

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

FINDINGS AND DECISION

HEARING DATE: January 28, 2016

PROJECT NAME: Centerpoint Plaza

CASE NUMBER: PDP #150014

APPLICANT: Patricia Parish, AICP
RMG – Rocky Mountain Group
2910 Austin Bluffs, Suite 100
Colorado Springs, CO 80919

Keith Moore, Architect
RMG – Rocky Mountain Group
2910 Austin Bluffs, Suite 100
Colorado Springs, CO 80919

OWNER: NexGen Riverbend Holdings
5251 DTC Parkway, Suite 800
Greenwood Village, CO 80111

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: The Centerpoint Plaza PDP (PDP #150014) is a request for approval of a previously expired Project Development Plan (PDP) to construct a mixed-use building, which will include both office and retail space on Lot 1, Centerpoint Plaza Replat consisting of 2.07 acres, more or less (the “Property”). The building is proposed to be a 24,000 square foot, two-story structure with a mezzanine level. As set forth in the Staff Report, additional street right-of-way has previously been dedicated to the City to allow for road improvements on Timberline Road. The Property is located in the (E) Employment zoning district. The proposed building is subject to Administrative (Type 1) review in the Employment (E) Zone District, pursuant to Section 4.27(B)(2)(c)(1) of the Land Use Code.

BACKGROUND: The Hearing Officer has reviewed the project background set forth on page 2 of the Staff Report and no information was presented to the Hearing Officer to contradict the same, or otherwise cause the Hearing Officer to believe that the same is not accurate. The surrounding zoning and land uses are set forth below:

Direction	Zone District	Existing Land Uses
North	Employment (E)	Office, retail, gasoline sales, drive-thru restaurant
South	Industrial (I), Low Density Mixed-Use Neighborhood (LMN)	Retail, restaurant, single-family homes, multi-family homes
East	Employment (E)	Institutional, office, light industrial
West	Industrial (I), Medium Density Mixed-Use Neighborhood (MMN)	Institutional, light industrial

SUMMARY OF DECISION: Approved, with conditions.

ZONE DISTRICT: (E) Employment Zone District

HEARING: The Hearing Officer opened the hearing on Thursday, January 28, 2016, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 5:30 PM. Mr. Frickey confirmed that no written comments from neighboring property owners had been received. No members of the public were present at the hearing.

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

1. Centerpoint Plaza Vicinity Map.
2. Planning Department Staff Report prepared for Centerpoint Plaza (PDP #150014). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Centerpoint Plaza First Replat Site Plan, consisting of the following five (5) sheets:
 - a. Site Plan
 - b. Architectural Elevations
 - c. Landscape Plan
 - d. Irrigation Plan
 - e. Lighting Plan
4. Planning Objectives dated July 15, 2015 from RMG – Rocky Mountain Group from Patricia Parish, AICP (4 pages).
5. Affidavit of Publication dated January 21, 2016, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on January 21, 2016.
6. Notice of Public Hearing.
7. 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: Clay Frickey, City Planner
- From the Applicant: Patricia Parish, AICP
RMG – Rocky Mountain Group
2910 Austin Bluffs, Suite 100
Colorado Springs, CO 80919
- Keith Moore, Architect
RMG – Rocky Mountain Group
2910 Austin Bluffs, Suite 100
Colorado Springs, CO 80919
- From the Owner: RMG representatives (identified above) appeared on behalf of the Owner
- From the Public: None.

The hearing on this matter was closed at approximately 5:50 p.m.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. 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 the applicable Employment (E) Zone District standards contained in Article 4, Division 4.27 of the Land Use Code.
3. 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 enters the following ruling:

- A. The Centerpoint Plaza Project Development Plan (PDP #150014) is approved for the Property as submitted.
- B. The Applicant shall submit a final plan for the Property within three (3) years of the date of this decision. If Applicant fails to submit a final plan to the City within said three (3) year period, this PDP approval shall automatically lapse and become null and void in accordance with Section 2.2.11(C) of the Code.
- C. In accordance with Section 2.2.11(C) of the Code, the Centerpoint Plaza PDP shall not be considered a site specific development plan and no vested rights shall attach to the PDP.

