

**Verbatim Transcript**  
**Administrative Hearing**  
July 15, 2024

CITY COUNCIL  
CITY OF FORT COLLINS

Held July 15, 2024

Council Chambers, City Hall, 300 Laporte Avenue/Remote

In the Matter of:

Sanctuary on the Green #PDP210018

Meeting Time: 5:30 PM, July 15, 2024

Hearing Officer:

Marcus A. McAskin

Staff Members Participating:

Clay Frickey, Planning Manager

Shar Manno, Community Development and  
Neighborhood Services Manager

Kirk Longstein, Senior Environmental Planner

1           MARCUS MCASKIN: Good evening, everybody. Can everybody in Council Chambers hear me  
2 okay?

3           CLAY FRICKEY: We can, thank you.

4           MARCUS MCASKIN: Okay, great. So, it's 5:30. My name is Marcus McAskin; I am the  
5 Hearing Officer on the project that is being presented tonight. This is an administrative hearing on the  
6 Sanctuary on the Green project, PDP210018. This is actually a rehearing of a matter that was heard back  
7 in 2022. I will turn it over to Clay Frickey with staff for an introduction here in just a moment. I would  
8 like to just note a couple of preliminary items. One, I have been provided with a copy of the notice of  
9 public hearing that was published in the Fort Collins Coloradoan, and I have also been provided with a  
10 copy of the mailed notice of hearing that was distributed. Clay, can you confirm that the subject property  
11 was posted as well?

12           CLAY FRICKEY: Yes, I can confirm that.

13           MARCUS MCASKIN: Okay, great. So, I'll go ahead and just find that I do have jurisdiction to  
14 conduct tonight's hearing. I would like to apologize to everybody that took time out of your schedule to  
15 attend in person. It was very much my intent to be there tonight. Unfortunately, my wife and I both came  
16 down with Covid probably on the airplane when we were travelling back into town recently. So,  
17 apologies in advance for not being there in person, but let's go ahead and get started. I'll call the...I'll  
18 just note for the record that the public hearing has been opened up at 5:32 PM, and I'll turn it over to Mr.  
19 Frickey for an introduction.

20           CLAY FRICKEY: Great, thanks Marcus. I'll go ahead and share my screen real quick. We'll  
21 take care of the few housekeeping items. If you'd like to receive a copy of Marcus' decision that he is  
22 going to render on the project, you can email either myself or David Howell; our contact information is  
23 on the screen. I do believe many of you already have my email address as well, but make sure to indicate  
24 that you'd like to receive a copy of that so that way we can make sure everybody is in the loop on the  
25 decision for this evening. We also too have some ground rules here for providing public comment on  
26 Zoom and some logistics, just making sure that you sign in with your first and last name so that way we  
27 can make sure that's indicated in the record for the hearing. Marcus will call for public comment at such  
28 time that is appropriate and ask for people to raise their hand on Zoom to indicate that they want to  
29 provide public comment. There's a raise hand button on Zoom that you can press. Or, if you're listening  
30 on the telephone, there's some instructions on the screen as well to raise your hand on the phone; you can  
31 do so by dialing star nine on your phone. We'll call on you and let you know to unmute yourself at such  
32 time, and then when you speak just to state your name and general address, it doesn't have to be your  
33 actual street address, but zip code will due, just so that way we can capture that for the record as well.  
34 And then here is just a brief overview of the proceedings for this evening. I'm just going to do a quick  
35 introduction to the project, then we'll turn it over to the applicant team for their presentation, then staff  
36 will provide a presentation on their analysis of the proposed development, then we'll open it up for public  
37 comment, then the applicant and staff team will have a chance to respond to those public comments, and  
38 then after that, Marcus will ask any clarifying questions if need be, and then draw the hearing to a close.  
39 Just as a note, Marcus will have ten business days to render his decision, so there will not be a decision  
40 tonight, just FYI. So that's why we encourage you all to sign up if you want to receive a copy of the  
41 decision report so we can send that to you. And then there's also information here on the appeals process;  
42 you would have to file those with the City Clerk. The written appeal must be received within fourteen

1 calendar days of the decision. There's a filing fee of a hundred dollars and then the City Clerk will get  
2 that scheduled for City Council if there is an appeal of this project.

3 And so, now that the logistical matters are out of the way, I'll go ahead and provide a quick  
4 overview of the proposed development, Sanctuary on the Green PDP210018. There's a map showing the  
5 subject property outlined in black; it's a little bit over forty-one acres near the intersection of Taft Hill  
6 Road and Laporte Avenue. It's zoned LMN, or Low-Density, Mixed-Use Neighborhood. It is within the  
7 boundaries of the Northwest Subarea Plan. The eastern portion of the site was annexed into the city in  
8 1982 and then the western portion of the site, west of the New Mercer Ditch, was annexed...I'm sorry, I  
9 got that flip-flopped...the west portion was annexed into the city in 1982, east portion, east of the New  
10 Mercer Ditch, was annexed in 2018. This is just an aerial image showing the site as well.

11 We just want to highlight some of the natural features that are within the planning area, and also  
12 adjacent to the proposed site for development. One, the New Mercer Ditch which is that ditch that runs  
13 right through the site, there is the Soldier Creek Trail and Bellwether Open Space immediately to the  
14 north of the site, and then the West Vine Basin drainage area to the east.

15 The proposed project consists of two hundred and twelve dwelling units with three housing types,  
16 thirty-two being alley-loaded single-unit dwellings, fourteen two-unit dwellings, and then a hundred and  
17 sixty-six single-unit attached dwelling units, or townhomes, with an overall density of 5.13 dwelling units  
18 per gross acre.

19 There's also, too, been some previous development proposals for this site as well that I'm just  
20 going to quickly highlight. There was a previous iteration of this plan that went to Planning and Zoning  
21 Commission that was eventually withdrawn, that had a higher unit count, about two hundred and fifty  
22 dwelling units with some multi-family originally proposed on this site at that time, but that, again, was  
23 withdrawn and now we are considering a different application today. The new plan was submitted on  
24 November 5<sup>th</sup>, 2021, and it was determined to include substantial changes by removal of the multi-family  
25 dwelling units and reducing the unit count per Section 2.2.11(e)(9) of the Land Use Code. The remaining  
26 housing types all fall within the category of being subject to Type I review, or hearing officer review,  
27 which is why we're here this evening with Marcus presiding over the hearing.

28 I'll also just provide a quick overview of the Northwest Subarea Plan, just to set the stage for a lot  
29 of the rest of the conversation this evening. The purpose of the Northwest Subarea Plan is to really  
30 establish a roadmap for future development within the area, but also too, just trying to chart the future  
31 character of northwest Fort Collins. And so, when we're reviewing plans that are within a subarea plan  
32 such as this one, we're also looking to the subarea plan for guidance as to the character of development  
33 within the area. So, really we're reviewing this proposal from the perspective of the Land Use Code, but  
34 also too, from the perspective of the Northwest Subarea Plan, and some of the key considerations the  
35 Northwest Subarea Plan include the density of proposed development, compatibility with existing  
36 neighborhoods, and in ensuring that new development is visually attractive and pedestrian friendly and  
37 connects to the amenities, park spaces, et cetera, within the northwest subarea of the city.

38 There's two proposed modification requests as part of this project. One dealing with orientation  
39 to a connecting walkway, and one dealing with the amount of housing types proposed, which we'll  
40 discuss at length during staff's analysis. And then there's also a few requests for alternative compliance  
41 related to street connectivity that we'll also spend a fair amount of time talking about during staff's  
42 analysis. But, a lot of these deal with the spacing of streets within the development, and then connection

1 to adjacent neighborhoods. And again, staff will take some time to walk through those alternative  
2 compliance requests during our analysis. And so, with that, that concludes staff's overview.

3           MARCUS MCASKIN: Thank you, Mr. Frickey for that. I would like to just, maybe for my  
4 benefit, can I get a sense of how many folks are in attendance tonight and how many have signed up to  
5 provide comment during the public comment portion of the hearing? Okay, thank you, I can see that. I  
6 would like to just note that my general rule for public comment is three minutes for an individual, five  
7 minutes if you're representing an organization. What I would like to do is allow attendees to seed or pool  
8 their time to another speaker so long as those that are seeding or pooling their time are present at the  
9 hearing tonight either in person or virtually, and those individuals would have to make that request known  
10 to City staff. That is consistent with the approach that we took during the first hearing of this project in  
11 2022, so I'll just note that, and I'll remind everybody of that when we get to the public comment portion  
12 of the hearing. So, with that, Clay, are you ready to jump into the staff overview of the project at this  
13 point?

14           CLAY FRICKEY: So, Marcus, one note, just for your edification, there's seventy-two  
15 participants total in person and online, and then we did have a group that wants to pool their time, and  
16 we've been provided with the list of names for people that want to pool their time, and then I think next  
17 would be the applicants' presentation.

18           MARCUS MCASKIN: Okay, perfect. Let's do that, and then also, regardless of whether folks  
19 are seeding or pooling their time, I do have a thirty-minute limit for any one individual. So, let's just  
20 make sure that we note that as we move forward. Okay, so let's turn it over...we'll go into the applicant  
21 presentation at this point, thank you.

22           KRISTIN DECKER: Good evening, I'm Kristin Decker, I'm the land use attorney for the  
23 applicant. With me, I have Sam Coutts, the applicant, and a team of engineers and architects that are  
24 prepared to answer any questions you may have. As a point of clarification, I just want to make sure we  
25 request the thirty minutes as well for our presentation, that that's acceptable? Okay, thank you.

26           As a quick intro and background, as most people here are probably aware, the project  
27 development plan was approved by the hearing officer in May of 2022. On appeal, City Council affirmed  
28 that decision of the hearing officer in August of 2022 and, in September of 2022, City Council adopted  
29 the resolution affirming the hearing officer's decision in all respects. As the result of a complaint that  
30 was filed, the district court issued an order regarding plaintiff's complaint for judicial review under  
31 Colorado Rules of Civil Procedure, Section 106, which remanded the matter to the hearing officer, and  
32 that happened in July of '23. On remand, the court directed the hearing officer to consider and apply the  
33 Land Use Code, and primarily, in addition to that, consider, evaluate, and apply the Northwest Subarea  
34 Plan. The Type I hearing was continued a number of times and was ultimately...the application was then  
35 extended to April of 2024. Public comment suggests that there's some confusion about the details of the  
36 extension, and in anticipation of that, we have submitted a detailed explanation for the record dated July  
37 1<sup>st</sup>, 2024.

38           So, now we are here at a new hearing so that the application's consistency with the Land Use  
39 Code, the City Plan, and the Northwest Subarea Plan can be evaluated by the hearing officer. Because the  
40 substance of the project development plan has not changed, and for efficiency purposes, the certified  
41 record from the 106 action, which we refer to as the original record, was submitted by the applicant for  
42 the record of this proceeding with supplemental evidence submitted directly to address the court's

1 direction related to the Northwest Subarea Plan. As evidence of consistency with the Land Use Code, the  
2 applicant incorporates the original record which includes, but is not limited to, a letter drafted by  
3 Brownstein, Hyatt, Farber, and Shreck on pages 505 through 535 of original record, and of course any  
4 evidence presented tonight would be used for that purpose. As evidence of consistency with the City  
5 Plan, the applicant incorporates the original record, which includes, but is not limited to, the Brownstein  
6 letter and the applicants' City Plan analysis that is dated April 19<sup>th</sup>, 2022, found on pages 536 through 542  
7 of the original record, and again any evidence presented tonight. As evidence of consistency with the  
8 Northwest Subarea Plan, the applicant incorporates the original record and supplemental evidence in the  
9 form of a detailed analysis from Foster Graham Milstein and Calisher dated October 19<sup>th</sup>, 2023, as well as  
10 the presentation and testimony that will be provided tonight. As evidence that the applicant has  
11 considered neighborhood concerns and modified the design of the PDP to address such concerns to the  
12 extent feasible, supplement evidence in the form of a letter from Ripley Design was submitted October  
13 19<sup>th</sup>, 2023. In addition to that, additional communications and correspondence between the applicant and  
14 the neighborhood group have been submitted for the record. With that, I will turn it over to Sam Coutts  
15 with Ripley Design.

16 SAM COUTTS: Good evening. Can you see my cursor and hear me okay, Marcus?

17 MARCUS MCASKIN: I can, thank you Mr. Coutts.

18 SAM COUTTS: Great. My name is Sam Coutts with Ripley Design; I'm a land planner and  
19 landscape architect. I represent the applicant here tonight, and I'm going to take you through the rest of  
20 this presentation with the heavy emphasis on the Northwest Subarea Plan. As Kristin said, we do want to  
21 rely on the record to discuss the Land Use Code requirements, but if you have any questions regarding  
22 that, we can take those as well after this Subarea Plan discussion. So, the first part of this presentation is  
23 our analysis of our consistency with that Subarea Plan, and the second part of this presentation is geared  
24 towards the discussion on compatibility.

25 So, I'm going to take you chapter by chapter through the Northwest Subarea Plan and discuss  
26 how we do comply with that. The first chapter is the introduction of the Northwest Subarea Plan, and as  
27 Clay mentioned, this is a focused roadmap and it's used to help guide the area in their future growth by  
28 defining goals, policies and strategies. These are important to understand the hierarchy here as a goal is  
29 the broadest filter; it is the big, dreamy goal of the neighborhood that was established in 2006 when this  
30 Plan was conceived. The policies are that next layer of filter, and the policies give direction on how to  
31 achieve that goal. Strategies are the most specific part of this plan; they are specific actions, and they are  
32 tied to responsible parties of who should be making that action to implement the policies, which achieve  
33 the goal of the Plan. So, the overarching theme of this Northwest Subarea Plan is to retain and enhance  
34 the existing character. Well, what is the existing character? As defined in the existing conditions section  
35 of the Plan, there are a broad range of eclectic mix of styles. In fact, that's, quote, a defining attribute of  
36 the area. The neighborhoods vary in type, density, design, and age. And, most importantly, areas within  
37 city limits, the housing is on smaller lots and more urban, other than the subdivisions that head west into  
38 the county.

39 Chapter two defines the vision and strategies of the Plan, and the big vision here is to retain  
40 aspects of the semi-rural heritage. They do that through including things like historic structures, irrigation  
41 ditches, natural areas, foothills, all of that. The...it goes on to talk significantly about natural features and  
42 wildlife habitats, and trail connections, specifically the Soldier Creek Trail is mentioned very

1 heavily...we'll talk about that a little bit. This chapter concludes by saying that these agencies should  
2 continue to respect the rights of the property owners.

3 Chapter three is where we start getting a little bit more specific in this plan, and it is the land use  
4 framework. The reason this framework plan exists...the purpose of this Plan is to provide a transition  
5 between our urban core of Old Town to the city...to the county area further west that is lower density,  
6 more rural feeling. The framework plan also creates some level of predictability in what type of land uses  
7 and intensities can be found either on your own property or on your neighboring property. Finally, the  
8 framework plan specifically in this chapter notes that it is not regulatory; it is to be used in conjunction  
9 with the City and the County zoning and development standards. What is the framework plan? Well, it  
10 takes the Subarea Plan and breaks it down into three distinct planning areas. We have the residential  
11 foothills farthest to the west, the urban estate in the middle, and the low-density, mixed-use residential,  
12 which I'm going to refer to as LDMR through this presentation, which is where our site is located. This  
13 area is defined in the Plan to allow up to eight dwelling units per acre. It talks about the purpose and  
14 intent of that LDMR area, and that's to provide a transition. This is the first opportunity to transition  
15 from our urban core to the county rural lands. And it really talks a lot about the creative master planning  
16 which can lead to a visually attractive, pedestrian friendly neighborhood in this area. This is also where  
17 the Subarea Plan recommends that the majority of this LDMR land be appropriate for LMN zoning as  
18 demonstrated on this figure shown in the Plan. Here is our site in red showing the LMN designation for  
19 when this area gets annexed, which it was appropriately annexed and zoned in 2018.

