

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

HEARING DATE: January 5, 2017

PROJECT NAME: Jefferson and Linden Project Development Plan (PDP)

CASE NUMBER: PDP #160030

APPLICANT: Russell Lee, Principal  
Ripley Design, Inc.  
419 Canyon Ave. Suite 200  
Fort Collins, CO 80521

OWNER: Ryan Houdek  
JPUC Holdings, LLC  
1 Old Town Square, Suite 7  
Fort Collins, CO 80521

HEARING OFFICER: Marcus A. McAskin

**PROJECT DESCRIPTION:** The Jefferson and Linden Project Development Plan (PDP) concerns certain property located at the northwest corner of Linden Street and Jefferson Street in Downtown Fort Collins. The property consists of approximately 26,185 square feet and is proposed to be replatted as:

LOT 1, BLOCK 1,  
JEFFERSON AND LINDEN RESTAURANT,  
COUNTY OF LARIMER,  
STATE OF COLORADO

(the "Subject Property").

A Union Pacific railroad spur is located adjacent to the northern boundary of the Subject Property. The owner of the proposed development, JPUC Holdings, LLC, operates the Rodizio Grill restaurant, located in the historic Union Pacific Railroad Depot building, and other restaurants in the Downtown Fort Collins area.

The PDP proposes a predominately single-story restaurant of 5,690 square feet with a 4,840 square-foot patio space on the east end of the building facing Linden Street, which sets the building back eighty-six feet (86') from Linden Street.

No new parking is proposed; the Owner has requested Alternative Compliance to allow zero parking spaces in accordance with Section 3.2.2(K)(3) of the Land Use Code. Based on the nonresidential parking requirements set forth in Section 3.2.2(K)(2) of the Code and the TOD Overlay Zone Exemption set forth in Section 3.2.2(K)(2)(c), 22 parking spaces would typically be required. As set forth in the application materials and as discussed during the hearing, the Subject Property will share existing parking with the Rodizio Grill located to the west.

The Transportation Impact Memorandum includes a Parking Impact Study as required by Section 3.2.2(K)(2)(a) of the Code. The Parking Impact Study includes a recommendation that “the project be granted [Alternative Compliance]” and concludes that “. . . there is no detriment in terms of safety or convenience to the public in granting the request.” See Transportation Impact Memorandum, page 6.

The Subject Property is located within the River Downtown Redevelopment (R-D-R) Zoning District, and is also located within the Old Town Fort Collins National Register Historic District.

BACKGROUND: As set forth above, the Subject Property is located in the R-D-R Zone District and the Old Town Fort Collins National Register Historic District. The Subject Property is near several historic properties including the Union Pacific Depot, the Jefferson Block Buildings immediately to the south (211-261 Jefferson Street), Union Pacific Railroad Freight Depot, and Feeders Supply (259 Linden Street).

Due to the Subject Property’s location within the Old Town Fort Collins National Register Historic District, the proposed project must comply with Section 3.4.7 of the Land Use Code (“Historic and Cultural Resources”).

The purpose of Section 3.4.7 of the Code is to ensure that, as applicable here, new construction is designed to respect the historic character of the site and any historic properties in the surrounding neighborhood. Section 3.4.7(B) of the Code requires that new structures be compatible with the historic character of any historic property, whether on the development site or adjacent thereto.

Section 3.4.7(F)(6) of the Code requires that the Hearing Officer “. . . receive and consider a written recommendation from the Landmark Preservation Commission unless the Director has issued a written determination that the plans would not have a significant impact on the individual eligibility or potential individual eligibility of the site, structure, object or district.”

At its November 9, 2016, Regular Meeting, the Landmark Preservation Commission (the “LPC”) conducted a review of the PDP as authorized by Section 3.4.7(F)(6) of the Code. The LPC adopted the following motion on a vote of 6-0:

*That the Landmark Preservation Commission recommend to the Decision Maker [Hearing Officer] approval of the Jefferson and Linden Project Development Plan (PDP 160030), finding it is in compliance with the standards contained in Land Use*

*Code Section 3.4.7 in regard to compatibility with the character of the project's area of adjacency for the reasons stated in the staff report.*

The Subject Property is located in a pivotal location where the Downtown retail/entertainment core meets the area known as the River District, with Jefferson Street/SH 14 intervening as a perceived barrier. As discussed by Mr. Mapes during the hearing, Fort Collins has long explored and envisioned investment and improvements that would reduce this perception and increase the draw for pedestrians to cross Jefferson Street. The proposed plan extends the positive characteristics of Downtown with improvements to street fronts and a lively outdoor space.

The Fort Collins R-D-R, River Downtown Redevelopment Zone District Design Guidelines (“River District Design Guidelines”) were adopted by the City on or about June 3, 2014. The primary goal of the River District Design Guidelines is to “*support investment that builds a strong, pedestrian-oriented urban fabric and encourage creative design that is compatible with the historic context.*” See River District Design Guidelines, Introduction pg. 3.

As set forth in the Planning Department Staff Report, Staff has concluded that the proposed project satisfies all applicable River District Design Guidelines and is recommending approval of the PDP.

SUMMARY OF DECISION:                   Approved, with conditions.

ZONE DISTRICT:                           River Downtown Redevelopment District (R-D-R)

HEARING: The Hearing Officer opened the hearing on Thursday, January 5, 2017, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 5:30 PM.

