

Planning and Zoning Commission Hearing November 16, 2023

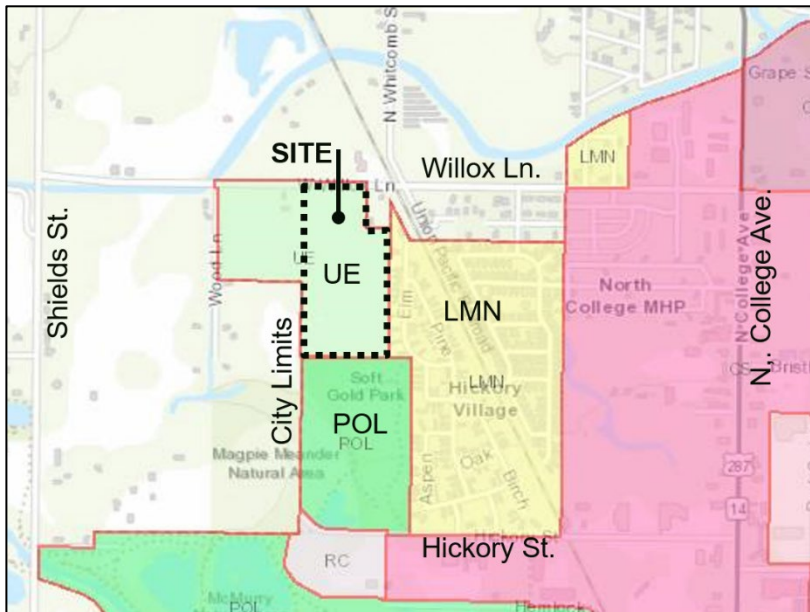
Wilcox Farm #PDP220008

Summary of Request

This is a Project Development Plan (PDP) for a residential cluster development in the Urban Estate (UE) zone district.

The plan includes two modification requests.

Zoning Map



Next Steps

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

Site Location

West Wilcox Lane, approximately halfway between N. College Avenue and Shields Street, along the current northwestern edge of the City Limits. Parcel # 9702200003

Zoning

Urban Estate (UE).

Property Owner

Capri Colorado Holdings LLC
4040 MacArthur Blvd., Ste 250
Newport Beach, CA 92660

Applicant/Representative

Kristin Turner
TB Group
444 Mountain Avenue
Berthoud, CO 80513

Staff

Clark Mapes, City Planner

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Staff Recommendation

Approval of the two Modification requests, and approval of the PDP, with two conditions of approval.



1. Project Introduction

A. PROJECT DESCRIPTION

- A previously approved standalone modification of the density standard in the UE zone set the stage for this PDP. That modification was approved by the Planning and Zoning Commission on May 21, 2021, to enable up to 4 dwelling units per acre, above the 2 per acre standard in the UE zone.
- This proposed residential cluster development plan is for 66 lots on the 19-acre property, for a density of 3.5 dwelling units per acre.

When the density modification was approved, the staff report and hearing discussion noted that two additional, related modifications would likely be a part of any subsequent development plan – one for a standard requiring 50% of the land to be open space; and another for a standard limiting the density within the residential cluster to not exceed 5 dwelling units per acre.

This PDP includes those two modifications. The group of related modifications sets the overall approach to a plan for this property. The approach is explained in the Modification of Standards section of this staff report.

Open space modification. 33% of the property is proposed as open space outside of the cluster (6.3 acres of the 19-acre property) compared to 50% under the standard.

Density within the residential cluster – modification. 5.2 dwelling units per acre is proposed, compared to 5 under the standard.



A 70-100-foot wide landscape setback area is provided along Willox Lane with cottonwood trees, shrub plantings, and native grass seeding.

A trail runs along the entire east edge of the property, in a 35-50-foot landscape corridor, from Willox Lane to the trail and walkways in Soft Gold Park on the south, which ultimately provide access to the Poudre River Trail system via the Hickory Spur to the south.

The plan requires coordination with adjoining property owners regarding utility and drainage easement issues. Staff finds two conditions of approval necessary regarding those easements:

1. There is a question among property owners about a pre-existing easement agreement, for which staff recommends a condition that “any pre-existing easement that may exist in conflict with the plan must be removed prior to signing Final Plans”.
2. Drainage flows to the south across City-owned park and natural areas property, for which staff recommends a condition that “any off-site easement(s) required for drainage across adjacent properties must be approved and recorded prior to signing Final Plans”.

B. DEVELOPMENT STATUS/BACKGROUND

1. Annexation and Planning

The property was annexed in 2005 as part of the Crawford Annexation comprising this parcel and the abutting parcel to the west.

In 2006, a cluster plan called Arcadia was approved on the two parcels. Those applicants did not proceed, and the plan expired. The abutting parcel to the west is now occupied by Garden Sweet farm stand.

