

**CITY OF FORT COLLINS
TYPE 1 ADMINISTRATIVE HEARING
FINDINGS AND DECISION**

HEARING DATE: March 2, 2016

PROJECT NAME: Eye Center of Northern Colorado Project Development Plan (PDP)

CASE NUMBER: PDP #150029

APPLICANT: Eye Center of Northern Colorado
c/o Ms. Cathy Mathis
TB Group
444 Mountain Avenue
Berthoud, CO 80513

OWNER: Harmony Technology Park, LLC
c/o M.A.V. Development
2723 South State Street
Ann Arbor, MI 48104

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: The Project Development Plan (PDP) that is the subject of this application proposes a 32,903 square foot, one-story medical office building and surgery center located on approximately 4.16 acres located in the NW ¼ of Section 4, Township 6 North, Range 68 West of the 6th P.M., City of Fort Collins, Larimer County, and as more particularly described in the preliminary plat (the “Subject Property”).

The Subject Property is included within the Harmony Technology Park Overall Development Plan and is located at the southeast corner of Ziegler Road and Precision Drive.

Primary ingress and egress to and from the Subject Property will be from Precision Drive. The PDP proposes 211 parking spaces divided between three parking lots (primary lots located to the north and south of the proposed medical office building, with one small parking area proposed on the east side of the building).

The Subject Property is located in the Harmony Corridor District (H-C), which is intended to implement the design concepts and land use vision of the Harmony Corridor Plan; specifically, to create an attractive and complete mixed-use area with a major employment base.

The Application proposes to replat the Subject Property as Lot 1, Eye Center of Northern Colorado Subdivision. A final plat will be required at the time of Final Plan submittal.

As part of its PDP submittal, the Applicant is requesting a Modification of Standard to Land Use Code Section 3.5.3(C)(2)(a), *Relationship of Buildings to Streets, Walkways and Parking – Orientation to Build-to Lines for Streetfront Buildings*, requesting to site the proposed medical office building and surgery center in the location shown in the site plan submitted as part of this PDP submittal, which location does not strictly comply with the requirements of Section 3.5.3(C)(2)(a) of the Code.

Pursuant to Land Use Code Section 4.26(B)(2)(c), the proposed medical office and surgery center is permitted in the H-C zone district, subject to a Type One administrative review.

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

Direction	Zone District	Existing Land Uses
North	Harmony Corridor District (H-C)	Intel
South	Harmony Corridor District (H-C)	Windsong at Rock Creek Memory Care
East	Harmony Corridor District (H-C)	Vacant, Tract C (42 acres), Harmony Technology Park
West	Low Density Residential District (R-L)	Wildwood Farm neighborhood

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Harmony Corridor District (H-C)

HEARING: The Hearing Officer opened the hearing on Wednesday, March 2, 2016, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, prior to the public hearing on the Harmony Ridge PUD Third Replat matter (FDP #150043).

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

- (1) Planning Department Staff Report for Eye Center of Northern Colorado Project Development Plan, PDP#150029;
- (2) Applicant's Request for Alternative Compliance – Parking, prepared by TB Group dated December 2, 2015 (2 pages);
- (3) Site Plan and Floor Plan (2 sheets);
- (4) Landscape Plan (2 sheets – sheet 2 and sheet 3);
- (5) Building Elevations (2 sheets);
- (6) Building color rendering (1 page);
- (7) Preliminary Plat (Eye Center of Northern Colorado Subdivision) (1 sheet);
- (8) Transportation Impact Study prepared by Delich Associates dated November 2015 (25 pages);
- (9) Parking Analysis prepared by Delich Associates dated November 25, 2015 (7 pages);
- (10) Rendered site plan (1 page);
- (11) Project Vicinity Map;
- (12) Notice of Public Hearing Letter dated February 17, 2016;
- (13) Affidavit of Publication of the Fort Collins Coloradoan dated February 23, 2016 evidencing publication of the Notice of Hearing on February 23, 2016; and
- (14) the PowerPoint presentation prepared by the Applicant for the March 2, 2016 hearing.

