

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

FINDINGS AND DECISION

HEARING DATE: August 31, 2016

PROJECT NAME: Majestic Estates, Project Development Plan

CASE NUMBER: PDP #160016

APPLICANT: Ken Merritt, JR Engineering, LLC
2900 South College Avenue, Suite 3D
Fort Collins, CO 80525

OWNER: Suburban Land Reserve Inc.
79 South Main Street, Suite 500
Salt Lake City, UT 84111

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: The Project Development Plan (PDP) that is the subject of this application proposes eight (8) single family lots ranging in size from 22,709 square feet to 30,202 square feet located on approximately 19.932 acres located in the NW ¼ of the NW ¼ of Section 17, Township 6 North, Range 68 West of the 6th P.M., City of Fort Collins, Larimer County, and as more particularly described in the preliminary plat (the “Subject Property”).

The application proposes to replat the Subject Property into eight (8) lots (LOTS 1 THROUGH 8) and two tracts (TRACTS A and B), Majestic Estates Subdivision.

The eight (8) single family lots comprise, in total, approximately 4.98 acres or roughly 25% of the Subject Property. TRACTS A and B together comprise the remaining 75% of the Subject Property, consisting of approximately 14.95 acres. A final plat will be required at the time of Final Plan submittal.

The Subject Property was recently annexed to the City of Fort Collins and initial zoning established (see additional discussion under “BACKGROUND” below).

The project proposes to cluster¹ the single-family residential lots along existing Majestic Drive. TRACTS A and B will be maintained as open space with a six-foot (6’) wide concrete pedestrian path meandering through the open space as shown in the PDP.

¹ The Hearing Officer finds that all eight (8) residential lots exceed the one-half acre (21,780 sf) minimum lot size set forth in Section 4.2(D)(1)(b) of the Land Use Code and that the site design standards for residential cluster development set forth in Section 4.2(E)(2) of the Code are therefore inapplicable to the application.

Pursuant to Land Use Code Section 4.2(B)(2)(a), the proposed single-family detached residential use is permitted in the U-E zone district, subject to a Type One administrative review.

BACKGROUND: By adoption of Ordinance No. 90, 2016 on second reading on August 16, 2016 (the “Annexation Ordinance”), City Council annexed the Subject Property into the City of Fort Collins. By adoption of Ordinance No. 91, 2016 on second reading on that same evening, City Council established the initial City zoning of the Subject Property as Urban Estate (U-E).

In accordance with the applicable requirements of C.R.S. § 31-12-113(2)(a), the City has caused a copy of the Annexation Ordinance and Majestic Place Annexation Map to be filed with the Larimer County Clerk and Recorder for recording. The Annexation Ordinance was recorded in the real property records of the County on August 26, 2016 at Reception No. 20160056965 and the Annexation Map was recorded in the real property records of the County on that same date at Reception No. 20160056966.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Urban Estate (U-E) and Low Density Mixed-Use Neighborhood (L-M-N)	Westchase Neighborhood – single-family residential
South	Unincorporated Larimer County - Farming (FA-1)	Single-family residential
East	Unincorporated Larimer County - Farming (FA-1)	Single-family residential
West	Urban Estate (U-E)	LDS Temple

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: (U-E) Urban Estate

HEARING: The Hearing Officer opened the hearing on Wednesday, August 31, 2016, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 5:30 PM.

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

1. Majestic Estates Vicinity Map.
2. Planning Department Staff Report prepared for Majestic Estates (PDP #160016). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Majestic Estates Site Plan.
4. Majestic Estates Landscape Plan.
5. Majestic Estates Preliminary Subdivision Plat.
6. Planning Narrative dated May 19, 2016 (3 pages).
7. Affidavit of Publication dated August 23, 2016, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on August 22, 2016.
8. Notice of Public Hearing dated August 17, 2016.
9. Agreement Regarding Rock Castle Lane (dated January 10, 2012, recorded on January 18, 2012 at Reception No. 20120003750).
10. Filing Receipt (evidencing recording of Annexation Ordinance and Annexation Map) dated August 26, 2016 (1 page).
11. PowerPoint presentation prepared by the Applicant for the August 31st public hearing (4 slides).
12. PowerPoint presentation prepared by Staff for the August 31st public hearing (6 slides).
13. 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: Seth Lorson, City Planner