The property currently consists of pasture grass, with no notable features.

The current applicants initially submitted a request to rezone the property from UE to Low-Density Mixed-Use Neighborhood (LMN), in early 2021. Staff did not support that request based on the range of land uses and density allowed under LMN zoning, finding that it would not fit the transitional semi-rural edge of the city at this location.

The only aspect of LMN zoning that the applicants were actually seeking was to enable a plan with the *minimum* required density of 4 dwelling units per acre, and so staff and the applicants agreed that a density modification request under the UE zoning was the better way to do that.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	County C, Commercial and O, Open	Public Open Lands (POL)	Low-Density Mixed-Use Neighborhood (LMN)	Urban Estate (UE) and County O, Open
Land Use	Welding shop and dog kennel	Soft Gold Park	Hickory Village manufactured housing community	Garden Sweet farm and farm stand, and large rural residential lots

C. SALIENT ISSUES IN STAFF’S REVIEW

The plan has had 5 rounds of review with numerous meetings to clarify and resolve issues.

The main land use planning and design consideration was the allocation of open space in the cluster plan for certain purposes to justify the modification for less than 50% of the plan area.

The plan requires extensive coordination and collaboration with neighboring property owners on several issues:

- The location at the edge of City Limits presents major challenges for extending water, sewer, and electric utilities to serve development. Through the process of exploring all alternatives, these services have been designed to connect to Hickory Street ¼ mile to the south, crossing through the intervening Soft Gold neighborhood park with significant construction needed in a corridor through the park.
- Coordination with City Parks includes a trail connection linking the park and the trail along the east edge of the plan connecting to Willox. This trail connection fits with long-term City plans to link to Natural Area property across Willox to the north, along Dry Creek.
- Coordination with City Parks also includes an easement along the west side of the property to bring non-potable irrigation water to the park from the Larimer & Weld Canal on the north side of Willox.

- Stormwater drainage from the proposed development crosses both the park and the adjoining Magpie Meander Natural Area, requiring a process to procure easement(s) which is still being worked on.
- The neighboring property on the west has past sewer and drainage easement agreements on the subject property related to the existing agricultural uses on the properties, which have required analysis of discussion that may continue beyond the hearing, to be resolved prior to Final Plan signing.
- Similarly, a small vestigial ditch lateral currently runs across the north edge of the property, and required specialized research to historical creation of ditches in the area.

