

Planning & Zoning Commission Hearing: November 17, 2022

Powerhouse 2 – #PDP210021

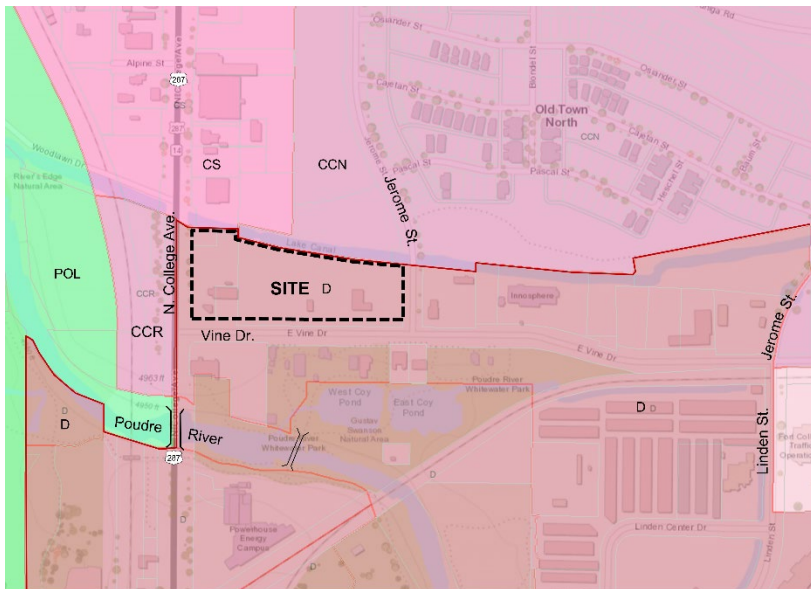
Summary of Request

This Project Development Plan (PDP) proposes to develop a research and office building to promote climate and energy sustainability related to the existing Powerhouse development in the historic power plant building on North College Avenue.

The plan assembles and redevelops 5 acres for a 5-story, 166,000 sq. ft. building with all associated improvements including utilities, streets and sidewalks, parking, outdoor spaces, and landscaping.

The plan includes requests for four modifications of standards.

Zoning Map



Next Steps

If approved by the Planning and Zoning Commission, the applicant will be eligible to submit a Final Development Plan to finalize site engineering and all details. Once the Final Development Plan is approved and recorded, the applicant could then apply for construction and building permits.

Site Location

Northeast corner of the N. College Avenue/Vine Drive intersection.
Parcel #s 9701300021; 9701307003; 9701307002.

Zoning

Downtown (D) Innovation Subdistrict

Property Owner

Powerhouse 2 Development Company LLC
320 E. Vine Drive, Suite 101
Fort Collins, CO 80524

Applicant/Representative

BHA Design
Roger Sherman
111 S. Meldrum Street, Suite 110
Fort Collins, CO

Staff

Clark Mapes, City Planner

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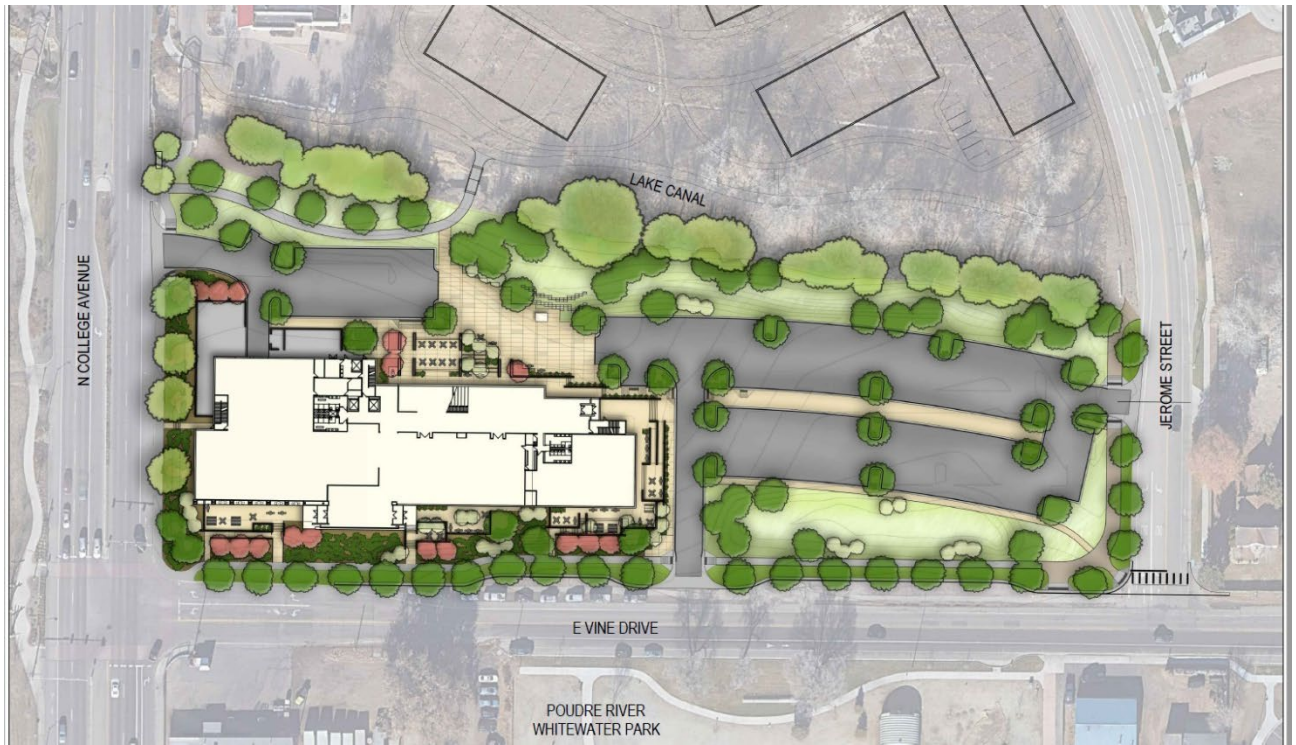
Staff Recommendation

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

1. Project Introduction

A. PROJECT DESCRIPTION

The applicant's narrative (attached) explains the full scope of the plan, which the applicants refer to as the Powerhouse 2 Climate Solutions Campus. The illustration below shows the basic concept plan.



- The plan assembles three properties to form the development site.
- The single building is 5 stories, 79 feet in height, and contains 166,000 square feet. The plan includes a modification request for the 79-foot height which exceeds the Downtown zone district standard of 75 feet for the Innovation Subdistrict.
- The uses comprise lab space, office, and potentially a local food market within the building.
- Vine Drive frontage is improved with a bike lane, inset parallel parking, sidewalk, and a raised crosswalk with a flashing pedestrian signal to cross Vine Drive to access the Poudre River Whitewater Park and the rest of downtown.
- Vehicular access is provided on Vine and on Jerome Street to the east. Emergency access only is provided on N. College.
- The parking lot has shade structures with solar arrays, and gravel parking stalls with a permeable structural paver support system.
- The site is bordered by riparian forest along the Lake Canal on the north. The plan provides a natural habitat buffer zone to improve the canal corridor as a wildlife corridor; and the plan also provides a second non-contiguous buffer area of naturalistic landscaping in the detention pond along the south edge of the site.

