

Planning & Zoning Commission Hearing: November 16, 2023

## 209 Cherry Street Multifamily Development – #PDP230006

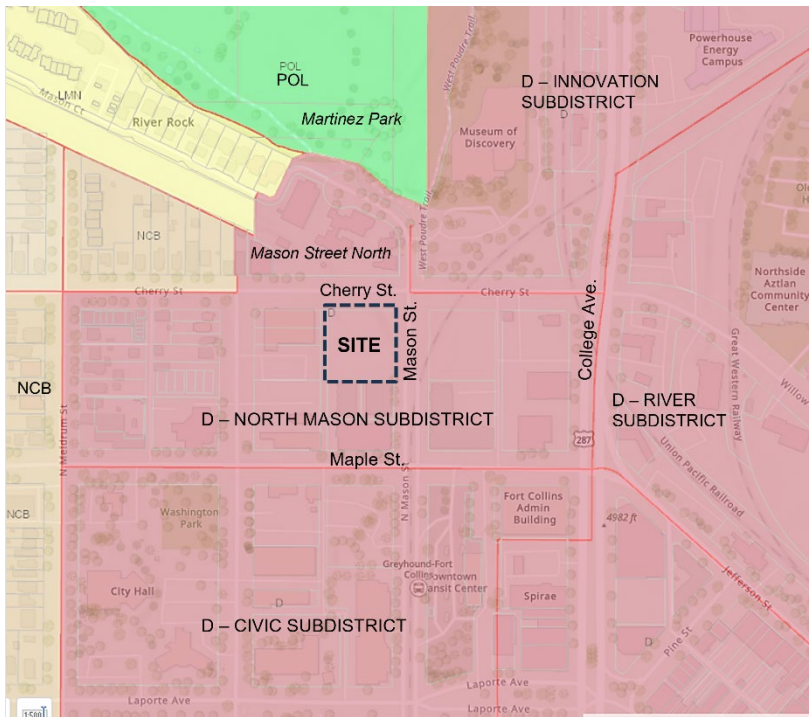
### Summary of Request

This Project Development Plan (PDP) proposes to develop a seven-story residential building with structured parking.

The plan includes requests for two modifications of standards.

Staff recommends two conditions of approval.

### Zoning Map



### Next Steps

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

### Site Location

209 Cherry Street, SW corner of Cherry and Mason Street.  
Parcel # 9711182002.

### Zoning

Downtown (D) North Mason Subdistrict

### Property Owner

209 Cherry Street LLC  
1201 E Wilmington Ave Ste 115  
Salt Lake City, UT 841063774

### Applicant/Representative

Mary Taylor  
Russell + Mills Studios  
506 S. College Ave., Unit A  
Fort Collins, CO 80524

### Staff

Clark Mapes, City Planner

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### Staff Recommendation

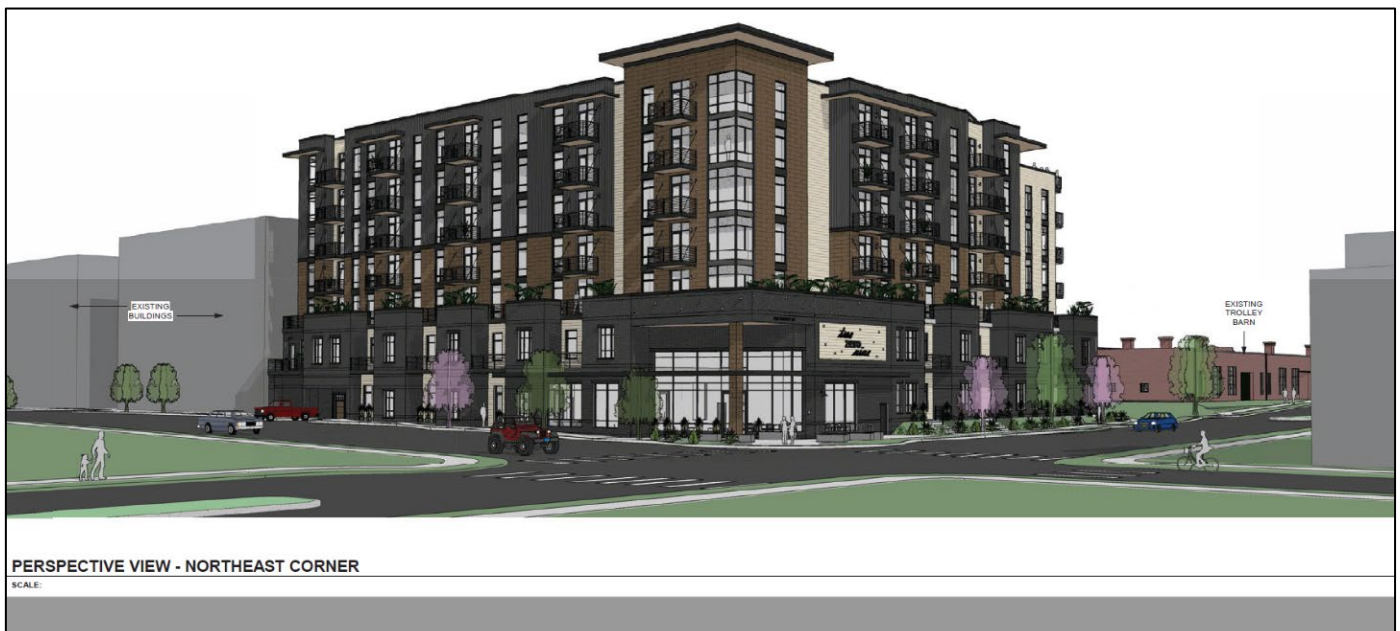
Staff recommends approval of the Modifications of Standards, and approval of the Project Development Plan with two conditions of approval.

