

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

ADMINISTRATIVE HEARING DATE: April 6, 2005

PROJECT NAME: Bellwether Farm Project
Development Plan

CASE NUMBER: #46-04

APPLICANT: Imago Enterprises, Inc.
c/o V-F Ripley
401 West Mountain Avenue
Fort Collins, CO 80521

OWNER: Les Kaplan
Imago Enterprises, Inc.
140 Palmer Drive
Fort Collins, CO 80525

HEARING OFFICER: Claire B. Levy, Esq.
Claire B. Levy LLC
3172 Redstone Road
Boulder, CO 80305

PROJECT DESCRIPTION:

The Applicant submitted a request for 44 single family detached dwelling units on 14.3 acres. The site is located west of Taft Hill Road and south of West Vine Drive. Primary access is proposed to be via North Briarwood Road. The New Mercer Ditch bisects the property. The area southeast of the ditch, approximately five acres, will remain open for storm water drainage facilities and a bicycle/pedestrian trail. The parcel is zoned L-M-N, Low Density Mixed-Use Neighborhood.

SUMMARY OF HEARING OFFICER DECISION: Approval

ZONING DISTRICT: L-M-N, Low Density Mixed-Use Neighborhood

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 6:15 p.m. on April 6, 2005 in the City Council Chambers at 300 La Porte 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; and (3) public 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.

FACTS AND FINDINGS

The site is in the boundary area of the Northwest Sub-Area Plan. This Sub-Area Plan is in the initial stages of formulation and is not applicable to applications for land uses in the Northwest Sub-area. There is no moratorium on land development during this planning process. The property was annexed in 1982 as part of the Vine-LaPorte-Taft Second Annexation. The Poudre Plains subdivision is part of this annexation. Historically, the site was a farm and included a large greenhouse that was damaged in the blizzard of 2003.

1. Compatibility with Surrounding Uses: The proposed development is compatible with the following surrounding zoning and land uses:

- N: L-M-N; Existing Subdivision (Poudre Plains)
- S: County: FA: Vacant
- S: L-M-N; Semi-Rural Residential with Pasture

E: County: FA; Existing Rural Residential
W: County: FA; Existing County Subdivision (Green Acres)

The subject area is zoned L-M-N, allowing single family detached dwellings subject to administrative review. Section 4.4 (D)(1)(a) provides that residential developments in the L-M-N zone shall have an overall minimum average density of five (5) dwelling units per net acre of residential land. A development in an "infill area" containing twenty (20) acres or less is not required to meet this minimum density.

The density proposed for the Bellwether Farms PDP is 3.05 dwelling units per acre, which is below the minimum allowed density. Because the total area of Bellwether Farms is 14.41 acres, a density less than five dwelling units per acre is acceptable.

Testimony at the hearing and comments at the neighborhood meeting held on August 31, 2004 indicated concerns about compatibility with existing patterns of development. The surrounding area is largely one-story ranch style houses on lots ranging from 7,000 to 9,000 square feet.

The Fort Collins Land Use Code would allow a maximum of eight (8) dwelling units per gross acre, and up to twelve (12) dwelling units per gross acre for an affordable housing project. The proposed development, at 3.10 dwelling units per net acre, is less dense than the minimum density for a larger residential development in the L-M-N zone and less dense than would be allowed as a maximum density. In addition, although many of the lots are under 5,000 square feet in area, the average lot size of 90% of the dwellings is 5,497 square feet, with 10% of all lots exceeding 7,497 square feet. The proposed development will consist entirely of single family homes. The lot configuration will be similar to that of the surrounding area. Approximately five acres will remain undeveloped, which will create a buffer between the proposed development and any additional development to the south and east. Therefore, the proposal is compatible with the surrounding area and is considerably less dense than the allowed maximum density for this parcel.

Testimony from neighboring property owners and residents also expressed concern about the volume of traffic that would be placed on North Briarwood Road, and questioned whether it was possible to create an additional access directly to North Taft Hill Road.

Concerns about additional traffic on North Briarwood Road were legitimate, as it currently only serves the approximately 21 homes on North Briarwood Road and Plains Court. However, the Applicant and city staff testified that full vehicular access to Cherry Street and access out to North Taft Hill Road would conflict with needed drainage improvements for the northwest part of the city. The Applicant

is providing land for regional drainage facilities south of the Mercer Ditch, which prevents constructing a road through that area. In addition, there was testimony that at maximum projected traffic levels, the number of vehicle trips per day on North Briarwood would not exceed the recommended level for a local street. Requiring proper signage at the entrance to Bellwether Farms could alleviate possible conflicts with children playing in North Briarwood Road and could reduce the possibility of excessive speeds by residents of Bellwether Farms who are driving to West Vine Drive.

