



## DEVELOPMENT SERVICES CURRENT PLANNING

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### PRELIMINARY FINDINGS AND DETERMINATIONS

#### Type II Zoning Permit Garfield Flats Special Review #935

**Posted: July 3, 2017**

**TITLE:** Garfield Flats, Special Review #935

**LOCATION:** The site is located at 918-920 N. Garfield Avenue, on the east side of Garfield and south of W. 10<sup>th</sup> Street

**APPLICANT:** Troy Valente, Garfield Flats LLC

**STAFF CONTACT:** Noreen Smyth, Current Planning

**APPLICATION TYPE:** Special Review #935

**STAFF RECOMMENDATION:** Staff recommends that the Current Planning Manager preliminarily approve this special review allowing for a multifamily residential development, subject to the conditions listed in Sections VIII of this report.

## **I. ATTACHMENTS**

1. Vicinity Map
2. Special Review Plan

## **II. SITE DATA**

EXISTING USE .....	Two-family dwelling
PROPOSED USE .....	Multiple family; six units in three buildings
AREA .....	0.41 acres
EXISTING ZONING.....	R3e Established High Density Residential
ADJACENT ZONING & USE- North .....	R3e Established High Density Residential; public alley followed by single family residential
ADJACENT ZONING & USE - East.....	R3e Established High Density Residential; glass studio
ADJACENT ZONING & USE- South .....	R3e Established High Density Residential; two-family dwellings
ADJACENT ZONING & USE - West .....	R3e Established High Density Residential; public street followed by single family residential
UTILITY SERVICE – WATER.....	City of Loveland
UTILITY SERVICE – SEWER .....	City of Loveland
UTILITY SERVICE – ELECTRIC .....	City of Loveland

## **III. PROJECT DESCRIPTION**

The 0.43-acre rectangular subject lot is in the R3e Established High-Density Residential zoning district. It contains a side-by-side two family dwelling, which was originally constructed as a single family dwelling and later converted into a two family through the renovation of an attached garage. There is a large yard to the rear of the existing dwelling, along with a large shed that the applicant intends to demolish. A small driveway extends from Garfield Avenue to the house, which is utilized for parking.

Single family, two family, and multiple family residential developments up to four units are uses by right in the R3e district, while multiple family residential of more than four units is a special review use. The applicant recently purchased the subject property for the intention of developing additional rental residential units on it, and considered both subdividing the property in conjunction with building the additional residential units, and keeping the property as one lot. Minimum lot width and depth standards posed some challenges to subdividing the property, along with Building Code standards relative to constructing on or near lot lines, and thus the applicant decided to pursue development of the property without a corresponding subdivision of the land.

The applicant is interested in constructing two additional two-unit buildings on the lot, for a total of six units within three two-unit buildings. Per the Zoning Code, “multiple family residential” is defined as three or more units on a lot, whether the units are in one building, or in separate buildings, or any combination of one unit or multiple unit buildings, as long as the total number of units is three or more.

Thus, while per the Zoning Code the use of the property is currently defined as “two family residential”, the addition of two more two-unit buildings on the property turns it into “multiple family residential”.

#### Access

Immediately to the south of the subject property is a shared driveway for the adjacent eight-unit duplex residential development. The driveway has a private access easement extending over it for the benefit of both that development and the subject property. (See Finding #3d below for a further explanation of the shared driveway.) A parking area is proposed to be constructed in the center of the subject property, and the short driveway in front of the existing duplex removed. All vehicular traffic to both the parking area on the subject property and to the adjacent residential development to the south would utilize this established shared driveway/shared access easement.

An unpaved public alley runs immediately to the north lot of the subject property, which is utilized by some of the single family lots on the opposite side of the alley. While vehicular access to the new buildings could be arranged through the alley, this would require significant upgrades to it, including widening and paving, to meet Transportation/Public Works and Fire Authority standards. Because of this and the already-established access easement on the existing adjacent driveway to the south, staff is supportive of accessing the property from the driveway to the south. The applicant has communicated the intention of utilizing this driveway to the property owners/residents to the south, who were also notified of the special review neighborhood meeting, and staff has not received comments on it.



#### Elevations

The new buildings will be two stories in height. They are of a modern design with neotraditional elements such as eaves, front porches, and a wainscot. Neutral beige/brown/grey colors are utilized in the lap siding, accent metal siding, stone veneer base, and shingle roof. Approximately half of the first floor will consist of garage, with the doors facing the interior of the lot and not visible from the adjacent public street. See Finding 3c below for a detailed description of the buildings.