2. Comprehensive Plan

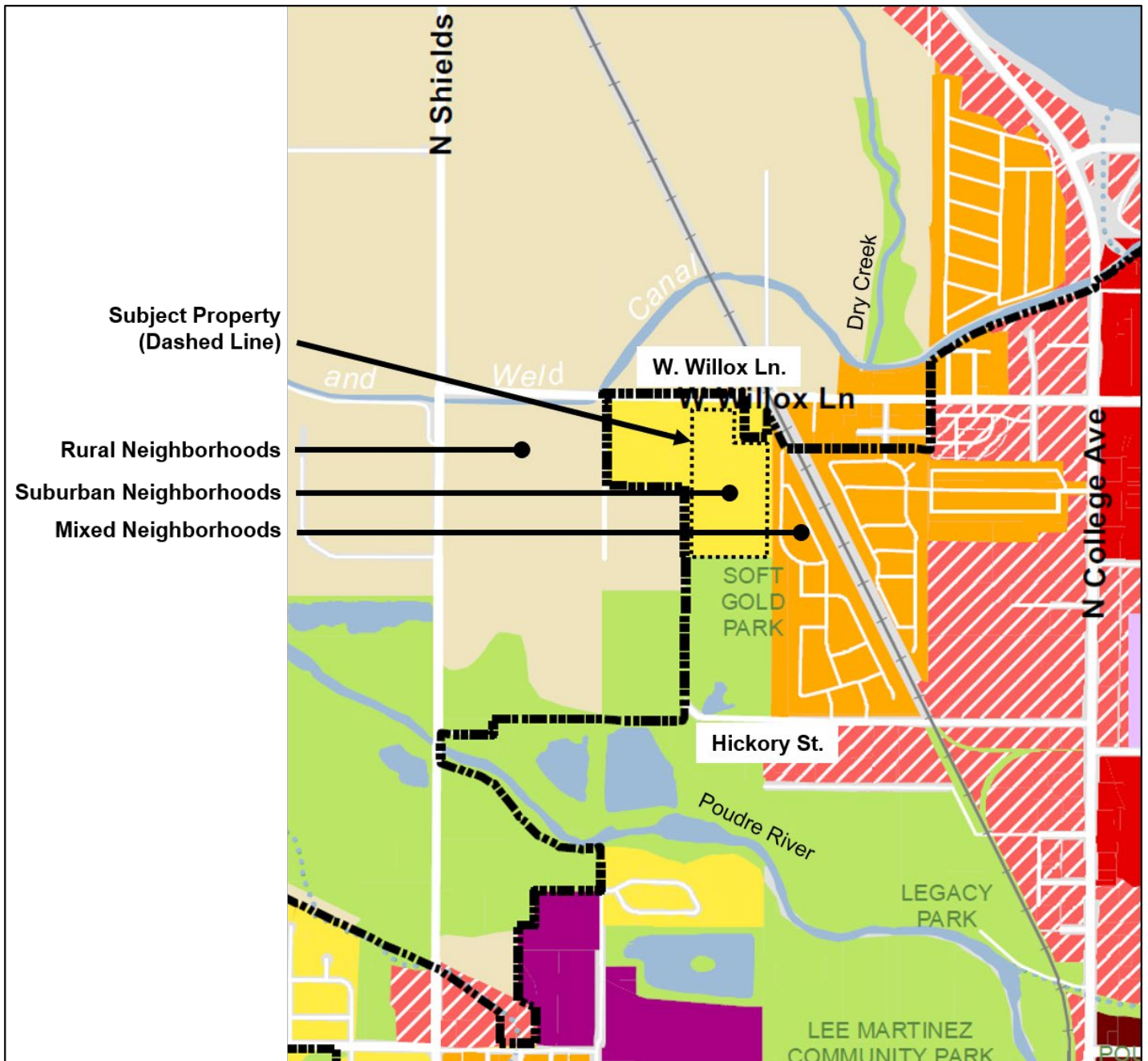
A. CITY PLAN

City Plan is the City's comprehensive plan for land use, transportation, and transit. The Structure Plan map and its accompanying 'place types' are directly pertinent to the request. They provide a framework and a guide for development questions such as the previous density modification request, and the proposed development plan.

The property is in a transitional location among different neighborhood place types that are described in the 2019 City Plan on pp. 97-98. The descriptions include density ranges to help characterize the neighborhoods as envisioned now and in the future.

- The Mixed Neighborhood place type abuts the subject property on the east, with a density range of 5-20 homes per acre, typically in the range of 7-12. The abutting Hickory Village manufactured housing community has a density of 6.4 homes per acre.
- The Rural Neighborhood place type abuts the south half of the subject property on the west. Its density range of up to 2 homes per acre.
- The subject property is in the Suburban Neighborhood place type together with abutting property the north half of the subject property on the west. Its density range is 2-5 homes per acre.

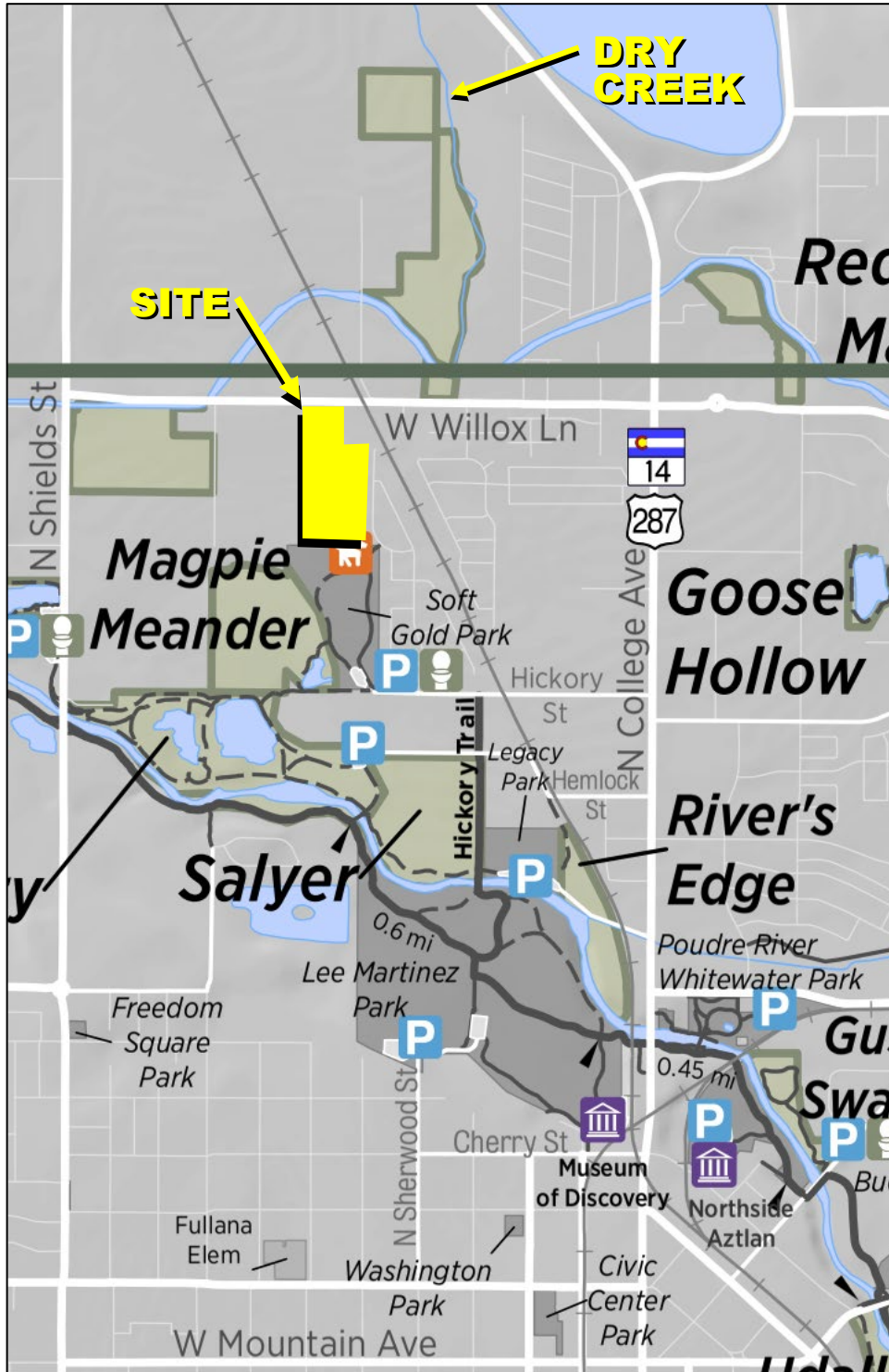
The following graphic shows this land use transition on the Structure Plan map in this area, with the site outlined.



