

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

HEARING DATE: March 28, 2016

PROJECT NAME: Harmony Cottages

CASE NUMBER: PDP #150030

APPLICANT: Russ Lee  
Ripley Design, Inc.  
419 Canyon Avenue  
Suite 200  
Fort Collins, CO 80524

OWNER: Harmony Limited, LLC  
P.O. Box 271519  
Fort Collins, CO 80527

HEARING OFFICER: Marcus A. McAskin

**PROJECT DESCRIPTION:** The Project Development Plan (PDP) that is the subject of this application proposes the construction of 44 single-family attached and four single-family detached dwellings units on approximately 4.45 acres on property legally described as Lots 1 and 2, Innovation Island, City of Fort Collins, Larimer County, and as more particularly described in the preliminary plat (the “Subject Property”).

The Subject Property is included at the southeast corner of South Taft Hill Road and West Harmony Road, approximately one-half mile north of the Cathy Fromme Prairie Natural Area.

Primary ingress and egress to and from the Subject Property will be from West Harmony Drive, with a secondary emergency-only access point proposed approximately 180’-200’ to the east of the intersection of S. Taft Road and W. Harmony Road.

The Subject Property is located in the Low Density Mixed-Use Neighborhood (L-M-N) District. As set forth in Section 4.5(A) of the Land Use Code, the main purpose of the District is to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices, that invite walking to gathering places, services and conveniences, and that are integrated into the larger community context.

The Application proposes to replat the Subject Property as Lots 1 – 48, Harmony Cottages Subdivision, together with proposed Outlots A-C, which outlots are proposed to encompass the

common open space and private drives/alleys proposed to serve the development. A final plat will be required at the time of Final Plan submittal.

As part of its PDP submittal, the Applicant is requesting a Modification of Standard to Land Use Code Section 3.5.2(E)(1), *Residential Building Setbacks, Lot Width and Size – Setback from Arterial Streets*, requesting that the proposed single-family attached dwellings be set back from W. Harmony Road and S. Taft Street fifteen feet (15’) where thirty feet (30’) is required.

The Applicant seeks to provide housing for people whose income is between 35% and 60% of the Fort Collins average median income (AMI) and therefore qualifies as an affordable housing project. With 48 total dwelling units, the proposed density is 10.79 dwelling units per acre.

Pursuant to Land Use Code Section 4.5 (B)(2)(a), the proposed single-family attached and single-family detached uses are permitted in the L-M-N zone district, subject to a Type One administrative review.

**BACKGROUND:** The surrounding zoning and land uses are as follows:

<b>Direction</b>	<b>Zone District</b>	<b>Existing Land Uses</b>
North	N/A; unincorporated Larimer County	Residential
South	Low Density Residential (R-L)	Residential
East	Low Density Residential (R-L)	Residential
West	N/A; unincorporated Larimer County	Residential, gas station and convenience store, mobile home park

**SUMMARY OF DECISION:** Approved.

**ZONE DISTRICT:** Low Density Mixed-Use Neighborhood District (L-M-N)

**HEARING:** The Hearing Officer opened the hearing on Monday, March 28, 2016, in City Council Chambers, City Hall, 300 Laporte Avenue at approximately 5:30 p.m.

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

(A) Planning Department Staff Report for Harmony Cottages Project Development Plan, PDP#150030, together with the following attachments:

- (1) Zoning & Site Vicinity Map;
- (2) Statement of Planning Objectives dated December 15, 2015, prepared by Ripley Design, Inc. (2 pages);
- (3) Preliminary Plat (Harmony Cottages Subdivision (2 sheets);
- (4) Harmony Cottages PDP including building elevations (6 sheets);
- (5) Applicant's Modification Request, prepared by Ripley Design, Inc. (3 pages);
- (6) Transportation Impact Study prepared by Delich Associates dated November 25, 2015 (and including Appendix A through Appendix F to same);
- (7) Geotechnical Exploration Report prepared by Earth Engineering Consultants, LLC and dated November 30, 2015 (20 pages);
- (8) Preliminary Drainage Report prepared by Interwest Consulting Group and dated January 20, 2016 (and including Appendix A through Appendix G to same);
- (9) Utility Plans for Harmony Cottages (5 sheets);
- (10) Comments from December 3, 2015 neighborhood meeting (3 pages);
- (11) Meeting summary from February 18, 2016 neighborhood meeting (10 pages); and
- (12) Habitat for Humanity Program Description (3 pages)

(B) Copies of emails received from the following neighbors or other interested parties:

- (1) Howard and Dorothy Spivak;
- (2) Patrick and Terry Nash;
- (3) Andrea Elson;
- (4) Mike Schwab;
- (5) Don Tiller;
- (6) Eric Lea;
- (7) Curt Lyons;
- (8) Ann Hutchison;
- (9) Richard Belt;
- (10) Joe Kissell;
- (11) Lauren DeRosa;
- (12) Bruce Berens;
- (13) Ken Waido;
- (14) Maria Tschetter; and
- (15) Dawn DuPriest.

