



**ADMINISTRATIVE HEARING**

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**STAFF REPORT**

**PROJECT:** Living Oaks, PDP170009

**APPLICANT:** Laurie Davis  
Davis + Davis Architects  
141 S College Ave.  
Suite 102  
Fort Collins, CO 80524

**OWNERS:** Robert/Laurie Davis  
722 W Mountain Ave.  
Fort Collins, CO 80521

**PROJECT DESCRIPTION:**

This is a request to build a 3-story, 4-unit residential building at 221 E Oak St. (parcel #9712320020). One shared vehicle is proposed on-site with additional parking accommodated at the Remington St. parking garage. The site is located in the Neighborhood Conservation, Buffer (NCB) zone district.

**RECOMMENDATION:** Staff recommends approval of Living Oaks, PDP170009.

**EXECUTIVE SUMMARY:**

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

- The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Modification of Standard to Section 3.2.2(K)(1)(a) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.

- The Modification of Standard to Section 4.9(D)(1) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- The Modification of Standard to Section 4.9(D)(5) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- The Modification of Standard to Section 4.9(D)(6)(b) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- The Modification of Standard to Section 4.9(D)(6)(c) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- The Modification of Standard to Section 4.9(D)(6)(d) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- The Modification of Standard to Section 4.9(E)(1)(g) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- The Project Development Plan complies with relevant standards of Article 3 – General Development Standards, provided the modification to Section 3.2.2(K)(1)(a) is approved.



- The Project Development Plan complies with relevant standards located in Division 4.8 Neighborhood Conservation, Medium Density (NCM) of Article 4 – Districts, provided the modification to Sections 4.9(D)(1), 4.9(D)(5), 4.9(D)(6)(b), 4.9(D)(6)(c), 4.9(D)(6)(d), and 4.9(E)(1)(g) are approved.

## COMMENTS:

### 1. Background

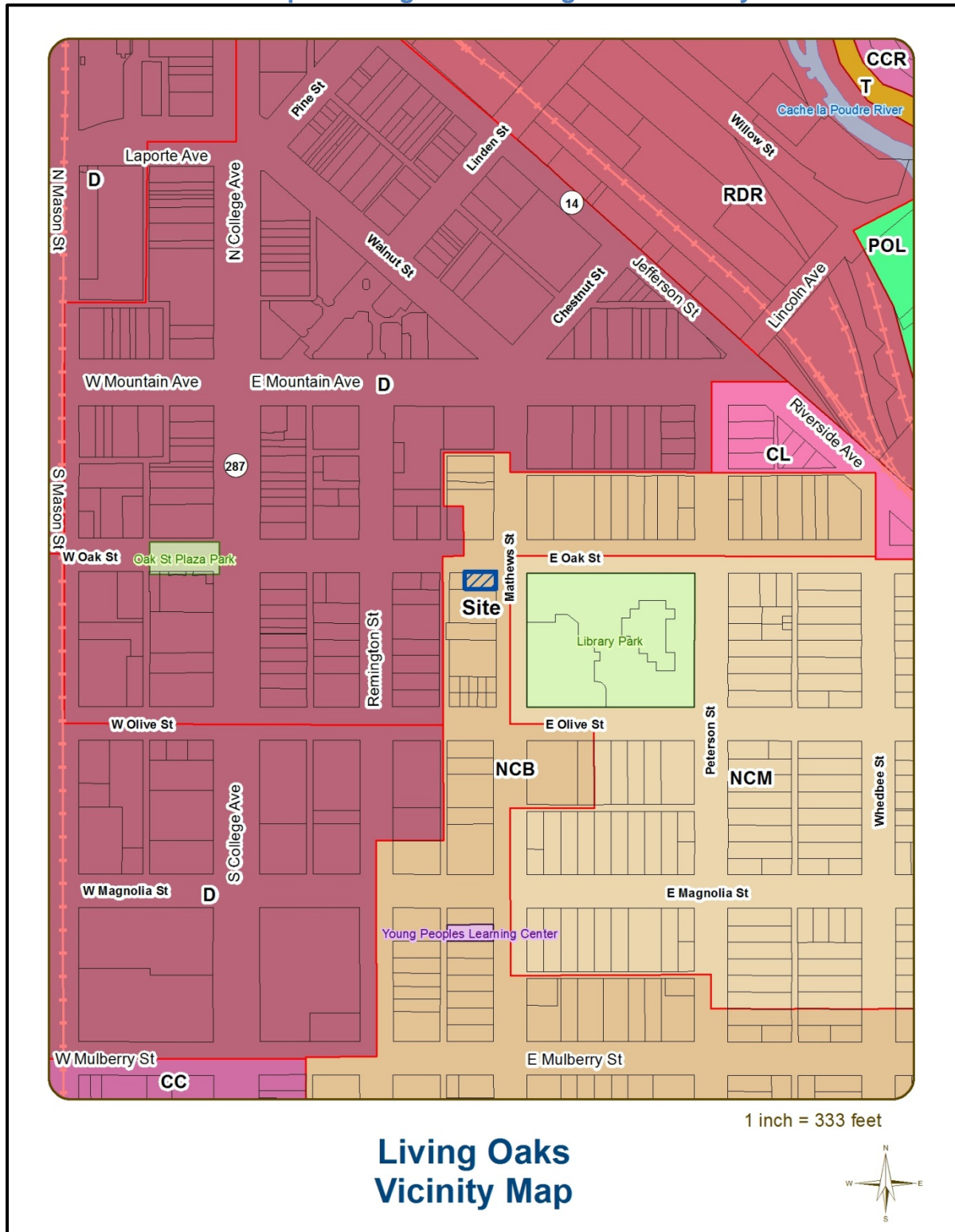
The property was part of the Original Town Site Annex on January 16, 1873. The property was platted as Lot 8, Block 132 as indicated on the Fort Collins 1873 Map. This lot was later subdivided and Peerless Tire built a shop on the site. In 1997, the use changed from a tire shop to an office. In 2006, the use changed to a single-family detached residence. A hearing officer approved a duplex for the site on April 5, 2007. The previous owner demolished the existing structure to build the duplex but never completed the approved duplex. The site has sat vacant since.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Downtown (D), Neighborhood Conservation – Buffer (NCB)	Church, residential, office
South	Neighborhood Conservation – Buffer (NCB)	Residential, office
East	Neighborhood Conservation – Medium Density (NCM)	Park, library, residential, office
West	Downtown (D)	Residential, retail, office

Below is a zoning and site vicinity map.

**Map 1: Living Oaks Zoning & Site Vicinity**



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

**Modification #1 Description:**

The applicant requests a Modification to Section 3.2.2(K)(1)(a) to a shared vehicle on site with each unit also having one parking pass for the nearby Remington St. Garage.

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

Land Use Code 3.2.2(K)(1)(a):

*Attached Dwellings: For each two-family and multi-family dwelling there shall be parking spaces provided as indicated in the following table:*

<b>Number of Bedrooms/Dwelling Unit</b>	<b>Parking Spaces per Dwelling Unit</b>
One or less	1.5
<b><u>Two</u></b>	<b><u>1.75</u></b>
Three	2
Four and above	3

**Land Use Code Modification Criteria:**

*“The decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:*

*(1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or*

*(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or*

*(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to,*

*physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or*

*(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.*

*Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).*

#### **Applicant's Justification Modification #1:**

- *Site is not in the Transit Oriented Development Overlay Zone (TOD) but is closer to amenities and transit than projects within the TOD (Criterion 1).*
- *The proposal will help achieve goals outlined in the City of Fort Collins 2016 Strategic Plan and the Climate Action Plan (Criterion 2).*
- *The proposal is consistent with Section 1.2.2 of the Land Use Code (Criterion 4).*

#### **Staff Finding:**

The applicant sought relief from 3.2.2(K)(1)(a) through a standalone modification request in December 2016. The Planning & Zoning Board unanimously approved this request with a condition to require a transit pass for each unit on December 15, 2016 (attachment 4). At that time, the applicant was proposing a live/work building with six residential units. Since then, the applicant changed their plans to omit the two live/work units and only have four residential units. As such, the parking requirements have changed, which necessitates a new modification request.

Staff agrees with the applicant's assessment that the project is located in a transit friendly area despite not being within the TOD boundaries. The site is near high frequency transit and amenities. When compared to other approved projects within the TOD, this site is as close or closer to high frequency transit and amenities (attachment 5). When the TOD boundaries were established, they followed zone district boundaries rather than proximity to high frequency transit and amenities. The block of NCB zoned properties between Oak and Olive on

Mathews was excluded despite having the qualities of a transit-oriented area. Between the car share on-site and parking within the nearby public garage, staff finds the applicant's proposed parking scheme to be equal to or better than a compliant plan and meets 2.8.2(H)(1).

**Modification #2 Description:**

The applicant requests a Modification to Section 4.9(D)(1) – *Density* to have floor area greater than the lot size.

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

Land Use Code 4.9(D)(1):

*Density. **Minimum lot area shall be equivalent to the total floor area of the building(s)**, but not less than five thousand (5,000) square feet.*

**Applicant's Justification for Modification #2:**

- *Increase in density is reasonable since this block provides a transition from Downtown to the surrounding residential area (Criterion 1).*
- *Other projects on this block have received relief from this standard.*

**Staff Finding:**

The purpose of this standard is for developments in the NCB to allow medium-density developments that provide a transition between Downtown and neighborhoods that consist predominantly of single-family detached homes. Every block of the NCB district is distinct. The block between Oak and Olive along Mathews is characterized by denser development when compared to many other NCB blocks. Only one of the buildings on this block would meet today's density requirement.

<b>Building</b>	<b>Lot Size</b>	<b>Floor Area</b>	<b>Floor Area Ratio</b>
Townhomes at Library Park	12,600	30,188	2.4
Parkview Apartments	12,320	18,555	1.51
215 Mathews	7,000	11,901	1.7
207 Mathews	14,000	11,776	.84
Living Oaks	4,600	9,200	2

Given this context, it is appropriate for a building to exceed the floor area ratio prescribed by the Land Use Code. Library Park buffers this block from the neighborhoods. This minimizes the impact these developments have on the neighborhoods. The lot is further challenged by having less square footage than the minimum allowed per this code standard. Staff finds the proposed plan fits into the context of the block while providing an appropriate transition to the adjacent neighborhood. Staff finds that the proposed plan meets the general purpose of the standard equal to a proposal that would comply with the code per Section 2.8.2(H)(1).

**Modification #3 Description:**

The applicant requests a modification to Section 4.9(D)(5) to exceed the allowable floor area in the rear half of the lot.

**Land Use Code Standard Proposed to be Modified:**

Land Use Code 4.9(D)(5):

*Allowable Floor Area on Rear Half of Lots. The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot.*

**Applicant's Justification for Modification #3:**

- *28% of the building is in the rear half of the lot*
- *Building is pushed as far north as possible to allow better sun access for the photovoltaic panels and maintaining an urban street edge*

**Staff Finding:**

The purpose of this standard is to maintain the historic development pattern of the East and Westside neighborhoods. Historically, most lots were long and narrow and contained large backyards with small out buildings. This standard prevents the rear portion of lots from being heavily developed in keeping with this development pattern.

The block of Mathews between Oak and Olive displays a development pattern atypical of the East and Westside neighborhoods. The block has a development pattern more akin to the Downtown area. None of the lots in this block have backyards. The rear halves of each lot contain either buildings or parking areas. Only one of the buildings (207 Mathews) would meet the current rear half floor area ratio requirements.



Given this context, the proposed building fits the established character of the block. Staff finds the proposed plan is equal to or better than a compliant plan.

**Modifications #s 4-6 Description:**

The applicant is seeking relief to a series of standards related to setbacks prescribed in the Neighborhood Conservation – Buffer District section. These standards include:

Section 4.9(D)(6)(b) – Dimensional Standards. Minimum front yard setback.  
Section 4.9(D)(6)(c) – Dimensional Standards. Minimum rear yard setback.  
Section 4.9(D)(6)(d) – Dimensional Standards. Minimum side yard width.

**Land Use Code Standards Proposed to be Modified:**

Land Use Code 4.9(D)(6)(b):

*Minimum front yard setback shall be fifteen (15) feet.*

Land Use Code 4.9(D)(6)(c):

*Minimum rear yard setback shall be five (5) feet from existing alley and fifteen (15) feet in all other conditions.*

Land Use Code 4.9(D)(6)(d):

*Minimum side yard width shall be five (5) feet for all interior side yards. Whenever any portion of a wall or building exceeds eighteen (18) feet in height, such portion of the wall or building shall be set back from the interior side lot line an additional one (1) foot, beyond the minimum required, for each two (2) feet or fraction thereof of wall or building height that exceeds eighteen (18) feet in height. Minimum side yard width shall be fifteen (15) feet on the street side of any corner lot.*

**Applicant's Justification for Modifications #4-6:**

- *The proposed setbacks fit into the context established along Oak and Mathews (criterion 1).*
- *The ground floor meets the rear yard setback requirement but the upper floors do not, which is a nominal and inconsequential difference (criterion 4).*
- *The building will anchor the corner and enhance the intrinsic value of Library Park (criterion 1).*
- *The windows will have more depth than typical buildings by virtue of being Net Zero, which is better than what would be provided in a regular building*

*(criterion 1).*

**Staff Finding:**

One of the principal issues with development on the lot in question is that it is a small lot on a corner in a zone district that requires generous setbacks. Of the 4,200 square feet of lot area, only 1,460 square feet or 35% of the lot area is developable with the setbacks required. None of the buildings along Mathews between Oak and Olive meet all of the setbacks currently required in the NCB zone district.

This block of Mathews is also unique in that the back of sidewalk is not the edge of right-of-way like it is in most of Fort Collins. The right-of-way extends almost five feet behind the sidewalk. This means that zero-lot line developments will still have nearly five feet of landscaping between the building and the sidewalk. This condition minimizes the looming effect of large structures to adjacent public spaces.

The effect of the setback requirements is that it creates a suburban style development pattern consistent with neighborhoods predominated by single-family detached homes. The context of this block, however, is one characterized by a mix of uses and building types more akin to a downtown setting. There are only two single-family detached homes on any of the block faces surrounding Living Oaks. Both homes in question are immediately to the west of Living Oaks and both are built to the property line along Oak St. as well as along the alley. The remaining buildings have varying setbacks that evoke an urban image. This block also has a built in buffer with Library Park located on the east side of Mathews St.

All of these factors make an urban-style development more appropriate. Staff finds that the modifications requested for 4.9(D)(6)(b)-(d) are all justified by criterion 1, in that the proposed development meets the intent of these code section better than a compliant plan given the context.

**Modification #7 Description:**

The applicant is seeking to have a roof pitch below the minimum pitch of 2:12.

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

Land Use Code 4.9(E)(1)(g):



**The minimum pitch of the roof of any building shall be 2:12 and the maximum pitch of the roof of any building shall be 12:12,** except that new, detached accessory buildings and additions to existing dwelling units may be constructed with a pitch that matches any roof pitch of the existing dwelling unit. Additionally, the roof pitch of a dormer, turret or similar architectural feature may not exceed 24:12 and the roof pitch of a covered porch may be flat whenever the roof of such a porch is also considered to be the floor of a second-story deck.

**Applicant's Justification for Modification #7:**

- Roof pitch is only slightly shallower than 2:12 requirement (1.85:12)
- Allows building to be one foot lower on the street side

**Staff Findings:**

The purpose of this standard is for new construction to have similar roof forms to the roof forms that predominate the East and Westside neighborhoods. While the proposed building has a shallow roof pitch, the photovoltaic panels provide a pitched element that tie into other buildings with pitched roofs nearby. Several buildings within a block of this project have flat roofs or roofs that would not comply with current standards. The building immediately to the south, 207 Mathews, has a Mansard style roof that would be non-compliant with today's zoning code. Three of the buildings on the north side of Oak between Remington and Mathews have flat roofs. The apartment building at 308 E Oak St also has a Mansard style roof that would be non-compliant today. Parkview Apartments, three buildings to the south of Living Oaks, also has a Mansard style roof that would not comply with this standard. Given the context and the photovoltaic panels that provide a pitched element to the roof, staff finds the proposed plan is equal to or better than a compliant plan.

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

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

A. Section 3.2.1 – Landscaping and Tree Protection

The proposed landscape plan is consistent with all landscaping and tree protection requirements. More specifically, the proposed landscape plan shows street trees planted in accordance with Section 3.2.1(D)(2). The applicant proposes to remove one existing tree to provide a curb cut onto Mathews St. The landscape plan shows mitigation for the removal of this tree in accordance with Section 3.2.1(F). The plantings proposed are low water use and contributes to visual quality and continuity between the other developments on Oak St. and Mathews St.

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

For multi-family residential, one bike parking space is required per bedroom with at least 60% provided in an enclosed space. The proposed development will contain 8 bedrooms, which will require a total of 8 bicycle parking spaces with 5 provided in an enclosed space. On the proposed site plan 12 bicycle parking spaces are shown. Each unit has a 3-space bike rack in the garage.

C. *Section 3.2.2(D) – Access and Parking Lot Requirements*

All vehicular use areas in any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system. The proposed access point leading to the garages meet these requirements by providing unobstructed access to vehicles, separating modes, and providing parking in an appropriate location off Mathews St.

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

All developments must be designed to accommodate active and/or passive solar installations and must not deny adjacent properties access to sunshine. The proposed building is designed and located to minimize the casting of shadows on adjacent properties and could accommodate future active and/or passive solar installations.

E. *Section 3.2.4 - Site Lighting*

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

F. *Section 3.4.7 – Historical Resources*

The project is located adjacent to the Laurel School Historic District. The Laurel School Historic District is listed on the National Register of Historic Places. Due to this historic designation, the property is subject to the requirements in 3.4.7 of the Land Use Code and review by the Landmark Preservation Commission (LPC). LPC reviewed this project and provided a final recommendation at their regular meeting on April 19, 2017. Historic Preservation staff and the LPC found the project to be in compliance with all elements of this section of the Land Use Code and recommended approval of the project.

G. *Section 3.5.1 - Building and Project Compatibility*

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

**Size, Height, Bulk, Mass and Scale**

Oak St. and Mathews St. both contain a wide range of structures with respect to size, height, bulk, mass, and scale. The context includes single-story, single-family detached homes, office buildings, a church, and a four-story townhome development. The age of the buildings range from the early 1900's up to buildings under construction currently. Stylistically, the area is eclectic without one dominant architectural style. Given the wide range of buildings, Living Oaks meets the standards of 3.5.1.

From a floor area ratio perspective, Living Oaks fits within the range of projects located along Oak St. and Mathews St. The proposed building height of 35 feet is shorter than the recently approved Townhomes at Library Park (47 feet) and 215 Mathews (38 feet), which are both located on the same block of Mathews St. The proposed building will also be 87 feet wide, which is in the range of building widths found along Oak and Mathews (26 feet – 93 feet wide).

Many of the details will break down the mass of the building, relate to other buildings in the area and provide a pedestrian scale. The proposed terracotta rain screen panels are 12 inches by 48 inches, which is similar to the dimensions of stone found on buildings in the area. Terra cotta is a modern interpretation of brick construction and will relate well with the existing brick structures in the area without being overly referential. The windows will be inset 6-7 inches, which will provide strong shadow lines.

All of the windows on the third floor will also have a header to relate to the fenestration pattern of nearby buildings. These details combine to create a building that is clearly of its own time while still relating to the various structures in the neighborhood at an appropriate scale.