In addition, the City's Comprehensive Plan, the Land Use Code, the Harmony Corridor Plan, the Harmony Technology Park ODP (and all amendments thereto, including the Harmony Technology Park ODP – Seventh Amendment approved in 2014), and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

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: Ted Shepard, Chief Planner

From the Applicant/

Owner:

Cathy Mathis, TB Group

Brian Shearer, Architect, Marasco & Associates, Inc.

From the Public:

None.

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; and
 - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code, including Section 3.2.2(K)(3) which permits the Hearing Officer to approve an alternative parking ratio or otherwise approve parking that exceeds the applicable parking ratio set forth in Section 3.2.2(K)(2)(a) of the Code.
 - C. The Application complies with the applicable Harmony Corridor District (H-C) standards contained in Article 4 of the Land Use Code, including Section 4.26(D)(3)(a) which states that the maximum building height for all nonresidential buildings shall be six (6) stories. The Application proposes a one story building, in compliance with this standard.
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 Applicant's request for Alternative Compliance submitted pursuant to Section 3.2.2(K)(3) of the Code meets the applicable requirements and review criteria set forth in Section 3.2.2(K)(3)(b) of the Code. Specifically, the Hearing Officer finds that the proposed alternative parking plan accomplishes the purposes of Section 3.2.2(K) of the Code equally well or better than would a plan that strictly complies with said Section. Further, the Hearing Officer finds that the Applicant's request to exceed the maximum number of allowable parking spaces by 34 spaces is reasonable and justified. The Hearing Officer adopts Staff's specific conclusion set forth on page ten of the Staff Report, namely that the request for Alternative Compliance is reasonable based on the unique operational aspects of a large-scale, high volume modern ophthalmology practice. The Hearing Officer finds that review criteria (1) – (6) set forth in Section 3.2.2(K)(3)(b) are satisfied, and that review criteria (7) is inapplicable to the application under review given that the Subject Property is located in the H-C zone district.

5. Based on a review of the materials submitted to the Hearing Officer in this case, the Hearing Officer concludes that the Modification of Standard (for Section 3.5.3(C)(2)(a) 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 (the “Modification”) requested by the Applicant is to Section 3.5.3(C)(2)(a) of the Land Use Code (“*Orientation to Build-to Lines for Streetfront Buildings*”).
 - B. The standard set forth in Section 3.5.3(C)(2)(a) requires that for at least 30% of the total length of the building along Ziegler Road, the building must be extended to the applicable build-to line established for the Ziegler Road right-of-way (ROW), and that for at least 30% of the total length of the building along Precision Drive, the building must be located no greater than 15 feet from the Precision Drive ROW.
 - C. The Subject Property is located in the Harmony Technology Park which is developing in a campus-like pattern envisioned by the Harmony Corridor Plan. The Ziegler Road frontage is not developing in an urban-like form where bringing smaller scaled buildings up to the street edge to create a more urban and pedestrian friendly context may be merited.
 - D. The Hearing Officer specifically finds that the requested Modification is not detrimental to the public good.
 - E. The Hearing Officer further finds that the Modification satisfies Section 2.8.2(H)(1) of the Code – the proposed building placement is equal to or better than a building placement that would have otherwise complied with the standard set forth in Section 3.5.3(C)(2)(a) of the Code, especially when analyzed in the context of the Subject Property’s overall size (4.16 acres) and location within the Harmony Technology Park.

DECISION

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

- A. The Eye Center of Northern Colorado Project Development Plan (PDP #150029) is approved for the Subject Property as submitted, subject to conditions set forth below.
- B. The Article 3 Modification (Request for Modification of Section 3.5.3(C)(2)(a) of the Land Use Code) is approved for the Subject Property.
- C. The Applicant’s request for Alternative Compliance to allow 34 extra parking spaces (total of 211 parking spaces including 10 handicap accessible spaces) is approved.
- D. The Applicant shall submit a final plan for the Subject Property (Lot 1, Eye Center of Northern Colorado Subdivision) 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 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 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 14th day of March, 2016.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Eye Center of Northern Colorado
Project Development Plan
PDP #150029



