

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

FINDINGS AND DECISION

HEARING DATE: November 30, 2022

PROJECT NAME: Jerome Street Station

CASE NUMBER: PDP # 210009

APPLICANT REPRESENTATIVE: Sam Coutts
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: Marcus McAskin

PROJECT DESCRIPTION & BACKGROUND: The Jerome Street Station PDP #210009 (the “**PDP**”) proposes to develop a group of 12 buildings with 66 townhomes (the “**Project**”) on an approximately 7-acre parcel of vacant land described as Parcel Nos 9701370001, 9701379310, and 9701319002, and generally located on the west side of Jerome Street between the Lake Canal and Suniga Road (the “**Subject Property**”).

The plan would develop a group of 12 buildings with 66 townhomes, including 4-, 5-, 6- and 7-plex buildings, each with two different exterior designs with different detailing, materials, and colors. The project would extend Cajetan Street sidewalks into the Subject Property, and extend Pascal Street into and through the Subject Property in the form of a one-of-a-kind alley connection to an existing access easement on the west leading to North College Avenue. It includes a walkway spine along the west side between the Suniga Drive sidewalk and an unpaved trail along the Lake Canal; a system of walkways to and from all homes; and trail along the Lake Canal continues the existing trail along the entire south edge of Old Town North across Jerome Street, leading to a regional Lake Canal Trail to greater northeast Fort Collins.

The plan provides 163 parking spaces, with 132 spaces in attached garages and rear drive access to garages for all homes. Three handicap accessible spaces are provided.

The Subject Property is part of a larger 1967 annexation that corresponds to Old Town North. The

1995 North College Corridor Plan was implemented in a rezoning that created the zone district that was later renamed the C-C-N zone, which Old Town North is a part of. The land remained undeveloped until 2002 when the Old Town North Overall Development Plan was approved and development began with extensive filling and grading for floodplain purposes, and infrastructure installation. The plan was updated in 2007 with the original vision remaining intact while adding updates and clarifications. The vision is for mixed neighborhood development within a pattern of streets and blocks.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	(C-C-N and C-S)	Downtown District (D)	(C-C-N)	(C-S)
Land Use	Crowne at Old Town North apartments across Suniga.	Approved Powerhouse 2 Climate Solutions Campus across the Lake Canal	Old Town North neighborhood w/ mixed housing types across Jerome	North College strip commercial uses

The PDP includes a request for the following two modifications of standards (each, a “**Modification of Standard**” and, collectively, the “**Modifications of Standards**”):

(1) The City of Fort Collins Land Use Code (“**LUC**”) *Subsection 3.5.2(D)(1) – Relationship of Dwellings to Street and Parking/Orientation to a Connecting Walkway* requires, in relevant part, that streets and dwellings be laid out so that the dwellings either face onto a street sidewalk, or are placed perpendicular to the street facing onto a “Connecting Walkway” that leads directly to a street sidewalk without crossing a drive or parking lot and without going around the dwelling. To meet the standard, a “Connecting Walkway” must be within 200 feet from the street, or 350 feet if it qualifies as a 35-foot wide ‘Major Walkway Spine’ to serve in lieu of a street, for building frontage. The Applicant is requesting a Modification of Standard because three (3) of the 12 buildings are not placed in direct relation to street sidewalk within 350 feet as required by subsection 3.5.2(D)(1).

(2) LUC *Subsection 3.5.2(D)(2) – Relationship of Dwellings to Street and Parking /Street-Facing Facades* requires that buildings with 4 or more dwelling units must have at least one (1) building entry or doorway facing any adjacent street that is smaller than a full arterial or has on-street parking. The intent is to avoid impersonal blank ends of multi-unit buildings, often with only utility meters as the

most prominent feature, along neighborhood streets. The Applicant is requesting a Modification of Standard because two buildings have ends facing Jerome Street without doorways – Building 1 and Building 12.

Additional project background and analysis of LUC compliance are detailed in the Development Review Staff Report prepared for the Project, a copy of which is attached to this decision as ATTACHMENT A (the “**Staff Report**”) and is incorporated herein by reference.

The Staff Report recommends approval of the PDP, and the two Modifications of Standards.

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Community Commercial - North College District (C-C-N) and Service Commercial District (C-S)

HEARING: This matter was heard as the second (of three) virtual hearings conducted on Wednesday, November 30, 2022. The Hearing Officer opened the virtual hearing at approximately 8:06 P.M and reviewed the Order of Proceedings 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 Jerome Street Station (PDP #210009). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
2. Site Plan for Jerome Street Station (6 pages).
3. Context map (1 page).
4. Neighborhood meeting notes (November 30, 2020) (6 pages).
5. Landscape Plan for Jerome Street Station (9 pages).
6. Architectural Elevations for Jerome Street Station (16 pages).
7. Modification Request – Building Relationship to Streets (8 pages).
8. Modification Request – Street-Facing Facades (5 pages).
9. Utility Plans (14 pages).
10. Plat for Jerome Street Station (3 pages).
11. Environmental Characterization Study (15 pages).
12. Traffic Study dated Jan. 4, 2022 and prepared by Kellar Engineering (129 pages).
13. Existing Tree Removal Feasibility Letter (1 page).
14. Letter of Intent dated Oct. 24, 2022 (LMC Ventures) (1 page).
15. Applicant PowerPoint presentation (52 slides).
16. Staff PowerPoint presentation (29 slides).
17. Confirmation of Publication of Notice of Hearing (Ad# 0005492216) published on November 18, 2022 in The Coloradoan.
18. Confirmation of posted notice (November 23, 2020, Sign #586).

19. Copy of Written Notice of Public Hearing dated November 15, 2022 (per Development Review Staff Report the Written Notice of Public Hearing was distributed to 258 addresses).
20. Administrative (Type 1) Order of Proceedings.
21. 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.

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

From the City: Clark Mapes, City Planner

Katie Claypool, Community Development & Neighborhood Services

Steve Gilchrest, City Traffic Operations

Tim Dinger, City Engineering

From the Applicant: Sam Coutts, Ripley Design, 419 Canyon Avenue Ste. 200, Fort Collins, CO 80521

Andy Reese, Northern Engineering

From the Public: Riian Kant-McCormick, 802 Jerome Street #4, Fort Collins, CO 80524

The public comment portion of the hearing was opened at 7:46 P.M. and was closed at approximately 7:49 P.M.

