

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

FINDINGS AND DECISION

HEARING DATE: January 10, 2019

PROJECT NAME: Waterfield Fourth Filing Amended Project Development Plan

CASE NUMBER: PDP#180009

APPLICANT: Thrive Home Builders
Attn: Paul Herman
1875 Lawrence Street, Suite 900
Denver, CO 80202

Thrive Home Builders
c/o Ripley Design Inc.
419 Canyon Avenue, Suite 200
Fort Collins, CO 80521

OWNER: Parker Land Investments, Inc.
9162 Kenwood Court
Highlands Ranch, CO 80126

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION AND BACKGROUND: This is a request for an Amended Project Development Plan and includes a replat of a portion of Waterfield Third Filing, Tract A Waterfield P.U.D. First Filing, and portions of vacated Timberline Road (together, “Waterfield Fourth Filing” or “Subject Property”).

The application proposes 498 dwelling units divided among four housing types on approximately 83.23 acres. The Subject Property is generally located at the northwest corner of East Vine Drive and North Timberline Road and specifically excludes the Bull Run Apartments and the Plummer School. A new east-west arterial street, Suniga Road, will bisect the Subject Property and Merganser Drive will be re-aligned and extended north to serve the Subject Property.

Portions of the Subject Property are included in the following two zone districts:

- 72.37 acres located in the Low Density Mixed-Use Neighborhood District (L-M-N); and
- 10.86 acres are located in the Medium Density Mixed-Use Neighborhood District (M-M-N).

The Applicant’s proposal for approval of the Amended PDP (PDP#180009) and approval of the Waterfield Fourth Filing plat, and this January 10th hearing, was preceded by a request to amend the Waterfield Overall Development Plan (ODP). The Planning and Zoning Board considered and

approved the Waterfield ODP First Amendment on December 20, 2018. The Waterfield ODP Amendment contemplates a mix of uses on 117.37 uses, including:

Residential Neighborhood (L-M-N and M-M-N)	89.61 acres
Future School Site	10.74 acres
Neighborhood Center	8.95 acres
Neighborhood Park	8.07 acres

TOTAL: 117.37 acres

The ODP Amendment contemplates 498 dwellings units on “PARCEL A”, the boundaries of which are generally coterminous with the Waterfield Fourth Filing. The units proposed in this Amended PDP are consistent with the units set forth in the ODP Amendment, and consist of the following:

- 37 Single Family Detached Homes (front loaded),
- 245 Single Family Detached Homes (alley loaded),
- 34 Two-Family Dwellings, and
- 182 Single Family Attached Dwellings, for a total of 498 dwelling units.

The zoning and land uses of the properties abutting the Subject Property are as follows:

DIRECTION	ZONE DISTRICT	EXISTING LAND USES
North	L-M-N	Eaton Ditch and Vacant Land
South	County	Burlington Northern & Santa Fe Railroad Switching Yard
East	M-M-N	Bull Run Apartments
	County	Rural Residential
West	County	Existing Farm

As part of the PDP submittal, the Applicant is requesting four Modifications of Standard:

1. Modification of Standard to Section 3.5.2(C)(2)(a) to allow two similar single family attached buildings to be placed next to each other in five locations.
2. Modification of Standard to Section 3.5.2(D)(1) to allow two Major Walkway Spines and one Connecting Walkway to exceed the maximum allowable distances and cross alleys.

3. Modification of Standard to Section 4.5(D)(3)(a) (applicable to the L-M-N District) to allow access to a Neighborhood Center for the area south of Suniga Road that must cross an arterial street.
4. Modification of Standard to Section 4.5(E)(3) (applicable to the L-M-N District) to allow four buildings that contain two- and three-family dwellings to be three stories, exceeding the maximum height of two and one-half (2.5) stories set forth in the Code.

ZONE DISTRICTS: Low Density Mixed-Use Neighborhood District (L-M-N)
 Medium Density Mixed-Use Neighborhood District (M-M-N)

SUMMARY OF DECISION: Conditional Approval.

HEARING: HEARING: The Hearing Officer opened the hearing on Thursday, January 10, 2019, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 5:30 p.m.

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding:

- (1) Location Map
- (2) Vicinity Map
- (3) Site Plan (rendered)
- (4) Waterfield Overall Development Plan (ODP) First Amendment
- (5) Project Narrative
- (6) Modification Request – No Similar Buildings Next to Each Other – Single Family Attached
- (7) Modification Request – Connecting Walkways and Major Walkway Spines
- (8) Alternative Compliance – Building Setbacks
- (9) Site Plan
- (10) Architectural Elevations – Single Family Attached
- (11) Plat – Waterfield Fourth Filing
- (12) Neighborhood Meeting Summary
- (13) Waterfield Transportation Impact Study dated August 2018
- (14) PowerPoint Presentation prepared by City Staff for the January 10, 2019 public hearing
- (15) PowerPoint Presentation prepared by the Applicant for the public hearing

- (16) Planning Department Staff Report prepared for Waterfield Fourth Filing, Amended Project Development Plan (PDP #180009), a copy of which is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference
- (17) Rules of Conduct for Administrative Hearings
- (18) Administrative (Type 1) Hearing: Order of Proceedings
- (19) Confirmation of Publication dated January 3, 2019 evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradoan on January 3, 2019
- (20) Notice of Public Hearing dated December 27, 2018.
- (21) Email from Mike Griffith, 1819 Westover Court (forwarded to Hearing Officer on January 10, 2019).

In addition, the City’s Comprehensive Plan, the Land Use Code (“LUC” or “Code”), and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer in this proceeding.

TESTIMONY: The following persons testified at the January 10th hearing:

From the City:

Ted Shepard, Chief Planner

Stephanie Blochowiak, Environmental Planner

From the Applicant/Owner: Paul Herman, Thrive Home Builders

Katy Thompson, Ripley Design Inc.

Linda Ripley, Ripley Design Inc.

Nick Haws, PE, Northern Engineering

Joe Delich, Delich Associates Traffic & Transportation Engineering

From the Public:

Joe Soloman, 1721 Lindenwood Drive

David Csmoski, 1317 South View Circle

Paul Griffin, 1300 Steeple Chase Drive

John Jacobi, 1305 Linden Lake Road

Tiffany Hunt, 1717 Lindenwood Drive

Terry Danielson, 1915 Shelburne Court

Deborah Kohler, 1929 S. View Drive*

Mike Griffith, 1819 Westover Court**

* on sign-in sheet but did not provide testimony at the hearing.

** comments received via email.

The public comment portion of the hearing was closed at approximately 6:40 p.m. Following the conclusion of rebuttal testimony provided by City staff and the Applicant (and Applicant's representatives), the public hearing was closed at 7:10 p.m.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. Based on testimony provided at the public hearing, including rebuttal testimony provided by the Applicant and City Staff in response to issues raised during the public comment portion of the 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 LUC.
 - B. The Modification of Standard to Section 3.5.2(C)(2)(a) – *Housing Model Variety – Variation Among Buildings* meets the applicable requirements of Section 2.8.2(H)(4), in that the granting of the Modification would not be detrimental to the public good and the plan will not diverge from the standards set forth in the Code 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 Code as stated in Section 1.2.2. Specifically, the Hearing Officer finds that the requested Modification of Standard is associated with only one (of four) housing types – single family attached – and that this impact is geographically limited and not widespread. Only ten buildings are repeated, which constitutes only 2.9% of the total number of residential buildings proposed in the Application, being 344. In addition, the Hearing Officer finds that approval of the PDP will continue to advance the purposes of the LUC as set forth in Section 1.2.2, including specifically subsection 1.2.2(J) and (N) of the Code:
 - (J) *improving the design, quality and character of new development.*
 - (N) *ensuring that development proposals are sensitive to natural areas and features.*
 - C. The Modification of Standard to Section 3.5.2(D)(1) – *Relationship of Dwellings to Streets and Parking – Orientation to a Connecting Walkway* that is proposed with this PDP meets the applicable requirements of Section 2.8.2(H)(4), in that the granting of the Modification would not be detrimental to the public good and the plan will not diverge from the standards 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 Code as stated in Section 1.2.2, subject to the condition of approval recommended by City Staff. Specifically, the Hearing Officer finds that only 22 units do not comply with the applicable standard,

representing only 4.4% of the total number of dwelling units (498), and therefore the divergence is nominal and inconsequential when considered from the perspective of the PDP. In addition, the Hearing Officer finds that approval of the PDP will continue to advance the purposes of the LUC as set forth in Section 1.2.2(J) and (N), subject to the following condition of approval: at the time of submittal for Final Plan, the two Major Walkway Spines that connect to Streets B and C, and the Connecting Walkway to Street H be widened to at least six feet (6') in the segments where they are not six feet (6') or wider already, except in those locations where doing so would encroach into the community trail easement. In addition, and consistent with the condition recommended by City Staff, such walkways must be and lined with trees to the maximum extent feasible at intervals that do not exceed 35 feet in length.

