

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

FINDINGS AND DECISION

HEARING DATE: October 9, 2024

PROJECT NAME: The Ellie at Old Town North

CASE NUMBER: PDP # 240002

APPLICANT: Travis Hendrix, Architect
KGA Studio Architects, PC
3881 Steele St., Ste. 1132
Denver, CO 80205

OWNER: Van Horn Development Management, LLC
Representative: Ryan Van Horn
14143 Denver West Parkway, #100
Denver, CO 80401

HEARING OFFICER: Marcus McAskin

PROJECT DESCRIPTION: The Ellie at Old Town North PDP #240002 (the “**PDP**”) proposes to construct two multi-family structures that are three stories tall and designed in a “townhome” style that, together, include a total of 25 residential units (the “**Project**”) on an approximately 0.808-acre parcel of land described as Parcel #9701391001, located at the southwest corner of East Suniga Road and Blondel Street in the Old Town North neighborhood, and having a legal description of: TRACT A, OLD TOWN NORTH FIFTH FILING, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO (the “**Subject Property**”).

The Project is comprised of two multi-family¹ dwelling uses. The PDP proposes two 3-story apartment buildings, with Building A having 13 units (Unit A1 through Unit A13) and Building B having 12 units (Unit B1a, Unit B1b, and Unit B2 through Unit B11), with an internal driveway between the two buildings to provide access to garages located under each unit. Individual units have ground floor entrances, balconies, and rooftop decks, with the exception of one stacked pair of units at the west end of Building B. Parking is provided in 2-car garages and one van-accessible 1-car garage along with five outdoor spaces. In addition to parking provided in the Project, Blondel Street frontage allows for up to three parking spaces.

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.

Vehicle access is from two existing alleys, one extending from Osiander Street one-half block to the south; and one extending west from Blondel Street along the southern edge of the Subject Property.

A Modification of a Standard is included for the lack of any trees along the front (south) side of Building B.

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 prepared for the October 9th virtual public hearing on the PDP. A copy of the staff report is attached to and incorporated in this decision as ATTACHMENT A (the “**Staff Report**”). The Project is further detailed in the plan documents included in the record of this case (*see, e.g.*, Item Nos. 2 through 8 in the Evidence list below).

ZONING: The Subject Property is located in the Community Commercial-North College (C-C-N) zone district. Administrative review (Type 1 review) is required for the Project because the PDP includes multi-family dwellings that contain less than fifty (50) dwelling units and less than seventy-five (75) bedrooms. *See* City of Fort Collins Land Use Code (“**LUC**”) § 4.19(B)(2)(a)4.(identifying uses permitted within C-C-N zone district subject to Type 1 review).

The PDP includes a request for the modification of the LUC § 3.2.1(D)(1)(c) standard (“**Modification of Standard**”), which states:

“full tree stocking” shall be required in all landscape areas within fifty (50) feet of any building or structure as further described below. Landscape areas shall be provided in adequate numbers, locations and dimensions to allow full tree stocking to occur along all high use or high visibility sides of any building or structure. Such landscape areas shall extend at least seven (7) feet from any building or structure wall and contain at least fifty-five (55) square feet of nonpaved ground area, except that any planting cutouts in walkways shall contain at least sixteen (16) square feet. Planting cutouts, planters or other landscape areas for tree planting shall be provided within any walkway that is twelve (12) feet or greater in width adjoining a vehicle use area that is not covered with an overhead fixture or canopy that would prevent growth and maturity.

Full tree stocking shall mean formal or informal groupings of trees planted according to the following spacing dimensions:

| <i>Tree Type</i> | <i>Minimum/Maximum Spacing</i> |
|-----------------------|--------------------------------|
| Canopy shade trees | 30’-40’ spacing |
| Coniferous evergreens | 20’-40’ spacing |
| Ornamental trees | 20’-40’ spacing |

Exact locations and spacings may be adjusted at the option of the applicant to support patterns of use, views and circulation as long as the minimum tree planting

requirement is met. Canopy shade trees shall constitute at least fifty (50) percent of all tree plantings. Trees required in subparagraphs (a) or (b) above may be used to contribute to this standard.

