# CITY OF FORT COLLINS TYPE 1 ADMINISTRATIVE HEARING

## FINDINGS AND DECISION

HEARING DATE: March 15, 2021

RE-OPENED HEARING DATE: April 5, 2021

PROJECT NAME: Harmony Technology Park Medical Office Buildings

CASE NUMBER: PDP #200021

APPLICANT: Jason Messaros

1603 Oakridge Drive, Suite 100

Fort Collins, CO 80525

OWNER: Harmony Technology Park, LLC

2723 South State Street, Suite 250

Ann Arbor, MI 48104

HEARING OFFICER: Lori Strand

#### PROJECT DESCRIPTION:

The Harmony Technology Park Medical Office Buildings, PDP #200021 (the "PDP") proposes the phased development of two new buildings for office/medical office use on an approximately 4.59-acre parcel of vacant land located at the southwest corner of the Timberwood Drive and Lady Moon Drive intersection (the "Property"). Building A is proposed to contain 33,830 square feet in two stories and Building B is proposed to contain 50,577 square feet in three stories.

The Property is zoned Harmony Corridor (HC) and is located within the Harmony Technology Park Overall Development Plan.

Primary access to the Property will be by Timberwood Drive to the north and Lady Moon Drive to the east.

The project includes a proposal to replat the Property consistent with the PDP.

The PDP is subject to an Administrative Hearing (Type 1) review.

No modifications of standards and no alternative compliance requests are made as part of this application.

The Staff Report does not identify any issues of noncompliance or adverse effects of the development proposal, and no conditions of approval are recommended by the Staff Report.

#### BACKGROUND:

Applicable project background is detailed in the Development Review Staff Report prepared for this application, a copy of which is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	Harmony Corridor (HC)	Harmony Corridor (HC)	Harmony Corridor (HC)	Harmony Corridor (HC)
Land Use	Business hotel and preschool—secondary uses under HC zoning	Large office and light industrial uses, vacant tracts, large stormwater detention area with trails as a shared campus space	Large hospital/medical	Vacant tract planned for additional buildings in a campus arrangement that includes the subject property

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Harmony Corridor.

HEARING: The Hearing Officer opened a virtual public hearing at approximately 5:30 p.m. on Monday, March 15, 2021 and re-opened the virtual public hearing at approximately 5:35 p.m. on Monday, April 5, 2021. At the initial and re-opened public hearing, the Hearing Officer reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present.

EVIDENCE: The Hearing Officer accepted the following documents as part of the record of this proceeding:

- 1. Development Review Staff Report prepared for Harmony Technology Park Medical Office Buildings, PDP #200021. A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
- 2. Applicant's Project Information and Design Narrative (4 pages).
- 3. PDP site and landscape plan set (5 sheets).

- 4. Preliminary elevations and architecture (8 sheets).
- 5. Photometric plan (3 sheets).
- 6. Utility plans (14 sheets).
- 7. Harmony Technology Park Medical Office Building (plat) (2 sheets).
- 8. HTP Medical Offices Transportation Impact Study (131 pages).
- 9. Seventh Amendment to Harmony Technology Park Overall Development Plan (ODP) (1 sheet).
- 10. HTP ODP subject block jpg (1 page).
- 11. Copy of written notice of initial public hearing dated March 1, 2021.
- 12. Copy of written notice of re-opened virtual public hearing dated March 22, 2021.
- 13. Confirmation of order, evidencing proof of publication of Notice of Hearing in the *Fort Collins Coloradoan* on 3/8/2021.
- 14. Confirmation of order, evidencing proof of publication of Notice of Re-Opened Hearing in the *Fort Collins Coloradoan* on 3/24/2021.
- 15. Copy of power point presentations presented during the March 15<sup>th</sup> hearing and April 5<sup>th</sup> re-opened hearing by Clark Mapes, City Planner.
- 16. Copy of power point presentation presented during the March 15<sup>th</sup> hearing by the Applicant.
- 17. Copy of Applicant waiver of LUC Section 2.2.7(D)(1) requirement that the Hearing Officer issue a written decision within ten (10) working days following the public hearing.
- 18. Rules of Conduct for Administrative Hearings.
- 19. Administrative (Type 1) Hearing: Order of Proceedings.
- 20. The City's Comprehensive Plan, Harmony Corridor Plan, Harmony Corridor Standards and Guidelines, Land Use Code, and the formally promulgated ordinances and polices of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified at the March 15<sup>th</sup> hearing and/or the April 5th reopened public hearing:

From the City: Clark Mapes

From the Applicant: Jason Messaros, Applicant Representative

Matt Delich, Traffic Consultant

From the Public: None

From the Public

(via email): None

The virtual hearings on this matter were closed at approximately 6:05 P.M. on March 15<sup>th</sup> and at 5:45 P.M. on April 5<sup>th</sup>.