Lastly, there were concerns about whether the project would exacerbate flooding problems. The project will set approximately five (5) acres aside to accommodate storm water runoff both from the site and regionally. This project will enable the City to implement regional drainage improvements to capture, detain and channel the 100-year storm. When all of the improvements are completed, there will be an overall improvement in the area drainage patterns.

2. Compliance with Article 4 and the L-M-N – Low Density Mixed-Use Neighborhood District Standards

As is set forth above in the discussion about compatibility, the Project Development Plan complies with the Land Use and Density Standards for the L-M-N Zone.

The Staff Report summarizes the PDP's compliance with the other Land Use Standards in 4.4(D), including mix of housing type and proximity to a neighborhood park, and the Development Standards in 4.4(E). No specific evidence contradicted the statements and conclusions of the staff report concerning compliance. The Hearing Officer notes that the Preliminary Site Plan and Preliminary Plat further support a finding of compliance with the Land Use and Development Standards for the L-M-N Zone.

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

The project development plan complies with all applicable sections of Article 3 of the LUC. The following standards deserve particular mention:

Section 3.6.3 – Street Pattern and Connectivity Standards

“The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system (including, without

limitation, cars, trucks, buses, bicycles, pedestrians and emergency vehicles.”

All internal streets within the P.D.P. are local public streets. North Briarwood Road, a local street, connects the P.D.P. to West Vine Drive. The new internal local streets will feature detached sidewalks, on-street parking on both sides, and two travel lanes. There are no new collector streets associated with the P.D.P.

Section 3.6.4 – Transportation Level of Service Requirements

“All development plans shall adequately provide vehicular, pedestrian and bicycle facilities necessary to maintain the adopted transportation Level of Service standards for the following modes of travel: motor vehicle, bicycle and pedestrian.”

An intermediate, short-range (2007) Transportation Impact Study was prepared in conjunction with the P.D.P.

There are two key intersections: West Vine Drive/North Briarwood Road; and West Vine Drive/ North Taft Hill Road. In the short range, given full development of Bellwether Farm, and a 2% annual increase in background traffic, these two intersections will operate acceptably with existing stop sign control.

A ten-foot wide, concrete bicycle/pedestrian trail will be constructed along the New Mercer Ditch. This will connect Taft Hill Road to Cherry Street. From the terminus at Cherry Street, it is one block to Irish Elementary School. (The trail will be widened to 20 feet at Cherry Street to allow for a second point of access for emergency equipment.)

Interim improvements along West Vine Drive, from Impala Drive to the intersection with Taft Hill Road will be constructed in conjunction with the developer of the Adrian P.D.P. These interim improvements include street widening to 36 feet. This will allow two six-foot wide on-street bicycle lanes. Existing right-of-way is in place to accommodate these improvements.

SUMMARY OF CONCLUSIONS

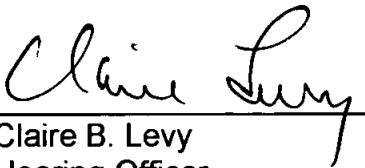
- A. The Bellwether Farm Project Development Plan satisfies the land use standards of the L-M-N Zone District
- B. The Bellwether Farm Project Development Plan complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.

- C. The Bellwether Farm Project Development Plan is compatible with surrounding uses.

DECISION

The Bellwether Farm Project Development Plan #46-04, is hereby approved by the Hearing Officer without condition.

Dated this 13th day of April, 2005.



Claire B. Levy
Hearing Officer

BELLWETHER FARM P.D.P.

ADMINISTRATIVE HEARING

APRIL 6, 2005

SIGN UP SHEET

NAME:

ADDRESS:

Sandy Knox	2309 W. Vane Dr FTC
Wen Spangler Yang	316 N. Inupala
Walt Pitts	636 N. Briarwood Rd.
Breake Pilkington	636 N. Briarwood Rd
WILL + SANDY GREYBAR	413 N. TAFT Hill
Diane + Mike Lopez	2301 Plains ct.
GEORGE McCAMBRIDGE	607 MERCER DR
Gordon Kurpatovich	529 Mercer Dr
Michael Joseph	501 Taft Hill Rd