(C) Notice of Public Hearing Letter dated March 14, 2016;

(D) Affidavit of Publication of the Fort Collins Coloradoan dated March 21, 2016 evidencing publication of the Notice of Hearing on March 19, 2016;

(E) the PowerPoint presentation prepared by the Applicant for the March 28, 2016 hearing; and

(F) the PowerPoint presentation prepared by City Staff for the March 28, 2016 hearing; and

In addition, the City's Comprehensive Plan, the Land Use Code, the City's 2015-2019 Affordable Housing Strategic Plan dated October 6, 2015<sup>1</sup>, and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

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

TESTIMONY: The following persons testified at the hearing:

From the City: Clay Frickey, City Planner

From the Applicant/  
Owner: Kristin Candella, Executive Director, Habitat for Humanity,  
Fort Collins  
Russ Lee, Ripley Design, Inc.

From the Public: Twenty (25) members of the public testified at the March 28, 2016 hearing. Names and addresses of those testifying are set forth on **ATTACHMENT B** incorporated herein by reference.

#### FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was given in accordance with the requirements of the Land Use Code.
2. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
  - A. the Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code; and
  - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code, including the Modification of Standard to Section 3.5.2(E)(1) that is proposed with this PDP as discussed in additional detail below.
  - C. The Application complies with the applicable Low Density Mixed-Use Neighborhood (L-M-N) District standards contained in Article 4 of the Land Use

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<sup>1</sup> Available at the following link: [http://www.fcgov.com/sustainability/pdf/AHSP\\_Final.2.pdf](http://www.fcgov.com/sustainability/pdf/AHSP_Final.2.pdf)

Code, including Section 4.5(D)(1)(b) which states that the maximum density of affordable housing projects (whether approved pursuant to an ODP or PDP) containing ten (10) acres or less may attain a maximum density of twelve (12) dwelling units per gross acre of residential land.

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.
4. Based on a review of the materials submitted to the Hearing Officer in this case, the Hearing Officer concludes that the Modification of Standard (for Section 3.5.2(E)(1) of the Code, as requested by the Applicant) meets the applicable requirements of Section 2.8.2(H) of the Code. Specifically, the Hearing Officer finds as follows:
  - A. The Modification of Standard (the "Modification") requested by the Applicant is to Section 3.5.2(E)(1) of the Land Use Code ("*Setback from Arterial Streets*").
  - B. The standard set forth in Section 3.5.2(E)(1) requires that every residential building and every detached accessory building that is incidental to the residential building be set back a minimum of thirty feet (30') from any arterial street right-of-way, except for those buildings regulated by Section 3.8.30 of the Land Use Code<sup>2</sup>.
  - C. The Hearing Officer specifically finds that the requested Modification is not detrimental to the public good.
  - D. The Hearing Officer specifically finds that the Modification satisfies Section 2.8.2(H)(1) of the Code – 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.
  - E. The Hearing Officer further finds that the Modification satisfies 2.8.2(H)(2) of the Code – 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.

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<sup>2</sup> Section 3.8.30 establishes multi-family dwelling development standards. Section 3.8.30(E)(3) establishes a minimum setback of fifteen feet (15') from arterial street ROW and nine feet (9') from nonarterial street ROW. The Application does not contain any multi-family dwelling units as defined in Section 5.1.2 of the Land Use Code, and thus the standards set forth in Section 3.8.30 are not applicable to the Application.

Hearing Officer finding regarding 2.8.2(H)(1) of the Code:

Based on a review of the materials in the record and the testimony provided at the public hearing, the Hearing Officer finds that the Application meets the intent of Section 3.5.2(E)(1) of the Code equal to or better than would a plan that complies with the standard for which this modification is requested. The purpose of the setback standards for single-family houses along arterial streets is to provide safety for residents and minimize the impact of road noise. Two factors provide increased safety and minimize road noise in lieu of the minimum thirty foot (30') setback. One is the increased landscaping provided along both Harmony Road and Taft Hill Road. The proposed landscape plan shows enhanced landscaping along Taft Hill Road and Harmony Road. The edge of the lots is further delineated by a white picket fence.