20 Chapter four is all about open lands and trails, and the key theme here is that the retention of the  
21 open feel of the area and the environmental qualities is an important element of this Plan. This is our site  
22 plan...our project outlined in red...on top of the West Vine Basin Master Plan. This talks about the  
23 Soldier Creek restoration which is throughout this Plan, and the West Vine Basin Master Plan is the  
24 master plan that will allow the Soldier Creek restoration to happen. Soldier Creek was an old existing  
25 drainageway that is no longer open drainage, and so the idea of the Plan is to recreate this, bring this back  
26 to life by broadening the stream and bringing the drainage improvements to allow for natural area  
27 restoration as well as a multi-purpose trail. It is, quote, one of the big ideas of this plan. Furthermore,  
28 that section of...that chapter of the Plan talks about trails, and the Soldier Creek Trail is part of that. You  
29 can see it outlined in pink here. It exists today just north of our property, and then we connect on the  
30 northwest corner, bring it down through the site to the south to Laporte through some existing right-of-  
31 way. We do have a branch of it headed east towards Taft Hill as well. There are two types of trails  
32 identified in the Northwest Subarea Plan: that multi-purpose trail, the Soldier Creek, and local  
33 neighborhood connections, which we have five more of...you'll see three on the north side here and two  
34 more down on the south side here. That's over four thousand total linear feet of trails.

35 Chapter five is all about transportation. It recommends street improvements and really puts an  
36 emphasis on alternative modes of transportation including bicycle routes and pedestrians. The street  
37 improvements for North Taft Hill were a four-lane arterial. Through communication with City staff  
38 through the development review, we do have expanded right-of-way for that area; however, the preferred  
39 design was not a full four-lane arterial, so that was one thing that developed through the site plan review.

40 Chapter six is...this is where the Plan identifies true goals and responsibilities. So, remember, the  
41 goal is the big vision, the big dream, and the policy is how do we get there. So, the goal for the land use  
42 and neighborhood is to retain the character and integrity through the appropriate placement of density in  
43 the subarea. How this plan achieves that? You're looking here at our site plan with heights designated,  
44 and as we start on the east side, the right side of this sheet, you see our most intense land use. We have

1 row homes, single-family attached dwellings that are two- and three-stories tall. They are more urban  
2 feeling, they are the closest to our urban core, they are along an arterial road. And as we start to move  
3 west through the site, that intensity transitions to less. We have townhomes that are one- and two-story  
4 here and duplexes here. And finally, as we head all the way west, the only edge that is abutting that urban  
5 estate area, we have the single-family detached homes with one- and two-story plans on that. So, the  
6 entire development of this site plan has been incredibly intentional to be sensitive and be compatible with  
7 the adjacent neighborhood, and do exactly what these policies and goals ask us to.

8 Chapter six...sorry, the open lands and natural areas chapter of this...chapter six area...is all  
9 about conserving open lands, wildlife corridors, habitats, and restoring Soldier Creek. So, on the top of  
10 this screen, you can see our open space diagram, how many different types of open space we have. I'll  
11 note that red patch here is all of our natural habitat buffer zone. You can see on bottom left what is  
12 required by the Land Use Code, and again in green down here, what we are providing. So, that is three  
13 and a half acres more than what is required, and in total, we have fifty-eight percent of our site as  
14 landscaped open space. This is exactly what this chapter is asking for.

15 Parks, recreation, and trails...again, a heavy emphasis on the trails and its connectivity for bikes  
16 and peds through this area. This is just a small snapshot of how we're accomplishing that. We have the  
17 multi-purpose recreation trail, that is the Soldier Creek Trail, our three acre park and playground with the  
18 neighborhood center, and then here's...we've worked with Safe Routes to School to secure existing right-  
19 of-way and provide trails to the south there.

20 Transportation's goal is making sure there's pleasant, safe, and convenient travel for all modes of  
21 transit, and how they do that, they know that there's going to be a lot of infill through this subarea plan,  
22 so the policy in place is to allow flexibility with the codes and standards. This is exemplified in our  
23 alternative compliance requests...that is for connectivity specifically, and the Code would ask us to make  
24 vehicular connections to some of these roads that are stubbed into the edge of our property. We heard  
25 through our neighborhood outreach that that is not ideal, and we would prefer not to as well. So, we've  
26 got these pedestrian connections that is this flexible outcome that the policy asks us to make sure we have  
27 this safe, convenient travel for pedestrians and bicyclists.

28 The utilities goals and policies are all about flooding. It's no secret that the Northwest Subarea  
29 Plan has issues with flooding. The Poudre River runs through this area. And so, the City is  
30 commissioning a West Vine Basin Master Plan to help address these flooding concerns. It's still in  
31 process, nearly adopted, but this is what it's looking like at the moment. So, you can see it's a far-  
32 reaching plan, and our site is right in the middle of it. The key here is that without this development, the  
33 fabric of this drainage plan will not work. So, we are establishing the Soldier Creek Trail and the Soldier  
34 Creek Drainageway just as both the Subarea Plan asks, and for the West Vine Basin Master Plan.

35 The goal and policy of the appearance of the area...the goal is to have a unique image and  
36 identity with a wide variety of compatible styles and activities. You'll see here in a minute how really  
37 obvious that becomes as we go through all of our different options here. We've got single-family  
38 detached, one- and two-story townhomes, up to the two and three row homes, and they've been designed  
39 to be site sensitive and specific for this area.

40 Chapter seven is the guidelines for the urban and rural edge. It's really important to note that this  
41 entire chapter refers to the edge between the residential foothills and the urban estate parts of the  
42 framework plan. So, our LDMR area is excluded from this chapter; we do not have to comply with the

1 guidelines in here. That being said, we do. There are many of the elements, the design guidelines that  
2 chapter seven asks for that we are in fact implementing as well.

3 Chapter eight is the final chapter of the Subarea Plan, and this is the most specific part of the  
4 Plan. This is the strategy, this is the call to action. So, there's a long chart of specific actions that assign  
5 specific responsibility to parties and timelines of how to achieve these things and make sure this Plan is  
6 enacted. Well, out of the entire list, there are only three that are assigned to developers specifically. The  
7 very first one talks about development west of Overland Trail. That is away from our site, so that does  
8 not apply. The other two, however, are both about Soldier Creek and pursuing flood control projects,  
9 stream restoration, and trails along that creek, which we are doing both of.

10 So, we are clearly doing everything this Plan asks us to do. But, it does have some subjectivity to  
11 it. There's compatibility littered throughout this entire Plan, and we need something a little bit more  
12 specific to really guide us, and so, we look to the Land Use Code. Article 5.1 gives us a definition of  
13 compatibility, and it also highlights elements and characteristics that affect compatibility: height, scale,  
14 mass, and bulk of structures is one element, but there's also pedestrian and vehicular traffic circulation  
15 access and parking, landscape, light, noise, odor, and architecture. There are other areas in the Land Use  
16 Code that talk about compatibility. Section 3.5.1(B) is more specific yet, and this is talking about  
17 different techniques that help projects achieve compatibility. That's things like repetition of roof lines,  
18 similar proportions of buildings, mass, and outdoor space, relationships to streets, window and door  
19 pattern, and building materials. So, what I'd like to do now is go individually through these  
20 projects...these dwellings...and talk about how they are compatible. This is the image of the far west  
21 side where we abut residential...sorry...urban estate area. An existing home here on the top right, and  
22 our proposed dwellings here. You can see one-story, two-story mixed in, but we've got front facing  
23 gables, large picture windows, shed roof over the entry, and landscape in front of the home. As we head  
24 interior to the site, a little bit more east, we get a little bit more intense, and these to the...these homes on  
25 the top right are actually these white blocks here in this rendering. So, you get a sense of scale of the  
26 landscape separation between these two developments. We also have things like repeating roof lines, as  
27 you see in the top right.

28 UNKNOWN INDIVIDUAL: There is a delay I think being caused by the internet connection,  
29 and so his pictures aren't updating as quickly as he is speaking. There...

30 SAM COUTTS: There we are. Okay, I will slow down a little bit. Okay, so we are now seeing  
31 these townhomes. So, the repeating ridgeline, again...can you see my cursor on the screen? No. Okay,  
32 so I'll be more descript with my words. The...on the left side of the screen, we've got blocks of buildings  
33 that are grey. Those are the same homes that we see in the top right here in that image. So, you can see  
34 the separation here between the existing development and our proposed development. We also have  
35 articulated our roof lines to help carry that idea of a continuous roof line, but still break down the mass  
36 and scale of that building a little bit more. It's also a similar proportion of the building to outdoor space.  
37 Yes, the building is slightly larger; however, so is the landscape, so is the outdoor space, so that  
38 proportion remains similar. Is it going to update? Okay...I'll just...a full minute...okay. There we  
39 go...cool.

40 So, relationships to the street. This is exemplified in rotating the buildings so we don't have one  
41 constant street wall of dwellings. And you see this throughout the development to the west of us. There  
42 are rotated dwellings and thirty to forty-five degrees, and so we've taken that exact same idea...you can  
43 see bottom right of this screen...instead of facing every building to the street and creating this wall, they

1 are rotated, they are angled...we have pedestrian entrances that are off greenbelts...and helps articulate  
2 that street front a little bit more. The next slide you will see, soon, is the...another shot of our  
3 townhomes, and we'll be looking a little bit further north on that same boundary. This is really lagging.

4 UNKNOWN INDIVIDUAL: It says the internet connection is unstable, so I assume that's what is  
5 causing the delay.

6 MARCUS MCASKIN: I think I've got the new slide up now.

7 SAM COUTTS: Oh good, okay. Here I want to talk about the relationship to the streets. You  
8 can see specifically the distance between the porch and the back of the sidewalk is nearly identical in  
9 these two images. This was done with great intention to make sure this streetscape...the pedestrian  
10 experience feels the same in these two areas. You can also see things like a front porch, masonry on the  
11 base of the building, lap siding, you've got shed dormers and a lot of similar architectural elements.  
12 There's also three different architectural styles that tie in to adjacent styles seen throughout the  
13 neighborhood of Craftsman, mid-century modern, and modern farmhouse.

14 We will next talk about the two- and three-story row homes. So, these are single-family attached  
15 dwellings and they are the most intense dwellings as far as the land use is provided on this site, but they  
16 have been designed in such a way to help mitigate some of that intensity; they have been set back a large  
17 distance in numerous areas throughout the plan mimicking that front yard feel that we see further out  
18 west. You'll see large gable roofs fronting the street, you'll see lap siding, board and batten, and those  
19 entries with the same door and window pattern. There are more three-story and two-story  
20 townhomes...row homes...single-family attached dwellings on the north side of this site that abut an  
21 existing open space...here we go. And on that bottom left image, you can see some grey buildings on the  
22 right side of that image. Those buildings are these exact homes that we're looking at. So, just to give you  
23 a feel of the distance...it's over three hundred feet from these homes to the existing homes. And all of  
24 that, again, is done with intention to provide separation from our most intense use on this site. You still  
25 see things like the gabled end that is now facing the side instead of the front as you see on that first house  
26 on the left, and you see upper story decks that face open space. The three-story home in our image  
27 here...that front facing is an open deck, again, to help mitigate and break down some of the mass of this  
28 building.

29 Throughout that neighborhood to the north, which is Bellwether...here we go...there are also  
30 homes that step down in building height, and from the street view, this is a one- and two-story home;  
31 however, looking at it from our property, it looks more like a two- to three-story home given the walk-out  
32 basement. So, we took some design cues from these types of dwellings, as they are the most adjacent  
33 dwellings to these row homes, and stepped down our end caps. We have dormers that are shed roof  
34 kicking off the ends, and you'll see the grey asphalt shingles and lap siding board and batten again to  
35 bring in similar building material. Oh, we're caught up here.

36 The last image here of the three-story row homes...this is as east and interior of the site as these  
37 are, and so that should, by definition of the framework, be where the most intense use of this site is...it's  
38 closest to the urban core of Fort Collins to provide that transition. You have existing homes here, again,  
39 this is directly north of the development, and the key here is proportion, so it is a narrow home with a  
40 large front gable and the set back to the street is not as large as you see further west...that's all of the  
41 same, similar elements are being achieved on the bottom left image with more breaking down of that  
42 mass. You see the upper story deck chipping a block out of the corner there.

1 The neighborhood center...the neighborhood center of the development is a mixed-use portion. It  
2 is where the commercial uses are housed, and it is tucked in discreetly of the site plan, and been designed  
3 to be compatible with other commercial uses in the area. So, this is an existing church just to the south of  
4 the development, and you'll see huge design cues taken here...long roof ridge, agrarian themes, masonry  
5 base, lap siding, and this kind of crossed footprint.

6 All of that being said, the buildings are not the only element to achieve compatibility. As we've  
7 talked about, pedestrian, vehicular circulation, landscape, noise, all of these are also important elements to  
8 achieving compatibility with an existing site. What you will see in a moment...there we go...is the  
9 existing circulation throughout our portion of this subarea. In red you see the main circulation, and in  
10 blue our auxiliary stub or loop roads. Our development is designed much to the same. You'll see a  
11 central spine that will be our main circulation system, and several loop and dead-end roads, stubbed  
12 roads, that mimic this exact same pattern. This is also another way that this subdivision is compatible.  
13 What this does is allow for our traffic impact to stay contained on site, and parking to all be contained on  
14 site, so there's no spillover into the adjacent neighborhood.

15 What we have after this slide are some metrics...there we go...so, compatibility is very  
16 subjective, and it's easy to want to try to quantify it, but it's hard...it's a feeling. The Northwest Subarea  
17 Plan tries to do that. It attaches various metrics, setbacks, and average density, and number of lots, size of  
18 lots, and you'll find this in the Subarea Plan. What's really important to note here is that every single one  
19 of these, except for Bellwether, is in the urban estate framework plan. When we're looking at  
20 comparables, when we're trying to be contextually sensitive, yes, it's important to recognize that and take  
21 cues from that area, but we should also be looking at apples to apples. So, what we've analyzed are a  
22 handful of subdivisions within the LDMR area, and how do we compare against them. So, our density is  
23 5.13 with three-story max height. You can see through these adjacent subdivisions, the average range is  
24 from three to six dwelling units per acre, all the way up to twelve and fourteen dwelling units per acre,  
25 and there's a couple developments in here that already have three-story height.

26 So, finally, how do you convey a feeling is through building coverage. Do we perceive buildings,  
27 or do we perceive open space? These are buildings in that LDMR area, and everywhere from thirteen to  
28 sixteen percent building coverage as compared to our fifteen percent. So, are you perceiving buildings or  
29 open space? You're perceiving mostly open space. All that being said, if you disagree that we're  
30 compatible...do I get more time for the internet, or no?

31 MARCUS MCASKIN: The applicant...yes, Sam...keep going please, you've got enough time as  
32 you need to finish your presentation.

33 SAM COUTTS: Okay, I've only got a couple slides left. So, in the event that you disagree about  
34 our argument on compatibility, that's okay. The Land Use Code allows for that. Here in Section 3.5.1(h),  
35 it talks about land use transition specifically when projects are significantly different in visual character  
36 and are abutting each other. And you can achieve that compatibility through buffer yards and passive  
37 open space. So, there's no definition for passive open space in Fort Collins, but any landscaped open  
38 space that is not actively planned, in my mind, is passive open space. So, that is just about everything  
39 shown here in various colors on our open space plan. Also, in Section 3.2.1(e)(1), it talks about how to  
40 screen and provide that transition, and that's with screening of plants, integration and establishing  
41 privacy, land form shaping such as we're doing in this bottom image. You can look around at this plan,  
42 and nearly every single edge where there is existing residential, we have some sort of landscape next to it.

1 And I don't have the exact dimension off hand, but I believe the minimum is twenty-five feet, upwards to  
2 hundreds of feet.

3 So, just to conclude everything...we're compliant with City Plan and its vision as well. Housing  
4 is in dire need in Fort Collins; there is an affordable housing issue here, and City Plan has recognized that,  
5 and it promotes various housing types and increasing the city's housing capacity. So, what I'd really like  
6 to say is that Sanctuary is embodying City Plan, and it is really kind of the definition of how to develop  
7 correctly and contextually sensitive within the Northwest Subarea Plan. That's what I've got. We've got  
8 our applicant as well as team of engineers and architects for questions.