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 Jefferson and Linden Project Development Plan, PDP#160030 (prepared for the January 5, 2017 public hearing);
- (2) Project Development Plan (nine sheets);
- (3) Landmark Preservation Commission (LPC) Staff Presentation;
- (4) LPC – Applicant Presentation;
- (5) LPC Staff Report (prepared for the November 9, 2016 LPC meeting, four pages);
- (6) Staff Memorandum setting forth Findings of Fact and Conclusions, dated December 27, 2016 summarizing the November 9, 2016 LPC meeting (two pages);
- (7) LPC Minutes of November 9, 2016 meeting (excerpt for Jefferson and Linden project, two pages);
- (8) Parking Alternative Compliance Request dated September 28, 2016 (four pages);
- (9) Transportation Impact Memorandum dated September 20, 2016 (prepared by ELB Engineering, LLC);

- (10) Notice of Public Hearing Letter dated December 22, 2016;
- (11) Affidavit of Publication of the Fort Collins Coloradoan dated December 29, 2016 evidencing publication of the Notice of Hearing on December 29, 2016;
- (12) the PowerPoint presentation prepared by the Applicant for the January 5, 2017 hearing;
- (13) the PowerPoint presentation prepared by Planning Department Staff for the January 5, 2017 hearing;
- (14) Preliminary Plat – Jefferson and Linden Restaurant;
- (15) Quitclaim Deed dated October 30, 2015 and recorded November 2, 2015 at Reception No. 20150073074 in the real property records of Larimer County, Colorado (seven pages); and
- (16) River District Design Guidelines (adopted June 3, 2014)<sup>1</sup>.

In addition, 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.

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. A copy of the Staff Report prepared for the November 9, 2016 LPC regular meeting is attached to this decision as **ATTACHMENT B** and is incorporated herein by reference.

TESTIMONY: The following persons testified at the hearing:

- |                     |   |
|---------------------|---|
| From the City:      | Clark Mapes, City Planner   |
| From the Applicant: | Russell Lee, Principal, Ripley Design, Inc.   |
| Owner:              | Ryan Houdek, JPUC Holdings, LLC   |
| From the Public:    | Al Dunton, Carl Glaser, Ryan Corley and Jeff Krogstad.<br>The Hearing Officer closed the public comment portion of the hearing at approximately 6:22 p.m. |

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<sup>1</sup> The R-D-R River District Design Guidelines are available at the following link:  
<http://www.fcgov.com/historicpreservation/pdf/rdr-design-guidelines.pdf>

## 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 the requirements for new construction located within the existing Historic District, which requirements are set forth and articulated in Section 3.4.7(F)(1) through (F)(5) of the Code. In making this conclusion, the Hearing Officer has relied on the written recommendation of the LPC and the detailed findings set forth in the Staff Report attached to this decision as **ATTACHMENT B**. The Hearing Officer concludes that the PDP satisfies the requirements of Section 3.4.7(F)(5) in that existing historic and mature landscaping will be preserved to the extent practicable and that the alignment and spacing of new trees will match that of the existing trees as shown on the mitigation plan and landscape plan (Sheets 3 and 4 of the PDP).
  - C. The Jefferson and Linden Restaurant Project Development Plan contains permitted uses and complies with the applicable development standards of the River Downtown Redevelopment District set forth in Article 4, Division 4.17 of the Land Use Code.
    - i. Section 4.17(B)(2)(c) of the Code permits the proposed standard restaurant in the R-D-R District, subject to administrative (Type 1) review.
    - ii. Section 4.17(D)(3)(c) requires that new buildings be designed to demonstrate compatibility with the historical agricultural/industrial characteristics of the R-D-R district to promote visual cohesiveness and emphasize positive historical attributes. Compliance with Section 4.17(D)(3)(c) is sufficiently addressed in the Staff Report and the Hearing Officer agrees with Staff's finding that the PDP is based on contemporary interpretation of a simple shed-type building, consistent with the applicable standard.
    - iii. The PDP complies with the applicable site design standards set forth in Section 4.17(D)(4)(b) and (4)(c).
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. The Application's satisfaction of the Section 3.4.7(F)(1) through (F)(5) requirements is sufficiently detailed in the Staff Report prepared for the November 9, 2016 LPC regular meeting, a copy of which is attached as **ATTACHMENT B** and is incorporated herein by reference.
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 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. In reviewing the request for Alternative Compliance, the Hearing Officer has considered: (a) the number of employees occupying the proposed restaurant use; (b) the number of expected customers or clients; (c) the availability of nearby on-street parking; (d) the availability of shared parking with abutting, adjacent or surrounding land uses; (e) the provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the City; (f) trip reduction programs; and (g) other factors unique to the Applicant's development request. In approving the request for Alternative Compliance, the Hearing Officer specifically finds that the proposed alternative parking ratio: (1) does not detract from continuity, connectivity and convenience proximity for pedestrians between or among existing or future uses in the vicinity of the Subject Property; (2) minimizes the visual and aesthetic impact along Jefferson Street and Linden Street by eliminating on-site parking; (3) minimizes the visual and aesthetic impact on the surrounding neighborhood; (4) creates no physical impact on any facilities serving alternative modes of transportation; (5) creates no detrimental impact on natural areas or features; and (6) will maintain applicable handicap parking ratios. The Hearing Officer further concludes that the combination of existing surface and structured parking in the vicinity of the Subject Property, coupled with the proposed parking garage located approximately 280' east of the Subject Property, is sufficient to satisfy parking demand associated with the proposed restaurant use.