#### **FINDINGS**

- 1. A public hearing on PDP #200021 was held on March 15, 2021 (the "initial public hearing"). On March 16, 2021, a member of the public notified City staff that the Zoom link for the initial public hearing was not posted on the City's website as advertised in the public notice. After consultation with the City of Fort Collins City Attorney's Office, the Hearing Officer determined that members of the public were not given an adequate opportunity to participate in the initial public hearing. The Hearing Officer determined that the public hearing on PDP #200021 should be re-opened to provide members of the public an opportunity to comment on the project. At the City's and Hearing Officer's request, the Applicant waived the requirement in LUC Section 2.2.7(D)(1) that the Hearing Officer issue a written decision within ten (10) working days following the initial public hearing.
- 2. The public hearing on PDP #200021 was re-opened on April 5, 2021 (the "re-opened public hearing"). A complete recording of the initial public hearing was available for the public to view from the City's website. As such, Clark Mapes, City Planner, provided only a brief overview of the project during the re-opened public hearing. Members of the public were then given an opportunity to comment on the project. However, no members of the public chose to testify at the re-opened public hearing.
- 3. Testimony of Mr. Mapes and evidence presented to the Hearing Officer established the fact that notice of the March 15, 2021 public hearing and April 5, 2021 re-opened public hearing were properly posted, mailed and published.
- 4. As required by City Council Ordinance 079, Series 2020 (the "City Ordinance"), the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the March 15<sup>th</sup> hearing and April 5<sup>th</sup> re-opened hearing by remote technology so as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of the City Ordinance, because meeting in person would not be prudent for some or all persons due to a public health emergency.
- 5. 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.
- B. The Application complies with the applicable General Development Standards contained in Article 3 of the LUC.
- C. The Application complies with the applicable Harmony Corridor district standards contained in LUC Article 4.
- 6. The Application's satisfaction of the applicable Article 2, 3, and 4 requirements of the Land Use Code is sufficiently evidenced by the Staff Report and the testimony and materials presented at or prior to the March 15<sup>th</sup> hearing and at the April 5<sup>th</sup> re-opened hearing.

### **DECISION**

Based on the findings set forth above, the Hearing Officer hereby approves the Harmony Technology Park Medical Office Buildings PDP #200021.

DATED this 8th day of April, 2021.

Lori Strand Hearing Officer

L Strand

## ATTACHMENT A

Staff Report Harmony Technology Park Medical Office Buildings, PDP #200021

## **Development Review Staff Report**

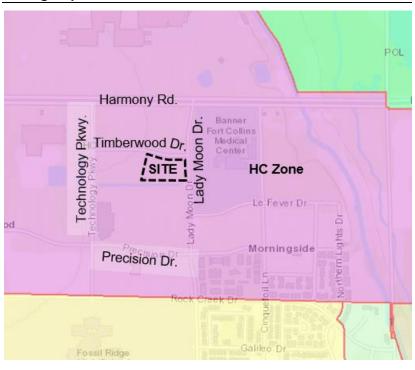
Administrative Hearing March 15, 2021

#### Harmony Technology Park Medical Office Buildings, PDP #200021

#### **Summary of Request**

This is a proposed Project Development Plan, PDP #200021, for two medical office buildings within the Harmony Technology Park.

#### **Zoning Map**



#### **Next Steps**

If approved, the applicant will be eligible to submit a Final Development Plan to finalize engineering and other details and record all plan documents; the applicant could then apply for construction and building permits.

#### **Site Location**

Southwest corner of Timberwood and Lady Moon Drives.

#### Zoning

Harmony Corridor (HC)

#### **Property Owner**

Harmony Technology Park, LLC 2723 South State Street Suite 250 Ann Arbor, Michigan 48104

#### Applicant/Representative

Jason Messaros 1603 Oakridge Dr. Suite 100 Fort Collins, Colorado 80525

#### **Staff**

Clark Mapes, City Planner

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#### **Staff Recommendation**

Staff recommends that the Hearing Officer approve the PDP.



