

**PLANNING AND ZONING BOARD
WORKSESSION AGENDA
Friday, February 15, 2013, noon to 3 pm
281 N. College Conference Room A**

	City Council
<p>Discussion** (1.75 hours)</p> <ul style="list-style-type: none"> • Link-n-Green (Woodward Gov.) (Holland) • Urban Ag LUC Changes (Ex) • ** Nix Farm Office Building II (Ex) • LDS Temple (Levingston) • 7 Eleven at College & Magnolia (Levingston) • Affordable Housing Redevelopment Displacement Mitigation Strategies (Waido) • LUC Amendments- SHAP Action Items Phase I (Lorson) <p>Consent (15 minutes)</p> <ul style="list-style-type: none"> • Mitsubishi Dealership at 2712 S. College Ave. – Major Amendment #120007 (Lorson) <p>Worksession Project Updates (1 hour) Commercial Design Standards Study (Wilder) 20 minutes LUC _Spring 2013 Amendments (Shepard) 20 minutes Citizen Feedback – Development Review Improvements, Cont'd (Burnett) 20 minutes</p> <p>** Consent topic:</p>	<p>3/5/13</p> <p>3/5/13</p> <p>3/5/13</p>



Planning, Development & Transportation

Community Development & Neighborhood Services

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DATE: February 6, 2013

TO: Members of the Planning and Zoning Board

FROM: Timothy Wilder, Senior City Planner

RE: *Commercial Design Standards Study*

Staff will provide an introduction and update on a new planning project, the *Commercial Design Standards Study*, which has just begun. The project emerged from two Action Items within *City Plan*: (1) Review and, if needed, revised design standards for the River Downtown Redevelopment zoning district; and (2) Evaluate providing additional commercial architectural design standards to supplement existing standards. The project is being conducted by existing staff although there may be a small amount of consultant support.

An outline (attached) has been prepared in order to structure the project into a manageable scope. Staff will conduct the project in two phases, with the first phase addressing the Downtown River District and the second phase addressing commercial design city-wide. The first phase is starting now with research on existing design elements in the River District and will be completed this summer. The second phase will also begin with design research this month but will continue on a longer track, with scheduled completion in December 2013.

The outcomes of the study depend on the public engagement process and research on “high quality design”. There will be a range of alternatives considered, from educational and informational initiatives to design guidelines to new Land Use Code design standards. The Board will be provided with many opportunities to discuss these alternatives and provide a recommendation to City Council.



Commercial Design Standards Study Project Outline

Revised February 5, 2013

Introduction

The 2011 *City Plan* Action Plan contains two actions related to commercial design standards:

- (1) Review and, if needed, revise design standards for the River Downtown Redevelopment zoning district particularly for defining appropriate architectural [sic] and materials (Near Term Action).
- (2) Evaluate providing additional commercial architectural design standards to supplement existing standards such as building materials, character, and image elements (Longer-Term Action).

This major project combines the two action items into one overall planning process. Because commercial design standards need to reflect the context of an area, like the River District, tailored approaches will be used to fine tune design standards to fit historic and current contexts of commercial locations.

Goal of Study

Identify, evaluate, and implement measures to achieve a high quality of site and building design for new non-residential, non-industrial development projects in Fort Collins.

Issues and Context

Land Use Code

- The **Land Use Code** provides standards that allow for the development of high quality buildings and sites for commercial, office, and retail uses.
- Requirements that establish the basis for quality, non-standardized site and building design for non-residential, non-industrial projects are located throughout the Land Use Code. To highlight some sections of the Code for their impact on site and building design, the following are noted:
 - Bicycle and pedestrian facilities, parking lot layouts, and maximum parking ratios contained within Section 3.2.2 - Access, Circulation and Parking.

