

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

FINDINGS AND DECISION

HEARING DATE: January 9, 2023

PROJECT NAME: Fischer Properties

CASE NUMBER: PDP # 220007

APPLICANT
REPRESENTATIVE: Joel Weikert
Ripley Design, Inc.
419 Canyon Avenue
Fort Collins, CO 80521

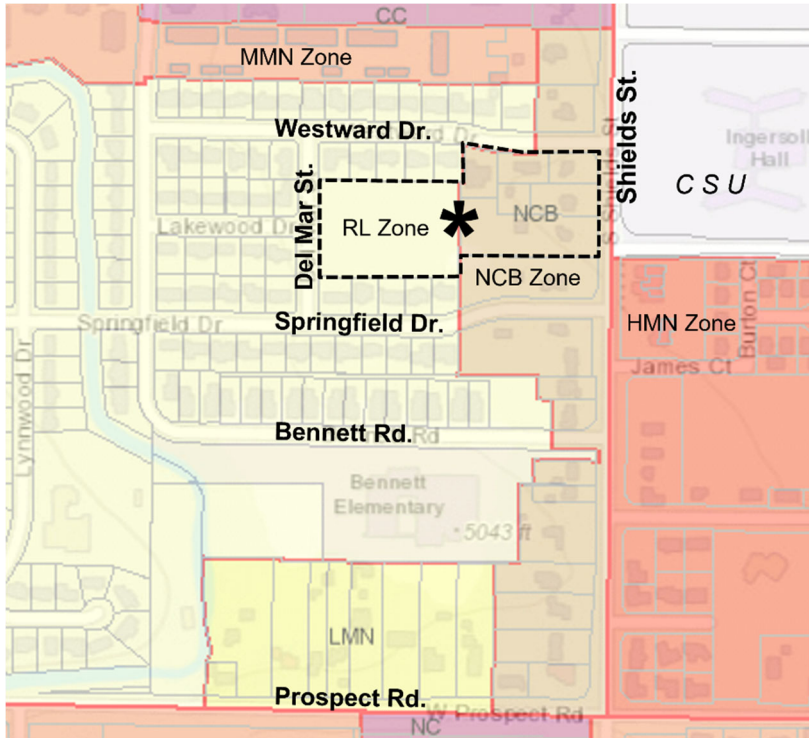
OWNER: Erik Fischer
125 Howes Street, Suite 900
Fort Collins, CO 80521

HEARING OFFICER: Lori Strand

PROJECT DESCRIPTION & BACKGROUND: The Owner owns an approximately 5.4-acre parcel of land described as Parcel Numbers 9715406034, 9715406015, 9715400007, 9715400005, 9715400002, 9715400033, and 9715400006, and generally located southwest of Westward Drive and S. Shields Street (the “**Subject Property**”). The Owner requests approval of the Fischer Properties Project Development Plan (the “**PDP**”) to develop on the eastern portion of the Subject Property a 3-story, 77-unit apartment building and to subdivide the western portion of the Subject Property into 9 single family home lots (the “**Project**”).

The Project includes the demolition of 5 houses and several accessory structures. The City previously determined that the structures proposed for demolition are Not Landmark Eligible. The Staff Report (defined below) indicates that this determination recently expired but remains valid for this PDP application. During the virtual hearing on the PDP, testimony was provided that the application for the PDP was pending at the time of expiration of the Not Landmark Eligible determination and that conditions have not changed since the determination was made. Mr. Mapes, City Planner, also testified that he confirmed with City historic preservation staff that the determination remains applicable to the PDP.

The eastern portion of the Subject Property is approximately 3.46 acres and is zoned Neighborhood Conservation Buffer (NCB). The western portion of the Subject Property is approximately 1.93 acres and is zoned Low Density Residential (RL). The zoning of the Subject Property and surrounding area is shown below:



The surrounding land uses are set forth below:

	North	South	East	West
Land Use	Detached houses across Westward Dr.	Detached houses	CSU and office buildings along Shields	Detached houses

In 2020, a portion of the Subject Property was rezoned to the NCB zone district. The ordinance approving the rezoning included the following condition of approval:

[A]ny development plan involving 1185 or 1201 Westward Drive, or both, for residential use must provide at least one parking space per bedroom.

(the “**Parking Condition**”). See Ordinance No. 122, 2020 of the Council of the City of Fort Collins Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Fischer Rezoning. The eastern portion of the Subject Property includes 1185 and 1201 Westward Drive. The apartment building includes 122 bedrooms and the PDP provides 122 parking spaces to serve the apartment building.

Access to the apartment building will be taken off of Westward Drive. Lakewood Drive will be extended eastward from Del Mar Street to serve the 9-lot subdivision. The Lakewood Drive extension will end as a cul-de-sac.

There are *no* requests for modifications of standards or for alternative compliance.

Additional background on the Project and analysis of the PDP's compliance with the City of Fort Collins Land Use Code ("**LUC**") are provided in the Development Review Staff Report, 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.

SUMMARY OF DECISION: Approved.

ZONE DISTRICTS: Neighborhood Conservation Buffer (NCB) on the eastern portion of the Subject Property, generally located along Westward Drive and Shields Street.

