

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

FINDINGS AND DECISION

HEARING DATE: December 15, 2021

PROJECT NAME: Poudre Valley Plaza Mixed-Use

CASE NUMBER: MJA #210003

APPLICANT: Shelley LaMastra
Russell + Mills Studios
506 S. College Ave, Unit A
Fort Collins, CO 80524

OWNER: Mark Morrison
Schuman Companies
7385 Greendale Road, Suite 104
Windsor, CO 80550

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request to develop a mixed-use building on the last remaining lot of the Poudre Valley Plaza PUD at 1039 W. Horsetooth Road. The property is located north of Arbor Avenue, east of South Shields Street, and south of West Horsetooth Road (parcel no. 9735265007) (the “Subject Property”). The Application includes a proposed replat of Tract A and Lot 7, Poudre Valley P.U.D. as recorded on April 4, 1996 at Reception No. 19960023645 in the Larimer County real property records.

The Subject Property is proposed to be replatted as LOT 7, POUDRE VALLEY PLAZA P.U.D. REPLAT #1, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO and contains 11,100 square feet, or 0.255 acres, more or less.

The development proposed on the Subject Property includes a two-story building containing 20 multi-family dwelling units and a retail/commercial tenant space of approximately 1,640 square feet.

The Application includes two (2) modification requests:

- (1) Section 3.2.1(E)(5)(c) of the LUC – *Parking Lot Interior Landscaping*, which requires, in addition to any pedestrian refuse areas, that each landscaped island include one (1) or more canopy shade trees with a length greater than eight (8) feet in its smallest dimension, and include at least eighty (80) square feet of ground area per tree to allow for root aeration, and have raised concrete curbs. The Applicant proposes that no tree be located in one specific island require because an electrical transformer must be placed in the island and a canopy shade tree is not able to fit alongside the transformer.

(2) Section 3.5.1(I)(1) of the LUC – *Outdoor Storage Areas/Mechanical Equipment*, which prohibits outdoor storage, trash collection or compaction, loading or other such uses, to be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian way. The Applicant proposes to utilize the existing trash enclosure, which is approximately eight feet (8’) from the right-of-way on the condition that the existing trash enclosure be reconfigured/expanded as necessary to serve the proposed uses on the Subject Property. The Application sets forth that the reconfigured/expanded trash enclosure will be setback from right-of-way by approximately ten feet, nine inches (10' 9"). The Applicant proposes to retain certain existing landscaping in front of the trash enclosure and add new plantings.

BACKGROUND AND LAND USE: The Subject Property was annexed to the City of Fort Collins in 1978 as part of the West Horsetooth Annexation. The existing Planned Unit Development (“P.U.D.”) was established in the mid-1990s. The Subject Property was originally envisioned to be developed for multi-family units. A replat of the Subject Property is proposed to accommodate the new mixed-use building.

The zoning and land uses for properties in the vicinity of the Subject Property are as follows:

	North	South	East	West
Zoning	Medium Density Mixed-Use Neighborhood (MMN)	Medium Density Mixed-Use Neighborhood (MMN)	Low Density Residential (RL)	Urban Estate (UE)
Land Use	Village on Shields multi-family	Four Seasons multi-family	The Four Seasons 9 th PUD single-family home subdivision	The Crossing Church place of worship or assembly and the Skyline Acres single-family home subdivision

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Neighborhood Commercial (NC)

HEARING: This matter was heard as one of three virtual hearings conducted on December 15, 2021. Following the conclusion of the hearing on PDP 200016 (Office and Light Industrial), the Hearing Officer re-opened the consolidated virtual hearing at approximately 6:39 p.m.

The Hearing Officer reminded those in attendance that the Order of Proceedings were previously reviewed prior to the commencement of the hearing on the prior project (PDP 200016).

