

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

FINDINGS AND DECISION

HEARING DATES: December 18, 2024

PROJECT NAME: Bloom Filing Six Infrastructure Project

CASE NUMBER: PDP 230017

OWNER: MIC TDC Mulberry St Fort Collins LLC
8840 Longs Peak Cir.
Windsor, CO 80550

APPLICANT / OWNER REPRESENTATIVE: Planscapes Design Group
980 Norway Maple Drive
Loveland, CO 80537

HEARING OFFICER: Lori Strand

PROJECT DESCRIPTION & BACKGROUND:

The project development plan for the Bloom Filing Six Infrastructure Project (the “**PDP**”) consists of the construction and installation of a local private road, frontage road improvements, final drainage grading, and utilities to serve future development of the Property (defined below) (collectively, the “**Minor Public Facilities**”). Minor Public Facilities are the *only* uses included in the PDP.

Section 5.1.2 of the City of Fort Collins Land Use Code (“**LUC**”) ¹ defines “minor public facility” as:

structures or facilities, such as electrical generating and switching stations, substations, underground vaults, poles, conduits, water and sewer lines, pipes, pumping stations, natural gas pressure-reducing stations, repeaters, antennas, transmitters and receivers, valves and stormwater detention ponds, that are not occupied by persons on a daily basis except for

¹ The PDP was reviewed for compliance with applicable procedures and standards contained in the City of Fort Collins Land Use Code, Supplement 62, adopted December 21, 2023, except to the extent such procedures and standards were superseded by the PUD.

periodic inspection and maintenance, are capable of operation without daily oversight by personnel and do not generate daily traffic. Such facilities also include similar structures for fire protection, emergency service, parks and recreation and natural areas. Minor public facilities shall not include outdoor storage and wireless communication facilities.

No occupied structures are proposed as part of the PDP.

The property subject to the PDP (the “**Property**”) is approximately 5.4 acres and is located southwest of Mulberry Street and Lake Canal (approximately 800 feet south of Greenfields Drive).

Contemporaneously with the PDP, the Owner is seeking the City’s approval of the Blom Filing Six subdivision plat (the “**Plat**”) to establish four (4) lots and a tract for the local private road, and to modify an existing tract to accommodate a reconfigured detention pond. A draft of the Plat is included in the record for this case (Item No. 5 in the Evidence list below); however, the Plat will be reviewed and approved or denied through a separate City process.

The PDP is further summarized in Development Review Staff Report for the December 18, 2024 virtual public hearing and detailed in the site and utility plans in the record of this case (Item No. 4 and Item No. 6, respectively, in the Evidence list below). A copy of the staff report is attached to and incorporated in this decision as **ATTACHMENT A** (the “**Staff Report**”).

ZONING:

The Property is zoned Mulberry & Greenfields – PUD Master Plan (the “**PUD**”) (Item No. 8 in the Evidence list below). Specifically, the Property is located in the District 4 Land Use Area of the PUD.

Hearing Officer approval of the PDP is required because the District 4 Land Use Area of the PUD permits Minor Public Facilities subject to Administrative (Type 1) Review. *See* PUD Sheet 13. To the extent any other uses are identified or discussed in the record of this case, such identification or discussion is for conceptual and informational purposes or for purposes of demonstrating that the PDP will not foreclose future uses’ compliance with certain PUD and LUC standards.²

STAFF RECOMMENDATION: City staff’s written analysis of the PDP’s compliance with the LUC and PUD is set forth in the Staff Report. The Staff Report recommends approval of PDP with one condition.

² For example, on page 14 of the Staff Report, City staff states that the Owner / Owner Representative provided a concept plan (Item No. 14 in the Evidence list below) with potential future uses to demonstrate how future users “could” comply with applicable LUC and PUD standards like building orientation to a street, utility location and separation, access, and parking standards.

SUMMARY OF DECISION: Approved with four (4) conditions of approval.

HEARINGS: This matter was heard on Wednesday, December 18, 2024, as an Administrative (Type 1) Review virtual hearing conducted.

The Hearing Officer reviewed the Rules of Conduct and Order of Proceedings with the Applicant and other attendees of the virtual hearings.

EVIDENCE: The following documents and materials are part of the record in this case:

1. Recording of December 18, 2024 hearing on the Project.
2. Staff Report (24 pages). Additional documents and materials linked in the Staff Report are included in the record of this case.
3. Planscapes Design Group Project Narrative (2 pages).³
4. Bloom Filing Six, Project Development Plan (7 sheets).
5. Bloom Filing Six, Being a Replat of Tract II, Bloom Filing One (1 sheet).
6. Preliminary Development Plan Utility Plans for Bloom Filing Six (18 sheets).
7. Bloom Filing 6 Transportation Impact Study (November 2024) (“**TIS**”) (103 pages).⁴
8. Finally approved and executed Mulberry & Greenfields – PUD Master Plan (18 sheets).
9. PUD Master Plan Development Agreement for the Mulberry & Greenfields Planned Unit Development Overlay and Master Plan, dated June 29, 2022) (47 pages).
10. Drainage & Erosion Control Report prepared by i2 Consultants, Inc., dated November 6, 2024 (66 pages).
11. Letter from Lake Canal Company of Colorado to Owner, dated October 25, 2024 (1 page).

³ This Narrative describes a project development consisting of Retail, Fast Food, Car Wash, and Coffee Shop. These uses are *not* under consideration as part of the PDP. Testimony provided during the hearing on December 18th explained that proposed development of the Property has undergone several iterations, with prior iterations including more than *just* Minor Public Facilities. The Hearing Officer, therefore, presumes that this Narrative related to a prior iteration as it does not address the Minor Public Facilities at issue in this Decision.

⁴ This TIS analyzes and generally found that, with the exception of pedestrian and bicycle levels of service, a proposed development consisting of a convenient store/gas station, a one window drive-thru coffee shop, an automated car wash, and approximately 8,000 s.f. of retail can be accommodated. Note that Condition 1 under the Decision below addresses pedestrian and bicycle levels of service.

12. Letter from Lake Canal Company of Colorado and Lack Canal Reservoir Company to the City of Fort Collins, dated March 20, 2024, stating that the company will not approve a pedestrian bridge over the Lake Canal (1 page).
13. Email from Dean Barber, TDC Development LLC, to City staff, dated November 26, 2024, regarding concept feasibility study for extension of multimodal path and ditch crossing (2 pages).
14. Concept Plan showing coffee, convenience store / gas station, and retail (1 sheet).
15. Staff Administrative Hearing Presentation for December 18, 2024 Hearing by Kai Kleer, Fort Collins Senior City Planner (15 slides).
16. Order Confirmation of Publication of Notice of December 18, 2024 Hearing to be published on December 10, 2024 in *The Coloradoan* and Coloradoan.com (2 pages).
17. Copy of Written Notice of December 18, 2024 Virtual Public Hearing dated December 4, 2024 (2 pages).
18. Administrative (Type 1) Order of Proceedings and Rules of Conduct.
19. The City's Comprehensive Plan, the LUC⁵, and the formally promulgated ordinances and polices of the City.

TESTIMONY:

The virtual public hearing on December 18, 2024 was opened at approximately 7:30 P.M. The following persons provided testimony during the December 18, 2024 virtual hearing:

From the City: Kai Kleer, Senior City Planner

From Owner / Owner Representative: Dean Barber

From the public: None.