**Outdoor Storage Areas/Mechanical Equipment**

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

**Operational/Physical Compatibility**

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

H. *Section 3.5.2(D) – Relationships of Dwellings to Streets and Parking*

Every front façade with a primary entrance to a dwelling unit shall face the adjacent street to the extent reasonably feasible. Each entry feature fronts onto Oak St. and connects directly to the sidewalk, satisfying this standard.

I. *Section 3.5.2(E) – Residential Setbacks, Lot Width and Size*

There is a conflict between the setbacks, lot width, and size requirements of this code section and the zone specific standards prescribed by Section 4.9 – Neighborhood Conservation, Buffer District. Since the Article 4 standards are more specific, the Article 4 standards prevail and Section 3.5.2(E) does not apply per Section 3.1.2.

J. *Section 3.6.6 – Emergency Access*

The proposal meets the standards for providing adequate access for emergency vehicles and emergency service providers as required in Chapter 9 of the City Code, which satisfies this code section.

3. **Compliance with Article 4 of the Land Use Code – Neighborhood Conservation, Buffer (NCB), Division 4.9:**

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

A. *Section 4.9(B)(2)(a) – Permitted Uses*

Multi-family dwellings up to 4 units per building constructed on a lot that contained a structure on October 25, 1991 in a street-fronting principal building is an allowed use subject to administrative review.

B. *Section 4.9(E)(1) – Building Design*

With the exception of 4.9(E)(1)(g), the proposed building is consistent with the pertinent elements of this section including walls being constructed parallel to side lot lines, building entries located along front walls, and overhangs.

C. *Section 4.9(E)(2)(a)(1) – Building Height*

The maximum height for all buildings except carriage houses is three stories. The proposed building is three stories.

5. **Recommendation from Landmark Preservation Commission**

Since this project is adjacent to the Laurel School Historic District and in close proximity to several locally designated landmarks, this proposal went to the Landmark Preservation Commission for a final recommendation on April 19, 2017. The members of the Landmark Preservation Commission voted 5-3 to recommend approval of the Living Oaks (attachment 6). Committee members found the proposed building does not adversely affect the historic integrity of the property and area of adjacency. Other considerations the commission noted included the project's:

- Traditional proportions and building modules
- Similar massing to historic context
- Historically scaled materials
- Historic window patterns
- Architectural forms similar to adjacent historic context
- Similar pedestrian scale to that of the area of adjacency

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

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

- A. The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Modification of Standard to Section 3.2.2(K)(1)(a) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- C. The Modification of Standard to Section 4.9(D)(1) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- D. The Modification of Standard to Section 4.9(D)(5) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- E. The Modification of Standard to Section 4.9(D)(6)(b) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- F. The Modification of Standard to Section 4.9(D)(6)(c) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- G. The Modification of Standard to Section 4.9(D)(6)(d) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.

- H. The Modification of Standard to Section 4.9(E)(1)(g) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted is equal to or better than a proposal that would meet the code.
- I. The Project Development Plan complies with relevant standards of Article 3 – General Development Standards, provided the modification to Section 3.2.2(K)(1)(a) is approved.
- J. The Project Development Plan complies with relevant standards located in Division 4.8 Neighborhood Conservation, Medium Density (NCM) of Article 4 – Districts, provided the modification to Sections 4.9(D)(1), 4.9(D)(5), 4.9(D)(6)(b), 4.9(D)(6)(c), 4.9(D)(6)(d), and 4.9(E)(1)(g) are approved.

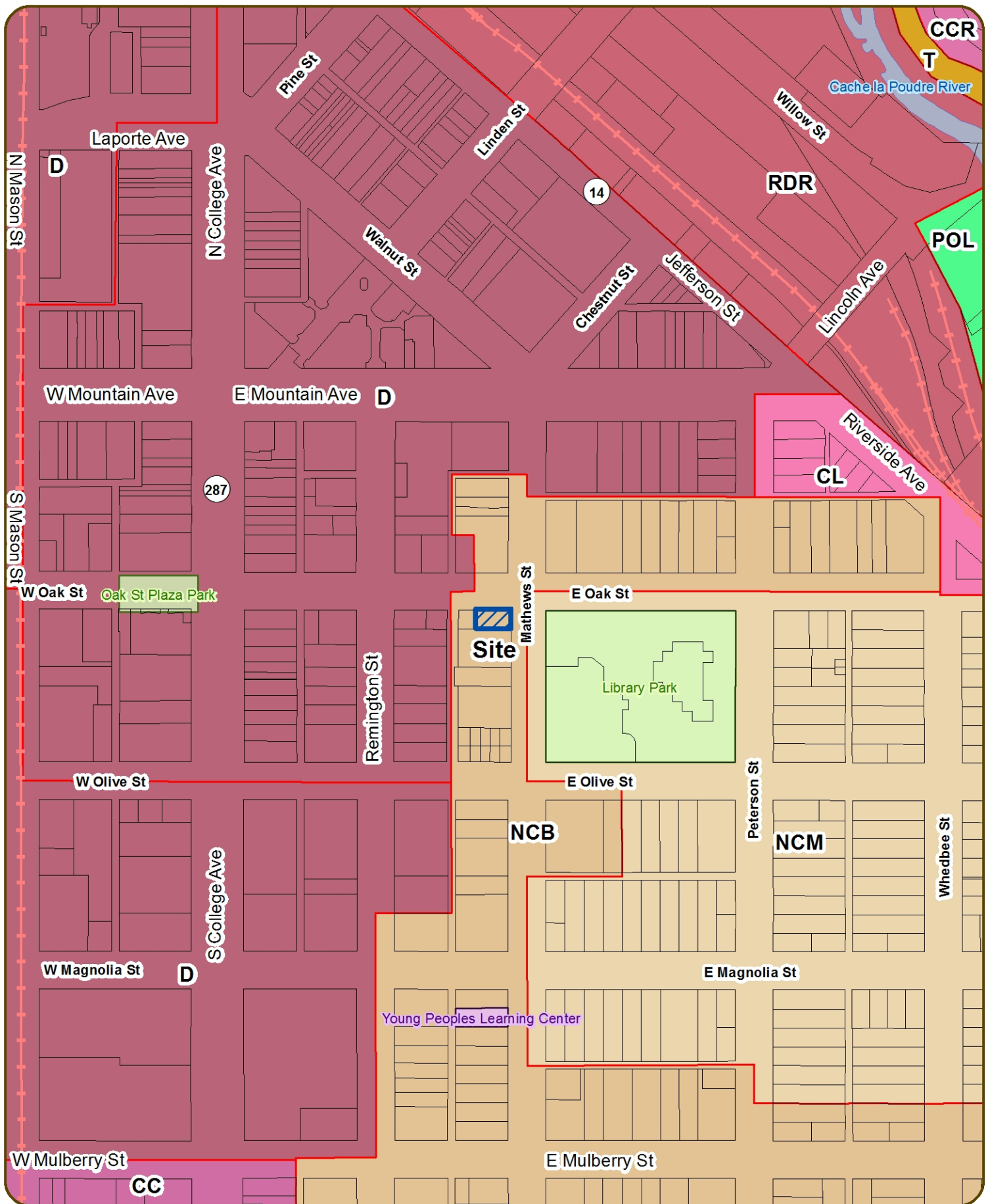
**RECOMMENDATION:**

Staff recommends approval of Living Oaks, PDP170009.

**ATTACHMENTS:**

- 1. Zoning & Site Vicinity Map
- 2. Applicant's Modification of Standard Requests
- 3. Living Oaks Planning Document Set (Site Plan, Landscape Plan, and Architectural Elevations)
- 4. Planning & Zoning Board Minutes – December 15, 2016
- 5. Walking Distance Exhibits for Living Oaks, The Summit, and College 830
- 6. Landmark Preservation Commission - April 19, 2017 Minutes - Excerpt for Living Oaks





1 inch = 333 feet

## Living Oaks Vicinity Map







## Modification of Standards Requests

### Living Oaks at 221 E. Oak Street

June 16, 2017

## Project Description

This is a request for six (6) modifications concurrently with a Project Development Plan (PDP) for 221 E. Oak Street. All six (6) modifications relate to the development standards in the Neighborhood Conservation Buffer (N-C-B) district.

The concurrent submittal for a PDP is a request to redevelop an existing, vacant lot into four (4) Net Zero Energy (NZE) condominium/townhomes of 2,300 SF each, or 9,200 GSF total. The building is three stories with photovoltaics on the of the roof. The project is registered with and will be certified as NZE by the International Living Futures Institute (ILFI) through the Living Building Challenge (LBC). <http://living-future.org>

## Context

The lot at the north east corner Oak and Mathews is non-conforming as it is less than 5,000 SF (92' x 50' yielding 4,600 SF). There is no alley access. The site is vacant, having formerly been an auto garage some 40 years ago. There are 3 orphan fuel tanks buried on the site that will have to be removed.

## The Public Good

The lot is an eyesore crying for development. The site is compromised because of its small size and lack of alley access. It has sat vacant for +8 years. This new proposed living building will add value to neighboring properties including the open space of Library Park. Upon completion, as a part of the educational requirement for certification with the Living Building Challenge, it will have an open house educating the public of the viability and desirability of the City of Fort Collins's sustainability goals.

## Land Use Code Standards Relating to the Five Modification Requests

Modification 1 - 4.9(D)(1) Density

Modification 2 - 4.9(D)(5) Allowable Floor Area on Rear Half of Lots.

Modification 3 - 4.9(D)(6)(b) Dimensional Standards. Minimum front yard setback.

Modification 4 - 4.9(D)(6)(c) Dimensional Standards. Minimum rear yard setback.

Modification 5- 4.9(D)(6)(d) Dimensional Standards. Minimum side yard width.

Modification 6-3.2.2(K)(1) Access, Circulation and Parking Alternative Compliance

## Land Use Code Modification Criteria

### Div. 2.8.2 (H)

*Step 8 (Standards): Applicable, and the decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:*

*(1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or*

*(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or*

*(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or*

*(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.*

*Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1),(2), (3) or (4).*

## Modification Criteria and Support Findings

### Modification 1-LUC 4.9(D)(1) Density

#### Standard:

*(1) Density . Minimum lot area shall be equivalent to the total floor area of the building(s), but not less than five thousand (5,000) square feet. For the purposes of calculating density, "total floor area" shall mean the total gross floor area of all principal buildings as measured along the outside walls of such buildings, including each finished or unfinished floor level, plus the total gross floor area of the ground floor of any accessory building larger than one hundred twenty (120) square feet, plus that portion of the floor area of any second story having a ceiling height of at least seven and one-half (7½) feet located within any such accessory building located on the lot. (Open balconies and basements shall not be counted as floor area for purposes of calculating density).*

**Proposal:**

The proposed total gross area for the building is 9,200 SF on a 4,600 SF lot, thus the proposed building exceeds the standard by 4,600 SF. We are requesting a 2:1 FAR instead of the standard of 1:1.

**Justification:**

We believe this increase in density is reasonable for the N-C-B zone which is intended as a transitional zone between the more dense Downtown district zone and the surrounding residential zones. In addition, there is recent precedence for this increased residential density in the N-C-B zone at the south end of the block at The Townhomes at Library Park which was granted the modification by individual townhome of 2.34-3.64:1 FAR. The modification of this standard would **not be detrimental to the public good in any way.**

**Modification 2-LUC 4.9(D)(5) Rear Half of Lots****Standard:**

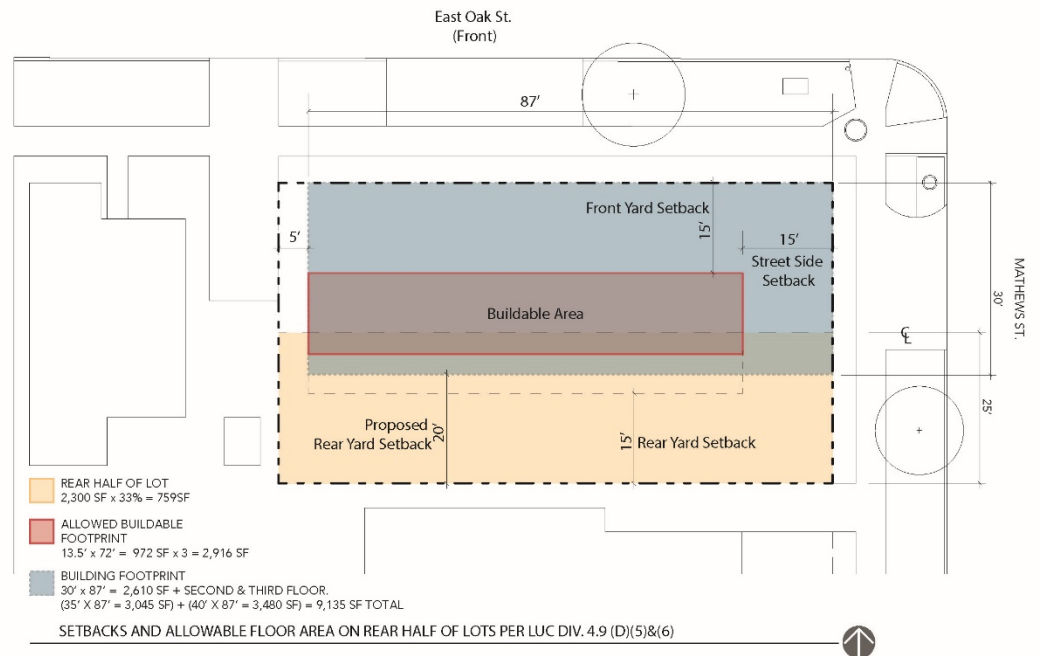
*(5) Allowable Floor Area on Rear Half of Lots. The allowable floor area on the rear half of a lot shall not exceed thirty-three (33) percent of the area of the rear fifty (50) percent of the lot.*

**Proposal:**

We propose to build 2,838 SF on the rear half of the lot although the standard only allows 759 SF with 1:1 density.

**Justification:**

The site is not economically developable to the level equal to the value of land in this district with this and the (1) Density and the other (6) Dimensional standards as the following diagram shows. The proposed building is pushed to zero lot line on the north (front) half of the lot for two reasons: Sun access for the photovoltaic panels and maintaining an urban street edge (discussed further in this document). Therefore, the square footage proposed in the rear half of the lot is only 28% of the total proposed 9,200 SF building. ( $2,610/9,200 = .284$ )



The Applicant believes the Modification proposed meets the standard **equally well or better** given the surrounding context.

### Modification 3 - 4.9(D)(6)(b) Dimensional Standards. Min. front yard setback.

#### Standard:

*(b) Minimum front yard setback shall be fifteen (15) feet.*

#### Proposal:

The proposed Oak Street facing front of building is at zero lot line setback except for entrances into the units which are 5'-6" back from property line.

#### Justification:

The building faces Oak Street which has zero lot line directly west of the alley, as well as across the street in the Downtown district. Therefore, to have a consistent urban condition along both sides of Oak would meet the standard **equally well or better** in this context.

**Modification 4 - 4.9(D)(6)(c) Dimensional Standards. Minimum rear yard setback.****Standard:**

*(c) Minimum rear yard setback shall be five (5) feet from existing alley and fifteen (15) feet in all other conditions.*

**Proposal:**

The majority of the proposed building is set back fifteen (15) feet from the rear property line. The first floor is twenty (20) feet, the second floor is fifteen (15) feet (excluding balconies), and the third is ten (10) feet.

**Justification:**

Because this lot is under 5,000 SF and on a corner, getting a footprint to work within the existing LUC for N-C-B zone is a challenge, especially for a Net Zero Energy building. Floors one and two of the building comply with the standard, but the third floor is 66% over the required fifteen (15) feet for two reasons: to house photovoltaics on the roof and to maximize the efficiency of the unit. The Applicant believes the Modification proposed affects the standard in a **nominal and inconsequential way**.

**Modification 5 - 4.9(D)(6)(d) Dimensional Standards. Min. side yard width.****Standard:**

*(d) Minimum side yard width shall be five (5) feet for all interior side yards. Whenever any portion of a wall or building exceeds eighteen (18) feet in height, such portion of the wall or building shall be set back from the interior side lot line an additional one (1) foot, beyond the minimum required, for each two (2) feet or fraction thereof of wall or building height that exceeds eighteen (18) feet in height. Minimum side yard width shall be fifteen (15) feet on the street side of any corner lot.*

**Proposal:**

We propose to modify the corner side (east) yard setback to have a zero lot line setback at Mathews Street, and to modify the incremental setback required at eighteen (18) feet for both the interior side and the corner side face. The west side of the building complies with the standard for the setback of five (5) feet at the interior side yard.

**Justification:**

The N-C-B district is a transition district and that being, this lot, on the edge of the Downtown district, more closely resembles the urban scale and setbacks of that zone. The building is proposed at zero lot line at the Mathews Street (as well as Oak Street; see previous Modification 3) so as to anchor the corner. In this way, the proposed building is contextual with both the south end of this block, the Townhomes at Library Park, and the north corner of



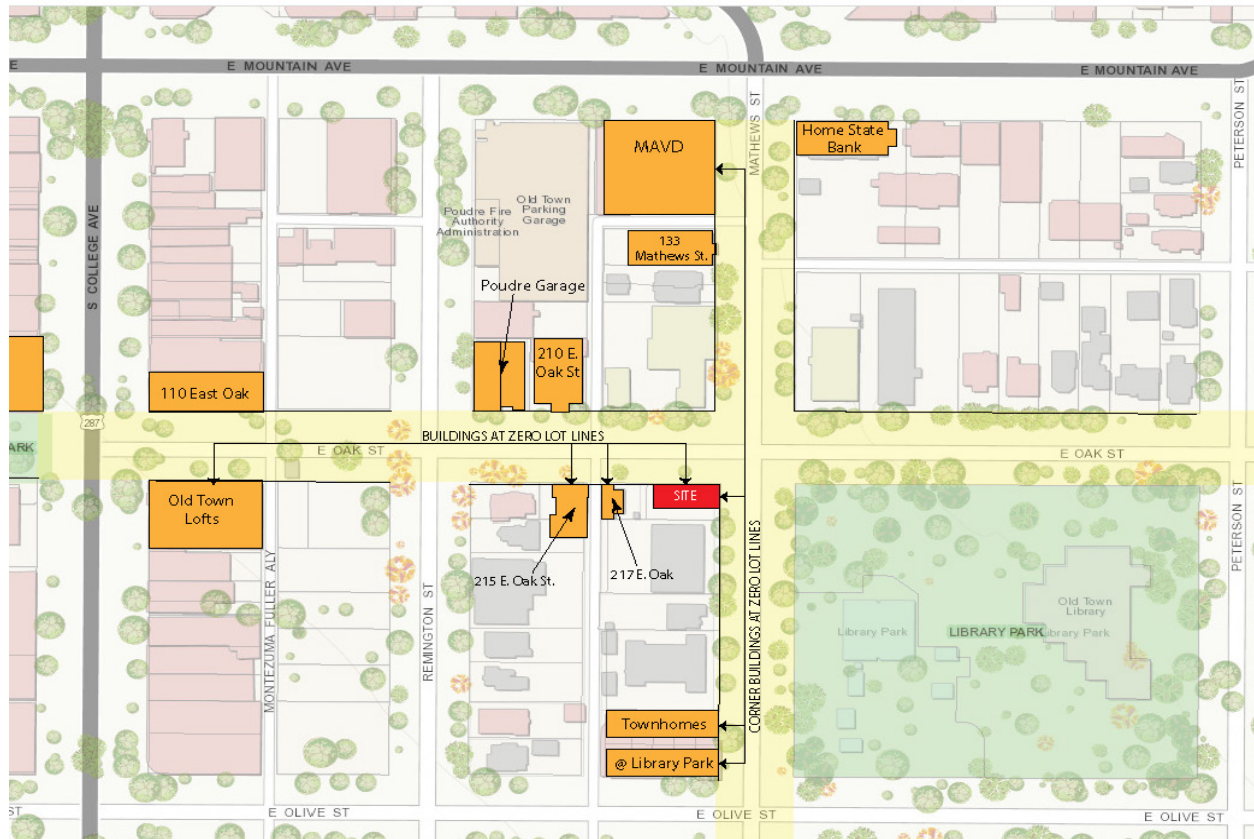
the next block, the MAVD. (The corner directly across is a future redevelopment site and one would assume it would also request zero lot line.)

