

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

HEARING DATE: July 10, 2017

PROJECT NAME: Confluence Project Development Plan (PDP)

CASE NUMBER: PDP #170001

APPLICANT: Randy Shortridge
Jason Kersley
[AU] Workshop, LLC
405 Linden Street
Fort Collins, CO 80524

OWNER: Space Foundry, LLC
405 Linden Street
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a Project Development Plan on a 0.457 acre site located at the northeast corner of Linden and Willow Street. A mixed-use building is proposed, composed of office, housing, retail and structured parking. The proposal is located at 401, 405, and 409 Linden Street, and is within the (R-D-R) River Downtown Redevelopment Zone District and the Transit-Oriented Development (TOD) overlay zone. A total of 28 residential dwellings are proposed and 30 off-street parking spaces, with 10,156 square feet of commercial. The total floor area of the building is 45,763 square feet. The maximum building height proposed is approximately 64' - 6", which includes five stories plus a partial mezzanine level for two fifth floor dwellings. A modification request is included with the PDP for these two dwellings to address the 1/3 limitation on mezzanine floor areas.

BACKGROUND:

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	River Downtown Redevelopment District (R-D-R)	Legacy Senior Residences; 320 Willow Street -- single-family detached dwelling; 316 Willow – Wolverine Farm Publishing
South	River Downtown Redevelopment District (R-D-R)	Feeder Supply building
East	River Downtown Redevelopment District (R-D-R)	El Burrito Cafe; River District Block One mixed use building.
West	River Downtown Redevelopment District (R-D-R)	Feeder Supply residential and commercial development

The subject property was platted in 1873 as a part of the original City map. The site currently includes three parcels at 401,405, and 409 Linden Street which are included in the proposed replat. 401 Linden Street contains an existing one story commercial building which is proposed to be demolished. This building is currently occupied by the Education and Life Training Center. The other two properties at 405 and 409 Linden contain one story buildings that would remain, with the proposed Confluence building occupying the rear portion of these properties.

The PDP proposes a replat of the 0.457 acre site, being a portion of Lots 2, 4, 6, 8, Block 2, City of Fort Collins (the “Property”). The Property is proposed to be replatted into two lots, with Lot 1 comprising 0.056 acres and Lot 2 comprising 0.401 acres.

As explained by Mr. Shortridge during his presentation, the Property is located within the boundaries of the historic Camp Collins, which was located along Linden Street between Jefferson Street and the Cache la Poudre River (the “River”). The fort consisted of a series of buildings, loosely connected around a central square, or parade ground, roughly three hundred feet on each side. Some of the buildings included barracks for the soldiers, quarters for the officers, mess halls, and a hospital¹.

The Property is located generally within the central square, or parade ground of the historic fort.

As set forth in Section 4.17(A) of the LUC, the River Downtown Redevelopment District (R-D-R) is intended to reestablish the link between Old Town and the River through development in the River corridor. The R-D-R District is intended to create opportunities for more intensive redevelopment of housing, businesses and workplaces to complement Downtown Fort Collins.

¹ <https://fcmdsc.wordpress.com/tag/camp-collins/> (July 14, 2017).

SUMMARY OF DECISION: Approved

ZONE DISTRICT: River Downtown Redevelopment District (R-D-R)

HEARING: The Hearing Officer opened the hearing on Monday, July 10, 2017, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 6:35 PM, following the conclusion of the public hearing on the Salud Family Health Center PDP (PDP # 160015).

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding:

- (1) Planning Department Staff Report for Confluence Project Development Plan, PDP#170001 (prepared for the July 10, 2017 public hearing);
- (2) Applicant's Statement of Planning Objectives dated January 11, 2017 (6 pages);
- (3) Applicant's Modification of Standards request summary (2 pages);
- (4) Applicant's Height Analysis Narrative dated April 19, 2017 (1 page);
- (5) Confluence PDP Planning set: Site Plan, Building Elevations, Landscape Plan, Shadow Analysis, Perspective Building Views, Building Materials Exhibit and Floor Plans (14 sheets);
- (6) Confluence Lighting/Electrical Plan (E100, E101 and E102) (3 sheets);
- (7) Confluence Plat (2 sheets);
- (8) Utility Plans for Confluence Lot 2 (16 sheets);
- (9) Transportation Impact Study dated February 3, 2017, prepared by Delich Associates Traffic & Transportation Engineering (28 pages);
- (10) Memorandum to Hearing Officer from Maren Bzdek, Senior Historic Preservation Planner, dated June 30, 2017 regarding Landmark Preservation Commission (LPC) Findings of Fact and Conclusions Pertaining to Confluence (PDP170001), and including an excerpt of May 17, 2017 LPC meeting minutes (5 pages).
- (11) Notice of Public Hearing Letter dated June 26, 2017;
- (12) Confirmation of Publication, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on June 29, 2017;
- (13) Planning Department PowerPoint presentation prepared for July 10th public hearing (34 pages);

- (14) PowerPoint presentation prepared by Applicant’s representative for July 10th public hearing (39 pages); and
- (15) River District Design Guidelines (adopted June 3, 2014)².

In addition, the City’s Comprehensive Plan, Code, and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

A copy of the Planning Department Staff Report prepared for the above-referenced Application is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference. A copy of the Memorandum dated June 30, 2017 (document #10 in list above) is attached to this decision as **ATTACHMENT B** and is incorporated herein by reference.

TESTIMONY: The following persons testified at the hearing:

- From the City: Jason Holland, City Planner
- From the Applicant: Randy Shortridge
Jason Kersley
[AU] Workshop, LLC

Stuart MacMillan
- Owner: Space Foundry, LLC
- From the Public: William Oliver, 421 S. Howes Street, Fort Collins 80521

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
 - A. the Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code; and
 - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code, including the requirements for new construction located within the existing Historic District, which requirements are set

² The R-D-R River District Design Guidelines are available at the following link:
<http://www.fcgov.com/historicpreservation/pdf/rdr-design-guidelines.pdf>

forth and articulated in Section 3.4.7(F)(1) through (F)(5) of the Code. In making this conclusion, the Hearing Officer has relied on the written recommendation of the LPC attached to this decision as **ATTACHMENT B**.