FINDINGS⁶

1. Evidence presented to the Hearing Officer established the fact that notice of the December 18, 2024, virtual public hearing was timely 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, and that a neighborhood meeting was held consistent with PUD requirements.
2. Based on testimony provided at the public hearing and a review of the documents and materials in the record of this case (*see* Evidence list above) and subject to compliance with

⁵ See Footnote 1 above.

⁶ The PUD states that in instances where there is a conflict between the PUD and the LUC, the PUD shall prevail, and where the PUD is silent, the LUC shall apply. Therefore, the PDP was analyzed for compliance with applicable procedures and standards in both the PUD and LUC.

the conditions of approval set forth in the Decision below, the Hearing Officer concludes as follows:

- A. The PDP complies with the applicable procedural and administrative requirements of Article 2 of the LUC and the PUD.
- B. The PDP complies with the applicable development standards set forth in Article 3 of the LUC.
- C. The PUD complies with the General Commercial District standards contained in Division 4.21 of the LUC to the extent such standards have not been fully superseded by the PUD.
- D. The PDP complies with the PUD, including applicable district standards and development standards set forth therein.
- E. The PDP's compliance with the applicable requirements and standards of LUC Articles 2, 3, and 4 and the PUD is sufficiently evidenced by the documents and materials in the Evidence listed above, including the Staff Report, and by the testimony of City staff and the Owner's representatives during the virtual public hearing.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the PDP, including the Natural Habitat Buffer Zone as shown and detailed in the site plan and utility plan documents, subject to the following conditions of approval:

1. Prior to the recording of the final plan documents, the Owner / Owner Representative shall demonstrate to City staff and each applicable reviewing agency and service provider compliance with the design standards, requirements, and specifications or shall obtain contemplated variances as described in the Staff Report analysis of:
 - LUC Section 3.3.2 (Development Improvements),
 - LUC Section 3.3.5 (Engineering Design Standards),
 - LUC Section 3.6.3(O) (Easements),
 - LUC Section 3.6.4 (Transportation—Level of Service Requirements), and
 - LUC Subsections 3.7.3(D) and (E) (Compact Urban Growth Standards).

See Staff Report discussing these LUC Sections at pages 14-16, 20-22.

The Hearing Officer notes that the Owner / Owner Representative confirmed during the December 18th public hearing that they had voluntarily consented to this condition.

2. The Owner / Owner Representative shall modify the Bloom Filing Six Project Development Plan (Item No. 4 in the Evidence list above) to: (1) state thereon that the PDP covers *only*

Minor Public Facilities; (2) delete the “Land Use Table” on Sheet 1⁷; and (3) remove Sheet A01 (Exterior Elevation Concepts) from the plan documents.

In addition, the Hearing Officer *recommends* that the Bloom Filing Six Project Development Plan (Item No. 4 in the Evidence list above) name the specific Minor Public Facilities covered by the PDP using terminology that is consistent with the LUC definition for Minor Public Facilities reproduced in Footnote 1 of this Decision.⁸

This Decision *only* approves the PDP for Minor Public Facilities and expresses *no* opinion as to conceptual / anticipated future uses (including conceptual elevations of conceptual future uses). With respect to the conditions and recommendation in this Condition 2, the Hearing Officer notes that the December 18, 2024 hearing was publicly noticed as a “project to establish a private street, cross access, and utility infrastructure to serve future development”; public notice did not include the conceptual / anticipated future land uses shown on the Land Use Table or Sheet A01. Furthermore, the record in this case does not sufficiently demonstrate that the conceptual / anticipated future land uses shown on the Land Use Table and Sheet A01 comply with *all* applicable PUD and LUC standards. Rather, City staff testified, and the Staff Report reflects, that conceptual uses and designs were used by City staff to inform staff’s determination that future land uses *could* meet certain LUC and PUD standards (or, stated another way, that compliance with certain LUC and PUD standards is not foreclosed by the PDP). As such, while the conceptual uses and designs served a necessary function in determining that the PDP *for Minor Public Facilities* complies with applicable PUD and LUC standards, the conceptual uses and designs have not been fully analyzed or properly noticed to be considered a part of the approved PDP.

3. Change/correct the “Overlay Zone” referenced on Sheet 1 of the Bloom Filing Six Project Development Plan (Item No. 4 in the Evidence list above) from “Mulberry & Greenfields District 5” to “Mulberry & Greenfields District 4.”
4. Testimony provided during the December 18th hearing indicated that the Letter of Map Amendment Application is pending, and that FEMA has not yet approved bringing the Property out of the FEMA regulatory floodplain. The Owner / Owner Representative shall comply with applicable requirements of the floodplain regulations set forth in Chapter 10 of the City of Fort Collins Municipal Code including, without limitation, obtaining any required floodplain use permits.

⁷ The Lot Coverage information on the Land Use Table may be retained.

⁸ Note that slide 10 of the City staff’s power point presentation for the December 18, 2024 (Item No. 15 in the Evidence list above) identifies the types of facilities covered by the PDP using the LUC definition of “Minor Public Facilities,” and provides more specificity on slide 5 of the power point presentation. The Hearing Officer recommends that this information being included for clarity on the face of the PDP site plan (Item No. 4 on the Evidence list).

DATED this 30th day of December, 2024.

Lori Strand

Lori Strand
Hearing Officer

ATTACHMENT A

**Development Review Staff Report for the December 18, 2024 public hearing on the
Bloom Six Infrastructure Project, PDP 230017**

(Attached.)

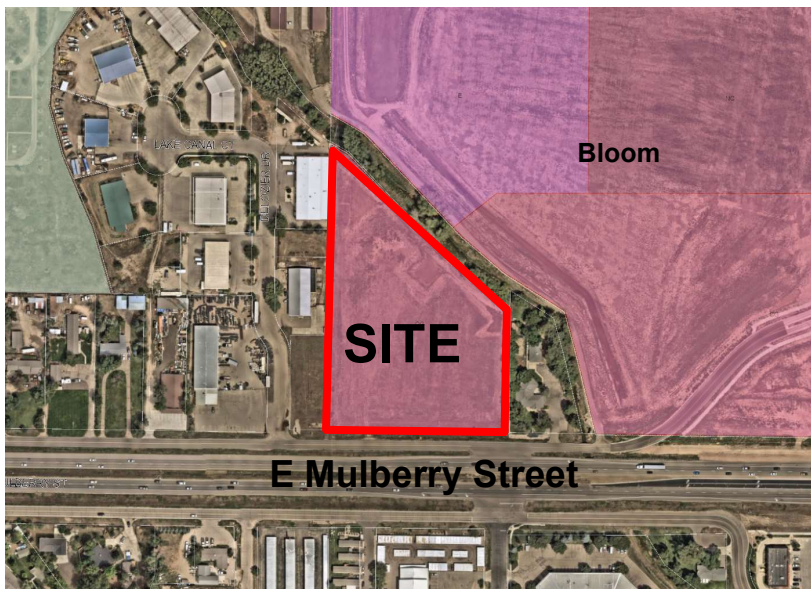
Administrative Hearing – December 18, 2024

Bloom Filing Six Infrastructure Project, PDP230017

Summary of Request

This is a request to subdivide and establish minor public facilities on Tract II of Bloom Filing One. The proposal includes an infrastructure plan with a private road, final drainage grading, and all necessary utilities to serve future development of the site. This project is located within the General Commercial zone district which is overlayed and replaced by Mulberry & Greenfields PUD District 4 and is subject to a Type 1 Development Review.