The November 30, 2022 virtual public hearing on PDP # 210009 was closed at approximately 8:02 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. 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. Except for LUC Subsection 3.5.2(D)(1) - Building Relationship to Streets, and LUC Subsection 3.5.2(D)(2) - Street-Facing Facades, both of which are satisfied by way of a Modification of Standard, the PDP complies with the standards contained in Article 3 of the LUC as more specifically set forth in the Staff Report attached as **ATTACHMENT A**. An analysis of each requested Modification of Standard follows below.
- C. The Application complies with relevant standards contained in Division 4.19, Community College – North College (C-C-N) and Division 4.22, Service Commercial District (C-S) of Article 4 of the Land Use Code, as applicable.
- D. The requested Modification of Standard to LUC *Subsection 3.5.2(D)(1) – Orientation to a Connecting Walkway*, requesting that Buildings 6, 9, and 10 be exempted from the general requirement that dwellings either face onto a street sidewalk, or are placed perpendicular to the street facing onto a “Connecting Walkway”: (i) will not be detrimental to the public good; (ii) the PDP will promote the general purpose of the standard set forth in *Subsection 3.5.2(D)(1)* equally well or better; (iii) by reason of exceptional physical conditions and other extraordinary and exceptional situations, unique to the Subject Property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, the strict application of *Subsection 3.5.2(D)(1)* would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the Applicant/Owner; and (iv) the PDP, as submitted, will not diverge from the standards of the LUC that are authorized to be modified through a Modification of Standard except in a nominal, inconsequential way when considered from the perspective of the entire PDP, and will continue to advance the purposes of the LUC as set forth in Section 1.2.2 of the LUC. With respect to the foregoing, the Hearing Officer specifically finds:
- i. The requested Modification of Standard to LUC *Subsection 3.5.2(D)(1)* will not be detrimental to the public good. The plan provides a framework of public space with some buildings facing onto walkway spines as an alternative in lieu of streets per se and does not create an unsafe condition for future residents or the general public. The framework incorporates and connects to the existing streets. There is no detriment in terms of creating a disconnection in the larger neighborhood pattern. Nor is there a detriment in the larger distances from streets to some of the dwellings because of the formative quality of the spaces and walkways that are provided in lieu of streets.
 - ii. 2.8.2(H)(1) is met because the plan accomplishes the purpose of the standard to have neighborhood streets lined with homes rather than vehicle use areas; and that the plan accomplishes the purpose of a framework of public space for dwellings to face onto.
 - iii. The PDP will continue to advance the purposes of the Land Use Code Section 1.2.2 by increasing public access to mass transit, sidewalks, trails, bicycle routes, and other alternative modes of transportation.

- iv. 2.8.2(H)(3) is met because the narrowness of the northern neck of the property makes it infeasible to add a north-south street for a second tier of buildings to face onto. This creates the situation in which certain walkway spines exceed the 350-foot distance standard. Likewise, the southern part of the site has an east-west orientation along the Pascal extension which is too narrow and too small to add a second street across the front of the southern buildings, even if was desirable to face a street rather than the landscape space.
 - v. The difficulties or hardships referenced above have not been caused by the act or omission of the Applicant/Owner.
- E. The requested Modification of Standard to LUC *Subsection 3.5.2(D)(2) – Street-Facing Facades*: (i) will not be detrimental to the public good and (ii) will promote the general purpose of said standard equally well or better than would a plan which complies with said standard. With respect to the foregoing, the Hearing Officer specifically finds:
- i. The modification will not be detrimental to the public good because the PDP still advances the purpose of this standard, which is to avoid impersonal blank ends of multi-unit buildings, often with only utility meters as the most prominent feature, along neighborhood streets. The two buildings in question here include side facades that contain sufficient articulation, fenestration, and other design elements to assist with promoting visual interest.
 - ii. 2.8.2(H)(1) is met because the PDP as submitted promotes the general purpose of *Subsection 3.5.2(D)(2)* to avoid impersonal blank utilitarian walls lining public streets and to promote variety, visual interest and pedestrian-oriented streets in residential development. The architectural renderings of the two buildings in question (Building 1 and Building 12) show thoughtful aesthetic design and contribute to overall visual interest along Jerome Street. The Hearing Officer concludes that the PDP, as submitted, promotes the general purpose of *Subsection 3.5.2(D)(2)* because the building design consists of windows, quality materials, and articulation consistent with the quality design character of the building fronts. The side facades of Buildings 1 and 12 will not detract from the public’s view of the Jerome Street streetscape.

DECISION

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

- A. The Modification of LUC *Subsection 3.5.2(D)(1) – Orientation to a Connecting Walkway* standard is approved.

- B. The Modification of LUC *Subsection 3.5.2(D)(2) – Street-Facing Facades* standard is approved.
- C. The Jerome Street Station PDP (PDP #210009) is hereby **approved**.

DATED this 11th day of December, 2022.



Marcus McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Jerome Street Station
(PDP #210009)

Development Review Staff Report

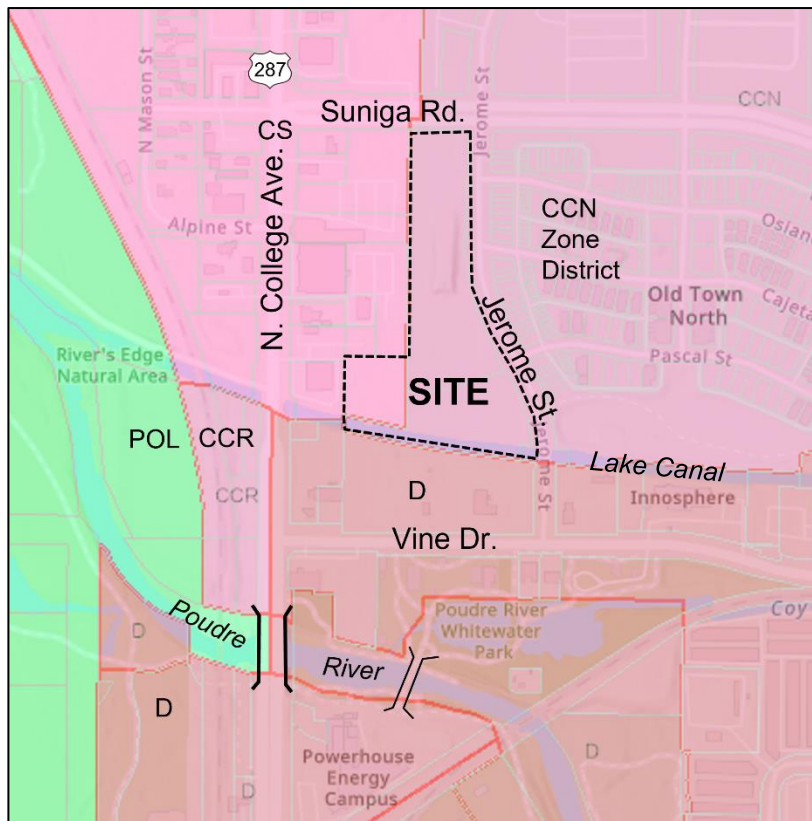
Administrative Hearing: November 30, 2022

Jerome Street Station

Summary of Request

This is a proposed Project Development Plan (PDP), #PDP210009. The plan would develop a group of 12 buildings with 66 townhomes. The proposal 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

West side of Jerome Street between the Lake Canal and Suniga Road. (parcel #s 9701370001, 9701379310, and 9701319002).