Nothing in this decision shall abrogate the Director's authority to grant one (1) extension of the Centerpoint Plaza PDP. As set forth in Section 2.2.11(C) of the Land Use Code, the extension may not exceed six (6) months in length.

DATED this 1st day of February, 2016.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Centerpoint Plaza Project Development Plan
(PDP# 150014)



ITEM NO 1
MEETING DATE Jan. 28th, 2016
STAFF Clay Frickey

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: Centerpoint Plaza, PDP150014

APPLICANT: Patricia Parish
RMG – Rocky Mountain Group
2910 Austin Buffs
Suite 100
Colorado Springs, CO 80919

OWNERS: NexGen Riverbend Holdings
5251 DTC Parkway
Suite 800
Greenwood Village, CO 80111

PROJECT DESCRIPTION:

This is a request for approval of a previously expired Project Development Plan to construct a mixed-use building, which will include both office and retail space on a 2.07 acre site. The building is proposed to be a 24,000 square foot, two-story structure with a mezzanine level. Additional street right-of-way had previously been dedicated to allow for road improvements on Timberline Road. The site is in the (E) Employment zoning district.

RECOMMENDATION: Staff recommends approval of Centerpoint Plaza, PDP150014.

EXECUTIVE SUMMARY:

Staff finds the proposed Centerpoint Plaza Project Development Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Project Development Plan complies with relevant standards of Article 3 – General Development Standards.

- The Project Development Plan complies with relevant standards located in Division 4.27 Employment (E) of Article 4 – Districts.

COMMENTS:

1. Background

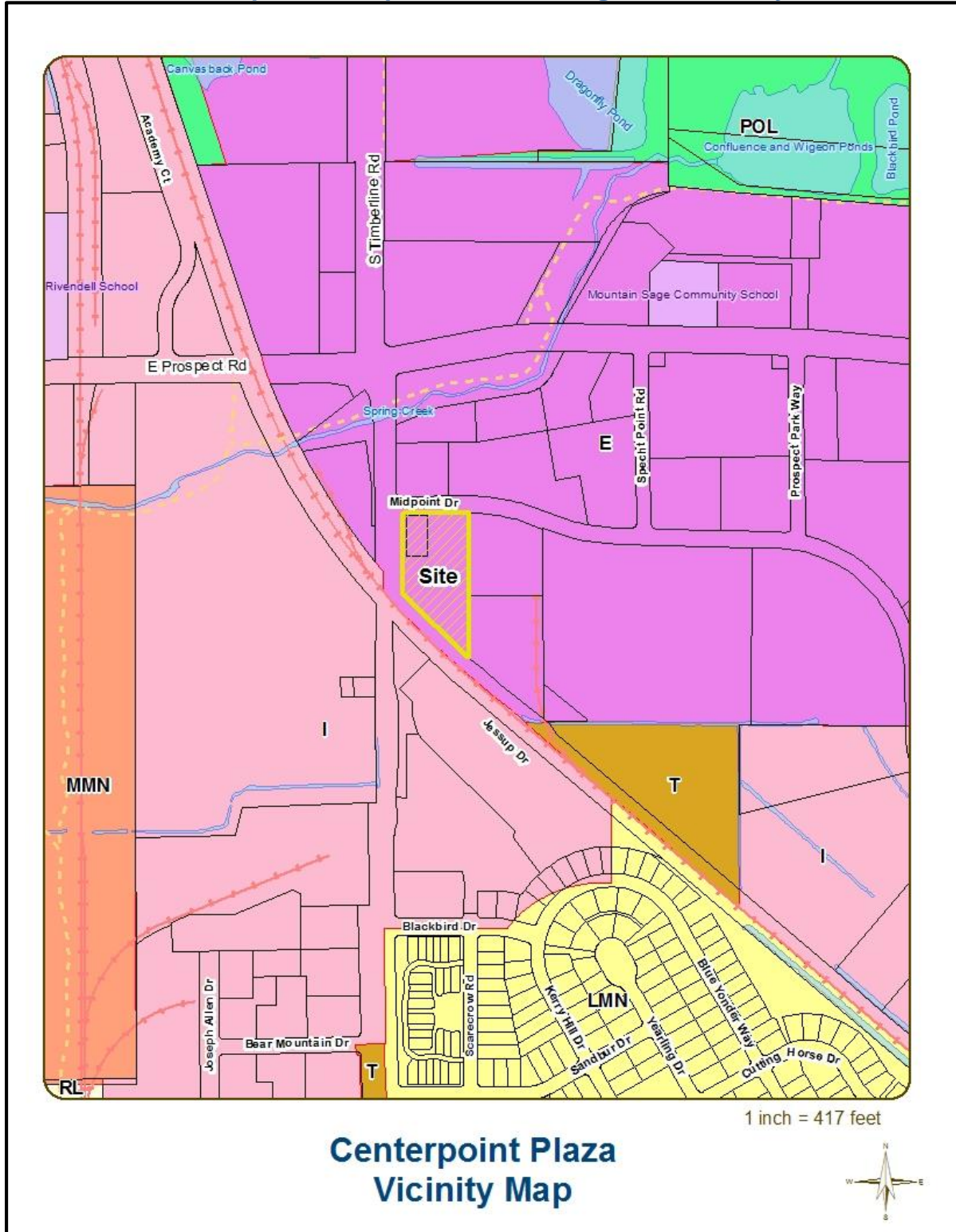
This property was annexed into the City of Fort Collins on September 6th, 1973. In 2003, the lot was platted as Lot 1 of the Centerpoint Plaza subdivision. The original Centerpoint Plaza development contained the existing building at the southeast corner of Midpoint Drive and Timberline Road. The southern half of Lot 1 was left vacant to allow for future development. In 2009, Vignette Studios sought to replat and develop the southern half of Lot 1 of Centerpoint Plaza, which became the Centerpoint Plaza Replat Project Development Plan. Vignette Studios proposed the construction of a 48,000 square foot, 2 ½ story building with 83 parking spaces. The Centerpoint Plaza Replat PDP gained approval from a hearing officer and was recorded with the City of Fort Collins on June 17th, 2009. Despite gaining approval, the development team for the Centerpoint Plaza Replat did not install the public infrastructure necessary to achieve vesting of their development plan. The approved Project Development Plan lapsed June 17th, 2012.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Employment (E)	Office, retail, gasoline sales, drive-thru restaurant
South	Industrial (I), Low Density Mixed-Use Neighborhood (LMN)	Retail, restaurant, single-family homes, multi-family homes
East	Employment (E)	Institutional, office, light industrial
West	Industrial (I), Medium Density Mixed-Use Neighborhood (MMN)	Institutional, light industrial

A zoning and site vicinity map is presented on the following page.

Map 1: Centerpoint Plaza Zoning & Site Vicinity



2. Compliance with Article 3 of the Land Use Code – General Development Standards:

The project complies with all applicable General Development Standards as follows:

A. *Division 3.2.1(D)(1)(c) – Tree Planting Standards - Full Tree Stocking*

The proposed landscaping meets the minimum tree stocking standards. The landscape plan shows groups of canopy and ornamental trees planted with spacing that meets the minimum requirements outlined in the code.

B. *Section 3.2.1(D)(2) - Tree Planting Standards - Street Trees*

The Land Use Code requires canopy shade trees to be planted at thirty to forty-foot spacing in the center of parkway areas where the sidewalk is detached from the street. Two of the proposed trees are not canopy shade trees. The applicant proposes two Sargent Crabapple trees along Timberline Road. This is due to a Poudre River Power Authority (PRPA) easement encumbering much of the southwestern portion of the property (Attachment 3). PRPA has transmission lines that abut the southwestern edge of the property that require a 100 foot easement for maintenance purposes. As such, PRPA does not allow canopy shade trees within their easements. PRPA has reviewed and approved the proposed landscape plan as part of this Project Development Plan. The Land Use Code provides relief from this standard by allowing ornamental trees to substitute canopy shade trees where overhead lines prevent normal growth and maturity in section 3.2.1(D)(2)(c). Since the proposed landscape plan meets the exception outlined in 3.2.1(D)(2)(c) and has been approved by PRPA, staff finds the proposed landscape plan meets this code section.

