

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

FINDINGS AND DECISION

HEARING DATE: July 24, 2024

PROJECT NAME: College and Trilby Multifamily

CASE NUMBER: PDP # 220009

APPLICANT: Ken Merritt
J.R. Engineers and Planners
2900 S. College Avenue
Fort Collins, CO 80525

OWNER: College & Trilby LLC
Representative: Steve Shoflick
6900 E. Belleview Avenue, Suite 300
Greenwood Village, CO 80111

HEARING OFFICER: Lori B. Strand

PROJECT DESCRIPTION: The College and Trilby Multifamily PDP #220009 (the “**PDP**”) proposes to construct 265 dwelling units (the “**Project**”) on an approximately 38-acre parcel of land described as Parcel #9611400003 and located on the west side of South College Avenue between Skyway Drive and Trilby Road (the “**Subject Property**”).

The Project is comprised of multi-family,¹ single-family attached,² and two-family dwelling uses,³ a community center with pool, detention ponds (including wetland mitigation), a dog park, and other amenities. The 265 dwelling units will be distributed over 85 buildings; the buildings will be 2-unit, 3-unit, and 4-unit buildings. All of the dwelling units within the Project will share one or more walls with another unit; however, none of the dwelling units will be located above or below another unit. There are no single-family detached dwelling units within the Project.

The Project will extend Mars Drive from its current terminus just south of Skyway Drive to Trilby Road. The current access drive for Ziggi’s Coffee on South College Avenue will be extended as a local street to provide additional access for the Project. Multi-use sidewalks will be constructed

¹ “Dwelling, multi-family shall mean a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.” City of Fort Collins Land Use Code § 5.1.2.

² “Dwelling, single-family attached shall mean a single-family dwelling attached to one (1) or more dwellings or buildings, with each dwelling located on its own separate lot.” *Id.*

³ “Dwelling, two-family shall mean a dwelling containing two (2) dwelling units.” *Id.*

along the Project's Trilby Road and South College Avenue frontages.

The Project includes the establishment of an approximately 5.95-acre natural habitat buffer zone for the Loudon Ditch corridor and a 4.0-acre wetland mitigation and stormwater detention area.

The Subject Property and surrounding properties are further described, and the Project is further summarized in the "Project Introduction" section of the Development Review Staff Report for the July 24th virtual public hearing on the PDP. A copy of the staff report is attached to and incorporated in this decision as ATTACHMENT C (the "**Staff Report**"). The Project is detailed in the plan documents included in the record of this case (*see, e.g.*, Item Nos. 2, 3, and 4 in the Evidence list below).

ZONING: The Subject Property is in the General Commercial (C-G) zone district. Type 1 administrative review is required for the Project because the PDP includes multi-family dwellings, single-family dwellings, and two-family dwellings. *See* City of Fort Collins Land Use Code ("**LUC**") § 4.21(B)(2) (identifying uses permitted within C-G zone district subject Type 1 review).

The PDP includes requests for modifications of the following LUC standards (each, a "**Modification of Standard**" and collectively, the "**Modifications of Standards**"):

- (1) LUC § 3.5.2(C)(2)(a), which states:

"Single-family attached buildings containing more than two (2) dwelling units shall comply with the following requirements: (a) . . . For any such development containing more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least three (3) distinctly different building designs. For all developments, there shall be no similar buildings placed next to each other along a street or street-like private drive. Building designs shall be considered similar unless they vary significantly in footprint size and shape."

The Applicant is requesting this Modification of Standard to allow buildings with duplicate footprints to be placed next to each other in six regions of the Subject Property. The six regions, which include 22 buildings, are shown on ATTACHMENT A to this decision; this attachment was shared by the Applicant during the July 24th virtual public hearing (*see also* Item No. 16 of Evidence list below).

- (2) LUC § 3.5.2(D)(2), which states:

"Every building containing four (4) or more dwelling units shall have at least one (1) building entry or doorway facing any adjacent street that is smaller than a full arterial or has on-street parking."

The Applicant is requesting that this standard be waived for one building within the Subject Property. The location of the building is shown on ATTACHMENT B to this decision; this attachment was shared by the Applicant during the July 24th

virtual public hearing (*see also* Item No. 16 of Evidence list below).

As detailed in the Staff Report, City staff determined that the PDP complies with the applicable requirements and standards of the LUC⁴ except for LUC §§ 3.5.2(C)(2)(a) and 3.5.2(D)(2). As detailed in the Staff Report, City staff supports approval of the Modifications of Standards to LUC §§ 3.5.2(C)(2)(a) and 3.5.2(D)(2).

SUMMARY OF DECISION: Approved with conditions.

HEARING: The Hearing Officer opened the virtual public hearing on July 24, 2024 at approximately 5:30 P.M. and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present.

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

1. Staff Report (20 pages).
2. Site Plan (11 sheets).
3. Landscape Plan (14 sheets).
4. Architectural Renderings (14 sheets).
5. Applicant's Request for Modification of Standard – LUC § 3.5.2(C)(2)(a) regarding Variation Among Single-Family Attached Buildings (1 page).
6. Applicant's Request for Modification of Standard – LUC § 3.5.2(D)(2) requiring an entry or doorway for certain street-facing facades (2 pages).
7. Utility Plans (25 sheets).
8. Draft of Zocalo at Trilby Road & Collage Avenue subdivision plat (9 sheets). This plat will be reviewed and approved or denied through a separate City process.
9. Environmental Characterization Study (63 pages). The Ecological Characterization Study (ECS) prepared for the Project states that “[a]pproximately 99% of the project site is characterized as disturbed upland, with less than 1% of the site comprised of wetland and riparian communities in a degraded state or dominated by understories of exotic plants.” The ECS states further that “[n]o significant native plant communities were documented on the site apart from wetland vegetation and mature cottonwood trees.” Wetlands were identified as a “special habitat feature” within the Subject Property; however, the ECS states that the wetlands are of “moderate to poor condition and function.” The ECS identified the following natural features within the Subject Property: a low-quality 1.23-acre non-jurisdictional wetland on the eastern edge of the Subject Property, a wildlife corridor following the piped Loudon Ditch

⁴ The PDP was reviewed for compliance with applicable standards contained in the City of Fort Collins Land Use Code adopted in 1997, as the same has been subsequently amended, because this code was in effect at the time the application for the PDP was submitted. The PDP was *not* reviewed for compliance with the *new* Land Use Code adopted by City Council on May 7, 2024, and effective May 17, 2024

along the western edge of the Subject Property, a red-tailed hawk nest in the southwest corner of the Subject Property, an offsite great horned owl nest northeast of the Subject Property, and a black-tailed prairie dog colony. The ECS concludes that while the overall quality and diversity of the Subject Property is low, it provides an important corridor habitat to wildlife that should be maintained; that the Project would have minimal impact on sensitive or rare wildlife or plants, natural features, and other important ecological functions and conversation elements in the region; and that the proposed natural habitat buffer zone (along the western boundary of the Subject Property) and proposed wetland mitigation and stormwater detention area (the northeast area of the Subject Property) would provide ecological benefits and enhance the quality of plant communities and connectivity of habitat for wildlife.