The Applicant is requesting this Modification of Standard because the Subject Property is not large enough to meet the requirements of LUC § 3.2.1(D)(1)(c) and accommodate Building B. Per the Applicant, to meet this standard, Building B would have to be eliminated or a totally different design for the south half of the Project would be required and ultimately result in increased design and construction costs that would make development of the Subject Property not viable.

As detailed in the Staff Report, City staff determined that the PDP complies with the applicable requirements and standards of the LUC except for LUC § 3.2.1(D)(1)(c), for which a Modification of Standard is requested. As detailed in the Staff Report, City staff supports approval of the Modification of Standard to LUC § 3.2.1(D)(1)(c).

SUMMARY OF DECISION: Approved with conditions.

HEARING: The Hearing Officer opened the virtual public hearing on Wednesday, October 9, 2024, at approximately 5:30 p.m. and reviewed the Order of Proceedings 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 (12 pages) (attached to this Decision as ATTACHMENT A).
2. Site Plan & Architectural Renderings (13 sheets).
3. Landscape Plan (5 sheets).
4. Lighting Plan (2 sheets).
5. Applicant's Request for Modification of Standard – LUC § 3.2.1(D)(1)(c) requiring full tree stocking through planting of trees around buildings per a landscape plan (1 page).
6. Utility Plans (6 sheets).
7. Smith Environmental & Engineering Prairie Dog Management Study (6 pages).
8. Traffic Impact Study (13 pages and without appendices). The Traffic Impact Study's (TIS) stated objectives are to provide trip generation and multi-modal (vehicle, pedestrian, and bicycle) level of service analyses. The TIS concludes that all modes of travel (vehicle, pedestrian, and bicycle) will achieve acceptable levels of service, and that the Project will have minimal impact on the current operating capacity of the intersection and upon the existing street system. The TIS also concluded that no pedestrian crossing treatment or additional street lighting is required at the Suniga/Blue Spruce-Blondel intersection or along the street system.
9. Neighborhood Meeting Notes from meeting held April 4, 2024 (6 pages).
10. Affidavit of Publication dated October 1, 2024 confirming that the Notice of Hearing was published on October 1, 2024, in the *Fort Collins Coloradan* (1 page).

11. Copy of Written Notice of Virtual Public Hearing, dated September 24, 2024 (2 pages). 227 letters sent per Section 3.A.4. of the Staff Report (page 4).
12. Written comments received prior to the public hearing (three (3) written comments received, one email from L. Abercrombie and two emails from C. Peterson).
13. The PowerPoint presentation prepared by City staff for the October 9, 2024, hearing (22 slides).
14. The PowerPoint presentation prepared by the Applicant for the October 9, 2024, hearing (13 slides).
15. Rules of Conduct for Administrative Hearings.
16. Administrative (Type 1) Hearing: Order of Proceedings.
17. The Fort Collins City Plan (2019), North College Corridor Plan (March 14, 2007), the LUC, and the formally promulgated policies of the City are all considered part of the record considered by the Hearing Officer.

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

From the City: Clark Mapes, City Planner
 Tim Dinger, City Engineering

From the Applicant: Hannah Watson, KGA Studio Architects, PC
 Travis Hendrix, KGA Studio Architects, PC
 Ryan Van Horn, Van Horn Development Management, LLC

From the Public: Kurt Kniegge, 369 Osiander Street, Fort Collins, CO 80524
 Collin Peterson, 802 Heschel Street, Unit C, Fort Collins, CO 80524
 Christophe Attard, 902, 908 and 909 Blondel Street (mailing address:
 PO Box 270145, Fort Collins, CO 80527)

The public comment portion of the hearing was opened at approximately 6:02 p.m. and closed at approximately 6:20 p.m.

The virtual public hearing was closed at approximately 6:35 p.m.