 Low Density Residential (RL) on the existing vacant pasture on the western portion of the Subject Property, generally located along Del Mar Street.

HEARING: This matter was heard at a virtual public hearing conducted on Monday, January 9, 2023. The Hearing Officer opened the hearing at approximately 5:30 P.M and reviewed the Rules of Conduct and Order of Proceedings with the Owner, Applicant Representatives, 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. The Staff Report.
2. Applicant narrative.
3. Site and landscape plans (10 sheets).
4. Elevations and shadow study (9 sheets).
5. Photometric plan (3 sheets).
6. Utility plans (17 sheets).
7. Subdivision plat (3 sheets).
8. Fischer Property Intermediate Transportation Impact Study dated March 2022, prepared by Delich Associates. The study analyzed the proposed development of 85 apartment dwelling units and 10 single family detached dwelling units and concluded, among other things, that the proposed development is feasible from a traffic engineering standpoint with key intersections operating acceptably during morning and afternoon peak hours in the short range future.
9. Trip generation analysis dated October 10, 2022, prepared by Delich Associates for the modified proposed development of 77 multifamily dwelling units and 9 single-family detached dwelling units. The analysis found that conclusions of March 2022 study are unchanged.
10. City of Fort Collins staff notes from February 7, 2020 neighborhood meeting.

11. Ripley Design Existing Tree Removal Feasibility Letter dated October 19, 2022.
12. Ripley Design Floor Area Exhibit re: Rear Lot Area (2 sheets).
13. Written public comment from Maureen Anderson.
14. Confirmation of order for published notice on December 21, 2022 in the Fort Collins Coloradoan.
15. Copy of mailed notice dated December 23, 2022 showing meeting date of Wednesday *[sic]* January 9, 2023 and copy of mailed notice dated December 27, 2022 showing corrected day—Monday—January 9, 2023. Email dated January 4, 2023 from Leslie Spencer, Business Support II, Community Development & Neighborhood Services, City of Fort Collins, to Katie Claypool, Business Support III, Community Development & Neighborhood Services, City of Fort Collins, explaining the initial error in referring to the day of the hearing as Wednesday (instead of Monday) and subsequent correction.
16. City staff virtual hearing power point presentation (23 pages).
17. Applicant virtual hearing power point presentation (29 pages).
18. Ordinance No. 122, 2020 of the Council of the City of Fort Collins Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Fischer Rezoning, and imposing the Parking Condition.
19. Administrative (Type 1) Hearing: Order of Proceedings.
20. Administrative (Type 1) Hearings: Rules of Conduct.
21. The City’s Comprehensive Plan, the West Central Area Plan, the LUC, 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

From the Applicant: Sam Coutts, Ripley Design
 Jeff Fleischer, architect with VFLA
 Erik Fischer, Owner

From the Public: James Burtis, 1205 Springfield Drive, spoke in favor of the Project and inquired about bicycle parking.

The public comment portion of the hearing was opened at 6:14 P.M. and was closed at approximately 6:16 P.M.

The January 9, 2023 virtual public hearing on the PDP was closed at approximately 6:28 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. Notwithstanding the error made

in the initial written notice by referring to the day of the hearing as “Wednesday” instead of “Monday,” the Hearing Officer finds that the notice substantially complied with LUC requirements; the hearing date set forth in the initial notice—January 9, 2023—was correct and City staff promptly sent a corrected notice with the accurate day of the hearing—Monday, January 9, 2023.

2. The PDP complies with the Parking Condition set forth in Ordinance No. 122, 2020.
3. Based on testimony provided at the virtual public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
 - A. The PDP complies with the applicable procedural and administrative requirements of Article 2 of the LUC.
 - B. The PDP complies with the relevant standards contained in Article 3 of the LUC as more specifically set forth in the Staff Report.
 - C. The PDP complies with the relevant standards contained in Division 4.4, Low Density Residential District, and Division 4.9, Neighborhood Conservation Buffer District, of Article 4 of the LUC, as applicable.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the Fischer Properties PDP #220007.

DATED this 18th day of January, 2023.