- The sidewalk along the east edge of the site, along Jerome Street, is 10 feet wide to serve as a trail connection to the larger Lake Canal trail system to the north and east and the Poudre River trail to the south.
- The applicants emphasize energy and environmental sustainability and a carbon neutral focus in design and materials used in the plan.

B. OVERVIEW OF STAFF’S MAIN CONSIDERATIONS

From the beginning, staff found the proposed development to be ideally and completely consistent with the City’s vision for the Innovation Subdistrict of Downtown. This includes the uses and overall approach to the building, streetscapes, and outdoor spaces.

Nevertheless, the plan has needed extensive exploration of engineering issues in multiple iterations. Issues have mainly involved the following:

- The site is **low flat floodplain land** which created difficult challenges for storm drainage and detention, and vertical separations needed between existing and proposed utilities.
- The plan requires **numerous on-site and off-site easements** which required multiple discussions with various agencies and property interests.
- **Vine Drive** improvements include parallel parking and a crosswalk with a flashing beacon pedestrian signal, which are special, non-standard features which required exploration and multiple iterations.

C. DEVELOPMENT STATUS/BACKGROUND

1. Annexation and Planning

The site was annexed in 1959 with the North College Annexation.

Starting in the early 1960’s, the three parcels which comprise the subject property have been used for parking, storage and sales of semi tractor-trailer trucks and auto storage and repair.

2. Surrounding Zoning and Land Use

| | North | South | East | West |
|-----------------|---|--|--|--|
| Zoning | Commercial North College (CN) and Community Commercial North College (CCN) | Downtown (D) | Downtown (D) | Community Commercial North College (CCN) across North College |
| Land Use | Lake Canal, retail (Pawn Shop), undeveloped portion of Old Town North proposed as Jerome Street Station townhomes | Poudre River Whitewater Park and retail (Poudre Feed & Supply) across Vine Dr. | Historic Inverness house with office use, Innosphere | Undeveloped City stormwater property in river floodplain across N. College |

D. CITY PLAN – (2019)

The City's comprehensive plan (2019 City Plan) embodies the vision and values of the community for development. A basic aspect of City Plan pertinent to the proposal is a focus on climate action solutions and innovation related to energy efficiency and carbon emissions.

The proposed development supports many of the Principles described in City plan, including but not limited to the following:

- LIV 2.1 Revitalization of Underutilized properties
- LIV 2.2 Infill and Redevelopment in the Downtown District (Innovation subdistrict)
- LIV 9.1 Efficiency and Resource Conservation
- LIV 9.3 Urban heat island affect
- LIV 9.4 Solar Orientation
- EH 1.5 Economic Resilience
- EH 2.3 Climate Economy
- EH 2.4 Northern Colorado Innovation Hub
- EH 3.2 Local and Creative Entrepreneurship
- EH 3.3 Strengthen Unique and Local Industry
- EH 6.2 Career Pathways
- EH 6.3 Youth Engagement
- ENV 5.4 Culture Change
- SC 2.5 Special Events (farmers market and other outdoor events)

E. DOWNTOWN PLAN (2017)

The Downtown Plan is a related element of the comprehensive plan. It augments City Plan but with a much more specific vision and policy focus on Downtown.

A comprehensive spectrum of policies includes the following pertinent topics:

- Different **subdistricts** within the overall Downtown, with the subject site being within the Innovation Subdistrict.
- The **urban design framework** of public space including streets and sidewalks, buildings and their related outdoor spaces, and parks and trails.
- Size and design parameters for **larger buildings**.
- **Vine Drive** as a unique arterial segment, to complement the Whitewater Park and complement redevelopment consistent with the Subdistrict's character.
- Innovation Subdistrict **aspirations to demonstrate and showcase technologies, strategies and innovative approaches** that advance the City's climate action and clean energy goals.

The proposed Powerhouse 2 Climate Solutions Campus embodies the aspirations and characteristics of the Innovation Subdistrict as envisioned.

2. Land Use Code Article 2 – Applicable Standards

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

3. Preliminary Design Review – PDR210021

A preliminary design review meeting was held on October 20, 2021.

4. First Submittal – PDP210021

The Project Development Plan was submitted on April 13, 2022.

5. Neighborhood Meeting

A neighborhood meeting was held virtually on February 16, 2022, with approximately 15-20 community members in attendance. Meeting notes are included as part of the attached Applicants Narrative. Topics discussed at the meeting included:

1. Basic Q & A about the need for 5 stories and whether it is permitted.
2. Interest in a pedestrian crosswalk across Vine at Jerome Street.
3. Other basic Q & A about number of employees and use of space in the building.
4. Support for the project.

6. Notice (Posted, Written and Published)

Posted Notice: February 1, 2022 Sign #671.

Written Hearing Notice: November 3, 2022, 348 addresses mailed.

Published Hearing Notice: Scheduled for November 13, 2022

B. DIVISION 2.8 – MODIFICATION OF STANDARDS

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

Thus, the code includes a provision for 'Modification of Standards with certain criteria.

The PDP includes four modifications of standards.

The criteria for modification requests are in Land Use Code Division 2.8.2(H) 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).

The four modifications are described below.

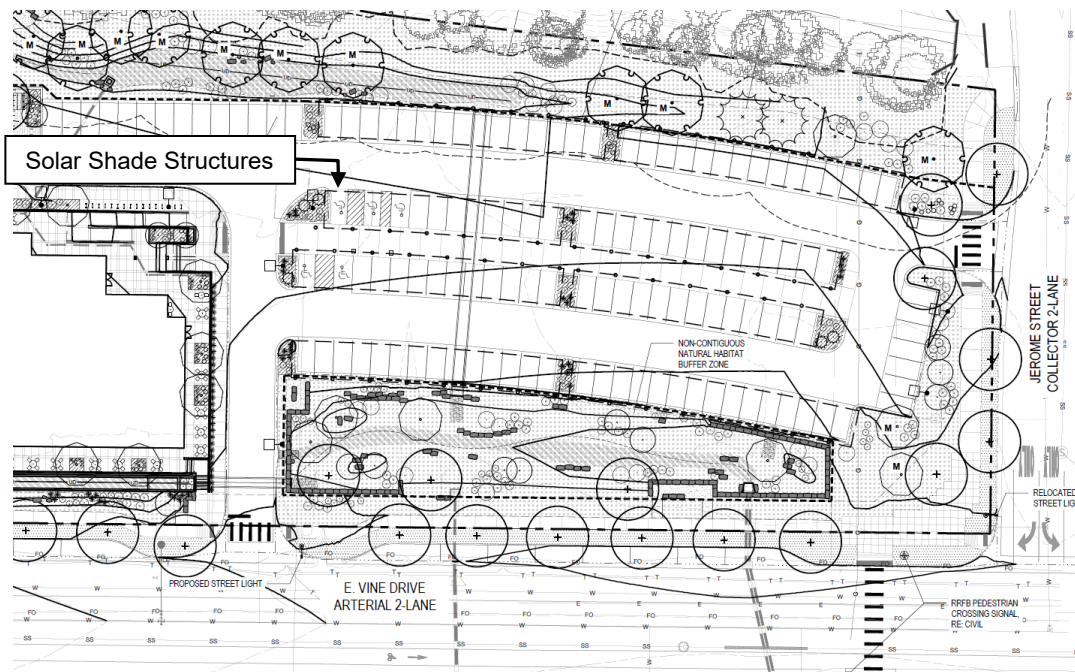
1. Modification of 3.2.1(E)(5) Parking Lot Interior Landscaping

This standard requires canopy shade trees in islands in parking lots. The parking lot in the proposed plan has solar shade structures which preclude trees in the islands due to conflict with the structures and the functioning of the solar panels.

