

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

FINDINGS AND DECISION

HEARING DATE: January 10, 2019

PROJECT NAME: Breeze Thru Headquarters

CASE NUMBER: PDP 180013

APPLICANT: Deanne Fredrickson
Baseline Engineering
4007 S. Lincoln Ave., Suite 405
Loveland, CO 80637

OWNER: John Agnew
725 E. Mulberry Avenue
Fort Collins, CO 80537

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a Project Development Plan request to convert an existing building located at 6464 South College Ave (parcel #9612305003) from a hair academy into a mixed-use professional office and 10-unit apartment. The subject parcel is legally described as Lot 3 and Lot 4, Kel-Mar Strip Subdivision, and is located north and east of the intersection of South College Avenue and Trilby Road (the “Subject Property”). No structural changes are proposed to the existing building located on the Subject Property. However, a new 2,400 square foot one-story accessory building is proposed to be constructed on the northeast portion of the Subject Property. Existing access to the Subject Property is from the South College Ave frontage road. Remaining site improvements include landscaping, bicycle and vehicle parking, a new trash enclosure, a new six-foot (6’) walkway on the north side of the main building, and rooftop mechanical screening. The proposed project is within the General Commercial (C-G) zone district and the proposed mixed-use project is subject to an Administrative (Type 1) review.

BACKGROUND:

- Per City Planning Staff, the Subject Property was annexed into the City of Fort Collins in 2006 as part of the Southwest Enclave Annexation - Phase One.
- The Subject Property is included within the South College Corridor Plan, adopted in March of 2009, and City Planning Staff has determined that the application conforms to same.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	General Commercial (C-G)	Vehicle Sales and Business Service Shop (Newman Motorsports and Concept Signs & Graphics)
South	General Commercial (C-G)	Automotive Repair (Carl Duke Volvo Repair)
East	Urban Estate (U-E)	Single Family Residence
West	General Commercial (C-G)	Vacant

The Applicant seeks to re-develop the existing main structure as a mixed-use building, to include an office for corporate operations and ten (10) workforce housing apartments.

SUMMARY OF DECISION: Conditionally Approved.

ZONE DISTRICT: General Commercial (C-G)

HEARING: The Hearing Officer opened the hearing on Thursday, January 10, 2019, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 7:22 p.m following the conclusion of the public hearing for the Waterfield 4th Filing Amended PDP application (PDP 180009).

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

1. Project Vicinity Map.
2. Planning Department Staff Report prepared for Breeze Thru Headquarters (PDP180013). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Zoning Map.
4. Applicant’s Planning Objectives/Narrative.
5. Breeze Thru Headquarters Site Plan.
6. Breeze Thru Headquarters Landscape Plan.
7. Breeze Thru Headquarters Primary Architectural Elevations.
8. Breeze Thru Headquarters Accessory Building Architectural Elevations.
9. Breeze Thru Headquarters Fire Striping and Signage Plan.
10. Email from Marc Newman – property owner to the immediate North.
11. Confirmation of Publication dated January 3, 2019 evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on January 3, 2019.

12. Notice of Public Hearing dated December 27, 2018.
13. The PowerPoint presentation prepared by City Staff for the January 10, 2019 hearing.
14. Administrative (Type 1) Hearing: Order of Proceedings.
15. Rules of Conduct for Administrative Hearings.
16. The South College Corridor Plan¹.
17. The City's Comprehensive Plan, Code, and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified at the hearing:

From the City: Kai Kleer, Associate Planner

From the Applicant: Deanne Fredrickson
Baseline Engineering

From the Owner: John Agnew

In addition, Mr. Bryan DeForge (architect) and Jeff Dorn (real estate broker) were present at the hearing but did not offer testimony.