#### DECISION

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

- A. That the 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 and is approved.
- B. The Jefferson and Linden Project Development Plan (PDP #160030) is approved for the Subject Property as submitted, subject to the conditions set forth below.
- C. The Applicant and Owner shall obtain and record a shared parking easement ("Shared Parking Easement") from the current record owner of 200 Jefferson Street (the "Abutting Property"), in a form acceptable to the City, which Shared Parking Easement shall authorize the Owner to utilize a minimum of thirteen (13) parking spaces within the existing parking lot situate on the Abutting Property for the purpose of providing parking for the restaurant

to be located on the Subject Property, to include a minimum of one (1) handicap parking space. The Shared Parking Easement shall contain language acceptable to the City that does not permit the Shared Parking Easement to be terminated so long as the proposed restaurant (or similar retail-oriented commercial business) is located on the Subject Property.

- D. The Applicant and Owner shall cooperate with the owner of the Abutting Property, 200 Jefferson, LLC, a Colorado limited liability company, to cause a Minor Amendment to be filed for the Abutting Property, which Minor Amendment shall properly document the existence of the Shared Parking Easement.
- E. That the Minor Amendment for the Abutting Property and recording of the Shared Parking Easement be completed prior to Final Plan approval for the Subject Property.

DATED this 10<sup>th</sup> day of January, 2017.



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Marcus A. McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
Jefferson and Linden  
Project Development Plan  
PDP #160030





## ADMINISTRATIVE HEARING

### STAFF REPORT

**PROJECT:** Jefferson and Linden Project Development Plan #160030

**APPLICANT:** Klara Rousow  
Ripley Design, Inc.  
419 Canyon Ave. Suite 200  
Fort Collins, CO 80521

**OWNERS:** JPUC Holdings, LLC  
1 Old Town Square Suite 7  
Fort Collins, CO 80521

#### PROJECT DESCRIPTION:

This is a proposed Project Development Plan (PDP) located at the northwest corner of Jefferson and Linden Streets in Downtown Fort Collins. A Union Pacific railroad spur borders the property on the north. The owner of the proposed development owns the adjoining property to the west, along with the Rodizio Grill restaurant, in the historic Union Pacific Railroad Depot building.

The plan proposes a predominately single-story restaurant of 5,690 square feet with a 4,840 square-foot patio space on the east end of the building facing Linden Street, which sets the building back 86 feet from Linden Street.

No new parking is proposed; the building will share existing parking with the adjoining property to the west.

The property is located within the River Downtown Redevelopment (RDR) Zoning District, and also within the Old Town Fort Collins National Register Historic District.

#### RECOMMENDATION:

Staff recommends approval of the Jefferson and Linden PDP #160030 based on the findings of fact found in the staff report, subject to the following condition: the applicant shall record a shared parking easement and a Minor Amendment on the abutting property to the west prior to Final Plan approval.

## **EXECUTIVE SUMMARY:**

The restaurant use, with its large patio at the street corner, is highly consistent with the vision and purpose of the RDR zoning district, which is to strengthen the linkage between the Old Town core and the Poudre River, through redevelopment in the area.

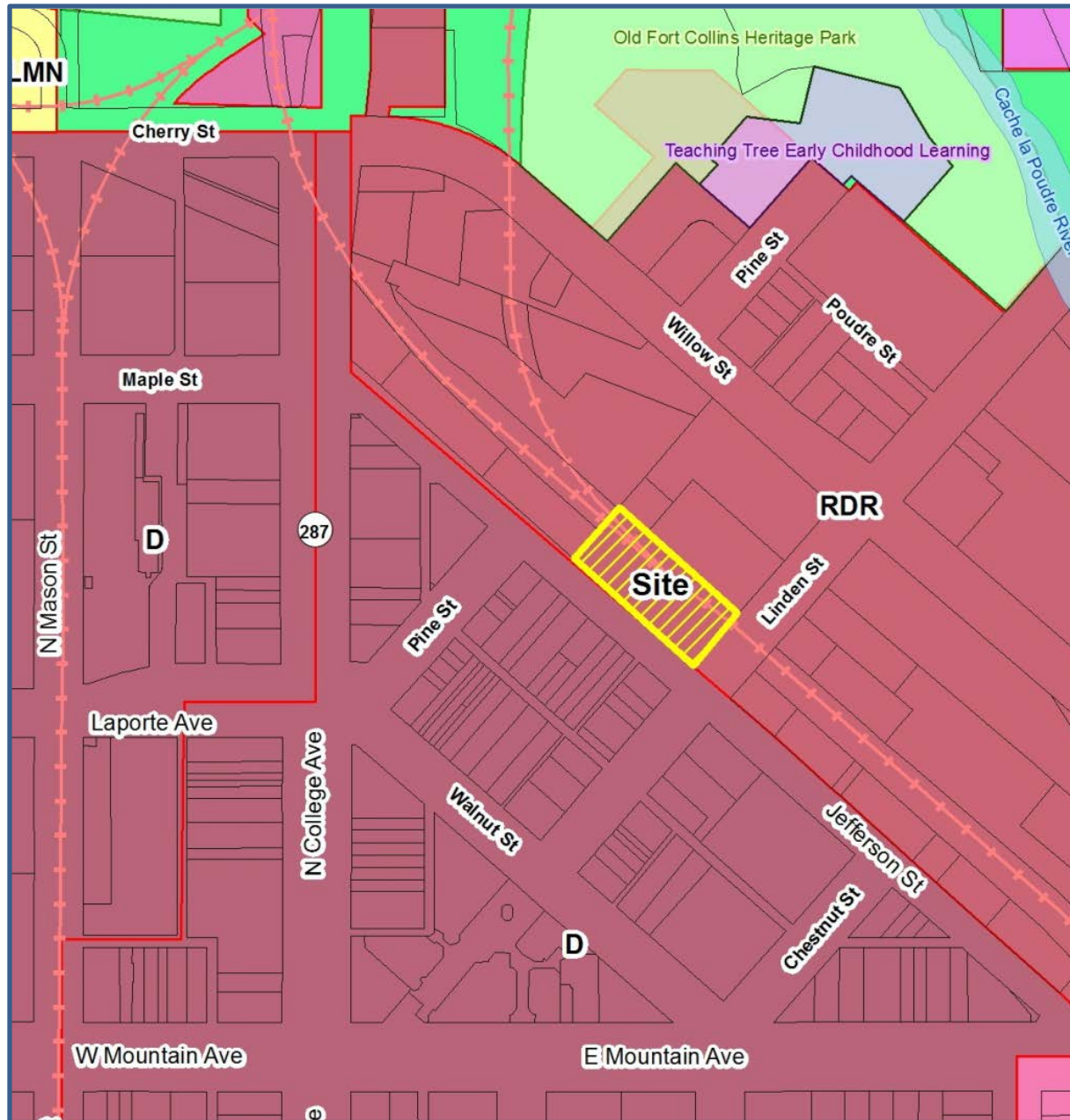
The site is a pivotal location where the Downtown retail/entertainment core meets the area known as the River District, with Jefferson Street/SH 14 intervening as a perceived barrier. The community has long explored and envisioned investment and improvements that would reduce this perception and increase the draw for pedestrians to cross Jefferson Street. The proposed plan extends the positive characteristics of Downtown with improvements to streetfronts and a lively outdoor space.

