

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

FINDINGS AND DECISION

HEARING DATE: November 7, 2022

PROJECT NAME: Canvas Credit Union

CASE NUMBER: FDP 220009

PROPERTY OWNER/APPLICANT: Canvas Credit Union
9990 Park Meadows Drive
Lone Tree, CO 80124

APPLICANT REPRESENTATIVE: Joseph Keresey
Service First Permits
414 14th St.
Denver, CO 80202

HEARING OFFICER: Lori B. Strand

PROJECT DESCRIPTION/BACKGROUND:

This is a request for a combined Project Development Plan/Final Development Plan (“FDP”) to construct a new 3,858 square foot building with three (3) drive-through kiosks (the “Project”) on approximately 0.648 acres at 319 S. Meldrum Street, Fort Collins (Parcel No. 9711480002) (the “Subject Property”). The Project will be used for the Canvas Credit Union.

As part of the Project, the existing Canvas Credit Union building and drive-throughs will be demolished and off-street parking spaces will be reduced from 33 to 20 spaces, including 2 accessible spaces.

Vehicular access to and from the Subject Property will continue to be from Canyon Avenue and South Meldrum Street.

The Subject Property is located in the Downtown (D) zone district and Canyon Avenue subdistrict.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
Zoning	Downtown Innovation Subdistrict	Downtown Innovation Subdistrict	Downtown Innovation Subdistrict	Downtown Innovation Subdistrict
Land Use	Office buildings	Office buildings and a restaurant as a mixed use	Federal building block with offices and post office	Office building and rental houses

The Applicant also is seeking the following two (2) modifications of standards (collectively, the “Requested Modifications of Standards”):

1. The maximum parking spaces allowed by LUC §3.2.2(K)(2) for the Project (a financial services use) is 14 off-street parking spaces. The Applicant has requested 20 off-street parking spaces for the Project, including 2 accessible spaces.
2. LUC §4.16(B)(1) establishes street frontage build-to ranges for Canyon Avenue as a Mixed Use street frontage type and South Meldrum Street as a Green Edge street frontage type. The Applicant has requested that these build-to range requirements not be imposed on the Project.

No written public comments were received for this Project.

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

The Staff Report recommends approval of the FDP and the Requested Modifications of Standards, with no conditions.

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Downtown District (D), Canyon Avenue Subdistrict

HEARING: The remote hearing on the Project opened at approximately 5:30 p.m. and closed at approximately 6:30 p.m. on November 7, 2022.

EVIDENCE: Prior to or at the remote hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding:

1. The Staff Report attached to this decision as ATTACHMENT A (15 pages). The Staff Report includes staff's analysis of the modification of standard criteria in LUC §2.8.2(H) for both Requested Modifications of Standards.
2. A prior version of the staff report (13 pages). This prior version of the staff report includes staff's analysis of the LUC modification of standard criteria in LUC §2.8.2(H) for the requested modification of standard to the maximum number of parking spaces required by LUC §3.2.2(K)(2). However, in this prior version of the staff report, staff determined that a modification of standard was not needed to relieve the Applicant of the required build-to ranges in LUC §4.16(B)(1); staff reconsidered this determination and decided to analyze the modification of standard criteria in LUC §2.8.2(H) for the requested waiver of the required build-to ranges in LUC §4.16(B)(1). This analysis is set forth in the Staff Report attached to this decision as ATTACHMENT A.
3. Rules of Conduct for Administrative Hearings.
4. Administrative (Type 1) Hearing: Order of Proceedings.
5. The Fort Collins City Plan, the 2017 Downtown 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.
6. Plan set for the Project (19 sheets).
7. Modification Request for LUC §3.2.2(K)(2) (2 pages).
8. Modification Request for LUC §4.16(B)(1) (3 pages).
9. Trip generation compliance letter from LSC Transportation Consultants, Inc. to Ridgetop Engineering & Surveying, dated April 19, 2022 (3 pages).
10. Confirmation of order from Fort Collins Coloradoan for published notice on October 31, 2022 of the remote public hearing on the Project (Ad # 0005469308).
11. Copy of written notice of the remote public hearing on the Project, dated October 24, 2022.

TESTIMONY: The following persons testified at the hearing:

From the City: Clark Mapes, City Planner

From the Owner/Applicant: Juan Luna, Rogue Architecture, 166 Lincoln Street, Suite 100, Denver, Colorado 80264

From the Public: None. No members of the public were present during the remote hearing.