## 1. Project Introduction

### A. PROJECT DESCRIPTION

The applicant's narrative (attached) describes the overall intent of the project including the modification requests. Main aspects are:

- The building contains 112 dwelling units in a mix of studio, 1, 2, and 3-bedroom units.
- 91 parking spaces are provided within the building on the ground floor and one level underground.
- A complete new streetscape is created along both Mason and Cherry with a main entrance plaza at the corner. The existing curb, gutter and sidewalk along Mason Street are reconstructed, which eliminates existing parallel parking (4 spaces) in order to increase space for a new sidewalk and landscaping along the sidewalk. Curb and gutter reconstruction extends around the corner and about 60 feet to the west along Cherry Street.
- The plan provides its portion of the 'Civic Center Spine' – a long-planned pedestrian promenade – which runs north-south through the block along the western 25 feet of the property. Apartments with entrances and patios front onto the spine, along with a secondary entrance to the whole building.
- Two Modifications of Standards are included:
  - One is to allow for a height limit standard which is stated as 6 stories, 85 feet. The plan fits 7 stories within the 85 foot limit.
  - The second is for 'Street Frontage Types' standards for space between the curb and building.
- The building design provides:
  - A 2-story brick base similar in height to the historic brick streetcar barn (aka trolley barn), adjacent to the west, and windows designed to relate to the car barn.
  - Massing reduction above the second story with 10-foot setbacks.
  - Patios, a second floor amenity terrace, a corner plaza, and balconies.



*Mason/Cherry corner with main entrance*

## B. OVERVIEW OF STAFF'S MAIN CONSIDERATIONS

One of the first issues to be addressed was the stated height limit of “85 feet, 6 stories” in the Downtown zone district; whereas the proposal is to fit 7 stories within 82 feet. Staff questioned whether a modification of the standard is needed for this, or whether this could just be interpreted as complying. Staff and applicants agreed to include a modification mainly just to address this for the record. This PDP will prompt staff to consider a potential code change to avoid this situation.

The next basic planning issue involved the Downtown zone district ‘Street Frontage Type’ standards. These govern streetscapes between the curb and the building, including building placement which helps shape the streetscape. Multiple iterations and discussions led to the proposed solution, which includes a modification request for the Mason and Cherry frontages with attached sidewalks.

The historic landmark trolley car barn next door on the west was a major consideration. The proposed architecture was found to be responsive and consistent with compatibility standards, with no major issues.

Existing and new utilities required careful coordination but were found to be workable with no major issues.

## C. DEVELOPMENT BACKGROUND

### 1. History and Planning

This lot is on Block 33 of the original 1873 Town Site Annexation plat.

Over the first century of Fort Collins’ development, Mason Street at this north and west edge of the Downtown core developed with industrial uses anchored by railroad facilities.

Through the 1970s, interest in revitalizing Downtown as the heart of the city began to grow after a post-war decline that was caused by shifting investment toward new suburban growth to the south and east. Industrial uses west of College Avenue transitioned out of the downtown area and the rail facilities downsized as a result, leading generally to their current configuration by the late 1990s.

**1996 Civic Center Master Plan.** This joint City/County plan set a general framework for 8 blocks between Oak Street on the south to Cherry Street on the north, to guide redevelopment anchored by civic activity and buildings in a coordinated master plan. Block 33 is the center of the north edge of this area.

That plan’s framework for development emphasizes a ‘**civic spine**’ – a mid-block landscaped pedestrian promenade running north-south from the County office block on the south, through this Block 33.

**This Block.** The historic landmark trolley barn on this block was envisioned as a future museum or other community use, with the other three quarters of the block envisioned for urban-style housing as a transition to and from residential neighborhoods to the west. The housing was envisioned in the form of townhomes. Also, neighborhood-scale office and child care uses were suggested.

**Penny Flats.** The Civic Center Master Plan led to the City purchasing the entire remainder of Block 33 in 1998 to implement that Master Plan by issuing a Request for Proposals seeking a developer to develop the property consistent with the plan. In 2006 the City sold the property to a developer who got a plan approved, called Penny Flats.

The existing residential buildings on the south half of the block essentially represent Penny Flats phases one and two, and the 209 Cherry proposal essentially represents a third phase.

**Fourth Attempt.** Through a series of initiatives following the 2008 recession, this proposal is now the fourth attempt by a developer to develop the lot.

