

**CITY OF FORT COLLINS
TYPE 1 ADMINISTRATIVE HEARING**

FINDINGS AND DECISION

HEARING DATE: July 27, 2021

PROJECT NAME: Kechter Farm Mixed Use Townhomes

CASE NUMBER: PDP # 210006

APPLICANT: Alex Garvert
Ripley Design Inc.
419 Canyon Avenue, Suite 200
Fort Collins, CO 80521

OWNER: Russell Baker
Black Timber Land Company
417 Jefferson Street
Fort Collins, CO 80524

HEARING OFFICER: Lori B. Strand

PROJECT DESCRIPTION & BACKGROUND: The Kechter Farm Mixed Use Townhomes PDP #210006 (the “**PDP**”) proposes to construct 27 townhomes and one 500 s.f. mixed-use commercial office space in 6 buildings (the “**Project**”) on an approximately 2.66-acre parcel of land described as Parcel #8608420001 and located at the southwest corner of E. Trilby Road and Ziegler Road (the “**Subject Property**”). Five (5) of the buildings will be used solely for residential uses (the “**Residential Buildings**”) and the sixth (6th) building will be used for residential uses and a mixed-use dwelling unit use (the “**Mixed-Use Building**”).

The Applicant seeks approval of the PDP in order to be eligible to submit a Final Development Plan (FDP) to the City for review.

The Subject Property is located in the Low Density Mixed-Use Neighborhood (L-M-N) zone district.

The PDP includes a request for two modifications of standards (each, a “**Modification of Standard**”):

- (1) Modification of Standard to the City of Fort Collins Land Use Code (“**LUC**”) subsection 3.5.2(C)(2) – Housing Model Variation Among Buildings to reduce the required number of “distinctly different building designs” from 3 to 2; and
- (2) Modification of Standard to LUC subsection 3.5.2(D)(1) – Orientation to a Connecting Walkway: The request is for the walkway located from Ziegler Road

west along the southern portion of the Subject Property (the “**Proposed Major Walkway Spine**”), and providing access to Buildings 5 and 6 (as shown on the PDP site plan) to satisfy subsection 3.5.2(D)(1) as a “major walkway spine” even though the walkway requires pedestrians to walk across the private vehicular drive serving the 27 townhomes and is nominally longer than the 350 feet required by the standard.

City staff supports approval of both Modifications of Standards.

The Subject Property makes up part of the former 286-acre Kechter Farm. The original compound of farm buildings is intact and is located on the parcel that abuts the Subject Property to the south. The remainder of the Kechter Farm is now the Kechter Farm residential neighborhood.

Approved development plans for the Kechter Farm include an overall General Development Plan. The General Development Plan designates the Subject Property as commercial and requires that it, together with the adjacent Kinard Middle School (the “**School**”), form a “Neighborhood Center.” LUC Division 5.1 defines Neighborhood Center as “a combination of at least two (2) uses and an outdoor space, which together provide a focal point and a year-round meeting place for a neighborhood.” Section 4.5(D)(3) of the LUC requires that the Neighborhood Center include (i) 2 or more of several listed non-residential uses (specifically including mixed-use dwelling units and schools) and (ii) a publicly accessible outdoor space (collectively, the “**Neighborhood Center Requirement**”).

The surrounding zoning and land use to each side of the Subject Property are as follows:

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)
Land Use	Kinard Middle School	Farm property - original Kechter farm building compound (though no longer used as such)	Single family subdivision	Single family subdivision

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Low Density Mixed-Use Neighborhood District (L-M-N)

HEARING: The Hearing Officer opened the virtual hearing on July 27, 2021 at approximately 5:30 P.M. and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present.

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

1. Development Review Staff Report prepared for the July 27th hearing. A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference. Additional details regarding the Project and staff's analysis of LUC compliance are set forth in the Staff Report.
2. Applicant's Narrative.
3. Site Plan.
4. Landscape Plan.
5. Architectural Renderings.
6. Architecture Notes – Mixed Use & Masonry.
7. Applicant's Request for Modification of Standard – Building Variation.
8. Applicant's Request for Modification of Standard – Orientation to Street.
9. Photometric Plan.
10. Utility Plans.
11. Plat.
12. Transportation Impact Study.
13. Proof of publication of Notice of Hearing in the *Fort Collins Coloradan* on July 15, 2021.
14. Posted Notice dated July 13, 2020, Sign #620 (as confirmed on page 4 of the Staff Report).
15. Copy of Written Hearing Notice, dated July 13, 2021. 388 addresses mailed (as confirmed on page 4 of the Staff Report).
16. The PowerPoint presentation prepared by City staff for the July 27, 2021 hearing.
17. The PowerPoint presentation prepared by the Applicant for the July 27, 2021 hearing.
18. Rules of Conduct for Administrative Hearings.
19. Administrative (Type 1) Hearing: Order of Proceedings.
20. The City's Comprehensive Plan, the LUC, and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified or participated during the virtual hearing:

From the City: Clark Mapes, City Planner
 Dave Bentley, City engineer

From the Applicant: Russell Baker, Black Timber Land Company
 Sam Coutts, Ripley Design Inc.

From the Public: Lawrence DeWeese
 Stephanie Sumulong
 Michele Sales
 Darren DiLeandro

The public comment portion of the hearing was closed at approximately 6:55 p.m.