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

1. Development Review Staff Report prepared for Poudre Valley Plaza Mixed-Use (MJA210003). The staff report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
2. Neighborhood Meeting Notes for July 12, 2021 Neighborhood Meeting (2 pages).
3. Planning Set: Poudre Valley Plaza Mixed Use (14 pages), including Cover Sheet, Site Plan, Parking Plan, Site Details, Lighting Plan, Lighting Notes and Summary Table, Tree Protection and Removal Plan, Landscape Plan, Building Elevations, Building Perspectives and Trash Enclosure details.
4. Window Details for Poudre Valley Plaza Mixed-Use (4 pages).
5. Poudre Valley Plaza P.U.D. Replat #1 (2 pages).
6. Applicant Project Narrative (Poudre Valley Plaza Mixed Use Major Amendment) (5 pages).
7. Applicant Modification Requests (Poudre Valley Plaza Mixed Use) (3 pages).
8. Applicant Existing Tree Removal Feasibility Letter (2 pages).
9. Traffic Memorandum for Poudre Valley Plaza Mixed Use (26 pages).
10. Poudre Valley Plaza Property Owners Association Letter dated September 29, 2021 (1 page).
11. A copy of the Planning Department PowerPoint prepared for the December 15, 2021 Hearing.
12. Confirmation of Publication of Notice of Hearing (Ad# 5032070) ordered December 3, 2021 and published on December 8, 2021 in *The Coloradoan*.
13. Copy of Written Notice of Public Hearing dated November 24, 2021 (per Development Review Staff Report the Written Notice of Public Hearing was distributed to 207 addresses).
14. Rules of Conduct for Administrative Hearings.
15. Administrative (Type 1) Order of Proceedings.

16. The City’s Comprehensive Plan, the Land Use Code, and the formally promulgated ordinances and polices of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons participated in the virtual hearing:

From the City: Kai Kleer, City Planner
Leslie Spencer, Community Development
Marc Virata, City Engineer
Spencer Smith, City Traffic Operations

From the Applicant/Owner: Shelley LaMastra, Applicant
Ian Shuff, Applicant Team
Mark Morrison (Developer/Owner)
Phillip Schuman (Developer/Owner)

From the Public: John Woram
900 Arbor Ave #34
Fort Collins, CO 80526

The public comment portion of the hearing was opened at approximately 7:25 PM and was closed at approximately 7:32 PM.

The virtual hearing on this matter was closed at approximately 7:50 P.M.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed, and published.
2. As required by City Council Ordinance 079, Series 2020 (the “**City Ordinance**”), 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 the City Ordinance, 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 Application complies with the applicable procedural and administrative requirements of Article 2 of the LUC.
 - B. Except for LUC Sections 3.5.1(I)(1) and 3.2.1(E)(5)(c), for which Modifications of Standards are requested, the Application complies with applicable General Development Standards contained in Article 3 of the LUC.