ITEM NO One
MEETING DATE March 2, 2016
STAFF Ted Shepard
HEARING OFFICER

STAFF REPORT

Project: Eye Center of Northern Colorado P.D.P., #PDP150029

Applicant: Eye Center of Northern Colorado
c/o Ms. Cathy Mathis
TB Group
444 Mountain Avenue
Berthoud, CO 80513

Owner: Harmony Technology Park, LLC
c/o M.A.V. Development
2723 South State Street
Ann Arbor, MI 48104

Staff: Ted Shepard

Project Description:

This is a request for a P.D.P. for a 32,903 square foot, one-story medical office building and surgery center located on 4.16 acres at the southeast corner of Ziegler Road and Precision Drive. Primary access would be gained from Precision Drive. There would be 211 parking spaces divided between three parking lots. The P.D.P. includes a request for a Modification of Standard to the build-to line requirement of Section 3.5.3.(C)(2)(a). The parcel is a component of the Harmony Technology Park Overall Development Plan and zoned H-C, Harmony Corridor.

Recommendation: Approval of the Modification of Standard and approval of the P.D.P.

Executive Summary:

- A. The P.D.P. is in compliance with the Harmony Corridor Plan.
- B. The P.D.P. is in compliance with the Harmony Technology Park Overall Development Plan, Seventh Amendment.
- C. The P.D.P. complies with the applicable standards of the Harmony Corridor zone district, Land Use and Development Standards, of Article Four.
- D. The P.D.P. complies with the applicable standards of the General Development Standards of Article Three with one exception.
- E. A Request for Modification of Standard to Section 3.5.3(C)(2)(a) – *Orientation to Build-to Lines for Streetfront Buildings* – has been requested and found to be in compliance with the criteria by which such Modification may be granted.
- F. The proposed building placement is found to be not detrimental to the public good and equal to or better than would a building placement that would have otherwise complied with the standard.

Comments:

1. Background:

The surrounding zoning and land uses are as follows:

N:	H-C	Intel
S:	H-C	Windsong at Rock Creek Memory Care
E:	H-C	Vacant, Tract C (42 acres), Harmony Technology Park
W:	R-L	Wildwood Farm Neighborhood

The property was annexed as part of the 156 acre Harmony Farm in 1984.

The first Harmony Technology Park Overall Development Plan consisted of 155 acres and was approved in 1997 in conjunction with Celestica Manufacturing.

Since 1997, the following annexations occurred:

- Kendall-Harmony Annexation – June, 2000
- Johnson-Harmony Annexation – July, 2000

These annexations triggered cooperation among various land owners which created the Harmony Tech. Park, First Amended O.D.P. (267 acres) – September, 2000

In 2004, the Harmony Technology Park, O.D.P., Second Amendment was approved which added three residential properties and increased the total acreage of the O.D.P. from 267.19 acres to 270.19 acres.

Since 2004, five additional amendments to the O.D.P. were approved in response to the great recession, parcel adjustment for various end-users, and re-allocation of the primary and secondary uses.

The governing O.D.P. is the Seventh Amendment approved in 2014 and encompasses 270 acres among several property owners.

The following projects have been approved in the Harmony Technology Park:

Project Name	Applicant/Use	Year	Site (acres)
H.T.P. 1 st Filing	Celestica/Intel	1998	34.4
H.T.P. 2 nd Filing	H-P South Campus	2001	60.14
Brookfield Townhomes	Chateau Development	2002	42.39
H.T.P. 3 rd Filing	Custom Blending	2008	5.01
Presidio Apartments	Multi-Family	2011	11.83
H.T.P. 3 rd Filing	Numerica	2012	4.90
Milestone Apartments	Multi-Family	2013	10.20
Banner Health	Hospital	2013	27.95
H.T.P. 4 th Filing	Fuse Office	2014	1.62
Main Street Health	Long Term Care	2015	7.5

The following projects are under current review:

Project Name	Proposed Use	Site (acres)
Harmony Commons	Commercial Mixed-Use	4.00
Windsong at Rock Creek	Long Term Medical Care Facility	3.34

2. Compliance with Harmony Corridor Plan:

The entire 270 acre O.D.P. is within the Basic Industrial Non-Retail Employment Activity Center (B.I.N.R.E.A.C). The proposed land use, Medical Office / Surgery Center, is a primary use in the H-C zone district. Development of the subject parcel, therefore, contributes to fulfilling the vision of the Harmony Corridor being an area reserved for a variety of both primary and business-related uses on relatively large parcels within an attractive industrial park setting.