The virtual hearing was closed at approximately 7:20 p.m.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the virtual public hearing was properly posted, mailed and published.
2. 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 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 the continuing public health emergency.
3. 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 LUC.
 - B. The Modification of Standard to LUC subsection 3.5.2(C)(2) to reduce the required number of “distinctly different building designs” from 3 to 2: (i) will not be detrimental to the public good and (ii) will promote the general purpose of subsection 3.5.2(C)(2) equally well or better than would a plan which complies with the standard. With respect to the foregoing, the Hearing Officer specifically finds:

- i. The variation and site layout of the buildings on the Subject Property provide a high degree of visual interest and avoids monotonous repetition.
 - ii. The site layout and building orientation ensures that only two buildings with different designs would ever be seen side-by-side.
 - iii. The modulation, massing, textures, and roof forms provide visual interest to the neighborhood and complement and pay homage to the Kechter Farm building compound to the south of the Subject Property.
 - iv. The four-plex and five-plex Residential Buildings vary significantly in footprint size and shape, and the Mixed-Use Building includes a unique entryway for the 500 s.f. mixed-use commercial office space.

- C. The Modification of Standard to LUC subsection 3.5.2(D)(1) to allow the Proposed Major Walkway Spine to satisfy subsection 3.5.2(D)(1) notwithstanding pedestrians having to cross the private vehicular drive and that its length is approximately 17' longer than the required 350': (i) will not be detrimental to the public good and (ii) will not diverge from subsection 3.5.2(D) except in a nominal, inconsequential way when considered from the perspective of the entire development plan and will continue to advance the purposes of Section 1.2.2 of the LUC. With respect to the foregoing, the Hearing Officer specifically finds:
 - i. The modification facilitates a site layout that positions rear-loaded garages to the interior of the site and out of the public view.
 - ii. The walkway length enables the Project to meet ADA accessibility standards.
 - iii. The crossing of the private vehicular drive will be enhanced with special paving material which will draw drivers' attention to the crossing (and potential pedestrian) and meet ADA requirements.
 - iv. Exceeding the 350' length requirement for a major walkway spine is nominal and inconsequential (a mere 4.8% in excess of the requirement).
 - v. The private vehicular drive will be a low-speed, low-trafficked area.

- D. The Application complies with the applicable General Development Standards contained in Article 3 of the LUC ("General Development Standards") with two Modification of Standards, as more specifically set forth below.

- E. The mixed-use dwelling unit and the School, together with the “gathering area” shown on western portion of the PDP site plan satisfies the Neighborhood Center Requirement.
- F. The Application complies with standards located in Article 4, Division 4.5 of the LUC (Low Density Mixed-Use Neighborhood District standards).

DECISION

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

- A. The Kechter Farm Mixed-Use Townhomes Project Development Plan (PDP #210006) is approved for the Subject Property as submitted.
- B. The Modification of Standard to LUC subsection 3.5.2(C)(2) is approved.
- C. The Modification of Standard to LUC subsection 3.5.2(D)(1) is approved.

DATED this 5th day of August, 2021.



Lori B. Strand
Hearing Officer

ATTACHMENT A

Staff Report
Kechter Farm Mixed-Use Townhomes
(PDP #210006)

Development Review Staff Report

Administrative Hearing: July 27, 2021

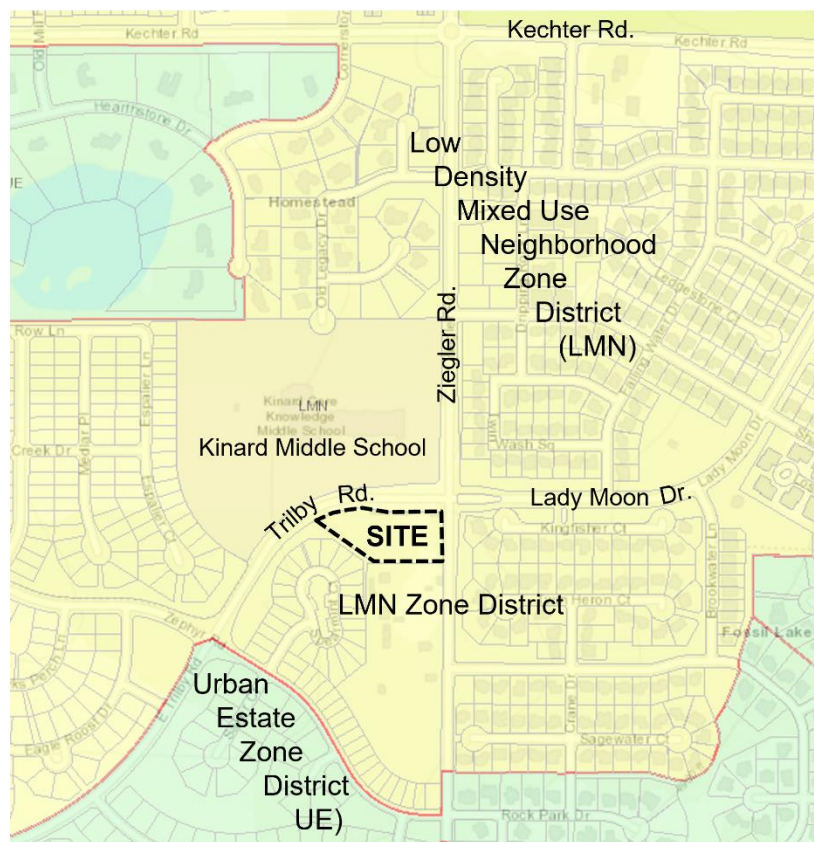
Kechter Farm Mixed Use Townhomes

Summary of Request

This is a proposed Project Development Plan (PDP), #PDP210006. The plan would develop a group of six buildings with 27 townhomes and one mixed-use commercial office space at the southwest corner of Trilby and Ziegler Roads in south Fort Collins.