FINDINGS & CONCLUSIONS

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 North College Corridor Plan (*see* Finding No. 5, below).
5. The Project is consistent with the Fort Collins City Plan (2019) and the North College Corridor Plan (March 14, 2007) by, among other things supporting and complementing the Downtown core, maximizing multiple story buildings, promoting desirable redevelopment, and adding new housing to the mixed commercial/industrial context of the North College Corridor Plan.
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 Modification of Standard to LUC § 3.2.1(D)(1)(c) to waive the requirement for landscaped areas and compliance with the full tree stocking of this Section: (i) will not be detrimental to the public good, (ii) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to the Subject Property, the strict application of the requirements of LUC § 3.2.1(D)(1)(c) would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of the Subject Property. With respect to the foregoing, the Hearing Officer specifically incorporates the Staff Findings on page 5 of the Staff Report and finds that a dramatically different development proposal, resulting in a net loss of residential units, would be required in order to satisfy the landscaped areas/full tree stocking requirements of LUC § 3.2.1(D)(1)(c). In making the conclusion that the Modification of Standard is merited in this case, the Hearing Officer also finds that the difficulties or hardship have not been caused by the act or omission of the owner or Applicant. The private alley has lower public use and visibility than a public street, and the PDP maximizes the use of the Subject Property for housing. As set forth in the Staff Report, the lack of future shade and aesthetics of 4-5 trees does not merit the loss of Building B (or merit the City requiring the Applicant/owner to go through a major overhaul or amendment of the development proposal). Based on the foregoing, the Hearing Officer concludes that the proposed Modification of Standard will not be detrimental to the public good and satisfies the criteria set forth in LUC § 2.8.2(H)(3).

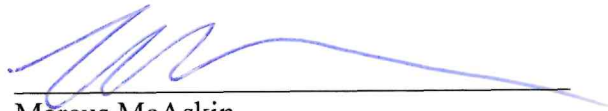
- C. Except for LUC § 3.2.1(D)(1)(c), the PDP complies with the applicable General Development Standards contained in Article 3 of the LUC.
- D. The PDP complies with standards located in Article 4, Division 4.19 of the LUC (Community Commercial – North College zone district standards).

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves The Ellie at Old Town North Project Development Plan (PDP #240002) and the Modification of Standard to LUC § 3.2.1(D)(1)(c), subject to the following conditions:

1. The Project Information on Sheet 1 of the Site Plan shall be revised to identify the Project as 2 multi-family structures with 25 units in total.

DATED this 17 day of October 2024.



Marcus McAskin
Hearing Officer

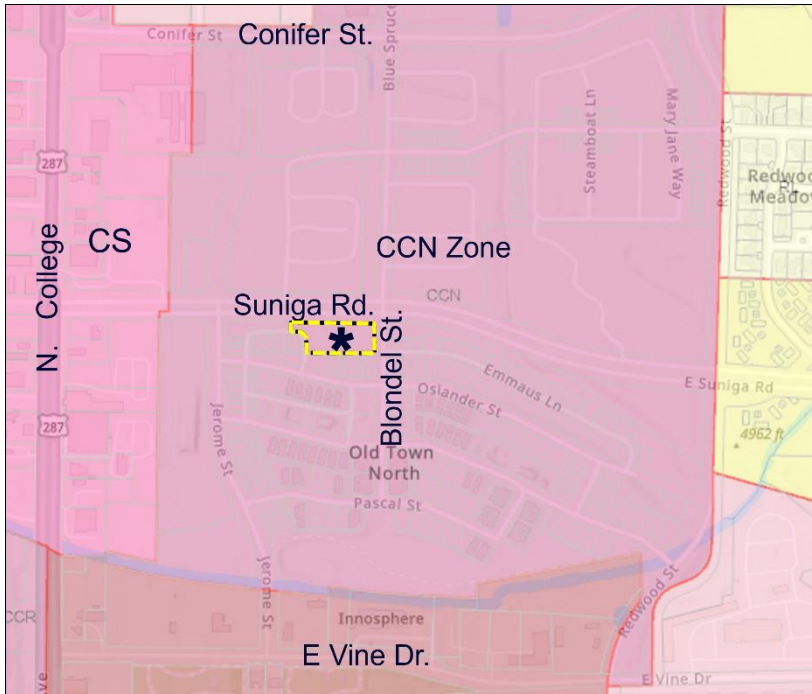
Administrative Hearing: October 9, 2024

The Ellie at Old Town North #240002

Summary of Proposal

This is a proposed a Project Development Plan (PDP) for a 25-unit “townhome”-style apartment development located at the southwest corner of East Suniga Road and Blondel Street in the Old Town North neighborhood. (Parcel # 9701391001).

