure. New landscaping will be added around the parking lot and along front of the building and street ROW and between the residential and commercial lot.

**Residential Access:**
Working with the existing commercial building, new commercial parking lot, and existing residential drive to the east (815 E. Elizabeth St.), city staff consensus was to have a shared entry point along East Elizabeth Street for both the residential and commercial lot. A 20' width front lot line has been provided along East Elizabeth Street, thus creating a flagpole lot. This flagpole lot condition has affected the rear lot floor area with the mid point of the lot being required to take into account the length of the flagpole.

**Lack of Alley Access:**
Another unique feature to this lot is the lack of an alley along the rear lot line. Typically a lot with a depth of almost 300' would have an alley along the rear lot line.

**Emergency Access for Single Family Home:**
During the design process it was determined that emergency access to this lot would be the largest hurdle to effectively cross. Working with PFA and the stated requirements an emergency access is being provided from the drive lane of the commercial lot as it was determined that providing access from the residential entrance drive would result in a large turnaround or hammerhead similar to what is show in Exhibit 1.1, without the carriage house. This will give PFA the needed access from the commercial parking lot to reach a residential home with the hose layout requirements. A cross property access agreement will be formed that will prevent a fence, hedge or any other barrier to be erected that would prevent access from the commercial lot to the residential lot.

**Emergency Access for Single Family Home and Carriage Home**
PFA requires a turn around or hammerhead for a truck if they have to back up in a straight line more than 150 ft. Due to the existing building and parking lot layout a turn around would have to be provided within the residential lot for access into the rear lot located carriage house. As shown in attached Exhibit 1.1 this would place an exceptionally large amount of pavement on the residential lot and destroy the residential feel of the lot, usable landscape area and character of the neighborhood as well as create a large amount of unnecessary area of impervious pavement. The added turn around also pushes a carriage house within 15' of the rear property line. This would have a much larger impact on the rear neighbor than what the current plan is showing. The turn around approach would also prevent the residential owner from sustainably using the existing accessory structure as a garage for required parking, as that building would need to be demolished in order to accommodate the area required for the turn around.

**Article 5 Constraints**
Article 5 of the Fort Collins Land Use code defines as a Carriage House as, “a single-family detached dwelling, typically without street frontage, that is located behind a separate, principal dwelling on the same lot, which fronts on the street.”

Throughout the design process the design team and planner have worked to create the most ideal plan that works with the above constraints and meet as many of the code requirements as possible. It is necessary, however, to locate the carriage house in front of the primary residence in order to maintain emergency access, work with the existing commercial building, updated parking lot and reduce the large pavement areas that would otherwise be required for emergency access.

Per the direction of Fort Collins Planning and Zoning the plans have been labeled with the larger residence being called the carriage house and the small front unit the Primary Residence. Modification requests have been submitted that address that issues that this creates with allowable floor area, parking, building heights etc.

In conclusion, this lot is a unique lot to the NCL district that will not be duplicated anywhere else within the district.
Elizabeth Subdivision Modification Requests for Residential Lot:

1. **Rear Lot Floor Area**
   
   **Land Use Code Section 4.7(D)(4):**
   Allowable Floor Area on Rear Half of Lots. The allowable floor area on the rear half of a lot shall not exceed twenty-five (25) percent of the area of the rear fifty (50) percent of the lot.
   
   **Modification Request Standard Used: #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.
   
   **Proposed: The rear lot floor area is exceeded by 1,311 sf**
   The rear floor area for the lot is shown as exceeding the maximum amount by 1,311 sf. If one were to look at this from three different perspectives the proposed plan would meet or be only slightly over.
   
   - **Primary Residence in back and Carriage in Front:** If the proposed plan were to be labeled with the primary house being in the back and the carriage house in front the basement floor area would not be required to be taken into account as it is not 3’ above grade (Section 4.7(2)(b)(2)). This scenario would not exceed the rear lot floor area. As discussed above, Article 5 defines a carriage house as behind the primary and therefore the plans cannot be labeled with this approach.
   
   - **Flagpole creating skewed mid lot line:** If the mid lot line did have to take into account the flagpole portion of the lot then the mid lot line would move further south. As the plan is shown with the carriage house in the rear and primary residence in front this would result in only 140 sf over the maximum allowed amount. Please see attached **Floor Area Diagram – Theoretical A-3.**
   
   - **Lot without Commercial Building:** This lot is the only lot within the NCL district that has a commercial building located on it. As mentioned in the project narrative this was built prior to the lot being annexed into the City limits. In a normal case the Primary Residence would be located roughly where the commercial building is. This would never then create an issue with the carriage house and rear lot floor area being exceeded.