Zoning Map



Next Steps

If approved, the applicant will be required to submit plans that satisfy the recommended conditions prior to recordation of Final Plan documents.

Site Location

This site is located at the southwest corner of the Mulberry & Greenfields PUD, approximately 800 feet west of the intersection of E Mulberry Street and Greenfields Drive.

Zoning

PUD District 4

Property Owner

MIC TDC Mulberry St Fort Collins LLC
8840 Longs Peak Cir
Windsor, CO 80550

Applicant/Representative

Planscapes Design Group
980 Norway Maple Drive
Loveland, CO 80537

Staff

Kai Kleer, Senior City Planner

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Staff Recommendation

Conditional Approval

1. Project Introduction

A. PROJECT DESCRIPTION

- This is a proposal to construct a local private street, improve the frontage road, close an access point between SH14 and the Frontage Road, establish public utilities, and stormwater infrastructure within Tract II of the Bloom Filing One subdivision.
- The project would result in the creation of four new lots, a tract containing the street and an adjusted tract to contain the reconfigured detention pond.
- If constructed, this project these improvements would support future development within the boundary of the development plan. So far, conceptual site plans for a car wash, retail building, and drive-thru restaurants have been presented to the City of Fort Collins.
- The plan also proposes the establishment of conceptual elevations for potential future users of the site. These elevations are concepts and anticipated to guide future land use applications. The architectural concepts demonstrate a cohesive architectural theme in a multi-building development that generally comports with the Mulberry & Greenfields PUD standards.

B. SITE CHARACTERISTICS

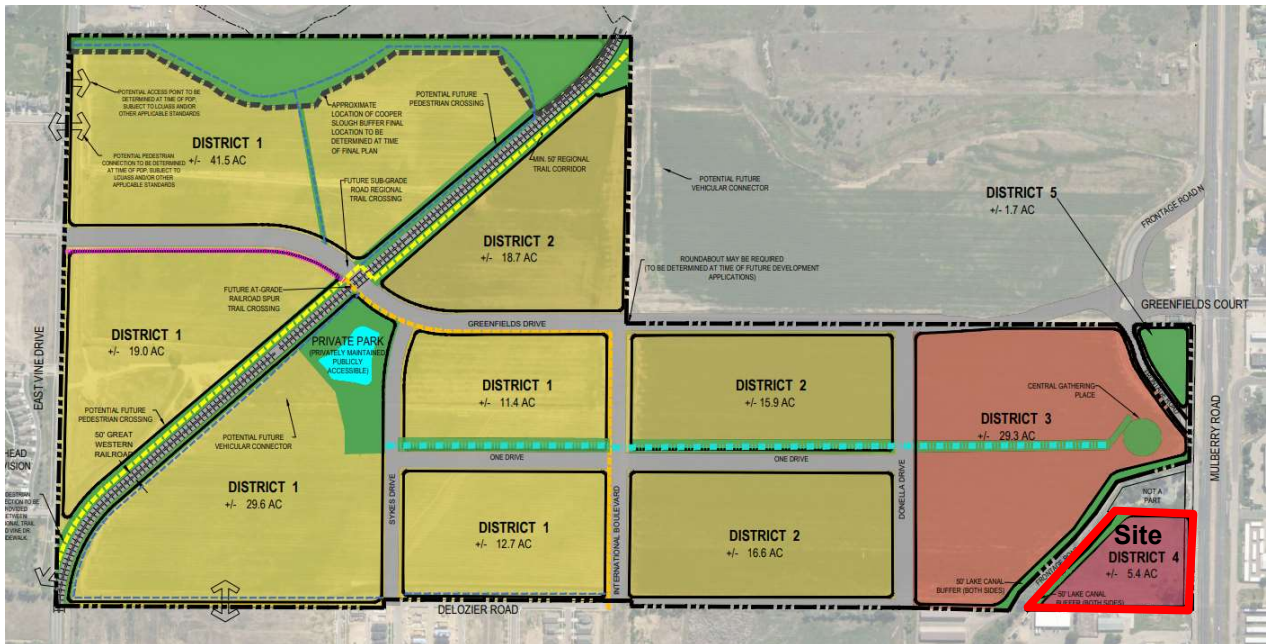
1. Development Status/Background

Historically, this property has not seen development activity in the past because of its location within a FEMA designated high risk floodplain.

In October 2021, the property was annexed as part of Springer-Fisher Annexation No. 2 and in December of 2021 became part of the 230-acre Mulberry & Greenfields Planned Unit Development (PUD) Master Plan.

The PUD is a master plan governs land use, density, and development standards for properties within the overlay area, and has been granted vested property rights by City Council for a period of 15 years of the effective date of Ordinance No. 041, 2022.

The first filing of the Mulberry and Greenfields PUD, known as Bloom Filing One, platted the property and designed then later completed basic grading by raising the site out of the floodplain and established an interim detention pond in anticipation that the tract would be sold to a different future user who would be required to finalize grades and the detention pond configuration to suite future development needs. A link to the PUD and applicable standards can be found attached to this report.



2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	PUD District 4	Larimer County Commercial Corridor	PUD District 3 County Commercial Corridor	County Commercial Corridor
Land Use	Intervening Lake Canal Ditch and commercial core of the PUD which is currently unimproved.	SH14 (E Mulberry St)	Veterinary clinic and commercial core of PUD.	Unimproved lot and existing commercial retail

2. Public Outreach

A. PUBLIC COMMENT

The community in attendance at the neighborhood meeting expressed concerns around the land use being auto oriented when the messaging from the City is to create bikeable and walkable places.

Desire for a grocery store and land uses that promote walking from the surrounding residential area (Mosaic & Bloom)

Creating connectivity from Vine to E Mulberry through the Greenfields Drive Railroad crossing.

3. Article 2 – Applicable Standards

A. DIVISION 2.2 – PROCEDURAL OVERVIEW

1. Neighborhood Meeting

Replaced by Mulberry & Greenfields PUD – Development Standards. See details later in this report.

2. Conceptual Review – CDR

Conceptual review was completed April 13, 2023

3. First Submittal – PDP230017

The first submittal of this project was completed on December 20, 2023.