9 MARCUS MCASKIN: Thank you, Mr. Coutts. I appreciate that, and I appreciate you speaking  
10 so fast to try to get through that. At this point, I think on the order of proceedings, we do have the staff  
11 presentation. So, Clay, maybe I'll give you a minute to make sure that you have your PowerPoint  
12 uploaded as well, and then I'll turn it back over to you.

13 CLAY FRICKEY: Thanks, Marcus. Okay...I'll start with staff analysis by going over...quick  
14 overview of the neighborhood meeting that was held related to this project. There were concerns about  
15 traffic, and safety concerns for pedestrians, people on bikes especially near Poudre High School, there  
16 were concerns about the building height and the impact of taller buildings on viewsheds, and also, too, its  
17 compatibility with existing neighborhoods, concerns about losing environmental resources that are  
18 present on the site, also, too, concerns about the grading of the site, existing flooding conditions, and  
19 stormwater runoff, and its impact on neighbors, and then also, too, concerns about just meeting the  
20 general overall vision of the Northwest Subarea Plan and feeling like the development is not compatible  
21 and consistent with the Northwest Subarea Plan.

22 I'm going to start the presentation by going through the purpose statement of the Land Use Code.  
23 I'm not going to read it to you, but all the purpose statements in the Land Use Code are on the screen, and  
24 that was one of the main topics of the district court order to remand the hearing back to the hearing  
25 officer. And, what the district court judge indicated was that there needed to be findings of fact related to  
26 the purpose statement of the Land Use Code, and that is what is up on the screen. I've bolded two  
27 specific provisions I'm going to dive into a little bit deeper here because the first one really deals with  
28 making sure the development is consistent with City Plan and the adopted components of City  
29 Plan...varied plans are elements of City Plan, so Northwest Subarea Plan is an element of City Plan, and  
30 in the eyes of the district court judge, that is a binding document, meaning that the development really  
31 needs to comply with these subarea plans and City Plan in order for a development to be approved by a  
32 decision maker.

33 And then I also bolded letter M which deals with development proposals being sensitive to the  
34 character of existing neighborhoods. And so, first I'll talk about the Northwest Subarea Plan...just here's  
35 a few quotes from the Northwest Subarea Plan up here on the screen, mainly dealing with the fact that this  
36 is a predominantly rural area of the city, and that really is the vision for a good chunk of this area of the  
37 city in the future, is that really it provides a transition from the denser Old Town neighborhoods to the  
38 east, all the way to rural large acreage subdivisions in the north and west part of the growth management  
39 area in the city, and that's what a lot of this says. And then, one of the key ideas within the Plan is that  
40 we do have kind of this interface area between the more urban part of Fort Collins and the more rural part  
41 of Fort Collins, and that's really centered right here around Taft Hill and Laporte Avenue, which is zoned  
42 low-density mixed-use neighborhood.

1           And so, that's what that second statement is dealing with...the key idea number five, low-density  
2 housing and stable neighborhoods...it's how do we balance those two things? How do we get compatible  
3 development that's in the core of the city with these areas that are more rural in nature? And that's what  
4 the framework plan map shows here, is it shows the site outlined in black with the zone district, low-  
5 density mixed-use neighborhood, highlighted in yellow, and as you can see, it abuts up against urban  
6 estate neighborhoods right to the west, and then some that are still in the county to the north as well.  
7 And, as I already said, one of the primary objectives of zoning in this framework map is to provide that  
8 transition between the more dense part of the community and a more rural part of our community to the  
9 north and west. And really, the Northwest Subarea Plan also emphasizes site specific design to try and  
10 navigate these issues and to try and provide new development that is compatible with existing  
11 neighborhoods through design that is responsive to the site. And so, that's what we're going to be talking  
12 a lot about for the rest of the presentation.

13           There's also specific language in the Northwest Subarea Plan that indicates that future  
14 development density may be up to eight dwelling units per acre overall, and that means gross density, and  
15 that areas designated low-density mixed-use need to be designed in such a way to protect existing single-  
16 family neighborhoods by ensuring that infill development is appropriate in density and design. And so,  
17 overall, staff is finding that this project development plan meets the objectives outlined in the Northwest  
18 Subarea Plan and complies with Section 1.2.2(a) of the Land Use Code. It is within the density range that  
19 is identified in the Northwest Subarea Plan and within the low-density mixed-use neighborhood zone  
20 district. There are landscaped, drainage, and open space areas provided around the development to  
21 provide that land use transition to adjacent neighborhoods. The denser portion of the development is in  
22 the interior, and it transitions to lower slung buildings to the west portion of the property. There's  
23 multiple connection points from this property to the adjacent street network. And also, too, there is  
24 alternative compliance, which we'll talk about a little bit later, for pedestrian connectivity to Webb, Irish,  
25 and Impala Streets. Those normally would be required to be full vehicular connections, and for various  
26 reasons, the applicant is proposing to not do that, and we'll talk about that later in the presentation.

27           Also just wanted to talk a little bit about a component of the character and compatibility...that's  
28 1.2.2(m) of the purpose statement that talks about new development being consistent with the character of  
29 existing neighborhoods surrounding development. This is a chart showing...this is from one of the  
30 appendices of the Northwest Subarea Plan that really tries to grapple with what is the character of existing  
31 development within the Northwest Subarea Plan. And so, what staff did is we updated this chart with  
32 some information from Sanctuary on the Green and that proposal, but also, too, a recent development  
33 project next to Poudre High School called the Impala Redevelopment...so that's a multi-family  
34 development that is I think currently under construction by Housing Catalyst which is our local housing  
35 authority...it's an affordable housing project...to try and show the range of densities of new development  
36 and existing development within the area.

37           Sam's covered this a little bit already, but just to talk about staff's analysis a little bit, just three  
38 characteristics I wanted to highlight. One, want to acknowledge that this is proposing the lowest average  
39 lot size by virtue of the housing type that is mainly proposed on the site, which are townhomes.  
40 Townhomes tend to be smaller lot sizes, but what balances that out is that there's a lot of open space, so  
41 just if, for example, the lots were drawn to be bigger and more of that open space maintained by the  
42 property owners themselves, they would fall within the range of a lot of the housing within the  
43 neighborhood. And so, by virtue of those lot lines being drawn differently, that's why you end up with  
44 the lowest average lot size in the area. Staff also wants to acknowledge that some buildings contain three-

1 story elements, as Sam already talked about, so I'm not going to spend a lot of time dwelling on that.  
2 But, there are existing examples of three-story buildings within this area, within this zone district, and that  
3 were present at the time of the writing of the Northwest Subarea Plan. And, overall, staff is finding that  
4 Sanctuary on the Green is sensitive to the character of existing neighborhoods and consistent with this  
5 element of the purpose statement of the Land Use Code.

6 Now we'll move on to talking about...a little bit about stormwater issues. We do have  
7 stormwater staff available to answer any questions that there might be about stormwater issues. This slide  
8 just talks about where stormwater is going to go and some of the proposed grading for the site. Generally  
9 speaking, the stormwater is going to be conveyed through the site by a regional stormwater channel.  
10 There's a lot of new grading proposed to get stormwater to flow into that channel. There's a variety of  
11 surface detention areas proposed with rain gardens and underground detention as well in some spots to  
12 handle all the stormwater discharge on the site. The flows would then be routed underneath the New  
13 Mercer Ditch and flow into Larimer Number Two canal. There will also, too, be a future capital project  
14 to handle regional stormwater in this area. In the interim, there will be this stormwater detention that is  
15 proposed. And if there's any more specific questions about this particular element of the plan, we'll let  
16 the stormwater engineers answer more specific questions there.

17 Moving on, just to give a brief overview of the access and circulation on the site. There's  
18 proposed connections to the Soldier Creek Trail to the north, there's five bicycle and pedestrian  
19 connections to Laporte Avenue, detached sidewalks along the two arterial streets, Laporte and Taft Hill,  
20 two pedestrian bridges across the New Mercer Ditch, an extensive network of sidewalks on the site, and  
21 then there's also three proposed connections to the Green Acres subdivisions at Webb, Irish, and Impala  
22 Streets as mentioned before, which is the subject of those alternative compliance requests.

23 Some more information about transportation improvements. There will be a center turn lane on  
24 Taft Hill Road, a westbound right turn lane onto Laporte Avenue, sidewalks along both of those streets.  
25 And then I'm sure pretty much everybody in this room is aware of the recently completed capital project  
26 that constructed a new bridge on Laport Avenue next to Grandview Cemetery, and that there's also, too,  
27 ongoing construction right now on Laporte Avenue to add wider sidewalks and protected bike lanes in the  
28 Laport Avenue corridor. A portion of that was completed last month, and there's work ongoing right now  
29 between Stodgy Brewing and Fishback Avenue, and that will continue to the east.

30 Parking...there's a proposed four hundred and fifty-three off-street parking spaces, mainly in  
31 garages, for the site. Then forty-seven off-street surface parking spaces as well. There will also be forty-  
32 one parking spaces on street that will mainly serve the guests of the proposed development.

33 To talk briefly about the natural habitats and features...we also have environmental planning staff  
34 available to answer any questions about the natural habitat buffer zone and how we're managing the New  
35 Mercer Ditch, or the proposed management of the New Mercer Ditch, as part of this development. The  
36 two images here shown in orange...the top right what the normal habitat buffer zone requirement would  
37 be under the Land Use Code, lower right image shows what is proposed by the applicant. It results in  
38 about 13.7 acres of additional open space and landscaping area, and about 10.36 acres of habitat  
39 buffering. In aggregate, there's about twenty-four acres of landscaped area of the site which is a little bit  
40 over half of the site. Restoration is pretty wide ranging and includes things like a weed mitigation plan,  
41 enhanced plantings, restoration of wetlands, installation of pollinator gardens, berming and dense  
42 plantings to also, too, provide more of a buffer from the proposed development to adjacent  
43 neighborhoods.

1           There's also a few historic resources that are in close proximity to the development site that we'll  
2 talk a little bit about. Historic Preservation did a historic survey of these different potential local  
3 landmarks. We noted that two of them, at 2318 Laporte and 2540 Laporte, are potentially eligible to be  
4 local landmarks. Both of those properties have lost a lot of their historical integrity per staff's  
5 determination, so there's no further historic review required related to those two properties. The one that  
6 I'll talk a little bit more about is 330 North Taft Hill which is right next door to the church on Taft Hill on  
7 the east side of the street. That's listed on the state register and was listed during the development review  
8 process. And so, we put together a historic influence map shown here. Because Taft Hill is an arterial,  
9 that limits some of the applicability of the standards in 3.4.7 of the Land Use Code and requirements  
10 related to building style and architecture with respect to compatibility with historic resources. The PDP  
11 does meet the requirements of this section of the Land Use Code. The buildings have similar roof forms,  
12 window proportions, and use of materials that reference that property at 330 North Taft Hill.

13           Now we'll jump into some more of the architecture and talk more specifically about that. There's  
14 a total of seventy-five buildings proposed, seven are duplexes or two-family, or two-unit buildings that  
15 are all two-stories. There's thirty-six proposed single-family, or single-unit attached buildings, eight of  
16 which that are two-stories and twenty-eight that have a three-story component, and then there's thirty-two  
17 single-family detached, or single-unit detached homes at the west end of the site. This just shows a  
18 selection of some of the proposed architectural variety and styles that will be present on the site. You can  
19 see there's Craftsman, mid-century, more farmhouse style architecture proposed that reference various  
20 elements of surrounding development, and again, promotes the eclectic mix of residential building styles  
21 that are found in the area. The primary techniques to achieving compatibility include some of the  
22 following that Sam touched on, but staff also noted, and that is utilizing masonry on the ground level to  
23 define the base of large buildings, the ground level entrances that have roof components that really clearly  
24 identify those entrances, just the secondary massing elements to help break down the scale of the  
25 buildings, large windows that also, too, are similar to the buildings found in the area, and then also further  
26 break down the scale of the buildings. We also, too, wanted to note the use of different colors within the  
27 buildings, and materials as well, to further add variety, which will be the topic of one of the modification  
28 requests that we'll talk about here in a minute. All of the buildings, too, are kept below the forty foot  
29 height limit as well, and then there's also, too, a land use transition provided at the edge of the site with  
30 lots of landscaping, berming, and buffering to further provide relief to adjacent neighborhoods.

31           Then this also, too, is talking about the land use transition. There was some question  
32 about...basically how some of the compatibility standards related to the buildings would apply to this  
33 particular project. There are some specific multi-family development standards that are found in the Land  
34 Use Code that we found would also apply to this particular plan related to breaking down the size and  
35 mass of multi-family buildings...we found that that applies to townhome buildings over a certain size  
36 because they really are a similar scale, and we want to ensure that townhome buildings are also subject to  
37 those same design standards. And so, just wanted to mention that very briefly. And also, too, note that  
38 the separation between these proposed buildings and adjacent single-family homes exceeds twenty-five  
39 feet, which is the minimum required in the Land Use Code.

40           I'll talk a little bit about the alternative compliance requests real quick, and these are all related to  
41 street spacing, and then also to connection of streets from this development to adjacent development that  
42 has streets stubbed to the property line. This is just showing the site plan in more detail. You can see  
43 there's a public street that runs through the center of the site, and then you can see a few streets like Irish,  
44 Impala, and Webb, where the street actually comes to the property line. Normally, what we would

1 require is we would require those streets to continue through and connect to this development. I think for  
2 various reasons, we heard from the neighbors loud and clear, we don't want connections, we don't want  
3 additional traffic on our streets. And so, what the applicant is proposing instead, and you can see some of  
4 this here, are trail connections to those sites, so that way there is bike and pedestrian connectivity, so if  
5 kids need to get to school to the north, they can do so by using those streets and not having to get on Taft  
6 Hill or on Laporte. But there would be no actual vehicular connectivity, so it really achieves the purpose  
7 of that standard by providing some level of connectivity to those neighborhoods while also, too,  
8 addressing the concerns of neighbors. It is also, too, in a detention area, and so really providing those  
9 street connections would have been physically challenging at a minimum. And so, that's what this slide  
10 is talking about is that there are some unusual topographic features on this site that make some of those  
11 connections challenging, but we also, too, know that the neighbors were not keen on those connections  
12 either, and so that was the proposed solution by the applicant. And so, what staff is finding is that the  
13 design minimizes the impact on natural features and natural areas, that it still meets the traffic level of  
14 service standards in the Land Use Code, and that we are getting good connections for bikes and  
15 pedestrians as well.

16 Now we'll jump to more specific standards of the low-density mixed-use neighborhood zone  
17 district. So, the LMN zone district permits development within a certain density range, it requires a  
18 minimum density of four dwelling units per net acre, and this proposal is about 7.13, maximum permitted  
19 density in the low-density, mixed-use zone district is nine. The Northwest Subarea Plan proposes a cap at  
20 eight dwelling units per acre, and this plan would be compliant with that direction for the Northwest  
21 Subarea Plan. There's also a mix of housing provided, three housing types. Four would normally be  
22 required and so we'll talk about that when we get to the modification requests later in this presentation.  
23 This also...the low-density, mixed-use neighborhood zone district also requires open space and  
24 neighborhood park that's at least one acre. That's provided towards the eastern edge of the property.  
25 And then there's also, too, some height limitations for buildings within the zone district of three-story  
26 maximum height for single-family attached buildings. And then also, too, two-and-a-half-story maximum  
27 for single-family detached dwellings. And all of the dwellings within this proposed plan meet those  
28 height requirements.

29 Last, there's a neighborhood center requirement for developments of a certain size. The  
30 applicant's proposing a 3,000 square foot mixed-use building, six parking spaces, with a wide variety of  
31 potential uses that will be decided at a future date once the applicant finds a tenant for that space. This  
32 also will serve as a community clubhouse for the proposed development. It's well connected within the  
33 neighborhood via trails, sidewalks, and street connections, and is very visible. And then, also, to the open  
34 space...it will act as a flex space to accommodate a wide range of uses, including things like an open-air  
35 farmer's market. This is an architectural rendering of that proposed neighborhood center. It's a mixed-  
36 use building, it's one-and-a-half-stories tall, in compliance with the Land Use Code, and is separated into  
37 three different segments and different tenant spaces ranging from 875 square feet to a little over 1,000  
38 square feet, and it meets the requirement of ninety percent of dwellings being within three-quarters of a  
39 mile of this feature without crossing an arterial road.