FINDINGS

1. The Staff Report and evidence and testimony presented by Mr. Mapes, City Planner, at the remote public hearing establish the fact that notice of the remote public hearing was properly posted, mailed, and published. The Hearing Officer finds that while the written notice and published notice did not provide details on the Requested Modifications of Standards, such notices provided links to the Staff Report and the prior version of the staff report, wherein staff's analysis of the Requested Modifications of Standards was provided.
2. As required by City Council Ordinance 079, 2020, the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the hearing by remote technology so as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of Ordinance 079, because meeting in person would not be prudent for some or all persons due to a public health emergency.
3. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
 - A. The applicable procedural and administrative requirements of Article 2 of the LUC were followed for this Project.
 - B. The requested modification of standard to LUC §3.2.2(K)(2) to increase the maximum parking spaces for the Project from 14 spaces to 20 spaces: (i) will not be detrimental to the public good, (ii) will promote the general purpose of LUC §3.2.2(K)(2) equally well or better than would a plan which complies with said standard, and (iii) will not diverge from LUC §3.2.2(K)(2) except in a nominal, inconsequential way when considered from the perspective of the entire FDP and will continue to advance the purposes of LUC §1.2.2. With respect to the foregoing, the Hearing Officer specifically incorporates Mr. Mapes' findings in the Staff Report and finds:
 - i. Retaining 20 of the existing 33 off-street parking spaces will *not* have a negative effect on any notable public aspects of the Subject Property because the parking spaces are already established and well-assimilated into the context of the established sidewalks and landscaping.

- ii. Exceeding the maximum number of off-street parking spaces by 6 spaces will relieve demand for on-street parking, which parking is at a premium as noted in the 2017 Downtown Plan and confirmed by the City’s parking services department.
 - iii. In addition to providing spaces for employees and customers of Canvas Credit Union, the off-street parking spaces will be available to users of the community room to be included in the new Canvas Credit Union building. This community room will be available for public use and will often be used by the public after banking hours when the demand for on-street parking may be at its highest.
 - iv. By removing 13 existing parking spaces, the FDP comes closer to compliance with the maximum parking space requirement in LUC §3.2.2(K)(2) than the existing condition. At the same time, the FDP enhances walkways, landscaping, and stormwater treatment, while mitigating additional demand for on-street parking.
- C. Except for LUC §3.2.2(K)(2), which is satisfied by way of the modification of standard addressed in paragraph B above, the FDP complies with the applicable General Development Standards contained in Article 3 of the LUC.
- D. The requested modification of standard to effectively waive the required street frontage build-to ranges set forth in LUC §4.16(B)(1) for Canyon Avenue as a Mixed Use street frontage type and South Meldrum Street as a Green Edge street frontage type: (i) will not be detrimental to the public good, and (ii) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to the Subject Property, 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 the Subject Property. With respect to the foregoing, the Hearing Officer specifically incorporates Mr. Mapes’ findings in the Staff Report and finds:
 - i. Exceptional physical conditions exist with respect and unique to the Subject Property, including: the unusual triangular shape of the Subject Property, which is bounded by two streets—one with a Mixed Use street frontage type and the other with a Green Edge street frontage type; the existence of well-established and desirable trees along both streets and the perimeter of the Subject Property; and an established off-street parking lot adjacent to Canyon Avenue that is well-assimilated into the context of the established sidewalks and landscaping.

- ii. An extraordinary and exceptional situation exists insofar as the intent and method of applying the street frontage build-to ranges set forth in LUC §4.16(B)(1) are unclear to staff. Staff has proposed a code revision to clarify this requirement.
- iii. Figure 18.3 of the LUC (Street Frontage Build-To Range) provides that the “build-to percentage” contemplated in the build-to ranges set forth in LUC §4.16(B)(1) is calculated by dividing the “length of building in build-to zone (feet)” by the “block frontage (feet).” A build-to percentage of 75% at 5’ to 10’ is required for Mixed Use street frontage types (Canyon Avenue) and a build-to percentage of 50% at 10’ to 20’ is required for Green Edge street frontage types (S. Meldrum Street). Evidence presented during the remote hearing demonstrated that it would be impossible for a building on the Subject Property to comply with the required build-to ranges using the “block frontages” along Canyon Avenue and S. Meldrum Street. Mr. Mapes opined that use of “block frontage” in the denominator of the build-to percentage calculation may be an error in the LUC and it is possible that “lot width” was intended to be used in this calculation. Evidence was presented during the remote hearing that it would be impossible for a building on the Subject Property to comply with the required build-to range for Canyon Avenue even if “lot width” was used instead of “block frontage.” Finally, it is unclear whether the build-to line is measured *behind* or *forward* of the setback line. Again, this is an extraordinary and exceptional situation.
- iv. Waiver of the required build-to ranges for Canyon Avenue and S. Meldrum Street will not be detrimental to the public good and will further the Downtown District’s purpose of providing high quality development and a human scale and pedestrian-oriented character. The Project furthers the general purpose of the Downtown District by improving the building’s relationship to the streets, while maintaining its location behind landscaping and yard areas. Although the LUC contemplates a greater pedestrian relationship with Canyon Avenue than S. Meldrum Street than what the Project provides, the Project improves the pedestrian relationship with Canyon Avenue by orienting the new building so that its entrance fronts Canyon Avenue (in part) and by providing an enhanced pedestrian crosswalk from Canyon Avenue to the new building entrance. The Project also improves the pedestrian experience and safety along S. Meldrum Street by locating the new building further away from the sidewalk