4. Notice (Posted, Written and Published)

Posted Notice: November 6, 2024, Sign # 750

Published Hearing Notice: December 10, 2024 – AD# 10838046

Applicable PUD Standard	Summary of PUD Requirement and Analysis	Staff Findings
A. Permitted Uses	<p>Standard:</p> <p>The District 4 Land Use Table indicates that Minor Public Facilities are subject to a Type 1 level of review.</p> <p>Staff Analysis:</p> <p>Minor Public Facilities are defined by the City's Land Use Code as,</p> <p><i>“structures or facilities, such as electrical generating and switching stations, substations, underground vaults, poles, conduits, water and sewer lines, pipes, pumping stations, natural gas pressure-reducing stations, repeaters, antennas, transmitters and receivers, valves and stormwater detention ponds, that are not occupied by persons on a daily basis except for periodic inspection and maintenance, are capable of operation without daily oversight by personnel and do not generate daily traffic. Such facilities also include similar structures for fire protection, emergency service, parks and recreation and natural areas. Minor public facilities shall not include outdoor storage and wireless communication facilities.”</i></p> <p>This project is only intended to establish such elements that are described under the definition of ‘minor public facilities’ and represented in the utility plan. It is understood by the applicant that no land uses are enabled by this application and that notes to the plan and development agreement will further document that the properties remain undevelopable until each lot gains final approval through a one or more separate development applications.</p>	Complies
C.2.d. – Site Design	<p>Standard:</p> <p>In the case of multiple parcel ownership, to the extent reasonably feasible, an applicant shall enter into cooperative agreements with adjacent property owners to create a comprehensive development plan that establishes an integrated pattern of streets, outdoor spaces, building styles and land uses.</p> <p>Staff Analysis:</p> <p>The plan provides notes on the development plan and plat which anticipate future connectivity and shared access between Lots 1&4 and adjoining parcels to the east and west of the site. This note will be finalized prior to recording.</p>	Complies
C.4. a-b – Block Requirements	<p>Standard:</p> <p>Block Requirements: All development shall comply with the applicable standards set forth below, unless the decision maker determines that compliance with a specific element of the standard is infeasible due to unusual topographic features, existing development, safety factors or a natural or feature:</p> <p>a. Block Structure. Districts 3 & 4 shall be developed as a series of complete blocks bounded by streets (public or private) to the extent feasible. Natural areas, irrigation ditches, high-voltage power lines, operating railroad tracks and other similar substantial physical features may form up to two (2) sides of a block.</p> <p>b. Block Size. All blocks shall be limited to a maximum size of seven (7) acres, except that blocks containing supermarkets shall be limited to a maximum of ten (10) acres.</p>	Complies

Staff Analysis:

a. Block Structure & b. Block Size

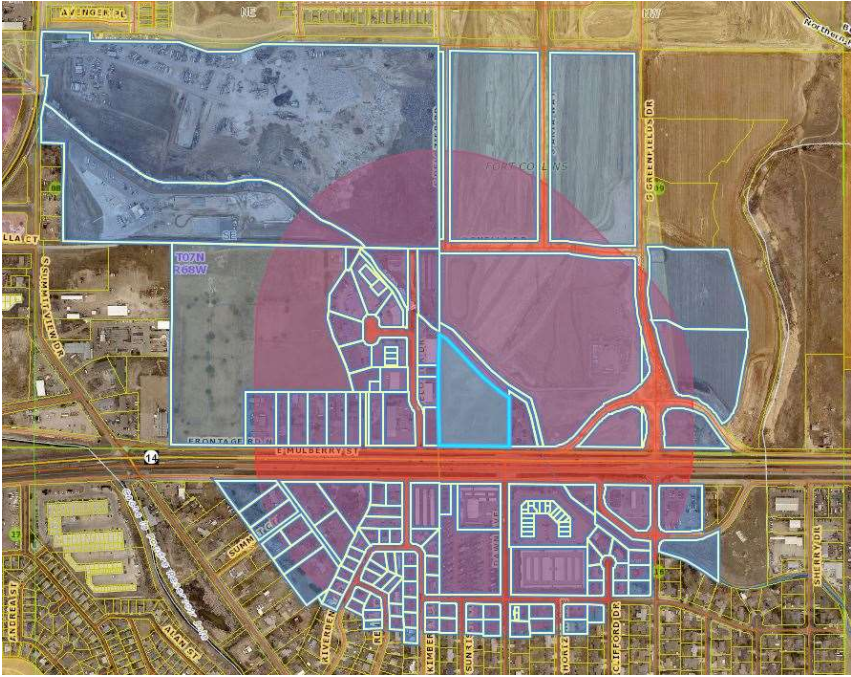
District 4 features several constraining features which include an already established street framework and Lake Canal which runs along the northern diagonal edge of the property making it infeasible to create a complete series of blocks no greater than 7-acres. Staff have worked with the applicant to create a hammer-head style street with specific notes on the plat and site plan to allow for future cross connectivity should future redevelopment of the adjoining properties happen.



B. PUD DEVELOPMENT STANDARDS

These development standards replace a multitude of Land Use Code Standards. Additional notation is provided within subsections of the table below.

Applicable PUD Standard	Summary of PUD Requirement and Analysis	Staff Findings
<p>Neighborhood Meetings</p> <p>This Section shall replace Fort Collins Land Use Code Division 2.2.2 - Neighborhood Meetings, as applicable.</p>		
<p>A. Purpose</p>	<p>Standard:</p> <p>In order to facilitate citizen participation early in the development review process, the City shall require a neighborhood meeting between citizens of area neighborhoods, applicants and the Director for all development proposals in the Mulberry & Greenfields PUD Master Plan area unless the Director determines that the development proposal would not have significant neighborhood impact. Citizens are urged to attend and actively participate in these meetings. The purpose of the neighborhood meeting is for such development applications to be presented to citizens of area neighborhoods and for the citizens to identify, list and discuss issues related to the development proposal. Working jointly with staff and the applicant, citizens help seek solutions for these issues. Neighborhood meetings are held during the conceptual planning stage of the proposal so that neighborhoods may give input on the proposal before time and effort have been expended by the applicant to submit a formal development application to the City. At least ten (10) calendar days shall have passed between the date of the neighborhood meeting and the submittal to the City of the application for development approval for the project that was the subject of the neighborhood meeting.</p> <p>Staff Analysis:</p> <p>A neighborhood meeting was held for this item because the application was originally subject to review by the Planning & Zoning Commission. Through subsequent revisions, the plans have been revised to only include public infrastructure to serve future development,</p> <p>The neighborhood meeting was held on 11/29/2023 with the subsequent application being submitted on 12/20/2024, thus meeting the 10-day waiting period.</p>	<p>Complies</p>
<p>B. Applicability</p>	<p>Standard:</p> <p>A neighborhood meeting shall be required on any development proposal that is subject to Planning and Zoning Board review unless the Director determines as a part of the staff review and recommendation required pursuant to Section 2.2.1(A)(4) that the development proposal would not have significant neighborhood impacts.</p> <p>Staff Analysis:</p> <p>A neighborhood meeting was held on November 29, 2023.</p>	<p>N/A</p>
<p>C. Notice of Neighborhood Meeting</p>	<p>Standard:</p> <p>Notice of the neighborhood meeting shall be given in accordance with Section 2.2.6(A), (B) and (D).</p> <p>Staff Analysis:</p>	<p>Complies</p>

