



## Community Planning and Environmental Services

### Current Planning

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September 11, 2006

Dear Participant in the 1201 South Shields Subdivision Public Hearing:

Enclosed is a copy of the Type I Findings, Conclusions, and Decision for the 1201 South Shields Subdivision, File #15-06, **approving** the requested subdivision plat.

This final decision may be appealed to the City Council in accordance with Section 2-48 of the Code of the City of Fort Collins.

The appellant must submit written notice of appeal, reasons for the appeal and a filing fee of \$100 to the City Clerk's Office within 14 days of the date of final action by the Hearing Officer. The City Clerk will place the item on the Council agenda for hearing as expeditiously as possible.

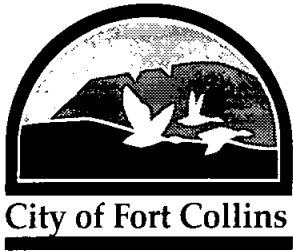
Written notice of an appeal from a final decision of the Hearing Officer to the City Council is given by the City Clerk to the appellant, the applicant and all other parties-in-interest 14 days prior to the date set for the hearing.

An appeal of the Hearing Officer's final decision is based on the minutes of the proceedings at the Administrative Hearing and any other materials received by the Hearing Officer. New evidence may not be considered on an appeal. The City Council may uphold, overturn, or modify the decision of the Hearing Officer.

If you have specific questions about the appeal process, please contact me at 221-6750.

Sincerely,

Steve Olt  
City Planner



**CITY OF FORT COLLINS  
ADMINISTRATIVE HEARING OFFICER  
TYPE I ADMINISTRATIVE HEARING  
FINDINGS, CONCLUSIONS AND DECISION**

**ADMINISTRATIVE HEARING DATE:** August 24, 2006

**PROJECT NAME:** 1201 South Shields Subdivision, Project Development Plan (PDP)

**CASE NUMBER:** #15-06

**APPLICANT:** M. Torgerson Architects  
c/o Troy Jones  
223 North College Avenue  
Fort Collins, CO 80524

**OWNER:** Troy and Heather Hiebisch  
1220 South College Avenue  
Fort Collins, Colorado 80524

**HEARING OFFICER:** Cameron Gloss  
Current Planning Director

**PROJECT DESCRIPTION:**

This is a request to create a 1-lot subdivision plat for a 21,966 square foot (0.5 acre) property that has a metes & bounds legal description. The property currently contains a single-family residence. The applicant is not proposing any improvements as part of this subdivision plat application. The property is located at the northwest corner of South Shields Street and Westward Drive.

**SUMMARY OF HEARING OFFICER DECISION:** Approval subject to one condition.

**ZONING DISTRICT:** NCB - Neighborhood Conservation, Buffer

**STAFF RECOMMENDATION:** Approval

**NOTICE OF PUBLIC HEARING:** Evidence presented to the Hearing Officer established no controversy or facts to refute that the hearing was properly posted, legal notices mailed and notice published.

### **PUBLIC HEARING**

The Hearing Officer, presiding pursuant to the Fort Collins Land Use Code, opened the hearing at approximately 4:30 p.m. on August 24, 2006 in Conference Room B, at 281 North College Avenue, Fort Collins, Colorado.

### **HEARING TESTIMONY, WRITTEN COMMENTS AND OTHER EVIDENCE:**

The Hearing Officer accepted during the hearing the following evidence: (1) Planning Department Staff Report; (2) application, plans, maps and other supporting documents submitted by the applicant and the applicant's representatives to the City of Fort Collins; (3) a sign up sheet of persons attending the hearing; and (4) a tape recording of testimony provided during the hearing. The LUC, the City's Comprehensive Plan (City Plan), and the formally promulgated policies of the City are all considered part of the evidence considered by the Hearing Officer.

The following is a list of those who attended the meeting:

From the City:

Steve Olt, City Planner

From the Applicant:

Troy Jones, M. Torgerson Architects

From the Public:

Alden V. Hill, 318 S. Grant Avenue  
Charlotte Rehnberg, 1185 Westward Drive  
Ella Edgerton, 1185 Westward Drive  
Gene E. Fischer, 1201 Westward Drive  
Richard Previte, 1125 S. Shields Street

Written Comments:

None.

**FACTS AND FINDINGS**

**1. Site Context**

The surrounding zoning and land uses are as follows:

N: NCB; existing single-family residential  
S: NCB; existing single-family residential  
W: NCB, RL; existing single-family residential  
E: Not zoned; Colorado State University

This property was annexed into the City as the Western Heights Annexation in December, 1956. It has not previously been subdivided.

**2. Compliance with Article 4 and the NCB Zoning District Standards:**

The proposed lot width of 135 feet exceeds the 40 foot minimum lot width prescribed for single family and two family dwellings within the NCB district standards. No other zone district standards found in Division 4.7 of the Land Use Code pertain to the platting or replatting of the subject property.

