

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

FINDINGS AND DECISION

HEARING DATE: January 7, 2016

PROJECT NAME: College Eight Thirty Project Development Plan including requested Modification of Standard for the following LUC Sections:

- 3.2.1(E)(5) Landscape Standards - Parking Lot Interior Landscaping and 3.2.2(M)(1) Landscaping – Landscaping Coverage
- 3.2.2(L)(2) Parking Stall Dimensions – Compact Vehicle Spaces in Long-Term Parking Lots and Parking Structures

CASE NUMBER: PDP #150019

APPLICANT: Craig Russell
Russell + Mills Studios
141 College Avenue
Fort Collins, CO 80524

OWNER: Schrader Development Co.
320 N. College Avenue
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a proposed mixed-use project consisting of a 27,455 square foot, four story building containing 34 residential units located above commercial/retail space on the main level. The project is located on the northeast corner of South College Avenue and Locust Street, on property generally described as Lot 6, Block 128, City of Fort Collins (the “Subject Property”). The Subject Property consists of approximately 13,998 square feet (0.32 acres) and is located across from Colorado State University. The project includes 27 surface parking spaces partially covered by the building. The project is located in the Community Commercial (C-C) zone district. The proposed use as a mixed-use dwelling is permitted in the C-C zone district, subject to a Type One administrative review.

The Applicant is also requesting two (2) Modifications of Standard, specifically the following.

1. Modification to LUC Sections 3.2.1(E)(5) - Parking Lot Interior Landscaping and 3.2.2(M)(1) – Landscaping Coverage. The Applicant requests a modification to provide less than six percent (6%) of the interior space of the parking lot as landscaping.

2. Modification to LUC Section 3.2.2(L)(2) Parking Stall Dimensions – Compact Vehicle Spaces in Long-Term Parking Lots and Parking Structures. The Applicant requests a modification to provide 13 compact parking stalls (of the 27 total parking spaces provided), in excess of the forty percent (40%) allowed by the LUC.

BACKGROUND: The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Community Commercial (C-C)	Commercial, retail, restaurant, office, single-family detached residential
South	Community Commercial (C-C)	Multi-family residential, hotel, restaurant, retail, limited indoor recreation
East	Neighborhood Conservation – Buffer (N-C-B) and Neighborhood Conservation – Medium Density (N-C-M)	Single-family detached residential
West	Colorado State University	Colorado State University main campus

SUMMARY OF DECISION: Approved, with conditions.

ZONE DISTRICT: (C-C) Community Commercial District

HEARING: The Hearing Officer opened the hearing on Thursday, January 7, 2016, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, following the conclusion of the public hearings on Caring Smiles Dental Clinic combined PDP/FP (FDP #150010) and the CSU Health and Medical Center Plat (FDP #150039).

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

1. Zoning & Site Vicinity Map.
2. Applicant’s Modification of Standard Requests (dated November 10, 2015 and December 4, 2015).
3. College Eight Thirty Planning Document Set (Site Plan, Landscape Plan, Elevations, Shadow Analysis & Photometric Plan) (Site Plan – 5 Sheets; Landscape Plan – 5 Sheets; Elevations – 2 Sheets; Shadow Analysis – 1 Sheet; Photometric Plan – 1 Sheet).
4. Memorandum dated December 22, 2015 from Tom Leeson, Director of Community Development & Neighborhood Services RE: Landmark Preservation Commission Findings of Fact and Conclusions Pertaining to the College Eight Thirty Project.
5. Correspondence from three (3) Fort Collins citizens/neighbors property owners: (a) Charles Foster (dated December 30, 2015); (b) Susan Kreul-Froseth (dated January 4, 2016); and (c) Steve Owens (dated September 1, 2015 and received by the City on January 7, 2016).
6. PowerPoint presentation prepared by City Staff for the January 7, 2016 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.
8. Affidavit of Publication dated December 29, 2015, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on December 29, 2015.
9. Notice of Public Hearing dated December 22, 2015.
10. A copy of the Planning Department Staff Report prepared for the above-referenced Application is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.