The City's Structure Plan shows this site as a "suburban neighborhood" place type, envisioned for densities between 2-5 du/acre, comprising predominately detached homes.

B. NATURAL AREAS MASTER PLAN

The Natural Areas Master Plan is indirectly pertinent. It establishes Focus Areas for the Natural Areas Program and one of these includes conservation of the nearby Dry Creek corridor north of Willox. Dry Creek offers wildlife habitat and possible access to nature for this North College/northwest edge of the community. Current Natural Areas properties are shown in olive green on the excerpt from the Natural Areas map below.



The Dry Creek properties are part of a larger focus on conserving open and rural lands in this vicinity at the northwest edge of the city generally.

3. Public Outreach

A. NEIGHBORHOOD MEETINGS

A neighborhood meeting was held remotely on January 7, 2021. 389 letters were mailed. Notes are attached. The meeting was held in regard to the original request for rezoning, which was subsequently resubmitted as the request for the density modification. The applicants presented a conceptual development plan, and the proposed PDP is consistent with the plan discussed at the meeting.

Approximately eight neighbors attended. Several attendees observed without speaking.

The general theme of comments and questions was that residents of the nearby rural residential and rural commercial properties value the existing character. The one other topic of repeated comments and questions was increasing traffic on Willox Lane.

One attendee, the abutting neighbor who owns the Garden Sweet farm, spoke in support of the prospective development.

4. Land Use Code Article 2

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR 200080

A conceptual review meeting was held on November 5, 2020. A previous CDR for a similar inquiry was also held September 13, 2019.

2. First Submittal

The application was submitted on April 25, 2022.

3. Neighborhood Meeting

Held January 7, 2021.

4. Notice (Posted, Written and Published)

Posted Notice: Sign #587.

Written Hearing Notice: May 6, 2021, 389 addresses mailed.

Published Notice: November 5, 2023..

B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The Land Use Code is adopted with the recognition that there will be instances where a project would support the implementation of City Plan, but due to unique and unforeseen circumstances would not meet a specific standard of the Land Use Code as stated. Accordingly, code standards include the provision for 'Modification of Standards' to enable approval of a plan that does not comply with standards as written.

The plan involves two modifications of standards:

One to allow the open space in the UE cluster plan to comprise 33% of the land as alternative to the 50% standard; and

the other to allow the density of the residential cluster itself to be 5.2 dwellings per acre within the cluster, which slightly exceeds the standard of 5.

Both of these modifications were foreseen as likely when the previously approved standalone modification for increased density was approved on the site.

