

## NEIGHBORHOOD MEETING SUMMARY

**PROJECT:** 1124 West Mulberry Street – Addition of Permitted Uses

**DATE:** October 12, 2009

**APPLICANT:** Mr. Daryl Alexander, 1124 West Mulberry Street, Fort Collins, CO 80521

**CITY PLANNER:** Ted Shepard, Chief Planner, City of Fort Collins

The meeting began with a description of the proposed project. This is a request to add three permitted uses to the existing building at 1124 West Mulberry Street.

The house was built in 1906 as a residence and is currently the location of the State Farm Insurance Company – Daryl Alexander Agency, located at the northeast corner of West Mulberry Street and Shields Street. It has been a State Farm Agency since 1976. The property is zoned N-C-L, Neighborhood Conservation Low Density. The zone district does not permit *general office, personal and business service shops and bed and breakfast* as permitted uses.

The owner/applicant, Mr. Daryl Alexander, would like to add *general office, personal and business service shops and bed and breakfast* as a permitted uses in the N-C-L but only for this parcel and not the entire zone district.

Please note that *personal and business service shops* are defined as “shops primarily engaged in providing services generally involving the care of the person or such person’s apparel or rendering services to business establishments such as laundry, dry cleaning, retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.”

As mentioned, this zone normally does not allow these proposed uses. The Land Use Code, however, allows for the Addition of a Permitted Use process for ultimate consideration by the City of Fort Collins Planning and Zoning Board. The purpose of the meeting is to allow the neighbors to comment on this proposal prior to the Planning and Zoning Board hearing.

Unless otherwise noted, all responses are from the applicants or the consultants.

## QUESTIONS, CONCERNS, COMMENTS

1. What do you want to do with the property?
  - A. I want to the property to become compliant with the City's Land Use Code. We have inquired in the past about rezoning the property out of the N-C-L and into a zone district that would permit general office but the City advised us that such a request for a single parcel would constitute a spot zoning and, therefore, would not be supported. So the opportunity to rezone the property was not available. Then I recently became aware of this relatively new process – Addition of a Permitted Use – which is designed to allow the Planning and Zoning Board to address unique situations.
  
2. As you mentioned, you have been a State Farm Agency since 1976. Why now?
  - A. Yes, that is correct. My Dad, Jim Alexander, opened the agency at this location in 1976. I purchased the property in 2002. I am aware that the City is investigating improvements to the intersection which may include a new right turn lane and the potential acquisition of a part of my property frontage. It is clear that this property is commercial in nature. And, for property value purposes, the site needs to be considered commercial, not residential, and in compliance with zoning.
  
3. The property was zoned N-C-L in 2002 so you knowingly purchased the property fully aware that an office was not a permitted use in the zone district.
  - A. Yes, that is correct and I have been in contact over the years with the City's Zoning Department trying to resolve the discrepancy between the existing use and the N-C-L. I see the property, being at the corner of two arterials, as having more in common with the southwest corner of the intersection which is zoned N-C-B, Neighborhood Conservation Buffer, which would permit a professional office in an existing building.
  
4. The Mantz Addition is besieged and we feel our property values are being threatened. We had to fight off the ill-conceived Shields Street Lofts a few years ago on the property south of the 7-11. Now we have an illegal fraternity at 640 South Shields Street. We do not want to be surrounded by commercial development. We do not want retail and we do not want a 24-hour operation.
  - A. I understand your concerns. We are not proposing retail or a 24-hour operation. We have been in business at the corner for

over 30 years. We have kept the property well-maintained and have received no complaints from the neighbors.

5. Over-commercialization in the area will have a negative impact on the property values in the Mantz neighborhood.
6. Why has the City tolerated the State Farm office if it does not conform to N-C-L zoning?
  - A. Response from City Planner: The City Zoning Department, in this case, has elected to exercise discretion based on receiving no complaints. The circumstances are unique and did not warrant full enforcement of a zoning violation procedure. A spot zoning for a single parcel is not advisable.
7. What would happen if you sell the property and the new owner wants to demolish the house and re-build with a more intense land use?
  - A. First of all, the City has a demolition delay Ordinance so any demolition would have to be approved by the City. Second, only those uses expressly permitted by the Planning and Zoning Board as per the Addition of a Permitted Use process would be allowed.
8. I am concerned about personal and business service shops. These uses will add traffic to an already congested intersection. There will not be enough parking for clients and staff. These uses are too commercialized for our neighborhood.
9. I agree. I think your track record as an office is positive. The property has indeed been well-maintained and the traffic seems relatively low key. But, the request for personal and business services is more intense and not compatible with the neighborhood.
10. I grew up in the Mantz Addition and went to school right here at Dunn Elementary. Now, I own the house across the street from 1124 West Mulberry. My son has been renting it from me for about two years. I think the intersection is commercial in nature. I can tell you from experience that no one would want to use 1124 as a residence. It is too noisy from all the traffic. We have had to add extra insulation to block out the traffic noise. I support the request for adding the proposed uses.
11. I am concerned about setting precedence. If 1124 is allowed to go commercial, what stops all the other lots up and down Shields and Mulberry from requesting the same thing? How could the Planning

and Zoning Board deny any other similar requests? This could create a snowball effect and the slow commercialization of the neighborhood.

12. How could we get the City to take zoning enforcement action against State Farm for using 1124 as a professional office?

A. Response from City: You would have to file a complaint.

13. As residents in Mantz, we feel that we are discovering zoning violations that we never knew existed. This contributes to our perception that we are besieged and we are suspicious.

A. Response from City: I am only aware of 640 South Shields, which is under investigation because of the number of occupants, and the subject site.

14. I see in the definition of personal and business service shops that the use includes retail. I do not want to see a retail store at 1124 West Mulberry.

A. Response from City: The Land Use Code has a separate definition for Retail Establishments. What retail means in the context of personal and business services is the ancillary sale of products used in association with the service. For example, a hair salon or spa would be allowed to sell beauty products, but only as an accessory use to the principle use.

15. Between Shields Street Lofts and the illegal FIJI House, you can appreciate the level of our concern.

A. Yes, I was not aware of the history of these two projects.

16. I think there is room to operate here. Speaking for myself, I support the professional office but not the personal and business service shops. I could also support a Bed and Breakfast because such establishments are usually very image-conscious.

A. Yes, for example, the Edwards House at Mountain and Meldrum is very attractive and well maintained. I envision that any B & B operator would provide an equally high level of maintenance.

17. Would you be the B & B operator?

A. No, I am an insurance agent. I would like the ability to sell the property to a B & B operator.

18. I would reluctantly allow you to continue as a professional office. But, my experience is that developers are ruthless and I do not want to turn over residential properties to commercial real estate developers.
- A. My thinking is that the most professional office users would also continue to maintain an attractive business image in order to present a positive impression for clients. As viewed from the outside, there would be no perceptible difference between an insurance agency or an accounting firm, law office, and the like.
19. I agree that the property could be used for non-residential purposes but the list would have to be very narrow and not open-ended.
20. Maintaining the character of the exterior is important. How can we count on that if you sell the property?
- A. Since the structure is over 50 years old, it is subject to City review prior to any exterior alterations. We have investigated the pros and cons of designating the property as a historic landmark but we are undecided at this time.