

**CITY OF FORT COLLINS  
TYPE 1 ADMINISTRATIVE HEARING  
FINDINGS AND DECISION**

HEARING DATE: November 29, 2018

PROJECT NAME: Hansen Farm

CASE NUMBER: PDP170036

APPLICANT: Lorson South Land Corp.  
c/o The Birdsall Group  
444 Mountain Avenue  
Berthoud, CO 80513

OWNER: Lorson South Land Corp.  
c/o Mr. Jeff Mark  
212 North Wahsatch Avenue, Suite 301  
Colorado Springs, CO 80903

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a Project Development Plan ("PDP") for a portion of the Hansen Farm property located at the West side of South Timberline Road at Zephyr Road. The PDP includes 178 dwelling units, 116 single-family detached and 62 single-family attached on a total of 55.2 acres. The PDP is an initial phase of a multiple phase development as described in the approved Overall Development Plan.

SUMMARY OF DECISION: Approved with conditions.

ZONE DISTRICT: Low Density Mixed-Use Neighborhood (LMN)

HEARING: The Hearing Officer opened the hearing at approximately 6:05 p.m. on November 29, 2018, in the Council Chambers at 300 LaPorte Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; (2) the application, plans, maps and other supporting documents submitted by the applicant; (3) written comments received from Chris McElroy, Sylvia Tatman-Burruss, Terest McElroy, Jim and Bobbie Tilmant, Joe and Diane Kovack, Marian and Paolo Romero and Vivian K. Bust; and (4) a copy of the public notice. The Land Use Code (the "Code") and the formally promulgated policies of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified at the hearing:

From the City: Pete Wray

From the Applicant: Kristin Turner, Jeff Mark

From the Public: Chris McElroy, Chuck Burchett, Tom Barlow

### FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
2. Subject to the conditions imposed below, the PDP complies with the Fossil Creek Reservoir Area Plan.
3. Subject to the conditions imposed below, the PDP complies with the applicable General Development Standards contained in Article 3 of the Code.
  - a. The PDP complies with Section 3.2.1, Landscaping, because: all local public streets will be landscaped with street trees; the parkways will be landscaped with irrigated turf; a 50' buffer is proposed along the north boundary; a 50' natural habitat buffer will be maintained along the south edge of the Mail Creek Ditch drainage corridor; the PDP includes a public access easement for a future trail; Tract B includes a potential future neighborhood park to be designed by the City; the stormwater detention pond will be re-seeded with a native seed mix; and clusters of trees will be spaced in a random fashion.
  - b. The PDP complies with Section 3.2.1(F), Tree Mitigation, because: the City Forester determined that for the 4 trees to be removed, 24 mitigation trees are required. While the reason for removal of the trees is due to land development, the existing trees are rated as fair, fair minus, poor, mostly dead, dead or hazard. This is due to lack of irrigation and neglect over the decades.
  - c. The PDP complies with Section 3.2.2, Access, Circulation and Parking, because: the extension of Zephyr Drive west of the South Timberline Road intersection will be the primary access; Twisted Root Drive acts as a second point of access; the local street network serving most of the site includes Burlly Tree Drive, Happy Woodland Drive and Knobby Pine Drive; Fallen Branch Drive will be an internal north-south street and is stubbed to the south property line for future extension; and the other internal street is a private alley to access the rear-loaded garages and guest parking spaces for the 62 single-family attached units.
  - d. The PDP complies with Section 3.2.2(C)(6), Direct Access to Pedestrian and Bicycle Destinations, because: the pedestrian and bicycle network will be a combination of public sidewalks and private walkways, and undesignated on-street bicycle circulation; the network will connect to the perimeter public sidewalk and on-street bike lane along South Timberline Road; a future multi-use trail along the Mail Creek Ditch corridor along the north boundary will be constructed by the City with available funding; and the PDP provides for the future extension of Zephyr Drive to the west.
  - e. The PDP complies with Section 3.2.2(C)(7), Off-Site Access to Pedestrian and Bicycle Destinations, because: the PDP includes direct street and sidewalk connections; and the central stormwater detention pond and passive open space include sidewalk connections from the local street network and internal paths.