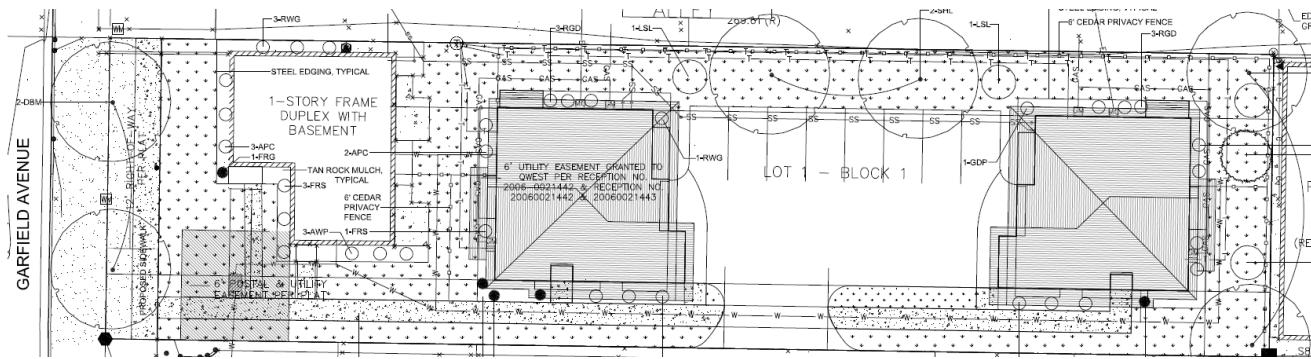
*Front and south elevations*



*North and rear elevations*

## Site and Landscape Plan

The existing two-family building faces Garfield Avenue and has no attached garage. The two new buildings will have front doors and garage doors facing each other (the interior of the lot), with the sides of the buildings facing north and south. The rear of one building will face the rear of the lot, and the rear of the other building will face the rear of the existing two family dwelling:



Since the site layout that treats the alley (north) side of the lot as a side yard, staff has sought the inclusion of a typical bufferyard along this lot line, with a 15 foot wide bufferyard next to the new buildings and a 14 ft wide bufferyard next to the parking lot, along with a 6 foot cedar privacy fence. A 15 ft bufferyard is included along the rear (east) lot line, where the adjacent property houses a glass

art studio. No bufferyard is required along the south lot line, where a similar residential development of two-unit buildings is situated, along with the shared driveway. The new buildings are positioned 15 feet from this lot line, with a walkway and grass situated in this space. Two street trees and turf grass have been added to the tree lawn along Garfield Avenue, which is currently unlandscaped. The existing duplex has legally nonconforming front and north side yard setbacks, which will not be impacted by this special review.

The minimum required two off-street parking spaces per unit is met through four garage spaces and an interior parking lot with eight spaces. See Finding #3e below for more details on parking.

## **V. KEY ISSUES**

The city's development review staff has not identified key issues associated with this special review application, nor were any voiced by neighbors at the neighborhood meeting.

## **V. BACKGROUND**

1906	The Lakeside Addition, which included the land of the subject property, was annexed into the city, with certain lot lines then amended in 1908. A single family house was constructed on the property, which was later converted to a duplex.
2004	The Lakeside Sixth Subdivision was approved for the property to the south of the subject property and established the shared private access easement/shared driveway on that property for the benefit of both it and the subject property.
2015	The Amended Plat of a Portion of Lot 16, Block 5, Amended Plat of Lakeside Addition, established the current boundaries of the subject property.
2017	The applicant submitted an application (#17-78) for Special Review #935 to allow a multifamily residential development on the subject property.

## **VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION**

- A. Notification:** A letter advertising the neighborhood meeting was sent out by the applicant on June 7, 2017 to all neighbors within the distance defined in Section 18.05 of the Loveland Municipal Code. Meeting notice signs were also posted on the property on July 7, 2017.
- B. Neighborhood Response:** A neighborhood meeting was held at 6:00 pm on June 22, 2017 in the Development Center. Three attendees were at the meeting along with city staff, the applicants, and the applicants' consultants. Questions from the neighborhood centered on the site and building design. Generally, the attendees indicated that they expected the subject property to be developed at some point and that the development proposed with this application was not objectionable. The majority of the

conversation at the meeting concerned the existing traffic volume and speed on the adjacent Garfield Avenue, but there was not a significant concern expressed that the proposed development would impact this.

#### **D. Project Schedule**

1. An application for Special Review #935 was filed with the Current Planning Division on April 27, 2017.
2. A neighborhood meeting for the amendment to the special review was held on June 22, 2017 in the City of Loveland Development Center. The owners of the property, two consultants, and three neighbors attended the meeting.
3. The staff preliminary findings and determination will be posted on July 3, 2017.
8. The public review period for the staff preliminary findings and determination is from July 3, 2017 to July 13, 2017.
9. The final findings and determination for the special review is anticipated to be posted on July 14, 2017 and the appeal period will be from July 14, 2017 to July 24, 2017.
10. If the special review is approved, the applicant will proceed to the submittal of the Site Development Plan application, including final civil construction plans, followed by Building Permit applications.