- D. The Modification of Standard to Section 4.5(D)(3)(a) – *Access to Neighborhood Center – Without Crossing an Arterial Street*, meets the applicable requirements of Section 2.8.2(H)(3), in that the granting of the Modification would not be detrimental to the public good and that by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to the Subject Property, the strict application of the standard would result in an unusual and exceptional practical difficulty. The dedication of 115 feet of public right-of-way, for the Suniga Road extension, located approximately ¼ mile north of the section line, constitutes an extraordinary and exceptional situation unique to the Subject Property that causes strict compliance with the standard set forth in Section 4.5(D)(3)(a) to not be feasible. The Hearing Officer finds that the infeasibility of complying with the applicable standard is not the result of an act or omission by the Applicant. The Hearing Officer also notes that the Staff Report notes that the owner of the historic Plummer School, located at the northwest corner of E. Vine Drive and N. Timberline Road, has expressed initial interest in redevelopment of this highly visible corner. If such redevelopment were to occur at a future date, this would provide Waterfield residents located south of Suniga Road with an opportunity to access a neighborhood center without crossing an arterial road. Therefore, the Hearing Officer finds that Section 2.8.2(H)(3) is satisfied approves the Modification of Standard to Section 4.5(D)(3)(a) of the Code.
- E. The Modification of Standard to Section 4.5(E)(3) – *Maximum Residential Building Height* that is proposed with this PDP meets the applicable requirements of Section 2.8.2(H)(4), in that the granting of the Modification would not be detrimental to the public good and the plan will not diverge from the standards 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 Code as stated in Section 1.2.2. Specifically, the Hearing Officer finds that the requested Modification of Standard applies to only four (4) of 344 total buildings proposed in the PDP, and that the degree of divergence from the applicable standard is therefore nominal and inconsequential when considered in the context of the entire development plan. In addition, the Hearing Officer finds that approval of the PDP will continue to advance the purposes of the LUC as set forth in Section 1.2.2 of the Code, including specifically subsection 1.2.2(J) and (N).

F. The alternative compliance request for Section 3.5.2(E) of the Code is approved. The Applicant is proposing an eleven foot (11') front yard setback for front porches only for: (1) 279 detached units that have alleys, and (2) 37 detached units that are front loaded. In making the determination to grant the alternative compliance request, the Hearing Officer has considered the review criteria set forth in Section 3.5.2(E)(2)(a) of the Code, the Staff Report and the other documents submitted as part of the record of this proceeding, and has determined that the front porches will exceed the minimum required dimensions, that all entrances will comply by having no less than a 4' by 4' entry, the elevation of porches will be at least 18" above grade, no front-loaded driveway will exceed 10' in width, a private yard is provided that is at least 12' by 18', front yard fences will not exceed 60% opacity, and front yard fences will not exceed 2.5' to 3' in height. The Hearing Officer concludes that these improvements justify approval of the alternative compliance request and that the proposed alternative plan accomplishes the purposes of Section 3.5.2(E) of the Code equally well or better than a plan that would strictly comply with the applicable Code requirements.

3. The Application complies with the applicable General Development Standards contained in Article 3 of the Code, as set forth in the Staff Report.

4. The Application complies with the applicable L-M-N District and M-M-N District standards contained in Article 4 of the Code, as set forth and referenced in the Staff Report.

5. The Application conforms to the Waterfield ODP First Amendment, as approved by the Planning & Zoning Board on December 20, 2018.

6. The Application's satisfaction of the applicable Article 2, 3 (as modified) and 4 (as modified) requirements of the LUC is sufficiently detailed in the Staff Report, a copy of which is attached as **ATTACHMENT A** and is incorporated herein by reference.

DECISION

Following consideration of the record in this case and the findings set forth above, the Hearing Officer hereby approves the Amended Project Development Plan for the Waterfield Fourth Filing (PDP #180009), subject to the following conditions of approval, as recommended by the City, and as verbally agreed to by the Applicant at the January 10th public hearing:

1. At the time of submittal for Final Plan, the amount of landscaping within Tract L, and specifically in front of the seven buildings on Blocks 2 and 18, must be enhanced in order to mitigate the negative impacts associated with these buildings fronting along an arterial street and being set back only 22 feet from the public right-of-way.
2. At the time of submittal for Final Plan, all private, off-street walkways that provide sole access between a building entrance and a public sidewalk must be continuous as they cross alleyways (private drives) with a break in the continuity of the alleyway paving and not in the pedestrian access way.

Further, such crossings must be well-marked, using pavement treatments, signs, striping and lighting or other traffic calming techniques.

3. At the time of submittal for Final Plan, the two Major Walkway Spines that connect to Streets B and C, and the Connecting Walkway to Street H be widened to at least six feet (6') in the segments where they are not six feet (6') or wider already, except in those locations where doing so would encroach into the community trail easement. Further such walkways must be and lined with trees to the maximum extent feasible at intervals that do not exceed 35 feet in length.
4. At the time of submittal for the Final Landscape Plan, all Major Walkway Spines must be fully tree-lined with particular attention to the walkways serving the following three areas:
 - Lots 1 – 3, Block 5;
 - Lots 1 – 11, Block 11; and
 - Lots 3 – 9, Block 45.
5. Before Final Plan approval, the Applicant must have agreed to the Alternative Mitigation Strategy established by the City in compliance with Section 3.7.3 of the LUC and Section 4.6.8 of the Larimer County Urban Area Street Standards.

DATED this 23rd day of January, 2019.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Waterfield Fourth Filing
Amended Project Development Plan
PDP #18009

(32 pages – attached)

STAFF REPORT
Administrative Hearing

Date: January 10, 2019

PROJECT NAME

Waterfield 4th Filing, Amended Project Development Plan, #PDP180009

STAFF

Ted Shepard

PROJECT INFORMATION

PROJECT DESCRIPTION: This is a request for an Amended Project Development Plan and a Replat of Waterfield Third Filing and Tract A, Waterfield P.U.D. First Filing and consists of 498 dwelling units divided among four housing types on 83.23 acres. The site is located generally at the northwest corner of East Vine Drive and North Timberline Road but does not include Bull Run Apartments or the Plummer School. Suniga Road, as a new east-west arterial street, divides the property into two unequal sections. Merganser Drive will be re-aligned and extended north to serve the site. The four housing types would be 37 single family detached homes, 245 single family detached homes / alley load, 34 two-family dwellings and 182 single family attached dwellings.

The parcel includes two zone districts: 72.37 acres are zoned LMN, Low Density Mixed-Use Neighborhood and 10.86 acres are zoned MMN, Medium Density Mixed-Use Neighborhood. This request for an Amended Project Development and Replat is preceded by a request to amend the Overall Development which was approved by the Planning and Zoning Board on December 20, 2018.

APPLICANT: Thrive Home Builders
c/o Ripley Design
419 Canyon Avenue, Suite 200
Fort Collins, CO 80521

OWNER: Parker Land Investments, Inc.
9162 Kenwood Court
Highlands Ranch, CO 80126

RECOMMENDATION: Approval of four Requests for Modification and approval of the P.D.P., subject to five conditions.

EXECUTIVE SUMMARY

The P.D.P. complies with the applicable requirements of the Land Use Code, more specifically:

- The P.D.P. complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The P.D.P. complies with the standards of Article Four – Low Density Mixed-Use Neighborhood with two exceptions and the Medium Density Mixed-Use Neighborhood.
- Staff supports the request for a Modification of Standard to Section 4.5(D)(3) to allow access to a Neighborhood Center for the area south of Suniga Road that must cross an arterial street.
- Staff supports the request for Modification of Standard to Section 4.5(E)(3) to allow four buildings that contain two- and three-family dwellings to be 3-stories.
- The P.D.P. complies with the applicable General Development Standards of Article Three with two exceptions and five conditions.
- Staff recommends a Condition of Approval regarding compliance with Section 3.2.1(C) to address enhanced landscaping along Suniga Road in Tract L where dwelling units front on an arterial street.
- Staff recommends a Condition of Approval regarding compliance with 3.2.2(C)(5)(a,b) for enhanced pedestrian alley crossings.
- Staff supports the request for Modification of Standard to Section 3.5.2(C)(2)(a) to allow two similar single family attached buildings to be placed next to each other in five locations.
- Staff supports the request for Modification of Standard to Section 3.5.2(D)(1) to allow two Major Walkway Spines and one Connecting Walkway to exceed the maximum allowable distances and cross alleys, subject to a Condition of Approval to ensure that the subject Major Walkway Spines are tree-lined.
- Staff recommends a Condition of Approval to ensure that all Major Walkway Spines, not just those associated with the Request for Modification, are tree-lined.
- Staff recommends a Condition of Approval regarding compliance with Section 3.7.3 – Adequate Public Facilities – to allow the project to proceed to Final Plan ~~prior to~~ **after** which, **and prior to recording final documents**, an Agreement shall be reached with the City that establishes an Alternative Mitigation Strategy that address the project's proportional financial share of necessary regional transportation improvements.

STAFF ANALYSIS

1. SURROUNDING ZONING AND LAND USES

Background:

The surrounding zoning and land uses are as follows:

DIRECTION	ZONE DISTRICT	EXISTING LAND USES
North	L-M-N	Eaton Ditch and Vacant Land
South	County	Burlington Northern & Santa Fe Railroad Switching Yard
East	M-M-N	Bull Run Apartments
	County	Rural Residential
West	County	Existing Farm

Zoning History:

In 1983, the parcel was included within the 500-acre East Vine 7th Annexation.

In 1997, Waterfield P.U.D. First Filing was approved and included 43 single family lots and 176 multi-family dwelling units, known as Bull Run Apartments, on a total of 27.5 acres. Only the apartments were developed and the vested right for the single family lots lapsed.

In 2000, Waterfield P.U.D. Second Filing was approved and consisted of 102 single family lots, a 6.17-acre park site and a 10.2-acre school site on 92.79 acres and a neighborhood center described as featuring a convenience store and child care facility. The second filing never developed and the vesting for this entire P.U.D. also lapsed.

The Mountain Vista Subarea Plan was approved in 1999 and amended in 2009. During the 2009 amendment process, the existing Bull Run Apartments and 13 acres north of Bull Run Apartments were rezoned by the City of Fort Collins from L-M-N to M-M-N. In addition, Suniga Road was incorporated into the both the Subarea Plan and the Master Street Plan, to be aligned parallel and approximately one-quarter mile north of E. Vine Drive.

In 2013, an Overall Development Plan was approved, and the 13 acres north of Bull Run Apartments was designated as Tract B (zoned M-M-N) and the alignment of Suniga Road was properly depicted. This O.D.P. remains valid as O.D.P.'s do not expire.

