

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

HEARING DATE: July 1, 2013

PROJECT NAME: Harvest Park/Ziegler Project Development Plan

CASE NUMBER: PDP #120033

APPLICANT: Steve Steinbicker
Architecture West, LLC
4710 South College Avenue
Fort Collins, CO 80525

OWNER: DP Investment Group, LLC
4640 Withers Drive
Fort Collins, CO 80524

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a request for a Project Development Plan (“PDP”) for property located at the west side of Ziegler Road, south of the intersection of Saber Cat Drive and Country Fair Lane extended. The site is 2.71 acres in size. The PDP is the first phase of a two-phase Overall Development Plan (“ODP”) and consists of 22 multi-family dwelling units on 2.71 acres. The PDP also requests a Modification of Standard to allow for a decreased front yard setback along County Fair Lane.

SUMMARY OF DECISION: Approved

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

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on July 1, 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; (2) application, plans, maps and other supporting documents submitted by the applicant; (3) proof of publication of the public notice; and (4) correspondence submitted by Jerry Potter dated April 19, 2013 and June 25, 2013, and the response from City staff (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: Lindsay Ex, Marc Virata, Ward Stanford, Joe Olson

From the Applicant: Steve Steinbicker

From the Public: Jerry Potter, Karen Hewitt, Don Hinz

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
2. A neighborhood meeting was held on October 25, 2012 for this PDP and the related ODP. Approximately 20 residents attended and commented on the proposed building architecture and height, landscaping for the adjacent Harvest Park detention pond, future uses on the north part of the site, parking, tree mitigation and the extension of County Fair Lane. Since the neighborhood meeting, the landscape plan has been modified, and the Harvest Park homeowners' association ("HOA") supports the modified landscape plan. The proposed architecture and building height remain the same. Additional parking spaces are provided on the site, between the two buildings closest to Ziegler Road. A second informal meeting was held by the applicant on or about June 20, 2013, at which the applicant presented modifications to the PDP to address some of the community concerns.
3. The PDP complies with the L-M-N policies in the Comprehensive Plan by providing 8.1 dwelling units per acre and a mix of housing types, protecting McClelland's Creek with a buffer, and including low impact development techniques.
4. The PDP is consistent with the approved ODP.
5. The PDP complies with the applicable General Development Standards contained in Article 3 of the Code.
 - a. The PDP complies with Section 3.2.1, Landscaping and Tree Protection, because: street trees will be planted in the parkways along the extension of County Fair Lane and Ziegler Road, with the exception of the area in the sight distance triangle near the driveway; tree and shrub plantings will be made in the natural habitat buffer zone near the southern end of the site; foundation plantings will be made around the 4 buildings; a living arbor is included; a rain garden with a stone seating wall will be installed on the west side of the site; no one species of the proposed 55 trees on the development plan exceeds 25% of the total trees on-site; the most of any one species is 9 trees; the overall water budget is 11.25 gallons per square foot; a tree mitigation plan has been provided; of the 43 existing trees, 10 will be protected and 33 will be removed, being replaced with 12 upsized mitigation trees; and nuisance trees and shrubs will be removed.
 - b. The PDP complies with Section 3.2.2, Access, Circulation and Parking, because access will be from a private drive off of the extension of County Fair Lane to Ziegler Road; the private drive runs between the four buildings, which have parking spaces at grade in each of the buildings; the 6-plex buildings have 10 spaces each, and the 5-plex buildings have 8 spaces each, for a total of 36 parking spaces; another 16 spaces are provided between the buildings, two of which are accessible spaces; there are 32 bicycle parking spaces provided in the buildings and two bike racks of 12 spaces near the 5-plex buildings, for a total of 56 bicycle parking spaces; and the parking lot setback along Ziegler Road exceeds the required setback.

