

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

**FINDINGS AND DECISION**

HEARING DATE: December 10, 2020

PROJECT NAME: 738 Campfire Drive – Extra Occupancy Rental House

CASE NUMBER: FDP #200018

APPLICANT/OWNER: Jonathan Huynh  
2908 Crusader St.  
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

**PROJECT DESCRIPTION:** This is a combined Project Development Plan/Final Development Plan to add Extra Occupancy to a rental house as a permitted use for the existing single-family dwelling located at 738 Campfire Drive, parcel no. 8704305006 (the “Subject Property”) for up to four (4) occupants. The Subject Property is located north of East Vine Drive on the east side of Campfire Drive, and is legally described as:

LOT 6, BLOCK 1, TRAILHEAD SUBDIVISION, COUNTY OF  
LARIMER, STATE OF COLORADO

**BACKGROUND:**

The surrounding zoning and land uses are as follows:

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<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	Vacant/Stormwater Detention area	Currently Undeveloped (Single-Family Dwellings Proposed)

**SUMMARY OF DECISION:** Approved.

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

**HEARING:** The Hearing Officer opened the virtual hearing on Thursday, December 10, 2020 at approximately 7:51 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 738 Campfire Drive - Extra Occupancy Rental House (FDP200018), attached hereto as **ATTACHMENT A**.
2. Applicant Narrative.
3. Site Plan (1 sheet).
4. Floor Plan Designations.
5. Bicycle Parking Photos.
6. Four recorded voicemails (in opposition to the Extra Occupancy application).
7. Thirty-two (32) emails (28 in opposition to the Extra Occupancy application; 4 in support of application).
8. Confirmation that the Subject Property was posted with a Hearing Notice (on or about September 21, 2020, Sign #572).
9. A copy of Written Notice of Public Hearing dated November 25, 2020.
10. Confirmation of Publication (Ad# 0004484064) evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on November 25, 2020.
11. A copy of the Planning Department PowerPoint prepared for the December 10, 2020 hearing.
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: Will Lindsey, Associate City Planner

From the Applicant: Jonathan Huynh  
2908 Crusader St.  
Fort Collins, CO 80524

From the Public: Attached hereto as **ATTACHMENT B**

The public comment portion of the hearing was opened at approximately 8:15 p.m.

The public comment portion of the hearing was closed at approximately 9:08 p.m.

The virtual hearing was closed at approximately 9:15 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 satisfies the bicycle parking requirements set forth in Section 3.2.2(C)(4) of the Code.
  - f. The Application complies with the off-street parking requirements set forth in Section 3.2.2(K)(1)(j) of the Code, in that three dedicated parking spaces are provided. Per the Code, if such lot has less than sixty-five (65) feet of street frontage length on any one (1) street and does not abut an alley, then one (1) of the required parking spaces may be aligned in a manner that does not provide direct access to the abutting street.
4. The Application’s satisfaction of the applicable Article 2, 3 and 4 Code requirements is sufficiently detailed in the Staff Report, a copy of which is attached hereto as **ATTACHMENT A** 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 (738 Campfire Drive Extra Occupancy Rental House, FDP200018) 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 18<sup>th</sup> day of December, 2020.



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Marcus A. McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
738 Campfire Drive Extra Occupancy Rental House  
(FDP200018)

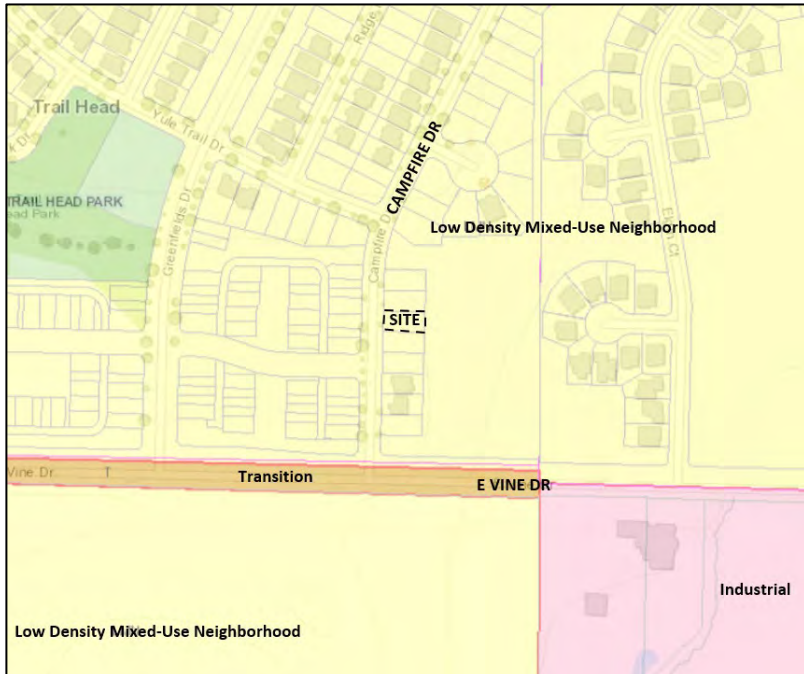
## Administrative Hearing: December 10, 2020

### 738 Campfire Drive Extra Occupancy Rental House #FDP200018

#### 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 four 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

738 Campfire Drive in the Trail Head neighborhood. Parcel #8704305006.

#### Zoning

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

#### Property Owner

Jonathan Huynh  
2908 Crusader St  
Fort Collins, CO 80524

#### Applicant/Representative

Same as Owner

#### Staff

Will Lindsey, Associate City Planner

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#### Staff Recommendation

Approval of the FDP200018

## 1. Project Introduction

### A. PROJECT DESCRIPTION

- The proposal is to add Extra Occupancy for up to four occupants as a use of the single-family dwelling at 738 Campfire Drive.
- The existing house, driveway and garage accommodate the proposed extra occupancy.
- The property provides and exceeds the required habitable floor area for the proposed four occupants. 1,400 sq. ft. are required; 2,164 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 2012 within the 2004 Trail Head Block 1 Filing.