## 2. Surrounding Zoning and Land Use

	North	South	East	West
<b>Zoning</b>	Downtown (D)	Downtown (D)	Downtown (D)	Downtown (D)
<b>Land Use</b>	Mason Street North mixed use development	Penny Flats and Mason Flats 4- and 5-story buildings	3-level parking structure for 4-story senior housing building on College; Old Town Flats 5-story apartment building	Historic trolley barn; potential future phase of Penny Flats on SW corner of block (currently a repurposed single-story warehouse building w/ retail use)

## 2. CITY PLAN

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

The proposed development generally supports the vision, principles and policies in City plan, exemplified by the following policies:

- LIV 2.1 Revitalization of underutilized properties
- LIV 2.2 Infill and redevelopment in the downtown district
- LIV 5.1 More housing choices

### A. DOWNTOWN PLAN (2017)

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

A comprehensive spectrum of policies includes the following pertinent topics:

- Different subdistricts within the overall Downtown, with the subject site being within the **North Mason Subdistrict**. The subdistrict envisions redevelopment and intensification consistent with the 1996 Civic Center Master Plan.
- The **urban design framework** of public space that focuses on streets and sidewalks, buildings and their related outdoor spaces, and parks and trails.
- Size and design parameters for **larger buildings**.

Urban residential development on this block is consistent with the Downtown Plan, and correspondingly with the Civic Center Master Plan and City Plan.

### 3. Land Use Code Article 2 – Applicable Standards

#### A. PROCEDURAL OVERVIEW

##### 1. Preliminary Design Review – PDR230006

A preliminary design review meeting was held on October 5, 2022.

##### 2. First Submittal – PDP210021

The Project Development Plan was submitted on March 8, 2023.

##### 3. Neighborhood Meeting

A “hybrid” neighborhood meeting was held in-person and online on December 5, 2022, with 21 community members in attendance. Meeting notes are attached. Parking was clearly the main topic of interest to attendees.

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

Posted Notice: March 13, 2023, Sign #691.

Written Hearing Notice: November 2, 2023, 348 addresses mailed.

Published Hearing Notice: Scheduled for November 5, 2023.

## B. DIVISION 2.8 – MODIFICATION OF STANDARDS

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

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

The PDP includes two modifications.

The criteria for modification requests are in Land Use Code Division 2.8.2(H) as follows:

### Land Use Code Modification Criteria:

"The decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:

(1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or

(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or

(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or

(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).

The two modifications are described below.

## 1. Modification of 4.16 (B)(1) Street Frontage Types

### Discussion

The Downtown zone has a map that defines three ‘Street Frontage Types’ for different parts of Downtown on a street-by-street basis. In this case, the Mason Street frontage is designated as ‘Green Edge’ and Cherry frontage is designated as ‘Mixed Use’ on the map (Figure 18.1 in the code).

A table has standards for these frontages, including sidewalks, landscaping, and building faces along the frontages (Figure 18.2 in the code). An excerpt is cut-and-pasted below.

The plan was not able to meet these numerical standards as stated.

	STREET FRONTAGE TYPE		
	Storefront	Mixed Use	Green Edge
<b>Minimum Setback From Back Of Curb (right of way included in setback)</b>	Min. 9' from back of curb to building	Min. 19' from back of curb to building Min. 6' sidewalk if detached <b>Min. 10' sidewalk if attached</b> Min. 5' back of walk to building	<b>Min. 24' from back of curb to building Min. 9' parkway Min. 10' back of walk to building</b>

The whole ‘street frontage type’ concept was developed in the 2017 Downtown Plan process with a map on page 45 of the plan. The approach was intended to clarify and simplify streetscape design specially tailored to the differing areas within the overall Downtown. The concept was then translated into the code standards.

### a. Mason Street Frontage Modifications – Setback, Parkway Strip, Front Yard Landscape Area

#### Modification Numbers, Green Edge Frontage Type:

Standard setback curb to building: 24 feet. Proposed: 16 feet.

Standard parkway strip: 9 feet. Proposed: None.

Standard sidewalk to building area: 10 feet. Proposed: 8 feet.

**Green Edge Designation an Oversight or Error.** Staff and applicants were surprised early in the process to see the Green Edge designation on the Mason block face, because:

- 1) the existing Penny Flats development on this block face does not fit the Green Edge designation—rather, it most closely fits the ‘Storefront’ frontage type; and
- 2) The Downtown Plan, which is the basis for the frontage standards in the Downtown zone district, does not designate Mason for ‘Green Edge’ frontage, but rather for a ‘Storefront’ frontage type.

The Storefront type allows for paving from curb to building with no landscaping required between sidewalks and buildings, with trees in sidewalk cutouts, and a smaller setback. Staff also notes that the smaller setback would be consistent with the existing Penny Flats buildings and would be met by the proposed plan.

Incidentally, staff has spoken with former staff who wrote the standards, and they were completely surprised to see the designation, concluding that it is an inadvertent oversight or error. Nevertheless, staff's analysis is based on the standards as stated.

**Contextual Setbacks – Is Modification Needed?** Applicants and staff questioned whether a modification is needed for the 24-foot curb-to-building setback, because the Land Use Code has a citywide standard that allows a 'contextual setback' to fall at any point between a required setback in the zone district and an abutting building. (Section 3.8.19(B).)

The proposed setback matches the setback of the abutting building; and staff find that a matching setback complies with the contextual setback provision. (Setbacks in this case being from curb to building rather than typical setbacks from right-of-way line to building.)