The hearing on this matter was closed at approximately 7:42 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. The proposed use of the Subject Property is permitted subject to Administrative (Type 1) review, as specifically identified in the chart set forth and reference in Section 4.21(B)(2) of the Code:
 - *Mixed-use dwellings. Subject to Type 1 review.*
 - *Any residential use consisting in whole or in part of multi-family dwellings that contain fifty (50) dwelling units or less, and seventy-five (75) bedrooms or less. Subject to Type 1 review.*

¹ <https://www.fcgov.com/planning/pdf/sccp-doc.pdf>

- *Offices and financial services.* Subject to Type 1 review.
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 Land Use Code;
 - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code; and
 - C. the Application complies with relevant standards contained in Division 4.21, General Commercial (C-G) of Article 4 of the Land Use Code.
 4. The Application's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently detailed in the Staff Report, a copy of which is attached as **ATTACHMENT A** and is incorporated herein by reference.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the Breeze Thru Headquarters Project Development Plan (PDP #180013) for the Subject Property, subject to the following condition:

1. Applicant/Owner shall modify the title block on the Site Plan Breeze Thru Headquarters to read as follows, including Sheet 4 of 4 (Fire Striping and Signage Plan), with deletions shown in ~~strike through~~ and additions shown in **bold and underline** in order to correctly reference the Subject Property.

SITE PLAN
BREEZE THRU HEADQUARTERS
 LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 12,
 TOWNSHIP 6 NORTH, RANGE 9 WEST OF THE 6TH P.M.
~~LOT 5~~ **LOTS 3 AND 4**, KEL-MAR STRIP **SUBDIVISION**, NEIGHBORHOOD
 194, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF
 COLORADO

DATED this 21st day of January, 2019.



Marcus A. McAskin
 Hearing Officer

ATTACHMENT A

Staff Report
Breeze Thru Headquarters
(PDP #180013)

PROJECT NAME

BREEZE THRU HEADQUARTERS #PDP180013

STAFF

Kai Kleer, Associate Planner

PROJECT INFORMATION

PROJECT DESCRIPTION: This is a Project Development Plan request to convert an existing building located at 6464 S College Ave (parcel #9612305003) from a hair academy into a mixed-use professional office and 10-unit apartment. No structural changes are proposed to the existing building. However, a new 2,400 square foot, one story garage is proposed at the northeast end of the site. Existing site access is from the South College Ave frontage road and will remain. The proposed project is within the General Commercial (CG) zone district and is subject to an Administrative (Type 1) review.

APPLICANT: Deanne Fredrickson
Baseline Engineering
4007 S Lincoln, Suite 405
Loveland, CO 80637

OWNER: John Agnew
725 E Mulberry Avenue
Fort Collins, CO 80537

RECOMMENDATION: Staff recommends approval of the Project Development Plan.

EXECUTIVE SUMMARY

- This P.D.P represents a change of occupancy of an existing building that was originally approved in the county as Hair Dynamics. After this initial development, the parcels were annexed into the City.
- The P.D.P complies with the South College Corridor Plan, an element of City Plan.
- The P.D.P is a permitted use and complies with all applicable development standards of the C-G, General Commercial zone district.
- The P.D.P. complies with the applicable standards of Article Three – General Development Standards.

COMMENTS

1. Background:

The surrounding zoning and land uses are as follows:

Direction	Zone District	Use
North	General Commercial (C-G)	Vehicle Sales and Business Service Shop (Newman Motorsports and Concept Signs & Graphics)
South	General Commercial (C-G)	Automotive Repair (Carl Duke Volvo Repair)
East	Urban Estate (U-E)	Single Family Residence
West	General Commercial (C-G)	Vacant

Annexation and Zoning

- The subject site, Lot 3 and Lot 4 of the Kel Mar Strip Subdivision, was approved in 1964.
- The site later developed in 1977 in Larimer County and consisted of the existing building, designed as Hair Dynamics.
- In 2006, the parcels were annexed into the City as part of the Southwest Enclave Annexation Phase One.

