



ITEM NO 1
MEETING DATE Nov. 23, 2015
STAFF Clay Frickey

ADMINISTRATIVE HEARING OFFICER

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

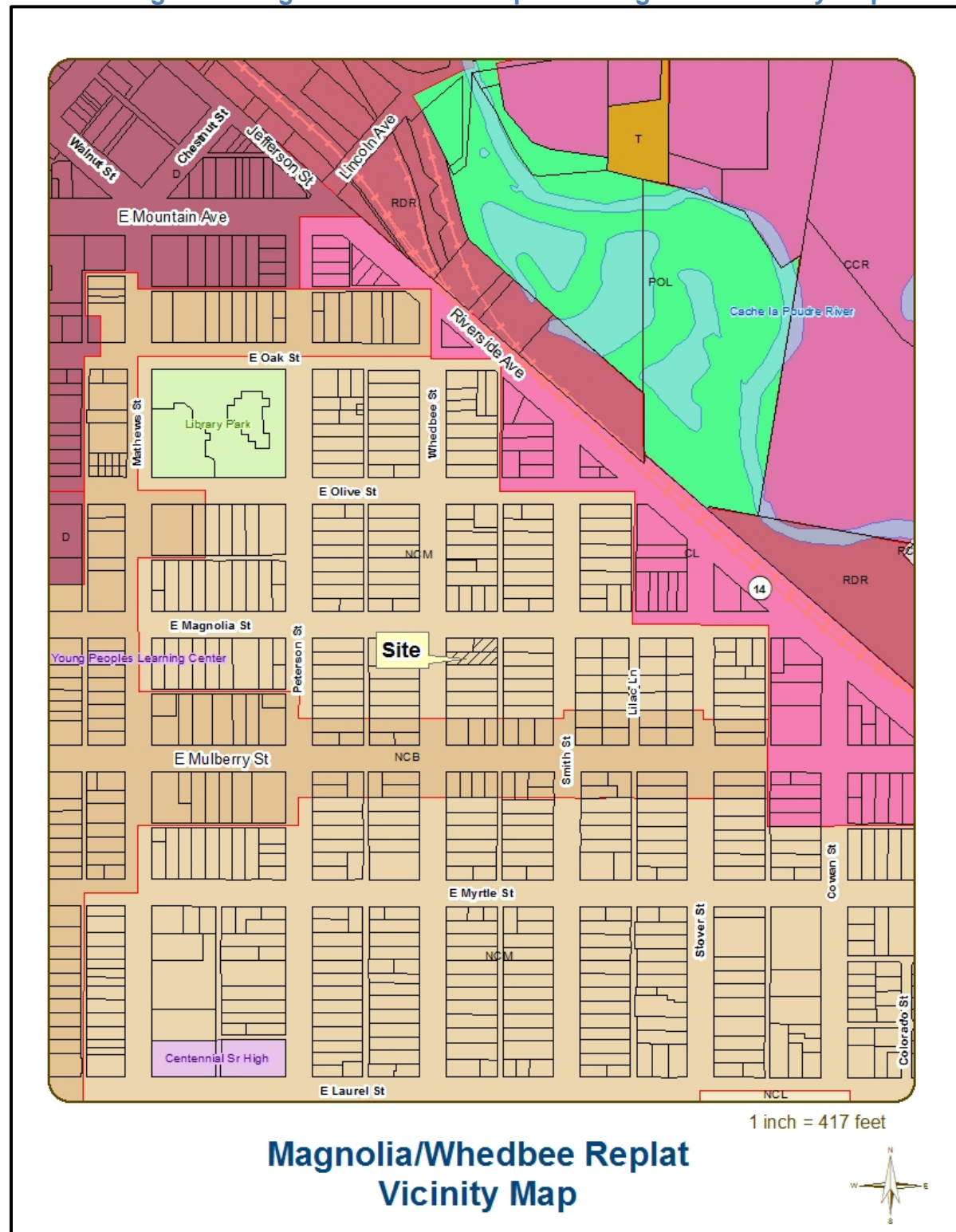
The property was annexed into the City as part of the Original Town Site Annex on January 16, 1873. The properties are located on Lot 5, Block 164 as indicated on the Fort Collins 1873 Map. The original homes at 517 E Magnolia St. and 404 Whedbee St. were built in 1957 and 1908, respectively. The original 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:

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

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.