- C. The Confluence PDP contains permitted uses and complies with the applicable development standards of the River Downtown Redevelopment District set forth in Article 4, Division 4.17 of the Land Use Code.
- i. Section 4.17(B)(2)(a) of the Code permits the proposed mixed-use dwellings in the R-D-R District, subject to administrative (Type 1) review.
 - ii. Section 4.17(B)(2)(c) of the Code permits the proposed mixed-use office and retail space, subject to administrative (Type 1) review.
 - iii. Section 4.17(D)(3)(c) requires that new buildings be designed to demonstrate compatibility with the historical agricultural/industrial characteristics of the R-D-R district to promote visual cohesiveness and emphasize positive historical attributes. Compliance with Section 4.17(D)(3)(c) is sufficiently addressed in the Staff Report.
 - iv. The PDP complies with the applicable site design standards set forth in Sections 4.17(D)(2) and 4.17(D)(3)(b)(1).
3. The Application's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently detailed in the Staff Report, a copy of which is attached as **ATTACHMENT A** and is incorporated herein by reference.
4. The Application's satisfaction of the Section 3.4.7(F)(6) requirements is sufficiently detailed in the Memorandum to Hearing Officer from Maren Bzdek, Senior Historic Preservation Planner, dated June 30, 2017 summarizing the LPC's Findings of Fact and Conclusions Pertaining to the Confluence project, and including an excerpt of the May 17, 2017 LPC meeting minutes, a copy of which is attached as **ATTACHMENT B** and is incorporated herein by reference. The Hearing Officer has considered the LPC's recommendation in making the ruling set forth in this Findings and Decision.
5. Based on testimony provided at the public hearing and a review of the materials submitted, the requested Modification of Standard to Section 3.8.17(A)(2)(a) of the LUC – Building Height Measured in Stories – Mezzanines, is approved. In making such finding, the Hearing Officer specifically finds that the granting of the Modification will not be detrimental to the public good and that:

Modification criterion 2.8.2(H)(1) is satisfied: The plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested.

Modification criterion 2.8.2(H)(4) is satisfied: The plan as submitted will not diverge from the standards of the Land Use Code . . . except in a nominal, inconsequential way when

considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

The Hearing Officer concludes that the granting of the Modification will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested, and is inconsequential when considered in the context of the entire proposed PDP because the overall increase in the mezzanine floor area is minor and the added mezzanine space does not change the external appearance of the building design. As explained in the Staff Report attached as **ATTACHMENT A** and as noted during the public hearing by Mr. Holland, reduction in the mezzanine floor area to meet the standard would not result in a change in the building's appearance, and would only result in additional two-story open area within the units. Therefore, the increase the mezzanine floor area provides a design that is equal to a design with the 54 square feet of floor area proposed.

The Hearing Officer concurs with Staff's conclusion that the effect of the mezzanine level's height and mass is nominal and inconsequential; the mezzanine level does not contribute significantly to the overall height and mass of the project and the resulting height is similar to the overall height of the southwest tower. The overall building height and massing placement proposed meets the design requirements of the R-D-R District by concentrating building mass into appropriately scaled, iconic architectural features that are encouraged in the district while providing open space between the tower elements to reduce the overall apparent mass of the project.

The Hearing Officer further concludes that the Confluence PDP will continue to advance the purposes of the Land Use Code set forth in Section 1.2.2, including the following:

- Encouraging innovations in land development and renewal;
- Encouraging patterns of land use which decrease trip length on automobile travel and encourage trip consolidation;
- Reducing energy consumption and demand; and
- Improving the design, quality and character of new development.

DECISION

Based on the findings set forth above, the Hearing Officer hereby enters the following ruling:

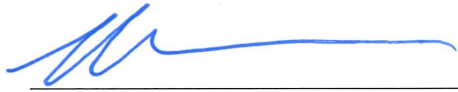
- A. That the request for modification to LUC submitted pursuant to Section 3.8.17(A)(2)(a) of the Code is justified by the applicable standards in 2.8.2(H)(1) and (4).
- B. The Confluence Project Development Plan (PDP #1170001) is approved for the Subject Property as submitted.
- C. The Applicant shall submit a final plan for the Property within three (3) years of the date of this decision. If Applicant fails to submit a final plan to the City within said three (3) year

period, this PDP approval shall automatically lapse and become null and void in accordance with Section 2.2.11(C) of the Code.

D. In accordance with Section 2.2.11(C) of the Code, the Confluence PDP shall not be considered a site specific development plan and no vested rights shall attach to the PDP.

Nothing in this decision shall abrogate the Director's authority to grant one (1) extension of the Confluence PDP. As set forth in Section 2.2.11(C) of the Land Use Code, the extension may not exceed six (6) months in length.

DATED this 14th day of July, 2017.



7.14.17

Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Confluence
Project Development Plan
PDP #170001

STAFF REPORT

Hearing Officer

July 10, 2017

PROJECT NAME

CONFLUENCE, PROJECT DEVELOPMENT PLAN – PDP170001

STAFF

Jason Holland, City Planner

PROJECT INFORMATION

PROJECT DESCRIPTION: This is a request for a Project Development Plan on a 0.4 acre site located at the northeast corner of Linden and Willow Street. A mixed-use building is proposed, composed of office, housing, retail and structured parking. The proposal is located at 401,405, and 409 Linden Street, and is within the (R-D-R) River Downtown Redevelopment Zone District and the Transit-Oriented Development overlay zone (TOD). A total of 28 residential dwellings are proposed and 30 off-street parking spaces, with 10,156 square feet of commercial. The total floor area of the building is 45,763 square feet. The maximum building height proposed is approximately 64' - 6", which includes five stories plus a partial mezzanine level for two 5th floor dwellings. A modification request is included with the PDP for these two dwellings to address the 1/3 limitation on mezzanine floor areas.