- f. The PDP complies with Section 3.2.2(K)(1)(a), Parking, because: the PDP meets all minimum parking requirements, and the local public streets surrounding the single-family attached units allow on-street parking.
- g. The PDP complies with Section 3.2.3, Solar Access and Shading, because the PDP includes 133 solar oriented lots out of a total of 178 lots, or 74.7%.
- h. The PDP complies with Section 3.4.1, Natural Habitats and Features, because: the proposed Natural Habitat Buffer Zone (NHBZ) includes creation of a 0.253 acre isolated wetland north of the existing 0.23 acre wetland, addition of native wetland seed mix in the new wetland area and addition of native upland plants along ditch corridors; the PDP includes 10.53 acres of NHBZ; the extensive landscaping and addition of different types of native plants will increase the habitat value of the wetlands and ditches by providing enhanced opportunities for species' nesting, breeding; the addition of trails and pedestrian walkways ensures appropriate access to nature on the site including nature-viewing opportunities; and a NHBZ monitoring plan will be approved by City staff prior to Final Plan approval.
- i. The PDP complies with Section 3.5.1(H), Building and Project Compatibility – Land Use Transition, because: the lot sizes range from 6,000-9,000 SF in size, with smaller lot single-family attached lots located further to the south and larger lots to the north; the PDP is generally compatible with the existing Willow Springs subdivision by locating the single-family detached lots adjacent to the existing single-family detached lots in Willow Springs; the transition is further strengthened by the Mail Creek Ditch drainage corridor between Hansen Farm and Willow Springs, which increases the actual buffer to between 60' and 120'.
- j. The PDP complies with Section 3.5.2(C)(2), Housing Model Variety and Variation Among Buildings, because: the PDP provides three building footprints and three shapes as determined by their architectural style; the three styles are characterized by distinctive architecture and are allocated to each of the three building sizes; for the 11 buildings, the three styles are distributed among all three sizes of buildings, with the exception of the one 4-plex building; and there are no similar buildings placed next to each other.
- k. The PDP complies with Section 3.5.2(D)(1), Relationship of Dwellings to Streets and Parking – Orientation to a Connecting Walkway, because: all 11 single-family attached building front entrances face the public street and connect directly to the street sidewalk with a distance less than 200' distance.
- l. The PDP complies with Section 3.5.2(E)(2), Setbacks from Nonarterial Streets, because the single-family attached buildings are set back from the public street by at least 20'.
- m. The PDP complies with Section 3.6.1, Master Street Plan and Section 3.6.3(B), Street Pattern and Connectivity Standard, because: the PDP provides for the extension of Zephyr Road west of the South Timberline Road intersection, connecting to the adjacent property to the south, and the PDP is served by a network of public streets which provide

safe and convenient internal and external connectivity; the PDP includes space for pedestrian and bicycle trail connections along the northern perimeter to link to the future Power Trail to the west and extending east across South Timberline Road.

n. The PDP complies with Section 3.6.3(C), Street Pattern and Connectivity Standards – General Standard, because: the proposed PDP shows another access point approximately 700 feet north of Zephyr Road. This access will act as an emergency access only until the Timberline widening project can install center medians at this location. At that time, the access can be opened to neighborhood traffic and will function as a right-in right-out access location.

o. The PDP complies with Section 3.6.3(F), Street Pattern and Connectivity Standards, because: the PDP includes local street connections to the south for future development; the PDP includes pedestrian trail connections meeting alternative compliance criteria; the PDP will reduce the number of ditch bridge crossings and impacts to natural resource buffer along this corridor; and the PDP fosters non-vehicular access and enhances neighborhood connectivity.

p. The PDP complies with Section 3.6.4, Transportation Level of Service Requirements, because: the increase in traffic due to the proposed development will be managed by a series of improvements, including new lanes, a traffic signal and roadway widening.

