# CITY OF FORT COLLINS TYPE 1 ADMINISTRATIVE HEARING

#### FINDINGS AND DECISION

HEARING DATE: September 29, 2021

PROJECT NAME: Howes Six Two Nine

CASE NUMBER: PDP #210008

APPLICANT: Kristin Turner, TB Group

444 Mountain Avenue Berthoud, CO 80528

OWNER: St. Vrain Land Holdings, LLC

c/o Carlson Land Development

14570 Clay Street

Broomfield, CO 80023

HEARING OFFICER: Marcus McAskin

PROJECT DESCRIPTION: This is a request for a Project Development Plan (PDP) for a three-story multi-family building with 12 dwelling units on a lot that already has an existing historic building containing two dwelling units, for a total of 14 dwelling units on the lot. The property is legally described as:

THE N 1/2 OF LOT 2 AND THE SOUTH 1/2 OF LOT 3, BLOCK 96, HARRISON ADDITION, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

and contains approximately 18,981 square feet or 0.436 acres, more or less (the "Subject Property").

The Subject Property is commonly known as 629 S. Howes Street, Fort Collins, CO 80521 and is located approximately half a block north of "the oval" on the CSU campus. The Applicant/Owner is proposing to replat the Subject Property as "LOT 1, HOWES SIX TWO NINE" as shown in the proposed Project Plat.

The existing duplex within the historic building will remain on the Subject Property and is included in the plan. The duplex is a 1904 brick foursquare house with a 1955 addition on a front corner of the house. The entire building was evaluated as a historic resource and found to warrant eligibility as a historic landmark and thus to be treated as a historic resource under the requirements of Section 3.4.7 of the Land Use Code.

BACKGROUND: The background of the Subject Property is summarized in the Development Review Staff report (attached as **ATTACHMENT A**). The existing historic brick foursquare house was constructed in 1904.

The surrounding zoning and land uses are as follows:

	North	South	East	West
Zoning	(D) Downtown District	(D) Downtown District	(D) Downtown District	(NCB) Neighborhood Conservation Buffer District
Land Use	University Services Center office building – 6 stories	Flats at the Oval mixed- use building – 4 stories	Houses across Howes Street	Office building, rental houses across the alley

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: (D) Downtown District, Campus North Subdistrict

HEARING: The Hearing Officer opened the virtual hearing on Wednesday, September 29, 2021 at approximately 5:33 P.M. and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present (for both PDP #210008 and FDP #210010).

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding (PDP #210008):

- 1. Development Review Staff Report prepared for Howes Six Two Nine (PDP #210008). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
- 2. Plan Rendering.
- 3. Applicants Historic Preservation Compliance Explanation.
- 4. Planning set for the Howes Six Two Nine Project (7 pages).
- 5. Utility plans for the Howes Six Two Nine Project (8 pages).
- 6. Howes Six Two Nine Project Plat (2 pages).
- 7. Traffic memo for the Howes Six Two Nine Project dated April 15, 2021.
- 8. Neighborhood meeting notes.
- 9. Posted notice on June 10, 2020, Sign #625.
- 10. Confirmation of Publication of Notice of Hearing (Ad# 0004888430) ordered September 15, 2021 and published on September 16, 2021 in *The Coloradoan*.
- 11. Copy of Written Notice of Public Hearing dated September 15, 2021 (per Development Review Staff Report the Written Notice of Public Hearing was distributed to 283 addresses).

- 12. PowerPoint presentation prepared by Staff for the September 29, 2021 public hearing.
- 13. The City's Comprehensive Plan, the 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.
- 14. Rules of Conduct for Administrative Hearings.
- 15. Administrative (Type 1) Order of Proceedings.

TESTIMONY: The following persons testified at the hearing:

From the City: Clark Mapes, City Planner

From the Applicant: Kristin Turner, TB Group

Randy Shortridge, AIA, AU Workshop

From the Public: None

PRESENT BUT NO TESTIMONY: The following members of the Applicant/Owner team were present at the virtual hearing but did not provide testimony:

From the Applicant: Blake Carlson, St. Vrain Land Holdings, LLC

Jason Kersley, AU Workshop

Danny Weber, Northern Engineering

Sterling Hallauer, Northern Engineering

The virtual hearing on this matter was closed at approximately 6:23 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 a 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 the Land Use Code;
  - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code, inclusive of Section 3.4.7 (Historic and Cultural Resource); and
  - C. the Application complies with relevant standards contained in Division 4.16, Downtown District (D) of Article 4 of the Land Use Code.
- 4. 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 the hearing.