3. Compliance with the Harmony Technology Park, Seventh Amendment Overall Development Plan:

By being located within the B.I.N.R.E.A.C. and zoned H-C, the Overall Development Plan is divided between 75% primary and 25% secondary uses. Eye Center of Northern Colorado is a Medical Office and Surgery Center which is permitted in the H-C as a primary use. The parcel is located on Parcel C of the O.D.P. which is 42.55 acres and designated on the O.D.P. for Primary Uses. The project, therefore, complies with the approved Overall Development Plan.

4. Compliance with Applicable Harmony Corridor Zone District Standards:

As mentioned, a Medical Office Building / Surgery Center is a permitted primary use subject to review by the Administrative Hearing Officer. The building is below the maximum allowable height of six stories.

The applicant is participating with the master developer of the Harmony Technology Park to establish and comply with an integrated pattern of streets and streetscaping along Ziegler Road. For example, in conjunction with the recently approved Windsong at Rock Creek Memory Care P.D.P (Planning and Zoning Board – February 11, 2016) to the south, the following site plan elements of Eye Center of Northern Colorado are being coordinated:

- Both P.D.P.'s will share a north-south private drive along their respective east property lines that will connect Precision on the north to Rock Creek Drive on the south. This drive will be designated as a public access easement allowing for internal circulation without having to load local traffic onto Ziegler Road.
- Both P.D.P.'s will share a common emergency only access drive for the benefit of a providing a secondary access for emergency vehicles and equipment.
- Both P.D.P.'s are designing an integrated landscape along Ziegler Road that coordinates a common theme for over 800 feet of public street frontage.

5. Compliance with Applicable General Development Standards:

A. *Section 3.2.1(C)(D) – Landscaping and Tree Protection*

The P.D.P. provides full tree stocking around the entire site. Street trees are provided along both Ziegler Road (4-lane arterial) and Precision Drive (commercial local, no parking). Foundation shrubs are provided around all sides. The two patios (north and south) that frame two of the three the building entrances are landscaped by a combination of trees and shrubs.

There are three entry portals, two on Ziegler Road and one on Precision Drive, located behind the public sidewalks. These pedestrian portals consist of a cultured stone column and a metal canopy that match the building entrances, and are designed to draw attention to the three connecting walkways. Each of these portals is detailed with landscaping.

B. *Section 3.2.1(E)(4)(a)(b) – Parking Lot Perimeter Landscaping*

There are three parking lots with two facing public streets. The north parking lot contains 96 spaces and serves the main entrance and the surgery center drop-off porte cochere. The south parking lot contains 106 spaces and serves the employee entrance and deliveries. (A small parking along the east side of building contains nine spaces and serves the entrance to the surgery center.)

Both of the large parking lots are screened from the adjoining streets by a continuous row of shrubs. In addition, between this shrub bed and the back of the public sidewalks, there is a mix of both deciduous and evergreen trees that are planted informally and interspersed with a series of undulating earthen berms ranging in height between two and three feet. As a further enhancement, the north parking lot is partially obscured by a solid, low screen wall, four feet in height, constructed of cultured stone that matches the building's exterior. This wall screens the entire length of the north lot along Ziegler Road and approximately one-half of the length along Precision Drive.

The streetscape design along Ziegler Road has been coordinated with the project to the south, Windsong at Rock Creek P.D.P., which is being reviewed concurrently with the Eye Center P.D.P. This will allow for a consistent design between Precision Drive on the north and Rock Creek Drive on the south; a distance of approximately 800 feet.

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

Both parking lots exceed 10% interior landscaping in the form of islands which exceeds the required minimum for lots with more than less than 100 spaces.

