

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

HEARING DATE: January 24, 2018

PROJECT NAME: Spirit at the River

CASE NUMBER: PDP170026

APPLICANT: Shelley LaMastra
Russell + Mills Studios
506 S College Avenue, Unit A
Fort Collins, CO 80524

OWNER: HCC Holdings LLP
301 E Lincoln Ave.
Fort Collins, CO 80524

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a Project Development Plan ("PDP") for a 101,650 square foot building to include a hotel and restaurant, including 124 parking spaces and 32 bicycle parking spaces and 0.95 acres of a natural habit buffer zone on the south of the site abutting the Poudre River. The building is 3 stories with one section rising to 4 stories.

SUMMARY OF DECISION: Approved with conditions.

ZONE DISTRICT: Community Commercial, Poudre River District (CCR)

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on January 24, 2018, in the Community Room at 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; (2) the application, plans, maps and other supporting documents submitted by the applicant; (3) written comments received from Kristen Bernhardt, Bret Bollmeier, Kim Bollmeier, Jenna Riedi, Matt Robenalt, Wes and Trudy Sargent, Ed Stoner, Andrew Warnick, Ron Weinmeister, Gary Wockner, Will Flowers, and Odell Brewing Company; 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: Clay Frickey, Rebecca Everette

From the Applicant: Moira Bright, Shelley LaMastra, Edwin Mocke, Michael Maurer

From the Public: Kelly Ohlson, Gina Janett, Rodney Rice, Rod Clough, Dale Albrecht

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
2. Subject to the conditions imposed below, the PDP complies with the applicable General Development Standards contained in Article 3 of the Code.
 - a. The PDP complies with Section 3.2.1 (D)(1)(c), Tree Planting Standards – Full Tree Stocking, because the PDP landscaping meets the minimum tree stocking standards, and includes groups of trees planted with spacing.
 - b. The PDP complies with Section 3.2.1(D)(2) Tree Planting Standards – Street Trees, because the landscape plan includes 5 street trees planted along Lincoln Avenue.
 - c. The PDP complies with Section 3.2.1(D)(3), Minimum Species Diversity, because the PDP includes 155 trees, with the maximum number of any one species at 23.
 - d. The PDP complies with Section 3.2.1(E)(3)(b)(2), Water Conservation, because the landscaping will use 4.17 gallons/square foot annually.
 - e. The PDP complies with Section 3.2.1(E)(5), Parking Lot Interior Landscaping, because the PDP landscapes 11.3% of the interior parking lot area.
 - f. The PDP complies with Section 3.2.2(C)(4)(b), Bicycle Parking Space Requirements, because the PDP includes 37 bicycle parking spaces, with 21 in enclosed locations and 16 in fixed racks.
 - g. The PDP complies with Section 3.2.2(C)(5), Walkways, because the walkways connect the main entrance to both the restaurant and hotel to the sidewalk along Lincoln Avenue.
 - h. The PDP complies with Section 3.2.2(C)(6), Direct On-Site Access to Pedestrian and Bicycle Destinations, because the PDP provides direct sidewalk connections to Lincoln Avenue and the Poudre Trail, which facilitates pedestrians reaching destinations nearby. The site also directly ties into the bike lane along Lincoln Avenue and the Poudre Trail, which allows cyclists to reach nearby destinations as well.
 - i. The PDP complies with Section 3.2.2(D)(1), Access and Parking Lot Requirements – Pedestrian/Vehicle Separation, because the PDP provides an extensive sidewalk network around the building and site, and the sidewalk is separated from vehicle use areas by a curb.
 - j. The PDP complies with Section 3.2.2(J), Setbacks, because the closest parking stall is 57', 6" from Lincoln Avenue.