Note that the curb-to-building space is the same even though the proposed building is forward of the abutting building, because the plan moves the curb inward into the street.

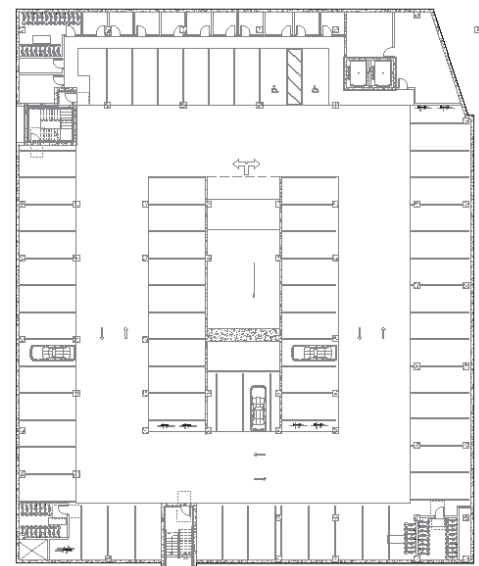
The abutting building is placed behind a raised private walkway terrace that is on the right-of-way line; and the proposed building aligns with that terrace wall on the right of way line.

In any case regardless of setback measurements, applicants and staff agreed to include this modification request mainly to explain the whole situation and to resolve all questions of compliance with the stated standards.

**A key consideration - underground parking.** Even though the Green Edge designation appears to be inadvertent, staff explored the question of whether the applicants created the non-compliance with a building program that could be reduced to meet the stated standard. Ultimately, the driving factor for size and placement of the building is the foundation layout based on the underground parking layout. Moving the building wall further back from the curb would eliminate a whole row of parking. Underground parking is an ideal component of planning for Downtown redevelopment as envisioned and staff finds that it is essential as a consideration supporting the proposed modification.

Relatedly, staff considered whether the whole building could shift further west, but that is precluded by a large storm drain tunnel on the west side.

A City storm drain pipe prevents street trees in a parkway strip as a key component of the Green Edge frontage type concept. The compromise solution that emerged allows for small trees to be planted between the sidewalk and the building. If the sidewalk was detached (without street trees), then there would not be room for any trees along Mason and no "front yard" planting area between the sidewalk and the building which provides a transition to those dwelling units.



*Underground Parking Layout*

**b. Cherry Street Frontage Modification – Sidewalk Width**

**Modification Number, Mixed Use Frontage Type:**

Required sidewalk width if attached: 10 feet. Proposed: 7 feet.

**Key Considerations - Topography and Utilities Determine the Streetscape.** This modification for the 7-foot sidewalk stems from two constraints that work in conjunction in the proposed plan:



- 1) Similar to the Mason frontage, existing utilities in this location already preclude street trees. The reason for the 10-foot minimum standard is to allow for street trees in sidewalk cutouts; and
- 2) Topography--the site sits significantly higher than Cherry Street—about 3-5 feet— and the grade difference must be accommodated with a slope behind the sidewalk. Detaching the sidewalk and moving it back would reduce the useable lot area for the building program.

### Summary of Applicant Justification

The Mason frontage request is called Modification Request #2 in the applicant's attached Modification Requests, and the Cherry frontage request is #3.

For the Mason frontage, the request first emphasizes that the setback is consistent with the contextual setback regulation in code subsection 3.8.19(B) because the setback matches the abutting building as a contextual setback (with the setback being from curb to building). Also, the request notes that the building wall aligns with the wall of the raised walkway terrace along the abutting building.

The request also explains that the large storm drain tunnel on the west side of the property decreases the buildable space on the lot and constrains the space for streetscape on the Mason (east) side of the lot.

For the Cherry frontage, the request emphasizes the constraints of existing utilities and topography, and the extensive exploration with staff in multiple departments leading to the proposed plan.

### Staff Findings

**For the Mason frontage**, staff finds that the modification would not be detrimental to the public good, and meets criteria (3) "physical conditions" and (1) "equal or better".

**Not Detrimental to the Public Good.** The frontage type standards are based on the Downtown Plan, which designates 'Store Front' and 'Landscape Setback' frontage types. The Downtown Plan designates Mason frontage as Store Front; and the existing Penny Flats buildings' frontage is consistent with that designation.

This approach was translated into the frontage types in the Downtown zone in the Land Use Code, one of which is 'Storefront'.

However, the Downtown zone **does not** show this frontage as Storefront but rather as 'Green Edge'.

The PDP provides a compromise considering the intent for the different designations, and the plan will function adequately as a pedestrian-oriented streetscape.

**"Physical Conditions"**. The Green Edge designation is based in part on a parkway strip with street trees which is precluded by a large storm drain line.

**"Equal or better"**. The plan meets the purposes of the standards as well as a standard plan because it fits the established context and is consistent with the whole original concept for street frontage types which was developed in the 2017 Downtown Plan.

**For the Cherry frontage**, staff finds that the modification would not be detrimental to the public good, and meets criterion (3) "physical conditions" and (1) "equal or better".