40 Then I'll talk about the modifications that are requested by the applicant. One deals with  
41 orientation to a connecting walkway, and then the other deals with the variety of housing types that are  
42 proposed. So, the first modification request deals with orientation to a connecting walkway. And really  
43 what this standard wants and is driving towards is getting buildings to front streets, so that way, when  
44 you're walking down the street, you see the front entrances of buildings...that's what really creates a nice,

1 walkable streetscape and creates a nice neighborhood feel, rather than seeing backs of buildings, sides of  
2 buildings, things like that. So, that can be challenging to achieve with some townhome developments,  
3 and so the Code does offer some relief by saying you have to build what's called a major connecting  
4 walkway spine, which is a really jargony way of saying a really wide sidewalk with trees. And so, really  
5 the purpose there is to try and...if a developer is proposing something that has a number of units that are  
6 stacked deep into a lot, that really you can still see into those spaces, that it still feels inviting and part of  
7 the neighborhood, and that there's clear entryways for the homes, so that way you know where people  
8 live and that type of thing.

9 And so, that's what this modification request deals with. There are some of these townhomes that  
10 are a little bit further away from the street than what the Code would normally require, and so those are  
11 highlighted in...I apologize, I'm color blind...I think those are light yellow...I think...on the screen. And  
12 so, those are showing the connecting walkways to those particular buildings. And what the applicant is  
13 proposing are still direct connections to the front entrances of those buildings, but they're also  
14 providing...sometimes a wider space, so that way it's clearly...it's easy to see from the street where the  
15 front entrances to those buildings are...they are still direct in compliance with the Code as well. And then  
16 also, too, it is only portions of these buildings, and not full blocks or things like that. And so, staff is  
17 finding that this proposed plan meets the modification criteria in 2.2(h)(1) and (4) of the Land Use Code,  
18 that it's not detrimental to the public good, and is equal to or better than a compliant plan in that these  
19 spaces are still safe and provide good connectivity for pedestrians, and also, too, there's wider, more  
20 frequently spaced sidewalks provided to compensate for the increase in length that would normally be  
21 required for the Land Use Code in lieu of some street crossings. And then also, too, it meets another one  
22 of the criteria of the Land Use Code as well, 2.8.2(h)(3), that there's some exceptional difficulties for  
23 meeting the standard on the site with the New Mercer Ditch and detention areas as well that make it  
24 practically difficult to create those physical connections on the site.

25 And then talk quickly about the four housing types modification request as well. Normally, we  
26 would require four different housing types on a site this size within this zone district, and the applicant is  
27 proposing three. One way to meet this requirement would be to eliminate a lot line on some of the single-  
28 family attached dwellings, and staff is finding that really the people aren't going to perceive those lot  
29 lines when they are walking through the community, so really it's pretty similar to a compliant plan. And  
30 the way that the applicant is proposing to mitigate for that is by proposing a wider variety of architectural  
31 elevations and color schemes in the development...throughout the whole development, so that way  
32 there's more architectural interest and variety within the neighborhood as proposed as well. And they're  
33 also, too, providing some different orientations of the building to the street, so that way there is more  
34 pedestrian interest when you're walking through the development as well. And so, staff is finding that it  
35 is compliant with the modification criteria in 2.8.2(h), and it is also, too, consistent with various sections  
36 of the purpose statement in 1.2.2 of the Land Use Code.

37 And so, with that, staff finds that the project development plan is consistent with Section 1.2.2 of  
38 the Land Use Code, and then complies with divisions two through four of the Land Use Code. Staff is  
39 recommending two conditions of approval, one related to exterior site lighting and that the neighborhood  
40 center...that we get some photometric plans related to that element of the proposed project at final plan,  
41 and that also, too, that we get more finalized drawings for the trash and recycling enclosures for the  
42 neighborhood center at final plan as well. And that concludes staff's presentation and analysis. Thank  
43 you.

1           MARCUS MCASKIN: Great, thank you, Mr. Frickey. Next on the order of proceedings, we do  
2 have an opportunity for staff response to applicant presentation, so I don't know if you had anything  
3 specific that you wanted to address from Mr. Coult's presentation before we move on to the public  
4 comment portion of tonight's hearing?

5           CLAY FRICKEY: I think everyone has heard me talk enough, so I'll turn it over to public  
6 comment.

7           MARCUS MCASKIN: Okay, great. So, let's see, just for the benefit of the record, it's 6:39 PM.  
8 I will go ahead and open the public comment portion of tonight's hearing. I'm assuming that a member  
9 of staff has a sign-up sheet. Are we going to be taking folks that are in attendance at City...in City  
10 Council Chambers first before we allow those that are participating remotely to comment? What's the  
11 preference of staff?

12           CLAY FRICKEY: Generally speaking, for City Council, it's kind of mixed, but I think just for  
13 the sake of ease, we should probably choose one or the other. Maybe we can go in person first and then  
14 remote second. Sound good to you, Marcus?

15           MARCUS MCASKIN: That would be my preference, so let's go ahead and do that. So if you are  
16 in attendance and you're going to be speaking, when you do come up to the podium, just please do state  
17 your name and address for the record and I'll do my best to be taking notes, and staff can help me with  
18 the correct spelling later.

19           ANDREW PIPES: Good evening everyone, and Mr. McAskin, my name is Andrew Pipes, and  
20 I'm actually here on behalf of, I think, roughly ten citizens of the northwest subarea community...or the  
21 community...who have graciously donated their time so I could provide somewhat of a comprehensive  
22 presentation on their behalf, and I think there's some additional citizens who will speak afterwards. Mr.  
23 Frickey...I see I have thirty minutes on the clock, and if I'm too loud I can back up...I tend to shout  
24 sometimes. I don't intend on using all thirty minutes, though I can be a little long-winded sometimes, so  
25 please bear with me. As you can see, I have a number of papers.

26           But, I wanted to first...step back for a second and talk about the area just briefly, and some of its  
27 citizens. I think, you know...this was kind of thrown out there in the litigation that we kind of briefly  
28 touched on that was involved in the previous hearing...there's this concept, this idea, of what is known as  
29 a NIMBY, which I think is an acronym, it stands for not in my backyard...it's an epithet in the sense that  
30 it tends to cast people who oppose a particular development in a light that says we don't want any  
31 development. I believe, if I'm not mistaken, it kind of originates in northern California and it sort of  
32 spread throughout the country. But, I want to just kind of appeal to you, Mr. McAskin, and let you know  
33 that the citizens of this community are not NIMBY's, they do not oppose development, in fact, they  
34 encourage development, much like I think probably the rest of the city and most of the state of Colorado.  
35 However, I think keeping in line with the rest of the city of Fort Collins, and Larimer County, and really  
36 the state of Colorado, is they advocate for responsible development that keeps Colorado, Colorado. It  
37 keeps the nature and the heritage...and the kids say these days, the vibe, of the area intact, right, because  
38 that's what makes this place special, right? It's not just the mountains, you know, it's not just the outdoor  
39 activity, it's...you know, it's how we all connect.

40           And, I do want to briefly kind of hit on something. You know, I know that the applicant did a  
41 fantastic job presenting today. You know, he identified one of the City plans is to grow housing. But, I

1 do want to be clear that, on one hand, the citizens of this community are in favor of development, and I  
2 also want to make sure we highlight the fact that I don't believe there's any affordable housing within this  
3 project. So, to the extent that there is this idea that this is going to benefit, you know, the community  
4 beyond the market value people can afford housing in northern Colorado, I don't know if that's  
5 necessarily true. You know, I don't think anybody here begrudges the applicant or the owner for putting  
6 forth a plan that's ultimately going to make them money. Businesses exist to make money, and that's  
7 perfectly fine, but it's not an affordable housing plan. Impala Heights, I believe Mr. Frickey said, is an  
8 affordable housing plan. This is not that.

9 And so I think that's important to keep in mind when we talk about what we're really achieving  
10 and developing here, and how it fits into the character, and how it retains and enhances the semi-rural  
11 feel, right, or the country-like image of the area. Because after all, I think that is the explicit purpose of  
12 the Subarea Plan, is to...I believe it says the overarching theme of the Plan is to retain and enhance the  
13 area's existing character. And I think it's important that we look at those two words: retain and enhance.  
14 Retain is to keep, enhance is to further, right, or to improve, or to put kind of more simply, to make  
15 that...and I think that's really where the rubber meets the road here, and it really creates, you know, the  
16 dispute that has, kind of, had this application go on for more than, I don't know, half a decade perhaps, is  
17 that the plan as it stood in 2021, and as it was explained in 2022, and similarly as it was explained today,  
18 the citizens don't feel that that's what this plan achieves. It doesn't do that, it doesn't enhance the semi-  
19 rural feel of the area, in fact, it chips away at it. And so, the citizens of the community really want to  
20 import upon you, Mr. McAskin, that this plan does not enhance, but rather chips away at the semi-rural  
21 feel, right, the character, of the neighborhood. And I want to make sure that we don't gloss over that. I  
22 know Mr. Coutts said that it was the broad filter, right, that kind of...you know, the requirement that gets  
23 you in the door. And I just want to be clear that we don't think this plan does that.

24 And I think the other really, really unique, and honestly very cool part of the Subarea Plan is that  
25 it does foster community input, right? This community process where neighbors get together, which I  
26 will represent to you is exceedingly rare, and quite difficult. I think probably Mr. Frickey can agree to the  
27 number of subarea plans in the area, and how long they take to develop, and the process with the City of  
28 Fort Collins and Larimer County...it's not an easy thing to do. And it wasn't done on a whim, and it  
29 wasn't done kind of for fun or to appease, you know, people who just, I don't know, complain perhaps. It  
30 was done for a particular reason. And that reason was community buy-in, and I think, in August of 2022,  
31 Mr. McAskin, you adeptly identified that the vast majority of the public comment was in opposition to  
32 this plan, and I think you could even state it more precisely by saying the consensus of the citizens within  
33 the northwest area were all in opposition. So, while the public at large may be vastly against it, I think  
34 there is a consensus of opposition within the people that it really affects, the people who live in the  
35 community.

36 And I really think it's just an important sort of foundation when we start talking about building  
37 densities, and step down heights, and some of the different data, right, that the applicant points to and  
38 says, we comply because we have fifty-eight percent open space. And I'll propose this logical  
39 conclusion, which is on its face, silly, but if the applicant were to build a two hundred and twelve story,  
40 two thousand square foot building, we would have ninety-nine percent open space, and that would  
41 comply, that would comply greatly. It would be, you know...it would be the outstanding achievement of  
42 the beta within the area, because it would be ninety-nine percent open space. But that wouldn't achieve  
43 the purpose, right, because it would not retain and enhance the character of the neighborhood. And so,  
44 data is fantastic, but it's really important to understand what is the nature and character of the area. And I

1 think, you know, the overwhelming public outcry and participation, I think, should give you an idea of  
2 precisely how it does, or does not, meet that standard.

3 The other discussion I want to have before we jump into come of those numbers is to understand  
4 when the Subarea Plan was developed. I believe, it's 2024, right...I believe earlier we talked about how  
5 this portion of property was annexed into the city in 2018. The Subarea Plan kind of predates all that by  
6 quite a bit; I believe it was approved in 2006, and I think it took several years to develop. And so, I want  
7 to highlight that fact because, you know, this plan is intended, right, to be a snapshot in time, right, that  
8 the citizens of the community got together and wanted to keep. They said, in 2006, this is how we want  
9 to maintain our community. They wanted to slow the pace of development which was rapidly kind of  
10 accelerating in the state of Colorado, which continues today, because this is the semi-rural heritage, the  
11 historic, sort of, foundations of the community that they bought into, they improved, they loved, that  
12 represents who they are. And so, when we talk about all the different zoning, you know LMN  
13 requirements, I think it's also very important that we understand what was developed before this Plan was  
14 created, why it was created, and kind of how, you know, the purpose of how the rest of the community is  
15 accelerating in its development, and the intent was to slow that development.

16 And I propose to you, Mr. McAskin, that one of the factors that got the community together, that  
17 congealed the citizens of the northwest area in that early 2000's timeframe was a couple of different  
18 developments. One of them was the Ramblewood Apartments, and I know that that's mentioned briefly.  
19 I think in the past it's been used as sort of the outlier as far as the number of dwelling units per acre, right,  
20 and I think aside from the Impala Heights development, which I think we agreed is affordable housing, is  
21 the Greyrock Commons. Now, Ramblewood, the Ramblewood Apartments were, I think, developed in  
22 the '70's, and so that was quite a while ago, and it's telling that there hasn't been another similar  
23 development, until I believe Impala Heights, since then. And then Greyrock Commons was the other  
24 development in the area that I believe was cited, too, on that chart you looked at that had some of those  
25 red squares, that had one of the higher net density rates, and that was developed in 1996. And I would  
26 propose to you that that was one of the developments that spurred the creation of the Northwest Subarea  
27 Plan, and rounded up the citizens and got them together to say, hey, this is not really what we want for our  
28 community, and that's what ultimately...or one of the reasons...I'm sure there's many, many reasons, and  
29 each person has their own individual reason...that's ultimately one of the reasons why this was created.  
30 And at the behest of the County and the City, and the understanding that development was going to  
31 increase, the County and the City adopted and ratified this document. So, I say that to say this is more  
32 than just a group of citizens giving their ideas, giving their hopes and dreams, this was codified into the  
33 Land Use Code, which I think as we all know, and I won't belabor the point, was the purpose of litigation  
34 last year, was to really understand that point and hammer it home. And so, as we move forward, I do just  
35 want to keep those factors in mind...that the citizens of this community are not opposed to development,  
36 they're not opposed to affordable housing. They welcome both, they want it to be done in a responsible  
37 manner that captures the intent of the community that's stated, you know, it's in this document here.

38 And I want to hit on a few things. In 2006, when they were developing and ultimately ratifying  
39 this document, they mention a few guiding principles. While it does cite to the LMN zoning, and it  
40 mentions the eight units per dwelling [*sic*], there's another number that stands out to me when you look at  
41 this document, and it's five units per dwelling [*sic*], and the five units per dwelling [*sic*] is essentially a  
42 range that, on page thirty-one...I'm sorry, not page thirty-one...page eleven...that is the characteristics of  
43 the subdivisions and how they vary, but ultimately, this Plan mentions Stagecoach with a net density of  
44 four units an acre, and Lin Mar, that has almost one. And so you might say, why did I just name two

1 seemingly random developments within this area? And I say that because they are called out specifically,  
2 and I think they are called out for a reason. I think that is the range that was intended, right. Otherwise,  
3 when you go to a courtroom, right, the intent of the parties and contracts...legislative intent and  
4 statutes...that was what was intended in this particular document. And it's more than just on page eleven  
5 as well. If you turn to page forty-six, and Mr. McAskin, I don't intend that you do this with me, I'm just  
6 kind of referencing this.

7           MARCUS MCASKIN: I have the Plan in front of me, so I can be on the correct page.

8           ANDREW PIPES: Fantastic. On page forty-six, it talks about in the urban estate districts, which  
9 I believe this was zoned back in 2006 before it was annexed into the city, it talks about the...up to five  
10 units per acre in an area of cluster. And then, turn to page forty-seven...well, let's stick on that page  
11 forty-six...five units as a bit of a maximum right, in the cluster. And I would offer to you that whether  
12 it's 5.13 in the gross acreage, or 7.13 for the net density, both of those numbers exceed what is  
13 contemplated to be the max density in this area. And that principle is restated on page eighty-two, and it  
14 talks about the city's LMN guiding principles. It says these neighborhoods will have an overall average  
15 density of five dwelling units per acre achieved with a mix of housing types. And so, it does say...well it  
16 does say an average of five dwelling units per acre. I believe that when you exceed that average, you  
17 need to have a good reason. And when you exceed that average, and you start pushing the limits of  
18 density, it needs to maintain that semi-rural feel, that country-like image that's identified throughout this  
19 Plan on more pages than I can count. And I don't believe that the current PDP that's in front of the City  
20 right now, and in front of you, sir, certainly does that. And I realize, you know, that is an objective  
21 standard, and it's really difficult to kind of understand what the image and the country feel is, you know,  
22 from afar, but I have many, many citizens here that would agree that this plan doesn't meet that intent,  
23 and it doesn't meet that standard.