The modification process and 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 UE Cluster Development Standard – Subsection 4.2(E)(2)(b) – 50% Open Space

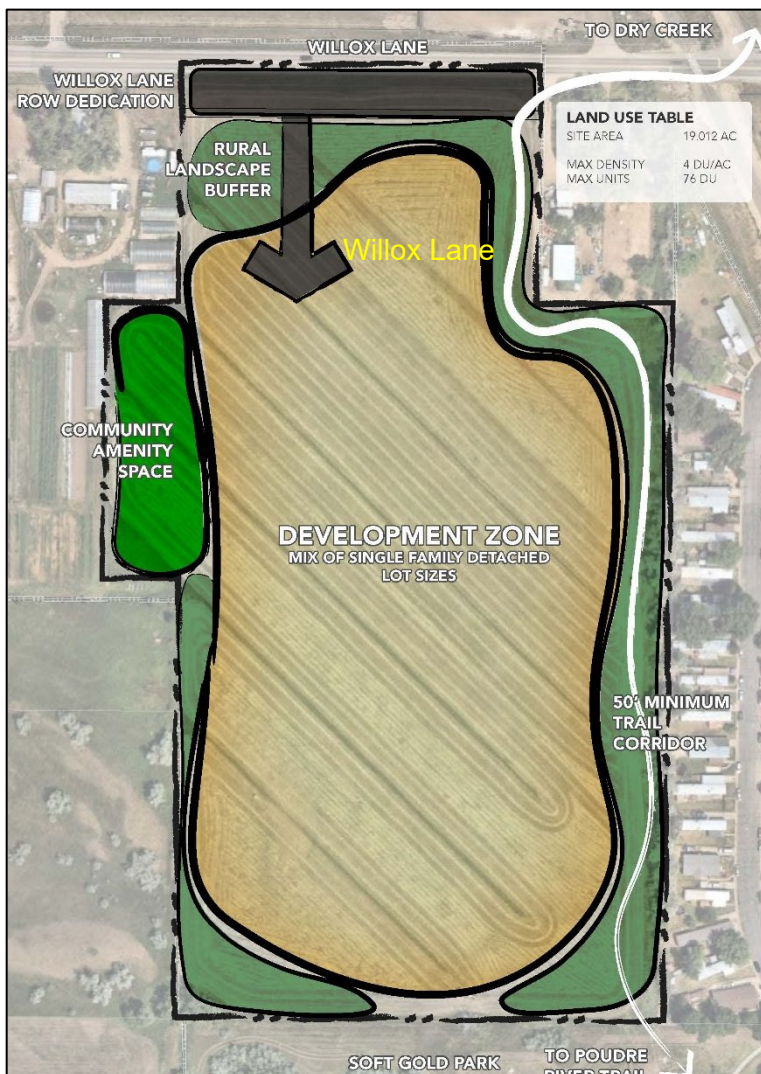
Discussion

The essence of the UE zone district is to allow either ½-acre-lot subdivisions, or alternatively to allow more efficient development with smaller lots if they are clustered on 50% of the land or less, with at least 50% of the land as open space in some form.

The proposed plan includes a modification to allow 33% open space in clustered development plan, rather than the standard of 50%.

The overall intent of the zone is to retain a sense of semi-rural or open character, with the UE zone generally located as a transition adjacent to more rural or open land areas in the city's overall land use pattern.

In this case, when the previous standalone density modification was brought to hearing, staff discussed the expectation that the increased density would also create a need for a modification of the 50% open space number in a development plan (and also possibly for the density limit within the residential cluster), which proved to be the case.



The prior density modification was accompanied by this conceptual plan diagram showing some parameters for aspects of open space and development with the requested density.

The premise for supporting that modification was that there is no specific benefit to having 50% of the land left open; rather, that the useful functions of open space in this specific location could be realized, with a number less than 50%.

In this case the functions were different for landscape areas around the four edges: the main public perception of landscape character along Willox; a trail corridor along the east edge; drainage and a landscape buffer along the west edge; and stormwater treatment and detention on the south side next to Soft Gold Park.

In 2021, staff and applicants considered including a related modification request for the % number along with the standalone density request but weren't sure enough about the number and also thought that the P&Z Commission could better evaluate that in an actual PDP.

Summary of Applicant Justification:

The applicant's modification request is attached. The request is based on lack of detriment to the public good, and on subparagraph (1) above – “equal or better”. It explains seven points:

Perimeter landscape corridors buffer the current abutting land uses on the east and west.

A generous landscape buffer on Willox Lane ranges from 70' to 100' deep and allows for a more semi-rural aesthetic with room for cottonwood trees and large shrub plantings including lilacs, which are often found on old farm properties, and native plantings.

The large detention pond area forms a landscaped transition from Soft Gold Park to the subdivision, expanding the continuous open area, and provides a generous space for a trail connection to the trails in the park.

The trail corridor connection completes a stretch of the desired long term overall trail network for the city.

The landscaping along the west edge contains needed easements as well as a space that is proposed as an orchard-like bosque of ornamental trees to complement the current adjacent Garden Sweet farm.