Lori Strand
Hearing Officer

Development Review Staff Report

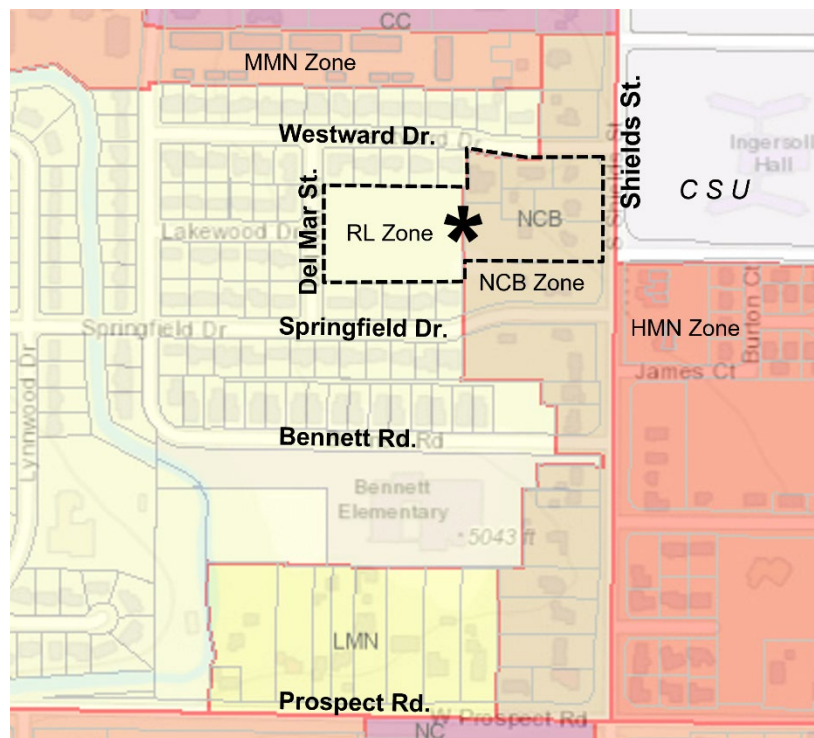
Administrative Hearing: January 9, 2023

Fischer Properties 220007

Summary of Request

This is a request for a Project Development Plan (PDP) with two parts: 1) demolish 5 existing houses around the Shields Street/Westward Drive corner, and develop a new apartment building; and 2) develop a subdivision for detached houses in the vacant western portion of the plan on Del Mar St.

Zoning Map



Next Steps

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

Site Location

Southwest corner of S. Shields St. and Westward Drive; and the pasture on Del Mar Street where Lakewood Drive terminates at a T-intersection. (Parcel #s 9715406034, 9715406015, 9715400007, 9715400005, 9715400002, 9715400033, 9715400006.)

Zoning

Neighborhood Conservation Buffer (NCB) on the properties around the Shields/Westward corner; and Low Density Residential (RL) on the vacant western pasture property along Del Mar.

Property Owner

Erik Fischer
125 Howes St. Suite 900
Fort Collins, CO 80521

Applicant/Representative

Erik Fischer
Joel Weikert, consultant with Ripley Design, Inc.
419 Canyon Ave.
Fort Collins, CO 80521

Staff

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

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Staff Recommendation

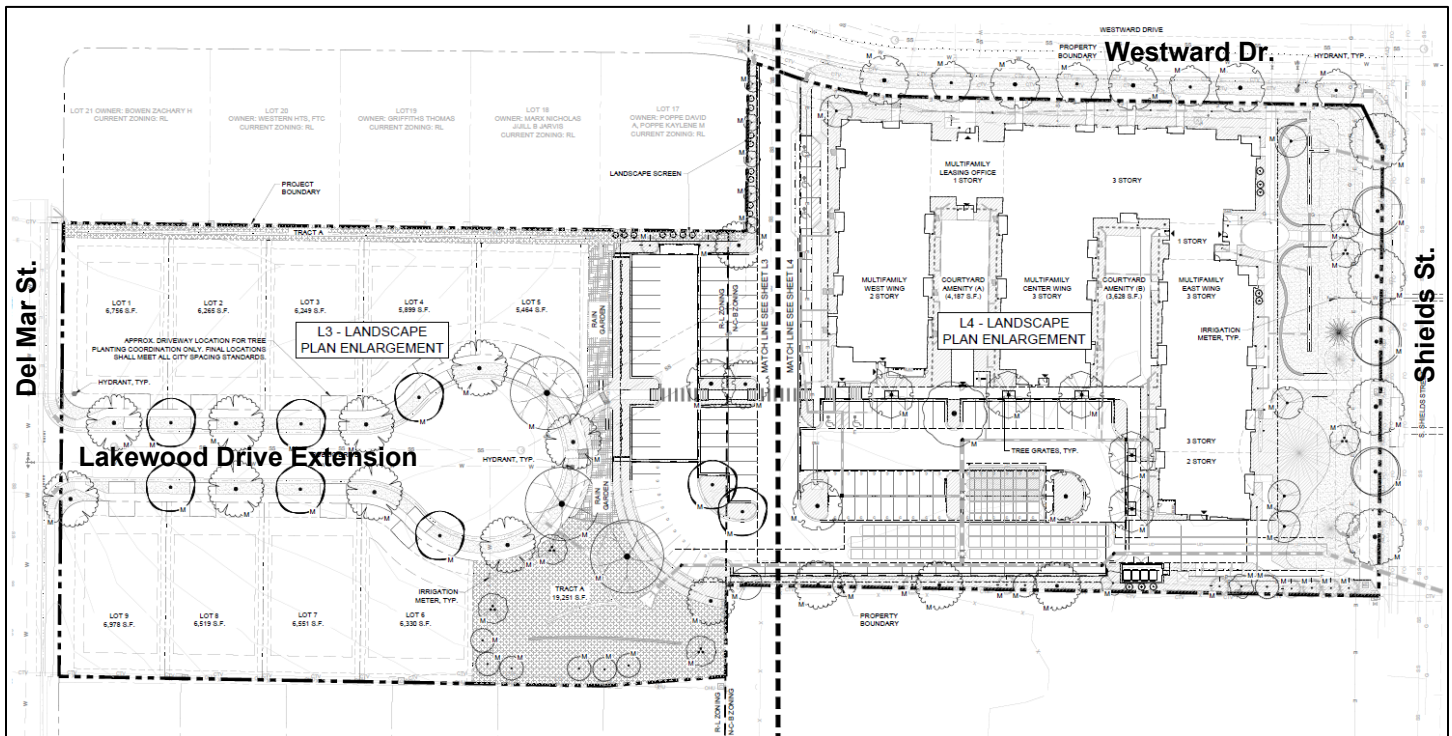
Approval of the PDP

1. Project Introduction

A. BASIC PROJECT DESCRIPTION

The applicant's narrative description is attached.