Summary of Applicant Justification

The applicant's modification request is attached. It explains that:

- The modification is not detrimental to the public good because the architecture of the shade structures mitigates the appearance of the parking lot, adds visual interest, and provides shade for the parking.
- The plan meets subparagraph (1) "equal-to or better than" a plan with the trees, because the solar shade structures provide more shading than the trees would provide, and they provide visual interest. The parking lot islands are fully landscaped with shrubs and grasses to further the character envisioned for the subdistrict.
- The plan meets subparagraph (2), "defined community need" because the shade structures address a defined need for demonstration of innovation and energy sustainability which is a prominent theme in City Plan and the Downtown Plan.
- The plan meets subparagraph (4), "nominal and inconsequential" when considered from the perspective of the entire development plan because the plan adds numerous trees such that the property will be largely characterized by tree plantings including trees around the parking lot.



Staff Findings

Staff finds that the modification would not be detrimental to the public good, and meets criteria (1), (2), and (4) -- "equal-to or better than", "defined community need", and "nominal and inconsequential from the perspective of the whole plan".

Not Detrimental to the Public Good. The architectural presence of the shade structures mitigates the appearance of the parking lot with visual interest and provides shade for the parking. The lot is placed behind extensive tree plantings between the parking and the street/sidewalk which provides the look and feel of a landscaped facility.

“Equal or Better”. The structures essentially act in lieu of trees to mitigate the parking lot appearance, and they provide more shading than the trees would provide, starting on day one of installation. Staff notes that they may generate interest and awareness of a sustainable approach to parking lots as part of the whole approach to the entire development plan. Staff noted that they also provide a degree of shelter from snow as a small side benefit although that is not a factor in findings.

The parking lot islands are still fully landscaped with shrubs and grasses to further the character envisioned for the subdistrict.

“Defined Community Need”. The PDP addresses a defined need for demonstration of innovation and energy sustainability which is a prominent theme in City Plan and the Downtown Plan, with this modification as a key part of the PDP.

“Nominal and Inconsequential”. The plan provides extensive tree plantings around the parking lot in generous landscape areas that exceed standards for perimeter landscaping, such that the property will be significantly defined by tree plantings in the foreground of public views of the lot. From the perspective of the entire landscape plan, the lack of trees within the lot will not be highly evident.

Furthermore, the modification is part of a sustainable approach embodied in the entire development plan which renders this lack of trees inconsequential in light of the whole approach.

For these reasons, the plan will continue to advance the purposes of the Land Use Code.

2. Modification of 3.2.2(K)(2) Required Number of Parking Spaces

This subsection is a table with a required number of off-street parking spaces for a list of common building uses based on building square feet. If a plan proposes building uses that are not listed in the table, then the number of required spaces is to be the number for the most similar use that is listed.

The largest proportion of use in the building is lab space, which is not listed in the table and is not similar to any of the uses in the table. From the initial submittal, the approach used to evaluate parking was to simply consider the entire building as General Office as a default approach, although the lab space will have much lower human occupancy than office space; but office was used as a default to come up with a number.

General Office is listed with a standard parking space ratio of 1/1000 sq. ft. minimum. Early iterations of the plan had the building at less than 160,000 sq. ft.

The parking lot has 161 spaces. In addition, the plan provides 12 street parking spaces on Vine Drive. These 12 do not count toward the code requirement but staff considers them relevant to the modification.

Through iterations following the initial submittal, the building size has increased slightly and floor area has been clarified such that it is now 166,000 square feet.

Another clarification is that the 166,000 square feet include 5,400 sq. ft. for a prospective local food market of some kind as an integral part of overall sustainability and low carbon goals. Such a use would be considered General Retail which is listed with a parking requirement of 2/1000 sq. ft.

Therefore, for purposes of findings under this subsection, staff proposes to use the following numbers:

| | | | |
|---------------------------|-----------------|------------------------|---------------------|
| General Office | 160,620 sq.ft. | 1/1,000 spaces/sq. ft. | 161 spaces required |
| General Retail | 5,400 sq. ft. | 2/1,000 spaces/sq. ft. | 11 spaces required |
| Total Required | 166,000 sq. ft. | | 172 spaces |
| Total Provided Off-Street | | | 161 spaces |

Using 172 spaces as the requirement, the plan with 161 spaces includes a modification request for the shortfall of 11 spaces.

Staff does not see a problem, but is including this Modification of standards to explain the situation.

Summary of Applicant Justification

The applicant's modification request is attached. It explains that:

- The modification is **not detrimental to the public good** mainly because the requirement of 172 spaces, based on assigning General Office use as a default, is not calibrated to account for the lab space in the building.
- The plan meets subparagraph (1) **“equal-to or better than”** a plan with a larger parking lot or a smaller building, because the parking is ample due to the lower occupancy in lab space and the construction of street parking along the frontage.
- The plan meets subparagraph (2), **“defined community need”** because the plan meets a community need for showcasing and demonstrating innovation, sustainability, and the lower-carbon climate economy as prominently described in City Plan, the Downtown Plan, and the Climate Action Plan.

Related to this, the request notes that 42 bicycle parking spaces are required with at least 8 enclosed or covered, and the plan provides 121 spaces with 81 enclosed or covered.

- The plan meets subparagraph (4), **“nominal and inconsequential”** when the shortfall of 11 spaces, based on counting lab space as office space, is considered from the perspective of the entire development plan and the message the development is bringing to the community.

Staff Findings

Staff finds that the modification would not be detrimental to the public good, and meets criteria (1), (2), and (4) -- “equal-to or better than”, “defined community need”, and “nominal and inconsequential from the perspective of the whole plan”.

Not Detrimental to the Public Good. The shortfall of 11 spaces based on counting the lab space as office space is not detrimental because of lower occupancy in the lab space and is mitigated by the provision of 12 street parking spaces in front of the building.

“Equal or Better”. Similar to findings above, the plan is equal to or better than a plan with a larger parking lot or a smaller building because the parking is ample due to the lower occupancy in lab space and the construction of street parking along the frontage.

“Defined Community Need”. The plan meets a community need for showcasing and demonstrating innovation, sustainability, and the lower-carbon climate economy as prominently described in City Plan, the Downtown Plan, and the Climate Action Plan.