24           And kind of turning to the more specific, there is a bit of an issue...and this was mentioned in the  
25 applicant's...at least October of 2023 letter...talking about the building massing and how they've  
26 complied with the building massing requirements, you know they didn't have to. And again, I want to  
27 reference our discussion of 2006, right, when this Plan was brought...when it was codified into law.  
28 Again, the intent was to keep the area as it is, and not as it is no development, as it is in the feel of the  
29 community. And so, on page forty-seven, there's a couple of guidelines. We talk about the design and  
30 placement of the buildings. And you know, we can look through all of them, I believe there's ten of them  
31 here. But I really want to focus on number two where it talks about the house size relative to adjacent  
32 homes and public areas. And I think public areas in this particular sense would be open space, public  
33 rights-of-way, and other areas where the public might gather or see. And it even gives an example here, it  
34 says two-stories maximum with one-story preferred near edge of property, or no more than twenty percent  
35 difference in height. And I haven't seen any data on the difference in height, but I have see data, and I've  
36 seen a chart, and I think it's the applicant's slideshow, slide number fifteen I believe. And you'll see  
37 where these three-story buildings are located; they are located right off of Taft Hill Road, they're located  
38 to the north, they're located on the edge of the property. And that's not what this Plan contemplates; it  
39 doesn't meet that standard.

40           Which kind of leads to another thought I had just listening to the presentation. The applicant  
41 discussed a three-story row home and compared it to a home with a walk-out basement where the street  
42 view shows two stories. And now, I am not an architect, right, I'm a lawyer, I deal in the grey area with  
43 words. But, I can notice a difference between a row home and a two-story home with a walk-out  
44 basement. Those two things are not the same, and I will appeal...I think the citizens will appeal to Mr.

1 McAskin's better nature in understanding that, again, while that may not be dispositive, whether this  
2 ultimately meets the purpose and intent of the Subarea Plan, it certainly should raise the bar in other areas,  
3 and one of those areas I put to you would be the preference for one-story buildings near the edge of the  
4 property.

5 Which again, reminds me of another thing the applicant was talking about when he talked about  
6 land use transitions. He said the City prefers some open space with some bushes or some trees to cover,  
7 to screen, some of the different heights on the edge of those properties where it goes from one-story to  
8 three-story, plant some trees and it hides it. And I'll...I love analogies, and so I'll put this analogy to you.  
9 If I had a wart and I put a band-aid on it, it may be harder to see that wart, but it doesn't make it  
10 compatible with the rest of the skin. And what I mean by that is, you can put up some trees, you can put  
11 some benches, you can put some open space, but ultimately, it doesn't change the alteration to the  
12 community that that three-story building imparts. It doesn't fit. All the trees in the world are not going to  
13 cover up a three-story building.

14 And so, one of the...I think probably more obvious sort of oddities of this hearing is that, in  
15 August of 2022, I think most of the same players were here...I'm not sure me and Ms. Decker were, but a  
16 lot of the same people were here, and notably, it was the exact same plan. And so, I mean the  
17 applicant...if anything, they are consistent. However, I believe it was your order that found that there  
18 were some discrepancies between the application, the plan, the PDP, and the Subarea Plan. And  
19 ultimately, again, not to belabor the language of the previous hearing, but essentially weren't sure how  
20 to...how to reconcile that difference. And you said there was insufficient guidance to deny the plan, and  
21 therefore it was approved. And I'll represent to you, and I think...Judge Jouard kind of hinted at this as  
22 well, is that the plan, the PDP, does not comply with Northwest Subarea Plan. It's got the wrong building  
23 height, it's got too much density, and it just generally doesn't meet that broad filter, which I think the  
24 overwhelming, at least majority, of citizens would agree, and certainly the consensus of the citizens in the  
25 Subarea Plan. I think the remedy is to deny the plan.

26 And ultimately, it's kind of led to what is another, I think, issue with this entire process, and that  
27 has been the community engagement. Now, I believe that the slide earlier talked about...there was a city  
28 meeting...or sorry, neighborhood meeting in September of 2021. And I'll represent to you that was the  
29 only neighborhood meeting that was held. Now, normally, neighborhood meeting in September of '21,  
30 hearing and plan approval in 2022, that makes sense. However, I think with the overwhelming, or the  
31 vast majority of the public being against the plan, right, your own pleas with the applicant to meet with  
32 the community, and really adhere to the spirit of the Subarea Plan, combined with kind of going through  
33 this process again without any other meetings being held. And I think that there's been a serious flaw, I  
34 think, in the process. I think it goes to show that the spirit of the Subarea Plan, which is that community  
35 involvement, has been ignored. And I think that is also a bit of a problem. And I do know that while the  
36 applicant has reached out to a couple of the citizens, it's been with the explicit understanding that the plan  
37 was not going to change. While they were willing to talk about the plan in general, it was made clear that  
38 the plan was not going to change; it was what it was. And I think that is problematic, and I think not only  
39 does the plan not meet the spirit and the criteria of this Northwest Subarea Plan, I don't think the process  
40 did either. And so, Mr. McAskin, I'll...I'll put it to you that, if it wasn't compatible in August of 2022, it  
41 cannot be compatible now...nothing has changed. The only thing that has changed is there might be a  
42 couple of additional people here talking to you today. But, ultimately, that's pretty irrelevant. The plan  
43 hasn't changed, the Subarea Plan hasn't changed, zoning hasn't changed. The only thing that's changed  
44 is we've determined that there is a remedy in the Subarea Plan, and that remedy is to deny the application

1 and to find that it does not meet the criteria set out in this plan. It's too dense, the building mass is  
2 inappropriate, it is contrary to the stated goals in the design and guidelines of this plan. And I'm sure Mr.  
3 Frickey here is very familiar with design guidelines.

4 And, ultimately, it is difficult to really assess, right, the less subjective criteria contained within  
5 this Plan. What is a semi-rural feel? What is a country-like image? And without visiting the area or  
6 spending any kind of time in the area...I can completely understand how it may be difficult, and you're  
7 going to look to the data, you're going to look at some fifty percent open space, you're going to look at  
8 some of those numbers they showed you, and you're going to say, okay, this complies, it meets...it's got  
9 more open space than Ramblewood, it's got more open space than Bellwether, there is a walk-out in  
10 Bellwether, so three stories is fine. And I'll propose to you that the citizens are not wrong about their  
11 community. They did their best to identify what they want it to be, and the City and the County, honestly,  
12 were kind enough, and I think smart enough, to codify those ideas. And I think it's important that the  
13 City really, honestly, stick to its word and holds all applicants and the citizens accountable for what's in  
14 this Plan, and keep that image, keep that feel.

15 And again, I implore you, Mr. McAskin, to again, please, you know, plead with the applicant to  
16 work in good faith with the citizens, because the citizens are not opposed to development of the area.  
17 They want responsible development; they don't want three-story buildings in the middle of a country feel.  
18 They don't want a three-story building across the street from historic sites. I think, ultimately, you know,  
19 the fifty percent open space is honestly kind of counter to what the citizens are looking for. They don't  
20 necessarily want a particular percentage of open space; they want a building height that matches the area.  
21 They don't need step downs, they want something that matches the feel of the area, and this plan simply  
22 doesn't do that. They've manipulated the plan, you know, to maximize the number of units, and  
23 ultimately, I think, taken a step backwards from what the citizens want, what the Northwest Subarea Plan  
24 demands, and ultimately what the community needs. And so, with that, I won't take up any more time,  
25 but I urge you to reject the application, and don't tell the applicant to quit, tell them to collaborate, and  
26 hopefully there's a way that this plan can come together and, honestly, work for the better of the  
27 community and the city of Fort Collins. With that, I appreciate your time, Mr. McAskin.

28 MARCUS MCASKIN: Well, thank you. And, Andrew, maybe before you sit down, if you could  
29 just be so kind as to spell your last name for me just so I have that?

30 ANDREW PIPES: Certainly; it's like water pipes...P-I-P-E-S.

31 MARCUS MCASKIN: P-I-P-E-S. Great, thank you so much, appreciate it. So, who's next on  
32 the sign-in sheet?

33 LAURA LARSON: Hi, I'm Laura Larson...sorry, it's loud. I'm going to speak for just the three  
34 minutes; I don't have anybody donating their time. I live at 320 North Impala; my property abuts this  
35 development site on the northwest side. I oppose this project because it violates the Land Use Code and  
36 the Northwest Subarea Plan that governs development in our area. As the district court judge determined  
37 last year, the Subarea Plan must be considered by the City in review of this proposal. This project is not  
38 compatible with the building mass, height, or character of the surrounding homes in this area. The  
39 developer's team that just presented...beautiful presentation; however, you only showed pictures of  
40 Bellwether Farms homes, which in fact do not abut the site. And if you had visited the site, you would  
41 know that. There's open space in between this development and Bellwether homes. Additionally, only  
42 ten percent of those homes are two- to three-stories. So, to represent the neighborhood as having a bunch

1 of three-story walk-outs is a misrepresentation. All of the homes that actually abut this site are single-  
2 story homes with the exception of two on Laporte that are historic homes. So, I, again, encourage  
3 accuracy in portraying our neighborhood, and that unfortunately did not happen in those pictures. We  
4 have submitted in our written comments, pictures of our actual neighborhood on North Impala, on Sunset,  
5 on Laporte, and the surrounding areas, as well as the historic farm on North Taft that you didn't have a  
6 picture of either.

7 In relation to the Land Use Code in Section 1.2.2, this plan does not meet the requirements of  
8 serving the public good as stated. The project contains no affordable housing units, the developer has  
9 stated repeatedly that he's in this to make a profit, not to meet this important community need. The  
10 argument that this project would help remedy the lack of affordable housing in Fort Collins is misplaced.

11 Additionally, this high-density project plans to destroy dozens of mature trees, in direct conflict  
12 with the public good criteria, that provides shade and wildlife habitat, including a giant cottonwood and  
13 silver maples around the historic farm site that this developer had burned to the ground in 2018. Instead  
14 of preserving these historic trees as the Subarea Plan requires, it replaces them with asphalt at the entrance  
15 to the site. This will cause increased heat, increased pollution up against the foothills from four hundred  
16 and fifty additional cars in the area that doubles the pollution and violates the City's climate goals. We  
17 believe it also violates the City's Dark Sky initiative. The project is in violation of the Subarea Plan in  
18 numerous ways in terms of the height and building mass. It's not compatible with our single-story  
19 neighborhoods and does not contribute to preserving the character of our area. We ask that you please  
20 reject it. Thank you.

21 MATTHEW BEHUNIN: Good evening, my name is Matthew Behunin and I live on Waterford  
22 Lane. And tonight, I want to speak for children; children can't hire lawyers to speak for them. The  
23 census says there's one school-aged child for every three households in Fort Collins. So, this  
24 development, you could imagine seventy more school-aged children living there. That's almost four  
25 elementary school classrooms of children. This is important because Irish Elementary and Polaris were  
26 on the chopping block at this last round...last two rounds of Poudre School District's consideration and  
27 consolidation and closure planning effort, and in a presentation to the School Board, the state  
28 demographer said that local housing development is a critical component of a school's projected  
29 population. According to the District's enrollment projections, if current trends continue, Irish  
30 Elementary will be down to thirty-seven percent capacity by 2028.

31 And why is this important with the Land Use Code and the Northwest Subarea Plan? Part of the  
32 Northwest Subarea Plan talks about walkability and bike-ability, especially to schools. That's in the  
33 transportation section 1-1-A. If Irish closes, then all children in the northwest area won't be able to walk  
34 or bike to school because there won't be a school. And so, when we talk about enhancing the northwest  
35 subarea, we need healthy, vibrant schools to make the neighborhood walkable for children. And so, this  
36 proposal, think about those seventy children, and how they enhance and make the neighborhood better. It  
37 definitely fits with the goals of the City Plan, the Land Use Code, and the Northwest Subarea Plan.

38 And on the affordable housing issue, you know, I spoke in favor of this housing proposal at the  
39 last hearing. The attorney who spoke said that the vast majority of residents don't support it, well the  
40 people that are trying to buy homes and rent homes, they do. The last time I spoke, a townhome was  
41 under \$300,000, and that could have been built and sold by now. And the reason that the housing prices  
42 keep rising is because of the housing shortage. We need more homes, we need more home choices,

1 varieties, and this plan absolutely fills that need, in a huge way, especially in the northwest area where it's  
2 desperately needed, especially for the schools and the kids that go there. Thank you.

3 KATE CONLEY: Hi, I'm Kate Conley; I live in 80528. I'm an architect, but I just want to  
4 clarify I'm not a member of the design team for this project in any way. To me, Sanctuary on the Green  
5 is the perfect example of the type of missing middle housing our community desperately needs. The  
6 design is beautiful; it has ample open space with native planting and trails. We were just shown how  
7 rigorously the home designs take cues from the dwelling units nearby...that was seriously like a master  
8 class in demonstrating compliance, so well done, design team. And the connections, or lack thereof, to  
9 the neighborhoods that surround it are deeply respectful to the community context. These homes will be  
10 wonderful neighbors to the existing homes that surround them, and more importantly, an infill  
11 development like Sanctuary on the Green protects the open spaces we all treasure in Fort Collins by  
12 keeping sprawl out of them.

13 Our community came extremely close to closing schools a few months ago, and the issue is still  
14 under consideration. The number of school-aged children that Sanctuary on the Green, or a neighborhood  
15 like it, would keep in our neighborhood would attract enough students to keep an elementary school open.  
16 A few surrounding neighbors shouldn't have the only say in whether or not we can maintain enrollment in  
17 our local schools. People my age with school-aged kids don't have the option to travel back in time to  
18 1995 and buy a home. We need new housing in order to be able to keep our families in this city. Homes  
19 are not just homes; homes are the people and families who live in them. And, as a resident of Fort  
20 Collins, I cannot wait to welcome the folks who will move into Sanctuary on the Green, both from within  
21 our city, and without. This project has been plagued and bogged down by appeals for too long. We have  
22 land use rules. This project is playing by those rules; this project team presented it well, the staff agrees.  
23 It's time to house more of the people who will help make our community thrive. Thank you.

24 CHERYL DISTASO: Good evening, and thanks for the opportunity to speak. My name is Cheryl  
25 Distaso; I live in the Northwest Subarea Plan area, close to the proposed development. I want to just  
26 preface my brief comments by saying that I am not at all imposed to Impala Heights. The development is  
27 affordable, it does not tower over any existing homes, it's appropriate and responsible, and the Sanctuary  
28 proposal is far from that.

29 I'd like to clarify one point that the applicant made earlier in regard to outreach to the  
30 neighborhood. Our main concerns were never addressed. Requests for reduction in height, and massing,  
31 and density, in order to keep the proposal in compliance with the Northwest Subarea Plan, were  
32 completely disregarded. The transition from rural to urban in this development is not gradual, it is jarring.  
33 Not only is there no affordable housing in the development, but the two- to three-story row houses that  
34 tower over existing, modest, single-story homes will result in a loss of home value for the existing modest  
35 homes in our neighborhood. The developer has told us that the only way this project would be profitable  
36 is to maintain the two- to three-story single-family attached row houses. This points to the fact that this  
37 development is not appropriate for this property. Please reject it. Thank you.

38 NICOLE SWAN: Good evening; I'm Nicole Swan, I live on Willow Street, 80524. There are a  
39 number of things I would like to talk about tonight: the housing crisis in Fort Collins and how we need  
40 more housing, including market rate housing, how Sanctuary on the Green is the type of development we  
41 need, infill housing that has smart density and is well located while providing multiple types of housing  
42 options, how developments don't just affect those that are near them, lack of housing supply affects all of

1 us in this community. And I'd like to talk about the larger system issues of school closures and City  
2 climate goals as they all relate to housing policy.

3 But, I know the real important points to you are this: City Planning and the developer have done  
4 their due diligence. The proposal adheres to relevant Land Use Code for the site zoning and meets all  
5 requirements for that zoning, bicycle and pedestrian connectivity, and open and green space. While the  
6 Land Use Code takes precedence over the Subarea Plan, I know that the Subarea Plan is part of the  
7 discussion tonight. In that vein, it's important to note that the land in question is zoned low-density  
8 mixed-use, not residential low, and the Subarea Plan allows for both and the relevant uses as allowed by  
9 the Land Use Code.