**Not Detrimental to the Public Good.** The 7-foot sidewalk is ample for use by people walking, and it is part of a whole new streetscape with landscaping and small trees provided where possible within the constraints of utilities.

**"Physical Conditions"**. The 7-foot sidewalk is due to a large stormwater utility line that precludes street trees, which would be the reason for a 10-foot minimum sidewalk if they were allowed.

**“Equal or better”.** The 7-foot sidewalk serves the public as well as or better than a 10-foot attached sidewalk, because the standards are based on having street trees, which are precluded by a storm drain line. A 10-foot width without street trees would be unduly excessive in this location.

## 2. Modification of 4.16(C)(1) Building Height Limits

The Downtown Zone District sets block-by-block height limits, with a stated limit of 6 stories and 85 feet on the subject property. This numerical limit is accompanied by 4.16(C)(2) which states that the height limits “are intended to convey a scale of building rather than an exact point or line.” The proposed building height is about 82 feet, but the plan fits 7 stories into that height, so this modification is included to acknowledge the one additional story above the stated standard of 6 stories.

### Summary of Applicant Justification

The applicant’s modification request is attached. The request cites criteria (1) “equal or better”; and (4) “nominal and inconsequential” because the building massing is the same as a 6-story building.

The request also notes that the intent is for this to be a high quality development for residents and the community, and it is vital to have underground and structured parking, and the applicants have noted that the amount of floors and therefore units is vital for the project to be viable.

### Staff Findings

Staff finds that the modification would not be detrimental to the public good, and meets criteria (1) “equal or better” and (4) “nominal and inconsequential”.

**Not Detrimental to the Public Good.** The approach to building height Downtown is established in the Downtown Plan, which designates this block for a scale of building that allows up to 85 feet.

The proposed building fits with that general scale of building and staff finds no compelling significance of 6 stories versus 7 within that height limit. In general, staff finds that the human scale established by the building base is the more important scale effect.

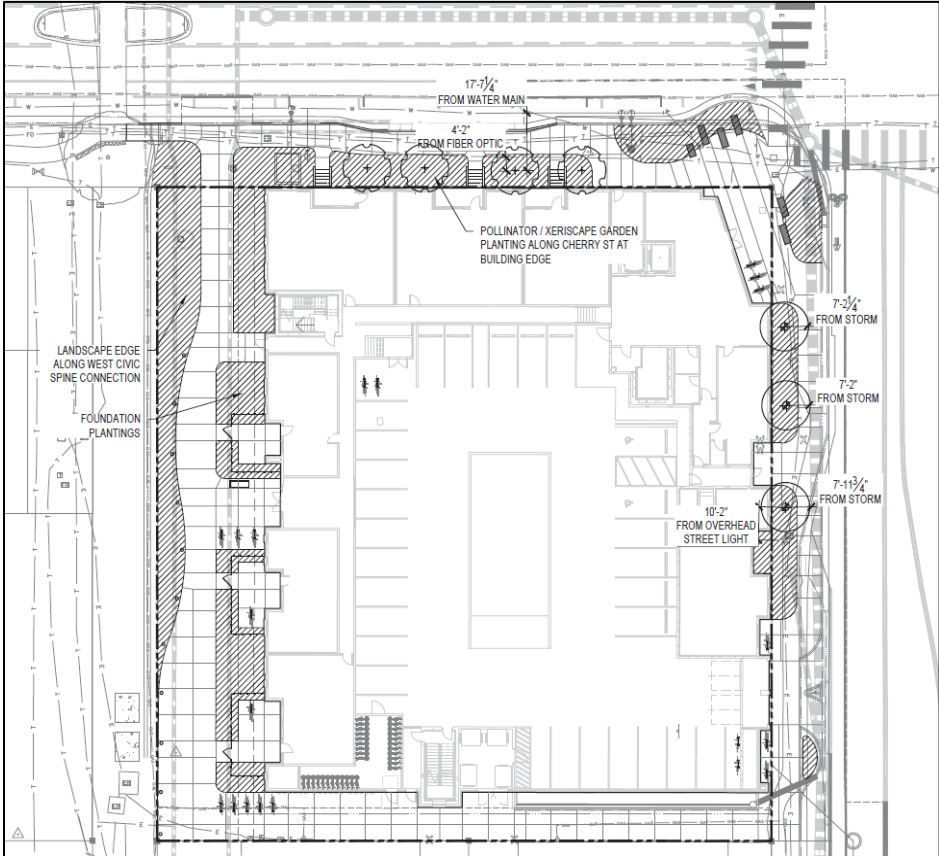
**“Equal or Better”.** The proposed plan meets the purposes of the standard as well as a standard plan because the building is the same size as it could be with one less story, but taller stories (which is very common).

**“Nominal and Inconsequential”.** The proposed plan meets the purposes of the standards as well as a standard plan because it fits the established context and is consistent with the whole original concept for street frontage types which was developed in the 2017 Downtown Plan. From the perspective of the whole plan, the additional story has a very minor effect on the perception of scale of the building.