In 2014, and in conjunction with the current O.D.P., Waterfield 3rd Filing, Phase One, Final Plan was approved for 191 dwelling units on 75 gross acres. As noted, the initial three-year vesting, combined

with two one-year extensions, renders this Final Plan valid up to August of 2019. This is the approved plan that is being amended by the current request.

On December 20, 2018, the Planning and Zoning Board approved Waterfield Amended Overall Development Plan for a mix of uses on 117.75 acres. These uses included:

Residential	89.61 acres
Neighborhood Center	9.30 acres
Public Neighborhood Park	8.10 acres
Public Elementary School	10.74 acres

2. **Compliance with Article Four – Section 4.5 - Low Density Mixed-Use Neighborhood Zone District Standards:**

As noted, 73.37 acres, out of a total of 83.22 acres, are zoned Low Density Mixed-Use Neighborhood (L-M-N).

A. *Section 4.5(B)(2) – Permitted Uses*

The L-M-N portion of the P.D.P. contains three uses:

- Single-family detached dwellings (both front- and alley-load)
- Two-family Dwellings
- Single-family attached dwellings.

All three uses are permitted subject to Administrative (Type One) Review.

B. *Section 4.5(D)(1) - Density*

The P.D.P. features 414 dwelling units on 73.37 acres for a gross density of 5.64 dwelling units per acre. This density exceeds the required minimum of 4.00 dwelling units per net acre and **comes in under** the allowable maximum of 9.00 dwelling units per gross acre.

C. *Section 4.5(D)(2)(a)3. and (d) – Mix of Housing and Percentages*

This standard requires that for projects containing 30 acres or more, a minimum of four housing types are required and that a single housing type must not exceed 80% or be less than 5% of the total number of dwelling units. In compliance, the P.D.P. includes the following four housing types:

HOUSING TYPE	QTY	%
Single-family detached	37	7%
Single-family detached (alley loaded)	245	49%
Two-family	34	7%
Single-family attached	182	37%
TOTAL	498	100%

D. Section 4.5(D)(3)(a) – Access to Neighborhood Center

This standard requires that:

“At least 90% of the dwelling units in projects greater than 40 acres must be located within 3,960 feet (¾ of a mile) of either a neighborhood center contained within the project or an existing neighborhood center located in an adjacent development or an existing or planned Neighborhood Commercial District (N-C) commercial project which distance shall be measured along a street frontage, and without crossing an arterial street.”

A neighborhood center that meets the requirements of Section 4.5(D)(3), with one exception, is provided as indicated as Tract C on the Waterfield Amended Overall Development Plan. This tract is 8.95 acres and is in the northwest portion of the O.D.P. While the Neighborhood Center is not a part of Waterfield 4th Filing P.D.P., and is expected to develop as a future phase, the 4th Filing comprises 83 of the total 117 acre Overall Development Plan. Evaluating the Neighborhood Center for compliance with the L-M-N standards, therefore, is in order.

All dwellings within Waterfield 4th Filing are within ¾ mile of this planned neighborhood center. The one exception is that the dwellings south of Suniga Road (four-lane arterial street) would have to cross this arterial to gain access to the Neighborhood Center. A Request for Modification is discussed below.

Access to Tract C is gained by the following new streets:

- Turnberry Road is a planned north-south two-lane arterial along the Waterfield west property line and would be constructed only as far south as Suniga Road. Per the Master Street Plan, Turnberry Road would be extended south from Mountain Vista Road when the intervening property develops. Waterfield will dedicate the right-of-way and show a design on their Final Utility Plan but construction will be in the future at the time when the Poudre School District and City of Fort Collins develop the school and park.
- An internal east-west local street is planned that would serve both the Neighborhood Center and the future elementary school.
- Conifer Street is an east-west collector street that is planned to bisect Tract C. Per the Master Street Plan, Conifer Street would be extended west to connect to Lemay Avenue at

the time the intervening properties develop. Conifer Street is also expected to curve northeasterly to cross the Eaton Ditch at a 90-degree angle but will not be constructed with this filing.

As noted, this future Neighborhood Center is not included in Waterfield 4th Filing. The Land Use Code anticipated the phasing of large-scale residential projects. Section 2.3.2(H)(7) – Overall Development Plan Review Procedures – Step 8 (Standards) states:

“Any standards relating to housing density and mix of uses will be applied over the entire overall development plan, not on each individual project development plan review.”

Staff anticipates the future Neighborhood Center to be a component of a future P.D.P. and contribute to the mix of uses required for L-M-N projects over 40 acres. Staff concludes, therefore, that the future phasing of the Neighborhood Center on Tract C of the Waterfield Amended O.D.P. satisfies the requirement of Section 4.5(D)(3)(a) in terms of land use.

E. Section 4.5(D)(3)(a) – Access to Neighborhood Center – Without Crossing an Arterial Street – Request for Modification

While the future Neighborhood Center provides the required land use, the standard goes on to require that all dwelling units gain access without having to cross an arterial street. Suniga Road, an east-west that divides the property, is designated as an arterial street.

The applicant has submitted a Request for Modification to this standard.

1. *Code Citation.* This standard requires that:

“... at least 90% of the dwellings in projects greater than 40 acres be located within 3,960 feet, ¾ of a mile, of either a neighborhood center contained within the project, or an existing center located in an adjacent development, or an existing or planned Neighborhood Commercial Zone District commercial project, which distance shall be measured along street frontage and without crossing an arterial street.”

2. *Divergence from the Standard.* Although all units are within ¾ mile of the Neighborhood Center, the units south of Suniga Road are separated by the fact that Suniga Road is classified as an arterial street.

3. *Modification Criteria.* In the Request for Modification, per Section 2.8.2(H)(1) and (3), the applicant states that:

- a. The granting of the Modification would not be detrimental to the public good; and
- b. That by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, 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.

4. *Applicant Justification.* Suniga Road is not yet constructed. It is a newly conceived arterial street that is specifically designed to replace E. Vine Drive as the primary east-west street for the two square miles between N. College Avenue and N. Timberline Road. Per the Master Street Plan, the purpose of shifting the arterial alignment to the north is to resolve the conflicts between moving traffic along and across E. Vine Drive and the B.N.S.F. Railroad switching yard. These conflicts are considered severe at the E. Vine Drive intersections of N. Lemay Avenue and N. Timberline Road.

Whereas E. Vine Drive, and practically all arterial streets in the City, is on the section line, the Suniga Road alignment is ¼ mile to north. This shifting divides Waterfield with 115 feet of public right-of-way. Consequently, approximately 26 acres south of Suniga Road is separated from the balance of Waterfield.

The applicant states that this renders compliance with the standard infeasible and, further, the dedication of Suniga Road, per the City's Master Street Plan, across the original farm was not caused by an act or omission of the applicant. The applicant's participation in constructing Suniga Road contributes to solving a regional traffic issue.

The location of the Neighborhood Center is the same as was approved for Waterfield 3rd Filing (2014). By being in the northwest corner, north of Suniga Road, with access from a future collector street, it has the potential of serving multiple future residential developments to the west and north.

5. *Staff Analysis.* Staff has been factoring in the new Suniga Road alignment, and compliance with applicable standards, on the following projects:
 - Aspen Heights
 - Old Town North 3rd Filing
 - Crowne at Old Town North
 - The Retreat at Fort Collins
 - Northfield

The result is that all these residential projects must account for a new arterial street along or within their property. For example, within Northfield (northwest corner of E. Vine Drive and N. Lemay Avenue), like Waterfield, Suniga Road divides the original farm into two separate parcels which creates the same planning challenges for establishing a strong network of neighborhood intra-connectivity not the least of which is access to a Neighborhood Center.

As potential mitigation, the owner of the historic Plummer School, at the northwest corner of E. Vine Drive and N. Timberline Road, has shown interest in redevelopment in order to capture the value of a highly visible corner. If such redevelopment occurs, this would offer the residents south of Suniga Road an opportunity to gain access to a possible neighborhood-serving land use without having to cross an arterial street.

6. *Staff Finding.* Staff finds that the Request for Modification to Section 4.5(D)(3)(a) – *Neighborhood Center - Access to a Neighborhood Center* – would not be detrimental to the public good. Further, Staff finds that the dedication of 115 feet of public right-of-way, in accordance with the City’s Master Street Plan, located approximately ¼ mile north of the section line, constitutes an extraordinary and exceptional situation unique to the property that causes compliance to be infeasible. The original farms on the north side of E. Vine Drive were historically bounded on the south by the section line road. The alignment of Suniga Road causes all of these farms to be divided such that portions of these farms are now split by a future arterial street. The location is the same as was approved for Waterfield 3rd Filing. The infeasibility of complying with this standard is not the result of an act or omission by the applicant. Therefore, Staff finds that the criteria of Section 2.8.2(H)(1) and (3) are satisfied and recommends approval of the Modification to Section 4.5(D)(3)(a).

F. Section 4.5(D)(3)(b-e) – Neighborhood Centers – Location, Land Use Requirements, Design and Access and Outdoor Spaces

There are four other requirements for a Neighborhood Center in the L-M-N zone district.

1. *Location.* In compliance with the standard, Tract C is an integral part of planned neighborhood and located where the network of streets provides direct access to the center. Tract C is spaced at least ¾ of a mile from any existing or planned Neighborhood Center.
2. *Land Use.* The size of the Neighborhood Center is 8.9 acres. This will easily accommodate the two required non-residential land uses.
3. *Design and Access.* Since Tract C will be developed as a future phase, design of the buildings and outdoor spaces cannot be determined at this time. Access, as noted, is accomplished by being served by a future collector street and an internal local street.
4. *Outdoor Spaces.* Since development will be in a future phase, the design and extent of outdoor spaces cannot be determined at this time but will be subject to compliance at the time of a submittal for a Project Development Plan.