- k. The PDP complies with Section 3.2.2(K)(5), Handicap Parking, because the PDP includes 5 handicap spaces, including 1 van-accessible handicap space.
- l. The PDP complies with Section 3.2.3, Solar Access, Orientation, Shading, because the building is designed and located to minimize the casting of shadows on adjacent properties and could accommodate future active and passive solar installations.
- m. The PDP complies with Section 3.2.5, Trash and Recycling Enclosures, because the trash and recycling enclosure abuts a storage area, allows walk-in access without having to open the main service gate, is screened from public view and is built on a concrete pad.
- n. The PDP complies with Section 3.4.1(D)(1), Ecological Characterization Study, because an ecological characterization study (ECS) was conducted in February 2017, with an emphasis on the Cache la Poudre River Corridor.
- o. With the condition imposed below, the PDP complies with Section 3.4.1(E), Establishment of Buffer Zones.
- p. The PDP complies with Section 3.4.1(I), Design and Aesthetics, because the materials and colors of the building will visually complement the river corridor, and the building, parking lot, and other site elements are located and designed in a way that enhances ecological character and minimizes impacts on the river corridor.
- q. The PDP complies with Section 3.4.1(L-M), Compatibility with and Access to Natural Areas, because the natural habitat buffer will serve as an extension of Homestead Natural Area, improving the connectivity of wildlife habitat along the Poudre River, and the PDP will improve access to Homestead Natural Area with the addition of a bike and pedestrian connection to the Poudre Trail.
- r. The PDP complies with Section 3.5.1, Building and Project Compatibility, because the building is compatible with surrounding areas in size, height, bulk, mass, scale, mechanical equipment screening and operational/physical compatibility.
- s. The PDP complies with Section 3.5.1(G), Building Height, because: the building is sited so as to minimize the casting of shadows; the balconies and decks face the center of the building to minimize privacy concerns for the Buckingham neighborhood; and the building is of similar size and scale to the O'Dell Brewing building and In-Situ building.
- t. The PDP complies with Section 3.5.3(C)(1), Orientation to a Connecting Walkway, because both the entrance to the hotel and entrance to the restaurant tie directly into the sidewalk along Lincoln Avenue.
- u. The PDP complies with Section 3.5.3(C)(2), Orientation to Build-to Lines for Streetfront Buildings, because at its closest dimension, the building is located 15', 9-1/4" away from the right-of-way.

v. The PDP complies with Section 3.5.3(D), Variation in Massing, because: the building has appropriate horizontal massing and changes in massing related to entrances, the integral structure and interior spaces of the building; no horizontal plane exceeds a 1:3 height-width ratio; and the changes in massing relate to building features such as doors and windows, which are integral to the interior spaces of the building.

w. The PDP complies with Section 3.5.3(E), Character and Image, because: the building includes façade treatments, entrances, and base and top treatments; all walls break up their mass with windows, change in materials and fenestration pattern to provide a human scale; canopies define the main entrance to the restaurant and hotel; extruded bays with a masonry cap on top of stone define a clear base of the building; cornices define a clear top of the building; and the middle portion of the building is defined by a change in material to lap siding and stucco.

x. The PDP complies with Section 3.6.6, Emergency Access, because an appropriate emergency access easement will be established around the entire building.

3. Subject to the conditions imposed below, the PDP complies with the applicable requirements for the Community Commercial, Poudre River (CCR) district contained in Article 4 of the Code.

a. The PDP complies with Section 4.20(B)(2)(c), Permitted Uses, because lodging establishments and standard restaurants are permitted uses in the CCR district.

b. The PDP complies with Section 4.20(D)(2), Streets and Connections, because: the layout of streets and walkways emphasizes the characteristics and views of the river landscape, utilizing special street design features; and the walkway leading to the Poudre Trail is lined with shrubs, trees, and an upland seed mix while emphasizing a view to the Poudre River.

c. The PDP complies with Section 4.20(D)(3)(b), Character and Image, because the building forms a courtyard to the east with extensive plantings to tie into the landscape, and the windows have sills and headers or frames to define building stories and establish human scale and proportion.

d. The PDP complies with Section 4.20(D)(3)(c), Color/Materials, because the building colors are subdued or neutral shades, and the base of the building is stone and integral to the building.

e. The PDP complies with Section 4.20(D)(4)(a), Landscaping/Vegetation Protection, because all of the plantings in the natural habitat buffer zone are native and enhance the corridor.