#### **DECISION**

Based on the findings set forth above, the Hearing Officer hereby approves the Howes Six Two Nine (PDP #210008) for the Subject Property as submitted.

DATED this 6th day of October, 2021.

Marcus McAskin

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**Hearing Officer** 

## ATTACHMENT A

Staff Report Howes Six Two Nine (PDP #210008)

## **Development Review Staff Report**

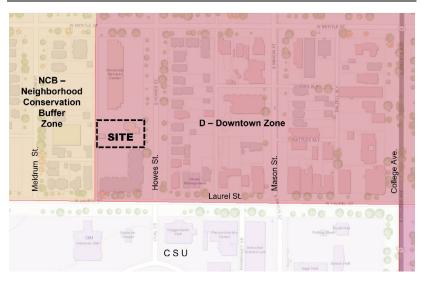
Administrative Hearing: September 29, 2021

**Howes Six Two Nine PDP 210008** 

#### **Summary of Request**

This is a request for a Project Development Plan (PDP) for a 3-story multi-family building with 12 dwelling units on a lot that already has an existing historic building containing two dwelling units, for a total of 14 dwelling units on the lot.

#### **Zoning Map**



#### **Next Steps**

If approved by the Hearing Officer, the applicant will be eligible to proceed to filing of final plans and then to permits for site work and the building.

#### **Site Location**

629 S. Howes St., on the first block north of CSU (parcel #9714112902)

#### Zoning

Downtown District (D), Campus North subdistrict

#### **Property Owner**

Carlson Land Development 14570 Clay St. Broomfield, CO 80023

#### Applicant/Representative

Kristin Turner 444 Mountain Ave. Berthoud, CO 80528

#### Staff

Clark Mapes, City Planner p. (970) 221-6225 e. cmapes@fcgov.com

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#### Staff Recommendation

Approval of the PDP.



## 1. Project Introduction

### A. PROJECT DESCRIPTION - KEY ASPECTS

- The proposed plan is for a 3-story urban apartment building with 12 units on a lot in the original Town Site Annexation of 1873.
- An existing duplex on the lot will remain and is included in the plan. The duplex is a 1904 brick foursquare house with a 1955 addition on a front corner of the house. The entire building was evaluated as a historic resource and found to warrant eligibility as a historic landmark and thus to be treated as a historic resource under the requirements of Section 3.4.7 of the Land Use Code.
- The new L-shaped building forms a courtyard that connects directly to the street sidewalk, and connects to rear parking and the alley with a passageway under the third floor.
- The plan replaces the existing 5-foot sidewalk with a new 6-foot sidewalk to match the sidewalk to the south connecting to Laurel Street and CSU.
- A parking lot with 16 spaces is accessed from the alley, plus two parallel parking spaces along the alley are provided for a total of 18.
- An existing detached garage is removed in the plan.



**Proposed Plan** 



#### B. SITE CHARACTERISTICS

## 1. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	D, Downtown	D, Downtown	D, Downtown	NCB, Neighborhood Conservation Buffer
Land Use	University Services Center office building – 6 stories	Flats at the Oval mixed-use building – 4 stories	Houses across Howes St.	Office building, rental houses across the alley

### 2. Site History

As noted, the subject lot is in the original town site annexation and plat area dating to 1873, with a brick foursquare house built in 1904. In that time frame, the whole neighborhood was a residential neighborhood with houses on the original, typical lots and blocks. Over the decades, the neighborhood evolved with assembly of lots and replacement of houses with office buildings, apartments, and commercial uses. This urban evolution has been related to the university directly to the south, leading to the eclectic character of the area at the time of this writing.

A wood-frame addition was constructed on the southeast front corner of the house in 1955 to augment the use of the house as a campus ministry outreach of the Presbyterian Church. In that revised building form, the outreach organization known as the Geller Center became the birthplace in the late 1950s and 1960s of several of Fort Collins' most influential social justice community organizations.

The determination of eligibility as a historic resource was based on meeting three of four possible criteria: its history as a site for the founding of multiple important social justice organizations active in Fort Collins starting in the mid-twentieth century; its association with the life and work of Robert Geller, the important social activist and spiritual leader who made these activities possible at the Geller Center after his arrival in 1962; and for its architecture as an example of a recognized historic building type, "house with commercial addition," which reflects the adaptation of early historic houses for multiple uses in the twentieth century.