10. Traffic Impact Study (29 pages and without appendices). The Traffic Impact Study's (TIS) stated objectives were to: estimate site-generated traffic and route trips onto adjacent streets; perform traffic operations analysis for 2024 opening day and 2045 future scenarios; and make recommendations for roadway improvements to accommodate new traffic. The TIS concluded that, in 2024, most movements at the study intersections are expected to operate at LOS D or better and levels of service at the intersection of Trilby & College are expected to improve as a result of the City of Fort Collins' planned intersection improvements which are underway; and, in 2045, most movements at the study intersections are expected to operate at LOS D or better with total traffic. The TIS also concludes that, in 2045, multiple study intersections may experience movements that operate at LOS E or F; however, the study notes that the Subject Property's impacts on total traffic conditions are "minor." The TIS makes only one recommendation—adding an eastbound right turn lane at the Trilby and College intersection; this improvement is currently underway as part of the City's improvements to this intersection.
11. Neighborhood Meeting Notes from June 6, 2022 meeting (2 pages).
12. Proof of publication that Notice of Hearing was published on July 15, 2024 in the *Fort Collins Coloradan* and online at Coloradoan.com (2 pages).
13. Copy of Written Notice of Virtual Public Hearing, dated July 9, 2024 (2 pages). 605 addresses mailed (as confirmed on page 4 of the Staff Report).
14. Written public comments received from B. Neuschwanger, C. Neuschwanger, C. Blakeman, D. Flugum, Foothills Gateway, Inc., J. Brammer, and N. Berg.⁵
15. The PowerPoint presentation prepared by City staff for the July 24, 2024 hearing (20 slides).
16. The PowerPoint presentation prepared by the Applicant for the July 24, 2024 hearing (22 slides and 3 jpg images).
17. Rules of Conduct for Administrative Hearings.

⁵ Written public comments received by the City or sent to the Hearing Officer after the virtual public hearing on July 24th was closed are not part of the record in this case.

18. Administrative (Type 1) Hearing: Order of Proceedings.
19. The Fort Collins City Plan (2019), South College Corridor Plan (2009), the LUC, and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified or participated during the virtual hearing:

From the City: Clark Mapes, City Planner
Alisa Babler, City engineer

From the Applicant: Ken Merritt, J.R. Engineering
Chris Walla, Godden Sudik Architects

From the Public: Donna Brosal, Marya (last name not provided), Marc (last name not provided), and Carrie Rose

The public comment portion of the hearing was opened at approximately 6:45 p.m. and closed at approximately 7:40 p.m.

The virtual public hearing was closed at approximately 7:45 p.m.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the virtual public hearing was properly mailed and published. Evidence presented to the Hearing Officer also established that the Property was properly posted with a sign indicating that a development proposal for the Property was under review.
2. As required by City Council Ordinance 079, Series 2020 (the “**City Ordinance**”), the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the hearing by remote technology so as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of the City Ordinance, because meeting in person would not be prudent for some or all persons.
3. The Staff Findings set forth in the Staff Report are incorporated herein as findings of the Hearing Officer.
4. The Project furthers the purposes of the LUC described in LUC § 1.2.2 by, among other things, being consistent with the City Plan and South College Corridor Plan (*see* Finding No. 5, below); enhancing pedestrian and bicycle connectivity; providing adequate stormwater facilities; providing ecological benefits and enhancing the quality of plant communities within the Subject Property; enhancing connectivity of habitat for wildlife;

furthering sustainability goals by use of sustainable building materials and striving for EPA energy star certifications; and providing a variety of housing opportunities.

5. The Project is consistent with the Fort Collins City Plan (2019) and the South College Corridor Plan (2009) by, among other things, providing additional housing in areas adjacent to the South College Corridor that will support existing and new businesses; enhancing the corridor's appearance including by providing upgrades to the streetscape with sidewalks and landscaping; enhancing natural resources and drainageways through the establishment of the wildlife corridor on the western boundary of the Subject Property and the wetland mitigation and stormwater detention area along the Subject Property's frontage with South College Avenue; and providing a variety of housing opportunities.
6. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
 - A. The PDP complies with the applicable procedural and administrative requirements of Article 2 of the LUC.
 - B. The natural habitat buffer zone as shown in the PDP plan documents complies with LUC § 3.4.1.
 - C. The Modification of Standard to LUC § 3.5.2(C)(2)(a) to allow buildings with duplicate footprints to be placed next to each other in the six regions of the Subject Property shown on ATTACHMENT A to this decision (the "**Affected Regions**"): (i) will not be detrimental to the public good, (ii) will promote the general purpose of subsection 3.5.2(C)(2)(a) equally well or better than would a plan which complies with the standard, and (iii) will not diverge from subsection 3.5.2(C)(2)(a) except in a nominal, inconsequential way when considered from the perspective of the entire PDP and will continue to advance the purposes in LUC § 1.2.2. With respect to the foregoing, the Hearing Officer specifically incorporates the Staff Findings on page 7 of the Staff Report and finds:
 - i. LUC § 3.5.2(A) states that the purpose of the Residential Building Standards set forth in § 3.5.2 are to promote variety, visual interest, and pedestrian-oriented streets in residential development.
 - ii. The exterior designs of the buildings located next to each other in the Affected Regions are different to a degree that promotes variety and visual interest for pedestrians and other passers-by.
 - iii. Based on the Applicant's testimony and presentation materials at the public hearing (*see* Item No. 16 in the Evidence list above), the Project includes significant variations in its buildings' design and exterior appearance. The Project includes three types of townhomes (two of which have different unit counts), three elevation styles

(Traditional, Transitional, and Scandinavian), and four color schemes. The foregoing design features result in twenty-eight different architectural variations.

- iv. Based on the Applicant's testimony and presentation materials, including ATTACHMENT A to this decision, visually identical buildings will not be placed next to each other within the Affected Regions.
 - v. Other design features, such as modulations, massing, textures, and roof forms promote variety and provide visual interest.
- D. The Modification of Standard to LUC § 3.5.2(D)(2) to waive the requirement for a building entry or doorway on the Rover Drive street facing façade of the 4-unit single-family attached dwelling shown on ATTACHMENT B to this decision (the "**Affected Building**"): (i) will not be detrimental to the public good and (ii) will not diverge from subsection 3.5.2(D)(2) except in a nominal, inconsequential way when considered from the perspective of the entire PDP and will continue to advance the purposes in LUC § 1.2.2. With respect to the foregoing, the Hearing Officer specifically incorporates the Staff Findings on page 8 of the Staff Report and finds: this one occurrence out of 85 buildings has virtually no effect on the look and feel of the Project when considered from the perspective of the entire PDP; and the visual impact of the Rover Drive street facing façade of the Affected Building will be mitigated by the building's location on a curve and the landscaping planned for this area (which includes a street tree and ornamental tree between the Affected Building and Rover Drive).
- E. Except for LUC §§ 3.5.2(C)(2)(a) and 3.5.2(D)(2), the PDP complies with the applicable General Development Standards contained in Article 3 of the LUC.
- F. The PDP complies with standards located in Article 4, Division 4.21 of the LUC (General Commercial zone district standards).

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the College and Trilby Multifamily Project Development Plan (PDP #220009), the Modification of Standard to LUC § 3.5.2(C)(2)(a), and the Modification of Standard to LUC § 3.5.2(D)(2) subject to the following conditions:

1. The buildings affected by the approved Modifications of Standards shall be identified on the site plan for the PDP and the site plan for the final development plan ("**FDP**") for the Project consistent with what is shown on ATTACHMENTS A and B to this decision. Notes explaining these modifications shall be included on the site plans for the PDP and FDP.

