

**Verbatim Transcript of
Planning and Zoning Board
Hearing, June 16, 2011**

HEARING OF THE PLANNING AND ZONING BOARD

CITY OF FORT COLLINS

Held Tuesday, June 16-17, 2011

City Council Chambers

200 West Laporte Street

Fort Collins, Colorado

In the Matter of:



The Grove Project Development Plan, 16-10B

Meeting time: 6:10 p.m., June 16, 2011

to 2:45 a.m., June 17, 2011

BOARD MEMBERS PRESENT:

Butch Stockover, Chair
Jennifer Carpenter
Gino Campana
David Lingle
Brigitte Schmidt
Andy Smith

1 MR. CAMPANA: Yes.
2 THE CLERK: Schmidt.
3 MS. SCHMIDT: No.
4 THE CLERK: Stockover.
5 CHAIRMAN STOCKOVER: Yes.

End of
ODP

6 So the ODP has been approved. And now we'll move
7 on to item 4. The PDP.

8 So -- I'm sorry. I was pausing here. I was
9 pausing and just thinking again. First is the staff report.
10 Then the applicant presentation. And we have heard a lot of
11 the PDP. We understand that. If there are points that both
12 staff, the applicant, and the audience need to reaffirm, I
13 do understand that.

14 If it has totally been said once, we understand
15 that -- refer to it again and say, as before, these are my
16 concerns. Because this is all fresh in our mind. We do
17 want to, you know, be somewhat fresh when we're making this
18 decision, because I feel this is probably, in my mind, the
19 more important of the two.

20 So I would like to be able to move through this
21 whole issue tonight. So with that said, if the staff would
22 give us their presentation on what you feel is pertinent and
23 for us to make the decision on the PDP. Because we have a
24 pretty good understanding of the whole project already.

25 MR. ECKMAN: Mr. Chairman, I do think it's

1 important that we do hear both issues tonight if at all
2 possible, because we don't want separate projects going to
3 City Council on appeal on different timing tracks. It would
4 be nice if they would both go at the same time.

5 CHAIRMAN STOCKOVER: Well, I think we owe it both
6 to the audience and to the applicant to do that tonight.

7 MR. OLT: Quickly, though, before I make my short
8 presentation, because we had talked about this. We had
9 certainly said that there would be, you know, two separate
10 presentations, which there is, obviously. You have now
11 discussed and taken a vote on the ODP.

12 But I think we had also somewhat said, almost
13 advertised, that there would be some sort of a break -- I
14 realize the hour, but some sort of a break between the two.
15 So I'm ready to move forward. I just want to make sure the
16 public is okay with moving directly into the PDP without a
17 break that we had essentially talked about.

18 MR. ECKMAN: No, we had -- we just had our break.

19 MR. OLT: I understand that. We just finished
20 with the ODP too.

21 CHAIRMAN STOCKOVER: If we keep on schedule, we'll
22 have our next break at about 11:15.

23 MR. OLT: Okay. With that, I will again get into
24 a very -- a very short presentation, because again, the PDP,
25 the staff review, evaluation, and recommendation to the

1 Board has all been covered thoroughly in the staff report to
2 you. It has been provided to you and the public. It's been
3 available to everyone. So in essence, I'll do a very
4 truncated version of this so that we can get into the
5 discussion.

6 This is The Grove at Fort Collins Project
7 Development Plan Number 1610B. It's a request for a
8 multifamily residential student housing project, containing
9 a total of 218 dwelling units. 210 units would be in 11
10 peer residential buildings, and 8 units would be in the
11 clubhouse mixed-use building.

12 I want to -- at this point in time, I want to say
13 that out of the 218 dwelling units, there is a mix of two-,
14 three-, and four-bedroom dwelling units. There are proposed
15 to be 18 four-bedroom dwelling units, and we'll briefly talk
16 about that relative to Section 3.8.16 in a minute.

17 But the site is located at the southwest corner of
18 Centre Avenue and existing Rollie Moore Drive, directly
19 south of The Gardens at for Spring Creek in the Centre for
20 Advanced Technology.

21 Rollie Moore Drive would be aligned on the
22 southerly portion of the subject property and extend east
23 from the existing terminus, approximately 800 feet east of
24 South Shields Street to connect with Centre Avenue just to
25 the north of Larimer Canal Number 2.

1 There would be 403 parking spaces on site, 96
2 parallel parking spaces on the proposed public local street,
3 and 128 parallel parking spaces on the public commercial
4 street, and Rollie Moore Drive being a public collector
5 street. Collector or connector. I think engineering will
6 have to verify that.

7 The property is 27.5 acres in size, located in the
8 MMN medium density mixed use neighborhood and E employment
9 zoning districts.

10 So to get us into discussion, I will go
11 immediately to the staff's findings of facts and
12 conclusions.

13 The PDP has been determined to be in conformance
14 with the amended CSURF Centre for Advanced Technology
15 Overall Development Plan. The proposed land use is
16 permitted in the MMN medium density mixed use neighborhood
17 district. The proposed land use is permitted in the E
18 employment district as a secondary use, the residential use.

19 The proposed -- proposal complies with the
20 requirements set forth in Section 3.3.3(a)(4) in that all
21 measures proposed to eliminate, mitigate, or control water
22 hazards relating to flooding or drainage have been reviewed
23 and approved by the water utilities general manager.

24 The Project Development Plan complies with the
25 applicable general development standards with the following

1 exceptions. Section 3.6.3(f), the utilization provision,
2 subarterial street connections to and from adjacent
3 neighborhood developments and developable parcels. The
4 section requires that the development plans provide for
5 future street connections to adjacent developable or
6 redevelopable lands at intervals not to exceed 660 feet.

7 The applicant submitted an alternative compliance
8 plan request that does not include street connections to
9 adjacent properties to the north, which would have been the
10 Northerland Drive connection to Gilgalad Way, or to the
11 south due to existing wetlands and the Larimer Canal Number
12 2 posing obstacles to possible connections.

13 The request is to be considered by the Planning
14 and Zoning Board based on the criteria set forth in
15 3.6.3(h), alternative compliance. Staff finds that the
16 Alternative Development Plan accomplishes the purposes of
17 Section 3.6.3(f) equally well or better than a plan that
18 would meet the standard and that any reduction in access and
19 circulation for vehicles, maintains facilities for
20 bicycle-pedestrian transit to the maximum extent feasible
21 for the following reasons.

22 The Alternative Development Plan will provide
23 enhanced bicycle-pedestrian connectivity within the amended
24 ODP -- and that actually should say PDP -- the pedestrian
25 and bicyclist will be able to access parks, recreation

1 opportunities, schools, commercial uses, and employment uses
2 within the mile section. The streets that are being
3 proposed in the Alternative Development Plan will distribute
4 traffic without exceeding level of service standards.

5 And lastly, the Alternative Development Plan
6 eliminates negative impacts to high-quality wetlands, avoids
7 constricting important drainage way, eliminates impacts to
8 the FEMA floodway, and avoids negative impacts to natural
9 habitats and features associated with the designated
10 wildlife corridor along the Larimer Canal Number 2.

11 The Project Development Plan satisfies Section
12 3.8.16(e)(2) -- this is the one dealing with the
13 four-bedroom units -- in that the applicable criteria of the
14 Land Use Code has been satisfied that the project provides
15 adequate open space and recreational opportunities with a
16 large clubhouse facility, pool complex, basketball court,
17 volleyball court, parking areas, and public facilities as
18 necessary to support the proposed 18 four-bedroom units and
19 protect the occupants of the development and the adjacent
20 neighborhoods.

21 The Project Development Plan complies with the
22 applicable standards of Article 4, Division 4.6, MMN medium
23 density mixed use neighborhood district of the Land Use
24 Code. However, there is a discussion in the staff report
25 dealing with the block structure. And again, this is the

1 one where there conceivably could be considered to be three
2 blocks in this Project Development Plan.

3 The one true classical block is the one that is
4 surrounded -- and I probably should get -- the classical
5 block in here is Block 2, and we'll get to a block diagram
6 eventually. I'm sure the applicant will be presenting that.
7 But Block 2 is the one that is completely surrounded by
8 public streets.

9 The one in the middle containing buildings 8
10 through 12 has a public -- Rollie Moore Drive being a public
11 collector street to the south, a public commercial street
12 along the east side, and a public local street along the
13 north and west side.

14 So that clearly satisfies the size. It's 4.7
15 acres in size. It is completely surrounded by public
16 streets. It satisfies the block face requirements and the
17 maximum height of three stories.

18 Blocks -- the potential Blocks 1 and 3 -- we'll
19 get to that diagram in a little bit -- would satisfy the
20 criteria except for the block structure, in that there are
21 gaps along the -- basically along the west end of Block 3,
22 which I believe is the one on the -- potential block on the
23 south side of Rollie Moore Drive. However, there is
24 existing development there that would make that -- the
25 street connection infeasible.

1 The other potential Block 1, which is on the north
2 side of Rollie Moore Drive, it contains, really, land that
3 is not proposed to be developed. It's pretty much open
4 space, wetlands, and floodplain/floodway, and that has
5 existing development to the north and to the west. So that
6 block, also, it's infeasible to satisfy the feature for a
7 block that's set forth in Section 4.6(e)(1)(a) of the Land
8 Use Code.

9 And then finally, the Project Development Plan
10 complies with the applicable development standards of
11 Article 4, Division 4.27(e) and employment zoning district
12 to the Land Use Code.

13 Staff is recommending approval of The Grove
14 Project Development Plan based on the preceding findings of
15 fact and conclusions that have just been read.

16 With that, I complete my presentation.

17 CHAIRMAN STOCKOVER: Thank you. Questions of
18 staff?

19 Not at this point. We're ready for the applicant
20 presentation, please.

21 MS. RIPLEY: Thank you, Chairman Stockover,
22 members of the Board. Linda Ripley, Ripley Design, Inc.
23 Again, here tonight representing Campus Crest.

24 A few additional people will be joining our
25 presentation beyond the ones that joined in the ODP. In

1 addition tonight, we have Josie Plaut, with the Institute
2 for the Built Environment; will speak briefly about the
3 changes to the building architecture and the process that
4 they had worked with Campus Crest on. We do have Mike
5 Phalen with Cedar Creek with us tonight. We've got Kevin
6 Miller, our groundwater engineer. Tom Hatten, our
7 geologist. And Mike Coley, our Earth Engineering
8 Consultants.

9 So we've got a full boat of people to ask some
10 very -- that you can ask very technical questions of. But
11 I'm going to give you an overview of the ODP, and then we'll
12 be available for questions.

13 So I want to start with the site. This is Parcel
14 C as it -- in the context of all the existing land uses
15 around it, and then the next slide is where we were. I'm
16 going to walk you through a history of where we've been with
17 this PDP.

18 The first time we brought this project to you was
19 October 21st, last year. And the project -- the plan looked
20 like this. We had buildings that encroached into wetlands,
21 requiring wetland mitigation areas to the north. We had
22 buildings placed in a tight courtyard concept with parking
23 around the perimeter. The total site area was about 23
24 acres at that time.

25 We requested four modifications; one to the block

1 standard, one for orientation to connecting walkways,
2 another one for the parking stall width on Rollie Moore
3 Drive -- we were asking it to be narrower -- and I think
4 those -- oh, and the building setback along Rollie Moore
5 Drive was the fourth modification.

6 That meeting ran very late, kind of like this one.
7 The modification for the block standard was ultimately
8 denied, kind of at the last minute. I believe it was about
9 1:00 a.m. We requested a continuance to reexamine the block
10 standard issue. We came back to the Board on November 18th
11 with this plan.

12 So there was some changes to it. We came back
13 with enhanced public ways that sort of guided people through
14 the community here on detached sidewalks that were
15 tree-lined and tried to get at what the block standard tries
16 to -- tries to create. It tries to create walkable blocks
17 in the neighborhood so you can walk through a neighborhood
18 and sort of understand the direction that one would go to
19 get through it and out of it in a pleasant way.

20 We thought we did that with this plan. We also
21 addressed some other concerns that the Board had. We
22 provided some additional parking to the east of the project
23 to get parking distributed a little bit better. And we
24 added a trash enclosure on the south side of Rollie Moore
25 Drive. The same modifications were requested, however. We

1 were still requesting those modifications, and that evening,
2 the plan was denied.

3 So the team went back to the drawing board. We
4 took a fresh look at the whole project with our client and
5 decided to do our best to come up with a project that did
6 not require any modifications. And we believe we were
7 successful in doing that. The project that we have before
8 you tonight doesn't require any modifications. It meets the
9 Land Use Code as presented.

10 The differences. I'll try to be pretty quick.
11 This plan added about four and a half acres of land to the
12 west, which allowed us to avoid encroachment into the
13 wetland and to reduce the density. So we're no longer
14 having buildings in this area. We're completely out of all
15 the wetlands.

16 The project has a gross density of 7.93 dwelling
17 units per acre. Before, that density was higher at 9.78.
18 Now we have 218 dwelling units; before, we had 224. Now we
19 have 612 bedrooms. Before, we had 624 bedrooms. So the
20 number of units and bedrooms has gone down slightly. They
21 are still presented in a configuration of two-, three-, and
22 four-bedroom units.

23 We've got 499 automobile parking spaces and 294
24 bicycle parking spaces. That's double from what we
25 presented last time, and as we've mentioned before, only

1 about 25 are actually required.

2 All the buildings are oriented to public streets
3 with parkways and street trees. So all the streets you see
4 in this project, they're all public now. None of them are
5 private. All the buildings are oriented to the street per
6 Land Use Code design.

7 All the buildings have foundation plantings, and
8 xeriscape principles are followed throughout the landscape
9 plan. The plan includes a central green and the pool
10 complex, clubhouse, sports courts, where it's located into
11 the site, and they're moved even further from the
12 neighborhood to add as little impact as possible to the
13 neighborhood.

14 The next few slides are of site shots and
15 they're -- I've got my car parked at the end of Rollie Moore
16 Drive, the existing one, off of -- right by The Gardens on
17 Spring Creek. And the photos are kind of starting from the
18 west, heading east, and they just show how much existing
19 plant material there is up against that neighborhood.
20 That's kind of what we wanted you to see. Those were taken
21 last fall. This is at the eastern end. So there's quite a
22 bit of vegetation and buffering that already exists on the
23 site.

24 The project provides buffering along that wetland
25 of -- the Land Use Code asks to provide a hundred-foot

1 average buffer along wetlands. We've provided that and
2 approximately 8,000 square feet above that.

3 The plan incorporates some open fencing along the
4 north boundary to keep students and pets out of the natural
5 area. The fence is lowered to three feet periodically to
6 allow wildlife movement across the site. The plan includes
7 solid wood fencing where parking is proposed so that there's
8 no chance of headlights going out into the wildlife area or
9 to the neighborhood.

10 Trash and recycling enclosures are now distributed
11 throughout the whole site. They are no longer proposing a
12 centralized trash compactor. So trash locations are
13 throughout the site, typically as you would see in other
14 projects.

15 The plan provides buffering and enhancement
16 plantings along the Larimer Canal Number 2, which is a
17 designated wildlife corridor on the City's natural area
18 mapping, and with the proposed offsite realignment of the
19 ditch, we're proposing -- we're now proposing 5.8 acres of
20 natural area buffer comprising the wildlife corridor
21 associated with the canal.

22 So now not only do we have the 50 foot plus along
23 the north side of the existing canal; we have the area
24 between the old canal alignment and the new canal alignment,
25 and then there would be a buffer. When Parcel B, in the

1 future, were developed, there would be another 50 foot on
2 the north side. So it'll become, in the future, a very
3 nice, wide, wildlife corridor with existing trees and new
4 trees planted in it as well for when the old ones actually
5 die.

6 All street lighting is provided by the City, since
7 we had -- they're all public streets, so the City provides
8 the streetlights with their standard residential fixtures.
9 Parking lots within the development are all lit with cutoff
10 fixtures on 12 foot high standards. So we've made an
11 attempt to keep the lighting that is controlled by the
12 developer at the lowest possible level.

13 The project will connect Rollie Moore Drive to
14 Centre Avenue. Rollie Moore Drive -- next slide -- Rollie
15 Moore Drive contains bike lanes, curb bulges, and crosswalks
16 to maximize the safety of the pedestrians, bicycles, and
17 motorists.

18 It also incorporates rain gardens. We haven't
19 talked about this a lot in previous presentations, but it's
20 always been something that the applicant has presented, not
21 at the request of the City, but at the suggestion of the
22 stormwater department. They really encouraged us to provide
23 some ways to take the stormwater off the street, clean it in
24 the rain garden, before it goes on to its eventual outfall.
25 So we've got several locations along Rollie Moore Drive

1 where we are proposing these heavily planted rain gardens,
2 so it's a place where we've gone above and beyond what is
3 required by the Land Use Code. And ironically, because
4 we're doing them, we've had to ask for some engineering
5 variances to be able to accomplish them.

6 Pets are allowed in this development. They're
7 still being proposed. However, the applicant can provide
8 you with some statistics. Its usually a very small
9 percentage of the residents that actually have pets.
10 Partially because that pet pays rent. If you have a pet,
11 you pay a higher rent. So it costs the students something,
12 and the management has authority in how to deal with any
13 problems that come up. They can even go into the apartment
14 if the student is not there, if there's a barking problem,
15 et cetera.

16 In addition, they keep on top of any kind of waste
17 problem by having these little pet stations distributed
18 throughout the site, and they expect their students to clean
19 up after their pets, and apparently they do. And if they
20 don't, the management does.

21 The next topic I want to cover is stormwater. I'm
22 going to hit the highlights of what we as a design team
23 understand to be facts about stormwater and how we're
24 handling drainage. But we can certainly provide more
25 technical information later if you choose to ask us further

1 questions.

2 So we're going to start with this slide that shows
3 the existing drainage patterns across the site. Right now,
4 all those flows -- the blue represents all the flows going
5 across the existing site, and they get to that green line,
6 which is the Windtrail outfall swale. So right now, the
7 water does go into that area, and then it eventually goes
8 into a culvert over there at the end of Rollie Moore Drive
9 and heads out through the Horticulture Center outfall. So
10 there's two outfalls that go to Spring Creek, sort of
11 parallel to the north, northeast.

12 So the existing issues that you heard about last
13 time, and I'm sure you'll hear some about again tonight, is
14 that the neighbors that live north of this proposed project
15 do experience stormwater backup from the Windtrail outfall
16 swale. Even though that channel was oversized specifically
17 to accommodate future developed flows, they do experience
18 stormwater backup. Neighbors to the north also experience
19 high ground water. These are facts.

20 Causes may include the design of the Windfall
21 (sic) outfall swale. Insufficient maintenance of the swale
22 is particularly suspect. Overirrigation and sump pump
23 discharge could also be contributing to the problems that
24 these neighbors have. The maintenance of that swale is the
25 homeowners' obligation.

1 Now, I want to go to the proposed drainage flows.
2 All stormwater flows to be direct -- they're going to be
3 directed to a new completely separate drainage swale that's
4 going to be installed parallel to the Windtrail outfall
5 swale. So our water will go to the edge of our project, be
6 captured in a swale, where it will then be transferred over
7 to that northeast, where it will then be directed into the
8 Horticulture Center outfall channel.

9 So none of the stormwater from this project is
10 going to go into that drainage area any longer. We're
11 diverting it all around so that we don't contribute to any
12 of the flooding or stormwater backup issues that they have.
13 The stormwater and groundwater flows both will completely
14 avoid that Windtrail outfall swale to not exacerbate those
15 existing problematic issues.

16 The Horticulture Center outfall channel has
17 sufficient capacity. The emergency spill path in a
18 catastrophic circumstance avoids our project, the Windfall
19 (sic) outfall swale and the neighborhood. On-site detention
20 not required on this site. Offsite stormwater detention is
21 sufficient. On-site water quality features exceeds City
22 standards, and that includes our rain gardens that I
23 mentioned previously.

24 Development avoids the hundred-year floodway
25 completely. We do have minimal encroachment into the flood

1 fringe, approximately 575 feet of roadway, and the corners
2 of two buildings up in that area do encroach into the
3 hundred-year floodplain. However, it does comply with City
4 regulations. And it is permissible. The project complies
5 with applicable FEMA and City floodplain regulations.

6 In terms of the wetlands, the wetlands depicted in
7 that bright green color, the delineation of the wetlands has
8 been approved by the Army Corps of Engineers. Development
9 will not encroach into them. And then the buffer that we
10 have all along that wetland exceeds City standards and will
11 be further enhanced by quite a lot of native plantings that
12 will include grasses, shrubs, trees, evergreen, and
13 deciduous.

14 In terms of groundwater. Glen mentioned that
15 groundwater is something that the City does not regulate.
16 However, we have taken the groundwater concern quite
17 seriously, because before groundwater caused by our project
18 gets to be a neighborhood problem, it's going to be a
19 problem for this project. So it would be ludicrous for us
20 not to understand what is going to happen with groundwater
21 and dealing with it effectively, because this project is the
22 most at risk.

23 We do know that we have -- first of all, I want to
24 explain that there are groundwater monitoring wells that
25 have been put in place on the site already, so we have been

1 monitoring since April what actually happens in terms of
2 seepage from that ditch right now, so we've been gathering
3 additional information from what we had initially.

4 We do know that there is shallow groundwater. The
5 monitoring wells indicate that we do need to lower
6 groundwater levels along roadways, as required by LUCAS.
7 City staff has approved our preliminary under-drain system
8 as designed, and the under-drain system would be finalized
9 in the FDP -- we should be on the next slide, Brent. There.

10 It's kind of hard to see, but Brent, maybe you can
11 help. We've got under-drains that parallel both sides of
12 all the public streets. So they are scattered all
13 throughout the side, both sides of all those streets, and
14 then in addition to that, right as you come away from the
15 ditch, right along the back side of our buildings, we have
16 an under-drain system there as well to intercept that water
17 before it gets to where it could damage building foundations
18 or roadways.

19 The next subject is the impact of that under-drain
20 system on neighbors and the wetland. The under-drain system
21 discharges to the Horticulture Center outfall downstream.
22 There's no increase in groundwater to the neighborhood or
23 wetland. We wouldn't expect that because we're intercepting
24 all of that groundwater and routing it away from that
25 drainage.

1 The developer will continue to monitor those wells
2 to see what's happening; and in particular, since now we're
3 taking all the stormwater around and we're diverting the
4 groundwater around, the question was raised, Well, now are
5 we going to dry up the wetlands, and we don't want to do
6 that.

7 So the system is designed so that if we see that
8 the wetlands are drying up -- and let's go to those -- we've
9 got monitoring wells at all those different sites, so some
10 of them are up by the ditch, and then many of them are down
11 in the wetlands so we can monitor what's happening with that
12 water down there.

13 Steve Long with Cedar Creek; he is our wetlands
14 consultant, and he also has some vegetation plots out there
15 that he's checking to see -- to look for changes there as
16 well too. So if he sees changes, I understand that we have
17 a way that we can divert some of the groundwater back to the
18 wetlands to help recharge it. So there will be the ability
19 to do that if we see that the wetlands are starting to
20 decline.