- The plan assembles 5 detached house properties around the Shields/Westward corner for complete redevelopment with a 3-story, 77-unit apartment building. The building contains 122 bedrooms in studio, 1-bedroom, and 2-bedroom dwelling units.
- The plan extends Lakewood Drive across Del Mar Street, from the west, into the western portion of the property on the east side of Del Mar Street, as a cul de sac with 9 house lots.



- Vehicular access for the apartments is on Westward Drive, a local street.
- One parking space per bedroom is provided for the apartments, to meet a condition of the prior related rezoning of 1185 and 1201 Westward (a 2020 rezone from RL to NCB).

B. SITE CHARACTERISTICS

1. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Low Density Residential (RL)	Neighborhood Conservation Buffer (NCB) and RL	CSU and High Density Mixed Use Neighborhood (HMN) across Shields St.	Low Density Residential (RL)
Land Use	Detached houses across Westward Dr.	Detached houses	CSU and office buildings along Shields	Detached houses

2. Existing Uses and Context

The two parts of the plan total about 5.4 acres. Colorado State University is directly across Shields Street, an arterial, on the east. CSU has been a major influence on the housing market in the area.

Three of the assembled properties along Shields Street are pre-war unplatted large-lot residential properties that were originally developed as ‘hobby farms’ outside of City Limits. When these houses were built, CSU was known as Colorado Agricultural College. The college became CSU in the 1950s, in the same time frame that the large 1955 Western Heights subdivision was platted and developed to the west of Shields behind the properties facing Shields. Western Heights was part of a post-war building boom, and the two other houses in the 5-property assemblage were part of that late 1950’s-early 1960’s development.

The western portion of the plan is a vacant property used as a horse pasture with access from Del Mar Street, zoned Low Density Residential (R-L). The property was originally platted with 10 lots as part of the 1955 Western Heights subdivision. The subdivision is outdated/expired and the pasture property is being replatted as part of this plan.

2. Overview of Main Considerations in Staff’s Review

60-foot setback and existing trees. The NCB zoning along Shields Street requires a unique 60-foot setback, which corresponds to the existing historic front yard setback of the existing houses. This setback area contains significant trees that create a strong landscape character along this stretch of Shields.

The setback dimension was incorporated into early plan iterations, and existing trees throughout the site were evaluated as part of that early work. Tree evaluation was done in conjunction with consideration of City requirements for drainage and stormwater detention, because development must necessarily drain toward the Shields setback area. Solutions to preserve trees in the setback area were sought, but necessary grading made it possible to keep only 4 trees, with a fifth to be transplanted, in the area.

Of the 44 trees on the property, those are the only ones that could be preserved.

Architecture. Architecture was revised in iterations to more strongly orient the apartment building to the street with street-facing front entries. Also, massing modulations were increased to mitigate the scale of the large building with proportions more compatible with the neighborhood context.

Otherwise, the three official rounds of review of plan iterations involved typical issues of fitting utility systems and adjusting the walkway framework.

Historic Evaluation. Historic significance of the existing properties proposed for demolition was evaluated as the first main consideration. They were found non-eligible for designation as historic resources that would have invoked standards for protection if found eligible.

3. Compatibility with the Comprehensive Plan

A. CITY PLAN

City Plan is the comprehensive plan for Fort Collins, providing a vision and policy direction for a 10-20 year timeframe. It provides overarching guidance for the entire community, while allowing neighborhood subarea plans to articulate more specific policies and actions within pertinent geographic areas.

General themes include: vibrant, safe and attractive neighborhoods; quality and attainable housing options for all household types and income levels; preservation and enhancement of historic resources and neighborhood character; reducing greenhouse gas emissions and improving energy efficiency; an interconnected network of parks and recreational facilities; a collaborative and community-based approach to problem-solving; inclusion and accessibility for all people; and multiple modes of safe, affordable, easy, and convenient travel.

Principles and Policies juxtapose issues related to maintaining our unique character and sense of place; and issues related to promoting infill and redevelopment as the approach to managing growth.

For example, Principle LIV 2 on page 40, “Promote infill and redevelopment”, is followed on page 41 with Principle LIV 3, “Maintain and enhance our unique character and sense of place as the community grows.”

