

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

**FINDINGS AND DECISION**

HEARING DATE: November 23, 2015

PROJECT NAME: Magnolia / Whedbee Replat (McFann Subdivision)

CASE NUMBER: #FDP150032

APPLICANT: Timothy M. McFann  
517 E. Magnolia Street  
Fort Collins, CO 80524

OWNERS: Timothy M. McFann and Denise L. McFann-Culbertson  
517 E. Magnolia Street  
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

**PROJECT DESCRIPTION:** This is a request for a consolidated Project Development Plan / Final Plan (FP) to replat two properties located at 517 E. Magnolia Street and 404 Whedbee Street into Lot 1, McFann Subdivision (9,000 square feet and addressed as 517 E. Magnolia Street) and Lot 2, McFann Subdivision (5,000 square feet and addressed as 404 Whedbee Street).

The proposed plat (McFann Subdivision) replats the south one-half and the east 90' of the north one-half of Lot 5, Block 164, City of Fort Collins. The historic private residence located at 400 Whedbee, formerly the Seventh Day Adventist Church and constructed in 1918, and owned of record by the Applicant will remain located on the west approximate 100' feet of the north one-half of Lot 5, Block 164. 400 Whedbee is not included in the proposed McFann Subdivision.

The application calls for the rear half of 404 Whedbee Street to become part of 517 E. Magnolia Street so that the backyards of the two respective properties are more proportionately sized to the existing homes situate at each of the two addresses. The property included within the proposed McFann Subdivision is located in the Neighborhood Conservation, Medium Density (N-C-M) Zone District.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Neighborhood Conservation – Medium Density (NCM)	Single-family detached residential, multi-family residential, place of worship, government facilities
South	Neighborhood Conservation – Medium Density (NCM), Neighborhood Conservation – Buffer (NCB)	Single-family detached residential, office

East	Neighborhood Conservation – Medium Density (NCM)	Single-family detached residential, multi-family residential
West	Neighborhood Conservation – Medium Density (NCM)	Single-family detached residential, multi-family residential, place of worship

SUMMARY OF DECISION:           Approved.

ZONE DISTRICT:                   (N-C-M) Neighborhood Conservation, Medium Density

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on Monday, November 23, 2015, in Conference Rooms A - D, 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding: (1) Planning Department Staff Report for the Magnolia / Whedbee Replat (FDP #150032); (2) Zoning & Site Vicinity Map; (3) proposed McFann Subdivision plat; and (4) Affidavit of Publication of the Fort Collins Coloradoan dated November 11, 2015 evidencing publication of the Notice of Hearing on November 11, 2015. In addition, the City's Comprehensive Plan, Code, and the formally promulgated policies 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 Project 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, Associate Planner

From the Applicant/Owners: Timothy M. ("Mark") McFann

From the Public:               None

### 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 Code;
  - b. the Application complies with the applicable General Development Standards contained in Article 3 of the Code; and
  - c. the Application complies with the applicable N-C-M District standards contained in Article 4 of the Code. Specifically, the Hearing Officer concludes that both Lot 1 and Lot 2, McFann Subdivision as shown on the proposed plat meet the minimum

5,000 square feet lot area for single-family dwellings set forth in Section 4.8(D) of the Code.

3. The Application's satisfaction of the Article 2, 3 and 4 Code requirements 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 application for the consolidated Project Development Plan / Final Plan (FP) for the Magnolia/Whedbee Replat (FDP # 150032) in the form submitted.

DATED this 3<sup>rd</sup> day of December, 2015.