From the Applicant: Ken Merritt, JR Engineering, LLC
2900 South College Avenue, Suite 3D
Fort Collins, CO 80525

From the Owner: Mark Tingey
Suburban Land Reserve Inc.
79 South Main Street, Suite 500
Salt Lake City, UT 84111

From the Public: Garth Rummery, 6509 Westchase Court, Fort Collins
(signed in but did not provide testimony at the hearing)

The hearing on this matter was closed at approximately 6:03 p.m.

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; and
 - C. the Application complies with relevant standards contained in Division 4.2, Urban Estate District (U-E) of Article 4 of the Land Use Code.
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 Majestic Estates Project Development Plan (PDP #160016) for the Subject Property as submitted.

DATED this 2nd day of September, 2016.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Majestic Estates Project Development Plan
(PDP# 160016)



ITEM NO 1

MEETING DATE August 31, 2016

STAFF Lorson

ADMINISTRATIVE HEARING

STAFF REPORT

PROJECT: Majestic Estates, Project Development Plan, PDP #160016.

APPLICANT: Ken Merritt, JR Engineering, LLC
2900 South College Avenue, Suite 3D
Fort Collins, CO 80525

OWNER: Suburban Land Reserve Inc.
79 South Main Street, Suite 500
Salt Lake City, UT 84111

PROJECT DESCRIPTION:

This is a request for consideration of a Project Development Plan (P.D.P.) for Majestic Estates. The project is located at the southeast corner of Trilby Road and Timberline Road on 19.93 acres of vacant land.

The project proposes eight single-family lots ranging in size from 22,653 square feet to 30,197 square feet. The project proposes to cluster the lots along Majestic Drive and retain 14.95 acres for open space with a six foot wide concrete pedestrian path meandering through the open space. Single-family residential is permitted in the Urban Estate (U-E) zone district subject to review and approval by an administrative hearing officer (Type 1).

RECOMMENDATION: Approval of Majestic Estates Project Development Plan, PDP #160016.

EXECUTIVE SUMMARY:

The approval of Majestic Estates Project Development Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The P.D.P. complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The P.D.P. complies with relevant standards located in Article 3 – General Development Standards.

- The P.D.P. complies with relevant standards located in Division 4.2, Urban Estate District (U-E) of Article 4 – Districts.

COMMENTS:

1. Background:

The subject property was annexed and zoned (U-E) on August 26, 2016 (Second Reading of the ordinance by City Council on August 16, 2016).

The property is currently vacant. The property is accessed off Majestic Drive, which was constructed as part of the LDS Temple PDP (approved in 2014).

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Urban Estate (U-E) and Low Density Mixed-Use Neighborhood (L-M-N)	Westchase Neighborhood – single-family residential
South	Larimer County - Farming (FA-1)	Single-family residential
East	Larimer County - Farming (FA-1)	Single-family residential
West	Urban Estate (U-E)	LDS Temple

2. Compliance with Article 4 of the Land Use Code – Urban Estate (U-E):

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

A. Section 4.2 (B) – Permitted Uses

Single-family detached dwellings are permitted subject to administrative review (Type 1 Hearing).

B. Section 4.2 (D) – Land Use Standards

- 1) Section 4.2 (D)(1)(a) Overall average density shall not exceed two (2) dwelling units per gross acre.

The proposed density is 0.4 dwelling units per gross acre.

- 2) Section 4.2 (D)(1)(b) Lot sizes shall be one-half (½) acre or larger for dwellings that are not clustered in accordance with the standards set forth in this Division.

The proposed minimum lot size is 22,653 square feet (0.52 acres).

- 3) Section 4.2 (D)(2) *Dimensional Standards*. This section provides standards for minimum lot width (100 feet), required setbacks, and maximum building height (3 stories).

