



**CITY OF FORT COLLINS
ADMINISTRATIVE HEARING OFFICER
TYPE I ADMINISTRATIVE HEARING
FINDINGS, CONCLUSIONS AND DECISION**

ADMINISTRATIVE HEARING DATE: October 3, 2005

PROJECT NAME: 210 & 212 W. Magnolia St. –
Urban Living Lofts at Magnolia Street
Type I, Project Development Plan

CASE NUMBER: #24-05

APPLICANTS: Alan Strobe
Urban Living Concepts, LLC
3201 E. Mulberry St., Suite B
Fort Collins, CO. 80524

OWNERS: Urban Living Concepts, LLC
3201 E. Mulberry St., Suite B
Fort Collins, CO. 80524

HEARING OFFICER: Pete Wray
Interim Director of Current Planning Director

PROJECT DESCRIPTION:

The owner of the existing 2250 square foot commercial building at 210-212 Magnolia Street requests to adaptively reuse the existing building and to construct a 3-story, 18-unit residential loft project above. Parking will be in the form of an enclosed parking structure behind the commercial space and below the residential units. The site is .39 acres. The project proposed is contingent upon two modifications requested, which are discussed below. The property is located on the north side of Magnolia St. just west of Mason St. The property is in the D - *Downtown, Canyon Avenue Subdistrict* Zoning.

SUMMARY OF HEARING OFFICER DECISIONS: Approval

ZONING DISTRICT: The property is zoned D, Downtown District,
Canyon Avenue Subdistrict.

STAFF RECOMMENDATION: Approval

NOTICE OF PUBLIC HEARING: Evidence presented to the Hearing Officer established no controversy or facts to refute that the hearing was properly posted, legal notices mailed and notice published.

PUBLIC HEARING

The Hearing Officer, presiding pursuant to the Fort Collins Land Use Code, opened the hearing at approximately 3:00 p.m. on October 3, 2005 in Conference Room A at 281 North College Avenue, Fort Collins, Colorado.

HEARING TESTIMONY, WRITTEN COMMENTS AND OTHER EVIDENCE:

The Hearing Officer accepted during the hearing the following evidence: (1) Planning Department Staff Report; (2) application, plans, maps and other supporting documents submitted by the applicant and the applicant's representatives to the City of Fort Collins; (3) a sign up sheet of persons attending the hearing; and (4) a tape recording of testimony provided during the hearing. The LUC, the City's Comprehensive Plan (City Plan), and the formally promulgated policies of the City are all considered part of the evidence considered by the Hearing Officer.

The following is a list of those who attended the meeting:

From the City:

Anne Aspen, City Planner
Marc Virata, Civil engineer I

From the Applicant:

Alan Strope, Urban Living Concepts, LLC
Corey Seitz, Urban Living Concepts, LLC
Justin Larson, Architecture, LLC

From the Public:

Dave Edwards, 218 W. Magnolia St.
Steve Slezak, 231 S. Howes St.
Priscilla Siano, 212 W. Mulberry St.
Tomas, Herrera, 423 N. Mason St.

Written Comments:

None

FACTS AND FINDINGS

1. Compatibility with Surrounding Uses:

The surrounding zoning and land uses are as follows:

- N: D – *Downtown District, Canyon Avenue Subdistrict*. Existing commercial (First National Bank building and parking lot) with D beyond;
- E: D – *Downtown District, Canyon Avenue Subdistrict*. Existing commercial (First Interstate Bank and parking lot);
- W: D – *Downtown District, Canyon Avenue Subdistrict*. Existing residential and commercial (Edwards residence and existing multifamily residential and office) with federal offices beyond;
- SE: D – *Downtown District, Canyon Avenue Subdistrict*. Existing commercial space and one single family residence
- S: D – *Downtown District, Canyon Avenue Subdistrict*. Existing commercial office buildings.
- SW: D – *Downtown District, Canyon Avenue Subdistrict*. Existing commercial office (US Bank) with existing office and multifamily dwelling units beyond.

2. Compliance with Article 2 of the Land Use Code - Administration:

This PDP complies with the applicable requirements of the LUC, specifically the procedural requirements located in *Division 2.1 - General Procedural Requirements, Division 2.2 - Common Development Review Procedures for Development Applications, and Section 2.4 - Project Development Plan* in **Article 2 - Administration**.