21 At this point in the program, I'm going to have
22 Josie Plaut with the Institute for the Built Environment
23 talk to you a little bit about the coming together of her
24 organization and Campus Crest, some of the things they've
25 done, and then I'm going to come back and just hit the high

1 points of how we meet policies and the Land Use Code
2 specifically.

3 MS. PLAUT: Thank you, and my name is Josie Plaut.
4 I'm with the Institute for the Built Environment at Colorado
5 State University. Also a Fort Collins resident at 1006 West
6 Mulberry.

7 So IBE is an institute within the university, and
8 we engage graduate students who are cross-building related
9 programs in real-world green building projects. We've
10 worked on over 15 LEED certification -- excuse me, LEED
11 certified projects in Fort Collins and have another 15 or 18
12 in the works. And then in addition to that, we facilitate
13 integrated design process, so we work on engagement of
14 multiple stakeholders.

15 And we became involved in this project through the
16 suggestion of some of the local residents saying, Hey, we
17 have really great resources here in this community. We
18 don't feel like you're living up to the standards of our
19 community. And here's some people to talk to. And so we
20 were contacted by the developer to engage with their project
21 and help to understand better the values and the culture of
22 our community.

23 So in that, the first thing that we did is we
24 brought the client out and showed them some of the local
25 projects, including Aspen Hall, a LEED certified project at

1 Colorado State University. And then we showed them the
2 Rocky Mountain Innosphere, which is another project that
3 we've worked on and are very proud of. And as part of that,
4 they became excited about the concepts of green building and
5 sustainability and also the integrated design process.

6 And so in late January, we held a workshop with
7 about 60 participants that included neighbors, students,
8 faculty, and staff from Colorado State University, City
9 staff, Utilities, and other interested parties, green
10 building practitioners, and industry professionals, and we
11 brought them all together to look at this project in
12 particular and make recommendations and suggestions about
13 how it could be improved.

14 I should also mention that IBE is a very proud
15 member of this community and that we were reluctant to get
16 involved with such a controversial project. And so as part
17 of that, we did have conditions for our involvement. And
18 those conditions included that they would pursue LEED
19 certification for at least one of the buildings on this
20 project; that they would engage a resident life and
21 education program, focused around green living, so energy,
22 and water efficiency, trash reduction, and green purchasing
23 practices; that they would engage in corporate education,
24 that they needed to take some time to educate their staff,
25 both in a corporate office and in the field about

1 sustainability; and finally, that they would engage us in
2 doing one project from start to finish to show them perhaps
3 how this might be done in a way that is more aligned with
4 the other communities that they work in.

5 And they've agreed to those conditions, and we've
6 begun working on all of those fronts. They have agreed to
7 do LEED certification on one of the buildings in this
8 development. We have begun a student resident life
9 education program. We have already conducted corporate
10 education for many of their staff, including in-depth
11 education for their construction and development team. And
12 we have started working on a project with them in Corvallis,
13 Oregon, with many similar issues to this project.

14 So specifically related to this project, if you
15 recall the drawings from the previous PDP, the look and the
16 feel of the project was very different. This is a response
17 to the feedback that we got in the design workshop in
18 January.

19 As you'll see, there is more variation in the
20 massing of the buildings. You'll also notice that the roof
21 is now flat. There are two main reasons for this. One is
22 it helps to reduce the height and visual impact. And
23 another is that the client has become very interested in
24 fairly large-scale solar energy as an investment for their
25 company, as a long-term investment for the company, and the

1 flat roofs are much more conducive to installing PV arrays
2 than the gabled roofs. Next slide, please.

3 So these slides are a summary. I'm not going to
4 go through them in detail, but it's a summary of the
5 commitments that have been made and things that are under
6 investigation. So this project is still under design. So
7 all of these decisions have not been made yet.

8 I did want to hit on the Fort Collins Green Code.
9 So we were actually part of the development of the Fort
10 Collins Green Code, although I was on the commercial track,
11 not the residential track, but the client has agreed to
12 follow all of the Green Code guidelines should the project
13 be approved, even though those guidelines would not go into
14 effect until January 2012, with the exception of a specific
15 guideline around insulation and all-electric heat buildings.
16 So you may be interested in questions on that later. At any
17 rate, they have voluntarily agreed to meet the new Green
18 Code should the project be approved, and that is a -- that
19 is an effort that would not be required of them, as I
20 understand it.

21 And then in partnership with that, the LEED
22 component, which covers many things. It covers energy
23 efficiency, site and landscaping, water use, indoor water
24 use, low VOC paints and finishes, so healthy materials for
25 the people living within the project. It's a fairly

1 extensive and rigorous program that helps to provide
2 accountability related to the green building attributes.

3 So without the slides, I will conclude my
4 introduction, and I'm happy to answer questions later.

5 CHAIRMAN STOCKOVER: Thank you very much.

6 MS. RIPLEY: Okay. I can do a little bit without
7 slides here. The next slide was really just simply a copy
8 of the City's Land Use Code, because this PDP is -- or the
9 new City Plan, not the Land Use Code. The PDP is consistent
10 with City Plan principles and policies that have to do with
11 protecting and enhancing natural areas, wildlife corridors,
12 wetlands, drainages and stormwater management; livability
13 policies having to do with infill development, neighborhood
14 compatibility, providing a variety of housing types, land
15 use transitions, accommodating student population.

16 All those issues are a part of City Plan. This
17 plan addresses all of those kinds of things. Landscape
18 policies having to do with visually appealing streets,
19 street trees, low maintenance, functional landscapes that
20 are sustainable, unique, and attractive. This project hits
21 on all of those.

22 Livability policies having to do with walkable
23 blocks, traffic calming, access to transit, buildings
24 oriented to public streets, and integrated natural features.
25 Again, hit every one of them.

1 Transportation policies having to do with
2 encouraging alternative travel modes, such as bicycling and
3 transit, interconnected neighborhood streets,
4 pedestrian-bicycle network, and safe street crossing. Do
5 all of those things.

6 I don't want to go way into the West Central
7 Neighborhood Plan. Again, I covered a lot of those land use
8 policies and goals in the ODP presentation. But just
9 suffice it to say that this plan speaks directly to
10 promoting student housing on CSURF land, on land close to
11 the university, so that students can live at a place where
12 they can walk or bike to the university, and it's -- because
13 it's an environmental goal to reduce vehicle miles traveled,
14 but it's also a goal to say, keeping track of our
15 neighborhood and not have them reach a tipping point where
16 families don't want to live in the neighborhood anymore
17 because it's been overtaken by students that aren't managed
18 well.

19 Most importantly, the PDP that we're showing you
20 tonight complies with the Land Use Code. The Land Use Code
21 is a document that takes all these policy plans and develops
22 standards to ensure that we get these policies and
23 principles accomplished, our goals accomplished. It's
24 through the Land Use Code that we do this.

25 So the PDP complies with the land use and

1 performance standards in Division 4. That's the one that
2 covers the zoning districts themselves that have to do with
3 permitted uses, density, block standards, et cetera.

4 So in terms of permitted use. Multifamily
5 dwellings are permitted uses in the MMN and the E. The
6 density, MMN requires minimum density of 12 DU per acre. We
7 have 14.31. E requires a minimum of 7. Ours is 14.3. Just
8 for your reference, Landmark Apartments near this site is 18
9 DU per acre. Rams Village is 17 DU per acre. So even
10 compared to other student housing projects around the
11 campus, we are significantly below those densities, so it's
12 not a particularly dense student housing project.

13 We're required to provide a mix of housing types.
14 A minimum of two housing types are required. The proposed
15 two types are multifamily and mixed use. The clubhouse is a
16 mixed use building with commercial uses on the ground floor
17 and residential units above.

18 We're required to have access to a park. 90
19 percent of the dwellings need to be within a quarter mile of
20 a park or a central feature or gathering place. We meet
21 this in two ways. First of all, the pool, clubhouse,
22 central green qualifies as a privately owned park that's way
23 bigger than the 10,000 square feet it needs to be. It's
24 over an acre. And also, Gardens at Spring Creek is very
25 close, and I believe 90 percent of the residences would be

1 within a quarter mile of that facility as well. And in
2 addition, we're more than a quarter mile from Rollie Moore
3 Park, but it is just down the way and certainly a wonderful
4 amenity that these students will be able to take advantage
5 of.

6 Block requirements. This is a graphic that shows
7 how we meet the block standard. Since -- the biggest
8 stumbling block to us needing a modification last time was
9 that we didn't have public streets. So it was hard to
10 convince you that we were meeting the intent of the block
11 standard.

12 So now we do have public streets that required us
13 to create parking lots to the interior. But now that loop
14 street creates our -- a block. And then so we end up with
15 three blocks in the project. So the block to the north --
16 what the Land Use Code says is the block is defined by
17 either buildings or plazas or functional open space. So --
18 or a feature like a canal or wetland or something that you
19 can't build a street across or through.

20 So in this first block that's to the north, we
21 have a wetland that creates the northern boundary. We have
22 streets that create southern boundary all the way along it,
23 but we have two tiny little gaps at the end where we don't
24 have an existing natural feature and we don't have a street,
25 but we do have existing development, and it makes us -- it's

1 impossible to do a street there because development already
2 exists.

3 So it's -- we did the best we could do. We meet
4 the standard. It's not feasible to have a street on those
5 end cap locations. The middle block is obvious. It's
6 surrounded by streets. And then the other one to the south
7 is a very, very similar. To the north of that block, we
8 have Rollie Moore Drive. So there we have a street. To the
9 south, we have an existing feature, natural feature, that we
10 can't affect, but we have time -- and then to the east, we
11 have a street, Centre Avenue, but there's a little gap to
12 the west side where CARE Housing has developed that
13 property, and we don't have any ability to put a street
14 there, and it wouldn't make any sense even if we could.

15 So that is how we have developed our blocks. All
16 three blocks are less than seven acres in size. The plan
17 exceeds the minimum building frontage standard of 40 percent
18 of each block face or 50 percent of the total block, since
19 virtually all of our building frontage -- all of our
20 buildings front onto buildings. So pretty much all along
21 our streets, we either have a building or plaza or a
22 functional open space.

23 A maximum building height in the Code says we need
24 to be three stories. We are three stories.

25 And Jennifer, I think it was you last time that

1 struggled with the block standard thing and whether or not
2 we have done a good job, you were looking at the Land Use
3 Code and you were saying, Well, it doesn't look like the
4 picture. And so I put the picture in tonight because I
5 think we very much do look like the picture now. All our
6 buildings are oriented to streets, just as is depicted in
7 this Land Use Code figure, and the parking is to the
8 interior.

9 The plan meets or surpasses the buffer zone
10 standards in the Land Use Code as well in regard to the
11 wetlands and the canal. The general standard is that
12 development should be directed away from those sensitive
13 resources. We've done that. We've minimized the impact by
14 use of buffer zones. We've done that. We enhance existing
15 conditions if possible. We've certainly done that. And if
16 you do encroach or disturb these areas, then you restore or
17 replace the resource that was lost. Luckily, we are no
18 longer encroaching into the wetland, and we've got a good
19 buffer along the canal, so we don't have to mitigate in that
20 way.

21 We believe we meet all the performance standards
22 in this section of the Code, which include preserving and
23 enhancing the character and function of the open space.
24 We've mitigated all impacts. We've preserved wildlife
25 movement corridors. We've preserved significant trees. We

1 protect any species that we've been asked to protect in
2 their habitat. We minimize the degradation of the habitat
3 by the way we keep people out of it. We avoid lighting and
4 noise that would impact the area. We preserve the
5 topographic features. We've replaced inappropriate existing
6 landscape with native where possible.

7 So anywhere that we've disturbed the edges of any
8 of these areas and the buffer zones particularly, when we
9 replant or reseed, it'll all be native, and that's not true
10 of the areas now.

11 Human access is restricted to the wetlands. We've
12 got a fence all along there to keep students and pets out of
13 that area. And the fencing is compatible, because it's open
14 where it can be, and it's solid where we do need to screen
15 parking lots.

16 And we meet all the general development standards
17 in Division 3 of the Land Use Code, with one exception. And
18 that has to do with street pattern connectivity standards
19 for which we need to request alternative compliance. Now,
20 that is exactly the same alternative compliance that you
21 approved for the ODP. So I'd like it entered into the
22 record that we have requested it, and that we've made all
23 the same points we did in our last presentation, but I don't
24 think I have to go through it all since you've heard it
25 fairly recently.

1 Since this project began in 2009, we've had six
2 neighborhood meetings, a community workshop, and an open
3 house. The applicant truly listened to the neighborhood and
4 made numerous changes to the plans and to the architecture
5 as a result of their input. The project is much better as a
6 result of their participation in the process.

7 These are just some of the things that we've
8 changed. The site plan was redesigned to avoid
9 modifications, and many of the variances associated with the
10 block standard, narrower parking stalls, narrower bike
11 lanes, increased building setbacks. All those are standard
12 now.

13 The clubhouse and intense activity areas were
14 placed further away from the neighborhood. Additional
15 property was added to the plan which brought the density
16 down and allowed us to avoid encroachment into the wetland.
17 A centralized trash collection system was changed to a
18 decentralized system and moved away from the natural area.
19 A fence is provided along the wetland and natural area to
20 keep pets and people out of it. The fence is lowered, so we
21 can still have wildlife movement between the wildlife
22 corridor and the wetland. A screen fence is used where
23 parking faces the neighborhood. On-site lighting is kept to
24 a minimum. 12-foot standards, cutoff fixtures. The
25 landscape buffering along the wetland has been increased

1 twice and more evergreen trees have been added. A detached
2 bike-ped trail was added to increase bike safety.

3 Items that aren't governed by the Land Use Code
4 that the applicant has done in response. An intense level
5 of investigation has gone into studying groundwater and
6 stormwater issues to educate and help alleviate neighborhood
7 concerns about the impact of the project. The applicant's
8 committed to doing a LEED certified building and is
9 investigating many sustainable green building practices.

10 The applicant is considering heat sources other
11 than electricity. We've provided a bike pump and fix-it
12 station to the clubhouse to encourage bike use. The
13 applicant has requested assistance from the CSU Bicycle
14 Advisory Board on how to best educate students in regard to
15 bicycle safety, and the applicant is also working with CSU
16 housing representatives to ensure that their management
17 policies and procedures are comparable and as appropriate as
18 those as CSU themselves.

19 So there's -- again, because of neighborhood
20 suggestions, we've made these introductions. The owners of
21 Campus Crest have been meeting with CSU people and learning
22 about how they do business in terms of controlling students
23 in their housing developments, and that process is going
24 very well and will continue into the future.

25 We've heard consistently that the project is too

1 close to the neighborhood and that not adequate transition
2 between existing neighborhood and the project. You've heard
3 a lot of people say, it's just too intense. There's just
4 too many students. It impacts us too much.

5 First of all, I want to point out that now on a
6 gross density calculation, this project is 7.93 DU per acre.
7 So when you throw in those open space areas on the north and
8 the south, that density goes down to 7.93. CARE Housing is
9 8.7. Windtrail Condos is 11.7. Sundering Townhomes is 7.2.
10 Hillpond Condos is 5.5. We're not that much more dense than
11 the neighborhood. We have chosen to purposely put all these
12 students very close together so that we can leave all this
13 open space to create a very nice buffer and transition to
14 the neighborhood.

15 What we did to help the neighborhood understand
16 that and be able to visualize it and see it, is we developed
17 a model of the site, a digital model of the site, where we
18 put in all of the grading and the buildings and the streets
19 at actual elevations that they would occur, and then picked
20 points around the edge of the site so that we could show
21 neighborhood residents what this project would look like
22 from their back yard property line.

23 So I just want to share with you tonight that we
24 would like to look -- have you look at these as well. So
25 moving from west to east, this first slide is what the

1 project would look like from CARE Housing over on the west
2 side, where we are quite close to CARE Housing. But there's
3 a screen fence and landscaping along that fence and a bunch
4 of evergreen trees.

5 Then we move around, all the way to the east side,
6 and I'll just have Brent track through, but what this slide
7 doesn't show is, it doesn't show all that existing
8 vegetation that I had on those site shots. That's not
9 depicted here at all. But that edge of that green, that's
10 the edge of the back yard, so that long green represents
11 that open space that will exist between the back yards and
12 this project.

13 We are showing the plant material that is going to
14 be installed, and we're installing some 690 trees on this
15 project. These are shown at one- to three-year growth rate.
16 So that's brand-new. They are obviously going to grow --
17 you know, trees grow between one and three foot per year, so
18 in, you know, 10 to 15 years time, that picture is going to
19 look very, very different, and those buildings are going to
20 be much more buffered because of all the trees that sit
21 between the neighborhood and the building.

22 Unfortunately, despite all our efforts, and
23 despite of all the changes, there's still obviously quite a
24 lot of opposition to this project. The people that are here
25 tonight, they live in an absolutely great neighborhood. I

1 go over there often myself. I jog along that trail.
2 They've got ponds. They've got, you know, interesting
3 historic architecture. I know why they care about their
4 neighborhood so much.

5 However, the project before you tonight, it meets
6 the Land Use Code. It is a good project. It deserves to be
7 approved. The design team and the City staff has spent a
8 lot of hours working to make it an exemplary project, not
9 one that just meets the Code but exceeds it in many ways.

10 I'm going to conclude with a quote from Clark
11 Mapes, from the Advanced Planning Department. This was in
12 our last round of comments from City staff. This is the
13 comment that we got from Clark Mapes.

14 This development plan meets the basic overall
15 intent of the Land Use Code perhaps better than any other
16 apartment complex submitted under the Code. The simple
17 pattern of residential buildings facing on to streets with
18 tree-lined sidewalks and street addresses reflects the key
19 standards in the Land Use Code for a familiar
20 pedestrian-oriented neighborhood pattern and residential
21 development. The plan offers particularly generous
22 infrastructure with the extent of single-loaded streets long
23 the extensive open land preservation on the site. And the
24 shortened pedestrian crossings of streets created by curb
25 bulges that enclose and define the street parking. The

1 project would be a good example to include in the design
2 manual which provides examples and explanations of the
3 intent behind Land Use Code standard pertaining to apartment
4 complex development.

5 With that, I'm going to conclude, and as I said,
6 we've got a big team just waiting to fill in the details, if
7 you'd like.

8 CHAIRMAN STOCKOVER: I think this is a natural
9 break. I think we should take a quick break and reconvene
10 at 20 after.

11 (Break from 11:15 p.m. to 11:25 p.m.)

12 CHAIRMAN STOCKOVER: Okay. Welcome back. At this
13 point, we are going to have -- if the Board has questions of
14 the applicant.

15 MR. ECKMAN: Mr. Chair, there was one other thing
16 that the applicant wanted to call Mr. Haukus (phonetic) to
17 the stand and get an answer from him that is needed by the
18 Land Use Code, and then maybe he can go home.

19 CHAIRMAN STOCKOVER: Okay. Nobody gets to go home
20 early.

21 MR. HAUKUS: Good evening. My name's John Haukus.
22 I'm the water engineering and field services manager for
23 Fort Collins Utilities. And I'm just here to clarify
24 something that is in the Land Use Code and to state for the
25 record that the general manager, executive director of Fort

1 Collins Utilities, has delegated the authority for review
2 and approval of stormwater and flood hazard mitigation to
3 myself and to the facilities development review staff.

4 You've had Glen Schlueter up here talking about a
5 lot of those issues, and that this development has met those
6 requirements of Chapter 26 of the City Code and, therefore,
7 Section 3.3.3(a)(4) of the Land Use Code. This is to
8 eliminate, mitigate, or control existing stormwater
9 conditions on the site. So I just wanted to read that into
10 the record for this hearing.

11 CHAIRMAN STOCKOVER: Do we have questions on that
12 at this point?

13 Okay. Thank you.

14 Okay. So do we have questions of the applicant?

15 Not at this point?

16 Would staff like to make any response or comments
17 to the applicant's presentation?

18 MR. OLT: No, I don't think that -- no, I don't
19 think that we have any comments at this time.

20 CHAIRMAN STOCKOVER: Okay. So we'll move into
21 public testimony. And again, as before, we have two groups
22 that we've set aside. We did allow 30 minutes on this one.
23 Don't have to use all 30, but we definitely hear what you
24 have to say. We do ask that you do respect that if you are
25 with a group, we've committed that time to the group, so

1 we're not going to allow additional minutes after that, if
2 you're with that group, as we did before. So we need to
3 hold it to that 30 minutes. And who would like to go first?

4 SPECTATOR: We'd like to give the opportunity for
5 the other group to go first.

6 CHAIRMAN STOCKOVER: Okay. Thank you.

7 MR. WALKER: Good evening. I'm Lloyd Walker.
8 Again, a member of the Neighbors and Students United Group.
9 I will be one of several speakers that will address various
10 issues on this. And in my earlier comments, I made a lot of
11 statements about that, really, were PDP oriented so I'm not
12 going to go over those again, except to summarize and add
13 new information.

14 Again, you know, the things that -- the way we've
15 set up the -- you know, the process of setting up a vision
16 of the future of Fort Collins and for the west central
17 neighborhoods was through these planning documents and
18 processes, the West Central Neighborhood Plan and the
19 recently adopted City Plan. You know, this is the way --
20 this is one of the things that makes this community a great
21 community and why everybody wants to be here. We do a lot
22 of thinking about where we want to go as a community, and
23 it's reflected in these plans.

24 And I'd like to say that the -- as was indicated,
25 several aspects of the West Central Neighborhood Plan and

1 the City Plan are being met by this project. We're
2 addressing a definite need in terms of student housing, in
3 terms of more diverse housing, in terms of dealing with a
4 certain -- certain segments of our population. We've got a
5 mosaic in this area, in this block area, this square mile.
6 We've got a lot of different uses already. This is sort of
7 adding to that mosaic.

8 We're -- we're dealing with, you know, what is the
9 major economic engine in this community. CSU. I mean,
10 no -- no other entity in this town generates so much intense
11 use. We've got 27,000 students. We also have 6,000
12 employees. And so a lot of people are coming to that place
13 on a daily basis.

14 So when we want to become a greener community,
15 it's important to figure out how we deal with this huge
16 enterprise that really is very intense. And, you know,
17 we've focused on the students here and the fact that we need
18 more student housing, which is accurate. You know, surveys
19 have shown that communities of our size, and with our
20 characteristics being a university down, we're very
21 deficient in multifamily housing. And I think, again, it's
22 reflected in the rents and so forth.

23 And by providing this type of student housing,
24 we're also addressing and freeing up single-family housing
25 that's being used as a student housing. And you know,

1 there's other segments of the population, including CSU
2 employees. I mean, I have personal experience about the
3 fact that a lot of CSU employees would like to have a green
4 aspect to their life where they can bicycle to work; and in
5 fact, a lot of these communities like Avery Park were
6 initially set up as affordable housing for, you know, CSU
7 employees. And I think we should think about the fact that
8 The Grove is one piece of perhaps reestablishing those
9 houses as affordable housing so that CSU employees can also
10 enjoy a greener lifestyle.

