

**CITY OF FORT COLLINS  
TYPE 1 ADMINISTRATIVE HEARING**

**FINDINGS AND DECISION**

HEARING DATE: October 27, 2020

PROJECT NAME: 3227 Chase Drive – Extra Occupancy

CASE NUMBER: FDP #200014

APPLICANT/OWNER: John Gover  
3227 Chase Drive  
Fort Collins, CO 80525

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a combined Project Development Plan/Final Development Plan to add Extra Occupancy as a permitted use for the existing single-family dwelling located at 3227 Chase Drive (Lot 339, Ridgen Farm Filing No. 6) (the “Subject Property”) for up to six (6) occupants.

**BACKGROUND:**

The surrounding zoning and land uses are as follows:

	North	South	East	West
<b>Zoning</b>	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Residential (RL)
<b>Land Use</b>	Single-family houses on the same block face	Single-family houses on the same block face	Single-family houses on the facing block face	Single-family houses in the Stone Ridge PUD subdivision–rear yards and greenbelt abutting

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Low Density Mixed-Use Neighborhood (L-M-N).

HEARING: The Hearing Officer opened the virtual hearing on Tuesday, October 27, 2020 at approximately 5:30 p.m. and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present.

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding:

1. Development Review Staff Report prepared for 3227 Chase Drive - Extra Occupancy (FDP200014).
2. Applicant Narrative.

3. Driveway Length Photo.
4. Site Plan (1 sheet).
5. Floor Plan Designations.
6. House Photos.
7. Evidence of posted Hearing Notice October 8, 2020, Sign #579.
8. A copy of Written Notice of Public Hearing dated October 13, 2020 (264 addresses mailed.)
9. Confirmation of Publication (Ad# 0004425338) ordered October 15, 2020 evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on October 20, 2020.
10. A copy of the Planning Department PowerPoint prepared for the October 27, 2020 hearing.
11. A copy of written/email comments received by City Staff prior to the October 27, 2020 hearing (23 pages) (written comments submitted by Elayne Williams, Henry Trujillo, Candace Dolph-Garcia, Linda Herndon, Tim Green, Maggie Payne, Lynn Bockhaus, Rex & Pat Baker, Brian Clift, Dana Augustine and Martin Nelson).
12. The City's Comprehensive Plan, the Land Use Code, and the formally promulgated ordinances and polices of the City are all considered part of the record considered by the Hearing Officer.
13. Rules of Conduct for Administrative Hearings.
14. Administrative (Type 1) Order of Proceedings.

TESTIMONY: The following persons testified at the hearing:

From the City: Clark Mapes, City Planner

From the Applicant: John Gover  
3227 Chase Drive  
Fort Collins, CO 80525

From the Public: Bonnie Inscho, 2815 William Neal Parkway

Martin Nelson, 3214 Bryce Drive

Pat Baker, 3221 Chase Drive

Brian Clift, 3302 Lippizan Court

Elayne Williams, 3215 Chase Drive

Steve Lunstrum, 2813 Willow Creek Drive

Dennis Lamb, 3226 Bryce Drive

Zachary VanderMeeden, 2963 Percheron Drive

Isabelle Orrico, 4470 S. Lemay Avenue, Unit 205

Randy Voorhees, 3214 Chase Drive

Candace Dolph-Garcia, 3209 Chase Drive

The public comment portion of the hearing was closed at approximately 7:02 p.m.

The virtual hearing was closed at approximately 7:34 p.m.

### FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the virtual public hearing was properly posted, mailed and published.
2. As required by City Council Ordinance 079, Series 2020 (the “**City Ordinance**”), the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the hearing by remote technology so as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of the City Ordinance, because meeting in person would not be prudent for some or all persons due to a public health emergency.
3. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
  - a. the Application complies with the applicable procedural and administrative requirements of Article 2 of the Code.
  - b. Section 3.8.16(E)(1) of the Code permits an increase in applicable occupancy limits for single-family and two-family dwellings, pursuant to the issuance of a certificate of occupancy for use as an extra occupancy rental house in zones allowing such use.