**With the additional story the plan will continue to advance the purposes of the Land Use Code in Section 1.2.2.**

**4. Land Use Code Article 3 – General Development Standards**

**A. DIVISION 3.2 - SITE PLANNING AND DESIGN STANDARDS**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>3.2.1 – Landscaping and Tree Protection</b></p>	<p>Standards of this Section require a development plan to demonstrate a comprehensive approach to landscaping that enhances the appearance and function of the neighborhood, buildings, and pedestrian environment.</p> <p>The landscape plan was determined largely by the limited space available in the street rights-of-way and the predominance of utility lines on and around the lot.</p> <p>Street trees and other tree plantings which are typically required as parts of a landscape plan are not feasible due to the presence of utility lines.</p> <p>An alternative compliance request is attached and explains the situation thoroughly.</p> <p>Landscape areas were defined by constraints -- the proposed plan provides landscape areas in all locations possible. Hatched areas shown below are the landscape areas, and trees are shown where they are possible. The hatched areas will be mulched shrub beds.</p> 	<p>Complies, with alternative compliance for tree planting standards</p>

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings										
<b>3.2.1(E)(3) – Water Conservation</b>	<p>Landscape plans are required to be designed in a way that employs water efficient techniques, such as using low water use plants, limiting high water-use turf to areas of high traffic, efficient irrigation design and use of mulch to conserve moisture.</p> <ul style="list-style-type: none"> <li>The applicants and staff confirm that Final plans with plant species and irrigation design will comply with this direction.</li> </ul>	Complies										
<b>3.2.2 – Access, Circulation and Parking – General Standard</b>	<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"> <li>Complete new streetscapes as described in Modification requests.</li> <li>Extension of the mid-block civic spine.</li> <li>Note that a crosswalk with a flashing pedestrian signal across Cherry is being pursued by the City to link the site to the neighborhood, trail system, and museum on the north side of Cherry.</li> </ul>	Complies										
<b>3.2.2(C)(4) – Bicycle Parking Space Requirements</b>	<p>1 bike parking space per bedroom is required for the apartments with at least 60% enclosed and 40% on fixed racks. The 139 bedrooms in the plan require 83 enclosed and 56 rack spaces.</p> <ul style="list-style-type: none"> <li>Staff finds that the plan provides ample bike parking as follows:</li> </ul> <table border="1" data-bbox="440 1142 1357 1241"> <thead> <tr> <th>Bedrooms</th> <th>Required</th> <th>Provided</th> <th>Enclosed</th> <th>Fixed Rack</th> </tr> </thead> <tbody> <tr> <td>139</td> <td>139</td> <td>140</td> <td>108</td> <td>32</td> </tr> </tbody> </table>	Bedrooms	Required	Provided	Enclosed	Fixed Rack	139	139	140	108	32	Complies
Bedrooms	Required	Provided	Enclosed	Fixed Rack								
139	139	140	108	32								
<b>Section 3.2.2(K)(2) – Number of Parking Spaces</b>	<p>The residential parking requirement is based on the number of studio, 1-, 2-, and 3-bedroom units, adjusted for being located within the Transit-Oriented Development (TOD) overlay district. The plan provides required parking as follows:</p> <p>21 - studio units x 0.75 = 15.75  70 - 1 bed units x 0.75 = 52.5  15 - 2 bed units x 1 = 15  6 - 3 bed units x 1.25 = <u>7.5</u>  91 total required based on unit types</p> <p>10% reduction within 1,000 ft. of transit station = 82 required  10% reduction for transit passes for tenants = 73 required</p> <p><b>So, the required total is 73 spaces.</b></p> <ul style="list-style-type: none"> <li>Provided parking comprises 72 standard spaces, 4 ADA spaces, and 15 Compact spaces for a total of 91 spaces, which meets and exceeds requirements.</li> </ul>	Complies										

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2.4 – Site Lighting	<p>This Section sets limits for exterior lighting using technical parameters. Limits include 1) photometric parameters for light on the ground measured in footcandles, within the site and off-site as spillover, and 2) technical ratings for Backlight, Uplight and Glare (BUG).</p> <ul style="list-style-type: none"> <li>A thorough lighting plan provides architectural lighting on the building and bollard lighting along the civic spine, within all limits.</li> </ul>	Complies
Section 3.2.5 – Trash and Recycling Enclosures	<p>This Section requires the provision of areas, compatible with surrounding land uses, for the collection, separation, storage, loading and pickup of trash, waste cooking oil, compostable and recyclable materials.</p> <ul style="list-style-type: none"> <li>The plan integrates a large trash and recycling enclosure into the garage.</li> </ul>	Complies

## B. DIVISION 3.3 - ENGINEERING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1(C) – Public Sites, Reservations and Dedications	<p>This Section requires dedication of rights-of-way for public streets, drainage easements, utility easements, and emergency access easements as needed to serve the area being developed.</p> <ul style="list-style-type: none"> <li>The plan is served by existing right-of-way and easements.</li> </ul>	Complies
3.3.5 – Engineering Design Standards	<p>This Section requires projects to comply with requirements and specifications for all services provided by various agencies:</p> <ul style="list-style-type: none"> <li>water supply</li> <li>sanitary sewer</li> <li>mass transit</li> <li>fire protection</li> <li>electricity</li> <li>natural gas</li> <li>storm drainage</li> <li>cable television</li> <li>broadband/fiber optic</li> </ul> <ul style="list-style-type: none"> <li>The plan addresses all of these services adequately.</li> <li>The sanitary sewer will extend service from an existing, on-site sewer service line which was constructed with Penny Flats. That service line was intended to serve multiple buildings on this block, and was sized and sited accordingly. Engineering Staff is seeking a written acknowledgement from the existing Penny Flats owner, the HOA, to</li> </ul>	Complies with a recommended condition regarding sewer service