The primary planning issue has been the building architecture and its contribution to the historic district setting. The proposed building design has been highly developed in an iterative process among the applicant team, the Landmark Preservation Commission, and staff.

Parking presented a fundamental question in the process of preparing the plan. Whether or not to introduce parking into the site was explored, with several factors working against it: the site is characterized by existing trees throughout; access from the streets is not permissible on the corner property; the number of new spaces that could physically fit is limited; shared parking and public parking is available in the vicinity; and the owner prefers to operate the restaurant as a more pedestrian-oriented development without its own parking, in favor of tree preservation.

**LOCATION AND ZONING:**

The purple area on the location map below is the D, Downtown zoning district across Jefferson Street from the site. The RDR zone links the Old Town core and the river corridor's parks and natural areas in the Public Open Lands zoning district, as well as prominent destinations beyond across the river to the north.



**Location Map**



## **STAFF EVALUATION:**

### **1. Context and Background**

Following the original establishment of Fort Collins in the area between Jefferson Street and the river, the arrival of the railroad began to transform the area as an industrial edge of town, a railroad corridor, a dumping ground, and storage area.

Planning for Downtown revitalization has been a major community effort since the 1970s, following a period of decline in the postwar decades; and this area has been a notable topic, becoming known as the 'River District'. Key aspects of planning have involved cleanup of former industrial sites, and pursuing various linkages across Jefferson Street.

Major progress has been made on these issues. The community has invested in infrastructure and streetscape improvements. The RDR zoning district implements adopted plans. A number of redevelopment projects have been completed or approved in the area. Design guidelines provide detailed explanation of the context and character of the area, and appropriate design of new construction, as intended under RDR zoning.

The design guidelines can be viewed or downloaded at:

<http://www.fcgov.com/historicpreservation/pdf/rdr-design-guidelines.pdf>

Following is a sample excerpt that gives a sense of the overall approach of the detailed guidelines:

“In the future, the River Downtown Redevelopment Zone District connects Old Town with the Poudre River, and celebrates its agricultural and industrial architecture and the rich history of the area. It does so in creative ways that express a look to the future, while respecting the past. The area will be known for new, well-designed infill buildings and landscapes that offer opportunities for business and industry and also facilitate relaxation, exposure to cultural activities and civic interaction. Redevelopment and new development projects will be expected to respect and be sensitive to the established ag-industrial character that distinguishes the River Downtown Redevelopment.”

## **2. Compliance with Article 4 of the Land Use Code, Division 4.17 - Applicable Downtown River Redevelopment Zoning District Standards**

Staff finds that the proposed PDP complies with the applicable zoning district standards as explained below.

### *Section 4.17(B) - Permitted Use*

The proposed standard restaurant is permitted in the Downtown District, and requires administrative review by a Hearing Officer (a 'Type 1' use).

### *Section 4.17(D)(3)(c) – Character and Image*

This subsection requires that new buildings be designed to demonstrate compatibility with the historical agricultural/industrial characteristics of the RDR district in order to promote visual cohesiveness and emphasize positive historical attributes. Such characteristics include simple rectilinear building shapes, simple rooflines, juxtaposed building masses that directly express interior volumes/functions, visible structural components and joinery, details formed by brickwork, sandstone, sills, lintels, headers and foundations and details formed by joinery of structural materials.

– Staff finds that the plan is based on contemporary interpretation of a simple shed-type building, consistent with the standard.

Additional requirements for buildings are:

- Outdoor spaces such as balconies, arcades, terraces, decks or courtyards.
  - The plan provides a patio space bounded by brick knee walls, planters, a column to carry a sign, a stage, and other features that extend the architecture. Staff finds that the plan complies.
- Windows defined with detail elements such as frames, sills and lintels, and placed to establish human scale and proportion. Large glass panels are allowed for atrium, lobby or greenhouse-type accent features as embellishments to the main pattern of fenestration.
  - Staff finds that the plan provides fenestration in compliance with the standard with its windows and glass wall facing the patio.