The plan includes two Modifications of Standards.

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 Ziegler Rd. and E. Trilby Rd. (parcel # 8608420001)

Zoning

Low Density Mixed Use Neighborhood (LMN)

Property Owner

Russell Baker
Black Timber Land Company
417 Jefferson St.
Fort Collins, CO 80524

Applicant/Representative

Alex Garvert, Ripley Design Inc.
419 Canyon Avenue Ste. 200, Fort Collins, CO 80521

Staff

Clark Mapes, City Planner

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Staff Recommendation

Staff recommends approval of two Modifications of Standards and the Project Development Plan.

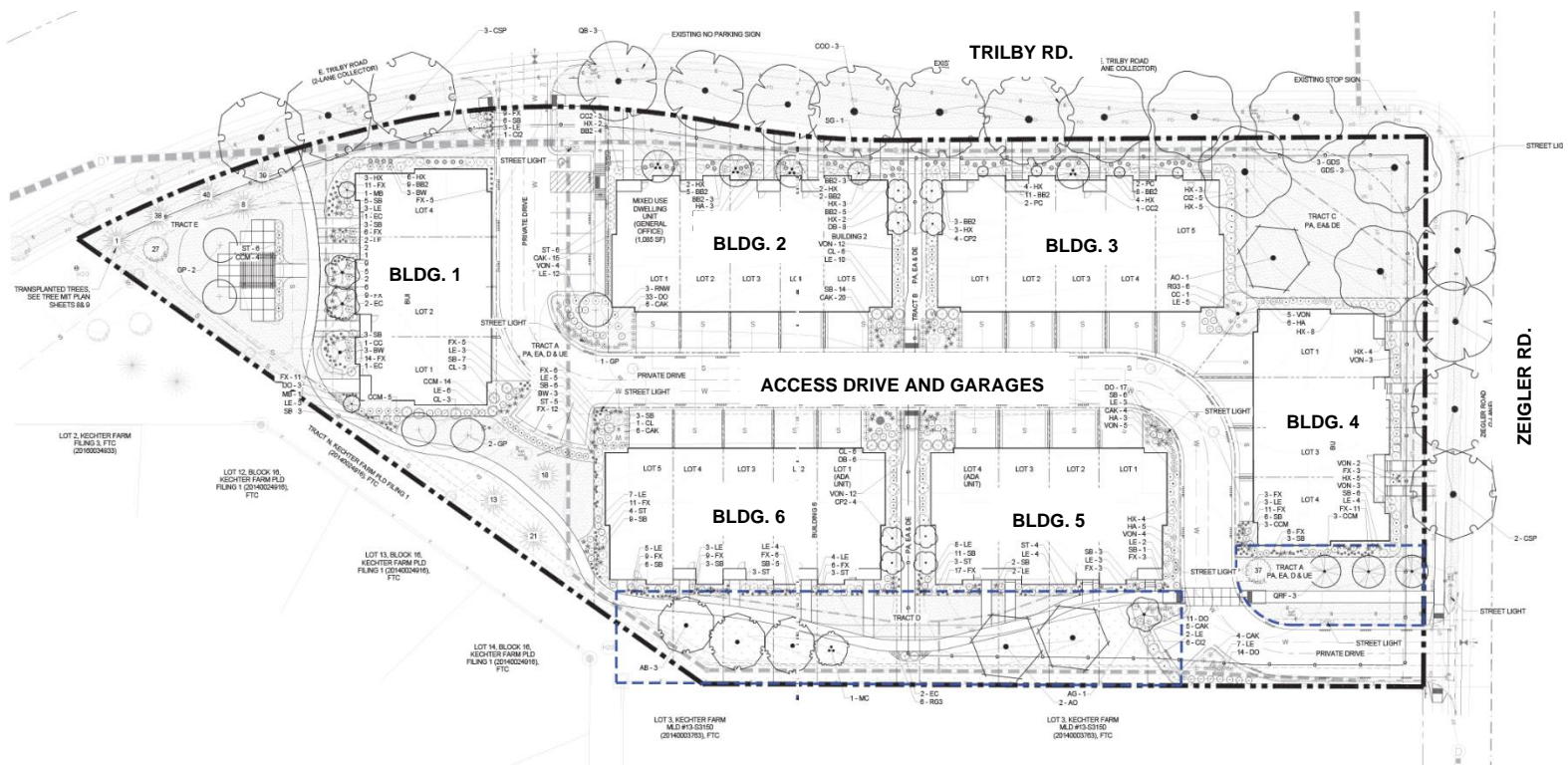
1. Project Introduction

A. PROJECT DESCRIPTION

Notable aspects of the PDP include:

- Buildings are 2-story and arranged 4- and 5-plexes, with one of the 5-plexes also containing a 1,085 square foot office commercial space to meet a requirement for mixed use. The mixed-use building is required because the site is designated for 'neighborhood center' commercial use in the approved Kechter Farm Filing 1 development plan to meet requirements for a neighborhood center for Kechter Farm.
- Parking exceeds minimum requirements.
- The site is 2.66 acres, with a proposed residential density of 10.15 dwelling units per acre.
- Two modifications of standards are required. One is to allow two different building designs rather than three as the standard requirement. The other is to allow two buildings that are not placed in direct orientation to a street, but rather face a walkway that crosses an entry drive and is 367 feet in length from the street to one of the front doors of a home in building 6.