- C. The Application complies with the applicable standards of Neighborhood Commercial (NC) District standards contained in Article 4 of the LUC.
- D. The proposed Modification of Standard to Section 3.2.1(E)(5)(c) is not detrimental to the public good and satisfies the criteria set forth in 2.8.2(H)(1) of the LUC. Specifically the Hearing Officer finds:
 - i. The Application satisfies Section 2.8.2(H)(1) of the LUC — which permits the Hearing Officer to grant the Modification of Standard request if the plan promotes the general purpose of Section 3.2.1(E)(5)(c) equally well or better than would a plan that strictly complies with Section 3.2.1(E)(5)(c). In this case, the Application proposes additional trees and landscaping to be installed around the building perimeter to offset the loss of the one (1) additional canopy shade tree in the existing island where the Fort Collins Light & Power transformer will be located.
 - ii. The Modification of Standard to Section 3.2.1(E)(5)(c) of the LUC is approved to permit the parking island tree requirement to be offset by increased tree and landscape plantings around the building perimeter.
- E. The proposed Modification of Standard to Section 3.5.1(I)(1) is not detrimental to the public good and satisfies criteria set forth in 2.8.2(H)(1) of the LUC. Specifically the Hearing Officer finds:
 - i. The Application satisfies Section 2.8.2(H)(1) of the LUC — which permits the Hearing Officer to grant the Modification of Standard request if the plan promotes the general purpose of Section 3.5.1(I)(1) equally well or better than would a plan that strictly complies with Section 3.5.1(I)(1). In this case, the Application proposes to utilize an existing trash enclosure that has been in use for many years on the condition that the existing trash enclosure be reconfigured/expanded as necessary to serve the proposed uses on the Subject Property. The Application sets forth that the reconfigured/expanded trash enclosure will be setback from right-of-way by approximately ten feet, nine inches (10' 9") and will be expanded to adequately handle the solid waste/recycling generated by the 20 multi-family dwelling units and 1,640 square feet retail/commercial tenant space proposed on the Subject Property. As detailed in the Planning Set, and as discussed at the hearing, the Applicant proposes to retain certain existing landscaping in front of the trash enclosure and add new plantings.
 - ii. The Modification of Standard to Section 3.5.1(I)(1) of the LUC is approved to permit the existing trash enclosure to remain in its existing location and be reconfigured/expanded to serve the uses proposed on the Subject Property.
- 4. The Application's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently evidenced by the Staff Report and the testimony and materials presented at the hearing.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the Poudre Valley Plaza Mixed-Use (MJA #210003) for the Subject Property as submitted.

DATED this 29th day of December, 2021.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Poudre Valley Plaza Mixed-Use
(MJA #210003)

Administrative Hearing: December 15, 2021

MJA210003, Poudre Valley Plaza Mixed-Use

Summary of Request

This is a request to develop a mixed-use building on the last remaining lot of the Poudre Valley Plaza PUD at 1039 W Horsetooth Rd. The development would be a two-story building containing 20 multi-family dwelling units and a retail/commercial tenant space of approximately 1,640 square feet.

Zoning Map



Next Steps

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

Site Location

Located north of Arbor Avenue, east of South Shields Street, and south of West Horsetooth Road at 1039 W Horsetooth Rd (Parcel # 9735265007).

Zoning

Neighborhood Commercial (NC)

Property Owner

Schuman Companies
 Contact: Mark Morrison
 7385 Greendale Rd., Suite 104
 Windsor, CO 80550

Applicant/Representative

Russell + Mills Studios
 Contact: Shelley LaMastra
 506 S. College Ave., Unit A
 Fort Collins, CO 80524

Staff

Shawna Van Zee, Associate Planner

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Staff Recommendation

Staff recommends approval of two Modifications of Standards and approval for the Major Amendment.

1. Project Introduction

A. PROJECT DESCRIPTION

This Major Amendment (MJA) proposes to develop a mixed-use building on the last remaining lot of the Poudre Valley Plaza PUD at 1039 W Horsetooth Rd. The development would be a two-story building containing 20 multi-family dwelling units and a retail/commercial tenant space of approximately 1,640 square feet.

- The proposal on Lot 7 of the Poudre Valley Plaza PUD is 11,100 SF (0.25 AC) acres in size.
- Architecturally, the proposed mixed-use building provides compatibility with the existing surrounding buildings in the development in scale, form, and materiality.
- The plan includes 2 modification requests:
 - 3.5.1(I)(1) – Allowing the existing structure to remain in its existing location (8'-0" from R.O.W.) and be expanded to serve the new uses on Lot 7 with a setback of 10'-9" from R.O.W.
 - 3.2.1(E)(5)(c) – Allowing the parking island tree requirement to be offset by increased tree stocking around the building perimeter.
- This project requires 34 parking spaces, which will be provided in the existing shared parking lot of the Poudre Valley Plaza.
- The existing trash enclosure at the southeast corner of the site will be expanded to accommodate the additional trash requirements for the new mixed-use building.
- Access to the site will be from Arbor Avenue directly to the south and West Horsetooth Road, approximately 300 feet to the north.