One aspect of this is that the plan provides 121 bike parking spaces with 81 enclosed or covered, greatly exceeding the standard requirement for 42 spaces with 8 enclosed or covered.

“Nominal and Inconsequential”. The shortfall of 11 spaces, based on counting lab space as office space, is nominal and inconsequential when considered from the perspective of the entire development plan for all of the reasons explained above and articulated in the applicant's request.

For these reasons, the plan will continue to advance the purposes of the Land Use Code.

3. Modification of 4.16 (B)(1) Street Frontage Build-To Range

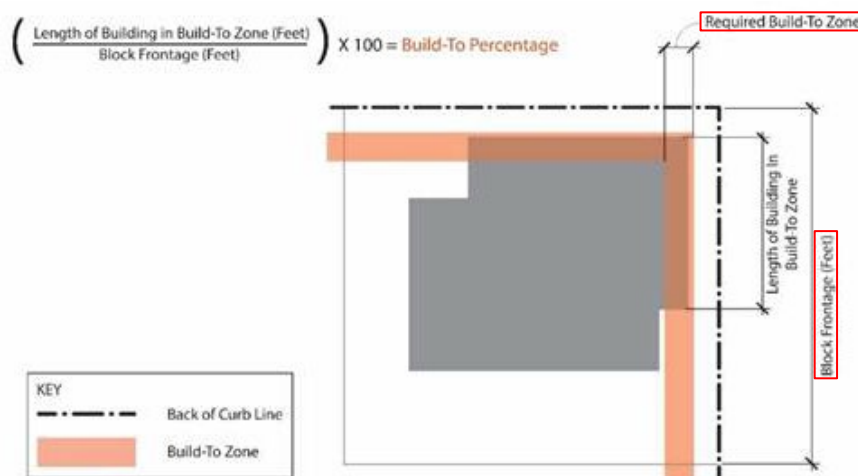
This modification has involved confusing code language such that staff was not certain whether a modification is needed, given that the requirement is not clearly understood. Staff was unable to find the plan to clearly comply with the standards as written, and so this modification is included to explain the situation.

The Downtown Zone District has a map that defines three 'Street Frontage Types' on a street-by-street basis (Figure 18.1 in the code). The Powerhouse 2 site is within the 'Green Edge' Frontage Type.

The Zone District then has a table with standards for these frontages, inclusive of street-fronting buildings as a component of the frontages (Figure 18.2, excerpt below). Numerical building placement standards require a building Setback From Back Of Curb by 24 feet minimum; and then also require the building to be placed in a Build-To Range as measured 10-20 feet of the setback, for 50% of the Block Frontage. It is not clear whether the Build-To Range is measured behind or forward of the Setback. For purposes of this discussion the presumption is that the building would be placed between 34 and 44 feet from the back of curb for 50% of the Block Frontage to comply with the metrics as stated.

| | STREET FRONTAGE TYPE | | |
|---|--|---|---|
| | Storefront | Mixed Use | Green Edge |
| Minimum <u>Setback</u> From Back Of Curb (right of way included in setback) | Min. 9' from back of curb to building | Min. 19' from back of curb to building Min. 6' sidewalk if detached Min. 10' sidewalk if attached Min. 5' back of walk to building | <u>Min. 24' from back of curb to building</u> Min. 9' parkway Min. 10' back of walk to building |
| Min. Alley, Sidelot and Rear Lot Setback (measured from property line) | 0' Sidelot 5' Alley 0' Rear Yard | 0' Sidelot 5' Alley 5' Rear Yard | 10' Sidelot 5' Alley 5' Rear Yard |
| Required Street Frontage <u>Build-To Range</u> (as measure from the setback) See Figure 18.3 | 90% at 0 to 5' | 75% at 5 to 10' | <u>50% at 10 to 20'</u> |

Figure 18.3 illustrates Street Frontage Build-To Range:



The intent of stating both a 24-foot Setback and a 34-44-foot Build-To requirement has not been understood.

Also, the metric for 50% of the Block Frontage has not been understood—typically that would refer to the length of a block face bounded by streets. It is likely intended to mean Lot Width. However in the Innovation Subdistrict, there are parcels such as this one, Woodward, New Belgium, Odells, and others where that interpretation would still not be feasible given parcel sizes and the nature of light industrial buildings.

In any case, staff understands that the general intent is for buildings to be placed to provide architectural presence along downtown streets, with front yard landscaping in the Green Edge areas. In this case, staff finds that the building placement with its architectural terrace features integrated into a landscaped streetscape, is completely consistent the intent, regardless of compliance with the specific metrics.

Staff will propose a code revision to clarify the intent and the metrics as part of the Land Use Code maintenance and update process.

Summary of Applicant Justification

The applicant's modification request is attached. The applicants believe that the relevant intent is to place buildings in direct relation to the street; but not as closely as on the 'Storefront' or 'Mixed-Use' streets closer to the Downtown core, to provide a green landscaped street edge. They believe they have met that intent with a plan that embodies many of the aspirations and characteristics of Innovation Districts as envisioned in the Downtown Plan.

The request cites criterion (3) – “physical hardship” in meeting the 50% Build-To Frontage requirement because of the lengths of the block frontages along Vine and North College; and also because the placement of the building along Vine is determined by floodplain requirements. The building is raised above the floodplain elevation which then creates the need for the plaza terrace along the building with steps, ramps, walls and railings; and those architectural features push the building back to where it is located with the majority of the building 53 feet from the back of curb.

The request also cites criterion (1) – “equal or better” – based on the plan meeting and exceeding the overall intent for building architecture placed along a landscaped streetscape. The request notes that although the majority of the building along Vine is not within 34-44 feet of the street, the integral plaza terrace does bring the architecture toward the street within that Build-To Range, and it adds pedestrian enhancement to the frontage.

The applicants have noted that even if the plaza terrace were to be considered part of the building, the building would not comprise 50% of the block frontage along Vine, and it would be an undue hardship to have to build a larger or longer building just to meet the requirement if indeed the Block Frontage refers to the frontage between North College and Jerome.

Staff Findings

Staff offers the following findings despite the lack of understanding of what the standards mean.

The modification would not be detrimental to the public good, and meets criteria (3) and (1) – “physical hardship” and “equal or better”.

Not Detrimental to the Public Good. The building is placed in direct relation to the street with a landscaped street edge in a manner consistent with the Green Edge Street Frontage Type. The plaza terrace and front yard landscaping provide an inviting relationship of the building to the sidewalk that is completely consistent with the intent for Green Edge streets.

“Physical Hardship”. The 50% Block Frontage Build-To Range requirement is not feasible because of the lengths of the block frontages along Vine and North College. Also, the placement of the building along Vine is determined by floodplain requirements to raise the building, creating the need for the plaza terrace system of steps, ramps, walls and railings which pushes the building back from the street to its proposed location.

If the architectural terrace features were considered part of the building, then it would be within 34-44 feet.