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Marcus A. McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report

McFann Subdivision (Magnolia/Whedbee Replat) (Consolidated PDP/FP)

#FDP150032



ITEM NO 2  
MEETING DATE Nov. 23, 2015  
STAFF Clay Frickey

**ADMINISTRATIVE HEARING OFFICER**

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**STAFF REPORT**

**PROJECT:** Magnolia/Whedbee Replat, FDP150032

**APPLICANT:** Mark McFann  
517 E Magnolia St.  
Fort Collins, CO 80524

**OWNERS:** Timothy M McFann/Denise L Culbertson-McFann  
517 E Magnolia St.  
Fort Collins, CO 80524

**PROJECT DESCRIPTION:**

This is a request for a consolidated Project Development Plan and Final Plan to replat two properties located at 517 E Magnolia St. and 404 Whedbee St. . The proposal calls for the rear half of 404 Whedbee to become part of 517 E Magnolia so that the backyards are more proportionately sized to the houses. The two parcels have the same owner. There is no building permit associated with this proposal. The project is located in the Neighborhood Conservation, Medium Density (NCM) zone district.

**RECOMMENDATION:** Staff recommends approval of Magnolia/Whedbee Replat, FDP150032.

**EXECUTIVE SUMMARY:**

Staff finds the proposed Magnolia/Whedbee 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 4.8, Neighborhood Conservation, Medium Density (NCM) of Article 4 – Districts.

## **COMMENTS:**

### **1. Background**

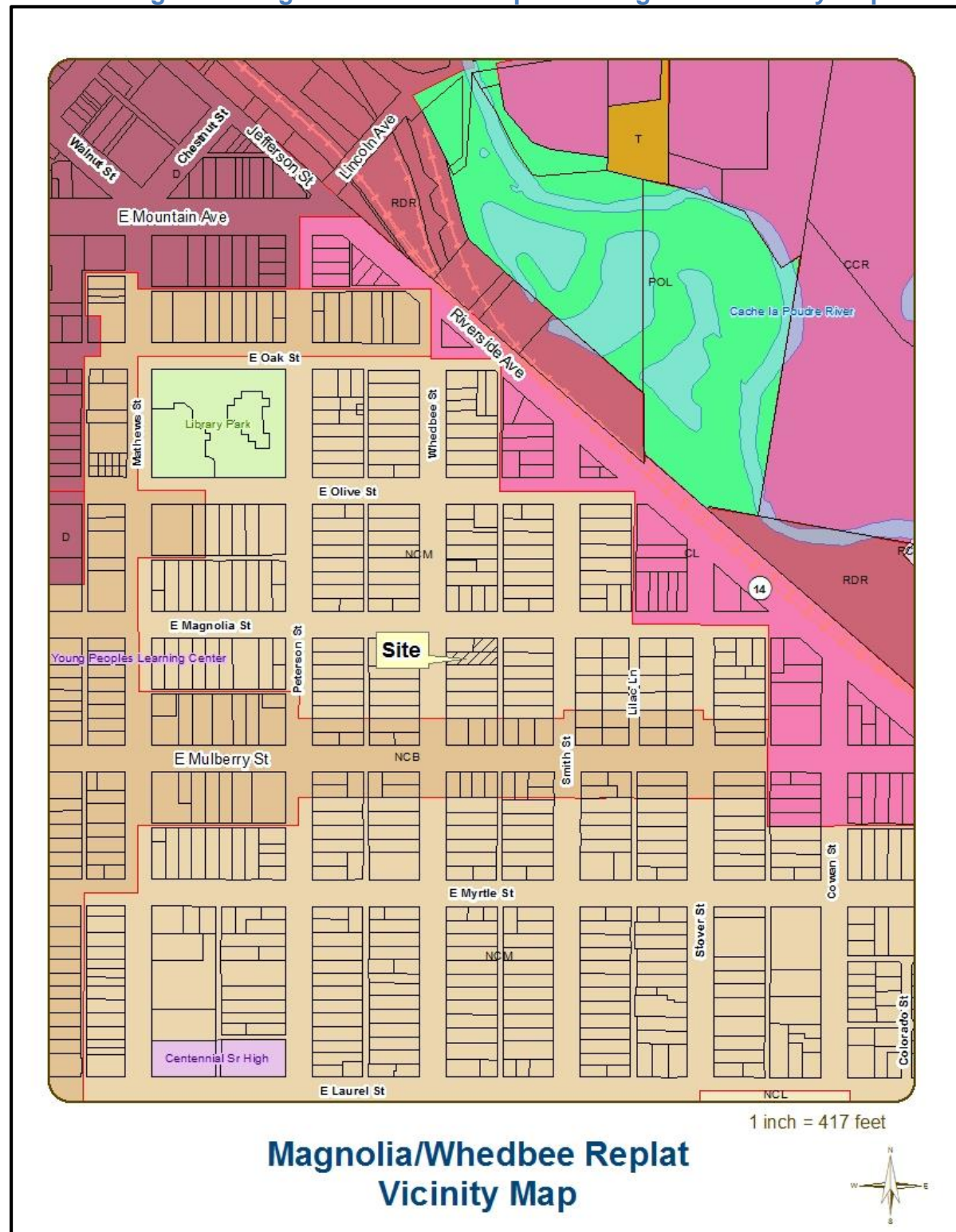
The property was annexed into the City as part of the Original Town Site Annex on January 16, 1873. The properties are located on Lot 5, Block 164 as indicated on the Fort Collins 1873 Map. The original homes at 517 E Magnolia St. and 404 Whedbee St. were built in 1957 and 1908, respectively. The original house at 517 E Magnolia was demolished and replaced by a new house as part of a separate project. The owners of 404 Whedbee are currently seeking local landmark designation status for the property.