B. DEVELOPMENT STATUS/BACKGROUND

1. Annexation and Planning

The site was annexed in 1978 as part of the West Horsetooth Annexation. The existing Planned Unit Development (PUD) was established in 1995. This lot was originally envisioned to be multi-family units. A replat will be completed on Lot 7 to accommodate the new mixed-use building.

2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Medium Density Mixed-Use Neighborhood (MMN)	Medium Density Mixed-Use Neighborhood (MMN)	Low Density Residential (RL)	Urban Estate (UE)
Land Use	Village on Shields multi-family	Four Seasons multi-family	The Four Seasons 9 th PUD single-family home subdivision	The Crossing Church place of worship or assembly and the Skyline Acres single-family home subdivision

C. OVERVIEW OF MAIN CONSIDERATIONS

The plan has gone through two rounds of review, and the primary issues explored in those rounds of review have been the following:

- Exploring the shared parking proposed in the existing Poudre Valley Plaza parking lot and how the applicant can ensure those spaces would be accessible to all residents and users indefinitely.
- Exploring how to expand the existing trash enclosure while maintaining its functionality.

2. Public Outreach

A. NEIGHBORHOOD MEETING

A neighborhood meeting was held virtually on July 12, 2021 with approximately 10 attendees. The plan has evolved since, through multiple rounds of City review and design refinement. Public feedback largely focused on traffic concerns. Concerns were raised about the existing traffic and parking congestion along Arbor Avenue due to the existing apartment complex to the south charging residents to park in their lot, creating issues with non-paying residents parking along Arbor Ave. This project will not charge tenants to park in the lot and a parking exhibit has been included to demonstrate how the existing shared parking lot of the Poudre Valley Plaza will accommodate the additional parking required by the Land Use Code to meet the parking requirements of this proposal. Meeting notes are attached.

3. Land Use Code Article 2 – Applicable Standards

A. MAJOR AMENDMENT PROCEDURAL OVERVIEW

1. Conceptual Review – CDR210018

A conceptual review meeting was held on March 11, 2021.

2. First Submittal – MJA210003

The Major Amendment was submitted on August 6, 2021.

3. Neighborhood Meeting

A neighborhood meeting was not required for this project. However, the applicant team requested a neighborhood meeting be held, which was hosted virtually on July 12, 2021.

4. Notice (Posted, Written and Published)

Posted Notice: July 2, 2021 Sign #632.

Written Hearing Notice: November 24, 2021, 207 addresses mailed.

Published Coloradoan Hearing Notice: December 8, 2021. Confirmation #: 0005032070

B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The applicant requests two modifications of standards, as described in detail below.

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 provisions for modifications. The modification process and criteria in Land Use Code Division 2.8.2(H) provide for evaluation of these instances on a case-by-case basis, 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 to 3.5.1(I)(1) Outdoor Storage Areas/Mechanical Equipment

Standard

"No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty (20) feet of any public street, public sidewalk or internal pedestrian way. Notwithstanding the foregoing, areas for trash collection may be located within twenty (20) feet of an internal pedestrian way."

Overview

Because the plan proposes to utilize an existing on-site trash enclosure that will be expanded to meet the additional needs of the new mixed-use building, and that current trash enclosure does not meet the existing setback requirements from a pedestrian way, the plan requires a modification of standard to 3.5.1(I)(1) Outdoor Storage Areas/Mechanical Equipment.

Summary of Applicant Justification

The applicant's modification request is attached. The request is based on a lack of detriment to the public good, and on subparagraph (3) above -- the "by reason of exceptional physical conditions or other extraordinary and exceptional situations" criterion. Outlined below is the key point made in the request.

- The property has an existing trash enclosure that has been in use for many years. The existing enclosure serves other buildings within the Poudre Plaza PUD. Due to limited space along the Arbor Avenue frontage with the existing retention area and walls there is no other location to build a new structure. Existing plantings in front of the dumpster enclosure shall remain in place as well as new plantings that will be added.