“As good or better”. The plan meets the apparent intent for Green Edge Street Frontage as well or better than would a plan with the building wall itself brought closer to the street.

Although the majority of the building along Vine is not within 34-44 feet of the street, the integral plaza terrace brings the architecture toward the street within that Build-To Range.



Vine Drive frontage looking east

4. Modification of 4.16(C)(1) Building Height Limits

The Downtown Zone District sets block-by-block height limits, with a limit of 5 stories and 75 feet on the subject property. This numerical limit is accompanied by a 4.16(C)(2) which states that the height limits

“are intended to convey a scale of building rather than an exact point or line. In the case of sloped roofs, building height shall be measured to the mean height between the eave and ridge. The maximum height limits are not intended to hinder architectural roof features such as sloped roofs with dormers, penthouses, chimneys, towers, shaped cornices or parapets, or other design features that exceed the numerical limits but do not substantially increase bulk and mass. Lofts or penthouses projecting above the limits shall not exceed one-third (1/3) of the floor area of the floor below and shall be set back from any roof edge along a street, by a distance equal to or greater than the height of the loft or penthouse structure.”

The proposed building height is 79 feet and therefore staff finds that a modification is required for the additional 4 feet.

Summary of Applicant Justification

The applicant's modification request is attached. It describes the proposed height as the result of:

(1) A unique requirement for the ground floor to be taller than typical ground floor heights—that is 21'-6"—because of the work to be done involving vehicles including buses, as part of the global climate and carbon research function of the building.

(2) The building uses mass timber construction which is a pioneering low-carbon alternative to concrete and steel with significant environmental benefits and aesthetic character benefits as well. This construction requires greater floor-to-floor dimensions than other construction types, with structural member depths greater than typical steel members. This construction is a crucial integral aspect of the whole approach to innovation and sustainability for the proposed global climate research facility.

The increased member sizes combined with the necessary ground floor ceiling height establish the height at 79' following all efforts to minimize the height.

The request contends that the additional 4 feet of height will be nominal and inconsequential from the perspective of the whole project and the benefit the facility will have for the community, the region, and beyond regarding carbon emission research.

Staff Findings

Staff finds that the modification would not be detrimental to the public good, and criteria (1), (2), and (4) -- "equal-to or better-than", "defined community need", and "nominal and inconsequential from the perspective of the whole plan.

Not Detrimental to the Public Good. In this case, the 4-foot difference is not enough to significantly affect the scale of this large new building as perceived by the public -- i.e., if it was feasible for the applicant to reduce the height to 75', the building would still be an equally dramatic change in terms of impact and public perception of this location.

The lower portions of the building will establish the scale and define the character of the building more than the four feet of height measured at the top of the building.

The 4 feet represent a compromise that reduced the applicants desired height through iterations in review. The compromise enables the wide-ranging positive impacts of the plan upon the Downtown Innovation subdistrict and the North College Corridor.

"Equal or Better". Similar to findings above, staff believes that the ground floor and the prominent features on the lower portions portions of the building will establish scale and character equal to a building 4 feet shorter, consistent with 4.16(C)(2) about the scale of building.

"Defined Community Need". The plan is an optimal fit with City goals for climate action and carbon-neutrality goals. City Plan, the Downtown Plan, and the Climate Action Plan have a body of goals and policies related to demonstrating and showcasing technologies, strategies, and innovation. Collaboration with business and institutional partners including CSU is a notable aspect of this. The relationship of "community need" to global need is acknowledged.

Examples for reference can be found in the 2017 Downtown Plan pp. 142-145 and 173; and 2019 City Plan pp. 54, 58, and 61.

The Climate Solutions Campus would result in a substantial benefit to the city by substantially addressing the community need for climate and carbon solutions as defined and described in the plans noted above.

To the extent that the additional 4 feet of height are necessary for the function of the development and the low-carbon benefits of mass timber construction, the modification addresses the defined community need.

"Nominal and Inconsequential". For reasons explained above, and considering the street and landscaping improvements and the setbacks in the plan, the additional 4 feet of height is nominal and inconsequential when considered from the perspective of the whole development plan.

3. Land Use Code Article 3 – General Development Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN STANDARDS

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--|--|---|
| <p>3.2.1 – Landscaping and Tree Protection</p> | <p>Standards of this Section require that a development plan demonstrate a comprehensive approach to landscaping that enhances the appearance and function of the neighborhood, buildings, and pedestrian environment. The proposed plan provides the following:</p> <ul style="list-style-type: none"> • Full tree stocking around the building integrated into a complete landscape architectural approach to plaza, patio, and walkway spaces. • Street trees in irrigated turfgrass parkways along the streets. • Planting beds integral with the complete landscape architectural approach. • Natural area buffer landscape restoration and landscaping. • Detention pond landscaping with specialized seed mix. • Naturalistic native upland seed areas with shrub and perennial plantings. • Parking lot perimeter landscaping. • Parking lot interior landscaping, with shrubs in islands where solar shade structures take the place of trees. • Inventory of existing trees and mitigation trees for trees to be removed. | <p>Complies, with a modification for parking lot islands with solar shade structures in lieu of trees</p> |
| <p>3.2.1(E)(3) – Water Conservation</p> | <p>Landscape plans are required to be designed in a way that employs water efficient techniques, such as using low water use plants, limiting high water-use turf to areas of high traffic, efficient irrigation design and use of mulch to conserve moisture.</p> <p>The landscape plan demonstrates the use of low water use native plants.</p> | <p>Complies</p> |
| <p>3.2.1(E)(5) – Parking Lot Interior Landscaping</p> | <p>Standards require parking lots with more than 100 spaces to contain 10% landscape coverage. Landscape islands are required, with canopy shade trees and ground planting. Islands must be placed at intervals of no more than every 15 parking spaces.</p> <p>The plan provides landscape islands are required for a comprehensive approach to interior parking lot landscaping which provides the following:</p> <ul style="list-style-type: none"> • The plan provides the required landscaping with the modification to allow solar shade structures that preclude canopy shade trees in islands. | <p>Complies with a modification for parking lot islands with solar shade structures in lieu of trees</p> |
| <p>3.2.1(F) – Tree Preservation and Mitigation</p> | <p>This standard requires that developments provide on-site mitigation in the form of a defined number of replacement trees if existing significant trees are removed. The number of mitigation trees is determined by City Forestry staff based on species, size, and health/quality.</p> <p>The development requires removal of 10 existing trees as explained in a justification letter included with the landscape plan set.</p> <p>In coordination with city forestry staff, the plans include a Tree Mitigation Plan with a required amount of mitigation trees. Those trees are located in throughout the site and are identified with “M” on the landscape plan.</p> | <p>Complies</p> |

