



ITEM NO 2
MEETING DATE December 3, 2015
STAFF Pete Wray

ADMINISTRATIVE HEARING OFFICER

PROJECT: Capstone Cottages, P.D.P., #140004 and Modification of Standard of Sections 4.6 (D) (1) (b) Land Use Standards - *Density*

APPLICANT: Ripley Design, Inc.
401 West Mountain Ave
Fort Collins, CO 80521

OWNER: Capstone Collegiate Communities, LLC
431 Office Park Drive
Birmingham, AL 35223

PROJECT DESCRIPTION:

This is a request for the development of a proposed cottage-style student-oriented residential housing project located at the northeast corner of the intersection of E. Lincoln and N. Lemay Avenues. The proposed Capstone Cottages Project Development Plan (P.D.P.) includes 201 single-family dwelling units on 24.6 net acres of developable land. The proposed single-family attached and detached, and two-family uses are permitted in the M-M-N zone district, subject to a Type One Administrative Review.

The proposed project includes the conversion of the single-family cottages and single-family attached dwelling units to Extra Occupancy Rental Houses which would allow the addition of one or two tenants to each dwelling unit for a maximum of five tenants per dwelling unit. Extra Occupancy Rental Houses are allowed in the M-M-N zone district, subject to constructing and obtaining Certificates of Occupancy for the residential units, and then requesting the extra occupancy designation for each building through a Basic Development Review process.

The dwellings and the number of bedrooms would be divided in the following manner:

- 117 Single Family Attached – Extra Occupancy Rental Houses (4 bedrooms/unit);
- 75 Single-Family Attached – Extra Occupancy Rental Houses (5 bedrooms/unit);
- 2 Two-Family – Extra Occupancy Rental Houses (5 bedrooms/unit); and
- 7 Single-Family Detached - Extra Occupancy Rental Houses (5 bedrooms/unit).

With the Extra Occupancy designation, there would be a total of 888 bedrooms, each of which would be leased individually. All of the 5-bedroom dwellings would be two-story in height; the 4-bedroom dwellings would be three-story in height. There would be 738 off-street parking

spaces. The project includes a clubhouse and leasing office, pool, outdoor recreation area, and maintenance building.

The project will take vehicular access from East Lincoln Avenue on the south, an extension of a new minor arterial street and Webster Avenue on the east, an extension of Duff Drive and interim one-way connection from 10th Street on the north, and an interim one-way connection on the west. A proposed new roundabout is planned for the intersection of East Lincoln Avenue and the new minor arterial extension adjacent to the southeast corner of the project.

The applicant is requesting one Modification of Standard to LUC Section 4.6(D)(1)(b) *Land Use Standards – Density*, for a decrease in the minimum density permitted in the M-M-N zone from 12 units per acre to 8.17 units per acre.

RECOMMENDATION: Approval of the P.D.P. and Modification of Standard, with one condition.

EXECUTIVE SUMMARY:

The Capstone Cottages P.D.P. complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The P.D.P. complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Modification of Standard to Section 4.6 (D)(1)(b) *Land Use Standards –Density*, meets the applicable requirements of Section 2.8.2(H), and the granting of this Modification would not be detrimental to the public good.
- The P.D.P. complies with relevant standards located in Division 4.6, Medium Density Mixed-Use Neighborhood (M-M-N) zone district, provided that the Modification of Standard is approved.
- The P.D.P. complies with the relevant standards located in Article 3 – General Development Standards.

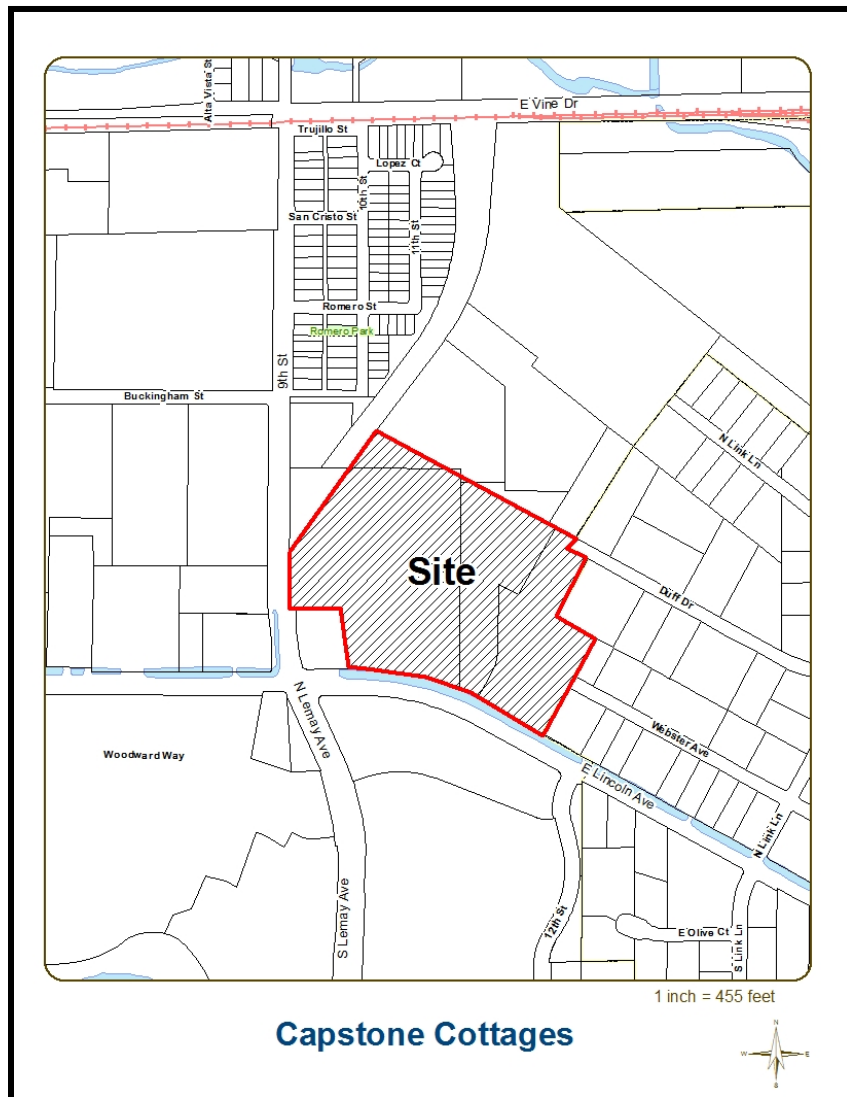
COMMENTS:

1. **Background:**

The surrounding zoning and land uses are as follows on the next page:

Direction	Zone District	Existing Land Use
North	Industrial (I)	Vacant industrial land
	Low Density Residential (R-L)	Ex. Neighborhood Andersonville/San Cristo/Via Lopez
South	General Commercial (C)	Mulberry/Lemay Crossing, Multi-Family (Buffalo Run Apts.)
East	Industrial (I)	Existing industrial businesses
West	Industrial (I)	Existing industrial businesses

Project vicinity Map:



2. Zoning Context of the Surrounding Area:

Zoning History (most recent to past):

In 2003 the City initiated a re-zone for three parcels consisting of approximately 24 acres at the northeast corner of Lincoln and Lemay from Industrial (I) to the Employment District (E) to bring the *City Structure Plan* Map and *Zoning* Map into conformance with the *East Mulberry Corridor Plan* that was adopted in 2002. The owner of approximately 15.79 acres included in staff's request, and at the northeast corner thereof, requested that its property be rezoned from Employment (E) to Medium-density Mixed-Use Neighborhood (M-M-N)). The Planning and Zoning Board agreed with the property owner and voted to rezone the property at the corner from I to M-M-N, commenting that the site was appropriate for M-M-N because of its accessibility and proximity to the Wal-Mart development, which effectively acts as a neighborhood center. The City Council subsequently approved the rezoning to M-M-N.

In March of 1997, the City of Fort Collins implemented the newly adopted Comprehensive Plan called *City Plan*. This implementation involved re-zoning the entire City into new zone districts with certain exceptions for developed properties that were not anticipated to re-develop. The primary exception was existing neighborhoods which retained their underlying pre-*City Plan* zone of R-L, Low Density Residential.

In 1994 the larger parcel consisting of 17.1 acres was annexed and zoned Industrial (I) as part of the East Lincoln Third Annexation.

In 1986, the two smaller parcels (East) were annexed and zoned Industrial as part of the Fort Collins Business Center First Annexation.

3. East Mulberry Corridor Sub-area Plan:

The East Mulberry Corridor Plan (EMCP) was adopted in 2002 and formed the basis of the subject site's Medium Density Mixed-Use Neighborhood zone district designation. The Plan was updated in 2003 and 2005 to reflect the changes in the Airpark area and this site. The EMCP is an element of *City Plan* and is consistent with the policies for designating future land use and ultimate zoning. The zoning of the site remains consistent across both plans. Highlights of the EMCP, as it relates to Capstone Cottages, are summarized as follows:

- Support a mix of housing types and balance between residential and non-residential uses.
- Identify locations for new mixed-use residential neighborhoods, supporting local adjacent land uses and providing additional homes for the community-at-large.

- Recommend that existing residential areas continue to provide a greater variety of housing choices.
- The Medium Density Mixed-Use Neighborhoods designation is intended to accommodate more concentrated housing within easy walking distance of commercial areas.
- The East Mulberry Corridor study area will support a mix of housing by both maintaining existing housing stock and encouraging new development of a variety of housing types and choices.

The Capstone Cottages P.D.P. fulfills the vision of the EMCP by adding higher density housing units within close proximity to commercial services and transit. With the extensions of a new minor arterial street, Webster Street, and Duff Drive, as public streets, the P.D.P. contributes to building a more complete street network in the area.

4. **Compliance with Article 4.6 Medium Density Mixed-Use Neighborhoods (M-M-N) District Standards:**

- A. *Purpose: The Medium Density Mixed-Use Neighborhood District is intended to be a setting for concentrated housing within easy walking distance of transit and a commercial district. Secondly, a neighborhood may also contain other moderate-intensity complementary and supporting land uses that serve the neighborhood. These neighborhoods will form a transition and a link between surrounding neighborhoods and the commercial core with a unifying pattern of streets and blocks. Buildings, streets, bike and walking paths, open spaces and parks will be configured to create an inviting and convenient living environment.*

The proposed project is consistent with the stated purpose of the zone district, in that it includes higher density housing within walking distance to the commercial center and transit service. The project also provides an appropriate land use transition and link between the surrounding neighborhoods and commercial center to the south and north.