While these two principles may reflect different perspectives, staff finds that the policies under these principles do not conflict. Pertinent examples are:

“Policy LIV 2.1 - REVITALIZATION OF UNDERUTILIZED PROPERTIES

Support the use of creative strategies to revitalize vacant, blighted or otherwise underutilized structures and buildings, including, but not limited to:

...Voluntary consolidation and assemblage of properties to coordinate the redevelopment of blocks or segments of corridors where individual property configurations would otherwise limit redevelopment potential.”

“Policy LIV 2.3 - TRANSIT-ORIENTED DEVELOPMENT.

Require higher-density housing and mixed-use development in locations that are currently, or will be, served by BRT and/or high-frequency transit in the future as infill and redevelopment occurs. Promote a variety of housing options for all income levels.”

The assemblage of property in the proposed PDP is consistent with these two policies.

A policy under Principle LIV 3 is related, reflecting a perspective of evolutionary change:

“Policy LIV 3.4 - DESIGN STANDARDS AND GUIDELINES.

Maintain a robust set of citywide design standards as part of the City’s Land Use Code to ensure a flexible, yet predictable, level of quality for future development that advances the community’s sustainability goals, e.g., climate action. Continue to develop and adopt location-specific standards or guidelines where unique characteristics exist to promote the compatibility of infill redevelopment.”

The next page 42 in City Plan juxtaposes Principle LIV 4 “Enhance neighborhood livability”, with Principle LIV 5, “Create more opportunities for housing choices.”

Again, these principles could be interpreted differently from different perspectives. For some, “enhancing neighborhood livability” could mean limiting and slowing growth and change; while “create more opportunities for housing choices” reflects a whole approach in City Plan to allow for growth and change.

With that acknowledgment, staff finds that the policies under these two principles do not conflict. Following are some relevant excerpts:

“Policy LIV 4.2 - COMPATIBILITY OF ADJACENT DEVELOPMENT

Ensure that development that occurs in adjacent districts complements and enhances the positive qualities of existing neighborhoods. Developments that share a property line and/or street frontage with an existing neighborhood should promote compatibility by:

Continuing established block patterns and streets to improve access to services and amenities from the adjacent neighborhood;

Incorporating context-sensitive buildings and site features (e.g., similar size, scale and materials); and

Locating parking and service areas where impacts on existing neighborhoods—such as noise and traffic—will be minimized.”

Policies under Principle LIV 5 reflect a perspective of expanding housing to accommodate the continuum of growth and change:

“Policy LIV 5.1 - HOUSING OPTIONS

To enhance community health and livability, encourage a variety of housing types and densities, including mixed-used developments that are well served by public transportation and close to employment centers, shopping, services and amenities.

Policy LIV 5.3 - LAND FOR RESIDENTIAL DEVELOPMENT

Use density requirements to maximize the use of land for residential development to positively influence housing supply and expand housing choice.”

Another housing policy, on the following page 43, recognizes student housing. The applicant has stated that their specific intention is not to develop student housing oriented to undergraduates, but rather to design for CSU employees, graduate students, and the community generally. Nevertheless, the plan for apartment housing cannot prescribe the tenants, and development across the street from CSU could ultimately result in student housing. Housing for students is generally acknowledged by the following policy:

“Policy LIV 6.3 - STUDENT HOUSING

Plan for and encourage new housing for students on and near campuses and in areas well-served by public transportation. Coordinate with CSU, Front Range Community College (FRCC) and other educational institutions.”

Finally, regarding City Plan, part of the overall vision of City Plan is a general shift in the mix of housing in the city toward more housing choices other than single family houses (page 29).

In weighing these pertinent policies, staff finds that the proposed plan is consistent with overall policy direction in City Plan.

B. WEST CENTRAL AREA PLAN

The proposed plan is in the West Central Area Plan (WCAP) area. The WCAP is a related element of the comprehensive plan which tailors citywide goals and policies to specific circumstances in the area.

Driving issues behind the WCAP have long been the challenges of balancing existing neighborhood character and quality of life with growth and change.

The WCAP describes the area on a continuum of change, with individual neighborhoods shaped by several forces over time, including:

- Early agricultural land use
- Incremental expansion of the city
- Colorado State University's growth
- Increased residential, commercial, and institutional development in the area and citywide
- Continued expansion of City services

The West Central area has been particularly and directly influenced by the growth of CSU, with continually increasing demand for rental housing. (pp. 2, 9, 16 in the WCAP).

The WCAP envisions significant new development or redevelopment in certain areas including the subject property within the NCB zone district. The vision is for new development that is compatible with existing neighborhoods by emphasizing residential character in apartment building design. This includes massing and scale variation for residential character, entrances facing onto the street sidewalks, roof line variation including gables, architectural details, front porches at entries. Collaboration with neighbors is expected to result in appropriate land uses and design that is sensitive to the surrounding context. (pp. 23, 25, 31, 36 in the WCAP).

4. Land Use Code Article 2 Procedural Requirements

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR 220007

A conceptual review meeting was held on August 4, 2021.

2. Neighborhood Meeting

A neighborhood meeting was held virtually online February 7, 2022. About 7 neighbors attended. Discussion was mostly question and answer, with residents noting perceptions about existing traffic and parking problems, while also noting that a parking permit program has mitigated the perceived parking problem that had previously resulted from the proximity to CSU. Also, the project follows a 2020 rezoning which included a larger neighborhood meeting to discuss the whole concept, and at that meeting the developer committed to provide one parking space per bedroom for the apartments.