Staff Findings

Staff finds that the granting of the modification would not be detrimental to the public good, that what is proposed is "equal to or better than" the impact to the existing landscaping/parking lot if another trash enclosure was built versus maintaining the existing condition, and that the request satisfies subparagraphs (1) and (3) in subsection 2.8.2(H).

Detriment to the public good. Staff finds that the expansion of the existing trash enclosure will be of no detriment to the public good in comparison to an additional trash enclosure being placed in an additional location in the Poudre Valley Plaza.

2. Modification to 3.2.1(E)(5)(c) Parking Lot Interior Landscaping

Standard

"Landscaped Islands. In addition to any pedestrian refuge areas, each landscaped island shall include one (1) or more canopy shade trees, be of length greater than eight (8) feet in its smallest dimension, include at least eighty (80) square feet of ground area per tree to allow for root aeration, and have raised concrete curbs."

Overview

Because the plan was designed to accommodate the needed transformer in an existing parking lot island, and due to its required size and clearance requirements, a tree is not able to be accommodated in the island, so the plan requires a modification of standard to 3.2.1(E)(5)(c) Parking Lot Interior Landscaping.

Summary of Applicant Justification

The applicant's modification request is attached. The request is based on a lack of detriment to the public good, and on subparagraph (3) above -- the "by reason of exceptional physical conditions or other extraordinary and exceptional situations" criterion. Outlined below are the key points made in the request.

- The property has limited areas that meet the requirements from Light and Power access to the transformer. The transformer needs to be within 10' of a vehicular drive aisle. The previously proposed location along Arbor Avenue was denied by Light and Power. Light and Power has indicated that this island would be where the transformer needs to be in order to be serviceable. Due to the size of the transformer and required clearances a tree is not able to fit in the island.
- Building perimeter tree stocking is proposed above the required amount of 12 to the provided quantity of 22 (+10 trees).

Staff Findings

Staff finds that the granting of the modification would not be detrimental to the public good, that what is proposed meets the "equal to or better than" criterion with the additional trees being planted, and that the request satisfies subparagraphs (1) and (3) in subsection 2.8.2(H).

Detriment to the public good. Staff's finding is based on consideration of the need for the transformer in its proposed location and additional trees will be provided on site to accommodate the lack of a canopy shade tree in the existing island. Staff finds that these additional trees provide the needed tree canopy on site with no detriment to the public good.

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								
3.2.1 – Landscaping and Tree Protection	<p>The standards of this section require that a development plan demonstrate a comprehensive approach to landscaping that enhances the appearance and function of the neighborhood, buildings, and pedestrian environment. The proposed plan provides the following:</p> <ul style="list-style-type: none"> For this proposal 12 trees are required to meet the full tree stocking standard, and 22 total trees are being proposed. Planting beds that contain shrub and ground cover in appropriate quantities are located in all areas of the site not covered by impervious asphalt, concrete, buildings, or structures. 	Complies								
3.2.1(E)(3) – Water Conservation	<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. Landscape plans may not exceed an average of fifteen gallons per square foot of landscape.</p> <p>This proposal meets this standard by proposing an average of 7.3 gallons per square foot of landscape area.</p>	Complies								
3.2.1(E)(5)(c) - Parking Lot Interior Landscaping	<p>In addition to any pedestrian refuge areas, each landscaped island shall include one (1) or more canopy shade trees, be of length greater than eight (8) feet in its smallest dimension, include at least eighty (80) square feet of ground area per tree to allow for root aeration, and have raised concrete curbs.</p> <p>A modification request has been made for this standard. Due to the size of the transformer and required clearances a tree is not able to fit in the island. Building perimeter tree stocking is proposed above the required amount of 12 to the provided quantity of 22 (+10 trees).</p>	Modification Requested								
3.2.1(E)(6) – Screening	<p>Building elements, such as trash collection, open storage, service areas and loading docks must be screened from off-site view. The primary screening focus of the plan has been to provide additional landscaping screening to the existing trash enclosure along Arbor Avenue that will be expanded to meet the additional trash and recycling needs of this proposal.</p>	Complies								
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. This MJA complies with these standards.</p>	Complies								
3.2.2(C)(4) – Bicycle Parking Space Requirements	<p>The multi-family bicycle parking standard requires 1 space for every bedroom (60% enclosed / 40% fixed). This project proposes 20 bedrooms which require 20 bicycle parking spaces (12 enclosed / 8 fixed). The general retail bicycle parking standard requires 1 space per 4,000 square feet with a minimum of 4 spaces. This project proposes approximately 1,641 square feet of retail space which requires 4 bicycle parking spaces (1 enclosed / 3 fixed). Racks are conveniently located around entry points, and the enclosed bike parking is located within the interior of the building.</p> <table border="1" data-bbox="440 1745 1214 1833"> <thead> <tr> <th>Required</th> <th>Provided</th> <th>Enclosed</th> <th>Fixed Rack</th> </tr> </thead> <tbody> <tr> <td>24</td> <td>26</td> <td>15</td> <td>11</td> </tr> </tbody> </table>	Required	Provided	Enclosed	Fixed Rack	24	26	15	11	Complies
Required	Provided	Enclosed	Fixed Rack							
24	26	15	11							