11 Of course, we've talked about the use of
12 alternative transportation. The importance of biking. The
13 importance of the fact that students are intense bicycle
14 users. And this project has gone a long way to helping to
15 address that.

16 I think it's -- you know, it's interesting that,
17 in this sense, The Grove is really raising the bar on our
18 own policies. I mean -- and I'd suggest that maybe as a
19 future thing, you might want to suggest to City Council that
20 they take a look at this. The fact that this project, by
21 our Code, would only require 25 bicycle parking spaces, and
22 is -- is kind of ludicrous, when you think about it,
23 especially when they're offering 30 of them. So I think it
24 shows that, again, The Grove, as a corporate enterprise is,
25 you know, raising the bar -- raising the bar on us, if you

1 will.

2 I think we've heard enough about the fact that
3 what they're doing on the wetlands is in excess of City
4 requirements. Again, raising the bar. And I would use that
5 theme throughout this, because what I've seen happen here is
6 that they came -- and I saw this when I was sitting in your
7 place there. An outside corporate entity would come in and
8 say, Well, here's our product. What do you think? And we'd
9 say, you know, it doesn't meet our community standards. Try
10 again or go away.

11 And you know, I give it, the credit, to Campus
12 Crest that they are -- they said, No, we want to be here,
13 and what do we have to do? And I think we've heard that
14 they've gone through a lot of effort. They're changing
15 their corporate culture. They're looking at LEED.

16 And by doing this and by passing this project, we
17 are setting the bar higher for future projects, and I think
18 that's an important aspect to think about here, is that
19 another -- the next project that comes in, assuming that we
20 pass The Grove as they propose it, we're going to say, Do
21 you meet that standard, because that's the bar we've raised
22 to -- for these kinds of projects.

23 So I think that, you know, we need to keep in mind
24 that the process has worked well in terms of giving us a
25 better product. That's why we're such a good community to

1 live in. That's why we've got all these high ratings.
2 That's why we're all here and other people want to be here.

3 Now, I want to talk about compatibility. That's a
4 big issue. You know, as stated, in any of these plans, this
5 project is allowed, but it's got to be compatible. Okay.
6 So compatibility is achieved in certain ways. It has to do
7 with a buffer distance of 300 feet. It has to do with
8 managed housing.

9 There's a difference between managed housing and
10 unmanaged housing. And I think what neighborhoods like ours
11 and Avery Park have responded to is what I would call
12 unmanaged housing, where, you know -- when you have a
13 managed housing situation where the management is on-site,
14 it's trained, they're employing similar codes of conduct to
15 the CSU student code, you know, I think it gives more a
16 sense of assurance, if you will.

17 Can I get those slides queued up -- you've got
18 them ready to go here -- okay. Let's talk about this buffer
19 distance and see what we're dealing with here. Here's the
20 distances that we've talked about in The Grove. More or
21 less 300 feet is the number that we kick around. You can
22 see where we're at there.

23 Let's compare this to some other projects in town
24 just to show you this isn't very -- as intense, as we look
25 at it. Rams Village. 135 feet to the nearest home. This

1 is in the area. Next slide, please. Pavilions at Silver
2 Sage, Drake and Raintree. 220 feet. Next slide. Landmark.
3 Anywhere from 78 feet to 260 feet.

4 So those are all within the area. I mean, let's
5 face it. This area around CSU has a lot of these projects.
6 All these projects are working well, and you can see that
7 they're closer to residences than The Grove is.

8 Next slide, please. We've got Bighorn Village.
9 64 feet. Next slide. Rams Point over by Elizabeth and
10 Taft, 160 feet. We've got Rams Crossing at Elizabeth and
11 City Park. 92 feet. Next slide. Woodbox. Again, you can
12 see the numbers there. Next slide, please.

13 Now, getting a little away from this, down at
14 Harmony and Wheaton, we see a big project, and you see the
15 distance there. Next slide. Collindale, again. Southeast
16 of town, Horsetooth and Lemay. Next slide. This is a new
17 project that's going in, and again, you see the distance
18 that was just recently approved for this. Final slide. And
19 again, another one.

20 So my point on all this -- and one more -- I think
21 we're back. Okay. Ridgewood Hills. Again, the separation
22 there. And next slide? Okay. We're back to The Grove.

23 Now, again, my point is that we have these
24 projects in town. You can see that there is -- they're
25 intense projects. They're close to residential housing.

1 And I think you can see that these have all worked well and
2 they haven't created any problems. I think there's a lot of
3 fears that have been built up unrealistically.

4 And so I would encourage you to -- the fact that
5 the Campus Crest has gone out of its way. It's exceeded our
6 standards. And they've met all the Land Use Codes. So I
7 encourage you to approve the project. Turn it over to the
8 next speaker.

9 MS. FAIRBANK: I have a long address. My name is
10 Donna Fairbank (phonetic). I have lived for nearly 36 years
11 at 1712 Clearview Court. I served for over a dozen years
12 with the Fort Collins Area Interfaith Council and currently
13 serve on the steering committee for the Avery Park
14 Neighborhood Association. I'm also a member of Neighbors
15 and Students United.

16 It was during the dozen years that I was serving
17 with Interfaith Council that I first started watching the P
18 and Z process, as many CARE Housing projects were
19 scrutinized, and I began to develop thoughts about what it
20 meant to make decisions for the greater good of Fort
21 Collins.

22 And I thought I had that pretty clearly in my
23 mind. But those convictions were tested not too long ago,
24 when Rams Village was proposed to be built on the Bull Farm
25 and the horse pastures along West Elizabeth. This was my

1 back yard, and thing were going to change, and I wasn't sure
2 how I felt about that.

3 During the process, there were many fears that
4 were raised. Lots of talk about the intensity of the
5 project, the height and size of the buildings, the impact of
6 the traffic, the lights. Everything you've heard tonight, I
7 heard in those discussions.

8 There was one man in particular who constantly
9 presented his vision of the facts and insisted that West
10 Elizabeth could never handle the increased traffic. The
11 traffic engineers said the opposite. I wasn't a traffic
12 engineer. I didn't know who was right. I was worried. I
13 didn't know what was going to happen. I just wanted a
14 peaceful life, and I wanted my critters to stay around. I
15 liked the deer and red fox that visited my house.

16 Remembering how I felt then, I have a lot of
17 sympathy for the opponents of this project. But I want to
18 tell them what I experienced. Eventually, after making many
19 changes that addressed the neighborhood's concerns, Rams
20 Village was approved and built. West Elizabeth has not
21 proved to be a problem. The deer and the fox still come to
22 my house. And more importantly, a few hundred more students
23 are living within biking distance of CSU, with on-site
24 management. That facility, by the way, is totally booked
25 for next year already with a waiting list. We need more

1 such housing.

2 Because I'm not able to respond to the technical
3 aspects of this, and have to leave that for you to judge, I
4 thought about what I could do to add information. And one
5 of the things that I heard at neighborhood meetings was that
6 this company built places that weren't good to live in. And
7 that the students wouldn't be well served.

8 And I thought maybe I could add some information
9 about that. So I called the LDS Institute in Greeley and
10 asked the director if he knew anyone who had lived in the
11 similar housing in The Grove at Greeley. And he said, yes,
12 he knew somebody, and he had him call me, and I asked him if
13 he would come tonight to tell us about his experience at The
14 Grove in Greeley for a couple of minutes. You'll have tell
15 them who you are and sign in.

16 MR. ROGERS: Okay. My name is Andy Rogers, and I
17 actually just -- just met Donna Fairbank about five hours
18 ago. And so I -- I just learned about this -- this planning
19 meeting that was going on.

20 And I -- as she said, I lived in The Grove in
21 Greeley, and I still live in Greeley. But I had a very
22 positive experience there. It was essentially like living
23 in a condo, and I had my own room, my own bathroom. There
24 was a common living area that I shared with some other guys
25 that I didn't know before I moved to Greeley. I moved

1 here -- well, I moved to Greeley without knowing anybody.

2 And when I was looking for a place to live, I
3 found The Grove online and started looking at information,
4 and part of the application process required me to fill out
5 a questionnaire concerning my study habits and my living
6 habits. And they used that to find people who had similar
7 habits.

8 So that -- because I am a relatively quiet person
9 and I don't party or make a lot of loud noise, my roommates
10 also were very quiet and didn't make a lot of noise, and I
11 began my graduate school experience at the University of
12 Northern Colorado very positively, because of living at The
13 Grove.

14 I've been informed that there are people who speak
15 badly about this company, but I found that it's a very
16 well-managed company, and that they do take care of their
17 residents. Whenever I had a concern, it was addressed that
18 day. It is sort of like living in dorms, because they do
19 keep very good control of the residents. We're not allowed
20 to have our own mail key. We have to go get the mail key
21 every time we need to check the mail. But it prevents
22 anyone from losing it.

23 And also, the facility was well-maintained. The
24 air filters were changed something like every six weeks, and
25 it got to be kind of annoying, because I'd say, Oh, they're

1 changing the air filters again? And they would come in and
2 paint and -- you know, they would make sure that everything
3 was -- was the best that it could be for the residents.

4 And they are not paying me, and -- you know,
5 despite what you may think -- but just some concerns that
6 have been brought up that I've heard.

7 As I said, it's -- well, I think Chase addressed
8 this earlier. He said that it was a -- it would be a good
9 way for someone who's leaving the dorms to transition into
10 living on their own, and I would agree with that
11 wholeheartedly, because there were people, employees, who
12 were assigned to each building. So it was essentially like
13 having an RA. And while they're not associated directly
14 with the university, they do cater to students, and so they
15 try to keep a good handle on everything that's going on.

16 And so for those of you who are worried about all
17 those students living so near your homes, you probably won't
18 hear much from anyone who's living at The Grove, because
19 it's a pretty self-contained community. They don't venture
20 out into the neighborhood very much. At least that was my
21 experience in Greeley. We go to school, we come home, we
22 talk to each other. That's pretty much how it went.

23 And so something I thought was kind of funny.
24 There was usually like 40 empty parking spaces, so there was
25 more parking than they actually needed. And as I said, it's

1 very well supervised. The communal areas between the
2 buildings; there's large grassy area for you to play and lay
3 around in. There was the pool. Plenty of amenities for
4 students to keep themselves involved when they're not doing
5 their homework, which they should be.

6 And one thing that I thought was interesting.
7 When I was moving to Greeley, I almost didn't see the
8 complex because of the mature trees that were around it.
9 From the west side, you don't even know that The Grove was
10 there. So if -- I haven't seen the neighborhood, really,
11 that it's going into, but if there are mature trees that are
12 already growing there, you probably won't even see the
13 complex.

14 So long story short, I had a very positive
15 experience living in The Grove, and I wholeheartedly support
16 this company. They gave me a really good experience, and
17 made my transition into the next level of -- next stage of
18 my life, which was graduate school, a very easy one. So I
19 support The Grove and Campus Crest. Thank you.

20 MS. FAIRBANK: Just to close, I'll say that
21 sometimes I miss my horse pasture and Bull Farm. But I
22 prefer being part of the group that is working towards
23 keeping our neighborhoods a place for my children and
24 grandchildren will be able to buy a home and enjoy living in
25 the neighborhoods where we have been for 36 years, and I

1 think Campus Crest is a step in the right direction. Thank
2 you.

3 CHAIRMAN STOCKOVER: Thank you very much.

4 MR. ECKERT: Okay. I know you're all tired, and I
5 will try and keep this short. Again, I'm Chase Eckert. I'm
6 the director of governmental affairs for ASCSU.

7 Before I kind of get going here, I wanted to say
8 that I was really, really happy that IBE is a part of this.
9 Phenomenal program on campus. I think it represents where
10 we're going as a university and, hopefully, the direction
11 that we're going ultimately as a country with energy
12 conservation and being more efficient.

13 And I mentioned this earlier. I mean, this is why
14 I consider this a precedent-setting moment for student
15 housing because we're starting to take energy conservation,
16 those kinds of things, much more seriously than we ever have
17 before, and I think that's a good thing.

18 Also, I visited The Grove in Greeley. It was
19 great, and I'm not necessarily some kind of expert in
20 student housing, but I'm kind of on the front lines. I'm
21 just somebody who rents a lot. And I know what to look for.
22 And yeah, I would live there. Absolutely. And I think a
23 lot of students would too. And you know, anybody who
24 believes that they wouldn't or that students would rather
25 live in a neighborhood versus a house, whatever -- or

1 neighborhood, house, versus this, I mean, these guys
2 wouldn't be building this thing if they didn't think it was
3 going to fill up. And it's going to. There's no doubt
4 about that.

5 So anyway, the last go-around, I remember this
6 meeting back in October, and there seemed to be a few major
7 areas of contention, and I get the overall impression that a
8 lot of those have been addressed at this point. And that's
9 to the company's credit. I think that's to the credit of so
10 many people who've worked hard to make this project what it
11 is. One of the biggest single areas last time was the
12 variances. And we've seemed to have gotten around a lot of
13 that issue.

14 I know there's this idea -- well, I also remember
15 the headlights flashing in driveways and windows and stuff,
16 and we seem to have gotten through that one too. So we're
17 working through -- they've worked through a lot of major
18 problems, and I just don't see as areas where we can say,
19 Oh, no, this is terrible for the neighborhood, because I
20 don't think it is.

21 And the idea that this project is too big and too
22 dense. To put it in the nicest way possible, that's purely
23 an area of personal opinion. I mean, we have City codes to
24 determine what's too big and what's too dense. That's why
25 we have those things. It meets the codes. I mean, that's

1 the idea here. And so we can say all we want, that it's too
2 big or whatever, but we can say the same thing about
3 anything. We have codes to determine what meets those
4 regulations.

5 So anyway, this project, as the developer pointed
6 out, is a substantially lower density than many others in
7 Fort Collins. It's clearly set back at a much greater
8 distance than many comparable installations around Fort
9 Collins. I mean, I just don't see how we can kill this
10 thing anymore. This is a good proposal for so many reasons
11 other than just, that we need student housing.

12 It fits the Code. It fits the city. It has a
13 huge setback. I mean, it's a good thing. I think -- I
14 really encourage you to move this forward tonight. We need
15 this so bad, and this is the model that we want Fort Collins
16 to go off of. I mean, this is a good model for us to kick
17 this discussion about student housing off on. I mean, this
18 is a good way to start. So I appreciate your time tonight.

19 CHAIRMAN STOCKOVER: Thank you.

20 MR. ANDERSON: My name is Paul Anderson, at 2107
21 Constitution. First off, I do want to make -- that I
22 appreciate the comments of Mr. Bacon and echo him that even
23 though we may disagree, we're still going to be friends.

24 And since this was a night for demos, I thought I
25 would bring my demo. So I'm going to pull out -- pull out 8

1 feet here. That's 8 feet. I don't quite reach you over
2 there. But that distance right there is the distance
3 between my house, my property line, and the house next door
4 that's been a student rebuttal for 10 years.

5 Now, across the street, it's another student
6 rental, and that's about a hundred feet. And then just
7 adjacent, next to it, about a hair off, is 20 feet. And
8 three doors down is 120 -- 150 feet. So when I hear
9 residents complaining about a 300-foot distance from
10 students at The Grove, which is a managed student housing --
11 now, remember, I live in an unmanaged environment -- I do
12 have a slightly different perspective on that.

13 According -- I just happened to get one of the
14 reports from The Group the other day, and according to a
15 recent report in that Group report, outside investors are
16 once again entering the Fort Collins market, sweeping up
17 single-family homes, and turning them into student rental
18 units. The core city housing for single-family units is now
19 under stress. And we need alternative student housing.

20 These developers have bent over backwards, from
21 all the changes I've seen. I've gone to the meetings and
22 heard about these changes and seen them, and they've bent
23 over backwards to accommodate the concerns of nearby
24 residents.

25 I've had to adjust -- of course, it will be an

1 adjustment to these residents. I've had to adjust to the
2 students living next to me, across the street, down the
3 street. We actually get along pretty well. But when one
4 decides that the value of this project, you just can't look
5 to the immediate residents. You must consider the bigger
6 picture. Rollie Moore West is 800 homes, and we will be
7 looking at this decision. We need alternative student
8 housing now. Thank you very much.

9 SPECTATOR: Are you taking his tape measure?

10 CHAIRMAN STOCKOVER: Is anyone else wanting to
11 speak for this organized group? We're done? Okay. Thank
12 you very much.

13 SPEAKER: While we prep for these, Deputy City
14 Attorney, Mr. Eckman, I have a question for you, please.
15 That last spiel about how lovely it is to live at The Grove
16 in Greeley? Are we allowing issues of reputation to be now
17 within the purview of the Board? I'm not sure what Land Use
18 Code that applied to.

19 MR. ECKMAN: All right. Are you objecting to
20 that? If so, it would have been better to object, I
21 think during the --

22 SPEAKER: I'm just inquiring if the process
23 changed, sir.

24 MR. ECKMAN: No.

25 CHAIRMAN STOCKOVER: I would like to address that.

1 We heard a lot of that at our previous meeting. It is
2 unfortunate that that comes into play. I think we as a
3 board understand that. We do listen to everything that's
4 said, and we filter through to what is pertinent. So trust
5 us, we do understand.

6 SPEAKER: Okay.

7 CHAIRMAN STOCKOVER: But they are, by far, not the
8 first to do that, and it's very hard to regulate against
9 that.

10 SPEAKER: All right. Thank you for taking my
11 question.

12 MR. ECKMAN: I would suggest that if there is
13 someone who has an objection to anything that anyone says
14 with regard to the issue of relevancy, please make that
15 objection while the statement is being made, so that it can
16 be addressed without the statement already having been
17 finished and placed in the record. So if there's anyone in
18 the future that needs to do that, please raise that issue
19 during the presentation.

20 SPEAKER: We will look to the Board for that. In
21 general, it feels a bit disrespectful to interrupt another
22 speaker and apply our judgments. So we just have looked to
23 the Board for that.

24 CHAIRMAN STOCKOVER: Okay. With that said, are we
25 ready to go?

1 MR. BARRIER: Mr. Stockover, and Planning and
2 Zoning Board. My name is Kevin Barrier (phonetic). I live
3 at 602 Gilgalad Way. I'm speaking for 15 minutes for people
4 who are not here. Can you hear the mic okay?

5 We have a lot of ground to cover in the next 30
6 minutes. So -- because in our mind, the PDP lacks
7 compliance with the Land Use Code in so many ways. So I'll
8 dive right in with that. . .

9 The PDP is not compatible with adjacent existing
10 neighborhoods. This is really at the heart of the
11 opposition to the project. Compatibility -- compatibility
12 is an issue of context. The existing built environment
13 determines the character of the neighborhood. The character
14 is how the neighborhood looks and how it functions. The
15 issue is whether the proposed project fits in.

16 The Grove at Fort Collins PDP is not in character
17 with the context of its neighborhood, which includes modest
18 townhome development, single-family homes and CARE Housing
19 and affordable housing development for seniors and families.
20 All of these neighborhoods consist of one- and two-story
21 structures quite different in scale and character from the
22 proposed project.

23 Land Use Code 3.5.1(b) requires new developments
24 in, or adjacent to, existing developed areas to be
25 compatible with the established architectural characters of

1 such areas. The principles and policies statements
2 submitted on June 1st, the applicant states, The Grove PDP
3 is not set within a residential neighborhood.

4 This is simply not true. The applicant uses this
5 fable to support the odd notion that contextual design and
6 gradual transitions from existing neighborhoods are not
7 required on this site. If the PDP is not within the
8 neighborhood, why do the applicant and City staff find it
9 necessary to install fences and screening and landscape
10 around much of the project to protect the environment and
11 the neighborhood from the impact of the project?

12 We requested and received views of Ripley's Design
13 3-d computer model taken at eye level along the boundary
14 with the rest of the neighborhood. The following slides
15 contrast views of the 3-D computer model with the
16 photographs of the neighborhood taken from the same boundary
17 area.

18 3.5.1(c) requires buildings to be of a similar
19 size and height or, if larger, articulated and subdivided
20 into massing that is proportional to the massing scale of
21 other structures. All the buildings in the PDP are three
22 stories with no height transition near the adjacent
23 neighborhood and little proportional relationship to the
24 existing neighborhood. Eight of the buildings are almost
25 200 feet long and over 29,000 square feet in area, 8 to 20

1 times larger than the neighboring homes.

2 Land Use Code 3.5.1(b) requires new developments
3 in, or adjacent to, existing developed areas to be
4 compatible with established architectural character of such
5 areas. The architectural character of the area has been
6 well established as a fairly even mixture between one- and
7 two-story structures with patios and decks for connection to
8 the outdoors. The buildings in the PDP definitely lack
9 these features.

10 You see 3.5.1(e) requires building materials to be
11 the same or similar to those used in the neighborhood or, if
12 they're dissimilar, to have characteristics to ensure that
13 enough similarity exists for the building to be compatible
14 despite the differences.

15 The PDP proposes vinyl siding, brick, glass,
16 aluminum storefront, and sheet metal canopy, cornices, and
17 roof fascia. Materials in the existing neighborhood include
18 wood siding, brick, stone, stucco, and shingle roofing.

19 3.5.1(f) requires color shades that facilitate
20 blending into the neighborhood and unifying the development.
21 Colors in the neighborhood can be revised as styles change
22 because there are many painted surfaces. The broad expanses
23 of vinyl and brick in the PDP will be the same color forever
24 until replaced entirely.

25 LUC 3.5.1(a) requires transitions with land uses

1 when significantly different visual character are proposed
2 adjacent to each other. The PDP does not blend with the
3 fine grade and scale of the existing neighborhoods along its
4 shared margin and does nothing to provide gradual
5 transitions in scale towards the employment district. The
6 developer is unwilling or unable to make any substantive
7 change of scale to the PDP. No matter how green the
8 developer builds these identical building, they are all far
9 too large to consider transitional. Far too large.

10 The City has determined that context compatibility
11 and transitions are important enough to create specific
12 requirements in the Code. They are not reflected in the
13 design of the PDP.

14 The applicant claims that the development is
15 somehow not part of its neighborhood. We respectfully
16 disagree with that assertion. The Board should deny the PDP
17 on the basis that it fails to meet several compatibility
18 provisions of the Land Use Code. The PDP does not meet the
19 LUC requirements for increasing the number of unrelated
20 occupants per dwelling unit.

21 The Grove at Fort Collins PDP includes 18
22 four-bedroom apartments. There had been a consistent
23 opposition to these units. Mark Holmes, the executive
24 director of CARE Housing spoke in opposition to these units
25 at the November 2010 hearing, as have others in email

1 communications and neighborhood meetings.

2 The PDP has 612 bedrooms, but it should be
3 understood that with the target population, the number of
4 legal occupants will inevitably exceed this number.
5 Occupancy under the Land Use Code includes the use of the
6 dwelling unit for living and sleeping purposes by guests who
7 stay overnight for 30 or more days in a year. The building
8 units that already exceed the Code hardly help the
9 situation.