In addition, from an urban design perspective, establishing the block face and framing the open space of Library Park boosts the intrinsic value for pedestrians. See diagrams that follow.

For the second part of this standard, our justification for not setting back the façade on the sides at increments above 18' is related to the scale and the massing of the Downtown zone. Like many of the urban store front buildings in Downtown, the proposed project is a simply articulated form to meet the constraints of the small site. Being a block away from the Downtown zone, we believe this is a contextual response to have an unfettered, vertical block face and is the future of development of this area.

Our proposal is also rooted in necessity; a Net Zero Energy building requires a very efficient envelope that has restrained articulation to minimize the potential for air leakage. However, the project has six (6) inch deep window openings and balcony railings to create contrast, as well as visually transparent, pedestrian friendly street façade. The building skin is also visually compelling and composed of a high quality terracotta material similar to modern brick.

The Applicant believes this modification would meet the standard **equally well or better** in this context and would **not be detrimental to the public good in any way**.



Existing Buildings with 0' lot setback  
facing Oak and Mathews Streets



Proposed Building Footprint - 0' lot setback  
facing Oak and Mathews Street



Neighborhood Setback Diagram





### Modification 6-3.2.2(K)(1) Access, Circulation and Parking Alternative

**Compliance** (\*note: This project was granted a Stand Alone Modification Request for car share, off-site parking, and transit passes on December 15, 2016. However, the size of the project was reduced from 6 units to 4, hence the inclusion for a Modification in this document.)

#### Standard

*Per Land Use Code 3.2.2 (K)(1) multi-family residential parking requirements are 1.75/two bedroom unit, or in the TOD 1.0/two bedroom unit.*

#### Proposal:

The required parking for multi-family projects per LUC 3.2.2 (K) stated above, would result in seven (7) required on-site parking spaces for this project ( $1.75 \times 4 = 7$ ). The applicant proposes to meet this requirement by providing one electric carshare vehicle onsite (per TOD standards, 1 careshare = 5 spaces), and four (4) parking spaces (one



per unit) reserved in the Old Town Garage to be managed by the Living Oaks HOA, and two (2) transit passes per unit. In addition, the project is providing six (6) new on street parking spaces by closing the existing 35' wide curb cut on Oak Street. The modification of this standard would not be detrimental to the public good in any way.

The Applicant believes the Modification proposal meets three of the four LUC Modification Criteria.

### Justification 1:

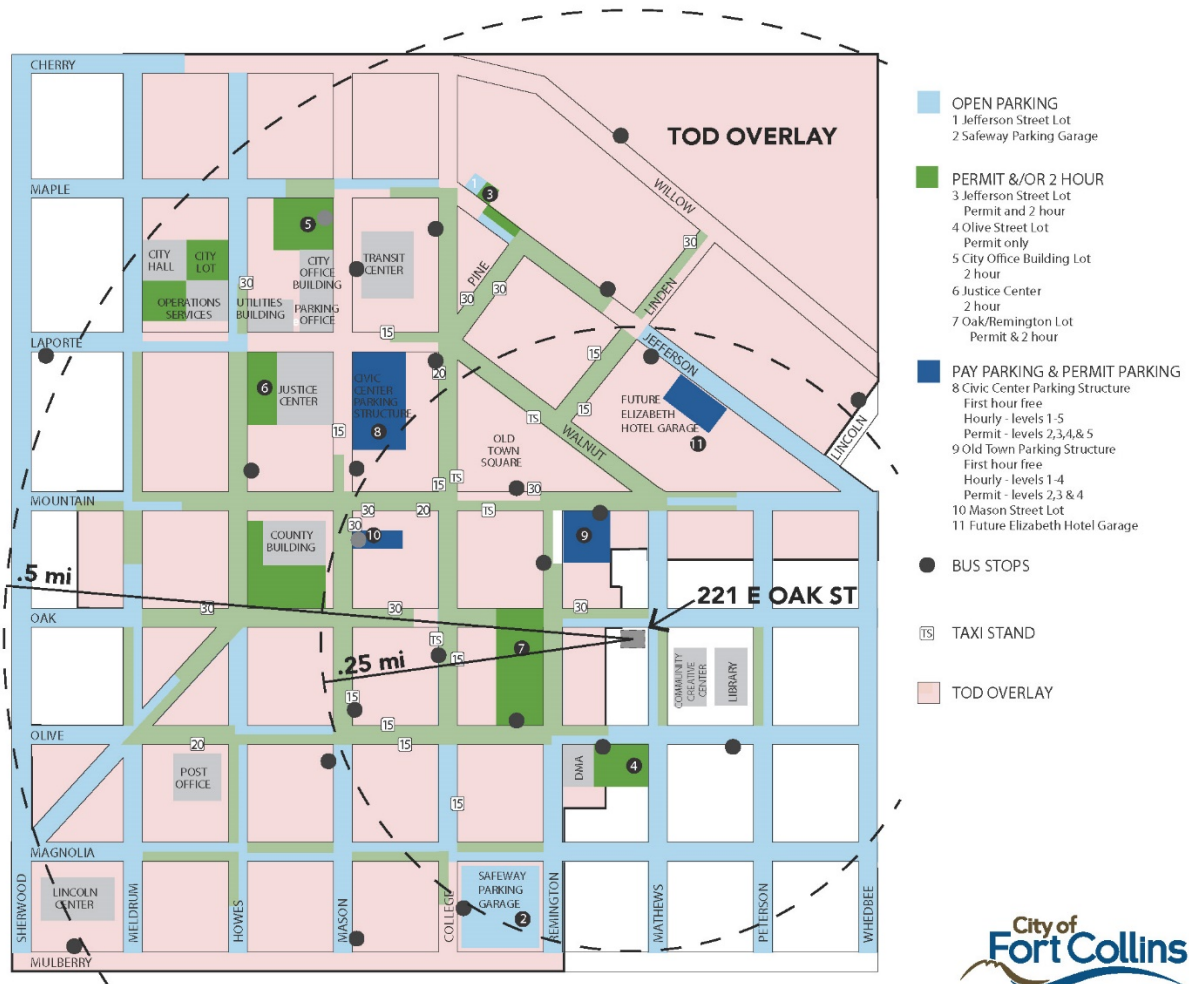
*(1) the plan as submitted will promote the general purpose of the standard for which the modification is requested **equally well or better** than would a plan which complies with the standard for which a modification is requested;*

N-C-B zone district is intended as a transitional zone, but because this property is on both the north and west edge of the Downtown District and the Transit Oriented Development (TOD) district, it resembles the character and intensity of those areas more closely. According to the Transit Oriented Development Institute, the definition of a TOD is "compact, walkable, mixed-use communities centered around transportation nodes reachable in a 10 minute walk or within ½ of a mile." Although the site is just outside the Fort Collins TOD, it is within a ¼ of a mile of the Mason Transit Corridor as the graphic below shows. Listed below, also from the Transit Oriented Development Institute, are other typical TOD characteristics:

- Walkable design with pedestrians as the highest priority
- A regional node containing a mixture of uses in close proximity (office, residential, retail, civic)
- Moderate to High density, walkable district within 10-minute walk (.5 mile) circle surrounding transit corridor
- Designed to include the easy use of bicycles and scooters as daily support transport
- Reduced and managed parking inside 10-minute walk circle around town center/ transit station

The applicant believes that this project **is** a Transit Oriented Development even if not within the overlay boundaries.

In addition, if as a community, we are dedicated to making Fort Collins an exemplary environment for pedestrians and bicyclists, we need to encourage parking in centralized parking structures. There are 3 garages within ¼ mile (5 min walk) that offer permit parking (875 spaces) and two lots (224) within a 5 minute walk, and another 904 car garage within a 10 minute walk (.5 mile) for a total of 2,003 spaces. Also shown on map below.



## Justification 2:

(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's **Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council**, and the strict application of such a standard would render the project practically infeasible;

The applicant believes this project supports City of Fort Collins Comprehensive Plan and the City of Fort Collins 2016 Strategic Plan objectives. According to City Manager, Darin Atteberry, the plan is our "roadmap to achieve the City's vision of providing world-class municipal service through operational excellence and a culture of innovation." Listed here are several objectives directly from the 2016 Strategic Plan that this project addresses:

## Neighborhood Livability & Social Health

### 1.1 Improve access to a broad range of quality housing that is safe, accessible and affordable.

Retirees or couples who are downsizing, or professionals who work in downtown are part of the target market of this project. These population groups have been a driving factor in the desire for more walkable, less car-centric communities, according to research presented in the book, Walkable City, by Jeff Speck.

### 1.5 Guide development compatible with community expectations through appropriate planning, annexation, land use, historical preservation and development review processes.

The proposed project is following the city review processes, helping the city to break new ground in supporting modern sustainable infill development within the existing urban fabric. The project is accepted into the Integrated Design Assist Program (IDAP) implemented by the City of Fort Collins Utilities Program that will assist with maximizing energy efficiency.

### 1.6 Improve neighborhood parking and traffic issues.

A key element of the Living Oaks project is to minimize parking requirements. Part of our proposal is geared to encourage residents to utilize the long-term lease in the Old Town Garage, which is included in the sale. In addition to the four garage spots, we have added six on street spaces on Oak Street. Secure bike storage racks for tenants is available inside the units.

## **Economic Health**

### 3.5 Foster sustainable infill and redevelopment.

Living Oaks is a net zero energy project. This development could become a demonstration for the city's sustainable development initiative. It incorporates geothermal and solar energy and encourages residents to reduce dependency on individual cars. In addition to raising the bar for the possibilities of "green and clean" living, the project entails an environmental cleanup of an urban site that contains buried fuel tanks and possibly contaminated soil. The city has an opportunity to show future developers the preferred direction of sustainable development.

## **Environmental Health**

### 4.1 Achieve Climate Action Plan (CAP) goals by reducing greenhouse gases (GHGs).

Living Oaks will have substantially lower greenhouse gas emission than most, if not all, buildings in Fort Collins. It is expected that there will be no emissions after construction is complete as all power is from on-site PV's.

4.3 Engage citizens in ways to educate and encourage behaviors toward more sustainable living practices.

By its presence, Living Oaks is an illustration of the possibilities of sustainable development. The building is an example of how multiple sources of green design can be utilized together to increase efficiency, and how small lifestyle changes of individual residents (i.e. sharing a car or eschewing one all together) can make a difference, especially when the building is designed to make those lifestyle choices easier.

4.5 Work towards long term net zero energy goals within the community and the City organization using a systems approach.

Living Oaks is a net zero energy project, a direct contributor and forerunner to achieving these goals. The project is utilizing the Integrated Design Assist Program (IDAP) implemented by the City to maximize energy efficiency and increase transparency to City requirements.

4.9 Meet all regulatory requirements while supporting programs that go beyond compliance.

As a net zero energy building, Living Oaks goes far beyond compliance. It embodies a "higher and/or best use" of the property, with requested variances in order to maximize this use. Regulatory requirements by their nature do not always facilitate innovation, based as they are on past uses and abuses. By meeting the spirit of the requirements and pushing the envelope on sustainability, Living Oaks is an invitation for the City to review the requirements and adjust for the future.

**Justification 4:**

*(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in **Section 1.2.2.***

The applicant believes this project is consistent with the purposes of the LUC laid out in Section 1.2.2.

B) encouraging innovations in land development and renewal.

(C) fostering the safe, efficient and economic use of the land, the city's transportation infrastructure, and other public facilities and services.

(F) encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.

(G) increasing public access to mass transit, sidewalks, trails, bicycle routes and other

alternative modes of transportation.

(H) reducing energy consumption and demand.

(I) minimizing the adverse environmental impacts of development.

(J) improving the design, quality and character of new development.

(K) fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all.

(L) encouraging the development of vacant properties within established areas.

(M) ensuring that development proposals are sensitive to the character of existing neighborhoods.

(O) encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages and abilities.



## Modification of Standards Request/ADDENDEUM

### Living Oaks at 221 E. Oak Street

June 21, 2017

#### Land Use Code Standard Relating to Modification

##### 4.9(E)(g) Roof Pitch

#### Land Use Code Modification Criteria

Div. 2.8.2 (H)

*Step 8 (Standards): Applicable, and the decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:*

*(1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or*

*(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or*

*(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or*

*(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.*

*Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1),(2), (3) or (4).*

#### Standard:

**(g)** *The minimum pitch of the roof of any building shall be 2:12 and the maximum pitch of the roof of any building shall be 12:12...*

#### Proposal:



We propose to have a roof with greater than or equal to 8.75 degrees, which is just shy of 2:12 pitch. (1.85/12) The roof area is 75% pitched with solar panels, and 25% flat with parapet on the main street elevation.

**Justification:**

Our goal in this design was to allow for solar efficacy, but also mitigate the building height and view of solar panels from the street. We are only slightly deviated from the standard of 2:12, but the deviation in slope allows the building to be (1) one foot lower on the street side which makes the building fit into the context better. Therefore, we believe this compromise meets the standard **equally well or better** (justification 1) in the Old Town context.



SITE AREA MAP



GENERAL LAND USE DATA

EXISTING ZONING SUB AREA  
EXISTING PARCEL SIZE  
EXISTING LAND USE  
PROPOSED LAND USE  
MAXIMUM PROPOSED BUILDING HEIGHT

NEIGHBORHOOD CONSERVATION, BUFFER DISTRICT (NCB)  
4,608 S.F.  
VACANT  
RESIDENTIAL, ATTACHED SINGLE FAMILY TOWNHOMES  
3 STORIES, 35' TOP OF PARAPET, 39'-8" TOP OF PV ARRAY

PROPOSED PROJECT LAND USE DATA

PROPERTY LIMIT IMPROVEMENTS	SITE AREA (AC.)	SITE AREA (S.F.)	%TOTAL
BUILDING COVERAGE	.06	2,587	56%
PERMEABLE PAVERS	.03	1,101	24%
STANDARD CONCRETE PAVERS	.01	727	15%
LANDSCAPE AREA (TURF & SHRUB BEDS)	.007	208	5%
ACTIVE RECREATIONAL USE	N/A	N/A	N/A
RIGHT-OF-WAY IMPROVEMENTS			
LANDSCAPE AREA (TURF, SHRUBS)	0.01	463	
CONCRETE SIDEWALK/PAVERS	0.03	1,439	

PROPOSED BUILDING FLOOR AREA DATA

NAME	STATUS	AREA	LAND USE
ATTACHED SINGLE FAMILY TOWNHOMES	NEW CONSTRUCTION	2,587 SF (GROSS)	RESIDENTIAL
OVERALL BUILDING SQUARE FOOTAGE		9,200 SF	
BUILDING FLOOR AREA REAR HALF OF THE LOT (FROM OAK ST.)		2,610 SF 88% (SEE MODIFICATION REQUEST)	
MAXIMUM FLOOR AREA ALLOWED IN REAR HALF OF LOT PER NCB ZONE DISTRICT		759 SF 33%	
FLOOR AREA RATIO (FAR)	= 2.0		

DENSITY CALCULATIONS

GROSS DENSITY  
TOTAL DWELLING UNITS = 4 (2 BEDROOMS EACH)  
TOTAL GROSS ACREAGE = 0.106 AC  
GROSS DENSITY = 37.7 UNITS/ACRE

VEHICLE PARKING DATA

TYPE OF PARKING COMPONENT	COUNT
4 PARKING SPACES WILL BE PROVIDED IN THE OLD TOWN PARKING STRUCTURE FOR RESIDENTS	4
ONE ELECTRIC VEHICLE CAR SHARE (ONE CAR SHARE SPACE = 5 PARKING SPACES)	5

TOTAL NEW SPACES

9 SPACES

BICYCLE PARKING DATA

TYPE OF PARKING COMPONENT	COUNT
INDOOR BICYCLE PARKING	3 BIKE CAPACITY RACK/UNIT

CITY OF FORT COLLINS STANDARD SITE PLAN NOTES

- THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS. AMENDMENTS TO THE PLANS MUST BE REVIEWED AND APPROVED BY THE CITY PRIOR TO THE IMPLEMENTATION OF ANY CHANGES TO THE PLANS.
- REFER TO FINAL UTILITY PLANS FOR EXACT LOCATIONS AND CONSTRUCTION INFORMATION FOR STORM DRAINAGE STRUCTURES, UTILITY MAINS AND SERVICES, PROPOSED TOPOGRAPHY, STREET IMPROVEMENTS.
- ALL ROOFTOP AND GROUND MOUNTED MECHANICAL EQUIPMENT MUST BE SCREENED FROM VIEW FROM ADJACENT PROPERTY AND PUBLIC STREETS. IN CASES WHERE BUILDING PARAPETS DO NOT ACCOMPLISH SUFFICIENT SCREENING, THEN FREE-STANDING SCREEN WALLS MATCHING THE PREDOMINANT COLOR OF THE BUILDING SHALL BE CONSTRUCTED. OTHER MINOR EQUIPMENT SUCH AS CONDUIT, METERS AND PLUMBING VENTS SHALL BE SCREENED OR PAINTED TO MATCH SURROUNDING BUILDING SURFACES.
- ALL CONSTRUCTION WITH THIS DEVELOPMENT PLAN MUST BE COMPLETED IN ONE PHASE UNLESS A PHASING PLAN IS SHOWN WITH THESE PLANS.
- ALL EXTERIOR LIGHTING PROVIDED SHALL COMPLY WITH THE FOOT-CANDLE REQUIREMENTS IN SECTION 3.2.4 OF THE LAND USE CODE AND SHALL USE A CONCEALED, FULLY SHIELDED LIGHT SOURCE WITH SHARP CUT-OFF CAPABILITY SO AS TO MINIMIZE UP-LIGHT, SPILL LIGHT, GLARE AND UNNECESSARY DIFFUSION.
- SIGNAGE AND ADDRESSING ARE NOT PERMITTED WITH THIS PLANNING DOCUMENT AND MUST BE APPROVED BY SEPARATE CITY PERMIT PRIOR TO CONSTRUCTION. SIGNS MUST COMPLY WITH CITY SIGN CODE UNLESS A SPECIFIC VARIANCE IS GRANTED BY THE CITY.
- ALL SIDEWALKS AND RAMPS MUST CONFORM TO CITY STANDARDS. ACCESSIBLE RAMPS MUST BE PROVIDED AT ALL STREET AND DRIVE INTERSECTIONS AND AT ALL DESIGNATED ACCESSIBLE PARKING SPACES. ACCESSIBLE PARKING SPACES MUST SLOPE NO MORE THAN 1:48 IN ANY DIRECTION. ALL ACCESSIBLE ROUTES MUST SLOPE NO MORE THAN 1:20 IN DIRECTION OF TRAVEL AND WITH NO MORE THAN 1:48 CROSS SLOPE.
- ANY DAMAGED CURB, GUTTER AND SIDEWALK EXISTING PRIOR TO CONSTRUCTION, AS WELL AS STREETS, SIDEWALKS, CURBS AND GUTTERS, DESTROYED, DAMAGED OR REMOVED DUE TO CONSTRUCTION OF THIS PROJECT, SHALL BE REPLACED OR RESTORED TO CITY OF FORT COLLINS STANDARDS AT THE DEVELOPER'S EXPENSE PRIOR TO THE ACCEPTANCE OF COMPLETED IMPROVEMENTS AND/OR PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