	<p>Notice was given to an over 800 foot radius from the site. Notice was also posted on NextDoor.</p> 	
<p>D. Attendance at Neighborhood Meeting</p>	<p>Standard: If a neighborhood meeting is required, the meeting shall be held prior to submittal of a development application to the Director for approval of an overall development plan and/or project development plan. The applicant or applicant's representative shall attend the neighborhood meeting. The Director shall be responsible for scheduling and coordinating the neighborhood meeting and shall hold the meeting in the vicinity of the proposed development.</p> <p>Staff Analysis: A hybrid neighborhood meeting was held both in-person at 281 N College Ave and virtually through Zoom.</p>	<p>Complies</p>
<p>E. Summary of Neighborhood Meeting</p>	<p>Standard: A written summary of the neighborhood meeting shall be prepared by the Director. The written summary shall be included in the staff report provided to the decision maker at the time of the public hearing to consider the proposed development.</p> <p>Staff Analysis: Neighborhood meeting notes can be found attached to the staff report. A video recording can be found by visiting, https://www.youtube.com/watch?v=kXrSXjy-PuU&list=PL7cZylpMlgCKqkcNsNCKAEvDf1P6r-Xk&index=37</p>	<p>Complies</p>
<p>Street Pattern and Connectivity Standards</p> <p>These standards, as well as those found on the Development Standards Table, Land Use Table, and Development Standards, shall replace Division 3.6.3 - Street Pattern and Connectivity Standards, as applicable.</p>		

<p>B. General Standard</p>	<p>Standard:</p> <p>The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles, pedestrians and emergency vehicles). The local street system shall provide multiple direct connections to and between local destinations such as parks, schools and shopping. Local streets must provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them. The street configuration within each parcel must contribute to the street system of the neighborhood.</p> <p>Staff Analysis:</p> <p>This section provides standards to achieve a simple, connected pattern of streets that knits development together. The standards are organized around a street hierarchy of arterials, collectors, and local streets and promote the establishment of a traditional grid-style street pattern.</p> <p>The PUD provided the overarching organization of collector and arterial streets, which were consistent with the City’s Master Street Plan. Consideration of a cross-canal local street was contemplated during the establishment of the PUD and has been deemed infeasible due to the Lake Canal.</p> <p>Bloom Filing Six explored the feasibility of a pedestrian-only connection across the canal; however, the Lake Canal Reservoir Company owns an intervening parcel and opposes any additional connectivity over the canal. A letter from the Ditch Company can be found attached to this report.</p>	<p>Complies</p>
<p>Mixed-Use, Institutional and Commercial Buildings</p> <p>These standards, as well as those found on the Development Standards Table, Land Use Table, and Development Standards, shall replace Division 3.5.3 Mixed-Use, Institutional and Commercial Building Standards, as applicable.</p>		
<p>B. General Standard</p>	<p>General Standard.</p> <p>Mixed-use and nonresidential buildings shall provide significant architectural interest and shall not have a single, large, dominant building mass. The street level shall be designed to comport with a pedestrian scale in order to establish attractive street fronts and walkways. Walkways shall be designed principally for the purpose of accommodating pedestrians and pedestrian connections while secondarily accommodating vehicular movement. Buildings shall be designed with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context.</p> <p>Staff Analysis</p> <p>The project proposes a conceptual character and image of future development of the site. These conceptual elevations are modifiable under future development plans; however, PUD standards require that development has a unique design that fits the specific location and overall community character. If there are multiple buildings, they should share common design elements to create a cohesive look.</p> <p>The concept elevations have been reviewed by planning staff and generally provide compliance with entrance, material, and style requirements of the PUD. Staff anticipate a more detailed review of site-specific design at time of a future development application for each site.</p>	<p>Complies</p>
<p>C. Relationship</p>	<p>Standards:</p>	<p>Complies</p>

of Buildings to Streets, Walkways and Parking	<p>(1) Orientation to a Connecting Walkway</p> <p>At least one (1) main entrance of any commercial or mixed-use building shall face and open directly onto a connecting walkway with pedestrian frontage. Any building which has only vehicle bays and/or service doors for intermittent/infrequent nonpublic access to equipment, storage or similar</p> <p>(2) Orientation to Build-to Lines for Streetfront Buildings.</p> <p>(b) Buildings shall be located no more than fifteen (15) feet from the right-of-way of an adjoining street if the street is smaller than a full arterial or has on-street parking.</p> <p>(c) Buildings shall be located at least ten (10) and no more than twenty-five (25) feet behind the street right-of-way of an adjoining street that is larger than a two-lane arterial that does not have on-street parking.</p> <p>Staff Analysis:</p> <p>The applicant has gone through several iterations of site design and lot layout. The most recent iteration attached to this staff report demonstrates how lots can comply with the Orientation to a Connecting Walkway Standard.</p> <p>The project provides a 'build-to' line within the plan set. This line is drawn in appropriate locations along the internal private street and adjoining Frontage Road. Exceptions to the build-to line will be considered, if necessary, under future development applications.</p>	
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5. City of Fort Collins Land Use Code Standards

Section 5 of this report begins City standards that were not replaced or superseded by PUD standards. The project is being processed under City of Fort Collins Land Use Code Supplement 62 which was adopted on December 21, 2023.

A. DIVISION 3.2 – SITE PLANNING & DESIGN STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.2(C) – General Standard	<p>All developments shall submit a landscape and tree protection plan, and, if receiving water service from the City, an irrigation plan, that: (1) reinforces and extends any existing patterns of outdoor spaces and vegetation where practicable, (2) supports functional purposes such as spatial definition, visual screening, creation of privacy, management of microclimate or drainage, (3) enhances the appearance of the development and neighborhood, (4) protects significant trees, natural systems and habitat, (5) enhances the pedestrian environment, (6) identifies all landscape areas, (7) identifies all landscaping elements within each landscape area, and (8) meets or exceeds the standards of this Section.</p> <p>The project provides a landscape plan that complies with all general requirements of site landscaping and tree protection standards. This application features landscaping for the private street and detention pond which will be owned and maintained by the developer.</p>	Complies

3.2(D) – Tree Planting Standards	<p>All developments shall establish groves and belts of trees along all city streets, in and around parking lots, and in all landscape areas that are located within fifty (50) feet of any building or structure in order to establish at least a partial urban tree canopy. The groves and belts may also be combined or interspersed with other landscape areas in remaining portions of the development to accommodate views and functions such as active recreation and storm drainage.</p> <p>City Forestry staff have reviewed street tree planting along the internal private street as well as along the frontage road and finds the plan to be in general compliance with Larimer County Urban Area Street Standards. Staff notes that minor revisions to notes will be required prior to final plan recording.</p>	Complies
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B. DIVISION 3.3 – ENGINEERING STANDARDS

https://library.municode.com/co/fort_collins/codes/land_use/436725?nodeId=ART3GEDEST_DIV3.3ENST

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1(A) – General Provisions	<p>Standards:</p> <p>(1) Applicability. No (1) final plat of a subdivision or (2) development plan, shall be approved and accepted by the city unless it conforms to the provisions of this Land Use Code.</p> <p>(2) Jurisdiction. This Division shall be applicable to all lands located within the city.</p> <p>(3) Plat General Requirements.</p> <p>(a) All plats of a subdivision of land within the city shall be filed and recorded only after having been approved by the appropriate decision maker, with such approval evidenced in writing on the plat and signed by the City Clerk.</p> <p>(b) Except with respect to property which is platted as an official subdivision (or part thereof) approved in accordance with the provisions of this Land Use Code (or prior law, if applicable), no Building Permit or certificate of occupancy shall be issued for any of the following and no person shall perform any of the following:</p> <ol style="list-style-type: none"> 1. construction of any new principal building; 2. enlargement of any principal building used for nonresidential purposes by more than twenty-five (25) percent of the existing floor area of such building; 3. an act which changes the use of any building. <p>Staff Analysis:</p> <p>This project has already been platted as Tract II of Bloom Filing One. Bloom Filing Six is a replat of Tract II and is anticipated to set the lot configuration and public infrastructure to serve future development within the site. As previously mentioned, no land uses aside from minor public facilities will be established as part of this application. It is the City’s expectation that the establishment of land uses will be completed under one or more future filings.</p>	Complies
3.3.1(B)(1)-(2) – Lots	<p>Standard:</p> <p>(1) No lot in a subdivision shall have less area than required under the applicable zoning requirements of the city. Each lot must have vehicular access to a public street. Lots with both front and rear frontage on a street shall not be permitted except where necessary to provide separation from arterial streets or from incompatible land uses, or to take access from an alley.</p> <p>Staff Analysis:</p> <p>PUD District 4 does not feature a lot minimum for the district for commercial buildings. Further, each lot has vehicular access to a private street which is overlaid by a public access easement. The private street provides direct</p>	Complies