The primary public perception of the property is along Willox Lane, but the City's street standards will dramatically change the semi-rural character of this stretch of the street to a more suburban character with curb, gutter, sidewalk, and a formal row of street trees.

The project complies with the purpose and intent of the UE zoning district as a low density project with a significant amount of permanent open space provided. The houses will serve as an appropriate transition from Hickory Village manufactured housing community on the east, which has higher density and limited open space, to agricultural property to the west.

The applicants note that they have invested in collaboration with the City Parks Department on providing non-potable water to Soft Gold Park and the significant trail connection between Soft Gold Park and Willox Lane. These efforts, and related collaboration with the neighbor to the west on water and sewer service, have added to the needs for investment in planning and design, and the applicant explains that the allocation of lots and open space is a key factor in feasibility.

Staff Findings

Staff finds that the request is not detrimental to the public good, and satisfies criterion (1) subparagraph (1) in subsection 2.8.2(H) above -- “equal or better”.

Detriment to the public good. Staff's finding is based on the following considerations:

The plan is consistent with the City Plan 'Suburban Neighborhood' place type because of the way it forms a transition from the 'Mixed Neighborhoods' designation on the east, through the 'Suburban Neighborhoods' designation on this property, to the 'Rural Neighborhoods' designation on the west, as envisioned on the **City Structure Plan** map.

The transition on the ground is from the mobile home park at 6.4 dwelling units per acre with no open space, to 3.5 d.u./acre in this plan, to agricultural properties on the west that, if annexed and developed, would presumably develop under urban estate zoning with the potential of 2 d.u./acre. The general transition of about 6-4-2 was noted in the prior density modification, and open space is a related aspect of the transition.

The most pertinent, functional allocation of open space on this property is in corridors around the perimeter which the plan provides. This was a basis for the previously approved density modification.

This approach to open space is different from the typical planning concept for clustered developments, which is to retain open space in large contiguous blocks of land to maintain a degree of semi-rural character in some form. Ideally, that conservation would include the best 50% of the land for purposes such as habitat, natural features, conforming to terrain, open vistas, preserving native vegetation, or agricultural use.

Code standards also specifically mention amenities such as parks, trails, and access to public recreational areas and open space; and buffering for adjacent residential development through landscaping, screening, fencing, buffering or similar measures, which are pertinent in this case.

In this case, the property is a featureless pasture, and the pertinent purposes for open space on this site are landscaped visual buffer areas and a trail corridor.

The main public perception of a transition to more semi-rural character is **along West Willox Lane**. The plan's landscape setback along Willox contributes to this perception, with room for cottonwood trees and shrub plantings intended to relate to nearby semi-rural properties.

Staff notes that one of the main aspects of the area's semi-rural look and feel is the informal roadside landscape; and the City's street standards create a very noticeable change in character to an urban/suburban look and feel with standardized curb, gutter, sidewalks, and a formal row of urban street trees. This undermines whatever visual character might be gained if the plan were to have more landscape area and correspondingly fewer homes, to meet the 50% standard.

Along the east side, another public open space benefit is provided by the trail corridor between Willox and Soft Gold Park which meets needs/desires of the City's Natural Areas Program in the area.

Along the south side, open space adjoining Soft Gold Park expands the open landscape area at the north end of the park.

Along the west side, a landscape area provides buffering along adjoining farmhouse-type properties with agricultural uses.

These open spaces contribute to a larger pattern of open space conservation and park space, semi-rural development, and rural properties in this northeastern edge of the city.

The smaller dimensions of the open space areas due to the 33% number versus the 50% standard do not diminish from the usefulness or functions of the spaces.

Criterion (1), "Equal or better". Staff finds that this development plan with 33% open space can accomplish the purposes of the standard as well as a plan with the standard 50% number of homes for the reasons stated above.

When staff first considered the density modification in 2021, the merits of alternative approaches to a plan were explored. The importance of 50% open space was a basic consideration, and staff did not see a particular purpose for a large block of open space. In a hypothetical plan with standard UE density and a contiguous block of 50% open space – about 10 acres – the open space would presumably be the southern half of the property because drainage runs that way and a detention pond would necessarily be part.

2. Modification of a UE Cluster Development Standard – Subsection 4.2(E)(2)(c) – Density Within the Clustered Residential Development

Overview

Another standard for cluster developments is a limit on the density within the cluster of homes, to 5 dwelling units per acre.

The plan includes a modification to allow for a density of 5.2 dwelling units per acre, exceeding the stated standard of 5 du/acre. Similar to the 50% open space modification, this was anticipated in discussion of the standalone density modification in 2021.

Staff is not certain of the purpose of this standard because in a cluster development, the point is to keep the residential development in a compact cluster. The higher the density of the cluster, seemingly the better.

Duplexes and townhomes are permitted, and those housing types would lend themselves to slightly higher densities than 5 per acre, with correspondingly more open space.