TESTIMONY: The following persons testified at the hearing:

- | | |
|---------------------|--|
| From the City: | Clay Frickey, Associate Planner |
| From the Applicant: | Ian Shuff
alm2s
712 Whalers Way, Suite B-100
Fort Collins, CO 80525

Troy Peterson, Flagstone Partners
Nick Haws, PE, LEED AP, Northern Engineering
Dave Derbes |
| From the Owner: | N/A |
| From the Public: | Kazim Tercah, 820 S. College Ave., Fort Collins, CO 80524
Kevin Harper, 1535 Remington St., Fort Collins, CO 80524
Larry Howell, 814-816 S. College Ave., Fort Collins, CO 80524
Steve Levinger, 511 Mathews St, Fort Collins, CO 80524
Jerry Johnstone, 2257 Iroquois Dr., Fort Collins, CO 80524 |

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 Community Commercial (C-C) Zone District standards contained in Article 4, Division 4.18 of the Land Use Code with the approved Modification of Standards as discussed below.

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.
4. Based on testimony provided at the public hearing and a review of the materials submitted to the Hearing Officer in this case, the Hearing Officer concludes that the Modification of Standard (for Section 3.2.1(E)(5) of the Code, as requested by the Applicant) meets the applicable requirements of Section 2.8.2(H) of the Code. Specifically, the Hearing Officer finds as follows:
 - A. The Modification of Standard (“Modification #1”) requested by the Applicant is to Section 3.2.1(E)(5) of the Land Use Code (“Landscape Standards – Parking Lot Interior Landscaping”) and Section 3.2.2(M)(1) (“Landscaping – Landscaping Coverage”).
 - B. The Applicant requests Modification #1 to provide less than six percent (6%) of the interior space of the parking lot as landscaping.
 - C. Modification #1 is not detrimental to the public good; and
 - D. Modification #1 satisfies Section 2.8.2(H)(4) of the Code – the PDP as submitted will not diverge from the standards set forth in Sections 3.2.1(E)(5) and 3.2.2(M)(1) except in a nominal, inconsequential way when considered from the perspective of the entire Project Development Plan and will continue to advance the purposes of the LUC articulated in Section 1.2.2 of the Code. Specifically, the Hearing Officer finds that the proposed landscape screen (PQU – Virginia Creeper) as shown on Sheet LP103 of the Landscape Plan will provide some level of vegetative screening on the north boundary of the project and that the streetscape along South College Avenue will be enhanced by innovative water quality planters, a small outdoor seating area and other foundation plantings as detailed in the Landscape Plan. The Hearing Officer concludes that the project will advance the purposes of the Land Use Code as articulated in Section 1.2.2 including the following:
 - (1) 1.2.2(B) encouraging innovations in land development and renewal;
 - (2) 1.2.2(J) improving the design, quality and character of new development;
 - (3) 1.2.2(L) encouraging the development of vacant properties within established areas; and
 - (4) 1.2.2(M) ensuring that development proposals are sensitive to the character of existing neighborhoods.
5. Based on testimony provided at the public hearing and a review of the materials submitted to the Hearing Officer in this case, the Hearing Officer also concludes that the Modification of Standard (for Section 3.2.2(L)(2) of the Code, as requested by the Applicant) meets the applicable requirements of Section 2.8.2(H) of the Code. Specifically, the Hearing Officer finds as follows:

- A. The Modification of Standard (“Modification #2”) requested by the Applicant is to Section 3.2.2(L)(2) of the Land Use Code (“Parking Stall Dimensions – Compact Vehicle Spaces in Long-Term Parking Lots and Parking Structures”), which limits the number of compact parking stalls to forty percent (40%) of provided long-term parking.
- B. The Applicant requests that 13 of the proposed 27 parking spaces be allowed as compact parking spaces.
- C. Modification #2 is not detrimental to the public good; and
- D. Modification #2 satisfies Section 2.8.2(H)(4) of the Code – the PDP as submitted will not diverge from the standard set forth in Section 3.2.2(L)(2) except in a nominal, inconsequential way when considered from the perspective of the entire Project Development Plan and will continue to advance the purposes of the Land Use Code as set forth in Section 1.2.2 of the Code. Specifically, the Hearing Officer finds that the allowance for 13 of the proposed 27 parking spaces as compact parking stalls will preserve a 24’ two way drive aisle as required by Section 3.2.2(L) of the Code, which will ensure that cars may safely maneuver in the parking lot to the extent practicable and will allow the Applicant/Owner to provide two (2) additional parking spaces. The majority of the public comment at the hearing was concentrated on the parking issues that exist in the vicinity of the Subject Property due to student pressures and other contributing factors. The Hearing Officer concludes that Modification #2 to permit additional compact parking spaces will not divert from the applicable Code standard except in a nominal, inconsequential way and further concludes that project will advance the purposes of the Land Use Code as articulated in Section 1.2.2 including the following:
 - 1. 1.2.2(B) encouraging innovations in land development and renewal;
 - 2. 1.2.2(J) improving the design, quality and character of new development;
 - 3. 1.2.2(L) encouraging the development of vacant properties within established areas; and
 - 4. 1.2.2(M) ensuring that development proposals are sensitive to the character of existing neighborhoods.