Zoning

Community Commercial North College (CCN) and a small portion of Service Commercial (CS)

Property Owner

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

Applicant/Representative

Sam Coutts, Ripley Design Inc.
419 Canyon Avenue Ste. 200, Fort Collins, CO 80521

Staff

Clark Mapes, City Planner

Contents

1. Project Introduction	2
2. Land Use Code Article 2	4
3. Land Use Code Article 3	12
4. Land Use Code Article 4	19
5. Findings of Fact/Conclusion	20
6. Recommendation	21
7. Attachments	21

Staff Recommendation

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

1. Project Introduction

A. PROJECT DESCRIPTION

The 7-acre site forms the western edge of the Old Town North Development, on the west side of Jerome Street. It is officially Block 1 of the Old Town North Subdivision.

Below is an image showing the plan outline in the general context.



Jerome Street was built by Old Town North as a key north-south circulator connection alongside North College Avenue. It includes two street corner curb returns intended for two streets to be extended westward into and through the site—those are Pascal and Cajetan Streets.

Aspects of the plan include:

- A uniquely tailored alley-like street at Pascal.
- An entry drive with detached walkways which continue the sidewalks on Cajetan. The Pascal and Cajetan extensions result from exploration of alternatives through multiple plan iterations.
- Proposed buildings are all 2 stories.
- Parking exceeds minimum requirements.
- Two modifications of standards are required:
 - One is to allow 3 of the 12 buildings that are not placed in direct orientation to a street, but rather face onto internal walkways more than 350 feet from a street, and walkways that go around the buildings from street sidewalks.
 - The other is to allow the ends of two buildings facing Jerome Street to not have doorways facing the street as is required.

B. COMPREHENSIVE PLAN

The 1995 North College Corridor Plan was implemented in a rezoning that created the zone district that was later renamed the CCN zone, which Old Town North is a part of. The plan was updated in 2007 with the original vision remaining intact while adding updates and clarifications. The vision is for mixed neighborhood development within a pattern of streets and blocks.

This plan described the need for additional cross streets leading back from North College to this land behind the North College commercial strip which became Old Town North. The plan was based on apparent potential for land assembly and future redevelopment of aging and outdated development along North College Avenue, with redevelopment projects benefitting from additional street and utility connectivity.

The plan captures public sentiment in the North College area to retain a unique character, including special adaptation of street standards. Part of the reason was to make retrofitting more feasible within constraints of past subdivision and development; and part was to foster unique charm. A refrain in planning discussions has been “more like Downtown; not like south Fort Collins”; and keeping a unique “funky” character rather than standard suburban character found in development in other parts of the city.

C. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF’S REVIEW

Street Extensions - The first consideration in a development plan was what to do with the longstanding planning concept to continue Pascal and Cajetan Streets into and through the site. That question required extensive exploration through multiple plan iterations.

Space for Walkways and Utilities - The development program maximizes buildings on the property, which required multiple iterations to fit a dense web of utilities into constrained spaces.

Space for Trees - Relatedly, space for trees in constrained spaces within the web of utilities, was explored through iterations.

Pedestrian Bridge over Lake Canal Concept Not Included - The proposed plan provides the last, western segment of a trail runs along the entire south side of Old Town North along the Lake Canal. The trail ends near the rear of the abutting pawn shop parking lot on the west with no viable route to North College sidewalks. Staff advocated for a small pedestrian bridge over the Lake Canal which could provide a convenient connection to and through the proposed Powerhouse 2 development on the south side of the canal, and to and from North College sidewalks leading south to Downtown.

This was explored in the process but did not end up in the plan due to unresolved questions of responsibilities, financing, and liability agreements.

D. SURROUNDING ZONING AND LAND USE

	North	South	East	West
Zoning	(CCN and CS)	(D)	(CCN)	(CS)
Land Use	Crowne at Old Town North apartments across Suniga.	Approved Powerhouse 2 Climate Solutions Campus across the Lake Canal	Old Town North neighborhood w/ mixed housing types across Jerome	North College strip commercial uses

E. PROPERTY BACKGROUND

The site is part of a larger 1967 annexation that corresponds to Old Town North. The land remained undeveloped until 2002 when the Old Town North Overall Development Plan was approved and development began with extensive filling and grading for floodplain purposes, and infrastructure installation.

Development has been occurring over the years since then in multiple phases.

2. Land Use Code Article 2

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review

A conceptual review meeting was held on August 12, 2020.

2. Neighborhood Meeting

Although not required, a neighborhood meeting was held on November 30, 2020. Notes are attached. Note that the proposed plan is a significant revision from the plan discussed at the meeting, which had 4 story condominium buildings along Jerome with a parking lot behind.

3. First Submittal

The PDP was submitted on May 28, 2021.

4. Notice (Posted, Written and Published)

Posted Notice: November 23, 2020, Sign #586.

Written Hearing Notice: November 15, 2022, 258 addresses mailed.

Published Hearing Notice: Scheduled for November 18, 2022.

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.

One is for 3 of the 12 buildings that are not placed in direct relation to street sidewalk within 350 feet as required by subsection 3.5.2(D)(1).

The other is for two buildings with sides/ends facing Jerome Street without providing a doorway, such as a patio door, as required by subsection 3.5.2(D)(2).

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 Relationship of Dwellings to Streets – 3.5.2(D)(1)

This standard for residential development requires streets and dwellings to be laid out so that the dwellings either face onto a street sidewalk, or are placed perpendicular to the street facing onto a “Connecting Walkway” that leads directly to a street sidewalk without crossing a drive or parking lot and without going around the dwelling. To meet the standard, a ‘Connecting Walkway’ must be within 200 feet from the street, or 350 feet if it qualifies as a 35-foot wide ‘Major Walkway Spine’ to serve in lieu of a street, for building frontage.

The intent is for developments to form neighborhoods in a town-like pattern with a clear legible framework of public space that buildings fit into.

It is not uncommon for infill projects to need modifications because existing development often limits the ability to fully create a new street network to form building sites as envisioned under the standard.

In the proposed plan, the only streets that serve the purposes of the standard are Jerome and Suniga. The result is that Buildings 6, 9, and 12 are in a rear, internal portion of the site relative to the streets.

Summary of applicants’ justification:

The applicants’ modification request is attached. It explains why the request is not detrimental to the public good; and meets criteria (1) and (3) – “equal to or better than” and “physical hardship/unusual and exceptional practical difficulties”.

It addresses each of the three buildings 6, 9, and 10 and explains that:

- there are no adverse effects from the arrangement;
- walkway spines along the entire western and southern edges provide connectivity with frequent access to the spines;
- the overall development is visually interesting and pedestrian-oriented with some of the buildings fronting onto “nature” in the form of landscape spaces and the Lake Canal riparian forest rather than streets;
- the site is unusually narrow which limits flexibility in layout of buildings and new streets.