	<p>ensure awareness of this shared status. This is topic of the proposed condition stated below.</p> <ul style="list-style-type: none"> <li>For stormwater, the project meets the City’s Low Impact Development standards to reduce and treat runoff with a water quality structure on the southeast side of the building, per coordination with City staff.</li> </ul>	
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**C. DIVISION 3.4 - ENVIRONMENTAL, NATURAL AREA, RECREATIONAL AND CULTURAL RESOURCE PROTECTION STANDARDS**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
		Complies
<p><b>3.4.7 – Historic and Cultural Resources</b></p>	<p>This Section is intended to ensure that development is compatible with and protects historic resources and that the design of new structures is compatible with and protects the integrity of historic resources located within the area of adjacency.</p> <p>The applicant was required to seek a recommendation to the P&amp;Z Commission from the Historic Preservation Commission (HPC) because the Fort Collins Municipal Railway Trolley Barn at 330 North Howes, is within the 200’ area of adjacency for the project.</p> <p>The HPC completed a conceptual review of this project on November 16, 2022, and provided preliminary design feedback to the applicant. On October 18, 2023, the applicant secured formal recommendation from the HPC to P&amp;Z. The HPC recommended that P&amp;Z approve the project with no conditions, 8-0 (1 vacancy).</p> <p>The HPC’s overall consensus was that the project met the compatibility requirements in 3.4.7, following robust discussion of some concerns.</p> <p>There was some concern that the new building’s Cherry St elevation wasn’t in compliance with the articulation requirement in 3.4.7 related to the large massing of the Trolley Barn in relation to the more articulated massing of the new construction but ultimately, the project was considered sufficient.</p> <p>The HPC had a limited discussion regarding fenestration; while the project was considered compliant with 3.4.7, certain HPC members expressed a desire to incorporate a closer relationship in window pattern between the two buildings (i.e., matching the multi-light muntin pattern, etc.), though further design reference on windows was considered beyond the code requirement.</p> <p>There was some concern that the vertical or horizontal reference line standard was not being met as clearly as it could. A stronger reference like a belt course or band that references the Trolley Barn’s cornice may be welcome if the applicant opts for this, but the HPC did not specifically recommend any improvements.</p>	Complies

	<p>There was very limited discussion on red brick as a preferred base material but the HPC was clear this wasn't a requirement of 3.4.7 under any of the compatibility factors.</p>	
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## D. DIVISION 3.5 - BUILDING STANDARDS

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>3.5.1 – Building and Project Compatibility</b></p>	<p>This Section is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area.</p> <p>The applicant's narrative includes explanation of compatibility with the surroundings.</p> <p>Subsections 3.5.1(B), (C), (D), (E), and (F) are general building compatibility topics. More-specific standards in the Downtown zone district in Article 4 are the main basis for design and review of the proposed building. Those standards result from extensive public processes tailored to Downtown and its subdistricts.</p> <ul style="list-style-type: none"> <li>The residential use is not expected to pose any operational compatibility issues in the context of the surrounding area, which includes other multi-story residential buildings and mixed-use buildings. There are no outdoor areas that require screening and mechanical equipment is located on the roof with architectural screening.</li> </ul>	<p>Complies</p>
<p><b>3.5.1(G) Special Height Review</b></p>	<p>Purpose. The purpose of this Section is to establish a special process to review buildings or structures that exceed forty (40) feet in height. The Downtown zone district ultimately governs height, and large shadows are expected from the taller buildings that are allowed.</p> <ul style="list-style-type: none"> <li>Nevertheless, subsection 3.5.1(G)(1)(b) calls for a shadow analysis for buildings over 40 feet and the applicants provided that within the planning set of drawings.</li> </ul>	<p>Complies</p>

### E. DIVISION 3.6 - TRANSPORTATION AND CIRCULATION

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.6.2 – Streets, Streetscapes, Alleys and Easements</b>	<p>This Section contains general standards for the complete transportation network to be designed to promote the public health, safety and welfare. Most of the standards involve development of new streets and thus do not pertain to this plan.</p> <p>A subsection requires easements as needed for utilities, public and emergency access, stormwater drainage and other public purposes.</p> <ul style="list-style-type: none"> <li>The plan dedicates right-of-way and easements as appropriate and required.</li> </ul>	Complies
<b>3.6.4 – Transportation Level of Service Requirements</b>	<p>A Transportation Impact Study (TIS) was scoped, submitted, and reviewed under Traffic Operations requirements found in the Land Use Code and in the Larimer County Urban Area Street Standards (LCUASS).</p> <ul style="list-style-type: none"> <li>The 38-page TIS is attached. Based on its analysis, the TIS concludes that the proposed project demonstrates compliance with the standards in the LCUASS for traffic at the time of development.</li> <li>The project complies with the Levels of Service (LOS) requirements for traffic, the City of Fort Collins Transportation Plan, and the Larimer County Urban Area Street Standards (LCUASS).</li> <li>The study intersections will operate acceptably and comply with the intersection levels of service (LOS) requirements in the LCUASS with the development of the project and background traffic in the 2025 Short Range Total future.</li> <li>The proposed access points will operate appropriately and demonstrate compliance with the City’s LOS requirements. The existing street improvements are sufficient to accommodate the proposed project’s traffic.</li> </ul>	Complies
<b>3.6.6 – Emergency Access</b>	<p>This Section requires access for emergency vehicles and services.</p> <ul style="list-style-type: none"> <li>The project has been reviewed by Poudre Fire Authority (PFA) and currently meets the needs and requirements of PFA regulations.</li> </ul>	Complies