### **VII. FINDINGS AND ANALYSIS**

**Finding 1.** *That the proposed special review use meets the purposes set forth in Section 18.04.010 of the Loveland Municipal Code.*

The proposed addition of four residential units to the subject property, for a total of six units, would meet the purposes set forth in Section 18.04.010 of the Loveland Municipal Code and would not create unsafe or unhealthy conditions. The residential use of the property is not proposed to change, but instead increase in intensity. The existing residential two-family dwelling on the property does not appear to create safety or health concerns, and it is not expected that the addition of four more residential units will create concerns.

**Finding 2.** *That the effects of the proposed special review use on the surrounding neighborhood and the public in general will be ameliorated.*

The effects of this use on the surrounding property owners will be lessened through the site layout, landscaping, and screening of the project. The addition of two new two-unit buildings behind the existing two-unit building will have minimal visual impact from the adjacent roadway. The new buildings will be visible from the properties to north, but with the rear yard

of these properties and a public alley separating these houses from the new buildings, along with a solid wood fence and a landscape bufferyard along the north end of the subject property, the impact to the houses to the north is minimal. The new buildings will also be visible from the properties to south, but the buildings will be similar in style to those on the adjacent development to the south, and a 5 foot wide lawn followed by a sidewalk will separate the new buildings from the south property line. Additional vehicular traffic will utilize the shared driveway on the development to the south, but the increased traffic caused by the additional units is anticipated to be modest. The glass studio building on the property to the east is situated in close proximity to the shared property line, and the building, an existing fence, and the addition of a landscape bufferyard at this location will likely limit the visibility of the new buildings from the property to the east.

Three neighbors were in attendance at the neighborhood meeting. Concern was expressed about the existing volume and speed of traffic along the adjacent public street, but there was not great concern that the addition of four more residential units would have much of an impact on this. There were no specific concerns expressed about the proposal, with some support expressed for the improvement in the upkeep and appearance of the subject property that has occurred recently.

**Finding 3.** *That in assessing the potential effects of the proposed special review use, at a minimum, the following matters have been considered:*

**3a.** *Type, size, amount, and placement of landscaping;*

The landscape along the Garfield Avenue frontage, in front of the existing two-family residential building, will be improved through the addition of two canopy street trees and the planting of lawn grass where an existing driveway parking space is situated. A bufferyard averaging approximately 15 feet in width will be planted along the north property line and a bufferyard 15 feet in width will be planted along the east property line. While no bufferyard is required along the south property line, a lawn area and sidewalk is included at this location.

**3b.** *Height, size, placement, and number of signs;*

No new signage is proposed with the new buildings except for address signs. The address signs must meet the requirements of the Municipal Code and the Loveland Fire Rescue Authority.

**3c.** *Use, location, number, height, size, architectural design, materials, and colors of buildings;*

The design of the two new two-unit buildings is a departure from that of the existing two-unit building situated towards the front of the lot. That building was constructed as a one-story single family house and later converted to a side-by-side duplex. The new buildings will instead complement the newer two-unit buildings in the adjacent

residential development to the south. While not an exact match to these existing buildings, the new buildings are of a similar modern design with neotraditional elements, and are of a similar height, size, material, and roof pitch. The new buildings are proposed to utilize neutral beige/brown/grey tones, have a stone veneer wainscot, lap siding with accent metal siding, a shingle roof with eaves, and front porches.

**3d.** *Configuration and placement of vehicular and pedestrian access and circulation;*

Configuration of vehicular access and circulation is compliant with City standards. The subject property and the property to the south had previously been under common ownership, and when subdividing the property to the south, the developer at that time had arranged a shared private drive on the north end of the property to the south. A private access easement on this drive is for the benefit of both the eight-unit duplex development to the south and the subject property. Use of this shared private drive for accessing the subject property is supported by the city's Transportation Development Review (Public Works) Division. Thus, while the existing two-family dwelling currently utilizes a separate driveway that has a curb cut a little to the north of the curb cut for the shared driveway, this separate driveway will be removed, with all vehicular traffic to both the subject property and the adjacent residential development to the south utilizing the established shared driveway/shared access easement. Fire Authority staff have reviewed the site plan and have stated that their access and circulation needs are met with the proposal.

Pedestrian access is also compliant with City standards. There will be a walkway extending from the front doors of the units to public sidewalk along Garfield Avenue.

**3e.** *Amount and configuration of parking;*

The Municipal Code requires two off-street parking spaces per residential unit. The existing two-family unit has parking in a driveway, although the attached garage to which the driveway had previously lead had been converted to interior living space. This driveway is being removed in conjunction with the addition of the four units to the rear of the property. An eight-space parking lot is proposed to be situated between the two new buildings, and the residents of the existing two-family building can park in it, or on Garfield Avenue, which allows street parking adjacent to the subject property. Each of the new units will have a one-car garage, allowing on-site parking for a total of twelve vehicles.