Summary of Applicant Justification

The applicant’s modification request is attached. The request is based on lack of detriment to the public good, and on subparagraphs (1) and (3) above – “equal or better” and “physical hardship”.

The request notes mainly that the density within the residential cluster would not be perceivable to the public.

Staff Findings

Staff finds that the modification would not be detrimental to the public good and satisfies criteria (1) and (4) in subsection 2.8.2(H) -- “equal or better” and “nominal and inconsequential when considered from the perspective of the entire plan”.

Detriment to the public good.

The difference between a plan with a density number of 5 or 5.2 du/acre would not be apparent to the public. A compliant plan would have 4 fewer homes (62 vs 66). That would provide no significant public benefit, whether it was accomplished by allocating the lot area as open space or as larger lots among the 62.

Criterion (1), “equal or better.”

For the reasons stated above, the plan meets the purpose of the standard equally well as a plan with the stated standard of 5 du/acre.

Criterion (4), “nominal and inconsequential.”

For the reasons stated above, the additional density within the residential cluster is nominal and inconsequential from the perspective of the entire development plan, and the plan with the modification still advances the purposes of the Land Use Code in Section 1.2.2.

5. Land Use Code Article 3 – General Development Standards

Few standards in Article 3 apply to the detached dwelling subdivision.

A. DIVISION 3.2 - SITE PLANNING AND DESIGN STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.2.1 Landscaping and Tree Protection</p>	<p>The standards of this section require development plans to demonstrate a comprehensive approach to landscaping that enhances the appearance and function of the neighborhood, buildings, and pedestrian environment.</p> <ul style="list-style-type: none"> • The PDP includes a complete landscape plan including: <ul style="list-style-type: none"> ○ Streets are lined with street trees in irrigated grass parkway strips. ○ The landscape setback along Willox Lane is designed to reflect semi-rural character and relate to older residential properties nearby, particularly with cottonwood trees and lilacs. ○ Native seed mix and tree planting in open space areas. ○ Detention pond seed mix. ○ An orchard-style bosque of ornamental trees in an open space area along the west side. 	<p>Complies</p>

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2.2 – Access, Circulation and Parking – General Standard	<p>This standard requires that development projects accommodate the movement of vehicles, bicycles, pedestrians, and transit throughout the project and to and from surrounding areas safely and conveniently and contribute to the attractiveness of the neighborhood. In compliance, the PDP includes the following:</p> <ul style="list-style-type: none"> • A trail system connecting to the park on the south and Willox Lane on the north. 	Complies
3.2.2(C)(6,7) Direct On/Off-Site Access to Pedestrian and Bicycle Destinations	<p>These standards require that the on-site/off-site pedestrian and bicycle circulation system be designed to provide for direct connections to major pedestrian and bicycle destinations.</p> <ul style="list-style-type: none"> • The plan provides a trail connection to the City's larger trail system. 	Complies
3.2.4 – Exterior Site Lighting	<p>The purpose of this Section is to ensure adequate exterior lighting for the safety, security, enjoyment and function of the proposed land use; conserve energy and resources; reduce light trespass, glare, artificial night glow, and obtrusive light; protect the local natural ecosystem from damaging effects of artificial lighting; and encourage quality lighting design and fixtures.</p> <p>Lighting standards are limits on the total quantity of light in measured in lumens, detailed technical ratings for fixtures, and light trespass (spillover) across property boundaries.</p> <ul style="list-style-type: none"> • Lighting will be provided on houses and will be reviewed at the building permit stage. 	Complies

B. DIVISION 3.3 - ENGINEERING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1(C) – Public Sites, Reservations and Dedications	<p>This standard requires the applicant to dedicate rights-of-way for public streets, drainage easements and utility easements as needed to serve the area being developed.</p> <ul style="list-style-type: none"> • The project includes a subdivision plat that provides right-of-way for Willox Lane improvements, and all necessary easements. 	Complies