B. *Section 4.6(B)(2)(a) – Permitted Uses*

The three proposed uses, single family detached dwellings, single-family attached dwellings, and two-family dwellings, are all permitted in the M-M-N district, subject to Administrative Review.

Capstone Cottages proposes to convert all 201 single-family detached, single-family attached and two-family dwellings into *Extra Occupancy Rental Houses* featuring a mix of four and five bedroom units. This conversion is authorized under *Section 3.8.28* and will be processed as a Basic Development Review after the issuance of a certificate of occupancy for each dwelling.

C. *Section 4.6(D)(1) – Land Use Standards – Minimum Density*

This standard requires an overall minimum average density of 12 dwelling units per net acre. Capstone Cottages contains 201 dwelling units on 28.3 acres for a gross density of 7.11 dwelling units per acre. Under Section 3.8.18, the land area that is allowed to be subtracted from the gross acreage is the land to be dedicated for the new minor arterial street, Lemay Ave, and Lincoln Ave, since they are all classified as arterial streets. Approximately 3.69 acres will be so dedicated resulting in a net density of 8.17 dwelling units per acre.

The project proposes a modification to this standard which is discussed on subsequent pages of this staff report.

D. *Section 4.6(D)(3) – Land Use Standards – Maximum Height*

This standard requires that the maximum height not exceed three stories. All buildings in the project are proposed to be either two or three stories.

5. Compliance with Applicable General Development Standards:

The project is compliance with all applicable General Development Standards with the following relevant comments provided:

A. *Section 3.2.1 – Landscaping and Tree Protection*

- 1) *Section 3.2.1(D)(1)(c) Full tree stocking.* Canopy shade trees, evergreen trees and ornamental trees are provided around the perimeter of the proposed residential buildings in accordance with the minimum standards of this section.
- 2) *Section 3.2.1(D)(2) Street trees.* Canopy shade trees are provided at approximately 40-foot intervals along the project's five public street frontages, in accordance with the standards of this section.
- 3) *Section 3.2.1(D)(3) Minimum Species Diversity.* The project provides not more than 15% of any one tree species in compliance with this standard.
- 4) *Section 3.2.1(E)(2)(d) Foundation Plantings.* The project complies with this section by providing building foundation wall landscape planting along all high-use and high-visibility areas at least 5 feet in width along at least 50% of such walls.
- 5) *Sections 3.2.1(E)(4) Parking Lot Perimeter Landscaping and 3.2.1(E)(5) Parking Lot Interior Landscaping.* The project has been specifically designed to place the parking lots internal to the project so the dwellings face the public streets. As a

result, perimeter parking is limited to a single lot adjacent to the detention pond. This perimeter lot features landscaping on all four sides and includes landscape planting islands.

Parking lot interior landscaping is provided in accordance with the minimum standards of this section. The views of the parking lot and perimeter trash enclosures are adequately screened. Interior parking islands are provided at the ends of all parking bays. There are no rows of parking that exceed 15 spaces. Parking lots are compartmentalized and distributed so that no single lot exceeds 200 spaces. The landscape islands provided comply with the six percent minimum landscape requirement.

6) *Section 3.2.1(F) – Tree Protection and Replacement.*

The construction of the parking lot located southeast of site will necessitate the removal of a grove of existing trees and impact to existing wetland habitat. These trees will be replaced as part of the wetland habitat mitigation within the proposed stormwater detention pond area (see below for separate mitigation section).

B. *Section 3.2.2 – Access, Circulation and Parking - Vehicles*

In conformance with the *Purpose, General Standard, and Development Standards* described in this section, the parking and circulation system provided with the project is adequately designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the development and to and from surrounding areas.

Minimum off-street parking quantities required for the project are based on the number of bedrooms for the single-family attached and detached dwellings. The project includes 117 4-bedroom units and 84 5-bedroom units, with a total of 666 off-street parking spaces required, factoring in extra occupancy. The project provides a total of 738 parking spaces, exceeding the minimum requirements.

The five public streets provide access, circulation and parking that is superior to a project that relies on a network of private drives. Where private drives serve parking lots, the drives are designed as loops that feature head-in parking. These loops serve only one parking lot each and cannot act in lieu of public streets.

As mentioned, dwellings that do not face a public street are served by either a street-like private drive, or connecting walkways to these private drives. Ramps are provided at parking lots and streets. In addition to each street-facing building having a connecting walkway, the Clubhouse is connected to the primary private drive. There is one bike space per bedroom and five for the clubhouse. The total includes 357 fixed-bike parking and 536 covered bike parking, for a total of 893 bike parking spaces provided.

C. *Section 3.2.2 (C)(6) and (7) – Direct On-Site Access to Pedestrian and Bicycle Connections; Off-Site Access to Pedestrian and Bicycle Connections*

These sections are significant in that the project provides required on-site sidewalk and street connections for pedestrian and bicycle travel to all public streets, and an off-site sidewalk connection linking Duff Drive to the existing 10th Street in the Andersonville Neighborhood.