Zoning Map



Next Steps

If approved by the Hearing Officer, the applicant will be eligible to proceed to filing of final plans and then to permits for site work and the building.

Zoning

Community Commercial – North College District (CCN).

Property Owner

Van Horn Development Management
14143 Denver West Parkway, #100
Denver, CO 80401

Applicant/Representative

Travis Hendrix, KGA Studio Architects
3881 Steele St., Ste. 1132
Denver, CO 80205

Staff

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Staff Recommendation

Approval of one requested Modification of a Standard and approval of the PDP.

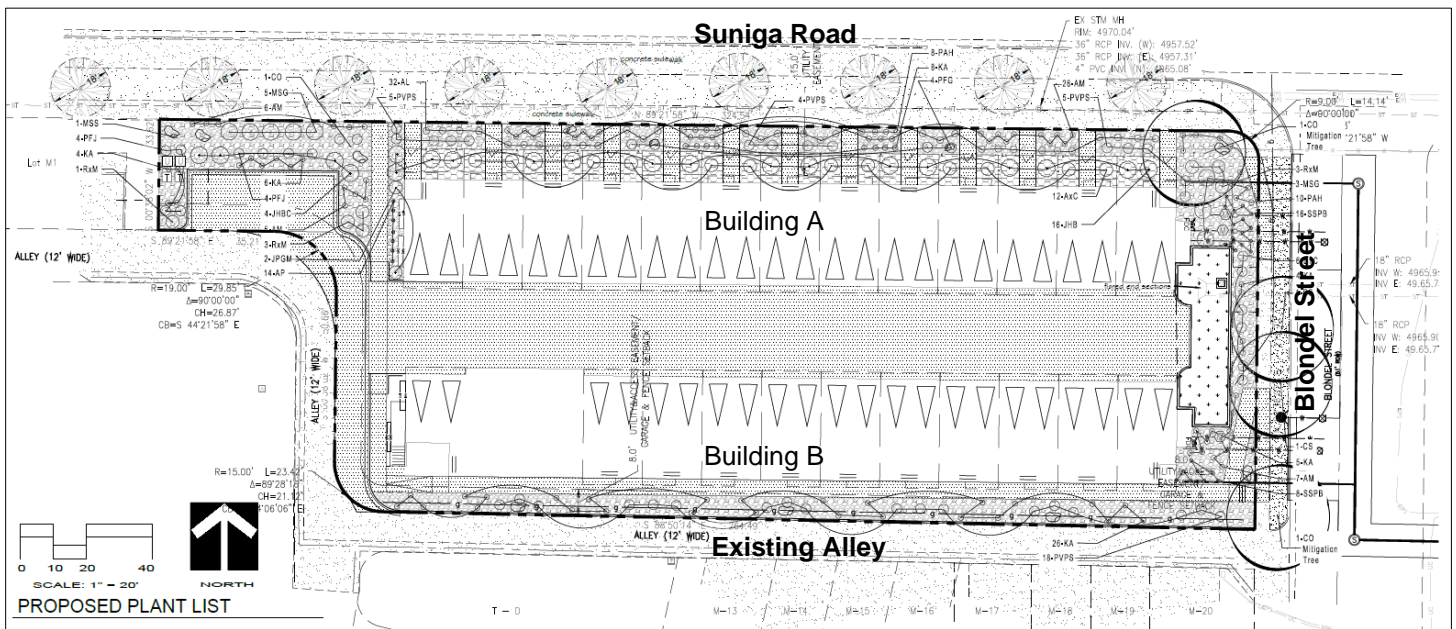
1. Project Introduction

A. PROJECT DESCRIPTION

The applicant’s narrative description is attached. The development plan is for two 3-story apartment buildings – Building A with 13 units facing Suniga and Building B with 12 units facing the alley on the south, with an internal driveway between them providing access to garages.