Commercial Design Standards Study Outline

- Orientation to a Connecting Walkway - Section 3.5.3(B(1)).
 - Orientation to Build-to Lines for Streetfront Buildings – Section 3.5.3(B(2)).
 - Variation in building massing – Section 3.5.3(C).
 - Site specific design that requires variation from prototype corporate designs, and standards for wall articulation, façades, entrances, awnings, and base and top treatments – Section 3.5.3(D).
 - Standards for Large Retail Establishments – Section 3.5.4.
 - Standards for Convenience Shopping Centers – Section 3.5.5.
 - Development Standards in Division 4 that apply to specific zone districts, including:
 - Division 4.17 River Downtown Redevelopment District
 - Division 4.18 Community Commercial District
 - Division 4.19 Community Commercial – North College District
 - Division 4.19 Community Commercial – Poudre River District
 - Division 4.20 General Commercial District
 - Division 4.22 Service Commercial District
 - Division 4.23 Neighborhood Commercial District
 - Division 4.24 Limited Commercial District
 - Division 4.26 Harmony Corridor District
 - Division 4.27 Employment District.
 - Other zone districts, such as L-M-N and M-M-N, also allow non-residential uses and contain development standards for those uses.
- The **Fort Collins Design Manual** provides examples and explanations of Fort Collins’ Land Use Code Standards. It contains “This” - Not This” text and illustrations to show how the Land Use Code can be used to achieve high quality design.

Design Preferences

- The design of sites and buildings go hand-in-hand. Unremarkable buildings placed in a rich context like Downtown may be acceptable; high quality buildings placed on a site with poor site design may not be acceptable. It is because of these reasons that both site design and building architecture are included in this study.
- There are varying opinions about what constitutes good design. There are projects that most people agree have achieved a high quality of design built under the Land Use Code, like those receiving Urban Design Awards (see below). There are also projects that some people perceive as not achieving a level of design desired by the community.
- With that said, community preferences are an important factor in determining good design. This study needs to examine existing commercial developments for project elements that appear to meet and not meet the high design quality expected from the community.
- One source of information about what constitutes good design in Fort Collins is the City’s **Urban Design Awards**. This biennial program provides community recognition of high quality urban design plans and architecture, and therefore provides examples of how projects can achieve design excellence. Sixteen projects have been recognized for their urban design plans or architecture since 2006.

Project Considerations

- The Action Items to address commercial design standards listed in the introduction are intended to address the concerns about projects that don't meet the community's expectations for the design of non-residential, non-industrial buildings. The intent is to "raise the bar" for design throughout the City, and within the River District.
- The analysis of design standards will incorporate the findings and recommendations of planning projects that apply to specific areas. One such project is the Midtown Urban Design Plan, which will provide design guidelines containing bulk and dimensional recommendations for the Midtown corridor. Other planning efforts that provide background on specific standards include previous descriptions and illustrations prepared for the City in the River District, subarea and corridor plans, and other special area studies.
- In addition to acknowledgement of unique contexts and character of certain areas of the community, the study would recognize that there is no single design theme for the City as a whole and that it would not be desirable to attempt to define a single theme.
- For overall City design, the types of projects included in the study will be non-residential; in other words, retail, office, mixed-use, etc. Industrial and large employment projects, like PVH Harmony Campus, Intel, Woodward-Governor, etc. will not be included in the study.
- Research will be conducted on other communities design standards. While care needs to be taken to recognize specific contexts of other communities, they may provide important information about desirable site or building elements that are transferable to Fort Collins.

Objectives

1. *Provide a better understanding of community perceptions and desires regarding high quality commercial design.*
2. *Identify site and building elements that help a project achieve a high quality of design.*
3. *Provide a range of alternatives for achieving a high quality design in new, non-residential development projects.*
4. *Implement a public outreach process that includes City Council direction, City board review and feedback, and stakeholder and community involvement.*

Study Process

The study will be managed by planning staff and conducted by existing staff. The project will be conducted in two phases, with the first phase addressing design in the Downtown River District and the second phase addressing overall City design. A City technical team will be formed to guide the process. If resources are available, an urban design consultant may be retained once the project is underway to enhance the work of staff.

Preparation Phase

Task 1 – Project Startup

Staff will prepare background documents for circulation to staff and City Council in order to develop agreement around the problem and planning process. In particular, staff will further define the types of projects that will be included in the study. A detailed timeline will be prepared once agreement has been made.