APPLICANT: Jason Kersley
[AU]Workshop, LLC.
405 Linden Street
Fort Collins, CO 80524

OWNER: Space Foundry, LLC
405 Linden Street
Fort Collins, CO 80524

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

The proposed Confluence PDP complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The PDP complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The PDP complies with relevant standards located in Article 3 – General Development Standards, provided that the Modification is approved.
- The PDP complies with the relevant (R-D-R) River Downtown Redevelopment District standards in Division 4.17 of Article 4.

VICINITY MAP



Confluence Project Development Plan

500 250 0 500 Feet



COMMENTS:

1. Background:

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	River Downtown Redevelopment District (R-D-R)	Legacy Senior Residences; 320 Willow Street -- single-family detached dwelling; 316 Willow – Wolverine Farm Publishing
South	River Downtown Redevelopment District (R-D-R)	Feeder Supply building
East	River Downtown Redevelopment District (R-D-R)	El Burrito Cafe; River District Block One mixed use building.
West	River Downtown Redevelopment District (R-D-R)	Feeder Supply residential and commercial development

The property was annexed and platted in 1873 as a part of the original City map. The site currently includes three parcels at 401,405, and 409 Linden Street which are included in the proposed replat. 401 Linden Street contains an existing one story commercial building which is proposed to be demolished. This building is currently occupied by the Education and Life Training Center. The other two properties at 405 and 409 Linden contain one story buildings that would remain, with the proposed Confluence building occupying the rear portion of these properties.

2. River Downtown Redevelopment Zone District – Design Guidelines:

The Fort Collins River Downtown Redevelopment Zone District Design Guidelines were adopted in June of 2014. The document provides guidelines that promote the community’s vision for the R-D-R zone through compatible new construction and redevelopment. The guidelines are intended to support investment that builds a strong, pedestrian-oriented urban fabric and encourages creative design that is compatible with the historic context by providing architectural detail and forms that are unique to the district. The guidelines outlined in this document were codified into the Land Use Code, under Article Four, in the R-D-R zone district development standards which are discussed in the next section.

3. **Compliance with the R-D-R, River Downtown Redevelopment Zone District:**

The project complies with all applicable R-D-R District standards:

A. Section 4.17(B)(2) – Land Use

Mixed-use dwellings are a permitted use in the R-D-R District, in this case subject to a Type 1 administrative review.

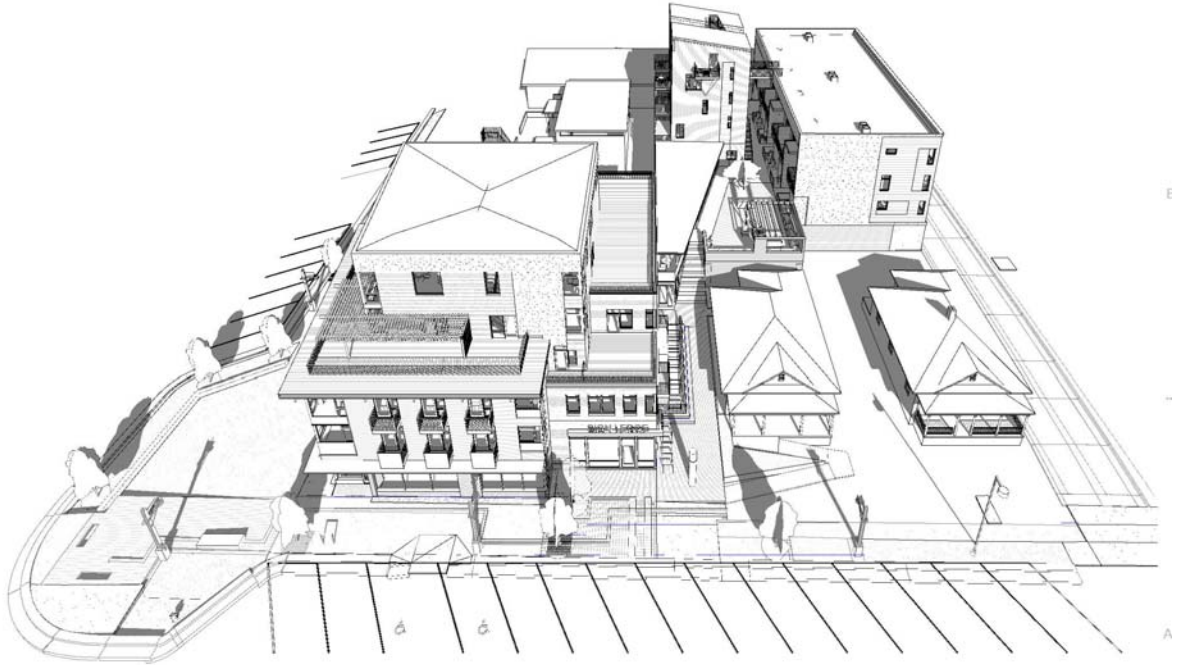
B. Section 4.17(D)(2) – Development Standards – Streets and Walkways

The PDP meets the requirements of this section. The PDP preserves the existing pattern of streets and blocks. The street grid pattern is augmented by courtyard space and street amenities located along Linden Street and a future plaza space along Willow Street.