- Individual units have ground floor entrances, balconies, and rooftop decks, with exceptions for one stacked pair of units at the west end of Building B (no rooftop for the downstairs unit; no ground floor entrance for the upstairs unit).
- Parking is provided in 2-car garages and one van-accessible 1-car garage along with 5 outdoor spaces. In addition to parking in the plan, Blondel Street frontage allows for up to 3 parking spaces.
- Vehicle access is from two existing alleys, one extending from Osiander Street one-half block to the south; and one extending west from Blondel Street along the southern edge of the property.
- A Modification of a Standard is included for the lack of any trees along the front (south) side of Building B.

The landscape plan image below shows the layout of access and buildings:



B. SITE CHARACTERISTICS

1. Surrounding Zoning and Land Use

The site is embedded within the Community Commercial-North College (CCN) zone district. The CCN zone permits a wide range of non-residential and residential uses, but it has developed as entirely residential. Contemporary multi-unit and small lot dwellings have been developed on all sides in the adjacent area.

2. Overview of Main Considerations in Staff Review

Staff was surprised to see a plan with a second building facing the alley, as opposed to a building(s) facing Suniga with parking or garages along the alley, similar to the typical orientation of dwellings along alleys, including other dwellings along this alley. Staff and applicants discussed the compatibility of this arrangement with the neighborhood context, and staff considered the constrained quality of the alley frontage as a pedestrian environment along the front of Building B.

The bottom line in that regard is that standards allow for buildings to be placed perpendicular to the street and face a walkway leading straight to and from the sidewalk, with no specific requirements for the walkway environment.

Staff finds that only one Land Use Code standard raises a question of non-compliance in this development program—that is a landscaping standard for trees around buildings which can not be met on the south side of Building B because of an existing gas line along the alley. A Modification of Standards request for that standard is included.

Once the double-tier approach to a building program on this site was found feasible from a utility and emergency access standpoint, the main consideration has been the long, repetitive building program and design with its flat wall plane at ground level. Again, staff finds no code standards that are not met regarding the building program and design.



This perspective view shows the corner of Building A at the corner of Suniga and Blondel

The site is one of the last few remaining undeveloped parcels within the overall Old Town North development plan, which is otherwise built out, with all infrastructure already in place to serve the development. Because of this, design review was straightforward involving mainly technical details and measurements for utility connections and fire emergency access.

3. Land Use Code Article 2

A. PROCEDURAL REQUIREMENTS

1. Conceptual Review – CDR230099

A conceptual review meeting was held on January 4th, 2024.

2. Neighborhood Meeting

A neighborhood meeting was held in person and virtually online April 4, 2024.

3. Submittal

The project was submitted on May 1st, 2024. The project was routed to all reviewing departments with three rounds of review conducted to reach the proposed plan iteration.

4. Notice (Posted, Written and Published)

Posted notice: March 20, 2024, Sign #760
Written notice: September 24, 2024, 227 letters sent.
Published Notice: October 1, 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 support the implementation of City Plan or intent of the Land Use Code, but due to unique or unforeseen circumstances would not meet a specific standard as stated in the code.

The applicants are requesting one Modification of Standards as described below.

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 Full Tree Stocking – 3.2.1(D)(1)(c)

Overview

This is a citywide standard requiring tree planting around buildings in a landscape plan. Staff is including this modification because the south side of Building B does not have any space available for trees. The building faces the existing alley with the only landscape area being an 8-foot wide utility easement that precludes trees.

While it is typical for tree placement to be influenced and adjusted in coordination with utilities, this modification is included for the record because of the magnitude of the long building face with zero trees.

Applicant Justification

As allowed in the modification criteria in Section 2.8.2, the “strict application of the standard would result in undue hardship” upon us as the developer. To meet the standard, we would have to eliminate building B. A totally different program and design for the south half of the property could theoretically be proposed, but the reduced program and increased design and construction costs are not viable.

