

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

**FINDINGS AND DECISION**

HEARING DATE: December 6, 2018

PROJECT NAME: Gulley Duran Subdivision

CASE NUMBER: FDP #180021

APPLICANT: Hadley Duran  
1810 Empire Avenue  
Loveland, CO 80538

OWNER: Elizabeth Gulley  
1810 Empire Avenue  
Loveland, CO 80538

HEARING OFFICER: Marcus A. McAskin

**PROJECT DESCRIPTION:** This is a request for a Final Development Plan to plat a 17.93-acre site (the “Subject Property”) as Lot 1, Gulley Duran Subdivision, and construct one single-family detached house and accessory building. The Subject Property is currently undeveloped. The Subject Property will take access through an existing Right of Way that passes through the Gulley Greenhouse site located at 6029 S Shields Street, in the Urban Estate(U-E) zone district.

**BACKGROUND:** The Subject Property was originally annexed into Fort Collins as part of the Southwest Enclave Annexation Phase Three in 2006 and has not been platted. The Cathy Fromme Prairie Natural Area forms the north and west boundary of the Subject Property. The Subject Property is zoned Urban Estate (U-E).

The surrounding zoning and land uses are as follows:

<b>Direction</b>	<b>Zone District</b>	<b>Existing Land Uses</b>
North	Public Open Lands (P-O-L)	Natural Area, Cathy Fromme Prairie
South	Urban Estate (U-E)	Unimproved land, Fossil Creek
East	Urban Estate (U-E)	Single-family house, Gulley Greenhouse
West	Public Open Lands (P-O-L)	Natural Area, Cathy Fromme Prairie

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: (U-E) Urban Estate

HEARING: The Hearing Officer opened the hearing on Thursday, December 6, 2018, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 5:30PM, and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present.

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

1. Gulley Duran Subdivision Vicinity & Zoning Map.
2. Planning Department Staff Report prepared for Gulley Duran Subdivision (FDP #180021). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Applicant's Statement of Planning Objectives.
4. Gulley Duran Subdivision Plat.
5. Gulley Duran Subdivision Site and Landscape Plan.
6. Gulley Duran Subdivision Utility Plans.
7. Gulley Duran Subdivision Ecological Characterization Study dated April 20, 2018 (Blue Mountain Environmental Consulting LLC).
8. Confirmation of Publication dated November 27, 2018, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on November 27, 2018.
9. Notice of Public Hearing dated November 21, 2018.
10. PowerPoint presentation prepared by Staff for the December 6th public hearing.
11. 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.
12. Rules of Conduct for Administrative Hearings.

TESTIMONY: The following persons testified at the hearing:

From the City: Kai Kleer, Associate Planner

From the Applicant: Hadley Duran  
1810 Empire Avenue  
Loveland, CO 80538

From the Public: Jan Gulley  
6033 S. Shields  
Fort Collins, CO 80526

Brandi Herring  
6375 Thompson Drive  
Fort Collins, CO 80526

Yvette Tibbs  
6400 Hutchison Drive  
Fort Collins, CO 80526

The hearing on this matter was closed at approximately 5:50 p.m.

### FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
  - A. the Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code;
  - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code; and
  - C. the Application complies with relevant standards contained in Division 4.2, Urban Estate District (U-E) of Article 4 of the Land Use Code.
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 Gulley Duran Subdivision (FDP #180021) for the Subject Property as submitted.

DATED this 14th day of December, 2018.



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Marcus A. McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
Gulley Duran Subdivision  
(FDP# 180021)

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**PROJECT NAME**

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**GULLEY DURAN SUBDIVISION #FDP180021**

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**STAFF**

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Kai Kleer, Associate Planner

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**PROJECT INFORMATION**

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**PROJECT DESCRIPTION:** This is a request for a Final Development Plan to plat a 17.93-acre site and construct one single-family detached house and accessory building. The site is currently undeveloped and was formerly used as agricultural land. The project proposal does not yet have a street address but will take access through an existing Right of Way that passes through the Gulley Greenhouse site located at 6029 S Shields Street, in the Urban Estate(U-E) zone district.

**APPLICANT & OWNER:** Elizabeth (Beth) Gulley  
1810 Empire Avenue  
Loveland, CO 80538

**RECOMMENDATION:** Approval of the Gulley Duran Subdivision Final Development Plan, FDP180021.

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**EXECUTIVE SUMMARY**

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Staff finds the proposed Gulley Duran Subdivision Final Development Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The Final Development Plan complies with procedures located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Final Development Plan complies with relevant standards of Article 3 – General Development Standards.
- The Final Development Plan complies with relevant standards located in Division 4.2, Urban Estate District (U-E) of Article 4 – Districts.

**COMMENTS**

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**1. Background:**

The surrounding zoning and land uses to each side of the project site are as follows:

<b>Direction</b>	<b>Zone District</b>	<b>Existing Land Uses</b>
<b>North</b>	Public Open Lands (P-O-L)	Natural Area, Cathy Fromme Prairie
<b>South</b>	Urban Estate (U-E)	Unimproved land, Fossil Creek
<b>East</b>	Urban Estate (U-E)	Single family house, Gulley Greenhouse
<b>West</b>	Public Open Lands (P-O-L)	Natural Area, Cathy Fromme Prairie

The project site was originally annexed into Fort Collins as part of the Southwest Enclave Annexation Phase Three in 2006 and has not been platted. The property is believed to have been used for the cultivation of hay in the recent past. The Cathy Fromme Prairie Natural Area forms the north and west boundary of the site. The project site is zoned Urban Estate (U-E). There are no existing improvements on site.