Deliverables: Project Outline, Scope of Work, Timeline, List of Example Projects for Analysis

Meetings and Outreach:

- Project team meetings
- Planning and Zoning Board Worksession

Phase I – Downtown River District Design Study

Task 1 – Downtown River District (DRD) Research

Staff will identify design elements that are currently present in the Downtown River District. These elements include building styles, components, materials, relationships, layout, etc. The intent is to identify the most distinctive features that contribute to the character of the District, and to organize these features into categories in order to facilitate an understanding of key elements in the District that could provide a basis for new development standards.

Deliverables:

- Project team meetings
- Photos, site plans, and elevations of current and proposed development projects in the District.
- Review of plans and studies containing related design research, including A Cultural Resources Inventory of the *Old Fort Site, Fort Collins, Colorado, Historic Contexts for the Old Fort Site, Fort Collins, Colorado, 1864-2002, Design Guidelines for Historic Old Town Fort Collins, Downtown River District Infrastructure Study*, studies done as part of development projects, etc.
- A field visit to the District to record design elements of existing sites and structures.
- A document containing design elements cross-referenced to specific buildings.
- A document summarizing key design elements in the District.

Task 2 – Alternatives Development

Staff will prepare several options for addressing building and site design, including:

- No changes to Land Use Code
- Design guideline-type, non-regulatory approach
- New Land Use Code regulations

Staff will convene a group of design experts and area stakeholders to review Task 2 and 3 deliverables, and to provide feedback on design alternatives.

Deliverables:

Commercial Design Standards Study Outline

- Document containing design implementation alternatives
- Project team meetings
- Focus group meeting of architects, designers, historians, and stakeholders to review design alternatives.
- Public Workshop
- Planning and Zoning Board Worksession
- Landmark Preservation Commission Worksession
- Downtown Development Authority Meeting
- City Council Work Session – May 14, 2013

Task 3 – Recommended Alternative

Staff will prepare and evaluate a recommended alternative based on Council, City boards, and community direction and feedback.

Deliverables:

- Project team meetings
- Planning and Zoning Board Hearing
- Landmark Preservation Commission Hearing
- City Council Hearing

Phase II – City-Wide Commercial Design Study

Task 1 – Research and Data Collection

Staff will collect information about community preferences for commercial design, analyze project examples of good and poor design in Fort Collins, and collect information on high quality design standards in several other communities. In addition, staff will examine previous plans and studies for information about recommended commercial design elements and standards.

Deliverables:

- A document containing an analysis of site and building design for a variety of commercial projects constructed under the Code in Fort Collins. Projects will include examples of what is perceived by staff to be high quality and low quality design.
- If time permits and/or funding becomes available, a survey of community preferences will be conducted to determine perceptions of high and low quality commercial design. If funding is not available, staff will rely on the Visual Preference Survey from 1996 that was prepared as part of the City Plan planning process, as well as any other existing design surveys or observations.
- A summary of commercial design recommendations contained in previous plans and studies.
- A research document containing commercial design standards from several other comparable communities and project examples demonstrating their implementation.

Meetings and Outreach:

- Project team meetings
- Land Use Code Team meetings
- Stakeholder interviews
 - City of Fort Collins planning staff

Commercial Design Standards Study Outline

- Downtown Development Authority staff
- South Fort Collins College Business Association
- North Fort Collins Business Association
- Realtors, architects, design consultants, developers, etc.
- Planning and Zoning Board Worksession
- Website development

Task 2 – Development of Alternatives

Develop a range of alternatives for supporting high quality commercial design prepared and reviewed through community dialogue and discussion.

Deliverables:

- A document containing an assessment of alternatives for achieving high quality design. These could include Land Use Code amendments, design guidelines, or other options for regulating or incentivizing high quality design.

Meetings and Outreach:

- Project team meetings
- Land Use Code Team meetings
- Focus group meeting with architects, urban designers, and developers
- Community workshop
- Planning and Zoning Board Worksession
- Downtown Development Authority meeting
- City Council Work Session on design alternatives

Task 3 – Recommended Alternative

Staff will prepare and evaluate a recommended alternative based on Council, City boards, and community direction and feedback.