C. *Section 3.2.1(E)(3) – Water Conservation*

The proposed landscape plan uses appropriate water conservation techniques to achieve a total annual water use less than 15 gallons/square foot over the entire site and meet this code standard.

D. *Section 3.2.1(E)(4) - Parking Lot Perimeter Landscaping*

The proposed parking lot perimeter landscaping meets this code requirement by screening parking areas from abutting uses, providing one tree every 25 feet along public streets and screening the parking lot from abutting uses and the street. The perimeter of the parking area will be screened with a low wall consisting of tall grasses, small shrubs, and ornamental trees.

E. *Section 3.2.1(E)(5) - Parking Lot Interior Landscaping*

The proposed parking lot interior landscaping meets this code requirement by providing areas of shading and landscaped islands. Each landscaped island will have at least one canopy tree with a complement of small shrubs and grasses, except for islands within the PRPA easement, which will provide ornamental trees. The parking areas also exceed the 6% minimum parking lot interior landscaping requirement.

F. *Section 3.2.2(C)(4)(b) - Bicycle Parking Space Requirements*

The Land Use Code requires one bicycle parking space per 4,000 square feet with 20% provided in an enclosure and 80% provided via fixed racks. For a 24,000 square foot office building, the Land Use Code requires six bike parking spaces with one provided in an enclosure and five provided via fixed racks. The proposed building will provide two enclosed bicycle parking spaces and four fixed rack bicycle parking spaces.

G. *Section 3.2.2(C)(5) - Walkways*

Walkways must be provided to link sidewalks with building entries through parking lots. These walkways must also provide direct connections to off-site pedestrian and bicycle destinations. The proposed walkways connect the main entrances of the building to the sidewalk network of the adjacent development to the north. The walkways also connect to the sidewalk along Timberline Road.

H. *Section 3.2.2(D)(1) – Access and Parking Lot Requirements - Pedestrian/Vehicle Separation*

To the maximum extent feasible, pedestrians and vehicles shall be separated through provisions of a sidewalk or walkway. The site complies

with this standard by providing an extensive sidewalk network around the building. The sidewalk is separated from vehicle use areas by a curb.

I. *Section 3.2.2(E) - Parking Lot Layout*

The proposed parking lot layout is consistent with requirements of the Land Use Code in regards to circulation routes, orientation, landscaped islands, and points of conflict.

J. *Section 3.2.2(J) - Setbacks*

The proposed parking areas are setback further than the 10-foot minimum from non-arterial streets and 5-foot minimum along a lot line required per the Land Use Code.

K. *Section 3.2.2(K)(2) - Nonresidential Parking Requirements*

The minimum, maximum, and proposed parking are contained in the table below. The proposed parking is within the range of required parking and thus meets the requirements of the Land Use Code.

Table 1: Proposed Parking

Use	Min. Parking	Max. Parking	Parking Provided
Office (12,000 square feet)	1/1,000 square feet = 12 parking spaces	3/1,000 square feet = 36 parking spaces	36 spaces
Retail (12,000 square feet)	2/1,000 square feet = 24 parking spaces	4/1,000 square feet = 48 parking spaces	44 spaces

L. *Section 3.2.2(K)(5) - Handicap Parking*

Parking lots with 76-100 parking spaces are required to provide four handicap accessible spaces with at least one van accessible parking space. The proposed site plan shows four handicap accessible parking spaces, two of which are van accessible.

M. *Section 3.2.3 - Solar access, orientation, shading*

All developments must be designed to accommodate active and/or passive solar installations and must not deny adjacent properties access

to sunshine. The proposed building is designed and located to minimize the casting of shadows on adjacent properties and could accommodate future active and/or passive solar installations.