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 to or better than”, and criterion (3), “physical hardship/unusual and exceptional practical difficulties” and under Section 2.8.2(H) governing modification requests.

Detriment to the public good

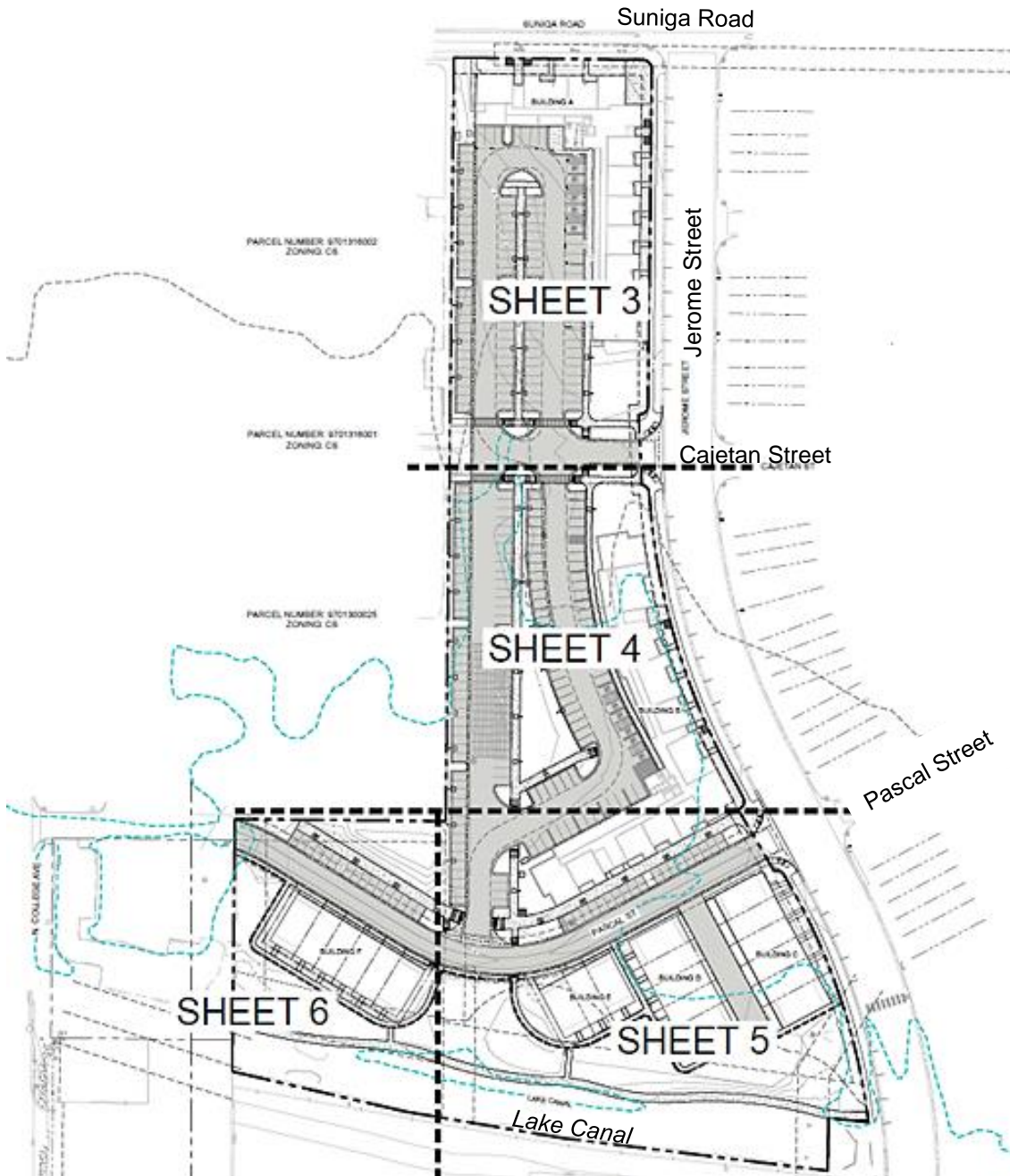
The plan provides a framework of public space with some buildings facing onto walkway spines as an alternative in lieu of streets per se. The framework incorporates and connects to the existing streets. There is no detriment in terms of creating a disconnection in the larger neighborhood pattern. Nor is there a detriment in the larger distances from streets to some of the dwellings because of the formative quality of the spaces and walkways that are provided in lieu of streets.

Criterion (1), “equal or better”

To consider this criterion, it is helpful to consider how a plan could potentially meet the standards, for comparison. Such a plan would place buildings facing Jerome with parking lots behind, backed up to the rear parking lots abutting the property on the west.

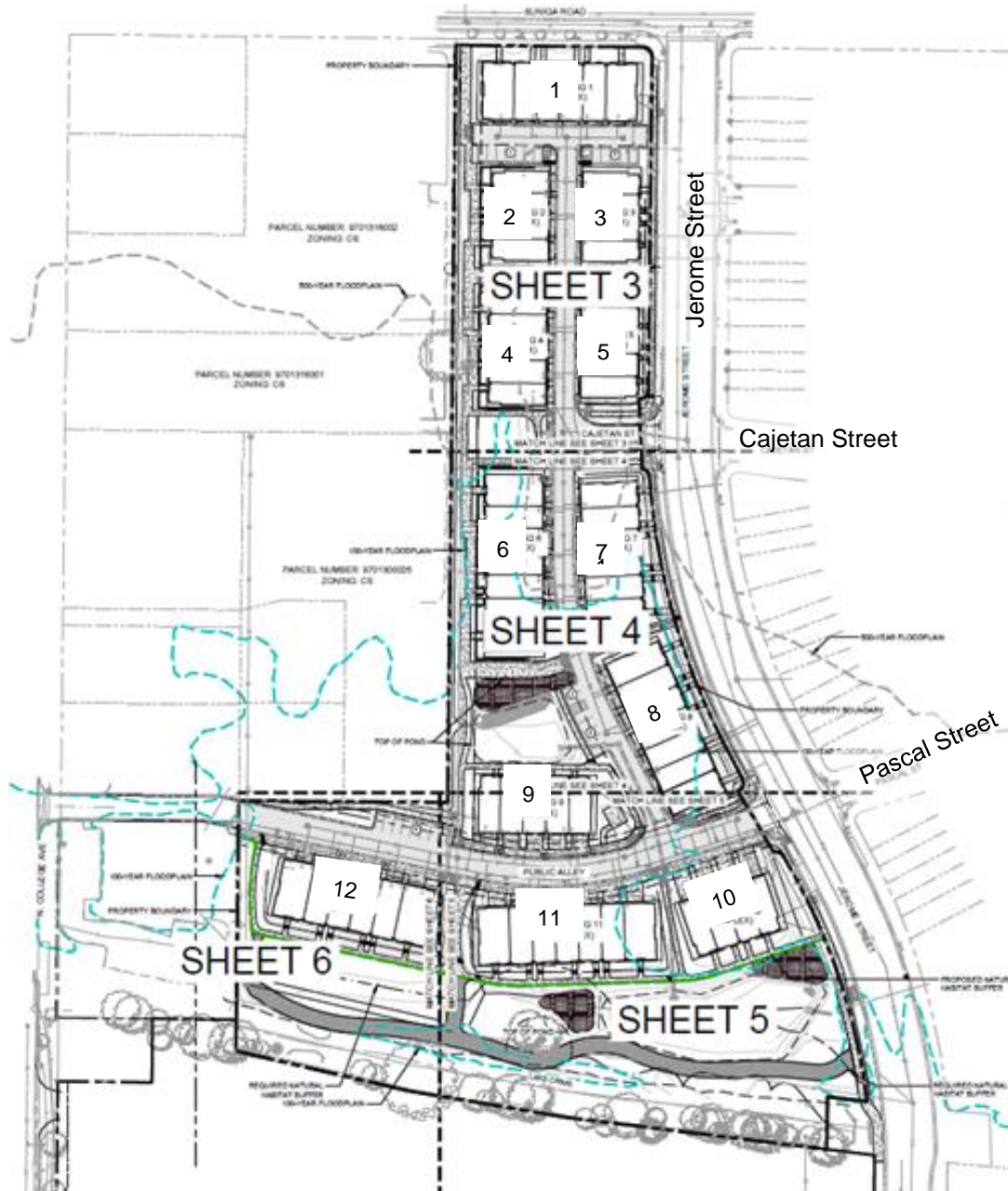
It would also extend Pascal and Cajetan Streets through the site, presumably as standard local streets.