The proposed plan is not detrimental to the public good because the private alley has lower public use and visibility than a public street, and the building provides housing with efficient use of the land which offsets the lack of 4-5 trees. The lack of future shade and aesthetics of the trees is not worth the loss of the building which is what it would take to make space for the trees.

Staff Findings

Staff finds that the modification is not detrimental to the public good; and is consistent with numbered criteria (3), “physical hardship”.

The modification criterion requires finding that “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”.

To meet the standard, a dramatically different development program with a smaller footprint(s) would have to be proposed in place of building B, to provide landscape area(s) suitable for 4-5 trees.

Regarding detriment to the public good, the alley has relatively low public use and visibility, and the plan maximizes efficient use of land for housing, which is a general need in the city which can be considered as helping to offset the detriment of having no tree planting.

Regarding undue hardship upon the owner, the degree of future shading and beauty that is lost without 4-5 trees does not warrant a staff recommendation to deny the proposed plan, or to re-program and redesign the plan to the degree that would be required to make room for the trees in question. Either of those two decisions would be undue in proportion strict application of the standard to get 4-5 trees planted.

4. Land Use Code Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|---|---|------------------------------|
| Landscaping and Tree Protection Standards Section 3.2.1 | <p>This Section requires a fully developed landscape plan that addresses relationships of landscaping to sidewalks, walkways, the building, parking and circulation, adjoining properties, and users of the site in a manner appropriate to the neighborhood context.</p> <p>The plan is complete and straightforward, meeting the purposes and specific standards for irrigated landscaping with the following main components:</p> <ul style="list-style-type: none"> Mulched planting beds around the buildings. Street trees where needed along Blondel Street. A Modification of a tree planting standard is included. | Complies with a Modification |
| Access, Circulation and Parking Standards Section 3.2.2 | <p>This Section requires convenient, efficient parking and circulation that adds to the attractiveness of the development. The plan is straightforward in meeting the purpose and standards with the following components:</p> <ul style="list-style-type: none"> Alleys lead to an internal rear drive serving garages from Osiander Street to the south and Blondel Street on the east. Walkways lead to unit entries from the street sidewalks. | Complies |
| Bicycle parking Subsection 3.2.2(C)(4) | <p>This subsection requires bicycle parking with at least 1 space per bedroom, with 60% enclosed and the remainder on fixed racks. The plan has 51 bedrooms.</p> <ul style="list-style-type: none"> 48 bikes are accommodated in the 24 garages in the plan, and a fixed rack with 3 spaces will be placed at the east end of Building B. | Complies |
| Parking - number of off-street spaces Subsection 3.2.2(K)(1)(a)1 | <p>This subsection requires off-street vehicle parking spaces for multi-family development based on the number of 2- and 3-bedroom units.</p> <ul style="list-style-type: none"> The formula requires 44 spaces for 24 2BR units @ 1.75/unit; and 1 3BR unit @ 2/unit. The plan provides 54 with 48 spaces in 2-car garages, 1 van-accessible space in a 1-car garage, and 5 spaces in a small parking lot. | Complies |
| Site Lighting Section 3.2.4 | <p>This Section requires a complete plan for adequate exterior lighting for the safety, security, enjoyment and function of the proposed land use while conserving energy and limiting spillover, glare, and obtrusive lighting generally. Standards limit off-site spillover, set a total lighting budget for the site, and set technical rating limits for Backlight, Uplight, and Glare (BUG).</p> <ul style="list-style-type: none"> The lighting plan demonstrates low ambient lighting levels consistent with the neighborhood 'lighting context zone', using dark-sky-compliant down-directional sharp cutoff fixtures that keep light contained within the site. | Complies |

| | | |
|----------------------------------|--|--|
| (Site Lighting Continued) | <ul style="list-style-type: none"> At the time of this writing the plan does not state a lumen budget or BUG ratings, but these will be added to a Final Development Plan and will demonstrate compliance prior to staff approval and signature of final plans. | |
|----------------------------------|--|--|

