

**CITY OF FORT COLLINS
TYPE 1 ADMINISTRATIVE HEARING**

FINDINGS AND DECISION

HEARING DATE: November 23, 2015

PROJECT NAME: Viale Collegio (2nd Floor Remodel) Major Amendment

CASE NUMBER: MJA #150007

APPLICANT: Brady (“Brad”) Massey
ALM2S
712 Whalers Way, Suite B-100
Fort Collins, CO 80525

OWNER: VenturePro LLLP
706 S. College Avenue
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for consideration of the Viale Collegio Major Amendment, MJA #150007. The project site is located at 706 South College Avenue, south of East Laurel Street, and is located in the Community Commercial (C-C) zone district. This is a Major Amendment to remodel approximately 8,300 square feet of existing second floor commercial office space into 14 residential studio apartments (the “Project”). As set forth in the application, the 14 new residential studio apartments will be similar to the existing third floor residential studio apartments, and the new units will be served by the existing 33-space parking lot.

BACKGROUND AND LAND USE HISTORY:

The project site is located on the southern half of Lot 3 and all of Lot 4, Block 127 as indicated on the Fort Collins 1873 Map (“Subject Property”).

In 2003, the Subject Property was redeveloped as a mixed-use, three-story building in accordance with the Viale Collegio PDP. The new building approved as part of the Viale Collegio PDP replaced an existing, drive-thru bank, a two-story house, and a small office building. The existing three-story building constructed on the Subject Property consists of approximately 39,227 total interior conditioned space. The existing building on the Subject Property was constructed under the 1997 Uniform Building Code.

The surrounding zoning and land uses are set forth below:

Direction	Zone District	Existing Land Uses
North	Community Commercial (CC)	Retail, restaurant, office, multi-family residential
South	Community Commercial (CC)	Retail, restaurant, office, single-family detached, multi-family residential, lodging establishment
East	Neighborhood Conservation – Buffer (NCB), Neighborhood Conservation – Medium Density (NCM)	Single-family detached, multi-family residential
West	Unzoned, (Colorado State University)	CSU main campus

SUMMARY OF DECISION: Conditional approval.

ZONE DISTRICT: Community Commercial (C-C).

HEARING: The Hearing Officer opened the hearing on Monday, November 23, 2015, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, following the conclusion of the public hearing on the Magnolia/Whedbee replat matter (FDP #150032).

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding: (1) Planning Department Staff Report for the Viale Collegio Major Amendment, MJA#150007; (2) Zoning & Site Vicinity Map; (3) Statement of Planning Objectives submitted by the Applicant dated October 6, 2015; (4) Viale Collegio Second Floor Remodel Planning Document Set (site plan, floor plans and building elevations); (5) graphic showing walking distance from the project site to the nearest MAX stop; and (6) Affidavit of Publication of the Fort Collins Coloradoan dated November 11, 2015 evidencing publication of the Notice of Hearing on November 11, 2015. In addition, the City’s Comprehensive Plan, Code, and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

A copy of the Planning Department Staff Report prepared for the Project is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.

TESTIMONY: The following persons testified at the hearing:

From the City: Clay Frickey, Associate Planner


From the Owner: Brad Massey, ALM2S

From the Public: None

FINDINGS AND DECISION

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
 - A. the Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code; and
 - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code, including specifically the following: Section 3.2.2(C)(4)(b) *Bicycle Facilities – Bicycle Parking Space Requirements*; Section 3.2.2(K)(1) *Parking Lots – Required Number of Off-Street Space for Type of Use* when considering the demand mitigation strategies and the relief provided to new development in the TOD Overlay Zone as set forth in both the Statement of Planning Objectives and the Planning Department Staff Report; Section 3.2.2(K)(5)(d) *Handicap Parking*; and Section 3.2.3 *Solar access, orientation and shading*.
 - C. the Application complies with the applicable Community Commercial (C-C) District standards contained in Article 4 of the Land Use Code, including specifically Section 4.18(B)(2)(a)(6) which permits mixed-use dwellings, subject to administrative review. The Application proposes site and utility improvements, and interior remodeling, to an existing three (3) story building, in compliance with this standard.
 - D. The Application achieves one of the stated purposes of the C-C District, as set forth in Section 4.18(A) in that the existing multi-story building on the Subject Property will continue to provide a mix of residential and nonresidential uses.
3. The Application's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently detailed in the Staff Report, a copy of which is attached as **ATTACHMENT A** and is incorporated herein by reference.
4. The Application is approved on the condition that the Applicant and Owner comply with all provisions of the 2012 International Building Code applicable to the Project, as determined by the City's Building Services Department.