2. The Land Use Chart on the site plan for the PDP shall list the “proposed uses” for the Project using the terminology set forth in LUC § 4.21(B)(2) (i.e., “multi-family dwellings”, “single-family attached dwellings”, and “two-family dwellings”). The Land Use Chart shall also be modified to include the number of dwelling units proposed for each of said uses and, for multi-family dwellings, the proposed number of dwelling units and bedrooms.
3. The Applicant shall revise the PDP site plan and architectural plan sheets to more clearly articulate the different building types, elevation types, and color schemes included in the Project, and shall include in the PDP plan documents where these design features will be distributed throughout the Subject Property. These required revisions shall be done in a manner that is satisfactory to City staff but shall be generally consistent with ATTACHMENTS A and B to this decision.

DATED this 6 day of August 2024.

Lori B Strand

Lori B. Strand
Hearing Officer

ATTACHMENT A

Modification to Standard to LUC § 3.5.2(C)(2)(a)
Affected Regions

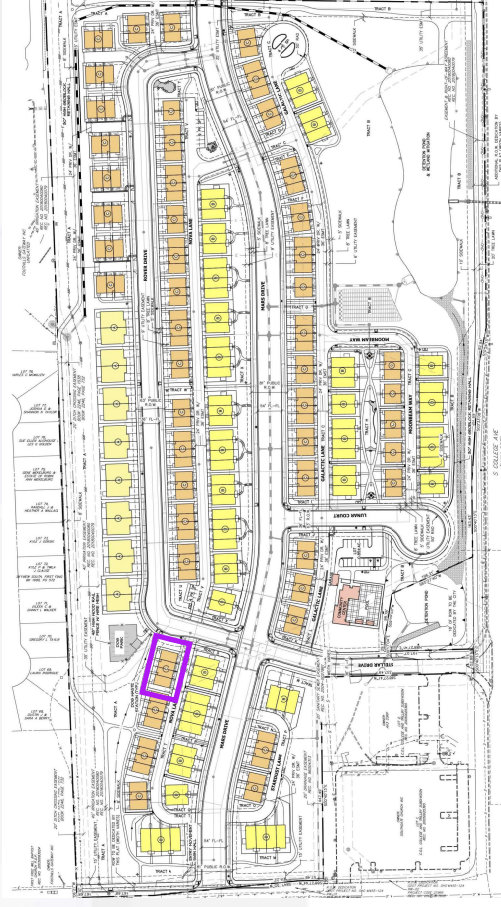


Only six regions on the site that duplicate footprints side by side.

COLLEGE & TRILBY
 6301 S. COLLEGE AVE.

ATTACHMENT B

Modification of Standard to LUC § 3.5.2(D)(2)
Affected Building



Modification of a Standard for Street-Facing Facades – 3.5.2(D)(2)

- 1 building out of 85 without an entry along a street facing façade
- Enough architectural intrigue to avoid a blank, boring wall

ATTACHMENT C

Development Review Staff Report
College and Trilby Multifamily PDP # 220009

Development Review Staff Report

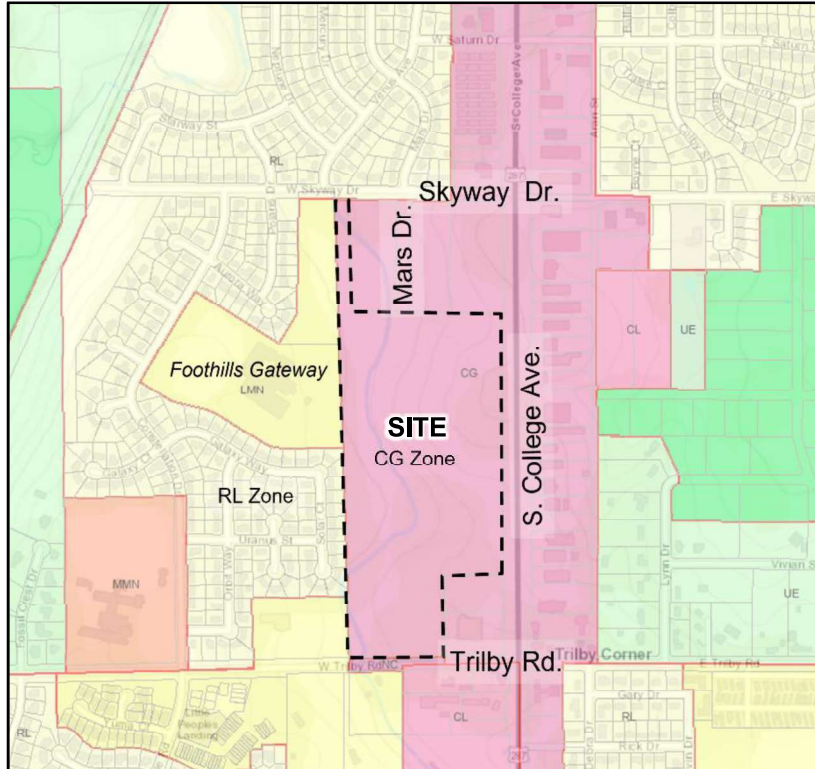
Administrative Hearing: July 24, 2023

College and Trilby Multifamily #PDP220009

Summary of Request

This is a Project Development Plan for a residential development comprising 265 townhomes on a 38-acre site in south Fort Collins.

Zoning Map



Next Steps

If approved, the applicant will be eligible to submit a Final Development Plan to finalize engineering and other details and record all plan documents; the applicant could then apply for construction and building permits.

Location

The site is on the west side of South College Avenue between Skyway Drive and Trilby Road. Parcel #9611400003.

Zoning

General Commercial (C-G) zoning. The zone district permits the residential use.

Property Owner

Steve Shoflick, College and Trilby LLC
6900 E. Belleview Ave. Ste. 300
Greenwood Village, CO 801111647

Prospective Developer

Zocalo Community Development
455 Sherman St. Ste. 250
Denver, CO 80020

Applicant/Representative

Ken Merritt
JR Engineers and Planners
2900 S. College Ave.
Fort Collins, CO 80525

Staff

Clark Mapes, City Planner

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Staff Recommendation

Approval of two Modifications of Standards and the Project Development Plan.