4. Subject to the conditions imposed below, the PDP complies with the applicable all applicable L-M-N standards contained in Article 4 of the Code.

a. The PDP complies with Section 4.5(B)(2), Permitted Uses, because: the PDP both single-family detached and single-family attached dwellings are permitted uses in the L-M-N zone district.

b. The PDP complies with Section 4.5(D)(1), Density, because: the PDP features 178 dwelling units on 55.19 acres for a gross density of 3.3 dwelling units per gross acre, and a net density of 5.5 dwelling units per net acre.

c. The PDP complies with Section 4.5(D)(2), Mix of Housing, because the PDP includes four housing types.

d. The PDP complies with Section 4.5 (D)(6), Small Neighborhood Parks, because: the PDP identifies a future park in Tract B (3 +/- acres) and the City intends to develop this tract as a future public neighborhood park, contingent on available funding; passive open space and a stormwater detention pond are provided on Tract F; and all dwellings are within 1/3 of a mile of both the future park and the passive open space.

e. The PDP complies with Section 4.5(E)(1)(a), Streets and Blocks – Street System Block Size, because: the PDP includes four new public streets and one private alley; the largest block (11.6 acres) is defined by Burly Tree Drive on the north, Knobby Pine Drive on the south, and Fallen Branch Drive on the west; and the other interior block to the west is 5.6 acres.

f. The PDP complies with Section 4.5(E)(1)(b), Streets and Blocks – Mid-Block Pedestrian Connections, because: the two blocks exceed 700' in length; the two blocks include walkways connecting to other streets at mid-block; and the other blocks also include walkways to other streets at mid-block.

g. The PDP complies with Section 4.5(E)(2)(a), Street Sidewalks, because the public sidewalks around the perimeter of the property will be replaced in compliance with applicable design requirements.

### ANALYSIS

During the hearing, most of the comments focused on the compatibility of the PDP with the surrounding areas, primarily the Willow Springs neighborhood. The two main areas of opposition were focused on the compatibility of the density proposed in the PDP and the architectural compatibility and sizing of the buildings proposed in the PDP. The public focused on the document entitled FC-LUF5. City staff emphasized that, even under FC-LUF5, the PDP must only complement the Willow Springs neighborhood, not be the same.

FC-LUF5 reads as follows:

Where a new neighborhood develops next to existing lower-density residential development, the neighborhood design and layout should complement the established patterns of buildings and outdoor spaces along the edge, with no drastic and abrupt increase in the size of buildings or intensity of building coverage.

First, the Hearing Officer reads this policy not to include a finding of architectural compatibility, which is helpful, because it would be impossible to determine whether the buildings are architecturally compatible with the adjacent neighborhoods, because no architectural renderings were provided for any buildings other than the multi-family buildings. Similarly, the Hearing Officer finds that FC-LUF5 does not include a consideration of density, and as such, the Hearing Officer has not considered whether the density of the PDP is compatible with the surrounding neighborhood.

Second, the Hearing Officer finds it impossible to determine whether the building sizes and coverages are compatible with the adjacent neighborhoods, because building sizes and coverages have not yet been submitted to the City. The Hearing Officer therefore understands the frustrations expressed by residents of the Willow Springs neighborhood, and shares those frustrations. However, despite these difficulties, the Hearing Officer finds it appropriate to approve the PDP with the conditions that such findings be made by City staff at a future date when the required information becomes available.

### DECISION

Based on the foregoing findings and analysis, the Hearing Officer hereby enters the following rulings:

1. The PDP is approved with the following conditions:

- a. City staff shall ensure that the size of the buildings meet the requirements of FC-LUF5.
- b. City staff shall ensure that the building coverages meet the requirements of FC-LUF5.

DATED this 13<sup>th</sup> day of December, 2018.



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Kendra L. Carberry  
Hearing Officer