C. DIVISION 3.6 - TRANSPORTATION AND CIRCULATION

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.6.2 – Streets, Streetscapes, Alleys, and Easements	<p>This Section requires transportation network improvements for public health, safety, and welfare, with requirements in accordance with the Larimer County Urban Area Street Standards and requires necessary easements for utilities and access.</p> <ul style="list-style-type: none"> The plan reconstructs its Willox Lane frontage to current standards. The plan includes a subdivision plat that dedicates needed ROW and easements. 	Complies
3.6.3(F) – Street Pattern and Connectivity Standards	<p>This Section requires development plans to provide for future street connections to adjacent developable parcels.</p> <ul style="list-style-type: none"> The plan extends a new street to the developable property on the west. 	Complies
3.6.4 – Transportation Level of Service Requirements	<p>This Section contains requirements for the transportation needs of proposed development to be safely accommodated by the existing transportation system, or by appropriate mitigation of impacts to meet adopted Level of Service (LOS) standards.</p> <p>A Traffic Impact Study was reviewed and accepted by staff. The 61-page study is attached. It concludes that no operational concerns related to levels of service were identified. The only mitigation improvement recommended is a westbound left turn lane on Willox.</p> <ul style="list-style-type: none"> The plan includes a westbound left turn lane on Willox. Pedestrian and bicycle access is noted as being provided via the trail system. 	Complies
3.6.6 – Emergency Access	<p>This Section requires access for emergency vehicles and services.</p> <ul style="list-style-type: none"> The project has been reviewed by Poudre Fire Authority (PFA) and currently meets the needs and requirements of PFA regulations. The single point of access is compensated for with a requirement for fire sprinklers in the houses. 	Complies

D. DIVISION 3.7 - COMPACT URBAN GROWTH

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.7.3 – Adequate Public Facilities	<p>The proposed project provides adequate service design for water, wastewater, storm drainage, fire and emergency services, and electric facilities. There are no special needs or requirements necessary to serve the development.</p>	Complies

6. Land Use Code Article 4

A. DIVISION 4.2 – URBAN ESTATE DISTRICT (UE)

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.2(A) - Purpose	<p>The Urban Estate District is intended to be a setting for a predominance of low-density and large-lot housing, typically near city edges. The main purposes of this District are to acknowledge the presence of the many existing subdivisions which have developed in these areas, including County subdivisions that function as parts of the community; and to provide additional locations for similar development in transitional locations between more intense urban development and rural or open lands.</p>	Consistent with Purpose
4.2(D)(1)(a)&(b) Density/Intensity	<p>These standards limit overall density to 2 dwelling units per acre. Lot sizes must be ½ acre or larger if dwellings are not clustered in a portion of a development plan that provides at least 50% of the land as open space.</p> <ul style="list-style-type: none"> • The density modification approved in 2021 for up to 4 du/acre was based on the proposed approach to a residential cluster plan. 	Complies via prior modification
4.2(E)(2)(b)	<p>This standard requires cluster developments to set aside at least 50 percent of the land area in the plan as private or public open space that is permanently preserved as open space.</p> <ul style="list-style-type: none"> • The plan includes a modification request to allow for 33% open space. This request is related to the previously approved modification for overall density as explained in the Modification of Standards section above in this report. 	Modification Requested
4.2(E)(2)(c)	<p>This standard limits the density within the residential cluster portion of a cluster development plan to 5 d.u./acre.</p> <p>The plan includes a modification request to allow for 5.2 d.u./acre. This request is related to the previously approved modification for overall density as explained in the Modification of Standards section above in this report.</p>	Modification Requested

7. Findings of Fact/Conclusion

In evaluating the Willox Farm Project Development Plan #PDP220008, staff makes the following findings of fact and conclusions:

1. The Project Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
2. The Project Development Plan complies with applicable criteria for approval of Modification of Standards located in Division 2.8 of the Land Use Code.

Staff supports the requests for Modification of Standards to Section 4.5(E)(2)(b) and (c), open space in a residential cluster plan and density within a residential cluster.

The open space modification would not be detrimental to the public good and the request satisfies criterion (1) in subsection 2.8.2(H) because the important functions of open space on this property are accommodated in the plan.

The density within the residential cluster would not be detrimental to the public good and the request satisfies criteria (1) and (4) in subsection 2.8.2(H) because the difference would not be perceivable by the public.

3. The Project Development Plan complies with pertinent standards located in Article 3 – General Development Standards.
4. The Project Development Plan complies with pertinent standards located in Division 4.5 Low Density Mixed-Use Neighborhood in Article 4 – Districts, by way of two modifications of standards.

8. Recommendation

Staff recommends that the Planning and Zoning Commission make a motion to approve the two Modifications of Standards to Land Use Code subsections 4.5(E)(2)(b) and (c); and approve Willox Farm Request #PDP220008 based on the Findings of Fact and supporting explanations found in the staff report.

Staff recommends two conditions of approval, to be satisfied prior to signing Final Plans, as follows:

1. Any pre-existing easement that may exist in conflict with the plan must be removed prior to signing Final Plans.
2. Any off-site easement(s) required for drainage across adjacent properties must be approved and recorded prior to signing Final Plans.

9. Attachments

1. Site and Landscape Plans Set
2. Modification for Open Space %
3. Modification for Density Within the Residential Cluster
4. Utility Plans
5. Plat
6. Traffic Impact Study
7. Letter of Intent for Utility and Trail Easement(s) Across Park
8. Letter of Intent for Drainage Easement(s) Across Natural Area & Park
9. Neighborhood Meeting Notes