The proposed development is for mixed use dwelling units comprising both commercial and residential lofts and parking, which are permitted uses in the D – *Downtown District, Canyon Avenue Subdistrict*, subject to an administrative (Type 1) review and public hearing. The LUC does not require that a neighborhood meeting be held for development proposals that

are not subject to a Planning and Zoning Board (Type 2) review. Therefore, a City-sponsored and facilitated neighborhood information meeting was not held for the 210 & 212 W. Magnolia St. – Urban Living Lofts at Magnolia Street, PDP proposal.

3. Compliance with Article 3 of the Land Use Code – General Development Standards:

The 210 & 212 W. Magnolia St. – Urban Living Lofts at Magnolia Street, PDP proposal meets all of the applicable standards in **ARTICLE 3 - GENERAL DEVELOPMENT STANDARDS** of the LUC. Of specific note are **Division 3.2 - Site Planning and Design Standards, Division 3.3 – Engineering Standards, Division 3.5 - Building Standards, and Division 3.6 - Transportation and Circulation**. A request for modification was submitted for Section 3.2.2 (D) (2), and 3.2.2 (K) (1) (a), which will be described below.

Further discussions of these particular standards follow.

A. 3.2 Site Planning and Design Standards

- 1) *Landscaping and Tree Protection:* [Section 3.2.1]—The PDP provides full tree stocking on the street frontages and landscaping throughout the project. The applicant has worked with the City's Forester to his satisfaction regarding street tree species and tree mitigation. *** trees that must be removed with this project will be mitigated offsite.
- 2) *Landscape Buffering between Incompatible Uses and Activities:* [Section 3.2.1.(E)(1)]—The PDP provides ivy vines growing from planters in the ground around the perimeter of the mixed-use building to subdue the differences in architecture and bulk between the mixed-use building and surrounding buildings and parking lots.
- 3) *Landscape Area Treatment:* [Section 3.2.1 (E)(2)]—All areas that require landscaping are shown on the plans with appropriate planting designs including trees, turf, foundation plantings and trellises with vines.
- 4) *Safety Considerations:* [Section 3.2.2 (C)(1)]—Pedestrians coming to this site arrive on the detached sidewalk and do not have to cross a drive aisle to reach the front door from the sidewalk. Bikes have a separate and convenient entrance to the parking garage and the bike parking facility. Though the parking structure itself is tight on space, pedestrian and bicyclist safety has been considered in this design as well. Entries have a striped area or designated walkway in front of them, and a separate walkway has been provided from the stair structure to the alley.

- 5) *Curbcuts and Ramps*: [Section 3.2.2 (C)(2)]—Curbcuts and ramps have been provided in all circumstances where they are warranted on site.
- 6) *Site Amenities*: [Section 3.2.2 (C)(3)]—This PDP includes separate parking facilities for bicyclists, enhanced amenities for pedestrians, and ramps and walkways for clear and direct access to all entrances and the garage.
- 7) *Access and Parking Lot Requirements*: [Section 3.2.2(D)]—The parking lot has been designed with clear circulation routes and traffic control devices. The standard contained in Section 3.2.2 (D)(2) is not met with this design but is addressed in Modification Request # 1. Therefore, approval of this PDP is contingent upon the approval of the modification.
- 8) *Parking Lots – Required Number of Off-street Spaces for Type of Use*: [Section 3.2.2 (K)]—The proposed project is required to provide a minimum of 31 parking spaces based on the number of bedrooms per unit and the total number of units. Due to site constraints, the applicant is one space short of meeting the parking requirement. The applicant has submitted a request for modification for this shortfall; it is also contained in Modification Request # 1. Therefore, the approval of this PDP is again contingent upon the approval of the modification request. Non-residential parking is based on a maximum allowed and will be accommodated in diagonal parking on street. Handicap accessible parking spaces have been provided in the residential parking structure as well as on Magnolia Street. All parking meets the standards for stall dimensions.
- 9) *Site Lighting*: [Section 3.2.4]—Lighting proposed for this project must meet the standards for site lighting. The applicant has improved the plan during the course of staff review of the plans and will polish the plans during Final Plan review so that the standards are fully met.
- 10) *Trash and Recycling Enclosures*: [Section 3.2.5]—The trash enclosure for this project is sized to accommodate recyclables and has both walk-in and trash vehicle sized entries. The pad is to be constructed of concrete.