The surrounding zoning and land uses are as follows:

<b>Direction</b>	<b>Zone District</b>	<b>Existing Land Uses</b>
North	Neighborhood Conservation – Medium Density (NCM)	Single-family detached residential, multi-family residential, place of worship, government facilities
South	Neighborhood Conservation – Medium Density (NCM), Neighborhood Conservation – Buffer (NCB)	Single-family detached residential, office
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West	Neighborhood Conservation – Medium Density (NCM)	Single-family detached residential, multi-family residential, place of worship

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

**Figure 1: Magnolia/Whedbee 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 3.2.2(K)(1)(c) – Residential and Institutional Parking Requirements - Single-Family Detached*

For single-family dwellings on lots that have more than 40 feet of street frontage, one off-street parking space is required. Each lot has one off-street parking space. 517 E Magnolia provides the space in a garage while 404 Whedbee provides the space in a paved parking area on the north side of the house.

B. *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.

C. *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. Both lots meet the minimum dimensional standards outlined in sections 4.8(D)-(E) of the Land Use Code. Both lots also front public streets and have vehicular access to these streets. 517 E Magnolia achieves vehicular access through the alley on the east side of the lot. 404 Whedbee achieves vehicular access through a curb cut that leads onto Whedbee Street.



**3. Compliance with Article 4 of the Land Use Code – Division 4.8, Neighborhood Conservation, Medium Density District (NCM):**

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

**A. *Section 4.8(B)(1)(a) – Permitted Uses***

The proposed use, single-family detached dwelling, is permitted in the NCM zone district and is consistent with the district's intent to preserve the character of areas that have a predominance of single-family to medium density, multi-family housing.

**B. *Section 4.8(D)(1) – Required Lot Area***

The minimum lot area for a single-family home is 5,000 square feet. The proposed replat will result in a 9,000 square foot lot for 517 E Magnolia and a 5,000 square foot lot for 404 Whedbee.

**C. *Section 4.8(E)(1) – Dimensional Standards – Minimum Lot Width***

The minimum lot width in the NCM zone district is 40 feet for single-family homes. Each lot will exceed the 40 foot lot width minimum. 517 E Magnolia will be 89.99 feet in width while 404 Whedbee will be 50 feet in width.

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

In evaluating the request for Magnolia/Whedbee 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.

