



Date: Monday, May 10, 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

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. ** Redmon Appeal, File No. 21-ZONE2918

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: 105 N County Rd 3, Fort Collins

Applicants: Travis Redmon

Owners: Redmon Properties CCC

Development Services Team Recommendation: The Development Services Team recommends approval of the Redmon Appeal, File #21-ZONE2918 with the following condition:

1. The Accessory Living Area shall be located as shown on the approved site plan.

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, new access points, and an expiration of the Public Site Plan approval.

2. ** PFA Station No. 9, L2 AP, MLD & BLA, File No. 21-LAND4111

Staff Contacts: Doug May, Planning, Connor Sheldon, Engineering, Lea Schneider, Health Department

Request: Amended Plat of Lot 2 Poudre Fire Authority Minor Land Division and adjacent metes and bounds parcels.

Location: 4900 & 4908 Shoreline Drive, Fort Collins, CO 80526

Applicant: Rick Emery 4711 Parkview Drive Fort Collins, CO 80526

Owner: Spring Canyon Water & Sanitation District 4908 Shoreline Drive Fort Collins, CO 80526

Development Services Team Recommendation: The Development Services Team recommends approval of Amended Plat of Lot 2 Poudre Fire Authority Station No. 9 M.L.D. No. 97-EX1100 and Boundary Line Adjustment, File No. 21-LAND4111, subject to the following conditions:

1. All conditions of approval shall be met, and the Final Plat recorded by November 10, 2021, or 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 the Land Surveyor of Larimer County.

3. The resultant lot is subject to any and all covenants, deed restrictions, or other conditions that apply to the original lots.

3. ** Crystal Lakes 2nd, Lot 57 & Lot 58 Lot Consolidation, File No. 21-LAND4110

Staff Contacts: Doug May, Planning, Connor Sheldon, Engineering, Lea Schneider, Health Department

Request: To combine the area of Lot 57 with Lot 58, Crystal Lakes 2nd, to create a 6.48 acre-lot.

Location: 1093 & 1137 Beartrap Road Red Feather Lakes, CO 80545

Applicant: Gregory & Heather Golden 1563 Edenbridge Drive Windsor, CO 80550

Owner: Gregory & Heather Golden 1563 Edenbridge Drive Windsor, CO 80550

Development Services Team Recommendation: The Development Services Team recommends Approval of the Lot Consolidation, subject to the following condition:

1. All conditions shall be met, and the final resolution of the County Commissioners recorded by November 10, 2021, or this approval shall be null and void.
2. The resultant lot is subject to any and all covenants, deed restrictions or other conditions that apply to the original lots in the subdivision.
3. The reconfiguration of the lot lines shall be finalized at such time when the Findings and Resolution of the County Commissioners is recorded.
4. Prior to recordation of the Findings and Resolution, provide Ownership and Encumbrances for both parcels. If the Ownership and Encumbrances include any lienholders, a Consent of Lienholder form will be required to be signed by each lienholder.

4. ** Fendick Appeal, File No.21-GNRL0508

Staff Contacts: Samantha Mott, AICP, Planning, Connor Sheldon, Engineering, Lea Schneider, Health

Request: Appeal to Section 4.3.2.I of the Land Use Code to allow two storage buildings on a lot prior to the construction of a single-family dwelling.

Location: Located West of Stove Prairie Rd., south of Paradise Park Road.

Applicants/Owners: Anthony Fendick 300 Edgewood Drive Loveland, CO 80538

Development Services Team Recommendation: The Development Services Team recommends the Board of County Commissioners Approve the Fendick Appeal, File# 21-GNRL0508, subject to the following conditions:

1. The applicant will need to obtain building permits for the two buildings within 90 days from the date that the Findings and Resolution is recorded for this Appeal.
2. The two buildings can only be used for storage and cannot be used as habitable space unless and until approval is obtained through the required planning and/or permitting process; this includes obtaining the Health Department approval.