CITY OF FORT COLLINS STANDARD STREET TREE NOTES

- A PERMIT MUST BE OBTAINED FROM THE CITY FORESTER BEFORE ANY TREES OR SHRUBS AS NOTED ON THIS PLAN ARE PLANTED, PRUNED OR REMOVED IN THE PUBLIC RIGHT-OF-WAY. THIS INCLUDES ZONES BETWEEN THE SIDEWALK AND CURB, MEDIANS AND OTHER CITY PROPERTY. THIS PERMIT SHALL APPROVE THE LOCATION AND SPECIES TO BE PLANTED. FAILURE TO OBTAIN THIS PERMIT IS A VIOLATION OF THE CITY OF FORT COLLINS CODE SUBJECT TO CITATION (SECTION 27-31) AND MAY ALSO RESULT IN REPLACING OR RELOCATING TREES AND A HOLD ON CERTIFICATE OF OCCUPANCY.
- CONTACT THE CITY FORESTER TO INSPECT ALL STREET TREE PLANTINGS AT THE COMPLETION OF EACH PHASE OF THE DEVELOPMENT. ALL MUST BE INSTALLED AS SHOWN ON THE LANDSCAPE PLAN. APPROVAL OF STREET TREE PLANTING IS REQUIRED BEFORE FINAL APPROVAL OF EACH PHASE.
- STREET LANDSCAPING, INCLUDING STREET TREES, SHALL BE SELECTED IN ACCORDANCE WITH ALL CITY CODES AND POLICIES. ALL TREE PRUNING AND REMOVAL WORKS SHALL BE PERFORMED BY A CITY OF FORT COLLINS LICENSED ARBORS WHERE REQUIRED BY CODE. STREET TREES SHALL BE SUPPLIED AND PLANTED BY THE DEVELOPER USING A QUALIFIED LANDSCAPE CONTRACTOR.
- THE DEVELOPER SHALL REPLACE DEAD OR DYING STREET TREES AFTER PLANTING UNTIL FINAL MAINTENANCE INSPECTION AND ACCEPTANCE BY THE CITY OF FORT COLLINS FORESTRY DIVISION. ALL STREET TREES IN THE PROJECT MUST BE ESTABLISHED, WITH AN APPROVED SPECIES AND OF ACCEPTABLE CONDITION PRIOR TO ACCEPTANCE.
- SUBJECT TO APPROVAL BY THE CITY FORESTER -- STREET TREE LOCATIONS MAY BE ADJUSTED TO ACCOMMODATE DRIVEWAY LOCATIONS, UTILITY SEPARATIONS BETWEEN TREES, STREET SIGNS AND STREET LIGHTS. STREET TREES TO BE CENTERED IN THE MIDDLE OF THE LOT TO THE EXTENT FEASIBLE. QUANTITIES SHOWN ON PLAN MUST BE INSTALLED UNLESS A REDUCTION IS APPROVED BY THE CITY TO MEET SEPARATION STANDARDS.

DAVIS DAVIS  
ARCHITECTS

141 South College Ave.  
Ste. 102  
Fort Collins  
Colorado  
80524  
970 . 482 . 1827

LIVING OAKS

221 East Oak Street, Fort Collins, CO

DESIGN DRAWING:  
NOT FOR CONSTRUCTION

SET ISSUE  
PERMIT SET (TO BE  
ISSUED)  
6.30.17

PDP SUBMITTAL #2  
3.22.17

PDP SUBMITTAL  
2.21.17

SHEET ISSUE  
REVISION  
DATE  
DRIVEWAY GATE 6.15.17

Revision Date 06/19/17  
Project number OAKS  
Drawn by KB, CJ  
Checked by LD, BD

Site Plan

LS100

Scale As Noted

6/19/2017 11:06:46 AM

SITE  
1/8" = 1'-0"



CITY OF FORT COLLINS STANDARD STREET TREE NOTES

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3. STREET LANDSCAPING, INCLUDING STREET TREES, SHALL BE SELECTED IN ACCORDANCE WITH ALL CITY CODES AND POLICIES. ALL TREE PRUNING AND REMOVAL WORKS SHALL BE PERFORMED BY A CITY OF FORT COLLINS LICENSED ARBORS WHERE REQUIRED BY CODE.STREET TREES SHALL BE SUPPLIED AND PLANTED BY THE DEVELOPER USING A QUALIFIED LANDSCAPE CONTRACTOR.
4. THE DEVELOPER SHALL REPLACE DEAD OR DYING STREET TREES AFTER PLANTING UNTIL FINAL MAINTENANCE INSPECTION AND ACCEPTANCE BY THE CITY OF FORT COLLINS FORESTRY DIVISION. ALL STREET TREES IN THE PROJECT MUST BE ESTABLISHED, WITH AN APPROVED SPECIES AND OF ACCEPTABLE CONDITION PRIOR TO ACCEPTANCE.
5. SUBJECT TO APPROVAL BY THE CITY FORESTER --- STREET TREE LOCATIONS MAY BE ADJUSTED TO ACCOMMODATE DRIVEWAY LOCATIONS, UTILITY SEPARATIONS BETWEEN TREES, STREET SIGNS AND STREET LIGHTS. STREET TREES TO BE CENTERED IN THE MIDDLE OF THE LOT TO THE EXTENT FEASIBLE. QUANTITIES SHOWN ON PLAN MUST BE INSTALLED UNLESS A REDUCTION IS APPROVED BY THE CITY TO MEET SEPARATION STANDARDS.

LANDSCAPE LEGEND:



LANDSCAPE NOTES:

1. ALL WORK SHALL CONFORM TO LOCAL CITY CODES. ALL LANDSCAPING AND PLANTS TO BE LOCATED NOT TO INTERFERE WITH EXISTING OR PROPOSED UTILITIES. CONTRACTOR SHALL VERIFY LOCATION OF ALL UNDERGROUND UTILITIES, LINES AND STRUCTURES PRIOR TO EXCAVATION OR TRENCHING. DAMAGE TO THESE UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT NO COST TO THE OWNER OR LANDSCAPE ARCHITECT.
2. ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH AAN (AMERICAN ASSOCIATION OF NURSERYMEN) SPECIFICATIONS FOR NUMBER ONE GRADE.
3. PLANT QUANTITIES SHOWN FOR INFORMATION PURPOSES ONLY, CONTRACTOR TO VERIFY ALL QUANTITIES.
4. ALL TREE AND SHRUB LOCATIONS SHALL BE STAKED BY CONTRACTOR AND APPROVED BY LANDSCAPE ARCHITECT.
5. PLANT SUBSTITUTIONS WILL NOT BE PERMITTED WITHOUT APPROVAL FROM LANDSCAPE ARCHITECT.
6. PLANTS SHALL BE INSTALLED IMMEDIATELY UPON DELIVERY TO SITE, IF THIS IS NOT POSSIBLE, PLANTS SHALL BE HEELED IN AND WATERED TO PREVENT DEHYDRATION.
7. 6" SOIL MIX CONSISTING OF 20% ORGANIC COMPOST, 20% ORGANIC PEAT & 60% TOPSOIL SHALL BE TILLED IN TO ALL SHRUB BEDS.
8. INSTALL 4" DEPTH OF ORGANIC WOOD MULCH IN ALL PLANTING AREAS.
9. NO TREES SHALL BE PLANTED WITHIN 10' OF WATER AND SEWER MAINS OR WITHIN 6' OF SERVICE LINES. NO SHRUBS SHALL BE PLANTED WITHIN 4' OF WATER AND SEWER MAINS OR SERVICE LINES.

LANDSCAPE SCHEDULE

QUANTITY	SYMBOL	BOTANIC NAME	COMMON NAME	SIZE	HEIGHT	SPREAD
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DECIDUOUS TREES

2		QUERCUS BUCKLEYI	TEXAS RED OAK	3" CAL./B&B	60-75'	50-60'
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7		JUNIPERUS SCOPULORUM 'SKYROCKET'	SKYROCKET JUNIPER	2" CAL./B&B	15'-20'	3'-4'
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ORNAMENTAL GRASSES

39		MUHLENBERGIA REVERCHONII	UNDAUNTED MUHLY GRASS	1 GAL.	15"-18"	18"-24"
56		SCHIZACHYRIUM SCOPARIUM	'PRAIRIE BLUES' LITTLE BLUESTEM	1 GAL.	2'-3'	2'
6		MISCANTHUS SINENSIS 'YAKUSHIMA' DWARF	MAIDEN GRASS	1 GAL.	3-4'	3'-4'
12		NASSELLA TENUISSIMA	MEXICO FEATHERGRASS	1 GAL.	12"-24"	20"-24"

PERENNIALS

8		ACHILLEA X 'MOONSHINE'	MOONSHINE YARROW	1 GAL.	24-30"	18-24"
9		AGASTACHE CANA 'SINNING'	SONORAN SUNSET HYSSOP	1 GAL.	15"	15"
12		ARTEMISIA VERSICOLOR 'SEA FOAM'	SEA FOAM SAGE	1 GAL.	10"	20"
12		RUDBECKIA HIRTA	BLACK-EYED SUSAN	1 GAL.	24-36"	12-24"
IVY 61		PASSIFLORA INCARNATA	PASSION FLOWER	1 GAL.		

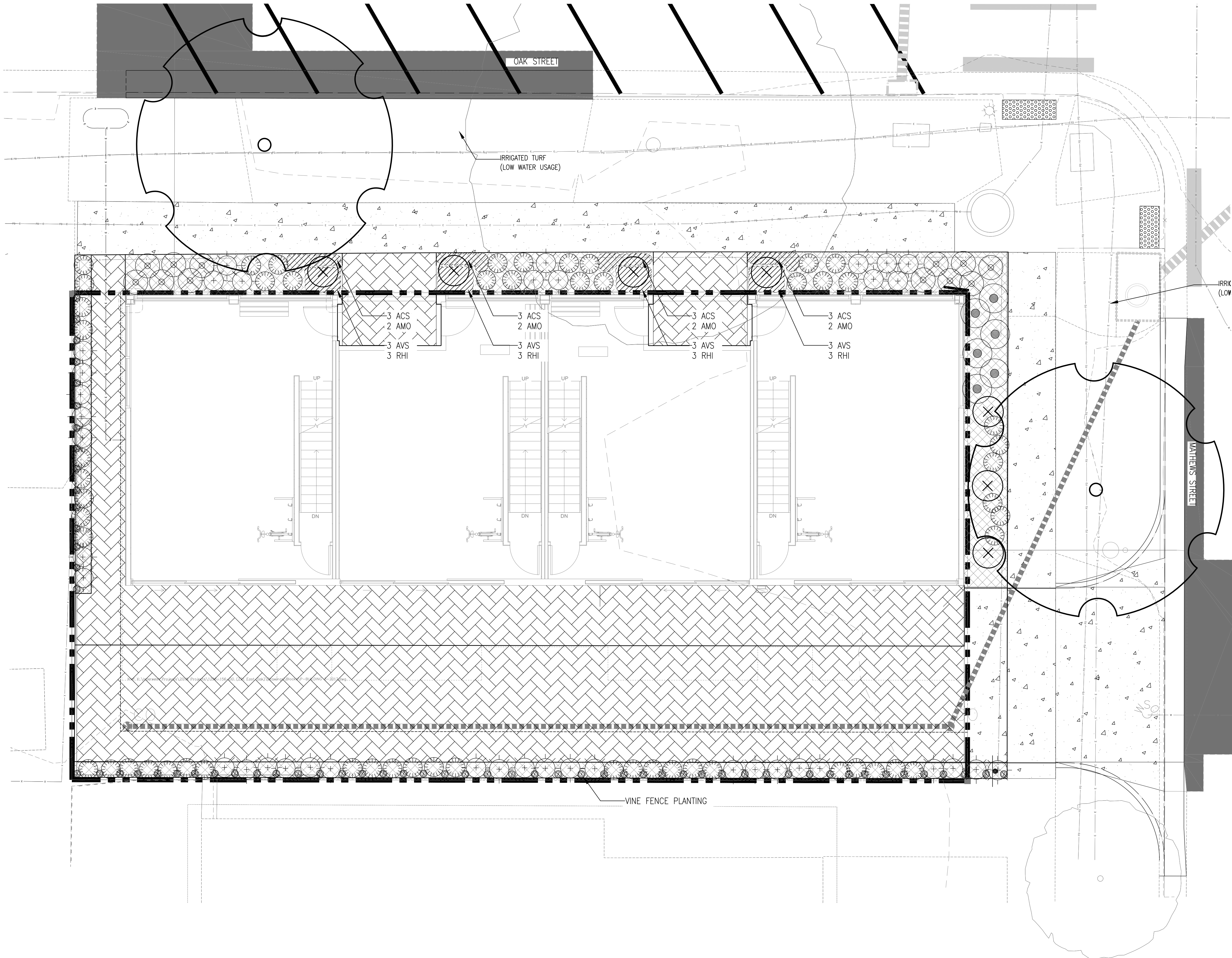


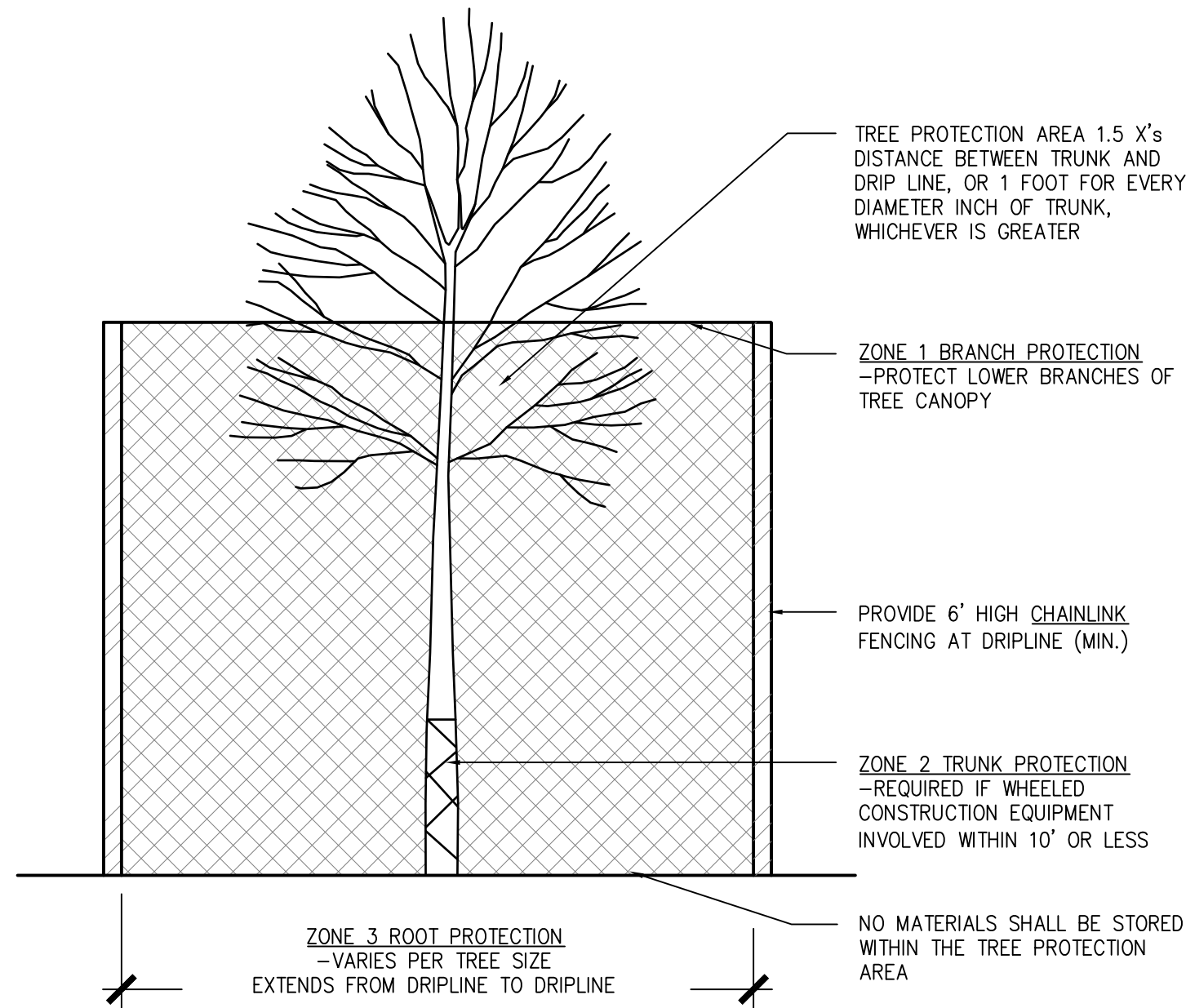
LANDSCAPE LEGEND:

4" DEPTH SHREDDED CEDAR MULCH

LANDSCAPE NOTES:

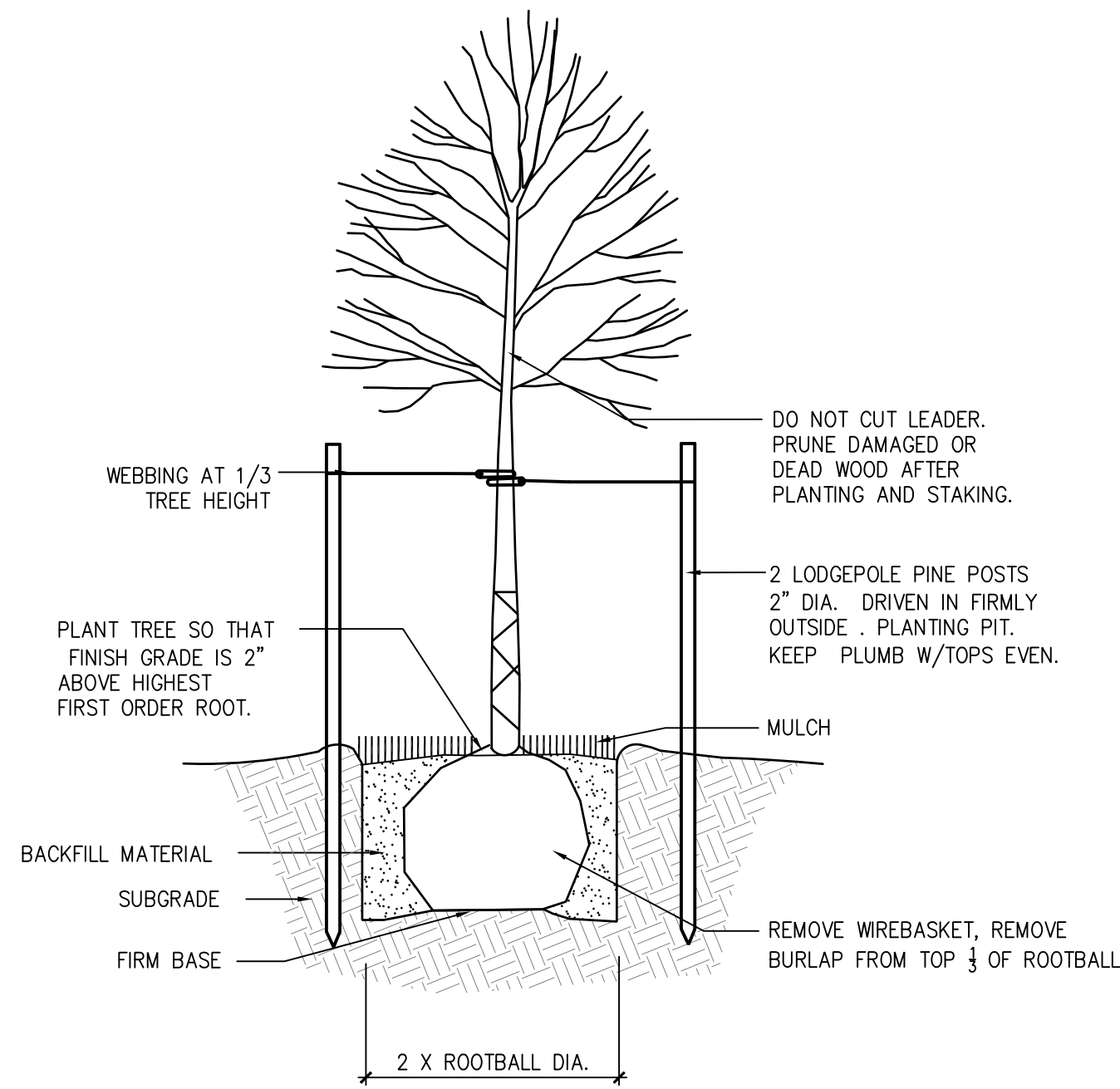
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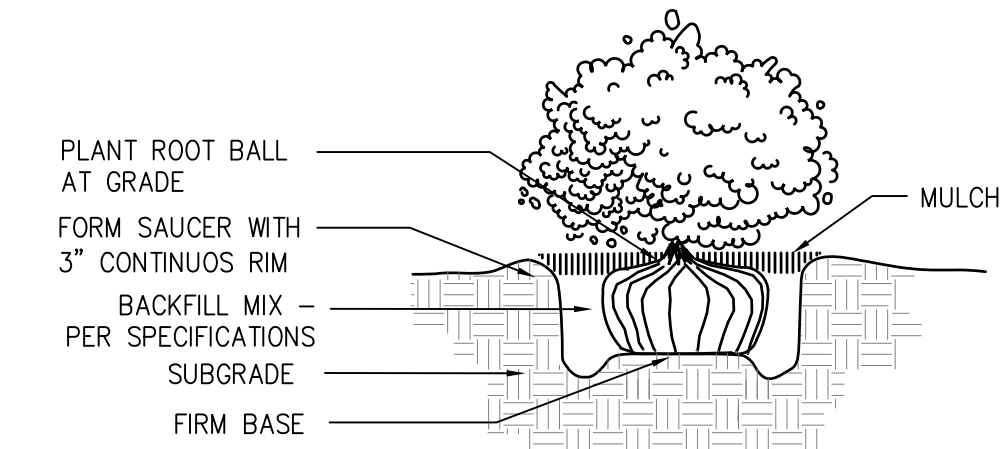
## TREE PROTECTION

SCALE: NTS



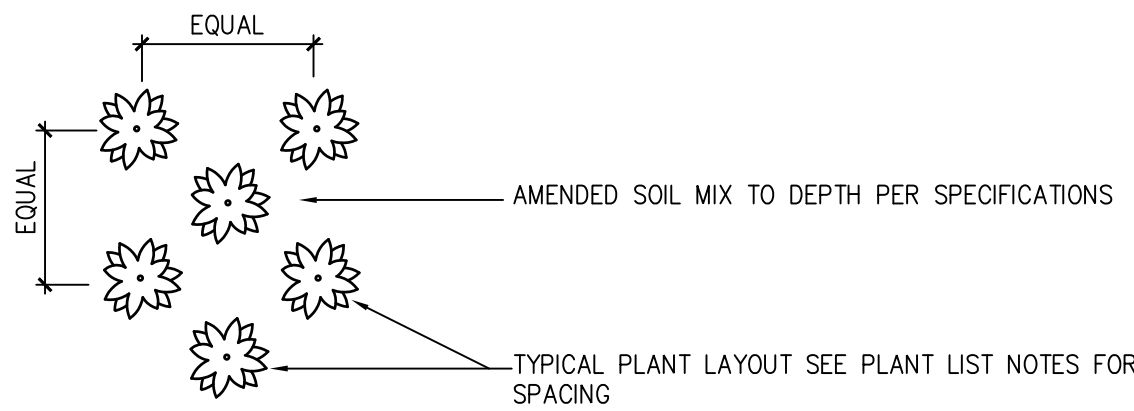
## DECIDUOUS TREE PLANTING

SCALE: NTS

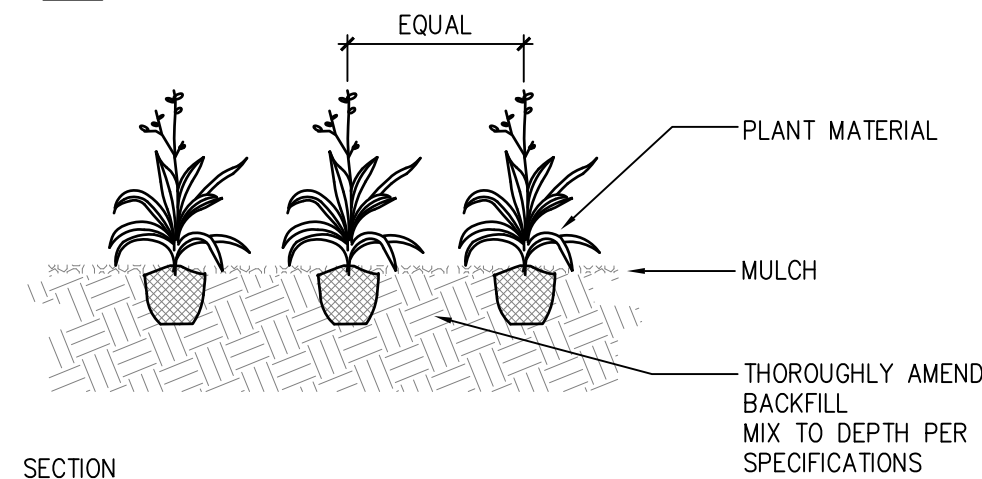


## SHRUB PLANTING

SCALE: NTS



### PLAN

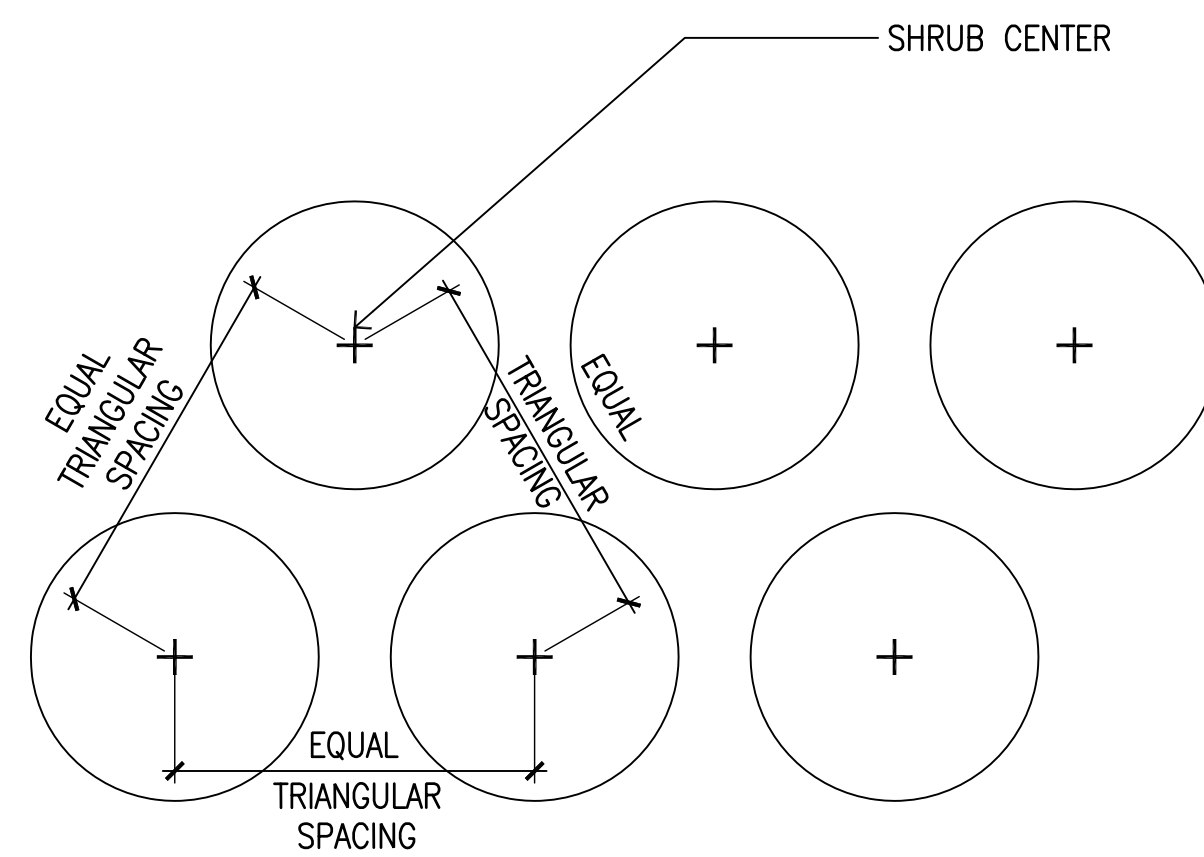


### SECTION

NOTE:  
1. WHEN BACKFILLING AROUND PLANTS, DO NOT ALLOW AIR POCKETS TO FORM  
2. AFTER PLANTING, WATER THOROUGHLY  
3. ALL GRASSES TO BE PLANTED AT A MINIMUM OF ONE FOOT FROM EDGE OF PAVEMENT

## PERENNIAL PLANTING

SCALE: NTS



## TRIANGULAR SHRUB SPACING

SCALE: NTS

DT-Shrub-Space .dwg



MATERIAL	COLOR	TEXTURE
1. PHOTOVOLTAIC PANELS	-	-
2. ASPHALT SHINGLES	GRAY	-
3. MEMBRANE ROOF COVERING	WHITE	-
4. TEREAL VENTILATED TERRACOTTA WALL	RED	TEXTURE: SMOOTH
5. TEREAL VENTILATED TERRACOTTA WALL	RED	TEXTURE: TEXTURED
6. METAL CLAD WOOD HIGH PERFORMANCE WINDOWS	DARK BRONZE	-
7. METAL CLAD WOOD HIGH PERFORMANCE DOORS	DARK BRONZE	-
8. CONCRETE PANEL	CHARCOAL	-
9. PAINTED METAL	DARK BRONZE	SMOOTH
10. CHANNEL GLASS	-	-





LIVING OAKS

221 East Oak Street, Fort Collins, CO

DESIGN DRAWING:  
NOT FOR CONSTRUCTION

SET ISSUE  
PDP SUBMITTAL  
2.21.17

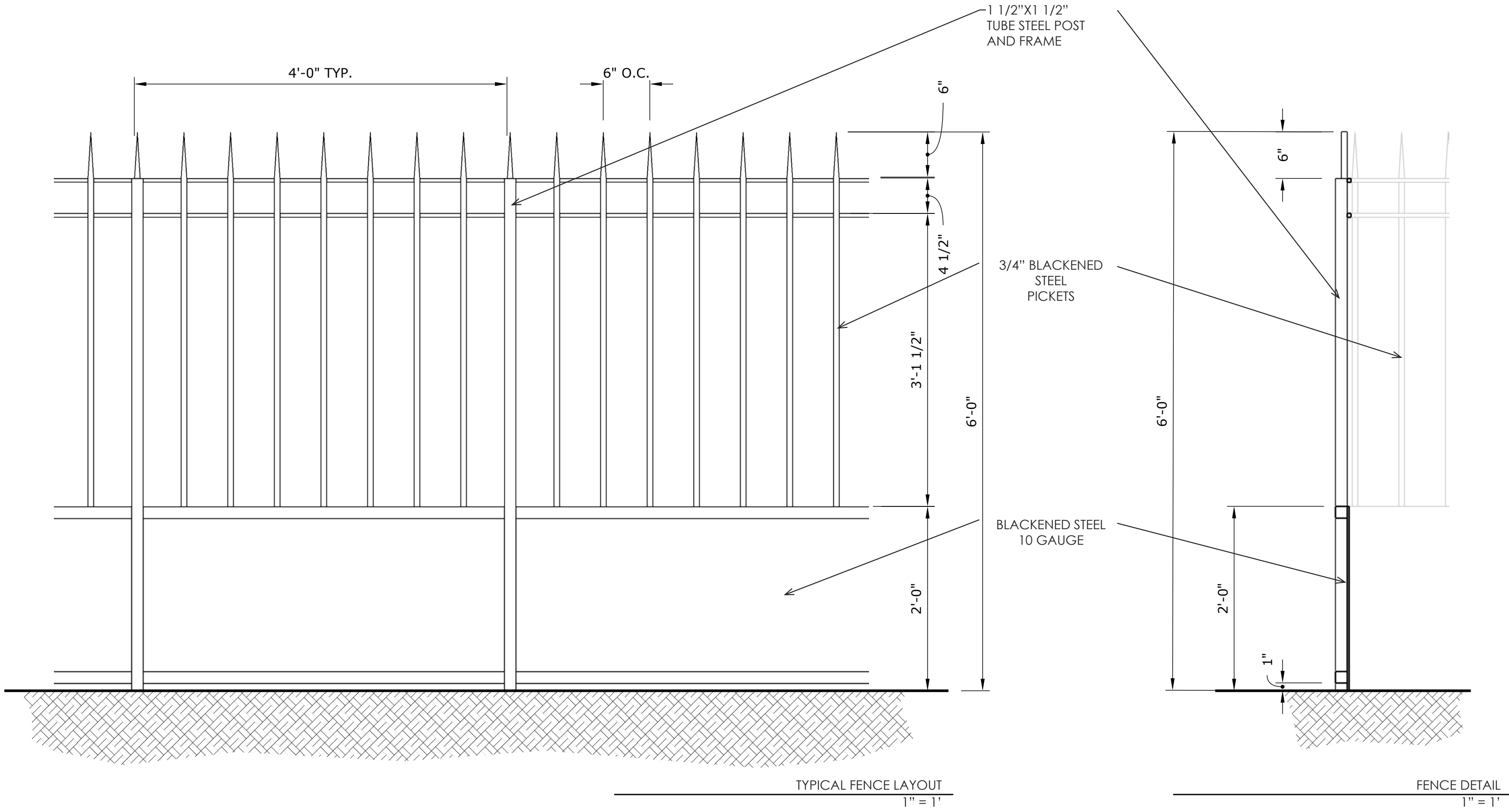
-  
-

SHEET ISSUE  
REVISION  
DATE

Revision Date 02/16/17  
Project number OAKS  
Drawn by KB, CJ  
Checked by LD, BD

SITE FENCE

A5.0  
Scale As Noted



Kristin Kirkpatrick, Chair  
Gerald Hart, Vice Chair  
Jennifer Carpenter  
Jeff Hansen  
Emily Heinz  
Michael Hobbs  
Jeffrey Schneider

City Council Chambers  
City Hall West  
300 Laporte Avenue  
Fort Collins, Colorado

Cablecast on FCTV Channel 14 &  
Channel 881 on Comcast

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The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

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## Regular Hearing December 15, 2016

**Chair Kirkpatrick called the meeting to order at 6:00 p.m.**

**Roll Call:** Carpenter, Hansen, Hobbs, Kirkpatrick and Schneider

**Absent:** Hart and Heinz

**Staff Present:** Gloss, Yatabe, Prassas, Holland, Wray, Sawyer, Frickey, Kleer, Wilkinson, Hahn, Virata, and Cosmas

### Agenda Review

Chair Kirkpatrick provided background on the board's role and what the audience could expect as to the order of business. She described the following procedures:

- While the City staff provides comprehensive information about each project under consideration, citizen input is valued and appreciated.
- The Board is here to listen to citizen comments. Each citizen may address the Board once for each item.
- Decisions on development projects are based on judgment of compliance or non-compliance with city Land Use Code.
- Should a citizen wish to address the Board on items other than what is on the agenda, time will be allowed for that as well.
- This is a legal hearing, and the Chair will moderate for the usual civility and fairness to ensure that everyone who wishes to speak can be heard.

Planning Director Gloss reviewed the items on the Consent and Discussion agendas for the audience, noting that the Natural Habitat and Buffer Standards for Prairie Dog Management will be postponed until the January hearing.

**Public Input on Items Not on the Hearing Agenda:**

None noted.

**Consent Agenda:**

1. Draft Minutes from November 10, 2016, P&Z Hearing
2. Continuation of Gateway at Prospect Addition of Permitted Use and Overall Development Plan #ODP160001 to January 12, 2017, Planning and Zoning Board Hearing
3. WilMarc Medical PDP #160033
4. Rennat Annexation and Zoning – ANX160005
5. Harmony Commons Hotel

**Public Input on Consent Agenda:**

A citizen requested that the Rennat Annexation be removed from the Consent agenda and put on the Discussion agenda. Chair Kirkpatrick stated that it will be heard at the end of the Discussion agenda.

**Member Carpenter made a motion that the Planning and Zoning Board approve the December 15, 2016, Consent agenda, with the exception of the Rennat Annexation and Zoning. Member Schneider seconded the motion. Vote: 5:0.**

**Discussion Agenda:**

6. 221 E. Oak – Stand-Alone Modification Request to Parking Standard
7. West Plum Housing Project Development Plan PDP160029
8. Short-Term Rental Land Use Code Requirements Recommendation to City Council

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**Project: 221 E. Oak – Stand-Alone Modification Request to Parking Standard**

**Project Description:** This is a request for a Modification to the parking standard for a mixed-use project consisting of four 2-bedroom units and two 1-bedroom, live/work spaces. This development must provide 10 parking spaces on-site per Land Use Code Section 3.2.2(K)(1)(a). The applicant proposes leasing four parking spaces at the nearby Old Town parking garage and providing two on-site electric vehicles that will act as a car share. All of the building's energy needs would be handled through solar panels and a series of geothermal ground loops. The building will be net-zero energy usage.

If the Planning and Zoning Board approves the modification, it would be valid for one year, by which time a Project Development Plan must be submitted incorporating the modification.

**Recommendation: Approval**



## **Applicant Presentations**

Planner Frickey provided an overview of this proposal. Laurie Davis, with Davis Davis Architects, gave a detailed presentation of the modification request, starting with the goals of the project. She explained the reason for the modification request and shared some history of “net zero” building living, which is basically healthy living free of toxins. Her company is seeking alternative compliance in lieu of onsite parking. She discussed the project goals of the Institute for the Built Environment, detailing the 7 performance categories of healthy living: place, energy, water, materials, health/happiness, equity and beauty. Her proposal would reduce the required 10 parking spaces to 6, plus 2 on-site “car share” spots (and would also include an additional 4 reserved spaces in the Old Town parking garage). She added that there would be 7 new on-street parking spaces on Oak Street. She demonstrated why the requested modification meets the code criteria, citing 4 justifications:

1. It is equal to or better than the code requirement;
2. The benefit to the City is huge, as it will promote the “walkable city” concept;
3. Relative to sustaining urban objectives, the lot is too small to provide code-recommended parking; and
4. Is in conformance with LUC1.2.2.

She concluded by saying this modification will result in a “green”, sustainable building site that will help Fort Collins meet its sustainability goals.

