COMMUNICATION

TO: Chairperson and Members of the Planning Commission
FROM: Matt Blakely, Town Planner
SUBJECT: Harmony Subdivision Zoning Map Amendments and PD Overlay Zoning Amendments
DATE: Wednesday, May 8, 2013

ISSUE / BACKGROUND

Owner: Harmony, LLC
Applicant: Byron Collins, Harmony, LLC

Application Type: Rezoning
Case Number: RZ-2013-001

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Date</th>
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<tr>
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<td>1/22/13</td>
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<td>Acceptance of Application</td>
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<td>1/24/13</td>
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<td>Referral Agency Notification</td>
<td>Referral comments were due by 2/15/13.</td>
<td>1/29/13</td>
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<td>Comments Issued</td>
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<td>Revised Zoning Map Submittal</td>
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<td>4/15/13</td>
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<tr>
<td>Notice Posted</td>
<td>Public Hearing Notice posted at Town Hall, Timnath Post Office, Town of Timnath website, property posting and mailing to adjacent property owners</td>
<td>4/30/13</td>
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<td>Planning Commission</td>
<td>Public Hearing</td>
<td>5/8/13</td>
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<td>Town Council</td>
<td>1st Reading of Rezoning Ordinance</td>
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<td>Town Council</td>
<td>Public Hearing and 2nd Reading of Rezoning Ordinance</td>
<td>5/28/13</td>
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Legal Description/Address: All of Harmony Subdivision

Parcel Size (Acres): Rezoning: 642.929 Total Acres

Number of Lots: Residential/Commercial: N/A

Existing Zoning: R-E and MU Districts with a PD Overlay
Proposed Zoning: R-E and MU Districts with a PD Overlay

Existing Land Use: Residential, Mixed-Use and Golf Course
Proposed Land Use: unchanged
SERVICES:

Water: Fort Collins – Loveland Water District
Sewer: South Fort Collins Sanitation District
Fire: Poudre Fire Authority
Special Districts: Within Timnath Development Authority Boundaries

Adjacent Zoning/Land Uses:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>FA-1 (County) District</td>
<td>Farming</td>
</tr>
<tr>
<td>South</td>
<td>C-2 Community Commercial, MU Mixed Use and FA-1 (County)</td>
<td>Vacant/Farming</td>
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<tr>
<td>East</td>
<td>RMU Residential Mixed-use District (Town of Windsor)</td>
<td>Vacant/Farming</td>
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<tr>
<td>West</td>
<td>MU Mixed Use, R-2 Single Family Residential, and R-E Estate Residential Districts</td>
<td>Vacant/Farming</td>
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Application Description:

**History:** The 642-acre Harmony Subdivision was originally annexed to the Town of Timnath in 2004 as the Nelson Property. The parcel was originally zoned R-E Estate Residential with a Planned Development Overlay and MU Mixed Use.

The Preliminary Plat was approved for a total of 515 single-family lots, an 18-hole golf course, and mixed-use tracts.

The First Filing Final Plat was approved in June, 2005 with a total of 73 single-family lots. At that time a PD Overlay Amendment was also approved allowing specific exceptions to lot sizes and setbacks for the lots associated with the First Filing.

The Second Filing Final Plat was approved in April, 2006 with a total of 121 single-family lots. At that time the PD Overlay was amended to allow specific exceptions to the setbacks related to the second filing lots.

In October, 2006 an additional amendment to the PD Overlay Zoning was approved to allow a maximum lot coverage of 35%.

In June, 2007 the PD Overlay Zoning was amended to allow additional exceptions to the setbacks and lot coverage for the first and second filing lots.

**Proposed Actions:** The applicant is proposing amending the Town of Timnath Zoning Map by adjusting the MU/R-E zoning boundaries to more closely align with the existing platted parcels (see the attached Rezoning Map). The current zoning boundary between these two zoning districts bisects existing parcels and proposed parcels.

Additionally, the existing Planned Development (PD) Overlay zoning district is being amended to account for exceptions to the setback and dimensional standards that will apply to the Third and Future Filings within the R-E zone district (see the attached PD Overlay Exceptions Map).