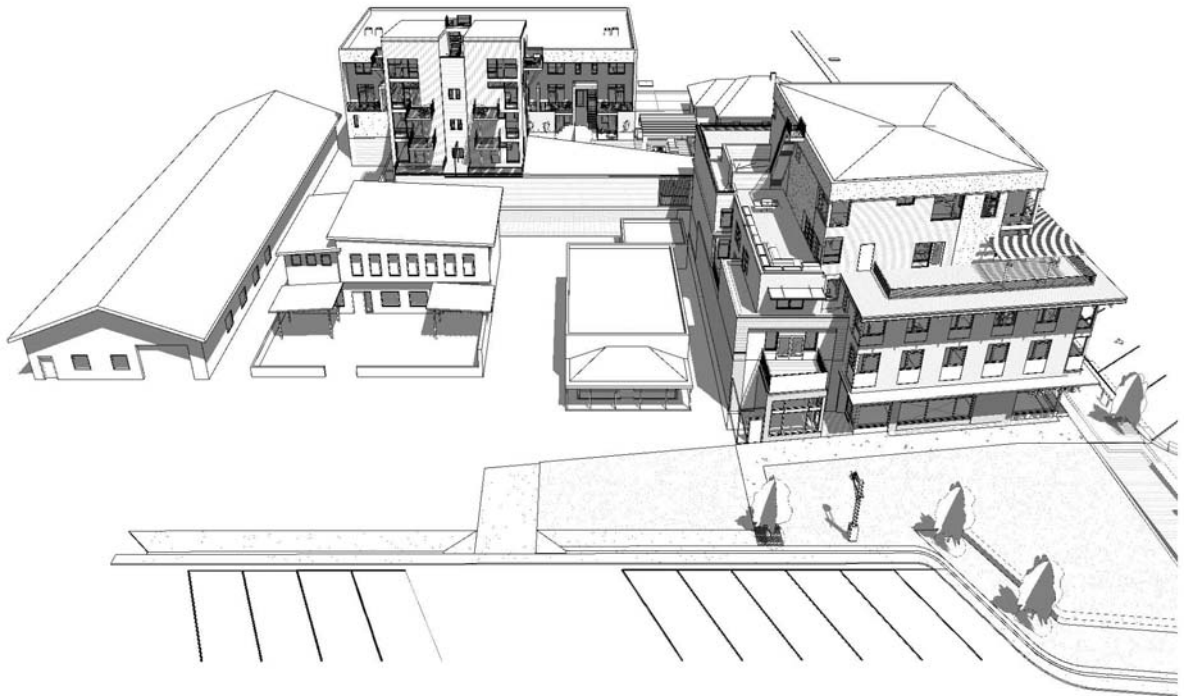
C. Section 4.17(D)(3)(b)1. – Development Standards – Buildings – Programming, Massing and Placement – Height/Mass

This standard states that multiple story buildings of up to five (5) stories are permitted, provided that massing is terraced back from the River and from streets so that multiple story buildings are stepped down to one (1) story abutting the River landscape frontage and are stepped down to three (3) stories or less abutting any street frontage. Such terraced massing shall be a significant and integral aspect of the building design. Additionally, where new buildings are placed next to existing shorter buildings that are expected to remain, the new buildings must be stepped down in such a manner as to minimize their impact on the shorter buildings.

The PDP complies with these standards by providing a significant step down to three stories at the intersection of Willow and Linden with an outdoor terrace and cornice projection provided at the third story. The building mass is stepped down further to two stories along the east side of the building's Linden frontage, which provides a suitable mass transition to the one story building at 405 Linden Street. The overall building design divides the project into three main building massing areas, with material treatments, window details, balconies and cornice projections within the massing that provide an effective visual transition to the surrounding buildings adjacent to the PDP.



VIEW FROM LINDEN ST.



VIEW FROM WILLOW ST

D. Section 4.17(D)(3)(c) – Development Standards – Buildings – Character and Image

This section requires that new buildings be designed to demonstrate compatibility with the historical agricultural/industrial characteristics of the R-D-R District in order to promote visual cohesiveness and emphasize positive historical attributes. Such characteristics include simple rectilinear building shapes, simple rooflines, juxtaposed building masses that directly express interior volumes/functions, visible structural components and joinery, details formed by brickwork, sandstone, sills, lintels, headers and foundations and details formed by joinery of structural materials.

Standards of this section are intended to promote a unique site and building design approach with authentic building details and forms related to the design and placement of outdoor spaces, window treatments, roof forms, materials, entrances, accent features and awnings/canopies.

Staff Comments:

The overall building design divides the project into three main building areas with a three story component to the east along Poudre Street, and two five-story tower elements separated by an interior courtyard on the second level.

A combination of flat, shed and gable roof forms and cornice treatments are used that are suitable for the district. The tower elements are arranged to create a distinctive design that provides an appropriate contribution to the character and image of the district and are effective in reducing the overall apparent mass of the building.

In accordance with the standard, windows are placed in a symmetrical pattern relative to the walls and massing along the Linden and Willow frontage. Windows are individually defined with detail elements including framing elements, lintels, and appropriate placement to visually establish and define the building stories and establish human scale and proportion. The overall building design is cohesive and provides accent features and material patterns that provide a positive design example for the R-D-R District.

4. Compliance with Article 3 of the Land Use Code – General Development Standards

The project is compliance with all applicable General Development Standards with the following relevant comments provided:

A. Section 3.2.1 Landscaping and Tree Protection

Street trees are provided along Linden and Willow Street in sidewalk cut outs protected by tree grates. Future Willow Street plaza improvements shall be implemented by the City as part of a City Capital Improvement project.

B. Section 3.2.2 – Access, Circulation and Parking

In conformance with the *Purpose, General Standard, and Development Standards* described in this section, the parking and circulation system provided with the project is adequately designed with regard to safety, efficiency and convenience for vehicles,

bicycles, pedestrians and transit, both within the development and to and from surrounding areas.

Minimum off-street parking quantities required for the project are based on TOD requirements for the number of bedrooms for the multi-family dwellings and gross square feet for the commercial area. Deductions are also requested based on demand mitigation allowances in the TOD zone. Based on these TOD requirements, parking is provided in accordance with the standards as follows:

Residential Parking:

TOD baseline residential requirement: Total required based on 16 units (of one bedroom or less) x .75 = 12 and 12 units (of two bedroom) x 1 = 12, totaling: 24 required parking spaces.