B. 3.5 Building Standards for Mixed-Use, Institutional and Commercial Buildings

- 1) *Building and Project Compatibility*: [Section 3.5.1]—The architecture of this project is compatible with the existing buildings, especially the Edwards residence immediately to the west. This mixed-use building is articulated by variations in material and massing that are proportional to the massing and scale of nearby structures. Glass used in the project shall not cause excessive glare. Windows have been defined by stone and/or brick sills and

lintels and metal mullions. The colors chosen for the project unify the project and coordinate well with the neighboring Edwards residence.

- 2) *Special Height Review*: [Section 3.5.1 (G)]—Since the building is in the Downtown District and proposed to be over 40 feet, the project is subject to the special height review standards. There are no residential uses to the east of the project whose views will be adversely impacted by this project. The applicant has worked closely with the neighbors to the west with regard to the building design and they have indicated that they are pleased with the design of the proposed building. The lighting plan will be finalized during Final Plan review to ensure that the lighting of the building and parking structure do not adversely impact the Edwards residence. The height and massing of this mixed-use downtown project is well within appropriate range for neighborhood scale.
- 3) *Mixed-use, Institutional and Commercial Buildings*: [Section 3.5.3]—The proposed project meets the standards of this section of the code as follows:
 - a. *Orientation to a Connecting Walkway* [Section 3.5.3 (B)(1)]—The sidewalk is linked to the front doors of the project by a sidewalk that serves as a connecting walkway.
 - b. *Orientation to Build-to Lines for Streetfront Buildings*: [Section 3.5.3 (B)(2)(a)]—This project is being built on top of and behind an existing commercial building so the build-to line is by definition established. It is also in compliance with the standard at ten feet and it is aligned with existing buildings on the block, most notably the residence to the west.
 - c. *Variation in Massing*: [Section 3.5.3 (C)]—The massing of the proposed building is appropriate to its design and location with projecting eaves, inset windows and balconies and a projecting arcade at the ground level.
 - d. *Character and Image*: [Section 3.5.3 (D)]—The proposed building design is site specific in that it draws directly from the neighboring Edwards residence for architectural inspiration. No façade is left blank. The front walls are articulated with an arcade and columns, along with fenestration and awnings which reinforce the human scale of the project. The side walls are articulated with false windows and metal grates that ventilate the parking structure. These elements echo the pattern of articulation on the front façade. The rear wall is designed with a permanent metal trellis and vines for architectural interest. All four façades are created with the same high quality materials including brick, stucco and stone veneer. The base of the building is established with

the use of a native fieldstone veneer around the entire base of the building. The top is established by the stucco top story and pitched roof with deep eaves.

Based on the Staff Report and the evidence taken at the hearing, the Hearing Officer finds that the project development plan complies with the applicable sections of Article 3, Divisions 3.3, 3.4, 3.5, and 3.6 of the Land Use Code, except as noted with the modifications set forth in Section 3.2.

4. Modifications to Standards in Section 3.2 – Access Circulation and Parking

Modification No. 1:

The request is for a modification of two standards set forth in Section 3.2.2 **Access, Circulation and Parking** of the Land Use Code (LUC), more specifically Section 3.2.2(D)(2) *Access* and Section 3.2.2 (K)(1)(a) *Parking Lots – Required Number of Off Street Spaces for Type of Use*. The applicant proposes to use lift structures to accommodate parking on the site and is also unable to meet the requirements for the residential parking due to a constrained site. This modification is requested in accordance with the review procedures set forth in Section 2.8.2(H) of the Land Use Code.

3.2.2 Access, Circulation and Parking (K) Parking Lots – Required Number of Off Street Spaces for Type of Use (1) Residential and Institutional Parking Requirements (a) Attached Dwellings. This section of the Land Use Code requires that multifamily dwellings provide a minimum of off street parking according to the chart in this section of the LUC. According to this chart, the applicant is required to provide 31 offsite spaces for residents. The applicant requests a modification so that he can provide a total of 30 spaces.

The Hearing Officer has determined that the request for a modification meets the requirements of 2.8.2. (H), in that it is not detrimental to the public good and is considered nominal and inconsequential by providing one less parking space.