## **Staff Analysis**

Planner Frickey gave an analysis of the project, discussing the merits of the Applicant’s justification. He analyzed the distance from the site to local amenities and businesses (i.e. transit, grocery stores) and compared this to other similar sites. While this site is not in the Transit Overlay District (TOD), it is in the Neighborhood Conservation Buffer (NCB) zone district. He concluded that this project is in alignment with other projects, including carbon-neutrality and City-wide goals.

## **Public Input**

Renee Choury, 318 Whedbee Street, stated her perception that parking is becoming more difficult around Library Park and along the College Avenue corridor. She doesn’t see an increased use of the parking garages. She feels that these issues should be addressed today rather than in the future.

Cathy Norman, 226 Remington Street, stated that a lot of growth is occurring and it seems like many projects are requesting modifications to parking, which results in neighbors having to give up personal parking. Business owners have been struggling with providing client parking. She feels that this proposal may detrimentally impact future business.

## **Applicant and Staff Response**

Ms. Davis responded by reiterating that this proposal would provide 7 parking spots that did not formerly exist. She added that limiting parking actually increases the density and livelihood of businesses. Planner Frickey clarified that Townhomes at Library Park and 215 Mathews do indeed meet the parking requirements.

## **Board Questions**

Member Hobbs asked for clarification on the long-term link to the “net-zero” vision for this property; Planner Frickey responded that there will be a requirement for the building owner to meet the City-wide

goals, and approval will be contingent upon meeting these goals. He added that even changes of ownership will be subject to these requirements. Member Schneider asked if there is a time frame on maintenance of the leased parking spots, and Planner Frickey confirmed that the developer will have to maintain those in perpetuity. He also stated that a residential parking permit feasibility study was performed in the Library Park area in 2016, indicating that the area did not meet the threshold for requiring a residential parking permit program (area was not "parked up" at least 70% of the time during the day). At night, this is less of an issue. Member Schneider asked about zoning this block into 2-hour time periods; Planner Frickey said this is an option. Planning Director Gloss added that the Board can decide whether to mandate this as part of the modification approval. Member Carpenter asked what would happen if the year-to-year leases become unavailable; Planner Frickey responded that the PDP would require an amendment for a change in the parking requirement. He added that there are currently parking spaces available. Ms. Davis confirmed that there is one spot currently reserved in the Old Town garage, and they are on the waiting list for 3 more spaces. Eventually, each unit will have 1 parking space in conjunction with their unit ownership, and there will be a future sharing agreement with the HOA. The Land Use Code (LUC) prohibits unbundling parking from unit rental. Member Carpenter asked whether parking spaces will be required for the "live/work" feature of the project; Ms. Davis replied that, because the units are small, they anticipate that many employees will walk or bike to and from work, and she doesn't expect many external people onsite. Planner Frickey confirmed that retail is not allowed in the NCB zone district. Member Schneider asked if this project will be reviewed by the Landmark Preservation Commission; Planner Frickey stated that it may in the future, but not for this modification request. Member Hansen asked if there are any provisions in the LUC that would allow ground-level parking with 3 stories above for a total building height of 4 stories; Planner Frickey responded that a 4-story building would exceed the height limit in the NCB zone district. Member Carpenter asked whether the car sharing would be limited to only building residents; Mr. Davis responded affirmatively. Member Hansen asked if transit passes could be provided as part of ownership; Ms. Davis responded that this is an option.

### **Board Deliberation**

Member Hobbs stated that the site is similar to a TOD site because of the characteristics of the location; he feels that the Colorado lifestyle is such that people do have and use cars, so they will need to be stored somewhere. He also stated that a total of 6 leased spots (1 for each unit) would be adequate. Member Carpenter agreed with that analysis, saying that she feels there is a car storage problem, but providing 1 parking space per unit would be agreeable. Member Hobbs clarified that he believes the "car-share" vehicles would be used by residents for quick trips, but residents would still require space to store their own cars. Member Schneider suggested this proposal is still less than the 10 required, and they will still need some handicapped spots. Chair Kirkpatrick is in favor of this project, even though this is an infill sites; she is in support of the modification and in having the 6 leased spaces. She added that she would like to see a neighborhood impact study performed prior to this project coming back during the Project Development Plan (PDP) phase. She clarified that this modification could be approved with the condition that 6 parking spaces be secured for car storage (one/unit) plus a transit pass be issued to each resident.

**Member Hobbs made a motion that the Planning and Zoning Board approve the 221 E. Oak – Stand-Alone Modification Request to Parking Standard, with the condition that a total of 6 total parking spaces be leased by a city-owned parking garage and that a transport pass be included in each unit ownership. Chair Kirkpatrick amended the motion by requesting a Neighborhood Impact Study be performed prior to the PDP phase. Member Carpenter seconded. Vote: 5:0.**

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**Project: West Plum Housing, Project Development Plan PDP160029**

**Project Description:**

This is a request for a Project Development Plan to construct a 63-unit, 233-bed multi-family residential building. The site is located on 1.2 acres at the southeast corner of West Plum Street and City Park Avenue and is in the Community Commercial (C-C) Zone District. A 5-story building is proposed with 180 parking spaces integrated within the building structure.

**Recommendation: Approval**

**Applicant Presentations**

Planner Holland gave a brief overview of this project. He then introduced Stephanie Van Dyken, Landscape Architect with Ripley Design, who gave a detailed presentation. The Applicant is EdR (Education Realty), a company that develops but also manages collegiate housing communities. She showed slides of the site location and discussed the neighborhood outreach that was performed. She discussed the flow-lines, the sunlight conditions, outdoor amenities, intersection elevations, the massing study for context, the views from various angles, sidewalk angles, and bicycle parking locations (both outside and inside rooms).

**Staff Analysis**

Planner Holland recapped the key points, including how City Plan principles are being applied, character sensitivity to surrounding neighborhoods, height and density setbacks, compatibility, massing and transition, edge variation, landscaping setbacks, parking garage placement, and tree placement. He discussed building design, emphasizing a row-house element and a relatable architectural style with strong residential character elements. He presented a pictorial view, showing the east side of the building, which indicated that shadowing criteria was properly met. The shading impact is within code requirements related to snow and ice buildup, so he does not consider this to be a substantial adverse impact. The parking requirements were also met; Planner Holland showed a graphic of the recently-adopted bus route for the area, noting that there are acceptable time intervals for the bus routes. Street improvements were also met for the project, since the frontage was improved. This proposal includes an occupancy increase, which is supported by the 4-bedroom unit designs. Having an on-site manager was also added as a suggestion condition.

Member Hobbs asked whether there are any other comparable projects that include bicycle spaces within each unit; Planner Holland answered affirmatively, saying he would have preferred having a separated space within a parking garage, but he believes this arrangement will also work. He added that the Applicant might add some amenities, like a bike wash in the garage or at the main entrance or an automatic sliding door for convenience. Chair Kirkpatrick asked about the building design for the bike parking "in-unit". Max Reiner, Project Manager with Humphreys & Partners Architects, stated that they are planning some bike storage areas, in addition to allowing for 1 bike in each location, although they could be stacked to accommodate 2 bikes. Regarding access to building, most residents will enter through the garage and use the elevator in the central corridor – this area will have replaceable carpet squares for maintenance. Hallways and doorways will be wide enough to accommodate two-way traffic plus bicycles. There was more discussion regarding the hallway width; the planned space was concluded to be adequate.



## **Public Input**

Terry Usrey, 1940 Larkspur Drive, has a concern about this project related to Transfort traffic, saying that perhaps there should be a requirement for a transfort pullout. He is in favor of on-site security.

Kyle Schinkel, 1510 Lakeside, has a concern with the density and parking issues, citing the number of residences close by.

## **Applicant and Staff Response**

Ms. Van Dyken responded that a pull-out was considered but would require a wall, and that could restrict accessibility. She noted that there is a bus stop just across the street. Regarding security, the owner will be responsible for managing the property, and a 24-hour help number will be provided. Planner Holland added that he would be willing to talk to Transit staff about the bus pull-outs for consideration. There is a residential parking permit program to review if they feel their neighborhood needs assistance for spillover parking, which may be an issue. Member Hansen asked how a bus pullout would be accomplished while still maintaining continuity of the sidewalk. Planner Holland responded that a bus pullout along the frontage would leave them in the tree lawn, the tradeoff being the tree spacing. Nicole Hahn, with Transportation Services, stated that congestion in general has been an issue, since density is increasing. She believes that pedestrian, bike and transit levels of service are already exceptional in this area: close to campus and other amenities and they meet the required level of service.

## **Board Questions**

Member Hansen asked about parking in the area in general and whether parking issues are due to non-residents; he also asked if any parking studies had been done. Planner Holland stated that no recent parking studies of garages had been performed, but this will be a future consideration. The current requirement of .75 parking spaces per bed was adopted as a result of a study developed and adopted by City Council. He added that the District parking requirements were different (.6 parking spaces per bed). Ms. Van Dyke added that both Local and District were operating under the old code standards that had no minimum parking requirements. Member Hansen asked about garage placement; Planner Holland showed the closest building to the east side, the Campus West condos, which present a good transition, articulation of design, acceptable massing breakup and style of design.

## **Board Deliberation**

Member Hansen has a concern with the bike parking in the units; he feels that this could present a future issue. Member Carpenter thinks that the protection of bikes is important but has a concern with the indoor space requirements. She likes the outdoor amenities, is in favor of having an on-site manager, and was pleased to note that this proposal has no modifications. Member Schneider agreed with Member Carpenter's comments. Member Hobbs also supports the project, saying that this high-density project fits well in the area. Chair Kirkpatrick also likes this project, commenting that the massing was well done; she is not completely supportive of the way the parking garage is situated and its visibility, saying that perhaps this could be reviewed in the next project phase. She asked if street maintenance is different in the winter with the possibility of ice and snow; Planner Holland stated that the adjacent sidewalk owners would be responsible for keeping the sidewalks clear. Ms. Hahn added that this consideration is in the future plan. Member Hobbs suggested that some sort of "green" wall might also be added to break up the texture of the walls.

**Member Schneider made a motion that the Planning and Zoning Board approve the West Plum Housing Project Development Plan PDP160029, with the condition that an on-site manager be available 24 hours a day, and based upon the findings of fact contained in the staff report that is**

**included in the agenda materials for this hearing and the board discussion on this item. Member Hobbs seconded. Vote: 5:0.**

*Board took a short recess at 8:00pm and returned at 8:10pm.*

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**Project: Short-Term Rental Land Use Code Requirements**

**Project Description:**

Proposed short-term rental (STR) regulations and associated Land Use Code changes.

**Recommendation: Approval**

*Chair Kirkpatrick recused herself due to a conflict of interest;  
Member Carpenter will chair in her absence.*

Secretary Cosmas reported that several items had been received on this item since the work session:

- 1 citizen email requesting non-primary STRs be classified as commercial rather than residential;
- 1 citizen email in opposition of the proposed ordinance;
- 1 copy of the ordinance with proposed changes (from City Attorney);
- 1 copy of the ordinance with the changes incorporated (from City Attorney); and
- 1 additional citizen email in opposition to STRs.

**Staff and Applicant Presentations**

Ginny Sawyer, Program and Project Manager with the City of Fort Collins, gave a detailed presentation of this recommendation. She explained some of the history, including the changes to the Land Use Code:

- Definitions of primary residence (lives in a dwelling unit for 9 months or more);
- Definitions of short-term rental units (one party at a time for less than 30 days);
- "Party" is a reservation paid for a single group;
- Owner-Occupied could include a carriage house onsite or a 2-family dwelling, and will also be considered primary;
- Parking requirements (1 off-street parking for 2-bedroom except for TOD); and
- Zoning limitations – owner-occupied can be allowed anywhere; non owner-occupied will be limited to zones allowing lodging establishments.

Ms. Sawyer discussed the public outreach and where STRs would be allowed, noting there is a concentration of STRs in the downtown area due to amenities. She added that this ordinance will also propose a "grandfather" clause for any existing STRs. She is also proposing that each STR be inspected to ensure compliance with minimum housing standards. Some may have to go through the existing APU process to reach compliance.

Assistant City Attorney Yatabe clarified that no licensing procedures are being considered at this time, so citizens should focus their comments on LUC topics.

## **Public Input**

Lisa Derbyshire, 709 Garfield, has several concerns with STRs, including definitions on parking, response time to complaints, and if they should be treated as residential or commercial properties. She does not feel that City outreach has been adequate, recognizing that STRs will be difficult to enforce.

Maggie Dennis, 315 Whedbee Street, stated that she doesn't feel that STRs are comparable to "bed and breakfast" establishments. She feels that her neighborhood is less protected than other areas that only allow primary rentals. She asked what some of the STR limits are (in terms in owner rentals, parking requirements, etc.)

Terry Usrey, 1940 Larkspur Drive, is familiar with issues concerning Air BnBs, but he now has a concern with the distinction between primary and non-primary enterprises. He also has concerns about occupancy loopholes, so he is requesting that STRs be prohibited, including any potential "grandfathered" STRs.

Michelle Haefele, 623 Monte Vista Avenue, is opposed to the proposed ordinance, saying this is fundamentally a zoning issue, and these are lodging businesses that do not belong in residential neighborhoods. She suggested that the definitions in the LUC be revised and simplified. Any STRs should only be allowed in those zones that are already approved for primary STRs.

Sue Ballou, 1400 West Lake Street, lives in the Avery Park neighborhood, which was originally all owner-occupied but is now 70% rentals. She would like to see the STR regulations also applied to long-term rentals. She is in favor of the proposal.

Lisa Eaton, 320 E. Mulberry Street, is a STR landlord and recognizes this is an on-going issue across the nation. She feels this is more of a residential use, and she is supportive of her own STR.

Reed Mitchell, 809 E. Elizabeth Street, suggested that the proposed ordinance isn't ready for approval yet. He has a concern that neighborhoods are changing over time, and resident expectations are being compromised. He doesn't feel that STRs belong in neighborhoods.

Margit Hentschel, 216 Wood Street, has had a lot of interaction with the City of Fort Collins, and she believes this project is very negative for the community. She has lived close to a STR in the past and had a bad experience overall, adding that there will be an exponential number of people impacted.

Diana Clements, 737 Hinsdale Drive, owns an STR and is in support of this proposal because she feels our city should offer a safe place for non-residents to come together. She believes having STRs is a nice compromise for non-residents who want to experience Fort Collins on a personal level.

Margaret Mitchell, 809 E. Elizabeth, is not in favor of STRs because the parking requirements do not compare favorably to those governing long-term rentals. She believes this proposal isn't ready for Council presentation.

Whitney Cranshaw, 1400 West Lake Street, lives in the Avery Park neighborhood, and he questions the distinction between long-term and short-term rentals, saying there isn't enough regard for the needs of the neighborhoods. He also stated that fees shouldn't be restricted to low-density areas only.

Tamela Wahl, 311 Whedbee Street, is not opposed to STRs but is opposed to this two-pronged approach, because she feels it applies different standards to neighborhoods, making it discriminatory. She also thinks there are some issues with the classifications on the map that was provided, saying that



the neighborhoods surrounding the Old Town areas should also be regulated, and she questioned the STR rates that were presented because her own neighborhood rate seems much higher.

Renee Choury, 318 Whedbee Street, believes her neighborhood is suffering due to the number of existing rentals and businesses. She is in favor of limiting the overall number of STR businesses.

### **Applicant and Staff Response**

Ms. Sawyer responded to some of the citizen concerns by saying that adjustments are being made all the time to the proposal, and City Council will hear this proposal on January 3<sup>rd</sup>, 2017. Planner Frickey also responded that the map representation is accurate. Ms. Sawyer added that one individual cannot own more than three STRs. Additionally, parking standards are based on the type of housing, so parking requirements will vary, which can be more problematic in the Old Town area.

### **Board Questions**

Member Schneider asked what the "grandfather" date will be; Ms. Sawyer responded that this licensing date is still being determined. He also asked about the distinction between short-term and long-term rentals; Ms. Sawyer responded that this distinction will require another process and will require public input. Member Hobbs asked whether there is any distinction in the code as to the housing type that can be considered for an STR; Planner Frickey responded that most multi-family homes or apartment complexes do not allow sub-letting, but owners could rent out their apartment under a short-term basis under the current regulations. She added that a 3-license limit per owner/entity is being proposed. Member Schneider asked if the existing owners had been subjected to the inspection process yet; Ms. Sawyer responded that this will occur soon, but the only requirement now is to have sales tax and lodging licenses. Ms. Sawyer acknowledged that this proposal will need more time for continuous improvement. Member Schneider also inquired about the no parking restrictions in the TOD areas only; Ms. Sawyer responded that this could be changed.

### **Board Deliberation**

Member Schneider doesn't have any issues with the proposal and agrees that there is a need for regulation. He feels this proposal is a good compromise, but he would like to change the parking requirement for the TOD. He will support sending this proposal to Council. Member Hobbs agrees that this is a policy decision and the P&Z is simply making a recommendation to City Council at this time. He also stated that there is a stark distinction between primary and non-primary owner types and uses, which may result in the distinction between residential and commercial use. He feels we have a responsibility to people who bought homes in Fort Collins not expecting to see commercial uses in their neighborhoods. He also feels that the availability of investments is limited but doesn't want to encourage investment in short-term rentals due to lack of affordable housing. He will support this proposal for primary owners but not for non-primary owners. Member Hansen feels that this is new territory and is still unsure how it the LUC will be impacted; he supports the proposal and would like to continue to address the parking standard by removing this exemption from the TOD. Member Carpenter thanked the citizens and staff for their work during this process; she feels this proposal is a good start to addressing this topic, but she also questions the parking for STRs in the TOD area.

**Member Schneider made a motion that the Planning and Zoning Board recommend the adoption to the LUC changes for Short-Term Rentals to include parking restrictions in the TOD zone district, based upon the findings of fact contained in the staff report that is included in the agenda materials for this hearing and the board discussion on this item. Member Hansen seconded. Vote: 3:1, with Member Hobbs dissenting.**



*Chair Kirkpatrick rejoined the hearing at 9:09pm.*

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**PROJECT: Rennat Annexation and Zoning – ANX160005**

**Project Description:**

Proposed short-term rental regulations and associated Land Use Code changes.

**Recommendation: Approval**

**Staff and Applicant Presentations**

Planner Kleer gave an overview of this proposed City-initiated annexation, including some history of property. He shared some of the comments received from neighbors regarding density of development, traffic issues, number of residences that could potentially be built, and congestion in the area.

Secretary Cosmas reported that 1 citizen email had been received with concerns about the traffic, noise and road access.

**Public Input**

None noted.

**Board Questions and Staff Response**

Member Hansen asked to see a proposed zoning map; however, the proposed zoning doesn't completely reflect the structure plan. Planner Kleer explained how the zoning would evolve with this annexation; Chair Kirkpatrick pointed out that we are required by the LUC to recommend land annexations once it becomes compliant with State statutes.