DECISION

Based on the findings set forth above, the Hearing Officer hereby enters the following ruling:

- A. The College Eight Thirty Project Development Plan (PDP #150019) is approved for the Subject Property as submitted, subject to conditions set forth below.
 - 1. that the Applicant/Owner gain approval from the Poudre Fire Authority (“PFA”) for an emergency access plan specific to the project and that said emergency access plan be approved in writing by an authorized representative

of PFA prior to the Applicant/Owner submitting the final plan for review by the City; and

2. that the Applicant/Owner work with City Staff and Parking Services to install appropriate parking signage along Locust Street to properly designate the twelve (12) on street parking spaces to be provided by the Applicant/Owner within the Locust Street right-of-way as short term parking¹; and
 3. to the extent that Parking Services requests a parking study to analyze and/or document the parking demands of the retail component of the project or other needs of the project to comply with condition #2 set forth above, the Applicant/Owner shall cooperate with Parking Services to complete the parking study prior to the submission of the final plan to the City for review, and the Applicant/Owner shall bear the full cost of the parking study or shall bear a percentage of the cost of the study as determined by the Director of Community Development or his or her designee.
- B. The Article 3 Modifications (Request for Modification of Sections 3.2.1(E)(5) and 3.2.2(M)(1) and Section 3.2.2(L)(2) of the Land Use Code, being Modifications #1 and #2 discussed above) are approved for the Subject Property.
- C. Any reference in the Staff Report attached hereto as **ATTACHMENT A** or in the PowerPoint presentation prepared by City Staff for the January 7, 2016 public hearing to the term “Project Development Plan/Final Plan” shall be modified to refer exclusively to the term “Project Development Plan”. Nothing in this decision approves a Final Plan for the Subject Property.
- D. The Applicant shall submit a final plan for the Subject 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.
- E. In accordance with Section 2.2.11(C) of the Code, the College Eight Thirty PDP shall not be considered a site specific development plan and no vested rights shall attach to the PDP.

¹ By way of example and not limitation, eight (8) of the 12 spaces shall be posted as 1-hour parking spaces and four (4) of the 12 spaces shall be posted as 2-hour parking spaces. The Hearing Officer concludes that some level of appropriately signed short term parking is necessary to reasonably support the proposed on-site retail use of the Subject Property, together with other commercial and office uses in the immediate vicinity of the Subject Property.

DATED this 12th day of January, 2016.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
College Eight Thirty Project Development Plan
(PDP# 150019)



ITEM NO 3
MEETING DATE January 7th, 2016
STAFF Clay Frickey

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: College Eight Thirty, PDP150019

APPLICANT: Craig Russell
Russell + Mills Studios
141 College Ave.
Fort Collins, CO 80524

OWNERS: Schrader Development Co
320 N College Ave.
Fort Collins, CO 80524

PROJECT DESCRIPTION:

This is a request for a Project Development Plan to consist of a 27,455 square foot, 4-story, mixed use project with 34 residential units above commercial/retail space on the main level. The site is located on the northeast corner of College Avenue and Locust Street across from Colorado State University. The building will be divided as follows: Main level- commercial/retail space and lobby for residential units; Second Level - (7) studio/1 bedroom units and (5) 2-bedroom units; Third Level- (7) studio/1 bedroom units and (5) 2-bedroom units; Fourth Level – (6) studio/1-bedroom units and (4) 2-bedroom units. The main level has 27 surface parking spaces partially covered by the building. The site is located in the (CC) Community Commercial Zone District.

RECOMMENDATION: Staff recommends approval, with conditions, of College Eight Thirty, PDP150019.

EXECUTIVE SUMMARY:

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

- The Project Development Plan/Final Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.