A zoning and site vicinity map is attached separately as attachment 1.

**2. Article Four – Urban Estate Zone District:**

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

**A. *Section 4.2(B)(2)(a) – Permitted Uses***

Detached single-family residential development and accessory building is permitted in the Urban Estate (U-E) zone district subject to Administrative (Type 1) Review. The detached single-family use proposed for the final development plan meets all applicable standards.

**B. *Section 4.2(D)(1) – Density/Intensity***

The proposed single-family residence on 17.98-acres consists of an overall average density is 0.05 dwelling units per gross acre, exceeding the 2-dwelling unit per gross acre minimum. The proposed single-family residence on 17.98 acres meets and exceeds the minimum lot size of 0.5 acres.

**C. *Section 4.2(D)(2) Dimensional Standards***

The lot's width is 889.72 feet on the eastern edge, exceeding the 100-foot minimum lot width for single-family residence. The lot's front yard depth is 554.2', exceeding the minimum front yard depth of 30 feet. The lot's rear yard depth is 250', exceeding the minimum rear yard depth of 25 feet. The lot's side yard depth is 100 feet, exceeding the minimum side yard width of 20 feet. The

proposed single-family residence is a single story, not exceeding the 3-story maximum height limit.

**3. Article Three – General Development Standards:**

The project complies with all applicable Article 3 standards as follows:

*A. Section 3.2.2(K)(1)(c) – Required Number of Off-Street Spaces for Type of Use.*

Vehicle parking requirements for single-family detached houses are a minimum of 1 parking space on lots with greater than 40 feet of street frontage or 2 parking spaces on lots with 40 feet or less of street frontage. There is no maximum number of parking spaces for a single-family detached house. Three parking spaces are proposed on the site, which exceeds the residential parking minimum.

*B. Section 3.3.1(B)(1) – Lots*

This section requires lots to meet the area requirements set forth under the applicable zoning of the subject site. The Urban Estate zone district requires lots to be greater than or equal to 0.5 acres per dwelling unit. As proposed, the lot is 17.93 acres, exceeding the minimum requirements for this zone district.

*C. Section 3.3.1(C)(1) – Public Sites, Reservations and Dedications*

The applicant has satisfactorily coordinated utility requirements with the relevant outside utility providers, including the Fort Collins-Loveland Water District (water), Xcel Energy (gas), Fort Collins Light & Power, and the Larimer County Environmental Health Department (septic). The proposed house will be served by an onsite septic system and complies with the Larimer County Health Department minimum lot size of 2.29 acres.

*D. Section 3.4.1 - Natural Habitats and Features*

To the the maximum extent feasible, the development plan must be designed and arranged to be compatible with and to protect natural habitats and features and the plants and animals that inhabit them and integrate them within the developed landscape of the community by:

1. directing development away from sensitive resources,
2. minimizing impacts and disturbance through the use of buffer zones,
3. enhancing existing conditions, or
4. restoring or replacing the resource value lost to the community (either on-site or off-site) when a development proposal will result in the disturbance of natural habitats or features.

The development site is within 500 feet of two features: Smith Creek (a tributary to Fossil Creek) to the south and City of Fort Collins Cathy Fromme Prairie Natural Area (bordering site directly on north and west sides).

Because of this, an Ecological Characterization (ECS) study was required and was provided by the applicant on April 2018. The ECS report indicates that the site is dominated by smooth brome (*Bromus inermis*), an exotic species of grass. The impact of proposed development is expected to be minimal as a large portion of the property is to remain as open space.

The proposed project is 100 feet away from the border with Cathy Fromme Prairie Natural Area and over 100 feet from wetlands and Smith Creek. Habitat enhancements are indicated within the setback areas, including addition of native shrubs and application of dryland native seed mix in all disturbed areas.

The applicant is meeting and, in the case of the wetlands, exceeding City natural habitat buffer setback requirements. The landscaping and addition of native plants will provide enhanced opportunities for species' nesting, breeding, and where needed, screening to buffer adjacent areas visually. As proposed the project satisfies the applicable standards set forth in this section of the LUC.

*E. Section 3.6.6 – Emergency Access*

The proposal meets the emergency access standards of this section and the requirements of the Poudre Fire Authority. Poudre Fire Authority will require an emergency access easement to be recorded by separate document prior to Certificate of Occupancy. The access easement will follow the length of the proposed driveway and provide an area for turnaround in front of the house. The location of the proposed single-family house exceeds the maximum permitted distance from a fire hydrant. However, the proposed house will be equipped with a residential sprinkler system and dedicated emergency access.

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

In evaluating the request for the Gulley Duran Subdivision Final Development Plan, staff makes the following findings of fact:

- A. The Gulley Duran Subdivision Final Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Gulley Duran Subdivision and Single-Family Residence Final Development Plan complies with the applicable standards located in Article 3 – General Development Standards.



- C. The Gulley Duran Subdivision Final Development Plan complies with the applicable standards in Division 4.2, Urban Estate District of Article 4 – Districts.

**RECOMMENDATION**

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Staff recommends approval of the Gulley Duran Subdivision Final Development Plan, FDP180021.

**ATTACHMENTS**

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1. Site Vicinity Map
2. Applicant's Statement of Planning Objectives
3. Plat
4. Site and Landscape Plan
5. Utility Plans
6. Ecological Characterization Study