

CITY OF FORT COLLINS
TYPE 1 ADMINISTRATIVE HEARING
FINDINGS AND DECISION

HEARING DATE: November 2, 2015

PROJECT NAME: Stead (255 South Taft Hill Rd)

CASE NUMBER: FDP150029

APPLICANT: Ripley Design
444 Mountain Avenue
Berthoud, CO 80513

OWNER: Shane Roberts/Jaclyn Fenske
601 South Howes Street
Fort Collins, CO 80521

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a request for a consolidated Project Development Plan/Final (FDP) to plat a 1.156-acre parcel located at 255 South Taft Hill Rd. The FDP includes construction of a 1,782 square foot single-family residence, 864 square foot future garage, and 1,200 square foot future barn. The FDP includes two requests for Modification of Standard, one Modification of Section 3.5.2(D)(1), Orientation to Connecting Walkway (to allow a primary entrance more than 200' from a street sidewalk), and one Modification of Section 4.5(D)(1)(a), Land Use Standards, Density (to allow for a lower density than 3 dwelling units per acre).

SUMMARY OF DECISION: Approved

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

HEARING: The Hearing Officer opened the hearing at approximately 6:00 p.m. on November 2, 2015, in Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; (2) application, plans, maps and other supporting documents submitted by the applicant; (3) a copy of the public notice; and (4) a letter from Rick Weitzel and Weitzel & Sons Excavating, Inc. dated October 30, 2015 (the formally promulgated policies 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, Martina Wilkinson
- From the Applicant: Stephanie Van Dyken, Shane Roberts, Jaclyn Fenske

From the Public: Joel Duran, Dawn Matson, Anita Hildebrand, Becky Duran, Curt Lyons

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
2. The FDP complies with the applicable General Development Standards contained in Article 3 of the Code.
 - a. The FDP complies with Section 3.2.1(C), Landscaping and Tree Protection, because the landscaping reinforces the existing pattern of outdoor spaces by maintaining the existing trees, shrubs, and vegetation on-site.
 - b. The FDP complies with Section 3.2.1(F), Tree Protection and Replacement, because the existing significant trees will be preserved, and existing trees in poor condition will be removed.
 - c. The FDP complies with Section 3.2.2(K)(1)(c), Residential and Institutional Parking Requirements – Single-Family Detached, because the FDP includes 2 parking spaces.
 - d. The FDP complies with Section 3.2.3, Solar access, orientation, shading, because the building is designed and located to minimize the casting of shadows on adjacent properties and could accommodate future active and passive solar installations.
 - e. The FDP complies with Section 3.5.2(E)(1), (3) and (4), Residential Building Setbacks, because: the house will be set back more than 30' from Taft Hill Road; the side yard setback is at least 5' from the property line; the rear yard setback is at least 8' from the property line; and the barn will be 1,200 square feet.
 - g. The FDP complies with Section 3.6.6, Emergency Access, because an emergency access easement runs along the driveway to allow for a 2-point turnaround.
3. The FDP complies with the applicable standards contained in Article 4 of the Code for the L-M-N zone district.
 - a. The FDP complies with Section 4.5(B)(2), Permitted Uses, because a single-family detached dwelling is a permitted use in the L-M-N District, subject to administrative review.
 - b. The FDP complies with Section 4.5(E)(3), Development Standards – Maximum Residential Building Height, because the residence is below the 2.5-story maximum.
4. The first Modification of Standard (Section 3.5.2(D)(1)) meets the applicable requirements of Section 2.8.2(H) of the Code:

- a. The Modification would not be detrimental to the public good.
- b. The strict application of the requirement that the front façade with a primary entrance to a dwelling unit shall face a connecting walkway with no primary entrance more than 200' from a street sidewalk is not feasible for this FDP given the property's unique shape.

5. The second Modification of Standard (Section 4.5(D)(1)(a)) meets the applicable requirements of Section 2.8.2(H) of the Code:

- a. The granting of the Modification would not be detrimental to the public good.
- b. The density as proposed in the FDP will promote the general purpose of the standard for which the Modification is requested equally well or better than would a plan which complies with the standard, because the net density of 1.1 dwelling units per acre proposed by the FDP is comparable to the density of adjacent properties and compatible with surrounding land uses.

DECISION

Based on the foregoing findings, the Hearing Officer hereby enters the following rulings:

- 1. The FDP and the two Modifications of Standard are approved as submitted.

DATED this 10th day of November, 2015.



Kendra L. Carberry
Hearing Officer