- The Modification of Standard to Section 3.2.1(E)(5) that is proposed with this Project Development Plan/Final Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted diverges from the standard in a nominal, inconsequential way.
- The Modification of Standard to Section 3.2.2(L)(2) that is proposed with this Project Development Plan/Final Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted diverges from the standard in a nominal, inconsequential way.
- The Project Development Plan/Final Plan complies with relevant standards of Article 3 – General Development Standards, if the Modification of Standard to Sections 3.2.1(E)(5) and 3.2.2(L)(2) are approved and if the applicant can gain approval for their emergency access plan from Poudre Fire Authority to meet the standards of Section 3.6.6.
- The Project Development Plan/Final Plan complies with relevant standards located in Division 4.18 Community Commercial (CC) of Article 4 – Districts.

COMMENTS:

1. Background

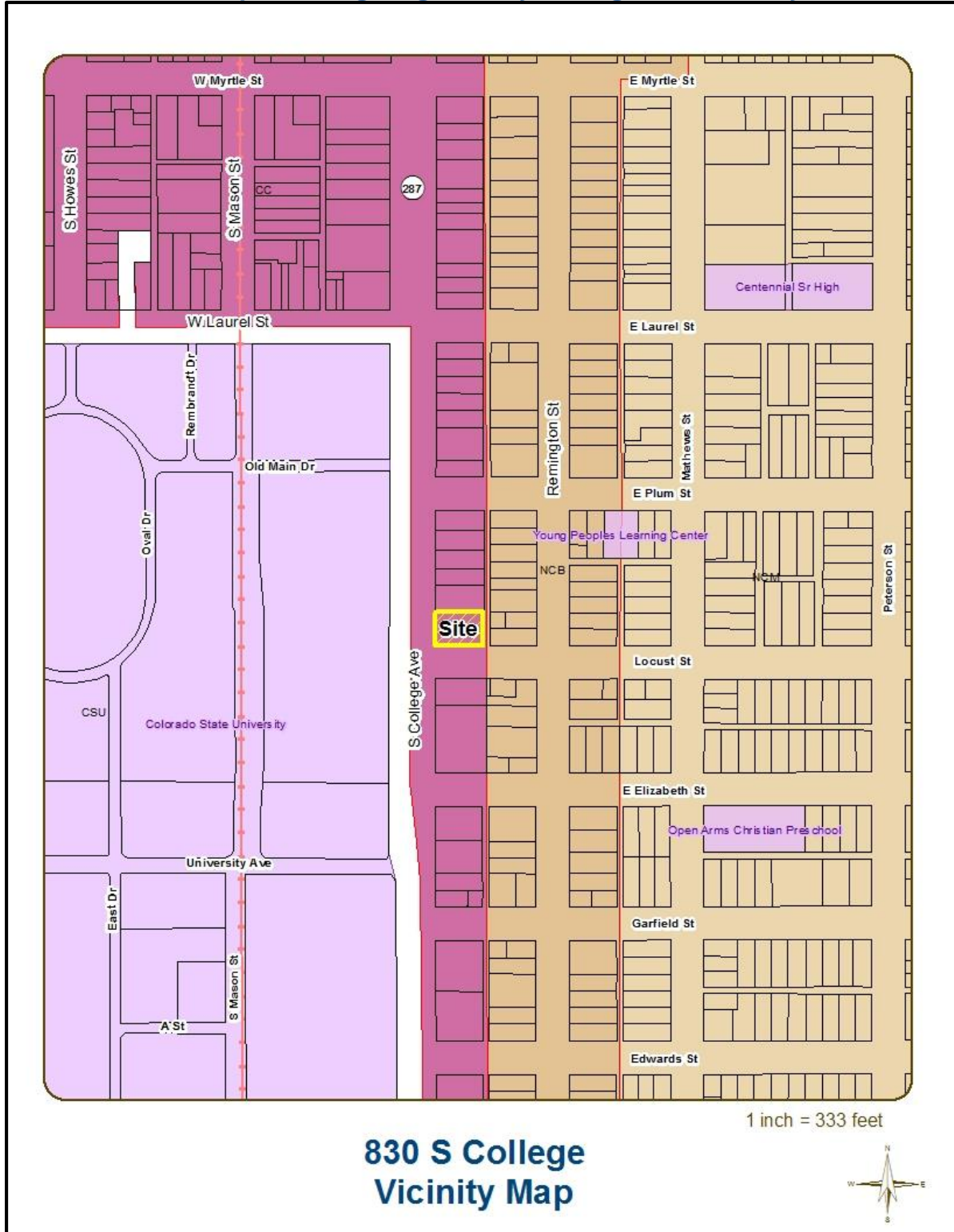
The property was part of the Original Town Site Annex on January 16, 1873. The property was platted as Lot 6, Block 128 as indicated on the Fort Collins 1873 Map. The site has operated as a gas station since 1962. In 1973, the site added a small grocery store and converted to a self-service gas station. Along with the new grocery store, a second commercial building was built in 1973 along the alley addressed as 100 Locust St. 100 Locust St last operated as a hair salon.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Community Commercial (CC)	Commercial, retail, restaurant, office, single-family detached residential
South	Community Commercial (CC)	Multi-family residential, hotel, restaurant, retail, limited indoor recreation
East	Neighborhood Conservation – Buffer (NCB) and Neighborhood Conservation – Medium Density (NCM)	Single-family detached residential
West	Colorado State University	Colorado State University main campus