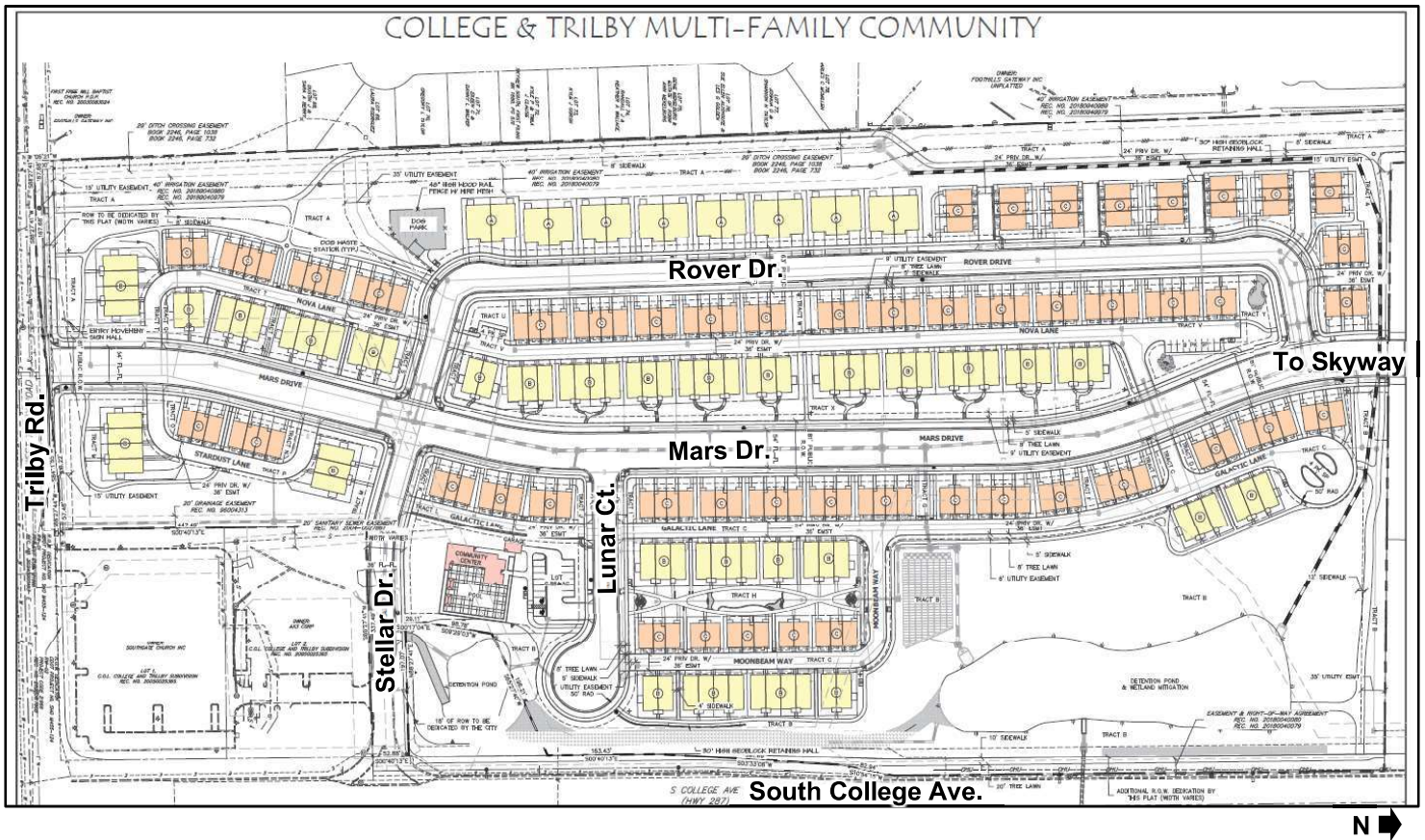
1. Project Introduction

A. PROJECT DESCRIPTION

The 38-acre property spans a half-mile between Skyway Drive and Trilby Road in south Fort Collins.

The plan comprises 265 homes in 85 2, 3, and 4-unit buildings, and a community building with a pool. The 'housing types' are classified as duplex, single-family attached (townhomes), and multi-family (apartments).

The development is based around extending Mars Drive from its current terminus just south of Skyway Drive to Trilby Road. Also, the current access drive on South College Avenue to Ziggi's Coffee, just north of Trilby Road, is extended as a local street called Stellar Drive providing access to the development. (The access is right-in-right-out only.)



The property is a sloping hillside with the west edge about 50 feet higher than the east edge along South College Ave. The west side is the top of the plan image above, with north to the right. The plan accounts for much of the grade with sloping side yards between the buildings.

Existing drainage and a wetland at the bottom of the hillside are re-shaped into a formalized stormwater system with a large detention pond that includes a designed wetland to mitigate the loss of the existing wetland due to complete re-grading of the property.

The plan includes wide multi-use sidewalks along the South College and Trilby frontages.

The two Modifications of Standards involve specific aspects of building design.

B. DEVELOPMENT BACKGROUND & CONTEXT

The property has had multiple attempts at development since it was first annexed and zoned Commercial as the Timan Annexation in 1988. That annexation was immediately followed by approval of the Timan Planned Unit Development (PUD) in 1988, which was a general master plan diagram for a mix of uses. That PUD never progressed further in any development plans. In 1996, the Hugh M. Woods PUD was approved for a large home improvement store. That single-use plan with its very large building and parking footprint proved infeasible on the sloping hillside property. In 2001, the owners got the property rezoned from Commercial to Neighborhood Commercial, with the specific intent to enable development of a major supermarket shopping center. The prospective supermarket developer did not proceed. In 2006 the property was again rezoned to revert to General Commercial zoning which remains in place today.

The current proposal for a unified tract of apartments and townhomes is the fifth in a series of similar conceptual plan proposals submitted by different developers and land planners, starting in 2019 and again in 2020 and 2021, with the current proposal submitted for conceptual review in 2022.

After years of planning and budgeting, the City is currently constructing a capital project to enlarge the nearby College/Trilby intersection, which involves a stormwater detention pond on the subject property.

Surrounding Zoning and Land Uses

	North	South	East	West
Zoning	CG and UE	CL and LMN	CG	LMN & UE
Land Use	Storage units and vacant property; Skyview subdivision houses across Skyway	Unplatted acreage properties across Trilby with houses and outbuildings, uses unclear	South College Avenue/US Hwy. 287, a church, and drive-through coffee shop	Foothills Gateway social services, a church, and Skyview subdivision houses



View of site looking west, with north to the right

C. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF'S REVIEW

Salient issues that were resolved through four rounds of design and review include:

- Extensive grading is necessary for development on this sloping hillside property, which involves fundamental overlapping issues for drainage and stormwater detention, and mitigation of the loss of the existing wetland at the bottom of the hillside, including a natural habitat buffer zone (NHBZ) around a new wetland to be created in a detention pond.

Although the existing wetland is removed in the overall earthwork grading, it is low habitat quality and the plan provides significant enhancements with detailed restoration design and tailored plantings. Groundwater hydrology was investigated as part of the newly designed wetland.

- A US 287/South College Avenue Access Control Plan, jointly adopted by the State and the City, indicates a second street connection to South College in the northern part of the property, about ¼ mile south of Skyway Drive. Early iterations of the plan attempted to find a way to grade the hillside to enable that, but it proved to be physically infeasible due to steepness.
- Numerous other miscellaneous issues required multiple iterations but no others stand out.

2. Land Use Code Article 1

A. PURPOSE (SECTION 1.2.2)

Land Use Code Section 1.2.2 lists a wide range of over-arching, high-level objectives (e.g., “reducing energy consumption and demand”) that are further developed and implemented in other Articles of the Land Use Code to ensure that proposed development meets the overall purpose to “improve and protect the public health, safety, and welfare” of the community.

As they may apply to the subject property and proposed project, the following sections of this report describe design elements of the proposed development plan that provide evidence of and the degree to which compliance would be achieved relative to the specific and enumerated standards within the Land Use Code.

The requirements, standards, and definitions contained in Articles 1 through 7 of the Land Use Code have been crafted to fulfill and implement the stated purpose of this Code in § 1.2.2. By satisfying the purposes statements, and meeting the applicable specific requirements, standards, and definitions set forth in Articles 1 through 7, this project demonstrates consistency with Land Use Code § 1.2.2 (B) through (O) to the extent (B) through (O) are applicable to this project.

3. Land Use Code Article 2 – Applicable Standards

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. **Conceptual Review – CDR210059** – meeting held on January 7, 2022.
2. **First PDP Submittal** – submitted on June 24, 2022.
3. **Neighborhood Meeting**

A neighborhood meeting was not required, but one was held voluntarily by the applicants virtually on June 6, 2022. Q&A topics mainly involved traffic, with repeated comments about existing traffic conditions.

4. **Notice (Posted, Written and Published)**

Posted Notice: May 23, 2022, Sign #682.

Written Hearing Notice: July 9, 2024, 605 addresses mailed.

Published Coloradoan Hearing Notice: July 15, 2024.

B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The Land Use Code is adopted with the recognition that there will be instances where a project would be consistent with City Plan, but would not meet a specific standard of the Land Use Code as stated. Accordingly, code standards include provisions for modifications.