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings												
<p>Section 3.2.2(K)(2)(a) – Parking</p>	<p>The <i>minimum</i> number of required parking spaces for the residential portion of the mixed-use building is 1.5 spaces per bedroom or studio. This project proposes 20 studio/one-bedroom units providing 30 parking spaces.</p> <p>The <i>minimum</i> number of required parking spaces for the retail use is 2 spaces per 1,000 square feet of retail space. This project proposes 1,641 square feet of retail space providing 4 parking spaces.</p> <p>This project proposes for the parking requirements to be met within the existing Poudre Valley Plaza shared parking lot. A parking plan (sheet LS102 of the Planning Set, attachment #3) has been provided to demonstrate how the parking for both the existing uses and the new uses exceeds the minimum number of spaces required in total for all uses. The parking lot is a shared amenity of the Poudre Valley Plaza HOA and allows all businesses, customers, and residents equal access to all of the spaces.</p> <table border="1" data-bbox="467 709 1341 932"> <thead> <tr> <th>Proposed Uses</th> <th>Min Parking Required</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td>Multi-family</td> <td>30 (1.5/1bedroom/studios)</td> <td>30</td> </tr> <tr> <td>Retail</td> <td>4 (2/1000 sq. ft.)</td> <td>4</td> </tr> <tr> <td>Total</td> <td></td> <td>34</td> </tr> </tbody> </table>	Proposed Uses	Min Parking Required	Provided	Multi-family	30 (1.5/1bedroom/studios)	30	Retail	4 (2/1000 sq. ft.)	4	Total		34	<p>Complies</p>
Proposed Uses	Min Parking Required	Provided												
Multi-family	30 (1.5/1bedroom/studios)	30												
Retail	4 (2/1000 sq. ft.)	4												
Total		34												
<p>3.2.2(K)(5) – Handicap Parking</p>	<p>Handicap-accessible spaces must have a stall width of 13 feet and be placed as close as possible to the nearest building entrance. The existing shared parking lot has a total of 232 standard stalls with 12 additional handicap-accessible spaces for a total of 244 parking spaces. This proposal will convert two existing spaces into one additional handicap-accessible space for a total of 13 handicap-accessible spaces.</p> <p>The MJA complies with this standard by providing 1 additional handicap-accessible parking space located in the parking bay along the northern face of the building in close proximity to the northern main entry doors.</p>	<p>Complies</p>												
<p>3.2.4 – Site Lighting</p>	<p>This standard requires that exterior lighting not adversely affect the properties, neighborhood, or natural features adjacent to the development. Further, the standard requires exterior lighting to be examined in a way that considers the light source, level of illumination, hours of illumination and need.</p> <p>The City of Fort Collins adopted new exterior lighting standards in the Land Use Code that took effect on March 26, 2021. This lighting plan meets those recently adopted standards.</p> <p>The MJA provides lighting in all needed areas of the site and complies with the requirements of this section using fully shielded, down-directional, 3,000 Kelvin or less fixtures.</p> <p>Lighting levels do not exceed the lumen limit of 0.1 when measured 20 feet beyond the property boundary.</p>	<p>Complies</p>												

