

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

FINDINGS AND DECISION

HEARING DATE: March 2, 2016

PROJECT NAME: Harmony Ridge PUD Third Replat

CASE NUMBER: FDP #150043

APPLICANT: Cody Geisendorfer
Quality Engineering LLC
2637 Midpoint Dr.
Fort Collins, CO 80525

OWNER: Post Modern Development, Inc.
144 North Mason Street, Unit 4
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a combined Project Development Plan/final plan to replat Lot 11, Harmony Ridge PUD, consisting of 0.35 acres more or less (the “Subject Property”), into six (6) individual townhome lots. The six lots are set forth and depicted in the Harmony Ridge PUD Third Replat, and range in size from 2,480 square feet to 2,685 square feet.

The Subject Property was originally platted for condominium units and construction of the residential units commenced on the Subject Property prior to this application being submitted. The Subject Property is located on the southwest corner of Prairie Ridge Drive and Morning Dove Drive and is located in the Low Density Mixed-Use Neighborhood (L-M-N) zone district.

The proposed Project Development Plan/final plan is subject to Administrative (Type 1) review in the L-M-N District, pursuant to Section 4.5(B)(2)(a)(3) of the Land Use Code.

BACKGROUND: The surrounding zoning and land uses are set forth in the table appearing at the top of page 2:

Direction	Zone District	Existing Land Uses
North	Low Density Mixed-Use Neighborhood (L-M-N)	Single-family attached residential, gas station, medical office, retail
South	Low Density Mixed-Use Neighborhood (L-M-N), Public Open Lands (POL)	Single-family attached residential, open space
East	Low Density Mixed-Use Neighborhood (L-M-N), Urban Estate (UE)	Single-family attached residential , single-family detached residential
West	Low Density Mixed-Use Neighborhood (L-M-N), Public Open Lands (POL)	Single-family attached residential, open space

SUMMARY OF DECISION: Approved, with condition.

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

HEARING: The Hearing Officer opened the hearing on Wednesday, March 2, 2016, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, following the conclusion of the public hearing on the Eye Center of Northern Colorado project (PDP #150029).

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

1. Project Vicinity Map.
2. Planning Department Staff Report prepared for Harmony Ridge PUD Third Replat (FDP #150043). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Harmony Ridge PUD Third Replat (1 Sheet).
4. Affidavit of Publication dated February 23, 2016, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on February 23, 2016.
5. Notice of Public Hearing dated February 17, 2016.
6. 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.

TESTIMONY: The following persons testified at the hearing:

From the City: Clay Frickey, City Planner

From the Applicant: Cody Geisendorfer
Quality Engineering LLC
2637 Midpoint Dr.
Fort Collins, CO 80525

From the Public:

Brian Powers, 4844 Prairie Vista Drive, Fort Collins, CO
(President of the Harmony Ridge Estates HOA)

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;
 - C. the Application complies with the applicable Low Density Mixed-Use Neighborhood District (L-M-N) standards contained in Article 4, Division 4.5 of the Land Use Code. Specifically, the proposed single-family attached dwellings are a permitted use in the L-M-N District and the use is consistent with the L-M-N District's stated purposes of being a setting for a predominance of low density housing consisting of housing choices that invite walking to gathering places, services and conveniences, as articulated in Section 4.5(A) of the Code; and
 - D. The partially completed single-family attached dwelling units located on Lots 1-6, Harmony Ridge PUD Third Replat are currently under construction. Based on testimony provided by the Applicant and City Staff at the hearing, the City of Fort Collins issued a F&F (foundation and framing) permit for the single-family attached dwelling units on Lots 1-6. Currently, the window wells constructed on the west side of each of the homes located on Lots 1-6 encroach into a portion of Tract 6, Harmony Ridge P.U.D. which is owned of record by the Harmony Ridge Estates HOA.
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 Harmony Ridge PUD Third Replat (FDP #150043) as submitted, on the condition that no temporary certificate of occupancy (TCO) or certificate of occupancy (CO) be issued for the single-family attached dwellings units located on Lots 1-6 until such time as:

- (1) the Applicant/Owner of the Subject Property has secured a perpetual non-revocable license agreement, easement agreement, or similar legal instrument from the Harmony Ridge Estates HOA which recognizes and permits the encroachment (described in

paragraph 2.D. above) into Tract 6, Harmony Ridge P.U.D., and the same has been recorded in the real property records of Larimer County, Colorado; or

- (2) the location of the window wells and/or other portions of the dwelling units are relocated or reconstructed as necessary to eliminate the encroachment.