The applicant requests two Modifications of Standards: The first is to allow buildings with the same footprint size and shape to be placed next to each other, with variation in other aspects of building design. The second is for one four-unit building which is placed with one end facing the local street without a doorway.

The modification process and criteria in Land Use Code Division 2.8.2(H) provide for evaluation of these instances on a case-by-case basis, as follows:

Land Use Code Modification Criteria:

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

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

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

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

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

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

1. Modification of a Standard for Building Variation -- 3.5.2(C)

Overview

This standard for single-family attached dwellings (townhomes) requires variation among repeated buildings that have more than two units. At least 3 distinctly different building designs are required for the 3- and 4-unit buildings in this plan. This includes a requirement that the different designs must “vary significantly in footprint size and shape”; and no similar buildings may be placed next to each other.

This modification request is needed because 3- and 4-unit buildings with the same footprints are placed next to each other in numerous instances throughout the plan.

Applicant Justification

The applicant’s request provides justification for not being detrimental to the public good, and being consistent with numbered criteria 2.8.2H(1) and (4) – “equal or better”, and “nominal and inconsequential”. The points are:

- The whole plan with 85 buildings has wide variation throughout. There are (3) townhome types (Series A, B, and C), and B and C have (3) sizes (2, 3 & 4-plex), which provide a total of (7) types. Then (2) elevation styles are applied to each of those, which equals 14 different building designs. Furthermore, there are 4 color schemes that can add more variation on top of these 14 designs.
- Where the same footprints are placed next to each other, different building designs include entrances and porches, varied roof forms, projecting and recessed features, and residential siding in lap and board-and-batten patterns.
- This extensive variation will be presented in detail at the hearing.

Below is an example of two buildings with the same footprint but with different styles applied:



Staff Findings

Staff finds that the modification of this standard would not be detrimental to the public good and that the request satisfies criteria (1) and (4) in subsection 2.8.2(H) – “equal or better” and “nominal and inconsequential when considered from the perspective of the whole plan.”

Detriment to the public good. Staff’s finding is based on the following considerations:

- The buildings placed next to each other are completely different in their exterior design as viewed on the ground, to a degree that accomplishes the purpose of the standard to avoid monotonous repetition of large apartment or townhome buildings and rather to provide visual interest, particularly at pedestrian scale.
- The overall plan has wide variation with 3 townhome types A, B, and C; two of which have 3 sizes (2-, 3-, and 4-unit buildings), for a total of 7 building types, and then 2 design styles are applied across the 7 building types for a total of 14 different designs. In addition, some of the type B and C facades are 2 stories and some are 3; and there are 4 color schemes that will add more variation on top of the 14 designs.
- The whole plan is for housing at the ‘missing middle’ scale, which is a city planning term for housing alternatives between detached houses and apartment complexes with large buildings and parking lots. The 3- and 4- unit buildings have a similar scale, with lengths of 60 feet and 78 feet, so that the effect of two of the same together is not very different from having one of each next to each other.

When the overall missing middle scale is combined with the variation in placement that does exist throughout the plan, staff finds that it is most apparent when looking closely in a plan view drawing. On the ground, which is what matters, the instances of 3-plexes or 4-plexes next to each other have a negligible effect and would not be improved by, for example, putting buildings together to make 5-, 6-, or 7-unit buildings just to meet the standard.

In other words, staff thinks that switching any given 4-plex to a 3-plex would not be apparent in any meaningful way, and potential solutions would not be as good as the proposed plan for visual interest purposes.

Criteria (1), “equal or better.” Staff’s finding is based on the following considerations:

- The distinguishing elements demonstrated in the different “design styles” in the plan create a degree of variation such that the similarity of footprints is highly mitigated and not readily apparent due to the design aspects that make the buildings look different. In this case, staff finds that the design variations counterbalance the need to change the footprints.
- One way to get different footprints into the plan to meet the standard would have been to join buildings together to make a few larger buildings, e.g., 5- 6-, or 7- plex buildings. Staff finds that the plan is better than a plan which could join buildings together to make larger buildings just to meet the standard as stated.

Criteria (4), “nominal and inconsequential from the perspective of the whole plan.” From the perspective of the entire development plan, the instances of 3-and 4-unit buildings next to each other are nominal and inconsequential for the reasons stated above and do not affect the purposes of the Land Use Code.

2. Modification of a Standard for Street-Facing Facades – 3.5.2(D)(2)

This standard requires that buildings with 4 or more dwelling units must have a doorway facing adjacent neighborhood streets (could be secondary patio doors.) The intent is to avoid impersonal blank ends of multi-unit buildings, often with only utility meters as the most prominent feature, along neighborhood streets. A doorway indicates the presence of people as an animating architectural feature.

One such building has one end facing Rover Drive without a doorway.

Summary of applicant justification:

The applicants' modification request is attached. It explains why the request is not detrimental to the public good; and meets criterion (4) "nominal and inconsequential from the perspective of the whole plan":

This is one such occurrence out of 85 buildings. The interior of the building is a garage partly below grade, with the grade in the outside yard sloping down along the building wall such that a doorway would be non-functional. The visual impact is mitigated by being located on a curve, and by two trees in the foreground closer to the sidewalk.

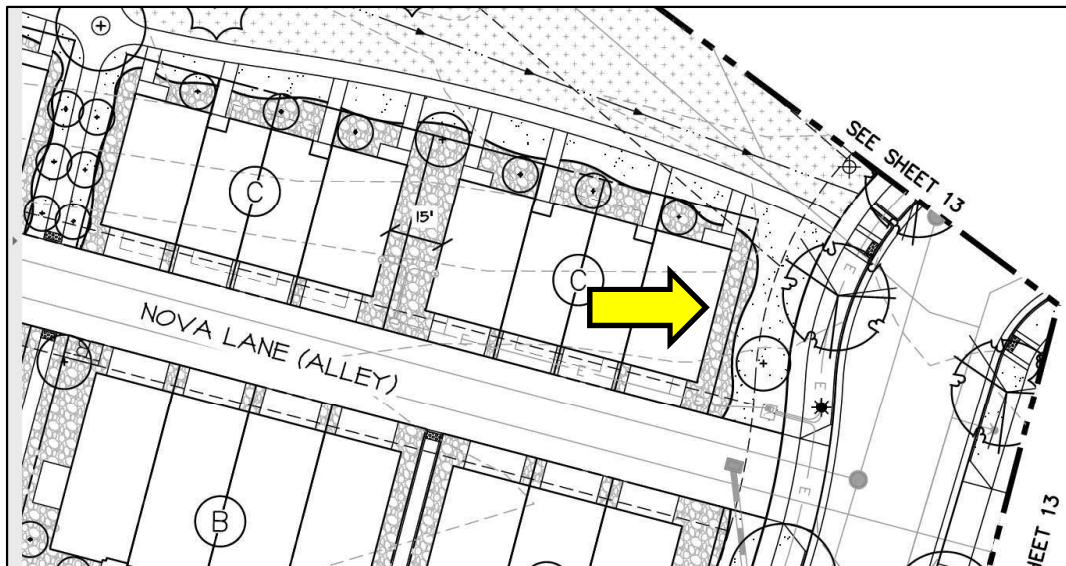
Staff Findings:

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criteria in subparagraph (4), "nominal and inconsequential" under Section 2.8.2(H) governing modification requests.

Detriment to the public good

This one occurrence out of 85 buildings has virtually no effect on the look and feel of this 38-acre plan when considered from the perspective of the entire plan.

The impact of the end wall upon the street is mitigated by its location on a curve where the view is shifting, and a street tree and an ornamental tree with the wall as backdrop.