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Section 3.2.5 – Trash and Recycling Enclosures	<p>The purpose of this standard is to ensure 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> <p>The MJA proposes to expand the existing trash enclosure adjacent to Lot 7 that has been in use for many years to meet the additional capacity needed to meet this standard. The existing enclosure serves other buildings within the Poudre Plaza PUD. Due to limited space along the Arbor Avenue frontage with the existing retention area and walls there is no other location to build a new structure. Existing plantings in front of the dumpster enclosure shall remain in place as well as new plantings that will be added.</p>	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. A plat has been submitted as part of this proposal and includes all required dedications and easements.</p>	Complies

C. DIVISION 3.5 - BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.5.1(I)(1) – Outdoor Storage Areas/Mechanical Equipment	<p>This standard specifies that no areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty (20) feet of any public street, public sidewalk or internal pedestrian way.</p> <p>The property has an existing trash enclosure that has been in use for many years. The existing enclosure serves other buildings within the Poudre Plaza PUD. Due to limited space along the Arbor Avenue frontage with the existing retention area and walls, there is no other location to build a new structure. Existing plantings in front of the dumpster enclosure shall remain in place as well as new plantings that will be added.</p> <p>A modification request has been made for the existing structure to be allowed to remain in its existing location (8'-0" from R.O.W.) and be expanded to serve the new uses on Lot 7 with a setback of 10'-9" from R.O.W.</p>	Modification Requested
3.5.3(C)(1) – Orientation to a Connecting Walkway	<p>This standard requires at least one (1) main entrance of any commercial or mixed-use building to face and open directly onto a connecting walkway with pedestrian frontage. Connecting Walkway is defined as, "(1) any street sidewalk, or (2) any walkway that directly connects a main entrance of a building to the street sidewalk without requiring pedestrians to walk across parking lots or driveways, around buildings or around parking lot outlines which are not aligned to a logical route."</p> <p>The proposal meets this standard by providing a connecting walkway from Arbor Avenue to the south directly to the southern entrance to the building from which both the residential and retail portions of the building can be accessed.</p>	Complies

3.5.3(E) Character and Image	<p>New buildings are required to contribute to the uniqueness of a zone district by using predominant materials, elements, features, color range found within the zone. Additionally, the building is required to be modified in a way to avoid a standardized prototype design.</p> <p>This proposed mixed-use building provides compatibility with the existing surrounding buildings in the development in scale, form, and materiality. The 2-story scale relates to the taller existing 1-story restaurant/commercial buildings yet is lower in height compared to the 2-story commercial/office buildings to the east. The proposed roof forms use concrete/clay tile roofing to match the existing building over the apartment portion of the building and a corniced, overhanging flat roof over the retail/commercial part of the building. The exterior will have stucco and stone veneer to match the exterior material of the existing development; details like stucco corbels and raised horizontal banding will also be incorporated.</p>	Complies
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D. DIVISION 3.6 - TRANSPORTATION AND CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.6.4 – Transportation Level of Service Requirements	<p>The original traffic impact study (TIS) for the development, Poudre Valley Plaza Site Access Study prepared by Matthew Delich, PE (dated June 1995) was reviewed. Figure 2 in the original TIS accounted for this area’s land use as being residential and retail as proposed with the current project. Additionally, Page 2 of the original TIS shows the anticipated overall trip generation of the Poudre Valley Plaza consisting of: 3,628 daily trips, 229 AM total peak hour trips, and 397 PM total peak hour trips consisting of a mix of land uses (bank, office, retail, restaurant, and townhomes).</p> <p>In light of the above information and based upon the review of the project’s trip generation and site access, it can be determined that the proposed use is appropriate from a traffic engineering perspective. The site access, land use, and size is also appropriate from a traffic engineering perspective. The project’s site generated traffic is low (11 AM total peak hour trips, and 17 PM total peak hour trips) and the site access will not create a negative traffic impact upon the adjacent roadway system. See Table 1: Trip Generation and Figure 4: Site Generated Traffic. Based upon the analysis presented in the study, the proposed project will be successfully incorporated into the existing and future roadway network and the existing roadway system will be able to accommodate the project’s traffic and the findings associated with the original TIS are still valid.</p>	
3.6.6 – Emergency Access	<p>This standard states, “all developments shall provide adequate access for emergency vehicles and for those persons rendering fire protection and emergency services by complying with Article 9, Fire Department Access and Water Supply, of the Uniform Fire Code as adopted and amended pursuant to Chapter 9 of the City Code. All emergency access ways, easements, rights-of-way or other rights required to be granted pursuant to the Uniform Fire Code must include not only access rights for fire protection purposes, but also for all other emergency services.”</p> <p>The project has been reviewed by Poudre Fire Authority (PFA) and currently meets the needs and requirements of PFA regulations.</p>	Complies