D. *Section 3.2.2(B) – Access Circulation and Parking*

The parking and circulation system is complete and capable of serving the expected number of patients and staff in the following manner:

- North Parking Lot – main entrance for patients and visitors;
- East Parking Lot – surgery patient drop-off; and
- South Parking Lot – secondary entrance for staff, deliveries, trash/recycling pick-up.

As mentioned, there is a private north-south drive along the entire length of the east property which allows for connectivity between Precision Drive and Rock Creek Drive. This allows for circulation within the Harmony Technology Park without having to rely on Ziegler Road, an arterial street.

E. *Section 3.2.2(C)(4) – Bicycle Parking*

For a medical office building, bike parking is required to be no less than one space per 4,000 square feet with 20% being enclosed and 80% may be outside in fixed racks. This means for the Eye Center, there must be at least nine spaces, two enclosed, and seven in a fixed rack. The P.D.P. provides a total of 10 spaces, two enclosed, and eight in fixed racks, at the north and south entrances, in compliance with the standard.

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

There are three direct connecting walkways that link the sidewalks along the two public streets to two of the three building entrances:

- Ziegler Road to the south entrance;
- Ziegler Road to the north entrance; and
- Precision Drive to the north entrance.

As mentioned, each of these walkways is highlighted by a detail feature referred to as an entry portal. The cultured stone and metal overhang is a design that matches the three building entrances and is intended to invite pedestrians and bicyclists into the site. At the north and south entrances, the walkways are enhanced with plazas and landscaping. The two walkways from Ziegler Road do not cross a drive aisle. The walkway from Precision crosses one drive aisle where a cross walk is provided.

G. *Section 3.2.2(C)(6) – Direct On-Site Access to Pedestrian and Bicycle Destinations*

As mentioned, the multiple sidewalks to the two adjoining public streets allow for both bikes and pedestrians to connect to multiple destinations and the surrounding Harmony Technology Park, including Transfort Route 16 (southbound) which adjoins the site along Ziegler Road.

H. *Section 3.2.2(J) – Setbacks for Vehicular Use Areas*

As mentioned, the parking lots face both Ziegler Road and Precision Drive. The two parking lots are setback in compliance with the standard in the following manner:

- Ziegler Road: required average setback is 15 feet (minimum width at any point if 5 feet); setback provided ranges from 30 to 35 feet.
- Precision Drive: required average setback is 10 feet (minimum width at any point is 5 feet); setback provided ranges from 27 to eight feet.

I. *Section 3.2.2(K)(2)(3) – Parking Lots – Maximum Number of Spaces and Request for Alternative Compliance*

A medical office building is required to have no less than 2 spaces and no more than 4.5 spaces per 1,000 square feet of gross leasable area. The building will contain 32,903 square feet at full build-out. In cases where there are no opportunities for shared parking with adjoining uses or on-street parking, a 20% bonus to the allowable maximum is allowed. For the P.D.P., no parking is allowed on either public street.

	Required/Allowed	Provided	Difference
Minimum	66	211	
Maximum	148 (+ 20% = 29) = 177	211	34

As can be seen, P.D.P. provides 211 spaces which exceed the allowable maximum by 34 spaces. Section 3.2.2(K)(3) allows for an applicant to request Alternative Compliance as a method for seeking a higher number of parking spaces.

The applicant has requested Alternative Compliance. (Please see the attached documents from Delich and Associates, dated November 25, 2015, and from TB Group dated December 2, 2015.) The applicant contends that extra spaces are justified for the following reasons:

- The facility will house a variety of examination and surgical procedures and will be open from 7:00 a.m. to 6:00 p.m., Monday through Friday, with an anticipated 105 employees. In addition, there will be administrative, support and reception staff. These employees will be staggered over various shifts which will, by necessity, overlap so that patient care is not disrupted.
- The surgery center will have six surgeons and three operating rooms. Patients are in the operating rooms an average of two to three hours. For other procedures and exams, patients are in the facility for an average of 1.5 hours, primarily due to dilation time. The facility operates in a manner where a logical progression takes a patient through a specific sequence of steps. In order to achieve efficiency, each step is occupied by patients and attending staff. During the busiest times of day, there is a need for 84 to 89 spaces to accommodate the system.
- A floor plan has been submitted. Typically, floor plans are not a required component of a P.D.P., but where unique operational aspects result in a request for an increased number of parking spaces, the layout of the facility is informative. The floor plan reveals a sophisticated, systematic approach to a wide variety of eye care exams and procedures. The applicant contends that the Land Use Code category of "medical office," with its maximum allowance of 4.5 spaces per 1,000 square feet, is more reflective of a prototypical "doctors' office" and not an accurate ratio that reflects the high volume, modern practice of ophthalmology.
- For example, due to the aging population, there is an increased demand for cataract and glaucoma procedures. There are new procedures for macular degeneration that involve retina injections versus surgery. Pediatrics care continues to be a service that is in much demand. Finally, the use of lasers in Lasik surgery has increased the demand for these procedures. All of these treatments involve specialists, technicians and support staff. Consequently, each patient is treated by a team over the course of their stay.

- The applicant owns and operates an existing facility at 1725 East Prospect Road consisting of 26,000 square feet. Per the Delich study, based on four observations during the day, the average parking demand for this facility is 167 spaces for a ratio of 6.42 spaces per 1,000 square feet.

Staff has evaluated the request for Alternative Compliance per Section 3.2.2(K)(3):

- Staff inspected the existing facility on East Prospect Road on January 12, 2016 approximately between the hours 10:30 and 11:30 a.m. This inspection revealed that the facility appeared to be operating near full capacity. Based on this one observation, the three parking lots were inspected and found to contain approximately between and 120 and 130 cars, slightly below the Delich average of 167 which was based on four observations.
 - East Prospect, Staff Observation = 5.0 spaces/1,000 sq.ft.
 - East Prospect, Delich Observations = 6.4 spaces/1,000 sq. ft.
 - Proposed Facility Request = 6.4 spaces/1,000 sq. ft.

The request for 34 additional parking spaces would not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity. This is because the site is connected to Ziegler Road and Precision Drive by three walkways that are highlighted by architectural features that match the building entrances. Each walkway ties into a building entrance that is enhanced by a landscaped plaza.

- The P.D.P. minimizes the visual and aesthetic impact along the two public streets by placing parking lots to the rear or along the side of the building, to the maximum extent feasible. Most of the parking lot (202 spaces) has been divided into two lots, north and south, for the sole purpose of mitigating the impact of one large parking. By breaking up the total number spaces, the sea of asphalt is reduced. Further, the two parking lots, each served by its own entrance, divide the users between patients and staff. The surgery drop-off entrance further separates users based on need.
- The P.D.P. minimizes the visual and aesthetic impact on the surrounding neighborhood by the use of a low screen wall, landscaping and a series of undulating earthen berms.

- The P.D.P. creates no physical impact on any facilities serving alternative mode of transportation, especially by adjoining Transfort Route 16 along Ziegler Road.
- The P.D.P. creates no detrimental impact on natural areas or features because there are no such attributes on the former cultivated agricultural ground.
- Finally, the P.D.P. exceeds the minimum required handicap parking ratios (seven handicap accessible spaces are required and 10 are provided).

Staff finds that the Request for Alternative Compliance to allow 34 extra parking spaces is reasonable based on the unique operational aspects of a large-scale, high volume, modern ophthalmology practice. The number of spaces requested is roughly comparable to an existing facility located on East Prospect Road based on the one observation by Staff and the four observations by Delich. The larger parking lots are well-buffered from the two public streets by a variety of effective screening techniques that exceed minimum standards.

J. *Section 3.2.4 – Site Lighting*

Parking lot pole lighting and wall-mounted sconces will feature down-directional and full cut-off fixtures. There are no foot-candles that exceed the maximum allowable.