- c. The PDP complies with Section 3.2.4, Site Lighting, because there are no illumination levels that exceed 10 foot-candles on-site, or 0.1 foot-candles as measured 20' beyond the property line, and the lighting plan illustrates that no light will spill over into the buffer zone.
- d. The PDP complies with Section 3.2.5, Trash and Recycling Enclosures, because trash and recycling containers will be provided for each unit, rather than one central enclosure.
- e. The PDP complies with Section 3.4.1(E)(1), Environmental, Natural Area, Recreational and Cultural Resource Protection Standards, because: a Natural Habitat Buffer Zone will buffer the development from McClelland's Creek, averaging between 78' and 101' feet from the outer limits of riparian vegetation, for a total buffer zone of 27,368 square feet; where the buffer area is less than 100', there will be native plantings and extensive screening; the site's habitat value is largely contained within the creek corridor, which was recently restored; the site contains no suitable habitat for threatened or endangered species; no fencing is proposed between the creek and the development, which will allow for wildlife movement across the site; the PDP is designed to preserve existing trees, and when the trees must be mitigated, a portion of the mitigation trees are native species and are planted in the adjacent detention pond, which the Harvest Park HOA has been restoring to be more beneficial to native species; the PDP preserves the existing riparian vegetation and also enhances the vegetation by providing additional trees, shrubs, and native grasses; and there is no light spillover into the buffer zone.
- f. The PDP complies with Section 3.5.2(D), Building Standards, because: both Building A and Building D have a front façade facing County Fair Lane; and there is a minimum setback of 5' in the side and rear yards.
- g. The PDP complies with Section 3.6.3, Street Pattern and Connectivity Standards, because: the extension of County Fair Lane is contemplated by the ODP and other City planning documents; the intersection of County Fair Lane and Ziegler Road is currently not planned for signalization, and though signalization may occur in the future, such signalization would include a public process and public input; a sidewalk will be constructed along the south side of County Fair Lane and along the Ziegler Road frontage, providing connectivity for pedestrians; and Ziegler Road has bike lanes, while bike traffic on County Fair Lane will be on-street, providing connectivity for bicyclists.
- h. The PDP complies with Section 3.6.4, Transportation Level of Service Requirements, because: the City's Traffic Operations and Engineering Departments have reviewed the Transportation Impact Study and have determined that the vehicular, pedestrian and bicycle facilities are consistent with the standards contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual.
- i. The PDP complies with Section 3.8.30, Multi-Family Dwelling Development Standards, because: the site is located within ¼ mile of Harvest Park, a pocket park on County Fair Lane, and the open space and trail along the south side of McClelland's Creek,

in Sage Creek; the PDP contains 4 buildings, with two different designs; and there are two proposed color schemes, one for the 6-plex buildings and one for the 5-plex buildings.

6. The PDP complies with the applicable standards contained in Article 4 of the Code for the L-M-N zone district.

a. The PDP complies with Section 4.5(B)(3), Permitted Uses, because the PDP consists of 22 multi-family units in 5 and 6-plex building configurations, which are permitted in the L-M-N zone district subject to administrative review.

b. The PDP complies with Section 4.5(D)(1), Density, because the parcel is less than 20 acres and includes 22 units on 2.71 acres, for a density of 8.1 dwelling units/gross acre.

c. The PDP complies with Section 4.5(E), Development Standards, because no multi-family building exceeds 2.5 stories in height, the roof lines are articulated and building facades are articulated so that no blank walls are present, and the colors are muted and blend with the surrounding development and landscape.

7. The Modification of Standard (Section 3.5.2(D)(2)) 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, because: in the ODP, Parcel A is planned for commercial or multi-family development, and a consistent streetscape can be established at the time of the development of Parcel A; the curvature of County Fair Lane is required by the City to meet the Larimer County Urban Area Street Standards and, because of this curvature, the setback for Building A ranges from 10'-4" to 14'-7", which is a nominal deviation from the standard; and street trees and landscaping are provided in front of Building A to help soften the transition between the street and the building.

DECISION

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

1. The PDP is approved as submitted.

DATED this 16th day of July, 2013.



Kendra L. Carberry
Hearing Officer