10 I know an objection is the height, that the structures will tower over others, a characterization I  
11 would dispute. And, we've seen from the presentation that the applicant has addressed in multiple ways,  
12 including with natural space and architectural elements. However, I also wanted to add some numbers for  
13 perspective. These numbers were provided to me by the City, I believe Mr. Frickey, actually. The  
14 distance from homes on Webb Avenue, Irish Drive, and Impala Drive to buildings on the south side of  
15 Sanctuary on the Green, roughly two hundred and twenty feet. Distance from homes on Irish Drive to  
16 buildings on the west side of Sanctuary on the Green, a hundred and seventy-five to two thirty-five.  
17 Distance from homes in Bellwether Farm to buildings on the north side of Sanctuary on the Green,  
18 roughly three hundred and fifty feet.

19 Ultimately, the Northwest Subarea Plan does not say that there can never be change in that area.  
20 Any determination of such would be out of line with the facts. I urge you to approve the Sanctuary on the  
21 Green proposal. Thanks.

22 KAREN SPENCER: Hello, I feel funny talking this way.

23 MARCUS MCASKIN: You can talk that way, right there, then I can see your face better, thank  
24 you.

25 KAREN SPENCER: My name is Karen Spencer, and I've been a resident of the northwest  
26 subarea for nearly thirty years. I live in the Greyrock Commons neighborhood; I would invite people who  
27 are not familiar with it to visit. And it is just off Liberty Drive near Taft and Vine. This is where we  
28 raised our kids, where our family feels strong connections. Like everyone here, I care about sustaining  
29 the unique character of the northwest subarea. For this reason, my husband and I actively participated in  
30 the development of the Northwest Subarea Plan back in the day. When it was finalized, we knew the Plan  
31 would be advisory, not prescriptive. We also knew that future development would occur, and that it  
32 would likely be different from previous development in the subarea.

33 I believe that the current Sanctuary on the Green proposal is appropriate for the semi-rural urban  
34 edge of the northwest subarea. It would locate varied housing and well-designed open space close to  
35 existing bike, pedestrian, and public transport infrastructure. It preserves and improves long-standing  
36 walking connections between adjacent neighborhoods and schools. If not the Sanctuary development,  
37 another type of development would occur, possibly without any coordinated planning or neighbor input.  
38 Should the property get sold as single-family lots, for example, neighbors would likely be cut off from the  
39 existing pathway connections we all enjoy, and there would be no expectation for enhanced wildlife,  
40 friendly landscaping, or open space.

1 Tightly clustered three-story townhomes with connected open space and trails is a development  
2 approach I'm very familiar with. It is the approach we used in my current neighborhood, Greyrock  
3 Commons. Thirty years ago, it was considered too different by some. Like Sanctuary, we received  
4 negative feedback from neighbors and worked hard to address a variety of concerns. The built result is  
5 beautiful, and both human and nature friendly. Sanctuary on the Green has taken a similar, responsible  
6 development approach that will benefit future residents, wildlife, and the surrounding community.

7 It's important to also say that my husband and I will soon be living right next door to Sanctuary  
8 on the Green; we recently purchased and are remodeling a 1975 ranch home on Irish Drive as our aging in  
9 place downsized home. We picked this house in the northwest subarea...I'm almost finished, about two  
10 sentences...in the northwest subarea, then revisited and studied the Sanctuary development proposal  
11 before making the purchase. We are comfortable with the development plan, and we look forward to  
12 have new Sanctuary neighbors across the fence. I support approval.

13 MARCUS MCASKIN: Thank you, Ms. Spencer. Who is next?

14 KATHLEEN DESANTIS: Hi, I'm Kathleen DeSantis; I live on 230 Pennsylvania Street. I just  
15 want to say that I really think, the plan that they did looks great on the west side. The way that they've  
16 designed the houses is really the only change I've noticed between now and before. I think the biggest  
17 problem is the three-story buildings on the very east side, especially it being right across the street from a  
18 historic home. It's always been the density of that particular area that we, as a community, have  
19 addressed as being a problem, and that never was changed at all. I mean this proposal and the one that we  
20 appealed and also went to court with is pretty much the same. That's why we're here today, because the  
21 plan didn't change.

22 And I was also wondering, because I did notice the bike path...the multiple trails, which I think is  
23 great. It goes the full length of my house, and everywhere else it just kind of goes, you know, past  
24 peoples' backyards. And I was wondering if it would be possible if we could get that trail moved maybe  
25 like six feet away from my property because it's...looks like it's right on the line, and I have bedrooms on  
26 that side, and animals as well that, you know, would be disturbed with all the noise. So, I was just  
27 wondering if that was an option.

28 And, I guess the last thing for me would be basically the water table in the area. You know, it's  
29 still not clear how Fort Collins and the developer are going to navigate the water table and the flooding.  
30 At the end of my street, all the water puddles. And I know they're going to be grading over and creating a  
31 higher level of ground, so I don't know how that's going to...is that going to help the water from, you  
32 know, the south side going towards the field because that's where the water runs? Or, you know, I was  
33 just kind of wondering what's going on with that. But, yeah, that's my comments. Thanks.

34 MARCUS MCASKIN: Thank you, Ms. DeSantis. Just so that you know, and anybody else that  
35 has provided comments to date, or is planning to, there will be an opportunity for both the applicant and  
36 City staff to respond to questions or issues that arise during the public comment portion of the hearing,  
37 and we'll do that once the comment portion of tonight's hearing has been closed. So, thank you for those  
38 questions, and they will be responded to at the appropriate time.

39 Do we have anybody else there in Council Chambers that would like to make a comment at this  
40 time?

1 CLAY FRICKEY: It looks like a few more, Marcus.

2 MARCUS MCASKIN: Okay, thanks, Clay.

3 JENA MARTINDALE: My name is Jena Martindale, and my husband is a third generation  
4 farmer, and we own property in 80525, and I am also a brokerage...a real estate brokerage, and I see...I  
5 kind of walk the line as far as development and also keeping open space, and I approve the plan that you  
6 guys have already, and what you guys have put together. They have definitely encaptured [sic] all that  
7 open space and beautifying

8 Some of the comments that were made I believe from the attorney from the opposing was  
9 inaccurate as far as that it will provide affordable housing, and how it will provide affordable housing is  
10 those townhomes, or the duplexes, that they are going to be proposing that would be in there, it's going to  
11 be cheaper than an actual single-family home. So, that will provide that specific need. And also, just the  
12 fact that this company has gone above and beyond to meet what you guys are requiring, and the opposing  
13 side, I think, is going out of feelings and not basically out of Code, and what the Code says and allows for  
14 this proposed subdivision. Thank you.

15 MITCH TAMEZ: Hi there, Mitch Tamez, I live in 80528. I just want to say that, as a Fort  
16 Collins native, I certainly understand and agree with the sentiment of wanting to keep the qualities that  
17 define this city. I think it's actually important to scrutinize new developments so that, going forward, we  
18 can set an example for future applications, future proposals. That said, I do think that when one comes  
19 along that can serve as an example, I think we need to welcome that.

20 It's also my opinion that, you know, how they've used the space from lowering the density I think  
21 it also important. It shows good faith. I think that helps in showing compatibility with the existing  
22 developments. It was mentioned that this is purely for profit; I think if that were the case, the multi-  
23 family would still be there. I don't think they would have increased the setbacks, I don't think they would  
24 have increased the open space. And, like I said, I do understand that this is a change, but ultimately, I  
25 don't think that change means incompatibility. Thank you.

26 SETH MCEWEN: Hello, Seth McEwen; my property abuts the new development. This hearing  
27 is very different than our previous hearings insofar as the amount of public support I'm hearing in favor  
28 of the development. I would like to speak to that insofar as it's been a very political hot button in this  
29 town, and I'm curious how many people here speaking in favor of the development are impacted  
30 personally in any way by it. I hear a lot of zip codes that are nowhere near this property. They're not  
31 driving the neighborhood, they're not living next door to it. And I think that that should be taken into  
32 consideration in weighing community feedback is the specific facts on the ground for the people whose  
33 lives are impacted versus the political nature of development in Fort Collins and Larimer County, et  
34 cetera.

35 The applicant spoke very eloquently to the Northwest Subarea Plan in their presentation. I  
36 appreciated that, and so it was an odd stumble to me when we got to the compatibility metric slide, and  
37 the comment was, well, you know, compatibility is very subjective. What? You have all these statistics.  
38 Give me the numbers.

39 And so, what I've got for you today is a little bit of numbers. Compatibility can be subjective,  
40 but it can also be quite objective. And, in contrast to the applicant's look at all of the neighborhoods

1 which are visually distant, physically remote, and isolated from the people most impacted by this  
2 development. Dean Acres, it's a mile away, you can see it from there. I looked at forty-seven homes  
3 which directly abut this development...only the ring right around the developed area, those forty-seven  
4 homes, and compared it to what the applicant is proposing. The median lot size of Solitaire's [sic], the  
5 209 lots I looked at in the Solitaire's [sic] proposal is two thousand, four hundred and sixty-eight square  
6 feet. The median lot size for those forty-seven directly abutting homes, nine thousand, five hundred and  
7 twenty-eight square feet. So, that's twenty-six percent of the size. The median lot size is almost seventy-  
8 five percent smaller than that of the directly abutting existing homes. It's significant.

9 When we look at building mass and structure with the lot size ratios of those forty-seven existing  
10 homes in the ring around this development, it's thirteen percent. So, for the most part, homes in the  
11 existing neighborhoods enjoy greater than eighty percent of the square footage of their property as  
12 outdoor yard space when compared to the indoor square footage. When you look at the...in contrast, the  
13 townhomes in particular, you're looking at less than ten percent of the lot size is going to be personal  
14 property being able to be appreciated by those residents. It's a grossly different lifestyle than that that's  
15 appreciated by the surrounding neighborhoods who have chickens, gardens, the opportunity to enjoy and  
16 recreate on their own property outdoors.

17 JEFF AARDRUP: Hi, Jeff Aardrup, Webb Avenue. I just have a comment that I find it  
18 suspicious that, if I heard the woman correctly, she said her zip code was 80528. If you look that up, that  
19 is nowhere near this area, and I don't know why someone would be concerned what I see as a very local  
20 issue. That's all, just a suspicion.

21 JAMIE COOK: Good evening, my name is Jamie Cook, and while I don't necessarily live in the  
22 neighborhood, I do think that a development like this impacts Fort Collins as a whole, and a community  
23 as a whole. And, when we're talking about the community, it's not just that little part that the  
24 development is going in, it truly affects the whole community, and that is the whole point of this  
25 development. There's also been a lot of talk about affordable housing, and I know that something that  
26 was strongly objected to was multiple family housing. But, truly affordable housing is going to be multi-  
27 family housing with multiple stories. At this point, after hearing that presentation and doing my own  
28 research, I think that this is a very thoughtfully put together development that is truly, you know, the best  
29 outcome of a development in that area. And, as the first attorney had stated, they don't oppose  
30 development. This is the best choice.

31 PAUL MERICA: Paul Merica, 80525. Yes, I'm not from this area, but I live in Fort Collins, and  
32 everything that happens here affects everybody in Fort Collins. I don't like wasting money. And I find  
33 this very unusual that we're having to go through the same thing over and over again, when it looks like,  
34 from the beginning, everything was done correctly. This developer has done backflips to get this through,  
35 and I find it very interesting that only a few people, for whatever reason, don't want it to happen. So,  
36 when you talk about affordable housing, imagine the impact that all of these backflips and this extra work  
37 will affect the price of those homes when they're finally built. I'm completely for this development, and  
38 like I said, I have no direct financial gain at all. So, good night.

39 MARCUS MCASKIN: Okay, anybody else there in Council Chambers? I do see somebody  
40 coming up, thank you.

41 MEGAN MCGRATH: Hi, my name is Megan McGrath; I don't live in the neighborhood, I'm  
42 actually here with somebody who does, and I kind of just came out of curiosity because I've learned

1 about it through him. And you know, I love Fort Collins, I love the feel of all of the neighborhoods, and  
2 particularly this one. I think I can see that the applicant has tried, I can see that they want to encourage  
3 green space, and I love that, and I love that they're willing to work with people, but I can also see how the  
4 residents don't think it's enough and don't think it matches the feel of their neighborhood because I've  
5 gotten to walk that neighborhood a lot, and the three-story houses are outliers. I don't feel like that is a  
6 good representation of this neighborhood, and I feel like it would absolutely take away from the character.  
7 I think there's a middle ground to be found here, specifically listening to the residents and hearing what  
8 they have to say about what makes the neighborhood unique and what makes it...you know, what keeps  
9 the character of the neighborhood, and working with them to maintain that because, from what I saw in  
10 those pictures, it still feels like a new modern, big houses, going to sell for things I still can't afford. And  
11 it doesn't feel like the neighborhood I've gotten to know recently and enjoy, and I feel like it would take  
12 away from the character of that. So, just somebody who doesn't live in the neighborhood, and also does  
13 not think that it fits that fell. So, that's my two cents.

14 LORIN SPANGLER: Hi, my name is...woah, that is loud...Lorin Spangler; my property does  
15 abut the area of the proposal, and I just had...I guess we're not in questions, but I would like some  
16 reassurance. I am not in favor of this development, but I would like some reassurance because one  
17 component of the Northwest Plan, the Subarea Plan, is about wildlife, and protecting the dark skies, and  
18 the birds and their migratory pathways...you know, connecting...on the other side of Taft Hill. I would  
19 like some reassurance about what that...what the development can do to protect and preserve that part of  
20 the area that right now is used by a lot of residents that are not human, and that didn't really come up in  
21 the presentation tonight. So, that's a lasting question that I have, and I would just like some reassurance  
22 about what's to be done about that part. That's all.

23 MARCUS MCASKIN: Okay, thank you, Ms. Spangler. And, again, just...okay, I do see  
24 somebody else coming up for public comment.

25 LISA BONNELLY: Hi, my name is Lisa Bonnelly and I live on Pennsylvania Street which is  
26 directly adjacent to the project. Now, why is an adult standing before you in possibly the worst Lorax  
27 costume ever made? For one reason: to get your attention. Because you've heard my speech many times  
28 before, three, possibly more. I speak for the trees because the trees have no voice. These twelve or so  
29 trees are mature and beautiful and have much vitality left in them; they only need to be trimmed. They  
30 will not be killing anyone. These trees are a hundred and twenty-five years old; they cannot be replaced.  
31 They are considered old growth trees here, they have so many benefits. Please see them as a commodity  
32 instead of a nuisance. I know that you're not required to save them...think about your statement of taking  
33 down these trees to replace them with new trees...replacing trees with trees, that's ridiculous. There's no  
34 comparison between the old growth trees and young, new trees.

35 You claim to be a local company; I believe a local company would care about the community and  
36 make them part of your plan. To destroy these trees seems to me a big corporate decision, and I implore  
37 someone in your company to simply make this simple decision to see them as the valuable commodity  
38 that they are. Please keep the trees. Save these trees. Show us that you do care about our community.  
39 Thank you.

40 EMMA SLONIKER: Hi, my name is Emma Sloniker; I live in Shirley Heights which is just  
41 nearby to this proposed development, and I would just like to reiterate the desire to ask some questions  
42 about how wildlife will be protected and respected, as well as dark skies. I know that, personally, I have  
43 really enjoyed the new Kestrel Fields Open Space; it's been a wonderful place for our community to meet

1 and say hello, and to meet new people, and to connect neighborhoods. So, I am not inherently opposed to  
2 this development. I do think that they have made some concessions that were very important to the  
3 community, but I would like to know that the efforts that we've put into Kestrel Fields and making it a  
4 wonderful place to bird watch and to look at the stars is maintained in the general area. Thank you.

5         ANDREW KEATS: My name is Andrew; I live on Impala Drive. I have a few questions about  
6 the plan, specifically when they say it's going to enhance wildlife, I didn't really get any examples of that,  
7 and I'm curious what that means. I don't know how building what was proposed is going to enhance any  
8 of the wildlife in the area. I spend a lot of time walking in the natural areas, Puente Verde and Kestrel  
9 Fields, all the way down to the Poudre corridor, and I see a lot of wildlife in that area, and it's one of the  
10 things I really enjoy about living in this side of town, and I really feel like this plan is going to take away  
11 from that.

