

**CITY OF FORT COLLINS  
TYPE 1 ADMINISTRATIVE HEARING  
FINDINGS AND DECISION**

HEARING DATE: March 2, 2017

PROJECT NAME: Ziegler Townhomes

CASE NUMBER: FDP160043

APPLICANT: Cathy Mathis  
TB Group  
444 Mountain Ave.  
Berthoud, CO 80513

OWNER: Manhattan Land Company, LLC  
772 Whalers Way  
Fort Collins, CO 80525

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a request for Project Development Plan/Final Plan ("PDP") to create a single-family attached townhome project with 6 buildings and a total of 36 units, each with 3 bedrooms. The buildings will be two stories, with 4 to 7 units per building. The property is 4.029 acres, and the overall density will be 8.93 dwelling units per acre.

SUMMARY OF DECISION: Approved

ZONE DISTRICT: Low Density Mixed-Use Neighborhood (LMN)

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on March 2, 2017, in the 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) an unsigned email from [zalewskiwilliam@q.com](mailto:zalewskiwilliam@q.com) dated February 23, 2017; (4) an email dated February 19, 2017 from Karen Morris; and (5) an email dated February 25, 2017 from Paula Mann.

TESTIMONY: The following persons testified at the hearing:

From the City: Clay Frickey, Martina Wilkinson

From the Applicant: Cathy Mathis, Russell Baker

From the Public: Frank Dayan, Mary Clifford, Robert Wagenecht, Joy Anderson, Charles Banning, Don Hinz, Donald Cecere

## 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 PDP complies with the applicable General Development Standards contained in Article 3 of the Code.
  - a. The PDP complies with Section 3.2.1(D), Tree Planting Standards, because the PDP includes street trees planted at 40' intervals, trees planted in clusters on the western property line, and full tree stocking around each building.
  - b. The PDP complies with Section 3.2.1(D)(3), Minimum Species Diversity, because none of the proposed trees will make up more than 15% of the overall tree count.
  - c. The PDP complies with Section 3.2.1(E)(3), Water Conservation, because the landscaping uses low water use plants and has an overall annual water budget of 6.66 gallons/square foot.
  - d. The PDP complies with Section 3.2.1(F), because the tree mitigation plan submitted proposes the removal of 57 trees. Of these 57 trees, 24 have mitigation value totaling to the need for 46 mitigation trees. The landscape plan shows 46 upsized trees to meet the mitigation requirement.
  - e. The PDP complies with Section 3.2.2(C)(4)(b), Bicycle Parking Space Requirement, because the site plan shows 108 bicycle parking spaces, with 94 of the spaces located in the garages of each unit. The remaining 14 spaces are provided via fixed rack.
  - f. The PDP complies with Section 3.2.2(C)(5), Walkways, because the walkways connect all of the building entrances to the public sidewalks along County Fair Lane. and Ziegler Road.
  - g. The PDP complies with Section 3.2.2(D)(1), Access and Parking Lot Requirements, because the site complies by providing an extensive sidewalk network around each building. The sidewalk is separated from vehicle use areas by a curb.
  - h. The PDP complies with Section 3.2.2(J), Setbacks for Vehicular Use Areas, because the parking lots are setback further than the 10' minimum from non-arterial streets and 5-foot minimum along a lot line.
  - i. The PDP complies with Section 3.2.2(K)(1)(a), Residential Parking Requirements, because the project proposes 36 units and 77 spaces, exceeding the required minimum.
  - j. The PDP complies with Section 3.2.2(K)(5), Handicap Parking, because the site plan shows two handicap spaces, both of which are van accessible.

