

Planning & Zoning Commission Hearing: May 16, 2024

## East Oak Townhomes #PDP230018

### Summary of Request

The proposal is to demolish an existing place of worship and the construction of 15 single-family attached 2, 3 & 4 story townhomes with a center garden courtyard at 220 E Oak With access taken from Matthews St to the east, E Oak St to the south and the alley directly to the west.

### Zoning Map



### Next Steps

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

### Site Location

220 E Oak St., NW corner of E Oak St and Matthews St.  
Parcel # 9712317922.

### Zoning

Neighborhood Conservation Buffer (NCB) and Downtown (D) Zone Districts

### Property Owner

Library Park Collaborative  
221 E Oak St, Unit A  
Fort Collins, CO 80524

### Applicant/Representative

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

### Staff

Arlo Schumann, City Planner

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### Staff Recommendation

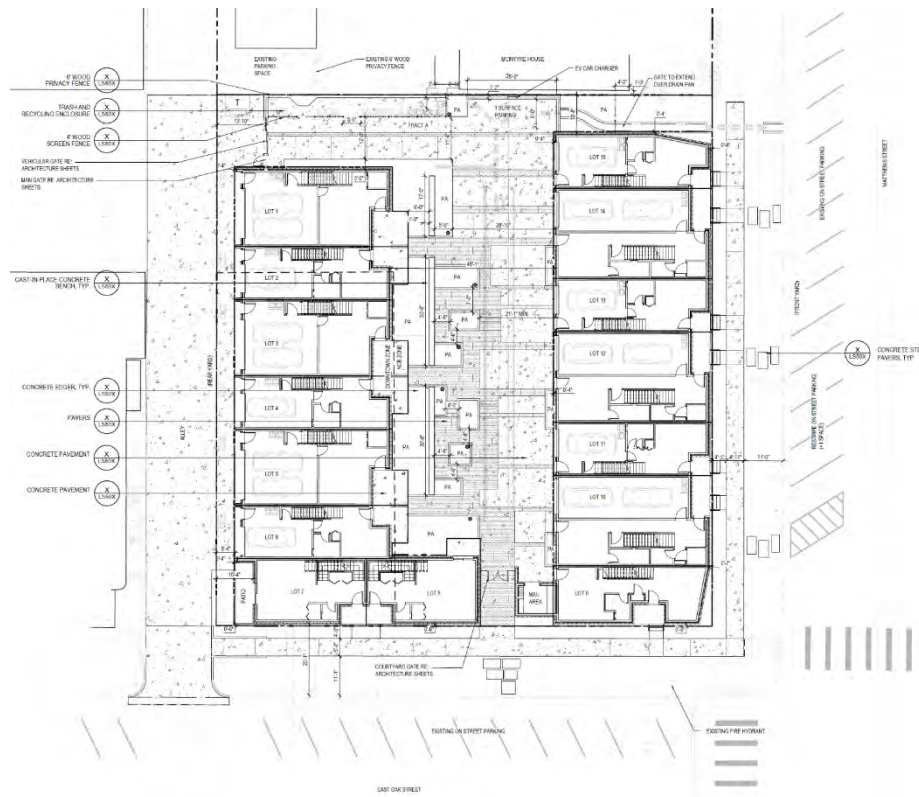
Staff recommends approval of five Modifications of Standard and the Project Development Plan PDP230018.

## 1. Project Introduction

### A. PROJECT DESCRIPTION

The applicant is requesting to construct 15 single-family attached townhome units on a 0.48 acre site located at the NW of East Oak St and Matthews St.

- 16 vehicle parking spaces are provided. 15 garage spaces and 1 outdoor surface space. 3 garages provide tandem parking.
- Unit entrances facing Mathews and Oak St. with 6 rear units served by an interior courtyard and pedestrian access from Oak St.
- Access to the development will be from Matthews St to the east, E Oak St to the south and the alley to the west.
- The property is within the NCB and D zoning districts. NCB permits the use subject to Planning and Zoning Commission review.
  - On April 23, 2024, the Community Development and Neighborhood Services Department received a request for an interpretation of Section 1.4.6 in light of the zoning division of the lot at 220 E Oak St. (parcel # 9712317922)
  - The specific question this administrative interpretation addresses is, does adjusting the zone district boundary between the D and NCB zones by 50 feet to the west on this property meet the criteria of LUC Section 1.4.6?
  - Staff interprets that it is appropriate to adjust the boundary of the D zone district at 220 E Oak St. (parcel # 9712317922) west 50ft resulting in the entire property to be regulated under the NCB zone district standards, consistent with the criteria established in LUC Section 1.4.6.