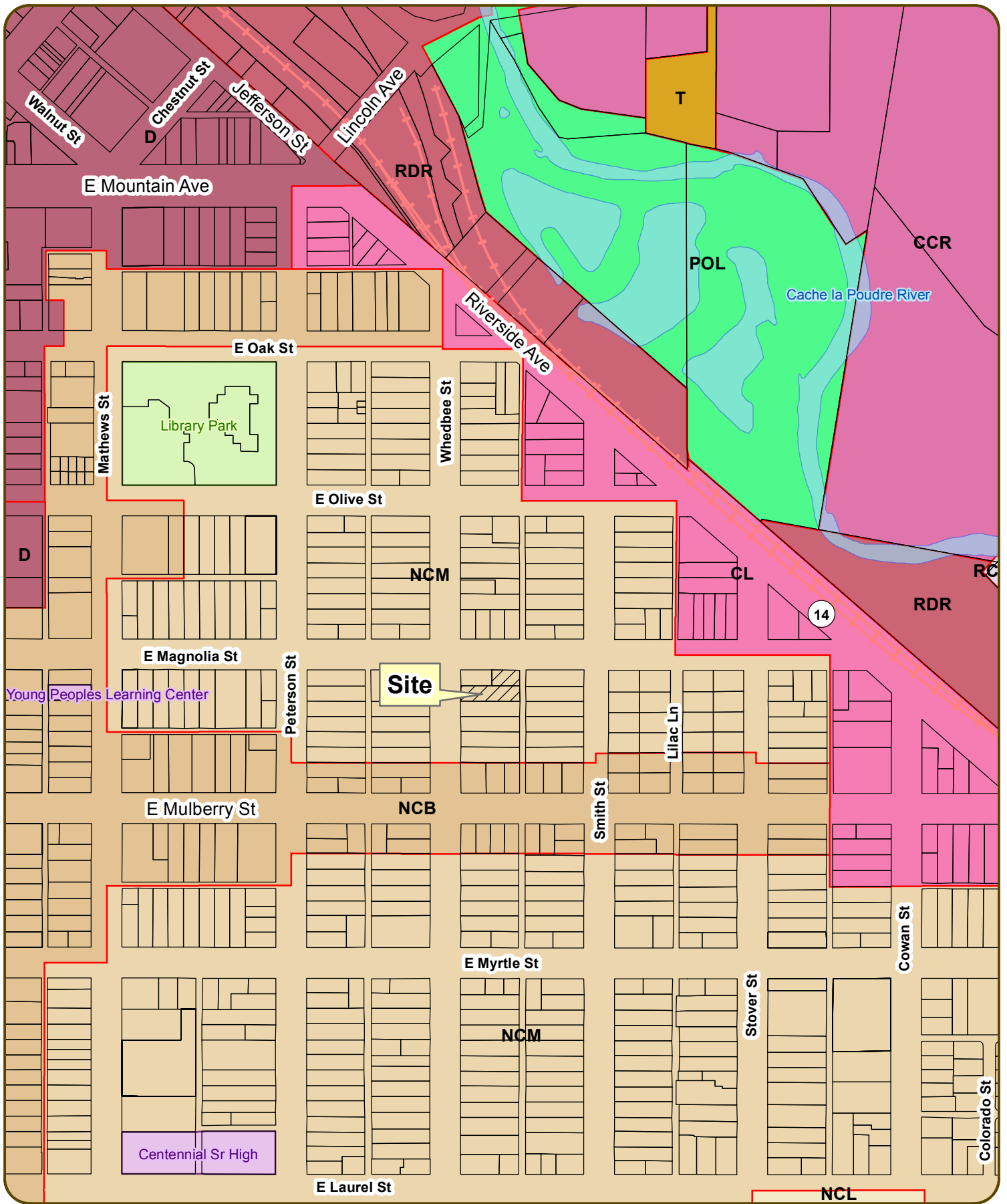
C. The Project Development Plan/Final Plan complies with relevant standards located in Division 4.8, Neighborhood Conservation, Medium Density (NCM) of Article 4 – Districts.

**RECOMMENDATION:**

Staff recommends approval of Magnolia/Whedbee Replat, FDP150032.