12         I'm also a little curious about the affect the neighborhood is going to have on the urban heat  
13 island effect. I'm an arborist in the city, and I've witnessed this firsthand in other areas of the city. This  
14 seems like a very unique and special field that's being proposed to be taken away, and I'm curious what  
15 type of research or analysis has been done to see what type of effect this is going to have on the area.  
16 And you may say that you're going to plant new trees here, but there are some other things I think you  
17 should consider about that, because that doesn't mean that they're going to survive...we're seeing a very  
18 high mortality rate with new trees being put in the ground, specifically from the heat island effect, and  
19 also the water that's required to get these new trees established. Just listening to tonight, this is the first  
20 time I've been to one of these meetings, but those are just a few things that come to mind.

21         See if I have anything else written down here...oh yeah, back to the enhancing wildlife.  
22 Someone mentioned pollinators...that's one of the huge things the City prides itself on, I thought, was  
23 taking pollinators, birds, light pollution into consideration, and I didn't really get any strong examples of  
24 what that looks like for this proposed plan.

25         Yeah, I guess my final statement would be that...I mean, I am biased, I live there. I'm not in  
26 favor of the plan. I understand I'm just one person, and this may...this could have a positive benefit for  
27 other people in trying to establish families in this area, but I don't think the photos I saw there are what's  
28 needed for this area, and I don't think it's the responsible choice for what we have here. I think it would  
29 really take away from the character of northwest Fort Collins, and I think there's a better option and place  
30 for something like this. Thank you.

31         MARCUS MCASKIN: Thank you, Andrew. Any other members of the public that are there in  
32 Council Chambers that would like to make comments before we open it up to folks that are participating  
33 remotely?

34         KATHRYN DUBIEL: Thank you for hearing my comments. Kathryn Dubiel; I do live in Fort  
35 Collins, although I am not a resident of the Sanctuary Fields area. I think what my comments are meant  
36 to say is that this sets a bad precedent for developers and the City staff...for the community, I should say,  
37 because we saw, unlike a statement made earlier, over a hundred and fifty people banned together to  
38 analyze and oppose this development proposal. They went so far as to take an appeal...or make a...file a  
39 lawsuit in the district court; the district court supported their position. And now we see the developer and  
40 the City staff finding ways to justify that this plan accomplishes the comments and the rulings that the  
41 judge gave. What I see happening here is that, once again, citizens are not included in the negotiation  
42 process between the developer and the planners, and this sets a bad precedent, because if we don't have a

1 seat at the table, if we don't have access to the decision-making, and our thoughts and our considered  
2 objections are not part of the decision-making, then the citizens have no rights here, and I object to that.  
3 And that's all I have to say...this is a very, very bad precedent, because from what I understand, the  
4 developer has done nothing to reach out to the community that has formed an organization to oppose  
5 elements of the development proposal, and that is not right. Thank you.

6           MARCUS MCASKIN: Okay, seeing nobody else moving toward the podium at this point, Clay, I  
7 don't know how City staff would like to open it up to those members of the public that are attending  
8 remotely?

9           SHAR MANNO: Alright, right now at this moment, it looks like we have one hand online raised,  
10 a Miranda, and please keep raising your hands if you would like to speak. Right now, Miranda Spindel,  
11 I'm going to allow you time to talk, and you'll have three minutes.

12           MIRANDA SPINDEL: Can you hear me?

13           SHAR MANNO: We can.

14           MIRANDA SPINDEL: Great. My name is Miranda Spindel, and my three-acre historic farm at  
15 330 North Taft Hill borders almost the entire east side of this proposed development. My property was  
16 not shown on any of the developer's slides or maps because it so clearly is not compatible with this,  
17 quote, most intense side of the proposal. As you know, there's a lot of history here. It's notable that our  
18 neighborhood group, Sanctuary Field Neighborhood Network, has remained engaged through years of  
19 development review. We have diligently followed along as the City continues to change the rules we've  
20 been told we're playing by. Also of note should be that almost zero of the written public comments in  
21 support, and many of those who have spoken tonight in support of this development, are from people who  
22 actually live in our neighborhood.

23           That being said, I really have two main issues that I hope you will consider this evening. First,  
24 the proposed plan hasn't changed since the prior Type I hearing. The overall neighborhood sentiment  
25 remains unchanged because the proposal is unchanged. The developer is claiming this has been an  
26 extremely collaborative effort that has meaningfully responded to neighbors' concerns, but this is a  
27 falsehood. In 2022, the hearing officer, you, urged the developer to work with the neighbors to reduce  
28 overall density and lower building height. This has not happened. I did receive reach outs to meet at very  
29 short notice prior to the cancelled hearings last fall and again just prior to this hearing. These have been  
30 submitted as a public comment. The developer indicated when questioned that he was not actually  
31 willing to change the site plans based on community feedback, and that brings me to my second main  
32 issue.

33           This proposal does not comply with the Northwest Subarea Plan, and therefore it should not be  
34 approved. The district court decision clearly indicates that both the Code and the Plan must be applied in  
35 this hearing, and further that the more specific standards shall govern. The judge's decision also gives  
36 you, as hearing officer, the authority to decide what is or is not compatible. We fully understand that  
37 compatibility does not mean the same as, and instead it refers to sensitivity in maintaining the  
38 neighborhood character. Both the Code and the Plan speak to what affects compatibility, including  
39 height, scale, lot size, setbacks, mass, and bulk of structures. This proposal calls for three-story buildings  
40 that will be more than forty feet tall...they do not relate in size or character at all to our single-story  
41 homes. The buildings will obstruct views of the foothills which is in direct conflict with the Plan. The

1 developer has been asked numerous times, in writing, to reduce and/or relocate these high-density  
2 buildings, and that request has been refused in every new iteration of the development proposal. There is  
3 no way that this development can be considered compatible or sensitive to our neighborhood character.  
4 The City should never have allowed this proposal with these massive buildings in this area to proceed. I  
5 respectfully ask you to deny this proposal. Thank you.

6 SHAR MANNO: Alright, next we have Simon. Simon, go ahead, you have three minutes.

7 SIMON CECIL: Good evening, can you hear me okay?

8 MARCUS MCASKIN: I can, thank you.

9 SIMON CECIL: Great, thank you. My name is Simon Cecil; I am speaking to you tonight from  
10 Portland, Oregon, zip code 97210. That being said, I'm from the northwest area, born at PVH, raised at  
11 the corner of Overland and Vine, Poudre High School class of 2001, go Impalas. And I'm rising today in  
12 firm support of this development. I want to say that again, I am a native of the northwest area, born and  
13 raised, and I support this plan. As a matter of fact, I'm so deeply rooted in the area that I have awful  
14 teenage poetry that I wrote about a girl who I used to walk across the field that is going to be this  
15 development site.

16 Having grown up here, I can tell you that this has always been a very mixed area. Ramblewood  
17 Apartments abuts single-family homes on one side and Poudre High School on the other. Grenada  
18 Heights sits next to a big empty field on one side and a farm on the other. Greyrock sits next to a cul-de-  
19 sac. I mean, if you look at homes on the west side of Impala Drive and the east side of Irish Drive, those  
20 lots are so small that they do not even meet the number of homes per acre requirement that the  
21 opposition's own attorney raised as a red line here tonight. There has always been strange, unusual  
22 development...in fact, that is how the northwest area has grown. If anything, a development that's a bit  
23 unusual is absolutely in line with how the area has been developed. There are dense areas all over the  
24 subarea, there's Ramblewood Apartments, there's Grenada Heights, there's Greyrock. If you look at an  
25 area map, there is a manufactured home park, that's what many would call a trailer park, at 1700 Laporte  
26 Avenue, and numerous apartments at 1850 Laporte Avenue.

27 And so, today, the opponents of this development and their attorney would tell you that they're  
28 not opposed to development, just this development in this way. But, if you read their online  
29 communications, they are crystal clear that what they want is to retain their beautiful horse pasture. The  
30 applicant has repeatedly met with them, has offered to reduce the number of homes, and yet they are not  
31 nullified and have sued in court. Let's be blunt, this is NIMBY-ism, plain and simple.

32 That being said, I am here tonight because I desperately want the opportunity to move home, to  
33 help my aging parents and care for my young nieces. My younger brother living in Philadelphia wants  
34 the same, but we likely cannot afford homes in the area because housing prices are so high. Last month  
35 he emailed me a posting of local real estate and a note regarding the prices that read simply, I think I'm  
36 going to start robbing banks. Building homes is critical to checking rising home prices, it helps fight  
37 against homelessness, it sustains area schools, provides good-paying trade jobs, and critical property tax  
38 revenue. Ask anybody living on Impala Drive if they wouldn't mind having a little bit more property tax  
39 revenue to fix those potholes. The city needs houses desperately, and the chance to build those houses a  
40 stone's throw from City Park and downtown is a golden opportunity that should be seized. This is good  
41 for the community and the city as a whole, and it would be a godsend for myself and my family. As a

1 native son of the northwest area who wants nothing more than the chance to rejoin my family in Fort  
2 Collins, I am asking, in fact I am begging you, to approve this project. Thank you.

3 SHAR MANNO: Alright, next...I don't have a name, but it ends in 99. If you would like to  
4 unmute, you've got three minutes. Whoever is online, it's QAJAGER, or QR99. If you can unmute  
5 yourself, you can go ahead and start speaking.

6 MARCUS MCASKIN: Let's go ahead and come back to 99, if they can figure out how to  
7 unmute. Who's the next individual we have?

8 SHAR MANNO: Actually, that is the last hand raised. However, I will say...oh, there he goes.

9 ERNIE FRANK: Am I unmuted?

10 SHAR MANNO: You are unmuted, yes.

11 MARCUS MCASKIN: Can we please have your name for the record please?

12 ERNIE FRANK: My name is Ernie Frank; I live at 242 North Sunset Street, 80521. My property  
13 abuts the west end of this project. I'm neutral about the project right now. I have one major question. At  
14 the annexation meeting I believe...18<sup>th</sup> of September, 2018, I did a PowerPoint presentation. One of the  
15 documents in the PowerPoint presentation was a demolition permit which is required by the state  
16 if...before you can destroy any structures like the...burning the house down and then donating the wood  
17 from the outlying buildings to some local craftsman to make tables. Okay. The document I presented  
18 was not signed by the state agency even though the inspector said there may have been, or there was,  
19 asbestos in the roof shingles. Asbestos has special requirements before its burned and all the rest of it.  
20 What I would like is, who do I see in the City government that could give me a copy of the updated  
21 permit for demolition from the state agency that says, if you're approved, you can go ahead with this.  
22 The document I presented at that date was the latest available from the agency, and it was not signed on  
23 the bottom with approval. So, if you will...you have my address, you have the zip code, please send me a  
24 letter as to who I see, how to get a copy of that.

25 The second thing is, at that meeting, the young lady from Ripley who talked about the donation of  
26 the red painted wood, without mentioning that when those barns and outbuildings were painted, there was  
27 probably a heck of a lot of red lead in that paint, and that tables were made from it. Who was the  
28 craftsman that picked up the stuff? Because it may be a lot of people in this county that are eating off of  
29 tables that have red lead in them. And the reason I'm concerned is because I would not like the  
30 developer, when he starts dozing the land, that we're not dealing with a building site that's a development  
31 that may or may not be the best thing for this area, but we may be dealing with a toxic waste site, and I  
32 would not like to see it stirred up. That's all I've got to say, thank you. The address is 242 North Sunset  
33 Street, 80521, my name is Ernie Frank. Just send me the letter, please, and I'll be at the City Hall to get  
34 the copy as soon as I can. Oh, and I'm ninety years old, so I couldn't attend the meeting tonight because I  
35 don't drive at night. Thank you for your time, goodbye.

36 MARCUS MCASKIN: Okay, do we have any more hands that are raised at this point?

37 SHAR MANNO: Mr. McAskIn, we do not. However, I was handed two emails right before this  
38 hearing that I was told that I did need to read after public input. And I believe we have another one being

1 emailed to Clay. Did Em email you over one? Okay. So, it looks like we've got three emails to read.  
2 There are no additional raised hands, so I believe we are wrapped up online.

3           MARCUS MCASKIN: Okay, I appreciate that confirmation, and would you like to read those  
4 emails into the record, or would you like to just send those to me? I think, if they're relatively short,  
5 reading them into the record is fine with me.

6           SHAR MANNO: I think that what we'll do is we'll put them all together, all three of them, and  
7 we will get them emailed over to you.

8           MARCUS MCASKIN: Okay, that would be perfect.

9           SHAR MANNO: Thank you.

10           MARCUS MCASKIN: Okay, so seeing no other hands raised, I would like to close the public  
11 comment portion of the hearing at 8:02 PM. What I would like to do is take about a little over a ten-  
12 minute recess or break in the hearing at this point. We'll come back, and when we reconvene, there will  
13 be an opportunity for the applicant to respond to some of the questions or issues that were raised, and staff  
14 will have a similar opportunity at that point. So, let's go ahead and take a short break. We'll reconvene  
15 at 8:15 PM.

16           Okay, so it is just after 8:15 PM, let's...I'll give everybody another minute or so to get settled and  
17 then we'll go ahead and reopen the hearing.

18           KIRK LONGSTEIN: Before you start the hearing, can I check my sound. Can you hear me  
19 okay?

20           MARCUS MCASKIN: Oh, of course, yep.

21           KIRK LONGSTEIN: Great.

22           MARCUS MCASKIN: So, Kirk, maybe just let me know when you've got the sound confirmed.

23           KIRK LONGSTEIN: Yeah, I think we're confirmed.

24           MARCUS MCASKIN: Okay, so are we good to go?

25           KIRK LONGSTEIN: Yeah, we're good. Thank you.

26           MARCUS MCASKIN: Alright, great. Alright, for the record, this is hearing officer Marcus  
27 McAskin; it's 8:19 PM. I recessed the hearing at 8:02 following the conclusion of the public comment  
28 period. At this point, I'd like to provide an opportunity to both the applicant and staff to respond to issues  
29 or comments that were raised during the public comment portion of the hearing. So, at this point, I will  
30 turn it over to Mr. Coutts and Ms. Decker with the applicant team.

31           SAM COUTTS: Thanks, Marcus. I'm going to have several members of our team help address  
32 the various points through the public comment period. First up, we have the applicant, David Pretzler,  
33 here. And I'll let him kick this off...get my screen shared here. And please, if it's going slow, someone  
34 hit me and I'll slow it down. Screen share is loading it's saying. There we go.

1 DAVID PRETZLER: My name is David Pretzler...of the developer, C&A Companies, and  
2 manager of the applicant, Solitaire Fort Collins. This project represents the culmination of, believe it or  
3 not, fifteen years of ongoing planning and open dialogue with the neighboring community. It begins with  
4 my partner, Bill Veio's proposed development on the west side of the property in 2006, and continues  
5 through to today. My involvement is only the last six years, but I think that's pretty much the definition  
6 of slow development, which the Northwest Subarea Plan seeks to attain.

7 A lot has been said about lack of neighborhood outreach, and what's on the screen here is the fact  
8 that we had our initial meeting in June 27<sup>th</sup> of 2018, we had follow-up meetings in September of 2018,  
9 March of 2019, September of 2021. We also were keeping the neighborhood up to date on...with  
10 newsletters during that 2018-2022 period, and we've had additional open communications via phone with  
11 the neighbors over the years in smaller group settings. And we initially designed the project so that we  
12 would be in compliance with the Northwest Subarea Plan; we knew the importance of that. But, through  
13 the neighborhood outreach, we have refined the plan over the years to try to take even more of those  
14 criteria into account. Most recently, we...between the time of the P and Z hearing date and currently, we  
15 have removed eighty-seven units of multi-family, which is the most dense housing type, which the  
16 neighbors were most against due to the density. As somebody pointed out, that would have been the most  
17 affordable and attainable product type that we could have offered. We also reoriented a number of the  
18 buildings to increase the natural habitat buffer zone and minimize pinch points in that area. We  
19 reoriented buildings and eliminated others to increase landscaping and open space to help block the visual  
20 impacts to the neighboring properties. We decreased thirty-six of the three-story attached units to two-  
21 story homes, and we decreased ten of the two-story homes to one-story homes because the neighbor  
22 group was wanting more homes for seniors that were single level. The height restrictions that we  
23 implemented along the perimeter of the site were to address height and proximity to existing structures,  
24 including step downs to two-story on a number of structures. So, you've heard all this.