3. Submittal

The project was submitted on April 29, 2022. The project was routed to all reviewing departments with three rounds of review conducted to reach the proposed plan iteration.

4. Notice (Posted, Written and Published)

Posted notice: February 1, 2022, Sign #672
Written notice: December 23, 2022, 323 letters sent.
Published Notice: January 1, 2023.

5. Land Use Code Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>Landscaping and Tree Protection Standards</p> <p>Section 3.2.1</p>	<p>This Section requires a fully developed landscape plan that addresses relationships of landscaping to sidewalks, walkways, the building, parking and circulation, adjoining properties, and users of the site in a manner appropriate to the neighborhood context.</p> <p>The plan is complete, meeting the general purposes and specific standards for irrigated landscaping with the following main components:</p> <ul style="list-style-type: none"> • Standard street tree planting along Shields, Westward, and the extension of Del Mar Street. • Parking lot interior and perimeter landscaping including a screen fence to screen the apartment parking lot from the cul-de-sac subdivision in the western part of the plan. • Mulched planting beds around the apartment building. • Turfgrass lawns in the front yards of the apartments and street parkway strips. The front yard lawn along Shields serves as stormwater detention. • The plan includes required mitigation of trees to be removed, with a combination of mitigation trees to be planted, and cash-in-lieu to be used for off-site mitigation. • An irrigation plan will be included with final plans. 	<p>Complies</p>
<p>Access, Circulation and Parking Standards</p> <p>Section 3.2.2</p>	<p>This Section requires convenient, efficient parking and circulation that adds to the attractiveness of the development. The plan is complete, meeting the purpose and standards with the following main components:</p> <ul style="list-style-type: none"> • The apartment building faces the streets with entry walkways leading directly to the sidewalks along Westward and Shields, consistent with a neighborhood pattern of homes facing streets. • Walkways along the parking lot lead to building entries on the “back” internal side of the apartment building. • A single access driveway on Westward leads to and through the apartment parking lot, which complies with standards for defined circulation and landscape islands. • A walkway links the subdivision cul-de-sac to and through the apartment complex, adding connectivity through the 10-acre block. 	<p>Complies</p>
<p>Bicycle parking:</p> <p>Subsection 3.2.2(C)(4) -</p>	<p>This subsection requires bicycle parking with at least 1 space per bedroom, with 60% enclosed and the remainder on fixed racks.</p> <ul style="list-style-type: none"> • For the 122 bedrooms, 77 spaces are provided in covered structures integrated with the architecture, and 45 fixed rack spaces are provided in a large paved service access area near the southeastern corner of the site. 	<p>Complies</p>

<p>Parking - number of off-street spaces</p> <p>Subsection 3.2.2(K)(1)(a)1.</p>	<p>This subsection requires off-street vehicle parking spaces for multi-family development, in this case within the Transit-Oriented Development (TOD) Overlay District, based on the number of bedrooms.</p> <p><u>However</u>, a 2020 rezoning of a portion of the subject property was approved with a condition that any apartment development on the property must include at least one parking space per bedroom, which exceeds the code requirements.</p> <ul style="list-style-type: none"> The plan provides 122 parking spaces for the 122 bedrooms. 	<p>Complies</p>
<p>Site Lighting</p> <p>Section 3.2.4</p>	<p>This Section requires a complete plan for adequate exterior lighting for the safety, security, enjoyment and function of the proposed land use while conserving energy and limiting spillover, glare, and obtrusive lighting generally.</p> <p>It sets a total lighting budget for the site, technical ratings for uplight, backlight, and glare, and light spillover off-site.</p> <ul style="list-style-type: none"> The lighting plan demonstrates low lighting levels with down-directional sharp cutoff fixtures and light contained within the site, in compliance with the limits. 	<p>Complies</p>
<p>Trash and Recycling</p> <p>Section 3.2.5</p>	<p>This Section requires trash and recycling enclosures that are adequate, convenient, and accessible as appropriate for the proposed use. The plan is straightforward and complete, meeting the purpose and standards.</p> <ul style="list-style-type: none"> A trash and recycling enclosure is provided at the southeast end of the parking lot where the main internal walkway meets a large paved service access area. It is to be masonry finished with cultured stone veneer to match the building, with steel columns, gates and hardware. It provides space for trash and recycling, and provides a pedestrian gate in addition to two dumpster gates. 	<p>Complies</p>

B. DIVISION 3.3 - ENGINEERING

<p>Applicable Code Standard</p>	<p>Summary of Code Requirement and Analysis</p>	<p>Staff Findings</p>
<p>Plats and Easements</p> <p>Section 3.3.1</p>	<p>This Section requires dedication of rights-of-way for public streets and easements for drainage, utilities, and emergency access as needed to serve the development.</p> <ul style="list-style-type: none"> The plan includes a subdivision plat with all necessary dedications of r.o.w. and easements for utilities. 	<p>Complies</p>