More recently, the existing house including the addition has been used as ad hoc rental housing.

In 2020, the existing building was renovated and entitled with building permits and a Certificate of Occupancy as a two-family dwelling (duplex).

#### C. OVERVIEW OF MAIN CONSIDERATIONS

The evaluation of historic significance, and subsequent design response to finding that the existing house is eligible as a historic landmark, were the first main considerations. The initial concept was to subdivide the property, and to demolish the 1955 addition on the existing house to restore the original foursquare building form.

A historic survey and discussion with the Historic Preservation Commission established the importance of the 1955 addition as a building iteration that reflects the building's period of significance in the 1960s. This discovery resulted in revised project designs that preserves and adaptively reuses the entire building, including the addition, in the proposed unified plan.

The other main consideration requiring multiple iterations in the design and staff review process was provision of utilities in limited space and around existing mature trees.

Otherwise, the site is a previously platted lot with basic infrastructure in place and adequate for the use. Responsive architecture has shaped the building from the beginning, and a complete landscape plan is designed in conjunction with the building.



## 2. Compatibility with the Comprehensive Plan

#### A. CITY PLAN

*City Plan*, the City's comprehensive plan document adopted in 2019, includes the following policy direction pertinent to the proposed plan:

- Transit Oriented Development in key locations, is encouraged and described (pp. 25 and 40 for example).
- Relatedly, infill/redevelopment is encouraged to make efficient use of infrastructure and transit service, with Downtown as a 'priority location' (p. 40).
- A variety of housing types and densities is encouraged, specifically including new housing for students on and near campus (p. 43).
- Historic resources are to be recognized, protected and enhanced. Survey techniques, understanding and appreciation, planning and regulation, and integration into redevelopment are encouraged (p. 47).

#### **B. DOWNTOWN PLAN**

The 2017 *Downtown Plan* first recognized this area as a part of Downtown, as the Campus North subdistrict. It recognizes the eclectic existing character and positive identity that will be continued as the area evolves. Reinvestment for selective intensification and re-purposing is to be creatively fitted into the mix of development. Historic properties will remain a key determinant in increased programming with compatible building design. The importance of parking is described.

Staff finds that the proposed plan is highly consistent with the adopted comprehensive plan.

## 3. Land Use Code Article 2 Procedural Requirements

#### A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

#### 1. Conceptual Review – CDR 200005

A conceptual review meeting was held on April 11, 2019; and a followup Preliminary Design Review meeting (which is an extended conceptual review meeting) was held on June 24, 2020.

#### 2. Historic Preservation Commission

The commission reviewed conceptual plans and provided comments on October 16, 2019.

#### 3. Neighborhood Meeting

A neighborhood meeting was not required, nor held, for this Type 1 review process.

#### 4. Submittal

The project was submitted on April 23, 2021. The project was routed to all reviewing departments with three rounds of review conducted to reach the proposed plan iteration.

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

Posted notice: June 10, 2020, Sign # 625

Written notice: September 15, 2021, 283 letters sent.

Published Notice: September 16, 2021, Confirmation #0004888430.



## 4. Land Use Code Article 3 - Applicable Standards

## A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Landscaping and Tree Protection Standards	This Section requires a fully developed landscape plan that addresses relationships of landscaping to sidewalks, parking and walkways, the building, adjoining properties, and users of the site in a manner appropriate to the neighborhood context.	Complies
Section 3.2.1	The plan is straightforward and complete, meeting the purpose and standards providing irrigated landscaping with the following main components:	
	Tree planting associated with the building and parking.	
	Mulched planting beds around the building and parking lot.	
	Turfgrass lawn in the front yard.	
	<ul> <li>Mitigation of trees to be removed, with a combination of mitigation trees planted off-site and a fee-in-lieu as required.</li> </ul>	
	Existing turfgrass lawn and mature trees in the parkway strip to remain.	
	An irrigation plan will be included with final plans.	
Access, Circulation and Parking Standards Section 3.2.2	This Section requires convenient, efficient parking and circulation that adds to the attractiveness of the development. The plan fits within the historic neighborhood pattern of streets and blocks with alleys. The plan is straightforward and complete, meeting the purpose and standards with the following main components:	Complies
	<ul> <li>The plan uses the alley for vehicle access, as is characteristic of the neighborhood.</li> </ul>	
	<ul> <li>The plan is organized around a walkway leading directly from the street sidewalk to all building entrances; and continuing through a passageway underneath the third floor to the parking and alley.</li> </ul>	
Bicycle parking:	This subsection requires bicycle parking with at least 1 space per bedroom, with 60% enclosed and the remainder on fixed racks.	Complies
subsection 3.2.2(C)(4) -	For the 35 bedrooms, 20 hanging spaces are provided in a covered structure, and 15 fixed rack spaces are provided, all along the northern edge of the site.	