10 LUC Section 3.8.16(e)(2) requires the
11 decision-maker to determine whether the applicant has
12 provided not just the basics but additional open space,
13 recreational areas, parking areas, and public facilities
14 needed to serve the additional occupants of the development
15 and to protect the adjacent neighborhood.

16 The staff report states that in the opinion of the
17 staff, adequate public facilities have already been provided
18 to comply with LUC 3.8.16(e)(2). However, this is a
19 subjective standard, and the decision-maker should make
20 their own finding on this issue.

21 In our opinion, the public facilities provided in
22 the PDP are inadequate for the increased occupancy. There's
23 a considerable amount of undeveloped space in the PDP.
24 However, the bulk of it is jurisdictional wetlands, wildlife
25 corridors, and buffers fenced off from tenant impact. There

1 are no balconies or patios for residents to enjoy the
2 private outdoor space.

3 The single open lawn area is mostly surrounded by
4 two curved parking lots. The entire amenity area, including
5 the clubhouse, is 1.12 acres, or 48,621 square feet, which
6 is less than 80 square feet per tenant. This is not much
7 space for over 600 tenants to toss a Frisbee or just be
8 outdoors.

9 The applicant points to The Gardens at Spring
10 Creek and the CSU ropes course and Rollie Moore Park and
11 Spring Creek bike way and other existing commercial
12 facilities as amenities offsetting the increased occupancy
13 in the PDP. The developer made no contribution to these
14 facilities, and they should not be counted as facilities
15 offsetting the impact of increased occupancy.

16 The Spring Creek Trail is open for use 24 hours a
17 day. It never closes. It could become a place for numerous
18 students to gather at all hours, beyond the supervision
19 promised by Campus Crest management.

20 The PDP provides 627 parking spaces, including
21 along Rollie Moore Drive, in lots of public streets for over
22 600 young adults and their guests. No parking is allowed on
23 Centre Drive or in the MRRC complex or overnight at the
24 Spring Creek Gardens. Where is the overflow parking for the
25 many overnight guests who will inevitably be occupants of

1 this development? The only legal parking available nearby
2 for excess vehicles is on the streets of the CARE Housing
3 and the Sundering Townhomes.

4 The three unrelated rule was included in the Land
5 Use Code as a provision that could be enforced to protect
6 quality of life in Fort Collins neighborhoods. By almost
7 all accounts, it has been successful in decreasing problems
8 in our central neighborhoods. The Planning and Zoning Board
9 should find that allowing increased occupancy limits will
10 have a heavy impact on residents of the adjacent
11 neighborhoods, and they are not protected by limiting off --
12 by limited offsetting facilities provided by the PDP
13 contrary to the LUC 3.8.16(e)(2).

14 The PDP builds apartment buildings and streets in
15 a floodplain. It builds apartment buildings and streets in
16 the floodplain. What's the potential impact of building in
17 the floodplain? In an email written on January 24th of
18 2011, the floodplain administrator for the City wrote,
19 Chapter 10 of the City Code allows any party to develop in
20 the Spring Creek flood fringe and create up to 6 inches of
21 rise in the base flood elevation.

22 The net result of this allowable rise by
23 development is to force flood water onto adjacent and
24 upstream properties. City Code does not require any party
25 developing in the Spring Creek flood fringe to quantify the

1 impact on others.

2 This is not consistent with the best interests of
3 the city, its residents, and its first responders. In a
4 low-lying area such as this where scores of homes are
5 already in the floodplain, even a one- or two-inch rise
6 above the existing floodplain could have serious
7 repercussions.

8 Section 1.2.2(e) of the Land Use Code says the
9 purpose of the Land Use Code is to improve and protect
10 public health, safety, and welfare by, (e), avoiding the
11 inappropriate development of lands and providing for
12 adequate drainage and the reduction of flood damage.

13 The applicant proposes apartment buildings and
14 streets in the floodplain only because the PDP it wants is
15 simply too large for the site. The proposed fill narrows
16 the floodplain in the critical location where it could cause
17 the rise -- could cause a rise threatening low-lying
18 established neighborhoods against the floodway.

19 The Land Use Code, LUC 1.2.2(e), the City Plan,
20 and the West Central Neighborhoods Plan all provide for the
21 protection of life, property, public health, safety, and
22 welfare by discouraging inappropriate development in the
23 100-year floodplain.

24 The Board should honor the clear intent of these
25 codes and plans and deny this PDP on the basis of City

1 goals, principles, policies, and LUC 1.2.2(e), cited above.

2 SPEAKER: We have some slides that were hard to
3 talk to. We'd like to step through them for you.

4 This is a slide showing City Code 10, allowable
5 rise concept. And so just to start with, there's a -- the
6 notion of a floodway, and on the edge is the flood fringe,
7 and if you'll go a step -- one more. And that constitutes
8 the 100-year floodplain.

9 And on the right, you see there's an existing
10 structure not in the floodplain as the slide stands now.

11 So one more time. And then some fill material was
12 added in that flood fringe. A new structure is added to
13 that fill. And naturally, that causes a small rise. What
14 is allowable is between 1 and 6 inches.

15 Go ahead, Ed. And what happens with the small
16 rise is the existing structure on the right gets flood
17 water. And in our neighborhood, we have houses that are in
18 the floodplain, so while 1 to 6 inches is allowed, it just
19 takes 1 inch to send flood waters into our homes.

20 One more time. And so that last note just is a
21 reminder that -- we call it small. It makes the difference
22 between flooded basements, flooded bedrooms, and that sort
23 of thing in our neighborhood.

24 The next slide describes the narrowing of the
25 floodway. Need to go back a couple. No, you're going the

1 wrong direction. Okay. So the same volume of water through
2 a narrowed channel means the water must rise, and how is it
3 possible that filling in the floodplain will not increase
4 the flood level for adjacent neighbors?

5 And so just kind of repeating what I've already
6 said. City Code Chapter 10 allows for up to a 6-inch rise,
7 but Land Use Code Section 1.2.E, City Plan ENV-8.2, and the
8 West Central Neighborhoods Plan B6 all seem to contradict
9 that.

10 And so, you know, one solution is to reduce the
11 size of the project so you're not filling in the floodplain
12 and pushing water onto neighbors in a flood event.

13 Thank you.

14 MR. BARRIER: Okay. Proceeding on. The PDP
15 provides no primary use in the employment district. All
16 secondary uses must be a part of a larger employment
17 district development plan emphasizing the primary use. LUC
18 Section 4.27(d)(2) says, all secondary uses shall be
19 integrated both in function and appearance into a larger
20 employment district plan that emphasizes the primary uses.

21 No primary uses are proposed for this employment
22 district in the PDP. Multifamily housing and residential
23 clubhouse, both secondary uses in the employment district,
24 are only uses -- are the only uses being developed. An
25 undeveloped tract is left along Centre Avenue for some

1 unspecified future employment development. This does not
2 comply with the Land Use Code 4.27(d)(2).

3 Next, the PDP does not include two housing types
4 in the MMN district. A casual observer of The Grove of Fort
5 Collins, will see only one type of housing in buildings of
6 three sizes, large, 29,000 square feet; clubhouse, 24,700
7 square feet; small, 16,750 square feet. The elevations and
8 perspectives show that these buildings appear virtually
9 identical.

10 The first floor of Building 12 will be used as a
11 club space for all the residents. The apartments on the
12 second and third floor make that building mixed use, which
13 technically qualifies it as a second housing type.

14 Section 4.6(d)(2) of the Land Use Code requires a
15 minimum of two housing types for a development in a medium
16 density mixed use district on any development exceeding 16
17 acres but less than 30. The clubhouse is located in the
18 employment district, not the MMN district. So the whole MMN
19 side has one housing type. The employment is holding their
20 secondary housing type.

21 The MMN district is 22.9 acres, but it has only
22 one housing type, multifamily housing. Ms. Ripley asserted
23 in the October 21st, 2011 neighborhood meeting that LUC
24 4.6(d)(2) does not apply because the net acreage is under 16
25 acres. This is not correct. Although the density is

1 calculated on net acres, Section 4.6(d)(2)(a) specifies that
2 the standard applies to the development parcel. The PDP
3 does not comply with LUC 4.6(d)(2). Thank you.

4 SPEAKER: Okay. The next topic is that the PDP is
5 at risk if the ditch is not located. I know we've talked
6 about this, but the point we're trying to make here is that
7 it should be a condition of approval for the PDP that the
8 canal be relocated. I think everybody agrees it's the best
9 choice.

10 Materials provided by the applicant include
11 drawings of plans for relocating Larimer Canal Number 2, the
12 irrigation ditch, and rehabilitating the old alignment.
13 Changed alignment is not shown on the ODP even though it
14 changes the area of developable land within the ODP. This
15 omission is based on the fact that the ditch is not subject
16 to the city development review process. However, the
17 realignment of the ditch is critical to the hydrological
18 stability of the project. If the ditch is not relocated,
19 The Grove at Fort Collins and adjacent neighborhoods may be
20 put at risk.

21 Why don't you go to the next slide. And this is
22 something we didn't see in the ODP discussion. This is a
23 cross-section from the drainage report showing the red line
24 that I point to with an arrow. There it shows the proposed
25 grading plan, and this grading plan increases risk that the

1 canal bank could be breached. So there's a pretty
2 significant cut being made right near that canal to install
3 this PDP.

4 The grading plan involves a deep cut into the
5 hillside below the ditch to allow large buildings and to
6 allow Rollie Moore Drive in its new location to be crowded
7 as far south as possible. This extreme cut is demonstrated
8 by the water table cross-section I described here.

9 Go back to that slide, please. Thank you. A high
10 retaining wall and extensive under-drain system will be
11 required to stabilize this slope and collect seepage from
12 the canal and lowered water table. The cuts in the
13 retaining wall are made necessary only by the applicant's
14 desire to force the site to carry more project than is
15 appropriate for the terrain. The stability of this
16 engineered system will depend on the effectiveness and
17 long-term maintenance of the under-drain system.

18 Earlier, Mr. Schlueter referred to the ditch
19 company as being concerned about the trees, and they are,
20 because they pose a maintenance issue for that company, but
21 Mr. Schlueter missed -- lost track of a letter that John
22 Loren (phonetic), the superintendent of Larimer Canal Number
23 2, sent to the City, dated January 17th, and it said this.
24 Expressed other concerns. The Larimer Number 2 would like
25 to comment to The Grove at Fort Collins PDP Type 2. The

1 company is concerned about seepage from the ditch and impact
2 The Grove in the case of an extreme event that causes a
3 breach of the ditch. So this isn't Jerry Podmore's concern
4 alone. The ditch company has the concern.

5 A superintendent for the Larimer Number 2
6 Irrigating Company, I've experienced situations where
7 drains, as in the under-drains, cease to operate. This can
8 cause property damage and is upsetting to homeowners.
9 Often, they will direct their complaints to the ditch
10 company.

11 In my opinion, there are better solutions to this
12 problem. For example, the ditch would be lined or
13 relocated, and I would like to further discuss this issue
14 with you and the developer. And we know that's happened.

15 The applicant stated at the May 23rd neighborhood
16 meeting that it will perform and pay for the relocation of
17 the ditch, but has yet to demonstrate an iron-clad
18 commitment to do so, although it sounds like on Friday,
19 something was signed.

20 Showing relocation drawings in the PDP is no
21 commitment, because the City lacks jurisdiction over the
22 canal. However, it's not necessary for the Board to review
23 and approve the relocation of the ditch; merely make its
24 relocation a condition of approval for the PDP.

25 The Board should not approve the PDP until the

1 applicant produces copies of executed contracts between
2 CSURF, the irrigation company, and the developer to perform
3 this task with the specific timetable and with any Federal
4 and/or State reviews required, completed for agricultural or
5 nonagricultural water uses.

6 The next topic is about the PDP disrupting
7 existing connections between wildlife corridors. This slide
8 shows three wildlife corridors which exist in the area. At
9 the top of the slide to the north is Spring Creek wildlife
10 corridor, and in the middle is the wetland wildlife
11 corridor, and on the bottom is the canal wildlife corridor.

12 In between, we've represented what we know to be
13 some common paths of wildlife crossing between these three
14 corridors. All three corridors are used by many species for
15 travel, for home, for breeding, nesting, migration, and
16 feeding.

17 There are many trails and connections between
18 these wildlife corridors. They currently flow unimpeded
19 through the parcel proposed for development by the PDP and
20 through the residential neighborhoods to the north and the
21 west.

22 The PDP cuts off connectivity between the two
23 bordering wildlife corridors, being the canal and Spring
24 Creek, with a high retaining wall and a long iron fence.
25 The fence may have some low sections for deer to jump over,

1 but what about other species?

2 To the maximum extent feasible, Land Use Code
3 3.4.1.F.2 requires the development to preserve natural
4 connections, and Land Use Code 3.4.1.C requires the
5 development plan to be compatible with and to protect
6 natural habitats and integrate them within the developed
7 landscape of the community.

8 The PDP needs the fence between itself and the
9 natural areas to protect the sensitive environments. No
10 other residential development in this area requires a fence
11 like this to protect a natural area from the impact of
12 intense use by the residents. The existing neighborhoods
13 allow free flow of wildlife through common properties, lots,
14 and streets. If a fence is required to protect the natural
15 areas north of The Grove, so along the wetland wildlife
16 corridor, why is one not required to protect the wildlife
17 corridor along the canal?

18 That's a -- there is a section of a high retaining
19 wall behind The Grove buildings on the south side of Rollie
20 Moore. The applicant had suggested it could be a rough wall
21 that a fox could scramble up to escape. A really tall wall
22 like this doesn't seem to be a feasible escape route for
23 many species, and is likely to increase the risk of
24 residents encountering trapped wildlife.

25 Unlike surrounding neighborhoods, The Grove at

1 Fort Collins does not allow free flow of wildlife, does not
2 integrate wildlife within its developed landscape, and is
3 incompatible with the natural area. It does not comply with
4 the Land Use Code as I stated earlier.

5 The next problem is the PDP uses noncontextual and
6 potentially hazardous vinyl siding. The applicant has not
7 wavered in its intention to use vinyl siding in the project,
8 even though it is deficient in a neighborhood context,
9 compatibility, and poses a serious risk to life safety. A
10 comparison with fiber cement siding by the Institute for the
11 Built Environment in the applicant's June 1st, 2011
12 submittal states, quote, It is worth noting that in the
13 unlikely event of a fire, vinyl siding is extremely toxic to
14 occupants, emergency workers, and the ambient environment,
15 end quote.

16 We question the applicant's assertion that
17 building fires are an unlikely event. While fire is not
18 common, it's certainly not unlikely. And it becomes more
19 likely in denser populations and rental housing where
20 smoking is permitted and where less experienced individuals
21 may be living away from home for the first time, away from a
22 supervised environment, and perhaps responsible for the
23 first time to use a kitchen and other electrical appliances
24 safely.

25 The Board should ask the developer whether fire

1 events have occurred at its Grove developments and, if so,
2 how many and what were the circumstances. Vinyl siding
3 possess a high risk of contributing to catastrophic fire and
4 a serious health hazard due to its toxic smoke. The
5 Planning and Zoning Board should reject the use of vinyl
6 siding for this multifamily project.

7 The next topic is, the PDP consists of
8 all-electric dwelling units. This PDP as submitted still
9 consists of all-electric dwelling units using air source
10 heat pumps for space heating and electric water heaters.
11 These systems are not noted for reducing energy consumption
12 in Colorado. The developer has stated, in various ways,
13 alternatives, like gas furnaces, are being, quote,
14 considered; but as of June 6th, the City Planning Department
15 did not know how the apartments would be heated. We suggest
16 that the PDP not be approved until a clear and logical plan
17 is submitted for reduction of energy consumption and demand.

18 The developer has taken some laudable measures to
19 improve insulation of the building envelope. Ripley Designs
20 incorporated that flat roofs are proposed so that the
21 electricity demand can be offset by photovoltaic panels.
22 But the available roof area is not large enough for solar
23 panels to make a significant dents in the high demand for
24 electricity proposed by this project. No one is talking
25 about a solar panel farm in the parking lot, either, and all

1 of this depends on the City adopting a feed-in tariff, which
2 is far from certain.

3 Review comments show the City staff was concerned
4 about the impact of electric heat but then failed to follow
5 up on the issue. Staff stated that the developer continued
6 to tell them through the review process that electric heat
7 would not be used. The electric utility development fee
8 estimate provided by the City to Campus Crest seems to be
9 based on the assumption that no electric heat will be used.

10 However, if you look at the PDP plans in front of
11 you, there are no gas utilities shown; and a poster display
12 at the May 23rd neighborhood meeting, and included in the
13 packet we gave to you, specifically states that electric
14 heat pumps would be used in preference to gas furnaces.

15 Section 1.2.H of the Land Use Code requires that
16 projects improve and protect the public health, safety, and
17 welfare by reducing energy consumption and demand. The
18 Board should be aware that it's being asked to approve a PDP
19 with no gas utilities but with an electric utility plan that
20 was reviewed and recommended for approval on the assumption
21 that electricity would not be used for heating. The Board
22 should deny this plan as noncompliant with Section 1.2.2.H
23 of the Land Use Code.

24 The next topic is PDP transportation impact study
25 and traffic safety questions. Traffic analysis is a highly

1 specialized field, and the reputation and expertise of the
2 applicant's consultant is well established. However, the
3 residents who have studied the PDP have some questions about
4 the assumptions and scope of the transportation impact
5 study.

6 The traffic study trip distribution assumes that
7 80 percent of trips from The Grove will be to and from
8 CSU. This assumes the student with classes on four days a
9 week would only make one trip during the entire week for
10 errands, a job, for any other purpose. And the most recent
11 student market study conducted by CSU found that student are
12 more likely to use a car for errands and getting to jobs in
13 Old Town than for traveling to class.

14 The transportation impact study did not include
15 all the major intersections in the square mile, either, as
16 would be expected based on LUCAS standards. These major
17 intersections must be used for car trips and groceries and
18 other errands, as we discussed earlier. The travel impact
19 study studied level of service for bicycles only at Shields
20 and Rollie Moore Drive which contradicts the trip
21 distribution assumption that the majority of trips will be
22 to and from campus.

23 The most critical and most efficient intersection
24 for bicycle travel is at Centre and Prospect, but the
25 travel -- pardon me, the traffic impact study did not study

1 it. Citizen concern about traffic safety at Centre and
2 Prospect for students walking and riding bikes has been
3 constant throughout the development review process. Up
4 until now, City staff has consistently said that nothing can
5 be done. Citizen pressure and the prospect of hundreds more
6 students and using this intersection daily may finally
7 result in a more proactive response.

8 So we talked about a lot of stuff, and I
9 appreciate the 30 minutes that you gave us. I want to
10 stress that compatibility is the number one thing. We've
11 heard a lot tonight about the changes that have been made,
12 and we acknowledge the changes that have been made; but what
13 hasn't been changed is the 600 and some-odd residents that
14 will live at this PDP, and that was the crux of the
15 compatibility argument, along with the size and scale of the
16 buildings, the transition. It's too big, and I'll repeat
17 that. But we've also presented other arguments in other
18 areas where this development does not align to Land Use
19 Code. And thank you.

20 CHAIRMAN STOCKOVER: Thank you very much.

21 Can I get a quick show of hands who else would
22 like to speak to this issue tonight? The one thing I have
23 to stress is that we allowed group presentations, so I see
24 people raising their hands that are in those groups. So we
25 just don't have time to do that tonight. So if you're in a

1 group, and you're in a group, I'm not going to allow that.

2 SPECTATOR: What defines a group, sir?

3 CHAIRMAN STOCKOVER: It's fairly vague, but you
4 know, you're all over there talking. We're holding you to
5 that. It's 12:30. We need to be able to start
6 deliberating.

7 SPECTATOR: Well, I have stuff to give you to
8 read, then.

9 SPEAKER: I'm representing people who weren't
10 here.

11 CHAIRMAN STOCKOVER: We were very generous in the
12 amount of time we allowed you. We do hear you. We're going
13 to open it up to other people that would like to speak.
14 We're going to give three minutes.

15 MS. ALBERT: I'm Barbara Albert. I live at 603
16 Gilgalad Way.

17 I'm concerned about noise from the property,
18 especially given a lack of sound buffering. The applicant
19 has shown you photos of vegetation buffering that only exist
20 in the warm months, not during the school year.

21 SPECTATOR: Mr. Chair, is she not part of the
22 group?

23 CHAIRMAN STOCKOVER: I don't believe she was.

24 MS. ALBERT: And plans --

25 SPECTATOR: I'm sorry. I don't understand your

1 definition of group. Am I part of a group?

2 SPECTATOR: The chair ruled. Sit down.

3 SPECTATOR: If she lives on Gilgalad --
4 Gilgalad --

5 CHAIRMAN STOCKOVER: We -- we just don't have time
6 to get into this back and forth, back and forth. You guys
7 are a group. You guys are a group. I'm allowing ample time
8 for everybody else to speak.

9 SPECTATOR: Can we give you things that --

10 CHAIRMAN STOCKOVER: We won't have time to review
11 them tonight. I mean, we'd have appreciated them in
12 advance, but at this late hour, I just don't believe it
13 would be prudent to take information that we have no time to
14 review.

15 So, please, if you would. I'm trying to be as
16 fair as I possibly can. So I would like you to sit down,
17 and I would like to reset the timer, and I would like this
18 person to be able to proceed. Thank you.

19 MS. ALBERT: The application has -- the applicant
20 has shown you pictures of vegetation, but they only exist in
21 the warm months, not during the school year. And plans to
22 plant little stick trees. The fence is at the bottom of the
23 hill, so below the sound, so it provides no sound buffering.
24 City Code requires in Chapter 20, Article 2, Section 20 to
25 23, that the noise level be 50 to 55 decibels from the edge

1 of the development.

2 For reference, 55 decibels is like a radio on low
3 volume at one meter's distance. Can 612 people with cars,
4 radios, and a pool really do that without sound buffering?
5 It isn't just about the distance. The project is in a big
6 hill over a basin.

7 The City has addressed sound buffering with other
8 applicants. For instance, the planning objectives for our
9 good neighbor, the Horticulture Center, in 2000 states this:
10 The noise level of any event, whether people or from music,
11 is a critical one. We also understand that the nearest
12 homes are relatively close to the great lawn, and that the
13 sound travels more readily in this creek basin for
14 geographic and climatologic reasons.

15 Unlike The Grove, the Horticulture Center went to
16 great lengths to address neighborhood concerns about noise
17 and submitted scientific analysis of noise levels. The
18 Gardens accepted the burden of proof to demonstrate noise
19 levels would be tolerable and comply with Code. This issue
20 was not resolved in the planning process. You'll infringe
21 on my property rights if you approve a project that by
22 design will disturb the peace.

23 We've heard how hard it is to live next to noisy
24 neighbors. Did you see how hard it was for me to keep my
25 three little kids quiet for the meeting tonight? Imagine

1 pushing 712 college students every Friday night and Saturday
2 night and Sunday night, for the next 15 years, until the
3 evergreens grow up. Thank you.

