

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

HEARING DATE: January 22, 2015

PROJECT NAME: Brownes on Howes

CASE NUMBER: FDP140019

APPLICANT/OWNER: Cristian and Robin Bachelet  
Maxiimo Development  
706 South College Avenue #201  
Fort Collins, CO 80524

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a request for approval of a Final Development Plan ("FDP") to construct six single-family attached dwelling units in two 3-story buildings at 315 North Howes. The buildings are oriented with front doors facing south in a row house style connected with a common sidewalk. Each unit will have a two-car garage, and outdoor patio space along the south side and on the roof. Access will be provided by a through-drive connecting Howes Street to the alley. The FDP requests two Modifications of Standards: use of cement fiber lap siding on the third story façade (Section 4.16(D)(5)(e)); and a side setback reduction for the drive aisle from 5' to 16" (Section 3.2.2(J)).

SUMMARY OF DECISION: Approved

ZONE DISTRICT: Downtown (D), Civic Center Sub-district

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on January 22, 2015, in 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) a copy of the public notice; (4) (the formally promulgated policies of the City are all considered part of the record considered by the Hearing Officer).

TESTIMONY: The following persons testified at the hearing:

From the City: Seth Lorson,

From the Applicant: Craig Russell, Heidi Shuff, Josh Weinberg

From the Public: Manuel Martinez

## 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 FDP complies with the applicable General Development Standards contained in Article 3 of the Code.
  - a. The FDP complies with Section 3.2.1, Landscaping and Tree Protection, because: all areas of the site not paved for pedestrian and vehicular access are landscaped; two Siberian Elm trees are proposed to be preserved: one 13" caliper and one 7" caliper; and another street tree will be planted along the Howes frontage.
  - b. The FDP complies with Section 3.2.2, Access and Parking Requirements; because: the FDP proposes six 3-bedroom units requiring a total of 8.4 parking spaces, and each unit contains a 2-car garage providing a total of 12 parking spaces; 3 bicycle parking spaces are included in each garage for a total of 18 enclosed bicycle parking spaces; and 8 fixed bicycle parking spaces are included, for a project total of 26 bicycle parking spaces;
  - c. The FDP complies with Section 3.2.4, Site Lighting, because all lighting is down-directional with cutoff fixtures; and no foot-candles levels exceed 1/10<sup>th</sup> as measured 20' from property lines.
  - d. The FDP complies with Section 3.4.7, Historic and Cultural Resources, because: the Director of Community Development and Neighborhood Services reviewed the FDP and determined that it will not have a significant impact on the individual eligibility or potential individual eligibility of adjacent sites.
  - e. The FDP complies with Section 3.5.1, Building and Project Compatibility, because the buildings are compatible with the existing surrounding development in terms of height, bulk, mass, and scale; the site is on the edge of a commercial-civic area and the adjacent single-family residential neighborhood; the buildings are primarily constructed with brick as seen in the abutting "Terracon" building, City Hall, and the Trolley Barn; the third story is cement fiber lap siding which is indistinguishable from wood siding, and wood siding is found in the houses to the west and north; and the buildings are three stories and incorporate features to reduce the sense of mass.
  - f. The FDP complies with Section 3.5.2, Residential Building Standards, because. the buildings are set back more than 20' from Howes Street; the easternmost unit orients its tiered stairwell toward Howes Street and provides a stoop abutting the sidewalk; and most of the units face onto a common sidewalk along the south property line.
3. The FDP complies with the applicable standards contained in Article 4 of the Code for the D zone district.
  - a. The FDP complies with Section 4.16(B), Permitted Uses, because single-family attached dwellings (up to four units per building) are permitted in the Downtown District by administrative review by a Hearing Officer.

- b. The FDP complies with Section 4.16(D), Building Standards, because: the frontage along Howes Street includes grass turf, ornamental grasses, evergreen and deciduous shrubs, perennials, and a deciduous tree; the buildings are 3 stories and 38' in height; the buildings are constructed primarily of brick with accents of precast concrete, metal railings, and cement fiber lap siding; the buildings incorporate a courtyard patio on the ground floor, a covered stoop on the second level, a terrace on the third level along the south side, and roof decks to encourage outdoor activity and interaction; each unit is offset from the next with vertical articulation, clearly identified stoops, and bay windows framed in protruding window boxes; and a three-dimensional cornice is featured on the roofs and the window boxes to provide architectural interest.
4. The first Modification of Standard (Section 4.15(D)(5)(e)) 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 Modification will not diverge from the standards of the Code except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Code.
  - c. The majority of the buildings will be constructed with brick, which is a permitted material, and the material modification makes the development compatible with the character of the surrounding neighborhood.
5. The second Modification of Standard (Section 3.2.2.(J)) 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 Modification will not diverge from the standards of the Code except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Code.
  - c. The FDP includes small trees, shrubs, and a vine-covered fence to provide a screen between the drive aisle and the neighboring residential property. The site layout that proposes the drive aisle along the north edge of the property creates greater separation between the buildings and the neighboring residential property, with the proposed buildings located 25' from the property line and 40' from the existing single-family house.

DECISION

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

1. The FDP and the two Modifications of Standard are approved as submitted.

DATED this 5<sup>th</sup> day of February, 2015.



---

Kendra L. Carberry  
Hearing Officer