

**CITY OF FORT COLLINS
TYPE 1 ADMINISTRATIVE HEARING
FINDINGS AND DECISION**

HEARING DATE: May 30, 2013

PROJECT NAME: Boardwalk Crossing at Mason Street

CASE NUMBER: FDP #130003

APPLICANT: Steve Steinbicker
Architecture West, LLC
4710 S. College Ave
Fort Collins, CO 80525

OWNER: George Holter
3509 S. Mason Street
Fort Collins, CO 80525

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a request for a combined PDP/FDP to develop two commercial buildings located at 4012 S. Mason Street. A previously approved development plan on this parcel, with the same name, showed the proposed buildings in the same configuration, but that plan expired. The first building (Building 1 on Lot 1) has already been constructed. The proposed buildings are Building 2 and Building 3 on Lots 2 and 3 respectively. The applicant requests minor changes to the original approved plan, including lot line adjustments for new Lots 2 and 3 and an increase of 2,000 square feet for Building 2. Building 2 is a 12,000 square foot, two-story mixed-use building, with offices on the second level and possible uses on the first level to include office, medical, retail, service, restaurant and other compatible uses. Building 3 is a 5,500 square foot one-story building that will accommodate a mix of office, medical, retail, service, restaurant and other compatible permitted uses. The applicant also requests three Modifications of Standards.

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: General Commercial (C-G) with Transit Oriented Development (TOD) Overlay

HEARING: The Hearing Officer opened the hearing at approximately 5:45 p.m. on May 30, 2013, in Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; and (2) the application, plans, maps and other supporting documents submitted by the applicant (the Land Use Code, the Comprehensive Plan and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer).

TESTIMONY: The following persons testified at the hearing:

From the City: Pete Wray

From the Applicant: Stephen Steinbicker

From the Public: N/A

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.

2. The PDP/FDP complies with the applicable General Development Standards contained in Article 3 of the Code.

a. The PDP/FDP complies with Section 3.2.1(D), Tree Planting Standards, because the planting plan includes street trees in a landscaped parkway along Boardwalk Drive/S. Mason Street, in compliance with the *Larimer County Urban Area Street Standards*.

b. The PDP/FDP complies with Section 3.2.1(E), Interior and Parking Lot Perimeter Landscaping, because the landscape plan complies with the landscape standards for perimeter, building foundation, and interior parking-island planting, and the perimeter parking areas are screened from the street and abutting uses by providing sufficient ground plane and tree canopy plantings to screen at least 75% of the light from headlights, to a minimum height of 30" for at least 70% of the length of the parking area along the street.

c. The PDP/FDP complies with Section 3.2.2, Access, Circulation and Parking, except subsection (J) – Landscape Setbacks, which is the basis for two of the requests for Modifications of Standards, addressed below.

d. The PDP/FDP complies with Section 3.2.2(K)(2), Nonresidential Parking Requirements, because the project includes 6,000 square feet of office/retail uses in Building 2, and 5,500 square feet of retail/restaurant uses in Building 3, and includes 51 off-street parking spaces, below the maximum allowed.

e. The PDP/FDP complies with Section 3.2.2(C)(4), Nonresidential Parking Requirements, because six bike parking spaces are provided.

f. The PDP/FDP complies with Section 3.5.1(B), Building and Project Architectural Compatibility, because the area represents an eclectic mix of building styles in form, scale, character, and material, and uses, there is no common character established in the area, and the architecture of the buildings matches newer existing buildings such as the adjacent bank, hotel, and REI in building size, mass, scale and height, as well as building materials, textures, and colors.

g. The PDP/FDP complies with Section 3.5.2, Mixed-Use, Institutional, and Commercial Buildings, because: the main entrances of the buildings face onto a sidewalk

and public plaza with direct connections to S. Mason Street, Boardwalk Drive and parking areas; building entrances face the streets; the proposed buildings provide both vertical and horizontal variation and articulation; the buildings create a recognizable base with masonry and stone material, fabric awning and glazing, and window treatments; and the top element includes a color change in the stucco, cornice, and sloped metal roofing.

h. The PDP/FDP complies with Section 3.10.4, Development Standards for the Transit-Oriented Development (TOD) Overlay Zone, other than subsection (C), Off-Street Parking, which is the basis for the third request for Modification of Standard.