Parking - number of off- street spaces subsection 3.2.2(K)(1)(a)1.	This subsection requires off-street vehicle parking spaces for multi-family development within the Transit-Oriented Development (TOD) Overlay District, based on the number of bedrooms. The chart below shows the requirements, which total 16 spaces.					Complies
0.2.2(iv)(i)(a) i.	STUDIO ACCESSIBLE STUDIO 3 BEDROOM EXISTING 2 BR EXISTING 3 BR TOTALS	UNITS 2 1 9 1 1 1	BEDROOM NUMBER 2 1 27 2 3 35	REQ. CAR PKG/UNIT 0.75 0.75 1.25 1 1.25	TOTAL REQ. CAR PKG/TYPE 1.5 0.75 11.25 1 1.25 15.75	
	<ul> <li>18 spaces are</li> </ul>	provid	ed.			
Site Lighting Section 3.2.4	This Section requires all lighting to be down-directional with sharp cutoff fixtures to ensure that the functional and security needs of a project are met in a way that does not create glare or adversely affect adjacent properties.  • No lighting plan is included because the only lighting will be fixtures on the			Complies		
	dwellings. The fixtures will be down-directional full cutoff fixtures, to be confirmed in building permit plans.					
Trash and Recycling Section 3.2.5	This Section requires trash and recycling enclosures to be adequate, convenient, and accessible as appropriate for the proposed use. The plan is straightforward and complete, meeting the purpose and standards.			Complies		
OSSIGN SIZIO	<ul> <li>A trash and recycling enclosure is located along the parking access drive off of the alley. It is to be constructed of brick masonry, steel columns, and steel gates and hardware.</li> </ul>					
	It provides spa addition to two			ng, and provides	a pedestrian gate in	

## **B. DIVISION 3.3 - ENGINEERING**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Plats and Easements Section	This Section requires dedication of rights-of-way for public streets and easements for drainage, utilities, and emergency access as needed to serve the development.	Complies
3.3.1	The plan includes a subdivision plat with all necessary dedications of easements for utilities.	



## C. DIVISION 3.4 - HISTORIC AND CULTURAL RESOURCES

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	The architectural design process has emphasized compatibility and respect for the historic building, starting with the initial concept.  • The applicants have provided a detailed illustrated explanation of compliance with compatibility standards, and it is attached.  The Historic Preservation Commission supported retention of the addition on the historic house, and emphasized the importance of using compatible, referential building materials in the new construction, while also recognizing that the densification and changes to the setting of the property in the form of new construction was generally appropriate as a continuance of the changes of use and densification of the historic neighborhood setting that have long been reflected on this block of Campus North, particularly on the west side of the street.  The Commission further noted the importance of the standards related to compatible building materials and referential design features and building proportions, as per the requirements in Table 1 of section 3.4.7. The Commission found the design at the conceptual review stage to be generally compliant with these standards and was supportive of the project. Updates to the design details, based on Historic Preservation staff evaluation, have increased the project's compliance with these standards through some simple but meaningful adjustments to window proportions and placement and quantity of referential building materials, particularly in the east facing elevations. Historic Preservation staff will provide a follow	Complies
	up, informational update to the Commission on the final design and outcome of the PDP application as a courtesy report. The Historic Preservation Commission is not a decision maker for any aspects of the project under the code requirements, but rather is required to comment and provide any specific recommendations to the decision maker. These comments are presented as such for the hearing officer's consideration.	



## D. **DIVISION 3.5 - BUILDING**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings			
Building and Project Compatibility Section 3.5.1	This Section requires the physical and operational characteristics of proposed buildings and uses to be compatible when considered within the context of the surrounding area. The standards focus mostly on building design compatibility, and also mention operational characteristics.	Complies			
	The context of the surrounding Campus North area is eclectic as noted previously.  The proposed use apartments geared to students, with CSU close by has similar characteristics to uses within the context of existing development and adopted policy direction for the area. The design of the proposed development reflects a similar or enhanced standard of quality for the streetscape, and for pedestrian interest in building and site design.				
	The most important compatibility consideration in the review process has been the historic resource on the lot, as explained under Section 3.4.7. Meeting the standards in that Section essentially confirms compliance with this Section.				
Building Placement and Design Section 3.5.3	This Section promotes variety, visual interest and pedestrian-oriented streets in residential development, with high priority on building entryways and their relationship to the street. Buildings must include human-scaled elements, architectural articulation.	Complies			
	<ul> <li>The plan places the building along the street with direct walkways to entrances.</li> <li>Building massing is modulated and design character is articulated. The building design was influenced by the historic resource on the lot as previously explained.</li> </ul>				
	<ul> <li>Articulation, windows, materials and front porches at entries are designed to relate to the existing house and the Downtown Campus North subdistrict setting.</li> </ul>				