4 CHAIRMAN STOCKOVER: Thank you.

5 I'm thinking. It's under advice of counsel that
6 we open the doors back up to anybody who would like to
7 speak. The concern is that we have to hold a fair hearing.
8 And if it gets challenged and City Council reprimands it
9 back to us, we'll spend another eight hours, so it would be
10 time well spent to spend another 15 minutes and let five
11 more people talk tonight. So we are going to allow anybody
12 who would like to speak this evening to speak.

13 MS. FIX: Hi. I'm Carol Fix (phonetic). I live
14 at 732 Gilgalad Way.

15 We are a neighborhood in one square mile which is
16 bound by four busy roads: Prospect, Shields, Drake, and
17 College Avenue. In our one square mile, there are
18 single-family homes, condominiums, and apartment buildings.

19 We already have a fair share of student housing.
20 Students live in the condominiums to our south, as well as
21 in the Sheeley neighborhood. Students fill the Landmark
22 Apartments on the corner of Prospect and Shields, and
23 married students occupy Aggie Village.

24 The newest addition to our neighborhood is the
25 Capstone project behind the Dairy Queen, will bring 676 new

1 beds intended to be student housing. If The Grove is
2 allowed to be built with its 612 beds for students, our
3 single square mile will have almost 1,300 new students, far
4 exceeding our fair share of student housing. All of these
5 things are happening in our one square mile.

6 But let's get one thing straight. We're actually
7 talking about only a very small portion of that one square
8 mile. The future growth that we're talking about here is in
9 much less than half of that square mile, which means that
10 the 1,300 new student beds literally happen within a quarter
11 mile of each other and of us. Such a high concentration of
12 students will create undue burden on our neighborhood.
13 Please vote no on The Grove. Thank you.

14 CHAIRMAN STOCKOVER: Thank you. Next, please.

15 MS. OZELLO: Thank you for letting us speak. My
16 name is Nancy Ozello (phonetic). I live at 644 Gilgalad.

17 My topic is other similar developments in the
18 Spring Creek floodplain and that they're not equivalent.
19 When asked if residential development has been allowed
20 recently in the Spring Creek floodplain, elsewhere in the
21 city, staff referred to two projects, Pinnacle Townhomes and
22 the Lots at Park Central.

23 Pinnacle Townhomes is opposite an undeveloped
24 horse pasture, and the Lots at Park Central is opposite
25 Spring Creek Village, located at the top of a slope, well

1 out of the floodplain. Maps of Spring Creek FEMA floodplain
2 for all three locations are appended to the resident report.
3 Unlike The Grove at Fort Collins, these two projects are
4 located in a small rise, and the flood elevation does not
5 threaten existing homes that are already in the floodplain.
6 Thank you.

7 CHAIRMAN STOCKOVER: Thank you very much.

8 MS. TOLCHIEF: Good evening. My name is Jennifer
9 Tolchief (phonetic), and I live at 1084 Sundering Drive. I
10 would like to address statements made tonight that touched
11 upon the impact of student rentals in existing neighborhoods
12 and how the PDP is a good solution.

13 We -- my neighbors and I sympathize with the
14 neighbors of CSU, around other parts of the city. Their
15 efforts to preserve their neighborhoods' character is a
16 concern of each neighborhood in the city.

17 However, a student housing project of this scale
18 and intensity as proposed by the PDP is not a conducive
19 solution. It is not conducive to the West Central
20 Neighborhoods Plan, which was adopted by the City in 1999.
21 It emphasizes that overconcentration of student housing in
22 the infill area south of Prospect would have a destabilizing
23 influence on neighborhood character.

24 In Appendix A, Page A2, the WCM plan says that
25 destabilizing forces affecting some neighborhoods have

1 generally not yet impacted the half of the planning area
2 south of Prospect Road, but the possible encroachment of the
3 same destabilizing elements, as well as poorly situated
4 commercial facilities, and in excess of high-intensity
5 infill housing, can become a major factor in the future
6 character of these presently less impacted neighborhoods.

7 Preserving and building upon the positive
8 character of these neighborhoods will be another challenge
9 of the planning process. It is also important to provide
10 means of monitoring the appropriateness of new infill
11 development if the existing neighborhoods are to retain
12 their identifying character.

13 The PDP is precisely the source of undesirable
14 high-intensity infill predicted by the West Central
15 Neighborhood Plan. The developer is unwilling or unable to
16 adjust the project to a more appropriate scale and impact.

17 The Board is the decision-maker charged with
18 monitoring the appropriateness of new infill and should
19 reject the PDP. Thank you.

20 CHAIRMAN STOCKOVER: Thank you.

21 We're ready.

22 SPEAKER: Okay. I'm going to read real fast
23 again. This is a -- PDP from my husband. I would like to
24 remind you, though, that because of what was said before, my
25 husband's comments -- previous comments of the ODP, you

1 should now look at in terms of the PDP. This is -- here,
2 he's talking about the design criteria complying with the
3 1998 version of the American National Standard for building
4 a facility providing accessibility and usability for
5 physically handicapped people.

6 According to ANSI 117.181998, all of the proposed
7 building in The Grove development would be required to have
8 an accessible entrance with an accessible route to the
9 entrance from the hand- -- doesn't mean handicapped parking
10 spaces. In addition, the accessible route must be the
11 shortest route possible. While the design criteria does not
12 have a maximum length of accessible route, I believe the
13 intent of the criteria appears to have the new construction
14 site configured such that there are short distance between
15 the handicapped parking and the building insti -- entrances.

16 Building 4 has a 310 feet accessible route.
17 Building 5, 400. The remainder of the building says
18 handicapped parking spaces near the entrance. While ANSI
19 117.181998 does not give a maximum distance to a handicapped
20 parking space, the intent is to provide accessibility to
21 physically disabled persons. I believe that requiring
22 handicapped persons and the elderly to travel 300 feet in
23 all weather conditions, including rain and snow, is not
24 reasonable.

25 And then he talks also again about the corner

1 sight distance for vehicles to enter traffic and accelerate
2 to the average speed. Corner sight distance shall be
3 measured as shown in Figure 716. According to LUCAS figure
4 716, the corner intersection sight distance for a design
5 speed of 40 miles per hour, a collector is 660 feet. As
6 shown on the attached exhibit, the proposed Rollie Moore
7 Drive and public local street intersection fails to meet
8 this requirement. Building Number 6 and the parking lot is
9 located within the required sight distance. Due to the
10 on-street parking, the intersection to Rollie Moore Drive
11 and public local street will have an approximate sight
12 distance, looking east, of 310 feet. Also, the intersection
13 of the public commercial street and Rollie Moore Drive will
14 have an approximate sight distance, looking west, of 310
15 feet, which is less than the minimum sight distance for a
16 collector street. This standard -- these substandard sight
17 distances can create a public safety issue.

18 And on behalf of myself, I'd like to say real
19 briefly that because of the retaining walls and the concern
20 from the seepage and the failure of those retaining walls,
21 that since it's been decided that the ditch relocation is
22 separate from the PDP, from the -- the resubmitted PDP, then
23 the resubmitted PDP for you tonight must stand as if the
24 ditch will never be relocated or realigned, and therefore to
25 safeguard public safety, protect lives from injury or death,

1 structures from damage from potential failure of the
2 retaining walls, and prevent the uninterrupted use of
3 Larimer Canal Number 2, you must deny approval. Thank you.

4 CHAIRMAN STOCKOVER: Thank you. Thanks for
5 talking fast again.

6 MR. BENNETT: Good morning. I'm Devon Bennett
7 (phonetic). I reside at 900 Shire Court.

8 The proposed development site has wildlife
9 corridors on the north and south. Dr. Tom Sibert (phonetic)
10 has stated in front of this group that the entire area of
11 the project serves as a wildlife corridor, with the wildlife
12 traveling from the canal to the wetland areas to Spring
13 Creek. The presence of wildlife is a major component of the
14 character of this neighborhood.

15 On November 19, 2011, Planning and Zoning denied
16 Campus Crest's first PDP. On November 30th, 2011, the
17 applicant emailed Steve Olt, quote, Campus Crest will be
18 arranging for someone to fill a fox hole on the CSURF site
19 this week before the foxes go in for the winter. As you are
20 aware, we need to get the burrows filled now to be certain
21 that the foxes with kits are not disturbed if The Grove
22 project gains approval and can initiate construction in the
23 spring. End quote.

24 Within three minutes, Mr. Olt responded, quote,
25 Outside of the environmental issues, filling the fox holes

1 would be considered development, as in preparing the site
2 for development. There is no approved development plan,
3 only pending. Therefore, the City cannot allow this site
4 development preparation. Please cancel the job. End quote.

5 Campus Crest continued in their quest to fill the
6 fox den despite the fact that their Project Development
7 Proposal had been denied and that the Overall Development
8 Plan had been appealed and was eventually denied by City
9 Council on December 21st of 2011 (sic). They asked for an
10 administrative interpretation of Section 5.1.2 of the Land
11 Use Code on the definition of development.

12 On December 17th of 2011, Ted Shepard provided an
13 interpretation of the Land Use Code that affirmed Steve
14 Olt's position that the filling of fox burrows in abandoned
15 holes is hereby considered to be part of the act of
16 development -- of developing and shall not commence until
17 approval of final plans.

18 The decision of this Board tonight will almost
19 certainly be appealed to City Council. I hereby
20 respectfully request that the applicant, the Planning and
21 Zoning Board, and City staff assure the community of Fort
22 Collins that the fox dens are not filled if the PDP is
23 approved tonight. If approved here, the City Council could
24 overturn the PDP, and harm will have been unnecessarily
25 caused to the wildlife in the area.

1 And I have a dialogue between these groups. Thank
2 you.

3 CHAIRMAN STOCKOVER: Thank you very much. Next,
4 please.

5 MR. FISCHER: Gere Fischer. 608 Gilgalad. Thank
6 you.

7 A couple points I just want to make out.
8 Something that hasn't been considered that I know of is, CSU
9 should consider some on-campus housing, or this development
10 on campus. They built an enormous football stadium. They
11 have the room. Places. I haven't heard that option as one.

12 And we talked about the student housing and how
13 important it is. There's not a single member of the
14 Colorado State University executive team here to address the
15 problem or understand part of it. I think that's somewhat
16 telling.

17 A gentleman earlier talked about how he lives near
18 six students and insinuates that he has problems from the
19 Rollie Moore neighborhood. We're about to live near 600.
20 Just pointing that out.

21 This development is not going to change issues of
22 students wanting to live in single-family houses. If the
23 population continues to grow, people will want to live in
24 single-family houses. They may want to live in apartment
25 buildings. But this is by no means going to eliminate

1 single-family houses with three or, hopefully, not more than
2 three students per house in a residential neighborhood.

3 Finally, I just want to end on a couple of Code
4 points. I believe that the project being built on the hill
5 slope demands consideration to the applicability of Section
6 1.2.2(n), ensuring that the development proposals are
7 sensitive to natural areas and features. Yes, they're
8 allowed to go 40 feet high, but they should be sensitive to
9 the natural areas and features. It's on a hill slope
10 overlooking our neighborhood, and I think there's some
11 sensitivity that needs to be played there.

12 And finally, Section 1.2.2(m), ensuring that
13 development proposals are sensitive to the character of
14 existing neighborhoods. I think it's really clear from
15 those slides earlier tonight that that might be an issue for
16 you to consider.

17 Thanks for your time. I appreciate it.

18 CHAIRMAN STOCKOVER: Thank you.

19 MR. SUTHERLAND: Eric Sutherland, of 3520 Golden
20 Trail, an address that is nowhere near the proposed
21 development. I just wanted to make that clear, that there
22 are other people in this community.

23 To look at this development proposal is a litmus
24 test as to whether or not Fort Collins is faking itself out
25 when it aspires to word class standards. I'm here tonight

1 to talk about 4.27(d) and (e), a subject that's been
2 discussed quite a bit this evening, and for good reason.

3 That particular citation, that particular element
4 of Land Use Code, was mentioned, brought to you, by a
5 citizen on the very first evening, the very first time that
6 this Board heard about this development proposal. And that,
7 of course, is the fact that you need a primary employment
8 purpose if you're going to develop in the primary -- in the
9 employment zone. And of course, this PDP does not in any
10 way comport with that black-and-white language in the Land
11 Use Code.

12 And so, you know, six months or longer transpired
13 from the very first time the citizen mentioned that element,
14 that noncompliance of the Land Use Code, until now. And yet
15 there's never been any response from the applicant or City
16 staff to look at it.

17 And I really say that's telling, because of the
18 fact that this is going to go on eight hours tonight, and
19 somebody has to represent the fact that City staff is not
20 enforcing the Land Use Code.

21 This proposal should never have gotten off the
22 ground. The answer should have been from the get-go, What
23 you want to build on this piece of property does not comport
24 with the Land Use Code. Unless you bring us a plan that
25 shows us a primary employment purpose, as defined by the

1 LUC, you can't take your 25 percent and use it for secondary
2 uses. That's the way the Code reads. There's no other
3 interpretation.

4 And I'd like to expand on that just a little bit
5 more, because I think it's very important, by introducing a
6 few means test to that standard. What would it be like if
7 it were the other way around? Truly, indeed, in any
8 employment zone, you could go in and cordon off 25 percent
9 of it and build a secondary use on it, no intent, no plan,
10 no possibilities for the remainder of the zone. Would that
11 work in our land use planning system? No, it wouldn't.

12 There's not a single employment zone in town, very
13 important pieces of property, very important to the future
14 of Fort Collins, that wouldn't be jeopardized by that
15 interpretation of the LUC.

16 Furthermore, the particular set -- the only
17 reference I can remember -- I've been plying this case for
18 six months now -- is when Board Member Schmidt made a
19 notation of it in her comments. It appeared on Page 118 of
20 the transcript of that very first hearing when she talked
21 about the fact that, Well, there's a sliver of land along
22 Centre Avenue that's going to be orphaned out there. What's
23 the intent? What's the purpose? What's going to be
24 developed there? Is it even developable in its current
25 configuration, et cetera.

1 I'll say, harping on that to the exclusion of
2 other things, I'd like to talk about, because that's just
3 one area that would have halted needless controversy in this
4 project, if only the City staff were to be applying the Land
5 Use Code the way it is written down on the paper.

6 You can't build an all-electric building there
7 that's green. Campus Crest has a business policy that
8 shafts its tenants at other facilities by not charging them
9 what's on the meter unless they go over \$30 a month. That's
10 illegal according to State law, which is also represented in
11 our City Code. Thank you.

12 CHAIRMAN STOCKOVER: Thank you.

13 MS. CONSULO: I'm Stacy Consulo (phonetic), 620
14 Gilgalad Way. The 2011 City Plan Appendix B states the
15 following clearly: The City embraces the philosophy that
16 new development should pay its own way, pay its share of the
17 costs of providing needed public facilities and services.
18 Capital projects needed to support new development are
19 funded primarily by developers through payment of fees.

20 You can understand my concern, then, that the City
21 may not be charging Campus Crest the full cost of
22 development on this project for some unknown reason. I will
23 give to you, or I gave to you, a spreadsheet that lists
24 potential building fees that we see are not being fully paid
25 by the developer. We understand from the City Manager's

1 office that some of the fees may have been miscalculated by
2 the City, which is understandable, considering the many
3 iterations these plans have taken.

4 I've also attached information about another
5 student housing project, Flats at the Oval, where fees were
6 definitely reduced by the City. If The Grove project is
7 allowed to go forward, we want to be guaranteed that every
8 fee is collected as published in the fee schedule on the
9 City's website.

10 Further, we want to be assured that Campus Crest,
11 Inc., as a purported supporter of students, also fully
12 supports the fees for students to Poudre School District,
13 many of who eventually attend CSU. There should be no
14 request made to cut fees for this housing development,
15 especially if this development is being sold as multifamily
16 residential housing that could potentially be home to people
17 of all ages. Thank you.

18 CHAIRMAN STOCKOVER: Thank you very much.

19 Is there anyone else who would like to speak at
20 this point? Okay.

21 MS. BURNETTE: I'll just go really quickly while
22 Ed's doing that. My name is Sara Burnette, 714 Gilgalad
23 Way, and I'd just really like to thank the Board for the
24 opportunity to let everybody speak who had comments
25 prepared. Thank you.

1 CHAIRMAN STOCKOVER: You're welcome. And thank
2 Paul for that one.

3 MR. KERNAN: All right. Good evening. My name is
4 Ed Kernan, again, 632 Gilgalad. Thank you for the
5 opportunity. I'm going to keep it short, and I've got
6 pictures. It's the end of the night, and I really
7 appreciate the time.

8 First of all, this tract, 11.11. We talked a
9 little bit about this. Go ahead and click -- left-click.

10 SPECTATOR: How do I move forward?

11 MR. KERNAN: Just hit the left click.

12 SPECTATOR: Left click.

13 MR. KERNAN: She's a Mac user. So that's -- there
14 we go. This is the census from the year 2000. It's about
15 1800 people live in our census area.

16 Next one, please. And this is what this looks
17 like, age-wise, the census population. As you can see the
18 18, 24, age range in the year 2000 was probably the largest
19 population. In 2010, it has grown.

20 SPECTATOR: Sorry.

21 MR. KERNAN: Okay. And so now -- just leave it
22 there -- with the addition of The Grove, this is what this
23 population trend looks like, with 600 additional. And it
24 far outnumbers everything in this small quarter of a mile.

25 One more. And of course, we're talking about

1 adding Choice City with that also. And this is, I think,
2 what we're -- the point that was made earlier. This really
3 skews the numbers in our very small area.

4 Hit it again, please. And again, this is back to
5 the point I made earlier, draws it all together. We've got
6 population, huge population. And the difference between
7 this particular development and the other developments that
8 are going on is really the intentional direction of the way
9 this traffic is supposed to move out of this place, out on
10 Elizabeth, the Rams Point, that particular thing. It's
11 directed away from -- from the residents. Here it is more
12 or less direct-driven -- directed into it.

13 That's all I have to say. Thank you very much,
14 again, for your time.

15 CHAIRMAN STOCKOVER: Thank you. Anyone else
16 wanting to speak this evening?

17 I think we've given everybody ample opportunity.
18 That closes public testimony.

19 At this point, we have time for the applicant to
20 respond to public testimony if they choose to.

21 MS. RIPLEY: Okay. Thank you. There are several
22 of us that are going to respond, based on our individual
23 expertise.

24 I guess the first one I had my name on was one of
25 the neighborhood -- was contesting that we didn't have

1 adequate amenities to justify four-bedroom units. Just a
2 couple of things to say about that.

3 The Code does ask you to look carefully to see
4 that there are adequate amenities. And so the question is,
5 is there enough additional for that additional number of
6 students.

7 First of all, it isn't an additional number of
8 students. Those four-bedrooms could simply be two-bedroom
9 apartments, and you'd have exactly the same number of people
10 living in the complex. So that's one thing to think about,
11 because that's what would happen if they weren't allowed to
12 have four-bedroom. They'd simply fall back and have two
13 two-bedroom units. But it's nice to have the variety they
14 like to offer that.

15 However, for a multifamily project, you're only
16 required to have -- to satisfy your park requirements,
17 you're required to have a private open space of at least
18 10,000 square feet. The open space that encompasses that
19 central green, the clubhouse, the pool, that outdoor area,
20 the sports complex or the sports courts, is 1.12 acres. So
21 that's like over 43,000 square feet. Well above the 10,000
22 that's the minimum requirement.

23 So I think there's plenty of recreational
24 opportunity on this site for the amount of students that
25 live there. It is -- it is concentrated purposely so that

1 all that noise and activity is concentrated well away from
2 the neighborhood.

3 They were talking about -- one woman talked about
4 noise. It's a reason why we've put the clubhouse in the
5 interior of all those buildings, so a lot of that noise will
6 hit the buildings and bounce back to the clubhouse, rather
7 than bleeding out through the neighborhood.

8 So bottom line, there is a noise ordinance. If
9 students aren't respectful of that, which I think they would
10 be because of the management, but if they weren't, the
11 neighborhood has recourse there. But of course, if noise is
12 loud enough to bother the neighborhood, it's certainly going
13 to be bothering the students who live next door who might be
14 the studious type. So they'll call their manager. So
15 that's how those noise issues, we would anticipate, would be
16 handled.

17 Let's see. There's a question about whether
18 there's adequate parking. We've got 499 parking spaces on
19 our parking lots. We've got an additional 128 on the
20 street. That's more than one parking space for every single
21 student that would live here. We anticipate that there
22 actually will be students that will choose to live here
23 because they can get pretty much every place they need on
24 their bike. So we don't even know that every student will
25 drive a car, have one here, and they come and go.

1 And the neighborhoods repeatedly say, Well, there
2 will be a lot of overnights. Well, there probably will be
3 some overnights, but also some students that live here will
4 be spending the night somewhere else. So I think the best
5 representative of that was the young man from Greeley who
6 said there was always adequate parking. It's one of the
7 primary things they do in their developments, is make sure
8 there's adequate parking.

9 I wanted to talk about the issue of this crazy
10 thing that we have of being in two zone districts, that we
11 have MMN and E, and we have a dividing line that goes
12 diagonally through it. It doesn't go at straight angles.
13 It's a curve. Very unusual for a zone district line.

14 We were -- they pointed out that we have to have
15 two housing types and that our clubhouse is our second
16 housing type, but it actually falls in the E district rather
17 than in the MMN district. But I would point out that the
18 clubhouse is a complex. There's actually a building on the
19 other side of the pool, and the zoning line goes in between
20 the two. So the clubhouse complex is actually in both zoned
21 districts. We've always presented the project as a whole.
22 However, we do believe that we meet the requirements of both
23 zoned districts.

24 Let's see. The issue that some of the
25 neighborhood believed that because the -- part of the

1 project is in the E district, that it had to somehow be
2 partially primary use, simply isn't the case. That's why we
3 have -- one of the reasons why we have the ODP and why the
4 ODP is useful, because that document requires that there is
5 a primary E employment use.

6 This project will take up approximately seven
7 acres of that E zone, and therefore they've used up seven
8 acres of their secondary land use. So I don't -- that's
9 not -- as far as I know, that's not a Code requirement, that
10 you have to have a primary use in each phase. That often
11 happens that you don't -- you can do the secondary land use
12 first, if you choose to. That's perfectly appropriate. In
13 the end, though, you're required to show that you meet it.

14 Let's see. I think I'm going to let somebody else
15 go. I may come up if I find my name on something else that
16 I haven't hit on. But -- who wants to go next? I guess
17 we're going to talk about traffic.

18 MR. DELICH: Matt Delich, Delich and Associates,
19 traffic transportation engineering. I took notes on four
20 items that came up in the 30-minute presentation on traffic.

21 One with regard to the -- the trip distribution of
22 80 percent toward -- to and from Colorado State University.
23 Understand that traffic studies, the analysis periods that
24 we're doing are the peak hours. And that's not to say that
25 trips aren't made at other hours. And those trips to

1 grocery stores, for example, and the like are often made on
2 nonpeak hours.

3 During the peak hours, when students are obviously
4 the most active, going to and from school, they're going to
5 be going to and from Colorado State University. And the
6 true distribution that we use was discussed in the scoping
7 meeting, the required scoping meeting, with City staff.