Specific PD Overlay Exceptions (in addition to the previously approved PD Overlay Exceptions outlined above) include:
R-E Zone | Filing 3 PD Exceptions | Filing 4 and Future Filing PD Exceptions
---|---|---
Minimum Lot Area: | 1 acre | 0.16 acre | 0.21 acre
Minimum Lot Width at House Setback from ROW: | 140 feet | 60 feet | 60 feet
Minimum Distance Between Buildings: | 40 feet | 10 feet | 10 feet
Street Continuity Max. (Town Standard): | 660 feet | 850 feet | 1,200 feet

**Lot Coverage.** Lot Coverage is defined as the ratio between the lot area located under a solid roof and the entire lot area. Lifestyle home lots, defined as any lot that is part of an enclave with a separate Home Owner’s Association (HOA) responsible for commonly maintained but individually owned areas of each lot (i.e. maintenance-free), will have a maximum lot coverage of 60%. A maximum lot coverage of 50% applies to all single-family estate lots for the Harmony PD. The following table provides a listing of which lots are lifestyle home lots, with a maximum 60% lot coverage and which are single-family estate lots, with a maximum 50% lot coverage for Filings 3, 4 and any future filings.

**Harmony Lot Coverage; Filings 3, 4 and any Future Single-Family Residential Filings.**

<table>
<thead>
<tr>
<th></th>
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<td>Lifestyle Home Lots</td>
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**Block Diversity and Garage Orientation /Placement Standards.** All Single-Family Estate Lots and Lifestyle Home Lots within all Filings of the Harmony Subdivision shall be exempt from the Land Use Code requirements in Section 16.2.18.C.6 for garage orientation and placement standards and Section 16.2.18D requiring a Block Diversity Plan.

Harmony has strict architectural control and design covenants developed to maintain the intent and design of the community. These covenants dictate architectural control while providing the most flexibility to the homeowner. Homes within Harmony shall include a variety of design elements including the use of building projections, exterior building materials, garage integration and orientation, wall articulation, recesses, tiered building masses, as well as the use of columns and posts, decks, patios, and terraces.

In order to ensure a consistent, high quality and integrated design throughout all phases of the Harmony community, a design review process has been established to review Site Planning, Architecture, and Landscape design for conformance with the Harmony Design Guidelines. The Harmony Design Review Committee (DRC) shall review and approve all proposed house plans and submittal documents prior to the submission of a building permit application to the Town of Timnath. Any exceptions to this must be granted in writing from the DRC.

All Single-Family Estate Lots and Lifestyle Home Lots within all Filings of the Harmony Subdivision shall be exempt from the Land Use Code requirements in Section 16.2.7.B.2.h which requires a maximum driveway access of no greater than 20 feet in width. The maximum permitted driveway access width shall be no greater than 30 feet and the Site Plan for each lot shall be reviewed and approved by the Harmony DRC prior to submission of a building permit application to the Town of Timnath.

**Street Continuity.** Street Continuity is defined in the Larimer County Urban Area Street Standards as the continuous length of a roadway segment that is uninterrupted by 90 degree turns or controlled intersections. The adopted Town standard is a maximum of 660’ between intersections. Due to the topographic features of the site as well as the open space features and to help provide for greater
efficiencies in the design of the neighborhoods, street lengths in excess of the 660’ standard are being requested.

**Land Use:** These Rezoning applications were reviewed against the Timnath Land Use Codes and Timnath Comprehensive Plan to ensure conformity. Upon completion of this review, staff has determined that all necessary elements of the Land Use Code have been adequately addressed for these applications.

**Future Approvals/Processes:** We are concurrently processing the review of a Preliminary Plat application for all of Harmony Subdivision and Final Plat applications for the Harmony 3rd and 4th Filings.

**Review Criteria/Recommendation:**
This application was submitted as a complete and comprehensive application and adequately addressed all elements required to proceed with the approval process. Upon review of this application by all referral agencies and applicable ordinances, regulations, standards, criteria, and policies, all criteria set forth in Section 16.3.10.D of the Timnath Land Use Code (Tab 13, Rezoning Evaluation Forms, of the Planning Commission Manual) have been met and staff recommends approval.

**Criteria for Amendments to the Official Zoning Map and PD Overlay Amendments:**
The Land Use Code provides for six criteria or conditions that justify the rezoning of the property. The following is a list of those criteria and the applicable condition in this case:

1. To correct a manifest error in an ordinance establishing the zoning for a specific property;
   
   The Town’s adopted Zoning Map indicates that the boundary between the MU and R-E Zoning Districts is as it was when originally annexed and zoned. These lines reflect the original plans submitted and approved at that time and were diagrammatical. Since that original zoning designation, the property has been platted slightly different from the original plan and this zoning request will better align the zoning boundaries to the plat.