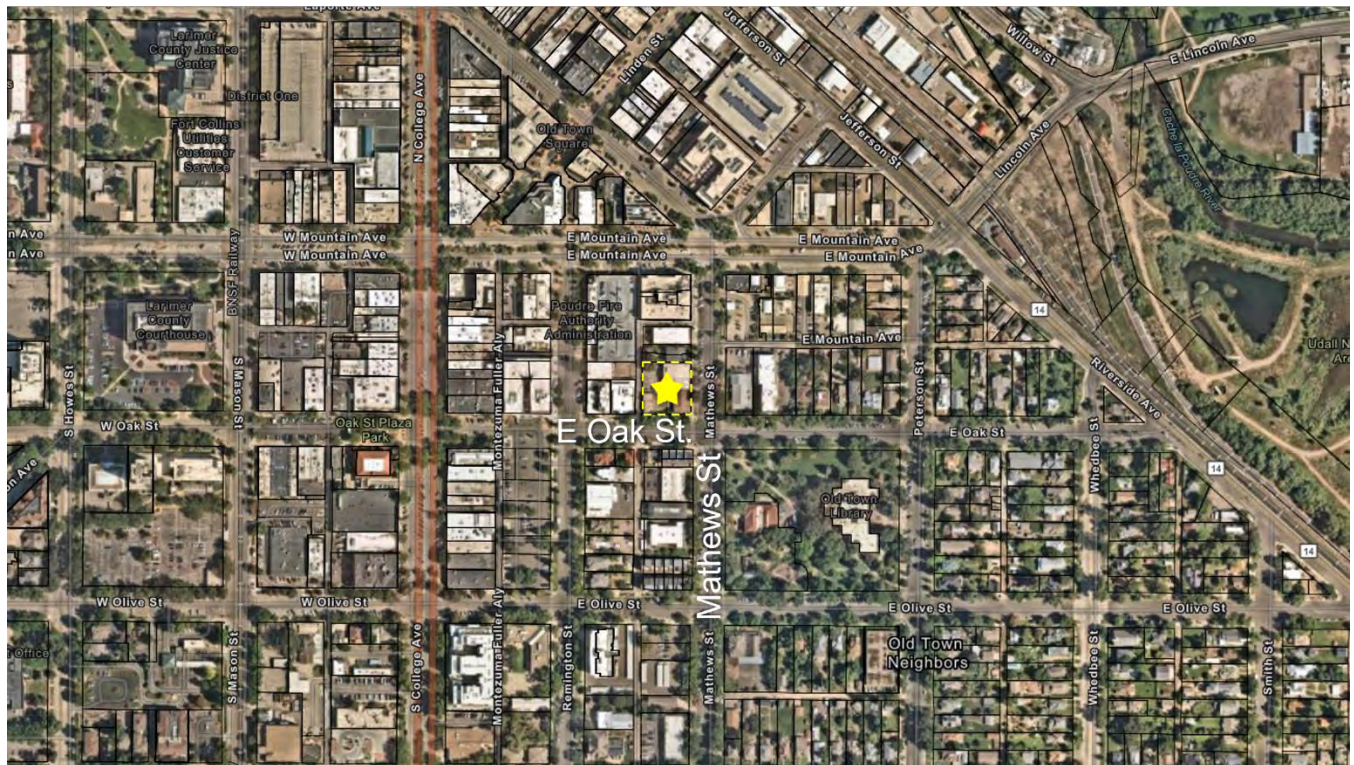
## B. DEVELOPMENT STATUS/BACKGROUND

### 1. Subject Property

The existing use is as a place of worship, within the Fort Collins 1873 Map. The site is 20,965 SF (0.48 Ac.), with frontage on Matthews St and E Oak St.

### 2. Surrounding Zoning and Land Use

	North	South	East	West
<b>Zoning</b>	Neighborhood Conservation, Buffer District (NCB) and Downtown (D)	Neighborhood Conservation, Buffer District (NCB) and Downtown (D)	Neighborhood Conservation, Buffer District (NCB) and Downtown (D)	Downtown (D)
<b>Land Use</b>	Multi-family dwellings, Commercial	Multi-family dwellings, Single-family dwelling, Commercial, Park	Place of worship, Multi-family dwellings, Single-family dwellings, Commercial, Park	Multi-family dwellings, Commercial



## C. OVERVIEW OF MAIN CONSIDERATIONS

The plans were developed, and issues were clarified through two rounds of plan review, responses to comments, and questions. Main considerations were the transitional character of the site in relation to the downtown zone and Eastside neighborhood, neighborhood compatibility, adjacent historic resources, pedestrian access and circulation, building floor area ratios, and building design.

- Section 1.4.6 allows the CDNS Director to adjust the zoning boundary on a property up to 50ft. A determination has been made that for this property the zoning boundary will be adjusted 50ft the west resulting in the entire site being reviewed under the NCB zoning standards.

- Development of single-family attached dwellings in this transitional area of the Eastside Neighborhood is in keeping with the vision of the (2017) Old Town Neighborhoods Plan.
- The development complies with the Neighborhood Conservation, Buffer District (NCB) zone district standards.

## D. CITY OF FORT COLLINS LAND USE CODE & CITY PLAN

The City’s comprehensive plan (2019 City Plan) was developed with the participation of thousands of community members and “articulates the community’s vision and core values, and establishes the overall policy foundation” to provide “high-level direction” towards achieving a shared community vision of growth and transportation throughout the City. A basic aspect of the vision pertinent to this project proposal is the unique character and sense of place in Fort Collins.

The Land Use Code’s purpose statement, per Section 1.2.2(A)-(O), is to ensure that all growth and development that occurs is consistent with the code and City Plan and addresses a range of community issues and design elements. By incorporating the specific requirements within the Code, a plan demonstrates its fulfillment of this purpose statement.

A significant theme in City Plan is encouraging more housing options in general:

- Policy LIV 5.6 (p. 42) *EXISTING NEIGHBORHOODS: Expand housing options in existing neighborhoods (where permitted by underlying zoning) by encouraging:*
  - *Infill development on vacant and underutilized lots;*
  - *Internal ADUs such as basement or upstairs apartments;*
  - *Detached ADUs on lots of sufficient size; and*
  - ***Duplexes, townhomes or other alternatives to detached single-family homes that are compatible with the scale and mass of adjacent properties.***

The Structure Plan designates this neighborhood with the “Mixed Neighborhood” place type, which is characterized by single-family detached homes, duplexes, triplexes and townhomes.

