



Date: Monday, March 22, 2021
Time: 3:00 PM
Location: Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins

LAND USE HEARING AGENDA

Call to Order

Pledge of Allegiance

Tabled Items From Previous Meeting:

1. **Amended Plat for Glen Haven Sub L4, 18&19 Block 4, File No. 21-ZONE4070

Staff Contacts: Alyssa Martin, Planning, Connor Sheldon, Engineering, Lea Schneider, Health

Request: Amended Plat / lot consolidation for two parcels in the Glen Haven Subdivision

Location: 55 & 61 Fox Creek Road, Glen Haven, CO 80532

Applicants/Owners: Mickey Leyba 55 Fox Creek Road Cynthia and Michael Begley 61 Fox Creek Road

Development Services Team Recommendation: The Development Services Team recommends approval of the Amended Plat for Glen Haven Sub L4, 18 & 19 Block 4 File #21-ZONE4070 with the following conditions:

1. All conditions of approval shall be met, and the Findings and Resolution recorded by September 22, 2021 this approval shall be null and void.
2. The lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.
3. Before recording, the plat must include a signature line for both Cynthia and Michael Begley, as well as any applicable lienholders.
4. Before recording, an Ownership and Encumbrance report for the current owners of 61 Fox Creek Road must be provided.

Public Hearing Consent Items:

*Will not be discussed unless requested by Commissioners or members of the audience.

**Board to sign F&R at the Hearing

1. ** Terra Vista Planned Land Division, Lots 1 and 3 Amended Plat and Lauer Boundary Line Adjustment, File No. 20-LAND4015

Staff Contacts: Samantha Mott, AICP, Planning, Lea Schneider, Health, Steven Rothwell, Engineering

Request: An Amended Plat and Boundary Line Adjustment to adjust the lot lines between three parcels-two platted lots and one metes and bounds parcel.

Location: North side of Vine just west of S. Taft Hill Road; 750 and 800 Havel Avenue and 2812 West Vine Avenue.

Applicant: Dennis and Mary Sovick 750 Havel Avenue Fort Collins, CO 80521

Owner: Dennis and Mary Sovick 750 Havel Avenue Fort Collins, CO 80521 and Regina Milburn Lauer 2812 W. Vine Drive Fort Collins, CO 80521 and Jacob Milburn Lauer 2814 W. Vine Drive Fort Collins, CO 80521 and Anna Lauer Roy 2814 W. Vine Drive Fort Collins, CO 80521 and Parks Thomas M/ Diane L Revocable Trust 750 Havel Avenue Fort Collins, CO 80521

Development Services Team Recommendation: The Development Services Team recommends Approval of the Terra Vista Planned Land Division, Lots 1 & 3 Amended Plat and Lauer Boundary Line Adjustment, File #20-LAND4015, subject to the following conditions and authorization for the chairman to sign the plat when the conditions are met, and the plat is presented for signature:

1. All conditions of approval shall be met, and the Findings and Resolution recorded by September 22, 2021 this approval shall be null and void.
2. Prior to the recordation of the Final Plat the applicant shall make the technical corrections required by Ron Perkins, Land Surveyor of the Larimer County Engineering Department.
3. Prior to recordation of the Final Plat provide updated Ownership and Encumbrances as well as an updated application form. All the current owners must sign the application form and the plat must include signature blocks for all the property owners and lienholders.
4. Revise the title of the plat to read "Terra Vista Planned Land Division, Lots 1 & 3 Amended Plat and Lauer Boundary Line Adjustment, File #20-LAND4015". Update the Surveyor's Certificate and the Certification of Ownership and Dedication to reflect the same title.
5. Prior to recordation of the final plat, the applicant must provide confirmation that the Division of Water Resources has received and accepted the Abandonment Report for the well indicating it was property plugged and abandoned.
6. The resultant lots are subject to any and all covenants, deed restrictions, or other conditions that apply to the original lot.