#### 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	Vacant/Stormwater Detention area	Currently Undeveloped (Single-Family Dwellings Proposed)

### 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 is utilizing the parking arrangement allowed by the code wherein a lot with less than 65 feet of street frontage, and which does not abut an alley than one of the required parking spaces may be aligned in a manner that does not provide direct access to the abutting street (see attached site plan and details below).

### 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 the Trail Head neighborhood as “Mixed Neighborhood” land use designation, which is characterized by a mixture of housing types. 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, duplexes, triplexes, and townhomes

**Supporting Land Use**

ADUs, small scale multifamily buildings, small-scale retail, restaurants/cafes, community and public facilities, parks and recreational facilities, schools, places of worship

**Key Characteristics/Considerations (Existing Neighborhoods)**

- While many existing Mixed-Neighborhoods may consist predominantly of single-family detached homes today, opportunities to incorporate ADUs or other attached housing options of a compatible scale and intensity may be feasible in some locations.
- The introduction of larger townhome or multifamily developments into existing single-family neighborhoods should generally be limited to edge or corner parcels that abut and/or are oriented toward arterial streets or an adjacent Neighborhood Mixed-Use District where transit and other services and amenities are available.
- Where townhomes or multifamily buildings are proposed in an existing neighborhood context, a transition in building height, massing and form should be required along the shared property line or street frontage.
- As existing neighborhoods change and evolve over time, rezoning of some areas may be appropriate when paired with a subarea or neighborhood planning initiative. See the Priority Place Types discussion on page 107 for more details about changes in existing neighborhoods over time.
- While reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not.

**2. Land Use Code Article 2**

**A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW**

**1. Conceptual Review – CDR200060**

A conceptual review meeting was held on August 13, 2020.

**2. First Submittal**

The PDP was submitted on September 18, 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: September 21, 2020, Sign #572.

Written Hearing Notice: November 25, 2020, 348 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 indoor fixed bicycle parking rack provides the required three bicycle parking spaces with the necessary maneuvering space of 5 feet wide by 2.5 feet deep in 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. 3 spaces are required in this case.</p> <ul style="list-style-type: none"> <li>3 dedicated parking spaces are provided. Per the code, if such lot has less than sixty-five (65) feet of street frontage length on any one (1) street and does not abut an alley, then one (1) of the required parking spaces may be aligned in a manner that does not provide direct access to the abutting street.</li> </ul>	Complies

**B. DIVISION 3.8 – SUPPLEMENTARY REGULATIONS**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.8.16 – Occupancy Limits – Increasing the Number of Persons Allowed</b>	<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>
<b>3.8.28 – Extra Occupancy Rental House Regulations</b>	<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>• 1,400 sq. ft. are required for the proposed four occupants; 2,164 sq. ft. of habitable space 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
4.5(A) - Purpose	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>	Complies as a part of the overall Trail Head development
4.5(B) - Permitted Uses	Extra occupancy rental houses with four or more tenants are permitted with review and a public hearing by an administrative hearing officer.	Complies

## 5. Findings of Fact/Conclusion

In evaluating the request for 738 Campfire Drive Extra Occupancy #FDP200018, 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 738 Campfire Drive Extra Occupancy #FDP200018 based on the Findings of Fact and supporting explanations found in the staff report.

## 7. Attachments

1. Applicant Narrative
2. Site Plan
3. Floor Plan Info
4. Bicycle Parking Photos
5. Public Comments

## **ATTACHMENT B**

738 Campfire Drive Extra Occupancy Rental House  
(FDP200018)

### **Attendees who provided testimony at the 738 Campfire Dr Extra Occupancy Administrative Hearing on December 10, 2020**

Bruce Holbert\*  
3262 Green Lake Drive  
Fort Collins, CO 80524

Candyce Edelen\*  
3209 Glacier Creek Drive  
Fort Collins, CO 80524

Kim Weisser\*  
709 Elgin Court  
Fort Collins, CO 80524

Rosemary Beauvais\*  
3336 Green Lake Drive, Unit 2  
Fort Collins, CO 80524

Jenny Marquart\*  
3415 Wagon Trail Road  
Fort Collins, CO 80524

Jeanne\* and Kevin McDonald  
732 Campfire Drive  
Fort Collins, CO 80524

Joseph\* and Theresa\* Brown  
3257 Green Lake Drive  
Fort Collins, CO 80524

Sandy King\*  
1008 Campfire Drive  
Fort Collins, CO 80524

Debra Parker\*  
3421 Wagon Trail Road  
Fort Collins CO 80524

Noel Rodriquez\*  
Zoe Becker  
738 Campfire Drive  
Fort Collins, CO 80524

Joe Ostroski\*  
1020 Campfire Drive  
Fort Collins, CO 80524

Doug Clark\*  
827 Ridge Runner Drive  
Fort Collins, CO 80524

Jeremy and Jackie\* Sacks  
927 Campfire Drive  
Fort Collins, CO 80524

Gina Linde\*  
808 Campfire Drive  
Fort Collins, CO 80524

Joan Ferguson\*  
802 Ridge Runner Drive  
Fort Collins, CO 80524

Brian Grossman\*  
3274 Green Lake Drive  
Fort Collins, CO 80524

\* Denotes the person who provided testimony.