## 1. Project Introduction

#### A. PROJECT DESCRIPTION

- This proposal would replat an existing parcel and enable development of two new buildings. Building A
  is proposed to contain 33,830 square feet in two stories, and Building B is proposed to contain 50,577
  square feet in three stories.
- The plan is intended to be developed in two phases.
- The plan includes associated parking, walkways, landscaping, and all other associated site improvements.



HARMONY TECH PARK MEDICAL OFFICE BUILDINGS

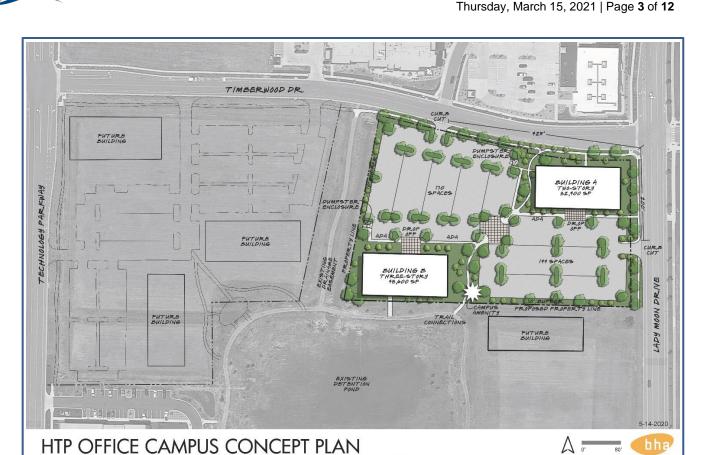






• Building A is placed at the street corner (Timberwood and Lady Moon Drives) with no intervening vehicle use area. Building B is placed along the south edge of the site abutting a large detention pond open space, with its parking lot placed between the building and Timberwood Drive. Because this project is proposed to be part of an office campus, it is eligible for the "campus exception" to general citywide standards in the HC zone district that require buildings to be placed along streets. Instead, the buildings are proposed to be placed along a pedestrian spine bisecting the site and connecting to an adjacent trail system around a detention pond open space on the south. A conceptual illustration of the office campus is shown below.





- Access is provided on Timberwood Drive to the North and Lady Moon Drive on the East.
- 4.6 acre site.
- The plan is subject to a Type 1, Administrative Hearing review.

#### **B. DEVELOPMENT STATUS/BACKGROUND**

#### 1. Annexation and Planning

The site is part of the Harmony Technology Park Overall Development Plan (ODP). Street and utility infrastructure is already in place, constructed by a master developer (MAVDevelopment). Harmony Technology Park is a long-term 274-acre ODP for a mix of uses consistent with the *Harmony Corridor Plan*.

The *Harmony Corridor Plan*, adopted in 1991, designated most of the Harmony Corridor for precisely the type of land use and development represented by Harmony Technology Park and this proposed plan.

The Harmony Corridor Plan was prompted by the opportunity for large tracts of serviced land to accommodate this kind of large non-retail employment and institutional use, along with the opportunity to shape the community image and design of Harmony Road as an attractive landscaped entryway corridor into the city.

The plan has been updated several times over the years, but none of the updates have involved any change to the fundamental vision for office, light industrial, and institutional uses in planned office/business parks as primary uses.

The property was annexed in 1994 as part of the Harmony Farm Annexation.



The Harmony Technology Park ODP was approved in 1997. Subsequent amendments have led to the current Seventh Amendment.

## 2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Harmony Corridor (HC)	Harmony Corridor (HC)	Harmony Corridor (HC)	Harmony Corridor (HC)
Land Use	Business hotel and preschool—'secondary uses' under HC zoning	Large office and light industrial uses, vacant tracts, large stormwater detention area with trails as a shared campus space	Large hospital/medical	Vacant tract planned for additional buildings in a campus arrangement that includes the subject property

#### C. OVERVIEW OF MAIN CONSIDERATIONS

The plan review process has been straightforward. Site design, architecture and engineering have been consistent with all applicable development standards from the first concept review through the review process. Plan iterations in the process have involved only minor adjustments to the plans and technical clarifications involving utilities.