2. **Dwelling Unit Behind Principle Building Floor Area**
   
   **Land Use Code Section 4.7(D)(4):**
   Residential. Any new single-family dwelling that is proposed to be located behind a street-fronting principal building shall contain a maximum of eight hundred (800) square feet of floor area unless such new single-family dwelling contains a two-car garage, in which case it shall contain a maximum of one thousand (1,000) square feet of floor area, including the garage. Floor area shall include all floor space within the basement and first floor plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet. A new single-family dwelling may be located in any area of the rear portion of such lot, provided that it complies with the setback requirements of this District and there is at least a ten-foot separation between structures. The building footprint for such single-family dwelling shall not exceed six hundred (600) square feet.
   
   **Modification Request Standard Used: #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.
   
   **Proposed: Carriage House Floor area is 4,175 sf**
   The Elizabeth Subdivision is proposed as a re-plat of a single lot with an existing commercial building and parking lot. The large size of the lot (0.68 ac) makes it an ideal location to allow for infill. Due to the nature of the existing commercial building and parking area the residential lot has by default become a flag shape lot with a 20’ wide access portion on the east (see modification request #3). The overall depth of the residential lot is over 294’. Because of this, locating the carriage house behind the principle residential home is virtually impossible due to access and emergency access requirements. Per Poudre Fire Authority (PFA), the following requirements must be met for fire protection and safety:
   
   a) A fire hydrant within 400’ of home
   
   b) General fire access within 150’ of building along an approved path
   
   Per conversations with PFA one requirement may be offset with a sprinkler system, but not both. Due to the distance from a fire hydrant the access requirement would need to be met. In order to provide the required access and turnaround area for a fire truck the overall site plan would be similar to what is shown in **EXHIBIT 1.1.**
As discussed above, the carriage house definition cannot be modified, therefore what would normally be a primary residence is now a carriage house by definition. The proposed floor area for the Carriage house is 4,175 s.f.

3. **Minimum lot width 40’**

   **Land Use Code Section 4.7(E)(1):**
   Minimum lot width shall be forty (40) feet.

   **Modification Request Standard Used: #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.

   **Modification Request Standard Used: #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.

   **Proposed: A 20’ street frontage lot width**
   The existing lot has a lot width of 100’. In the proposed plan the commercial lot would have 80’ of street frontage, with 20’ becoming the residential lot frontage along Elizabeth. The street frontage has been broken up in this way to accommodate the existing, 1,231 sf medical office building and small parking lot that serves this building. The existing parking lot is being brought up to current code requirements for layout and landscaping with this development plan. In order to provide the street frontage property line within the confines of the existing east and west property lines and the commercial parking area drive and east residential lot the street frontage was set at 20’. Due to driveway spacing concerns with the existing commercial lot and residential drive to the east the entry point for both the commercial and residential lot will be shared at the existing access point with a platted access easement.

4. **Maximum Building Height**

   **Land Use Code Section 4.7(E)(5) and 4.7(F)(2)(a):**
   4.7(E)(5) Maximum building height shall be two (2) stories, except for carriage houses, and accessory buildings containing habitable space, which shall be a maximum of one and one-half (1 ½) stories.
   4.7(F)(2)(a) Maximum building height shall be two (2) stories, except in the case of carriage houses, and accessory buildings containing habitable space, which shall be a maximum of one and one-half (1 ½) stories.

   **Proposed:**
   Both the primary residence and carriage house are proposed as more than a story and a half but less than a typical two-story structure. The Land Use Code defines a half story as having “the line of intersection of the roof and wall face not more than three (3) feet above the floor level”. The proposed structures will have such line of intersection at 8 and one-half feet above the floor level. The portion of the primary residence, in the front half of the lot, complies with the standard but the remainder of the primary residence and the carriage house exceed the standard.

   As described in the previous modifications, the subject lot is highly unusual with the majority of the front portion of the lot being the “skinny” portion of a flag lot and thus this modification is primarily justified by reason of **exceptional physical conditions**. Due to the unique site conditions, all of the structures are placed much further back on the lot than would be normal. The condition is further exacerbated by the sustainably minded desire to preserve the existing barn/garage structure at the front of the lot, thus pushing the home even further to the rear. If the dividing line between the front and rear lot halves were to be positioned at the middle of the rear, wider portion of the lot, as would be more typical, all of the primary residence would be in compliance.