than the existing building; providing an improved landscape area between the sidewalk and the new building; reducing the drive-through exit to one-lane; and improving visibility for drivers as they exit the Subject Property onto S. Meldrum Street.

- v. The difficulties and hardship described in this paragraph D are not caused by the act or omission of the Owner of the Subject Property.
- E. Except for LUC §4.16(B)(1), which is satisfied by way of the modification of standard addressed in paragraph D above, the FDP complies with Division 4.16 of the LUC.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves:

- (a) the Canvas Credit Union, FDP 220009; and
- (b) the requested modification of standard to LUC §3.2.2(K)(2) to increase the maximum parking spaces for the Project from 14 spaces to 20 spaces; and
- (c) the requested modification of standard to LUC §4.16(B)(1) to waive the required street frontage build-to ranges set forth in LUC §4.16(B)(1) for the Mixed Use and Green Edge street frontage types for Canyon Avenue and South Meldrum Street, respectively.

DATED this 11th day of November, 2022.



Lori B. Strand
Hearing Officer

ATTACHMENT A

**Staff Report
Canvas Credit Union, FDP 220009**

Development Review Staff Report

Administrative Hearing: November 7, 2022

Canvas Credit Union, #FDP220009

Summary of Request

This is a request for a combined Project Development Plan/Final Development Plan to demolish and redevelop the existing Canvas Credit Union with a new building and reconfigured drive-through facilities and landscaping, and reduced parking.

The plan includes two Modifications of Standards.

Zoning Map



Next Steps

If approved by the Hearing Officer, the applicant will then be eligible to proceed to filing of final plans and then to a building permit.

Site Location

319 S. Meldrum Street, southeast corner of Meldrum and Canyon Streets.

Zoning

Downtown District (D), Canyon Avenue Subdistrict

Property Owner

Matt Larson
9990 Park Meadows Drive
Lone Tree, CO 80124

Applicant/Representative

Joseph Keresey
Service First Permits
414 14th St.
Denver, CO 80202

Staff

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

Contents

1. Project Introduction	2
2. Compatibility with Comprehensive Plan	4
3. Land Use Code Article 2 – Applicable Sections.....	4
4. Land Use Code Article 3 - Applicable Standards	10
5. Land Use Code Article 4 – Applicable Standards:	14
6. Findings of Fact/Conclusion	15
7. Recommendation.....	15
8. Attachments	15

Staff Recommendation

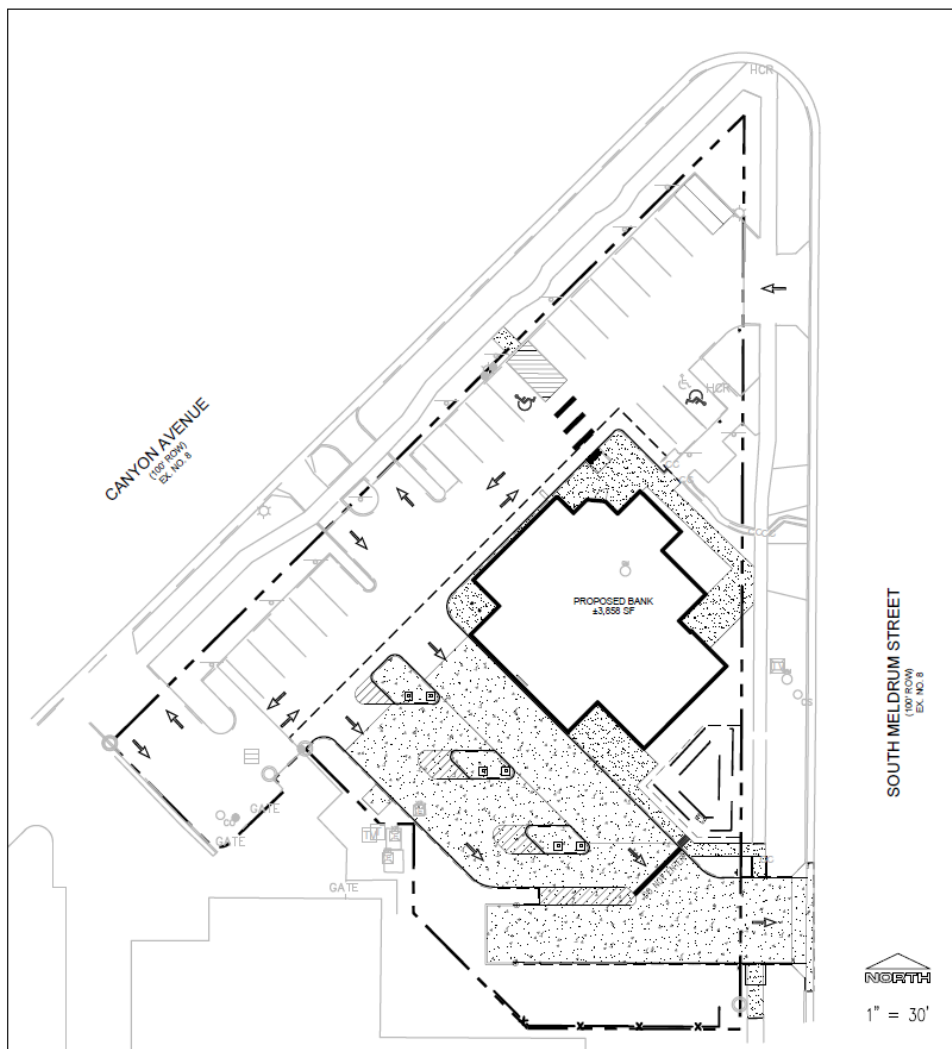
Approval of the modification requests and approval of the PDP.