## 2. Public Outreach

### A. NEIGHBORHOOD MEETING

A hybrid neighborhood meeting was held on November 16, 2023, with community members in attendance. The plan has evolved since, through multiple rounds of City review and design refinement. Salient topics discussed at the meeting included:

1. General project scope and building design.
2. The size of the proposed units.
3. Potential alley improvements.
4. Parking options.
5. Unit pricing and affordability.
6. Solar and geothermal energy.

### B. SECOND NEIGHBORHOOD MEETING

A hybrid neighborhood meeting was held on April 29, 2024 with community members in attendance. Salient topics discussed at the meeting included:

1. What might have changed since the last meeting.
2. Zoning boundary adjustment process and decision maker.

3. Project time line and when project will start construction and be built.
4. Solor panel locations and scope.
5. Street lighting.

### 3. Land Use Code Article 2

#### A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

##### 1. Conceptual Review – CDR230036

A conceptual review meeting was held on September 22, 2023.

##### 2. Neighborhood Meeting

Pursuant to LUC Section 2.2.2 – Step 2: Neighborhood Meetings, a neighborhood meeting is required for Planning and Zoning Commission (Type 2) projects. A hybrid online and in-person neighborhood meeting was held on November 16, 2023.

##### 3. First Submittal

The PDP was submitted on December 20, 2023.

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

Posted Notice: November 9, 2023, Sign #745.

Written Hearing Notice: May 1, 2024, 338 addresses mailed.

Published Hearing Notice: May 5, 2024.

#### B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The applicant requests one modification 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 4.9(D)(5) & 4.9(D)(6)(a-c) Floor Area and Dimensional Standards****The standard:**

**4.9(D)(5) Allowable Floor Area on Rear Half of Lots.** *The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot.*

**4.9(D)(6) Dimensional Standards.**

**(a)** *Minimum lot width shall be forty (40) feet for each single-family and two-family dwelling and fifty (50) feet for each other use. The minimum lot width for lands located within the West Central Neighborhood Plan Subarea and south of University Avenue shall be eighty-five (85) feet. If more than one (1) principal building is proposed to be constructed side-by-side on the same lot, then each such principal building must have at least forty (40) feet of street frontage for single-family and two-family dwellings, and at least fifty (50) feet of street frontage for each other use.*

**(b)** *Minimum front yard setback shall be fifteen (15) feet. Setbacks from garage doors to the backs of public walks shall not be less than twenty (20) feet, except that the minimum front and side yard setbacks for lands located within the West Central Neighborhood Plan Subarea and south of University Avenue and abutting Shields Street shall be sixty (60) feet, and the minimum setback from garage doors to the backs of public walks shall be sixty-five (65) feet.*

**(c)** *Minimum rear yard setback shall be five (5) feet from existing alley and fifteen (15) feet in all other conditions.*



## Overview

A defining element of single-family attached dwellings is that each unit is on a distinct lot with units connected to their neighbor at the property line. A common configuration and character of single-family attached dwellings is shared walls and a property line that is similar in shape and area of the unit footprint with common spaces on separate tracts. The typical dimensional standards in 4.9(D) for single family dwellings don't align with common townhome plan designs. The applicants requests to utilize all of the rear area of the lots, have a minimum lot width of 15ft, have a minimum front setback of 6 inches, and have a minimum rear setback of 4 inches.

## 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 (1) above -- the "equal-to or better-than" criterion and subparagraph (2) above – the "without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern". Key points made in the request include:

- The applicants state that if the required forty (40) feet width lot were provided the site would only net 6 dwelling units instead of the proposed 15. The reduced lot width allows for more units to be put on the property to help fill the housing shortage the City is experiencing.
- The current Place of Worship building has a 0 foot setback, the proposed plan would not significantly change the existing street frontage.
- The 4" setback meets the standards against the alley when the 5'-0" tract is taken into account.
- 80% of buildings along Matthews have a zero lot line, the majority of these buildings have all been constructed within the last 8 years. This urban edge is maintained from Mountain to Olive Street.

## Staff Findings

Staff finds that the granting of the modification would not be detrimental to the public good and that the request satisfies subparagraphs (1) and (2) in subsection 2.8.2(H).

**Detriment to the public good.** Staff's finding is based on consideration of the intent of the allowable floor area and required setback standards are more supportive of single-family detached configurations that have separations between buildings and private yard areas.

**Subparagraph (1), "equal-to or better-than."** Staff finds that the lot dimensions and setbacks work as well or better than a comparable solution meeting the standards:

- The proposed site layout results in a design that is contextually appropriate and meets the intent of the standard.

**Subparagraph (2), "proposed project would substantially address an important community need."** Staff finds that the proposed plan addresses housing a need for increased housing availability and choice described in the Housing Strategic Plan.

- The proposed plan provides additional housing choices in the transitional area between downtown and the mostly single-family detached housing in the Eastside neighborhood.

## 2. Modification to 4.9(D)(6)(d) Building Setback Standards

**The standard:** *Minimum side yard width shall be five (5) feet for all interior side yards. Whenever any portion of a wall or building exceeds eighteen (18) feet in height, such portion of the wall or building shall be set back*

*from the interior side lot line an additional one (1) foot, beyond the minimum required, for each two (2) feet or fraction thereof of wall or building height that exceeds eighteen (18) feet in height. Minimum side yard width shall be fifteen (15) feet on the street side of any corner lot. Notwithstanding the foregoing, minimum side yard width for school and place of worship uses shall be twenty-five (25) feet (for both interior and street sides).*

### Overview

The applicant is requesting to reduce the 14ft setback required for the proposed building height adjacent to the N side property line to 0 feet. Along the street side setback along Oak St have a 6 inches setback.

