



ITEM NO _____
MEETING DATE 6/21/12
STAFF LORSON

PLANNING & ZONING BOARD

STAFF REPORT

PROJECT: 1008 Mantz Place - Addition of a Permitted Use – PDP120011

APPLICANT: American Baptist Church
c/o Bill Prather, Pastor
300 South Shields Street
Fort Collins, CO 80521

OWNER: Same.

PROJECT DESCRIPTION:

This is a request to add *Office* as a permitted use to the Neighborhood Conservation Low Density (NCL) District, on a specific site, at 1008 Mantz Place. The proposal is to add an office use to an existing 1,004 square foot single-family residence on a 0.17 acre lot. The applicant has specified that the request is to *add* the use as opposed to change the use. The proposed office is planned for the existing Elderhaus Adult Day Programs located across the street at 605 South Shields Street. Four support staff employees will work from 8 a.m. – 5 p.m., Monday through Friday at this location. The Elderhaus is a missionary program of the American Baptist Church, located directly to the west, across Shields Street, of the proposed office. The only physical changes proposed to the property are a new street tree in the front yard and an alteration to the sidewalk in order to be compliant with the American with Disabilities Act (ADA). Please see attached site plan.

RECOMMENDATION:

Approval of the Addition of Permitted Use with one condition:

- 1. The office use shall only be permitted so long as the existing structure at 1008 Mantz Place is not altered, expanded or demolished in any way other than what is proposed with this approval.

+ SIGN TO CONFORM w/ HOME OCCUPATION.

EXECUTIVE SUMMARY:

The request has been reviewed and found to be in compliance with the required findings for the Addition of a Permitted Use (Sec. 1.3.4), General Development Standards (Article 3), and the NCL District (Sec. 4.7).

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COMMENTS:

1. **Background:**

The property in which the office use is proposed is a detached single-family residence that is situated at the west end of Mantz Place and the closest residence to Shields Street on the north side of Mantz. The lot directly to the west is the parking lot for American Baptist Church and the directly to the north is the American Baptist Church. To the west, across Shields Street, is the Elderhaus which the proposed office is to support. Initially, staff looked at this as an accessory use to the church but it does not meet the definition due to being located on a separate lot.

2. **Zoning History:**

The property was originally subdivided as the Caroline E. Mantz Third Addition in 1952.

3. **Context of the Surrounding Area:**

The surrounding zoning and land uses are as follows:

- N: NCM; Residential and Mixed-Use
- S: CSU; Colorado State University
- E: NCM; Residential
- W: NCM; Residential and Mixed-Use

The subject property is in the Mantz subdivision which primarily consists of 1950's ranch-style detached single-family houses.

4. **Neighborhood Conservation Low Density District (NCL):**

The purpose of the NCL district is as follows (Sec. 4.7):

(A) Purpose. The Neighborhood Conservation, Low Density District is intended to preserve the character of areas that have a predominance of developed single-family dwellings and have been given this designation in accordance with an adopted subarea plan.

Office use is not permitted in the NCL zone district hence the requirement of an *addition of a permitted use*. The office is used to support a Place of Worship which is permitted in the NCL zone district (Type II). The Land Use (D), Dimensional (E), and Development (F) Standards all pertain to the character of new development. This proposal is to put an office inside an existing single-family residence that was built long before these standards were

written and most likely used as a model to create the standards. The adopted subarea plan is the West Side Neighborhood Plan.

5. **West Side Neighborhood Plan:**

The West Side Neighborhood Plan was adopted in 1989. The plan specifically addresses the Mantz Addition in the following excerpt:

The Mantz Addition, located between Laurel and Mulberry Streets, is a newer subdivision with deeper setbacks and better siting of units in relation to Shields Street. The neighborhood residents have expressed a strong desire to retain single family uses along Shields Street. (Chapter 3: Land Use)

According to the above citation, an office building may not be appropriate at the subject property. The proposed office use is to happen inside an existing single-family house which preserves the character of the neighborhood. To further ensure the single-family character is retained, a condition of approval to not alter the structure is recommended.

6. **Compliance with Applicable General Development Standards (Article 3):**

A. *Section 3.2.1(D)(c) – Landscaping and Tree Protection*

Street trees are required at intervals of 30 – 40 foot spacing. One tree exists in the front yard and another is proposed to meet this standard.

B. *Section 3.2.2(K) - Parking*

Office use requires a maximum of 3 spaces per 1000 square feet. The current configuration has a garage and space for one vehicle in the driveway. Additional parking is available in the parking lot directly to the west, also owned by American Baptist Church. On-street parking is also available but restricted.

C. *Section 3.5.1 – Building Project and Compatibility*

This section speaks to physical compatibility of the development with the surrounding neighborhood. The proposal meets these standards as they are not altering the structure.

7. **Addition of a Permitted Use (Sec. 1.3.4):**

In order to approve an Addition of a Permitted Use the proposal must conform to all of the following conditions:

(1) Such use is appropriate in the zone district to which it is added;

As noted above, because the proposed office use is not altering the existing single-family house, it will not negatively affect the character of the neighborhood. Therefore the use is appropriate in the zone district.

(2) Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added;

The characteristics of the zone district are single-family detached houses. This office use will maintain this characteristic.

(3) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the zone district to which it is added;

The proposed office use is to support the Elderhaus facility across Shields Street. It will have four staff members working at the property from 8 a.m. – 5 p.m., Monday through Friday. Adequate parking is provided per Sec. 3.2.2. No other impacts as listed in this section are likely to take place.

(4) Such use is compatible with the other listed permitted uses in the zone district to which it is added;

The proposed office use, due to the limited impact of employees and the non-alteration of the property (other than what is proposed here), is at such a small scale that it is compatible with the other permitted uses in the zone district such as single-family houses, schools, and places of worship.

(5) Such use is not a medical marijuana dispensary or a medical marijuana cultivation facility;

The proposed use is not a medical marijuana dispensary or cultivation facility.

8: **Neighborhood Meeting:**

The neighborhood informational meeting took place on February 23, 2012. Neighbors expressed concern about the possibility of the American Baptist Church selling the property and another owner utilizing the office use. Consistent with zoning laws, the City cannot allow or deny a use based upon the tenant. And therefore cannot create conditions that would disallow the use if the property were to be sold. In an effort to limit the impacts of the proposed use a condition restricting the alteration of the subject property is recommended:

1. The office use shall only be permitted so long as the existing structure at 1008 Mantz Place is not altered, expanded or demolished in any way other than what is proposed with this approval.

9. **Findings of Fact and Conclusion:**

In reviewing the request to add *Office* as a permitted use at 1008 Mantz Place, staff makes the following findings of fact:

- A. The proposed Addition of a Permitted use is in conformance with the required findings in Section 1.3.4 of the Land Use Code.
- B. The proposed Office use at 1008 Mantz Place is in conformance with Section 4.7, Neighborhood Conservation Low Density District, of the Land Use Code.
- C. The proposed Office use at 1008 Mantz Place is in conformance with Article 3, General Development Standards, of the Land Use Code.

RECOMMENDATION:

Staff recommends approval of the request for Addition of a Permitted Use to allow *Office* at 1008 Mantz Place, PDP120011, subject to the following condition:

1. **The office use shall only be permitted so long as the existing structure at 1008 Mantz Place is not altered, expanded or demolished in any way other than what is proposed with this approval.**

ATTACHMENTS

1. Site Plan
2. Planning Objectives
3. Images of Property
4. Area Map
5. Aerial Map