All proposed lots are wider than 100 feet at the street front and the setback standards and height requirement will be applied at time the of building permit.

C. Section 4.2(E) – Development Standards

- 1) Section 4.2 (E)(1) requires that all development comply with Section 3.6.3 street pattern and connectivity standards.

The proposed lots are accessed off an existing street and therefore do not have the opportunity to provide any greater connectivity to surrounding neighborhoods. Additionally, access off of Rock Castle Lane (to the south) is prohibited for this property per an agreement (Rec. 20120003750) with surrounding property owners whom own and access their homes from the private drive.

- 2) Section 4.2 (E)(2) *Site Design for Residential Cluster Development*. This section outlines the standards required for reducing the minimum lot sizes of residential lots as a result of clustering the lots together and permanently preserving at least 50% of the total land area as open space.

The proposed project clusters the single-family lots together and preserves 75% of the total land area as open space. And, still maintains the minimum lot sizes as required without applying the cluster development standards.

3. Compliance with Article 3 of the Land Use Code – General Development Standards

The project complies with all applicable General Development Standards; with the following relevant comments provided:

A. Division 3.2 – Site Planning and Design Standards

1) 3.2.1 Landscaping and Tree Protection:

- A detailed landscape plan is provided with this P.D.P. The open space is planted with native grasses and trees around its perimeter. The fronts of each lot are fully landscaped with shrubs, perennials, and an ornamental metal fence.
- Street trees are already provided with the construction of Majestic Drive.

2) 3.2.2 Access, Circulation and Parking:

- All public infrastructure is already installed including the street (Majestic Drive), a detached sidewalk, street trees, and street lights.
- Parking will be provided on-site with each single-family dwelling as it is constructed. One on-site parking space is required for each lot which will be confirmed at time of building permit.

B. Division 3.4 – Environmental, Natural Area, Recreational and Cultural Resource Protection Standards

1) 3.4.1 Natural Habitats and Features:

- The site does not have any significant ecological features but has still provided a landscape plan that will provide native grasses and plants.

C. Division 3.5 – Building Standards

- At time of building permit the following standards will be applied:
 - 3.5.2(D)(1) Orientation to a Connecting Walkway. Every front facade with a primary entrance to a dwelling unit shall face the adjacent street to the extent reasonably feasible. Every front facade with a primary entrance to a dwelling unit shall face a connecting walkway with no primary entrance more than two hundred (200) feet from a street sidewalk.

- 3.5.2(F) Garage Doors. To prevent residential streetscapes from being dominated by protruding garage doors, and to allow the active, visually interesting features of the house to dominate the streetscape, the following standards shall apply:
 - (1) Street-facing garage doors must be recessed behind either the front facade of the ground floor living area portion of the dwelling or a covered porch (measuring at least six [6] feet by eight [8] feet) by at least four (4) feet. Any street-facing garage doors complying with this standard shall not protrude forward from the front facade of the living area portion of the dwelling by more than eight (8) feet.
 - (2) Garage doors may be located on another side of the dwelling ("side- or rear-loaded") provided that the side of the garage facing the front street has windows or other architectural details that mimic the features of the living portion of the dwelling.
 - (3) Garage doors shall not comprise more than fifty (50) percent of the ground floor street-facing linear building frontage. Alleys and corner lots are exempt from this standard.

4. **Public Comments**

The only comment received was a phone call to the Planner confirming that the proposed project was not accessing off of Rock Castle Lane as precluded by the recorded agreement (Rec. 20120003750).

5. **Findings of Fact/Conclusion**

In evaluating the request for the Majestic Estates Development Plan, Staff makes the following findings of fact:

- A. The P.D.P. complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The P.D.P. complies with relevant standards located in Article 3 – General Development Standards.
- C. The P.D.P. complies with relevant standards located in Division 4.2, Urban Estate District (U-E) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of the Majestic Estates Project Development Plan, PDP #160016.

ATTACHMENTS:

1. Planning Narrative
2. Site Plan
3. Landscape Plans
4. Plat