As mentioned previously, the site has public infrastructure in place that is intended for the proposed type of development. Architecture is consistent with the quality envisioned for the Harmony Corridor generally and the Harmony Technology Park specifically. A complete landscape plan is designed in conjunction with the building, parking, and walkways.

## 2. Land Use Code Article 2

#### A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

#### 1. Preliminary Design Review - PDR200007

A Preliminary Design Review meeting was held on June 7, 2020 to discuss the initial concept.

#### 2. First Submittal - PDP200021

The application was submitted on December 11, 2020.

#### 3. Neighborhood Meeting

No neighborhood meeting was required or held.

## 4. Notice (Posted, Written and Published)

Posted Notice: September 25, 2020, Sign #574.

Written Hearing Notice: February 25, 2021, 17 addresses mailed. Published Hearing Notice: Scheduled for Sunday, February 28, 2021.

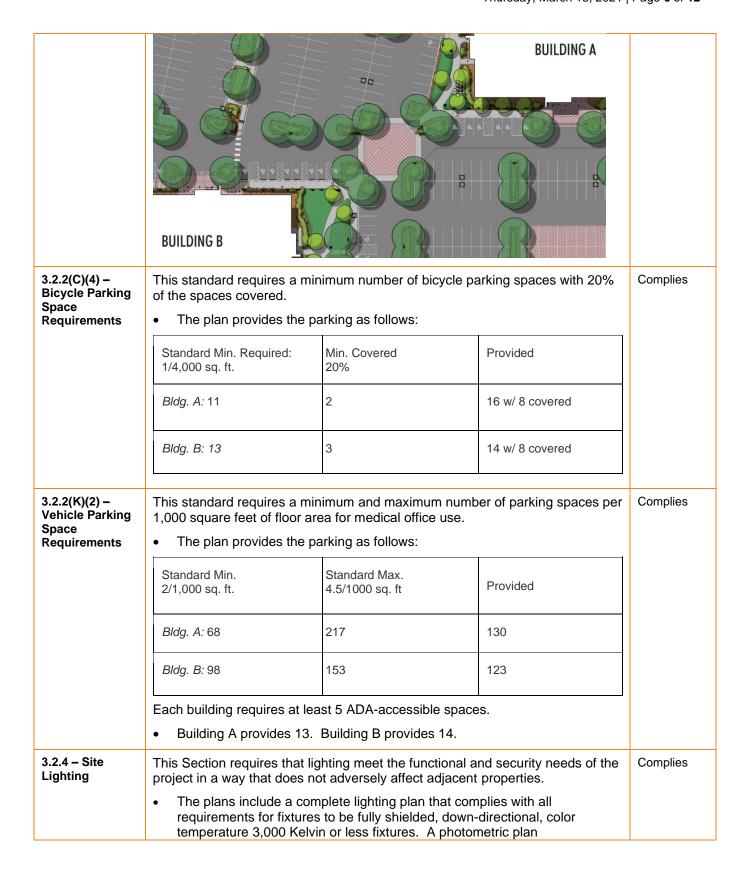


## 3. Land Use Code Article 3

## A. DIVISION 3.2 - SITE PLANNING AND DESIGN STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2.1 – Landscaping and Tree Protection	The standards of this Section require a fully developed landscape plan that addresses relationships of landscaping to the building, the circulation system, outdoor spaces, surrounding streets and the neighborhood or district setting, in a manner appropriate to the context. Standards emphasize 'full tree stocking' around buildings, in and around vehicle use areas, as street trees along the street.  The plan provides:	Complies
	<ul> <li>Full tree stocking.</li> <li>Complete parking lot landscaping including interior and perimeter landscaping.</li> <li>Turfgrass lawn and shrub bed areas where appropriate.</li> <li>Native grass seeding of the south and west edges of the site, consistent with abutting landscape areas including a large detention pond and a large drainage swale.</li> <li>Wetland transition seeding in a small stormwater detention pond at the southwest periphery of the site.</li> <li>There are no existing trees on the site.</li> </ul>	
3.2.2 – Access, Circulation and Parking	<ul> <li>This Section requires that development projects accommodate the movement of vehicles, bicycles, pedestrians safely and conveniently.</li> <li>The plan provides convenient, well-defined vehicle access to and through the parking lots from the two abutting streets. Parking is divided into two blocks related to the two buildings, with a junction connecting the two blocks.</li> <li>The two buildings are oriented to a central walkway spine that provides connections between the two buildings, to the streets, and to the trail in the open space area to the south.</li> <li>The walkway spine crosses the junction between the two parking lots. The junction is framed by landscape islands and includes enhanced paving to emphasize it as a pedestrian space and a special crossing that warrants attention by vehicle drivers. The image below from the proposed plan shows the junction of the two parking lots and the walkway spine (center of image—hatching indicates pedestrian paving).</li> </ul>	Complies