2. **Mountain Sunset Townhomes Subdivision Preliminary Plat and Lot Size Appeal, File No. 20-LAND3984

Staff Contacts: Michael Whitley, AICP, Planning, Traci Shambo, Engineering, Lea Schneider, Health

Request: A) Preliminary Plat approval of a Townhome Subdivision to divide two parcels into four parcels to accommodate four detached townhome units B) Appeal to Table 7-1 in the Estes Valley Development Code to allow lot sizes of 0.158 acres, 0.198 acres, 0.185 acres, and 0.148 acres when the minimum lot size is 1.528 acres (66,560 square feet)

Location: 1481 Saint Moritz Trail, Estes Park; located on the west side of Saint Moritz Trail approximately 450 feet south of the intersection of Saint Moritz Trail and Cedarcliff Drive

Applicant: Don Darling, Darling Enterprises, 131 Stanley Avenue, Estes Park, CO 80517

Owners: Craig A. Doiron Insurance Trust, 26 Turnbridge Drive, Hilton Head, SC 29928 and Janice K. Barnett, 112 S. Port Drive, Seneca, SC 29672

Development Services Team Recommendation: The Development Services Team recommends approval of the Mountain Sunset Townhomes Subdivision Preliminary Plat & Lot Size Appeal, File #20-LAND3984 subject to the following conditions:

1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Mountain Sunset Townhomes Subdivision Preliminary Plat & Lot Size Appeal, File #20-LAND3984

except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Mountain Sunset Townhomes Development.

2. The following fees shall be collected at building permit issuance for new single-family dwellings: Estes Poudre R-3 school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication). The fee amount that is current at the time of building permit application shall apply.
3. Any new dwellings within the Townhome Development must be equipped with residential fire sprinkler systems to comply with the fire protection standards.
4. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site-specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high-water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.
5. Passive radon mitigation measures shall be included in construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.

3. **Goodman Appeal, File No. 21-ZONE2881

Staff Contacts: Alyssa Martin, Planning, Connor Sheldon, Engineering, Lea Schneider, Health

Request: An Appeal to Section 4.3.10.H.c of the Larimer County Land Use Code to allow a detached accessory living area to exceed the maximum size of 800 square feet

Location: 4400 Sedona Hills Drive, Loveland

Applicants/Owners: Gordon and Melissa Goodman

Development Services Team Recommendation: The Development Services Team recommends approval of the Goodman Appeal, File #21-ZONE2881 with the following condition:

1. The Accessory Living Area shall be located as shown on the approved site plan.
2. The Development Services Team notes that if the proposed appeal is approved, additional conditions will be placed on the Public Site Plan approval including the need for obtaining all applicable permits, septic system upgrade, and an expiration of the Public Site Plan approval.

4. **Doyle PSP and Appeal, File No. 20-ZONE2871

Staff Contacts: Tracy Hicks, Planning, Connor Sheldon, Engineering Lea Schneider, Health and Environment

Request: Public Site Plan for a 930 sq. ft. accessory living area. An appeal to Section 4.3.10.H.c to exceed the maximum square footage a detached accessory living area is also included with this application.

Location: Located approximately .5 North of the Meadow Lark Drive and W County Road 8 Intersection

Applicant: James and Deborah Doyle

Owner: James and Deborah Doyle

The Development Services Team recommendation: The Development Services Team recommends approval of the Doyle PSP and Appeal, File #20-ZONE2871 with the following conditions:

1. The accessory living area shall be limited to 930 square feet in size.
2. The use of the existing dwelling as an accessory living area shall be approved through the public site plan process.

5. **Glen Haven Subdivision Amended Plat, Lots 49 and 37A, Block 14, File No. 21-LAND4073

Staff Contacts: Tracy Hicks, Planning

Request: Request to amend Glen Haven Subdivision Lot 37A, Lot 49, portions of Lots 36, 37, 38, 47 & 48, Block 14, portions of Lots 31,32,33,34,45, and portions of Lots 36,37,38, & 39 of the Glen Haven Subdivision.

Location: Located approximately 16 miles east of interstate 25; South of County Road 50.