1. Project Introduction

A. PROJECT DESCRIPTION

The plan demolishes the existing Canvas Credit Union building and its three drive-thru stations and places a new 3,858 sq. ft. Canvas building essentially in its place, with three reconfigured drive-thru kiosks.

- Existing sidewalks and landscaping remain.
- Parking is existing, with 13 spaces of the existing 33 spaces to be removed leaving 20 spaces in the plan.
- A Modification of a Standard is requested for the parking because the code has a standard for maximum parking based on building square footage, and for the proposed building the number is 14.
- A Modification of a Standard is also requested for 'Street Frontage Build-To Range' for the building size and placement.
- Landscape area along Meldrum St. is increased including the addition of a stormwater filtration area as required.
- A crosswalk across the existing parking lot is added from the Canyon Ave. sidewalk to the building.
- The project is proceeding to hearing as a Final Development Plan because it was submitted as a combined PDP/FDP.



Proposed Plan

B. STAFF’S MAIN CONSIDERATIONS IN REVIEW

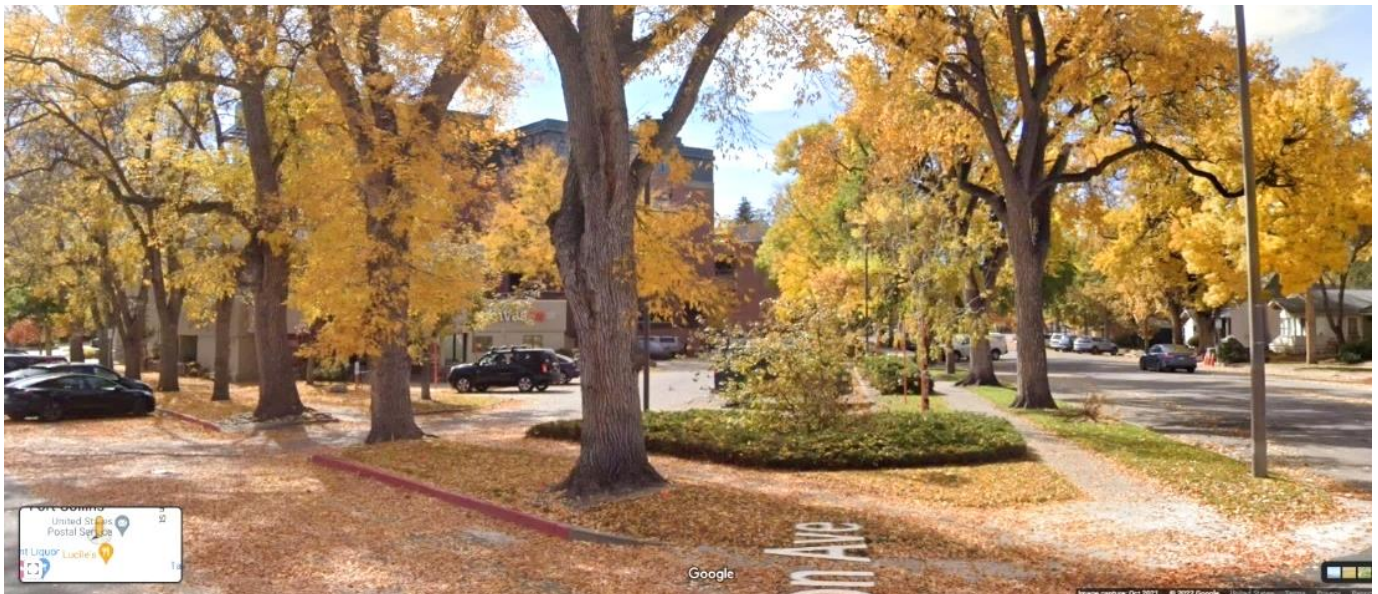
The main considerations in staff’s review that involved multiple iterations were technical design issues related to retrofitting stormwater facilities and utilities within the constraints of the previously developed downtown site.