	demonstrates lighting levels within required limits, and shows the selection of fixtures for lighting the parking lot, walkways, and exterior of the building.	
Section 3.2.5 – Trash and Recycling Enclosures	This Section requires trash and recycling enclosures in convenient locations, with walk-in access without having to open the main service gate. Additionally, standards require 50/50 distribution of recycling and trash, a concrete pad, and enclosures to be constructed of durable, high quality material that complements the material and architecture of the residential building that it is required for.  The plan provides trash and recycling space conveniently located for each building.	Complies

## **B. DIVISION 3.4 - NATURAL RESOURCES STANDARDS**

No habitats or natural features exist on the site.

## **C. DIVISION 3.5 - BUILDING STANDARDS**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.5.1 Building and Project Compatibility	This Section requires compatibility with the context of the surrounding area in terms of physical and operational characteristics. Main topics are building scale, architectural materials and design, and screening of service functions.	Complies
Companismiy	<ul> <li>The architecture of the two buildings incorporates design forms and aesthetics compatible with the vision for the Harmony Corridor, and with existing buildings that have been built in the Harmony Technology Park. The proposed buildings are similar in scale, quality of materials, and visual interest to other buildings in the area.</li> </ul>	
	Below is one of the illustrations of Building A.	



3.5.3(D) and (E) Character and Image of Commercial Buildings Standards in this Section require buildings to be placed in direct relation to street sidewalks, and require architectural interest with site-specific design of materials, elements, features, color range and activity areas tailored specifically to the site and its context. Variation in massing is required to avoid a single, large dominant building mass. Standards address wall articulation, façade character, and clearly defined entrances.

Complies

- Building A is placed in relation to the street as required under this standard. Building B is placed according to a standard in the Harmony Corridor zone district, subsection 4.26.E.3(b), which allows exceptions to the street orientation standard if the development provides a "campus or park-like development block". Staff finds that this exception applies.
- The architecture is characterized by a set of features that exemplify the purpose of the standards. The building facades are modulated with brick masonry elements that anchor the central portion of each façade, while also providing human scale with brick detailing, brick color/texture change at the punched window openings, and a step down of lower brick wainscot at the corners of the building. Entrances are highlighted by taller vertical features using portland cement stucco and architectural fiber cement panels.

These features are contrasted by a background of prefinished metal panels, which lend a lightening effect to reduce the overall scale and bulk of the buildings, but still provide texture.

The upper level windows are treated as ribbon windows, to differentiate and lighten the top level as compared to the lower levels.

Below is one of the illustrations of Building B.





## D. DIVISION 3.6 - TRANSPORTATION AND CIRCULATION

This Division is intended to ensure that the transportation system is in conformance with adopted transportation plans and policies established by the City.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.6.2 – Streets, Streetscapes, Alleys and Easements	This section requires development to include streets and easements as needed to support the development.  Streets are existing, and the plan provides all necessary easements for utilities, public access, emergency access and drainage.	Complies
3.6.4 – Transportation Level of Service Requirements	This Section requires that the transportation needs of proposed development will be safely accommodated by the existing transportation system, or that appropriate mitigation of impacts will be provided by the development in order to meet adopted Level of Service (LOS) standards.	Complies
	To evaluate the transportation needs and impacts of the development, this Section requires a Transportation Impact Study (TIS). The TIS is attached.	
	<ul> <li>It assessed the impacts of the development on the short range (2025) and long range (2040) street system in the vicinity. As a result of this analysis, the study concluded that the development as proposed is feasible from a traffic engineering standpoint, and that acceptable level of service is achieved for pedestrian, bicycle, and transit modes based upon the measures in the City's multi-modal level of service guidelines. The conclusions are stated on numbered pages 30-31 of the 131-page report.</li> <li>The TIS was received, reviewed and accepted by Traffic and Engineering staff.</li> <li>One notable improvement in the plan is that it not only includes standard sidewalks along its Timberwood and Lady Moon Drive street frontages, but the developer has also agreed to extend a sidewalk southward along Lady Moon to connect a gap between this site and existing sidewalk roughly 700 hundred feet to the south.</li> </ul>	
3.6.6 – Emergency Access	This Section requires adequate access for emergency vehicles and persons rendering fire protection and emergency services.  The plan provides an emergency access drive throughout the development.	Complies