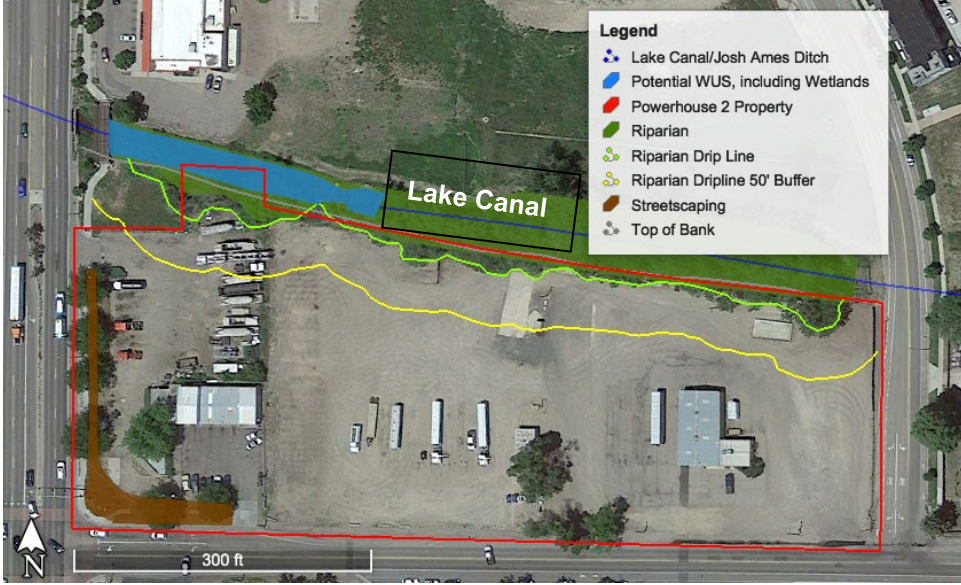
| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings | | | | | | | | | | |
|---|--|------------------------|----------|------------|----------|------------|---------|----|-----|----|----|----------|
| 3.2.2 – Access, Circulation and Parking – General Standard | <p>This standard requires that development projects accommodate the movement of vehicles, bicycles, pedestrians, and transit throughout the project and to and from surrounding areas safely and conveniently and contribute to the attractiveness of the neighborhood. In compliance, the PDP includes the following:</p> <ul style="list-style-type: none"> • A complete and generous system of walkways and plazas on the site • A widened sidewalk along Jerome Street to serve as a link in the larger trail system. • A crosswalk with a flashing pedestrian signal across Vine to link the site and the greater northeast area to the Whitewater Park and Downtown. • A parking lot placed to exceed minimum setback standards and provide all required components and parameters for circulation layout. | Complies | | | | | | | | | | |
| 3.2.2(C)(4) – Bicycle Parking Space Requirements | <p>This standard requires 1 space per 4,000 square feet of building size and that at least 20% of these spaces be enclosed and 80% on fixed racks.</p> <ul style="list-style-type: none"> • The plan greatly exceeds the requirements. <table border="1" data-bbox="440 869 1360 995"> <thead> <tr> <th>Building Size</th> <th>Required</th> <th>Provided</th> <th>Enclosed</th> <th>Fixed Rack</th> </tr> </thead> <tbody> <tr> <td>166,000</td> <td>42</td> <td>121</td> <td>81</td> <td>40</td> </tr> </tbody> </table> | Building Size | Required | Provided | Enclosed | Fixed Rack | 166,000 | 42 | 121 | 81 | 40 | Complies |
| Building Size | Required | Provided | Enclosed | Fixed Rack | | | | | | | | |
| 166,000 | 42 | 121 | 81 | 40 | | | | | | | | |
| 3.2.2(D)(3)(c) – Parking Lot Pavement | <p>This subsection requires that parking lots be surfaced with paving in “conformance with City specifications.” In this case, the applicant proposes to use gravel stabilized and supported with a plastic <i>TrueGrid</i> underlayment system in the parking stalls underneath solar canopies as part of the sustainable low-carbon approach to the whole plan. The drive aisles are concrete.</p> <p>Staff finds that this complies with the standard. This system has been shown to withstand use, does not generate dust, and will not spill out onto the street because of the concrete drive aisles. To the extent that snow plowing may require special care, the applicant team is aware of and has experience with that.</p> | Complies | | | | | | | | | | |
| Section 3.2.2(K)(2) – Number of Parking Spaces | <p>Subsection 3.2.2(K)(2) is a table with a required number of parking spaces per square foot of building, for a list of common building uses.</p> <p>A Modification Request explains the approach to findings on this number.</p> | Modification Requested | | | | | | | | | | |
| 3.2.2(K)(5) – Handicap Parking | <p>This subsection requires handicap parking spaces as a ratio of total spaces in the parking lot.</p> <ul style="list-style-type: none"> • The plan complies by providing 7 spaces. | Complies | | | | | | | | | | |
| 3.2.4 – Site Lighting | <p>This Section sets limits for exterior lighting using technical parameters. Limits include 1) photometric parameters for light on the ground measured in footcandles, within the site and off-site as spillover, and 2) technical ratings for Backlight, Uplight and Glare (BUG).</p> <ul style="list-style-type: none"> • The PDP includes a thorough detailed lighting plan that provides lighting within all limits. | Complies | | | | | | | | | | |

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|---|---|----------------|
| Section 3.2.5 – Trash and Recycling Enclosures | <p>This Section requires the provision of areas, compatible with surrounding land uses, for the collection, separation, storage, loading and pickup of trash, waste cooking oil, compostable and recyclable materials.</p> <ul style="list-style-type: none"> The plan integrates a large trash and recycling enclosure into a whole system of architectural site walls around the building. | Complies |

B. DIVISION 3.3 - ENGINEERING STANDARDS

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--|--|----------------|
| 3.3.1(C) – Public Sites, Reservations and Dedications | <p>This Section requires dedication of rights-of-way for public streets, drainage easements, utility easements, and emergency access easements as needed to serve the area being developed.</p> <ul style="list-style-type: none"> The PDP includes a complex plat that was developed through multiple iterations with extensive work and discussion with engineering, utilities, fire, and floodplain departments and with the abutting Lake Canal and adjacent property owner to the north. It includes dedication of additional ROW for Vine Drive and dedication of numerous easements. | Complies |
| 3.3.5 – Engineering Design Standards | <p>This Section requires projects to comply with requirements and specifications for all services provided by various agencies:</p> <ul style="list-style-type: none"> water supply sanitary sewer mass transit fire protection flood hazard areas telephone walks/bikeways irrigation companies electricity natural gas storm drainage cable television streets/pedestrians broadband/fiber optic <p>The plan addresses all of these services.</p> | Complies |