This general overall approach to development was illustrated in an early concept plan:



This plan illustrates a concept for 4- and 5-story condominium development, which did not proceed. As a minor note, the southwestern building would need a modification for garages on Pascal.

Instead, the proposed plan is for townhomes on their own lots, with a second tier of buildings facing west and sharing internal rear drive access to garages with buildings facing Jerome on the east.



Staff finds that the plan accomplishes the purpose of the standard to have neighborhood streets lined with homes rather than vehicle use areas; and that the plan accomplishes the purpose of a framework of public space for dwellings to face onto. Several of the dwellings are placed in relation to unique tailored connections comprising the following:

- A formal, 35-foot wide landscaped walkway spine runs along the west edge of the property for the western buildings to face onto.
- At Cajetan Street, an entry drive and landscape space are flanked by sidewalks that continue the street space and sidewalks from straight across Jerome. A pedestrian access easement will be

stubbed to the west property line to enable future pedestrian connectivity if the opportunity ever arises with redevelopment on the abutting property to the west.

A street per se is not needed now or in the future because vehicular access to and from North College Avenue is better served by Suniga Road just 350 feet away. The important connectivity to North College in the future is for walking rather than driving. The public space as proposed serves the purpose of connectivity the same as if Cajetan had been built as a paved street right-of-way stubbed to the west property line.

Stubbing a paved street to the property line was shown in early iterations, but appeared unlikely to be extended to North College by redevelopment in any planning timeframe, partly because a requirement for a street would take more space and make redevelopment less feasible.

- At Pascal Street, the plan provides a highly tailored public alley connection to an existing 24-foot alley access easement on the west, creating a minor connection to and from North College. A sidewalk along the north side of the new alley is stubbed to the property line; and the applicant team, staff, and the abutting property owner are discussing the possibility of extending it along the existing alley easement to reach the North College sidewalk.

Similar to Cajetan, staff found that extending a full street through the site was much less likely to be feasible for continuation to North College in any planning timeframe. Such continuation would be dependent on assembly and redevelopment of abutting properties on the west.

Again, a street would take significantly more space from property(ies) on the west. The properties are already small, and reducing them even further by taking space for a full street would make redevelopment even less feasible.

In contrast, the proposed plan allows for a connection to North College at this time.

The Pascal connection is a convenient minor neighborhood connection but is not needed as a significant component of traffic operations for through-traffic as found by staff and as noted in the TIS.

- A walkway is provided along the fronts of the southernmost buildings 10, 11, and 12, with two cut-through connections up to the Pascal alley sidewalk. The walkway qualifies as a Major Walkway Spine connecting buildings 11 and 12 to Jerome sidewalks, however building 10 has front doors well over 350 feet from the street, with the furthest being 540 feet away and therefore the arrangement does not qualify as meeting the standard.

The placement of Building 10 along the southern walkway extending from Jerome Street fits the “equal to or better than” criterion because the walkway and the landscape area it runs through, provide public space that functions in lieu of a street for building frontage purposes.

Building 10 is located along the public Pascal alley, but the ‘alley’ is not considered a ‘street’ for this purpose and in any case, walkways that lead from the alley sidewalks to the front doors, go around the building and so the arrangement does not qualify as meeting the standard.

The only way to avoid a modification for Building 10 would be to eliminate the building, due to the internal rear location within the property.

Building 9, located along the Pascal alley, requires a modification for similar reasons. The only way to avoid a modification for Building 9 would be to eliminate the buildings, due to the internal rear location within the property.

Staff finds that the plan with Buildings 9 and 10 fits the “equal to or better than” criterion because the plan with the buildings is as good as a plan without the building, for the purpose of the standard.

Building 6 is placed alongside the public space extension of Cajetan. But because the extension is not a street, the arrangement does not technically meet the standard. Early iterations of the plan provided Cajetan

as a paved street stubbed to the property line, which made Building 6 compliant. But further exploration of that topic led the applicants and staff to favor the proposed alternative plan without the street per se.

Staff finds that the Building 6 arrangement fits the “equal to or better than” criterion because the public extension of Cajetan has the same space and sidewalks as if it were a paved street.

Criterion (3), “physical hardship/unusual and exceptional practical difficulties”

The narrowness of the northern neck of the property makes it infeasible to add a north-south street for a second tier of buildings to face onto. This creates the situation in which the face walkway spaces that exceed the 350-foot distance standard.

Likewise, the southern part of the site has an east-west orientation along the Pascal extension which is too narrow and too small to add a second street across the front of the southern buildings, even if was desirable to face a street rather than the landscape space.

Also, existing development abutting on the west limits the opportunity for Cajetan and Pascal Streets to be extended through the site as streets in a way that makes sense.

Summary

The plan maximizes development of housing units with efficient use of the land, while doing what it can to provide a framework of public space that the buildings fit into.

2. Modification of a Standard for Street-Facing Facades – 3.5.2(D)(2)

This standard for residential development requires that buildings with 4 or more dwelling units must have a doorway facing adjacent neighborhood streets (could be secondary patio doors.) The intent is to avoid impersonal blank ends of multi-unit buildings, often with only utility meters as the most prominent feature, along neighborhood streets. A doorway indicates the presence of people as an animating architectural feature.