**ATTACHMENTS:**

1. Zoning & Site Vicinity Map
2. McFann Subdivision Plat



1 inch = 417 feet

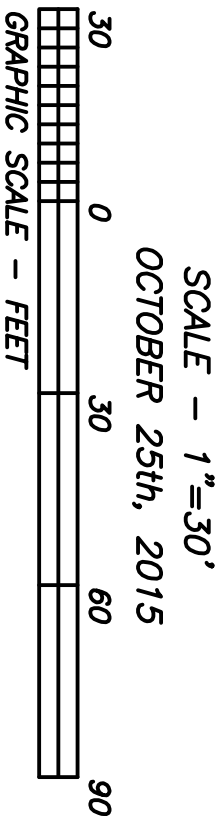
# Magnolia/Whedbee Replat Vicinity Map



BEING A REPLAT OF THE SOUTH 1/2 OF LOT 5, AND THE EAST 90' OF THE NORTH 1/2 OF LOT 5, BLOCK 164, CITY OF FORT COLLINS

Block 163, City of Fort Collins

100' dedicated right-of-way  
per original plat of the Town of Fort Collins

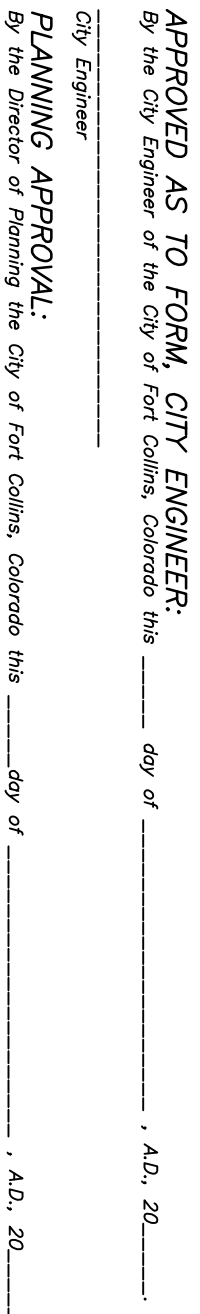


1. Bearings are in reference to a recorded subdivision plat and are based on the West line of Block 164, City of Fort Collins as monumented by a found 1/2" rebar with cap PLS 5028 at the Northwest Corner, and a found 1/2" square bar at the Southwest Corner, as bearing N00°00'00"E.

3. The lined unit of measurement used for the surveying of this property is U.S. Survey Feet.
4. Legal description was taken from Reception No. 2201 2010056263, and Reception No. 201 40054197 as filed in the Larmer County Clerk and Recorder's Office, and referenced recorded subdivision plot of Block 164, City of Fort Collins.
5. Stewart & Associates, Inc., and its owners and employees, have authorized the use of this instrument by its Subsigner, Plaintiff, and then only to those parties certified to hereon or in our files by signed work authorization.
6. Acceptance and/or use of this instrument for any purpose, constitutes agreement by all parties to all terms stated hereon.
7. There are no existing easements on this property.