Also, interpreting the ‘Street Frontage Build-To Range’ standards in the Downtown Zone District in the Land Use Code has required considerable attention and has remained unclear. A modification is included to explain the situation.

C. SITE CHARACTERISTICS

The site is within the classical downtown grid pattern of streets and blocks from the original Town Site Annexation and plat in the early 1900’s. That original grid plat includes one special diagonal street, Canyon Avenue, which forms the western side of the triangular site.

The defining features are the established continuous sidewalk system and mature street trees that line it. Within this original town pattern, many of the uses and buildings in the Canyon Avenue area have changed through the continuum of the past 100 years or so, from the original development of residential lots with houses, to a mix of office, institutional, and commercial uses in this Canyon Avenue area that exists today.



View looking S-SW over the point of the triangular block at Meldrum (left) and Canyon (right)

D. SURROUNDING ZONING AND LAND USE

	North	South	East	West
Zoning	Downtown Innovation Subdistrict	Downtown Innovation Subdistrict	Downtown Innovation Subdistrict	Downtown Innovation Subdistrict
Land Use	Office buildings	Office buildings and a restaurant as a mixed use	Federal building block with offices and post office	Office building and rental houses

2. Compatibility with Comprehensive Plan

A. DOWNTOWN PLAN

The 2017 Downtown Plan (DTP) is an element of the Comprehensive Plan. It describes varying Subdistricts within Downtown, with the Canvas site being in the Canyon Avenue Subdistrict. Canyon Avenue is a prominent feature of the west side of Downtown because of its special angled orientation which creates large 6-way intersections and triangular blocks. Office and financial uses are among the main uses existing and envisioned for the area.

The most pertinent topic in the DTP is potential future reimagining of the Canyon Avenue street itself to capitalize on urban design opportunities created by the strong diagonal corridor link with the heart of Downtown.

The first goal listed for this corridor is “Increase Parking Throughout Corridor”. This is pertinent to the modification requested for the proposed Canvas development, which notes that parking is at a premium in the area.

Otherwise, the DTP mainly addresses potential for redevelopment for larger new multi-story buildings in the area.

3. Land Use Code Article 2 – Applicable Sections

A. DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR 210094

A conceptual review meeting was held on May 16, 2022.

2. Neighborhood Meeting

Not required for this project and not held.

3. Submittal

The project was submitted on May 27, 2022, and routed to all reviewing departments.

Four rounds of review – three revisions of the plans – followed the initial submittal.

4. Notice (Posted, Written and Published)

Posted notice: June 3, 2022, Sign #685

Written notice: October 24, 2019, 451 letters sent.

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' under certain criteria.

The applicant requests a modification of a parking requirement standard as described below.

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).

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

This subsection limits parking for financial services uses to a maximum of 3.5 spaces per 1,000 square feet of floor area.

The proposed building is 3,858 square feet, so in this case a maximum of 14 spaces is allowed under the standard.

The site has 33 existing parking spaces. The plan removes 13 of these spaces.

The request is to allow 20 existing spaces to remain, as opposed to blocking off or demolishing the paving of the 6 “excess” spaces. The land under the 6 spaces would not be needed or used for any other function.

Summary of Applicant Justification

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

Staff Findings

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

Not Detrimental to the Public Good. Keeping 20 of the existing parking spaces will not negatively affect any notable public aspects of the development because the parking is well-assimilated into the context of the sidewalks and landscaping which will remain. In other words, its impacts are mitigated.

To the contrary, there is benefit to the public because the building includes a Community Room for meetings and events, and the parking supports that function. It *avoids* detriment to the public good by adding less pressure on street parking in the area, which is already at a premium as noted in the Downtown Plan as the first goal for the Canyon Avenue Subdistrict mentioned above.

Staff notes that the area is an area of focus for the City’s Parking Services department in continually monitoring and managing street parking and related complaints.

“Equal or Better”. There is no tangible function or visual benefit in removing parking, and there is tangible benefit in allowing the spaces to remain, as explained above.