The Hearing Officer also finds that the current Application is equal to or better than an alternate plan that would show multi-family units with a fifteen foot (15') setback. As noted in footnote 2 above, multi-family buildings only require a 15' setback from arterial streets per Section 3.8.30(E)(3) of the Land Use Code, which, if applicable, supersedes the standard outlined in Section 3.5.2(E)(1). An alternate plan could comply with the minimum setback standard by changing the unit type to triplexes. The Hearing Officer agrees with Staff's finding and conclusion that a plan featuring triplexes with a 15' setback would be inferior to the current plan. The current plan allows each unit to have more access to air and light due to the required side yard setbacks between each duplex. In a triplex configuration, the middle unit would likely have less access to air and light and would result in a less livable and desirable unit for potential home owners. The scale of duplexes also more closely matches the existing character of the neighborhood.

Hearing Officer finding regarding 2.8.2(H)(2) of the Code:

Based on a review of the materials in the record and the testimony provided at the public hearing, the Hearing Officer finds that the Application meets goals specifically identified in City Plan, the City's comprehensive plan, as well as the Affordable Housing Strategic Plan (reference footnote 1 above).

The goals and policy objectives identified in City Plan and the Affordable Housing Strategic Plan are accurately summarized on pages eight and nine of the Staff Report attached hereto as **ATTACHMENT A**.

The Hearing Officer finds that the modification request for relief from the thirty foot (30') setback requirement from arterial streets set forth in Section 3.5.2(E)(1) is justified due to the Application's alignment with an important community need expressed within City Plan and the Affordable Housing Strategic Plan, namely to increase the amount of affordable housing within the City of Fort Collins.

**DECISION**

Based on the findings set forth above, the Hearing Officer hereby enters the following ruling:

- A. The Harmony Cottages Project Development Plan (PDP #150030) is approved for the Subject Property as submitted, subject to conditions set forth below.

- B. The Article 3 Modification (Request for Modification of Section 3.5.2(E)(1) of the Land Use Code) is approved for the Subject Property.
- C. The Applicant shall make any and all revisions to the engineering documents, preliminary plat for the Harmony Cottages Subdivision, utility plans and planning document set (including the site plan, landscape plan and photometric plan) as recommended by City Staff as necessary to ensure that any internal inconsistencies between said plans are resolved to the satisfaction of City Staff prior to recordation.
- D. The Applicant shall submit a final plan for the Subject Property within three (3) years of the date of this decision. If Applicant fails to submit a final plan to the City within said three (3) year period, this PDP approval shall automatically lapse and become null and void in accordance with Section 2.2.11(C) of the Code.
- E. In accordance with Section 2.2.11(C) of the Code, the PDP shall not be considered a site specific development plan and no vested rights shall attach to the PDP.

Nothing in this decision shall abrogate the Director's authority to grant one (1) extension of the PDP. As set forth in Section 2.2.11(C) of the Land Use Code, the extension may not exceed six (6) months in length.

DATED this 12<sup>th</sup> day of April, 2016.



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Marcus A. McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
Harmony Cottages  
Project Development Plan  
PDP #150030



ITEM NO 1  
MEETING DATE Mar. 28, 2016  
STAFF Clay Frickey

**ADMINISTRATIVE HEARING OFFICER**

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**STAFF REPORT**

**PROJECT:** Harmony Cottages, PDP150030

**APPLICANT:** Russ Lee  
Ripley Design, Inc.  
419 Canyon Ave.  
Suite 200  
Fort Collins, CO 80524

**OWNERS:** Harmony Limited, LLC  
PO Box 271519  
Fort Collins, CO 80527

**PROJECT DESCRIPTION:**

This is a request for a Project Development Plan for Habitat for Humanity to construct 44 two-family and 4 single-family dwelling units on a 4.45 acre site located southeast of the intersection of Harmony Road and Taft Hill Road. The LMN zoning district allows twelve dwelling units per gross acre of land for affordable housing projects. Habitat for Humanity seeks to provide housing for people whose income is between 35% and 60% of the Fort Collins average median income (AMI) and therefore qualifies as an affordable housing project. With 48 total dwelling units, the proposed density is 10.79 dwelling units per acre. This site is located in the LMN (Low Density Mixed Use Neighborhood District).

**RECOMMENDATION:** Staff recommends approval of Harmony Cottages PDP150030 with conditions.

**EXECUTIVE SUMMARY:**

Staff finds the proposed Harmony Cottages 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 3.5.2(E)(1) – setback from arterial streets - 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, the plan will promote the general purpose of the standard for which the modification is requested equally or better than would a plan which complies with the standard for which a modification is requested, and the granting of a modification from the strict application of this 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.
- The Project Development Plan complies with relevant standards of Article 3 – General Development Standards.
- The Project Development Plan complies with relevant standards located in Division 4.5, Low Density Mixed-Use Neighborhood (LMN) of Article 4 – Districts.

While the proposed plan complies with the applicable requirements of the City of Fort Collins Land Use Code, the site plan currently does not match up with the proposed civil engineering documents and plat. Staff recommends approval of the proposed plan with the condition that all documents match at the time of recordation.