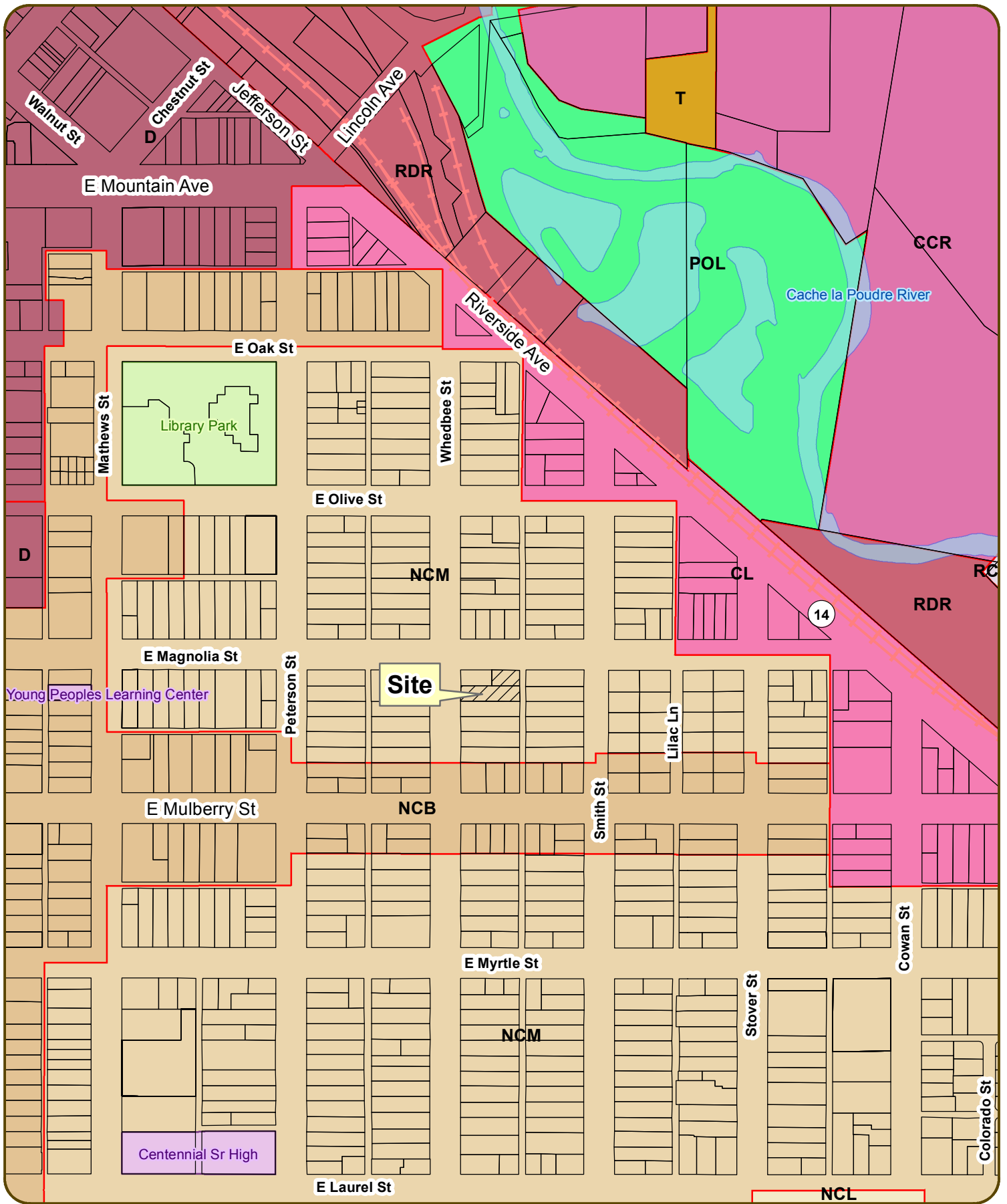
C. The Project Development Plan/Final Plan complies with relevant standards located in Division 4.8, Neighborhood Conservation, Medium Density (NCM) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of Magnolia/Whedbee Replat, FDP150032.

ATTACHMENTS:

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



1 inch = 417 feet

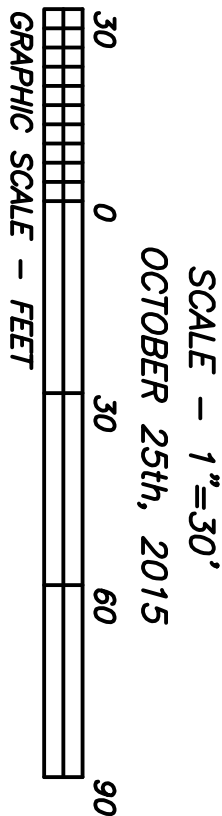
Magnolia/Whedbee Replat Vicinity Map



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. 220120100562823, and Reception No. 201740054197 as filed in the Larimer County Clerk and Recorder's Office, and referenced recorded subdivision plat of Block 194, City of Fort Collins.
5. Stewart & Associates, Inc. and its owners and employees, will not be liable for more than the cost of this Subdivision Plat 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.

1. Jay S. Robinson, a Colorado Registered Professional Land Surveyor, is the author of the monument survey under my personal supervision, that the monument is an accurate representation thereof, all this to the best

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

APPROVED AS TO FORM, CITY ENGINEER:
By the City Engineer of the City of Fort Collins, Colorado this _____ day of _____, A.D., 20____.

City Engineer _____

PLANNING APPROVAL:
By the Director of Planning the City of Fort Collins, Colorado this _____ day of _____, A.D., 20____.