“Nominal and Inconsequential”. The entire plan is an update of the existing credit union with no new negative impacts. The extent of parking will not be noticeable as being excessive, because it is fully assimilated into the urban context, and the plan reduces it.

Per the code criteria, staff believes the plan as submitted will provide sufficient functionality for the site versus demolition which would reduce parking to a bare minimum from the perspective of functionality. The

“excess” stalls will help in keeping Canvas customer parking on the site instead of competing for valuable public space.

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

This modification has involved confusing code language such that applicants and staff were not certain whether a modification is needed, given that the requirement is not clearly understood. However staff was unable to find the plan to comply with the standards as written regardless of any understanding or interpretation, and so this modification is included to explain the situation.

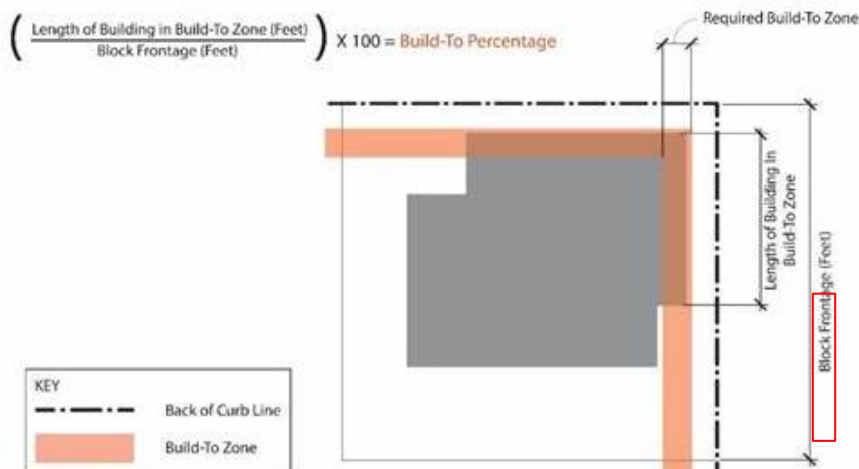
The Downtown Zone District has a map that defines three 'Street Frontage Types' on a street-by-street basis (Figure 18.1 in the code). In this case, the site has two Frontage Types -- 'Green Edge' along Meldrum Street and 'Mixed Use' along Canyon Avenue.

The Zone District then has a table with standards for these frontages, inclusive of street-fronting buildings as a component of the frontages (Figure 18.2, excerpt below).

Numerical standards require a building Setback From Back Of Curb; and then also require the building to be placed in a Build-To Range as measured from the Setback, for a percentage of the Block Frontage.

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

The table is followed by Figure 18.3, "Street Frontage Build-To Range":



It is not clear whether the Build-To line is measured *behind* or *forward* from the Setback. Regardless, the intent of stating both a Setback, and then a Build-To line measured from the Setback, has not been understood.

Also, the metric for a percentage of the 'Block Frontage' has not been understood—typically that would refer to the length of a block face bounded by streets. It is more likely intended to mean Lot Width. Regardless, there are parcels such as this one and numerous others in the area where either interpretation would not be feasible to comply with given block face lengths, parcel sizes, building sizes, and the necessity to have parking lots occupy portions of lot frontages.

Regardless of the meaning of the term 'Block Frontage', Figure 18.3 shows that a building would have to be large enough to occupy 50% and 75% of the frontage within the Build-To Range on Meldrum and Canyon respectively. It implies that surface parking lots would not be feasible in some cases suggesting that parking would be structured inside the building. That is not a feasible approach in many development projects.

In this case, a modification is included because the plan could not be found to comply regardless of how the Setback, Build-To Range, and Block Frontage are interpreted. I.e., the building is not large enough to provide the frontage percentages.

In any case, staff understands that the general intent is for buildings in this area to be placed to provide architectural presence along downtown streets, with landscaping behind the sidewalks.

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

The modification is explained below.

Modification Of Standards – Land Use Code Division 2.8

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 in Section 2.8.2(H).

Applicants and staff were uncertain about whether a modification would be needed for the Street Frontage Build-To Range metrics, but staff prepared these modification findings in the event they would be useful or needed as part of a decision, and for the record.

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).

Staff finds that the building size and placement -- essentially in place of the existing building -- is consistent the intent, regardless of compliance with the specific metrics.

Staff finds that the building placement in the plan would not be detrimental to the public good, and meets Modification criteria 2.8.2(H) (1) and (3) -- "equal-to" and "physical Hardship".

Not Detrimental to the Public Good. The building replaces the existing building, in direct relation to Meldrum Street consistent with its street address, with landscaping behind the sidewalk consistent with the Green Edge Frontage Type. Along Canyon, although existing parking is located along the frontage and remains in the plan, the existing streetscape includes landscaping behind the sidewalk as required in the Mixed Use type.