## **COMMENTS:**

### **1. Background**

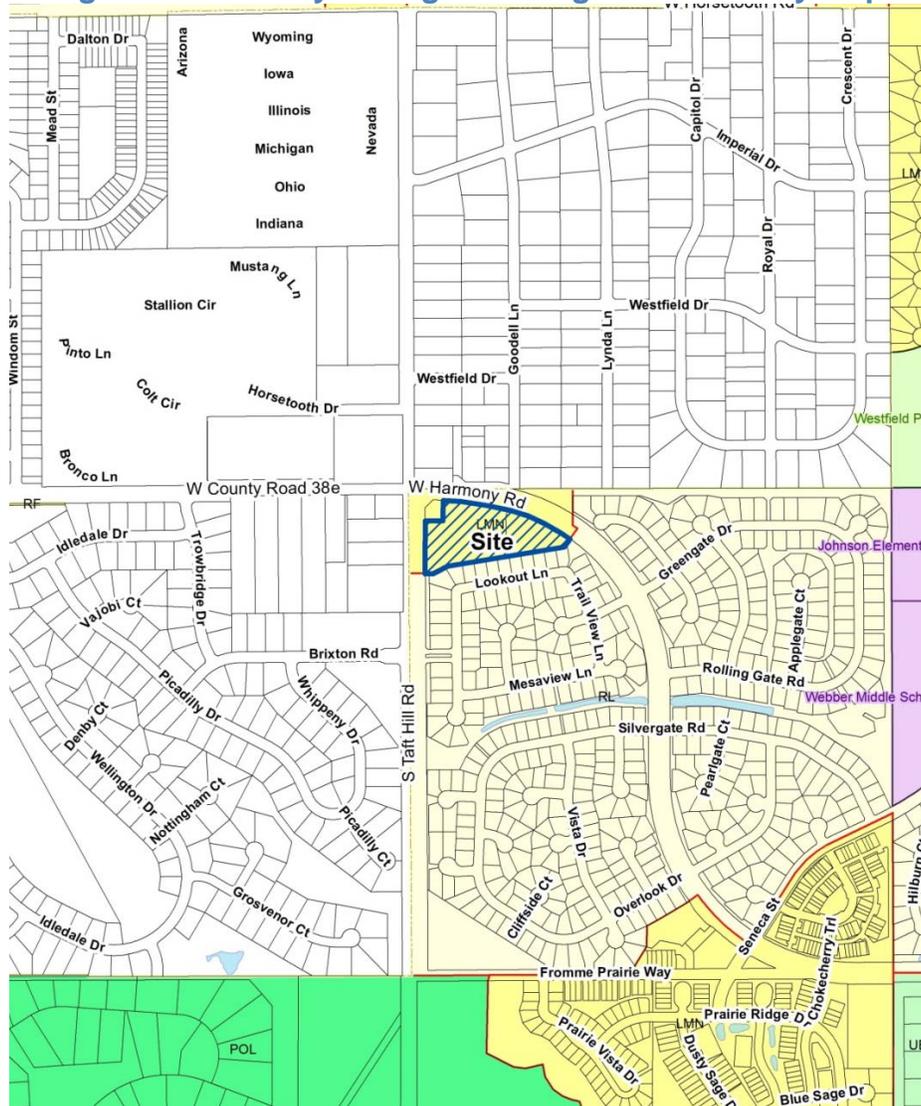
The property was annexed into the City as part of the Horsetooth – Harmony West Annexation on June 3, 1980. In 2005, Habitat for Humanity pursued a project on the property called Innovation Island. Innovation Island was a development that separated the 4.45 acres of land into two lots. As proposed, Innovation Island would have consisted of 27 multi-family units with 61 parking spaces on 3.16 acres on Lot 1. Lot 2 was to be developed as multi-family residential or commercial as part of a later phase of development. The Innovation Island PDP sought entitlement for the development of Lot 1. The Innovation Island PDP was approved by the Planning & Zoning Board on November 17, 2005. The decision of the Planning & Zoning Board was appealed to City Council on January 17, 2006. City Council upheld the Planning & Zoning Board's decision. Despite gaining this approval, the Innovation Island development did not move forward and the PDP lapsed in 2009.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	County	Single-family detached residential, multi-family
South	Low Density Residential (RL)	Single-family detached residential
East	Low Density Residential (RL)	Single-family detached residential
West	County	Single-family detached residential, gas station and convenience store, mobile home park

Below is a zoning and site vicinity map.

**Figure 1: Harmony Cottages Zoning & Site Vicinity Map**



2. **Compliance with Section 2.8.2(H) of the Land Use Code - Modification of Standards**

**Modification Description:**

The applicant requests a Modification to Section 3.5.2(E)(1) – *Setback from Arterial Streets* to set the proposed buildings back from Harmony Road and Taft Hill Road 15 feet where 30 feet is required.