DATED this 14th day of March, 2016.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Harmony Ridge PUD Third Replat
(FDP# 150043)



ITEM NO 2
MEETING DATE Mar. 2, 2016
STAFF Clay Frickey

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: Harmony Ridge 3rd Replat, FDP150043

APPLICANT: Cody Geisendorfer
Quality Engineering LLC
2637 Midpoint Dr.
Fort Collins, CO 80525

OWNERS: Post Modern Development, Inc.
144 N Mason St.
Unit 4
Fort Collins, CO 80524

PROJECT DESCRIPTION:

This is a request for a combined project development plan/final plan to replat Lot 11 of the Harmony Ridge PUD third replat to create six individual townhouse lots. The lot was originally platted for condominium units. The site contains .26 acres and is located on the southwest corner of Prairie Ridge & Morning Dove Drives. The project is located in the Low Density Mixed-Use Neighborhood (LMN) zone district.

RECOMMENDATION: Staff recommends approval of Harmony Ridge 3rd Replat, FDP150043.

EXECUTIVE SUMMARY:

Staff finds the proposed Harmony Ridge 3rd Replat Project Development Plan/Final Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The Project Development Plan/Final Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Project Development Plan/Final Plan complies with relevant standards of Article 3 – General Development Standards.

- The Project Development Plan/Final Plan complies with relevant standards located in Division 4.5, Low Density Mixed-Use Neighborhood (LMN) of Article 4 – Districts.

COMMENTS:

1. Background

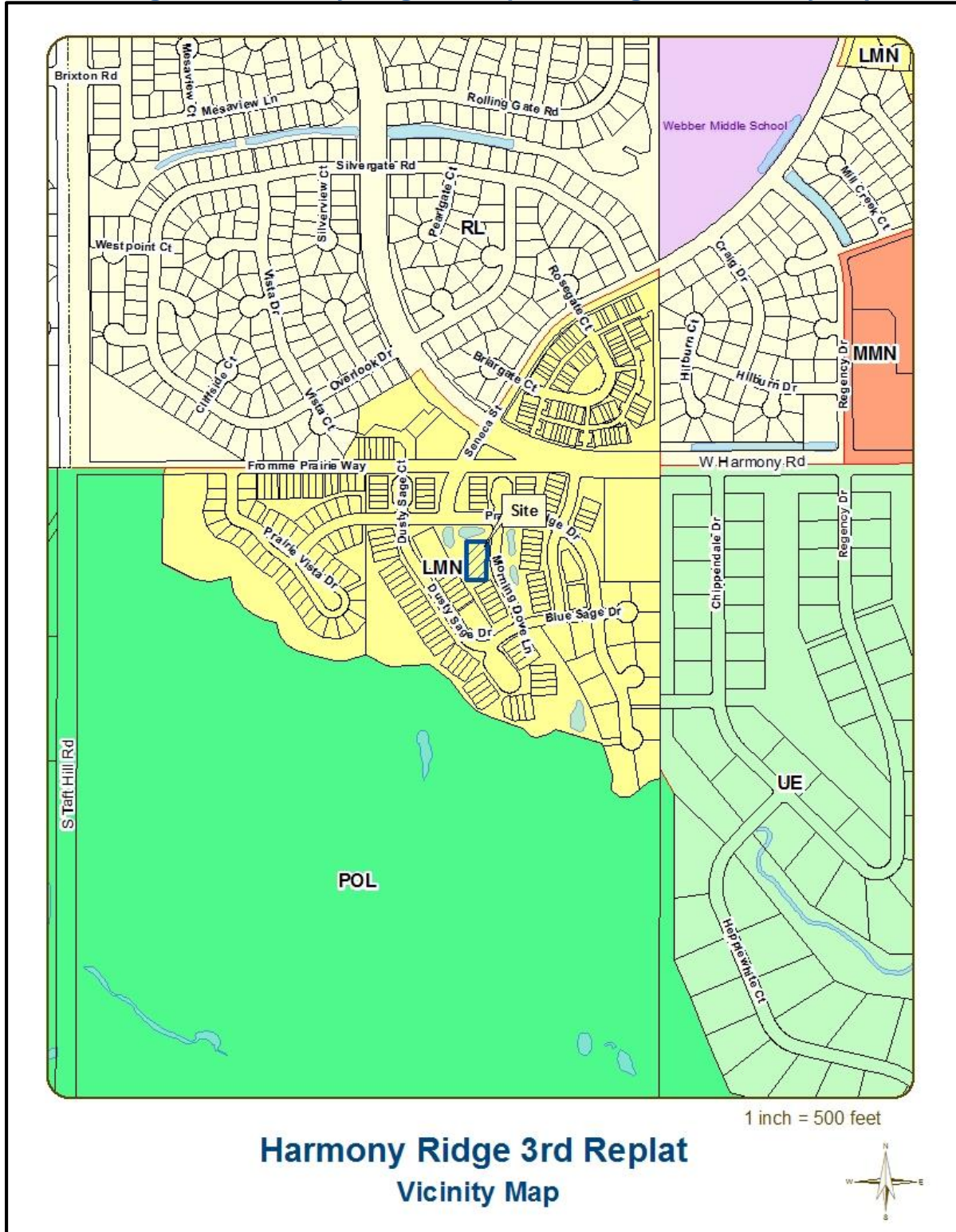
The property was annexed into the City as part of the Harmony-Taft Hill Annexation on April 4, 1989. The lot was originally created as part of the Harmony Ridge PUD, which was approved March 11, 1999. While the majority of Harmony Ridge was built out upon approval, a couple of lots remain undeveloped including this lot seeking a replat. The original Harmony Ridge subdivision plat showed the lot platted for condominiums. The applicant is replatting to create 6 townhouse lots.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Low Density Mixed-Use Neighborhood (LMN)	Single-family attached residential, gas station, medical office, retail
South	Low Density Mixed-Use Neighborhood (LMN), Public Open Lands (POL)	Single-family attached residential, open space
East	Low Density Mixed-Use Neighborhood (LMN), Urban Estate (UE)	Single-family attached residential , single-family detached residential
West	Low Density Mixed-Use Neighborhood (LMN), Public Open Lands (POL)	Single-family attached residential, open space

A zoning and site vicinity map is presented on the following page.

Figure 1: Harmony Ridge 3rd Replat Zoning & Site Vicinity Map



2. 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 3.2.3 - 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 existing buildings are designed and located to minimize the casting of shadows on adjacent properties and could accommodate future active and/or passive solar installations.

B. *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 sections 4.8(D) (E) of the Land Use Code. While none of the lots have direct frontage on a public street, each lot gains access to the street since they have common ownership of the HOA tract that separates the building from the street. Due to their common ownership, each owner has access to the HOA-owned land and can therefore cross this land to get access to the public street.

3. 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:

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.

5. Findings of Fact/Conclusion:

In evaluating the request for the Harmony Ridge 3rd Replat Project Development Plan/Final Plan, Staff makes the following findings of fact:

- A. The Project Development Plan/Final Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Project Development Plan/Final Plan complies with relevant standards located in Article 3 – General Development Standards.
- C. The Project Development Plan/Final Plan complies with relevant standards located in Division 4.5, Low Density Mixed-Use Neighborhood (LMN) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of Harmony Ridge 3rd Replat, FDP150043.

ATTACHMENTS:

1. Zoning & Site Vicinity Map
2. Harmony Ridge 3rd Replat