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

"Physical Hardship". The 50% and 75% Block Frontage Build-To requirements are not feasible because of the lengths of the block frontages and the lot frontages along the two streets relative to the size of the building. Regardless of interpretation of "Block Frontage", the building is not nearly large enough to meet the metrics. Furthermore, the metrics would not allow the new building to utilize the existing parking, circulation and infrastructure which is the basic approach of the plan.

4. Land Use Code Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

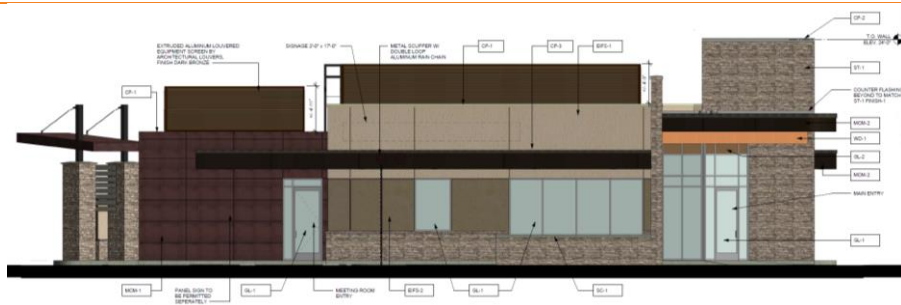
Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Landscaping and tree protection standards Section 3.2.1	<p>This Section requires a fully developed landscape plan that addresses relationships of landscaping to sidewalks, parking and walkways, the building, abutting properties, and users of the site in a manner appropriate to the neighborhood context.</p> <p>The plan provides the following main components:</p> <ul style="list-style-type: none"> • Mulched planting beds around the building. • Existing parking lot perimeter landscaping to remain. • Perimeter landscaping along the south edge of the vehicular use area along with a screen fence. • Existing trees that are damaged and in poor condition are replaced per a tree inventory and mitigation plan. • All landscaping is coordinated with utilities throughout the entire site. 	Complies
Access, circulation and parking standards Section 3.2.2	<p>This Section requires convenient, efficient parking and circulation that adds to the attractiveness of the development.</p> <ul style="list-style-type: none"> • The plan provides walkways, a new driveway access on Meldrum St., and a clearly delineated parking lot layout in compliance with standards. • The plan includes a request for a Modification of a Standard for the number of existing parking spaces that is proposed to remain, as explained under the Land Use Code Article 2 heading previously in this report. 	Complies with one modification for subsection 3.2.2(K(2)).
Bicycle parking: subsection 3.2.2(c)(4) -	<p>This subsection requires 4 bike parking spaces minimum based on the use and size of the building.</p> <ul style="list-style-type: none"> • 5 spaces are provided in a fixed rack, and space is available in the vestibule and in several rooms within the building for one bicycle. 	Complies
Site Lighting Section 3.2.4	<p>This Section sets limits for exterior lighting using technical parameters. Limits include 1) photometric parameters for light on the ground measured in footcandles, within the site and off-site as spillover, and 2) technical ratings for Backlight, Uplight and Glare (BUG).</p> <ul style="list-style-type: none"> • The PDP includes a thorough detailed lighting plan that provides lighting within all limits. 	Complies
Trash and Recycling Section 3.2.5	<p>This Section requires trash and recycling enclosures to be adequate, convenient, and accessible as appropriate for the proposed use.</p> <ul style="list-style-type: none"> • A trash and recycling enclosure is provided. The design is complementary to the overall plan with matching brick masonry and metal doors. 	Complies

B. DIVISION 3.3 - ENGINEERING

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Plats and Easements Section 3.3.1	This section requires dedication of rights-of-way for public streets and easements for drainage and utilities as needed to serve the development. <ul style="list-style-type: none"> • Easement dedications are provided with the plan as needed. 	Complies

C. DIVISION 3.5 - BUILDINGS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Building and Project Compatibility 3.5.1	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 context of the surrounding area comprises a wide range of buildings of different scales, styles, materials, vintages, and character generally. The context currently includes the existing building on the site as well. Staff finds the plan to be compatible given the history of compatibility of the current Canvas building and its site; and considering the forms and materials as being consistent with other buildings in the area.	Complies
Commercial Buildings Section 3.5.3	This Section promotes the design of an urban environment that is built to pedestrian scale. Standards require buildings to be placed in direct relation to street sidewalks to establish attractive street fronts and walkways with no intervening parking lots or drives; building design with variation in massing; base and top treatments; building façade articulation; and clearly defined entrances. <ul style="list-style-type: none"> • The plan places the building alongside the Meldrum sidewalk with direct walkway access to both the meeting room and the main entry without crossing any vehicular use areas. • The entries are covered with projecting roof elements that shelter and define them, with greater enhancement to define the main entry. • Massing is highly articulated and reinforced by varied materials including stone, architectural metal panels, and synthetic stucco. 	Complies