Subtotal residential parking required	<u>24 spaces</u>
Demand Mitigation - Transit Passes for each tenant 10%	-2.4 spaces
Demand Mitigation - Bicycle & Pedestrian Level of Service A	-2.4 spaces
<u>Car Share (1 car)</u>	<u>-5 spaces</u>
Total provided (residential) with TOD Mitigation strategies:	16 spaces

Non-Residential Parking with TOD Demand Mitigation:

Parking (Non-Residential)	Ratio	GLA	Required
Office	1/1000	2,266	3
Retail	2/1000	6,890	14
Cafe	5/1000	1,000	5
		10,156	
Existing Building Exemption (Up to 5000sf at 1/1000)*			-5
Demand Mitigation - Bicycle & Pedestrian Level of Service A			-2.20
Demand Mitigation - reduction per shared parking strategy			-3
Total			12

*3.2.2(K)(2)(b) Existing Buildings Exemption: based on replacing existing building area

Project parking total required:

Total provided (residential) with TOD Mitigation strategies:	16 spaces
<u>Total non-residential provided with TOD Mitigation strategies:</u>	<u>12 spaces</u>
Total required:	28 spaces

Total parking provided with PDP: 30 spaces

C. Section 3.2.4 – Site Lighting

A photometric plan was submitted for the project. As proposed, the project complies with the lighting design standards in Section 3.2.4. All exterior building lighting is provided by down-directional and sharp cut-off fixtures.

D. Section 3.2.5 – Trash and Recycling Enclosures

Trash and recycling is provided within the parking structure and is fully screened in from public view in accordance with the requirements of this section.

E. Section 3.3.1 – Plat Standards

The layout of driveways, utilities, drainage facilities, easements and other services are designed in accordance with the City's engineering standards. The plat demonstrates proper dedication of public rights-of-way, drainage easements and utility easements that are needed to serve the area being developed.

F. Section 3.4.7 – Historic and Cultural Resources

Because the PDP is adjacent to sites that are designated, eligible or potentially eligible as historic resources, the proposed building was reviewed by the Landmark Preservation Commission. At its May 17, 2017 meeting, the Landmark Preservation Commission conducted a review as authorized under LUC Section 3.4.7(F)(6). The LPC voted 5-0 to recommend to the Decision Maker approval of the Confluence Project (PDP170001), finding it is in compliance with the standards contained in the Land Use Code 3.4.7 and the River Downtown Redevelopment (R-D-R) Zone District Design Guidelines, in regard to compatibility with the character of the project's area of adjacency. (LPC Memorandum and meeting minutes attached.)

G. Section 3.5.1(G)(1) Building Height Review and Special Height Review

The purpose of this Section is to establish a special process to review buildings or structures that exceed forty (40) feet in height. Its intent is to encourage creativity and diversity of architecture and site design within a context of harmonious neighborhood planning and coherent environmental design, to protect access to sunlight, to preserve desirable views and to define and reinforce downtown and designated activity centers. All buildings or structures in excess of forty (40) feet in height shall be subject to special review pursuant to this subsection (G).

(a) Review Standards. If any building or structure is proposed to be greater than forty (40) feet in height above grade, the building or structure must meet the following special review criteria:

Light and Shadow. Buildings or structures greater than forty (40) feet in height shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Adverse impacts include, but are not limited to, casting shadows on adjacent property sufficient to preclude the functional

use of solar energy technology, creating glare such as reflecting sunlight or artificial lighting at night, contributing to the accumulation of snow and ice during the winter on adjacent property and shading of windows or gardens for more than three (3) months of the year. Techniques to reduce the shadow impacts of a building may include, but are not limited to, repositioning of a structure on the lot, increasing the setbacks, reducing building mass or redesigning a building shape.

Staff Comments regarding the height review criteria per LUC 3.5.1(G)(1):

With buildings taller than 40 feet, further review is required base on the criteria described above. The criteria requires that buildings or structures greater than forty (40) feet in height shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Adverse impacts include, but are not limited to, casting shadows on adjacent property sufficient to preclude the functional use of solar energy technology, creating glare such as reflecting sunlight or artificial lighting at night, contributing to the accumulation of snow and ice during the winter on adjacent property and shading of windows or gardens for more than three (3) months of the year. Techniques to reduce the shadow impacts of a building may include, but are not limited to, repositioning of a structure on the lot, increasing the setbacks, reducing building mass or redesigning a building shape.

A shadow analysis has been provided by the applicant. The analysis reveals that for the three conditions (March, December, and June), the proposed building mass casts a shadow on the adjacent properties during portions of the year, mainly during the morning hours. Adjacent properties receive direct sunlight during afternoon hours, benefitting from the street pattern in the area which is approximately 45 degrees off-axis from due north. Per the standard, staff finds that the shadowing does not have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Nor does the shadowing preclude the functional use of solar energy technology or cause an undue accumulation of snow and ice on adjacent property.

H. Section 3.5.3 – Mixed-Use, Institutional and Commercial Buildings; Division 3.10 – Development Standards for the Transit Oriented Development Overlay Zone

The building design provides a high level of quality in terms of building articulation, material choice and placement, and placement of courtyards and balconies that satisfies the building requirements of these sections. The extensive articulation of the building form and generous use of masonry and panel systems contribute to a high quality appearance that is consistent with the architectural design expected within the TOD Overlay Zone.

Variations in massing and placement of durable materials and cornice details at the street level help provide a human scale and break down the overall scale of the building. Varied patterns of recesses and projections provide vertical and horizontal interest in conformance with Section 3.5.3(E)(2).

Entrances are clearly identified and articulated with an entrance canopy as a sheltering element and with a change in mass related to the building entrance in conformance with Section 3.5.3(E)(4).

I. Section 3.6.4 – Transportation Level of Service Requirements

A Transportation Impact Study was submitted with this PDP (See attached.) It analyzed the anticipated traffic for the development and concluded that the added traffic from the project does not impact the nearby intersections and that the pedestrian Level of Service in the area is acceptable.