DATED this 3rd day of December, 2015.

A handwritten signature in blue ink, consisting of stylized initials 'MA' followed by a long horizontal line that tapers to the right.

Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report (attached)



ITEM NO 2
MEETING DATE Nov. 23, 2015
STAFF Clay Frickey

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: Viale Collegio 2nd Floor Remodel, MJA150007

APPLICANT: Brady Massey
ALM2S
712 Whalers Way, Suite B-100
Fort Collins, CO 80525

OWNERS: VenturePro LLLP
706 S College Ave.
Fort Collins, CO 80524

PROJECT DESCRIPTION:

This is a major amendment to remodel approximately 8,300 square feet of the existing 2nd floor commercial office space into 14 residential studio apartments for rent (parcel # 9713219002). The unit types will be similar to the existing 3rd floor residential studio apartments. The new residential units will be served by the existing, 33-space covered/surface parking lot. Each new residential unit will contain a hanging bike rack for bike storage. The project is located in the Community Commercial (CC) zone district.

RECOMMENDATION: Staff recommends approval of Viale Collegio 2nd Floor Remodel, MJA150007.

EXECUTIVE SUMMARY:

Staff finds the proposed Viale Collegio 2nd Floor Remodel Major Amendment complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The Project Development Plan/Final Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Project Development Plan/Final Plan complies with relevant standards of Article 3 – General Development Standards.

- The Project Development Plan/Final Plan complies with relevant standards located in Division 4.18, Community Commercial (CC) of Article 4 – Districts.

COMMENTS:

1. Background

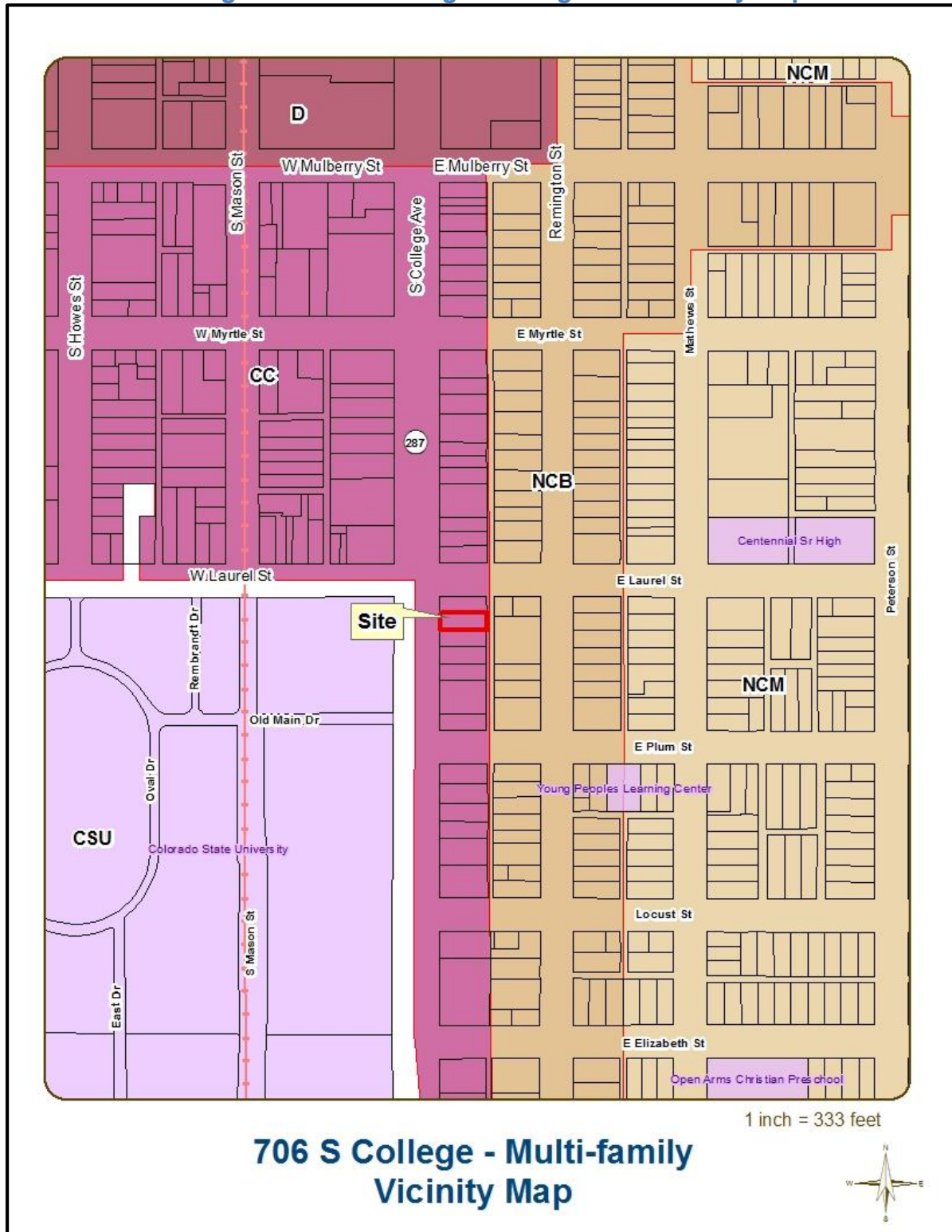
The property was annexed into the City as part of the Original Town Site Annex on January 16, 1873. The property is located on the southern half of Lot 3 and all of Lot 4, Block 127 as indicated on the Fort Collins 1873 Map. In 2003, the site was redeveloped as a mixed-use, three-story building as the Viale Collegio PDP. The new building approved as part of the Viale Collegio PDP replaced an existing, drive-thru bank, a two-story house, and a small office building.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Community Commercial (CC)	Retail, restaurant, office, multi-family residential
South	Community Commercial (CC)	Retail, restaurant, office, single-family detached, multi-family residential, lodging establishment
East	Neighborhood Conservation – Buffer (NCB), Neighborhood Conservation – Medium Density (NCM)	Single-family detached, multi-family residential
West	Unzoned, (Colorado State University)	CSU main campus

