

## 811 E Elizabeth Neighborhood Meeting Notes

**Date:** August 18<sup>th</sup>, 2016  
**Location:** First United Methodist Church  
**City Staff:** Clay Frickey (Planning)

### Summary of Questions and Comments:

**Question (Citizen):** Can you have sitting water in a detention pond?

**Response (Applicant):** It is a low impact development requirement. It isn't a pond, it holds water for a period and then releases the water.

**Question (Citizen):** Would this detention area be a breeding ground for mosquitos?

**Response (Applicant):** Not really.

**Question (Citizen):** Sounds like drainage will be improved.

**Response (Applicant):** This will allow for infiltration, which is an improvement.

**Question (Citizen):** Are you digging down for the detention area to make it permeable?

**Response (Applicant):** Yes, we will be digging down a few feet. It will be about 40".

**Question (Citizen):** What will the house look like?

**Response (Applicant):** We've done some preliminary design work at this point. Right now, it's proposed to be a 2-story house but ultimately it depends on who wants to live there.

**Question (Citizen):** Do you own the business?

**Response (Applicant):** No, I own the land.

**Question (Citizen):** Is there a possibility that the house will be a rental?

**Response (Applicant):** No, the land price is too high to make the home a rental.

**Question (Citizen):** Do you own the rear lot?

**Response (Applicant):** No, I have an option to buy it.

**Question (Citizen):** How large is the rear lot?

**Response (Applicant):** It's about 22,000 sq. ft.

**Question (Citizen):** Are you adding on to the office building to try and get more parking?

**Response (Applicant):** No, I'm just trying to do all of the work I want to do to both properties at once. I'm trying to add value to the property.

**Question (Citizen):** As an investor you must understand that from our perspective there is a possibility for no improvement, right?

**Response (Applicant):** Yes.

**Question (Citizen):** I am against the continuance of a non-conforming use. Who approves the additional use?

**Response (Applicant):** Both lots are legal lots but we are replatting to bring them into compliance

**Response (City):** Planning & Zoning Board will be the decision maker on the project.

**Question (Citizen):** Are you aware this came before the Planning & Zoning Board and Council dealing with the garage, which was part of the office use and was used as storage? The garage was the one time expansion of the non-conforming use.

**Response (Applicant):** No, what year?

**Comment (Citizen):** It was in the mid-80s.

**Comment (Citizen):** I thought the planner had found the minutes for the storage.

**Comment (Citizen):** If the City of Fort Collins didn't keep records I wouldn't have held out hope for the garage. The doctor at the time had claimed he would use the garage for his own personal storage of items from his house. Instead the doctor used the garage to store medical records.

**Response (Applicant):** The current tenant is using the garage for storage associated with the office as well.

**Question (Citizen):** I'm glad he is being honest. I understand adding to the lot but I am still trying to figure out the parking. That's my lilac patch to the west of the property. I'm glad you aren't coming over that far with your proposed changes. I'm glad we aren't touching that.

**Response (Applicant):** We have to provide buffering from different uses but we won't need to go over that far.

**Comment (Citizen):** I think the proposed fence could remove the ambience of the area. On our property we just restored our clay tile roof. People encourage us to leave all the time. The Nashs are good neighbors, there's a lot of tradition in this part of town. Maybe leave the front building alone if you want to do the house.

**Comment (Citizen):** This use has always been a sore spot for the neighborhood.

**Comment (Citizen):** I'm worried about this expansion further entrenching a non-conforming use.

**Comment (Citizen):** This has been there since 1956, lots have been built around it.

**Comment (Citizen):** No, our houses were built earlier.

**Comment (Citizen):** The back lot used to be a horse pasture.

**Question (Citizen):** I'm confused about sharing an entrance, could you explain that to me?

**Response (Applicant):** The code requires access points to be at least 30' apart, this shared access point allows us to meet the code.

**Question (Citizen):** My biggest concern is an expansion of the lot. That might allow you to convert the front building into a home. Is that the plan?

**Response (Applicant):** I've always known about these lots, I asked about an expansion but the office use is more valuable.

**Comment (Citizen):** I don't like that this continues the office use.

**Response (Applicant):** Please keep in mind this won't change the street frontage, this will result in better parking lot screening, and the rest of the lot will be brought into conformance with the Land Use Code as well.

**Comment (Citizen):** We are worried about the City changing the zoning of this area like next to the hospital. This causes us anxiety.