4. The First Modification of Standard (Section 3.2.1(E)(4), Parking Lot Perimeter Landscaping) meets the applicable requirements of Section 2.8.2(H) of the Code:

a. An existing sanitary sewer line running directly underneath the western property line prevents the planting of trees along the edge of the parking lot, so the hardship is not

self-imposed. The PDP includes Autumn Amber Sumacs and Blue Oat Grass to provide screening from Lincoln Avenue, and in lieu of shrubs, a berm, a low wall, or fence, the landscape plan shows a 6' wide sidewalk along the western property line on the edge of the parking lot, with a public access easement. No other site south of Lincoln Avenue provides such a connection in a public access easement to the Poudre Trail, and this is critical to providing enhanced pedestrian connectivity to the Poudre Trail for residents.

b. Based on the foregoing, 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 requirements of the Code.

5. The Second Modification of Standard (Section 4.20(D)(3)(a)(1), Height/Mass) meets the applicable requirements of Section 2.8.2(H) of the Code:

a. The PDP will not diverge from the standards of the Code except in a nominal, inconsequential way and will continue to advance the purposes of the Code as contained in Section 1.2.2.

b. The granting of the Modification would not be detrimental to the public good.

6. Subject to the conditions imposed below, the Third Modification of Standard (Section 4.20(D)(3)(a)(2), Parking Lots) meets the applicable requirements of Section 2.8.2(H) of the Code:

a. The PDP includes an access drive with 25 parking spaces (12 after the condition imposed below) located behind the building, with the access drive also serving as an emergency access easement.

b. The PDP, with the condition set forth below, 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.

b. The granting of the Modification would not be detrimental to the public good.

ANALYSIS

During the hearing, the public raised a number of concerns relating to the proposed natural habitat buffer zone between the hotel building/parking lot and the Poudre River, as well as the inclusion of parking spaces in the floodplain adjacent to the river. Concerns were also raised regarding the proposed 2' berm separating the parking area from the buffer, because a 2' berm would not block light from vehicle headlights.

While the presumptive buffer in this area is 300', the Code leaves the final determination of the appropriate buffer to the Hearing Officer. The Hearing Officer agrees with the public that the proposed buffer as set forth in the PDP is insufficient. However, at the hearing, the Hearing Officer raised this issue and questioned the Applicant about it, and the Applicant verbally agreed to eliminate the 13 parking spaces located nearest to the Poudre River. In response, the City's

representative testified that these 13 parking spaces were not critical to the project or required by the Code.

The removal of the 13 parking spaces nearest to the Poudre River would eliminate the floodplain issues associated with these parking spaces. It would also increase the buffer and resolve the concern about the 2' berm being ineffective to block light nuisance, because, according to the Applicant, the berm could be redesigned to provide better light diffusion. Moreover, based on the testimony at the hearing, with the signage that would have been installed advising the public of the floodplain risk, it is apparent that the use of these parking spaces would have been minimal at best.

While this redesign by condition does not significantly increase the buffer, it does provide more natural area between the building and the Poudre River without disturbing the required emergency access.

DECISION

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

1. The PDP and three Modifications of Standard are approved with the following conditions:

a. The 13 parking spaces nearest to the Poudre River shall be eliminated, and that area shall be added to the natural habitat buffer zone.

b. The berm adjacent to the natural habitat buffer zone shall be redesigned by the Applicant to further mitigate light nuisances from vehicle headlights.

DATED this 7th day of February, 2018.



Kendra L. Carberry
Hearing Officer