3. The PDP/FDP complies with the applicable standards contained in Article 4 of the Code for the C-G zone district.

a. The PDP/FDP is consistent with the purpose of the C-G zone district, because it has a mix of retail and office uses in an infill site adjacent to the Mason Corridor MAX bus rapid transit service, and buildings oriented to the streets and direct access to the sidewalk system for efficient pedestrian mobility.

b. The PDP/FDP complies with Section 4.21(B), Permitted Land Uses, because the proposed uses are all permitted uses in the C-G zone district, subject to Administrative Type I Review.

c. The PDP/FDP complies with Section 4.21(D), Land Use Standards, because Building 2 is two stories and 38' in height and Building 3 is one story and 26' in height.

d. The PDP/FDP complies with Section 4.21(E)(2), Site Design, because the proposed outdoor gathering place is centrally located and adjacent to Building 2, and accessible to the street by a direct sidewalk connection.

4. The first Modification of Standard (Section 3.2.2(J), Setbacks) meets the applicable requirements of Section 2.8.2(H) of the Code.

a. The Modification would not be contrary to the public good.

b. The Modification will not diverge from the standards of the Code except in a nominal, inconsequential way when considered from the perspective of the entire PDP/FDP. The site is limited in width, and any change in the west parking lot location could result in the loss of parking spaces, which would be detrimental to this property and neighboring properties. There is no off-street parking that would support the loss in parking stalls with a re-design. The adjacent REI property to the east has an existing landscape island paralleling the property line with very mature, established landscaping which provides adequate screening and separation.

5. The second Modification of Standard (Section 3.2.2(J), Setbacks) meets the applicable requirements of Section 2.8.2(H) of the Code.

a. The Modification would not be contrary to the public good.

- b. The Modification will not diverge from the standards of the Code except in a nominal, inconsequential way when considered from the perspective of the entire PDP/FDP. The deviation of the required 15' landscape setback from the street right-of-way is approximately 9', but adequate landscape screening is provided for the parking area between Buildings 2 and 3 adjacent to S. Mason Street.
 - c. The Modification is necessary, because of exceptional physical conditions unique to this property, specifically the limited width of the property.
6. The third Modification of Standard (Section 3.10.4(C), Off-Street Parking) meets the applicable requirements of Section 2.8.2(H) of the Code.
- a. The Modification would not be contrary to the public good.
 - b. The Modification will not diverge from the standards of the Code except in a nominal, inconsequential way when considered from the perspective of the entire PDP/FDP. The deviation from the standard is approximately 3', and depending on which face of the buildings is considered the "front" or "side" the Modification may not even be required.
 - c. The Modification is necessary, because of exceptional physical conditions unique to this property, specifically the limited width of the property.

DECISION

Based on the foregoing findings, the Hearing Officer hereby enters the following rulings:

- 1. The PDP/FDP is approved as submitted.

DATED this 12th day of June, 2013.



Kendra L. Carberry
Hearing Officer

Boardwalk Crossing at Mason Street (combined PDP/FDP) FDP130003

May 30, 2013, 5:45 p.m. – Conference Room A

Sign In Sheet

<u>Name (Please Print)</u>	<u>Address</u>	<u>Phone</u>	<u>E-mail</u>
1. STEVE STEINBICKER	4710 So. Covee Ave	207-0424	STEVE@ARCHITECTUREWEST LLC
2. April Peterson	181 W. Boardwalk Dr.	280-3345	apeterson@warrentfcu.com
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			