

Julie Stackhouse, Chair
Adam Sass, Vice Chair
Russell Connelly
David Katz
Shirley Peel
Ted Shepard
York

Virtual Hearing
City Council Chambers
300 Laporte Avenue
Fort Collins, Colorado

Cablecast on FCTV, Channel 14 on Connexion &
Channels 14 & 881 on Comcast

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**Regular Hearing
November 21, 2024**

Chair Stackhouse called the meeting to order at 6:00 p.m.

Roll Call: Stackhouse, Connelly, Peel, York, Katz, Sass, and Shepard

Absent: None

Staff Present: Jarvis, Haigh, Kleer, Frickey, Myler, Beals, Stamey, Matsunaka

Chair Stackhouse provided background on the Commission's role and what the audience could expect as to the order of business. She described the role of the Commission and noted that members are volunteers appointed by City Council. The Commission Members review the analysis by staff, the applicants' presentations, and input from the public and make a determination regarding whether each proposal meets the land use code. She noted that this is a legal hearing, and that she will moderate for civility and fairness.

Agenda Review

Planning Manager Clay Frickey reviewed the items on the Consent and Discussion agendas stating all items will be heard as originally advertised.

Public Input on Items Not on the Hearing Agenda

None.

THE MOTION CARRIED.

(**Secretary's Note: The Commission took a brief recess at this point in the meeting.)

5. Land Use Code Update: State Requirements for Accessory Dwelling Units and Parking Regulations

PROJECT DESCRIPTION:

This is a request for a Recommendation to the City Council regarding an update to the Land Use Code. There are proposed revisions, clarifications, and organizations to the Code that address specific areas that are the subject of two State House Bills passed earlier this year. HB24-1152 requires the ability to build an ADU in more areas of the city, and HB24-1304 removes the minimum parking requirements for new multi-unit and residential mixed-use development. Items considered clean-up to the code are also included.

APPLICANT:

City of Fort Collins
300 Laporte Ave
Fort Collins, CO 80524

STAFF ASSIGNED:

Noah Beals, Development Review Manager

Staff Presentation

Noah Beals, Development Review Manager, stated this item relates to two State House Bills passed earlier this year, one that requires jurisdictions to allow accessory dwelling units (ADUs) anywhere a single-unit house could be built or where a single-unit house exists. Additionally, all restrictive standards that would prohibit an ADU from being built must be eliminated, no additional parking spaces need to be required for an ADU, and ADU applications are only to be reviewed by government staff and shall not be deferred to elected or appointed public bodies, including a hearing officer. The Bill does allow for restrictions on the use of ADUs for short-term rentals, for a statement to be made by the Historic Preservation Commission, and for the water service provider to provide a letter related to water service in the area.

The second House Bill eliminates minimum parking requirements for multi-unit and residential mixed-use developments. However, if parking is provided, jurisdictions can still require design standards for the parking area.

Beals outlined additional Code changes that are necessary due to the state regulations. He stated staff is recommending the Commission recommend approval of the proposed Code changes to City Council.

Commission Questions

Commissioner York asked if there is a limit to one ADU per property. Beals replied that is the proposal with the Code changes.

Commissioner Sass asked if there is a requirement for making the change to Section 4.3.1(A)(2). Beals replied the proposed Code language for that section is not necessarily required by the State House Bill, but is intended to help ensure the ADUs that are built, built and used safely.

Commissioner Shepard noted there was previously a provision in the Land Use Code that allowed for the extension of water and sewer service to an ADU, but that has now been moved to the Municipal Code. Beals confirmed that change.

Commissioner Shepard asked about the standards related to the ADU being subordinate to the principal dwelling. Beals replied there are some floor area requirements for ADUs to ensure they are within the state statute to limit the size to 750 square feet, and they cannot be taller than the existing primary structure.

Commissioner Shepard asked about the difference in building permit fees between an accessory building with habitable space without water and sewer and an ADU with water and sewer. Beals replied capital expansion fees are associated with a dwelling unit, and those can be \$10,000-\$15,000.

Commissioner Sass asked how many accessory buildings currently exist in the city. Beals replied he did not have that exact number.