The 3.2.2(C)(6) and (7) LUC requirement reads as follows:

(6) Direct On-Site Access to Pedestrian and Bicycle Destinations. The on-site pedestrian and bicycle circulation system must be designed to provide, or allow for, direct connections to major pedestrian and bicycle destinations including, but not limited to, parks, schools, Neighborhood Centers, Neighborhood Commercial Districts and transit stops that are located either within the development or adjacent to the development as required, to the maximum extent feasible. The on-site pedestrian and bicycle circulation system must also provide, or allow for, on-site connections to existing or planned off-site pedestrian and bicycle facilities at points necessary to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations located within the neighborhood. In order to provide direct pedestrian connections to these destinations, additional sidewalks or walkways not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway, may be required.

(7) Off-Site Access to Pedestrian and Bicycle Destinations. Off-site pedestrian or bicycle facility improvements may be required in order to comply with the requirements of Section 3.2.2(E)(1) (Parking Lot Layout) and Section 3.6.4 (Transportation Level of Service Requirements).

D. *Section 3.2.2(K)(1) – Required Number of Off-street Parking Spaces*

The number of off-street parking spaces has been evaluated based on the applicant's request that 201 single-family detached, single-family attached, and two-family dwellings will convert to *Extra Occupancy Rental Houses*, requiring the four to five bedrooms per dwelling to provide a minimum of 0.75 spaces per tenant. Based on this ratio, the total minimum number of spaces required would be 666 and the number provided is 738, which exceeds the standard by 72 parking spaces. Additional on-street parking is allowed on Duff Drive and 14 parallel spaces are provided on Webster Avenue, thus allowing for sufficient guest parking and addressing the concern of spillover parking to surrounding off-site areas.

E. *Section 3.2.5 – Trash and Recycling Enclosures*

The trash enclosures are made of split-face concrete block. Truck access is provided but screened by a metal gate. Walk-in access is not gated. Enclosures meet the setback requirement of 20 feet minimum from public sidewalks. As currently proposed, there will be 4

enclosures each containing a three-yard dumpster and two 96-gallon containers for recyclable materials.

F. *Section 3.3.1 – Plat Standards.*

The lot's orientation provides direct access to all public streets. The layout of roads, driveways, utilities, drainage facilities, and other services are designed in accordance with the City's engineering standards. The plat demonstrates proper dedication of public rights-of-way, drainage and utility easements that are needed to serve the area being developed.

G. *Section 3.4.1(A)(1)(b and j), (C) – Natural Habitats and Features*

The parcel contains three small wetlands totaling 0.22 acres in size as confirmed by an Ecological Characterization Study and wetland delineation report. The larger wetland, W-1, is 0.18 acres and is located in the narrow borrow ditch abutting Lincoln Avenue. The existing Lincoln Avenue ditch will be buried underground for utility requirements, and the two small wetlands, W-2 and W-3, each 0.02 acres, will be removed to accommodate additional parking. All three wetlands will be mitigated on-site, at a ratio of one-to-one, as per LUC Section 3.4.1(C), with the 0.22 acre mitigation wetland located within the site's stormwater detention area. Water entering the stormwater detention area will be treated to improve water quality prior to entering the wetland.

H. *Section 3.4.1(N)(6) – Standards for Protection During Construction*

This standard requires humane eradication of the prairie dogs, prior to any grading or other construction of the development site. As the subject property contains prairie dogs, the Land Use Code requires that these prairie dogs be humanely eradicated per Section 3.4.1(N)(6). This issue will be addressed prior to the issuance of Development Construction Permit.

I. *Section 3.5.1 – Building and Project Compatibility*

This standard requires that new projects be compatible with the established architectural character in the general area. The standard also states that, where the architectural character is not definitively established, new projects should establish an enhanced standard of quality.

The site is bordered on the west by vacant land and an existing bank that is also zoned M-M-N. The site is bordered on the north by vacant land and existing residential Andersonville, Via Lopez and San Cristo neighborhoods. To the south are the existing Buffalo Run Apartments and Mulberry and Lemay Crossings commercial center. Along the east is the existing industrial development.

Capstone Cottages will feature single-family detached and attached dwellings, and two-family dwellings ranging in size from single cottages, two family, and from three-plex to seven-plex. All structures will be two or three-stories in height and feature pitched roofs. Exterior materials

include cementitious horizontal lap siding, cementitious vertical panel board and cementitious shingle siding. The roofs will feature asphalt composition shingles. For the single and two-family dwellings, small front porches are provided. Porches are also provided on the single-family attached models.

In summary, the height, mass, bulk and scale, materials, and architectural design of the buildings are residential in character. The project will contribute to the transition of land use intensity from the commercial center and Buffalo Run Apartments to the south and existing single-family neighborhoods to the north.

J. *Section 3.5.2 (C) – Housing Model Variety*

For developments of 100 or more single-family dwelling units, four different types of housing models are required. This P.D.P. includes 201 dwelling units.