A zoning and site vicinity map is presented on the following page.

Figure 1: Viale Collegio Zoning & Site Vicinity Map



2. 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 3.2.2(C)(4)(b) – Bicycle Facilities – Bicycle Parking Space Requirements*

Multi-family residential developments must provide 1 bike parking space per bedroom, with at least 60% provided in enclosed locations. General retail and general office developments must also provide 1 bike parking space per 4,000 sq. ft., with a minimum of 4 bike parking spaces provided. Below is a summary of what is required for Viale Collegio given the land uses proposed as part of this Major Amendment and the bicycle parking provided on the site plan.

Use	Min. Parking	Parking Provided
Office (6,000 sq. ft.)	1/4,000 sq. ft. = 4 spaces (1 covered, 3 fixed rack)	6 spaces
General Retail (4,720 sq. ft.)	1/1,000 sq. ft. = 4 spaces (1 covered, 3 fixed rack)	7 spaces
Multi-family (34 studio units)	1 per bedroom = 34 spaces (21 covered, 13 fixed rack)	39 spaces
Total	42 spaces	52 spaces

The proposed Major Amendment shows one bicycle parking space per bedroom provided within each new residential unit, which translates to 14 covered bike parking spaces. The site plan shows 13 bike parking spaces in the covered garage to serve the retail and office uses. An additional 25 covered spaces are shown on the floor plan for the second floor, which will serve the existing residential units on the third floor and provide additional bike parking for guests. In total, the proposal shows 52 total bike parking spaces.

B. *Section 3.2.2(K)(1) – Parking Lots – Required Number of Off-Street Space for Type of Use*

For multi-family and mixed-use dwellings within the Transit Oriented Development (TOD) Overlay Zone, the development must provide 0.75 parking spaces per unit containing one bedroom or less. The Major