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

Land Use Code 3.5.2(E)(1):

**The minimum setback of every residential building** and of every detached accessory building that is incidental to the residential building **shall be thirty (30) feet from any arterial street right-of-way**, except for those buildings regulated by Section 3.8.30 of this Code, which buildings must comply with the setback regulations set forth in Section 3.8.30.

**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 1 (proposal is equal or better than provisions in the Land Use Code):

**Applicant's Justification for Criterion 1:**

- *In order to mitigate the proximity of the single family attached houses to the Harmony and Taft Hill road ways, the applicant is proposing to more than double the amount of landscape required along the street scape. The code would require 17 trees along Harmony Road and 8 trees along Taft Hill. In order to provide a visual buffer from the houses and the roads, the applicant is proposing 44 trees along Harmony and 16 along Taft Hill. That would more than double the required landscape.*
- *The existing right-of-ways along Harmony and Taft Hill are also larger than the City standard providing a greater distance from the homes and the road than would be typical in the City. The typical park way along a 4 lane arterial is 16' (the area between the back walk and the road). The park way along Harmony is 24' and the park way along Taft Hill it is 55'. With a 30' set back along an arterial and a typical 16' parkway, the code would require single family homes to be set back 46' from the arterial road. The current design is close to meeting or exceeding that dimension. The homes along Harmony will be setback from the road between 39' and 44'. That is only 2'-7' closer than the current standards would require. The homes along Taft Hill are set back 72' from the road way exceeding the required 46' set back by 26'.*
- *Lastly, if the units along Harmony and Taft Hill were a 3-plex unit rather than a duplex, the code would allow the homes to be 15' from the right of way matching the closest set back shown on the plans.*

**Applicant's Justification for Criterion 2:**

*Development of the Harmony Cottages project would result in a substantial benefit to the City because the proposed community would address the need for affordable housing as expressed in City Plan. City Plan contains overarching policy statements that promote balanced and integrated living patterns. Topics addressed include the goal of a mix of housing types in all City sectors. Additionally, affordable housing is encouraged to be dispersed throughout the City.*

*The City also has an Affordable Housing Strategic Plan, which establishes priorities and strategies for the City's affordable housing programs and informs the Consolidated Plan and Annual Action Plans required by HUD. The most recent plan (2015) identifies four priorities to address affordable housing needs:*

- *Increase the inventory of affordable units*
- *Preserve existing affordable housing units*
- *Increase housing and facilities for people with special needs*

*To meet the definition of Affordable Housing in the City of Fort Collins, 10% of units must be set-aside for households earning less than 80% of Area Median Income (AMI) adjusted for household size. The Applicant is proposing to set aside 100% of the dwelling units for households earning less than 60% of AMI. In addition the properties will be deed income restricted for 20 years. The first homeowner will have to qualify earning between 35-60% AMI and then, if resold, the new buyer would need to earn less than 80% AMI.*

**Staff Finding:**

Staff finds that the request for a Modification of Standard to section 3.5.2(E)(1) is justified by the applicable standards in 2.8.2(H)(1) and 2.8.2(H)(2).

- 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;* and
- C. The project design satisfies 2.8.2(H)(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*

**Staff Finding for Criterion 1:**

Staff finds that the proposed plan meets the intent of the Code section equal to or better than would a plan that complies with the standard for which this modification is requested. The purpose of the setback standards for single-family houses along arterial streets is to provide safety for residents and minimize the impact of road noise. Two factors provide increased safety and minimize road noise in lieu of the typical 30' setback. One is the increased landscaping provided along both Harmony Road and Taft Hill Road. The proposed landscape plan shows double the landscaping required along Taft Hill Road and more than double the required landscaping required along Harmony Road. The increased landscaping is complemented by a white picket fence to further delineate the edge of the lots.

The other factor that aids the safety and minimizes noise from arterial roads is the distance of the buildings from the nearest traffic lanes on Harmony Road and Taft Hill Road. Harmony Road is unique in that the parkway abutting this parcel is 24 feet wide as opposed to the typical 16 foot parkway along most arterials. This means the buildings of this development are 8 feet further away from the nearest travel lane than is typical. While this means some buildings are still 7 feet closer to the nearest travel lane than is typical, the additional landscaping and fencing reduces the impact of Harmony Road on the development. The buildings are even further away from the nearest travel lane on Taft Hill Road since Taft Hill has yet to be widened. According to the City's latest Capital Improvement Plan, the widening of Taft Hill Road between the Growth Management Area boundary and Harmony Road would cost approximately \$8.5 million. This project is identified as a long-term or forecasted need. Like many of the projects identified in the Capital Improvement Plan, the widening of Taft Hill Road from the Growth Management Area boundary is unfunded. As such, it is unclear at this time when Taft Hill Road will be widened. In its current condition, the buildings are 72' away from the nearest travel lane on Taft Hill Road, which vastly exceeds the typical 46 feet when accounting for the setback, sidewalk, and parkway seen on most arterials.