PLANNING APPROVAL:
By the Director of Planning the City of Fort Collins, Colorado this _____ day of _____, A.D. 20____.

Director of Planning

STATEMENT OF OWNERSHIP AND SUBDIVISION:
Know all persons by these presents, that the undersigned owner(s)

[illegible]

any applicable need, nuisance or other legal requirements.

The rights granted to the City by this Part turn to the benefit of the City agents, increases, premiums and assigns.

The Owner hereby warrants and guarantees to the City, for a period of two (2) years from the date of completion and final acceptance by the City of the improvements warranted hereunder, the full and complete maintenance and repair of the improvements to be constructed in connection with the development which is the subject of this list. This warranty and guarantee is made in accordance with the City and Utah Code provisions, including, without limitation of curbing, sidewalks, the paths, drainage pipes, culverts, catch basins, drainage ditches and interlocking. Any maintenance and/or repair required on utilities shall be the responsibility of the utility company or department.

SEALING GUARANTEE: The Owner shall maintain seal improvements in a manner that will assure compliance on a consistent basis with all construction standards, safety requirements and environmental protection requirements of the City. The Owner shall correct and repair, or cause to be corrected and repaired, all damages to seal improvements resulting from development-related or building-related activities. In the event the Owner fails to correct any damages within thirty (30) days after written notice received, then said damages may be corrected by the City and all costs and charges shall be paid by the Owner. The City shall also have the right to correct any damages that it deems necessary to correct outside of the 30 day period. Any damages which occurred prior to the end of said two (2) year period and which are unexpected at the termination of said period shall remain the responsibility of the Owner.

[illegible]

NOTICE OF OTHER DOCUMENTS:

OWNERS:

THOMOTH M. MCFANN }
State of Colorado } S.S.
County of Larimer }

DEWIS L. MCFANN-CULBERTSON

The foregoing dedication was acknowledged before me this _____ day of _____, 20____ by Timothy M. McFann and Denise L. McFann-Culbertson

Lienholder – FIRST BANK

State of Colorado }
County of Larimer } S.S.

My notarial commission expires _____

NOTARY PUBLIC

ATTORNEY'S CERTIFICATION:

I hereby certify that this Subdivision has been duly executed as required pursuant to Section 22.33(c)(2) through (4) inclusion of the Land Code of the City of Fort Collins and that all persons signing this Subdivision Plat on behalf of a corporation or other entity are duly authorized signatories under the laws of the State of Colorado. This Certification is based upon the records of the Clerk and Recorder of Larimer County, Colorado as of the date of execution of the Plat and other information discovered by me through reasonable inquiry and is limited as authorized by Section 22.33(c)(3)(I) of the Land Use Code.

Attorney: _____
Address: _____

ALL RESPONSIBILITIES IN CONNECTION WITH OPERATION, MAINTENANCE AND RECONSTRUCTION OF THE PRIVATE STREETS AND/OR DRIVES LOCATED ON THE PRIVATE PROPERTY THAT IS THE SUBJECT OF THIS PLAT SHALL BE BORNE BY THE OWNERS OF SAID PROPERTY, EITHER INDIVIDUALLY, OR COLLECTIVELY, THROUGH A PROPERTY OWNERS ASSOCIATION, IF APPLICABLE. THE CITY OF FORT COLLINS SHALL HAVE NO OBLIGATION OF OPERATION, MAINTENANCE OR RECONSTRUCTION OF SUCH PRIVATE STREETS AND/OR DRIVES NOR SHALL THE CITY HAVE ANY OBLIGATION TO ACCEPT SUCH STREETS AND/OR DRIVES AS PUBLIC STREETS OR DRIVES.

SURVEYORS STATEMENT:

I, Joy S. Robinson, a Colorado Registered Professional Land Surveyor, do hereby state that this Subdivision Plot was prepared from an ocular survey under my personal supervision, that the monumentation as indicated herein were found or set as shown, and that the foregoing Plot is an accurate representation thereof, all this to the best of my knowledge, information and belief.

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

VICINITY MAP SCALE 1"=2000'

Cherry St
Mountain Ave
Oak St
Leggett Ave
North College Ave
Linden St
Buckingham St
Lincoln Ave
Fremont Ave

VICINITY MAP
SCALE - 1"=2000

STEWART & ASSOCIATES

CIVIL ENGINEERS AND LAND SURVEYORS

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

P.E. / L.S.	DESIGNED:	CHECKED:	DRAWN:	CHECKED:	SURVEY:	SCALE:
J.S.R. 1			J.S.R. 1		D.H.K.	1"=30'

STEWART & ASSOCIATES
CIVIL ENGINEERS AND LAND SURVEYORS
P.O. BOX 429, FORT COLLINS, COLORADO 80522
PHONE: (970)482-9331, EMAIL: stewarts@frfi.com

JOEY MARK McFANN
STREET, FORT COLLINS, CO 80524
BLOCK 164, CITY OF FORT COLLINS
ER COUNTY, COLORADO
SUBDIVISION PLAT

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.