Deliverables:

- Depends on the recommended alternative. document containing annotations and red-lined Code language.

Meetings and Outreach:

- Project team meetings
- Land Use Code Team meetings
- Downtown Development Authority meeting
- Planning and Zoning Board hearing on Code revisions
- City Council Work Session
- City Council Hearing

Project Resources and Budget

The project scope defines the project as a significant project that will require a large time commitment by existing staff. No specific funding was provided for this project in the 2013-14 BFO funding cycle.

Commercial Design Standards Study Schedule Overview

February 6, 2013

TASK	2012		2013			
	Fourth Quarter	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Fourth Quarter
Preparation Phase - Project Startup						
Project Outline, Timeline, and Scope Deliverables...						
Phase I - Downtown River District Design Study						
Task 1 – Downtown River District Research						
Task 2 – Alternatives Development						
Task 3 – Recommended Alternative						
Phase II - City-Wide Commercial Design Study						
Task 1: Research and Data Collection...						
Task 2: Alternatives Development						
Task 3: Recommended Alternative						
Public Engagement and Meetings						
Planning and Zoning Board						
Landmark Preservation Commission						
Downtown Development Authority						
Public Workshop						
Focus Group Meeting						
City Council Work Session						
City Council Hearing						

Preliminary list of projects that may be included in the analysis of commercial design standards in Fort Collins (projects were constructed under standards that are currently part of the Land Use Code):

Project Name	Location
Advance Auto Parts	North College/Hemlock
Bank of Choice	Harmony/Boardwalk
Bank of Colorado	Lincoln/Lemay
Campus West Redevelopment	West Elizabeth/City Park
Collindale Business Park – Timberline Office	Timberline s. of Horsetooth
Cortina*	Canyon/Howes
Eckerd Drug (Walgreens)	South College/Drake
First Community Bank Plaza	Boardwalk s. of Horsetooth
Fort Collins Coloradoan	Riverside
Fox Meadows Business Park 3 rd	Timberline s. of Horsetooth
Front Range Village	Harmony/Zeigler
Full Cycle*	South College
Golden Meadows Business Park	Harmony/McMurray
Harmony Centre	South College/Harmony
Harmony Oaks	Harmony e. of South College
Harmony Safeway Marketplace	Harmony/McMurray
Harmony Village	SW corner of Harmony/Timberline
Home State Bank	Shields/Centre
InSitu*	221 Lincoln Ave.
Mitchell Block*	Mountain/Walnut
Mulberry Lemay Crossing	Mulberry/Lemay
North College Marketplace	North College/Willox
Oakridge Plaza 37 th (Homewood Suites)	Oakridge/Pleasant Oak
OtterBox Headquarters *	Meldrum/Oak
Palmer Design Center	South College/Horsetooth
Poudre Valley Plaza	Horsetooth/Shields
Preston Center (Offices, Bank, Retail, Hotel)	Harmony/Zeigler
PVH Medical Office Building & Parking Structure	Lemay s. of Elizabeth
Raising Cane's	South College
Swallow Office Building	South College/Swallow
The Pads at Harmony*	Harmony east of Timberline
The Shops at Rigden Farm	Drake/Timberline
Timberline Terrace	Timberline n. of Horsetooth
Timberline Village	NE corner of Harmony/Timberline
Viale Collegio	South College/Laurel
Waffle House	South College n. of Laurel

*Urban Design Award winner



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MEMORANDUM

TO: Planning and Zoning Board
FROM: Ted Shepard, Chief Planner *TS*
DATE: February 6, 2013
RE: Land Use Code – Spring 2013 Proposed Changes

Attached please find the most current working list for the Spring 2013 Land Use Code Update. These are the proposed revisions that are not associated with the East Side / West Side Neighborhoods Character Study, Student Housing Action Plan, Urban Agriculture and the proposed Planned Development Overlay District.

As with previous updates, some of the items may be forwarded to a later code change cycle, deleted or modified to some degree. In addition, some items may be added between now and consideration of the Ordinance.