N. *Section 3.2.4 - Site Lighting*

The proposed lighting plan is consistent with the requirements of the Land Use Code in regards to the general standard, lighting levels, and design standards.

O. *Section 3.2.5 - Trash and Recycling Enclosures*

Trash and recycling enclosures must be provided in locations abutting refuse collection or storage areas, shall be designed to allow walk-in access without having to open the main service gate, shall be screened from public view, and shall be constructed on a concrete pad. The proposed trash and recycling enclosure abuts a storage area, allows walk-in access without having to open the main service gate, is screened from public view, and is built on a concrete pad.

P. *Section 3.5.1 - Building and Project Compatibility*

The proposed plan is consistent with the requirements of the Land Use Code in regards to building and project compatibility including building size, height, bulk, mass, scale, mechanical equipment screening, and operational/physical compatibility.

Size, Height, Bulk, Mass and Scale

The projects adjacent to Centerpoint Plaza include a 2 ½ story office building to the north and a two story industrial building to the east. Other non-adjacent developments include a three story institutional building, one story car wash, and a one story office park complex.

The proposed building will be of a similar height and scale to the majority of the developments in its immediate surroundings. The proposed building will use similar materials to the Centerpoint Plaza. The proposed building elevations also show nearly identical details to the existing building to the north. Given these similarities, the proposed structure will fit in seamlessly with its surroundings and meets this code standard.

Outdoor Storage Areas/Mechanical Equipment

The proposed plan is consistent with the requirements of the Land Use Code in regards to the location of outdoor storage, screening of storage areas, and screening of rooftop mechanical equipment from public view.

Operational/Physical Compatibility

The proposed plan is consistent with the requirements of the Land Use Code in regards to hours of operation, placement of trash receptacles, and location and number of off-street parking spaces.

Q. *Section 3.5.3(D) - Variation in Massing*

The proposed building is consistent with the requirements of the Land Use Code in regards to horizontal massing and changes in massing being related to entrances, the integral structure and interior spaces of the building. No horizontal plane exceeds a 1:3 height-width ratio. The changes in massing also relate to building features such as doors and windows, which are integral to the interior spaces of the building.

R. *Section 3.5.3(E) - Character and Image*

The proposed building is consistent with the relevant requirements of this Land Use Code section including façade treatments, entrances, and base and top treatments. All walls break up their mass with windows, change in materials, and fenestration pattern to provide a human scale. Each entrance to the building is clearly defined by an extruded archway. The proposed building has a distinct base, middle, and top defined by changes in materials, brick/stucco banding, and prominent entry features.

S. *Section 3.6.6 – Emergency Access*

An emergency access easement is proposed that runs through the parking area on the south side of the site. The emergency access easement ensures emergency vehicles can gain proper access and maneuvering to reach all portions of the proposed building.

3. **Compliance with Article 4 of the Land Use Code – Employment (E), Division 4.27:**

The project complies with all applicable Article 4 standards as follows:

A. *Section 4.27(B)(2)(c) – Permitted Uses*

The proposed uses, office and retail, are permitted in the Employment zone district and are consistent with the district's intent to provide a variety of workplaces throughout the community.

B. *Section 4.27(D)(4)(a) – Dimensional Standards - Maximum Building Height*

The proposed building complies with the 4-story maximum building height requirement.

5. **Findings of Fact/Conclusion:**

In evaluating the request for the Centerpoint Plaza Project Development Plan, Staff makes the following findings of fact:

- A. The Project Development Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Project Development Plan complies with relevant standards located in Article 3 – General Development Standards.
- C. The Project Development Plan complies with relevant standards located in Division 4.27 Employment (E) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of the Centerpoint Plaza, PDP150014.

ATTACHMENTS:

1. Zoning & Site Vicinity Map
2. Applicant's Statement of Planning Objectives
3. Centerpoint Plaza Planning Document Set (Site Plan, Landscape Plan, Elevations & Photometric Plan)