### 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 (1) above -- the "equal-to or better-than" criterion. Key points made in the request include:

- The applicants state the existing building, to be removed, and the McIntyre house is in an existing non-conforming condition in relation to their shared side setback.
- The McIntyre house is set back from the street further than required and the proposed building is in line with other buildings on the block face.
- The offset nature of the two buildings provides the neighboring property with more access to sunlight than the existing condition.
- A mixed-use urban edge is maintained along Oak St from Oak and Remington to Oak and Mathews.

### Staff Findings

Staff finds that the granting of the modification would not be detrimental to the public good and that the request satisfies subparagraph (1) in subsection 2.8.2(H).

**Detriment to the public good.** Staff's finding is based on consideration of the intent of the required setback standards to provide separation between neighboring properties and reduce a sense of looming from large structures near shared property lines and public right-of-way.

**Subparagraph (1), "equal-to or better-than."** Staff finds that the proposed setbacks work as well or better than a comparable solution meeting the standards:

- The proposed site layout results in a design that is contextually appropriate and meets the intent of the standard.

### 3. Modification to 4.9(D)(6)(e)/4.9(E)(1)(b)1. Building Height & 3.8.17(C)(3) Exemptions From Building Height Regulations

**The standard:** *Maximum building height shall be three (3) stories.*

**The standard:** *Elevator bulkheads and stairway enclosures that cover no more than five (5) percent of the horizontal surface area of the roof.*

### Overview

The applicant is requesting that a portion of the building that is not in the Downtown zoning area is allowed be 4 stories and allow the area for exempted stairway enclosures be increased to 8.5%.



### 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 (4) above -- the “modified except in a nominal, inconsequential way” criterion. Key points made in the request include:

- The applicants state that there are three areas on the west side of the building that extend to 4 stories.
- The stairwell enclosure area over 5% of the roof area on the east portion of the building is only an additional 215sf. This calculation includes only the roof area of the eastern portion of the building.

### Staff Findings

Staff finds that the granting of the modification would not be detrimental to the public good and that the request satisfies subparagraph (4) in subsection 2.8.2(H).

**Detriment to the public good.** Staff’s finding is based on consideration of the intent of the required building height limitations for buildings in the NCB but, in consideration of the context of the site, are similar to heights allowed in the D district and found in the same block. Staff also finds that the additional area for stairway enclosures is negligible in relation to the overall development.

**Subparagraph (4), “modified except in a nominal, inconsequential way”** Staff finds that the proposed building heights are nominal to a comparable solution meeting the standards:

- The proposed height increase results in a design that is contextually appropriate and meets the intent of the standard.

## 4. Modification to 4.9(E)(1)(a)4 & 4.9(E)(1)(a)7 Single Family Dwelling Building Design

**The standard:** *A second floor shall not overhang the lower front or side exterior walls of a new or existing building.*

**The standard:** *The minimum pitch of the roof of any building shall be 2:12.*

### Overview

The applicant is requesting that the upper floors of the building to overhang 4 inches and that the roof not be required to have a minimum pitch.

### 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 (4) above -- the “modified except in a nominal, inconsequential way” criterion. Key points made in the request include:

- The applicant states that material changes coincide with these changes in plane and will provide a positive impact on the aesthetics of the building.
- A similar solution has precedent in a neighboring project.
- Removing the required roof pitch allows for an occupiable roofscape and that all other buildings on the block face have flat roofs with the only exception being the McIntyre House.

### Staff Findings

Staff finds that the granting of the modification would not be detrimental to the public good and that the request satisfies subparagraph (4) in subsection 2.8.2(H).

**Detriment to the public good.** Staff’s finding is based on consideration of the intent of the building design criteria for single-family dwellings and that the proposed modifications are in keeping with the established context as it relates to building design.

**Subparagraph (4), “modified except in a nominal, inconsequential way”** Staff finds that the proposed building heights are nominal to a comparable solution meeting the standards:

- The proposed building design results in a building that is contextually appropriate and meets the intent of the standard.

## 5. Modification to 3.2.2(K)(1)(a)1. TOD Overlay District and Parking Requirements

**The standard:** *Multi-family dwellings and mixed-use dwellings within the Transit-Oriented Development (TOD) Overlay Zone shall provide a minimum number of parking spaces as shown in the following table.*

### Overview

The applicant is requesting the project’s parking requirements be guided by the standards found in the table applying to multi-family dwellings in the TOD overlay zone.

### 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 (1) above -- the “equal-to or better-than” criterion and subparagraph (4) about – the “modified except in a nominal, inconsequential way”. Key points made in the request include:

- The intent of the TOD is to modify the underlying zone districts.
- The portion of the site that is not within the TOD is approximately ninety (90) feet in length, a distance that makes this both equally well and also nominal and inconsequential when considered in the context of the neighborhood.

### Staff Findings

Staff finds that the granting of the modification would not be detrimental to the public good and that the request satisfies subparagraphs (1) and (4) in subsection 2.8.2(H).

**Detriment to the public good.** Staff’s finding is based on consideration of the intent of the TOD parking requirements would apply to a portion of the site and that the building design is analogous to a potential multi-family project on the site and the inclusion of the NCB portion has precedent and is in keeping with the intent of the TOD overlay zone.

**Subparagraph (1), “equal-to or better-than.”** Staff finds that the parking requirements work as well or better than a comparable solution meeting the standards:

- The proposed parking requirements align with the goal and values promoted by the TOD.