- c. The Low Density Mixed-Use Neighborhood (L-M-N) zone district permits extra occupancy rental houses. Specifically, Section 4.5(B)(2)(a)(8) of the Code permits extra occupancy rental houses with four (4) or more tenants in the L-M-N zone district, subject to administrative review.
  - d. the Application conforms to the occupancy limits and separation requirements set forth in the table included in Section 3.8.28(A) of the Code.
  - e. the Application complies with the off-street parking requirements set forth in Section 3.2.2(K)(1)(j) of the Code, in that five (5) off-street parking spaces are provided (two spaces in the driveway and three in the garage), which complies with the 0.75 ( $\frac{3}{4}$ ) parking space per tenant ratio set forth in the Code, rounded up to the nearest whole parking space. The Hearing Officer finds that this Code requirement is satisfied regardless of whether the Subject Property ultimately accommodates six (6) tenants, boarders or roomers, not including the Owner (6 occupants \* 0.75 = 4.5 rounded up to five (5) parking spaces) or the Subject Property accommodates six (6) occupants, inclusive of the Owner (5 occupants \* 0.75 = 3.75 rounded up to four (4) parking spaces), plus one (1) additional parking space if the extra occupancy rental house is owner occupied, for a total of five (5) parking spaces. The evidence presented at the hearing was sufficient to show that each of the five (5) proposed off-street parking spaces has direct access to Chase Drive and is unobstructed by the other parking spaces.
4. The Application's satisfaction of the applicable Article 2, 3 and 4 Code requirements is sufficiently detailed in the Staff Report, which is part of the record of this proceeding.

#### DECISION

Based on the findings set forth above, the Hearing Officer hereby enters the following ruling:

The Application (3227 Chase Drive Extra Occupancy, FDP200014) is approved for the Subject Property in the form submitted. The Applicant/Owner is authorized to apply for a change of use building permit (to ensure that the Subject Property complies with all applicable City building and rental housing codes).

DATED this 5<sup>th</sup> day of November, 2020.



Marcus A. McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
3227 Chase Drive Extra Occupancy  
(FDP200014)

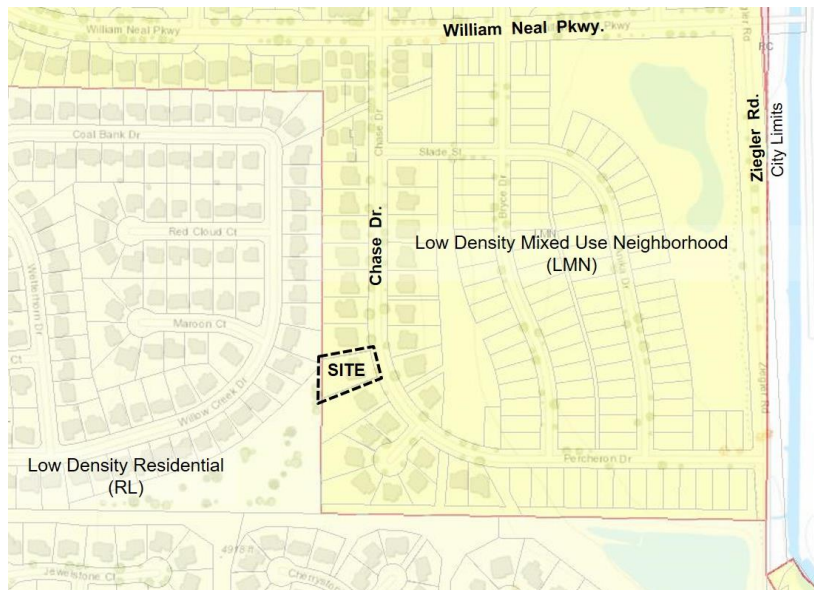
Administrative Hearing: October 27, 2020

## 3227 Chase Drive Extra Occupancy #FDP200014

### Summary of Request

This is a combined Project Development Plan/Final Development Plan to add Extra Occupancy as a permitted use in an existing single-family dwelling for up to six occupants.

### Zoning Map



### Next Steps

If approved by the Hearing Officer, the applicant will be eligible to apply for a building permit and Certificate of Occupancy.

### Site Location

3227 Chase Drive in the Rigden Farm neighborhood. Parcel #8729460339.

### Zoning

Low Density Mixed Use Neighborhood (L-M-N).

### Property Owner

John Gover  
3227 Chase Drive  
Fort Collins, CO 80525

### Applicant/Representative

Same

### Staff

Clark Mapes, City Planner

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### Staff Recommendation

Approval.