Staff also finds that the proposal as shown with single-family attached units with a decreased setback to be equal to or better than a plan that would show multi-

family units with a 15 foot setback. Multi-family buildings only require a 15 foot setback from arterial streets per Land Use Code section 3.8.30(E)(3), which supersedes the standard outlined in 3.5.2(E)(1). The proposed plan could comply with the minimum setback standard by changing the unit type to triplexes. Staff finds that a plan featuring triplexes with a 15 foot setback would be inferior to the current plan. The current plan allows each unit to have more access to air and light due to the required side yard setbacks between each duplex. In a triplex configuration, the middle unit would likely have less access to air and light and would result in a less livable and desirable unit for potential home owners. The scale of duplexes also more closely matches the existing character of the neighborhood.

In summary, staff finds the proposed site plan is equal to or better than a plan that meets Land Use Code section 3.5.2(E)(1). The proposed plan addresses safety and noise issues through enhanced landscaping and fencing. The proposed buildings will also be further away from the nearest travel lanes along Harmony Road and Taft Hill road than usual due to the unique parkway strips along these roadways. The proposed site plan will also allow for more livable units that are more compatible with the surrounding area than would a similar plan featuring triplexes.

**Staff Finding for Criterion 2:**

Staff finds the proposed development meets goals identified in City Plan, Fort Collins' comprehensive plan, as well as the Affordable Housing Strategic Plan, which was adopted by City Council unanimously in August 2015.

City Plan has numerous principles and policy objectives that target an increased supply of affordable housing in Fort Collins. Some of these policies include but are not limited to:

***Principle LIV 7: A variety of housing types and densities for all income levels shall be available throughout the Growth Management Area.***

***Policy LIV 7.4 – Maximize Land for Residential Development***

*Permit residential development in most neighborhoods and districts in order to maximize the potential land available for development of housing and thereby positively influence housing affordability.*

***Principle LIV 8:*** *The City will encourage the creation and expansion of affordable housing opportunities and preservation of the existing affordable housing supply.*

***Policy LIV 8.1 – Support Affordable Housing Programs***

*Support the development and provision of affordable housing in the community by maintaining and allocating funding for affordable housing services and programs including management of a competitive process for federal and local funding, development incentives, homebuyer assistance, and the Land Bank program.*

The recently adopted Affordable Housing Strategic Plan also aims to increase the amount of affordable housing in Fort Collins. One of the overarching goals of the Affordable Housing Strategic Plan is that publicly assisted affordable housing will consist of 10% of the housing stock by 2040. To reach this overall goal, the City must meet a short-term goal of having publicly assisted affordable housing consist of 6% of the housing stock by 2020. To reach this goal with the projected growth of the community, 94 affordable, owner-occupied units would need to be built by 2020. This project would help fulfill a substantial portion of this goal.

Staff finds that the modification request for relief from the 30' setback requirement from arterial streets is justified due to the proposed plan's alignment with an important community need expressed within City Plan and the Affordable Housing Strategic Plan.

**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) – Tree Planting Standards*

All developments must establish groves and belts of trees along all city streets, in and around parking lots, and in all landscape areas that are located within 50 feet of any building or structure in order to establish at least a partial urban tree canopy. The proposed landscape plan shows trees that line the private drive that runs through the development that will provide a tree canopy along the street. Each shared green space between the units feature trees that will further enhance the tree canopy on the site.

B. *Section 3.2.1(D)(2) – Street Trees*

Developments that front on streets with a landscape parkway must provide canopy shade trees at 30-40 foot spacing in the center of such parkway areas. The proposed landscape plan shows canopy shade trees along Harmony Road and Taft Hill Road with 40 foot spacing between each canopy shade tree.

C. *Section 3.2.1(D)(3) – Minimum Species Diversity*

To prevent uniform insect or disease susceptibility and eventual uniform senescence on a development site or in the adjacent area or the district, species diversity is required and extensive monocultures are prohibited. The maximum percentage of any one species when there are 60 or more trees on site is 15%. No species consists of more than 15% of the overall amount of trees provided.

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

All trees provided must meet the minimum sizes as follows:

<i>Type</i>	<i>Minimum Size</i>
Canopy Shade Tree	2.0" caliper balled and burlapped or equivalent
Evergreen Tree	6.0' height balled and burlapped or equivalent
Ornamental Tree	1.5" caliper balled and burlapped or equivalent
Shrubs	5 gallon or adequate size consistent with design intent
Canopy Shad Tree as a street tree on a Residential Local Street Only	1.25" caliper container or equivalent

The trees shown on the landscape all meet these minimum requirements.