Below is a screen shot cropped and combined from the landscape plan submittal sheets.



B. SURROUNDING ZONING AND LAND USE

	North	South	East	West
Zoning	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)	Low Density Mixed-Use Neighborhood (L-M-N)
Land Use	Kinard Middle School	Farm property – original Kechter farm building compound (no longer used as such)	Single family subdivision	Single family subdivision

C. DEVELOPMENT STATUS/BACKGROUND

Annexation and Planning. The site is part of Kechter Farm Filing 1 Planned Land Development plans approved by the County in 2012. Kechter Farm had been a 286-acre working farm. The original compound of farm buildings still remains, abutting the subject site on the south; but the remainder is now the Kechter Farm neighborhood.

The plans were is a key part of a jointly adopted program with Larimer County to expand the City’s Growth Management Area southward to Fossil Creek Reservoir from its former boundary closer to Harmony Road; and to conserve environmentally sensitive lands around the reservoir using the Transfer of Development Units (TDU).

Under the program, the City’s Growth Management Area was expanded southward to Fossil Creek Reservoir from its former boundary closer to Harmony Road. The Intergovernmental Agreement with Larimer County was amended to establish the unique approach to annexation and development. Development plans were submitted to and reviewed by Larimer County using agreed-to standards that were mostly cut-and-pasted from the City Land Use Code and included neighborhood center standards.

Following County approval of development plans for all but this neighborhood center site, the property was annexed in 2014 and 2015. Building permits are then issued by the City.

Neighborhood Center Designation. Kechter Farm development plans included an overall General Development Plan—a master plan—that designated the subject property for commercial use to form part of a neighborhood center.

Neighborhood centers in the LMN zone are intended to provide locations for neighborhood-serving uses and features in addition to the housing in the neighborhood. Standards require at least two mixed-use or non-residential uses from a listing of allowable uses.

In this case, the General Development Plan noted that Kinard Middle School, located directly across Trilby Road, is a neighborhood center use to be combined with a second neighborhood center use on the subject property.

D. OVERVIEW OF MAIN CONSIDERATIONS

Neighborhood Center designation. The first and most fundamental consideration in review of this townhome-based plan was fulfilling the neighborhood center requirement.

At a minimum, one of the buildings needed to be a true mixed-use building as opposed to merely allowing for a potential home occupation.

Through extensive discussion and multiple iterations, the mixed-use building, Building 2, provides a separate commercial office space which enables staff’s finding that the proposed mixed-use building fulfills the requirement for a second use.

A second main consideration was the modification of a standard to allow two different building designs among the six buildings, rather than three different designs as required.

The modification for buildings placed along the south walkway which crosses a drive was a minor issue mainly involving documentation.

2. Public Outreach

No neighborhood meeting was required. Basic project information and contact information was available online per standard practice.

3. Land Use Code Article 2

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR200004

A conceptual review meeting was held on January 27, 2021.

2. First Submittal - PDP200010

The PDP was submitted on March 26, 2021.

3. Notice (Posted, Written and Published)

Posted Notice: July 13, 2020, Sign #620.

Written Hearing Notice: July 13, 2021, 388 addresses mailed.

Published Hearing Notice: Scheduled for July 15, 2021.

B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The Land Use Code is adopted with the recognition that there will be instances where circumstances in a given development plan may warrant a design solution that does not comply with all standards as written.

Accordingly, the code includes a provision for 'Modification of Standards' under certain criteria.

In this case, the plan requires two modifications.

The modification criteria in Land Use Code Division 2.8.2(H) provide for evaluation of modification requests, as follows.

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).

1. Modification of a Standard for Housing Model Variety and Variation Among Buildings – Subsection 3.5.2(C)(2)

The purpose of this standard is to promote variety, visual interest and pedestrian-oriented streets in residential building design.

The standard would require at least three distinctly different building designs in this development plan based on having more than 5 buildings.

Staff finds that the plan provides only two different building designs under the code language, and thus the modification request is included. The code language states:

Building designs shall be considered similar unless they vary significantly in footprint size and shape. Building designs shall be further distinguished by including unique architectural elevations and unique entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. Such variation among buildings shall not consist solely of different combinations of the same building features.

Summary of applicant justification:

The applicants' modification request is attached. It:

Explains the intent to achieve harmonious, cohesive and visually interesting architecture to be presented to the community by the whole group of buildings, rather than building-by-building.

Contends that adding an additional model would add too much variation that would be incompatible with the adjacent neighborhood and diverge from the vernacular set by the adjacent single-family neighborhood, and only create unnecessary clutter.