8 There was a contention that we did not include all
9 the major intersections in the square mile. If you read
10 further in the -- my eyes are drying out. It's pretty late.
11 Excuse me. If you read in more detail in the Chapter 4 of
12 the LUCAS -- excuse me -- the intersections that are
13 analyzed have to be impacted by 10 percent or greater, so
14 when we go in and pick the intersections that we're going to
15 analyze, the -- we look at what the expected traffic will be
16 in those directions. And if they are impacted by less than
17 10 percent, then they don't have to be analyzed. So that's
18 in the guidelines for traffic studies, and again, it was
19 discussed in the scoping meeting with City staff.

20 And then the bicycle level of service. We did the
21 bicycle level of service in accordance with the guidelines
22 in the transportation studies. We also looked at pedestrian
23 level of service. And we did that in accordance with the
24 guidelines in the traffic study guidelines.

25 And then the Centre/Prospect intersection was the

1 last one. We, in fact, did follow-up work on the Centre
2 Avenue and Prospect intersection later in the process.
3 There was a memo prepared, and it was part of the public
4 record, and at the request of City staff, so we did do
5 follow-up work at that intersection.

6 I'm available for questions, if you have any,
7 either now or later. Thank you.

8 CHAIRMAN STOCKOVER: Thank you.

9 MS. PLAUT: Josie Plaut, with the Institute for
10 the Built Environment. I wanted to address a couple of
11 issues that were brought up by the neighbors in concern.

12 First, to clarify, on the vinyl siding. These
13 will be sprinklered buildings, and so the event of a full
14 building burn-down is indeed highly unlikely. Such an event
15 has not occurred in Fort Collins, to my recollection, with
16 sprinklered buildings. I think that that is indeed a very,
17 very low risk.

18 I also wanted to address the question about the
19 all-electric heat. I know that's of concern. For one, I
20 would say that that is permissible within the Code.
21 However, the client is committed to using an alternative
22 source of heat. So the all-electric air source heat pumps
23 are not a consideration at this time for this project.

24 These are evolving as the design is evolving, so I
25 realize that this isn't all reflected in the documents.

1 However, they have committed to meeting the Energy Star
2 Version 3 prescriptive requirements for heating and cooling,
3 which include a 90 percent efficient gas furnaces and a SEER
4 13 air conditioning unit. That's the baseline system.
5 They're still considering three additional systems that
6 would perform at greater efficiencies from those.

7 So I just -- it's perhaps new information. As I
8 said, the design is evolving as we -- well, maybe not as
9 we're speaking right now, but, you know, figuratively
10 evolving.

11 CHAIRMAN STOCKOVER: Can I ask one quick question
12 there?

13 MS. PLAUT: Yes.

14 CHAIRMAN STOCKOVER: You'd mentioned they're doing
15 LEED on one building? Is that -- did I hear that correctly?

16 MS. PLAUT: That's correct.

17 CHAIRMAN STOCKOVER: Are they doing this heat
18 commitment on all buildings?

19 MS. PLAUT: That's correct. So all of the
20 buildings in the project will be built to the same design.
21 They do use a prototype model so they have one -- well, you
22 know, two basic building designs, their larger and their
23 small building, and all of the buildings on this project
24 will be made -- built to the same, insulation, paints,
25 finishes, adhesives, and heating and cooling, water

1 efficient fixtures. Those will be throughout the entire
2 specifications of the project.

3 However, for financial feasibility reasons, just
4 one building will be actually certified through the LEED
5 process. It is a significant expense to certify each
6 building, and so it is a genuine commitment and a commitment
7 to build all the rest of the buildings to the same
8 specifications and standards. So we believe that this is an
9 acceptable approach to greening the entire project.

10 CHAIRMAN STOCKOVER: Okay. Thank you for your
11 clarification on that.

12 MS. PLAUT: And that's -- yeah, that's all.

13 CHAIRMAN STOCKOVER: Brigitte has a question.

14 MS. SCHMIDT: I just have one question. I don't
15 understand all that much about LEED, but I know a lot of
16 times, I've heard things associated with like gold or silver
17 or -- I know there are different levels.

18 MS. PLAUT: Right.

19 MS. SCHMIDT: So is this the most basic level,
20 then, as far as -- because you mentioned -- okay.

21 MS. PLAUT: I can -- yes, so at this time, we have
22 reviewed the project, and we know that it can meet all of
23 the requirements to achieve a basic certification level.
24 We're in the process of doing an energy model which will
25 determine the amount of points that are available for energy

1 efficiency, which will have a big factor in what level we
2 achieve. So I believe it's likely that we will be above the
3 basic certification level. However, that is still under
4 development at this time.

5 MS. SCHMIDT: Thanks.

6 MR. HAAS: Nick Haas with Northern Engineering
7 again. At this time, I'd like to address some of the
8 roadway issues that were brought up earlier at ODP and kind
9 of a -- re-referenced with the PDP.

10 Collectively, they related to curb radii, arc lane
11 tangents, sight distance, and I guess we can say we -- I
12 believe the Board packets did have a list of some
13 engineering variances that were granted for Rollie Moore
14 Drive. So I mean, that's an acceptable part of LUCAS.

15 So through that, both the variances and the basic
16 LUCAS requirements, all of the roadway geometry with the PDP
17 meets the standards. It's been reviewed and approved by
18 City staff. If there's specific questions, I can answer
19 them further. But we have, indeed, addressed and looked at
20 all those.

21 I'll point out a few reasons and justifications,
22 perhaps, for Rollie Moore, because it wasn't just on a whim,
23 and because it's necessarily substandard. I mean, Rollie
24 Moore -- one of the intentions of Rollie Moore Drive is to
25 slow traffic. We do have a full-width parking and bike

1 lanes, but we have some narrower travel lanes, both for
2 environmental considerations and to help that traffic
3 calming effect. The curb bulges and rain gardens further
4 try to slow the traffic through there.

5 So the lower design speeds along Rollie Moore
6 Drive then result in different curve criteria and sight
7 distance, and again, that's all been evaluated by City staff
8 and deemed acceptable.

9 We actually have some variances approved for wider
10 streets on the outer local residential roads to help meet
11 some concerns of Poudre Fire. That oversized bike path that
12 we're doing is technically not a City standard, so that's a
13 variance. The addition of the rain gardens is not in LUCAS.
14 It's a variance. Again, that's all been provided, but I did
15 want to briefly address the technical roadway design issues
16 that were brought up.

17 The next one that was brought up was basically a
18 handicapped parking access, and I haven't had a chance to
19 fully review or assess what was stated, but we have looked
20 at it ourselves against the Codes that we believe to be
21 pertinent, and amongst the units on this site, there would
22 be five fully accessible units that would be required. They
23 would be spread out throughout the complex and located in
24 the buildings that are most convenient and have handicapped
25 parking space directly next to them.

1 Additionally, all of the ground floor units would
2 be the Type B adaptable handicapped units, and it is true
3 that the two buildings that have the least convenient or the
4 longest route to handicapped parking space is Building 4 and
5 5 along Rollie Moore Drive. We actually asked City staff if
6 it was possible to provide on-street handicapped parking on
7 Rollie Moore Drive. They deliberated, took it to the
8 transportation coordination, and on a city street that they
9 uphold jurisdiction over it, it wasn't something that they
10 felt was warranted.

11 Another issue that was brought up was filling in
12 the floodplain fringe and subsequent effects with the
13 roadway and corners of the buildings that are in that
14 floodplain fringe.

15 And all I can really say to that is that we've met
16 all the requirements set forth in Chapter 10 of the City of
17 Fort Collins Municipal Code, all the applicable FEMA
18 guidelines. It allows filling in the fringe, construction
19 of the residential buildings, and I -- it would appear that
20 perhaps some of the concerns were with the Code and
21 regulations themselves. That's what we're forced to adhere
22 to, and we've done that. And City floodplain administrative
23 staff has, again, reviewed it and approved all that
24 documentation.

25 There was, I think, brought up a couple of times

1 the cutting into the hillside and the slope there. This
2 section kind of illustrates to a proper scale of what
3 that -- the development is doing along that hillside with
4 respect to the existing and proposed topography. That would
5 be finished grades so that you don't have a 40-foot tall
6 building and then that exacerbated by the slopes. It does
7 result in cuts and fills terracing up the hillside on the
8 orders of, you know, of 10 feet cuts, 10 feet fills, as the
9 buildings flatten out, climbing up the hillside.

10 The cut and grading adjacent to the Larimer Canal
11 was mentioned, and I guess I'll -- I'll reiterate some of
12 the statements of perhaps the neighbors that this project
13 needs to stand on its own, and our engineering design team
14 has done that.

15 The system of toe drains and under-drains in place
16 and the slope stability analysis that was performed and the
17 retaining wall proposed that'll be, you know, further
18 designed during final design, require a building permit, you
19 know, engineering, stamp and licensure to ensure that all of
20 the -- al of those structures and stability and under-drains
21 indeed are safely stable, not just for neighbors, but for
22 these buildings that Campus Crest has proposed building in
23 that location. It would behoove them and all of us that
24 would be stamping work out here that it's going to indeed be
25 stable and function.

1 The ongoing maintenance and operation of the
2 under-drains will be covered in the development agreement to
3 again ensure it's not put in the ground and look the other
4 way and is never -- you know, never kept to perform. And so
5 obviously, the ditch relocation, realignment, agreement is
6 in place and effective. The horizontal separation allows
7 for the lining of that canal only further addresses some of
8 those concerns, but the design of The Grove as a standalone
9 project does not depend on the canal relocation.

10 MS. LILEY: I think I'm the last speaker, and I'll
11 try to be very brief, since it is very, very late. I'm
12 having the same trouble Matt did, keeping my eyes focused on
13 the words at this point in time.

14 I wanted to talk just a minute about the ditch
15 realignment project. It's been suggested that there needs
16 to be a condition of approval for that. You do have
17 evidence in the record from the ditch company itself and
18 from CSURF testifying tonight that the agreement has been
19 signed and that the ditch realignment will occur
20 concurrently with The Grove project.

21 I guess the question of whether or not it should
22 be a condition of project approval is whether or not the
23 Land Use Code would require that. I know there has been a
24 lot of back and forth between Mr. Podmore and the City. He
25 went to an April -- I think it was 19th Council meeting and

1 talked about groundwater and liability, and thereafter --
2 and this is all in your materials as well -- a SAR was
3 issued by the City Manager's office coming from Sherry
4 Langenberger in engineering, project development, review and
5 engineering.

6 And the position of the City is that they regulate
7 very little with regard to groundwater. They basically, on
8 private property, require -- basically don't permit
9 basements, and there aren't any basements here. And then
10 there are certain studies and reports that you need to do
11 for impacted public rights-of-way, and that's it.

12 But otherwise, it's up to the individual engineers
13 to design something that's safe and protects the property
14 from groundwater. And if there's liability, that's a
15 private liability issue between the parties.

16 So I'm not quite sure where to go with that. If
17 in your view you think this is something, and this can be
18 tied back to the Land Use Code and that the project would
19 depend on it, then we can talk about that. But I'm just
20 curious. We have been advised for many, many months now
21 that the project is not dependent on the ditch relocation
22 project.

23 It's a great thing to have. Don't get me wrong.
24 That's why we're all doing it. We want to have it. It's
25 going to happen. But the project is not dependent on that

1 in terms of meeting the Land Use Code. So I'm assuming you
2 have questions for the City staff, and we can drill down a
3 little bit further, and then if you want to talk after that
4 about whether you think that's an appropriate condition, we
5 can do that.

6 Just one other very quick thing. When Linda was
7 talking about block compliance, she mentioned -- and I just
8 want to make sure there's not confusion, because we always
9 seem to have confusion about block standards. But she
10 mentioned, Well, you know, there's a few gaps, and we can't
11 meet it.

12 I don't want you to get in your mind that that's a
13 modification or something not permitted, because the Code
14 specifically addresses that and says that if existing
15 development prevents it, then that's fine. They recognize
16 that as an infeasibility, and that's all that requires is
17 for you to acknowledge that, and she provided that instance
18 that in those two spaces, the reason it can't be complied
19 with is because there's existing development.

20 So I just want to clarify that so we don't get
21 into an issue about, are you meeting the block standards, or
22 is this a modification. Yes, we are, and it's specifically
23 provided for in this section.

24 And I think I'll stop there for the moment. Thank
25 you.

1 CHAIRMAN STOCKOVER: Thank you very much. Lucia,
2 we would like to ask you a follow-up questions.

3 MR. LINGLE: And maybe it's Linda, but Lucia, both
4 you and Nick mentioned that in regards to the ditch
5 relocation that -- I think the word you used was that The
6 Grove PDP is not dependent on that, being relocated, but I
7 guess I've got a question about the basic design of the PDP.
8 Would it be modified in any way if the ditch was not
9 relocated? Would it be graded differently? Would it be --
10 would there be any impact at all to what you're showing us
11 tonight if the ditch wasn't relocated?

12 MS. LILEY: I don't believe so, but Linda --
13 well -- I'm hearing no, it would not affect the PDP.

14 MR. LINGLE: Okay. Thank you.

15 CHAIRMAN STOCKOVER: Okay. It's been two hours
16 since our last break. I think we're going to take a
17 five-minute break at this point, and then we'll proceed.

18 (Break from 1:22 a.m. to 1:32 a.m.)

19 CHAIRMAN STOCKOVER: Okay. Welcome back. Just
20 wanting a quick show of hands, how many people think they're
21 going to abuse their alarm clock in the morning.

22 That's a pretty overwhelming response. Okay.

23 At this point, we have -- we give the staff an
24 opportunity to respond to public testimony.

25 MR. OLT: Okay. I will start with that from a

1 planning standpoint, and pretty much going from the top.

2 There were several comments about the
3 compatibility of the project, size, scale, architectural,
4 building materials, transition, size, scale -- you know,
5 what we're looking at is proposed multifamily residential
6 project with three-story buildings. And obviously, in the
7 neighborhood, there are single-family homes, one- and
8 two-story single-family homes, two-story multifamily
9 dwellings. They transition to a three-story.

10 Certainly, it would not be out of character, if
11 you were to look at, you know, anyplace in the city of Fort
12 Collins, you'll see that kind of transition. Especially
13 since this is property zoned MMN, medium density mixed use
14 neighborhood. The residential can go up to three stories.
15 We actually have a large three-story building just up on the
16 hill, across the ditch, looming over the valley.

17 So and then with the -- from a transition
18 standpoint, with the distance -- transition, I mean -- as
19 we've seen previously, we're looking at a 250- to 350-foot
20 separation between, basically, buildings in this project and
21 the closest buildings in the neighborhoods to the north and
22 west. So the transitions are more than adequate, really
23 making the size and scale of the buildings really
24 compatible.

25 Architectural character, building materials. I'd

1 like to say that that really, to us, has become a product of
2 the developer working with the Institute for the Built
3 Environment. Because you've seen that there's been a
4 dramatic change in the architectural style, and that
5 occurred, really, not at the suggestion but the insistence
6 of the neighborhoods early on, that, you know, that kind of
7 cooperation occur, and it has, and it certainly has changed
8 the architectural character and, to some degree, the
9 building materials to work in the sustainability green built
10 concepts. So that's really what has driven the nature of
11 the buildings.

12 I just want to reiterate what Linda Ripley had
13 said, the four-bedroom units concept. Someone had suggested
14 that that really, basically, suggests guest occupants there,
15 with that fourth bedroom, and the amenity package is
16 inadequate.

17 We've evaluated this. Certainly, staff concurs
18 with the applicant's position that the amenity package, the
19 open space, the public facilities within the area, the --
20 actually, the amenity package on-site is adequate to justify
21 the 18 four-bedroom units.

22 If -- if that were denied, what they would do is
23 just reconfigure this. I'm not sure that the dwelling units
24 or bedrooms would go down any. It would just be
25 reconfigured, and what they're suggesting is, you know, that

1 those 18 four-bedroom units really represent a lifestyle for
2 some of the residents in the proposed development. So we do
3 concur that the 18 four-bedroom units are justified based on
4 3.8 -- .16 of the Land Use Code.

5 The only one building type, again, we have applied
6 this interpretation on several projects throughout the city
7 over time in terms of the clubhouse, mixed use building, the
8 nature of the -- you know, the residential units on the
9 second and third floors, and the commercial nonresidential
10 uses as part of that. That is a second building type, and
11 it's consistent with the way the City has interpreted and
12 applied that to several projects.

13 Let's see. Talking about the fox dens. One
14 gentleman that talked about wildlife corridors, which we'll
15 get to momentarily, the fox dens, and he actually provided
16 you with information that both myself and Ted Shepard had --
17 you know, we had discussed, and an interpretation was
18 actually made about, you know, whether the filling of those
19 fox dens was development.

20 Our position was and still is, yes, it is. That
21 development cannot occur until there's a final development
22 plan approved. If you were to approve the PDP tonight, that
23 is not approval of a final development plan. That kind of
24 activity will not occur until there is a final development
25 plan approved. So that position has not changed.

1 There was a comment about -- several comments
2 about new development pays its own way. Why is the City not
3 charging full development fees. To our knowledge, they are,
4 and that was actually expressed in one of the questions from
5 the -- the prepared questions that the neighborhood had
6 provided to us at the May 23rd neighborhood meeting, that to
7 our knowledge, they have paid full development fees,
8 development review fees.

9 There was reference to the Flats at the Oval
10 getting some reduced fees. If I'm not mistaken, that might
11 have been to Poudre School District because the nature of
12 the development -- it's a college student housing
13 development, so to speak, but they had to petition the
14 School District, just as this development would have to do.
15 It's not a City decision. The School District has to be
16 petitioned to reduce their fees. To my knowledge, that has
17 not been done.

18 So you know, those are basically, I think, the
19 planning-oriented questions. There were numerous comments
20 about floodplain regulations, the wildlife corridors,
21 natural habitat preservation, more traffic-related
22 questions.

23 So we have, you know, several staff here, Ward
24 Stanford, Mark Beratta (phonetic), Lindsey X (phonetic), and
25 Matt Wempey (phonetic) are all prepared to answer or respond

1 to those concerns of the neighborhood, relative to those
2 issues. So I don't know who wants to go first.

3 STAFF SPEAKER: Are you asking further questions
4 or just read through --

5 MR. OLT: Yeah, are you asking further questions,
6 or just --

7 CHAIRMAN STOCKOVER: I'm sure we'll have a lot of
8 questions. We're just -- I think we would like to move into
9 Board discussion. But if you had anything specifically that
10 you wanted to respond to the applicant -- or, I mean, public
11 testimony.

12 MR. SHEPARD: Mr. Chairman, I'll respond to one
13 very briefly about the -- again, the mix, the materials.
14 And I think one of the folks speaking about the mix of uses
15 in employment.

16 Again, the standard, 2.3.287, any standard
17 relating to housing density and mix of uses will be applied
18 over the entire Overall Development Plan, not on each
19 individual Project Development Plan review.

20 CHAIRMAN STOCKOVER: Okay. Thank you.

21 MR. SCHLEUTER: I think in my -- you know, you
22 were talking mainly floodplain and ditch seepage. With the
23 floodplain, it was a pretty interesting concept that they
24 brought up, that there's a conflict between the Land Use
25 Code and the Municipal Code.

1 The City Code has been around quite a while.
2 Floodplain administration has been started late '70s, I
3 would think. And this concept of fringe and fill and
4 floodways has always been part of that. It's something that
5 FEMA had initiated.

6 So I would think that if you go -- you know, you
7 definitely know which was the first. And, you know, the
8 minimal amount of spill that's coming into this area, you
9 know, and in considering all the improvements that we've
10 done upstream to lower the floodplain, including -- you
11 know, we had to do that because we increased our rainfall
12 criteria after the '97 flood, so it caused a bigger
13 overtopping of the Burlington Northern, so we've done all
14 those projects.

15 And the meeting before this one was the water
16 board concerning Capstone, and Brian couldn't make it to
17 this meeting, but he was at that one, and was testifying
18 about -- it was between 1 and 3,000 CFS less compared to a
19 total of like 5,000 CFS that we've already mitigated for.

20 Even saying that, you know, what they're showing
21 is true. It would be a minimal rise, I would think, less
22 than an inch, if that. But that's all theoretical, too.
23 You know, in reality, we don't control how much water comes
24 down there.

25 As far as the ditch seepage goes, I really don't

1 feel comfortable. I'm not a geotechnical engineer, although
2 I have quite a few years of experience in these situations
3 with other developments. Most of the subdrains that have
4 failed that John Mowen (phonetic) is concerned about were
5 usually, if not always, residential subdivisions where the
6 developer put in a sub-drain system along the ditch and then
7 walks from the site and leaves it up to an HOA that didn't
8 even know the pipe was there.

9 So I think in this situation, we're going to
10 have -- you know, they're going to be motivated. They start
11 getting high groundwater. If it's plugged up, it's going to
12 start coming up in their buildings. So I have a feeling
13 that they're going to be really motivated to do something
14 about it.

15 Another thing that comes to mind was, of all the
16 ditches in town, I would think that Larimer Number 2 is
17 probably the least-used ditch. It is used primarily in the
18 spring to fill Warren Lake and then sometimes in the fall,
19 they get some free water off the river and they can put some
20 more back into Warren Lake. And then sometimes in the fall,
21 they get some free water off the river, and they can put
22 some more back into Warren Lake.

23 I think you might want to hear from the
24 geotechnical engineer who understands slope stability and
25 the design for the site. That might make you feel a little

1 more comfortable with their design. So that's all I have to
2 offer.

3 CHAIRMAN STOCKOVER: Okay. Thank you.

4 MR. CAMPANA: I've got a follow-up question with
5 you, Glen. On that discharge out of there, is that outlet
6 controlled? Or who controls that discharge going back out
7 to Spring Creek by the Garden -- what, the Gardens at Spring
8 Creek? Is there a ditch there? Is that where you're
9 connecting the drainage into?

10 MR. SCHLEUTER: Yes, it is.

11 MR. CAMPANA: Is there an outlet structure there,
12 then? Spillway or something?

13 MR. SCHLEUTER: Well, what there is, is a crossing
14 of the Sherwood Lateral, and underneath that Sherwood
15 Lateral is two culverts that are one and a half foot high by
16 six foot wide, and we have had them analyze that situation
17 to make sure that they're discharging, a hundred-year storm
18 can fit through those culverts.

19 We had to be real conservative and use back water
20 as if Spring Creek was -- which already had flood flows in
21 it. And then if it does plug, or there's a bigger storm
22 than a hundred-year storm, what it does is it overflows to
23 the east, across The Gardens at Spring Creek, which is --
24 you know, it's just gardens. It's not the buildings. It's
25 the gardens. So we feel fairly comfortable -- we are

1 comfortable that it will work and not impact any other
2 developments.

3 MR. CAMPANA: Okay. That's where I was going, for
4 filling that fringe and backing that up for some reason.
5 You've got a design so it goes to the east as opposed to the
6 homes to the --

7 MR. SCHLEUTER: Well, I don't think it will really
8 back up water. A little bit, maybe, but what it really
9 would do is just cause a little rise right in that area.
10 And I would think it would be somewhere under an inch, like
11 I said.