G. Section 4.5(D)(6) – Small Neighborhood Parks

This standard requires that either a public neighborhood park or a private park that is at least one acre size be located within a maximum of 1/3 of a mile (1,760 feet) of at least 90% of the dwellings as measured along street frontage on projects that exceed 10 acres. The P.D.P. adjoins a future public neighborhood park and includes a private park. Compliance is achieved in the following manner:

1. *Public Park.* The City of Fort Collins has purchased 8.1 acres for a future neighborhood park located north of Suniga Road and west of the private wetland / open space. This park is designated as Tract D on the approved Amended Overall Development Plan.
2. *Private Park.* The wetland / open space area contains approximately 12.55 acres located north of Suniga Road, east of the public park and south of the future elementary school. This open space is designated as Tract M on the plat.

All dwellings are within 1/3 of a mile (1,760 feet) of either the public or private park.

Both parks adjoin a 10.74 acre site for a public elementary school (Poudre School District) designated as Tract B on the approved Overall Development Plan. Combined, the two parks and the school site comprise 31 acres thereby creating opportunities for sharing a contiguous open space area. In addition, several areas, all less than one acre, will be improved with features to encourage outdoor gathering. Referred to as pocket parks, these features are well-distributed and contribute to compliance with the standard.

H. Section 4.5(D)(6)(a-e) – Small Neighborhood Parks – Location, Accessibility, Facilities, Ownership and Maintenance and Storm Drainage

There are five other requirements for Small Neighborhood Parks in the L-M-N zone district. Since compliance is achieved by relying on both the public and the private park, the standards associated with the private park are evaluated as follows:

1. *Location.* In compliance with the standard, the private park is highly visible by being adjacent to Suniga Road, the clubhouse and by direct access from one internal local street. Dwellings abut only one side and comprise less than 50% of the park's perimeter.
2. *Accessibility.* In compliance, there are multiple walkways leading to the park. Although the park would be privately owned by the homeowners' association, the public would be allowed access.
3. *Facilities.* In compliance, the park features a soft-surface walking path that surrounds the wetlands and includes other features.
4. *Ownership and Maintenance.* In compliance, as noted, the private park would be owned and maintained by the homeowners' association (HOA).
5. *Storm Drainage.* A portion of the private park is a wetland with gradients that preclude active and passive recreation. This is offset by the areas with grades that allow for recreation and exceed one acre.

I. Section 4.5(E)(1)(a) – Streets and Blocks – Street System Block Size

This standard requires that the local street system provide an interconnected network of streets such that blocks do not exceed 12 acres.

The P.D.P. features a network of streets including the shifting of E. Vine Drive as an arterial road from the section line north ¼ mile to Suniga Road such that it divides the site. The network results in no block exceeding 12 acres. As noted, this shifting will allow the existing E. Vine Drive to be downgraded to a collector roadway.

J. Section 4.5(E)(1)(b) – Mid-Block Pedestrian Connections

This standard requires that if any block face is over 700 feet long, then walkways connecting to other streets must be provided at approximately mid-block.

There are five block faces that are slightly over 700 feet long as measured east - west. Each of these block faces is divided by a singular, continuous, north-south connecting walkway at approximately the midpoint of each block and connects Streets C and D.

K. Section 4.5(E)(3) – Maximum Residential Building Height

This standard requires that the maximum residential building height of one-, two- and three-family dwellings shall be two and one-half (2.5) stories.

The project includes 17 two-family dwellings (34 units) 45 single family attached buildings (182 units) in a variety of configurations ranging from 3- to 6-plexes. Of these 62 buildings, only three are 3-story / three-family dwellings and one is a 3-story / two-family dwelling. There are no single-family dwellings that are 3-story. A Request for Modification is as follows:

1. *Code Citation.* The code citation is as noted above.
2. *Divergence from the Standard.* As noted, only three buildings are 3-story / three-family dwellings and only one is a 3-story / two-family dwelling.
3. *Applicant Justification.* The applicant has indicated that the extent of the divergence occurs in only four out of a total of 344 buildings (not dwelling units). Therefore, Modification would not be detrimental to the public good and would not diverge from the standard except in a nominal and inconsequential way when considered from the perspective of the entire development plan.
4. *Staff Analysis.* The fact that the magnitude of the divergence is only four buildings out of a total of 344 is compelling. In addition, the three 3-story / three family dwellings are divided between two building designs: the “Contemporary” (1) and the “Transitional” (2) which further minimizes any impacts associated with the additional height.
5. *Staff Finding.* Staff finds that based on the negligible extent of the Modification, and per Section 2.8.2(H), the granting of the Modification would not be detrimental to the public good and that the plan as submitted will not diverge from the standard except in a nominal and inconsequential way when considered from the perspective of the entire development plan.

3. Compliance with Article Four – Medium Density Mixed-Use Neighborhood Zone District Standards

As noted, 10.86 acres are zoned Medium Density Mixed-Use Neighborhood.

A. Section 4.6(B)(2)(a) – Permitted Uses

The M-M-N portion of the P.D.P. contains three uses:

- Single-family detached dwellings - alley-load
- Two-family Dwellings
- Single-family attached dwellings.

All three uses are permitted subject to Administrative (Type One) Review.

B. Section 4.6(D)(1) - Density

This standard requires that parcels zoned M-M-N that are less than 20 acres must have a minimum density of 7.00 dwelling units per net acre. There are 84 units on 10.86 acres resulting in a density of 7.73 dwelling units per net acre thus complying with the standard.

C. Section 4.6(D)(3) – Building Height

There are no buildings in the M-M-N area that exceed the maximum allowable height of three stories.

4. Compliance with Article Three – General Development Standards

A. Section 3.2.1 – Landscaping

1. *Street Trees.* All new and existing public streets will be landscaped with street trees in the parkway in compliance with their roadway classification:

ROAD	CLASSIFICATION	PARKWAY WIDTH
Existing N. Timberline Road	Four-Lane Arterial	10 feet
Existing E. Vine Drive	Major Collector	7 feet
Proposed Suniga Road	Four-Lane Arterial	10 feet
Proposed Turnberry Road	Two-Lane Arterial	10 feet
Proposed Internal Streets	Local Streets	6 feet

2. *Tracts A and G.* These two tracts are stormwater detention ponds along the E. Vine Drive frontage on either side of a local north-south street. With street frontage, street trees will be planted at uniform intervals along both streets. The large scale of the two ponds are mitigated by clusters of trees on all four edges allowing the bottom of the pond to function for stormwater detention purposes.
3. *Buffering Along the Eaton Ditch.* Landscaping along the Eaton Ditch will be naturalistic and further addressed under Section 3.4.1(E).
4. *Buffering Along Suniga Road.* There are seven buildings (32 dwelling units) on the south side of Suniga Road that face this arterial street. (Garages and driveways are served by an alley along the rear of these buildings.) With Suniga Road classified as an arterial street and serving two square miles between N. College Avenue and Timberline Road, mitigating traffic noise establishing privacy is important and relying solely on street trees in the parkway would be insufficient. In response, there will be 22 feet between the southern edge of the Suniga Road right-of-way and the front property line of these seven buildings. This area is designated as Tract L and would be owned and maintained by the H.O.A. and features random clusters of trees at intervals of roughly two trees per building.

Section 3.2.1(C) – Landscaping and Tree Protection – General Standard, requires Landscape Plans to support functional purposes such as visual screening and creation of privacy. Staff is concerned that these seven buildings are insufficiently buffered from Suniga Road at the proposed level shown on the Preliminary Landscape Plan in compliance with the standard. In order to mitigate the fact that the fronts of seven buildings, containing 32 dwelling units, face an arterial street, Staff recommends the following condition of approval:

At the time of submittal for Final Plan, the amount of landscaping within Tract L, and specifically in front of the seven buildings on Blocks 2 and 18, must be enhanced in order to mitigate the negative impacts associated with these buildings fronting along an arterial street and being set back only 22 feet from the public right-of-way.

B. Section 3.2.1(F) – Tree Mitigation

There are 31 existing trees consisting of Cottonwood, Siberian Elm and Russian Olive. Of this total, five trees are to be preserved in place and 26 are to be removed. Of the 26 that are to be removed, based on the evaluation by the City Forester, 4.5 mitigation trees will be provided. This mitigation schedule complies with intent and purpose of the standard.

C. Section 3.2.2 – Access, Circulation and Parking – General Standard

This standard requires that development projects accommodate the movement of vehicles, bicycles, pedestrians, and transit throughout the project and to and from surrounding areas safely and conveniently and contribute to the attractiveness of the neighborhood. In compliance, main aspects of the street circulation system include the following:

- Suniga Road is classified as a four-lane arterial street. The developer will construct the full width of their segment between Timberline Road on the east and Turnberry Road on the

west. The City will repay the developer for the cost differential between a local street and the four-lane arterial cross-section.

- N. Timberline Road is also classified as a four-lane arterial. The developer will construct the half-width of their frontage and be repaid for the over-sizing between a local and arterial street.
- Turnberry Road is located along the west property line and classified as a two-lane arterial street and will not be extended south of Suniga Road. It will be constructed at the time either the school or the public park develop.
- Merganser is an existing local street that will be slightly realigned to a north-south axis in order to intersect with Suniga Road at a 90-degree angle. It will be extended north. The developer is responsible for the full width of this roadway without reimbursement.
- Internal public local streets are provided to complete the internal system.
- Private alleyways are provided to serve garages and driveways. In cases where single family attached buildings don't front on public streets, these private alleyways provide the only access and will be named for addressing purposes and emergency way-finding.

D. Section 3.2.2(C)(1) – Safety Considerations

This standard requires that to the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles. As noted, all public streets feature detached sidewalks. Along the Eaton Ditch, the developer is dedicating a 50-foot wide public access and trail easement (width varies) that is expected to accommodate the City's future Northeast Area Regional Trail. ~~Two~~ Four off-street connections to this future trail are provided.

E. Section 3.2.2(C)(3) – Site Amenities

A clubhouse is provided on Tract M and adjoins the wetland / open space area. The trail around the open space ties into the clubhouse.

