

Jennifer Carpenter, Chair  
Kristin Kirkpatrick, Vice Chair  
Jeff Hansen  
Gerald Hart  
Emily Heinz  
Michael Hobbs  
Jeffrey Schneider

City Council Chambers  
City Hall West  
300 Laporte Avenue  
Fort Collins, Colorado

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## **Regular Hearing April 9, 2015**

**Chair Carpenter called the meeting to order at 6:00 p.m.**

**Roll Call:** Carpenter, Kirkpatrick, Hansen, Hart, Heinz, Hobbs and Schneider

**Absent:** None

**Staff Present:** Kadrich, Eckman, Gloss, Beals, Everette, Langenberger, Olson, and Cosmas

### **Agenda Review**

Chair Carpenter provided background on the board's role and what the audience could expect as to the order of business. She described the following processes:

- While the City staff provides comprehensive information about each project under consideration, citizen input is valued and appreciated.
- The Board is here to listen to citizen comments. Each citizen may address the Board once for each item.
- Decisions on development projects are based on judgment of compliance or non-compliance with city Land Use Code.
- Should a citizen wish to address the Board on items other than what is on the agenda, time will be allowed for that as well.
- This is a legal hearing, and the Chair will moderate for the usual civility and fairness to ensure that everyone who wishes to speak can be heard.

Director Kadrach reviewed the items on the Consent and Discussion agendas, and she explained the process for each. She also explained that 201 E. Elizabeth was removed from the agenda and the various way citizens can express their opinions on that project.

**Public Input on Items Not on the Agenda:**

Mark Havens, 215 E. Elizabeth, stated his opposition to the 201 E. Elizabeth project's intent to convert a home to a fraternity house and encouraged the City to perform due diligence.

Tom Laupa, 1003 Remington Street, stated that the neighborhood had changed over the years and how putting in a fraternity house would not be beneficial in the long run.

Amanda Giuliani, 331 Locust Street, stated her frustration with the transitioning of the 201 E. Elizabeth project and feels that her she does not have a true voice in the process.

Cindy Laupa, 1003 Remington Street, stated that the City codes have not been properly updated to reflect current parking standards and that they should not be based on 1963 codes.

Jerry Gavaldon, 1252 Solstice, stated his concern with the process for projects such as 201 E. Elizabeth and feels this process should be reviewed and revised if necessary.

**Staff Response**

Director Kadrach addressed the citizen's concerns regarding 201 E. Elizabeth, acknowledging that the project process had been restarted because it was determined to have been inaccurately submitted. She also confirmed that she will be reviewing the Planning Department's internal processes to ensure similar situations do not occur. She acknowledged the comments that had been received regarding the parking and occupancy issues related to fraternities. She reminded the group that she, Noah Beals, and Cameron Gloss would be on hand after this hearing to hear citizen comments and concerns. Chair Carpenter reiterated those remarks, and she commended Staff on their efforts to make this process as transparent as possible. Deputy City Attorney Eckman stated that, while there will be a specific process for this project, the outcome will not be determined by the P&Z Board. The CDNS Director would be making an administrative decision, and this decision could be appealed to the Zoning Board of Appeals. Vice Chair Kirkpatrick also stated her empathy with the situation and the related frustrations by both neighbors and applicants.

**Consent Agenda:**

1. Draft Minutes from March 12, 2015, P&Z Hearing

**Public Input on Consent Agenda:**

None noted.

**Member Hart made a motion that the Planning and Zoning Board approve the April 9, 2015, Consent agenda, including the minutes from the March 12, 2015, Planning and Zoning Board hearing. Member Heinz seconded. Vote: 7:0.**

**Discussion Agenda:**

2. Young People's Learning Center PDP with Additional Permitted Use (APU)

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**Project: Young People's Learning Center PDP with Additional Permitted Use (APU)**

**Project Description:** This is a request for approval of a Project Development Plan (PDP) with Addition of a Permitted Use (APU) for the expansion of the Young Peoples Learning Center. The project is located at 209 E. Plum St., Fort Collins, CO 80524. The property is split over two zone districts – the Neighborhood Conservation Medium Density (NCM) district on the eastern lot and the Neighborhood Conservation Buffer (NCB) district on the western lot.

The project proposes to add approximately 1721 square feet to the second story of the existing building. Some of the new space would continue to be used for child care purposes, with the rest of the space dedicated to office use. Child care is permitted in both the NCM and NCB districts, subject to basic development review. The new use, professional office, is permitted in the NCB district, subject to Planning and Zoning Board review. Professional offices are not permitted in the NCM district, and so would require an Addition of Permitted Use (APU).

Additional site and building improvements are proposed to comply with current standards, including the addition of a trash/recycling enclosure, covered bicycle parking, upgrades to the building's exterior, and the relocation of a fence that currently extends beyond the property line. No additional vehicle parking spaces are proposed, and a Modification of Standard to the off-street parking requirements is requested. Twenty (20) bicycle parking spaces are proposed.

**Recommendation: Approval**

**Staff and Applicant Presentations**

Secretary Cosmas reported that one item had been received since the work session – a hand-drawn depiction from the Applicant of the proposed building changes.

Planner Everette gave an overall presentation of this project. She included the conditions that would be present with the APU and the modification to the parking plan. She included some of the public comments related to the modification request, including citizen concerns over parking, visibility, combined effect of spillover parking from CSU students, and increased traffic generation.