12 MR. CAMPANA: Okay. Thanks.

13 CHAIRMAN STOCKOVER: Okay. I think we're ready to
14 move into Board discussion, which we sort of have. So let's
15 start -- yes.

16 MS. SCHMIDT: I've got a few questions that can
17 probably be answered fairly quickly. And some of these,
18 I've discussed, like, at work session and stuff. So the
19 local street around there now, that is not going to have
20 parking on it, correct?

21 STAFF SPEAKER: No, the local street will have
22 parallel parking on it.

23 MS. SCHMIDT: Okay. Will have parallel parking,
24 and then there will be a side, and then the bike path
25 goes -- I was just wondering. In some of these pictures

1 that we've been shown by various places, you know, what the
2 buildings are going to look like from the houses, it's never
3 shown that there's -- you're basically around the bottom of
4 the buildings. You're going to be seeing a row of cars
5 first, right? On the other side of that fence? Or
6 whatever? So that's why I didn't know how that -- that road
7 was really going to --

8 STAFF SPEAKER: Presumably, yes, you would see
9 cars if people needed to park on that street.

10 MS. SCHMIDT: Okay. But then there's -- would
11 also be the bike -- the bike lane would actually be closer
12 to the homeowners, right, than the parked cars? Is that
13 correct?

14 STAFF SPEAKER: Yes, the bike lane is detached.
15 It's on the western side and it goes around the --

16 MS. SCHMIDT: Is that a sidewalk and bike path
17 together? Or. . .

18 STAFF SPEAKER: I guess what you would you call it
19 is probably just an unofficial, like, multi-use. It can be
20 used for bikes. There's nothing that prohibits bicyclists
21 from bicycling on the sidewalk.

22 MS. SCHMIDT: Okay. And then we talked about the,
23 you know, City sort of having responsibility for the street
24 trees along those roads. And who sets up how those trees
25 get watered? Is that at the time they're installed? Is

1 there underground irrigation? Or. . .

2 STAFF SPEAKER: At the time that they're installed
3 first, they have to go through a maintenance and warranty
4 period similar to our roads, so basically, if they fail, I
5 think it's within the first two years before City Forestry
6 would take on maintenance. There would be an expectation
7 that, you know trees that died would be replaced, basically.
8 So they do have to be established before Forestry takes them
9 on.

10 MS. SCHMIDT: Okay. So for the first two years,
11 then, it would be the developer's responsibility to replace
12 any trees that died?

13 STAFF SPEAKER: That's correct. There's usually
14 even a performance bond that the Zoning Department collects
15 that would help ensure that in case the trees were to die,
16 that sort of thing, if they weren't taken care of, that we
17 would have those funds available.

18 MS. SCHMIDT: And so what sort of helps guarantee
19 that they will not die? I mean, are they just planted, or
20 is there -- on most of these street trees, is there some
21 kind of watering system that goes with those?

22 STAFF SPEAKER: Yes. It's required of all street
23 trees in the parkway.

24 MS. SCHMIDT: They're sub-irrigated or they're --

25 STAFF SPEAKER: That's correct.

1 MS. SCHMIDT: Okay. And in the previous plan -- I
2 don't know how this one is really designed, because we
3 didn't see the detail cross-section, but remember, they had
4 that -- the sort of parking that faced out, and the idea was
5 that the water there would run off, down the hill? Is that
6 still the same? So, in other words, like, the road, the
7 local street, probably, has curb and gutter, I'm thinking,
8 but then that detached sidewalk, that would -- the water
9 from that would just be designed to run off down the hill?

10 STAFF SPEAKER: So, yes, there would be curb and
11 gutter on both sides of the local streets, so it will be
12 contained, and then through storm piping -- I could pull out
13 the drawings, I guess, to see where those are situated. And
14 then within the sidewalk, yeah, I guess whatever falls from
15 the sky would sheet-flow off the sidewalk, but you would
16 have, theoretically, parkway on one side and turf and native
17 grasses on the other.

18 MS. SCHMIDT: Then I guess the other -- I just had
19 a couple of questions. Maybe Linda could respond. At one
20 time, somewhere during the length of the evening, you
21 mentioned there were going to be some commercial uses in the
22 clubhouse? And do you have a plan for what these might be?
23 Are we talking just like a coffee shop or something like
24 that?

25 MS. RIPLEY: Actually, they do have coffee, kind

1 of a coffee shop, but it's part of their clubhouse. When I
2 said commercial, I just meant that -- they're charged
3 commercial fees for the clubhouse, which is the first floor
4 of the building. So they pay commercial fees for that
5 portion and residential fees for the two levels of
6 residential housing above.

7 MS. SCHMIDT: Oh, okay. But there probably won't
8 be, like, commercial -- like the Oval Flats kind of
9 commercial.

10 MS. RIPLEY: We have discussed that, but there has
11 been no decision on that.

12 MS. SCHMIDT: Okay. And maybe the person from the
13 Built Environment -- I guess I had a couple of questions.
14 Did you want to respond to the comment about -- that there's
15 not enough roof space or something to do solar? I wasn't
16 sure exactly what they meant about that.

17 MS. PLAUT: Yes. So regarding the solar, electric
18 system. There's a couple of issues at hand. So one is that
19 the current incentive program available through the City of
20 Fort Collins is under consideration for revision. And the
21 current system does not provide an economically viable
22 option for any significant amount of solar. They're fairly
23 limited, amounts of rebates and refunds. So there's a fee
24 and tariff program that's under consideration. That would
25 make a significant solar installation financially viable for

1 the client.

2 The client is currently considering a fairly
3 significant system for their Greeley property, and they're
4 looking at a 600 to nearly 1 megawatt -- 600 kilowatt to 1
5 megawatt system for their Greeley property, and that is
6 primarily through covering roof space.

7 In order to get to the full meg, they would need
8 to provide additional solar off of the roofs, but those are
9 also the gabled roofs. And so while I'm not a complete
10 solar expert in this, I have talked with a solar consultant,
11 and sat through meetings, and basically, there is room for a
12 significant solar installation on the 12 buildings; and with
13 the flat roofs, essentially, all of the buildings can be
14 lined with solar panels, because it's not important which
15 direction the gable faces. The roofs can be mounted on any
16 of the roofs that are shown here.

17 So it's our understanding that the client both
18 would like to support the fee and tariff program, and should
19 that tariff program then pass, they're very interested in
20 participating, and that would be a fairly large-scale solar
21 installation, probably the largest private solar
22 installation that we have in Fort Collins, should that come
23 through. So my understanding is that there is significant
24 opportunity for solar on this project.

25 MS. SCHMIDT: Okay. The other question I had, it

1 seems kind of unimportant. I presume all the windows are
2 designed, although there's air conditioning, that they can
3 open them, every apartment can?

4 SPEAKER: Yes.

5 MS. SCHMIDT: Okay. I think that's all I've got
6 right now. Thank you.

7 MR. LINGLE: Okay. Let's see. Can you tell me,
8 what's the status of the green building code review in the
9 City right now?

10 STAFF SPEAKER: I'm sorry. I don't have the
11 answer for that, and I know everybody is looking at me, but
12 I don't know. I'm, like, who looks the most tired?

13 MR. SHEPARD: My understanding is that City
14 Council had passed it and that the Building Department, Mike
15 Jebel (phonetic), is working with the light and power
16 engineers about getting it implemented.

17 MR. LINGLE: Okay. Does anyone know -- maybe you
18 do, Gino -- about the all-electric heat systems? Is that
19 going to be addressed or allowed, not allowed?

20 MR. CAMPANA: Josie was on that.

21 MS. PLAUT: I can speak to that. So as I
22 understand it, it has been voted on and approved. Most of
23 the green codes will go into effect January 2012. There was
24 a special provision passed, I believe, that may have been
25 instigated by a project we've all been talking about for a

1 while now, and it was to increase the required insulation
2 value and envelope performance for all-electric heat
3 buildings.

4 And that, I believe went into effect April 28th.
5 So that would affect this project. So it requires higher
6 insulation values in the walls and the roof and also higher
7 envelope performance -- I'm sorry, higher U values -- or
8 lower U values for window, if I can get all my directional
9 numbers correct. But basically, better performing windows,
10 better performing walls and roofs for all-electric heat
11 buildings. But there still is not an exclusion or exception
12 for electric heat.

13 However, as I mentioned, the client has given
14 every indication that the system is completely off the
15 table, and the new baseline system is a gas-fired furnace
16 with air conditioning, and that we're looking at improved
17 systems beyond that, but that the electric heat option has
18 been taken off the table.

19 MR. LINGLE: Okay. Thank you. Steve, is there
20 anything in the -- there's been a lot of debate about vinyl
21 siding. And I guess, you know, my personal opinion is it's
22 not a sustainable product at all, but I guess from a Land
23 Use Code standpoint, is there anything that would -- we
24 could point to and say that vinyl siding is not allowed and
25 this is why?

1 MR. OLT: I don't believe there is, other than if
2 you could -- if you could construe that, you know, related
3 to a material compatible with anything else in the
4 neighborhood, would be the closest thing I think I could
5 come up with in the Land Use Code. But strictly prohibiting
6 a material like vinyl? That's not cited in the Land Use
7 Code.

8 MR. LINGLE: Okay. And since the drawings of PDP
9 call up vinyl, if they chose to make a material selection
10 enhancement at the final plan, some of their material might
11 be more sustainable, or would that be allowed, or would they
12 be bound to vinyl siding at that point?

13 MR. OLT: They can certainly make that change
14 between a PDP approval and a final plan approval.

15 MR. LINGLE: Anything that staff would consider an
16 upgrade.

17 MR. OLT: That's correct.

18 MR. LINGLE: Okay.

19 MR. ECKMAN: It might require an amendment.

20 MR. LINGLE: Okay.

21 MS. PLAUT: Mr. Lingle, I'm sorry. May I speak to
22 that for a moment? So I did submit a report on vinyl siding
23 compared to fiber cement siding, and I want to share a
24 little bit of our experience with that.

25 We referred to the Athena Institute. It's a

1 nonprofit organization specializing in life cycle assessment
2 of building system components. And I have to say that I was
3 very surprised by the results. I not two months ago was
4 very much in the very antivinyl camp and had given the
5 client a significant amount of grief --

6 MR. LINGLE: Propaganda.

7 MS. PLAUT: That. Sorry. My communication skills
8 are starting to break down a little bit. But bear with me.
9 So instead of me being able to conduct a full life cycle
10 assessment, because that's a very in-depth, detailed study
11 that takes into account everything from raw materials
12 extraction to manufacturing, installation, and eventually
13 decommissioning of the building product, so it's a very
14 comprehensive assessment, and I looked across a variety of
15 metrics, including fossil fuel use, CO2 use, global warming
16 potential, ozone depleting potential. It's a very
17 comprehensive analysis.

18 And what we found was that it's a pretty mixed
19 bag, and that there weren't any clear preferred winners in
20 this sort of game of what do we clad our buildings in, and
21 it was a little bit of an eye-opener for me.

22 So I would just say that we deferred to a
23 well-respected nonprofit third-party entity who has done
24 extensive life cycle analysis, and what we found is that
25 vinyl performed worse in some categories and it performed

1 better in other categories than typical alternatives, such
2 as fiber cement, and if you look at the report, it also
3 shows stucco. And so those are the viable options. And
4 stone and brick are on there as well, but they score
5 surprisingly poorly, actually.

6 So it kind of brings up the issue of the
7 complexity of trying to do sustainable design. And so I
8 just wanted to clarify the source of information and also
9 the learning that happened for us in that exploration. So I
10 don't know that it's exhaustive, but it was the best
11 resource that we could find to indicate the sustainability
12 of the product.

13 MR. LINGLE: Okay. Thank you.

14 Linda, I was wondering about, there were questions
15 about the transitions from this development to its neighbors
16 and things. And I didn't know how -- if you had explored
17 that at all. I see on the site plan that there is -- other
18 than the clubhouse, there were essentially two different
19 footprint types. One looks to be about half the size of the
20 other, and whether or not some of those smaller building up
21 closer to, like, the CARE Housing might be considered by the
22 neighborhood more transitional or not. I mean, granted,
23 they're all three stories, but --

24 MS. RIPLEY: Yeah. Without dropping down to two
25 stories, we didn't see much value in putting a smaller

1 building at the ends. We did look at it, but this turned
2 out to be the most efficient arrangement. And continually,
3 throughout this process, it's been about trying to arrange a
4 site plan that works functionally and is just as efficient
5 as it can be so that we can leave as much buffer along the
6 canal and along the wetland as we possibly can.

7 Now, I think -- I feel like it's compatible
8 because of the long distance of separation that we have
9 between these buildings and the residential buildings to the
10 north. They're larger, granted. They're a lot larger. But
11 they're also from 250 to 350 feet away. We rarely see that
12 kind of distance between multifamily and single-family here
13 in Fort Collins. Even when it's just multifamily to
14 single-family. This is actually multifamily to condos and
15 townhomes and there are some single-family in there, but
16 it's a mixed -- it's a mixed development.

17 So the transition -- I look at the transition
18 really occurs in the -- from a larger framework, from
19 further out in the West Central Neighborhood Plan where you
20 do get larger lots and single-family development. It
21 transitions this way and becomes much denser. Like I said,
22 one project is even more dense than this project on a gross
23 basis.

24 And then we also -- the Code also asks you to be
25 compatible not just with residential but with other

1 buildings. So as soon as you cross Centre Avenue, we've got
2 the National Resource Center, which has flat roofs and
3 three-story buildings and modern architecture, and it's
4 perfectly in keeping with this. So it just feels okay.

5 And plus, I don't think it's been emphasized quite
6 enough, but we have a ton of planting on that outside edge
7 of all kinds of ornamental trees, tall trees, evergreen
8 trees, shrub thickets, and it's there for structural
9 diversity, for wildlife, and enhancement in that area, but
10 it's going to do a lot of screening. And yes, a lot of it
11 is deciduous, but as I showed that other slide, that was
12 are' deciduous, but things do hold on to leaves. They serve
13 a purpose in the wintertime. Anyway, I'll stop.

14 MR. LINGLE: Okay. Thank you.

15 MS. RIPLEY: Did that answer?

16 MR. LINGLE: Yes. Just one more question. The
17 issue about the second housing type. Steve, does the fact
18 that that clubhouse, the mixed use housing that's part of
19 that, whether it's all in E or straddling the zoning line,
20 does that matter at all to staff? Or is there any reason
21 that that is a concern?

22 MR. OLT: We actually have looked at that as the
23 development as a whole.

24 MR. LINGLE: Okay.

25 MR. OLT: So the direct answer to your question,

1 does it matter, no, it does not. We're looking at, you
2 know, The Grove project from east to west as, you know, a
3 unified project. And we have the two housing types within
4 that project. I don't know. Ted, did you want to elaborate
5 on that?

6 MR. SHEPARD: There's a little bit of latitude in
7 1.4.6 that where -- I'll read it, that where a district
8 boundary divides a lot of record at the time the boundary
9 was established and where the division makes an practical or
10 reasonable use of the lot, the boundary may be adjusted by
11 the director in either direction, not to exceed 50 feet
12 beyond the district line into the remaining portion of the
13 lot.

14 And we rarely rely on this. It's obscure. But it
15 does allow for some flexibility when you have a zoned
16 district boundary line that bisects the site.

17 MR. LINGLE: Okay. Thank you.

18 MS. SCHMIDT: Along those lines, Ted, I was
19 wondering when we were coming up with the new City Plan, did
20 we fix this? Because we talk about it every time, about the
21 only two housing types, and I thought we had addressed it
22 somewhere. It may not apply to this project, but have we
23 done anything in some of the new City Plan things that we
24 did and the Land Use Code amendments? So we don't have
25 anything that works right now that is going to change this.

1 MR. SHEPARD: No, we do not. Not at this time.

2 MS. SCHMIDT: Okay. Thanks.

3 MR. SMITH: I wanted to get a better understanding
4 of the parking arrangement. I've heard and read it, and I
5 apologize if I'm chopping this up, but that there's 403
6 parking spaces on-site. 430 are required. But I've also
7 heard that there's 499 on-site. And so I just want to get a
8 breakdown of what is actually on site, what's on the street.
9 And then along those lines, if the parking that's being
10 provided offsite -- so on the street -- if that is a number
11 that actually is used to make your minimum.

12 MS. RIPLEY: There are 499 parking spaces on our
13 site. In addition to that, there are 128 on streets where
14 people would park and no one else would park there other
15 than people that lived in this project, in most cases.
16 That's a total of 627 parking spaces, basically, serving
17 this development. 430 are required. That was correct.

18 MR. SMITH: Okay. So it's not -- it's not 403
19 on-site. It's 499.

20 MS. RIPLEY: 499.

21 MR. SMITH: Okay.

22 MR. OLT: For clarification, Mr. Smith, the 403
23 parking spaces on-site, per se, are in the parking lots,
24 off-street parking lots.

25 MR. SMITH: Okay.

1 MR. OLT: You've got 69 -- 403 and 60 -- 66, it
2 must be. But we have -- the parallel parking spaces on the
3 public local street do count towards the required minimum
4 parking for this development, because that local street is
5 not considered a pass-through street. Therefore, by virtue
6 of the Land Use Code, section of the Code, you can use those
7 spaces, and that brings that number of spaces considered
8 on-site to satisfy the minimum parking requirements to 499.

9 MR. SMITH: Okay. What was that qualifier?
10 Because I know we -- I mean, just going through what we
11 did with --

12 MR. OLT: It's in the 3.2.2 --

13 MR. SMITH: So the street -- I mean -- it's
14 probably pretty quick. Streets do not pass through --

15 MR. OLT: Right.

16 MR. SMITH: -- then that new parking can --

17 MR. OLT: The parallel parking on the street can
18 be counted towards the minimum parking requirement for the
19 development. That is correct.

20 MR. SMITH: Okay.

21 MR. OLT: The 128 spaces on Rollie Moore Drive and
22 that public commercial street do not count. They're extra
23 parking spaces.

24 MR. SMITH: And they don't need to anyway. Okay.

25 MR. OLT: So I don't know if you wanted that

1 section cited.

2 MR. SMITH: No, no, I'm okay. I mean, I got it.
3 I mean, that's -- okay. And then I wanted to just go back
4 real quick just for a moment, because, again, I probably
5 don't understand it. Staff uses 1.4.1.6 to give them 50
6 feet of leeway to be able to move a boundary line between
7 two zone districts in order to allow that second type of
8 housing to fulfill the two types in the MMN. Did I hear
9 that right? That was the section that allows staff to be
10 able to say, Yeah, you've hit your two housing types?

11 MR. SHEPARD: Yes, that's correct.

12 MR. SMITH: Okay.

13 MR. SHEPARD: Do you want that Code cite again?

14 MR. SMITH: Please.

15 MR. SHEPARD: Yeah. 1.4.6.

16 MR. SMITH: Okay. Thanks. Let's see. I think I
17 had one more. All right.

18 I mean, one thing I was going to say is I'm not
19 sure if this is -- I can never say that word,
20 editorializing, especially this early in the morning, but
21 it's an interesting dilemma that we have, such a great
22 stress on neighborhood connectivity and walkability, and yet
23 we strive to protect adjacent neighborhoods when we're
24 talking about increasing the occupancy limit.

25 In the staff report on page 18, you know, in

1 Section 3.8.16, it says, serve the -- paraphrase -- to
2 adequately serve the occupants of the development and to
3 protect the adjacent neighborhood. And I'm not sure if I
4 understand from what.

5 MR. SHEPARD: Well, I can tell you historically,
6 while Steve is looking, that that standard preceded the Land
7 Use Code, and it was inserted into the Land Use Code back
8 when we adopted the Land Use Code. That was written for
9 Rams Village, which Donna Fairbank, a veteran of that
10 project, reminded us of. That was the first project that
11 came into the city that had more than three unrelated in an
12 apartment complex, and that was the origin of that standard.

13 MR. SMITH: Okay. I mean, and I guess I -- why
14 it's germane to this discussion, it's not real strong, but
15 that is, you know, these are criteria that we're charged
16 with finding in order to be able to say that we would allow
17 increasing the occupancy limit beyond the U plus 2. And so,
18 you know, we're charged with -- that somehow these
19 amenities, or they've done other things to be able to
20 protect the adjacent neighborhood.

21 And I guess that's so ambiguous for us to be able
22 to say, how would we -- what are we trying to protect in
23 order to be able to say that they've actually been able to
24 demonstrate that they should be able to bump up to a
25 four-unit apartment. It just seems hard for us to be able

1 to even grapple with that. But thanks for answering those
2 questions for me.

3 MS. SCHMIDT: A couple other questions I had. On
4 the comments from CARE Housing, they had talked about a
5 raised crosswalk. I wasn't sure where they wanted that. Is
6 that down closer to their property on CARE? And I was
7 wondering if that is something that's going to happen. Do
8 you know the comment I'm referring to, Nick?

9 SPEAKER: I'm familiar with the letter from CARE
10 Housing. I wasn't clear exactly where they wanted them.
11 However, we did propose raised crosswalks early, prior to
12 that comment, to help achieve some of our own design
13 objectives.

14 And the City staff was not supportive at that time
15 of raised crosswalks along Rollie Moore Drive. We. . .

16 MS. SCHMIDT: So we -- do you know where the
17 problem is with CARE Housing? They said there was an area,
18 I think, where there's adults across the road pretty
19 frequently, or something, and they were concerned with the
20 traffic? Or was it because their clubhouse for their
21 community is on the south side of the road, and our senior
22 residents use the clubhouse on a daily basis?

23 STAFF SPEAKER: I think -- I guess it must be
24 interpreted, then, that they are looking actually for a
25 raised crosswalk within existing Rollie Moore, as opposed to

1 within the development plan. And we'll probably chime in on
2 how that works, but I guess it would -- if that's what
3 they're looking for, it probably wouldn't be something that
4 I guess you can necessarily say would be an impact of this
5 development. It's probably more an existing condition, but
6 Ward can probably speak to how the City's potential traffic
7 calming plans might work.

8 MS. SCHMIDT: Well, I think they're worried, you
9 know, right now -- it's okay for the seniors to get across
10 the road, but when you have a lot of increased student
11 traffic coming down the road, how is that going to impact.

12 MR. STANFORD: I wasn't part of the conversation,
13 so I'm just speculating. But typically, we won't put a
14 raised crosswalk and those types of devices on anything
15 larger than a residential street. The speeds and the
16 volumes typically are not conducive to having bumps and
17 stuff in the roadways.

18 MS. SCHMIDT: Like I know on -- I think it's
19 actually on Centre, close to the Worthington, they did some
20 different kind of crosswalk designs for seniors to get
21 across there. And I was wondering who was responsible for
22 that, and if that would be an option or if that would be
23 something that CARE Housing would have to get permission to
24 put in if their residents were having trouble crossing the
25 street.

