

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

HEARING DATE: March 18, 2014

PROJECT NAME: Brinkman Headquarters Project Development Plan/Final Plan

CASE NUMBER: FDP130050

APPLICANT: Dave Derbes
3003 E. Harmony Road, Suite 300
Fort Collins, CO 80528

OWNER: Brinkman Capital, LLC
Kevin Brinkman
3003 E. Harmony Road, Suite 300
Fort Collins, CO 80528

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a request for approval of a combined Project Development Plan and Final Plan (PDP/FP) for Brinkman Headquarters, located at the northwest corner of Lady Moon Drive and Precision Drive. The property contains approximately 70,500 square feet (1.62 acres). The PDP/FP includes a two-story office building of approximately 30,850 square feet. The PDP/FP includes 6 fixed bicycle spaces, 4 enclosed bicycle spaces, and a parking lot containing 95 vehicle parking stalls.

SUMMARY OF DECISION: Approved

ZONE DISTRICT: Low Density Mixed-Use Neighborhood (L-M-N)

HEARING: The Hearing Officer opened the hearing at approximately 5:45 p.m. on January 30, 2014, 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; (2) application, plans, maps and other supporting documents submitted by the applicant; and (3) a copy of the public notice (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: Noah Beals

From the Applicant: Dave Derbes

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/FP complies with the applicable General Development Standards contained in Article 3 of the Code.
 - a. The PDP/FP complies with Section 3.2.1, Landscaping and Tree Protection, because: the City Forester approved the tree mitigation plan; full tree stocking is provided on all four sides and within landscaped areas 50' from the building; and trees are planted in the parking lot interior and perimeter in the required landscape islands and landscape setbacks.
 - b. The PDP/FP complies with Section 3.2.2, Access, Circulation and Parking, because: sidewalk connections from the public sidewalk to the main entrance of the building are provided from both Lady Moon Drive and Precision Drive; the 10 bicycle parking spaces exceed the required minimum; and the parking lot is accessed by a single driveway from Precision Drive to reduce conflicts with the bicycle lanes and sidewalks.
 - c. The PDP/FP complies with Section 3.2.4, Site Lighting, because the photometric plan shows a minimum average 1 foot-candle for the parking lot areas, and all the lighting fixtures are down-directional and fully shielded with cut-off capability.
 - d. The PDP/FP complies with Section 3.4.1, Natural Habitats and Features, because: the PDP/FP does not include any natural areas, habitats and features on the property or within 500' of its boundaries; and any prairie dogs found within the site will be humanely eradicated in accordance with the Division of Parks and Wildlife standards.
 - e. The PDP/FP complies with Section 3.5.3, Commercial Buildings, because the PDP/FP incorporates human-scale urban design through the use of the following: a 15' setback from the property lines along Lady Moon Drive and Precision Drive; building façades composed of at least 3 distinct vertical planes; and a main entrance distinguished by direct connecting walkways with sidewalks that are 5' in width.
 - f. The PDP/FP complies with Section 3.6.3, Street Pattern and Connectivity Standards, because the PDP/FP includes no new streets, but there is a cross access easement for future development to the north and west, and the Transportation Impact Study demonstrates that the impacts created by the PDP/FP are acceptable.
 - g. The PDP/FP complies with Section 3.6.4, Transportation Level of Service Requirements, because the Traffic Operations and Engineering Departments have reviewed the Transportation Impact Study and determined that the vehicular, pedestrian and bicycle facilities are consistent with the standards contained in Part II of the City of Fort Collins Multimodal Transportation Level of Service Manual.
3. The PDP/FP complies with the applicable standards contained in Article 4 of the Code for the H-C zone district.

- a. The PDP/FP complies with Section 4.26(A) and (B), Permitted Uses, because the proposed office land use is consistent with creating a mixed-use neighborhood with a strong employment base, and provides employment opportunities directly across from a multi-family residential use.
- b. The PDP/FP complies with Section 4.26(D), Land Use Standards, because the building is 2 stories in height, below the 6 stories allowed.
- c. The PDP/FP complies with Section 4.26(E)(1), H-C Development Standards, because the PDP/FP complies with the H-C District Plan and the Harmony Technology ODP.
- d. The PDP/FP complies with Section 4.26(E)(2), Site Design, because: the PDP/FP achieves compliance through its adherence to the Harmony Technology ODP and proposed cross-connection access to adjacent parcels outside of the boundaries of the PDP/FP; the residential area across Lady Moon Drive includes multi-family buildings that are 3 stories in height, so there is no drastic change in scale and height; and the PDP/FP does not include outdoor uses.

DECISION

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

1. The PDP/FP is approved as submitted.

DATED this 26th day of March, 2014.



Kendra L. Carberry
Hearing Officer