   Furthermore, since the carriage house’s smallest setback still significantly exceeds the required setback the proposed solution impacts the adjacent properties **equally well or better** than would a shorter building structure that is placed at the minimum allowed setback. See the North and South Elevations of the PDP drawings for an illustration of this.

   The large trees, in existence along the east property line, further mitigate the impact of the new structures on the adjacent property. An image is provided below that approximately recreates the view of the eastern adjacent house looking to the southwest towards the primary residence.
The impact of any of the new structures on the Elizabeth Street frontage is minimal, as the site conditions dictate it to be virtually buried from view behind the commercial use in front. Further, there is significant landscape mitigation proposed as a buffer between the commercial and residential uses that will further conceal the carriage house from the street.

It also should be noted that a very intentional effort has been made to break the overall massing of the project into a series of small scaled, gable & porch masses in order to sensitively integrate with the neighboring structures.

5. **Garages shall have Front Yard Setback that is at least 10’ greater than the Principle Building**

   **Land Use Code Section 4.7(F)(1)(c):**
   Accessory buildings and attached garages shall have a front yard setback that is at least ten (10) feet greater than the front setback of the principal building that is located on the front portion of the lot.

   **Modification Request Standard Used: #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

   **Proposed:**
   The above code section that addresses garages behind principle buildings was written with the intent of creating a street frontage that is not dominated by garage doors and provides 25 feet for off street parking in driveways when homes are at the minimum 15'-0” setback. The residential home on this lot has a 138’ setback from the proposed Elizabeth Street R.O.W. to the proposed carport and garage attached to the primary residence and carriage house. In addition to this setback, there is heavy landscape buffering and screening proposed between the existing commercial building parking lot and the residential lot. The side loading/single car garage door is not exposed or facing the commercial property and creates a better aesthetic value for that property. Existing large lilac screen hedges and new residential landscaping within the yard will screen for the adjacent owner to the west. The existing structure that will be used as a garage on site will be further concealed from the public ROW with new landscaping. In order to pursue sustainable practices the owner has chosen not to remove this structure. The garage door for this structure also faces into the site and not toward the public ROW.

6. **Maximum Second Floor Overhang**

   **Land Use Code Section 4.7(F)(1)(d):**
   A second floor shall not overhang the lower front or side exterior walls of a new or existing building.

   **Proposed:**
   The proposed second floor does not overhang the lower floor other than in the area where a carport is tucked under it. Since the code is silent on how carports are treated for this condition, this modification is provided.

   It is believed that the intent of this requirement is to disallow structures that are overly top heavy or bulky, particularly in relationship to the mass of the floor below them. Since a carport is provided below the “overhang” and since this carport is integrated into and even enhances the architecture equally well or better than would a solution that simply proposed a two-car garage, it is believed this solution is justified.

7. **Required Eave Height**

   **Land Use Code Section 4.7(F)(2)(b):**
   The exterior eave height of an eave along a side lot line shall not exceed thirteen (13) feet from grade for a dwelling unit located at the rear of the lot or an accessory building with habitable space.

   **Proposed:**
   The highest exterior eave height of the building is proposed to be Twenty-One (21) feet.
As described in the previous modifications, the subject lot is highly unusual with the majority of the front portion of the lot being the “skinny” portion of a flag lot and thus this modification is primarily justified by reason of exceptional physical conditions. Due to the unique site conditions, all of the structures are placed much further back on the lot than would be normal. The condition is further exacerbated by the sustainably minded desire to preserve the existing barn/garage structure at the front of the lot, thus pushing the home even further to the rear. If the dividing line between the front and rear lot halves were to be positioned at the middle of the rear, wider portion of the lot, as would be more typical, all of the primary residence would be in compliance. Furthermore, if the existing structure was not being preserved, all of the new structures would be able to slide further forward to where the carriage house would almost be in compliance as well.

Furthermore, since the carriage house’s smallest side setback still significantly exceeds the required setback the proposed solution impacts the adjacent properties equally well or better than would a shorter building structure that is placed at the minimum allowed setback. See the North and South Elevations of the PDP drawings for an illustration of this.

The large trees, in existence along the east property line, further mitigate the impact of the new structures on the adjacent property. An image is provided below that approximately recreates the view of the eastern adjacent house looking to the southwest towards the primary residence.