K. *Section 3.5.1(B)(C)(E)(F) – Building Project and Compatibility*

The essence of these standards is to encourage new commercial buildings to take their architectural cues from the surrounding context, and where there is no established context, to create new buildings that set an enhanced standard of quality. The context of the area is influenced by following large buildings within the Harmony Technology Park:

- East: Banner Health Hospital
- North: Skilled Nursing Facility and Intel
- South: Long Term Memory Care Facility
- Southeast: Fuse Office Building, Numerica, Custom Blending/Rodelle

The proposed building features an interesting variety of clerestory windows capped by shallow sloping standing seam metal roofs. This roof feature is repeated over portions of all four elevations as well as the three building

entrances. The predominant exterior material is cultured stone. This stone product is repeated at the columns and the three entry portals along the two public street which helps to unify the four acre site. The balance of the walls will be stucco. Wall planes are significantly articulated with multiple recesses and projections. By use of materials and form, the building is found to be compatible with the newer buildings within the Harmony Technology Center: Banner Health and Fuse Office Building. Further, the building complies with the standard to include a distinctive base and top.

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

The building program requires a high number of parking spaces. In order for these spaces to be effectively mitigated, and to divide patient and staff traffic, the parking has been distributed over two lots, north (96) and south (106) of the building (there are nine spaces on the east). This layout causes the building to not comply with the build-to lines. A Modification of Standard has been submitted and evaluated and is discussed in the next sub-section.

M. *Section 3.6.4 – Transportation Level of Service Requirements*

A Transportation Impact Study was submitted (see attached). The Study concludes the following:

- The P.D.P. will generate approximately 1,062 daily trips, 67 morning peak hour trip ends, and 115 afternoon peak hour trip ends;
- Current operation, with Eye Center of Northern Colorado, the unsignalized intersections of Ziegler/Rock Creek and Ziegler/Precision will continue to meet the City of Fort Collins Motor Vehicle Level of Service Standards;
- By 2020, including new background traffic, all of the affected intersections will continue to operate acceptably without the need for a new traffic signal.
- Acceptable Level of Service is achieved for pedestrian, bicycle and transit modes based upon the measures in the multi-modal transportation guidelines and future improvements to the street system in the area, including the completion of Technology Parkway between Harmony Road and Rock Creek Drive.

**6. Section 3.5.3(C)(2) – Orientation to Build-to Lines for Streetfront Buildings
– Request for Modification:**

A. The Standard at Issue and Extent of Divergence:

This standard requires that for at least 30% of the total length of the building along Ziegler Road, the building must be placed to within 10 and 25 feet. And, for at 30% of the building's length along Precision Drive, the building must be placed no greater than 15 feet. If a parcel adjoins two streets, then the building shall be built to the corner. In contrast to these build-to lines, the building is placed in the following manner:

- 30 feet from Ziegler for 53% of the building side;
- 80 feet from Ziegler for 47% of the building side; and
- 167.5 feet (average) from Precision for the entire building front.

As can be seen, the divergence along Ziegler Road is nominal. The divergence along Precision, however, is more notable.

B. Applicant's Justification:

As mentioned, the applicant contends that the operational aspects of a high-volume, modernly-equipped ophthalmology practice is unique. Various procedures and operations require time. With hours being from 7:00 a.m. to 6:00 p.m., there are both patient and staffing needs that require overlap.

Based on data derived from the existing facility at 1725 East Prospect Road, a parking ratio of 6.4 spaces per 1,000 square feet of gross leasable area is needed which translates into 211 spaces. Without this number of spaces, there is a risk that parking could spill off-site creating a negative externality that would have to be absorbed either by the public (illegal parking on public streets) or by adjacent private property owners (unauthorized parking in private parking lots). For a medical practice, having patients park remotely or off-site is more inconvenient than perhaps a retail center during holiday season.

Also based on past practice, the applicants find there are efficiency and safety factors gained by separating the staff entrance and parking lot from the patient entrance and parking lot. With both staff and patients having a clear expectation as to where to park, there is less conflict between the two groups. Each group has a greater likelihood of finding a space closer to a building entrance.

From an urban design perspective, the impact of distributed parking over two lots is less visually impactful than one large parking lot with a single entrance. Having multiple entrances, served by two parking lots, creates a building that is more architecturally interesting than a building that has a an attractive front but an unattractive back.