E. *Section 3.2.1(E)(3) – Water Conservation*

All landscape plans must be designed to incorporate water conservation materials and techniques in order to meet the Xeriscape principals established in the Land Use Code. Total annual water use shall not exceed 15 gallons/square foot over the site. The landscape plan meets

the Xeriscape principals in the Land Use Code and has an annual water use of 12.54 gallons/square foot over the site.

F. *Section 3.2.2(C)(1) – Safety Considerations*

To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles. The proposed development will have an extensive system of sidewalks separated from the roadway by a curb. These walkways allow pedestrians to move within the site without encountering vehicles or bicycles.

G. *Section 3.2.2(C)(5) – Walkways*

Walkways must be located and aligned to directly and continuously connect areas or point of pedestrian origin and destination. Each walkway shown on the proposed site plan connects to the entry of each duplex and single-family home. These walkways connect to the street like private drive that runs through the site. All of the walkways end up leading to the sidewalks on Harmony Road and Taft Hill Road.

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

Pedestrian and bicycle facilities provided on site must connect to or allow for direct connections to major pedestrian and bicycle destinations. The sidewalk network connects to the sidewalks on Harmony Road and Taft Hill Road, which provide direct connections to major destinations.

I. *Section 3.2.2(C)(8) – Transportation Impact Study*

A Transportation Impact Study is required for developments that could have an impact on the traffic conditions surrounding the development. The applicant supplied a Transportation Impact Study in accordance with the City's guidelines.

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

The proposal meets the requirements outlined in Land Use Code section 3.2.2(D) including the separation of vehicles and pedestrians, unobstructed vehicle access, location of off-street parking areas, pavement material, and lighting.

K. *Section 3.2.2(J) – Setbacks*

The minimum setbacks for a vehicle use area are 15 feet along an arterial street and 5 feet along a lot line. All of the vehicle use areas meet these minimum requirements.

L. *Section 3.2.2(K) – Parking Lots – Required Number of Off-Street Spaces for Type of Use*

The table below shows the amount of off-street parking spaces required and the amount provided by unit type.

**Table 1 - Off-Street Parking Summary**

<b>Unit Type</b>	<b># of Units</b>	<b>Parking Required</b>	<b>Parking Provided</b>
Duplex, 2-bed	13	23	23
Duplex, 3-bed	26	52	52
Duplex, 4-bed	5	15	15
Single-family detached	4	8	8
<b>Total</b>	<b>48</b>	<b>98</b>	<b>98</b>

M. *Section 3.2.3 – Solar Access, Orientation, Shading*

All development shall be designed throughout to accommodate active and/or passive solar installations to the extent reasonably feasible while minimizing the casting of shadows onto adjacent developments. The architectural elevations show solar panels on the roofs of each duplex and are located to minimize casting shadows on the neighborhood to the south.

N. *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.

O. *Section 3.3.1(B) – Lots*

No lot in a subdivision shall have less area than required under the applicable zoning requirements. Each lot must also have vehicular access

to a public street. All lots meet the minimum dimensional standards outlined in Section 4.5 of the Land Use Code.

P. *Section 3.5.1 – Building and Project Compatibility*

New developments shall be compatible with the established architectural character of the area. This includes using similar materials, buildings that are of a similar size, height, bulk, mass, and scale, and minimizing the infringement on adjacent property owners' privacy.

The neighborhood immediately to the south of this development consists of a mix of one and two-story single-family detached dwellings. Most of the houses consist of wood siding with brick accents and pitched roofs. All of the duplexes have attached garages. Some of the houses also feature small front porches. The proposed architecture for Harmony Cottages is one and two-story structures with siding and pitched roof forms. Each duplex will also contain covered porches. While the adjacent subdivision does not contain any duplexes, the duplexes as part of this proposal are designed to look like single-family houses with distinct roof forms for each side of the duplex. The duplexes are also comparably sized to the single-family houses in the adjacent. All of the buildings along the southern property line are also oriented to minimize privacy issues for adjacent property owners. These qualities work in concert to create a development that will be compatible with the existing neighborhoods.

The proposed site and landscape plan also show extra attention to buffering from adjacent uses. While the proposed residential use is consistent with the adjacent residential uses, the proposed development is denser than the surrounding neighborhoods. To improve the transition between the proposed development and adjacent neighborhood to the south, the landscape plan shows groves of trees that act as a buffer. These tree groves provide visual relief to the adjacent neighborhood and soften the transition from duplexes to single-family detached homes.