The other section of the Land Use Code that the applicant wishes a modification for is 3.2.2 (D) (2) which states:

2) **Access.** Unobstructed vehicular access to and from a public street shall be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained and in such manner as to protect the traffic-carrying capacity of the public street from which such access is obtained.

The applicant requests this modification to be able to use lift parking, which is considered obstructed, to provide required residential parking spaces based on the equal to or better than rationale set forth in Section 2.8.2 (H)(1).

As stated in 3.2.2.(A) of the Land Use Code, the general purpose of the parking requirements of the LUC are to ensure that *“parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the development and to and from surrounding areas.”*

The applicant has provided a functional and safe design for lift parking that allows for safe, efficient, and convenient parking on site. The lifts proposed do not impair the smooth flow of traffic along Magnolia. Each lift will be in the control of one loft owner so the operation of the lifts will be in the control of one owner.

The Hearing Officer finds that the granting of the modification would not impair the intents and purposes of the LUC because the proposed configuration provides 96% of the parking requirement, and because the project is located within ½ a block from the Mason Street Corridor and within easy walking distance from a major places of employment, a grocery store, a hardware store, and numerous venues for entertainment within the downtown, which staff expects will draw at least some residents who may not rely on automobiles for transportation to the extent built into the parking standards.

Furthermore, the Hearing Officer finds that the use of lift parking in the garage will not be detrimental to the public good and the modification satisfies the rationale set forth in 2.8.2 (H) (2) (a).

Modification No. 2:

This is a separate, stand alone request for a modification of a standard set forth in Section 3.2.2 **Access, Circulation and Parking** of the Land Use Code (LUC), more specifically Section 3.2.2(L) *Parking Stall Dimensions*. The applicant proposes to dimension the drive aisle in the parking structure at 18-feet 8-inches instead of the required 24 feet.

According to this chart, the applicant is required to provide a drive aisle that is 24 feet wide. The proposed drive aisle is one-way. The applicant requests a modification so that the drive aisle can be dimensioned at 18-feet 8-inches based on the nominal and inconsequential rationale set forth in Section 2.8.2(H)(4).

The Hearing Officer finds that the proposed plan satisfies the requirements set forth in the LUC Section 2.8.2 (H) (1) in that it will not be detrimental to the public good and Section 2.8.2 (H) (2) (d). The proposed plan is sufficiently safe to meet the intent of the Land Use Code with regards to parking safety, convenience and efficiency. The proposed 18-feet 8-inch dimension is 93% of the 20-foot dimensional requirement that is likely to be in place

after December of this year. The 7% shortfall is nominal and inconsequential when viewed within the context of the entire development plan. To support this, other widely accepted professional documents such as Architectural Graphic Standards, referenced in the applicant's letter suggest dimensions for this condition that are even less than that proposed.

5. Compliance with Article 4.12 of the Land Use Code - Downtown District Standards :

A. Permitted Land Use: Mixed-use dwellings are permitted in the Downtown District—Canyon Avenue Subdistrict, subject to a Type I (Administrative) review.

B. Applicable Standards of the Downtown District-Canyon Avenue Subdistrict:

1) Land Use Standards [Section 4.12 (D)]

a. *Dimensional standards:* The project exceeds the minimum lot width of 40 feet. The proposed project is 64%, below the maximum building coverage standard of 75%. The project meets the Maximum FAR standard since only one floor is not exclusively residential. The project meets the front and rear yard setbacks. And finally, the project meets the height restriction. The maximum height of the project is 56 feet, less than the 168' maximum and over which would require a Planning and Zoning Board Review.

2) Development Standards [Section 4.12 (E)(2)]

- a. *Facades:* There are no blank walls facing the street or walkways that span more than 50 feet. Storefronts have been integrally designed with the upper floors of the building and are compatible with the entire façade character. The materials, colors details signage and lighting fixtures have been tastefully combined into a cohesive whole. The buildings encourage outdoor use with balconies. The pedestrian area in front of the building will be paved. The rooflines echo the surrounding residential buildings. Windows all have sills, lintels and mullions which cast shadow lines. Ground floor windows and glass doors are large for display purposes. Windows on the ground floor do not exceed 75% of the wall surface.
- b. *Site Design:* The parking lot is proposed behind the existing building and beneath the residential units, in accordance with the site design standards. If a restaurant business occupied one of the ground floor commercial condos, outdoor café areas would be permitted and

enhanced by the design. Restaurant management would need to abide by the provisions in 4.12(E)(3)(b)1-6.