2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally; or
   
   Not applicable.

3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town Comprehensive Plan; or
   
   Not applicable.

4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Town Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; or
   
   Not applicable.

5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
   
   Not applicable.

6. A rezoning to Planned Unit Development overlay district is requested to encourage
innovative and creative design and to promote a mix of land uses in the development.

A Planned Development Overlay district amendment is being requested to account for the future platting of the property that was not included in the original PD Overlay or subsequent prior amendments.

Referral Comments:
- **Not Returned**: Great Western Railroad, Poudre Fire Authority, Timnath Finance Department, Poudre River Public Library District, Poudre School District, Qwest Communication, Timnath Attorney, Timnath Public Works, Xcel Energy.
- **Returned with No Comments**: Fort Collins – Loveland Water District, South Fort Collins Sanitation District, Timnath Police Department, Safebuilt, ComCast, AT&T Communication, Timnath Engineering (TST), Timnath Planning.
- **Returned with Comments**: All Comments have been adequately addressed.

ATTACHMENTS:
1. Town of Timnath Adopted Zoning Map
2. Harmony Subdivision – Zoning Map
3. Harmony Subdivision – PD Overlay Exceptions Map
4. PD Overlay Narrative

RECOMMENDED MOTION

Rezoning

Finding that a complete application was submitted and reviewed in accordance with all applicable Town regulations, the application conforms with the mission and goals of the Timnath Comprehensive Plan, and all criteria outlined in Section 16.3.10.D of the Timnath Municipal Code have been met, I move to recommend approval of the Harmony Subdivision Zoning Map Amendments and Harmony Subdivision PD Overlay Amendments as presented in the Planning Commission Communication to the Timnath Town Council.
Harmony Subdivision
Town of Timnath, Colorado

PD Overlay Amendment
Written PD Description

January 22, 2013

Harmony, LLC
Timnath, Colorado
“Harmony” was annexed into the Town of Timnath in December 2004 prior to the Town’s adoption of any formal codes and anomalies exist between the current development within Harmony and the Town’s current Land Use Code and design standards. As stated in the “Amended and Restated Annexation and Development Agreement” (item 23F under Vested Property Rights) the Town and Property Owner/Developer acknowledge that there are various irregularities and non-conforming residential improvements now existing on the Property such as, but not limited to, front yard courtyard walls, auto courtyards with courtyard walls, lot coverage percentages, side yard setbacks, front loading garages, large acreage estate lots, and the like. The irregularities and non-conforming residential improvements within the Property were accepted and approved by the Town at the time of the Agreement. Also, as stated in the Agreement, the Town shall not deny building permits for residential improvements within the Property in the future solely based upon similar non-conforming aesthetic irregularities so long as such irregularities: (i) do not adversely impact public health and safety, (ii) are reasonably harmonious with the existing residential improvements within the Property, and (iii) are approved by the Design Review Committee of the homeowners association for the Property. It is the overall intent of this PD Overlay Amendment to carry forward with these same design standards throughout the balance of the Harmony neighborhood as the previous filings were permitted.

The Harmony Subdivision is zoned R-E (Estate Residential) and MU (Mixed Use) allowing a variety of residential, commercial and business uses as well as a world class golf club and course with a Planned Development (PD) Overlay District overlaying the entire property. The intent and purpose of the PD Overlay District is to permit and encourage innovative design and high quality, master-planned developments on large parcels of land. The PD Overlay District is also intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. The PD Overlay District allows the Harmony Subdivision to preserve critical environmental resources, provide vast amounts of open space and recreational amenities, include exceptional design, and provide greater efficiencies in the layout and provision of roads, utilities and other infrastructure.

With the approval of the First and Second Filings of the Harmony Subdivision, zoning exceptions have been approved for the PD Overlay District. These exceptions to the standard R-E zone district allowed for a smaller minimum lot size, a reduced minimum front, rear, and side yard setbacks, and a reduced minimum distance between buildings as well as an exception to the lot coverage ratio based on the type of home product. As approved by the Town Council, many of these exceptions apply to the entire project including the Third, Fourth, and all future filings.