At this time, there are two proposed revisions that are tracking separately:

1. Section 3.2.1(F) – Non-native tree mitigation
2. Section 3.8.7 – Removal of election signs

The team will keep the Board posted on the Spring 2013 Code changes in preparation of the Board's formal consideration at the May Planning and Zoning Board meeting. After the Board's recommendation, the proposed revisions will be forwarded to City Council for two readings beginning in June.

Land Use Code Issues

Wednesday, February 06, 2013

Issue ID# Issue Name

- 903 Amend 3.2.2(D)(3)[c] - Pavement - to allow alternative parking lot surfaces other than asphalt or concrete in order to promote Low Impact Development principles.
- 914 Amend 4.9(D)(6)(b) - N-C-B Front Yard Setback - to clarify that the 60-foot minimum front setback south of University Avenue applies to Shields Street only.
- 918 Amend 4.21(B)(2) - General Commercial Permitted Uses - to add "Light Industrial" as a type two permitted use.
- 919 Amend 4.5(B)(2)(a)7. - Extra Occupancy Rental Houses with More Than 4 Tenants in L-M-N - move from B.D.R. to Type One review.
- 921 Amend 3.7.1(B) and 3.7.2(A)(3) - Compact Urban Growth Standards - to correct outdated references to Urban Growth Area and Infill Area.
- 923 Correct 4.17(D)(1)(a) - RDR Development Standards - to change the reference from 3.4.1[C] to 3.4.1(E).
- 925 Correct 4.5(E)(4) - LMN Design Standards for Multi-Family Dwellings - to delete the reference to three "or more" stories in height as three stories is already the maximum allowed.
- 926 Revise 4.27(D)(2)(m) - Employment District - Secondary Uses - to clarify that the allowable "Public Facilities" should be further defined as "Minor Public Facilities" since Major Public Facilities are not a permitted use.
- 928 Add to 5.1.2 a new definition of "Existing Limited Permitted Use" as the definitions include Non-Conforming Use but no definition for an E.L.P.U.
- 930 Amend 4.17(D)(3)[c] - RDR - Massing and Placement - to further clarify the terracing of buildings abutting river frontage by deleting the reference to "or parts of buildings."
- 933 Amend 4.5(B)(2)(c)3. - L-M-N Permitted Uses - to allow Limited Indoor Recreation Establishments as a permitted use in a Type One Neighborhood Center.
- 935 Add to 2.2.10(A) - Step 10 - Minor Amendments - a new clause "to the extent reasonably feasible" for certain types of applications.
- 936 Clarify 2.8.1 - Modifications - Purpose and Applicability - so that the standards in the Sign Code in 3.8.7 are not modifiable for pending ODP's and PDP's.
- 937 Clarify 3.2.4(C) - Site Lighting Levels - so that the stated foot-candle levels are averages for the area or activity and not required as maximum levels for the entire area or activity.
- 938 Clarify 3.8.3(10)(g) - Home Occupations- Vehicle Repair, Servicing, Detailing or Towing - as to what is considered a vehicle with regard to the type of vehicle repair that is prohibited as a home occupation.
- 939 Delete from 3.10.4(E) - Transit Oriented Development Overlay Zone - Bicycle Parking - as the new minimum number of bicycle parking spaces has been established in 3.2.2(C)(4) adopted in 2012.
- 941 Clarify 4.9(D)(5) - N-C-B Floor Area Ratio - Rear 50% of Lot - by deleting "as it existed on October 25, 1991" and would match the standards for the N-C-L and N-C-M.
- 942 Amend 4.24(B)(2) - C-L Zone - Permitted Use List - by adding Accessory Uses and Accessory Buildings.

**PLANNING AND ZONING BOARD
JANUARY 11, 2013 WORK SESSION
UPDATED FOR FEBRUARY 21, 2013 WORK SESSION
AGENDA ITEM SUMMARY**

The Board began discussion of this agenda item at its January 11 Work Session. Documentation of Board discussion, as well as additional comments received, is in italics.