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



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

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Complies
<b>4.16 (B) Street Frontage Types</b>	<p>This subsection has a map that defines three ‘Street Frontage Types’, i.e. streetscapes, for different parts of Downtown on a block face basis.</p> <p>These frontage types have corresponding standards for sidewalks, landscaping, and building faces along the streets.</p> <ul style="list-style-type: none"> <li>The plan is unable to conform to the stated numerical standards and includes alternative streetscape design tailored to the situation as explained in the Modification of Standards section above in this report.</li> </ul>	<p>Complies with approval of Modification</p>
<b>4.16 (C) Building Mass Reduction and Articulation</b>	<p>Pertinent standards in this subsection require:</p> <ul style="list-style-type: none"> <li>Certain authentic, durable, high-quality materials including brick</li> <li>A minimum amount of transparency</li> <li>Upper story setbacks</li> <li>Maximum wall length for the base of the building of 50 feet without a façade plane change at least 2 feet deep</li> <li>Articulation to avoid long undifferentiated facades comprising at least 3 out of 5 listed techniques:               <ul style="list-style-type: none"> <li>Minor façade plane changes of at least 3 inches</li> <li>Vertical projections</li> <li>Horizontal projects such as canopies or cornice articulation</li> <li>Balconies or terraces</li> <li>Window details such as depth, sills, or lintels</li> </ul> </li> <li>The plan provides these required features.</li> <li>The plan meets and exceeds the minimum requirements for articulation along street facing facades, with façade plane change, projecting and recessed features integrated into the architecture, balconies or terraces, brick courses, and fenestration details including window depth and lintels and sills.</li> <li>Specifically, the plan provides a minimum 10-foot setback above the second floor to complement the height of the Trolley Barn and buildings across Cherry Street to the north, which exceeds the requirement to step back taller buildings above the fourth floor.</li> </ul>	<p>Complies</p>
<b>4.16 (C)(1) Building Height Limits</b>	<p>This subsection The Downtown Zone District sets block-by-block height limits, with a limit of 6 stories and 85 feet on this block.</p> <ul style="list-style-type: none"> <li>The plan fits within the height limit in feet, but the building contains 7 stories, as explained in the Modification of Standards section above in this report.</li> </ul>	<p>Complies</p>



## 6. Findings of Fact/Conclusion

In evaluating the request for 209 Cherry Street Multi-Family, #PDP230006, 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 Modifications of Standards located in Division 2.8 of the Land Use Code.
  - A. Staff supports the request for Modification of Standards to subsection 4.16(B)(1) for the street frontages. The modification would not be detrimental to the public good and the request satisfies criteria (3) and (1) in subsection 2.8.2(H).
  - B. Staff supports the request for Modification of Standards to subsection 4.16(C)(1) for the 7 stories in the building. The modification would not be detrimental to the public good and the request satisfies criteria (1) and (4) in subsection 2.8.2(H).
3. The Project Development Plan complies with relevant standards located in Article 3 – General Development Standards.
4. The Project Development Plan complies with relevant standards located in Division 4.16 – Downtown Zone District in Article 4.

## 7. Recommendation

Staff recommends that the Planning and Zoning Commission make motions to approve the two Modifications of Standards to Land Use Code subsections 4.16(B)(1) and (C)(1); and approve 209 Cherry Street Multi-Family, #PDP230006 based on the Findings of Fact and supporting explanations found in the staff report and hearing materials, and discussion at the hearing.

Staff recommends two conditions of approval:

- 1) Prior to signing Final Plans, the Applicant must provide sanitary sewer service to the new building at 209 N Cherry St. in a method in which City Water Utilities approves. Currently, the only option the City sees viable is the implementation of the combo sanitary sewer service located on the property to the south. This combo sewer service was originally approved to be used for this development per the original Penny Flats Development Agreement. The Applicant must work with the current owner(s) of the combo sewer service and address all of their concerns in design in order to construct the service extension to the new building. The Applicant must also meet all the conditions of the original Penny Flats Development Agreement.
- 2) Prior to construction, applicants must obtain Encroachment Permits for the stairs and walkways in the Cherry Street right-of-way.

## 8. Attachments

1. Applicant Narrative
2. Planning Set
3. Photometric Plan
4. Utility Plans
5. Modification Requests for Bldg. Height and Street Frontages
6. Alternative Compliance for Trees
7. Traffic Impact Study
8. Special Height Review
9. Neighborhood Meeting Notes