Contends that the building designs promote variety in architectural features with emphasis on form, massing, rooflines, and materials/textures intended to enhance visual interest while still creating a cohesive feel.

Contends that the two different building designs create a development that complies with the purpose of the standard equally well or better than a plan which complies and that diverges from the standard in a nominal and inconsequential way when considered from the perspective of the entire development plan.

The image below compares the 4-plex (top) and the 5-plex (bottom). One aspect that is not indicated in the image is that the masonry base of the 5-plex has been revised to be stone, and the entry doors will be different in the two building designs.



1 FRONT ELEVATION
18' x 1'-0"

4-Plex



2 RIGHT ELEVATION
18' x 1'-0"

EXTERIOR MATERIALS/FINISHES/DETAILS

ROOFING:
 - 30 YEAR SHINGLES (CHARCOAL)

PAINTS:
 - TRIPLE BLACK

GLASS:
 - 100% & 80% TINTED (AS APPLICABLE)
 - 100% TINTED (AS APPLICABLE)
 - 100% TINTED (AS APPLICABLE)

WALLS:
 - WHITE SIDING

WOOD FINISHES:
 - TYPICAL STAINLESS STEEL FINISH



3 REAR ELEVATION
18' x 1'-0"



4 LEFT ELEVATION
18' x 1'-0"



1 FRONT ELEVATION
18' x 1'-0"

5-Plex



2 RIGHT ELEVATION
18' x 1'-0"

EXTERIOR MATERIALS/FINISHES/DETAILS

ROOFING:
 - 30 YEAR SHINGLES (CHARCOAL)

PAINTS:
 - TRIPLE BLACK

GLASS:
 - 100% & 80% TINTED (AS APPLICABLE)
 - 100% TINTED (AS APPLICABLE)
 - 100% TINTED (AS APPLICABLE)

WALLS:
 - WHITE SIDING

WOOD FINISHES:
 - TYPICAL STAINLESS STEEL FINISH



3 REAR ELEVATION
18' x 1'-0"



4 LEFT ELEVATION
18' x 1'-0"

Staff Findings:

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criterion (1), “equal or better” under Section 2.8.2(H) governing modification requests.

Detriment to the public good. The quality of the architecture of this cluster of buildings provides a high degree of visual interest and avoids monotonous repetition. It accomplishes the purpose of the standard with modulated building massing and roof forms within a coordinated and harmonious overall theme, articulated facades with textures in architectural materials, details within the theme, and varied orientation in building placement, such that the six-building group provides positive visual interest to the neighborhood.

Criterion (1), “equal or better”. Staff does not find that changing the design or materials among the buildings would add any visual interest better than the harmonious effect of the six-building group as proposed.

The variation and visual interest in the buildings accomplishes the purposes as well or better than a plan that complies because:

The 4 plex and 5-plex offer a degree of subtle variation in the size and footprint and differences in the masonry, with brick on the 4-plex and stone on the 5-plex.

The differing orientation of building fronts and building ends within the compact cluster also provides variation that mitigates the potential for monotonous repetition, such that only two of the buildings would ever be seen side-by-side, which are the two different buildings, a 4-plex and 5-plex.

The style and architecture of the cluster of townhome buildings adds diversity to Kechter Farm which comprises large tracts of single family dwellings. The design and white color provide a degree of homage to the Kechter farm with a design that reflects ‘modern farmhouse’ style.

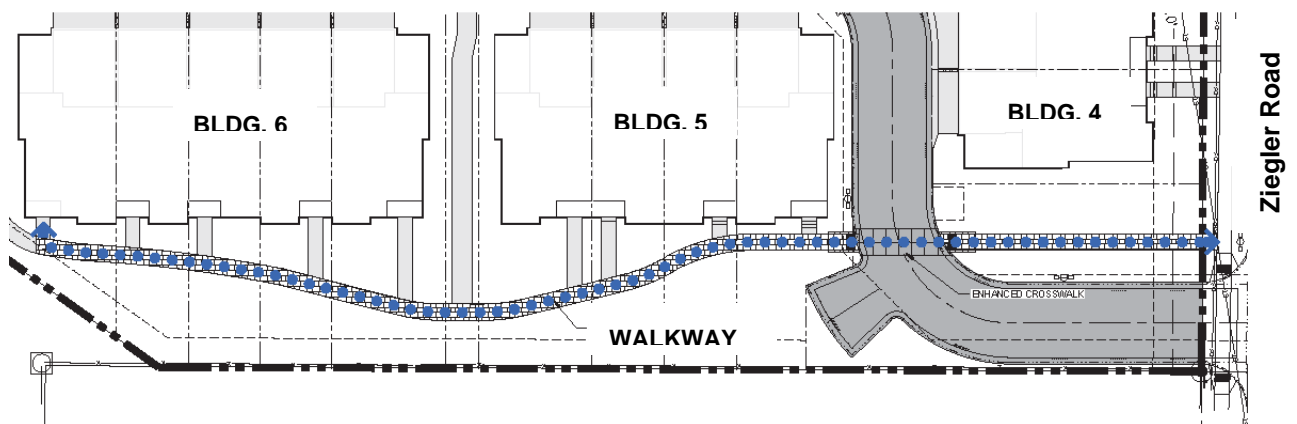
Incidentally, staff does not agree with the idea in the request that additional building models would be incompatible with the adjacent single family neighborhood and only create unnecessary visual clutter, because variation in building models is required throughout the neighborhood, with no two of the same model located next to each other. Nevertheless, staff finds that the architecture exemplifies the reason why the Land Use Code allows the “equal or better” provision for modifications of standards as written.