Below is a zoning and site vicinity map.

Map 1: College Eight Thirty Zoning & Site Vicinity



2. **Compliance with Section 2.8.2(H) of the Land Use Code - Modification of Standards**

Modification #1 Description:

The applicant requests a Modification to Section 3.2.1(E)(5) – *Parking Lot Interior Landscaping* to provide less than 6% of the interior space of the parking lot as landscaping.

Land Use Code Standard Proposed to be Modified (areas underlined and bolded for emphasis):

Land Use Code 3.2.1(E)(5):

As required in Section 3.2.2(M)(1) Access, Circulation and Parking, **six (6) percent of the interior space of all parking lots with less than one hundred (100) spaces**, and ten (10) percent of the interior space of all parking lots with one hundred (100) spaces or more **shall be landscape areas**.

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).

Summary of Applicant's Justification:

The applicant requests that the Modification be approved and provides the following justification based upon Criterion 4 (proposal submitted diverges from the standard in a nominal, inconsequential way):

Applicant's Justification Modification #1:

- *Not providing the required landscaping coverage will not be detrimental to the public good. A small planting island of 30 square feet is designed in the exposed area of the parking lot. This planting area is adjacent to the trash enclosure and will provide some level of screening.*
- *A vine screen with vine planting will be installed on the north side of the property and will serve to add some level of vegetation and screening to the project.*
- *The streetscape along College Avenue will be enhanced with foundation planting, a small outdoor seating area and innovative water quality planters. The project creates an enhanced streetscape, with a combination of quality materials, landscaping and design.*

Staff Finding:

Staff finds that the request for a Modification of Standard to Section 3.2.1(E)(5) is justified by the applicable standards in 2.8.2(H)(4).

- A. The granting of the Modification would not be detrimental to the public good
- B. The project design satisfies 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.*

Staff finds that the proposed plan diverges from the standard in a nominal and inconsequential way. Most of the parking area is covered by the proposed building, which makes providing interior landscaping infeasible due to the lack of access to sunlight. The remainder of the parking area that is not covered by the building is roughly 2,150 square feet. To meet this code requirement, the parking area would need to have a minimum of 129 square feet of landscaping. The proposed landscape plan shows a landscape island that contains 30 square feet of landscaping. The purpose of the interior landscaping standard is to provide shading and improve the aesthetic quality of the parking lot. For much of the year, the building will shade the parking area (Attachment 4). The proposed landscaping on the interior and perimeter of the parking lot will enhance the aesthetics of the parking lot. The addition of 100 square feet of landscaping to the interior of the parking lot would not result in a substantial benefit to the development as a whole. Staff, therefore, concludes that this modification request is justified as the reduction in required interior parking lot landscaping is inconsequential from the context of the overall development.

Modification #2 Description:

The applicant requests a Modification to Section 3.2.2(L)(2) – *Parking Stall Dimensions – Compact Vehicle Spaces in Long-term Parking Lots and Parking Structures* to provide compact stalls in excess of the 40% allowed.