## **E. DIVISION 3.6 - TRANSPORTATION & CIRCULATION**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Streets, Streetscapes, and Easements	This Section contains requirements for street system design including conformance with the <i>Larimer County Urban Area Street Standards (LCUASS)</i> for street design including streetscapes. It also requires easements for utilities, access, drainage or other public purposes as required by the City Engineer.	Complies
Section 3.6.2	<ul> <li>The plan removes and replaces the existing 5-foot sidewalk and replaces it with a 6-foot sidewalk.</li> </ul>	
	<ul> <li>The PDP includes a plat that dedicates needed easements for utilities and drainage.</li> </ul>	
Transportation Level of Service	This Section requires a Transportation Impact Study (TIS) unless the proposed development is deemed to have a nominal impact pursuant to LCUASS Chapter 4, in which case a TIS may be waived by the Traffic Engineer.	Complies
Section 3.6.4	<ul> <li>A 5-page memo was submitted, reviewed, and general conclusions accepted by the City. This include waiver of any further traffic analysis because the trip generation by the plan is minimal. The memo is attached.</li> </ul>	
Emergency Access Section 3.6.6	This Section is to ensure that emergency vehicles can gain access to and maneuver within the project so that emergency personnel can provide fire protection and emergency services without delays.  • Howes Street, in conjunction with a building sprinkler system, have been found by staff to provide needed emergency access and fire protection.	Complies



## 5. Land Use Code Article 4 – Applicable Standards

Article 4 of the Land Use Code contains standards for the various zoning districts throughout the City. The 629 Howes lot is zoned Downtown (D), Division 4.16 of the Land Use Code, within the Campus North subdistrict of the Downtown zone.

The intent for the D zone is to encourage high quality development that maintains a sense of history, human scale and pedestrian-oriented character.

The only pertinent standards in this case are the Permitted Use list, the Street Frontage Type chart which regulates building placement in relation to the street and sidewalk, and height limits.

The existing development represents the basic development pattern that the standards require.

#### A. DIVISION 4.16 – DOWNTOWN DISTRICT (D)

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Permitted Uses	Multi-family dwellings are listed as a Permitted Use, subject to Type 1 (Hearing Officer) review.	Complies
Subsection 4.21(B)(3)(b)	The existing duplex is approved and does not require a finding regarding the use. (If it did, the use would be permitted as a Type 1 use.)	
4.16(B) Street Frontage Types	This subsection contains a map of different Street Frontage Types, with standards for the basic placement of buildings and entrances in relation to streets.	
	In this case, the 'Green Edge' frontage type applies. It is for block faces away from the Historic Core, on street frontages characterized by landscaped parkways and front yards.	
	The proposed development maintains consistency with the standards which is established by the existing development on the lot.	
Building Height Subsection 4.16(C)(1)	The maximum building height is 5 stories.  The building is three stories.	Complies



## 6. Findings of Fact/Conclusion

In evaluating the request for the Howes Six Two Nine Project Development Plan #PDP210008, staff makes the following findings of fact:

- 1. The PDP complies with process requirements located in Division 2.2 Common Development Review Procedures for Development Applications of Article 2 Administration.
- The PDP complies with pertinent standards located in Article 3 General Development Standards.
- 3. The PDP complies with pertinent standards located in Division 4.16, Downtown (D) District in Article 4 Districts.

#### 7. Recommendation

Staff recommends that the Hearing Officer approve the Six Two Nine Howes Project Development Plan #PDP210008 based on the Findings of Fact and supporting explanations found in the staff report.

#### 8. Attachments

- 1. Applicants Narrative
- 2. Plan Rendering
- 3. Applicants Historic Preservation Compliance Explanation
- 4. Planning Set
- 5. Utility Plans
- 6. Plat
- 7. Traffic Memo
- 8. Neighborhood Meeting Notes