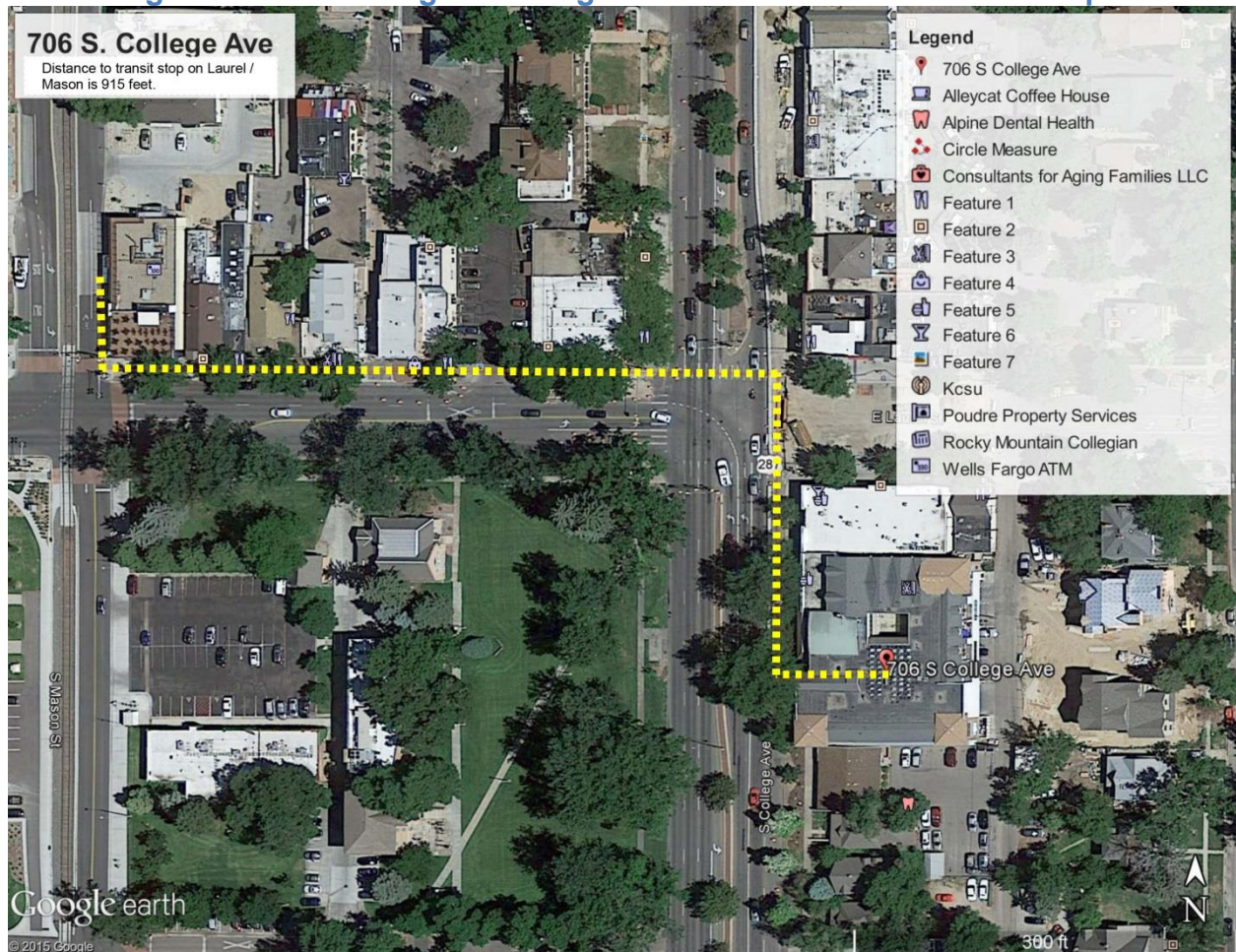
Amendment proposes 14 new studio apartments. The original Viale Collegio PDP provided 33 parking spaces, two of which are handicapped-accessible. Given the new proposed land use mix of the site, below is what would be required for parking per the Land Use Code:

Use	Min. Parking	Max. Parking
Office (6,000 sq. ft.)	1/1,000 sq. ft. = 6 spaces	3/1,000 sq. ft. = 18 spaces
General Retail (4,720 sq. ft.)	2/1,000 sq. ft. = 10 spaces	4/1,000 sq. ft. = 19 spaces
Multi-family (34 studio units)	0.75 spaces per unit = 26 spaces	115% above minimum = 30 spaces
Total	42 spaces	67 spaces

The proposal falls short of the minimum parking required by 9 spaces. However, the Land Use Code offers relief in the form of alternative compliance standards outlined in Land Use Code section 3.2.2(K)(1)(a)(1)(a) and relief for new development in the TOD Overlay Zone outlined in section 3.2.2(K)(2)(c).