STAFF

Laurie M. Kadrich, Community Development & Neighborhood Services (CDNS) Director
Beth Sowder, Neighborhood Services Manager
Sarah Burnett, Neighborhood Development Review Liaison

SUBJECT FOR DISCUSSION

Planning and Zoning Board review and direction regarding concerns about the development review process

EXECUTIVE SUMMARY

Over the past several months, issues related to the development review process have been raised by a variety of individuals. One citizen outlined his concerns about the review process at the August 2012 Planning and Zoning Board meeting. At that time, it was suggested that the Planning and Zoning Board hold a work session to discuss these concerns as well as those raised elsewhere.

In October, the Neighborhood Development Review Liaison position was filled. A number of unsolicited comments have been received, as well as comments from individuals contacted proactively after appeal hearings were completed. At the December 17, 2012 Planning and Zoning Board Work Session, the Board indicated that they would like to review issues that have been raised at their January 11, 2013 Work Session. The Background/Discussion section below includes themes of comments during Planning and Zoning Board and City Council comment periods over the past several months.

It should be noted that no formal public engagement process has yet taken place. The issues listed below have been identified through various communications with approximately fifteen individuals, and, as such, may not be complete or representative of the feedback that might be received in a public engagement process.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. Does the Board want staff to use these themes as a basis to move forward with a public engagement process to explore ways to improve the development review process?
2. Of the issues identified to date, are there some that the Board agrees with and would like to handle separately from any public engagement process?
3. Are there other issues to be explored that the Board would like to add to those already identified?

4. What involvement would the Board like to have in following up on these issues?

BACKGROUND/DISCUSSION

The comments and concerns may be grouped in general themes, as listed below. These issues could be further examined by staff upon direction of the Board.

1. Lack of Information About Process

- Zoning and Land Use Code issues are complex and citizens struggle to know how to participate and to read and understand provisions on their own.
- Citizens often do not know there will be a staff report with a recommendation, and what that recommendation will be.
- Citizens often do not know that there will be a Planning and Zoning Work Session where staff reviews the project with Board members prior to hearing.
- Suggestion: review content of Citizen's Guide to Development Review, and update as needed.
- Suggestion: consider use of videos on the website and/or in the lobby at City Hall prior to hearings, with topics such as land use basics, what to expect at a hearing, etc. This person suggested seeking a resident/neighbor of a previous project as narrator.
- Suggestion: In communications with residents, encourage thoughtful feedback rather than angry feedback.

2. Outreach and Transparency of Public Information

During the January 11 Work Session, the Board focused on this item. The Board reviewed the online Current Projects table as well as the documents linked to the table, and provided suggestions for improvement.

- Several have noted that conceptual reviews, neighborhood meetings, staff reviews, hearing agendas, and documents filed by applicants should be available online, and easily accessible.
- Some would like to be able to look up project listings by address, or break up listings by quadrants within the city, while other prefer looking up projects by project number or name.
- Several have noted a concern that scanned (pdf) documents on website are not searchable.
- One resident said she stumbled upon the Student Housing Action Plan (SHAP) information one day on the website, and believes outreach could be improved.
- One citizen believes all meetings with staff and applicant should be public.

3. Neighborhood Meetings

- A repeated theme is the residents are concerned that input from neighborhood meetings and citizen comments do not impact proposals, so that citizens are burdened with meetings, but with no actual beneficial outcome. (What is the real purpose of neighborhood meetings?)
- Several have noted a need to "close the loop" with neighborhoods regarding questions that were not answered at neighborhood meeting, and possibly to consider a way to give neighborhoods another chance to have more discussion at some point during the review process.
- There is a concern that neighborhood meetings are not well documented, and that the documentation is subject to the planner's discretion.
- A suggestion: staff could intersperse in the audience rather than stand or sit together, avoid appearing defensive or otherwise somehow "behind" the developer's plan, and should avoid the use of "we" when speaking about the developer's plans.
- Comment: all parties (developer, consultant, staff, neighbors) are anxious going into neighborhood meetings. How can this dynamic be changed?