**Subparagraph (4), “modified except in a nominal, inconsequential way”** Staff finds that the proposed parking requirements are nominal to a comparable solution meeting the standards:

- The proposed parking requirements align with the goal and values promoted by the TOD.

## 4. Land Use Code Article 3

### 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><b>3.2.1(D) Tree Planting Standards</b></p> <p><b>3.2.1(D)(1)(c) Full Tree Stocking</b></p>	<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"> <li>• Full tree stocking of site.</li> <li>• Irrigated plantings in the parkway strips.</li> <li>• Planting beds are provided around each building and within the proposed amenity areas.</li> <li>• Ground plane landscape area plantings of ornamental trees and shrubs in mulch beds, including perennials and grasses around building foundation areas (details finalized at FDP).</li> <li>• Irrigation plans for all landscaping will be included in final plans.</li> </ul>	Complies
<p><b>3.2.1(F) – Tree Preservation Mitigation</b></p>	<p>This standard requires that developments provide on-site mitigation in the form of a defined number of replacement trees if existing significant trees are removed. The number of mitigation trees is determined by City Forestry staff based off existing tree species, breast diameter, and health/condition. Mitigation values can range between 1 and 6 for a tree that is removed. Dead, dying, and certain invasive species are exempt from this standard.</p> <ul style="list-style-type: none"> <li>• The site contains an established street tree canopy. The plan calls for preservation on most existing trees. 1 street tree is being replaced and 1 tree is being removed for PFA access.</li> </ul>	Complies
<p><b>3.2.2 – Access, Circulation and Parking – General Standard</b></p>	<p>This code Section requires secure, convenient, efficient parking and circulation improvements that add to the attractiveness of the development. The only applicable standards are parking requirements for vehicles.</p> <ul style="list-style-type: none"> <li>• The plan provides specific required parking per the subsections noted below.</li> </ul>	Complies
<p><b>3.2.2(C)(4) – Bicycle Parking Space Requirements</b></p>	<p>This standard does not apply to single-family attached dwellings.</p> <ul style="list-style-type: none"> <li>• The applicant does note, room for bike parking in garages and basement storage areas.</li> </ul>	NA

<p><b>3.2.2(C)(6,7) – Direct On/Off-Site Access to Pedestrian and Bicycle Destinations</b></p>	<p>These standards require that the on-site/off-site pedestrian and bicycle circulation system be designed to provide for direct connections to major pedestrian and bicycle destinations, including, trails, parks, schools, Neighborhood Centers, Neighborhood Commercial Districts, and transit stops that are located either within the development or adjacent to the development.</p> <ul style="list-style-type: none"> <li>The plan provides a direct connection from units facing Mathews and Oak. The units served by the courtyard have a pedestrian connection to Oak St.</li> </ul>	<p>Complies</p>														
<p><b>3.2.2(C)(8) – Transportation Impact Study</b></p>	<p>Transportation Impact Study approved by the Traffic Engineer, which study shall be prepared in accordance with the Transportation Impact Study guidelines maintained by the city.</p> <ul style="list-style-type: none"> <li>The city traffic engineer has reviewed and generally accepted the conclusions of the Traffic Impact Study memo.</li> </ul>	<p>Complies</p>														
<p><b>3.2.2(K)(1)(a)1. – Required Number of Off-Street Spaces</b></p>	<p>Multi-family dwellings and mixed-use dwellings within the Transit-Oriented Development (TOD) Overlay Zone shall provide a minimum number of parking spaces as shown in the following table:</p> <table border="1" data-bbox="443 758 1276 1230"> <thead> <tr> <th><i>Number of Bedrooms/Dwelling Unit</i></th> <th><i>Parking Spaces Per Dwelling Unit*</i></th> </tr> </thead> <tbody> <tr> <td>One or less</td> <td>0.75</td> </tr> <tr> <td>Two</td> <td>1</td> </tr> <tr> <td>Three</td> <td>1.25</td> </tr> <tr> <td>Four and above</td> <td>1.5</td> </tr> <tr> <th><i>Rent-by-the Bedroom</i></th> <th><i>Parking Spaces Per Bedroom</i></th> </tr> <tr> <td>All bedrooms</td> <td>0.75</td> </tr> </tbody> </table> <p>*Maximum of 115% of minimum requirement unless provided in a structure.</p> <ul style="list-style-type: none"> <li>The project has requested a modification of standard for this table to apply to the project.</li> </ul>	<i>Number of Bedrooms/Dwelling Unit</i>	<i>Parking Spaces Per Dwelling Unit*</i>	One or less	0.75	Two	1	Three	1.25	Four and above	1.5	<i>Rent-by-the Bedroom</i>	<i>Parking Spaces Per Bedroom</i>	All bedrooms	0.75	<p>Complies – Modification Requested</p>
<i>Number of Bedrooms/Dwelling Unit</i>	<i>Parking Spaces Per Dwelling Unit*</i>															
One or less	0.75															
Two	1															
Three	1.25															
Four and above	1.5															
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All bedrooms	0.75															
<p><b>3.2.2(K)(5) – Handicap Parking</b></p>	<p>Does not apply to single-family attached use.</p>	<p>NA</p>														
<p><b>3.2.4 – Exterior Site Lighting</b></p>	<p>The purpose of this Section is to ensure adequate exterior lighting for the safety, security, enjoyment and function of the proposed land use; conserve energy and resources; reduce light trespass, glare, artificial night glow, and obtrusive light; protect the local natural ecosystem from damaging effects of artificial lighting; and encourage quality lighting design and fixtures.</p> <p>The lighting standards require compliance with the applicable Lighting Context Area which determines the limitations for exterior artificial lighting. The Lighting Context Area for the NCB zone district is LC1.</p> <p>The lighting plan demonstrates compliance with minimum and maximum lighting requirements for the LC1 context area and will ensure the site is in compliance with the lighting standards. This standard only applies to common areas of the site and does not apply to building mounted lighting.</p>	<p>Complies</p>														