- Simple roof forms--flat, shed and gable roof forms corresponding to massing and interior volumes/functions--as the dominant roof forms.
  - Staff finds that the simple shed building form, with a shed roof, complies.
- Authentic building materials that contribute to visual continuity within the District. Brick, wood, and architectural metals are listed.
  - Staff finds that the plan uses these materials in a quality architectural design consistent with the requirements.
- A clearly defined primary entrance featuring a sheltering element such as a canopy, a recess, or a simple surround.
  - Staff finds that the unique timber canopy feature over a clearly defined entrance facing Jefferson Street, with a slightly recessed brick surround, complies.
- Any accent features to complement and not dominate the overall composition and design of the building.
  - Staff finds that additional timber accent features complement the entry canopy feature and the overall use of authentic materials on the building.

Additional requirements for *site* development are:

- Walls, fences and planters must be designed to be consistent with the quality of materials used on buildings.
  - Staff finds that the brick walls and metal fencing around the patio are consistent with the architecture.
- A well-defined street edge that may include landscaping, decorative paving, public art, street furnishing with ornamental lighting and iron and metal work that reflect on the agricultural/industrial heritage of the district.
  - Staff finds that the patio walls and fencing, landscaping, decorative paving features along the Jefferson Street sidewalk, and the bus stop are consistent with this standard.

### **3. Compliance with Article 3 of the Land Use Code - Applicable General Development Standards for All Development**

Zoning district standards discussed above work in conjunction with General Development Standards for all development city-wide in Article Three of the Land Use Code.

Staff finds that the PDP complies with the applicable General Development Standards, as explained below.

#### ***Historic and Cultural Resources - Section 3.4.7***

This code Section contains standards for new building construction in historic districts, and where the surrounding context includes designated or eligible historic landmarks. The proposed project is within the Old Town Fort Collins National Register Historic District and is also in close proximity to several such historic properties. Therefore, the project must comply with Section 3.4.7.

Standards in this Section address topics that are also addressed in the RDR zoning district standards. While the RDR standards apply, the unique location in the historic district and at the edge of the zoning district lent priority to compliance with Section 3.4.7 and the LPC review process.

The single primary issue in the proposed plan has been the design of the building to comply with the standards in this Section, given the pivotal location in the historic district.

In review of the project under this Section, the Hearing Officer is required to receive and consider a recommendation from the Landmark Preservation Commission (LPC).

The applicant team worked with staff to bring the plan to the LPC on three occasions as the design evolved through an iterative process. The applicants responded to comments and ideas throughout the process.

Staff's last presentation to the LPC contains imagery of the context used to evaluate the compatibility of the plan, and is attached.

The applicants' last slide presentation to the LPC includes extensive imagery on the evolution of the design, and is attached.

Staff's detailed evaluation of compliance with this Section is also attached separately – the LPC staff report attachment comprises staff's evaluation and findings.



At its November 9, 2016 Regular Meeting, the Landmark Preservation Commission voted 6-0 to forward a recommendation of approval of the proposed development plan.

A memo is attached summarizing their discussion and findings. Also, minutes of the meeting are attached.

Key findings from these several detailed attachments include the following: the setback, height, size and massing are generally compatible with both the neighboring Union Pacific depot and the area of adjacency as a whole; the visual connections include references to the triplet window patterning and vertical window orientation on Jefferson Block across the street to the south; the ridge height is similar to the Union Pacific building to the west; and the proposed restaurant includes a primary entrance facing Jefferson Street. The primary building material of the key buildings in the area of adjacency is brick; the proposed design incorporates prominently placed brick accents; and does not impede existing visual and pedestrian connections within the historic district.

- Staff finds that the plan complies with Section 3.4.7 based on all of the evaluation referenced above.

***Building and Project Compatibility - Section 3.5.1***

Standards in this Section require that the physical and operational characteristics of proposed buildings and uses are compatible with the context of the surrounding area in terms of building size, massing proportions, design character and building materials.

- Staff finds that the plan complies, as explained in discussion above regarding the RDR zoning standards and historic resources standards in Section 3.4.7.

***Parking - Section 3.2.2(K)***

This Section requires off-street parking for development projects within the Transit Oriented Development (TOD) overlay zone, based on square footage. For the restaurant use, 22 parking spaces would be required. The requirements allow for Alternative Compliance to justify fewer parking spaces if certain criteria are met. The criteria and required findings are stated in 3.2.2(K)(3).

The plan is based on a request for Alternative Compliance to allow zero parking spaces.

The detailed requirements and corresponding request with proposed justification from the applicant are attached. Also, the Traffic Impact Study addresses the issue and is attached.



Key points regarding parking are:

- 1) The property will share the parking lot of the adjoining property to the west, with 13 spaces to be shared. A Minor Amendment will be filed for the abutting property, and an easement will be recorded, to formalize the shared parking permanently, prior to Final Plan approval.
- 2) A City parking lot exists 200 feet to the west which can help meet demand generated by the restaurant.
- 3) A public parking garage is approved and will soon be constructed across Jefferson Street 600 feet to the east.
- 4) Other public parking structures and street parking exist throughout Downtown and are used to help meet demand by all Downtown businesses.

– Staff finds that the request for Alternative Compliance is justified in compliance with the standard.

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

Parking lots with less than 25 parking spaces are required to provide one handicap parking space.

- A handicap space is being added to the shared parking lot to the west, as part of this plan. Staff finds that this complies with the standard. This minor adjustment to the parking lot will be included in a Minor Amendment to be filed for the abutting property prior to Final Plan approval.