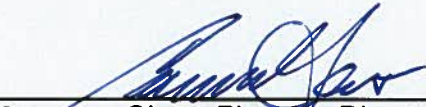
**Board Deliberation**


**Member Carpenter made a motion that the Planning and Zoning Board recommend that City Council annex and zone the Rennat Annexation and Zoning - ANX160005, based upon the findings of fact contained in the staff report that is included in the agenda materials for this hearing and the board discussion on this item. Member Hobbs seconded. Vote: 5:0.**

**Other Business**

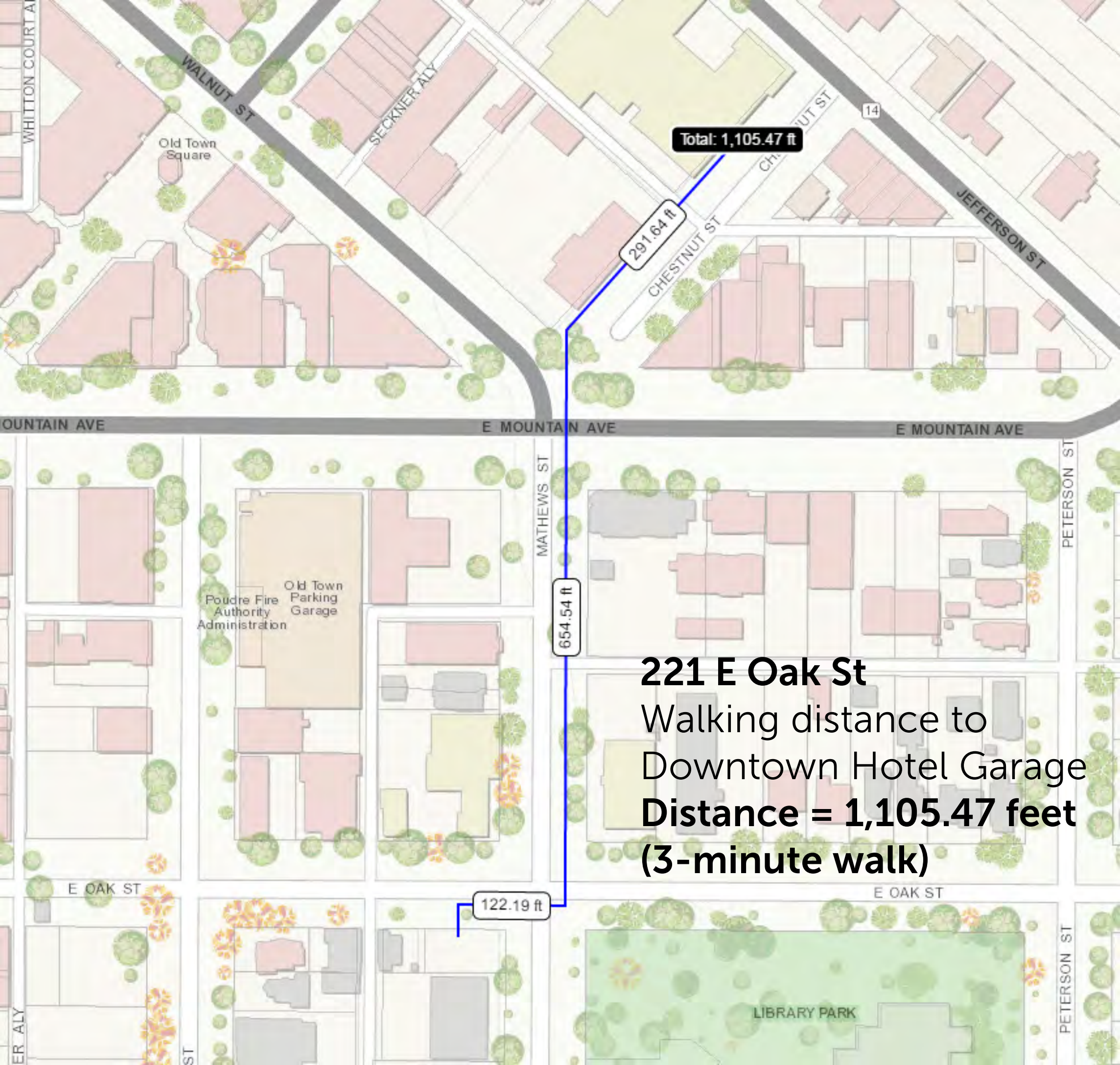
Several Board members and Planning Director Gloss thanked Chair Kirkpatrick for her service to the Board and to the City of Fort Collins.

The meeting was adjourned at 9:18pm.

  
Cameron Gloss, Planning Director

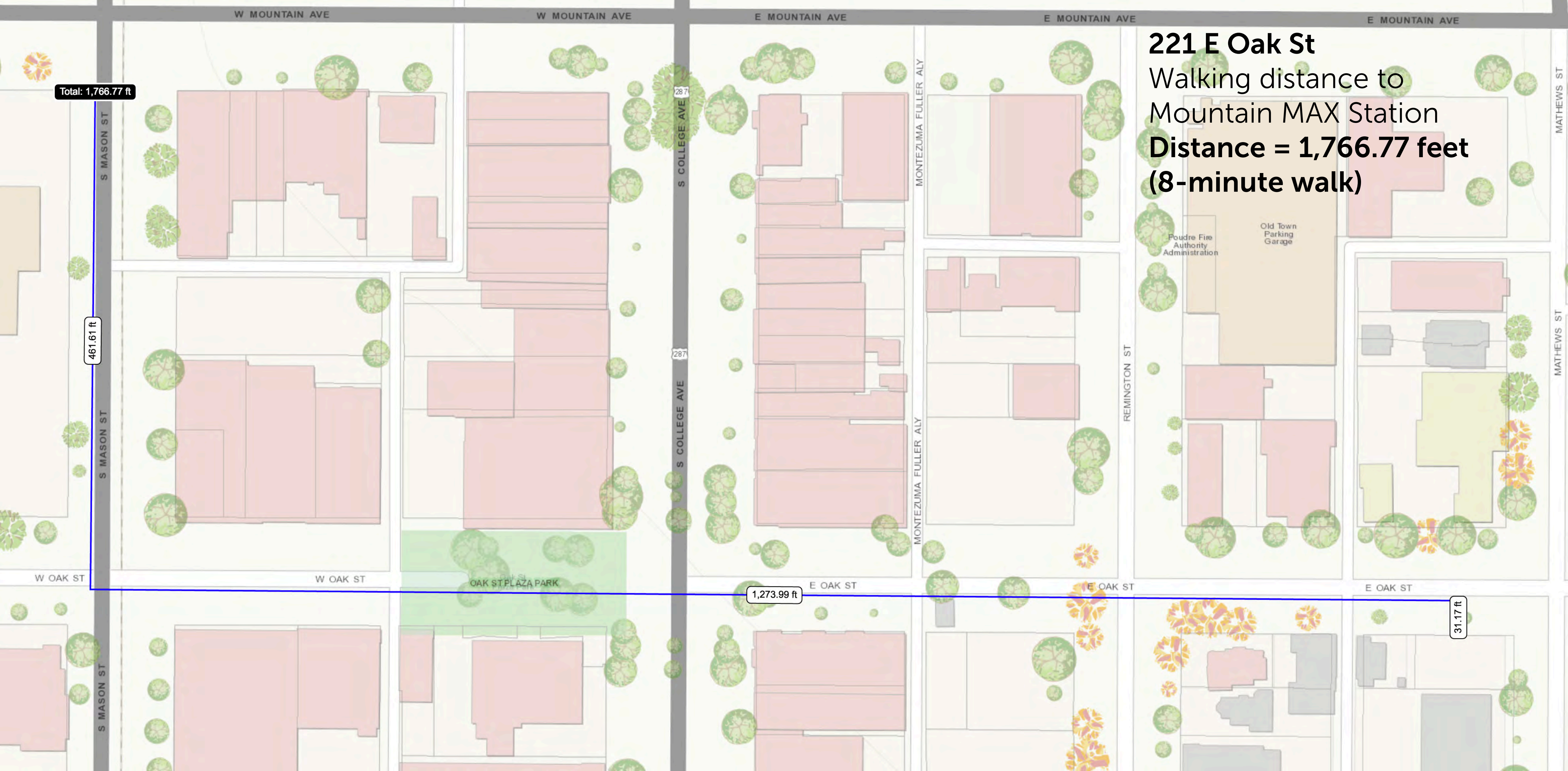
  
Chair





**221 E Oak St**  
Walking distance to  
Downtown Hotel Garage  
**Distance = 1,105.47 feet**  
**(3-minute walk)**





Total: 1,766.77 ft

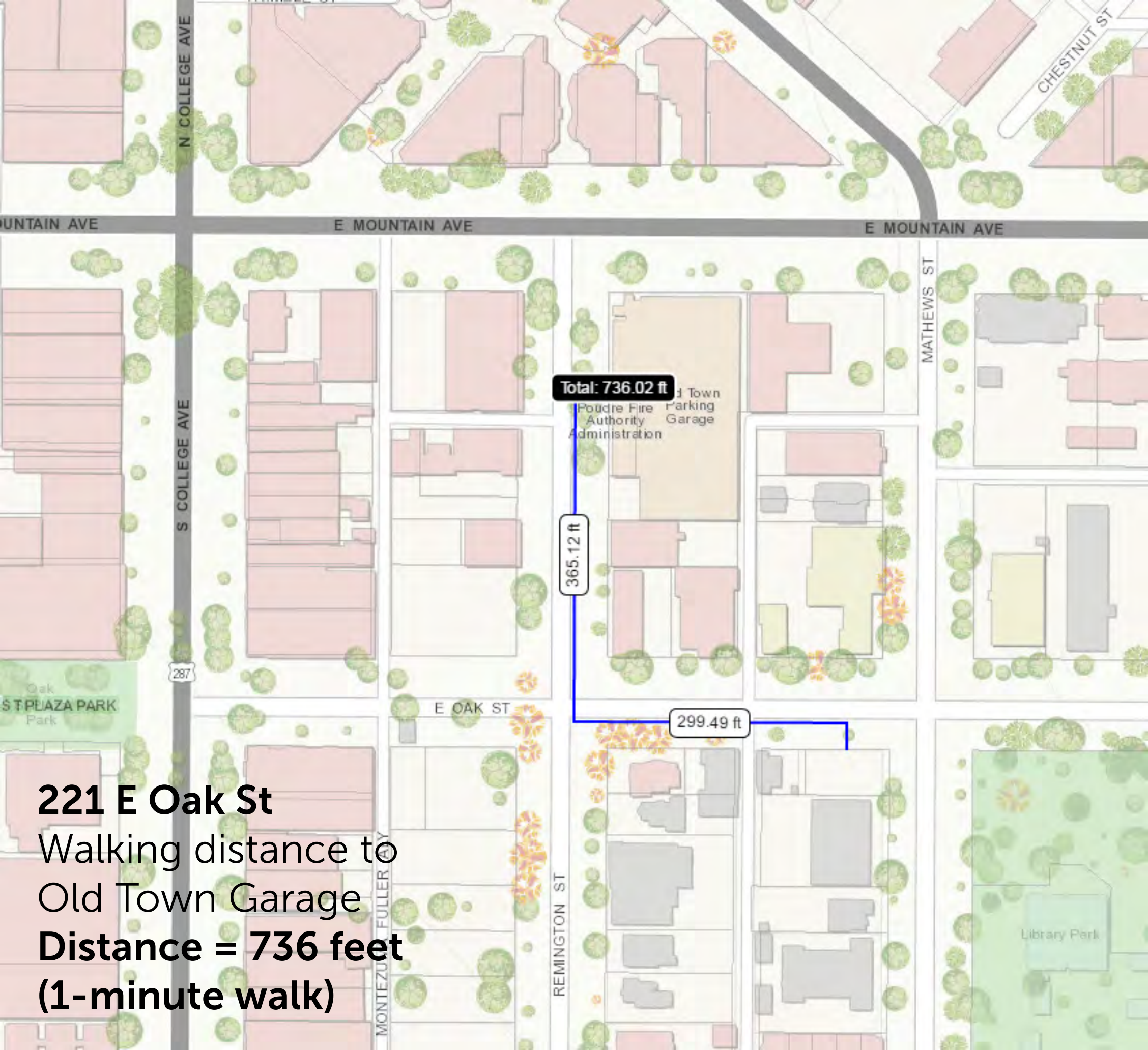
461.61 ft

1,273.99 ft

31.17 ft

**221 E Oak St**  
Walking distance to  
Mountain MAX Station  
**Distance = 1,766.77 feet**  
**(8-minute walk)**





**221 E Oak St**

Walking distance to  
Old Town Garage

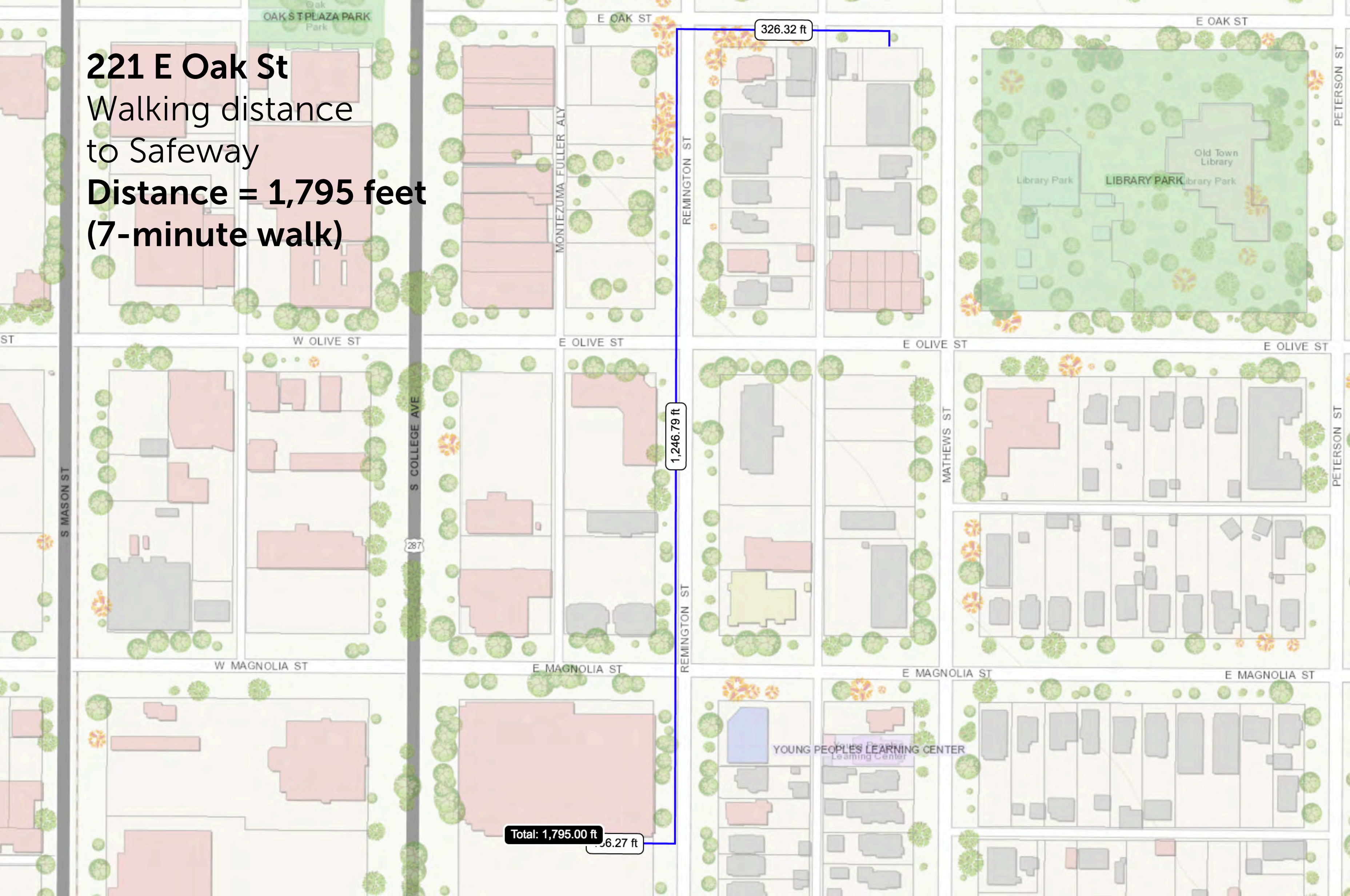
**Distance = 736 feet**  
**(1-minute walk)**