F. Section 3.2.2(C)(5)(a,b) – Walkways and Street Crossings

Private, off-street walkways link the interior buildings to the public sidewalks. This standard takes on added importance since one of the fundamental design aspects of the project is that about 123 buildings front on common area green courts versus public streets. Where these walkways provide the only direct connection to building entrances but must cross alleyways, such walkways must break the grade along the alleyway, not the walkway. Given the scale of the project and the extent of these alleyway crossings, however, staff recommends the following condition of approval to further emphasize that pedestrian safety that is expected of this standard:

At the time of submittal for Final Plan, all private, off-street walkways that provide sole access between a building entrance and a public sidewalk must be continuous as they cross alleyways (private drives) with a break in the continuity of the alleyway paving and not in the pedestrian access way. Further, such crossings must be well-marked, using pavement treatments, signs, striping and lighting or other traffic calming techniques.

G. Section 3.2.2(C)(6) – Direct On-Site Access to Pedestrian and Bicycle Destinations

As noted, all public streets include detached sidewalks and there are no private streets or street-like private drives. Compliance is achieved with the following:

- Two connections are made to the future Northeast Regional Trail;
- Buildings fronting on streets feature one connecting walkway per entrance;
- Buildings siding on streets feature a connecting walkway to the public street;
- Buildings that do not front or side on public streets feature walkways as conditioned in order to comply with the aforementioned standard.

H. Section 3.2.2(C)(7) – Off-Site Access to Pedestrian and Bicycle Destinations

As noted, the connections to the future Northeast Regional Trail are internal to the site. External destinations, however, include the future Neighborhood Center, future Public Park and future Elementary School. Compliance with this standard is achieved in the following manner:

- *Neighborhood Center.* The proposed northeast regional trail follows the Eaton Ditch alignment and will connect the northerly units to the future Neighborhood Center.
- *Public Park.* A soft-surface trail will circumnavigate the wetland / open space area and will adjoin the park boundary to the southwest.
- *Elementary School.* The aforementioned trail will also adjoin the school boundary to the west.

I. Section 3.2.2(K)(1)(a) – Parking

The minimum number of parking spaces is based on the following:

- Single Family Detached – Lots greater than 40 feet in width – one space;
- Single Family Detached – Lots 40 feet or less in width – two spaces;
- Single/Two Family Attached – based on the number of bedrooms per unit:
 - One or less bedrooms – 1.5 spaces;
 - Two or less bedrooms – 1.75 spaces;
 - Three bedrooms – 2.0 spaces.

The P.D.P. complies in the following manner:

CATEGORY	MIN. REQUIRED	PROVIDED
Single Family Detached – Lots greater than 40 feet	201	201
Single Family Detached – Lots less than 40 feet	162	162
Two Family	68	68
Single Family Attached	364	347
SUBTOTAL	795	778
Additional Common Spaces		69
TOTAL		847

As can be seen, the number of provided spaces is 17 short of the minimum number required for the Single Family Attached category on a per unit basis. The applicant proposes to mitigate this shortfall by providing 69 additional parking spaces that are not located on individual lots and are distributed in the areas of the Single Family Attached dwellings thus complying with the standard.

J. Section 3.2.5 – Trash and Recycling Enclosures

There will be no centralized collection system. All trash and recycling will be handled on an individual unit basis.

K. Section 3.4.1(E) – Natural Habitats and Features

1. Section 3.4.1(C) General Standard:

“To the maximum extent feasible, the development plan shall be designed and arranged to be compatible with and to protect natural habitats and features and the plants and animals that inhabit them and integrate them within the developed landscape of the community by: (1) directing development away from sensitive resources, (2) minimizing impacts and disturbance through the use of buffer zones, (3) enhancing existing conditions, or (4) restoring or replacing the resource value lost to the community (either on-site or off-site) when a development proposal will result in the disturbance of natural habitats or features.”

2. *Section 3.4.1(E)(1)(a-i) Buffer Zone Performance Standards.* These standards allow the decision maker [Hearing Officer] to determine buffer zones that may be multiple and noncontiguous. The general buffer zone distance for each natural habitat or feature is established in the quantitative buffer zone table, but the Hearing Officer may reduce or enlarge any portion of the general buffer zone distance in order to ensure qualitative performance standards are achieved.

Background: The locations of onsite natural habitats and features is informed by an updated Ecological Characterization Study (ECS) provided in June 2018. The property vegetation is dominated by hayfield plants including alfalfa (*M. sativa*) and non-native grasses, primarily

smooth brome (*B. inermis*). Onsite features include wetlands, ditches and groves of native plains cottonwood trees (*P. deltoides*) as well as invasive Russian olive (*E. angustifolia*) and Siberian elm (*U. pumila*) trees. The general buffer zone standard is one-hundred feet (100 ft) for wetlands greater than one-third acre (> 0.33 ac) in size without significant use by waterfowl. The general standard is fifty feet (50 ft) from “top of bank” for ditches serving as wildlife corridors. No impacts to jurisdictional wetlands are anticipated with this proposed project.

Wetlands: There is an existing 5.45-acre wetland onsite to be kept largely in place; since 2012 this feature has decreased in size from 8.46-acres. The wetland is dominated by hardstem bulrush (*S. acutus*), common cattail (*T. latifolia*) and reed canarygrass (*P. arundinacea*). Common cattails and reed canarygrass are often aggressive plants reducing vegetative diversity and subsequently wildlife habitat diversity. The wetland boundary and adjacent uplands, once dominated by cattails or reed canarygrass, are now dominated by weedy plant species including smooth brome (*B. inermis*) and identified Colorado List B and List C noxious weeds, primarily Canada thistle (*C. arvensis*). A 2013 United States Army Corps of Engineers (USACE) letter confirms this wetland is not considered jurisdictional (e.g. federal waters).

Ditches: The Larimer and Weld Canal (a.k.a. Eaton Ditch) borders the proposed project to the north. The Lake Canal is located just outside inside (24-feet) project boundaries to the south and west and beyond the LUC general buffer zone distance. The Larimer and Weld Canal is dominated by the non-native grass smooth brome and supports some pockets of native grasses including blue grama (*B. gracilis*) and sand dropseed (*S. cryptandrus*).

Development Proposal: Where the proposed project site and landscape encroaches into the general buffer zone standard setbacks, the natural habitat buffer zone design is expanded elsewhere to offset the encroached areas in a one-to-one ratio. With proposed block 12 lots 15-22 there is encroachment into one section of the Larimer and Weld Canal setback and the setback is expanded further west near lots 1-5. With proposed block 5 lots 16-32, lots 37-40 and a portion of Suniga Road, there is encroachment into one section of the 5.45 ac wetland setback and the setback is expanded in other areas to the east, north and west of the existing wetland. The required total natural habitat buffer zone (NHBZ) area for the ditch is 2.06 ac and the project is proposing 2.16 ac total. The required total NHBZ area for the wetland is 12.38 ac and the project is proposing 12.40 ac total. In addition to meeting acreage requirements, habitat enhancements are planned along the ditch in the addition of clusters of shrubs and trees providing native birds, butterflies and bees with habitat cover and nutritional resources. Significant remediation is proposed within the wetland area to remove invasive and noxious plant species. Within the NHBZ containing and surrounding the wetland, an addition of 25+ plant species and 400+ deciduous and evergreen plant individuals are proposed along with three grassland meadow plant community features. Mitigation of potential light spillage into the natural habitat buffer zone areas is planned to be mitigated by both down-directional light and shielded light fixtures in addition to screening provided by plantings adjacent to buildings.

Summary: The highest ecological value onsite is located within the existing wetland that will be kept largely in place and enhanced through both a reduction of existing noxious weeds and addition of desired native plants providing increased vegetative biodiversity. The proposed pedestrian walkways and trails align with the Nature in the City Strategic Plan by providing residents with appropriate access to nature, including nature-viewing opportunities and in keeping ditches open rather piped. The proposed PDP provides natural habitat and feature protections and enhancements ensuring 3.4.1(E) buffer zone standards are met and staff has determined this PDP proposal satisfies the applicable standards set forth in section 3.4.1 of the LUC.

L. Section 3.5.2(C)(2)(a) – Housing Model Variety and Variation Among Buildings – Three Building Designs

This standard applies only to the 45 Single Family Attached buildings. For projects with more than five such buildings, there must be:

- At least three distinctly different building designs;
- No similar buildings may be placed next to each other along a street;
- Buildings must vary significantly in footprint size and shape;
- Building designs must be further distinguished by unique architectural elevations and unique entry features and that such variation must not consist solely of different combinations of the same building features.

Single Family Attached Building Variation Legend:

SYMBOL	DESCRIPTION	QTY	SIZE	QTY OF EACH SIZE
MF	2-Story Modern Farmhouse	16	3-Plex 4-Plex 6-Plex	5 8 3
P	2-Story Prairie	9	3-Plex 4-Plex	2 7
C	3-Story Contemporary	9	3-Plex 4-Plex 5-Plex	1 7 1
T	3-Story Transitional	11	3-Plex 4-Plex 5-Plex	2 4 5
TOTAL		45		45

The table shows that for the Single Family Attached housing type, there will be four models. The quantities of each are distributed across a range of 9 to 16 so no one design will dominate. For three models, there will be three different building sizes. For one model, there will be two sizes. Of the 45 buildings, 25 will be two-stories and 20 will be three stories. (The distribution is shown on plan sheet 3 of 39 and the architectural elevations are on plan sheets 28 – 39.)

The P.D.P. complies with this standard with one exception. There are five instances where similar models are placed next to each other and the applicant has submitted a Request for Modification.

1. *Code Citation. Section 3.5.2(C)(2)(a):*

“...there shall be no similar buildings placed next to each other along a street or street-like private drive...”

2. *Divergence from Standard.*

- North side of Street D – two 3-story Contemporaries next to each other;
- South side of Street D – two 3-story Contemporaries next to each other;
- East side of Street G – two 3-story Transitionals next to each other;
- West side of Street G – two 3-story Transitionals next to each other;
- West side of Merganser – two 2-story Modern Farmhouses next to each other.