## 1. Project Introduction

### A. PROJECT DESCRIPTION

- The proposal is to add Extra Occupancy for up to six occupants as a use of the single-family dwelling at 3227 Chase drive.
- The existing house, driveway and garage accommodate the proposed extra occupancy. The only physical change consists of two wheel stops in the driveway to demarcate the parking arrangement for the required five spaces. This parking arrangement comprises two spaces in the driveway and three in the garage.
- The property provides and exceeds the required floor area for the proposed six occupants. 2,150 sq. ft. are required; 4,488 sq. ft. are provided.
- The property is within the LMN zoning district which permits the use subject to Administrative Review and hearing by a Hearing Officer.

### B. DEVELOPMENT STATUS/BACKGROUND

#### 1. Subject Property

The house was built in 2005 within the 2004 Rigden Farm Filing 6 subdivision.

#### 2. Surrounding Zoning and Land Use

	North	South	East	West
<b>Zoning</b>	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Residential (RL)
<b>Land Use</b>	Single-family houses on the same block face	Single-family houses on the same block face	Single-family houses on the facing block face	Single-family houses in the Stone Ridge PUD subdivision—rear yards and greenbelt abutting

### C. OVERVIEW OF MAIN CONSIDERATIONS

The single main consideration in this case was off-street parking, as is typical of extra occupancy proposals. The applicant resolved the issue in the Conceptual Review stage of review by demonstrating how the required five spaces are accommodated on the property.

### D. CITY PLAN

The City’s comprehensive plan (2019 *City Plan*) was updated with the participation of thousands of community members and embodies the vision and values of the community for the future. It does not specifically address issues of occupancy.

A significant theme in the plan is encouraging more housing options in general. For example, Policy LIV 5.6 on p. 42 states: “EXISTING NEIGHBORHOODS: Expand housing options in existing neighborhoods (where permitted by underlying zoning) by encouraging: » Infill development on vacant and underutilized lots; » Internal ADUs such as basement or upstairs apartments; » Detached ADUs on lots of sufficient size; and » Duplexes, townhomes or other alternatives to detached single-family homes that are compatible with the scale and mass of adjacent properties.”

The plan designates this part of Rigden Farm within the “Suburban Neighborhood” land use designation, which is characterized by single-family homes. The following excerpt from p.98 in *City Plan* gives a sense of the main ideas for land uses in that designation:

**Principal Land Use**

Single-family detached homes

**Supporting Land Use**

Parks and recreational facilities, schools, places of worship, ADUs in some locations (where permitted by underlying zoning) Density Between two and five principal dwelling units per acre

**Key Characteristics/Considerations**

- » Comprised of predominantly single-family detached homes.
- » Neighborhood Centers may serve as focal points within Single-family Neighborhoods (see Neighborhood Mixed-Use District).
- » Amenities and infrastructure encourage walking and biking, but transit service is typically more limited. Typical Types of Transit Limited local bus service with frequencies of approximately every 60 minutes; some locations may also be served by flex services.

**2. Land Use Code Article 2**

**A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW**

**1. Conceptual Review – CDR200004**

A conceptual review meeting was held on July 9, 2020.

**2. First Submittal**

The PDP was submitted on July 31, 2020

**3. Neighborhood Meeting**

Pursuant to *LUC Section 2.2.2 – Step 2: Neighborhood Meetings*, a neighborhood meeting is not required for Administrative Hearing (Type 1) projects and no meeting was held.

**4. Notice (Posted, Written and Published)**

Posted Notice: October 8, 2020, Sign #579.

Written Hearing Notice: October 13, 2020, 264 addresses mailed.

Published Hearing Notice: Scheduled for October 20, 2020.



### 3. Land Use Code Article 3

Because the plan involves existing development which comports with the Land Use Code standards, only a few standards specific to Extra Occupancy pertain in this case.