Applicant: Steven Garno

Owner: Seven and Alma Garno, Thomas Doherty

The Development Services Team recommendation: The Development Services Team recommends approval of the Glen Haven Subdivision Amended Plat, Lots 49 & 37A, Block 14, File Number 21-LAND4073 with the following conditions:

1. All conditions of approval shall be met, and the Final Plat recorded by September 22, 2021, or this approval shall be null and void.
2. The lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.
3. Prior to the recordation of the Final Plat the applicant shall make the following changes to the plat:
4. Please address and make all corrections as specified in the County Surveyor's redlines (Attachment E).
5. Please add the file number for this application to the title of the Final Amended Plat.
6. Please make sure to add the additional plat note: "The new lots created by this action are subject to the same restrictions, covenants, and regulations as set forth in the plat of record of Glen Haven Subdivision."
7. Please update the Certification of Ownership and Dedication statement to read exactly as described in the Amended Plat Application Packet.
8. Please update the Surveyor's Certificate statement to read exactly as described in the Amended Plat Application Packet.

6. **Crystal Lakes 13th, Lots 24 and 25 LC/EV, File No. 21-LAND4077

Staff Contacts: Tracy Hicks, Planning

Request: Request to consolidate and vacate the easement along the common lot line of Lots 24 & 25 of Crystal Lakes 13th Filing.

Location: 254 and 296 Flathead Drive Red Feather Lakes, CO 80545

Applicant: William and Dena Twinem

Owner: William and Dena Twinem

Development Services Team recommend: The Development Services Team recommends approval of the Crystal Lakes 13th, Lots 24 and 25 Lot Consolidation and Easement Vacation, 21-LAND4077 with the following conditions:

1. All conditions of approval shall be met, and the Findings and Resolution recorded by September 22, 2021 this approval shall be null and void.
2. The resultant lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.

7. **Snow Top Rental Special Review, File No. 20-ZONE2767

Staff Contacts: Tawn Hillenbrand, Planning; Steven Rothwell, Engineering; Lea Schneider, Health Department

Request: The applicant requests a Special Review approval for a Resort Lodge/Cottage in the O-Open zone district. Approval would allow for the property owners to continue to rent out an existing sleeping area located in the basement of the home to up to two guests at a time on a short-term basis. The request includes appeals to Section 8.1.4 and 8.6.3.C of the Land Use Code regarding fire protection and paving.

Location: 468 Snow Top Drive, Drake, CO; located approximately 1.5 miles northeast of the intersection of County Road 43 and Storm Mountain Road.

Applicants/Owners: Jessica O'Bryan

Development Services Team Recommendation: The Development Services Team recommends approval of the Snow Top Rental Special Review, File #20-ZONE2767, and appeals to Sections 8.1.4 and 8.6.3.C of the Land Use Code regarding fire protection and paving, subject to the following conditions:

1. This Special Review approval shall automatically expire without a public hearing if the use is not commenced within three years of the date of approval.
2. The site shall be developed consistent with the approved plan and with the information contained in the Snow Top Rental Special Review, File #20-ZONE2767 except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Snow Top Rental Special Review.
3. Failure to comply with any conditions of the Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of Commissioners.
4. This application is approved without the requirement for a Development Agreement.
5. In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved Special Review, applicant agrees that in addition to all other remedies available to County, County may withhold building permits, issue a written notice to applicant to appear and show cause why the Special Review approval should not be revoked, and/or bring a court action for enforcement of the terms of the Special Review. All remedies are cumulative and the County's election to use one shall not preclude use of another. In the event County must retain legal counsel and/or pursue a court action to enforce the terms of this Special Review approval, applicant agrees to pay all expenses incurred by County including, but not limited to, reasonable attorney's fees.
6. County may conduct periodic inspections to the property and reviews of the status of the Special Review as appropriate to monitor and enforce the terms of the Special Review approval.
7. The Findings and Resolution shall be a servitude running with the Property. Those owners of the Property or any portion of the Property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of the Special Review approval.

8. The maximum number of overnight occupants in the accessory unit shall not exceed two.
9. The applicant may not imply, represent, or advertise the property as accommodating to persons with physical limitations, and/or ADA accessible.

Adjourn

Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven (7) business days' notice. Please email us at beilbykm@larimer.org or by calling 970-498-7719 or Relay Colorado 711 "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.