3. *Modification Criteria.* In the Request for Modification, per Section 2.8.2(H)(1) and (4), the applicant states that:

- a. *The granting of the Modification would not be detrimental to the public good; and*
- b. *That the plan as submitted will not diverge from the standards 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 stated in Section 1.2.2.*

4. *Applicant Justification.* The applicant states that divergence from standard along Streets D and G, where the two similar buildings on each side of the street face each other (four buildings), is specifically intended to create a unique urban design feature. These two streets act as main points of entry, one on each side of Suniga Road. On these two streets, in the area where these four buildings face each other, there will be oval-shaped, landscaped medians that include bisecting by walkways. The buildings facing these medians will be oriented toward the street in a staggered fashion to complement the urban design. Combined, these components are intended to highlight the primary entrances to the project.

For the two buildings west of Merganser, these two buildings are intended to create a cohesive backdrop to the wetland / open space area as viewed from Suniga Road.

5. *Staff Analysis.* As noted, Waterfield is challenged by having Suniga Road (arterial street) divide the neighborhood. The two proposed landscaped medians, framed on both sides by matching housing types (single family attached) and building models, will contribute to uniting the two sections with a common design element. The staggering of the front setbacks provides a further distinguishing characteristic.

For the two buildings west of Merganser Drive, these two buildings are relatively isolated and do not create any repetitive impact upon the streetscape which is the essence of the standard.

There are only five placements and 10 buildings at issue. The fact that these placements are distributed over three housing models helps minimize the impact. There is a total of 344 residential buildings and ten buildings equals only 2.9% of the this total.

6. *Staff Finding.* Staff finds that that the Request for Modification to Section 3.5.3(C)(2)(a) – *Housing Model Variety – Variation Among Buildings* would not be detrimental to the public good. Further, Staff finds that plan will not diverge from the standards 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 stated in Section 1.2.2. This is because the impact occurs only with one housing type – single family attached – and that this impact is geographically limited and not widespread. Repetitiveness is mitigated by the use of three of the four Single Family Attached housing models which minimizes the impact. Only ten buildings are repeated which is only 2.9% of the total number of residential buildings. Therefore, Staff finds that the criteria of Section 2.8(H)(1) and (4) are satisfied and recommends approval of the Modification to Section 3.5.2(C)(2)(a).

M. Section 3.5.2(D)(1) – Relationship of Dwellings to Streets and Parking – Orientation to a Connecting Walkway

This standard requires that all buildings connect to public sidewalks by providing (in order of preference):

Direct connection. This allows buildings to face streets so that new development extends the town-like pattern.

Direct connection within 200 feet. This allows for flexibility in building placement and results in an easy walking distance (roughly one-half of a block in traditional terms) to the City sidewalk network.

Direct connection between 200 and 350 feet by way of a Major Walkway Spine. This allows for a maximum walking distance (less than one block length in traditional terms) but only if this distance is mitigated by urban design features.

The two key definitions are as follows:

“Connecting Walkway shall mean (1) any street sidewalk, or (2) any walkway that directly connects a main entrance of a building to the street sidewalk without requiring pedestrians to walk across

parking lots or driveways, around buildings or around parking lot outlines which are not aligned to a logical route.”

“Major Walkway Spine shall mean a tree-lined connecting walkway that is at least five feet wide, with landscaping along both sides, located in an outdoor space that is at least 35 feet in its smallest dimension, with all part of such outdoor space directly visible from a public street.”

For dwelling units that front on streets, compliance is provided with a direct connecting walkway. For units that do not front on public streets, compliance is provided by either the 200-foot connecting walkway, or the major walkway spine located within an outdoor space at least 35 feet wide. and require a Modification of Standard as discussed below.

The P.D.P. complies with this standard with four exceptions:

EXCEPTION	# of LOTS	LOCATION	CROSSES ALLEY	DIST. TO MAJOR WALKWAY SPINE
1.	6 lots	along Alley 10	no	395 feet to Street B
2.	6 lots	along Alley 10	yes	415 feet to Street C
3.	4 lots	along Alley 10	yes	n/a
4.	6 lots	along Alley 16	yes	n/a

A Modification of Standard has been requested and is discussed below.

1. *Code Citation.* The code citation, along with the definitions are as noted above.
2. *Divergence from Standard.*

Major Walkway Spine	does not cross alley	length exceeds the maximum by 45 feet
Major Walkway Spine	crosses Alley 10	length exceeds the maximum by 65 feet
Connecting Walkways	cross Alley 16	n/a

3. *Modification Criteria.* In the Request for Modification, per Section 2.8.2(H)(3), the applicant states that:
 - a. *The granting of the Modification would not be detrimental to the public good; and*
 - b. *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*

- c. *That the plan as submitted will not diverge from the standards 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 stated in Section 1.2.2.*

4. *Applicant Justification.*

The applicant states that for the orientation of buildings that do not front on streets, and instead front on a common area green court, represents an alternative lifestyle or way of living with less interaction with vehicles. Many families prefer this for safety reasons, others like it for the visual advantages or because green courts are generally quieter than streets. Further, the proposed building orientation to green courts adds to the housing diversity within the larger community. The applicant contends that for the 22 dwelling units that are out of compliance, there is no detriment to the public good and the Major Walkway Spines and Connecting Walkways that are provided are equal to better than connections provided in a more traditional, street-oriented design.

5. *Staff Analysis.* Whether buildings front on common area green courts or public streets is not at issue. The fact that buildings fronting on green courts represents an alternative housing choice, or lifestyle, or contributes to diversity in the City's housing stock is also directly related to the issue of 22 dwelling units having walkway connections to the public sidewalk that exceed the allowable distances or cross alleys. Where allowable distances are exceeded, relying on the equal-to-a-better-than criterion is difficult to justify. Instead, Staff recommends the applicant consider further mitigation measures to offset the extra walking distance, and, in some cases, going around buildings. Mitigation of crossing the alleys is already addressed by the Condition of Approval recommended for compliance with Section 3.2.2(C)(5)(a,b). Further mitigation would be enhanced by ensuring that the subject connections are as tree-lined as feasible.
6. *Staff Finding.* Staff finds that where 22 dwelling units do not comply with the standard, the divergence from standard would not be detrimental to the public good. Further, Staff finds that since the 22 units out of a total of 498 represents only 4.4% of the total number of dwelling units, this divergence is nominal and inconsequential when considered from the perspective of the entire development plan and continues to advance the purposes of the Land Use Code per Section 1.2.2 but can only be found as such with additional mitigation. In order to mitigate the extra distances and crossing two alleys, Staff, therefore, recommends of the request for Modification to Section 3.5.2(D)(1) subject to the following condition of approval:

At the time of submittal for Final Plan, the two Major Walkway Spines that connect to Streets B and C, and the Connecting Walkway to Street H be widened to at least six feet in the segments where they are not six feet or wider already *except in those locations where doing so would encroach into the community trail easement.*

Further such walkways must be and lined with trees to the maximum extent feasible at intervals that do not exceed 35 feet in length.

In addition to the foregoing, there are three other Major Walkway Spines that include segments that are not fully tree-lined or adjacent to stormwater detention ponds. Staff acknowledges that the Landscape Plan is represents a preliminary design and that there is an opportunity to add more trees at the time of Final Plan. While this lack of trees does not rise to the level of needing a Modification of Standard, Staff recommends the following condition of approval as a point of emphasis so that the applicant and design team can prepare a Final Landscape Plan that meets compliance on a project-wide basis:

At the time of submittal for the Final Landscape Plan, all Major Walkway Spines must be fully tree-lined with particular attention to the walkways serving the following three areas:

- **Lots 1 – 3, Block 5;**
- **Lots 1 – 11, Block 11;**
- **Lots 3 – 9, Block 45.**

N. Section 3.5.2(E) – Residential Building Setbacks – Alternative Compliance

This standard requires buildings to have a front yard setback of 15 feet. The standard goes on, however, to allow for Alternative Compliance to allow a reduced setback which must not be less than nine feet. The reduced setback is allowed but only if urban design features are included to mitigate the buildings being closer to the street such as front porches, clearly defined entrances, alley parking or reduced driveway length, private yard, and front yard fences.

The applicant proposes an 11-foot front yard setback for front porches only for 279 detached units that have alleys and the 37 detached units that are front-loaded. The project complies by providing:

- Front porches will range in size from a length of 12- to 24-feet and in depth from 6- to 8-feet which complies or exceeds the minimum required dimensions.
- All entrances will comply by having no less than a four-foot by four-foot entry.
- The elevation of all porches will be at least 18-inches above grade.
- No front-loaded driveway will exceed 10 feet in width.
- Private yard is provided that is at least 12-feet by 18 feet.
- Front yard fences will not exceed 60% opacity.
- Front yard fences will not exceed between 2.5-feet and 3-feet in height.

Staff finds that the request for Alternative Compliance to allow reduced setbacks from 15 to 11 feet complies with review criteria in that the plan will accomplish the purpose of the standard equally well or better than a plan which provides the 15-foot setback.

O. Section 3.6.1 – Master Street Plan

The P.D.P. by designing the following streets in accordance with their classification on the Master Street Plan:

- Timberline Road – four-lane arterial
- Suniga Road – four-lane arterial
- Vine Drive – two-lane collector
- Conifer Street – two-lane collector

P. Section 3.6.3(B-F) – Street Pattern and Connectivity Standards

Section 3.6.3(B) is the general standard that requires the local street system to provide for safety, efficiency and convenience for all modes both within the neighborhood and to destinations outside the neighborhood. The fact that Suniga Road, an arterial street, approximately one-half mile in length is planned to divide the neighborhood into two unequal parts versus running along the perimeter is a significant design parameter that influences the master planning for this parcel.