5. Animal House Amended Special Review, File No. 21-ZONE2883

Staff Contacts: Jenn Cram, AICP, Planning, Connor Sheldon, Engineering, Lea Schneider, Health

Request: Amended Special Review to expand the existing pet adoption facility with a 4,005 square foot addition that will connect the two existing buildings on the property. Upgrades to existing facilities will also be completed along with landscaping around the building perimeter.

Location: 2200 North Taft Hill Road, Fort Collins, CO 80521

Applicants: Alex Garvert, Ripley Design Inc., 419 Canyon Avenue, Suite 200, Fort Collins, CO 80521

Owners: Animal Friends Alliance, 2200 North Taft Hill Road, Fort Collins, CO 80521

Development Services Team Recommendation: Commissioner Barnett moved and Commissioner Wallace seconded that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Animal House Amended Special Review, File #21-ZONE2883 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 property shall be developed consistent with the approved plan and with the information contained in the Animal House Amended Special Review, File #21-ZONE2883 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 Animal House Amended 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. There will be no more than 95 animals (30 dogs and 65 cats), as adoption candidates, on site at any time. That limit may be expanded to up to 115 animals including puppies and kittens for no more than 36 hours in any 30-day time period. The expanded limit will allow for the intake of fostering transfers and group surgery events.
8. The noise mitigation plan noted in the original approval from 2015 shall continue to be implemented.
9. 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.

MOTION PASSED 8-0

SUGGESTED MOTION:

I move that the Board of County Commissioners approve the Animal House Amended Special Review, File #21-ZONE2883 subject to the conditions outlined above.

6. Hourglass PLD Preliminary Plat, #20-LAND4004, and PD Rezone, File No. 20-ZONE2771

Staff Contacts: Tawn Hillenbrand, Planning; Connor Sheldon, Engineering; Lea Schneider, Health Department

Request: A) A Planned Land Division to divide three parcels into five total lots; B) A rezoning from FA - Farming to PD – Planned Development; C) An Appeal to Section 8.14.1.R of the Land Use Code regarding road connectivity.

Location: Located between N. Saint Louis Avenue and N. County Road 13, directly north of E. 57th Street

Applicants: Hourglass Property LLC c/o Nathan Tanis 337 Audrey Dr. Loveland, CO 80538

Owners: Justin Griess 357 Hawthorn Dr. Loveland, CO 80538

Development Services Team Recommendation: Commissioner Barnett moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission recommends to the Board of County Commissioners approval of the Hourglass Planned Land Division, File #20-LAND4004, and the requested appeal to Section 8.14.1.R of the Land Use Code regarding connectivity, subject to the following conditions:

1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Hourglass Planned Development, File #20-ZONE2771, and Planned Land Division, File #20-LAND4004 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 Hourglass Planned Development/Planned Land Division.
2. The following fees shall be collected at building permit issuance for new single-family dwellings: Thompson R2-J school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Regional Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of building permit application shall apply.
3. Fire hydrants shall be installed according to Loveland Fire Rescue Authority recommendations and requirements. If this requirement cannot be met, homes must be equipped with an approved residential automatic sprinkler system.
4. A 40-foot drainage easement is required to be dedicated along the west end of Hourglass Lots 4 and 5.
5. 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.
6. 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.

And, BE IT RESOLVED that the Planning Commission recommends to the Board of County Commissioners approval of the rezoning from FA - Farming to PD - Planned Development, File #20-ZONE2771, subject to the following condition:

1. The rezoning shall be effective upon the recordation of the final plat of Hourglass Planned Land Division.
2. The permitted uses, lot building and structure requirements, setbacks and structure height limitations for Hourglass Planned Development shall be as noted in PD Zone District Standards provided in the staff report.

MOTION PASSED: 9-0

SUGGESTED MOTION:

I move that the Board of County Commissioners approve the Hourglass Planned Land Division, File #20-LAND4004, and requested appeal to Section 8.14.1.R of the Land Use Code regarding connectivity, and approve the rezoning from FA - Farming to PD - Planned Development, File #20-ZONE2771 subject to the conditions as outlined above.

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.