B. DIVISION 3.3 - ENGINEERING

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--|--|----------------|
| Plats and Easements Section 3.3.1 | <p>This Section requires dedication of rights-of-way for public streets and easements for drainage, utilities, and emergency access as needed to serve the development.</p> <ul style="list-style-type: none"> Existing Old Town North development provides a complete framework of infrastructure with rights-of-way and easements. However, the plan does introduce a need for a small additional easement for widening of a stretch of the alley on the west. Such an easement will be confirmed and provided as part of a Final Development Plan. | Complies |

C. DIVISION 3.5 – BUILDINGS

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|---|--|----------------|
| Building and Project Compatibility Section 3.5.1 (B)-(F) | <p>This Section requires the physical and operational characteristics of proposed buildings and uses to be compatible when considered within the context of the surrounding area. The standards focus mostly on architectural compatibility.</p> <p>The context includes the vision and policies for land use and development in the area, in adopted City plans and zoning.</p> <p>In this case, the context is CCN zone district and the Old Town North development plan which has been built out continuously in numerous filings since about 2006. Surrounding development is characterized by modernistic 2,3, and 4 story buildings within Old Town North and across Suniga to the north. Prevalent architectural character exemplifies the vision for contemporary semi-industrial design with juxtaposed forms, flat roofs and angled roof planes, and rooftop terraces.</p> | Complies |



Nearby Buildings in Old Town North

A “General Standard” states that compatibility shall be achieved through a listing of techniques such as repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed infill development.

A standard for “Building Size, Height, Bulk, Mass, Scale” states that buildings shall either be similar in size and height, or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures, if any, on the same block face, abutting or adjacent to the subject property, and on an opposing block face.

- Building massing is modulated and design character is articulated with windows, balconies, projecting and recessed façade details, and residential-scale materials and trim.
- Several buildings in Old Town North are tall 2½ - story and 3-story buildings. Across Suniga an apartment complex is 4 stories. The zone permits 5 stories.

Standards for building materials and color require exterior materials to be similar or have similar characteristics to those found in the neighborhood such as scale and proportions, detailing, color and texture for compatibility; with color shades to facilitate blending with the neighborhood.

- The proposed building design, shown below, is consistent with these compatibility considerations.



| | | |
|--|---|-----------------|
| <p>Building Placement and Design Section 3.5.2</p> | <p>This Section promotes variety, visual interest and pedestrian-oriented streets in residential development, with high priority on building entrances having a direct relationship to a street sidewalk. Buildings must be placed so that entries either face directly onto a sidewalk, or face a walkway that leads directly to a sidewalk.</p> <ul style="list-style-type: none"> • The plan places the buildings along the street with direct walkways to entrances. • The building facing Suniga has a front yard picket fence which contributes to spatial definition with a layer of space in the transition from the public street to the dwelling units, adding interest and structure to the streetscape. | <p>Complies</p> |
|--|---|-----------------|

D. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--|---|-----------------|
| <p>Transportation Level of Service Section 3.6.4</p> | <p>This Section requires a Transportation Impact Study (TIS) to evaluate impacts of the development on the transportation system inclusive of vehicle traffic, pedestrian, bicycles and transit.</p> <ul style="list-style-type: none"> • The TIS is attached. It analyzes the existing levels of service and impacts of the development. It indicates Level of Service A for all modes of travel with and without the development. | <p>Complies</p> |
| <p>Emergency Access Section 3.6.6</p> | <p>This Section is to ensure that emergency vehicles can gain access to the project so that emergency personnel can provide fire protection and emergency services without delays.</p> <ul style="list-style-type: none"> • Access is adequate as determined in discussions with Poudre Fire Authority. • Access is provided from the alley leading from Osiander Street, and from Blondel Street. • Details of roof access for the 3-story buildings were determined in the discussions with PFA. | <p>Complies</p> |


E. SECTION 3.8.30 – MULTI-FAMILY AND SINGLE-FAMILY ATTACHED DWELLINGS

This Section applies to multi-unit dwellings with at 4 or more units where there is no reasonably sufficient area for outdoor activities and useable outdoor space on an individual per lot basis. It is intended to promote variety in building form and product, visual interest, access to parks, pedestrian-oriented streets, and compatibility with surrounding neighborhoods.