Several property owners testified regarding the feared impacts of potential future development on the property. Expressed concerns centered principally on the potential for attached dwelling units to be constructed in place of the existing detached single family house which the applicant intends to demolish should approval be granted by the Landmark Preservation Commission. Nearby property owners provided testimony at the hearing indicating a concern that neighborhood quality would be diminished as a result of multi-family unit construction and that the adjacent historic house at 1125 S. Shields would be adversely impacted by such units.

The Hearing Officer acknowledges and appreciates that residents have provided careful thought in the framing of their concerns; however, the weight of evidence presented by the Applicant and corroborated by the City staff, supports a finding of compliance with the subdivision design standard applicable to the NCB zone district.

Although the Hearing Officer finds that many of the comments raised by neighboring landowners may have significance, they are focused on potential future development not under review at this time. The subdivision request must be judged under the existing applicable regulations of the Fort Collins Land Use Code. The regulations provide sufficient specificity to determine that the Applicant and Owner have designed

the subdivision in conformance with the applicable regulations. There is no authority for the Hearing Officer to mandate that the Applicant or Owner exceed the minimum requirements of the Land Use Code in designing the development.

**3. Compliance with Article 3 of the Land Use Code – General Development Standards**

**A. Section 3.3.1 (B) – Lots**

The plat provides for direct vehicular access from a street ((South Shields Street and, potentially, to Westward Drive), and the resulting lot lines are substantially at a right angle or radial to the street. Therefore, this standard has been met.

**B. Section 3.3.1 [C] (1) - Public Sites, Reservations, and Dedications**

The plat indicates that dedications for additional right-of-way to accommodate future expansion to South Shields street, and a utility easement, is provided as needed to serve the lot.

Testimony was offered at the hearing by four neighboring residential landowners. During the testimony, residents relayed the neighborhood's continued concern about potential diminution of neighborhood quality as a result of additional residential development density. Some discussion during the hearing included the perception that attached units would adversely impact the adjacent historic house abutting to the north.

Although the Hearing Officer finds that neighboring properties could potentially be impacted by future development on the subject property, this administrative decision is limited to the proposed platting of an unsubdivided lot and must be judged under the existing applicable regulations of the City of Fort Collins Land Use Code. These regulations provide sufficient specificity to determine that the Applicant and Owner have designed the replat in conformance with the applicable regulations and there is no authority for the Hearing Officer to mandate that the Applicant or Owner exceed the minimum requirements.

**SUMMARY OF CONCLUSIONS**

- A. The 1201 South Shields Street Subdivision Project Development Plan is subject to administrative review and the requirements of the Land Use Code (LUC).
- B. The 1201 South Shields Street Subdivision Project Development Plan satisfies the development standards of the NCB zoning district.

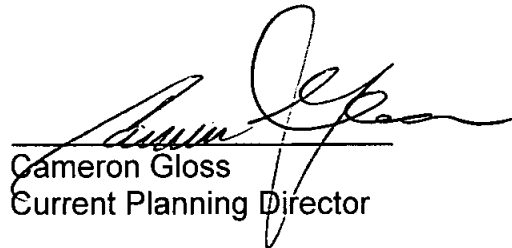
- C. The 1201 South Shields Street Subdivision Project Development Plan complies with all applicable General Development Standards, including the Plat Standards, contained in Article 3 of the Land Use Code.

### DECISION

The 1201 South Shields Street Subdivision Project Development Plan #15-06 is hereby approved by the Hearing Officer subject to the following condition:

The Applicant shall rename the subdivision plat in accordance with adopted subdivision naming conventions, and in a manner acceptable to the City Engineer, no later than the time of Final Plan approval.

Dated this 7th day of September, 2006 per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.



Cameron Gloss  
Current Planning Director

1201 South Shields Subdivision

← Is the 9'-wide utility easement being dedicated as part of the subdivision?

Applicant intends to potentially demolish the existing house - this would be subject to Landmark Preservation Commission Review.

Charlotte Renburg's  
1185 W.

The primary purpose for platting is to demolish the house.

What is the purpose of the subdivision?

Gene Fischer

No objection if the NCB is not being changed

Aldan Hill

1125 S. Shields

NCB is better served by maintaining metes & bounds legal description. Gives neighbors more control of future development.

One step to diminish neighborhood quality along S. Shields Street.

Is City requiring dedication of 18 feet?  
If so, remaining area will be diminished

Gene

also own 1211 S. Shields

Residential character ~~has~~ ~~is~~ will be lost if  
of residential doesn't continue



1201 South Shields Subdivision, PDP  
administrative public hearing - 8.24.06

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>e-mail</u>
Troy Jones	204 Walnut St. #204	416-7431	troy@architect.com
Charlotte Reimberg	1185 Westward Dr	224-2173	reimbrg@kimer CobleStu.ILL.
Alden V. Hill	318 So Grant	482-3683	
RICHARD PREVITE	1125 S. SHIELDS	224-4746	ortho-edge@ earthlink.net
Ellen Edgerton	1208 Westward Dr.	482-5188	earthlink.net
Gene E. Fischer	1201 ✓	482-7710	