2. Modification of a Standard for the Relationship of Dwellings to Streets – Subsection 3.5.2(D)

This subsection requires buildings to be placed in direct relation to streets, and sometimes vice versa, so that buildings face onto a ‘connecting walkway’ or ‘major walkway spine’ as defined. A connecting walkway is a street sidewalk, or a walkway that links a primary building entrance to a street sidewalk within 200’ without requiring pedestrians to walk across a vehicular use area. A ‘major walkway spine’ is a space at least 35’ in width with a tree-lined connecting walkway that acts in lieu of a street and can be up to 350’ in length.

The purpose is related to the building variation requirement discussed above—to promote visual interest and pedestrian-oriented streets in residential development by having building faces along sidewalks rather than parking lots or drives.

In the proposed plan, buildings 5 and 6 face onto the southern walkway which crosses the entry drive as it leads to the entrances from Ziegler Road, and thus the modification is required.



Summary of applicant justification:

The applicant’s modification request is attached. The request is based on lack of detriment to the public good, and on subparagraphs (1) and (4) above -- “equal or better” and “nominal and inconsequential.

It explains the minor deviations from standards for a major walkway spine and the ways that the plan accomplishes the important purposes.

Staff Findings:

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criteria in subparagraphs (1), “equal or better”; (3), “physical hardship”; and (4), “nominal and inconsequential” under Section 2.8.2(H) governing modification requests.

Detriment to the public good. First and foremost, the plan does place buildings along the street sidewalks (Trilby and Ziegler Roads).

Second, the walkway leads straight across the drive to the front yard area of the buildings, with an enhanced crosswalk at the drive crossing; and the drive is very low-volume and very low-speed, providing private alley-type access to the residents’ garages.

Thus, the placement of two buildings along the walkway is not detrimental to the public good, as might be the case if drives and parking, rather than buildings, were placed along the sidewalks; or if the drive crossing involved vehicle usage or unmarked asphalt that significantly affected the pedestrian experience.

Criterion (1), “equal or better”. To comply with the standard, the plan would have to shift the entry drive northward, which would eliminate a significant portion of building 4, or else push building 4 northward into the open space area which is provided at the corner.

Moving the drive northward closer to the Trilby Road intersection would be contrary to engineering standards for spacing from intersections.

Pushing building 4 northward would detract from the square of open space at the corner which is framed symmetrically by the ends of two abutting buildings to create a clear image and design framework at the highly visible corner focal point.

Finally, having less of building 4 along the sidewalk would not be better for purposes of the standard.

For these reasons staff finds that the plan is equal or better than a plan which complies.

Criterion (3), “physical hardship”. If the parcel was a size and shape that would enable another street to be introduced as part of the plan, that would be a possible way to comply with subsection 3.5.2(D), by providing a street for the buildings to face onto.

In this case, the relatively small parcel dimensions do not allow for the plan to introduce another street in front of buildings 5 and 6.

Criterion (4), “nominal and inconsequential”. From the perspective of the entire development plan, which provides street-fronting buildings and direct pedestrian access to building entrances, the drive crossing of the south walkway is nominal and inconsequential and does not affect the purposes of the Land Use Code in Section 1.2.2.

4. 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	<p>The standards of this Section require a complete development plan to demonstrate a whole approach to landscaping that enhances the appearance and function of the neighborhood, buildings, and pedestrian environment.</p> <p>The plan provides:</p> <ul style="list-style-type: none"> • Street trees as required. • Tree planting throughout the plan as required. • Irrigated turf in appropriate use areas. • Mulched planting beds around buildings. • Native dryland seed mix in perimeter areas where appropriate. • Irrigation zones appropriate for different areas within the plan. • Evaluation of existing trees on site to be removed, none of which require mitigation due to small size. 	Complies
3.2.2 – Access, Circulation and Parking – General Standard	<p>This Section requires that development projects accommodate the movement of vehicles, bicycles, and pedestrians safely and conveniently, both within the development and to and from surrounding areas.</p> <p>The existing street and sidewalk network provides for most of the needs of the development. In addition the plan provides:</p> <ul style="list-style-type: none"> • A rear access drive to garages. • A loop walkway around the entire south and west perimeter connection connecting to units in buildings 1, 5, and 6 and allowing an alternate connection between Ziegler and Trilby. • A central walkway spine that breaks the site into smaller blocks for convenient walking and forms a focal landscape area in the rear drive. 	Complies
Bicycle parking: subsection 3.2.2(c)(4) -	<p>This standard requires bicycle parking based on certain land use categories. The only pertinent requirement is for bicycle parking for the office use with a minimum of 4.</p> <ul style="list-style-type: none"> • The plan provides a rack with 4 spaces. • The garages will also provide for bike parking for each home. 	Complies
3.2.2(K)(1)(a) – Required Number of Off-Street Parking Spaces	<p>This subsection requires a minimum number of parking spaces for attached dwellings and for the commercial office use in the mixed use building. 54 spaces are required for the townhomes and 2 spaces are required for the office space.</p> <p>The plan provides 64 spaces, with 53 spaces in attached garages and one handicap accessible space.</p>	Complies
3.2.4 – Site Lighting	<p>This Section governs lighting to ensure that the functional and security needs of the project are met in a way that does not adversely affect the neighborhood.</p> <ul style="list-style-type: none"> • The plan includes six light fixtures along the entry drive with a photometric plan demonstrating full compliance with light level limits. Fixtures are fully shielded, down-directional, color temperature 3,000 Kelvin consistent with requirements. • Also, the buildings have architecturally themed porch lights and garage lights that are full-cutoff and down-directional as required. 	Complies