Criterion (4), "nominal and inconsequential". From the perspective of the entire development plan, the one end of one building facing Rover Drive without a doorway is nominal and inconsequential for reasons stated above and does not affect the purposes of the Land Use Code.

4. Land Use Code Article 3 – General Development Standards

Pertinent standards in various Divisions of Article 3 are evaluated below.

A. DIVISION 3.2 - SITE PLANNING AND DESIGN STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.2.1 Landscaping and Tree Protection</p> <p>3.2.1(D) Tree Planting Standards</p> <p>3.2.1(D)(1)(c) Full Tree Stocking</p> <p>3.2.1(F) Tree Preservation and Mitigation</p>	<p>The standards of this section require development plans to demonstrate a comprehensive approach to landscaping that enhances the appearance and function of the neighborhood, buildings, and pedestrian environment.</p> <ul style="list-style-type: none"> • The plan includes two different types of landscaping, both thoroughly developed: <ul style="list-style-type: none"> - More formal manicured landscaping along streets and around buildings with trees, turfgrass, and mulched planting beds with shrubs and ornamental grasses; and - Restoration of the remaining peripheral areas around the site including detailed Natural Habitat Buffer Zone (NHBZ) mitigation. There are two existing natural habitat features on the property with buffer zone restoration -- the wetland and the piped North Loudon ditch corridor along the west edge. <p>This restoration and buffer zone mitigation includes tailored seed mixes for upland, lowland, and wetland areas related to gradation of the hillside topography; and also includes woody container plantings and cuttings of native plants associated with certain portions of the gradation in the wetland buffer zone.</p> <p>This restoration represents improvement over the existing habitat values of the existing features.</p> <p>Specific components include:</p> <ul style="list-style-type: none"> • An inventory of the 15 existing trees on the property. 5 trees are dead or in poor condition and are to be removed. Mitigation for trees to be removed is accounted for, with agreement from Forestry staff. • Street trees in irrigated turfgrass parkways along the streets. • Tree plantings around the buildings, walkways, and the two small parking lots. • Mulched planting beds around buildings. • Irrigated turfgrass in front yards and a few other locations where people may walk across landscape areas. • Detention pond seeding and NHBZ landscape restoration. 	<p>Complies</p>

<p>3.2.2 Access, Circulation and Parking – General Standard</p>	<p>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, the PDP includes the following:</p> <ul style="list-style-type: none"> • The plan provides a complete framework of streets and walkways linking all parts of the development. • In addition, private alleys serve a majority of the garages that accompany all dwelling units. • Visitor parking is provided near the community center and the small park at the north end of Rover Drive. 	<p>Complies</p>
<p>3.2.2(C)(4) Bicycle Parking Space Requirements</p>	<p>Residential: A standard requires one bicycle space per bedroom for multi-family dwellings. 6 of the dwellings along the “infinity walk” north of the community center are classified as multi-family.</p> <ul style="list-style-type: none"> • Far exceeding standard requirements, bicycle parking is provided with hooks in the garages, plus there are additional fixed racks located throughout the development including at each end of the “infinity walk”. 	<p>Complies</p>
<p>Section 3.2.2(K)(1)(a) & (b) Residential Parking Required</p>	<p>These standards require a minimum amount of parking for residential development of various housing types. For attached and multi-family dwellings the requirement is based on bedrooms.</p> <p>A chart on the site plan cover sheet shows the required parking as two spaces per unit for the three building types. This actually overstates the requirement which is 1.75 spaces for 2-bedroom units which comprise a majority of units in the plan.</p> <ul style="list-style-type: none"> • The plan provides 320 spaces in 2 car garages for each unit, exceeding the actual requirement. • The plan provides 17 additional guest parking spaces in a few locations, and 14 additional spaces at the community building including 2 handicap spaces. • The streets include street parking. 	<p>Complies</p>
<p>3.2.4 Exterior Site Lighting</p>	<p>The plan does not include any lighting other than City street lights. Lighting on the buildings will be reviewed at the building permit stage.</p>	<p>N.A.</p>
<p>Section 3.2.5 Trash and Recycling Enclosures</p>	<p>The purpose of this standard is to ensure the provision of facilities compatible with surrounding land uses, for the collection, separation, storage, loading and pickup of trash, waste cooking oil, compostable and recyclable materials.</p> <ul style="list-style-type: none"> • Trash and recycling are to be accommodated in garages. 	<p>Complies</p>

B. DIVISION 3.3 - ENGINEERING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1(C) – Public Sites, Reservations and Dedications	<p>This standard requires the applicant to dedicate rights-of-way for public streets, drainage easements and utility easements as needed to serve the area being developed.</p> <ul style="list-style-type: none"> The project includes a subdivision plat that provides all needed r.o.w. and easements. 	Complies

C. DIVISION 3.4 - ENVIRONMENTAL, NATURAL AREA, RECREATIONAL AND CULTURAL RESOURCE PROTECTION STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.4.1 – Natural Habitats and Features	<p>The purpose of this Section is to ensure that when property is developed, the way in which the components of the development plan are designed and arranged on the site will protect the natural habitats and features both on and in the vicinity of the site.</p> <p>It applies when development is proposed within 500 feet of an identified natural habitat or feature. In this case, the natural features present include a wetland complex (1.23 acres) on the eastern edge of the site, the Loudon Ditch corridor (the ditch is now piped) that runs along the western edge and serves as a wildlife corridor, a red-tailed hawk nest in the southwest corner, an offsite great horned owl nest to the northeast, and an active black-tailed prairie dog colony across the majority of the site. The site is currently dominated by non-native and noxious plant species.</p> <p>This Section requires ‘Natural Habitat Buffer Zones’ (NHBZs) around natural features in a development plan.</p> <p>An Ecological Characterization Study (ECS) was completed along with several updates as required to evaluate habitat values and make recommendations regarding mitigation of lost habitat value, protection, and enhancement. The ECS is attached. In total, 9.95 acres of NHBZ are proposed in the plan.</p> <p><i>Wetland:</i> The wetland was identified as a complex of a palustrine scrub shrub and palustrine emergent wetland covering 1.23 acres of the site. Wetlands provide value in the form wildlife benefits, groundwater discharge and recharge, and infiltration areas. The existing condition of the wetland is low quality with noxious species and surface land disturbance. The wetlands were found to be non-jurisdictional by the Army Corps of Engineers.</p> <p>As this wetland does not provide significant use by waterfowl or shorebirds according to the ECS, the buffer standards are applied by the size of wetland. According to the Land Use Code Section 3.4.1(E), for wetlands greater than 1/3 acre in size, a 100’ buffer zone standard is applied. Application of a 100’ buffer to the wetland results in a required NHBZ of 3.5 acres. Stormwater detention facilities will be co-located with the wetland, and improvement of the vegetation and thus habitat value will be increased, bringing the proposed wetland and associated NHBZ to 4.0 acres. Stormwater generated by the proposed development is filtered by low impact development features prior to entering the wetland.</p>	Complies