The project provides a number of distinct elements to achieve building variation among repeated buildings. In addition to variations in footprint size and shape, the building designs are further distinguished with architectural details specific to each building, including distinct masonry styles, variation in front door styles, different porch column and porch roof treatments, and variation in lap and vertical siding treatments. Building color themes also contribute to the overall variation. Overall, the building designs provided noticeably unique architectural elevations within a coordinated overall theme of roof forms, massing, proportions and other characteristics.

In conformance with the general standard of this section, the project places a high priority on building entryways and their relationship to the street by providing distinctive, street-facing porches with unique architectural elements within the building designs provided. All building entrances and front facades are oriented towards the street with connecting walkways providing access from the street to each dwelling.

The standard acknowledges that for a P.D.P., such level of detail is not finalized and allows the enforcement to be at the building permit review stage in accordance with Section 3.8.15.

K. *Section 3.5.2(D) – Relationship of Dwellings to Streets and Parking*

This standard requires that every front façade with a primary entrance shall face the public street, or be with 200 feet of a connecting walkway, or within 350 feet of a major walkway spine.

As mentioned, to the maximum extent, dwellings face the five public streets. Where they do not, they front on a street-like private drive, or a connecting walkway and are within 200 feet of a public street. In general, the project faces outward with fronts of buildings on streets and with parking lots located to the sides and rear of buildings.

L. *Section 3.6.3 – Street Pattern and Connectivity*

This Section is intended to ensure that the local street system is well designed with regard to safety, efficiency and convenience for automobile, bicycle, pedestrian and transit modes of travel.

As discussed, this project has access to five public streets including Lincoln Avenue, Duff Drive, Webster Avenue, a new minor arterial street (not named yet), and future extension of Lemay Avenue. Two existing public streets will be extended to internally serve the project – a new minor arterial street (not named yet) and Duff Drive – thus providing both intra- and inter-neighborhood connections. An interim connection of Duff Drive to existing 10th Street to the north will allow access from the Andersonville Neighborhood to Lincoln Avenue.

The internal private drives will connect to the public street network on all four sides of the project with direct access to transit.

M. *Section 3.6.4 – Transportation Level of Service (LOS) Requirements*

A Transportation Impact Study (TIS) has been prepared dated March, 2014, updated December 2014, and updated again March 2015. The studies assessed the short and long range impacts of the P.D.P. on the street system in the vicinity of the proposed development. A TIS Addendum dated August 28, 2015 was provided by Delich Associates addressing a slight change in the number of bedrooms proposed by the development. An additional memo dated November 9, 2015 was submitted addressing the sensitivity of the conclusions to the assumed trip distribution. Overall, Capstone Cottages provides for vehicular, pedestrian and bicycle facilities necessary to maintain the City's adopted Level of Service Standards.

The development of the Capstone Cottages P.D.P. is estimated to generate 2,354 daily trips with approximately 169 trips in the morning peak hour and 373 trips in the pm peak hour. In order to be conservative in the vehicular assessment, no reduction in trip generation was assumed for alternate mode travel such as students using bikes or a bus to get to Colorado State University.

Based on the City standards, The P.D.P. will construct, widen or extend the following streets in compliance with the Master Street Plan and in accordance with the Larimer County Urban Area Street Standards:

- 800 ft. of an all new minor arterial street, north of Lincoln Avenue (not named yet)
- 1,200 ft. of an extension of Duff Drive
- 200 ft. of an extension of Webster Avenue
- All other internal private drives

The P.D.P. will also be constructing a single lane modern roundabout at the new arterial/arterial intersection of Lincoln and the new street to the north. In terms of planning, the P.D.P. has planned for, and anticipated the future changes in the street system which includes the future connection of Buckingham Street, and the ultimate realignment and widening of Lemay.

Because of the strong public sensitivity to any additional traffic onto the current Lemay north of Lincoln, the Capstone Development has eliminated all accesses (except a right-in only with an auxiliary turn lane) from the existing Lemay to the development.

Finally, the development is offering construction of an auxiliary exit from the Andersonville / San Cristo neighborhood to the new arterial. This new exit offers an alternative to the difficult westbound left turn movement that exists today for the neighborhood.

In terms of other modes, the development is constructing full bicycle and pedestrian facilities internal and along its borders, and is providing for a transit stop per Transfort's request on Lincoln.

With these improvements, the function of the area roadway network studied for this development will meet the City's Multi-modal Transportation Level of Service Requirements.

Adequate Public Facilities Review at Lemay and Vine

Proposed developments in Northeast Fort Collins are required to address the operation at the Lemay/Vine intersection. This intersection has operational and geometric constraints that may create an adequate public facilities (APF) issue. Succinctly, if this intersection does not meet the overall level of service (LOS) criteria, then a development may add traffic such that the overall intersection delay is not increased by more than 2 percent over the base condition. The intersection falls under the operational criteria of "commercial corridor." In this area, acceptable operation at signalized intersections during the peak hours is defined as level of service D or better overall for the intersection. The traffic review completed by the development's traffic consultant indicates that the Lemay/Vine intersection meets the overall level of service criteria. A further review of the sensitivity of this conclusion (provided in the November memo) indicates that the conclusions that APF is not triggered remains even if the trip distribution to the north was doubled.