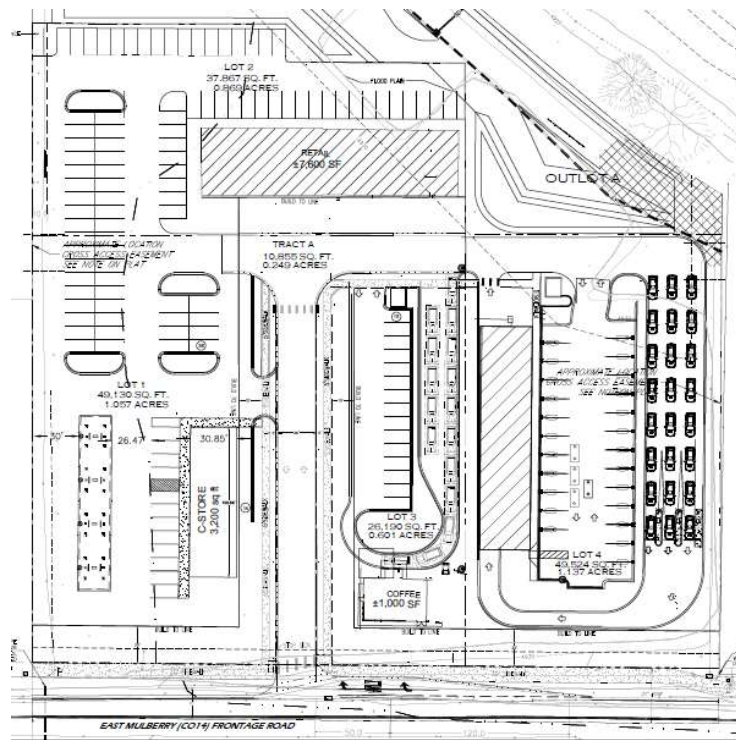
connection to the Colorado SH14 Frontage Road which is a public street owned and maintained by the Colorado Department of Transportation.

Standard:

(2) The general layout of lots, roads, driveways, utilities, drainage facilities and other services within the proposed development shall be designed in a way that enhances an interconnected street system within and between neighborhoods, preserves natural areas and features, and otherwise accomplishes the purposes and intent of this Land Use Code. Applicants shall refer to the development standards set forth in Articles 3 and 4 of this Land Use Code and shall apply them in the layout of the development in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

Staff Analysis:

Staff have carefully considered the arrangement of lots and had the applicant produce a concept plan (seen below and attached) to demonstrate how future users could comply with the multitude of City Land Use Code Standards as well as applicable PUD standards. Standards such as, building orientation to a street, utility location and separation, access, and parking have been considered.



<p>3.3.2 – Development Improvements</p>	<p>Standard:</p> <p>The City requires developers to ensure adequate public access to their developments. This typically involves improving streets to meet City standards, especially for primary access routes. The specific improvements depend on the street classification and may include widening, paving, adding curbs, gutters,</p>	<p>Conditionally Complies</p>
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	<p>sidewalks, and ensuring proper traffic flow. The City Engineer will determine the necessary improvements based on the development's traffic impact and the existing street network.</p> <p>Staff Analysis:</p> <p>This has been a major consideration of the project which is anticipating adding significant amount of traffic to the local road system.</p> <p>During conversation with the developer City staff indicated that the project could not meet necessary pedestrian level of service requirements without providing an off-site walkway connection to the greater bloom development. This connection would require improvement to the frontage of the Vetrenary Clinic property and a pedestrian bridge across the Lake Canal.</p> <p>Through significant follow-up conversation with Colorado Department of Transportation and the Lake Canal Ditch Company, the connection was determined to be infeasible due to Lake Canal's opposition to allow a pedestrian bridge to be built across the canal. City traffic and engineering staff is allowing modification of this standard that requires a payment-in-leu. It is anticipated that funding would contribute to future corridor improvements within this area.</p> <p>This standard is closely related to Adequate Public Facilities(APF) 3.7.3 which describes the authority of the City to require, waive, or modify APF and off-site improvement requirements.</p> <p>Preliminary cost estimates have been provided by the applicant and are attached to this report. Engineering staff have provided a preliminary review of the request. A Final Development Plan cannot be approved without resolution of this matter.</p>	
<p>3.3.5 – Engineering Design Standards</p>	<p>The project must comply with all design standards, requirements, and specifications for the following services as certified by the following agencies. Final plans are subject to final approval by each respective agency; however, the applicant has demonstrated in concept that all technical requirements can be satisfied.</p> <p>Water Supply: Eastern Larimer County Water District (ELCO)</p> <p>Eastern Larimer County Water District has reviewed the proposed plan and has indicated that the 30' ELCO Easement depicted on the plat will provide space for future water service into and through the site.</p> <p>Sanitary Sewer: Boxelder Sanitation District</p> <p>Boxelder Sanitation District has reviewed the proposed plan and has indicated the preliminary design meets their district requirements for infrastructure. In their comment letter they indicate the following will need to be completed prior to final plan approval:</p> <ul style="list-style-type: none"> • Demonstrated feasibility of connecting into the privately owned service line that is located within the frontage road. • Separate agreement with the district that the lift station and force main is the responsibility of the developer. 	<p>Conditionally Complies</p>

- Verification of pump capacity prior to tap approval

The project has shown a preliminary level of feasibility that comports with the district's standards. Final engineering will be required prior to final plan approval.

Fire Protection: Poudre Fire Authority

All proposed street travel lanes and fire hydrants are within the specifications of Poudre Fire Authority. Fire hydrant location and design will require coordination with ELCO water utility.

Flood Hazard Areas: City of Fort Collins Floodplain Division

All floodplains and floodways have been depicted on the plans in accordance with Floodplain standards. A separate application is being processed by FEMA to amend the floodplain map based on the improvements constructed as part of Bloom Filing One. This application is anticipated to be completed prior to final plan recording.

Electricity: City of Fort Collins Light & Power

City of Fort Collins Light and Power has reviewed the underground infrastructure proposed to serve future development and agrees with the preliminary design concepts of the plan.

Storm Drainage: City of Fort Collins Stormwater

The interim stormwater system has been developed for the site as part of Bloom Filing One. The project is proposing to complete final grading of the detention pond which will capture all flows of the site and future development. LID infrastructure is deferred and will be required as each lot develops. The plan proposes to maintain the existing outfall into the Lake Canal.

