

**CITY OF FORT COLLINS
TYPE 1 ADMINISTRATIVE HEARING
FINDINGS AND DECISION**

HEARING DATE: April 14, 2016

PROJECT NAME: Maple Mixed Use

CASE NUMBER: PDP150025

APPLICANT: Craig Russell
Russell + Mills Studios
141 College Ave.
Fort Collins, CO 80524

OWNER: Development Company, LLC
2642 Midpoint Dr. Unit A
Fort Collins, CO 80525

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: The Project Development Plan (PDP) proposes a 3-story mixed-use building with partial fourth-story loft spaces located at the northeast corner of Maple and Meldrum Streets, directly across Maple Street from City Hall. The total number of units is 29, and the total building floor area is 44,966 square feet located on 0.65 acres. The PDP includes a request for a Modification of Standard to Section 4.16(D)(5)(e) of the Land Use Code (the "Code") to allow the use of cement fiber lap siding and panels on portions of the building.

SUMMARY OF DECISION: Denied

ZONE DISTRICT: Downtown (D)

HEARING: The Hearing Officer opened the hearing at approximately 5:32 p.m. on April 14, 2016, in Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; (2) application, plans, maps and other supporting documents submitted by the applicant; (3) the March 8, 2016 recommendation from the Landmark Preservation Commission; (4) documents from the nearby Brownes on Howes project; and (5) a copy of the public notice (the formally promulgated policies of the City are all considered part of the record considered by the Hearing Officer).

TESTIMONY: The following persons testified at the hearing:

From the City: Clark Mapes, Martina Wilkinson

From the Applicant: Ian Shuff, Craig Russell, Joe Delich

From the Public: Christian Bachelet, Robin Bachelet, Jess Gries, Emanuel Martinez, James Burrill, Dawn Putney, Barb Wilkins

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
2. Though not required by the Code, a neighborhood meeting was held on October 22, 2015 at which preliminary concept drawings were reviewed.
3. The PDP complies with some, but not all of the applicable General Development Standards contained in Article 3 of the Code.
 - a. The PDP complies with Section 3.2.1, Landscaping and Tree Protection, because: the PDP protects existing street trees and adds street trees to fill gaps; a new section of parkway will be added where an existing driveway is being removed; existing trees on site will be removed under a tree mitigation plan approved by the City Forester; and areas of the site not paved for pedestrian use and vehicular access will be landscaped.
 - b. The PDP complies with Section 3.2.1(E)(4), Parking Lot Perimeter Landscaping, because: parking is enclosed and screened by the building; and screening on the north side is augmented by a sold 6' fence with trellised vines.
 - c. The PDP complies with Section 3.2.2(C)(4)(b), Bicycle Parking Space Requirements, because there are 68 bike parking spaces with 62 in enclosed locations and 6 on fixed outdoor racks.
 - d. The PDP complies with Section 3.2.2(K), Off-Street Parking Requirements, because 39 parking spaces are included for the residential portion of the building, and the non-residential portion of the building is exempt from any minimum parking requirement.
 - e. The PDP complies with Section 3.2.2(K)(5), Handicap Parking, because there are 2 handicap parking spaces alongside the alley, in close proximity to the building entrances.
 - f. The PDP complies with Section 3.2.4, Site Lighting, because: the only outside lighting will be building lighting; all fixtures will be down-directional, full cutoff, residential scale fixtures; and no foot candle levels will exceed 1/10 as measured at 20' from property lines.
 - g. The PDP complies with Section 3.2.5, Trash and Recycling Enclosures, because the PDP provides for the trash and recycling enclosure to be located in the covered parking area.
 - h. The PDP does not comply with Section 3.4.7, Historic and Cultural Resources, because the PDP, is not designed to protect and enhance the historical and architectural value of the adjacent historic properties. The Hearing Officer carefully reviewed the findings of the Landmark Preservation Commission, but those findings included little

detail, and based on the evidence presented at the April 14, 2016 hearing, the Hearing Officer disagrees with those findings. Instead, the Hearing Officer finds (as more particularly discussed below) that the mass, height and design of the building are entirely incompatible with the adjacent historic properties.

i. The PDP does not comply with Section 3.5.1, Building and Project Compatibility, because: the height of the building far exceeds the height of surrounding buildings; the flat-roofed, modern design of the building is incompatible with the design of most surrounding buildings; the overall mass of the building is incompatible with surrounding buildings, and the step-backs are not enough to reduce the overall mass of the building; the building will negatively impact the privacy of the occupants of the Brownes on Howes building and other nearby buildings, and fails to sufficiently mitigate those impacts; the building does not have a similar relationship to the street as other surrounding buildings; and the PDP does not set an enhanced standard of quality for future projects or redevelopment in the area.

4. The PDP complies with the applicable standards contained in Article 4 of the Code for the D zone district.

a. The PDP complies with Section 4.16(B), Permitted Uses, because a mixed-use building is a permitted use, subject to administrative review.

b. The PDP complies with Section 4.16(D)(1), Building Standards – Setback from Streets, because of the landscaped setbacks.

c. The PDP complies with Section 4.16(D)(2), Building Standards – Building Height, because the building is 3-4 stories.

DECISION

Based on the foregoing findings, the Hearing Officer hereby enters the following rulings:

1. Because the Hearing Officer finds that the PDP does not comply with Section 3.4.7 or Section 3.5.1 of the Code, and because to approve a PDP, the Hearing Officer must find compliance with all applicable provisions of the Code, the PDP and the associated request for Modification of Standard are hereby denied.

DATED this 25th day of April, 2016.



Kendra L. Carberry
Hearing Officer