5. Modification of Standard Request to LUC Section 3.8.17(A)(2)(a) -- Building Height Measured in Stories -- Mezzanines

Overview:

This code section requires that the floor area of balconies and mezzanines be no more than 1/3 of the total floor area of the nearest floor area directly below. Page DR13 of Attachment 4 (PDP plans) shows the proposed floor plan for the 5th story. The floor plan shows the two separate tower massings that are proposed. As can be seen on page DR13, the north tower includes two dwelling units on the 5th story, with a small mezzanine level above the 5th story dwellings as shown on sheet DR14. The mezzanine level floor spaces are a part of the two 5th story units and are not separate dwellings.

As outlined in the applicant's modification request, the 5th story floor area of the north tower is 1213 square feet, with a proposed mezzanine area above of 458 square feet, resulting in a mezzanine level that is slightly over the 1/3 limit of 404 square feet. The mezzanine level exceeds the 1/3 limit by 54 square feet.

Request for Modification. The applicant requests a modification to allow the mezzanine to not be considered a full story by being nominally over the 1/3 ratio limit.

Land Use Code Standard proposed to be modified:

3.8.17 - Building Height

(A) Measuring Building Height.

(1) Building Height Measured in Feet. When measured in feet, building height shall be measured from the average of the finished ground level at the center of all walls of a building or structure to the highest point of the roof surface or structure.

(2) Building Height Measured in Stories. In measuring the height of a building in stories the following measurement rules shall apply:

(a) A balcony or mezzanine shall be counted as a full story when its floor area is in excess of one-third (1/3) of the total area of the nearest full floor directly below it.

Land Use Code Modification Criteria:

“The decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:

(1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or

(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or

(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or

(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).

Applicant's Justification:

The applicant has provided a modification request, attached to this staff report. The Applicant requests that the modification be approved and provides the following justification for Criteria 1 and 4:

Criteria (1): the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested.

Criteria (4): The plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

Applicant's Justification for Criteria 1 and 4:

“Currently the total floor area (as defined in the LUC) of the mezzanine is 458sf and the total floor area (as defined in the LUC) directly below it is 1213sf (5th story), which is over 1/3 by only 54sf. This ratio calculation counts only the floor area of the level below that the mezzanine directly serves. If all floor areas on the 5th story level in the project were taken in consideration, the mezzanine area would be well under the 1/3 max ratio. Additionally the city has adopted the amendment to the 1012 IBC changes the area limitation of mezzanines in the building code: (17) Section 505.2.1 Area Limitation is amended by adding a new exception number 3 to read as follows: “3. Within individual dwelling units of Group R occupancies, the maximum aggregate area of a mezzanine may be equal to one--half of the area of the room in which it is located, without being considered an additional story. The mezzanine may be closed to the room in which it is located as long as exits from the mezzanine are in conformance with Section 505.2.2.

Our request is to allow the mezzanine to NOT be considered a full story while being nominally over the 1/3 ratio limit. The plan promotes the general purpose of the standard equally well or better than a plan that builds to the theoretical maximums allowed by the code. The plan's upper stories are smaller than the maximum allowable in an effort to achieve a design that's beneficial to the occupants by providing views, access to light and air, and compelling architectural design, while also benefiting the public with a project that is compatible with the neighboring context, historic preservation guidelines, the overall Land Use Code, and the city's River District design guidelines. We believe this modification would not be detrimental to the public good, and that it affects the standard in a nominal, inconsequential way when considered from the perspective of the overall development plan.”

Staff Findings for the Modification

Staff finds that the request for a Modification of Standard to Section 3.8.17(A)(2)(a) – *Building Height Measured in Stories – Mezzanines*, is justified by the applicable standards in 2.8.2(H) (1 and 4):

- A. Criterion 1 is met, (2.8.2(H)(1): *The plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested.*

- B. Criterion 4 is met, (2.8.2(H)(4): *The plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.*

The granting of the Modification would not be detrimental to the public good and is inconsequential because the overall increase in the mezzanine floor area is minor and the added mezzanine space does not change the external appearance of the building design. A reduction in the mezzanine floor area to meet the standard would not result in a change in the building's appearance, and would only result in additional two-story open

area within the units. Therefore, the increase in the mezzanine floor area provides a design that is equal to a design with the 54 square feet of floor area proposed.

The effect of the mezzanine level's height and mass is nominal and inconsequential; the mezzanine level does not contribute significantly to the overall height and mass of the project and the resulting height is similar to the overall height of the southwest tower. The overall building height and massing placement proposed meets the design requirements of the R-D-R District by concentrating building mass into appropriately scaled, iconic architectural features that are encouraged in the district while providing open space between the tower elements to reduce the overall apparent mass of the project.

6. Neighborhood Meeting

As a Type 1 administrative use, a neighborhood meeting was not required and the applicant elected to not hold a City neighborhood meeting.

7. Findings of Fact/Conclusion

In evaluating the proposed Overlook Project Development Plan, staff makes the following findings of fact:

- A. The PDP complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Modification to LUC Staff finds that the request for a Modification of Standard to *Section 3.8.17(A)(2)(a) – Building Height Measured in Stories – Mezzanines*, is justified by the applicable standards in 2.8.2(H) (1 and 4):

Criterion 1 is met, (2.8.2(H)(1): *The plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested.*

Criterion 4 is met, (2.8.2(H)(4): *The plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.*

The granting of the Modification would not be detrimental to the public good and is inconsequential because the overall increase in the mezzanine floor area is minor and the added mezzanine space does not change the external appearance of the building design. A reduction in the mezzanine floor area to meet the standard would not result in a change in the building's appearance, and would only result in additional two-story open area within the units. Therefore, the increase the mezzanine floor area provides a design that is equal to a design with the 54 square feet of floor area proposed.

The effect of the mezzanine level's height and mass is nominal and inconsequential; the mezzanine level does not contribute significantly to the overall height and mass of the project

and the resulting height is similar to the overall height of the southwest tower. The overall building height and massing placement proposed meets the design requirements of the R-D-R District by concentrating building mass into appropriately scaled, iconic architectural features that are encouraged in the district while providing open space between the tower elements to reduce the overall apparent mass of the project.