***Bicycle Parking - Section 3.2.2(C)(4)(b)***

For the restaurant use, at least 4 bicycle parking spaces are required.

– Staff finds that the 12 bike parking spaces provided along Jefferson Street comply.

***Landscaping and Tree Protection - Section 3.2.1***

Standards in this section require a fully developed landscape plan that addresses relationships of landscaping to the street, the building, abutting properties, and users on site. Also, standards address protection or mitigation of existing trees on the site,

21 trees of varying quality exist on site, as shown on the tree inventory in the attached site plan set. The development plan protects 10 existing trees where feasible in the east patio area and a landscaped area on the west side of the building; and also provides

required mitigation for trees to be removed in consultation with the City Forestry department. Mitigation involves both upsizing of new trees to be planted, and cash payment to provide the mitigation off-site as necessary due to limited space on the site.

Key components of the landscape plan are plantings integrated into the patio area and along the Linden Street sidewalk; foundation plantings along the Jefferson Street side of the building; and a landscape area dominated by existing trees to remain on the west side of the building.

– Staff finds that the landscape plan complies with this Section.

#### ***Trash and Recycling Enclosures - Section 3.2.5***

Trash and recycling enclosures must be adequate and convenient and accessible as appropriate for the proposed use.

A proposed trash and recycling enclosure is provided adjacent to the parking lot to the west, fully screened from public view.

– Staff finds that the facility complies, and staff will ensure that the Final Plan will further confirm the adequacy of the facilities in full detail for the restaurant use.

#### ***Site Lighting - Section 3.2.4***

The purpose of this section is to ensure that the functional and security needs of a project are met in a way that does not adversely affect the adjacent properties and neighborhood.

All lighting fixtures are selected to complement the architecture and patio. All are down-directional, full cutoff fixtures. No footcandle levels will exceed one-tenth as measured 20 feet from property lines as required under this standard.

– Staff finds that the plan complies.

#### ***Bus Stop - Section 3.6.5***

This Section requires developers to provide bus stops where needed along transit routes.

– Staff finds that the plan complies by providing a bus stop.

## **NEIGHBORHOOD MEETING**

Although not required, a voluntary open house neighborhood meeting was held on August 8, 2016. Preliminary concept drawings were reviewed.

Questions and discussion mainly focused an issue unrelated to the proposed plan— the property had previously been leased and managed by the City as a park that primarily served as de facto living space for individuals experiencing homelessness. The previous owner, Union Pacific Railroad, sold the property with a deed restriction on certain uses including park use, which led to the proposed development plan by the new owner.

## **FINDINGS OF FACT**

Staff makes the following finding of fact and conclusions:

1. The Project Development Plan contains permitted uses and complies with the applicable development standards of the River Downtown Redevelopment District in Article 4, Division 4.17 of the Land Use Code.
2. The Project Development Plan complies with the applicable General Development Standards of Article 3 of the Land Use Code with the exception of the requested Modification of Standards.
3. The Project Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.

## **RECOMMENDATION:**

Staff recommends approval of the Jefferson and Linden PDP #160030 based on the findings of fact found in the staff report, subject to the following condition: the applicant shall record a shared parking easement and a Minor Amendment on the abutting property to the west prior to Final Plan approval.

## **ATTACHMENTS:**

- 1 Plans Set
- 2a LPC-Staff Presentation
- 2b LPC-Applicants Slides
- 2c LPC-Staff Report
- 2d LPC-Memo on Findings
- 2e LPC-Minutes
- 3 Parking Alternative Compliance Request
- 4 Traffic Study Memo

**ATTACHMENT B**

Staff Report  
Jefferson and Linden  
Project Development Plan  
Prepared for LPC Hearing  
(November 9, 2016)

# STAFF REPORT

Landmark Preservation Commission

November 9, 2016

## PROJECT NAME

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**JEFFERSON AND LINDEN RESTAURANT (PDP160030) - DEVELOPMENT REVIEW**

## EXECUTIVE SUMMARY

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**PROPOSED DESIGN AND SUMMARY OF DESIGN UPDATES:** This is a proposed restaurant at the northwest corner of Jefferson and Linden Streets. The site is located within the Old Town Fort Collins National Register Historic District as well as the River Downtown Redevelopment Zone District. The proposed building consists of a single story building of 5,690 square feet, with a width of 48' - 3"; length of 132' - 4"; and ridge height of 25' - 2". The visible exterior building materials include light grey brick veneer, charcoal grey metal panels, a grey metal roof, charcoal grey painted steel C-channel, wood timber screens, and black aluminum storefront with clear glazing. The large patio dining area extends 72'-6" from the east side of the building at the corner of Linden and Jefferson Street. The east wall of aluminum storefront with clear glazing connects the indoor dining area and bar to the outdoor patio space. The height of the proposed building is similar to the Union Pacific Depot and it would be sited approximately 195 feet to the east of the depot. Some existing healthy trees will remain in place on the site, which most recently served as the Jefferson Street Park.

The updated elevations for the proposed building begin on page 9 of the attached applicant packet. The applicant has made the following changes to the building design since the October 26, 2016 meeting of the Landmark Preservation Commission:

- Addition of a light grey brick veneer exterior surface on the south, west, and north elevations that begins at grade and rises to a height of 11'-6". This use of brick replaces the previous application of red brick brise soleil screens.
- The site wall on the east end of the building is now shown in the same light grey brick.
- Wood (8"x8") timber screens have replaced the brick brise soleil screen walls on the façade.
- Height of the main building entrance has been raised and emphasized with an 8"x8" wood timber screen detail to support the entry awning. The entrance design also features a backlit sign.
- Metal panels above the brick are now shown in charcoal color.
- Horizontal windows previously shown above the vertical windows on the south elevation have been removed.