**Response (City):** We will not be changing the zoning of this area. Staff is working on the Old Town Neighborhoods Plan right now and this area is covered by this sub-area plan update. Staff has heard throughout the process that the residents of the neighborhoods desire the character to remain the same in the neighborhoods. As such, staff is not proposing to change the zoning in this area. In fact, the only proposed zoning changes are on the Westside and the proposals are to downzone some properties so that the character of the area remains the same. Per the Land Use Code, the applicant may expand their non-conforming use by up to 25% but the garage issue might change that.

**Question (Citizen):** Will there be permanent right-of-way for the driveway? Does the back lot have a permanent access easement to use this driveway?

**Response (Applicant):** Yes.

**Question (Citizen):** What is setback of fence from the driveway?

**Response (Applicant):** The fence is setback 5' from the property line.

**Question (Citizen):** Can the fence be shifted to where the residences feel less impacted?

**Response (Applicant):** That will be difficult. The drive aisle has to be 24' wide, then we need a 6' wide landscape buffer, parking stalls have to be 19' deep, and the other setbacks all squeeze the site.

**Question (Citizen):** Does this proposal meet the parking requirement?

**Response (Applicant):** Yes.

**Question (Citizen):** Is there a limitation on the size of the home?

**Response (Applicant):** Yes.

**Question (Citizen):** Is the house 4,100 square feet?

**Response (Applicant):** No, we are proposing a 2,500 square foot house currently.

**Question (Citizen):** I live on Garfield St. How close will this be to the rear property line?

**Response (Applicant):** We want is pushed as far forward as much as possible to avoid issues with property owners behind the lot.

**Comment (Citizen):** And we want the opposite.

**Question (Citizen):** What will the design of the house be?

**Response (Applicant):** It won't be a contemporary design. We want the home to blend in with the rest of the neighborhood. With that being said, someone could want something different and so I am going to try and respect what the eventual owner wants.

**Question (Citizen):** So the rendering of the house shown in the listing has no bearing then?

**Response (Applicant):** The only thing about the listing that has any bearing is the price.

**Question (Citizen):** What happens if this doesn't go through? The existing building isn't very attractive.

**Response (Applicant):** My plan is to own this property long-term and I want to be in this neighborhood.

**Question (Citizen):** Hasn't the building had numerous tenants?

**Comment (Citizen):** This is owner number 5 or 6. Most tenants have found it to be too small and they end up moving on after 5 years or so.

**Comment (Citizen):** Maybe the concern isn't so much the house in the back but in improving the front.

**Comment (Citizen):** Sandy Kern asked me to read a statement. He says grandfathered uses should not be allowed to expand. Ultimately, this is a profit for the owner but a loss for us. They have not been good neighbors. They took down a hedge and erected a shed and a fence.

**Question (Citizen):** Who cut the tree down in the back?

**Response (Applicant):** The owner of the back lot took down the tree. All of this history is news to me. This is all part of the journey for me.

**Question (Citizen):** Why would you burden someone with a permanent access easement?

**Response (Applicant):** This was driven by City requirements.

**Question (Citizen):** Why not just buy the back property?

**Response (Applicant):** Parking requirements still have to be met.

**Comment (Citizen):** This seems like gerrymandering of the rules to skirt requirements.

**Response (Applicant):** The drive has to be where it is to meet requirements and we will have to meet all other applicable City requirements as well.

**Question (Citizen):** Does this move the use towards conformance?

**Response (City):** No, this will continue the non-conforming use. Ultimately, Planning & Zoning Board will be the decision maker on the project.

**Question (Citizen):** Can applicants expand a non-conforming use multiple times?

**Response (City):** The Land Use Code is unclear on this. The code doesn't limit the number of times a non-conforming use can be expanded. In the past, it has been interpreted to mean a one-time expansion. Planning & Zoning Board will ultimately make the decision as to whether or not this office will be able to expand again.

**Question (Applicant):** Was the garage on the same lot when it was approved?

**Comment (Citizen):** You should know, you bought it.

**Question (Citizen):** I am the doctor who has their practice in the building currently and this is the first time I have heard that the building is an eye sore. We love the neighborhood and enjoy being the building but we have a couple of questions. What is happening with the berm?

**Response (Applicant):** We will be adding a lot of landscaping and vegetation.

**Question (Citizen):** What will the additional landscaping and vegetation do to visibility? I am concerned about losing visibility for my business. It also looks like we'll be losing parking. Where will people park in that case? We have 9 parking spaces now and I don't want to lose more parking. Is there parking behind where the dumpster is shown now?