<p><b>Section 3.2.5 – Trash and Recycling Enclosures</b></p>	<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>Adequately sized, conveniently located, accessible and fully screened trash and recycling enclosure are provided along the drive aisle. A trash and recycling detail sheet has been provided and is attached with the staff report. Walk-in access is provided for the enclosure. Units with alley facing garages will have bins stored in the garage space and picked up along the alley.</p>	<p>Complies</p>
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**B. DIVISION 3.3 – ENGINEERING STANDARDS**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>3.3.1(C) – Public Sites, Reservations and Dedications</b></p>	<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. In cases where any part of an existing street is abutting or within the property being developed, the applicant must dedicate such additional rights-of-way to meet the minimum width required by Larimer County Urban Area Street Standards and the City of Fort Collins Land Use Code. The PDP complies with this standard by:</p> <ul style="list-style-type: none"> <li>The project includes dedication of on-site easements for access, utilities, and emergency access.</li> </ul>	<p>Complies</p>

**C. DIVISION 3.4 - ENVIRONMENTAL, NATURAL AREA, RECREATIONAL AND CULTURAL RESOURCE PROTECTION STANDARDS**

The purpose of this Section is to ensure that when property is developed consistent with its zoning designation, the way in which the proposed physical elements of the development plan are designed and arranged on the site will protect the natural habitats and features both on the site and in the vicinity of the site.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>3.4.1 – Natural Habitats</b></p>	<p>This section applies if any portion of the development site is within five hundred feet of an area or feature identified as a natural habitat on the City's Natural Habitats and Features Inventory Map.</p> <ul style="list-style-type: none"> <li>No features are within 500 feet. This section does not apply.</li> </ul>	<p>NA</p>

<p><b>3.4.7 – Historic and Cultural Resources</b></p>	<p>This section applies if there are any historic resources within the area of adjacency of a proposal. The area of adjacency is measured at 200 feet in all directions from the perimeter of the development site. Any lot or parcel of property shall be considered within the area of adjacency if any portion of such lot or parcel is within the two hundred (200) foot outer boundary.</p> <ul style="list-style-type: none"> <li>This project has completed historic survey for its development site, with Historic Preservation staff determining in December 2021 that the two buildings on the development site are Not Eligible for historic designation, making demolition permitted. Preservation staff identified several historic resources within 200 ft of the development area, establishing the former McIntyre House at 137 Mathews as the primary reference for design compatibility, due to the property’s significance and since it is the only historic resource directly abutting the development site. The Historic Preservation Commission (HPC) provided preliminary feedback to the applicant about the project design at their regular meeting in October 2023. Staff worked with the applicant to resolve concerns. At the HPC’s regular meeting on March 20, 2024, the Commission recommended that the Planning &amp; Zoning Commission approve the project, noting no recommended conditions (5-0, 1 recused, 1 absent, 2 vacancies). Key factors in the HPC’s recommendation included provision of the 10ft setback on the north property line, and the building design’s clear compliance with all seven compatibility requirements in 3.4.7(E), Table 1.</li> </ul>	<p>Complies</p>
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**D. DIVISION 3.5 - BUILDING STANDARDS**

The purpose of 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. Building design requirements are discussed again related to additional code language in Section 3.8.30 which is covered later in this staff report.

<p><b>Applicable Code Standard</b></p>	<p><b>Summary of Code Requirement and Analysis</b></p>	<p><b>Staff Findings</b></p>
<p><b>3.5.1(A) and (B) – Building Project and Compatibility, Purpose and General Standard</b></p>	<p>This section is designed to ensure compatibility of new buildings with the surrounding context. Absent any established character, the standard requires that new buildings set an enhanced standard of quality for future projects or redevelopment in the area. The standards in this section are intended to complement the more specific requirements in Article 4, which are addressed in Section H of this report. For reference, the Land Use Code definition of “compatibility” in Article 5 has been included below:</p> <p><i>Compatibility shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.</i></p> <p>Overall, staff finds that the design of the plan is compatible with the existing context surrounding the site.</p>	<p>Complies</p>