Two buildings have ends facing Jerome Street without doorways – Building 1 and Building 12.

Summary of applicant justification:

The applicants’ modification request is attached. It explains why the request is not detrimental to the public good; and meets criteria (1) and (4) – “equal to or better than” and “nominal and inconsequential from the perspective of the whole plan”.

It explains that:

- The side facades are visually interesting with quality design, materials, & windows.
- The two units are only two out of 66 units in the plan.
- Building 12 is on a slightly angled orientation to Jerome Street 24-35 feet from the street with intervening landscaping to add interest.
- The plan, as a whole advances, the purposes of the Land Use Code in 1.2.2 (A)-(O).

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 subparagraph (4), “nominal and inconsequential” under Section 2.8.2(H) governing modification requests.

Detriment to the public good

The two building ends are a negligible proportion of the building frontage along the streets.

The building design does not consist of impersonal blank utilitarian walls but rather consists of windows, quality materials, and articulation consistent with the quality design character of the building fronts.

Therefore, the two buildings contribute to visual interest along Jerome Street. Below is the end of building 1 at the corner of Jerome and Suniga, facing Jerome.



For context, a Design Manual that accompanies the Land Use Code has a “This” “Not This” example and explanation for the standard. The intent for what to avoid is shown below.



Criterion (4), “nominal and inconsequential”. From the perspective of the entire development plan, the two building ends facing Jerome without doorways are nominal and inconsequential for reasons stated above and do not affect the purposes of the Land Use Code in Section 1.2.2.

3. Land Use Code Article 3

A. DIVISION 3.2 - SITE PLANNING AND DESIGN STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2.1 Landscaping and Tree Protection	<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. Other tree plantings as required. A turfgrass parkway strip along Jerome. Landscaping and a fence along the western walkway spine including trees where possible in relation to a sewer line. Native seeding in a large Natural Habitat Buffer Zone and detention ponds along the Lake Canal in the southern portion of the site. Planting beds around buildings. Rain gardens with underdrains. Inventory and evaluation of existing trees, all of which are in the riparian forest along the Lake Canal, and all of which are to be protected. 	<p>Complies</p>
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 plan provides:</p> <ul style="list-style-type: none"> Extension of Cajetan Street sidewalks into the site. Extension of Pascal Street into and through the site in the form of a one-of-a-kind alley connection to an existing access easement on the west leading to North College Avenue. The unique design results from lengthy exploration and many discussions through plan iterations. A walkway spine along the entire west side between the Suniga Drive sidewalk and an unpaved trail along the Lake Canal. A system of walkways to and from all homes. A trail along the Lake Canal continues the existing trail along the entire south edge of Old Town North across Jerome Street, leading to a regional Lake Canal Trail to greater northeast Fort Collins. Rear drive access to garages for all homes. <p>Note that Jerome Street offers a significant amount of street parking.</p>	<p>Complies</p>
3.2.2(K)(1)(a) Required Number of Off-Street Parking Spaces	<p>This subsection requires two parking spaces for each dwelling unit for a total of 132 spaces.</p> <ul style="list-style-type: none"> The plan provides 163 spaces, with 132 spaces in attached garages. Three handicap accessible spaces are provided. 	<p>Complies</p>

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 only lighting will be architecturally themed porch lights and garage lights on buildings that will full-cutoff and down-directional as required by Building Code to be confirmed in building permits. 	Complies
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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 3.4 – ENVIRONMENTAL RESOURCE PROTECTION STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.4.1 Natural Habitats and Features	<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 south 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 decision maker 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>The ECS summarizes the existing conditions in the buffer zone as twofold:</p>	Complies

Riparian forest along the Lake Canal at the southern property boundary and associated grassy areas provide habitat for a variety of wildlife while stabilizing banks along the irrigation ditch. At present, the property supports prairie dogs that cultivate soil, create denning habitat and are fodder for a variety of predatory species.

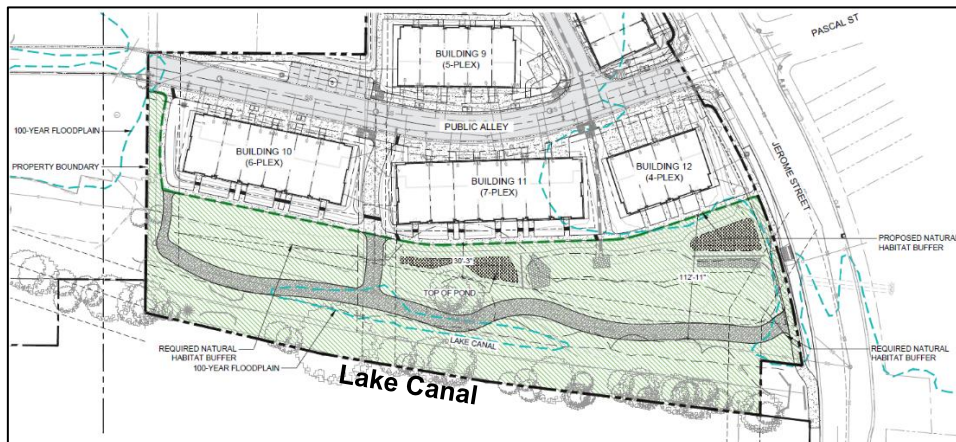
The remainder of the property, however, has limited value. Ecological function is impaired by dirt access roads and a large dirt stock pile. Historical disturbances have resulted in the proliferation of early seral, exotic and weed species.

The ECS recommends that the 50-foot buffer along the riparian forest be maintained, and recommends landscaping throughout the site consistent with Land Use Code standards for water conservation and tree plantings to complement the buffer.



The ECS concludes that the development plan will have an overall positive impact.

The proposed plan is consistent with the ECS with the following buffering standards and measures for ecological improvement to satisfy the performance standards as stated in LUC 3.4.1(E):

- The plan does not disturb Lake Canal or the riparian forest.
- A prairie dog mitigation plan will be created to ascertain the most ecologically appropriate method for prairie dog removal and to prevent re-population.
- The standard buffer area based on a 50-foot corridor along the Lake Canal is provided and exceeded with one small exception in front of Building 11, where the buffer around the northernmost riparian forest tree is only 30 feet where it crosses over walkways and landscaping.
- This small area is offset by much larger areas with buffer zone dimensions between 65 and 112 feet. This cropped image from the landscape plan shows the buffer in green hatching. In total, the plan is proposing 129% (80,840 ft²) of the required buffer area (62,494 ft²).



