



September 7, 2005

Cameron Gloss
City of Fort Collins
281 North College Avenue
Fort Collins, CO 80524

Dear Mr. Gloss:

We propose a mixed use project at 100 Cherry Street. If approved the building we propose will be built as follows:

- The first floor will have an eighteen foot ceiling height with mezzanines above a portion of this floor. The mezzanine as proposed will have a finished floor at nine feet above the main floor, and is 31.89% of the square footage of the floor below.
- The second floor of the building would have a seventeen foot ceiling height and would also have mezzanines over a portion of this floor. These mezzanines would have a finished floor of nine feet above the second floor level, and would also be 31.89% of the square footage of the floor below.
- Lastly a third floor of the proposed building would have upper levels that would also have finished floor levels ten feet above this floor. It has recently been decided by city staff that this upper level, is not technically a mezzanine, because it would allow users to walk out to the flat roof of the floor below and therefore provide rooftop patio areas. Because of this, the proposed building is viewed by staff as a four story building. This floor comprises 31.36% of the floor below it. The building parapet would serve as a natural rail for these penthouse spaces.

The top of the cornice is fifty five feet above grade. The high point on the roof pitch would be seventy feet.

Division 4.16(D)(3)(a)1. States "that the maximum building height shall be three (3) stories. If multi-story buildings are included in a development, such buildings shall be designed to step down to one (1) story directly abutting the natural area protection buffer" or based on the standards set forth in Section 3.5.1(G)(1).

Land Use Code Section 3.8.17(2) *Measuring Height By Stories*, states "A balcony or mezzanine shall be counted as a full story when its floor area is in excess of one-third (1/3) of the total area of the nearest full floor directly

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below it,” and it goes on to say, “No story of a commercial or residential building shall have more than twenty-five (25) feet from floor to floor.” Given this definition, the building is technically a 4 story building as proposed. Although it remains well below the seventy five foot maximum height. A fully code compliant plan, however, could easily be designed with no rooftop decks while accommodating the proposed program. This would however result in a significantly increased perceived mass, as the cornice line would end up much higher than proposed, and would be less effective in the goal of stepping down the massing of buildings as they approach the edge of the urban downtown environment. It is for this reason that we seek an increased overall height as provided for in Section 3.5.1(G)(1)(c).

Section 3.5.1(G)(1)(c) of the Code indicates that *“If any building or structure is proposed to be greater than forty (40) feet in height above grade, the building or structure must meet the following special review criteria:*

1. Views. A building or structure shall not substantially alter the opportunity for, and quality of, desirable views from public places, streets and parks within the community. Desirable views are views by the community of the foothills, mountains and/or significant local landmarks (i.e., Long's Peak, Horsetooth Mountain). Techniques to preserve views may include, but are not limited to, reducing building or structure mass, changing the orientation of buildings and increasing open space setbacks”.

The proposed structure is located adjacent to the D-downtown district, but is actually zoned CCR- Community Commercial River Corridor. Because of this, the property immediately to the south (within the D-Downtown district) is zoned for a height of 115'. Given this location, and due to the large coniferous trees currently populating the site, the proposed project will not substantially alter the opportunity for, and quality of, desirable views from public places, streets and parks within the community.

2. Light and Shadow. Buildings or structures greater than forty (40) feet in height shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Adverse impacts include, but are not limited to, casting shadows on adjacent property sufficient to preclude the functional use of solar energy technology, creating glare such as reflecting sunlight or artificial lighting at night, contributing to the accumulation of snow and ice during the winter on adjacent property, and shading of windows or gardens for more than three (3) months of the year. Techniques to reduce the shadow impacts of a building may include, but are not limited to, repositioning of a structure on the lot, increasing the setbacks, reducing

building or structure mass or redesigning a building or structure's shape.

