

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

HEARING DATE: February 7, 2019

PROJECT NAME: Forty Three Prime

CASE NUMBER: PDP180014

APPLICANT: Ripley Design
Clint Anders
419 Canyon Ave., Suite 200
Fort Collins, CO 80521

OWNER: Red Raven LLC
Chandler Souther
201 Commerce Drive, Unit 2
Fort Collins, CO 80524

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a Project Development Plan ("PDP") to develop the vacant 4.86 acre parcel at 6608 Autumn Ridge Drive. The PDP includes 43 dwelling units in 5 multi-family buildings and 1 mixed-use building. The non-residential portion of the mixed-use building will act as a neighborhood center. Primary access to the site on the west is from Autumn Ridge Drive and on the south is from Candlewood Drive. The PDP includes 95 parking spaces (26 covered carport spaces and 69 surface spaces). On-site detention is proposed on the eastern part of the property.

SUMMARY OF DECISION: Approved

ZONE DISTRICT: Low Density Mixed-Use Neighborhood (LMN)

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on February 7, 2019, in the Council Chambers at 300 LaPorte Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; (2) the application, plans, maps and other supporting documents submitted by the applicant; (3) written comments received from Laurene Aldrich, Deborah and Daniel Cerman, Ernest G. Cummins, Ken Moore, Joanne and Win Schendel, Dave and Shelley Ward, and Kacee Bagley; (4) a document entitled "Additional Traffic Operational Review" from Martina Wilkinson, Assistant City Traffic Engineer, dated February 7, 2019; and (5) a copy of the public notice. The Land Use Code (the "Code") and the formally promulgated policies 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: Pete Wray, Katie Andrews

From the Applicant: Clint Anders, John Dengler, Russ Lee

From the Public: Lisa Nothern, Janet McNulty, Rohn Miller, Sandy Sposato, Deb Courtner, Regina Hariri

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.

2. Subject to the conditions imposed below, the PDP complies with the applicable General Development Standards contained in Article 3 of the Code.

a. The PDP complies with Section 3.2.1, Landscaping, because: the surrounding local public streets, including Trilby Road, Autumn Ridge Drive, Candlewood Drive, and Brittany Drive, will be landscaped with street trees and the parkway strips will be landscaped with irrigated turf; the proposed buildings are set back from the street right-of way (back of detached sidewalk) by a minimum of 15' and the setback area includes landscape plantings and trees to buffer the mass and scale of buildings, screen parking areas, and provide visual interest and shading along the street frontages of Autumn Drive and Candlewood Drive; Tract A includes open space and utility and drainage easements, as well as a wetland and associated buffer area on the east side, adjacent to Brittany Drive; and the drainage and detention area is landscaped with informal and naturalized trees and native seed mix.

b. The PDP complies with Section 3.2.1(F), Tree Mitigation, because the PDP includes 5 mitigation trees, as required by the City Forester.

c. The PDP complies with Section 3.2.2, Access, Circulation and Parking, because: the PDP is served by an internal private drive that connects to the public street system surrounding the site; all 6 buildings have direct pedestrian and bicycle connections to the public street sidewalks and nearby transit facilities; and the PDP includes vehicular and bicycle parking spaces that are convenient for residents living in the multi-family buildings and for users of the neighborhood center commercial space.

d. The PDP complies with Section 3.2.2(C)(4), Bicycle Parking, because the PDP includes 87 bicycle parking spaces.

e. The PDP complies with Section 3.2.2(K)(1)(a), Parking, because the PDP exceeds all minimum parking requirements, and the surrounding local public streets allow for on-street parking.

f. The PDP complies with Section 3.5.2(C), Trash and Recycling Enclosures, because the PDP includes 2 trash and recycling enclosures, which are fully contained, screened from public view and easily accessible by tenants and trash service vehicles.