As mitigation, the building orientation establishes a strong visual presence to the corner of the two streets. This is accomplished by the low parking lot screen wall and the two entry portals which repeat the use of cultured stone and sloping metal roof found on the north building entrance. As noted, each entry portal features a connecting walkway to a landscaped plaza at the main entry.

For these reasons, per Section 2.8.2(H)(1), the applicant contends that the proposed site plan, with distributed parking and multiple entries, results in a design that is not detrimental to the public good and is equal to or better than a plan that would otherwise comply with the standard.

C. Staff Evaluation of the Request for Modification:

The subject P.D.P is part of the Harmony Technology Park where relatively large users have selected to locate in business park setting that allows for each firm to operate at a scale that would not be possible in the Downtown, the South College Avenue corridor or within typical commercial centers. For example, along Ziegler Road, between Harmony Road on the north and Rock Creek Drive on the south, a distance of approximately one-half mile, the development pattern consists of single buildings on various sized parcels:

- Intel (microchip processing) 34.40 acres
- Mainstreet Health (skilled nursing) 9.37 acres
- Eye Center (Ophthalmology) 4.16 acres
- Windsong (Memory Care) 3.34 acres

As can be seen, the H.T.P. is developing in a campus-like pattern envisioned by the Harmony Corridor Plan in order to meet the specific needs of each firm. The Ziegler Road frontage is not developing in an urban-like form where a variety of smaller-scaled buildings, on individually platted lots, are brought up to the street edge to create an urban context.

Having toured the facility and inspected the parking lots at 1725 East Prospect Road, Staff agrees that there are unique attributes associated with a large-scale Ophthalmology practice, particularly the aspects of the surgery component.

D. Staff Findings on the Request for Modification:

Staff finds that proposed site plan, which distributes the necessary parking over two parking lots, each with its own building entrance, is an appropriate response to both the needs of the firm and the context of the surrounding technology park. With its north-facing entry, featuring a porte cochere, the building entrance is prominent and allows the building to relate to the corner of Ziegler Road and Precision Drive. The three walkways that connect the two public streets to the north and south entrances also help establish a positive relationship between the building and the streets. Finally, the added design features of the low screen wall and entry portals, all with matching stone, act as extensions of the building that effectively mitigate the proposed building placement.

For these reasons, staff finds that the proposed building placement is equal to or better than a building placement that would have otherwise complied with the standard.

7. Neighborhood Meeting:

A neighborhood meeting was not held as a Medical Office Building is classified as a permitted use in the Harmony Corridor zone district, subject to a public hearing with the Administrative Hearing Officer.

8. Findings of Fact/Conclusion:

In evaluating the request for Eye Center of Northern Colorado P.D.P., staff makes the following findings of fact:

A. The P.D.P. is in compliance with the Harmony Corridor Plan.

- B. The P.D.P. is in compliance with the Harmony Technology Park Overall Development Plan, Seventh Amendment.
- C. The P.D.P. complies with the applicable standards of the Harmony Corridor zone district, Land Use and Development Standards, of Article Four.
- D. The P.D.P. complies with the applicable standards of the General Development Standards of Article Three with one exception.
- E. A Request for Modification of Standard to Section 3.5.3(C)(2)(a) – *Orientation to Build-to Lines for Streetfront Buildings* – has been requested and found to be in compliance with the criteria by which such Modification may be granted.
- F. The proposed building placement is found to be not detrimental to the public good and equal to or better than would a building placement that would have otherwise complied with the standard. This is because:
 - (1.) The proposed building placement allows the necessary number of parking spaces to be distributed over two parking lots versus one large parking lot. This allows the overall development to be visually more appealing.
 - (2.) The proposed building placement allows for multiple entrances. This creates four-sided architectural interest and precludes the building from having a back side.
 - (3.) The proposed building placement is mitigated by site design features that emphasize a building relationship to the corner of Ziegler Road and Precision Drive.

RECOMMENDATION:

Staff recommends the approval of the Request for Modification of Standard to Section 3.5.3(C)(2)(a) and the Eye Center of Northern Colorado P.D.P., #PDP150029, based on the findings of fact found on pages 14 and 15 of this Staff Report.