## 4. Land Use Code Article 4

## A. DIVISION 4.26 - HARMONY CORRIDOR DISTRICT (HC)

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.26(A-D) – Purpose, Uses, and Land Use Standards	The Harmony Corridor District is intended to implement the design concepts and land use vision of the Harmony Corridor Plan - that of creating an attractive and complete mixed-use area with a major employment base.  • The proposed office use is permitted as a 'Primary Use' as described in	Complies
	<ul> <li>the Harmony Corridor Plan, which designates much of the corridor for light industrial, office, and institutional type land uses in planned office (or business) park settings. The plan's listing of primary uses specifically includes hospitals, clinics, nursing and personal care facilities. The plan language is translated into the Permitted Uses list in the HC zone district.</li> <li>The maximum height for nonresidential buildings in the HC zone is 6 stories. The proposed buildings are two and three stories in height, which complies with this standard.</li> </ul>	
4.26(E) – Development Standards	This Section refers to the Harmony Corridor Design Standards and Guidelines document, which is under separate cover from the Land Use Code and is incorporated into the code by reference.	Complies
	That document was one the first such documents adopted by the City containing development standards, in 1991, with an update in 1995. Topics addressed include pedestrian amenities, lighting, screening and buffering of parking lots and service functions such as trash collection, and basic architectural quality.	
	All of the pertinent topics that are relevant to this PDP have been further developed and incorporated into Land Use Code standards in the 30 years since 1991, so that the pioneering Harmony Corridor Standards that are relevant, are effectively superseded. In other words, development that complies with the Land Use Code meets or exceeds the Harmony Corridor Standards as well. (There is one exception for which the Design Standards and Guidelines document remains the controlling reference, and that is the the streetscape along Harmony Road itself, which is not involved in this plan.0	



Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.26(E) – Land Use Standards	A standard in this Section requires that, in the case of multiple parcel ownership, to the extent reasonably feasible, an applicant shall enter into cooperative agreements with adjacent property owners to create a comprehensive development plan that establishes an integrated pattern of streets, outdoor spaces, building styles and land uses.	Complies
	<ul> <li>In this case, the Harmony Technology Park establishes a coordinated plan that is consistent with this standard. In addition, the site is being subdivided from a larger parcel planned as an evolving, coordinated office campus as shown in the concept plan below.</li> </ul>	
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	Another standard allows for a 'Campus Exception' to building placement standards in the Building Standards Section of the code, as follows:	
	"An exception shall be permitted to the requirements contained in Section 3.5.3(B) if the development provides a 'campus or park-like development block,' meaning development with a unifying, formative internal framework of pedestrian-oriented, nonvehicular outdoor spaces and walkways that function as an alternative to street sidewalks by organizing and connecting buildings. The internal campus pedestrian circulation system shall be designed to provide direct connections to common origins and destinations (such as street sidewalks, transit stops, restaurants, child care facilities and convenience shopping centers)."	
	<ul> <li>As explained previously in discussion of Section 3.5.3 above, the plan reflects this standard.</li> </ul>	



## 5. Findings of Fact/Conclusion

In evaluating the request for the Harmony Technology Park Medical Office Buildings, #PDP200021, staff makes the following findings of fact and conclusions:

- 1. The Project Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
- 2. The Project Development Plan complies with pertinent standards in Article 3 General Development Standards.
- 3. The Project Development Plan complies with pertinent standards in Article 4, Division 4.26 -- Harmony Corridor Zone District.

#### 6. Recommendation

Staff recommends that the Hearing Officer approve the Harmony Technology Park Medical Office Buildings, PDP #200021, based on the Findings of Fact and supporting explanations found in the staff report.

## 7. Attachments

- 1. Applicants Narrative
- 2. Site and Landscape Plans
- 3. Architectural Elevations
- 4. Lighting Plan
- 5. Utility Plans
- 6. Plat
- 7. Transportation Impact Study
- 8. Staff Presentation