D. DIVISION 3.5 - BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.5.1(B) Building and Project Compatibility</p>	<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 site-specific building design that reflects North College Corridor Plan vision and policies for semi-industrial character tailored to the near-downtown location. The architecture incorporates flat roofs, masonry, and black gridded window design that lend character related to the site context. <p>The largest of the several building models, the 7-plex, is shown below to give a general sense of the character. Note that the two-story buildings have stair towers for roof access but they are not occupied living space.</p> 	<p>Complies</p>
<p>3.5.2(C) Housing Model Variation Among Buildings</p>	<p>This standard requires at least three different building models among the 12.</p> <ul style="list-style-type: none"> The plan provides 4-, 5-, 6- and 7-plex buildings, each with two different exterior designs with different detailing, materials, and colors. <p>As an example, one of the 5-plex models is shown below to give a general sense of the character.</p> 	<p>Complies</p>

<p>3.5.2(D)(1) Building Placement in Relation to Streets</p>	<p>This standard requires buildings to be placed along street sidewalks such that walkways lead directly to entrances without crossing any vehicular use area and without going around the building. Entrances facing such walkways may be up to 350 feet from the sidewalk if the walkway qualifies as a 'Major Walkway Spine'. A Major Walkway Spine is at least 35 feet wide and lined with trees.</p> <ul style="list-style-type: none"> • 2 of the 12 buildings, Buildings 6 and 10, face onto Major Walkway Spines that exceed the 350-foot standard. • One of the 12 buildings, Building 9, faces walkways that go around the building leading to and from the nearest sidewalk or walkway spine, 	<p>Modification Requested</p>
<p>3.5.2(D)(2) Street Facing Facades</p>	<p>This standard requires the ends of buildings with more than 4 dwelling units to include a doorway facing the street.</p> <ul style="list-style-type: none"> • 2 of the 12 buildings are placed with the ends facing Jerome Street without doorways. 	<p>Modification Requested</p>
<p>3.5.1(I) Mechanical Equipment</p>	<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"> • AC and other HVAC equipment is incorporated into the architecture on flat roofs. 	<p>Complies</p>

E. DIVISION 3.6 - TRANSPORTATION AND CIRCULATION

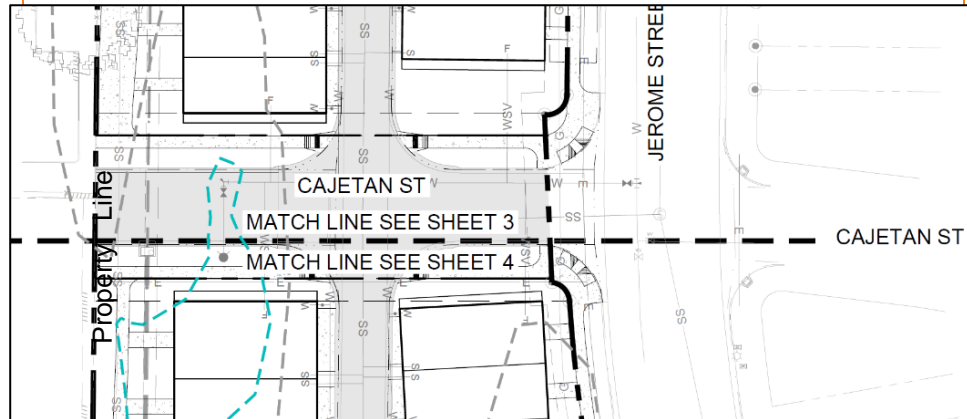
This Division is intended to ensure that the transportation system is in conformance with adopted transportation plans and policies established by the City.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.6.2 – Streets, Streetscapes, Alleys and Easements</p>	<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. Requirements overlap with Section 3.6.3 below.</p> <p>Two streets in the Old Town North development on the east side of Jerome Street are built to be extended through this subject property with the long term intent to connect through to North College Avenue (Pascal and Cajetan Streets as mentioned in several other sections of this report.) Connecting through to North College would involve abutting properties on the west between this project and North College.</p> <p>The longstanding planning concept is to find a way to retrofit a more interconnected network of streets and blocks into the North College corridor area, opening up access and visibility to land behind the existing commercial strip development along North College. That existing development dates to a previous era of roadside commercial development on the outskirts of the city along North College/US Highway 287/State Highway 14.</p> <p>The planning concept dates to the first North College Corridor Plan in 1995 and a US287/SH 14 Access Management Plan for the corridor in 2000.</p>	<p>Complies</p>

Existing Old Town North development did its part by providing street corner curb returns into the site, at Pascal and Cajetan Streets.

The proposed plan is the result of lengthy analysis of how best to extend the two streets. Possible alternatives were explored in multiple meetings and plan iterations.

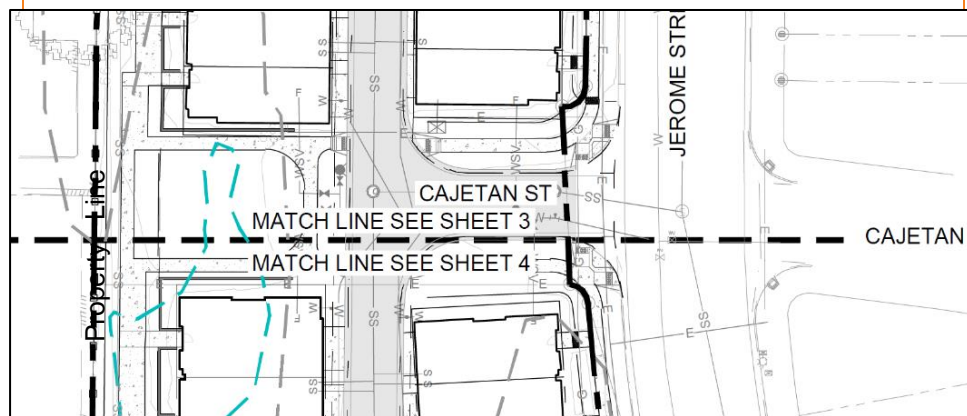
Cajetan Street. The first plan submittals showed Cajetan Street extended and stubbed to the west property line – shown below as background information.



Staff and the applicants explored the implications of building this street, now and in the future. The likelihood of and implications for potential redevelopment to the west was a consideration along with traffic operations if such a street were ever to connect to North College.

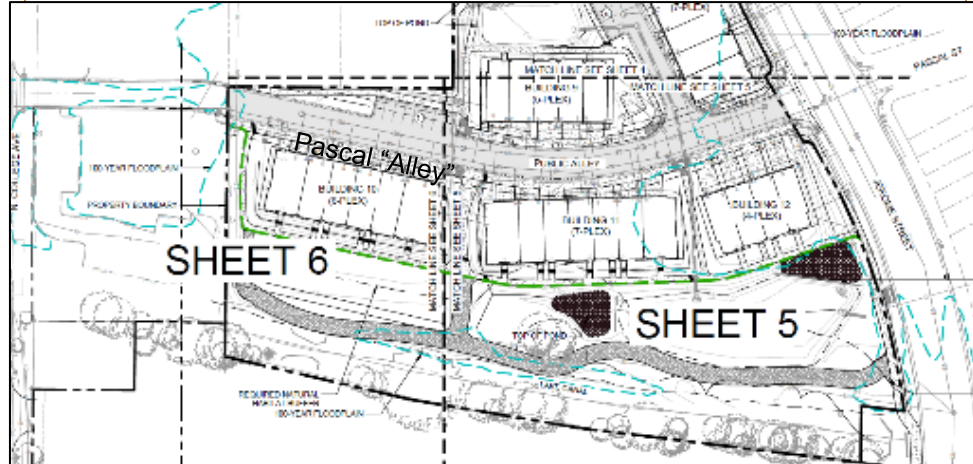
Such a street would require total redevelopment of two or more properties on the west. The street would not be needed for functionality of vehicular traffic operations given the proximity of Suniga Road 350 feet to the north.