Land Use Code Standard Proposed to be Modified (areas underlined and bolded for emphasis):

Land Use Code 3.2.2(L)(2):

*Those areas of a parking lot or parking structure that are approved as long-term parking have the option to include compact parking stalls. **Such approved long-term parking areas may have up to forty (40) percent compact car stalls using the compact vehicle dimensions set forth in Table B,** except when no minimum parking is required for a use pursuant to subsection 3.2.2(K), in which event the number of compact car stalls allowed may be greater than forty (40) percent. No compact spaces shall be designated as handicap parking spaces.*

Summary of Applicant's Justification:

The applicant requests that the Modification be approved and provides the following justification based upon Criterion 4 (proposal submitted diverges from the standard in a nominal, inconsequential way):

Applicant's Justification for Modification #2:

- *The project is within the TOD overlay zone, where a lesser reliance on personal vehicles is anticipated, making these spaces generally longer term in nature, reducing vehicle conflict within the parking lot.*
- *The project brings an additional twelve on-street parking spaces to Locust Street, complementing the provided on-site parking and allowing for slightly lower pressure on the on-site parking.*
- *The project is geared towards housing for students and young professionals, with whom smaller dimension vehicles are more typical.*

Staff Finding:

Staff finds that the request for a Modification of Standard to section 3.2.2(L)(2) is justified by the applicable standards in 2.8.2(H)(4).

- A. The granting of the Modification would not be detrimental to the public good
- B. *The project design satisfies 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.*

Staff finds that the proposed plan diverges from the standards in an inconsequential way. The purpose of the code standard is to provide a sufficient number of parking spaces for large vehicles. As such, the Land Use Code the number of allowed compact spaces to 40% of all parking stalls. 13 of the proposed 27 spaces are shown as compact spaces, which is 48% of the parking stalls shown (Attachment 4). To meet the code requirement, the site can only contain 10 compact parking spaces if the overall number of parking spaces remains unchanged.

All of the compact spaces are located on the northernmost section of the parking area. By providing compact stalls for the entire north side of the parking lot, the parking area retains a 24 foot-wide drive aisle. A 24 foot-wide drive aisle ensures cars can safely pass one another and maneuver in the parking area. 24 feet is also the minimum two-way drive aisle width allowed per Land Use Code Section 3.2.2(L). By meeting the minimum parking stall dimensions outlined in the Land Use Code (9' wide by 19' deep) the drive aisle would only be 20 feet wide, which would require a modification. Staff would not support a modification to the drive aisle width since a 20' wide drive aisle would create safety issues that could not be mitigated. Staff would also not support a modification to the drive aisle width

even if the applicant proposed changing three of the stalls to standard parking stalls since a portion of the drive aisle would not meet the minimum requirements outlined in the Land Use Code.

Exceeding the maximum number of allowed compact parking stalls also allows the developer to provide additional parking spaces. The length of the proposed parking area on the north edge of the property is 108'-6". The maximum number of standard parking stalls that could fit in 108'-6" is 12 spaces. The site plan shows three structural supports in the site plan that take up a total of 7'-6" feet in width, which means the available width for parking stalls is actually 101'. This means only 11 standard parking stalls could fit within that area of the parking lot. A net loss of two parking spaces would mean that the development would not meet the minimum parking required while taking advantage of two parking exemptions (transit passes for each resident and existing building exemption for the commercial parking requirement). Staff would not support a modification request to the overall number of parking spaces required since the development will already be allowed the aforementioned exemptions to reduce their minimum parking required.

Staff concludes that the modification request is justified as the requested increase to the amount of compact parking stalls is inconsequential in the context of the overall development plan. This modification also allows the development to better meet other Land Use Code standards for drive aisle width and overall number of parking spaces.

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

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

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

The Land Use Code requires canopy shade trees to be planted at 30'-40' spacing in the center of parkway areas where the sidewalk is detached from the street. The proposed trees are canopy shade trees and are shown with appropriate spacing along both College Avenue and Locust Street.

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

All proposed landscaping should be designed to incorporate water conservation materials and techniques. The annual water use should not exceed 15 gallons/square foot over the site. The proposed landscaping uses low water use plants and has an overall annual water budget of 7.33 gallons/square foot.

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

Parking lots with six or more spaces must be screened from abutting uses and the street through fences or walls in combination with plant material. The building provides screening from the parking area to abutting uses and the street along College Avenue supplemented by planting beds that contain an assortment of shrubs, ornamental grasses, and perennials to enhance the appearance of the building from the street. Along the northern property line, the landscape plan shows vine plantings running the length of the property to provide screening. The proposed combination of building walls and landscaping meets this code standard.

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

To the extent feasible, existing significant trees should be preserved. All of the existing significant trees are shown as being retained on the landscape plan.