C. DIVISION 3.4 – HISTORIC AND CULTURAL RESOURCES

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Historic and Cultural Resources Section 3.4.7	<p>This Section requires evaluation of properties over 50 years old to determine eligibility as historic resources. In this case, five properties have houses over 50 years old that are to be removed.</p> <ul style="list-style-type: none"> • All five existing properties on the development site were determined Not Landmark Eligible under a review process in 2017 (1185 & 1201 Westward Dr., and 1207, 1211, & 1215 S. Shields St.). While these determinations are only valid for five years and have recently timed out, these determinations remain valid for this application. • Compatibility with the 1301 S. Shields property is encouraged but for the purposes of this project, if Planning staff considers LUC 3.5.1 compatibility requirements met, Historic Preservation will consider design compatibility requirements of 3.4.7 also met. 	Complies

D. DIVISION 3.5 – BUILDINGS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>Building and Project Compatibility Section 3.5.1 (B)-(F).</p>	<p>This Section requires the physical and operational characteristics of proposed buildings and uses to be compatible when considered within the context of the surrounding area. The standards focus mostly on building design compatibility, and also mention operational characteristics.</p> <p>The context includes the vision and policies for change in the area in adopted City plans and zoning.</p> <p>The standards are pertinent only to the apartment building. The detached house subdivision presents no compatibility issues.</p> <p>General Standard. New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a design that is complementary. In areas where the existing architectural character is not definitively established or is not consistent with the purposes of this Code, the architecture of new development shall set an enhanced standard of quality for future projects or redevelopment in the area. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed infill development. Brick and stone masonry shall be considered compatible with wood framing and other materials. Architectural compatibility (including, without limitation, building height) shall be derived from the neighboring context.</p> <p>Building Size, Height, Bulk, Mass, Scale. Buildings shall either be similar in size and height, or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures, if any, on the same block face, abutting or adjacent to the subject property, opposing block face.</p> <p>Building Materials. Exterior materials must have characteristics such as scale and proportions, detailing, color and texture for compatibility.</p> <ul style="list-style-type: none"> • The proposed uses -- apartments and a detached house subdivision -- have similar characteristics to uses within the context of existing development, and the adopted Comprehensive Plan as described previously in this report. • The design of the proposed development provides an enhanced standard of quality for the streetscape with entrances facing onto new detached street sidewalks lined with new street trees. <p>(Continued below)</p>	<p>Complies</p>

	<ul style="list-style-type: none"> • The building incorporates massing proportions, roof forms, materials, and detailing to provide residential character and pedestrian interest consistent with the standards. • Materials include lap siding, board and batten siding, cultured stone veneer, and stucco. Building mass is modulated and steps down at the south and west ends of the building. Below is the Shields-facing portion of the apartment building. 	
		
	<ul style="list-style-type: none"> • The architecture extends out into the site with structures and site walls to screen bike parking and utility meters on the “back” internal sides. 	
<p>Building Placement and Design Section 3.5.3</p>	<p>This Section promotes variety, visual interest and pedestrian-oriented streets in residential development, with high priority on building entrances and their relationship to the street. Buildings must include human-scaled elements and architectural articulation.</p> <ul style="list-style-type: none"> • The plan places the building along the street with direct walkways to entrances. • Building massing is modulated and design character is articulated with windows, balconies, front porches at entries, residential-scale materials and trim. 	<p>Complies</p>

E. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>Streets, Streetscapes, and Easements Section 3.6.2</p>	<p>This Section contains requirements for street system design including conformance with the <i>Larimer County Urban Area Street Standards (LCUASS)</i> for street design including streetscapes. It also requires easements for utilities, access, drainage or other public purposes as required by the City Engineer.</p> <ul style="list-style-type: none"> • The plan removes and replaces the existing attached sidewalks with new detached sidewalks meeting current standards. Existing driveways are removed and new curb and gutter installed in those locations. • The PDP includes utility plans and a plat that provide needed easements for utilities and drainage. 	<p>Complies</p>

<p>Transportation Level of Service Section 3.6.4</p>	<p>This Section requires a Transportation Impact Study (TIS) to evaluate the transportation system inclusive of vehicle traffic, pedestrian, bicycles and transit.</p> <ul style="list-style-type: none"> The TIS is attached. It analyzes the existing levels of service and impacts of the development. If the analysis had indicated that any mitigation measures were needed based on the new impacts, the TIS would have included recommendations in that regard. <p>It assessed the impacts of the plan on the street system in the vicinity of the proposed development in the short range (2027) future. As a result of this analysis, it concludes that the development is feasible from a traffic engineering standpoint.</p> <ul style="list-style-type: none"> The TIS notes that many of the street cross section elements were built prior to current standards. It concludes that acceptable level of service is achieved for bicycle and transit modes based upon the measures in the multi-modal transportation guidelines and the Fort Collins Pedestrian Plan. <p>The TIS was originally done based on an early plan iteration with 85 dwelling units; and then a subsequent memo was done acknowledging the proposed plan with 77 units with no new conclusions.</p>	<p>Complies</p>
<p>Emergency Access Section 3.6.6</p>	<p>This Section is to ensure that emergency vehicles can gain access to and maneuver within the project so that emergency personnel can provide fire protection and emergency services without delays.</p> <ul style="list-style-type: none"> Emergency Access Easements are provided in accordance with Poudre Fire Authority requirements. 	<p>Complies</p>

6. Land Use Code Article 4 - Applicable Standards

Article 4 of the Land Use Code contains standards for the various zoning districts throughout the City. The subject property spans two zone districts – the Neighborhood Conservation Buffer (NCB) zone and the Low Density Residential (RL) zone, Division 4.4 of the Land Use Code.