Q. *Section 3.5.2(D) – Relationship of Dwellings to Streets and Parking*

Every front door shall face the adjacent street to the extent reasonably feasible. Alternatively, front doors may face onto a major walkway spine as long as the front door is no more than 350 feet from a street sidewalk. Most of the front doors face onto a shared green space with walkways that

connect to the sidewalk on the “street-like” private drive that serves the development. None of these front doors are more than 350 feet from the nearest street sidewalk. Lots 14-21 and 41-48 have front doors that connect directly to the sidewalks along Harmony Road and Taft Hill Road, respectively.

R. *Section 3.5.2(E)(3) – Side and Rear Yard Setbacks*

For residential buildings, the minimum side yard setback is 5 feet and the minimum rear yard setback is 8 feet. Each building complies with the 5 foot side yard setback and the 8 foot rear yard setback.

S. *Section 3.5.2(F) – Garage Doors*

Garage doors should be integrated into the development to prevent the streetscape from being dominated by protruding garage doors. The proposed garage doors face an alley and have windows so that the garage appears to be a part of the living portion of the house.

T. *Section 3.6.6 – Emergency Access*

All proposed developments shall provide adequate access for emergency vehicles and for those persons rendering fire protection and emergency services. The proposed development’s emergency access plan has gained preliminary approval from Poudre Fire Authority for meeting all applicable code requirements.

4. **Compliance with Article 4 of the Land Use Code – Division 4.5, Low Density Mixed-Use Neighborhood (LMN):**

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

A. *Section 4.5(B)(2)(a) – Permitted Uses*

The proposed use, single-family attached dwellings, is permitted in the LMN zone district and is consistent with the district’s intent to be a setting for a predominance of low density housing.

B. *Section 4.5(D)(1)(b) – Density*

The maximum density of any development shall be 9 dwelling units per acre except for affordable housing projects containing 10 acres or less,

which can have a density of 12 dwelling units per acre. The proposed development is a certified affordable housing development with a proposed density of 10.79 dwelling units per acre on a 4.45 acre site.

C. *Section 4.5(E)(3) – Maximum Residential Building Height*

The maximum height for single-family and two-family structures is two and a half stories. All of the proposed buildings will be two stories or one story in height.

**5. Public Outreach Summary**

As part of this project, the applicant conducted two neighborhood meetings. The first meeting was held December 3, 2015 at Global Village Academy. This meeting was structured as an open house to gather information about the proposed development, the Habitat for Humanity program, and the process the proposed development would go through. The applicant had not yet submitted a formal development review proposal to the City at the time of the neighborhood meeting. 32 neighborhood members attended their meeting and provided feedback on the preliminary proposal. Due to the number of concerns raised at the first neighborhood meeting, the applicant coordinated a second neighborhood meeting in collaboration with an HOA adjacent to the development site. This meeting was held on February 18<sup>th</sup>, 2016. Over 80 neighborhood members attended the second meeting. The structure of the second meeting was a more traditional neighborhood meeting format where the applicant and City representatives gave presentations on the project and the development review process followed by a question and answer period. Neighbors raised similar concerns at both neighborhood meetings. Most of the concerns fell in the following categories:

- Overall density of the project is too high
- Increased traffic due to the development on Taft Hill and Harmony will negatively impact current residents of the area
- Concern about potential cut-through traffic through the existing neighborhoods to the south
- Desire for additional access point on Taft Hill Road so that there are two entrances and exits for the development
- Worried about the development's impact on home values
- Safety concerns for kids that will be walking to nearby schools

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

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

- A. The Modification of Standard to Section 3.5.2(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, the plan will promote the general purpose of the standard for which the modification is requested equally or better than would a plan which complies with the standard for which a modification is requested, and the granting of a modification from the strict application of this 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.
- B. The Project Development Plan complies with relevant standards located in Article 3 – General Development Standards.
- C. The Project Development Plan complies with relevant standards located in Division 4.5, Low Density Mixed-Use Neighborhood (LMN) of Article 4 – Districts.

While the proposed plan complies with the applicable requirements of the City of Fort Collins Land Use Code, the site plan currently does not match up with the proposed civil engineering documents and plat. Staff recommends approval of the proposed plan with the condition that all documents match at the time of recordation.

**RECOMMENDATION:**

Staff recommends approval of Harmony Cottages, PDP150030 with the condition that the civil engineering documents and plat match the proposed site plan at the time of recordation.

**ATTACHMENTS:**

- 1. Zoning & Site Vicinity Map
- 2. Statement of Planning Objectives
- 3. Harmony Cottages Subdivision Plat
- 4. Harmony Cottages Planning Document Set (includes site plan, landscape plan, photometric plan, and elevations)
- 5. Modification Request

6. Traffic Impact Analysis
7. Geotechnical Report
8. Drainage Report
9. Harmony Cottages Utility Plan Set
10. Neighborhood meeting summary – December 3, 2015
11. Neighborhood meeting summary – February 18, 2016
12. Habitat for Humanity Program Description