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

For multi-family residential, one bike parking space is required per bedroom with at least 60% provided in an enclosed space. For retail uses, one bike parking space is required per 4,000 square feet with a minimum of four spaces. 20% of the bike parking spaces provided by commercial uses must be in an enclosed space. Since there will be 48 bedrooms and the retail use will be smaller than 16,000 square feet, the development must provide at least 52 bike parking spaces. The proposal calls for 53 bike parking spaces with 32 in enclosed locations (60%) and 21 (40%) on fixed bike racks, which meets this code standard.

F. 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 all of the entrances to the building to the sidewalks along College Avenue and Locust Street. The walkways also allow pedestrians to navigate the site while avoiding drive aisles.

G. 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.

H. 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, and points of conflict.

I. Section 3.2.2(J) - *Setbacks*

The proposed parking lot is 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.

J. Section 3.2.2(K) – *Off-Street Parking Requirements*

The site plan shows 27 parking spaces to serve the proposed development. Based on the standards for multi-family developments in the Transit Oriented Development Overlay Zone and commercial parking requirements, the minimum amount of parking for this development is 35 spaces.

Table 1 - Parking Requirements

	Min. Parking	Max. Parking	Parking Provided
Units with one bedroom or less	15 spaces (20 units * .75)	18 spaces (115% of min.)	14
Units with two bedrooms	14 spaces (14 units * 1)	17 spaces (115% of min.)	13
Retail (2,573 sq. ft.)	6 spaces (2/1,000 sq. ft.)	11 spaces (4/1,000 sq. ft.)	0

This project meets the minimum off-street parking requirements by fulfilling one alternative compliance measure for the residential portion and through a parking exemption for the commercial portion. Land Use Code Section 3.2.2(K)(1)(a)(1)(a) outlines various alternative measures to reduce the amount of parking required for projects containing multi-family residential uses. One of the approved methods for alternative compliance is providing each tenant with a free transit pass, which results in a 10% reduction for the minimum amount of parking required for the residential component of this project. With 29 spaces required, a 10% reduction results in 27 parking spaces required (26.1 rounded up to the nearest whole space).

This project is also eligible for an exemption to the minimum parking requirement for the retail portion of the project. Land Use Code section 3.2.2(K)(2)(b) states (bold and underline applied for emphasis):

*Existing Buildings Exemption: Change in use of an existing building shall be exempt from minimum parking requirements. For the expansion or enlargement of an existing building which does not result in the material increase of the building by more than twenty-five (25) percent, but not to exceed five thousand (5,000) square feet in the aggregate, shall be exempt from minimum parking requirements. **For the redevelopment of a property which includes the demolition of existing buildings, the minimum parking requirement shall be applied to the net increase in the square footage of new buildings.***

The existing convenience store located on-site is 3,439 square feet. The new non-residential component is proposed to be 2,573 square feet.

Since there is no net increase in the square footage of the non-residential area, then this project is exempt from the minimum parking requirements for the non-residential portion of the project.

With the aforementioned alternative compliance measures and parking exemption, the total minimum parking required is 27 spaces. The site plan shows 27 parking spaces, which meets the minimum.

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

Parking lots with 26-50 parking spaces are required to provide two handicap parking spaces. The site plan shows two handicap parking spaces alongside the alley, which is in close proximity to entrances on the north, south, and east sides of the building.

L. *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.

M. *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.

N. *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.

O. *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 College Eight Thirty include commercial buildings ranging between one and two stories to the north, a neighborhood to the east and south consisting predominantly of one- and two-story single-family homes, a 3-½ story apartment build to the south, and the CSU campus to the west. Given the variety of buildings surrounding the site, the proposed building makes many gestures to recognize this eclectic context.

The proposed building will be of a similar height and scale to the commercial buildings to the north and the apartment building to the south. To mitigate the size of the building that abuts the neighborhood to the east, the building steps down in height from four stories to three stories. The building also employs a variety of materials to break the building into smaller modules and reduce the perceived overall bulk and scale of the building.

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.

P. *Section 3.5.3(C)(1) - Orientation to a Connecting Walkway*

At least one main entrance of the building shall face and open directly onto a connecting walkway with pedestrian frontage. All of the primary entrances on the west and south sides of the building open directly onto sidewalks along College Avenue and Locust Street. The entrances on the

north and east sides of the building open onto a walkway that directly connects to the sidewalks along College Avenue and Locust Street.