- g. The PDP complies with Section 3.4.1(E)(1), Buffer Zone Performance Standards, because: the highest ecological value is in the existing wetland, which will be protected in place and enhanced through the addition of desired native plants to provide increased vegetative biodiversity; the proposed pedestrian walkways align with the Nature in the City Strategic Plan by providing residents with appropriate access to nature, including nature-viewing opportunities; and the PDP provides natural habitat and feature protections and enhancements.
 - h. The PDP complies with Section 3.5.2(D)(1), Relationship of Dwellings to Streets and Parking – Orientation to a Connecting Walkway, because the front entrances of all 6 buildings face a connecting walkway that leads directly to the street sidewalk at a distance of less than 200'.
 - i. The PDP complies with Section 3.5.2(E)(2), Setbacks from Nonarterial Streets, because all 6 buildings are set back from the public street by at least 15'.
 - j. The PDP complies with Section 3.6.4, Transportation Level of Service Requirements, because the transportation level of service requirements will be met for all modes, including vehicular, bike, and pedestrian use.
 - k. The PDP complies with Section 3.8.30(C), Multi-family Access to Central Feature or Gathering Place, because: the PDP provides 4 common gathering spaces on site; a public plaza located in front of the mixed-use commercial building acts as a neighborhood center; 2 central gathering spaces are located between the multi-family buildings; an amenity space of approximately 6,600 square feet is located on the east side of the property abutting the detention pond natural area, and the landscaped turf field can be used for active and passive recreation space for tenants.
 - l. The PDP complies with Section 3.8.30 (F)(2), Design Standards for Multi-Family Buildings - Variation Among Buildings, because: the PDP includes 5 multi-family buildings, 2 of which include a distinct building design and color for siding, materials, window treatments, entrances and roof form; 3 buildings incorporate a different building design, color and materials; no 2 building designs are located next to each other; and the mixed-use building includes ground floor commercial space with residential units above, with a design distinguished from the other multi-family building design schemes.
4. Subject to the conditions imposed below, the PDP complies with the applicable all applicable L-M-N standards contained in Article 4 of the Code.
- a. The PDP complies with Section 4.5(B)(2), Permitted Uses, because the PDP includes two land uses, multi-family residential and mixed-use, and both are permitted in the L-M-N zone.
 - b. The PDP complies with Section 4.5(D)(1), Density, because: the PDP includes 43 dwelling units on 4.87 acres for a gross density of 8.83 dwelling units per gross acre; the net density is less than the maximum allowed (9 d.u./a); and the net density exceeds the required minimum (3 d.u./a).

ANALYSIS

During the hearing, most of the comments focused on the compatibility of the PDP with surrounding neighborhoods and the traffic and parking impacts of the PDP. It is important to note at the outset that the PDP proposes a less intensive use than the use originally approved for the site, which was extensive commercial use.

Though the PDP will clearly impact traffic in the neighborhoods surrounding the site, the Assistant City Traffic Engineer provided a detailed memorandum concluding that the potential traffic impacts of the PDP are minimal, especially compared to the potential impacts of the commercial development that was originally approved for this site. That memorandum discusses the levels of service at all intersections that would be affected by the PDP, and concludes that the anticipated levels of service will meet City standards. In addition, the Hearing Officer finds that this applicant is not responsible for the regional traffic issues that have little to do with this PDP.

Finally, the evidence presented shows that the intersection of College Avenue and Trilby Road is being planned for a major capital improvement project, which project is intended to help traffic flow in the area by adding capacity to the intersection, including auxiliary turn lanes.

While the Hearing Officer understands that residents living near the site would prefer that the site remain undeveloped, the property owner has a right to use the property in compliance with applicable land use regulations. The PDP as proposed meets all applicable land use regulations, and as such, must be approved.

DECISION

Based on the foregoing findings and analysis, the Hearing Officer hereby enters the following rulings:

1. The PDP is approved as submitted.

DATED this 21st day of February, 2019.



Kendra L. Carberry, Hearing Officer