Merganser Drive. While Suniga Road has the potential of dividing the neighborhood, this is mitigated by Merganser Drive, an existing north-south local street that will form a full-turning intersection with Suniga Road and be extended north to serve the interior of the site.

Two Enhanced Travel Corridors. From an overall perspective, it is noteworthy that both Suniga Road and North Timberline Road are designated by City Plan as Enhanced Travel Corridors. These Enhanced Travel Corridors are uniquely designed to incorporate future high-frequency transit, bicycling and walking at full build-out. This transportation attribute will help link the Mountain Vista Subarea to the rest of the community.

Northeast Regional Trail. An off-site, public bike and pedestrian trail is being planned by the City's Park Planning and Department to roughly follow the Eaton Ditch alignment. Waterfield accommodates this trail and provides connections to the trail from future local streets.

Section 3.6.3(C) requires that the arterial streets be intersected with a full-turning collector or local street at a maximum interval of one-quarter mile, or 1,320 feet. As noted, Suniga Road is intersected by Merganser Drive, a local street with full-turning capability, such that the distance from the east property line is 1,190 feet and the distance from the west property line is 1,450 feet.

The reason this intersection is not exactly at the midpoint, 1,320 feet, is because of the fixed location of the intersection of Vine Drive and Merganser Drive, which is slightly shifted in order to avoid a large drainage ditch. The standard allows for such alignments due to unusual topographic features.

Section 3.6.3(D) requires that the arterial streets be intersected with limited-turning collector or local street at a maximum interval of 660 feet. Suniga Road is intersected by an unnamed north-

south local street with limited-turning capability that is located 750 feet from Merganser Drive and 650 feet from Turnberry (perimeter local street on the west).

The reason there is not a second limited-turning intersection in this segment of Suniga Road is because there are wetlands, buffer area and open space on the north side of the road and the standard allows for flexibility due to an existing natural feature.

Section 3.6.3(D). For Timberline Road, Section 3.6.3(D) is satisfied by a future east-west local street with limited-turning capability that is located 550 feet north of Suniga Road.

Section 3.6.3(E). This standard requires that all development plans contribute to developing a local street system that will allow access to and from the proposed development, as well as access to all existing and future development within the same square mile section from at least three arterial streets. In compliance, Waterfield will be connected to three arterials in the following manner:

1. Direct access to Timberline Road
2. Direct access to Suniga Road
3. Direct access to future Turnberry Road (but only north of Suniga Road as Turnberry Road will not be extended south to Vine Drive).

Section 3.6.3(F). This standard requires that the O.D.P. incorporate and continue all sub-arterial streets stubbed to the boundary or provide for future public street connections along each boundary that abuts potentially developable land at maximum intervals of 660 feet.

The east and south boundaries adjoin existing public streets and there are no sub-arterial streets that are stubbed to either the north or west property lines.

Regarding the north boundary, a proposed local street will tie into Conifer Street, a future collector roadway, located in the northwest corner of the site in the area of the neighborhood center. It is designed to cross over the Eaton Ditch at a 90-degree angle in compliance with the Master Street Plan. There are no other planned crossings of the Ditch.

To compensate for the Eaton Ditch acting as a barrier, the parcel to the north would be served by a north-south collector that intersects with Conifer Street and an east-west two-lane arterial that intersects with Timberline Road per the Master Street Plan. The future north-south street would be designed to extend north and possibly align with existing Bar Harbor Drive in Maple Hill. Such a connection would provide access to Richards Lake Road, a distance of about 1.5 miles, and also provides direct access to the future Poudre School District campus and the proposed large-scale development known as Montava west of the In-Bev Brewery.

Regarding the west boundary, both future Conifer Street and Suniga Road are designed to extend to the west and intersect with N. Lemay Avenue in compliance with the Master Street Plan at the time the intervening properties develop.

Both the future public neighborhood park site and future public elementary school site have a combined boundary along the west perimeter of about 1,700 feet and no future street connections are planned to the west across these boundaries. To compensate for this, as noted, the new north-south two-lane arterial, Turnberry Road, will run along the west property line allowing arterial access for all adjoining parcels allowing future development to the west to gain convenient access to the park and school. Turnberry Road, as noted, will not be constructed with Waterfield nor extend south of Suniga Road.

Q. Section 3.8.26(C) – Buffering for Residential and High Occupancy Building Units

This standard requires buffering along the existing, above-ground Xcel High Pressure Gas Facility located in the southwest corner slightly north of Vine Drive. This facility is considered Heavy Industrial which triggers the requirements of Buffer Yard C. The project exceeds the standard for both the width of the buffer yard and the number of trees and shrubs.

5. Section 3.6.4 – Transportation Impact Study

Addressing the transportation impacts and issues related to complying with Levels of Service (LOS) standards must factor in the location of the site and its impacts on two constrained intersections. The following factors form the basis of assessing the transportation impacts:

- Although located within the City's Growth Management Area, the site is about 1.5 miles east of N. College Avenue and not fully contiguous with existing urban development. Except for Bull Run Apartments, there are large vacant properties to the west and north. As a result, there are existing deficiencies in public improvements in the vicinity.
- Physical constraints in the immediate area also include the B.N.S.F. switching yard on the south side of E. Vine Drive and the Eaton Ditch along the north property line. These existing features create challenges in completing a fully-standardized, urban-level public improvement system.
- By being located along E. Vine Drive, the project impacts two intersections with existing Levels of Service that do not meet standards during peak hours. Both the Vine / Lemay and Vine / Timberline intersections have existing congestion, and the project generates traffic that impacts these intersections.
- The site is bordered on the west by two parcels owned by public entities: the Poudre School District owns 10.74 acres for a future elementary school and the City of Fort Collins owns 8.1 acres for a future neighborhood park. It is not known when these facilities will be developed and construct their public improvements.

A. Section 3.6.4 – Transportation Level of Service Requirements - Vehicles

A Traffic Impact Study was provided, reviewed, and required to be updated following City staff comments. The following conclusions are noted for vehicular traffic:

- Upon ultimate full buildout, Waterfield 4th Filing will generate an estimated 4,144 daily vehicular trip ends. There would be 308 morning peak hour trip ends and 402 afternoon peak trip ends.
- Internally, the trips will be managed by a public street system that accesses surrounding collectors and arterials in four locations: Suniga Road divides the site, south to E. Vine Drive, east to Timberline Road and west to the proposed Turnberry Road extension.
- Externally, the TIS reviewed the function and operations of eight intersections in the vicinity of Waterfield. The following improvements to the area roadway system are needed in order for the intersections to meet the City's minimum Level of Service (LOS) standards during the morning and afternoon peak hours (Lemay / Vine is discussed in more detail in Section 3.7.3).
 - A newly built section of Suniga through the development. This includes a 4-lane arterial section with new turn lanes at Merganser Drive and at the intersection of Timberline and Suniga.
 - Signalization and turn lane improvements at Timberline and Vine. The project will provide a proportional contribution to this project being constructed by the City.
 - Northbound left turn auxiliary lane on Timberline at the project access.
 - Eastbound left turn auxiliary lane on Vine Drive at Merganser.
 - Signalization of Timberline and Suniga when warranted.
- The operation at the current Lemay/Vine intersection during the afternoon peak hour does not meet LOS standards and will require mitigation. Mitigation is discussed in Section 3.7.3 in this staff report.

B. Section 3.6.4 – Transportation Level of Service Requirements – Bicycles, Pedestrians and Transit

- Waterfield will be completing bicycle and pedestrian elements for all new roadways, including internal roads and nearby area roads. This includes sidewalks as City standards require (attached or detached), and bike lanes (including raised / protected bike lanes along Suniga per City request). Bicycle Level of Service is met. Pedestrian Level of Service is met except for directness to the Dry Creek and Timber Vine neighborhoods that are located south of the B.N.S.F. Railroad. This route is constrained due to the existing railroad switching yard.
- In addition to the bike/ped improvements along roadways, Waterfield is coordinating with Parks Planning on a future Regional Trail in the area along the Eaton Ditch.

- For transit, the site is served by Transfort Route 14 and there is an existing bus stop at the Timberline / Vine intersection.

6. Section 3.7.3 – Adequate Public Facilities:

A. *Section 3.7.3 – Adequate Public Facilities*

Section 3.7.3 has been recently amended by City Council Ordinance, 109, 2018, approved on second reading on September 4, 2018. The purpose of the refinement of the transportation elements of Adequate Public Facilities (APF) is to make the standards current and consistent with Larimer County Urban Area Street Standards (LCUASS) and establish criteria and procedures for Alternative Mitigation Strategies in cases where typical roadway improvements are not feasible, not proportional to impact or not desired by the City. The revisions reflect the legal requirement that applicants can only be held responsible for an improvement cost which is proportional to their impact. The key parts of the revised standard read as follow:

“3.7.3(C)(2) General Requirements. The approval of all development shall be conditioned upon the provision of adequate public facilities and services necessary to serve new development. No Building Permit shall be issued unless such public facilities and services are in place, or the commitments described in subparagraph (E)(1)(a)(2) below have been made, or with respect to transportation facilities, a variance under LCUASS Section 4.6.7 or an alternative mitigation strategy under LCUASS Section 4.6.8 has been approved.

“Section 3.7.3(E)(1)(a)(2) Minimum Requirements for Adequate Public Facilities. For transportation facilities, at a minimum, the City shall require that, at the time of issuance of any Building Permit issued pursuant to a site specific development plan, all necessary facilities and services, as described in Section (D)(1) above, are either:

- 1. In place and available to serve the new development in accordance with the development agreement, or*
- 2. Funding for such improvements has been appropriated by the City or provided by the developer in the form of either cash, non-expiring letter of credit, or escrow in a form acceptable to the City.*

Notwithstanding the foregoing, with respect to improvements required to maintain the applicable transportation facilities’ level of service where, as determined by the Director, such improvements are not reasonably related to and proportional to the impacts of the development or currently desired by the City, a Building Permit may be issued pursuant to a site specific development plan provided the developer has:

Agreed in the development agreement to install or fund improvements, or a portion thereof, that are reasonably related and proportional to the impacts of the development on the affected transportation facility or facilities.” (Emphasis added.)

