

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Principal Planner

SUBJECT

Resolution 2025-019 Approving the First Amendment to the “Agreement to Secure Public Benefits for Mulberry Development as Provided in Service Plan for Mulberry Metropolitan District Nos. 1 Through 6.”

EXECUTIVE SUMMARY

The purpose of this item is to consider the First Amendment to the “Agreement to Secure Public Benefits for Mulberry Development as Provided in Service Plan for Mulberry Metropolitan District Nos. 1 Through 6” (the “First Amendment”). The “Agreement to Secure Public Benefits for Mulberry Development as Provided in Service Plan for Mulberry Metropolitan District Nos.1 Through 6” (the “Public Benefits Agreement” or “PBA”) requires alley access to the garages of at least 40% of the total dwelling units. This First Amendment would require 45% of the total dwelling units to have non-street facing garages rather than the current requirement of 40% of total dwelling units being served by alley loaded garages. Alleys limit design flexibility for multi-unit buildings, and this First Amendment would meet the intent of the Public Benefits Agreement by ensuring garages do not dominate the streetscape within the Mulberry Metropolitan Districts 1 through 6 (the “Metro District”).

Clarifying this PBA requirement has become critical to reviewing development plans for the many phases of the planned unit development (“Bloom PUD”), while working to achieve the overall intent of providing more active and engaging streetscapes that are dominated by homes and front porches instead of driveways and garage doors.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND/DISCUSSION

The Bloom PUD is located north of East Mulberry Street in the Mulberry Corridor in proximity to the I-25 intersection. Mulberry Development LLC (the “Developer”) branded the Metro District development as “Bloom” and this is the name used to refer to this development. Council approved the Metro District in 2019. The Planning and Zoning Commission approved the Bloom PUD in 2021, and Council approved the extended vesting agreement in 2022. This agenda item addresses the public benefits that the Metro District, through the Developer, is required to provide.

On April 16, 2019, Council approved the Consolidated Service Plan with boundaries corresponding to Bloom for the Metro District (the “Service Plan”) via Resolution 2019-050. The Service Plan is general in

nature, does not include specific detail, and is designed with sufficient flexibility to enable the Metro District to provide required improvements, services, and facilities under evolving circumstances without the need for numerous amendments to the Service Plan. Section IV.B.2. of the Service Plan requires that the Developer's provision of the public benefits generally set forth in the Public Benefit Evaluation table in Exhibit I (p. 104) of the Service Plan be secured by an agreement between the City and the Developer that has been approved by resolution of Council before the Metro District can, among other things, impose any property taxes or issue any debt.

On March 23, 2021, via Resolution 2021-030, Council approved the Public Benefits Agreement to more particularly define and describe the public benefits generally described in Exhibit I of the Service Plan.

The proposed First Amendment modifies only Subsection I.B.3(ii) of the Public Benefits Agreement relating to High Quality and Smart Growth Elements.

Subsection I.B.3(ii) "alley access to the garages of at least 40% of the Total Dwelling Units" is proposed to be amended to read:

"(ii) non-street-facing garages must be provided for at least 45% of the Total Dwelling Units,"

Non-street-facing garage would mean a garage accessed internal to a block, lot, or larger single-site development (such as a multiunit or mixed-use building). This change in description would provide more flexibility in meeting the requirements of the PBA while meeting the design intent of minimizing the visual impact of garage doors to streetscapes.

Further clarity related to the intent and application of the requirement for alley access would greatly assist staff and the Developer as they continue with the phases of development design and review of this project. Numerous facts related to development of the Bloom PUD have raised concerns with how this alley access requirement is interpreted and applied as City staff reviews development plans the Developer proposes.

- Alleys have a specific design requirement within the Land Use Code, by reference to the *Larimer County Urban Area Street Standards*.
- Larger multi-unit structures face significant design and financial challenges in garaging a large percentage of their parking, resulting in the need for surface parking and any garages often being accessed from an internal parking lot versus a true alley.
- The Service Plan contemplates the alley-loaded garages for single family homes; however, the Public Benefit Evaluation table in Exhibit I indicates "40% of Units – 600 Units" (of the 1600 envisioned).

The current preliminary layout of Bloom PUD has increased in total unit count to approximately 1,832 units. As the Developer works to complete development plans for remaining phases, it has become critical for both parties to ensure compliance with the PBA. The configuration and intended use of an "alley" is dictated by the adopted *Larimer County Urban Area Street Standards* and employing that specific design would require significant redesign of several proposed phases of Bloom, resulting in an overall loss of housing units.

This clarification to non-street-facing (NSF) garages would permit development review staff and the developer's designers and architects to consider and utilize other configurations of homes and garages and expand the diversity in housing design options – such as side-loaded motor courts for smaller, clustered "cottage" homes and other interior, non-street-facing garage configurations – thereby accomplishing the overall intent of a more aesthetically-pleasing and interesting streetscape, without the specific requirement and design of a standard alley.

City staff has worked with the Developer to craft the proposed amended language for the PBA that fulfills the intent and spirit of ensuring garage doors do not face the street, while acknowledging the challenges related to garaging multiunit dwellings.

The proposed increased percentage acknowledges that many of the units will be surface-parked in larger multi-unit site development plans, and that a significant public benefit remains in removing garages from the neighborhood streetscape, which may not always be accessed by a true rear-loaded “alley.” The increase in unit count and percentage also allows staff to count garage spaces that face interior to the multi-unit developments, accessed from parking lots, as qualifying to satisfy the required public benefit.

Summary:	Total Dwelling Units (DUs)	Non-Street Facing Garages
Approved DUs	1,166	550 (47%)
Single-unit (Filings 1,2,5,7)	394	300 (76% of 394)
Multi-unit (Filings 3,4)	772	250 (32% of 772)
Proposed DUs (Filing 8)	308	228 (74% of 308)
Totals to Date	1,474	778 (53%)
Estimated Future DUs	358	min: 47
Estimated Total DUs	1,832	825 (45%)

Conceptual design estimates on total dwelling unit counts would place the total units served by non-street-facing garages at about 50%, and staff and the Developer want to ensure that any variation in final unit counts based on detail plans and configuration of homes maintain some flexibility as final designs are developed. Therefore, raising the percentage from 40% to 45% of total units has been proposed.

With the increase in total estimated dwelling unit count from 1,600 to 1,832, the increase with this amendment, would result in the non-street facing (versus “alley”) garage units increasing from 600 to 825.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to the Resolution – the proposed First Amendment to the Public Benefits Agreement
3. The Public Benefits Agreement
4. Service Plan, Exhibit I – Public Benefit Evaluation