- C. The PDP complies with relevant standards located in Article 3 – General Development Standards, provided that the Modification is approved.
- D. The PDP complies with the relevant (R-D-R) River Downtown Redevelopment District standards in Division 4.17 of Article 4.

RECOMMENDATION:

Approval of the Confluence Project Development Plan and Modification of Standard to Section 3.8.17(A)(2)(a)

ATTACHMENTS

- 1. Applicant’s Planning Objectives Narrative
- 2. Applicant’s Height Analysis Narrative
- 3. Applicant’s Modification Request
- 4. PDP Planning set:
 - a. Site Plan
 - b. Building Elevations
 - c. Landscape Plan
 - d. Shadow Analysis
 - e. Perspective Building Views
 - f. Building Materials Exhibit
 - g. Floor Plans
- 5. Lighting Plan
- 6. Plat
- 7. Utility Plans
- 8. Traffic Impact Study
- 9. Landmark Preservation Commission (LPC) Findings of Fact and Conclusions Pertaining to Confluence (PDP170001)

ATTACHMENT B

Memorandum dated June 30, 2017
LPC Findings of Fact and Conclusions Pertaining to Confluence (PDP #170001)
(including excerpt of May 17, 2017
LPC meeting minutes)



Planning, Development & Transportation

Community Development & Neighborhood Services

281 North College Avenue
P.O. Box 580
Fort Collins, CO 80522.0580

970.416.2740
970.224.6134- fax
fcgov.com

MEMORANDUM

DATE: June 30, 2017
TO: Hearing Officer
TH: Tom Leeson, Director of Community Development & Neighborhood Services
Jason Holland, City Planner
FR: Maren Bzdek, Senior Historic Preservation Planner
RE: **Landmark Preservation Commission (LPC) Findings of Fact and Conclusions
Pertaining to Confluence (PDP170001)**

As provided for in Land Use Code Section 3.4.7(F)(6), in its consideration of the approval of plans for properties containing or adjacent to designated, eligible or potentially eligible sites, structure, objects or districts, the Decision Maker shall receive, and consider in making its decision, a written recommendation from the Landmark Preservation Commission. This memorandum contains the Landmark Preservation Commission's Findings of Fact and its motion for this project.

At its May 17, 2017 Regular Meeting, the Landmark Preservation Commission conducted a review of the development project known as Confluence (PDP170001) as authorized under LUC Section 3.4.7(F)(6).

The Landmark Preservation Commission adopted the following motion on **a vote of 5-0**:

“That the Landmark Preservation Commission recommend to the Decision Maker approval of the Confluence project (PDP170001), finding it is in compliance with the standards contained in Land Use Code section 3.4.7 in regard to compatibility with the character of the project’s area of adjacency for the following reasons:

- *The project does not impact the individual eligibility for designation of the historic properties in the defined area of adjacency.*
- *The project design uses a massing strategy at the transition edges that is compatible with the historic context and situates taller elements at the interior of the project site.*
- *The project includes primary building materials on the elevations immediately abutting historic properties that are reflective of the dominant historic materials.*
- *The project provides multiple design elements that create visual ties to buildings within the adjacent historic context.*



Meg Dunn, Chair
Per Hogestad, Vice Chair
Doug Ernest
Bud Frick
Kristin Gensmer
Dave Lingle
Mollie Simpson
Alexandra Wallace
Belinda Zink

City Council Chambers
City Hall West
300 Laporte Avenue
Fort Collins, Colorado

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

Video of the meeting will be broadcast at 1:30 p.m. the following day through the Comcast cable system on Channel 14 or 881 (HD). Please visit <http://www.fcgov.com/fctv/> for the daily cable schedule. The video will also be available for later viewing on demand here: <http://www.fcgov.com/fctv/video-archive.php>.

Regular Meeting May 17, 2017 Minutes – Excerpt for Confluence

- **CALL TO ORDER**

Chair Dunn called the meeting to order at 5:32 p.m.

- **ROLL CALL**

PRESENT: Dunn, Zink, Hogestad, Wallace, Gensmer, Ernest, Frick
ABSENT: Lingle, Simpson
STAFF: McWilliams, Bzdek, Bumgarner, Yatabe, Schiager

****BEGIN EXCERPT****

3. CONFLUENCE (PDP170001) - DEVELOPMENT REVIEW

PROJECT DESCRIPTION: This proposal is a mixed-use project of residential, office, commercial space, and parking on a 0.4-acre site at 401, 405, and 409 Linden Street in the River Downtown Redevelopment District (RDR). Final review will be a Type 1 hearing with a hearing officer.

APPLICANT: Jason Kersley, [au]workshop, llc., 405 Linden Street

Ms. Gensmer recused herself due to a conflict, and Mr. Frick recused himself because he was not present at the 2015 review of this project.

Staff Report

Ms. Bzdek presented the staff report. She discussed the relevant Code and the Commission's role in the process. She reviewed the background and staff analysis, and provided recommendations for the area of adjacency.

Mr. Yatabe asked the members to confirm whether they were present for the 2015 review of this proposal, and if not, whether they had reviewed the materials from that meeting. Mr. Ernest said he had reviewed the materials. Chair Dunn confirmed she was there. Ms. Zink was there and also reviewed materials.

Applicant Presentation

Jason Kersley gave the Applicant presentation, including historical context, zoning summary, site plan, and responses to Code requirements. He reviewed the Commission's comments from their 2015 development review and explained how their design addresses them. He talked about the materials, where they are placed on the building, and how they relate to the surrounding historic context.

Public Input

None

Commission Questions

Mr. Ernest pointed out a discrepancy in the address for the sign shop at 320 Willow. Mr. Kersey said the Assessor's map shows 320, but the number on the building is 326.

Upon Mr. Hogestad's request, Mr. Kersey reviewed the materials again, pointing out their locations.

Ms. Zink asked about the fenestration and window patterns. Mr. Kersey explained that they used storefront windows for the retail portion, and the residential windows are aluminum clad wood.

Mr. Hogestad asked how the cement board is scored and mounted, and whether it's a rainscreen. Mr. Kersey replied that it was a raw concrete panel rainscreen. He passed around samples of all the materials.