2. South College Corridor Plan:

The site is included within the study area of the South College Corridor Plan, adopted in March of 2009. This area is 608 acres and is bounded on the north by Harmony Road, on the south by Carpenter Road with roughly one-half mile on either side of South College Avenue as the east-west boundary. For historical context, the Plan followed the Southwest Annexations, initiated in 2006, which resulted in over one thousand acres being annexed into the City over four phases. The corridor is considered the southern gateway to the City. The following excerpts from the Plan describe the purpose, vision and applicable land use policies:

The purpose is to articulate a common vision that reflects the objectives of the many diverse stakeholders involved, including businesses and property owners, residents, the City of Fort Collins, CDOT and the broader community. The Plan provides direction on land use, transportation, appearance and design, community partnerships, financing, and infrastructure. (Page 1.)

“From Trilby Road to Fossil Creek, we envision neighborhood compatibility. Here the Corridor will continue to support community and neighborhood commercial uses with landscaping and building forms that lessen the negative impacts of the highway. Retail development activity will front South College and major street intersections, and new service commercial and light industrial uses, will be located behind retail uses in appropriate areas while adequately buffering adjacent residential uses. The highway will continue to influence land use, but the area will transform over time towards a more attractive pedestrian environment.” (Page 29.)

“Land Use and Business Activity. Goal LU 1: Retain the eclectic business mix while supporting new uses that strengthen the South College market.” (Page 38.)

“Community Appearance and Design. CAD 1.3 – Architectural Character. The overall image will continue to be defined by unique storefronts in individual buildings. While quality materials will continue to be important, creative building forms and a mixture of materials may be introduced to provide an eclectic ambience.” (Page 46.)

In general, the Plan does not provide specific guidance for this particular land use on this individual parcel. A broad reading of the Plan, however, indicates that C-G zoning is affirmed which, in turn, allows for mixed use. The P.D.P. supports the eclectic direction with a unique building and the aesthetic aspirations by providing a generous amount of landscaping. By redeveloping an existing building into a building that serves both commercial and residential needs, the business activity in the Corridor is enhanced. There has not been any significant development activity in the Corridor since the Plan’s adoption with the lone exception of the recently approved self-storage facility on West Skyway Drive. Redevelopment of a single parcel, while minor over the 608-acre plan area, may prove to be a small but highly visible addition to the business climate in the South College Corridor.

3. Article Four – General Commercial Zone District:

The P.D.P. complies with the following applicable development standards in General Commercial zone district:

A. Section 4.21(B)(3) – General Commercial Zone District Permitted Uses:

The C-G zone district allows for Mixed-Use Residential/Professional Office as a permitted use subject to Administrative Review.

B. Section 4.21(D) – Land Use Standards:

The maximum allowable height in the G-C zone is four stories. The existing building is two stories and proposed accessory building is one story.

4. Article Three – General Development Standards:

A. Section 3.2.1 – Landscaping and Tree Protection:

The key attributes of the Landscape Plan are as follows:

- An existing vehicle use area between the front of the existing building and the frontage road will be removed and planted with informal groupings of trees, turf, and shrub beds. Additional landscaping will be provided in shrub beds on the west and south side of the building.
- Both the parking lot perimeter and parking lot will be brought into compliance with a combination of shrub beds and landscape islands.
- Street frontage improvements have been deferred to a later date. The South College Corridor Access Control plan envisions the vacation of existing frontage road and the construction of a collector road on the rear portion of the site. It is unclear when improvements could be made.
- The rear yard will be planted with a native grass seed mix.

B. Section 3.2.1(E)(4)(a) - Parking Lot Perimeter Landscaping:

There are 52 parking spaces that will remain after the vehicle-use area in front of the building is removed. The remaining parking spaces will face internally to the parcels and will include landscaping on west south and northwest portions of the site. The portion of perimeter landscaping missing on the north end of the site is encumbered by an access agreement with the property to the north.