In general, the P.D.P. is served by a network of public streets which provide an adequate level of both internal and external connectivity, given the existing constraints within the area for potential street connections.

N. *Section 3.6.5(B) – Transit Facilities*

Capstone Cottages is located on Route 5, serving Lemay Avenue, and Route 14, which serves Lincoln Avenue in both directions. This standard requires that:

“All development located on an existing or planned transit route shall accommodate a transit stop and other associated facilities as prescribed by the City of Fort Collins Transit Design Standards and Guidelines, unless the Director of Community Services determines that adequate transit facilities consistent with the Transit Design Standards already exist to serve the needs of the development. All development located on existing transit routes will accommodate the transit facilities by providing the same at the time of construction. All development located on planned routes will accommodate said facilities by including the same in the development plan and escrowing funds in order to enable the city or its agents to construct the transit facilities at the time transit service is provided to the development.”

With the anticipated student population and density of Capstone Cottages, Transfort is requesting a bus stop on Lincoln Avenue near the south project entrance. The applicant has agreed to provide a bus shelter at this location.

O. *Section 3.8.28 – Extra Occupancy Rental House Regulations*

As indicated, after issuance of certificates of occupancy, the single-family detached dwellings will convert to Extra Occupancy Rental Houses to allow four to five tenants per unit. This section allows such conversion to proceed subject to Basic Development Review. In anticipation, however, the minimum required parking ratio for such units (0.75 spaces per tenant) has been utilized in accordance with Section 3.2.2(K).

6. Modification of Standard

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).

Modification of Standard Request to Section 4.6(D)(1)(b) M-M-N Land Use Standards – Density

Modification Description:

The applicant has submitted a request for approval of a Modification of Standard to Section 4.6(D)(1)(b) *Land Use Standards – Density* requesting that the Capstone Cottages project be allowed to have an overall minimum average density of 8.17 units per net acre to accommodate a total of 201 dwellings on 24.6 acres.

Land Use Code Standard Proposed to be Modified:

Section 4.6(D)(1)(b) M-M-N District Land Use Standards – Density states the following:

“The Medium Density Mixed-Use Neighborhood District shall have an overall minimum average density of twelve (12) dwelling units per net acre of residential land...”

Applicant’s Justification:

The Land Use Code states that 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;

Granting of the request for modification of the density requirement would be beneficial to the public good in that it will provide a logical and orderly pattern of development and allow for an appropriate transition between the existing single family neighborhoods to the north and the higher density multi-family development immediately to the south (see City Plan Policy LIV 29.5). In addition, the public is benefitted by the distribution of student housing throughout the community, instead of such uses being concentrated in neighborhoods directly adjacent

to CSU (See West Central Neighborhoods Plan Implementation Actions).

. . .the decision-maker must also find that the Modification meets one of the following four criteria described in the LUC.

- (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;*

We believe the proposed project at eight (8) dwelling units per acre will promote the general purpose of the density requirement for the M-M-N District equally well or better than a plan with the twelve (12) dwelling unit per acre, by fulfilling the purposes of the M-M-N district as set forth both in City Plan and in the following statements of the Land Use Code:

- (A) **Purpose.** The Medium Density Mixed-Use Neighborhood District is intended to be a setting for concentrated housing within easy walking distance of transit and a commercial district. Secondly, a neighborhood may also contain other moderate-intensity complementary and supporting land uses that serve the neighborhood. These neighborhoods will form a transition and a link between surrounding neighborhoods and the commercial core with a unifying pattern of streets and blocks. Buildings, streets, bike and walking paths, open spaces and parks will be configured to create an inviting and convenient living environment.*

This District is intended to function together with surrounding low density neighborhoods (typically the L-M-N zone district) and a central commercial core (typically an N-C or C- C zone district). The intent is for the component zone districts to form an integral, town- like pattern of development, and not merely a series of individual development projects in separate zone districts.

The proposed project at 8 dwelling units per acre achieves the purpose of the M-M-N District by creating an area of concentrated housing within easy walking distance of transit and a commercial district (Mulberry and Lemay Crossings) that forms a transition and a link between surrounding neighborhoods and the commercial area to the south with a unifying pattern of streets and blocks. Buildings, streets, pedestrian paths, and open spaces are configured to create an inviting and convenient living environment which appears much like a single family neighborhood and is compatible with the single-family neighborhoods to the northwest.

- (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.*

The density standard in the M-M-N District allows for lower density in relation to the size of

the development parcel. Twelve (12) dwelling units per net acre are required for projects containing over twenty (20) acres. Projects containing (20) acres or less are only required to have an overall minimum average density of seven (7) dwelling units per net acre. Because the proposed project (22.6 net acres) is only slightly larger than the 20-acre threshold for higher density, and will provide a density in excess of the minimum (minimum 7 du/ac), we believe that the modification is nominal and inconsequential when considered from the perspective of the whole plan, particularly when the lower density allows the use of a cottage-style product that appears to be much like a single family home and further helps with the ability to be able to provide onsite recreation, open areas and landscaping that contribute to the project's similarity in appearance to that of a single family neighborhood.