#### A. DIVISION 3.2 – SITE PLANNING AND DESIGN STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.2.2 – Access, Circulation and Parking – General Standard</b>	<p>This code Section requires secure, convenient, efficient parking and circulation improvements that add to the attractiveness of the development.</p> <ul style="list-style-type: none"> <li>The existing subdivision development provides a parking and circulation system consistent with the standard.</li> <li>The plan provides specific required parking per the subsections noted below.</li> </ul>	Complies
<b>3.2.2(C)(4) – Bicycle Parking Space Requirements</b>	<p>This plan is required to provide 1 bicycle parking space per bed.</p> <ul style="list-style-type: none"> <li>An outdoor rack provides the required five bicycle parking spaces in addition to bike storage that is available in the tandem bay of the garage.</li> </ul>	Complies
<b>3.2.2(K)(1)(j) – Required Number of Off-Street Spaces</b>	<p>Extra occupancy rental house uses are required to provide 0.75 parking spaces per tenant, rounded up to the nearest whole parking space, plus one (1) additional parking space if the extra occupancy rental house is owner-occupied. Five spaces are required in this case.</p> <ul style="list-style-type: none"> <li>Five spaces are provided. The applicant narrative attached includes a link to a video that demonstrates how two spaces in the driveway and three in the garage can function. The blue rectangles in the diagram below show the arrangement. The two spaces in the driveway will be demarcated with wheel stops to enable the other three vehicles to access the garage.</li> </ul> <div style="text-align: center;"> </div>	Complies

**B. DIVISION 3.8 – SUPPLEMENTARY REGULATIONS**

<b>Applicable Code Standard</b>	<b>Summary of Code Requirement and Analysis</b>	<b>Staff Findings</b>
<p><b>3.8.16 – Occupancy Limits – Increasing the Number of Persons Allowed</b></p>	<p>Subsection (E)(1) states <i>“with respect to single-family and two-family dwellings, the number of persons allowed under this Section may be increased by the issuance of a certificate of occupancy for use as an extra occupancy rental house in zones allowing such use.”</i></p> <p>The proposed plan is to increase the occupancy of a single-family dwelling. If approved the applicant will submit a building permit application. Upon compliance with any building code and the approval of this application a new certificate of occupancy will be issued.</p>	<p>Complies via the proposed plan in the LMN zone</p>
<p><b>3.8.28 – Extra Occupancy Rental House Regulations</b></p>	<p>This Section contains requirements for extra occupancy in single-family detached dwellings. 350 square feet of habitable floor space is required for each tenant plus an additional 400 square feet if the dwelling is owner-occupied.</p> <ul style="list-style-type: none"> <li>• 2,150 sq. ft. are required for the proposed six occupants including the owner; 4,4878 sq. ft. are provided in the existing dwelling.</li> </ul> <p>No more than 25% of parcels on a block face may be approved for extra occupancy rental house use.</p> <ul style="list-style-type: none"> <li>• No other Extra Occupancy Rental Houses are approved on the block face.</li> </ul>	<p>Complies</p>

**4. Land Use Code Article 4**

**A. DIVISION 4.5 – LOW DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (LMN)**

The LMN zone district was created in 1997 as part of the City’s comprehensive plan and has been re-established in subsequent updates.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>4.5(A) - Purpose</b>	<p>This Section states: <b><i>“Purpose. The Low Density Mixed-Use Neighborhood District is intended to be a setting for a predominance of low density housing combined with complementary and supporting land uses that serve a neighborhood and are developed and operated in harmony with the residential characteristics of a neighborhood. The main purpose of the District is to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices, that invite walking to gathering places, services and conveniences, and that are fully integrated into the larger community by the pattern of streets, blocks, and other linkages. A neighborhood center provides a focal point, and attractive walking and biking paths invite residents to enjoy the center as well as the small neighborhood parks. Any new development in this District shall be arranged to form part of an individual neighborhood.”</i></b></p>	Complies as a part of the overall Rigden Farm development
<b>4.5(B) - Permitted Uses</b>	<p>Extra occupancy rental houses with four or more tenants are permitted with review and a public hearing by an administrative hearing officer.</p>	Complies

## 5. Findings of Fact/Conclusion

In evaluating the request for Chase Drive Extra Occupancy #FDP200014, staff makes the following findings of fact and conclusions:

1. The Project Development Plan/Final Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
2. The plan complies with pertinent standards located in Article 3 – General Development Standards.
3. The plan complies with Division 4.5 - Low Density Mixed-Use Neighborhood in Article 4.

## 6. Recommendation

Staff recommends that the Hearing Officer approve Chase Drive Extra Occupancy FDP#200014 based on the Findings of Fact and supporting explanations found in the staff report.

## 7. Attachments

1. Applicant Narrative
2. Driveway Length Photo
3. Site Plan
4. Floor Plan Designations
5. House Photos