Commissioner Sass asked if there is a concern that more accessory buildings will be built but not utilized as dwelling units, which is the goal of the state legislation. Beals replied the current Code restricts how many ADUs can be built, but does allow for accessory buildings with habitable space to be built. The proposed Code changes are designed to ensure ADUs are built and used correctly and safely.

Commissioner Shepard asked if a fire suppression system would be required if the ADU is detached. Beals replied that is probably dependent on distance to a fire hydrant.

Commissioner Shepard asked if a basement could be converted to an ADU. Beals replied in the affirmative and noted it would require a separate exterior entrance or vestibule.

Chair Stackhouse asked if there would be a way to address the safety concerns by defining an ADU as being used for overnight occupancy. Assistant City Attorney Jarvis replied she believed that would be possible.

Beals stated staff would be willing to revise the piece related to Section 4.3.1(A)(2) for consideration at a later date.

Public Comment

None.

Commission Questions / Deliberation

Commissioner Connelly expressed concern about Section 4.3.1(A)(2) and supported removing it from consideration at this time. Commissioner Sass concurred.

Commissioner Shepard asked how the public has been notified about these changes. Beals replied all Planning and Zoning Commission meetings are publicly noticed, though no additional public outreach as occurred.

Commissioner Peel also concurred with removing the Section 4.3.1(A)(2) changes at this time.

Commissioner York also concurred.

Commissioner Sass asked how to deal with a situation in which a garage is converted into an ADU and street parking is not available. Beals replied the State Bill grappled with that, but ultimately decided the priority is more housing.

Commissioner Sass expressed concern about the parking situation.

Commissioner Shepard asked if parking maximums have been considered. Beals replied that possible change is being considered for the next phase of Land Use Code updates.

Chair Stackhouse also concurred with the removal of the Section 4.3.1(A)(2) changes at this time.

Members discussed full living amenities which include living, sleeping, eating, cooking, and sanitation.

Commissioner Shepard suggested examining a tiered capital expansion fee system based on square footage.

Commissioner Connelly made a motion that the Fort Collins Planning and Zoning Commission recommend that City Council approve the proposed amendments to the Land Use Code Article 2, Zone Districts, Sections 2.1.2, 2.1.3, 2.1.4, 2.1.5, 2.1.6, and 2.2.1, Article 3, Building Types, Sections 3.1.6, 3.1.7, 3.1.9, and 3.1.10, Article 4, Use Standards, Sections 4.2 and 4.3.1(A)(1), Article 5, General Development and Site Design, Sections 5.9.1 and 5.10.3, Article 6, Administration and Procedure, Sections 6.4.3 and 6.21.4, and Article 7, Rules of Measurement and Definitions, Section 7.2.2, finding that the proposed revisions, clarifications, and organizations to the Land Use Code are needed to comply with two State House Bills, HB24-1152, which requires the ability to build an accessory dwelling unit in more areas of the city, and HB24-1304, which removes the minimum parking requirements for new multi-unit and residential mixed-use development. The proposed amendments will promote the public welfare and will be consistent with the vision, goals, principles, and policies of City Plan and the elements thereof. This decision is based upon the agenda materials, the information and materials presented during the work session and this hearing, and the Commission discussion on this item. The Commission hereby adopts the information, analysis, findings of fact, and conclusions regarding this Land Use Code update contained in the staff report included in the agenda materials for this hearing.

Commissioner York provided a friendly amendment to also include Section 4.3.1(B). Commissioner Connelly accepted the amendment.

Commissioner York seconded the motion. Yeas: Sass, Katz, Shepard, Peel, Connelly, York, and Stackhouse. Nays: none.

THE MOTION CARRIED.

For more complete details on this hearing, please view our video recording located here:
<https://www.fcgov.com/fctv/video-archive.php?search=PLANNING%20ZONING>

Other Business

None.

Adjournment

Chair Stackhouse moved to adjourn the P&Z Commission hearing. The meeting was adjourned at 8:26 pm.

Minutes respectfully submitted by Melissa Matsunaka

Minutes approved by a vote of the Commission on: January 16, 2025.