B. DIVISION 3.3 - ENGINEERING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1 – Plat and Development Plan Standards	<p>This Section requires a subdivision plat where needed to create lots and tracts, dedicate rights-of way for public streets, and dedicate easements for drainage, utilities, and public and emergency access, as needed to serve the area being developed.</p> <ul style="list-style-type: none"> A plat is included and provides all needed dedications and information for the development plan. 	Complies

C. DIVISION 3.5 - BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.5.1(B) – Building and Project Compatibility	<p>This Section is to ensure that building design is compatible with established architectural character in the area considering height and massing, outdoor spaces and relationships to the street, and building materials and colors, using a design that is complementary.</p> <ul style="list-style-type: none"> The plan provides building design that is similar in scale and proportions to the existing dwellings in the surrounding neighborhood. Design is influenced by 'modern farmhouse' style considerations, including white color which typically does not facilitate new buildings blending into neighborhood surroundings but in this particular case relates to the farming history. Also, staff considered blending in to be less important because of the transitional location at the edge of the quadrant at the intersection, across from the large middle school building. Incidentally, the original compound of white farm buildings on the Kechter farm still remains and abuts the site on the south. 	Complies
3.5.2(C) Housing Model Variation Among Buildings	<p>This standard would require at least three different building models among the six buildings.</p> <ul style="list-style-type: none"> The plan only provides two building models as explained in the modification request. 	Modification Requested
3.5.2(D) Building Placement in Relation to Streets	<p>This standard requires buildings to be placed along street sidewalks such that walkways lead to entrances without crossing any vehicular use area.</p> <ul style="list-style-type: none"> Two buildings face onto a walkway that crosses the entry drive on Ziegler Road as explained in the modification analysis. 	Modification Requested
3.5.1(I) Mechanical Equipment	<p>This standard requires mechanical equipment to be incorporated into the overall design theme of the architecture and landscape design. The main issue in this case is AC condensers.</p> <ul style="list-style-type: none"> The site plan has a note stating that locations and architectural treatment of these will be confirmed in final plans. 	Complies

D. DIVISION 3.6 - TRANSPORTATION AND CIRCULATION

This Section 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	<p>This Section requires transportation network improvements for public health, safety and welfare, with requirements in accordance with the <i>Larimer County Urban Area Street Standards</i>, and requires necessary easements for utilities and access.</p> <ul style="list-style-type: none"> Because the framework of street and utility infrastructure is already in place, and the property is already included in a subdivision plat for Kechter Farm Filing 1, the only issues involve easements on the site, which are provided on the subdivision plat as part of the PDP. 	Complies
3.6.4 – Transportation Level of Service Requirements	<p>This Section contains requirements for the transportation needs of proposed development to 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. A Transportation Impact Study (TIS) was required under this Section to evaluate the traffic generation and distribution added by the development.</p> <ul style="list-style-type: none"> The TIS found that the plan complies with the Levels of Service (LOS) requirements and the Larimer County Urban Area Street Standards. The access onto Trilby Road will be right-in-right-out only, with signage required, to be provided as part of final plan documents. 	Complies
3.6.6 – Emergency Access	<p>This Section requires adequate access for emergency vehicles and persons rendering fire protection and emergency services.</p> <ul style="list-style-type: none"> Poudre Fire Authority staff participated in plan review and finds that the straightforward arrangement of dwellings along the rear drive provides the needed access. 	Complies