Mr. Hogestad asked how the wood would be treated, and Mr. Kersey said it would be stained.

Ms. Zink asked about the coursing for the stone, and the mortar for the brick. Mr. Kersey said the brick would have standard gray mortar, and the stone would be rubble.

Mr. Hogestad asked for details about the concrete panels, such as how they are scored, how the corners are made, what the header and sill look like, how the storefront fits into it, and how they are attached to the wood tower piece. Mr. Kersey said there would be an open butt joint at the corner. He said the panel size would be 2' x 10' vertical, but they are still working through the details. Mr. Hogestad expressed concern that they don't have the detail worked out. Mr. Kersey assured him that they would get there.

Chair Dunn asked about the rust on the corrugated panels dripping to the sidewalk. Mr. Kersey said there is a sunshade to catch that, and a narrow patch of grass to catch anything that gets past that.

Mr. Hogestad asked about the signage. Mr. Kersey explained it would be a ghost sign in lighter colored stain.

Mr. Kersey responded to additional Commission questions about materials and colors, pointing out their placement.

Chair Dunn asked about the Camp Collins sign, noting that it should be "Fort" Collins, not "Camp" Collins, and the year should be 1864, not 1866. Mr. Ernest suggested they come back to discuss the sign further.

Chair Dunn asked whether the small building behind the outbuilding is part of the eligibility. Ms. Bzdek said she would have to look into that.

Area of Adjacency

Chair Dunn asked the Commission about their thoughts on the area of adjacency. Mr. Ernest stated he is comfortable with Staff's recommendations.

Mr. Hogestad moved that the Landmark Preservation Commission adopt the area of adjacency as listed in the staff report for the proposed Confluence project.

Mr. Ernest seconded. The motion passed 5-0.

Commission Discussion

Mr. Hogestad expressed amazement at the detail and volume of materials included. He said the project meets all the criteria, but he feels that the whole project is a lot of little pieces in need of a unifying element that brings it all together. He clarified that was not meant as a criticism, just a comment.

Mr. Ernest commented that the Applicants responded to the Commission's concerns from the 2015 review. He recognized the complexity of differentiating between the three separate buildings, and is comfortable with the result. Mr. Hogestad responded that the materials are varied on each building, and that the project was overly detailed and struggling for identity.

Ms. Zink commented that the scale in relation to the historic buildings is reasonable, considering that the historic buildings are simple and traditional, and these are complicated, modern buildings.

Chair Dunn referenced Section 3.4.7(F)(3), and asked the Commission members whether the project met the requirement to maintain the existing distribution of materials on the block. Mr. Hogestad said it meets the intent of the Code.

Ms. Wallace said the materials fit well in the River District area, and she appreciated the nod to surrounding architecture. She wondered if the project's application of the Code might be too literal.

Chair Dunn said she was intrigued by the way the coloring of the corrugated metal felt familiar to the brick in some of the buildings in the area. Mr. Hogestad said the corrugation has a connotation of industry and warehouse, and prefers the color of this metal over galvanized. Ms. Zink said the metal also relates to the railroad tracks.

Chair Dunn asked for comments relating to Section 3.4.7(F)(1). Mr. Ernest said while the new structure is quite dissimilar in size to the historic structures, he agreed with the Staff analysis that the stepped back massing and other setbacks have addressed that.

Mr. Hogestad said the fine grain of detail actually helps to make the buildings appear and feel smaller.

Chair Dunn said it complies well in terms of step backs and the placement of taller sections in the interior. She is concerned about the section behind the house, but it is interior, so it does comply with the Code.

Mr. Hogestad expressed concern that the final details of how it comes together are missing, and they always ask for that in a final review. Mr. Hogestad said it could take months to develop that detail, and maybe in this particular instance, it isn't necessary to wait for it. Ms. Zink commented that they usually have more generic detail, not that fine level of detail. Mr. Hogestad stressed the importance of the details to the execution and appearance of the project, adding that the finished product must look like what they are approving. Mr. Hogestad said he is confident the Applicant will figure out the solutions, and suggested they could move forward based on the assumption it will be well-executed.

Chair Dunn requested comments about Section 3.4.7(F)(2). Ms. Zink said the alignment in this case is more general, and that the heights are similar enough. In terms of window patterns, Ms. Zink said the other buildings don't have windows that establish a pattern. Mr. Ernest agreed. Ms. Zink said the windows and cornices fit in with the River District. Ms. Wallace said it is a new entity, so it can't be matched up with anything comparable. Mr. Hogestad added that the window proportion is historic in nature.

Chair Dunn commented that the signage acknowledging the Fort serves as a connection to the focal point required by Section 3.4.7(F)(4).

Commission Deliberation

Mr. Ernest moved that the Landmark Preservation Commission recommend to the Decision Maker approval of the Confluence project (PDP170001), finding it is in compliance with the standards contained in Land Use Code Section 3.4.7 in regard to compatibility with the character of the project's area of adjacency for the following reasons:

- ***The project does not impact the individual eligibility for designation of the historic properties in the defined area of adjacency.***
- ***The project design employs a massing strategy at the transition edges that is compatible with the historic context and situates taller elements at the interior of the project site.***
- ***The project includes primary building materials on the elevations immediately abutting historic properties that are reflective of the dominant historic materials.***
- ***The project provides multiple design elements that create visual ties to buildings within the adjacent historic context.***

Ms. Zink seconded.

Mr. Hogestad recognized the huge effort to design this building, and again noted that it was not his intent to criticize the design work. He stated he'd never seen so much detail so closely tied to the Land Use Code and Design Guidelines. He hopes the Applicant will come back for a complimentary review of the proposed Fort Collins signage. Chair Dunn agreed.

Mr. Ernest stated he would support the motion, commenting on the project's compliance with the various sections of 3.4.7. He added that the Applicant also did a good job of applying the River District Guidelines without subordinating the Land Use Code provisions.

The motion passed 5:0.

*****END EXCERPT*****