Q. *Section 3.5.3(C)(2) – Orientation to Build-to Lines for Streetfront Buildings*

Buildings shall be no more than 15 feet from the right-of-way if the street is smaller than a full arterial. Buildings adjoining streets that are larger than two-lane arterials shall be located at least 10 feet but no more than 25 feet behind the street right-of-way. The proposed building is 11'-3" behind the right-of-way along College Avenue (four lane arterial) and 6" behind the right-of-way along Locust Street (local street).

R. *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.

S. *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 steel lintels. Soldier and rowlock course brick and steel lintels on the first story define a clear base of the building. Varied roof forms and a rowlock cap define a clear top of the building. The materials used in different sections of the building reflect the character of the building's surroundings. Along the east and north elevations the building uses lap siding to match the character of the neighborhoods surrounding the project. The brick window detailing, soldier course brick band on the first story, and pitched roofs relate to the architectural details of the apartment building to the south and many of the homes to the east.

T. *Section 3.6.6 – Emergency Access*

The location and the overall size of the building put the building out of general fire access and aerial fire access. The applicant has worked with Poudre Fire Authority (PFA) to design the building in such a way to meet PFA's alternative compliance measures for emergency access. PFA has not yet approved these alternative compliance measures, which means this code requirement has yet to be satisfied. Since this proposal has not yet satisfied this code provision, staff recommends conditioning approval of the project upon compliance with PFA's standards.

U. *Section 3.10.3 – Site Planning*

The proposal meets all relevant standards in Section 3.10.3 including the building's orientation to streets and connecting walkways, and the integration of seating features for the use of residents and patrons.

V. *Section 3.10.4 – Streetscape and Pedestrian Connections*

The proposal meets all relevant standards in Section 3.10.4 including streetscape improvements that include landscaping and seating areas, and off-street parking located behind the building.

W. *Section 3.10.5 – Character and Image*

This proposal meets all relevant standards in Section 3.10.5 for the reasons referenced in the discussion for code Sections 3.5.1 and 3.5.3 (items O-S of section 3 of this staff report).

4. **Compliance with Article 4 of the Land Use Code – Community Commercial (CC), Division 4.18:**

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

A. *Section 4.18(B)(2)(a) – Permitted Uses*

The proposed use, mixed-use dwellings, is permitted in the Community Commercial zone district and is consistent with the district's intent to provide a mix of residential and non-residential uses in a multi-story building.

B. *Section 4.18(E)(1)(a) – Building Orientation*

The proposed building is oriented to College Ave. and Locust St. The proposed commercial space has a front door leading directly onto the sidewalk on Locust St., which satisfies this code requirement.

C. *Section 4.18(E)(2)(d) – Building Height*

All buildings in the Community Commercial zone shall be at least 20 feet tall but limited to five stories in height. The proposed building is four stories in height with a portion of the building stepping down to three stories.

5. **Recommendation from Landmark Preservation Commission**

Since this project borders the Laurel School Historic District, this proposal went to the Landmark Preservation Commission for a final recommendation on November 18th, 2015. The members of the Landmark Preservation Commission voted 7-0 to recommend approval of the College Eight Thirty PDP (Attachment 5). Committee members noted the flat roofs and fenestration pattern acknowledged the neighborhood context and that the project is a good combination of new architectural form while respecting the older architecture of its surroundings.

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

In evaluating the request for the College Eight Thirty Project Development Plan, Staff makes the following findings of fact:

- A. The Project Development Plan/Final Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Modification of Standard to Section 3.2.1(E)(5) that is proposed with this Project Development Plan/Final Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted diverges from the standard in a nominal, inconsequential way.
- C. The Modification of Standard to Section 3.2.2(L)(2) that is proposed with this Project Development Plan/Final Plan meets the applicable

requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted diverges from the standard in a nominal, inconsequential way.

- D. The Project Development Plan/Final Plan complies with relevant standards located in Article 3 – General Development Standards with the exception of section 3.6.6 dealing with emergency access.
- E. The Project Development Plan/Final Plan complies with relevant standards located in Division 4.18 Community Commercial (CC) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of the College Eight Thirty, PDP150019 with the condition that the applicant gain approval from the Poudre Fire Authority for their emergency access plan.

ATTACHMENTS:

1. Zoning & Site Vicinity Map
2. Applicant's Modification of Standard Requests
3. College Eight Thirty Planning Document Set (Site Plan, Landscape Plan, Elevations, Shadow Analysis & Photometric Plan)
4. Findings of Fact for College Eight Thirty from the Landmark Preservation Commission