Land Use Code Article 4 – Applicable Standards:

E. DIVISION 4.23 – NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

The Neighborhood Commercial District is intended to be a mixed-use commercial core area anchored by a supermarket or grocery store and a transit stop. The main purpose of this District is to meet consumer demands for frequently needed goods and services, with an emphasis on serving the surrounding residential neighborhoods typically including a Medium Density Mixed-Use Neighborhood. In addition to retail and service uses, the district may include neighborhood-oriented uses such as schools, employment, day care, parks, small civic facilities, as well as residential uses.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.23(B)(2)(a)(c)	This proposal is being reviewed as a mixed-use dwelling with 1,641 sq. ft. of commercial/retail space which is subject to Administrative (Type 1) Review.	Complies
4.23(E)(2)(d)	The maximum building height for this zone district is 5 stories and the minimum height is 20 feet. The proposed building is 2 stories with a height of 27 feet to the highest point.	Complies

5. Findings of Fact/Conclusion

In evaluating the request for the Poudre Valley Plaza Mixed-Use Major Amendment, MJA210003, Staff makes the following findings of fact and conclusions:

1. The Major Amendment complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
2. The Major Amendment complies with relevant standards located in Article 3 – General Development Standards with 2 Modifications of Standards.
3. Staff supports the requests for **Modifications of Standards** to the following subsections:
 - a. 3.5.1(I)(1) – Allowing the existing structure to remain in its existing location (8'-0" from R.O.W.) and be expanded to serve the new uses on Lot 7 with a setback of 10'-9" from R.O.W.
 - b. 3.2.1(E)(5)(c) - Allowing the parking island tree requirement to be offset by increased tree stocking around the building perimeter.
4. The Major Amendment complies with relevant standards located in Division 4.23 – Neighborhood Commercial District (N-C) in Article 4.

6. Recommendation

Staff recommends that the Hearing Officer approve 2 Modifications of Standards to Land Use Code sections and subsections 3.5.1(I)(1) and 3.2.1(E)(5)(c); and approve Poudre Valley Plaza Mixed-Use, MJA210003 based on the Findings of Fact and supporting explanations found in the staff report and hearing materials.

7. Attachments

1. Location & Zoning Map
2. Neighborhood Meeting Notes
3. Planning Set
 - Site Plan
 - Parking Plan
 - Site Details
 - Lighting Plan

- Tree Protection and Removal Plan
 - Landscape Plan
 - Building Elevations and Perspectives
 - Trash Enclosure
4. Window Details
 5. Plat
 6. Project Narrative
 7. Modification Requests 1 & 2 – 3.5.1(I)(1) and 3.2.1(E)(5)(c)
 8. Existing Tree Removal Feasibility Study
 9. Traffic Memorandum
 10. Poudre Valley Plaza Property Owners Association Letter
 11. Staff Presentation