A. DIVISION 4.9 – NEIGHBORHOOD CONSERVATION, BUFFER DISTRICT

The Neighborhood Conservation, Buffer District (N-C-B) is intended for areas that are a transition between residential neighborhoods and more intensive commercial-use areas or high traffic zones that have been given this designation in accordance with an adopted subarea plan. In this case, staff finds three pertinent standards.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>4.9(B) Permitted Uses</p>	<p>The proposed multi-family dwelling is permitted subject to an administrative public hearing, based on the density of less than 24 dwelling units per acre.</p> <ul style="list-style-type: none"> The plan indicates a density of 23.55 units per acre for the apartment portion of the plan. 	<p>Complies</p>

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>4.9(D)(5) Allowable Floor Area on Rear Half of Lots</p>	<p>This standard limits floor area on the rear half of a lot to 33% of that rear lot area.</p> <p>For purposes of findings, staff and the applicants considered two “rear yard” areas – one behind Shields Street as the front, and one behind Westward Street as the front. Attachment 11 is floor area diagrams showing:</p> <ul style="list-style-type: none"> • A rear yard area behind Shields Street of 75,730 sq. ft. with 17,334 sq. ft. of floor area, or 23%. • A rear yard area behind Westward Street of 75,893 sq. ft. with 16,448 sq. ft. of floor area, or 22%. <p>In this case, the plan presents a unique situation as explained below. Staff finds that the unique situation makes the standard less important than it is on a lot in the traditional subdivision pattern. But in any case, the two rear yard measurements show compliance.</p> <p>Explanation. The NCB zone district was first created in 1991 as one of three ‘Neighborhood Conservation’ zone districts tailored to the Old Town Neighborhoods with their street-and-block grid, with houses on narrow lots with front and rear yards in the original town plat pattern.</p> <p>The three zones limit the mass of construction in rear yards, with the 33% limit in the NCB zone. The intent is to limit impacts of infill construction on neighbors’ back yards, and to generally conserve the neighborhood character established by the pattern of houses and yards.</p> <p>In 1999, the NCB zone was placed on the subject area on the west side of Shields Street pursuant to the 1999 West Central Neighborhoods Plan, with a special new provision requiring a 60-foot front setback for new buildings along Shields Street and otherwise retaining the original standards. Thus, this particular area of NCB zoning limits construction in the front yard area along with the 33% rear yard limitation. (The West Central Neighborhoods Plan was updated in 2015 as the West Central Area Plan, with the NCB zoning kept in place.)</p> <p>The proposed apartment plan eliminates the subdivision pattern of houses and yards by assembling all of the detached house parcels. Also, because the building fronts onto two streets, the plan does not have a clearly identifiable rear yard area as is typical in areas which the NCB zone was originally based upon.</p>	<p>Complies</p>
<p>4.9(D)(6)(b) Dimensional Standards</p>	<p>This standard requires a 60-foot setback from Shields Street.</p> <ul style="list-style-type: none"> • The plan provides the setback. 	<p>Complies</p>

B. DIVISION 4.4 – LOW DENSITY RESIDENTIAL DISTRICT (RL)

The RL zone is intended for predominately single-family residential areas located throughout the City which were existing at the time of adoption of this Code. The zone contains just a few basic standards for lot size/density and setbacks.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.4(B) Permitted Uses	The proposed single-family residential subdivision is permitted subject to an administrative public hearing.	Complies
Density Subsection 4.9(D)(1)	This standard requires a minimum lot size of 6,000 sq. ft. <ul style="list-style-type: none"> • All lots are larger than 6,000 sq. ft. 	Complies
Dimensional Standards Subsection 4.9(D)(2)	Standards in this subsection require at least 60 feet of lot width, 20-foot front setbacks, 15-foot rear yard setbacks, 5' interior side yard setbacks, and 15-foot side yard corner setbacks. <ul style="list-style-type: none"> • The plan provides these dimensions. 	Complies

7. Findings of Fact/Conclusion

In evaluating the proposed Fischer Properties Project Development Plan #PDP220007, staff makes the following findings of fact:

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

8. Recommendation

Staff recommends that the Hearing Officer approve the Fischer Properties Project Development Plan #PDP220007, based on the Findings of Fact and supporting explanations found in this staff report.

9. Attachments

1. Applicants Narrative
2. Site and Landscape Plans
3. Architecture
4. Lighting Plans
5. Utility Plans
6. Plat
7. Traffic Study
8. Traffic Memo Update
9. Neighborhood Meeting Notes
10. Existing Tree Removal Feasibility Letter
11. Floor Area Exhibit – Rear Yard