- *After the neighborhood meeting, staff and the developer work to meet Land Use Code standards, but there seems to be no time that neighborhood concerns are ‘worked on’. So it does seem like their issues just get dropped after the meeting unless the developer wants to pursue them, but they are not included in staff’s assessment – the various departments probably don’t know which issues were raised. Could issues raised in the neighborhood meetings also be included in routing to departments somehow?*

4. Staff Reports/Recommendations

- There is a belief that staff recommendations are a powerful influence on decisionmakers, and that they are written in such a way that it is difficult for the Board to reach a different conclusion. This seems particularly important on issues/projects that could be viewed as close calls by decisionmakers for meeting or not meeting standards.
- Why do staff reports not simply state the relevant standards and outline how the developer proposes to meet the standards?
- For more subjective standards and/or modifications, could the report provide justifications for decisionmakers to approve OR deny? This would provide decisionmakers with a rationale for a decision in either direction on standards that are more subjective.
- Another person suggested that staff should not make recommendations for modifications of standards, but instead to describe the code, the proposed modifications, and requirements that must be met in order to approve them.
- Staff not perceived to be neutral given actions and recommendations to approve.
- Citizens felt betrayed when staff report came out making recommendations to approve, when at neighborhood meeting, they were told staff was neutral in process.

5. Hearing Process Concerns

- Citizens report feeling disempowered by process; feel excluded from decision-making process that will impact daily lives.
- A concern been expressed about the fairness of staff presentations of projects to Board Members in Work Sessions.
- One developer expressed a concern that citizens who may be neutral or supportive may be afraid to speak up if their neighbors are opposed to a project.
- The disparity in time between City and applicant (often combined for 90 minutes of organized presentations for a project) as opposed for time for citizens who typically may speak only for three minutes has been noted by several residents.
- The current hearing lacks the opportunity for an organized presentation from a group of citizens.
- Others have noted that citizens are surprised to learn that a hearing is **not** a back and forth dialogue and that citizens are likely to have only three minutes to speak.
- The Planning and Zoning Board members (in hearings) and City Councilmembers (in appeal hearings) often dialogue freely with staff and applicant, but rarely do decisionmakers ask questions of citizens.
- In appeal hearings when the appellants are citizens, City Councilmembers often ask many questions and have dialogue with the developer’s representatives, instead of with the appellants.
- During dialogue, promises are sometimes made by developers in order to gain approval in the hearing (or appeal hearing). When these statements are not included in the plan under review or in the motion to approve, the promises are meaningless.
- Citizen letters do not allow for dialogue.
- More than one citizen involved with more than one project has cited staff and developer conferring to plan rebuttal of citizen comments.
- Planning and Zoning Board comments:
 - There is a need for more neighborhood dialogue before a project reaches its hearing.

- There is a need to set expectations prior to hearings so that the public is aware that staff will make recommendations.
- Consider adding a pre-hearing meeting with neighborhoods. (A trigger would need to be determined.)
- In conduct of the hearing, jargon should not be used.
- Consider adding an outline of the hearing process with hearing notices, online, and/or on the screen at the hearing.
- A concern has been expressed about the enforceability of conditions of approval and how they are documented to ensure that they are (1) unambiguous, (2) include a remedy, and (3) comply with statutory limitations to vested entitlement.
(This concern has been forwarded to the City Attorney's office for review; the City Attorney will advise City Council as needed.)
- *Because land use hearings are often a citizen's first contact with their City government, it makes sense to make this first interaction as positive as possible. This person suggested looking at the entire meeting process, and noted that it will take time to change.*

6. Connection of the Development Review Process to Planning Documents

- What is the connection of the review process to the relevant planning documents?
- How can the variety of uses envisioned in City Plan or in sub-area plans be realized when projects are considered individually? Decisionmakers often cite such plans in their discussions, but final decisions tend to rest only on provisions of the Land Use Code.
- How can the cumulative effects of one type of development in an area (often discussed as a negative in planning documents) be addressed when projects are considered individually? Recent examples include (1) high density, short term tenancy housing in areas without grocery or other retail, (2) multiple Additions of Permitted Uses for offices in single family areas, and (3) auto-related uses on North College Avenue.
- *If neighborhood/subarea plans are not codified and what is in the plans is not regulation, does what is in each plan not carry enough weight for staff/Board to make decisions? If so, this is worrisome since people who participate in those plans think what they have created will come to pass. If Land Use Code changes are needed to meet the needs of the plan, perhaps it could be a part of the plan process for staff and interested parties to discuss the provisions of the plan that will require LUC changes (rather than for staff to make that decision after plans are completed).*