C. DIVISION 3.4 - ENVIRONMENTAL, NATURAL AREA, RECREATIONAL AND CULTURAL RESOURCE PROTECTION STANDARDS

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--|---|-----------------|
| <p>3.4.1 – Natural Habitats</p> | <p>The purpose of this Section is to ensure that when property is developed consistent with its zoning designation, the way in which the physical elements of the development plan are designed and arranged on the site will protect the natural habitats and features both on the site and in the vicinity of the site.</p> <p>It requires that to the maximum extent feasible, the development plan is designed and arranged on the site to protect the natural habitats and features both on the site and in the vicinity of the site.</p> <p>It applies when development is proposed within 500 feet of an identified natural habitat or feature. In this case, the Lake Canal runs along the north edge of the site with riparian forest along its banks and serves as a wildlife corridor. The riparian drip line extends slightly onto the site.</p>  <p>The Land Use Code requires establishment of natural habitat buffer zones (NHBZs) surrounding natural resources. The general buffer distance for irrigation canals is 50 feet from the edge of the habitat. That 50-foot dimension may be varied if certain qualitative performance standards are met in the development plan. Those performance standards are Section 3.4.1(E).</p> <p>The standards enable the Planning and Zoning Commission to reduce or enlarge any portion of the general buffer zone distance in order to ensure qualitative performance standards are achieved; and they allow for approval of buffer zones that may be multiple and noncontiguous.</p> <p>An Ecological Characterization Study (ECS) was done for the site as required to evaluate habitat values and make recommendations regarding protection and enhancement. The ECS is attached.</p> | <p>Complies</p> |

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| | <p>The ECS summarizes the existing conditions in the buffer zone as “abysmal”, comprising asphalt and gravel parking and weeds growing on piles of fill likely left over from past parking lot grading and paving, in the Poudre River floodplain.</p> <p>The ECS recommends that the width of the buffer may vary, mentioning a range of 25-45 feet. It recommends landscape restoration with additional native tree, shrub and herbaceous plantings; and shielding light sources from the buffer zone.</p> <p>The ECS concludes that the development plan will have an overall positive impact.</p> <p>The proposed plan includes the following buffering standards and measures for ecological improvement to satisfy the performance standards as stated in LUC 3.4.1(E):</p> <ul style="list-style-type: none"> • The plan does not disturb Lake Canal or the riparian forest. • The standard buffer area based on a 50-foot corridor along the Lake Canal would be 39,520 sq. ft. of buffer on the site. The plan provides a NHBZ along Lake Canal, with varying width averaging 35.5 feet for a total of 26,950 sq.ft. of buffer zone along the canal. • A non-contiguous buffer area at the detention pond in the southeast corner of the site provides 12,710 sq.ft., for a total of 39,660 sq.ft. of buffer. • Multiple qualitative improvements are provided by the development plan: curvilinear bioswales in the Lake Canal buffer, restoration of gravel and asphalt parking and weedy areas with native vegetation, weed management, and naturalistic stormwater design. • The naturalized stormwater detention pond in the southeast corner of the site was carefully designed in collaboration among the project engineers and stormwater and environmental planning staff. • No light trespass into the buffer areas. • Landscaping throughout the site complements the buffers. • Overall, the plan improves more than an acre of former truck parking area with naturalistic landscaping using native plants as appropriate for the urban setting. • The whole plan forms a more contiguous tree canopy across this floodplain site between the Lake Canal and the Poudre River corridor landscape. | |
| <p>3.4.7 – Historic and Cultural Resources</p> | <p>This Section is intended to ensure that development is compatible with and protects historic resources and that the design of new structures is compatible with and protects the integrity of historic resources located within the area of adjacency.</p> <p>A historic resources report was done by a Qualified Historic Preservation Professional (attached). Based on findings of non-eligibility for the several properties that comprise the development site, and based on the minimal-to-no overlap of the Historic Influence Area and the proposed building footprint, the compatibility requirements in this Section do not apply.</p> | <p>N/A</p> |

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| <p>3.4.8 – Parks and Trails</p> | <p>This Section requires development plans to comport with the Parks and Recreation Policy Plan and the Paved Trails Master Plan.</p> <ul style="list-style-type: none"> The plan includes a widened (10-foot) sidewalk along Jerome Street as a multi-use link to connect to a northeast trail shown in the adopted plans. This link leads to a crosswalk across Vine Drive to lead to the Poudre River trail. | <p>Complies</p> |
|--|--|-----------------|

D. DIVISION 3.5 - BUILDING STANDARDS

These standards for buildings citywide are to be read in conjunction with any zone district standards in Article 4 and in this case, the Downtown zone contains more-specific standards for buildings that prevail over these standards, with one exception below which staff found worthwhile to address in this review.

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--|--|-----------------|
| <p>3.5.1 – Building and Project Compatibility</p> | <p>This Section is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area.</p> <p>It addresses architectural scale, massing, and character; storage and mechanical equipment, and operational compatibility in terms of issues such as hours of operation and loading and delivery.</p> <p>The pertinent context mainly comprises the Downtown Innovation Subdistrict vision for future character, rather than existing character. That vision is for continuing urban evolution in the area with incubator, research, startup, education, and creative uses along with cultural and recreational assets in a walkable, bikeable setting connected with collaborative spaces and technology. The vision includes buildings up to 5 stories.</p> <p>The existing character has long been formed by older industrial operations on former outskirts of town, on low-lying floodplain land across the river, with utilitarian garage, warehouse and shed buildings, unpaved parking and outdoor storage, and unimproved roadway edges.</p> <ul style="list-style-type: none"> The proposed PDP is for a large institutional scale building with greater height and mass than any existing buildings in the area. Again, compatibility is largely governed by the specific standards in the Downtown zone district. The large scale of the building is mitigated by subdividing the building into different portions and stepping back the upper portions as required by the zoning standards. Key components are a 3-story brick portion at the College/Vine corner and a ground floor with a highly articulated streetscape that includes a plaza terrace with steps, ramps, walls, railings, and pylons that extend the architecture toward the sidewalk. The plan is highly consistent with this vision in all aspects. The Lake Canal on the north with its riparian forest screens and buffers the large building from any future development to the north, which also has 5-story zoning. | <p>Complies</p> |

E. DIVISION 3.6 - TRANSPORTATION AND CIRCULATION

This Division is intended to ensure that the transportation network of streets, alleys, roadways, and trails is in conformance with adopted transportation plans and policies established by the City.

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--|--|-----------------|
| <p>3.6.2 – Streets, Streetscapes, Alleys and Easements</p> | <p>This Section contains general standards for the complete transportation network to be designed to promote the public health, safety and welfare. Most of the standards involve development of new streets and thus do not pertain to this plan.</p> <p>However subsections (J) and (K) refer to the Larimer County Urban Area Street Standards (LCUASS) for right-of-way widths and streetscape design. Those standards include a provision to allow variances for unique design solutions.</p> <p>The Downtown Plan and the Poudre River Whitewater Park plans call for a unique design solution tailored to the special Downtown/river corridor location, which led to variances for the inset parallel parking and curb extensions.</p> <p>Also, subsection (O) requires easements as needed for utilities, public and emergency access, stormwater drainage and other public purposes.</p> <ul style="list-style-type: none"> • The plan dedicates right.of.way. and easements as appropriate and required. | <p>Complies</p> |
| <p>3.6.4 – Transportation Level of Service Requirements</p> | <p>A Transportation Impact Study (TIS) was scoped, submitted, and reviewed under Traffic Operations requirements found in the Land Use Code and in the Larimer County Urban Area Street Standards (LCUASS).</p> <p>The TIS concluded that the proposed development is feasible from a traffic engineering standpoint. It notes that in the long range (2045) future, given development of The Powerhouse 2 and an increase in background traffic, the key intersections will meet the Fort Collins operational criteria.</p> <p>Acceptable level of service is achieved for bicycle, and transit modes based upon the measures in the LCUASS. In the short range future, some pedestrian level of service categories cannot be achieved due to a lack of sidewalks along other properties within ¼ mile. This area is expected to redevelop and become more urban in the future, with sidewalks along the existing and future streets.</p> <p>The TIS recommends one particular improvement – a “Level 2 or 3” pedestrian crossing treatment across Vine at the Jerome intersection, leading from points north and east to the whitewater park on the south side of Vine. Examples of such treatments that could work are curb extensions, reduced curb radii, pedestrian activated flashing beacons.</p> <ul style="list-style-type: none"> • The plan provides curb extensions and a crosswalk with a pedestrian signal (flashing beacons). • The plan includes the ultimate curb & gutter and sidewalk along North College Avenue, Vine Drive and Jerome Street adjacent to the site. | |