The applicants provide an explanation of their intent for the degree of massing variation and material variation:

The color palette was selected to represent the natural aspects of the state. The overall building has a singular mass with the Zebrawood metal panels (dark brown). The entry elements are stacked with stone creating a defining vertical element. Along with the Zebrawood panels, these two elements ground the building and anchor the entry and Community spaces. The intent is to include the fenestration in the darker EIFS banding and to top it with the lighter EIFS. We believe the articulation of all these elements and colors create the impression of a Grounded / Anchored financial institution, that is Colorado / Native, while allowing the building as a whole to feel integrated into the neighborhood due to its 'lightness'.

D. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Streets, Streetscapes, and Easements Section 3.6.2	<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> <p>Because the street system and streetscapes are established and will remain, the only pertinent standards require replacement of any damaged curb, gutter and sidewalk, whether existing or due to construction activity.</p> <ul style="list-style-type: none"> • The plan includes notes to assure repair of any damage. • The plan includes needed easements for utilities and drainage. 	Complies
Transportation Level of Service Section 3.6.4	<p>This Section requires a Transportation Impact Study (TIS) unless the proposed development is deemed to have a nominal impact, in which case a TIS may be waived by the Traffic Engineer and a memo on traffic impacts may be provided in lieu of a TIS.</p> <ul style="list-style-type: none"> • A letter was provided and accepted by Traffic Operations staff. • The letter analyzes the impacts of replacing a 5,300 sq. ft. bank with 3 drive-thru lanes with a 3,858 sq. foot bank with 3 drive-thru lanes. • It concludes that the impact is less than the current land use and no further analysis is necessary. 	Complies
Emergency Access Section 3.6.6	<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> <p>Staff finds that the streets provide adequate emergency access.</p>	Complies

5. Land Use Code Article 4 – Applicable Standards:

A. SUMMARY

Article 4 of the Land Use Code contains standards for the various zoning districts throughout the City. The subject property is zoned Downtown (D), Division 4.16 of the Land Use Code.

The Downtown Zone District is divided into subdistricts, with the subject site being within the Canyon Avenue Subdistrict. The overall Downtown zone is intended to encourage a mix of activity while providing for high quality development that maintains a sense of history, human scale and pedestrian-oriented character.

B. DIVISION 4.16 – DOWNTOWN DISTRICT (D)

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>4.16(B) Street Frontage Types</p>	<p>The Downtown Zone District has a map that defines Street Frontage Types on a street-by-street basis (Figure 18.1).</p> <p>The map is then followed by a table and diagram with standards for the street Frontage Types (Figures 18.2 and 18.3). Standards address:</p> <ul style="list-style-type: none"> Setbacks measured from back of curb to building 'Build-To Range' metrics measured from the setbacks Primary building entrance location Clearly defined primary building entrance that faces both streets by facing north toward the point of the triangular block. Authentic durable high quality ground floor architectural materials At least 25% window area along the ground floor <p>In this case, the site has two Frontage Types -- 'Green Edge' along Meldrum Street and 'Mixed Use' along Canyon Avenue.</p> <p>Staff finds that the plan provides the required dimensions and features, with the caveat that the applicants and staff do not understand the Build-To Range metrics explained under Division 2.8 above for a modification of the standards.</p>	<p>Modification Requested</p>

6. Findings of Fact/Conclusion

In evaluating the request for the Canvas Credit Union Final Development Plan # PDP190009, 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. Staff supports the Modification of a Standard for subsection 3.2.2(K)(2) because it would not be detrimental to the public good and meets criteria 2.8.2(H) (1) and (4).
3. Staff supports the Modification of a Standard for subsection 4.16(B)(1) because it would not be detrimental to the public good and meets criteria 2.8.2(H) (1) and (3).
4. The PDP complies with relevant standards located in Article 3 – General Development Standards with the modification mentioned above.
5. The PDP complies with pertinent standards located in Division 4.16, Downtown Zone District in Article 4 with the modification mentioned above.

7. Recommendation

Staff recommends that the Hearing Officer approve the Modifications of Standards for subsections 3.2.2(K)(2) and 4.16(B)(1); and recommends approval of Canvas Credit Union #FDP#220009 based on the Findings of Fact and supporting explanations found in the staff report.

8. Attachments

1. Plan Set with all Plans
2. Modification Request – Number of Parking Spaces
3. Modification Request – ‘Build-To Frontage’
4. Traffic Letter