1 MR. STANFORD: I'm not sure which one you're
2 speaking of, but it could be a colored pavement, non-raised
3 type of crossing.

4 MS. SCHMIDT: I think they actually have flashing
5 lights or something, where people would press a button.

6 MR. STANFORD: That may be that solar installation
7 there at Meadowlark and whatever that street is. I think I
8 know the one you're talking about, where it's got the
9 flashing lights. That's a possibility, yes

10 MS. SCHMIDT: Okay. So who would initiate that if
11 they were having trouble getting people to cross?

12 MR. STANFORD: They would contact us and work with
13 Steve Gilcrest in our neighborhood traffic management
14 program to look at solutions.

15 MS. SCHMIDT: Okay. Would they have to pay for
16 it, or would City end up paying for it?

17 MR. STANFORD: Generally, the City will. Yeah,
18 we'll go through a process of evaluating its value and worth
19 and whether we'll eventually do it, and then pay for the
20 installation.

21 MS. SCHMIDT: Okay. Another question I had was,
22 that local street along the side that has the 60 parking
23 spaces. Although they get credit for it, those are open to
24 anyone to park on, right? So I mean, other students that
25 are looking for parking, if they get here early enough or

1 whenever, they could park along that street, just like
2 anyone else, right?

3 STAFF SPEAKER: That's correct.

4 MR. OLT: Yeah, it's a public street, and
5 actually, I need to correct my numbers. 96 parking spaces
6 on that local street, bringing the total parking that
7 qualifies within the development as 499. But, yeah, it's a
8 public street. Those are public parking spaces.

9 MS. SCHMIDT: Okay. And the last question I had
10 was, I appreciate the efforts that they've gone to redesign
11 the plan. And I think a lot of it looks a lot better to me.
12 I was -- I think because the redesign, and comment on it,
13 looks a lot better, I'm wondering if we need as much
14 fencing. You know, the neighborhoods had said they don't
15 have fencing on their side for the wildlife flow, and I was
16 thinking, Well, I agree. I don't know that we need it on
17 this.

18 Because my hesitation a little bit was when you
19 see it in the picture, I don't always like the perception
20 that we're creating a gated community. And when you look at
21 it from the outside, it creates that perception a little
22 bit, and I just don't know that it's necessary. I think the
23 solid fencing, you know, the parking area is, but maybe of
24 that whole long section on Block 1 where there aren't any
25 buildings, would it be appropriate, like, not to have a

1 fence along there? I mean, and what's your feeling with the
2 wildlife corridors?

3 STAFF SPEAKER: The reason -- you're right. It's
4 counter-intuitive to have a fence from a wildlife corridor
5 perspective. That fence on the north side is not for
6 wildlife. It's for wetlands. It's to protect the wetlands
7 to keep people from intruding into the wetlands and the
8 trash blowing into the wetlands. That was be the intent
9 from my predecessor that was here. Does that answer your --
10 I'm sorry. I'm failing here.

11 MS. SCHMIDT: Well, I mean, do you feel -- I'm
12 guessing -- I'm just asking. Do you feel it's necessary and
13 that it's an enhancement, or is all the shrubbery going to
14 stop the trash from blowing? I guess -- I don't know. My
15 personal feeling is that people really want to get into the
16 wetlands, a three-foot fence isn't going to stop anyone
17 from -- you know --

18 STAFF SPEAKER: Oh, yeah, the fence along the
19 majority, the metal picket fence -- and I think we have an
20 image in here, but I don't know where. It's a metal picket
21 fence. It's typically six feet tall, and then at certain
22 areas, we reduce the height down to three feet to
23 accommodate the wildlife movement that we've seen. And I've
24 talked with the applicant, and they're certainly open to
25 lowering it in more locations based on what the neighbors

1 showed as well.

2 The issue is the fence is really for the wetlands
3 here, and with the potential pressure, I -- I'm not the
4 person -- I'm sorry. The fence is a requirement for
5 separation from a wetland perspective. That is the ultimate
6 goal. It's not for wildlife. And so if we want the
7 protection for the wetlands, then it should be there. If
8 we're not as concerned about that, then, you know, I think
9 that the neighbors would be concerned about taking it away
10 completely.

11 MR. SHEPARD: There was a lot of input on that
12 fence, the result of which ultimately is the design that you
13 see.

14 MS. SCHMIDT: Yeah, I remember that, and I
15 remember with the previous design, really wanting a fence.
16 I don't know that this design requires that much fencing.

17 STAFF SPEAKER: I'll just add from talking to
18 folks at the Division of Wildlife, we're dealing with -- and
19 from, certainly, you'll find this in the ecological
20 characterizations and talking about the natural areas as
21 well. We're dealing with urban adapted species on this
22 site. And the Division of Wildlife feels fairly strongly
23 that species are going to adapt to this situation, this
24 development, and they're going to move around it to the
25 east, and they're going to move around it to the west, and

1 so the accommodations of moving down to three feet are
2 actually going above and beyond from a wildlife perspective.

3 CHAIRMAN STOCKOVER: Okay, Andy.

4 MS. SCHMIDT: Sure. I'm done.

5 STAFF SPEAKER: And you can -- you know, one of
6 the questions that came up from the neighbors, too -- I
7 really apologize for my slowness -- but is that, why aren't
8 we accommodating any more species than just deer. And this
9 fence redesign is. For every hundred feet, we're moving the
10 bottom pickets underneath the lower brace, and so they're
11 going to be flush every hundred feet for one foot wide, and
12 so a fox would be able to crawl underneath it.

13 And the Division of Wildlife feels that between
14 that accommodation and the four-inch-wide picket fence, is
15 that we're also accommodating fox, and so in that same vein,
16 we're accommodating the other smaller animals, the raccoons
17 and other species as well. So we are looking at multiple
18 species in this design.

19 And then the Division -- one other comment that
20 was brought up. Natural Areas really felt that the widening
21 of the fence would actually be incredibly supportive for the
22 foxes to move, and that was from a wildlife biologist. So
23 we have done quite a bit on this site, too, to accommodate
24 it for urban adapted species.

25 MS. SCHMIDT: Thank you.

1 MR. SMITH: All right. I've got another question.
2 Back to 1.4.6, Ted, Steve, and where a -- where a district
3 boundary divides a lot of record at the time the boundary
4 was established. I think we know that to be true. And
5 where the division makes impractical the reasonable use of
6 the lot, the boundary may be adjusted by the director in a
7 direction not to exceed 50 feet.

8 So I've got two questions. Please help me better
9 understand how the division makes it impractical, the
10 reasonable use of this lot. And then second part of that
11 is, is the boundary adjustment temporary or is that
12 permanent?

13 MR. SHEPARD: Well, the way I interpret the
14 standard is that the actual zone district line doesn't move.
15 It doesn't adjust. We're not going to go to City Council
16 and do an ordinance to change a boundary line. It just
17 allows the director to use the 50-foot latitude to allow a
18 development plan to be cohesive.

19 In a case like this, you're so close to a boundary
20 line, but one use is on one side of the line, and it should
21 be on the other side of the line. This standard says that
22 with a good, unified, cohesive site planning, you get a
23 little bit of latitude to do good site planning.

24 MR. SMITH: Okay. So I mean, if you're within 50
25 feet and you're close and the director deems it that -- I

1 mean, and these other two things have happened, then it's
2 just for that application.

3 MR. SHEPARD: That's correct.

4 MR. SMITH: It's not a permanent adjustment. All
5 right. And so then the second point, I just have to
6 understand how the division makes it impractical for there
7 to be reasonable use of this lot.

8 MR. SHEPARD: Well, we wouldn't have known that
9 had we not seen the site plan. And so this standard tries
10 to allow for unforeseen circumstances. So we didn't know it
11 was impractical until we saw that, the clubhouse location
12 being where it is, buffered from the neighborhood by the
13 perimeter buildings, creating the amenity area, is on the
14 east side of the line.

15 It makes a lot of sense for it to be where it is
16 for a lot of reasons, and that's, I guess, a degree of
17 impracticality for a bad site planning reason to arbitrarily
18 move it over to cross the line. So good site planning would
19 say, Well, how about if the line isn't there? What makes
20 sense? What's a good site planning objective?

21 MR. SMITH: Okay. Thank you.

22 CHAIRMAN STOCKOVER: How we doing? Are we getting
23 our arms around this thing?

24 I think we're ready to start moving towards a
25 motion.

1 MR. CAMPANA: Let me just share some thoughts on
2 it here while we're. . . there was a lot of work done on
3 this by both sides, and even a third side, other
4 neighborhoods coming in. And the amount of information, the
5 quality of that information, was really good. Pretty decent
6 presentations. You guys put a lot of time into it.

7 The issues I've heard from the neighborhood the
8 most was density and transitions and compatibility. And
9 when I look at the density for MMN, they're not high. You
10 know. 12 is a minimum. They're about 14, the net acreage.
11 I wouldn't say that's terribly high.

12 From a transition perspective, that's exactly what
13 I would do. Transitioning to employment would be going from
14 single-family townhomes, to multifamily, to employment, and
15 it happens all over our city. I can name several projects
16 that have that very same scenario with three-story
17 buildings. I think what makes it less palatable is that
18 we've added the student housing aspect to it. And as a
19 neighborhood, you think of students living in there as
20 opposed to apartments, but it is what it is.

21 So I don't necessarily have an issue with the
22 transition or the compatibility. And I think that the
23 latest changes that the applicant has made and Ripley and
24 the engineers have done are actually very good. I was very
25 hesitant, and I think I even made the comment, that this is

1 a great piece of ground that's left in our city, and we
2 could do better on our design. I think you guys stepped up
3 to the occasion and did that. So I'm going to support it
4 tonight.

5 MR. LINGLE: So you want to make a motion?

6 CHAIRMAN STOCKOVER: Well, real quickly.

7 MR. CAMPANA: More discussion?

8 CHAIRMAN STOCKOVER: I am concerned about the
9 ditch. I think we should tie the construction of the
10 realignment to the approval of this. They say they're going
11 to do it. They've got the agreement. I think that it's
12 drawn on the plan. And I would like to see the motion
13 address that that is completed before -- and I would look to
14 Paul. Before I see it, a CO, a permanent CO is issued on
15 that building.

16 MR. CAMPANA: I don't have an issue with that. It
17 doesn't sound like the applicant does. Maybe they do.

18 MS. LILEY: Can you clarify the language of that
19 motion?

20 CHAIRMAN STOCKOVER: Well, we haven't made it yet.
21 I was just wanting to be assured that that ditch is
22 realigned before a permanent certificate of occupancy is
23 issued on this project.

24 MS. LILEY: And I think we're fine with that,
25 because the commitment is to do the ditch. We have a

1 binding agreement to do it. The timing -- obviously, we're
2 a little concerned, because we can only do it when we don't
3 impact the ditch.

4 I think tying to the first final CO as opposed to
5 a TCO would work, and again, so long -- and I'm saying that
6 based upon the City's already-made determination that no
7 further development process is required. So if we had that
8 language and then tying it to the first permanent CO or
9 final CO, that would be acceptable.

10 CHAIRMAN STOCKOVER: Okay.

11 MS. SCHMIDT: I guess I have a little concern
12 about that, just from the idea that if the evidence we
13 received is correct, what creates the difficulty with the
14 ditch is actually building those buildings, not whether
15 people live in them or not. I mean, it's the cutting into
16 the slope that weakens it that might cause the ditch to
17 breach, which if that should happen, that's going to affect
18 more than the people living in those buildings.

19 So I guess tying it to a certificate of
20 occupancy -- I don't think that's really the main issue. I
21 mean, I feel like that before those -- before there's
22 construction in those buildings, if it happens when there's
23 water in the ditch -- you know what I'm saying? I mean, I
24 don't -- I guess I don't feel like the ditch has to be
25 moved, but those buildings should not be there and have the

1 ditch refilled in its present location. That's how I would
2 describe it.

3 Because, you know, again, I'm saying that if the
4 information we received, where the hazard is, is correct,
5 then that's what causes the chance that the slope would
6 weaken, is the fact that those buildings are there and the
7 ditch is full. So if they want to start building on the
8 buildings and the ditch is going to stay empty for months,
9 and before the water starts flowing again, they move the
10 ditch, that's -- that's fine with me.

11 I mean, I just -- to just tie it to occupancy, I'm
12 not sure -- you know, if they started building on those
13 buildings and the ditch was still flowing, and it wasn't
14 moved yet, that could still create a problem. And then if
15 you have all that water breaching down, that's going to ruin
16 a lot more than just those particular buildings, I think.
17 So I don't know how you feel about that.

18 MR. SMITH: I guess I -- you know, I guess I'm not
19 convinced, necessarily, that -- that, you know, that even --
20 even to Butch's point that this would have to be tied to the
21 CO. I mean, from what we've heard from the -- you know, the
22 experts, the geotechnical and analysis, I guess, and the
23 engineering, is that this -- you know, the project stands on
24 its own without even the ditch being moved, and so I'm not
25 sure that necessarily there's anything to be gained based on

1 what our purview is and our knowledge, or the lack thereof,
2 by requiring the ditch to be completed, necessarily concur
3 only with construction or in advance of, you know, the CO.

4 So I mean, I guess I'm agreeable with it being
5 tied to the CO as, you know, the applicant has said that
6 they would be willing to do, and a couple members of the
7 Board would want. You know, I don't feel too passionate
8 about it. But I'm not sure if -- I think we might be going
9 too far, Brigitte, if we were to say, let's tie that -- the
10 relocation somehow to the construction way in advance of,
11 you know, folks moving into it. I think we might be
12 expecting a little bit too much unnecessarily.

13 MS. CARPENTER: Do we even have anything in the
14 Land Use Code that lets us look at that? Paul?

15 MS. SCHMIDT: Isn't there something about safety?
16 I would think, to me, it's a public safety issue. And I
17 think the concern is, you know, in one letter, the ditch
18 company said, they wouldn't be liable because they were
19 there first. And that's always the ditch company's usual
20 philosophy: Well, it's not our problem. Because we were
21 here first.

22 Well, then -- I don't know. I feel like if we
23 approve it and say the PDP is there and it was okay to build
24 those buildings there, I just -- I don't know. It's
25 worrisome. And I don't know. I guess if the best we can do

1 is tie it to a certificate of occupancy, I feel like that's
2 better than --

3 CHAIRMAN STOCKOVER: I think we've trying to
4 overanalyze it. I think that they've addressed it. It's
5 important. I'm just trying to tie it to some assurance that
6 it doesn't slip through the cracks and not get built. And
7 tying it to the CO gives them plenty of latitude. They know
8 they have to do it at that point, and it gives them latitude
9 to do it in off-peak season.

10 MR. CAMPANA: Haven't we in the past had
11 engineering tied in with the development agreement, as
12 opposed to putting a condition of our approval? I think
13 we've done that before on other projects. We got a
14 commitment from Mark saying he'd add it to the development
15 agreement or something along those lines.

16 MR. ECKMAN: We do have a provision, 3.3.3(b),
17 that says if a project includes a water hazard such as an
18 irrigation canal, necessary design, precaution, shall be
19 taken to minimize any hazard to life or property, and
20 additional measures such as fencing, water depth indicators,
21 and erection of warning signs shall be taken to the extent
22 reasonably feasible. Any lands that are subject to high
23 groundwater, meaning groundwater in an elevation such that
24 basement flooding is reasonably anticipated, shall not be
25 platted for building lots with basements unless adequate

1 provisions to prevent groundwater from entering basements
2 has been designed and approved by the City Engineer. I
3 don't know.

4 MR. SHEPARD: The reason I suggested the CO is
5 because that's what we can control.

6 MR. CAMPANA: What's your thoughts, Mark?

7 STAFF SPEAKER: I guess I would say that --
8 because Gino, I think you're asking, can we put that in the
9 development agreement. I guess we can probably put
10 anything, theoretically, I guess, in the development
11 agreement, but it -- generally, we do that based upon a Code
12 criteria. We don't, you know, negotiate special favors or
13 anything like that. You know, that's not how the
14 development agreement works. It's based upon Code.

15 So I would say if you want to make that finding,
16 then we would then feel compelled to put it in the
17 development agreement, because that's one of the documents
18 that get recorded at the County, so it becomes part of the
19 public record, and --

20 MR. ECKMAN: We already have in our development
21 agreement quite a provision about groundwater that was
22 actually spawned by reason of a complaint against the City
23 for groundwater problems below an irrigation ditch, over on
24 the northwest side of town, I think it was, some years ago.

25 So I drafted some language in our development

1 agreement, and it's been in the agreement ever since, that,
2 in a nutshell, says that if you build below a ditch and the
3 ditch makes your basement wet, don't come crying to the
4 City. It's an indemnification against the City -- to
5 indemnify the City for any harm.

6 But that's really only on the site that is the
7 site of the development. So if you think that groundwater
8 is going to be a problem for neighboring properties, that
9 language wouldn't solve that problem. It would only solve
10 the problem that if the groundwater causes problems on this
11 development property.

12 STAFF SPEAKER: I'll certainly add to that extent,
13 too. The plat for the project specifies that no basements
14 will be allowed on-site. So it addresses Paul's Code
15 citation, but as he just mentioned, it doesn't address
16 offsite potential impacts of groundwater.

17 MR. CAMPANA: I'm all right making it a condition,
18 if everyone else is, that no final COs will be issued until
19 the ditch is realigned. You okay with that?

20 CHAIRMAN STOCKOVER: That's all I'm asking.

21 MR. CAMPANA: So I'm going to make a motion. So I
22 make a motion for approval of The Grove at Fort Collins PDP,
23 Number 16-1010B, based on the facts and findings listed on
24 the -- finding of facts, included on page 21, 22, and 23 of
25 our staff report, and condition that all final COs will --

1 no final CO will be issued until the ditch is realigned.

2 CHAIRMAN STOCKOVER: I'll second that motion.

3 Okay. Any further discussion?

4 MS. SCHMIDT: I guess I do need to make a few
5 comments. As I said, I think this redesigned plan is a
6 large improvement over the first one that we saw. And so I
7 feel that in a lot of ways, it is more compatible with the
8 neighborhood because of the way the parking has changed.

9 I still have some issues with the block size
10 thing, and I think I -- I'll support the PDP because I feel
11 like the basic issue we have before was the block in the
12 middle. I think it's sort of ludicrous to call the other
13 two blocks, but maybe that's a necessary thing. There is
14 the portion, the middle, where the clubhouse meets the block
15 standard design. The others can be argued either way, and
16 to me, they don't meet the concept of walkable blocks,
17 defining them the way they are.

18 But on the whole, I think that the developer has
19 made some, you know, large efforts, and I really appreciate
20 all the time the staff has put into this. And I'd just say,
21 too, that -- because the employment district allows
22 four-story buildings, and so I think that this is going to
23 be a buffer if there's going to be employment there.

24 And I would say, I mean, the whole idea, too, is
25 that not all students are totally rowdy and obnoxious. I

1 mean, I think, you know, that's the whole model, and if you
2 look at the residence halls, a single residence hall on
3 campus has 600 students in it. The towers have 1200 apiece,
4 and so I think when you're just driving by Outward and
5 Westfall, it's not like a crazy zoo all the time there.

6 So I think, hopefully, you know, things will
7 transition, and I really feel that with the City's street
8 idea and the City having the responsibility for the street
9 trees and everything, as they start to grow and develop
10 things, it will look a lot better and there will be a lot of
11 buffering. So I will support the PDP.

12 MR. LINGLE: Yeah, I'd also like to thank the
13 applicant for making a very strong effort to hear what the
14 neighborhood was saying at the last meetings and working
15 hard to address that.

16 I just look at the changes that have been made
17 from the last proposal, with the block structure, the fact
18 that there's no wetland mitigation that's necessary any
19 longer, no modification of standards needed, better -- much
20 better, in my opinion, architectural design overall.

21 I think it's going to be a much stronger
22 transitional architectural style to the potential E
23 employment offices and further research development that
24 could occur east and south of the site than what was there
25 before.

1 I appreciate the efforts towards a sustainable
2 green design, even though, you know, I hope that you could
3 get it up beyond LEED certification to at least silver, I
4 think that would be a meaningful thing. I think more people
5 understand what that means than just LEED certified.

6 Slight reduction in the project scale, and then
7 also the enhanced buffering beyond what the Land Use Code
8 requires. I think all those things add up to a
9 significantly improved project that I think that everyone
10 can be proud of.

11 MS. SCHMIDT: Okay. I just have to say one more
12 thing. And that's -- I do want to say -- it's sort of a
13 concern, and I hope these kind of projects don't pit
14 neighborhood against neighborhood. As much as student
15 housing is needed, I think it's very important that we just
16 don't approve anything that comes along because it is
17 student housing. And I think that we've worked to make this
18 a better project, and I think that benefits the city in the
19 long run. I do hope that people understand, I don't think
20 that this is necessarily going to relieve a lot of pressure
21 on the neighborhoods. And so if every single time a project
22 comes, people are going to come and say, oh, we need this,
23 because it'll takes students out of the neighborhoods.

24 It may and it may not, and I think the important
25 thing is to look at the overall benefit to the city, and as

1 everyone has said, you know, the City has city high
2 standards. And so we do need student housing, but we need
3 to make sure that it's always the best that we can make it.

4 CHAIRMAN STOCKOVER: Any further comments?

5 Roll call, please.

6 THE CLERK: Smith.

7 MR. SMITH: Yes.

8 THE CLERK: Lingle.

9 MR. LINGLE: Yes.

10 THE CLERK: Campana.

11 MR. CAMPANA: Yes.

12 THE CLERK: Schmidt.

13 MS. SCHMIDT: Yes.

14 THE CLERK: Carpenter.

15 MS. CARPENTER: Yes.

16 THE CLERK: Stockover.

17 CHAIRMAN STOCKOVER: Yes.

18 And with that, The Grove at Fort Collins Project
19 Development Plan Number 16-10B has been approved.

20 Is there any other business this evening?

21 With no other business --

22 MR. SMITH: Morning?

23 CHAIRMAN STOCKOVER: -- our meeting is adjourned.

24 (Meeting adjourned 2:45 a.m., June 17, 2011.)

25

1 REPORTER CERTIFICATE

2 I, JASON T. MEADORS, Registered Professional
3 Reporter and Certified Realtime Reporter, and Notary Public,
4 appointed to foregoing proceedings, certify that the
5 proceedings were taken by me at 200 West Laporte Street,
6 Fort Collins, Colorado, on June 16 and June 17, 2011.

7 I certify that the proceedings were reduced to
8 typewritten form by computer-aided transcription, consisting
9 of 316 pages herein; that the foregoing is an accurate
10 transcript of the proceedings.

11 I certify that I am not related to, employed by, of
12 counsel to any party or attorney herein, nor interested in
13 the outcome of this issue.

14 Attested to by me this 3rd day of August, 2011.

15

16

17

18

Jason T. Meadors, RPR, CRR
Coffman Meadors Reporting & Legal Video
My commission expires January 26, 2013

19

20

Cheyenne: 307.432.4061
Denver: 303.893.0202
Fort Collins: 970.482.1506

21

22

23

24

25