Heather Griffith, Applicant and Executive Director of the Center, gave a separate presentation of the project, including a history of the project. She reviewed the reasons behind the proposed expansion, the benefits of having an on-site child service center, and the logic supporting the number of offices proposed. She also stated that she is open to suggestions for improvement, and she mentioned that she doesn't believe that the future parking will be an issue.

### **Staff/Applicant Response to Citizen Concerns**

Board members asked questions on the hours restrictions for both the daycare center and the office employees. Ms. Griffith responded that she did not anticipate impacts with specific hours of operation and that the offices may not be open during the same time as the daycare center. Planner Everette also stated that staff was recommending a limited number of hours for operation to match daycare center and to preserve compatibility with the neighborhood. Board members also asked about the relationships between office employees and the daycare center. Ms. Griffith responded that the office employees will be connected to the daycare center in some type of related capacity (i.e. occupational therapists, speech therapists, family therapists, etc.). In addition, that space could be utilized by art classrooms or by Front Range Community College for cohort work with teachers and parents. However, the office space has not been firmly defined, so it is still unclear as to how many employees will be filling that space. Most of the employees will be part-time; only the occupational therapist will be present full-time.

Board members also inquired as to what had been considered for a building design. Ms. Griffith explained that the current design had been developed with the help of the City Design Assistance program. She also responded to questions about the playground by saying she would prefer not to alter the parking area to encroach onto the playground; any playground reduction would require removal of the sand box or trike circle, and she is trying to avoid raising the child care rates. Planner Everette reviewed the parking space requirements and the changes with consideration to the possible increase in staffing levels.

### **Public Input**

Dennis Griffith, Owner of the Center, stated that he believes that this project is a great opportunity to improve the overall beauty of the building. In addition, he stated that the playground is extremely important, and he is not in favor of reducing this space with more parking area. He believes that the current parking situation is adequate for both present and future needs.

Jennifer Petrik, 334 East Oak Street, stated her support of this project, because the hours will be very beneficial to her family with respect to work schedules. She stated that she feels the future increases to the neighborhood density will be positive in the long run.

Aaron Oberndorf, 3416 Killarney Court, a registered Occupational Therapist, spoke in support of this project. His reasons included the number of under-privileged families needing flexible hours to promote parental involvement and that the Center playground is also a part of the therapeutic process.

Jessica Kramer, 637 Peterson Street, has a son who attends this facility. She spoke in support of this project and the variances they are requesting, because she feels they are appropriate and does not want to see the size of the playground reduced.

### **Board Questions and Staff Response**

Board members asked more questions about the hours of operation and the traffic considerations. Joe Olson, City Traffic Operations Department, stated he did not project a significant increase in traffic generation with this project. There was more discussion of appropriate hours of operations with respect to family schedules, neighborhood compatibility, and situational needs.

### Board Deliberation

Member Hobbs stated that the community feeling about this project indicates to him that this is overall a good project, and he would prefer not to legislate how they run their business. Vice Chair Kirkpatrick stated her desire to make consistent decisions with this and other projects that promote outside play in an urban setting. Member Heinz agrees and recognizes that the time frames should not be limited; she is in favor of the flexibility of hours of operation. Member Schneider stated that he understands the neighborhood perspective of predictability but also doesn't want to restrict the hours. Member Hart would also like to see consistency of hours to promote predictability for neighbors. Member Hansen questioned whether other impacts are possible, like traffic issues. He also feels that, while the APU is appropriate and the parking modification appears inconsequential, he still has a concern with the aesthetic look of the building and its compatibility with the neighborhood. Chair Carpenter does not have significant issues with reducing the parking restrictions.

**Member Hart made a motion that the Planning and Zoning Board approve the Addition of a Permitted Use request to add a professional office use to the Young People's Learning Center, based on the findings of fact and conclusions on page 13 of the Staff Report, in that the request as amended with dropping condition B, addressing the time of hours of operation, and that the use complies with Section 1.34(A),(B) and (C) of the Land Use Code, and that, based on Section 1.34 (F) of the LUC, the conditions A and C shall be required. Member Hobbs seconded the motion. Vice Chair Kirkpatrick asked to amend the motion to indicate that it would be condition C that would be dropped, not condition B. Member Heinz seconded. Vote: 7:0.**

**Member Hart made a motion that the Planning and Zoning Board approve the modification of standard request to Section 3.2.2(K)(1)(h), because the granting of the modification will not be detrimental to the public good and the plan will not diverge from the standard except in a nominal and inconsequential way, because the existing parking serving the daycare center has proven to serve the existing need and the use is not expanding to any substantial degree. Vice Chair Kirkpatrick seconded the motion. Vote: 7:0.**

**Member Hart made a motion that the Planning and Zoning Board approve the Young People's Learning Center PDP #140012, based upon the findings of fact on pages 12 and 13 of the Staff Report as amended. Vice Chair Kirkpatrick seconded the motion. Vote: 6:1 with Member Hansen dissenting.**

Member Hobbs made a final comment about the APU and acknowledged that he still believes it is an excellent overall tool for neighborhood issues.

### Other Business

None noted.

The meeting was adjourned at 7:22pm.

  
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Laurie Kadrich, CDNS Director

  
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Jennifer Carpenter, Chair