7. Use of Additions of Permitted Uses

- Citizens have expressed concerns about the use of Additions of Permitted Uses (APU), particularly in Low Density Residential (RL) district and Neighborhood Conservation, Low Density (NCL) district. Concerns include:
 - Staff recommends APU instead of rezoning (and that staff asserts it is not spot rezoning) since rezoning is difficult to get through. (In some cases, neighbors prefer APU to rezoning.)
 - APU grants windfall to property with APU, adversely impacts neighboring property values (citing example of sale of property immediately following APU on Shields/Mulberry).
 - The permanent nature of the APU leads to future uncertainty after sale of property.
 - Belief that maintaining low density residential zoning is not a priority of planning staff, and therefore recommendations to decision makers reflect that priority.
 - Perception that concerns were downplayed or ignored (in APU, alternate development must not create any greater negative impacts than other permitted uses).
- In Planning and Zoning Board Work Session discussion, the following questions were raised:
 - Should APU be allowed in cases of existing development but not for new development? If allowed for new developments, should there be higher standards?

- If the approved use is not used for two years or more, should the APU expire and no longer be allowed?
- One citizen suggested that City Council examine reasons for establishing APU. This person believes it was added to the code with the intent of allowing minor changes to a zone district, but now that purpose is not being followed. This leads to unpredictability for existing property owners.

8. Specific Land Use Code (LUC) Concerns (in addition to Addition of Permitted Use)

- A need for better outreach and citizen participation when potential Land Use Code changes has been noted, particularly by staff and Board members.
- Suggestion: when Land Use Code changes are being considered, specific changes should be listed in the agenda, not just “Land Use Code Changes” as an agenda item.
- LUC standards in multifamily developments – “if we continue to permit inadequate parking in all of our residential infill on a routine basis, we will no longer look as we do now”
- Concern that no parking minimums in new/proposed Transit-Oriented Development (TOD) projects will impact neighboring properties adjacent to the TOD, and that the long term density goals of the City benefit developers while externalizing impacts and harming neighborhoods. (Concern that staff seems to be focused on achieving City Plan goal of increased density while overlooking City Plan goal to preserve neighborhood quality and character.)

9. Precedence

- One commenter felt staff doesn’t always consider the reason and extensive thought and review that Land Use Code provisions or changes were implemented (in this case the concern was the lot size minimum of 5,000 square feet in Neighborhood Conservation, Medium Density (NCM)).
- Similarly, another resident felt current practices for proposing Additions of Permitted Use (APU) were very different than what was presented to decisionmakers when the APU provisions were added to the code.
- There is a concern that granting modifications will set a precedent for future modifications even though the 5,000 square foot minimum lot size was implemented because it was deemed to be undesirable in the future.
- Another resident was also concerned about precedent-setting. This person believed the approval of an Addition of Permitted Use (APU) allowing multi-family development in an Residential, Low Density (RL) district would be make it more likely that APU would be approved in more and more circumstances once precedent was set.

UPDATE ON EFFORTS TO INCREASE AVAILABILITY OF INFORMATION AND TRANSPARENCY

Because of customer feedback and CDNS’s commitment to provide accessible information in a timely way, major efforts to improve the availability of information about development projects took place in 2012. Improvements will continue to be a priority of CDNS staff in 2013. These include:

- A weekly development review email and webpage with information on scheduled neighborhood meetings, Type 1 and 2 hearings, and other development-review related board and commission meetings. *Since January 2013, the weekly email and webpage also includes information on new applications and hearing outcomes (both for projects and for policy items).*
- Complete Planning and Zoning Board packets and Administrative Hearing packets
- Improved and expanded access to documents related to specific projects through a newly-launched current projects webpage.

- Updated development review signage, adding a number to facilitate finding more information.
- Updated map of current projects, with links to more information about each project.
- New index of conceptual review projects to facilitate locating projects. Staff comments will be added starting in 2013.

ATTACHMENTS

Attachment 1

Citizen Communications