

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

HEARING DATE: September 6, 2018

PROJECT NAME: Prospect and College Hotel

CASE NUMBER: MOD180001

APPLICANT: Macmillan Development LLC, 4240 Architecture
and Saunders Construction Company
c/o Stu Macmillan
1928 Linden Ridge Drive
Fort Collins, CO 80524

OWNER: Imago Enterprises, Inc.
140 Palmer Drive
Fort Collins, CO 80526

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a Request for Modification of Standard ("Request") to Section 4.21(D) of the Land Use Code (the "Code") to allow two additional stories for a proposed hotel that is planned for the southwest corner of South College Avenue and Prospect Road (1623 South College Avenue). Under the current zoning, the maximum allowable height is four stories, and the Modification of Standard requests six stories. Although the site is located within the Transit-Oriented Development Overlay Zone which allows a building to achieve a height of seven stories, such height is only allowed if the building provides for mixed-use, affordable housing and structured parking, and the proposed hotel does not include any of those features.

SUMMARY OF DECISION: Approved with Conditions

ZONE DISTRICT: General Commercial (C-G)

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on September 6, 2018, in the Community Room at 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted and considered the following evidence: (1) the Staff Report; (2) the application, plans, maps and other supporting documents submitted by the Applicants; (3) written comments received from Joshua Gernsey on August 6, 2018, Patrick McGaughran on August 13, 2018, Jeffrey A. McCubbin on August 28, 2018, Andrew Tidrick on September 6, 2018, and Fred Haberecht on September 6, 2018; and (4) a copy of the public notice. The Land Use Code and the formally promulgated policies of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified at the hearing:

From the City: Ted Shepard

From the Applicant: Brett Parmalee, Lou Bieker

From the Public: Bill Honn, Tom Hall

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
2. The Request meets the applicable requirements of Section 2.8.2(H) of the Code:
 - a. City Plan Policy LIV 34.3 encourages infill redevelopment of older auto-oriented shopping centers to more compact, pedestrian and transit-oriented projects. The Request for Modification is consistent with this Policy.
 - b. The Midtown Plan establishes a vision to improve, urbanize and further activate the streetscape within the area. The Request is consistent with this vision.
 - c. The shadow analysis indicates that shadowing at the solstice, and 45 days before and after, do not cause an impact on the adjacent properties that is any more adverse than shadowing caused by buildings that would comply the current allowance of up 100' in height.
 - d. The additional two stories in height, at this location, and based on the surrounding context, would be justified under Section 3.5.1(G)(1)(c) – Modification of Height Limits, specifically under subsections 2, 4, 5 and 6.
 - e. Granting of the Request would not be detrimental to the public good.
 - f. The Request as submitted will promote the general purpose of Section 4.21(D) equally well or better than would a plan which complies with Section 4.21(D).

ANALYSIS

Most of the public comments received prior to and at the hearing were supportive of the project overall, noting that the project is the type of infill development that is consistent with the City's goals. The concerns that were raised by the public prior to and during the hearing focused on the height of the building, the increase in traffic from the hotel use and lack of sufficient parking on the site.

During the hearing, City staff and a representative of the Applicants both testified that the project meets all applicable parking requirements, and that no additional traffic mitigation is necessary for the project.

The height of the building was discussed at length at the hearing, and it was noted that, under the current zoning, the building height could actually reach 100', but with only four stories (because the ceiling heights could reach up to 25' per floor). As such, the Applicants' request for 6 stories, but at a lower height than 100', is reasonable under the circumstances. In addition, during the hearing, the Applicants agreed that a condition of approval limiting the maximum height to 80' would be appropriate, and would help alleviate some of the public's concerns.

DECISION

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

1. The Request is approved subject to the following conditions:
 - a. The maximum height of the building shall be 80';
 - b. When filed, the Project Development Plan shall include a building that is not a standardized prototype design that is characteristic of a recognized brand of hotel. While the Applicants' Exhibits I, J, and K are illustrative only, they shall inform and provide the underlying basis for the architectural character of the building; and
 - c. When filed, the Project Development Plan shall demonstrate that the ground floor of the building is activated in the form of storefront windows, an entry plaza that faces South College Avenue and a public courtyard or other similar features.
2. Pursuant to Section 2.8.1 of the Code, the approval set forth herein shall be valid for one year from the date of this decision, and if an application for a Project Development Plan is not filed within such time, this approval shall automatically lapse without further action.

DATED this 18th day of September, 2018.



Kendra L. Carberry, Hearing Officer