The phrase about sufficient outdoor space was added to the code to require outdoor space in townhome developments (i.e., with units on their own lots) larger than 2 acres, which previously had no requirements for outdoor space. It was not intended to exempt multi-unit developments from building design subsections.

Note that because the plan has only 2 buildings and less than 40 units on less than 2 acres, several subsections for building variation do not apply. The only pertinent standard addresses building articulation.

Standards in this Section overlap with residential building standards in Division 3.5 discussed above in this report.

| Applicable Code Standard | Summary of Code Requirement and Analysis | Staff Findings |
|--|--|-----------------|
| <p>3.8.30(F)(6) – Facades and Walls</p> | <p>This standard states: “Each multi-family dwelling shall be articulated with projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features, dividing large facades and walls into human-scaled proportions similar to adjacent single- or two-family dwellings, and shall not have repetitive, undifferentiated wall planes. Building facades shall be articulated with horizontal and/or vertical elements that break up blank walls of forty (40) feet or longer. Facade articulation may be accomplished by offsetting the floor plan, recessing or projection of design elements, change in materials and/or change in contrasting colors. Projections shall fall within setback requirements.”</p> <ul style="list-style-type: none"> The building design includes many of these features. The long flat walls on the ground floor are divided by trim between the units, and different door colors will help to provide differentiation. | <p>Complies</p> |
|  | | |
| <p><i>East end of the buildings facing Blondel Street. The image suggests ground floor offsets which are not part of the plan – the ground floor has a continuous flat wall plane.</i></p> | | |

5. Land Use Code Article 4 - Applicable Standards

Article 4 of the Land Use Code contains standards for the various zoning districts throughout the City.

A. **DIVISION 4.19 – COMMUNITY COMMERCIAL - NORTH COLLEGE ZONE DISTRICT (CCN)**

The CCN zone is intended for fringes of retail/commercial core areas and corridors with moderate intensity uses that are supportive of the commercial core or corridor and help form a transition and a link between the commercial areas and surrounding residential areas. The vision and permitted uses include all forms of residential development and a wide range of commercial uses.

The zone district was created with the 1995 North College Corridor Plan. The plan envisions revitalization with development that complements Downtown by adapting downtown-like qualities into a more semi-industrial and service commercial look and feel. Aspects include contemporary building styles and unique street design where helpful to fit constraints in the area and facilitate development/redevelopment.

That plan describes a continuum of urban evolution with needs for:

- An eclectic mix of uses that bring people and economic activity, and add synergy with surrounding properties
- A more complete street and block network
- Connections to Downtown across the Poudre River Corridor
- Continued expansion of City infrastructure

Major progress has been made along these lines since 1995, and Old Town North exemplifies much of the plan vision. The proposed development plan comports with the vision.

The only development standards in the zone district are a 5-story height limit and a limit on single-family detached housing development, neither of which are relevant to the subject plan.

6. Findings of Fact/Conclusion

In evaluating The Ellie Project Development Plan #PDP240002, staff makes the following findings of fact:

1. The Modification of a Standard for subsection 3.2.1(D)(1)(c), “full tree stocking”, is not detrimental to the public good and comports with criterion 2.8.2(H)(3) for undue practical hardship upon the owner as allowed under the criterion.
2. The PDP complies with process requirements located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
3. The PDP complies with pertinent standards located in Article 3 – General Development Standards.
4. The PDP complies with applicable standards located in Article 4, Division 4.19 of the Land Use Code (Community Commercial – North College zone district standards.)

7. Recommendation

Staff recommends that the Hearing Officer approve the Modification of a Standard for subsection 3.2.1(D)(1)(c), and approve The Ellie Project Development Plan #PDP240002, based on the Findings of Fact and supporting explanations found in this staff report.

8. Attachments

1. Applicants Narrative
2. Site Plan and Architecture
3. Landscape Plan
4. Lighting Plan
5. Utility Plan
6. Traffic Study
7. Neighborhood Meeting Notes [Pending]
8. Prairie Dog Management Plan