The impact of any of the new structures on the Elizabeth Street frontage is minimal, as the site conditions dictate it to be virtually buried from view behind the commercial use in front. Further, there is significant landscape mitigation proposed as a buffer between the commercial and residential uses that will further conceal the carriage house from the street.

Regarding the adjacent property to the west, there is only one sixteen (16) foot wide gable roof that would conflict with the standard and this end of the home is largely mitigated by the existing large lilac hedge that runs all along this portion of the dividing property line.

It also should be noted that a very intentional effort has been made to break the overall massing of the project into a series of small scaled, gable & porch masses in order to sensitively integrate with the neighboring structures.

8. Carriage House Parking Requirements

*Land Use Code Section 4.7(F)(3)(a)(2):*
A minimum of one (1) off-street parking space must be provided for every bedroom contained within a carriage house.

*Modification Request Standard Used: #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

*Proposed: 3 total parking spaces would be provided*
In a normal situation within the NCL the carriage house would be located behind the primary residence and contain 1 bedroom, requiring 1 parking space. Along with the primary residence the total amount of parking required would be 3 parking spaces for the site (2 primary residence + 1 carriage house). In this situation because of the definition of Article 5 of a carriage house what would normally be the labeled as a primary residence has been labeled the carriage house. This creates an unreasonable amount of parking that would be required, 6 total spaces (2 primary residence + 4 carriage house). Given that the normal situation would require 3 spaces it is requested that the 3 provided be accepted.

**Summary**
The proposed modifications are all nominal when compared to the entire development that provides high quality, high performing architecture that is sensitive to the character of the surrounding neighborhood, and as such is consistent with the policies of the Land Use Code described in Section 1.2.2 as follows:
(B) Encouraging innovations in land development and renewal.
(F) Encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
(J) Improving the design, quality and character of new development.
(L) Encouraging the development of vacant properties within established areas.
(M) Ensuring that development proposals are sensitive to the character of existing neighborhoods.

Approval of these requests for Modifications would facilitate a positive infill development. Furthermore, granting these requests would not be detrimental to the public good but would provide for a substantial improvement over the existing conditions of the property.
Elizabeth Subdivision Modification Requests for Commercial Lot:

1. Parking area must be setback from property lines a minimum of 5'-0"

   Land Use Code Section 3.2.2(J):
   Setbacks. Any vehicular use area containing six (6) or more parking spaces or one thousand eight hundred (1,800) or more square feet shall be set back from the street right-of-way and the side and rear yard lot line (except a lot line between buildings or uses with collective parking) consistent with the provisions of this Section, according to the following table:

<table>
<thead>
<tr>
<th></th>
<th>Minimum Average of Entire Landscaped Setback Area (feet)</th>
<th>Minimum Width of Setback at Any Point (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Along an arterial street</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>Along a nonarterial street</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Along a lot line *</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

   Modification Request Standard Used: #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

   Proposed:
   The current parking area for the commercial lot does not meet code requirements; this development plan seeks to bring it up to code requirements. The pedestrian connection from Elizabeth down the east side of the building was extended to continue all along the building façade. Moving eastward from edge of walk a 24’ drive aisle was located as well as parking spaces that utilizes the reduced stall depths of 17’-0” and the 2’ overhangs. In order to access the residential lot a 12’-0” drive aisle was also accounted for. The remaining area of lot width was broken up to provide landscape buffering from the parking lot, drive and adjacent property. Similarly, the south portion for the parking back up area was divided with the existing accessory structure which yielded at 3'-0” setback from the south lot line of the commercial lot.
ELIZABETH SUBDIVISION
PRELIMINARY DEVELOPMENT PLAN

Approach Vignette
Primary Residence Vignette
Carriage House Entry Vignette

North Elevation

West Elevation

East Elevation

South Elevation

5' SIDEYARD SETBACK / HEIGHT LIMIT
VERTICAL BARN WOOD SIDING - TYPICAL
ARCHITECTURAL STEEL STAIR & RAILING
OPEN SIDING "SLATS" @ CARPORT PARKING SPACE

HOIZONTAL DARK STAINED ACCENT SIDING - TYPICAL
ARCHITECTURAL STEEL VINE TRELLIS - TYPICAL
DARK STAINED WOOD COLUMNS & BEAMS - TYPICAL
METAL ROOFING - TYPICAL