Since the proposed building is on the extreme north boundary of the downtown area, the only significant shadows that will be cast by this project will occur on the Burlington Northern railroad right-of-way, and a City owned parcel adjacent to Martinez Park. Since the area affected is currently natural grassland and native trees, and since the City of Fort Collins has no plans to develop this area into an active use area, it is expected that the impact of this shadowing would be quite limited.

3. Privacy. Buildings or structures greater than forty (40) feet in height shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas and public parks. Techniques to improve the level of privacy in a neighborhood may include, but not be limited to, providing landscaping, fencing and open space, and changing building or structure orientation away from adjacent residential development.

Because the proposed building is adjacent to commercial property to the East (also owned by the applicants) and commercial property to the south (the majority of which is also owned by the applicants) and with only City owned natural grassland to the west and north, it is expected that this building as proposed will represent no negative impacts to privacy in the neighborhood.

4. Neighborhood Scale. Buildings or structures greater than forty (40) feet in height shall be compatible with the scale of the neighborhoods in which they are situated in terms of relative height, height to mass, length to mass, and building or structure scale to human scale.

The neighborhood context of the proposed building is quite urban in nature. The surrounding properties include D-downtown zoned properties with a maximum height of 115' to the south, and RDR-river downtown redevelopment district to the east. In this context, it is our contention that the building as proposed with a cornice line of fifty five feet, and a maximum roof peak height of seventy four feet is completely compatible with the scale of the neighborhood in which it resides.

Therefore, we submit our proposed project to the hearing officer, for Special Height Review which is to be decided based on the following criteria:

3.5.1(G)(1)(c) Modification of Height Limits. To provide flexibility in meeting the height limits contained in Article 4 of this Land Use Code, such height limits can be either increased or decreased by the decision maker in the development review process for the following purposes:

1. preserving the character of existing residential neighborhoods;

The proposed project has no adjacency to any existing residential neighborhoods, but will provide new urban residential lofts which will complement and enhance the character of downtown.

2. allowing architectural embellishments consistent with architectural style, such as peaked roof sections, corner turrets, belvederes or cupolas;

The proposed architecture has pitched roofs intended to complement those on the existing County Justice Center and the new City Office Buildings in this same area. This architectural embellishment adds about twelve feet to the overall height of the building, but is important because of the softening effect it has on the building as a whole. This design approach also acts to reduce the overall perception of building height and mass.

3. defining and reinforcing the downtown area as the major focal point in the community;

It has long been recognized that residential uses are critical to the success of the downtown businesses. This has been an identified priority in many City Plan Principles and Policies as well as the Downtown Strategic Plan and other downtown plans and studies. The Downtown Development Authority has also identified the addition of residential units in the downtown as a very high priority. The addition of these residential units will clearly help define and reinforce the downtown area as the major focal point in the community.

4. allowing for maximum utilization of activity centers;

The Fort Collins Downtown is not only an important commercial center for the town, it is also the primary activity center. Placing residential units in close proximity to this activity center, allows for the maximum utilization of this resource.

5. protecting access to sunlight;

The proposed project will only affect the sunlight that falls on the City owned natural grassland next to Martinez Park immediately to the north of the site. In addition, since the railroad provides for a minimum fifty foot buffer, this effect is greatly minimized. Therefore, it is our belief that this design protects access to sunlight.

6. providing conscious direction to the urban form of the city through careful placement of tall buildings or structures within activity centers;

The City and DDA have developed a conscious direction for the urban form through the height limits laid out in the Downtown Strategic Plan. This document indicates that the buildings immediately to the south may be developed up to one hundred and fifteen feet in height. The proposed building with a height of seventy feet provides a natural buffer & transition between this intensity and the park and river.

7. allowing rooftop building extensions to incorporate HVAC equipment.

The pitched roofs will not only help the building greet the skyline in a logical way, but they also hide the HVAC equipment for the proposed residential units.

We respectfully request that the over all allowable height be increased from three stories to four as provided for in 3.5.1(G)(1)(c) of the land use code.

Thank you for your consideration on this matter.

Sincerely,



Mikal Torgerson
M. Torgerson Architects