The Code does not require guest parking for multifamily developments, although it is common for guest parking to be included with multifamily. Because of the modest number of units and the presence of adjacent street parking, staff does not consider guest parking to be needed with this development.

**3f.** *Amount, placement, and intensity of lighting;*

There is no existing or proposed lighting for the subject property except for small wall-mounted sconces near the entrance doors. A photometric plan was therefore not submitted.

**3g.** *Hours of operation;*

Not applicable for this development.

**3h.** *Emissions of noise, dust fumes, glare and other pollutants.*

Traffic noise is not expected to be a problem, as an existing shared driveway will be utilized to access the property and there is not going to be a large increase in traffic on it. The additional residential units are not expected to cause other noise, dust, glare, or pollutants.

**Finding 4.** *Except as may be varied in accordance with this special review permit, the special review site plan conforms to the restrictions and regulations set forth in the Loveland Municipal Code for the zoning district in which the special review use is located.*

The proposed special review meets this finding. The site plan meets the requirements of the R3e district with the exception of the legal nonconforming front and north side yard setback of the existing residential building on site. The civil construction plans submitted with the special review are preliminary, and will be refined to a final level of design on submittal of the Site Development Plan, which the applicant intends to submit if and when the special review is approved.

**Finding 5.** *The special review site plan meets the requirements set forth in the Section 16.41 – Adequate Community Services – of the Loveland Municipal code.*

**Transportation:** Staff believes that this finding can be met, due to the following:

- The number of dwelling units (6 total) being proposed along with shared use of an existing access on Garfield Avenue will have an insignificant impact on the public street system. A Traffic Impact Study (TIS) is not required.
- The use of the subject property pursuant to any of the uses permitted by right under the zoning district will not adversely impact any existing City infrastructure. A positive determination of adequacy for transportation facilities for the proposed application has been made.

**Fire:** Staff believes that this finding can be met, due on the following:

- The development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The Garfield Flats development will not negatively impact fire protection for the subject development or surrounding properties.

**Water/Wastewater:** This development is situated within the City's current service area for both water and wastewater. The existing duplex currently has City of Loveland water and wastewater service. Staff believes that this finding can be met, due to the following:

- The proposed development will not negatively impact City water and wastewater facilities.
- The proposed public facilities and services are adequate and consistent with the City's utility planning and provides for efficient and cost-effective delivery of City water and wastewater service.

**Stormwater:** Staff believes that this finding can be met, due to the following:

- This special review site plan complies with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140.

**Power:** This development is situated within the City's current service area for power. Staff believes that this finding can be met, due to the following:

- The proposed development will not negatively impact City power facilities.
- The proposed public facilities and services are adequate and consistent with the City's utility planning and provides for efficient and cost-effective delivery of City power.

The special review site plan meets the requirements set forth in Section 16.41.150 - Adequate Community Facilities of the Loveland Municipal Code.

## **VIII. CONDITIONS OF APPROVAL**

### **Transportation**

1. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).
2. The developer agrees to acquire and dedicate, at no cost to the City, any rights-of-way necessary for the required street improvements associated with this development.
3. Prior to the issuance of any building permits for Garfield Flats, 920 N Garfield, Loveland pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the Developer shall design and construct the following public improvements unless already designed and constructed by others:
  - a) The proposed 6 foot wide detached sidewalk as shown on the City approved Special Review Plans #935 for 920 N Garfield Avenue.
  - b) Close off the existing driveway curb cut at 920 N Garfield Avenue with new curb & gutter.
4. These Special Review Plans or any accompanying construction plan documents do not allow any construction within public street or alley rights-of-way. A separate City Street right-of-way (ROW)

Work Permit must be obtained at the City Project Engineering office (and approved by Project Engineering) prior to any repair or construction of sidewalk, curb and gutter, driveway accesses, or any other construction in City street or alley rights-of-way (this includes all items proposed in rights-of-way such as utility street cuts, sidewalk ramps, construction staging proposed in street, traffic control, landscaping, etc.).

### **Planning**

1. Before issuance of a Certificate of Occupancy by the city, the Developer shall install all landscape as shown on the approved landscape plans, unless financial security is filed by the Developer with the city to assure installation at a later date acceptable to the city.

## **IX. CORRECTIONS**

The applicant has expressed an interest in submitting a formal site development plan, with final civil engineering design and final landscape design, upon approval of the special review. Various minor corrections to the site plan, landscape plan, and associated civil construction plans may be needed to ensure the site development plan meets all code requirements. These corrections are not anticipated to impact the land use, site layout, and conditions that are under consideration with this special review.