Streets/Pedestrians: City of Fort Collins Engineering Services

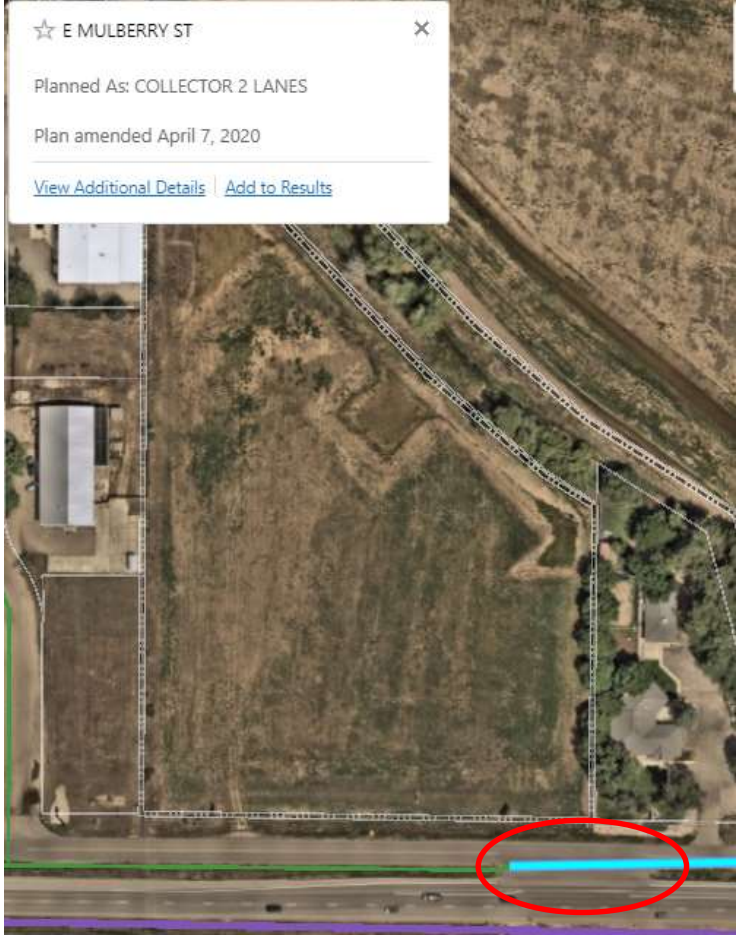
The private street is generally designed to the specifications of Larimer County Urban Area Street Standards (curb, gutter, parkway, street trees and sidewalks). City of Fort Collins Engineering Services. As noted later in the staff report, a variance request to reduce easement width and to not contain the full width of the roadway within Tract A is still being considered.

C. DIVISION 3.4 – CULTURAL RESOURCE PROTECTION STANDARDS

The purpose of this Section is to ensure that when property is developed consistent with its zoning designation, the way in which the proposed physical elements of the development plan are designed and arranged on the site will protect any natural habitats and features both on the site and in the vicinity of the site.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.4.1 – Natural Habitats and Features</p>	<p>The General Standard requires, to the maximum extent feasible, the development plan be designed and arranged to be compatible with and to protect natural habitats and features and the plants and animals that inhabit them and integrate them within the developed landscape of the community by: (1) directing development away from sensitive resources; (2) minimizing impacts and disturbance through the use of buffer zones; (3) enhancing existing conditions; or (4) restoring or replacing the resource value lost to the community when a development will result in the disturbance of natural habitats or features.</p> <p>This site does contain a 50 foot Natural Habitat Buffer Zone along the diagonal boundary of the site that abuts the Lake Canal.</p> <p>The applicant proposes meeting LUC 3.4.1(E) performance standards by providing a 50' natural habitat buffer zone with upland seed-mix restoration area, and native landscaping. Future filings will be subject to the Pollinator Master Plan which was developed as a component of the Mulberry & Greenfields PUD.</p>	<p>Complies</p>

D. DIVISION 3.6 – TRANSPORTATION & CIRCULATION STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.6.1 – Master Street Plan</p>	<p>The transportation network of any proposed development shall be in conformance with the City of Fort Collins Master Street Plan, as well as City adopted access control plans and the Larimer County Urban Area Street Standards.</p> <p>The project demonstrates compliance with the Master Street Plan by providing additional facilities needed to comport with 2-lane Collector specifications of Larimer County Urban Area Street Standards and active mode plan standards.</p> <p>The site is also subject to the SH14 Access Management Plan, https://www.fcgov.com/fcmoves/sh14. Recommendations from the plan include the closure of the median between westbound Mulberry and the Frontage Road. This closure would redirect site traffic to the improved intersection of Greenfields and E Mulberry. This improvement has been proposed under the advisement of Colorado Department of Transportation. The location is circled in red below.</p> 	<p>Complies</p>

<p>3.6.2 - Streets, Streetscapes, Alleys, and Easements</p>	<p>Public streets, public alleys, private streets, street-like private drives and private drives shall be designed and implemented in a manner that establishes a transportation network that protects the public health, safety, and welfare. Rights-of-way and/or easements for the transportation system shall be sufficient to support the infrastructure being proposed. The transportation network shall clearly identify construction and maintenance responsibilities for the proposed infrastructure. All responsibilities and costs for the operation, maintenance, and reconstruction of private streets, street-like private drives and private drives shall be borne by the property owners. The City shall have no obligation to operate, maintain or reconstruct such private streets, street-like private drives and private drives nor shall the City have any obligation to accept such private streets, street-like private drives and private drives.</p> <p>The project proposes a single private street and improvements to frontage road which is owned and maintained by the Colorado Department of Transportation and is subject to the design requirements of Larimer County Urban Area Street Standards.</p> <p>The notes on the plat and utility plan clearly delineate that the construction and maintenance responsibilities of the private street will be borne by the property owner (or future owners).</p>	<p>Complies</p>
<p>3.6.2(M) - Private Streets</p>	<p>Private streets are permitted in developments primarily for internal access, provided they won't attract significant "through traffic" that would necessitate public streets. Their design must be engineered and adhere to either Larimer County Urban Area Street Standards or customized treatments approved by the City, ensuring public safety and minimal additional maintenance costs. Construction is overseen by a licensed engineer, inspected by the City, and subject to bonding and warranty requirements. Traffic control measures must meet City standards and be approved by the Traffic Engineer. The property owners' association, not the City, is responsible for maintenance, reconstruction, and other associated costs. Private streets must be named and addressed according to City standards, and gated entries are prohibited.</p> <p>This project proposes a single private street that will be owned and maintained under a common ownership group or the future users of the site. City engineering staff has reviewed the design and agrees with the general concepts depicted and described by the traffic study, utility, site plan, and plat.</p>	<p>Complies</p>
<p>3.6.3(O) – Easements</p>	<p>The development must include easements for utilities, public access, and stormwater drainage as required by the City Engineer. Pedestrian and bicycle paths must be built to connect the subdivision to surrounding areas, adhering to City standards. Public access easements must connect to existing easements on neighboring properties. The developer is responsible for preventing flood hazards according to City Code, and any private agreements for stormwater drainage must be approved by the City.</p> <p>The applicant is seeking a variance to reduce or eliminate the standard 9 foot utility easement. In order to approve a variance the applicant will need to coordinate the reduction with service providers such as electric, natural gas, telephone, cable television, and broadband/fiber optic.</p>	<p>Conditionally Complies</p>