	<p><i>Louden Ditch:</i> This formerly meandering ditch was piped in a straight alignment by the ditch company in 2018. At that time, the City and private parties agreed that the loss of the feature would be mitigated by applying the standard habitat buffer area for ditch corridors to the alignment of the new pipeline. The owners attempted restoration but that effort did not succeed for multiple reasons.</p> <p>So, although the ditch is now piped underground, the wildlife movement corridor will be maintained through the establishment of a NHBZ with upland seeding. Irrigation ditches serving as wildlife movement corridors receive a 50' buffer on either side, measured from the top of bank. On this project that equates to a 5.94 acres; the project is proposing 5.94 acre of Louden Ditch (riparian) NHBZ. This area is to be restored as an improvement over the current condition which is dominated by weeds.</p> <p><i>Red-tailed hawk nest:</i> LUC 3.4.1 requires a 450-foot buffer around an active nest if construction occurs during the nesting season (February 15 to July 15). This will be applied at the time of any proposed construction.</p> <p><i>Black-tailed prairie dogs:</i> LUC 3.4.1 requires mitigation of prairie dog colonies by relocation, trapping and donating to black-footed ferret recovery or raptor recovery programs, or by a payment-in-lieu fee with euthanization, along with a mitigation plan detailing how re-colonization will be avoided. The ECS proposes trapping and donating to the wildlife recovery programs.</p> <p>More specific aspects of the plan that provide environmental benefits include:</p> <ul style="list-style-type: none"> • A detailed landscape restoration and enhancement plan for the wetland NHBZ that was carefully developed through multiple rounds of hydrologic investigation, design, and review with collaboration between applicants and staff. • The plan includes grading and tailored seed mixes for habitat types that will maximize habitat value, water conservation, and aesthetics. 	
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D. DIVISION 3.5 - BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.5.1(A) and (B) – Building Project and Compatibility, Purpose, and General Standard</p>	<p>The purpose of this Section is to ensure compatibility of new buildings and uses with the surrounding context. Absent any established character, the standard requires that new buildings set an enhanced standard of quality for future projects or redevelopment in the area. The standards in this section complement the more specific requirements in Section 3.8.30 which pertain to apartment and townhome development.</p> <p>The context includes both existing development adjacent to the site, and also the future vision and zoning. In this case, the context is mainly the Commercial zone district along the highway.</p> <p>Staff finds no defining character in the existing context that would be pertinent to any question of compatibility, and the future vision and zoning would allow for almost any kind of commercial development. Therefore staff finds no compatibility issue with this neighborhood development.</p>	<p>Complies</p>

<p>3.5.2 Residential Building Standards (B) General Standard</p>	<p>Standards in this Section are intended to promote variety, visual interest, and pedestrian-oriented streets in residential development. Development projects containing residential buildings must place a high priority on building entryways and their relationship to the street. Pedestrian usability is prioritized over vehicular usability. Buildings must include human-scaled elements, architectural articulation, and design variation.</p>	<p>Complies via other more specific standards below and in Section 3.8.30</p>
<p>3.5.2(C) Variation Among Townhomes</p>	<p>This standard requires at least 3 different building designs, and requires that no two of the same buildings are placed next to each other. Buildings must vary distinctly and significantly including footprint size and shape.</p> <ul style="list-style-type: none"> The 3 housing types in the plan are completely different from each other, and then within each type, multiple design styles to the buildings of each type. Buildings with the same footprint size and shape are placed next to each other in numerous locations throughout the plan, as explained in a Modification request to allow for that. 	<p>Complies, with a Modification for building footprint size and shape.</p>
<p>3.5.2(D)(1) Orientation to a Connecting Walkway</p>	<p>The Connecting Walkway standard requires that dwellings must directly face onto a street sidewalk or a walkway that leads straight to a street sidewalk with no primary entrance more than two hundred (200) feet from the sidewalk. The latter situation occurs when buildings are placed perpendicularly to the street.</p> <ul style="list-style-type: none"> All buildings comply. 	<p>Complies</p>
<p>3.5.2.(D)(2) Street-Facing Facades</p>	<p>When buildings are placed perpendicularly to a local street; a standard requires a multifamily building with four or more units to have an entry or doorway facing the adjacent local street.</p> <ul style="list-style-type: none"> One building with four units does not have a doorway facing the local street. This building is at the south end of Rover Drive where the street curves to meet Mars Drive. <p>As discussed previously in the staff report, a modification to 3.5.2(D)(2) is included previously in this report.</p>	<p>Modification Requested</p>
<p>3.5.2(F) Garage doors</p>	<p>This standard requires the garage doors to comprise no more than 50% of the front facade of any building; and requires them to be recessed at least 4 feet behind the face of the building or a porch that measures at least 6 by 8 feet.</p> <ul style="list-style-type: none"> The plan provides these minimum dimensions. 	<p>Complies</p>

E. DIVISION 3.6 – TRANSPORTATION AND CIRCULATION

This Section is intended to ensure that the transportation network of streets, alleys, roadways, and trails is in conformance with adopted transportation plans and policies established by the City.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.6.2 – Streets, Streetscapes, Alleys, and Easements</p>	<p>This Section requires transportation network improvements for public health, safety, and welfare, with requirements in accordance with the Larimer County Urban Area Street Standards and requires necessary easements for utilities and access.</p> <ul style="list-style-type: none"> The plan extends Mars Drive which currently terminates near the north property boundary, in conformance with standards. The plan includes a subdivision plat that dedicates needed ROW and easements. 	<p>Complies</p>
<p>3.6.3(F) Street Pattern and Connectivity Standards</p>	<p>This Section requires development plans to connect and extend streets that are stubbed to the boundary of the plan by previous development.</p> <ul style="list-style-type: none"> The plan extends the Mars Drive stub on the north, and also extends the drive access on South College currently serving the drive-through coffee shop in the south part of the site, as a local street into the development. There is currently a gap between the end of the existing Mars Drive and the north property line of the proposed plan (shown below with the unpaved turnaround area at the end of the stub). <p>An approved apartment project called Mars Landing exists along the Mars Drive stub. If the proposed College/Trilby Multifamily plan develops before Mars Landing, then the applicants will need to construct it to make the connection to Skyway Drive. South College Storage built this segment of Mars Drive, and provided funding to reimburse the cost when they elected not to build Mars Drive all the way to the property line.</p> 	<p>Complies</p>

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.6.4 – Transportation Level of Service Requirements	<p>This Section contains requirements for the transportation needs of proposed development to be safely accommodated by the existing transportation system, or that appropriate mitigation of impacts will be provided by the development to meet adopted Level of Service (LOS) standards.</p> <ul style="list-style-type: none"> • A Traffic Impact Study was reviewed and accepted by staff. The explanation and conclusions comprise the first 29 pages of the 233-page report with the remainder consisting of appendices with technical measurements and calculations. The first 29 pages are attached. • The key findings are that only minor impacts to the Levels of Service are generated from the proposed plan. The main traffic issues are a function of the existing conditions at the College/Trilby intersection; and those issues are to be improved with a City capital project which is being constructed in 2024. • Pedestrian facilities are mostly adequate in the area surrounding the Project site, which is primarily residential. The proposed plan adds sidewalks adjacent to the site on College and Trilby. • The only specific recommendation is for a turn lane at the Trilby/College intersection, which is being done with the City project. 	<p>Complies</p>
3.6.6 Emergency Access	<p>This Section requires access for emergency vehicles and services.</p> <ul style="list-style-type: none"> • The project has been reviewed by Poudre Fire Authority (PFA) and meets the needs and requirements for emergency access with its framework of streets, private alleys, and walkways. 	<p>Complies</p>

F. DIVISION 3.7 - COMPACT URBAN GROWTH

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.7.3 Adequate Public Facilities	<p>The proposed project provides adequate service design for water, wastewater, storm drainage, fire and emergency services, and electric facilities. There are no special needs or requirements necessary to serve the development.</p>	<p>Complies</p>

G. SECTION 3.8.30 MULTI-FAMILY AND SINGLE-FAMILY ATTACHED DWELLING DEVELOPMENT STANDARDS

Applicants and staff have agreed that this Section applies, under the wording in the code:

“The standards in this Section apply to all multi-family developments that contain at least four (4) dwelling units and single-family attached developments that contain at least four (4) dwelling units where there is no reasonably sufficient area for outdoor activities and useable outdoor space on an individual per lot basis. This Section is intended to promote variety in building form and product, visual interest, access to parks, pedestrian-oriented public or private streets and compatibility with surrounding neighborhoods.”