- The exploration of various alternatives led to the proposed plan which extends the *sidewalks* in an access easement to be stubbed to the property line – shown below. This pedestrian access would be extended through any future redevelopment on abutting property.



Pascal Street. The question of how to extend Pascal Street was explored along with the Cajetan Street question.

- The resulting alley-like facility is a unique tailored solution that enables connection to North College via an existing access easement on the west. The blurry image below indicates the general arrangement which is shown clearly on the attached plans.



<p>3.6.3 – Street Pattern and Connectivity Standards</p>	<p>This Section requires the local street system to be designed to be safe, efficient, convenient and attractive considering all modes of transportation. It promotes a local street system that knits developments together, rather than forming barriers, to contribute to the street system of the neighborhood.</p> <p>Requirements overlap with Section 3.6.2 above.</p> <p>Subsection (F) requires plans to incorporate and continue any sub-arterial streets stubbed by previous development, which is pertinent to the Pascal and Cajetan Street discussions.</p> <p>The Section includes a provision enabling Alternative Compliance for an alternative plan that accomplishes the purposes as well or better than a plan that complies by extending streets per se, and requires that any reduction in access and circulation for vehicles maintains facilities for bicycle, pedestrian and transit, to the maximum extent feasible.</p> <p>The explanation under Section 3.6.2 above explains how the Pascal and Cajetan extensions comply with these requirements and provisions.</p>	<p>Complies via Alternative Compliance</p>
<p>3.6.4 – Transportation Level of Service Requirements</p>	<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 existing streets are sufficient to accommodate the project’s traffic, and the plan complies with the Level of Service (LOS) requirements and the Larimer County Urban Area Street Standards. 	<p>Complies</p>

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 streets, drives and walkways provide the needed access. 	Complies
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4. Land Use Code Article 4

The site comprises property in two zoning districts – the Service Commercial (CS) zone along the North College commercial strip, and the Community Commercial – North College (CCN) zone which encompasses Old Town North. Both zones were created in 1995 to implement the original North College Corridor Plan, and were renamed in 1997 as part of citywide rezoning in conjunction with the City Plan, the new comprehensive plan in 1997.

Both zones list the townhome use as a permitted use. Neither zone contains any development standards for the project.

A. DIVISION 4.19 – COMMUNITY COMMERCIAL – NORTH COLLEGE (CCN) ZONE DISTRICT

This zone district was created in 1995 as part of a rezoning of the North College corridor in conjunction with the first North College Corridor Plan.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.19(A) - Purpose	<p>The CCN zone is for fringes of retail/commercial core areas and corridors. It is intended for moderate intensity uses that are supportive of the commercial core or corridor, and that help to create a transition and a link between the commercial areas and surrounding residential areas.</p> <ul style="list-style-type: none"> • The project adds a transitional layer of moderate intensity development between the commercial frontage on North College and the houses in Old Town North. 	Complies
4.19(E) – Development Standards	<p>This subsection references Standards and Guidelines for the zone. Those are no longer used because the content was incorporated into the Land Use Code.</p>	NA

B. DIVISION 4.22 – SERVICE COMMERCIAL – NORTH COLLEGE (CS) ZONE DISTRICT

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.22(A) - Purpose	<p>This district is for high traffic commercial corridors where a range of uses is encouraged to create a transition from commercial operations on a highway or arterial street, to less intensive use areas or residential neighborhoods.</p> <ul style="list-style-type: none"> • The project adds a transitional layer of moderate intensity development between the commercial frontage on North College and the houses in Old Town North. 	Complies

5. Findings of Fact/Conclusion

In evaluating the request for Jerome Street Station, PDP#210009, 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 3.5.2(D)(1), Relationship of Dwellings to Streets, to allow 3 of the 12 buildings to face onto walkway spines that exceed the distance limit of 350 feet under the standard, and to face onto walkways that go around the buildings

The modification would not be detrimental to the public good and the request satisfies criterion (1) and (3) in subsection 2.8.2(H).

The modification satisfies criterion (1), “equal or better”, because the purpose of having neighborhood streets lined with homes rather than vehicle use areas is achieved in the plan; and staff and applicants found that introducing streets into the plan to comply with the standard was problematic, leading to the proposed solution which provides walkways in a framework that better serves the purpose of providing building frontage.

The modification satisfies criterion (3), “physical hardship”, because the narrowness of the parcel combined with constraints of existing abutting development precludes introducing new streets into the plan to comply with the standard.

For these reasons, the modification would not be detrimental to the public good.

- Staff supports the request for Modification of Standards to Section 3.5.2(D)(2), Street Facing Facades, to allow two buildings to have ends facing Jerome Street without including doorways as would be required under the standard.

The modification would not be detrimental to the public good and the request satisfies criterion (4), “nominal and inconsequential” in subsection 2.8.2(H).

The modification is not detrimental to the public good because the two building ends are a negligible proportion of the building frontage along the streets; and the building design provides animation with windows and provides visual interest with materials, articulation and quality design character consistent with the fronts of the buildings.

The modification satisfies criterion (4), “nominal and inconsequential” from the perspective of the entire development plan, for the reasons stated above. 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 is consistent with the Community Commercial – North College (CCN) and Service Commercial (CS) zone districts.

6. Recommendation

Staff recommends that the Hearing Officer approve the two Modifications of Standards to Land Use Code subsections 3.5.2(D)(2) and (D)(2); and approve Jerome Street Station #PDP210009, based on the Findings of Fact and supporting explanations found in the staff report.

Staff recommends one condition of approval:

The Final Plans shall dedicate Public Access Easements stubbed to the property lines on the west edge where walkways continue the Pascal and Cajetan Street sidewalks into and through the site, so that the walkways can be further extended and connected to future walkways on the abutting properties if the opportunity arises.

7. Attachments

1. Site Plans
2. Landscape Plans
3. Architecture
4. Modification Request – Building Relationship to Streets
5. Modification Request – Street-Facing Facades
6. Utility Plans
7. Plat
8. Environmental Characterization Study
9. Traffic Impact Study
10. Existing Tree Removal