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--------------------------|--|----------------|
| 3.6.6 – Emergency Access | <p>This Section requires access for emergency vehicles and services.</p> <ul style="list-style-type: none"> The project has been reviewed by Poudre Fire Authority (PFA) and currently meets the needs and requirements of PFA regulations. | Complies |

4. Land Use Code Article 4 – Applicable Standards:

A. DIVISION 4.16 – DOWNTOWN DISTRICT (D)

The overall Downtown Zone District is intended to encourage a mix of activity in the area while providing for high quality development that maintains a sense of history, human scale and pedestrian-oriented character. The zone recognizes different subdistricts that are defined and described in the 2017 Downtown Plan, with the subject site being within the Innovation Subdistrict.

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--------------------------------|--|---|
| 4.16 (B) Street Frontage Types | <p>Standards in this subsection set requirements for streetscapes, inclusive of street-fronting buildings, on a street-by-street basis as defined on a map designating three ‘Street Frontage Types’ (Figure 18.1).</p> <p>In this case the applicable frontage type is ‘Green Edge’ – found in the subdistricts away from the Historic Core, this type calls for landscaped parkways and setbacks. It notes that uses are often in much larger buildings than are found in the Historic Core Subdistrict.</p> <p>The map is accompanied by a table with standards for the three types (Figure 18.2). The standards address streetscapes inclusive of street-fronting buildings as a component of streetscapes. Standards require:</p> <ul style="list-style-type: none"> Setback of 24' from back of curb to building. Min. 9' parkway. Min. 10' back of walk to building. Building placed within a Build-To Range of 10-20' measured from the Setback, for 50% of the Block Frontage. A clearly defined primary entrance. Authentic durable high quality ground floor architectural materials. At least 25% window area along the ground floor. <p>The plan provides the required streetscape under these standards, with the caveat that the applicants and staff do not understand the Build-To Range standard well enough to determine how it would be possible for any plan to comply with the stated metrics.</p> <p>A Modification of Standards is included to explain staff’s inability to find clear compliance with the metrics. But because it is unclear what compliance would look like, staff is proposing to simply find compliance with the apparent intent for the streetscape.</p> | Complies with a modification for Build-To metrics |

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--|---|------------------------|
| 4.16 (C) Building Mass Reduction and Articulation | <p>Pertinent standards in this subsection require:</p> <ul style="list-style-type: none"> • Upper story stepbacks where the building is within the Build-To Range • Maximum wall length for the base of the building of 50 feet without a façade plane change at least 2 feet deep • Articulation to avoid long undifferentiated facades comprising at least 3 out of 5 listed techniques: <ul style="list-style-type: none"> ○ Minor façade plane changes of at least 3 inches ○ Vertical projections ○ Horizontal projects such as canopies or cornice articulation ○ Balconies or terraces ○ Window details such as depth, sills, or lintels <p>The plan provides these required features.</p> | Complies |
| 4.16 (C)(1) Building Height Limits | <p>This subsection The Downtown Zone District sets block-by-block height limits, with a limit of 5 stories and 75 feet on the subject property.</p> <ul style="list-style-type: none"> • The proposed building is 79 feet and thus a modification of the standard is requested. | Modification Requested |
| 416(E)(4) Innovation Subdistrict Special Provisions | <p>This subsection contains some general requirements related to the overall intent of the Innovation Subdistrict:</p> <p>“to recognize continuing redevelopment in this former industrial area, promoting employment and innovation. Redevelopment projects will continue to build up a fitting identity and character related to the Downtown District edge setting with contemporary semi-industrial building styles and materials. Streetscapes and sites will reinforce the area's identity and character with design features that reflect an industrial character and the river landscape corridor.”</p> <p>Pertinent standards require:</p> <ul style="list-style-type: none"> • Naturalistic characteristics of the river landscape to be maintained and enhanced with native plants and landscape materials • Outdoor spaces such as patios, courtyards, terraces, and plazas to add interest and facilitate interaction • Heavy, durable, locally fabricated components with materials such as metal and stone <p>The plan provides these features.</p> | Complies |

5. Findings of Fact/Conclusion

In evaluating the request for the Powerhouse 2, #PDP210021w, 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 relevant standards located in Article 3 – General Development Standards with 4 Modifications of Standards.
3. Staff supports the request for **Modification of Standards** to subsection 3.2.1(E)(5) – Parking Lot Interior Landscaping, because it would not be detrimental to the public good meets criteria 2.8.2(H) 1, (2), and (4).
4. Staff supports the request for **Modification of Standards** to Section 3.2.2(K)(2) – Required Number of Parking Spaces, because it would not be detrimental to the public good meets criteria 2.8.2(H) 1, (2), and (4).
5. Staff supports the request for **Modification of Standards** to subsection 4.16.4(B)(1) – Street Frontage Build-To Range, because it would not be detrimental to the public good meets criteria 2.8.2(H) (3) and (1).
6. Staff supports the request for **Modification of Standards** to subsection 4.16.4(C)(1) – Building Height, because it would not be detrimental to the public good meets criteria 2.8.2(H) (1), (2), and (4).
7. The Project Development Plan complies with the applicable standards in Article 3 of the Land Use Code.
8. The Project Development Plan complies with the applicable standards of Article 4 of the Land Use Code.

6. Recommendation

Staff recommends that the Planning and Zoning Commission make motions to approve the four Modifications of Standards to Land Use Code sections and subsections 3.2.1(E)(5), 3.2.2(K)(2), 4.16.4(B)(1), and 4.16.4(C)(1) and approve Powerhouse 2, #PDP210021 based on the Findings of Fact and supporting explanations found in the staff report and hearing materials.

7. Attachments

1. Applicants Narrative
2. Site Plan
3. Landscape Plan
4. Architecture
5. Utility Plans
6. Plat
7. Environmental Characterization Study
8. Traffic Impact Study
9. 9a - Modification Request for Parking Lot Landscaping
- 9b - Modification Request for Number of Off-Street Parking Spaces
- 9c - Modification Request for 'Build-To Range'
- 9d - Modification Request for Building Height
10. Historic Resources Report
11. Existing Tree Mitigation Plan