<p><b>3.5.1 (C)– Building Size, Height, Bulk, Mass, Scale</b></p>	<p>Buildings shall either be similar in size and height, or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures, if any, on the same block face, abutting or adjacent to the subject property, opposing block face or cater-corner block face at the nearest intersection.</p> <ul style="list-style-type: none"> <li>• Various building elements help articulate and subdivide the buildings through the use of wall plane projections, recesses, and window groupings that help the buildings relate to a neighborhood scale. Together these elements provide building designs that are compatible to the mass and scale of existing development in the vicinity.</li> <li>• In terms of overall building height, the proposed building is not significantly larger than the adjacent context.</li> </ul>	<p>Complies – Modification Requested</p>
<p><b>3.5.1 (D)– Privacy Considerations</b></p>	<p>Elements of the development plan shall be arranged to maximize the opportunity for privacy by the residents of the project and minimize infringement on the privacy of adjoining land uses.</p> <ul style="list-style-type: none"> <li>• Generally unit entrances and windows face the street or courtyard. Properties to the west are separated by an alley. The building is setback from the backyard area of the neighbor to the north.</li> </ul>	<p>Complies</p>
<p><b>3.5.1 (E)– Building Materials</b></p>	<p>This section addresses building materials, glare, and windows. Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.</p> <ul style="list-style-type: none"> <li>• The proposed materials are similar to the materials found in other developments in the vicinity of the site. The attached architectural plan depicts the materials selected.</li> </ul>	<p>Complies</p>
<p><b>3.5.1 (F)– Building Color</b></p>	<p>Color shades shall be used to facilitate blending into the neighborhood and unifying the development. The color shades of building materials shall draw from the range of color shades that already exist on the block or in the adjacent neighborhood.</p> <ul style="list-style-type: none"> <li>• The color schemes proposed draws upon the color shades found within adjacent developments in the neighborhood. The attached architectural plan depicts the color scheme.</li> </ul>	<p>Complies</p>
<p><b>3.5.1 (G)– Building Height Review</b></p>	<p>The purpose of this Section is to establish a special process to review buildings or structures that exceed forty (40) feet in height. Its intent is to encourage creativity and diversity of architecture and site design within a context of harmonious neighborhood planning and coherent environmental design, to protect access to sunlight, to preserve desirable views and to define and reinforce downtown and designated activity centers.</p> <ul style="list-style-type: none"> <li>• A shadow analysis was completed with the PDP. Due to the orientation of the buildings, staff is confident there will not be “substantial adverse impacts” due to shadowing. The project employs techniques described in this subsection including “repositioning of a structure on the lot”.</li> </ul>	<p>Complies</p>

<p><b>3.5.1 (H)– Land Use Transition,</b> <b>3.5.1 (I)– Outdoor Storage Areas and Mechanical Equipment, and</b> <b>3.5.1 (J)– Operational and Physical Compatibility Standards</b></p>	<p>The remaining elements of Section 3.5.1 address potential compatibility issues that can arise when different uses are proposed near or adjacent to one another. These sections require separation of incompatible uses through the implementation of buffer yards, careful location of loading docks and storage areas, and restriction on hours of operation among other techniques.</p> <ul style="list-style-type: none"> <li>• Sections 3.5.1(H) and 3.5.1(J) do not apply to the proposed PDP. The single-family attached residential use proposed is compatible with the existing mix of uses in the surrounding area. Buildings are placed in a way to orient unit entrances towards the street and complement the existing character.</li> <li>• Section 3.5.1(I) requires that HVAC equipment, areas for trash collection, conduit, meters, and other similar equipment be integrated into the development. Visual disturbances must be minimized, and screening must be of a similar material to the overall development. Rooftop mechanical equipment must be screened from public view from both above and below by integrating it into building and roof design to the maximum extent feasible.</li> </ul>	<p>Complies</p>
<p><b>3.5.2- Residential Building Standards</b></p>	<p>These standards are intended to promote variety, visual interest and pedestrian-oriented streets in residential development. Development projects containing residential buildings shall place a high priority on building entryways and their relationship to the street. Pedestrian usability shall be prioritized over vehicular usability. Buildings shall include human-scaled elements, architectural articulation, and in projects containing more than one (1) building, design variation.</p> <ul style="list-style-type: none"> <li>• Overall, the elements incorporated into this proposal to maximize compatibility and meet standards to create a project that provides architectural interest. A summary of key points follows. <ul style="list-style-type: none"> <li>○ A protected and well-defined entry to the dwelling units.</li> <li>○ The buildings are articulated with recessed and projecting elements, including changes in wall planes and corresponding material changes.</li> <li>○ Windows and material changes add articulation and interest to the sides of the buildings.</li> </ul> </li> </ul>	<p>Complies</p>
<p><b>3.5.2(D)(1) Orientation to a Connecting Walkway</b> <b>3.5.2.(D)(2) Street-Facing Facades.</b></p>	<p>This section requires that every front facade with a primary entrance to a dwelling unit face a connecting walkway with no primary entrance more than two hundred (200) feet from a street sidewalk. A primary entrance may be up to three hundred fifty (350) feet from a street sidewalk if the primary entrance faces and opens directly onto a connecting walkway that qualifies as a major walkway spine. Additionally, each multifamily building shall have at least one entrance facing the adjacent local street.</p> <ul style="list-style-type: none"> <li>• The proposed plan has primary entrances that face the street or a connecting walkway that is less than 200 feet from the public sidewalk along E Oak St.</li> </ul>	<p>Complies</p>

**E. DIVISION 3.6 - TRANSPORTATION AND CIRCULATION**

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>3.6.2 – Streets, Streetscapes, Alleys And Easements</b></p>	<p>This Section is intended to ensure that the various components of the transportation network are designed and implemented in a manner that promotes the health, safety and welfare of the City. It details minimum requirements for private streets and private drives when they are proposed as part of a development project.</p>	<p>NA</p>



Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.6.3(A-F) – Street Pattern and Connectivity Standards</b>	<p>This standard requires the development be designed to be safe, efficient, convenient, and attractive, considering use by all modes of transportation.</p> <ul style="list-style-type: none"> <li>The proposed development does not abut any undeveloped land, and therefore does not include any future street stubs along the border of the property.</li> <li>All internal sidewalks on-site connect to the local street network.</li> </ul>	Complies
<b>3.6.4 – Transportation Level of Service Requirements</b>	<p>The city traffic engineer has reviewed and generally accepted the conclusions of the Traffic Impact Study memo. The development meets the traffic-related requirements in the Land Use Code.</p>	Complies
<b>3.6.6 – Emergency Access</b>	<p>The 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 through alternate means and methods.</p>	Complies