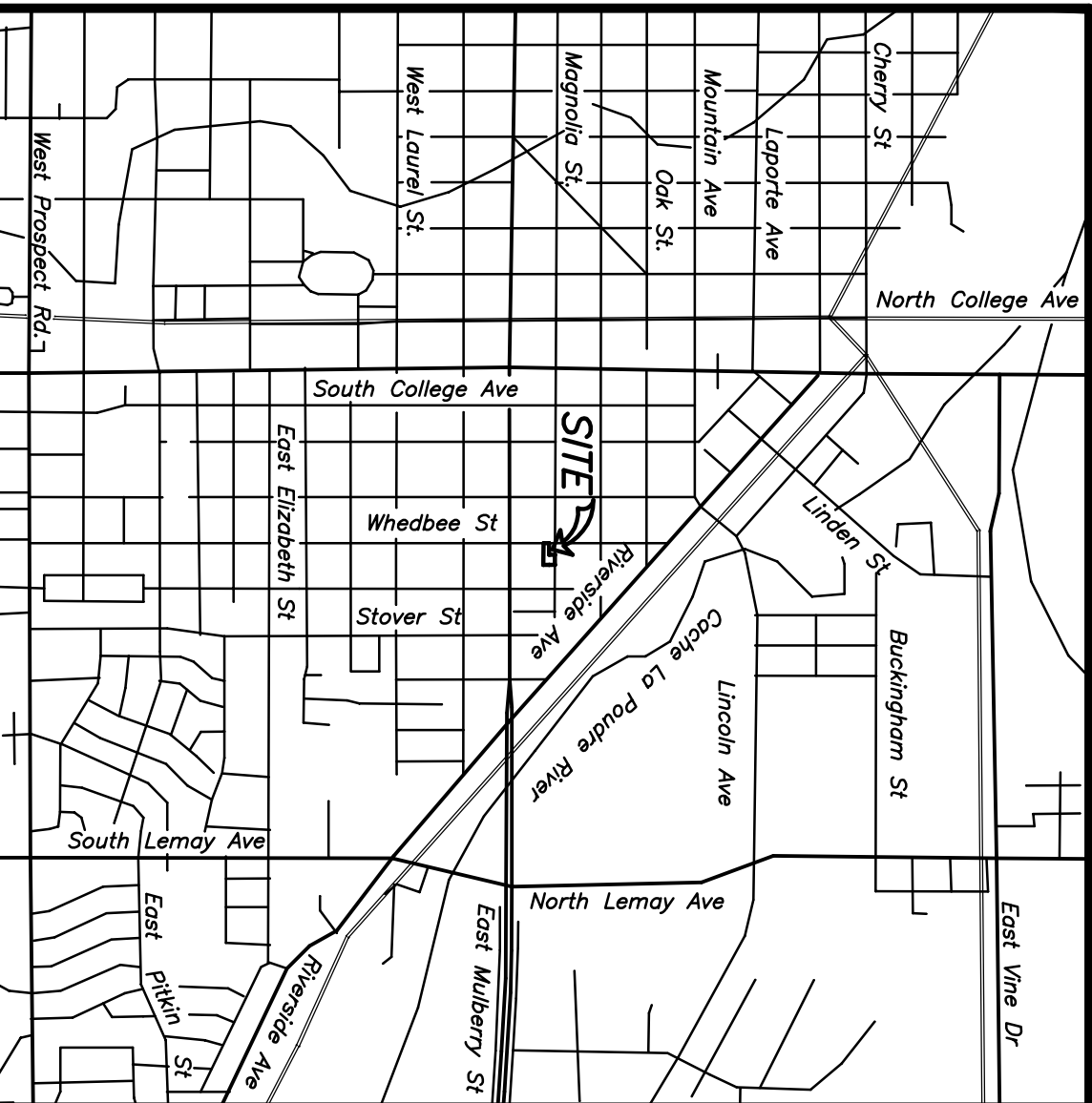
I, Joy S. Robinson, a Colorado Registered Professional Land Surveyor, do hereby certify, under my personal supervision, that the monument survey under my personal supervision, that the monument survey is an accurate representation thereof, all this to the best of my knowledge and belief.

JAY S. ROBINSON  
Colorado Registered Professional Land Surveyor No. 3789



Director of Planning

SCALE - 1"=2000

[illegible]

# STEWART & ASSOCIATES

CIVIL ENGINEERS AND LAND SURVEYORS

P.O. BOX 429, FORT COLLINS, COLORADO 80522  
 PHONE: (970)482-9331, EMAIL: [stewarts@frii.com](mailto:stewarts@frii.com)

P.E. / L.S. J.S.R. 1	DESIGNED:	CHECKED:	DRAWN: J.S.R. 1	CHECKED:	SURVEY: D.H.K.	SCALE: 1"=30'
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*According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.*