Finally, the plan as submitted will continue to advance the purpose of the Land Use Code to improve and protect the public health, safety and welfare as contained in in the following subsections of Section 1.2.2:

- (F) *encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.*
- (G) *increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation.*
- (J) *improving the design, quality and character of new development.*
- (K) *fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all.*
- (L) *encouraging the development of vacant properties within established areas.*
- (M) *ensuring that development proposals are sensitive to the character of existing neighborhoods.*
- (O) *encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages and abilities*

Staff Evaluation of the Modification:

Staff finds that the request for a Modification of Standard to Section 4.6 (D) (1) (b) is justified by the applicable standards in 2.8.2(H) (1) and (4).

- A. The granting of the Modification would not be detrimental to the public good and;
- B. **The project design satisfies Criteria 1 (2.8.2(H)(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.

This is because the proposed project at 8.17 dwelling units per acre will promote the general purpose of the density requirement for the M-M-N District equally well or better than a plan with the twelve (12) dwelling unit per acre. The proposed project creates an area of concentrated housing within easy walking distance of the Mulberry and Lemay Crossings shopping center and transit. The project establishes a transition and link between surrounding neighborhoods and the commercial center. By including extra occupancy rental houses that result in a total of 888 bedrooms, an equivalent density of approximately 15 dwelling units per acre is achieved. Transit facilities will be provided on site with connections to other transit routes connecting to the Downtown Max Station. The project will also provide a private shuttle for students to take to and from the CSU campus on a regular schedule.

The proposed residential project will provide needed rental units for the growing student population in Fort Collins within a managed setting with recreational opportunities on-site. The low-profile design of the project allows it to more easily blend with nearby single family housing and is a good design fit for the neighborhood. Lower residential density enables the project to be sensitive to neighborhood compatibility by providing small-scale buildings and lower building heights that blend visually with the surrounding context. The proposed lower density also allows for more open space and ensures adequate on-site parking. The project as proposed will allow for a mix of housing types in the neighborhood and will create a transition of residential density from the higher density Buffalo Run Apartments (16.78 dwelling units per acre) to a project with smaller buildings (single-family and two-family dwellings), located closer to single-family neighborhoods (Andersonville/San Cristo/Alta Vista) northwest of the project site.

The proposed P.D.P. also satisfies Criteria 4 (2.8.2(H)(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.*

An M-M-N potential project is required to have a minimum of 12 dwelling units per net acre for projects over 20 acres in size. The net developable land for this site is 24.6 acres, multiplied by 12, resulting in a minimum of 296 total dwelling units on-site. If a typical calculation is used of average persons per dwelling unit of 2.4 (U. S. Census data), this would result in approximately 710 people living on-site.

This is because the project contains 24.6 net acres of developable land. For projects containing 20 acres or less are only required to have an overall minimum average density of seven (7) dwelling units per net acre. The proposed project includes a minimum density of 8.17 dwelling units per net acre, with a nominal and inconsequential modification to this project size and density standard. The proposed project includes the conversion of the single family

cottages and single-family attached dwelling units to Extra Occupancy Rental Houses which would allow the addition of one or two tenants to each dwelling unit for a maximum of five per dwelling unit. As a result, there would be a total of 888 bedrooms on-site. This is an equivalent of a density of approximately 15 dwelling units per acre, well within the minimum density requirement.

Staff Findings

Staff finds that the request for a Modification of Standard to Section 4.6(D)(1)(b) M-M-N *Land Use Standards – Density* is justified by the applicable standards in 2.8.2(H)(1) and (4).

- A. The granting of the Modification would not be detrimental to the public good;

This is because the proposed project will provide a logical and orderly pattern of development within close proximity to a commercial center and transit, while allowing for an appropriate transition between the existing single-family neighborhoods to the north and the higher density multi-family development to the south.

- B. The request satisfies Criteria (2.8.2(H)(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.

This is because the proposed project at 8.17 dwelling units per acre will promote the general purpose of the density requirement for the M-M-N District equally well or better than a plan with twelve (12) dwelling units per acre. The proposed project creates an area of concentrated housing within easy walking distance of nearby commercial uses and public transit. The project establishes a transition and link between surrounding neighborhoods and the commercial center. By including extra occupancy rental houses that result in a total of 888 bedrooms, an equivalent density of approximately 15 dwelling units per acre is achieved. Transit facilities will be provided on-site with connections to other transit routes connecting to the Downtown Max Station. The project will also provide a private shuttle for students to take to and from the CSU campus on a regular schedule.

The housing project will provide needed rental units for the growing student population in Fort Collins within a managed setting with recreational opportunities on-site. The low-profile design of the project allows it to easily blend with nearby single-family housing and is a good design fit for the neighborhood.

Lower density enables the project to be sensitive to neighborhood compatibility by providing small-scale buildings and lower building heights that blend visually with the existing neighborhoods. The proposed lower density also allows for more open space and ensures adequate on-site parking. The project as proposed will allow for a mix of housing types in the

neighborhood and will create a transition of residential density from the higher density Buffalo Run Apartments (16.78 dwelling units per acre) to a project with smaller buildings (single-family and two-family dwellings), located closer to single-family neighborhoods (Andersonville/San Cristo/Alta Vista) northwest of the project site.