- k. The PDP 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/or passive solar installations.
- l. The PDP complies with Section 3.2.4, Site Lighting, because the lighting plan is consistent with the requirements of the Land Use Code in regards to the general standard, lighting levels and design standards.
- m. The PDP complies with Section 3.2.5, Trash and Recycling Enclosures, because the proposed trash and recycling enclosure abuts a storage area, allows walk-in access without having to open the main service gate, screened from public view and is built on a concrete pad.
- n. The PDP complies with Section 3.4.1(A), Natural Habitat and Features – Applicability, because the site is within of wetlands and McClelland Creek.
- o. The PDP complies with Section 3.4.1(E), Establishment of Buffer Zones, because the applicant proposes enhanced plantings in the buffer zone to mitigate for a smaller buffer zone. The enhanced plantings enhance the buffer zone adequately to mitigate for a reduced buffer size,
- p. The PDP complies with Section 3.5.1, Building Project and Compatibility, because the plan is consistent with the requirements of the Land Use Code in regards to building and project compatibility including building size, height, bulk, mass, scale, mechanical equipment screening and operational/physical compatibility.
- q. The PDP complies with Section 3.5.2(C)(2), Housing Model Variety and Variation Among Buildings, because there are four distinctly different building designs. Each of these designs contains variations in massing, materials, footprint size, and color to differentiate each building.
- r. The PDP complies with Section 3.5.2(E)(1), Setback from Arterial Streets, because Ziegler Road is an arterial street. All of the buildings are setback at least 30' from Ziegler Road.
- s. The PDP complies with Section 3.5.2(E)(2), Side and Rear Yard Setbacks, because the buildings are all set back further than the minimum side yard setback of 5' and the minimum rear yard setback of 8'.
- t. The PDP complies with Section 3.5.2(F), Garage Doors, because garages are oriented towards the internal access drives serving the project. This orientation minimizes the visual impact of garage doors and meets the standard.

3. The PDP complies with the applicable standards contained in Article 4 of the Code for the LMN zone district.
  - a. The PDP complies with Section 4.5(B)(2)(a), Permitted Uses, because single-family attached dwellings are permitted in the LMN zone district, subject to administrative approval.
  - b. The PDP complies with Section 4.19(D)(1), Density, because the maximum density for developments in the LMN is 9 dwelling units per gross acre, and the PDP has a density of 8.93 dwelling units per gross acre.
  - c. The PDP complies with Section 4.5(E)(3), Maximum Residential Building Height, because the buildings are two stories.
4. The first Modification of Standard (Section 3.5.2(D)(1), Orientation to Connecting Walkway), meets the applicable requirements of Section 2.8.2(H) of the Code:
  - a. The Modification will not be detrimental to the public good,
  - b. The PDP as submitted is equal to a compliant plan, because only 3 units fail to meet the applicable requirement, and the PDP as submitted protects the natural buffer zone.
5. The second Modification of Standard (Section 3.5.2(D)(2), Street Facing Façades), 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 PDP as submitted is equal to a compliant plan, because the front doors will face the open spaces on the western and eastern sides of the PDP.
6. The third Modification of Standard (Section 3.5.2(E)(2), Setback from Non-arterial Streets) 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 PDP as submitted is equal to a compliant plan, because only Buildings C and F fail to meet the standard, and the PDP establishes a consistent streetscape, protects the buffer, and includes additional landscaping to mitigate the effects of the reduced setback.

### ANALYSIS

During the hearing, members of the public primarily asked questions and raised concerns about traffic. The City's traffic engineer explained that most traffic is related to the high school. In response to that issue, the City is installing new right turn lanes installed at Ziegler at Saber Cat and southbound onto County Fair. In addition, there will be a new signal, all buses are now routed to Rock Creek, and the high school parking lots have been restriped. In addition, based on recent pedestrian accidents, the City is considering installing a pedestrian crossing or signal. Finally, Ms. Wilkinson suggested that the neighborhood research the City's neighborhood traffic

mitigation program, which assists with speed humps and other controls such as radar signs. However, additional traffic controls are not required for this PDP, because this PDP will not be generating the traffic causing the concerns raised by the public.

There were also some concerns concerning maintenance of common areas and affects on the adjacent detention pond. The Applicant testified that an homeowners' association will hire a property management company to maintain landscaping and common areas, and will be responsible for snow removal. In addition, the Applicant stated that the detention pond will not be affected by this PDP. Finally, Mr. Frickey testified that the City's code enforcement will deal with landscaping issues if someone calls.

While the Hearing Officer agrees that traffic is an issue in this area, the testimony of both the Applicant and the City established that this PDP will not produce increases in traffic that would justify additional traffic control measures as a condition of this PDP. The traffic issues are largely related to the high school, and the City is working with the school district to resolve those issues.

The questions raised by the public and the answers provided by both the Applicant and the City were helpful to the Hearing Officer in making the findings set forth above.

#### DECISION

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

1. The PDP, with the three Modifications of Standard, is approved as submitted.

DATED this 14<sup>th</sup> day of March, 2017.



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Kendra L. Carberry  
Hearing Officer