**F. DIVISION 3.7 - COMPACT URBAN GROWTH**

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

**G. 3.8.30 MULTI-FAMILY AND SINGLE-FAMILY ATTACHED DWELLING DEVELOPMENT STANDARDS**

The standards in this section apply to all multi-family developments that contain at least four (4) dwelling units and single-family attached developments that contain at least four (4) dwelling units where there is no reasonably sufficient area for outdoor activities and useable outdoor space on an individual per lot basis. This section is intended to promote variety in building form and product, visual interest, access to parks, pedestrian-oriented public or private streets and compatibility with surrounding neighborhoods.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings

<p><b>3.8.30(B)(1)(2)(3)(4) – Mix of Housing Types</b></p>	<p>A complete range of the permitted housing types is encouraged in a neighborhood and within any individual development plan, to the extent reasonably feasible, depending on the size of the parcel. A minimum of two (2) housing types is required on any development parcel sixteen (16) acres or larger.</p> <ul style="list-style-type: none"> <li>• One housing type is provided – Single-family attached dwelling. The site is approximate 0.48 acres in size, and therefore there is no specific requirement for more than one housing type.</li> <li>• The site’s layout is arranged in such a way that entrances are oriented towards connecting walkways and the adjacent streets to the extent feasible while also forming boundaries for the internal central courtyard.</li> </ul>	<p>Complies</p>
<p><b>3.8.30(C) – Access to a Park, Central Feature or Gathering Place</b></p>	<p>At least ninety (90) percent of the dwellings in all development projects containing two (2) or more acres shall be located within 1,320 feet (¼ mile) of either a neighborhood park, a privately owned park or a central feature or gathering place that is located either within the project or within adjacent development, <u>which distance shall be measured along street frontage</u> without crossing an arterial street.</p> <p>For projects greater than five (5) acres and less than ten (10) acres, <u>the private park</u> must be a minimum of five thousand (5,000) square feet.</p> <ul style="list-style-type: none"> <li>• The standards do not apply as the development is below 2 acres.</li> </ul>	<p>NA</p>
<p><b>3.8.30(D) – Block Requirements</b></p>	<p>Project is already in an established block and street pattern and is less the 7 acres</p>	<p>NA</p>
<p><b>3.8.30(E) – Buildings</b></p>	<p>This section mainly discusses multifamily building setbacks from streets. A minimum setback from the right-of-way along an arterial street must be fifteen (15) feet and along a nonarterial street must be nine (9) feet.</p> <ul style="list-style-type: none"> <li>• These standards are generally superseded by the applicable zone district standards and the applicant team has requested modification of standards that better meet project goals and the transitional character of the site.</li> </ul>	<p>Complies – Modification Requested</p>
<p><b>3.8.30(F) – Design Standards for Multi-Family Dwellings...</b></p>	<p>Standards in this section apply only to multi-family dwellings and do not apply.</p>	<p>N/A</p>

**5. Land Use Code Article 4**

**A. DIVISION 4.9 – NEIGHBORHOOD CONSERVATION, BUFFER DISTRICT (NCB)**

The NCB zone district was created in 1997 as an implementation of the City’s comprehensive plan and has been re-established in subsequent updates.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>4.9(A) - Purpose</b></p>	<p>This Section states: <i>“Purpose. The Neighborhood Conservation, Buffer District is intended for areas that are a transition between residential neighborhoods and more intensive commercial-use areas or high traffic zones that have been given this designation in accordance with an adopted subarea plan.</i></p>	<p>Complies as a part of the overall existing development</p>

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.9(B) - Permitted Uses	Single-family attached dwellings.	Complies
4.9(D)(5) - Allowable Floor Area on Rear Half of Lots	This standard limits floor area on the rear half of a lot to 33 percent of the rear half lot area. <ul style="list-style-type: none"> <li>• A modification has been requested in relation to this standard.</li> </ul>	Complies – Modification Requested
4.9(D)(6) Dimensional Standards	The minimum lot width shall be 40ft. The minimum front and side yard setbacks shall be 15ft. Minimum rear yard setback shall be five (5) feet from an existing alley. Side setbacks shall be 5 foot minimum. Building height shall be three (3) stories. <ul style="list-style-type: none"> <li>• A modification has been requested in relation to this standard.</li> </ul>	Complies – Modification Requested
4.9(E)(1) Development Standards	Single-Family Dwellings – Building design standards. <ul style="list-style-type: none"> <li>• A modification has been requested in relation to this standard.</li> </ul>	Complies – Modification Requested

## 6. Findings of Fact/Conclusion

In evaluating the request for East Oak Townhomes #PDP230018, staff makes the following findings of fact and conclusions:

1. By demonstrating compliance with the specific standards and regulations of the Land Use Code through the submittal materials for the Project Development Plan, this project satisfies and aligns with the purpose and spirit of the Code, as stated in Section 1.2.2.
2. The Project Development Plan/Final Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
3. The plan complies with pertinent standards located in Article 3 – General Development Standards.
4. The plan complies with Division 4.9 - Neighborhood Conservation, Buffer District in Article 4.

## 7. Recommendation

Staff recommends that the Commission approve East Oak Townhomes #PDP230018 based on the Findings of Fact and supporting explanations found in the staff report.

## 8. Attachments

1. Applicant Narrative
2. Site and Landscape Plans, Architectural Elevations, Lighting Plans
3. Plat
4. Modification Requests
5. Utility Plans
6. Drainage Report
7. Soils Report
8. Traffic Impact Study Memo
9. Tree Removal Feasibility Letter
10. Administrative Interpretation for Section 1.4.6
11. Staff Presentation
12. Applicant Presentation