**Response (Applicant):** This is what the Land Use Code allows now for parking. The parking ratio is determined by the square footage of the building and the use.

**Question (Citizen):** I have peak hours and plans to grow and I don't want incidences of people using parking lots they shouldn't be using. I also want to honor what the neighborhood wants as well. Just know that I plan to stay since.

**Question (Citizen):** This question is for the current tenant, if the building is expanded what would you do?

**Response (Applicant):** Not sure.

**Response (Applicant):** I want to do all of this work at once. She is a great tenant. This is the only building I own. I don't have any rock solid answers at this point.

**Question (Citizen):** If it's not broken then why fix it? If the existing model works then why jeopardize it?

**Response (Applicant):** We're having conversations about all of these things. It's about value and income for me. In a perfect world it's a part of my retirement.

**Comment (Citizen):** Taking parking away doesn't make sense.

**Question (Citizen):** Will you gain parking by making the drive cut smaller? I have issues with crossing Elizabeth at this location. There's no parking on-street so this impacts both lots. The City has lots of plans with Elizabeth that change.

**Response (Applicant):** Perhaps, there could be enough room.

**Comment (Citizen):** You can park there now.

**Comment (Citizen):** There's lots of problems parking during CSU events.

**Question (Citizen):** Will you improve the existing building or just the landscaping?

**Response (Applicant):** Just the landscaping for now.

**Question (Citizen):** Are they required to maintain the landscaping?

**Response (City):** Yes.

**Question (Citizen):** How many parking spaces will they have?

**Response (Applicant):** 5.

**Question (Citizen):** Does this parking requirement include the expansion?

**Response (Applicant):** Yes.

**Question (Citizen):** Could the residential in the back be converted to commercial?

**Response (City):** No.

**Question (Citizen):** What is the front setback?

**Response (City):** 20 feet.

**Comment (Citizen):** I'm worried about the parking and making the property economical, we need to do what is best for the community. Can they bring in horses?

**Response (Applicant):** No, we would need a half acre of pasture land.

**Comment (Citizen):** The point to me is that this is a non-conforming use. We hope this goes away eventually. Vice versa, allowing an expansion makes the commercial property more attractive and further entrenches non-conforming use. Therefore, I must oppose the expansion. Keep in mind that staff recommended approval of the previous expansion attempt. As far as the back lot is concerned, it can be developed by right for a house.

**Response (City):** I respect and appreciate your perspective but the code does allow for the 25% expansion of a non-conforming use.

**Comment (Citizen):** But you can't build it as a matter of right.

**Question (Citizen):** Could you do a marijuana facility here?

**Response (City):** No.

**Question (Applicant):** How would you all feel if we removed the garage from the back lot and added that square footage to the building in the front?

**Comment (Citizen):** One time expansion means one time expansion.

**Comment (Citizen):** Doesn't obviate the one time expansion.

**Comment (Citizen):** Removing the garage doesn't remove the one-time expansion.

**Comment (Citizen):** Whether it stays or goes doesn't matter.

**Comment (Citizen):** It's still an expansion.

**Comment (Citizen):** I'm concerned about the use.

**Question (Citizen):** Do you have any interest in moving towards a conforming use?

**Response (Applicant):** Not sure, I have a great tenant now.

**Comment (Citizen):** You would have a greater chance of selling this if there was no office.

**Response (Applicant):** I don't want to kick out a great tenant.

**Comment (Citizen):** I'm concerned about parking and want to move towards conformance.

**Comment (Citizen):** If you tear the building down you would still have to enlarge the lot to make it buildable for a single-family detached home. I don't see a problem with what they are proposing, personally. It will look better and I would like to see some improvements to the building, though.

**Comment (Citizen):** I just asked him that and he said no.

**Question (Citizen):** Will there be another neighborhood meeting?

**Response (City):** I am not sure, there is not another neighborhood meeting required by the code so it will depend on how much feedback we get from this meeting.

**Question (Citizen):** Does the replat set this all in stone?

**Response (Applicant):** No.

**Comment (Citizen):** I get all of this, but it is allowed and yet undesirable by the City.

**Question (Citizen):** When were the lots split?

**Response (Applicant):** Not sure.

**Question (Citizen):** Does Poudre Fire Authority approve of this site plan?

**Response (Applicant):** Poudre Fire Authority will review this plan and make sure it has proper emergency access through the development review process.

**Question (Citizen):** Is platting a City function and will they pay permitting fees?

**Response (City):** Yes to both.

**Question (Citizen):** Who can I talk to about changes to the Land Use Code?

**Response (City):** Me.