B. *Staff Analysis*

As mentioned, a portion of the 4,144 daily vehicular trip ends (about 40% or 1,650 vehicles per day) is expected to impact the Lemay Avenue / Vine Drive intersection. *(Note: 61 trips in the morning peak hour and 81 trips in the afternoon peak hour are already included in the current “reserved capacity” of the Vine/Lemay intersection.)* The intersection currently has approaches and/or movements that do not meet required Levels of Service. The operational challenge is an existing deficiency due to decades of regional growth in the area and limited opportunities for intersection improvements due to proximity of railroad tracks and existing local streets, homes and driveways in Andersonville and Alta Vista neighborhoods.

The City has been aware of this for decades and, as a result, the Master Street Plan anticipates the construction of Suniga Road as the east-west arterial alternative to East Vine Drive (which will create intersections further away from the railroad tracks), and a grade separated realignment of North Lemay Avenue. To date, a segment of Suniga Road has been constructed and the City is co-funding with another development for an extension of Suniga Road that will connect Suniga from North College Avenue all the way to Redwood Street. Each proposed development along Suniga will build their frontage.

Along Lemay, the City has planned for a grade-separated re-alignment of North Lemay Avenue that would eliminate the railroad crossing and provide room for road widening and appropriate auxiliary turn lanes. To date, the City has obtained right-of-way for the realignment, begun design work and has identified funding for about one-half of the estimated \$20 million project cost. But, unlike Suniga Road, the proposed Lemay grade-separated re-alignment cannot be built in segments by various developers and is still in the process of identifying remaining funding needed.

The Adequate Public Facilities requirements indicate that off-site improvements by an applicant must be proportional to the impact. Since providing funds to fully complete the unfunded portions of the Lemay re-alignment is not proportional to the impact of Waterfield 4th Filing, the newly adopted Alternative Mitigation Strategy will need to be utilized. The process requires a multi-departmental staff team to identify an improvement package that is reasonably related to and proportional based on impact. The package may include alternative improvements, construction and/or a financial contribution on a per unit basis that is separate from and in addition to the Transportation Capital Expansion Fees. Finalization of the Alternative Mitigation Strategy will be required prior to final approval of the plans.

Consequently, per the recently revised Section 3.7.3, and per the variance procedure in Section 4.6.8 of the LCUASS, compliance with this section will be achieved by an Alternative Mitigation Strategy that has been agreed to between the City and the developer.

In order to ensure that the Alternative Mitigation Strategy is finalized and agreed to by the City and the applicant, the following condition of approval is recommended:

At the time of **Before Final Plan approval, the applicant must have agreed to the Alternative Mitigation Strategy established by the City in compliance with Section 3.7.3 of the Land Use Code and Section 4.6.8 of the Larimer County Urban Area Street Standards.**

7. PUBLIC OUTREACH:

A neighborhood meeting was held on June 7, 2018 (summary is attached). In general, there were concerns about potential conflicts between farming and residential development, the future Conifer Street extension, increase in density and traffic related issues in northeast Fort Collins, particularly on N. Timberline Road and E. Vine Drive.

A. Rural/Urban Conflict

The issue has to do with the interface between existing semi-rural homes, small farms and other agricultural activities and their relationship to new development at urban densities. There is a concern that there is a built-in conflict between existing residents and future residents living within a subdivision at urban densities.

These issues are not unique to any one area of the City. Managing growth on the fringe of the City has been addressed on the macro level by the Intergovernmental Agreement with Larimer County. At the micro level, however, such issues are best addressed at the Project Development Plan. In the case of Waterfield 4th Filing, approximately 30 acres consisting of open space, a future school site, a future public park and the buffering around Xcel facility are provided along the western edge of the project, which is the area needing the most sensitivity.

B. Future Conifer Street Extension

The Master Street Plan shows Conifer being extended east across N. Lemay Avenue and then across the northern portion of the existing farm to the west. The concern is that surrounding growth pressures may cause Conifer Street to be constructed across this farm without the owners' permission. In response, Conifer Street, as a collector, would be constructed only as development occurs and not in anticipation of development. In other words, if the adjoining farm is not part of a development plan, it is highly unlikely that Conifer Street would be extended across the property either as a private developer's off-site improvement or a City capital project.

C. Increase in Density

There is a concern the project represents a dramatic increase in density from the current number of 191 compared to the proposed number of 498 dwelling units. In response, because of the open space provided by the wetland and buffer zone, the overall density comes in below the maximum allowed in the L-M-N zone. Regarding the 10.86-acre parcel zoned M-M-N, the density is only slightly higher than the required minimum of 7.00 dwelling units per net acre.

D. Traffic Issues in Northeast Fort Collins

The traffic problems caused by N. Timberline Road crossing the B.N.S.F. railroad switching yard parallel and close to E. Vine Drive is a major problem which causes delay and

congestion. The same concern applies to N. Lemay Avenue, one mile to the west. The ultimate improvement is identified on the Master Street Plan which calls for both streets to be grade separated from E. Vine Drive and the B.N.S.F. railroad.

There is design and funding in place to signalize and improve the at-grade crossing of Timberline Road and Vine Drive near the railroad. There is design but only partial funding for Lemay Avenue to be re-aligned and grade-separated from Vine Drive and the railroad. Waterfield is responsible for constructing their proportional share of Suniga Road for the one-half mile segment within the Waterfield 4th Filing. In the long term, Suniga Road will carry the arterial traffic that would otherwise be on Vine Drive and be located about one-quarter mile north of the railroad tracks.

8. FINDINGS OF FACT AND CONCLUSIONS

The P.D.P. complies with the applicable requirements of the Land Use Code, more specifically:

- The P.D.P. complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The P.D.P. complies with applicable standards of Article Four – Low Density Mixed-Use Neighborhood zone district with two exceptions.
- Staff supports the request for a Modification of Standard to Section 4.5(D)(3) to allow access to a Neighborhood Center for the area south of Suniga Road that must cross an arterial street. This request meets the requirements of Section 2.8.2(H).
- Staff supports the request for Modification of Standard to Section 4.5(E)(3) to allow four buildings that contain two- and three-family dwellings to be 3-stories.
- The P.D.P. complies with the applicable General Development Standards of Article Three with two exceptions and five conditions.
- Staff recommends a Condition of Approval regarding compliance with Section 3.2.1(C) to address enhanced landscaping along Suniga Road within Tract L where dwelling units front on an arterial street and are only set back by 22 feet.
- Staff recommends a Condition of Approval regarding compliance with 3.2.2(C)(5)(a,b) for enhanced pedestrian alley crossings.
- Staff supports the request for Modification of Standard to Section 3.5.2(C)(2)(a) to allow two similar single family attached buildings to be placed next to each other in five locations. This request meets the requirements of Section 2.8.2(H).
- Staff supports the request for Modification of Standard to Section 3.5.2(D)(1) to allow two Major Walkway Spines and one Connecting Walkway to exceed the maximum allowable distances and cross alleys, subject to a Condition of Approval to ensure that the subject

Major Walkway Spines are tree-lined. This Modification meets the requirements of Section 2.8.2(H).

- Staff recommends a Condition of Approval to ensure that all Major Walkway Spines, not just those associated with the Request for Modification, are tree-lined on a project-wide basis.
- Staff recommends a Condition of Approval regarding compliance with Section 3.7.3 – Adequate Public Facilities – to allow the project to proceed to Final Plan prior to which an Agreement shall be reached with the City that establishes an Alternative Mitigation Strategy that addresses the project’s proportional financial share of necessary regional transportation improvements.

RECOMMENDATION

Staff recommends approval of four Requests for Modification and approval of the P.D.P., subject to the following five conditions:

1. **At the time of submittal for Final Plan, the amount of landscaping within Tract L, and specifically in front of the seven buildings on Blocks 2 and 18, must be enhanced in order to mitigate the negative impacts associated with these buildings fronting along an arterial street and being set back only 22 feet from the public right-of-way.**
2. **At the time of submittal for Final Plan, all private, off-street walkways that provide sole access between a building entrance and a public sidewalk must be continuous as they cross alleyways (private drives) with a break in the continuity of the alleyway paving and not in the pedestrian access way. Further, such crossings must be well-marked, using pavement treatments, signs, striping and lighting or other traffic calming techniques.**
3. **At the time of submittal for Final Plan, the two Major Walkway Spines that connect to Streets B and C, and the Connecting Walkway to Street H be widened to at least six feet in the segments where they are not six feet or wider already *except in those locations where doing so would encroach into the community trail easement.* Further such walkways must be and lined with trees to the maximum extent feasible at intervals that do not exceed 35 feet in length.**
4. **At the time of submittal for the Final Landscape Plan, all Major Walkway Spines must be fully tree-lined with particular attention to the walkways serving the following three areas:**
 - Lots 1 – 3, Block 5;
 - Lots 1 – 11, Block 11;
 - Lots 3 – 9, Block 45.
5. **Before Final Plan approval, the applicant must have agreed to the Alternative Mitigation Strategy established by the City in compliance with Section 3.7.3 of the Land Use Code and Section 4.6.8 of the Larimer County Urban Area Street Standards.**

ATTACHMENTS

1. Location Map
2. Vicinity Map
3. Site Plan (rendered)
4. Overall Development Plan (for reference)
5. Project Narrative
6. Modification Request – No Similar Buildings Next to Each Other – Single Family Attached
7. Modification Request – Connecting Walkways and Major Walkway Spines
8. Alternative Compliance – Building Setbacks
9. Site Plan
10. Architectural Elevations – Single Family Attached
11. Plat
12. Neighborhood Meeting Summary
13. Transportation Impact Study