	<p>Engineering Services is recommending a condition that prior to final plan approval that each respective service provider be consulted to determine feasibility of such a variance.</p>	
<p>3.6.4 – Transportation Level of Service Requirements</p>	<p>All development plans shall adequately provide vehicular, pedestrian and bicycle facilities necessary to maintain the adopted transportation level of service standards. The vehicular level of service standards are those contained in Table 4-3 of the Larimer County Urban Area Street Standards (LCUASS). The bicycle and pedestrian level of service standards are those contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual. Mitigation measures for levels of service that do not meet the standards are provided in Section 4.6 of LCUASS. No Transit level of service standards will be applied for the purposes of this Section. Notwithstanding the foregoing, adopted level of service standards need not be achieved where the necessary improvements to achieve such standards are not reasonably related and proportional to the impacts of the development. In such cases, the Director may require improvements or a portion thereof that are reasonably related and proportional to the impacts of the development, or the requirement may be varied or waived pursuant to LCUASS.</p> <p>This has been a major consideration of the plan.</p> <p>City staff has explored two bicycle and pedestrian connections of this site to the greater PUD area through either a pedestrian bridge across the canal in the northeast corner of the site or an improved frontage road sidepath and pedestrian bridge.</p> <p>Through significant negotiation with the developer, CDOT and the Lake Canal Company, staff found the connection to be infeasible; however, in-leu of the connection, Engineering Services will require the offsite design of the improvements, cost estimate, and payment-in-leu to fund the construction under a future capital improvement plan project.</p>	<p>Complies</p>
<p>3.6.6 – Emergency Access</p>	<p>All developments shall provide adequate access for emergency vehicles and for those persons rendering fire protection and emergency services by complying with Article 9, Fire Department Access and Water Supply, of the Uniform Fire Code as adopted and amended pursuant to Chapter 9 of the City Code. All emergency access ways, easements, rights-of-way or other rights required to be granted pursuant to the Uniform Fire Code must include not only access rights for fire protection purposes, but also for all other emergency services.</p> <p>The project has been reviewed by Poudre Fire Authority and provides the necessary access and water supply requirements for the fire department.</p>	<p>Complies</p>

E. DIVISION 3.7 – COMPACT URBAN GROWTH STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.7.3 (D) – Level of Service Standards</p>	<p>Level of Service Standards. For the purpose of review and approval of new development and the issuance of Building Permits, the City hereby adopts the following level of service standards for the public facilities and services identified below:</p> <p>(1)Transportation.</p> <p>(a) All development must have access to the Improved Arterial Street Network or to a street for which funds have been appropriated to fund improvement as an arterial street as more specifically required in Division 3.3.2, Subdivision Improvements, (F) Off-site Public Access Improvements.</p> <p>(b) Except as provided in subsection (E)(1) below, all development shall meet or exceed the following transportation level of services standards:</p> <ol style="list-style-type: none"> 1. The vehicular level of service standards for overall intersection level of service standards contained in Table 4-3 of the Larimer County Urban Area Street Standards (LCUASS). Alternative mitigation strategies are provided in LCUASS Section 4.6.8 2. The bicycle and pedestrian level of service standards are contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual. Variances for levels of service that do not meet the standards are provided in LCUASS Section 4.6.7. 3. No transit level of service standards contained in Part II of the Multi-modal Transportation Manual will be applied for the purposes of this Section. <p>(c) If any off-site improvements are required by the standards contained in this Section, repayments for the costs of such improvements shall be provided to the developer in accordance with the provisions of 3.3.2(F)(2).</p>	<p>Conditionally Complies</p>
<p>3.7.3 (E) – Minimum Requirements for Adequate Public Facilities</p>	<p>The City's APF management system shall ensure that public facilities and services to support development are available concurrently with the impacts of development.</p> <p>(a) For transportation facilities, at a minimum, the City shall require that, at the time of issuance of any Building Permit issued pursuant to a site specific development plan, all necessary facilities and services, as described in Section (D)(1) above, are either:</p> <ol style="list-style-type: none"> 1.in place and available to serve the new development in accordance with the development agreement, or 2.funding for such improvements has been appropriated by the City or provided by the developer in the form of either cash, nonexpiring letter of credit, or escrow in a form acceptable to the City. <p>(b) Notwithstanding the foregoing, with respect to improvements required to maintain the applicable transportation facilities' level of service where, as determined by the Director, such improvements are not reasonably related to and proportional to the impacts of the</p>	<p>Conditionally Complies</p>

	<p>development or currently desired by the City, a Building Permit may be issued pursuant to a site specific development plan provided the developer has:</p> <ol style="list-style-type: none">1. Agreed in the development agreement to install or fund improvements, or a portion thereof, that are reasonably related and proportional to the impacts of the development on the affected transportation facility or facilities; or2. Obtained a variance regarding the affected transportation facility or facilities under LCUASS Section 4.6.7; or3. Agreed in the development agreement to implement an alternative mitigation strategy as defined by LCUASS Section 4.6.8, or portion thereof, to adequately mitigate the reasonably related and proportional impacts of the development on the affected transportation facility or facilities; or4. Funding for such improvements has been appropriated by the City or provided by the developer in the form of either cash, nonexpiring letter of credit, or escrow in a form acceptable to the City.	
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6. Findings of Fact/Conclusion

In evaluating Bloom Filing Six Minor Public Facilities Project Development Plan, staff makes the following findings of fact:

- A. The PDP complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
- B. The PDP Complies with the applicable procedural and administrative requirements of Mulberry & Greenfields PUD Master Plan.
- C. The PDP conditionally complies with applicable standards located in Article 3 – General Development Standards
- D. Staff recommends a condition of approval that prior to the recording of Final Plan documents, the applicant shall demonstrate compliance with all applicable design standards, requirements, and specifications in accordance with each reviewing agency as described under 3.3.5 – Engineering Design Standards and 3.7.3 – Adequate Public Facilities of this report.
- E. The PDP complies with applicable District 4 Standards of the Mulberry & Greenfields PUD Master Plan
- F. The PDP complies with applicable Development Standards of the Mulberry & Greenfields PUD Master Plan

7. Recommendation

Staff recommends conditional approval of the Bloom Filing Six, PDP220017.

8. Attachments

1. Project Narrative
2. Site Plan
3. Plat
4. Traffic Impact Study
5. Stormwater Letting of Intent – Lake Canal
6. Letter of Intent - Lake Canal
7. Off-site Ped Payment-in-Lieu Estimate
8. Concept Site Plan
9. Neighborhood Meeting Notes

9. Links

1. Mulberry & Greenfields PUD Master Plan
<https://records.fcgov.com/Engineering/DocView.aspx?id=20306765&dbid=0&repo=FortCollins>
2. Utility Plan
<https://records.fcgov.com/PlanningDevelopment/DocView.aspx?id=20252601&dbid=0&repo=FortCollins&cr=1>
3. Drainage & Erosion Control Report
<https://records.fcgov.com/PlanningDevelopment/DocView.aspx?id=20252603&dbid=0&repo=FortCollins>