### LPC'S ROLE:

At this meeting, the Landmark Preservation Commission will conduct additional review of an updated building design based upon the extent to which it complies with LUC Section 3.4.7. Staff has determined that the updated design of the proposed building is nearly finalized, that the applicant has successfully addressed the issues stated in previous meetings, and it is appropriate for the Commission to perform a final development review and provide a recommendation to the decision maker. If the Commission disagrees it may table the item for further review or may place agreed upon conditions on its recommendation for staff to verify in the approval process for the final development plan.

**AREA OF ADJACENCY:**

At the October 26 meeting, the Commission established an area of adjacency as follows:

- Old Town National Register Historic District, with particular attention to the Jefferson Block buildings directly to the south (211-261 Jefferson Street)
- Union Pacific Passenger Depot (Rodizio), 200 Jefferson Street
- Union Pacific Railroad Freight Depot (Mawson Lumber) 350 Linden Street
- Feeders Supply (Ginger and Baker), 359 Linden Street

**AREA OF ADJACENCY CHARACTERISTICS:**

- 1 and 2 story buildings
- Brick and painted brick; commercial storefronts; stone, wood, and metal details
- Window patterns and styles vary but all are rectangular and create a vertical rhythm
- Primary entrances include both central and offset primary entrances and storefront entries with glazing and paneled, solid doors
- Entrances are on the primary street-facing façade and are fairly or clearly differentiated or visible to those approaching the building

**REVIEW CRITERIA AND STAFF FINDINGS:**

**Land Use Code (LUC) Section 3.4.7, *Historic and Cultural Resources*** contains the applicable standards for new buildings, where designated or eligible historic landmarks or historic districts are part of the development site or surrounding neighborhood context. The proposed restaurant project at Jefferson and Linden Streets is within a national historic district and therefore is subject to compliance with Land Use Code Section 3.4.7.

**LUC Section 3.4.7(A), *Purpose*, states in pertinent part:**

*"This Section is intended to ensure that, to the maximum extent feasible: ... new construction is designed to respect the historic character of the site and any historic properties in the surrounding neighborhood. This Section is intended to protect designated or individually eligible historic sites, structures or objects as well as sites, structures or objects in designated historic districts, whether on or adjacent to the development site."*

**LUC 3.4.7(B) *General Standard* states:**

*"If the project contains a site, structure or object that (1) is determined to be or potentially be individually eligible for local landmark designation or for individual listing in the State Register of Historic Properties or National Register of Historic Places; (2) is officially designated as a local or state landmark or is listed on the National Register of Historic Places; or (3) is located within an officially designated national, state or City historic district or area, then, to the maximum extent feasible, the development plan and building design shall provide for the preservation and adaptive use of the historic structure. The development plan and building design shall protect and enhance the historical and architectural value of any historic property that is: (a) preserved and adaptively used on the development site; or (b) is located on property adjacent to the development site and qualifies under (1), (2) or (3) above . . .*

*. . . New structures must be compatible with the historic character of any such historic property, whether on the development site or adjacent thereto."*

**LUC 3.4.7(F) *New Construction*:**

**Note: For purposes of 3.4.7(F)(1) and (F)(2), the historic structures for comparison with the proposed building are those structures located on the same block face, which is the Union Pacific passenger depot (Rodizio) at 200 Jefferson Street.**

*"(1) To the maximum extent feasible, the height, setback and width of new structures shall be similar to: (a) those of existing historic structures on any block face on which the new structure is located and on any portion of a block face across a local or collector street from the block face on which the new structure is located. . . . Notwithstanding the foregoing, this requirement shall not apply if, in the judgment of the decision maker, such historic structures would not be negatively impacted with respect to their historic exterior integrity and significance by reason of the new structure being constructed at a dissimilar height, setback and width. Where building setbacks cannot be maintained, elements such as walls, columns, hedges or other screens shall be used to define the edge of the site and maintain alignment. Taller structures or portions of structures shall be located interior to the site."*

Staff concludes that the proposed design meets this section of the code. The setback, height, size, and massing of the proposed building references the Union Pacific depot building to the west on the same block and achieves the requirements set forth in LUC 3.4.7(F)(1). The Union Pacific building is approximately 31'-6" with a ridge height of 22'-0". The proposed restaurant ridge height is 25'-2". The proposed setback and width appears to be similar to that of the Union Pacific Depot along Jefferson Street.

*"(2) New structures shall be designed to be in character with such existing historic structures. Horizontal elements, such as cornices, windows, moldings and sign bands, shall be aligned with those of such existing historic structures to strengthen the visual ties among buildings. Window patterns of such existing structures (size, height, number) shall be repeated in new construction, and the pattern of the primary building entrance facing the street shall be maintained to the maximum extent feasible."*

LUC 3.4.7(F)(2) requires new structures to provide visual ties to the historic buildings through design elements and patterns. The transitional location of the development site from the dense core of buildings south of Jefferson to the River District should allow for some flexibility in this regard if the design protects and enhances the historical and architectural value of the adjacent historic properties and does not impact the ability of the historic structures and the district to maintain their integrity and character, which is in keeping with the purpose and general standard of this section of the code.