The wording about ‘reasonably sufficient outdoor space’ on each lot was not part of the discussion; rather, the plan was designed to meet the standards.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.8.30(B)(1)(2)(3)(4) Mix of Housing Types</p>	<p>This subsection lists 8 housing types and encourages a range of the types in any individual development plan, to the extent reasonably feasible. A minimum of three housing types is required on any development parcel 30 acres or larger.</p> <ul style="list-style-type: none"> • Three housing types are provided which correspond to types recognized in the standard – duplex, single-family attached, and multifamily. In code language, some of the distinctions are a function of whether or not units in the buildings are on their own lots. This is the distinction between what are commonly thought of as townhomes versus apartments, with no visible distinction – just lines on plans. • To aid in the semantics of discussion, note that there are varied <u>building types</u> within the housing types. 	<p>Complies</p>
<p>3.8.30(C) Access to a Park, Central Feature or Gathering Place</p>	<p>This subsection requires that at least 90% of the homes be within 1,320 feet (¼ mile) of small park or central feature or gathering place that is located either within the project or within adjacent development. A minimum size of 10,000 square feet is stated for these features.</p> <ul style="list-style-type: none"> • The plan provides a community building for the development with pool and clubhouse, with about 37,000 square feet of space, well within ¼ mile of at least 90% of the homes. • The plan also includes a 9,500 square-foot mini-park space in the northern portion of the site at the corner of Rover and Mars Drive. • The plan also provides 6.7 acres of open space along the entire ½-mile long western edge, with an 8-foot walkway/trail and a dog park at the south end of Rover Drive. 	<p>Complies</p>
<p>3.8.30(D) Blocks</p>	<p>This subsection requires a basic layout of limited size blocks bounded by streets. The plan provides blocks of development as feasible with the sloping property and the ½ mile long western edge bounded by a piped ditch and existing abutting development. A pedestrian spine near the center of the plan contributes to the block pattern.</p>	<p>Complies</p>
<p>3.8.30(F) Building Design Variation Among Multi-Family Dwellings</p>	<p>This subsection requires a basic level of building variation, with at least 3 different building designs; clear prominent entrances; roof forms; façade articulation; and use of color and materials for variety and individuality. The standard requires different building footprint size and shape as part of the different designs; and that no two buildings with the same design can be placed next to each other in the plan.</p> <ul style="list-style-type: none"> • The 9 multi-family dwellings in the plan are centered around Tract H, across Lunar Court from the community center. As discussed under the mix of housing types subsection, the plan provides the required variation. • Note that there is an equivalent standard for townhome dwellings with more than two units is in subsection 3.5.2(C), which needs a Modification request explained above in this report . • The multi-family building designs include 2 different building types ‘B’ and ‘C’, each with 3 different sizes (2-, 3- and 4-plexes); and 2 different styles are applied across these buildings. In addition, color variation in the different styles adds additional variation. Styles include clearly identifiable entrances 	<p>Complies</p>

and porches, varied roof forms, massing proportions, projecting and recessed features, and residential siding in lap and board-and-batten patterns. Not all variations are evident in the attached plans but will be presented in full at the hearing. Examples of the two building types 'B' and 'C' are shown below.



5. Land Use Code Article 4 – Applicable Standards:

A. DIVISION 4.21 – GENERAL COMMERCIAL DISTRICT (C-G)

This zone district is intended to be a setting for a wide range of community and regional retail uses, offices and personal and business services. Secondly it can also accommodate a wide range of other uses including creative forms of housing. A tract of housing was never envisioned in the formation of the zone district, but is not precluded. The only pertinent standard is the permitted use list.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.4(B) – Permitted Uses	The CG zoning permits the duplex, single-family attached and multi-family residential uses.	Complies

6. Comprehensive Plan Background

The Land Use Code's purpose statement, per Section 1.2.2(a), is to ensure that all growth and development that occurs is consistent with City Plan, and its adopted components – which for this project includes the South College Corridor Plan. The following analysis summarizes the main ideas in City Plan and the corridor plan that are pertinent in terms of general alignment with the guiding vision and policies presented in such plans.

A. CITY PLAN (2019)

The City's comprehensive plan, *City Plan*, was developed with the participation of thousands of community members and "articulates the community's vision and core values; and establishes the overall policy foundation" to provide "high-level policy direction" towards achieving a shared community vision of growth and transportation throughout the City.

Housing is a pervasive topic in the plan with a strong emphasis on a diverse range of housing options and a mix of housing types for various incomes and households, including 'affordable' and 'attainable' housing.

These ideas are parts of the Vision and Values on p. 28 and 29, and in Principles and Policies on p. 42 of the plan.

B. SOUTH COLLEGE CORRIDOR PLAN (2006)

The main topics in this plan involve the highway itself and its commercial corridor. It recognizes the commercial zoning on the subject property, and envisions commercial uses designed for neighborhood compatibility and transformation of the area over time with a more attractive pedestrian environment. Development of the property as a tract of solely residential development was simply never foreseen in comprehensive plan processes.

The plan highlights the need for street and trail connections throughout the area, and specifically shows Mars Drive and a private trail connecting across the half-mile between Skyway and Trilby; and shows a local street connection to S. College. The proposed development plan includes these specific components.

7. Findings of Fact/Conclusion

In evaluating the request for the College and Trilby Project Development Plan #PDP220009, Staff makes the following findings of fact and conclusions:

1. The Project Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
2. The Project Development Plan complies with applicable criteria for approval of Modification of Standards located in Division 2.8 of the Land Use Code.

Staff supports the request for Modification of Standards to subsection 3.5.2(D)(2) for one building that does not have a doorway on an end of the building that faces a local street.

The modification would not be detrimental to the public good and the request satisfies criterion (4) in subsection 2.8.2(H) as explained in this report.

Staff supports the request for Modification of Standards to subsection 3.5.2(D)(2) for street-facing facades on the ends of two buildings without doorways.

The modification would not be detrimental to the public good and the request satisfies criterion (4) in subsection 2.8.2(H) because the two building ends are a negligible proportion of the building frontage along the streets, and the building design does not consist of impersonal blank utilitarian walls but rather consists of windows, quality materials, and articulation consistent with the quality design character of the building fronts. Therefore, the two buildings contribute to visual interest along the street.

3. The Project Development Plan complies with relevant standards located in Article 3 – General Development Standards, subject to approval of the three Modifications of Standards.
4. The Project Development Plan uses are permitted in Division 4.21 – General Commercial (CG) zone district in Article 4, with no other applicable zone district standards.

8. Recommendation

- Staff recommends that the Hearing Officer approve two Modifications of Standards to Land Use Code subsection 3.5.2(C) for building footprint variation; and 3.5.2(D)(2) for a street-facing facade without a doorway.
- Staff recommends that the Hearing Officer approve the College and Trilby Multi-Family Development Plan, #PDP220009 based on the Findings of Fact and supporting explanations found in the staff report and hearing materials.

9. Attachments

1. Site Plan
2. Landscape Plan
3. Architecture
4. Modification Request for Building Variation
5. Modification Request for a Street-Facing Facade
6. Utility Plans
7. Plat
8. Environmental Characterization Study
9. Traffic Study
10. Neighborhood Meeting Notes