**221 E Oak St**

Walking distance  
to Safeway

**Distance = 1,795 feet**  
**(7-minute walk)**



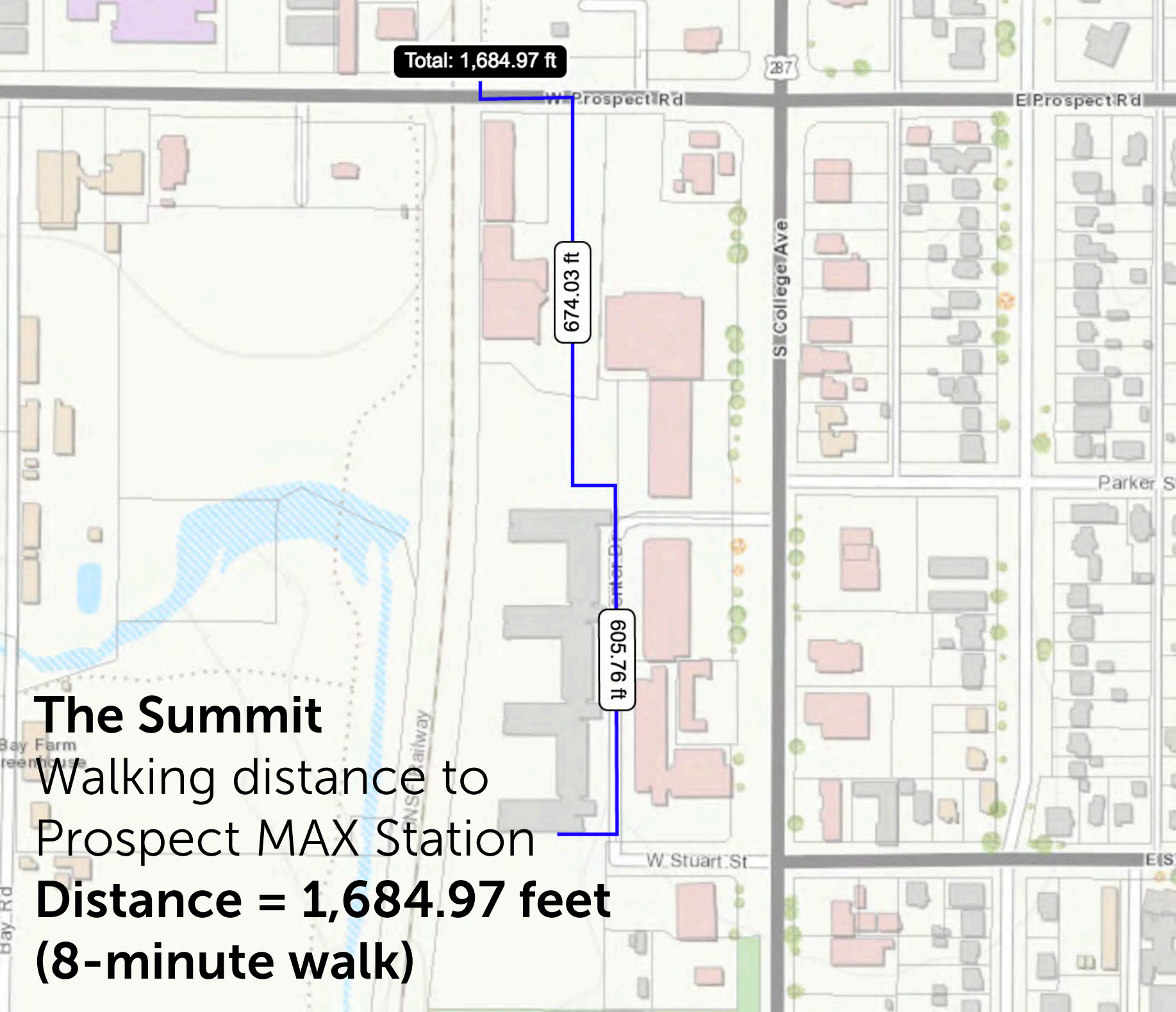
Total: 1,795.00 ft

56.27 ft

1,246.79 ft

326.32 ft





Total: 1,684.97 ft

674.03 ft

605.76 ft

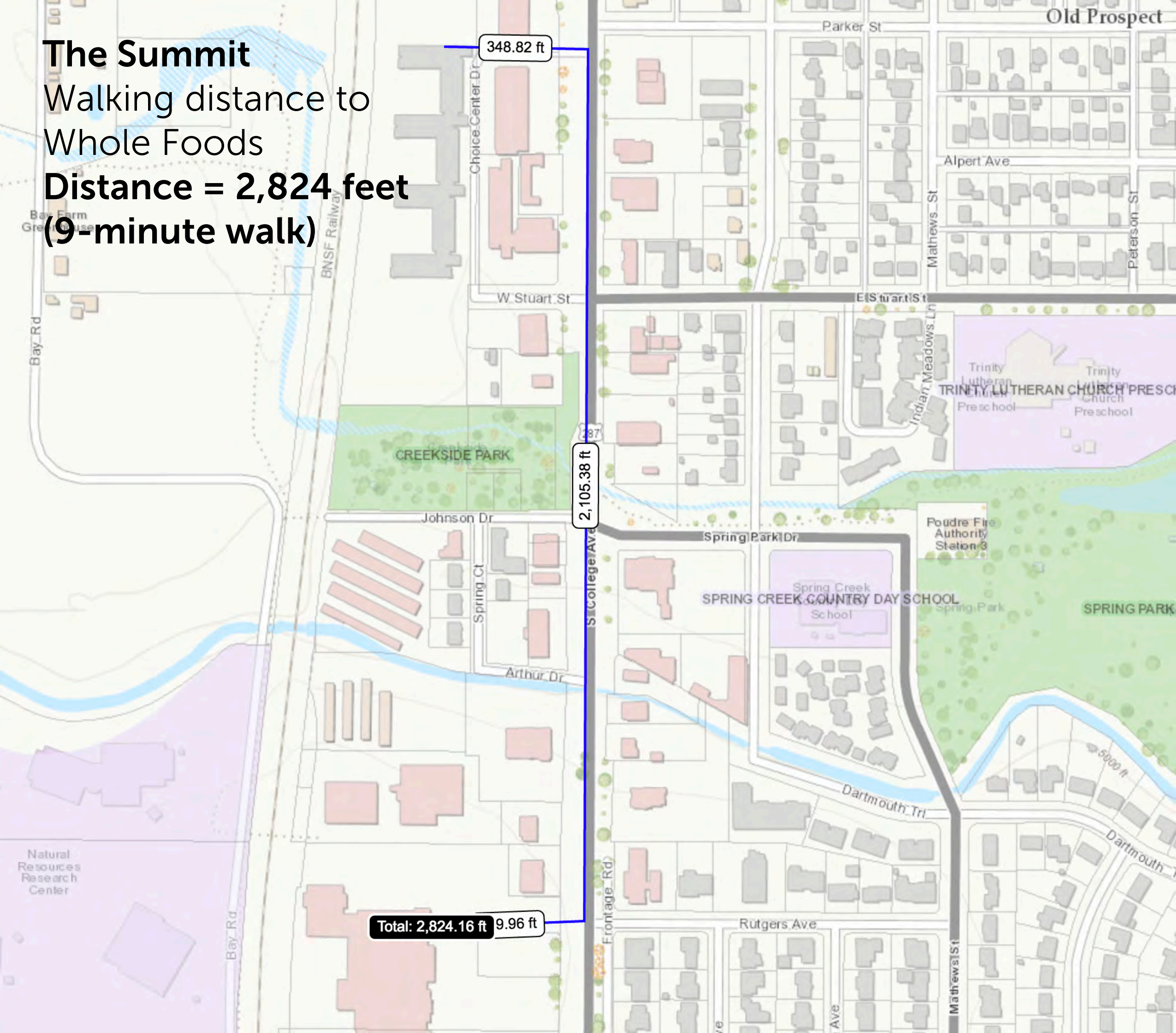
**The Summit**  
Walking distance to  
Prospect MAX Station  
**Distance = 1,684.97 feet**  
**(8-minute walk)**



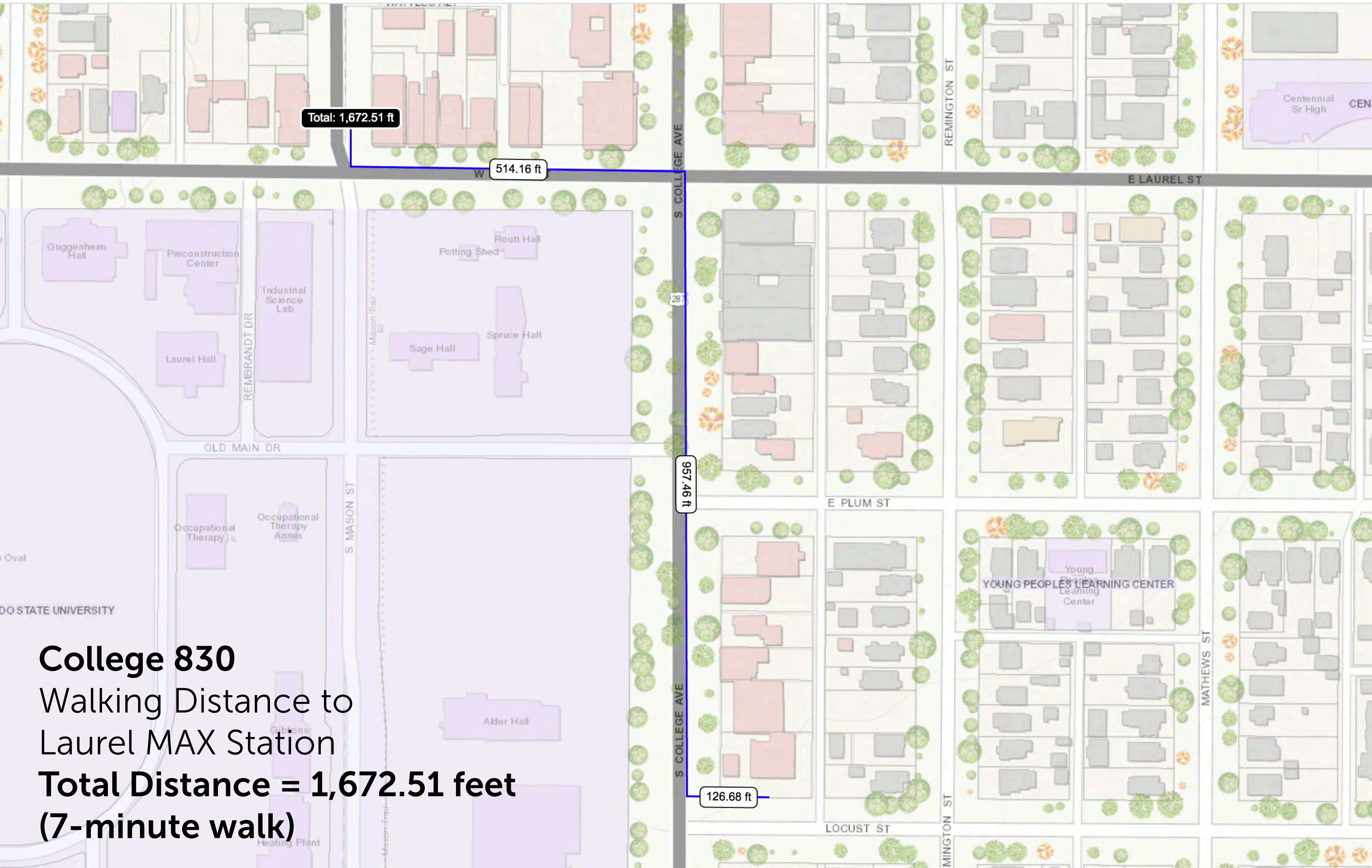
# The Summit

Walking distance to  
Whole Foods

Distance = 2,824 feet  
(9-minute walk)





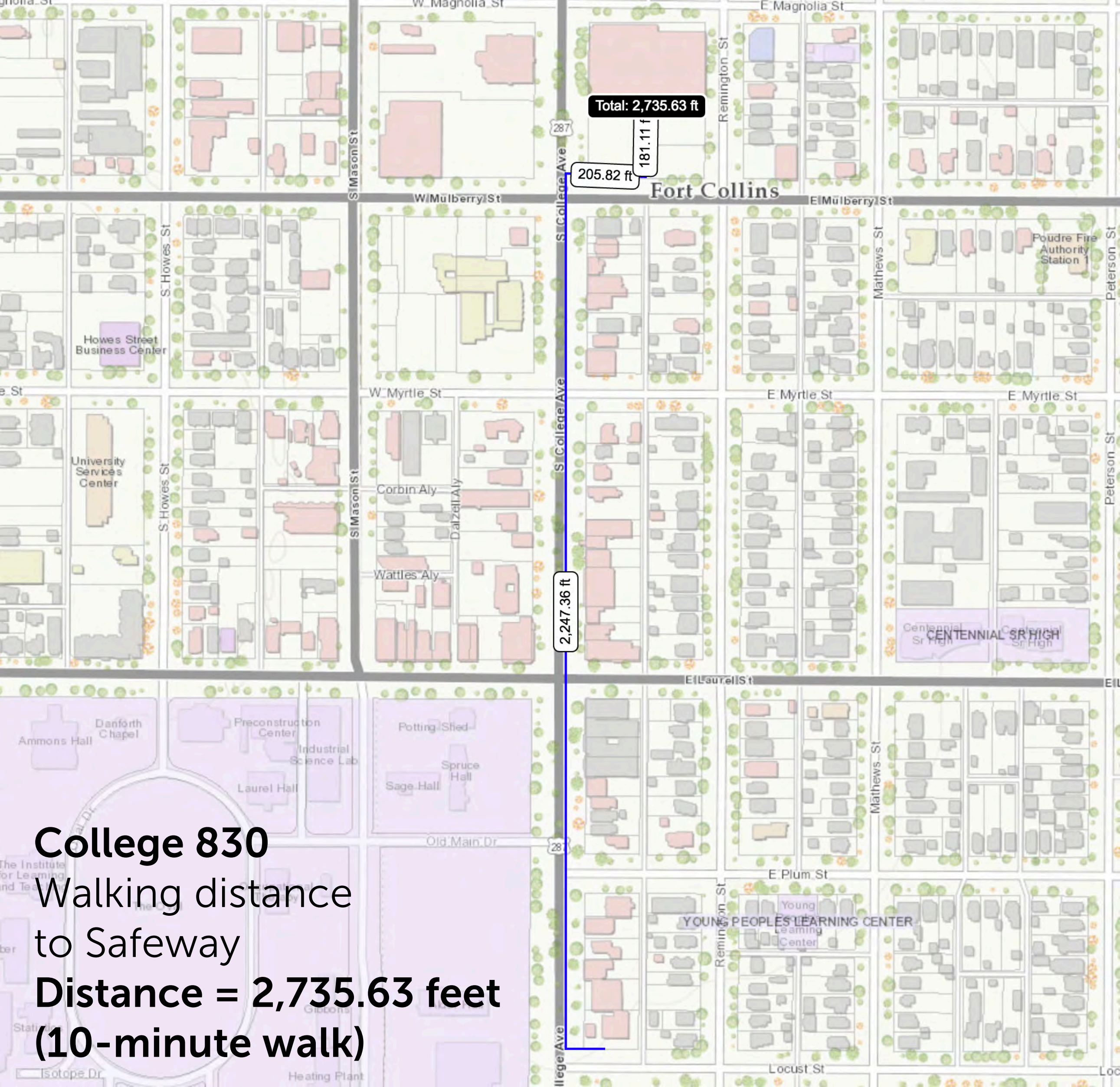


# College 830

Walking Distance to  
Laurel MAX Station

**Total Distance = 1,672.51 feet  
(7-minute walk)**





# College 830

# Walking distance to Safeway

**Distance = 2,735.63 feet  
(10-minute walk)**





Meg Dunn, Chair  
Per Hogestad, Vice Chair  
Doug Ernest  
Bud Frick  
Kristin Gensmer  
Dave Lingle  
Mollie Simpson  
Alexandra Wallace  
Belinda Zink

City Council Chambers  
City Hall West  
300 Laporte Avenue  
Fort Collins, Colorado

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Video of the meeting will be broadcast at 1:30 p.m. the following day through the Comcast cable system on Channel 14 or 881 (HD). Please visit <http://www.fcgov.com/fctv/> for the daily cable schedule. The video will also be available for later viewing on demand here: <http://www.fcgov.com/fctv/video-archive.php>.

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## Regular Meeting April 19, 2017 Minutes – Excerpt for Living Oaks

- **CALL TO ORDER**

Chair Dunn called the meeting to order at 5:33 p.m.

- **ROLL CALL**

PRESENT: Dunn, Zink, Hogestad, Wallace, Lingle, Ernest, Frick, Simpson  
ABSENT: Gensmer  
STAFF: McWilliams, Bzdek, Bumgarner, Yatabe, Schiager

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### 7. LIVING OAKS (PDP170009) - DEVELOPMENT REVIEW

**PROJECT DESCRIPTION:** This is a proposed design for a three-story residential project that would be a Net Zero Energy building on a 4,600-square-foot site at the southwest corner of Oak and Mathews Streets. The development site is within the Neighborhood Conservation – Buffer District (NCB). Final review will be a Type 1 hearing with a hearing officer.

**APPLICANT/OWNER:** Laurie and Bob Davis, DavisDavis Architects

### Staff Report

Ms. Bzdek presented the staff report. She discussed the area of adjacency, changes to the project since the last meeting, and the staff analysis and recommendation. She reviewed the new information provided at the Commission's request. Regarding the Commission's question at the work session about the entry, Ms. Bzdek read City Planner Clay Frickey's response, referencing Land Use Code Section 3.5.2(D)(2).

### Applicant Presentation

Ms. Davis gave the Applicant presentation. She addressed the Commission's questions and concerns, beginning with the typology and the changes to the glass storefront. She discussed changes to size and height. She explained why the floor heights were necessary due to the sunlight angles. She addressed the changes in materials with the textured terracotta on the upper floors and the gray fiber cement on the first floor. She talked about character and pattern and how they have strengthened the design's historic ties. She provided the rationale for the color choices and showed the height comparison with the Library Park Apartments. She discussed the addition of the terracotta window headers and other details.

### Public Input

None

### Area of Adjacency

There were no questions from the Commission.

***Mr. Ernest moved that the Landmark Preservation Commission adopt as the area of adjacency for the proposed Living Oaks building at 221 East Oak Street the sixteen designated and eligible buildings on Oak, Mathews, and Remington Streets, as listed in the staff report.***

***Mr. Lingle seconded. The motion passed 8-0.***

### Commission Questions

Mr. Hogestad asked for confirmation on the height, and Ms. Davis confirmed it is 39' 7" to the top. He asked if they had considered lowering the second floor by a foot, as they had done with the third floor. Ms. Davis said they had not considered that, and pointed out that the McHugh-Andrews House was similar at 38 feet. Mr. Hogestad pointed out that the building was still considerably taller than the average in the area.

Mr. Hogestad expressed concern that that the roof style was dissimilar to the gabled and hipped residential roof styles in the area. Ms. Davis said the flat roof in the front lowers the front, and the angled PVs give the appearance of a pitched roof to be more compatible with the neighborhood. Mr. Hogestad said it was a shed roof, not a pitched roof.

Mr. Hogestad asked if the fiber cement panels had a condition at the corner. Ms. Davis explained that while there are corner pieces available, they may not be within the budget, so there would likely be an open joint at the corner.

Ms. Zink asked if the ground floor is rainscreen, and Ms. Davis confirmed it was. Mr. Hogestad pointed out it was not made of clay, and Ms. Davis confirmed it was concrete and fiber.

Mr. Frick asked about the structure of the floor system on the first floor and the demising walls. Ms. Davis said two steel trusses would run through it, basically a cantilevered beam that would probably be between 1'4" and 1'6".

Mr. Lingle pointed out that the most immediately adjacent buildings tend to be the taller ones. Mr. Hogestad talked about the statistics of the heights and roof forms in the area.

### Commission Deliberation

***Mr. Lingle moved that the Landmark Preservation Commission recommend to the Decision Maker approval of the Living Oaks Project Development Plan (PDP170009), 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 following reasons:***

- ***The project does not impact the individual eligibility for designation of the historic properties in the defined area of adjacency.***



- ***The project design uses massing and scale that is compatible with the historic context.***
- ***The project relies on building materials that are visually compatible with adjacent historic properties.***
- ***The project uses window patterning and proportions that provide visual ties to buildings within the adjacent historic context.***
- ***The proposed design does not impede existing visual and pedestrian connections to the adjacent neighborhood focal points.***

***Ms. Zink seconded.***

Mr. Hogestad stated his hesitancy to support the motion, as he did not believe the height, setbacks and width met the requirements of section 3.4.7 to the maximum extent feasible. He stated the design was not in character with residential nature of the area. He said the design does not strengthen the visual ties among buildings. He stated that the building doesn't have scale, and the materials and location of the front door don't help to establish that.

Mr. Lingle agreed with the staff analysis that the terracotta material visually harmonizes with the brick in the area as a modern interpretation of historic material, and argued that the terracotta does have scale. He suggested the Commission should embrace the transition in time periods and the use of modern materials that are compatible with historic materials in texture and color.

Mr. Hogestad disagreed that the material has scale, stating that scale is based on perception built over years.

Ms. Wallace said she agreed with all of the findings of fact, except for the compatibility of the scale and massing.

Ms. Zink did not find averages and percentages in terms of size and materials to be a valid way to evaluate. She thought the size and massing of the closest buildings were most relevant. She commented that the changes made to the detailing helped the design, adding refinement that was missing previously, and tying it into the neighborhood better.

Chair Dunn asked about the size of the fiber cement panels. Ms. Davis noted that the McHugh-Andrews House has also has larger scale pieces that are of similar size.

Chair Dunn expressed concerns about the primary entrance, the setback and orientation of the doors, in relation to section 3.4.7(F)(2). Mr. Lingle said pointed out that the public would experience the building from an angle, and wouldn't see the alcove. Ms. Zink commented that a lot of buildings have an entrance with the door somewhat obscured.

Mr. Frick said he loved the project, and was not too concerned about the entrances, but has a hard time justifying it with the Code due to the height, setback and width on this block face.

Ms. Wallace said the proposed development it is in compliance with the Code, except for its size and massing.

Mr. Ernest pointed out the varying typologies and heights within the area of adjacency. He referenced several sections of the Code, and said he finds the project complies, and that he would support the motion.

Ms. Simpson expressed concerns about the height and setbacks with regard to section 3.4.7(F)(1), pointing out that it was setback on Oak, but not on Matthews. She appreciated the Applicant's efforts to improve the project.

Chair Dunn found the height to be acceptable, given the range of heights in the area. She said she was struggling with character, but noted that the area is varied, and the project fits well with one side of the street, but not the other. She is still having some difficulty with the doors, but appreciates the articulation. She stated that the terracotta material is compatible with the brick, although she questions the size of the panels.

Public Input

John Gascoyne expressed support for the project on behalf of himself and his neighbor, Mary Ray.

***The motion passed 5-3, with Frick, Hogestad and Wallace dissenting.***