Staff concludes that the proposed design meets this section of the code for the following reasons:

*Window pattern:* In relation to this section of the code, the design includes six vertical storefront windows and a triplet of green wall vine cages on the façade (south elevation) that are inspired by the window pattern and proportions in the Jefferson Block. The removal of the clerestory windows above the vertical windows on the south elevation enhances the impact of their verticality. Window patterns and styles within the area of adjacency, including the Union Pacific passenger depot building on the same block, vary to some extent but all are rectangular and create a visual rhythm characterized by verticality.

*Eave and ridge height alignment:* The similar eave and ridge heights between the new restaurant and the Union Pacific passenger depot also create harmonic visual ties between these two buildings that would share the same block along the north side of Jefferson Street.

*Primary entrance:* The primary entrance for the restaurant will be on Jefferson Street, in a location directly across from the alley entrance on the other side of Jefferson Street, which provides a secondary access point and visual connectivity into the Old Town District. Commission members have expressed varying degrees of concern regarding the primary entrance. When reviewing the previous design on October 26, some Commission members felt the offset location of the entrance and its lack of prominence on the Jefferson Street façade were not in keeping with the pattern of the primary entrances on the historic buildings. The applicants have strengthened the visual prominence of the primary entrance by raising the height of the awning above the roofline, supporting the awning with a wood timber screen over the storefront entry, and adding a backlit sign next to the screen. The entrance position on the building remains offset towards the east end of the building to provide visibility for the bulk of pedestrian traffic coming from Old Town and the River District via the intersection of Jefferson and Linden.

As the code requires, the primary entrance design of the Union Pacific Depot on the same block is most relevant for this section. That entrance consists of an original awning over a central door that was been modified in the late 20<sup>th</sup> century to include an enclosed vestibule constructed of painted wood and glazing with two side-entry doors providing access to the original entry. The broader area of adjacency reveals an entrance pattern that includes central and offset primary entrances and storefront entries with varying patterns of glazing and wood paneling as well as one metal rollup garage door. In all cases, the entrance is on the primary street-facing façade and is fairly or clearly differentiated or visible to those approaching the building. The proposed entrance fits comfortably within this existing pattern.

*Building form and type:* At a previous meeting, the Commission discussed that the roof slope and angle of the exposed steel frame supports highlight the "Butler building" structure and whether this visible form and construction method has an impact on the character and integrity of the historic district. Staff analysis concludes that, while



rooflines and construction methods can be appropriate means to create visual ties to the historic area of adjacency, the code does not specifically mention either as required components for achieving visual compatibility.

**Note: For purposes of 3.4.7(F)(3),(F)(4), and (F)(5), the historic structures for comparison with the proposed building are those structures listed within the area of adjacency, which includes the Jefferson Block, the Union Pacific passenger depot at 200 Jefferson Street, the Union Pacific freight depot at 350 Linden Street, and Feeders Supply at 359 Linden Street.**

*“(3) The dominant building material of such existing historic structures adjacent to or in the immediate vicinity of the proposed structure shall be used as the primary material for new construction. Variety in materials can be appropriate, but shall maintain the existing distribution of materials in the same block.”*

Staff concludes that the proposed design meets this section of the code. The latest design iteration addresses the Commission’s comments shared at the September 14, 2016 and October 26, 2016 LPC meetings, which included a request for the addition of masonry materials to create more cohesiveness with the most relevant historic structures within the area of adjacency. The dominant building material of those buildings is brick. At the October 26 LPC meeting, the applicant presented a set of red brick brise soleil screen walls to address this section of the code, but the majority of members felt that the steel structural system remained too visually prominent. The current design now incorporates a grey brick veneer exterior surface on the south, west, and north elevations that begins at grade and rises to a height of 11’-6”. While brick color has been mentioned in previous discussions, the code does not specifically address color of building materials. Staff analysis concludes that the proposed light grey color is subtle and does not negatively impact the ability of the existing historic buildings to maintain their physical integrity, character, and eligibility.

Commission comments at the October 26 meeting also included questions about the overall variety of materials used for the new building and how it relates to the existing distribution of materials on the same block. In addition to the primary material of brick, the buildings in the area of adjacency incorporate commercial storefronts in a variety of styles and composed of wood and glazing as well as stone and wood details on the buildings. Staff concludes that the proposed variety of materials used on the new building are generally in keeping with the existing distribution of materials found in the area of adjacency.

*“(4) Visual and pedestrian connections between the site and neighborhood focal points, such as a park, school or church, shall be preserved and enhanced, to the maximum extent feasible.”*

Staff concludes that the proposed design meets this section of the code. The proposed design does not impede existing visual and pedestrian connections. The patio on the site’s primary corner at Jefferson and Linden is meant to activate the corner and invite pedestrian traffic flow between the Old Town and River Districts. The Union Pacific Depot building at 200 Jefferson Street maintains its prominence on the block due to the 195-foot open space between the two buildings that allows each building to stand alone while creating a clear visual connection between the old building and the new. The height and placement of the proposed building does not dominate or detract from the existing historic structures adjacent to the site. Site placement also considers visibility of the Union Pacific building from the Jefferson and Linden intersection. The view from the alley east of the Jefferson Block, looking across Jefferson Street, is also meant to enhance a visual connection between Old Town District and the restaurant’s south entrance.

*“(5) To the maximum extent feasible, existing historic and mature landscaping shall be preserved, and when additional street tree plantings are proposed, the alignment and spacing of new trees shall match that of the existing trees.”*

Staff concludes that the proposed design meets this section of the code. Some details of the site plan are still in flux but the applicant is working with the City Forester to identify and preserve many of the existing trees in the open parklike space between the Union Pacific Depot building and the restaurant.