C. Section 3.2.1(5) – Parking Lot Interior Landscaping:

In parking lots between 6 and 100 spaces, 6% of the interior space is required to be landscaped. The applicant proposes the addition of four landscape islands which include a combination of canopy shade trees and shrubs. The proposed landscaping meets and exceeds the minimum interior parking lot landscaping and intervening tree requirements.

D. Section 3.2.1(F) – Tree Mitigation:

The site has been inspected by the City Forestry Department. There is a single tree on the rear of the site that is scheduled to be removed and is also found to have value. The landscape Plan reflects the mitigation of this tree with two trees in the front lawn.

E. Section 3.2.2 – Access, Circulation and Parking:

- Because the ultimate configuration of the College Avenue Right-of-Way has yet to be determined, engineering staff have deferred a sidewalk and subsequent onsite connection to the sidewalk to a later date.
- The project will retain existing access from the S College Avenue frontage road with future access indicated generally on northeast corner of Lot 4.
- Internal pedestrian circulation will be improved with ADA ramps and a pedestrian walkway that will connect the parking lot to both residential and commercial entryways on site.
- An emergency access easement is dedicated internal to the site to ensure unobstructed circulation for emergency responders.
- Bike parking will be provided for close to entryways for the residential and commercial portions of the site.
- Both bike and vehicle parking meet or exceed the minimum requirements for the proposed use.

F. Section 3.2.2(C)(4) – Bicycle Facilities

For commercial the standard requires 1.5 spaces per 1,00 square feet, or a minimum of four, and that 80% may be located outside in fixed racks and 20% be interior. The plan provides three fixed racks outside and indicates one interior bike parking space.

The multi-family residential standard requires 1 space per bedroom with 60% enclosed and 40% on fixed bicycle racks. The plan provides fixed racks for 4 spaces outside and indicates 6 interior bike parking spaces.

Both commercial and residential components of this plan meet the minimum bike parking spaces required.

G. Section 3.2.2(K) – Parking Lots – Required Number of Off-Street Spaces for Type of Use

The 51 parking spaces provided exceed the 19 required residential and commercial parking spaces.

H. Section 3.2.4 – Site Lighting:

Staff recommend the deferral of the lighting plan to Final Development Plan (FDP) review due to the commercial nature of the site and intervening right-of-way between the residential use to the east. The project must comply with Land Use Code 3.2.4 at the time of FDP.

I. 3.2.5 – Trash and Recycling Enclosures.

The proposed trash enclosure on the eastern side of the site is adequately sized, screened and meet all applicable regulations of this section.

J. 3.5.3(E) – Character and Image

The proposal is a change of use of an existing building therefore many of the typical requirements are not applicable. The newly proposed accessory building is consistent with the character and image of the surrounding area and provides a pitched roof, awning, eaves and change in colors that establish a base and middle.

K. 3.6.6 - Emergency Access

Emergency access will be provided through an updated emergency access easement that provides a 20-24-foot drive aisle around the parking lot.

6. Findings of Fact/Conclusion:

In evaluating the request for Breeze Thru Headquarters Project Development Plan, Staff makes the following findings of fact:

1. This P.D.P. is in conformance with the fundamental vision of the Northwest Sub-Area Plan.
2. Mixed-Use (Multi-family residential / Professional Office) and the accessory building as proposed is a permitted use in the General Commercial (C-G) zone district, subject to Administrative Review (Type One).
3. This P.D.P. complies with the development standards of the C-G zone district.
4. The P.D.P. complies with the applicable standards of Article Three – General Development Standards.

RECOMMENDATION

Staff recommends approval of the Breeze Thru Headquarters Project Development Plan, PDP180013.

ATTACHMENTS

1. Vicinity Map
2. Zoning Map
3. Applicant's Planning Objectives/Narrative
4. Site Plan
5. Landscape Plan
6. Primary Architectural Elevations
7. Accessory Building Architectural Elevations
8. Fire Striping and Signage Plan