This current submittal requests that additional specific exceptions be applied to the Third Filing, Fourth Filing, and all future filings whose lots have or will be platted for which specific exceptions can be determined. Included in this exception would be identifying the lot coverage ratio for each phase.
**Subdivision Regulation Exceptions (in addition to the previously approved PD Overlay Exceptions)**

Zoning, Land Use and Design Standards that Filings 3 and 4 as well as future filings vary from are listed below:

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The following table provides a listing of which lots are lifestyle home lots, with a maximum 60% lot coverage and which are single-family estate lots, with a maximum 50% lot coverage for Filings 3, 4 and any future filings.

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**Block Diversity and Garage Orientation/Placement Standards**

Harmony by virtue of the neighborhood being a custom home community, will be exempt from the Land Use Code requirements in Section 16.2.18.C.6 for garage orientation and placement standards and Section 16.2.18.D requiring a block diversity plan.

**Street Continuity.** Street Continuity is defined in the Larimer County Urban Area Street Standards as the continuous length of a roadway segment that is uninterrupted by 90 degree turns or controlled intersections. The adopted Town standard is a maximum of 660’ between intersections. Due to the topographic features of the site as well as the open space features and to help provide for greater efficiencies in the design of the neighborhoods, street lengths in excess
of the 660’ standard are being requested. Note that the Preliminary Plat that was approved by the Town in 2007 has numerous streets that exceed this standard.

A safety concern is typically associated with the longer distance between streets with the possibility of traffic cutting through neighborhoods without any traffic calming devices in place. The street and lot layouts of the proposed neighborhoods discourage and in some cases eliminate the possibility of this concern and stop signs will be placed at all intersections that exceed the 660’ standard to slow and stop traffic as it moves through the neighborhood.

**Justification and Benefits Provided.**

The Town of Timnath Land Use Code provides for the PD Overlay Zone District to permit and encourage innovative design and high quality, master-planned developments on large parcels of land. The PD Overlay District is also intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. Harmony provides a high quality master-planned community, offering a unique lifestyle to its residents. Some of the unique features include low densities, a future mixed-use component, a championship golf course and club house, significant topographic variety, and large amounts of open space. In order to take advantage of the approximately 57% of the site which is open space, lots are clustered and reduced in size from codified one acre lots as defined in typical R-E zoning. Although Harmony varies from the underlying strict R-E zoning standards, the PD Overlay district allows Harmony to provide a model example for the Timnath Land Use Plan goals for the area. The PD Overlay District exceptions that allow the Harmony development reductions in setbacks and lot sizes, the lot coverage maximums as well as the increase in the street continuity are all land planning features that have made Harmony the premier neighborhood and community in Northern Colorado. Noted benefits include:

- Harmony has a very low density with less than 1 dwelling unit per acre. This has been a constant from the very first planning stages and is consistent with the underlying R-E zoning.
- With the golf course and open space tracts, there are vast amounts of open space. The lots have been clustered and the streets have been designed to blend in with the natural characteristics of the land. This community is an excellent example of utilization of site topography, natural features and vegetation. The street and lot layouts are designed to enhance and compliment the landform, with walkouts and exceptional views of the Front Range.
- Every lot backs to open space and/or the golf course and in some cases both. Visually the overall effect is a very open neighborhood even with the reduced setbacks and proposed increases in lot coverage.
- The Harmony development has strict architectural control and site design covenants developed to maintain the intent and design of the community. These covenants dictate architectural control while still providing the most flexibility to the homeowner. Homes within Harmony incorporate a variety of covered outdoor living spaces, entry features, patios and oversized garages. These elements enhance the livability of the home while maintaining significant visual interest as viewed from the
street but increased the overall roofed square footage resulting in a higher lot coverage percentage.

Compliance with the Town Municipal Code

The applicant believes that the proposed exceptions to the PD Overlay District meet the intent of the Town of Timnath’s Land Use Code for the following reasons:

A. Promotes a compact, well-defined sustainable neighborhood that enhances the Town’s character.
B. Creates livable neighborhoods that foster a sense of community.
C. Provides for innovative, quality site design, architecture and landscaping.
D. Encourages the proper arrangement of streets in relation to existing and planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
E. Provides for a variety of sizes and housing types.