Land Use Code section 3.2.2(K)(1)(a)(1)(a) provides several demand mitigation strategies for multi-family dwellings located in the TOD Overlay Zone. The proposal uses two of the listed demand mitigation strategies to achieve a lower parking minimum: transit passes for each tenant and the site being within 1,000 feet of a MAX stop. Each demand mitigation strategy will result in a 10% decrease in the parking minimum or 20% cumulatively. The development agreement will contain language that will ensure a transit pass will be included for every renter for the duration of the project. The most remote entry of the building is 915 feet away from the MAX stop at Laurel St. and Mason St. following an ADA compliant, contiguous, and improved walkway. By meeting these alternative compliance measures, the minimum parking required for the residential component of the project goes from 26 spaces down to 21 spaces (rounded up from 20.8).

Figure 2: Viale Collegio Walking Distance From Nearest MAX Stop



Land Use Code section 3.2.2(K)(2)(c) provides relief for new development in the TOD Overlay Zone. 25% of the square footage of gross leasable area, not to exceed 5,000 sq. ft. shall be exempt from minimum parking requirements. The exemption must be distributed proportionally among the uses contained in a mixed-use development. With the proposed Major Amendment, there will be 6,000 sq. ft. of office uses and 4,720 sq. ft. of general retail uses, or a total of 10,720 sq. ft. of non-residential uses. 25% of 10,720 sq. ft. is 2,680 sq. ft. This total exemption must then be distributed proportionally amongst the office and general retail use. The office comprises 56% of the total non-residential uses with the remaining 44% comprised of general retail. This ratio results in 1,501 sq. ft. of the office use being exempt from the parking minimum and 1,179 sq. ft. of the general retail use being exempt from the parking minimum. The new

parking requirements based on the calculations above are reflected in the table below.

Use	Min. Parking	Max. Parking
Office (6,000 – 1,501 = 4,499sq. ft.)	1/1,000 sq. ft. = 5 spaces	3/1,000 sq. ft. = 14 spaces
General Retail (4,720 – 1,179 = 3,541 sq. ft.)	2/1,000 sq. ft. = 7 spaces	4/1,000 sq. ft. = 14 spaces
Multi-family (34 studio units)	0.75 spaces per unit = 25.5 * .8 = 21 spaces	115% above minimum = 24 spaces
Total	33 spaces	52 spaces

With the demand mitigation strategies proposed and the relief to new development in the TOD Overlay Zone, the proposal meets the minimum parking requirement of 33 spaces.

C. *Section 3.2.2(K)(5)(d) – Handicap Parking*

Parking lots with 26-50 parking spaces must have two handicapped-accessible spaces with at least one space that is also van accessible that adjoins a minimum eight-foot-wide access aisle. The proposal shows two handicapped accessible parking spaces with one space that is van accessible with an adjoining eight-foot-wide access aisle.

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 existing buildings are designed and located to minimize the casting of shadows on adjacent properties and could accommodate future active and/or passive solar installations.

3. Compliance with Article 4 of the Land Use Code – Division 4.8, Neighborhood Conservation, Medium Density District (NCM):

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

A. *Section 4.18(B)(1)(a) – Permitted Uses*

The proposed use, mixed-use dwellings, is permitted in the CC zone district and is consistent with the district’s intent to provide a combination

of retail, offices, services, cultural facilities, civic uses and higher density housing.

5. Findings of Fact/Conclusion:

In evaluating the request for Viale Collegio 2nd Floor Remodel Major Amendment, Staff makes the following findings of fact:

- A. The Project Development Plan/Final Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Project Development Plan/Final Plan complies with relevant standards located in Article 3 – General Development Standards.
- C. The Project Development Plan/Final Plan complies with relevant standards located in Division 4.18, Community Commercial (CC) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of Viale Collegio 2nd Floor Remodel, MJA150007.

ATTACHMENTS:

- 1. Zoning & Site Vicinity Map
- 2. Statement of Planning Objectives
- 3. Viale Collegio 2nd Floor Remodel Planning Document Set (site plan, floor plans, and building elevations)
- 4. Walking distance from nearest MAX stop