ARCHITECTURAL STEEL SUSPENDED CANOPY - TYPICAL

21' MAX STORY & A HALF HEIGHT LIMIT @ SETBACK (ASSUMING SAME ROOF PITCH)
28' MAX

SCREENED IN PORCH
ARCHITECTURAL STEEL RAILING - TYPICAL

ADDRESS: 3115 Clyde St. | Fort Collins, CO 80524 | 90.484.8433

CURRENT ISSUE
REVISIONS

ELIZABETH SUBDIVISION
PRELIMINARY DEVELOPMENT PLAN

ARCHITECT: GREG D. FISHER

DRAWN BY: GDF
CURRENT ISSUE: A1
REVISIONS: 8/17/17

BUILDING ELEVATIONS

APPROACH VIGNETTE
PRIMARY RESIDENCE VIGNETTE
CARRIAGE HOUSE ENTRY VIGNETTE

NORTH ELEVATION

WEST ELEVATION

EAST ELEVATION

SOUTH ELEVATION

1/8" = 1'-0"

1/8" = 1'-0"
1983 SF
Carriage House 1st Level
368 SF
Garage
511 SF
Existing Accessory Structure

Porch
Patio
Deck
Screened Deck

CROSSHATCHED AREAS INDICATE LOCATIONS WHERE CEILING HEIGHT IS 14’ OR GREATER
-Area = 509 S.F.

84 SF
Accessory Structure Expansion

FRONT 50% LOT LINE
REAR 50% LOT LINE

SHAED AREA INDICATES AREA IN REAR HALF OF LOT - TYP.
298 SF
Carport
46 SF

666 SF
Primary Residence
620 SF
Carriage House Upper Level

AT THIS LEVEL, OF THE CARRIAGE HOUSE RED LINE INDICATES PERIMETER OF OUTSIDE WALL AND/OR PERIMETER OF AREA WHERE CEILING HEIGHT IS A MINIMUM OF 7’-6” - TYP.

FRONT 50% LOT LINE
SHAED AREA INDICATES AREA IN REAR HALF OF LOT - 414 SF

Overall Floor Area Ratio (FAR)
Allowable Overall Floor Area: 6,513 sf
Actual Overall Floor Area:
Primary Residence:    666
Carport:    298
Garage:       368
Carriage House Basement:    947
Carriage House 1st Level: 2,492 (1,983 + 509 over 14’ Height)
Carriage House 2nd Level:    620
Carriage House 2nd Deck:    116
Exist. Acc. Struct.:    511
Acc. Struct. Add.:      84
Total: 6,102

Rear Lot Floor Area Ratio (FAR)
Allowable Rear Lot Floor Area: 3,692 sf
Actual Rear Lot Floor Area:
Primary Residence:    414
Carport:      46
Garage:    368
Carriage House Basement:    947
Carriage House 1st Level: 2,492 (1,983 + 509 over 14’ Height)
Carriage House 2nd Level:    620
Carriage House 2nd Deck:    116
Total: 5,003

ELIZABETH SUBDIVISION
PRELIMINARY DEVELOPMENT PLAN

Floor Area Diagrams
A-2
HALF LOT LINE @ CENTER OF BACK PORTION

Lower Level - Theoretical

Upper Level - Theoretical

Main Level - Theoretical

Overall Floor Area Ratio (FAR)
Allowable Overall Floor Area: 6,513 sf
Actual Overall Floor Area:
Primary Residence: 666 SF
Carport: 298 SF
Garage: 368 SF
Carriage House Basement: 947 SF
Carriage House 1st Level: 2,492 SF (1,983 + 509 over 14' Height)
Carriage House 2nd Level: 620 SF
Carriage House 2nd Deck: 116 SF
Exist. Acc. Struct.: 511 SF
Acc. Struct. Add.: 84 SF
Total: 6,102 SF

Rear Lot Floor Area Ratio (FAR)
Allowable Rear Lot Floor Area: 2,468 sf
Actual Rear Lot Floor Area:
Primary Residence: 0 SF
Garage: 0 SF
Carriage House Basement: 447 SF
Carriage House 1st Level: 1,717 SF (1,208 + 509 over 14' Height)
Carriage House 2nd Level: 328 SF
Carriage House 2nd Deck: 116 SF
Total: 2,608 SF

Current Issue:
Drawn by:
Architect
3115 Clyde St. | Fort Collins, CO 80524 | 90.484.8433

Rev.
8/23/17
Current Iss.: 02/07

ELIZABETH SUBDIVISION
PRELIMINARY DEVELOPMENT PLAN
8/23/2017 1:50:46 PM
A-3

Floor Area Diagrams - Theoretical
1/8" = 1'-0"