C. The request satisfies Criteria (2.8.2(H)(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.

This is because the project contains 24.6 net acres of developable land. For projects containing 20 acres or less are only required to have an overall minimum average density of seven (7) dwelling units per net acre. The proposed project includes a minimum density of 8.17 dwelling units per net acre, with a nominal and inconsequential modification to this project size and density standard. The proposed project includes the conversion of the single family cottages and single-family attached dwelling units to Extra Occupancy Rental Houses which would allow the addition of one or two tenants to each dwelling unit for a maximum of five per dwelling unit. As a result, there would be a total of 888 bedrooms on-site. This is an equivalent of a density of approximately 15 dwelling units per acre, well within the minimum density requirement.

The project will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2 including:

1.2.2 (F) Encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation;

1.2.2 G) Increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation;

1.2.2 (K) Fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all;

1.2.2 (L) encouraging the development of vacant properties within established areas;

1.2.2 (M) Ensuring that development proposals are sensitive to the character of existing neighborhoods; and

1.2.2 (O) encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages and abilities.

7. Neighborhood Meeting:

Neighborhood meetings were held on February 25, 2014, July 24, 2014, December 10, 2014, and October 5, 2015. A detailed summary of these meetings is attached. As would be expected for a project of this scale, the issues raised were far-ranging. At the risk of oversimplification, the primary issues centered on traffic impacts, project compatibility and the behaviors that may be attributed to a large concentration of college students, and impact on housing affordability.

Since the hearing notice was distributed, a few correspondences in the form of emails, phone calls, or letters in opposition to the project have been received. These letters are attached.

8. Findings of Fact and Conclusions:

- A. The P.D.P. complies with the East Mulberry Corridor Sub-area Plan.
- B. The P.D.P. complies with the applicable criteria of the M-M-N zone district, provided that the Modification of Standard to Section 4.6(D)(1)(b) is approved.
- C. The three residential housing types are permitted in the M-M-N, subject to Administrative Review.
- D. The site is served by four public streets: Lemay Avenue, Lincoln Avenue, New minor arterial (not named), and Duff Drive. All dwellings adjoining these streets face the streets and feature direct connecting walkways. All others face a street like private drive, or a connecting walkway.
- E. Wetlands will be mitigated at a one-to-one ratio and the loss of the habitat will be mitigated on-site in accordance with Section 3.4.1.
- F. The project is feasible from a traffic engineering standpoint and bicycle and pedestrian facilities are provided.
- G. With regard to compliance with *Section 3.6.5 – Transit Facilities*, the developer will provide a new bus shelter on Lincoln Avenue, east of the south project entrance.
- H. The future conversions of the single family detached dwellings to Extra Occupancy Rental Houses are permitted after issuance of final certificates of occupancy and subject to Basic Development Review. Such conversions have been factored into the adequate provision of off-street parking spaces.
- I. The P.D.P. complies with all other applicable General Development Standards of Article Three.

RECOMMENDATION:

Staff recommends approval of Capstone Cottages, P.D.P., #140004, and request for modification, subject to the following condition:

At time of Final Plan review, the applicant shall provide a complete final design of the roundabout intersection acceptable to the City, and obtain all rights-of-way and/or easements necessary for the applicant's construction of the roundabout. The applicant acknowledges the responsibility of mitigating impacts to any other plan requirement caused by the final design of the roundabout.

ATTACHMENTS:

1. Neighborhood Meetings Summary
2. Input from citizens
3. Environmental Characterization Study Report dated 9/3/13
4. Geotechnical Engineering Report dated 3/28/14
5. Existing Tree Plan dated 12/2/14
6. Preliminary Drainage and Erosion Control Report dated 12/ 10/ 14
7. Utility Plans dated 12/10/14
8. Photometric Plan dated 12/10/14
9. Traffic Impact Study by Delich and Associates dated March 2015
10. Development Review and Transportation Development Review Application dated 8/28/15
11. Statement of Planning Objectives dated 8/28/15
12. Traffic Impact Study Memorandum by Delich and Associates dated 8/28/15
13. Traffic Memorandum by Delich and Associates dated 11/09/15
14. Proposal addressing individual lots submitted 11/19/15
15. Revegetation, Management, Maintenance, Weed Control and Monitoring Plan submitted 11/19/15
16. Color Elevation Tear sheets submitted 11/19/15
17. Color Elevations Site Plan Matrix submitted 11/19/15
18. Color Palette Master Color Plan submitted 11/19/15
19. Elevations submitted 11/19/15
20. Exterior Color Swatches submitted 11/19/15
21. Landscape Plan set submitted 11/19/15
22. Site Plan/Plat Overlay submitted 11/19/15
23. Subdivision Plat dated 11/19/15
24. Site Plan set dated 11/19/15
25. Water Quality/LID Exhibit submitted 11/19/15
26. Request for Modification of Standards dated 11/19/15
27. Resolution 2015-004 Amending the City's Structure Plan Map

28. Resolution 2015-005 Amending the East Mulberry Corridor Plan
29. Ordinance No. 007, 2015 for the Capstone Cottages Rezoning
30. Resolution 2015-043 regarding Lincoln Avenue/International Boulevard Roundabout