5. Land Use Code Article 4

A. DIVISION 4.5 – LOW DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (LMN)

The LMN zone district was created in 1997 as part of a sweeping update of the City’s comprehensive plan that resulted in the original *City Plan* document and the Land Use Code.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.5(A) - Purpose	<p>This Section states:</p> <p><i>“Purpose. The Low Density Mixed-Use Neighborhood District is intended to be a setting for a predominance of low density housing combined with complementary and supporting land uses that serve a neighborhood and are developed and operated in harmony with the residential characteristics of a neighborhood. The main purpose of the District is to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices, that invite walking to gathering places, services and conveniences, and that are fully integrated into the larger community by the pattern of streets, blocks, and other linkages. A neighborhood center provides a focal point, and attractive walking and biking paths invite residents to enjoy the center as well as the small neighborhood parks. Any new development in this District shall be arranged to form part of an individual neighborhood.”</i></p> <ul style="list-style-type: none"> • The project adds a housing choice and a commercial office space which fulfills a requirement for a neighborhood center as indicated on the original Kechter Farm development plans and as required under LMN zoning. • The plan is designed with characteristics that are in harmony with the neighborhood and the particular location at the Trilby/Ziegler Rd. intersection. 	Complies
4.5(B) - Permitted Uses	The proposed Single Family Attached residential use is permitted.	Complies
4.5(D)(1) – Residential Density	Density standards limit development plans to a maximum of 12 dwelling units per acre in a phase of a multi-phase development plan. The plan proposes 10.15 units per acre.	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>4.5(D)(3) – Neighborhood Centers</p>	<p>LMN zone district standards include requirements for access to ‘neighborhood centers’ for development plans over 40 acres. The original overall development plans for the 286-acre Kechter Farm were approved by Larimer County in 2012 under a special joint agreement that used the City’s LMN standards, and those plans designate this site as part of a neighborhood center in conjunction with the middle school across Trilby.</p> <p>Neighborhood Centers are intended to provide locations for neighborhood-serving uses and features in addition to housing. The Land Use Code requires them to include at least two mixed-use or non-residential uses from a list of allowable uses.</p> <p>Mixed-use buildings are one of the qualifying uses under the standards.</p> <p>Staff and the applicants worked through iterations to ensure that the commercial space in the mixed-use Building 2 qualifies the building as true mixed use.</p> <ul style="list-style-type: none"> • This building fulfills meets the standards under 4.5(D)(3) and therefore fulfills the requirement for a second use for the Kechter Farm neighborhood center when paired with the adjacent school. • Location – the development is an integral part of the surrounding residential development within the street network which provides direct access to the commercial use. • Land Use – The space is designed to meet the needs of several uses listed for neighborhood centers. • Design and Access – The commercial space is completely integrated into the building. Direct access is provided via a connecting walkway to the entrance. • Outdoor Spaces – A publicly accessible patio/gathering area is provided, located along the loop walkway and aligned with an entry to the school site across Trilby Road. • The applicants note that the school itself actually provides multiple uses that are acceptable neighborhood center uses. They have suggested that a school on its own meets the intent for a mixed-use neighborhood and neighborhood center, and that even if the commercial space may prove to be relatively insignificant, the overall intent for neighborhood centers is still met. 	<p>Co-plies</p>
<p>4.5(E)(1)(b) – Mid-Block Pedestrian Connections</p>	<p>This standard requires a mid-block pedestrian connection along any block face longer than 700 feet. The relevant dimension of the property is about 594 feet in its longest dimension (east-west), and the plan provides a connection roughly midway in that dimension. Thus the standard is not applicable however the plan exceeds the intent of the standard.</p>	<p>N.A.</p>

6. Findings of Fact/Conclusion

In evaluating the request for the Kechter Farm Mixed Use Townhomes PDP#20006, staff makes the following findings of fact and conclusions:

- The Project Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
- The Project Development Plan complies with pertinent standards located in Article 3 – General Development Standards with two modifications of standards.
- Staff supports the request for Modification of Standards to subsection – Required 3.5.2(C)(2), Housing Model Variation, to allow two building models instead of the three, which the standard would require.

The modification would not be detrimental to the public good and the request satisfies criterion (1) in subsection 2.8.2(H), “equal or better”, because the architecture of the group of buildings provides a degree of visual interest that avoids monotonous repetition and is appropriate for its Kechter Farm context.

- Staff supports the request for Modification of Standards to Section 3.5.2(D), Relationship of Dwellings to Streets, to allow two buildings to be placed in relation to a walkway that crosses an access drive (the southern walkway in the plan).

The modification would not be detrimental to the public good and the request satisfies criteria (1), (3), and (4) in subsection 2.8.2(H). The modification is not detrimental to the public good because the purpose of having streets lined with buildings rather than vehicle use areas is achieved in the plan; and the purpose of having direct pedestrian access between building entrances and street sidewalks is achieved with insignificant effect on the pedestrian environment. This is because the connection across the drive is straight along a direct route, vehicle traffic is very low volume and low speed consisting primarily of residents of the six buildings, and an enhanced crosswalk treatment will make the walkway appear continuous across the drive.

The modification satisfies criterion (1), “equal or better”, because alternative plans that comply would involve tradeoffs that offset the benefit of complying with the standard.

The modification satisfies criterion (2), “physical hardship”, because the narrow parcel precludes introducing a new street into the plan, which would be a good way to comply with the standard.

The modification satisfies criterion (4), “nominal and inconsequential” from the perspective of the entire development plan, because the plan provides street-fronting buildings and direct pedestrian access to building entrances, with insignificant effects of the drive crossing on the pedestrian environment. For these reasons, the plan will continue to advance the purposes of the Land Use Code in Section 1.2.2.

- The Project Development Plan complies with pertinent standards located in Division 4.5 Low Density Mixed-Use Neighborhood in Article 4 – Districts.

7. Recommendation

Staff recommends that the Hearing Officer approve the two Modifications of Standards to Land Use Code subsections 3.5.2(C)(2) and 3.5.2(D); and approve Kechter Farm Mixed Use Townhomes PDP#210006, based on the Findings of Fact and supporting explanations found in the staff report.

8. Attachments

1. Applicants Narrative
2. Site Plan
3. Landscape Plan
4. Architecture
5. Architecture Notes – Mixed Use and Masonry
6. Modification Request – Building Variation
7. Modification Request – Building Relationship to Streets
8. Photometric Plan
9. Utility Plans
10. Plat
11. Traffic Impact Study