The weight of the evidence established that the project complies with the applicable development standards including land use and density standards for the (D) Downtown District zoning.

SUMMARY OF CONCLUSIONS

The 210 & 212 W. Magnolia St. – Urban Living Lofts at Magnolia Street, Project Development Plan complies with the applicable requirements of the Land Use Code (LUC), more specifically:

- A. The process located in **Division 2.2 - Common Development Review Procedures for Development Applications of ARTICLE 2 - ADMINISTRATION**;
- B. The standards located in **Division 3.2 - Site Planning and Design Standards, Division 3.3 – Engineering Standards, Division 3.5 - Building Standards, and Division 3.6 – Transportation and Circulation of ARTICLE 3 - GENERAL DEVELOPMENT STANDARDS**, except for the standards in Section 3.2.2 (D) (2), and 3.2.2 (K) (1) (a), described in the request for modifications; and
- C. The proposed mixed-use dwellings are permitted in **Division 4.12 Downtown District (D) of ARTICLE 4 – DISTRICTS**, subject to an administrative review.
- D. In reviewing this proposed alternative plan for purposes of determining whether it accomplishes the purposes of **Division 2.8.2 of the Land Use Code – Modification Review Procedures** as required, the Hearing Officer has determined that:
 - 1. The granting of the modifications would not be detrimental to the public good because the off-street parking has been designed to be safe, convenient and efficient.
 - 2. An offsite parking arrangement would be an acceptable means to satisfy the parking requirement. As proposed, the lifts will provide parking in a manner that is better because it is onsite and appropriate for a dense downtown district infill site; and
 - 3. The 4% shortfall in parking provided is nominal and inconsequential when viewed from the perspective of the entire development plan.

4. The proposed parking access design meets the test for a nominal and inconsequential deviation from the Land Use Code.

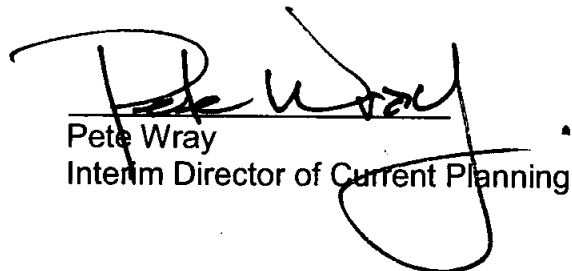
DECISION

The 210 & 212 W. Magnolia St. – Urban Living Lofts at Magnolia Street – Modification of Standards # 1 Type I (#24-05A) is hereby approved by the Hearing Officer.

The 210 & 212 W. Magnolia St. – Urban Living Lofts at Magnolia Street – Modification of Standards # 2 Type I (#24-05B) is hereby approved by the Hearing Officer.

The 210 & 212 W. Magnolia St. – Urban Living Lofts at Magnolia Street, PDP, #24-05, is hereby approved by the Hearing Officer without condition.

Dated this 13th day of October, 2005, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.


Pete Wray
Interim Director of Current Planning

210-
212 W. Magnolia Lofts Mod#1
FDP Mod#2 #24-05

Pete officer

Dave Edwards - storm drainage ✓
air rights ✓

concerned about how storm drainage outcome
will go - in process - Tell more

Alan Weaver

- part owner of 222 W. mag. west of Edwards
- uses same access as Edwards. Tight - 3040 vehicles
- parking - business pkg during day - OK bcs limited to 2 Hour.

4

Steve Slebak 231 S. Howe's prop. owner

exceptional process, compatible, Downtown Plan

Res. in addn to commercial makes downtown viable/vital
in support

- modification of pkg. standards. Similar in greenfields as downtown. Live/work/play/recreate. Should encourage less pkg. req. than greenfields well within what should be acceptable

Alan Stroppe - response

clarifications, and stated that drive is private between Edwards & 210-212 W. Magnolia

Edwards - private agreement btwn 1st National, Law office Alan Weaver,
Urban Lofts Bank has lots of traffic
needs there too

PDP

Dave Edwards - in favor of it. Prime for redex,
neighbors, safety, enjoyment.