25 I kind of want to go over just a few things that might have been missed in our presentation that  
26 we have done over the years to try to help make this project as compatible as it can be with the  
27 surrounding area and with the Northwest Subarea Plan. We're providing connectivity, as has been said  
28 many times here, through a trail system with over four thousand linear feet of trails, whereas none are  
29 required by the Land Use Code. We're providing wildlife viewing areas and seating, where none is  
30 required by the Land Use Code. We understand the importance of protecting wildlife and enhancing the  
31 habitat of wildlife wherever we can. Part of that has been providing six hundred and ninety-four trees,  
32 where only two hundred and fifty-four are required by the Land Use Code, providing four hundred and  
33 twenty-one shrubs, where only a hundred and sixty-eight are required by the Land Use Code, providing  
34 pollinator gardens and habitat landscape islands, where none are required by the Land Use Code. We're  
35 also trying to save as many of the mature trees as possible; we're actually saving forty-five percent of  
36 them along the wildlife corridor, and we're repurposing some of those that we cannot save into habitat by  
37 felling them and leaving them there for the animals to use. We also are designing the site so that a  
38 hundred and forty of the two hundred and twelve dwellings that front...they front gathering areas, natural  
39 habitat buffer zones, the Soldier Creek Trail, the park, the City natural area, or the HOA maintained open  
40 space, and this has all been as requested by the neighbors.

41 I think it's important to understand that the LMN zone district for this property allows a density  
42 of three hundred and seventy-two dwelling units; that's nine dwelling units per acre. And, recently, a new  
43 Land Use Code was adopted by the City, and if this project were to use today's standards, the allowed  
44 density of it would be actually four hundred and ninety-six dwelling units; that's twelve units per acre.

1 And we are proposing two hundred and twelve units per acre; that's 5.13 units per acre. The actual one  
2 hundred single-family homes that the neighbor group would like would not even meet the minimum  
3 density requirements of the current Land Use Code or the newly adopted Land Use Code. Nonetheless, in  
4 an effort to accommodate the request of the neighbors, we have studied a plan that would provide for only  
5 single-family and duplex homes since the district court decision was handed down. We studied this plan,  
6 we did site plans, we met with potential buyers of this product, and we looked at infrastructure costs, and  
7 we looked at all the costs associated, and what potential buyers were willing to pay, and unfortunately, a  
8 plan like that is not feasible. We just cannot do it. Even if we didn't have the LMN zoning and Land Use  
9 Code restrictions to work within, it's simply not feasible to provide attainable housing price points and  
10 product without also having the density to offset the very significant costs associated with site  
11 infrastructure, public improvements, regional drainage improvements, landscape restoration, and  
12 everything that we're committing to do with this site plan.

13 The fact is that the one hundred units the neighbors want would have to be priced in excess of one  
14 million dollars a piece in order to make that density feasible. This does not comport with what the City  
15 has determined is needed, which is more affordably-priced homes that will provide housing for the  
16 missing middle of home buyers that need the homes priced at half that amount. And, yes, this is not  
17 affordable housing, but it is attainable housing, and it is meeting a huge gap in the market that currently  
18 exists of a product type, especially in this area, that, you know, could be met with our development. And  
19 I can promise you that we have done our very best to make the Sanctuary on the Green compatible with  
20 the surrounding neighborhoods while also complying with the requirements of the Land Use Code and  
21 working within the limits of financial feasibility.

22 The reason we have come to an impasse with the neighbors, and recent attempts to meet with  
23 them have not been fruitful, is that their requirement that we change the site plan to eliminate the three-  
24 story product is the one thing we cannot do. Having already eliminated the multi-family product type  
25 from our project, the smaller lot size of the three-story product is the only way that we can achieve the  
26 minimum density required by the Land Use Code and the density needed for project feasibility, and to  
27 provide homes for that missing middle component that so badly needs it. Thank you.

28 SAM COUTTS: Thanks, David. I think from there, I'm going to try to run through the list. I've  
29 been taking notes while everyone was speaking, and I've done my best to get all of the different public  
30 comment topics, and I'm just going to go through one by one, and hopefully address these as they came  
31 up by person.

32 So, Mr. Pipes, I believe you were up first with the neighborhood group. And, I'm just going to  
33 try to go chronologically through what I heard here. I think the first discussion item was the affordable  
34 housing piece. It's true, this is not an affordable housing project; it has never been an affordable housing  
35 project. As David just mentioned, it's an attainable housing project. So, there are no requirements to  
36 meet from the City standards governing affordable housing. I think this was brought up in reference of  
37 being...there's no community benefit of this project, which is a little disheartening to hear, honestly. The  
38 community benefit is not solely the affordability of these homes. There's so much this community can  
39 gain from this development: the restoration of Soldier Creek as a true, natural drainageway, flood  
40 prevention, trail connections, the habitat buffer zone protected land that is devoted to wildlife habitat, just  
41 to name a few. So, I think that notion that there's no community benefit here is not true.

42 I noticed the analogy of the ninety-nine percent open space plan, with a two hundred and twelve  
43 story building, and I do like that analogy...it painted a good picture for me. But, it really just exemplifies

1 exactly why there are so many different aspects to compatibility. The building height combined with the  
2 open space would not be compatible. The architecture combined with open space is not compatible in  
3 that scenario. In our scenario, our plan takes every aspect of all those compatibility arguments: the  
4 architecture, the style, the building height transitions, the density, the use, traffic patterns, landscape, all  
5 of that has been used to achieve something that is truly compatible holistically.

6 There was discussion about Greyrock Commons and how that was what spurred the Northwest  
7 Subarea Plan because it's not something that that area desired. I did enjoy the comment later from  
8 someone that lives in Greyrock Commons, and thought that was also powerful. But, it should be noted  
9 that Greyrock Commons is what is now in the urban estate area of the land use framework. So, under  
10 your premise of it not being compatible, taking that type of density and putting it in the urban estate, I  
11 could find your argument to be true, that that would not be compatible. However, that's not our scenario.  
12 Our scenario is the low-density medium [*sic*] mixed-use residential framework. So, I think it's a little  
13 comparing apples to oranges there.

14 You also mentioned a series of page numbers and design guidelines referenced throughout the  
15 Subarea Plan. These are all found in chapter seven of the Northwest Subarea Plan, the urban rural edge,  
16 which as I mentioned in my presentation, it does not apply to our project. That's only for the urban estate  
17 and the residential foothills. We do still meet a number of those, but we're not required to.

18 The landscape screening is band-aid on a wart. Again, good image. As a landscape architect,  
19 that one stung a little bit. But, it's...again, it's not the only element of compatibility that we're trying to  
20 use; it's everything combined. So, I think it's important to look at these characteristics of our plan  
21 holistically.

22 I think there was this idea that the plan doesn't meet...our application doesn't meet the broad  
23 filter of the Plan. That is an interesting statement after the district court asked us specifically to comply  
24 with the most specific standards. So, that is what we've looked at, what are the specificities of the  
25 Northwest Subarea Plan, how can we meet those, and I hope we've presented that tonight.

26 I think David touched really well on the community engagement, and I think the last piece was  
27 the compatibility...if it wasn't compatible around the first approval, it still isn't, nothing has changed.  
28 Marcus, this is obviously your hearing, and when reading that...the report from the previous hearing, it  
29 sounded like it was just the Northwest Subarea Plan discussion that might have been lacking, and that the  
30 Land Use Code approval...we had met all of those criteria. And the compatibility section is actually in  
31 3.5.1 of the Land Use Code. So, to find that we meet the Land Use Code then does say that we meet  
32 compatibility. So, hopefully that addresses a lot of Mr. Pipes' comments.

33 Laura, I think you had some concerns that we only showed images from homes in Bellwether. I  
34 agree, there were a lot of Bellwether homes in that presentation, but we did have homes from Green Acres  
35 and...early in that presentation for the single-family attached and the lower one- to two-story townhomes,  
36 again because that's...is adjacent to the single-family detached. Let's see here, trying to make my way  
37 through the list.

38 Ms. DeSantis, sorry, I didn't catch your first name, but you had a comment about...or a question  
39 about the sidewalk proximity to your home. I wasn't able to keep up exactly where you are, but those are  
40 the types of things that we do really enjoy looking at, and the things we can actually make impacts on at  
41 this point, so you know, after the hearing, we'll make sure we've got your contact, reach out to

1 us...please let us know if there's anything we can do, if we can shift that sidewalk one way or the other,  
2 we'll take a look at it.

3 Let's see here...Mr. McEwen I believe wanted to see metrics. We can go back to that metrics  
4 slide. I think one of the...it's taking a while. One of the ones you brought up was lot size though. That  
5 number is deceiving just because a lot line is an imaginary line of where someone owns land or doesn't  
6 own land. And so, in multi-family and townhome developments, you often see small lot sizes because all  
7 of that open space is HOA managed, HOA owned. So, while they easily could have drawn there lot lines  
8 all the way to the boundaries two, three hundred feet away, and increase their average lot size, and that  
9 would make our compatibility numbers look really good from a metrics standpoint, it would be the exact  
10 same plan. So, I love numbers; I think numbers are helpful, but they don't paint the whole picture.

11 Wildlife, natural habitat buffer zone standards...the City does have very specific guidelines about  
12 what can and cannot occur in the natural habitat buffer zones, including light levels. Light levels have to  
13 be cut off to a low level before reaching that natural habitat buffer zone. So, maybe I'll let City staff talk  
14 a little bit more about what those specific standards are, but we will be complying with all of the Land  
15 Use Code requirements for those natural habitat buffer zone standards.

16 Andrew, you're an arborist and curious about the wildlife as well. There are pollinator gardens  
17 interspersed through those wildlife habitat areas. And, honestly, for urban heat island, Fort Collins does a  
18 great job of requiring it through their Code of requiring parking lot trees and creating that canopy to  
19 reduce that. That being said, I know there are difficult places to grow trees, and I'm a landscape architect,  
20 but I'm no arborist, so if you have recommendations, we'd love to hear that as well as we get into the  
21 final development plan.

22 I believe it was Kathryn, I hope I got the name right, that had concerns about the process, about  
23 citizen input and not having a seat at the table. I do feel bad that you feel that way. Fort Collins...I work  
24 in a number of different municipalities, and Fort Collins is probably one of the most, if not the most,  
25 progressive when it comes to neighborhood outreach. I know we have tried extensively early on in this  
26 project, and continue to try to be engaged in that, and I guess all I can say is that it's not greener on the  
27 other side of the hill, there are much more...or less involved processes in this state. So, take that for what  
28 it's worth, I guess.

29 I think Miranda was our last...oh, we had a couple more. Miranda, I know we've had a lot of  
30 back and forth on this project through the years with you, and I think, specifically the no changes  
31 comment was a bit abrupt, just because early on in that 2018 plan that we showed...maybe I can find it  
32 again...it'll take a minute to update here...but, this was our first proposal, and you'll see in a second how  
33 the main road came out onto Taft Hill, here you go, right south of that assisted living. That was the plan,  
34 which I believe came out right near your home. And so, we heard loud and clear that that was not  
35 something that was supported. So, the very next plan iteration, that main entrance drive was moved north  
36 several hundred feet to get the traffic away from your property. And then, I also heard you mention the  
37 court order about the more specific standard applies, which is what we're trying to achieve here.

38 I think Ernie was my last one on my list. The demolition of that barn, that did predate the  
39 annexation of the property to the east of the ditch and to the west of the ditch...it was annexed in 1982.  
40 That being said, I think the demo permit...I don't have a more recent one, but we will check anywhere we  
41 can find...we'll check our records, we'll reach out to you. I know the City is probably also on that,  
42 checking out if they've got any other additional demo permit records for you.

1 Did I miss anything? Oh, we were going to talk about vegetation. Let's have...we have Jesse  
2 Dillon here, our environmental consultant, to talk vegetation.

3 JESSE DILLON: Hello, I'm Jesse Dillon with Cedar Creek Associates. We were responsible for  
4 the environmental study, ecological study, on this project.

5 MARCUS MCASKIN: Jesse, sorry to interrupt. Could you please spell your last name for me,  
6 just for my notes?

7 JESSE DILLON: Yep, D-I-L-L-O-N.

8 MARCUS MCASKIN: Okay, thank you. Go ahead.

9 JESSE DILLON: I just want to point out that the staff report does a great job of summarizing the  
10 work that I've done on the project, including, you know, the initial ecological characterization study,  
11 which looks at Section 3.4, and really identifies those features on site, natural features, which deserve  
12 protection and buffered. In addition, we went back multiple times based on, you know, comments from  
13 the neighborhood and an ecological characterization study that the neighborhood put together, and really  
14 identified, and you know, these areas that deserve protection, and got those into the natural habitat buffer  
15 zone as the Code requires. Further, we worked with the applicant on the restoration plan to create  
16 ecological uplift in the areas of the project that are going to be that natural habitat buffer zone. For the  
17 most part, those areas are characterized by non-native grasses as they currently stand, and some weeds,  
18 and the applicant has committed to installing native vegetation, including forbs and native grasses in order  
19 to provide that wildlife habitat, that enhancement part of that wildlife habitat. And I think that's all I  
20 really have to say.

21 MARCUS MCASKIN: Great, thank you Mr. Dillon.

22 DAVID PRETZLER: Maybe I'll just wrap things up by saying that, just to point out, on March  
23 6<sup>th</sup>, 2019, the Sanctuary Field Neighborhood Network submitted a memo to the City which they recently  
24 reiterated in an email to us on May 30<sup>th</sup> of this year. It contains substantially all of the requests that they  
25 have for our development, and we've included a memo in the record which shows that we have met or  
26 exceeded each and every one of their requests made in the memo, with the exception of one, and that's  
27 the density and the three story, which I've already talked about, the reason we couldn't do that. And in  
28 fact, we have a slide that talks about Laura's...do we have that slide? Laura's...the highlighted part that  
29 we talked about earlier. Wait for it to come up.

30 This is an email from Laura from September 27<sup>th</sup> of 2018, and I'm reading a portion of it here  
31 that's highlighted that says, while they are definitely adopting a lot of what we have requested in terms of  
32 creating buffer zones of native, xeric plants, and preserving more open space on the northwest and near  
33 the wetlands and ditch, they have not agreed yet to our request for a smaller footprint, fewer units, or to  
34 not build more than two stories. So, here we are. That's pretty much what we've come down to here I  
35 think.

36 KRISTIN DECKER: And, Mr. McAskin, this is Kristin Decker, for the record. I just have  
37 one...the second wrap up, the legal wrap up. I know we focused a lot on the Northwest Subarea Plan  
38 consistency, but because this is a new hearing, I'd like to reiterate that along with the information and  
39 testimony that occurred today, that we are relying on the original record as evidence of compliance with

1 the Land Use Code, and the City Plan, and other City requirements. It's just...that was our interpretation  
2 of the court's direction on remand was to really hit consistency with the Northwest Subarea Plan. But, we  
3 do realize the importance of also complying with the Land Use Code and the City Plan for purposes of  
4 this new hearing. Thanks.

5           MARCUS MCASKIN: Thank you, Kristin, and that's understood. And we do have a...I think  
6 the full record of the prior hearing that's been included as an attachment to the staff report.

7           KRISTIN DECKER: Just a couple pages.

8           MARCUS MCASKIN: Okay, anything else from the applicant team at this point?

9           SAM COUTTS: I think that's all we have.

10           MARCUS MCASKIN: Great, thank you very much. So, Mr. Frickey, I will turn it over to you  
11 for an opportunity to, again, respond to any questions or issues that came up during the public comment  
12 portion of the hearing that you think staff would like an opportunity to address at this point.

13           CLAY FRICKEY: Sure, thanks Marcus. So, I'll start with just talking a little bit about Northwest  
14 Subarea Plan, and then some comments pertaining to open space and character. I'll also comment on the  
15 two hundred and twelve unit building and the ninety-nine percent open space...low-density mixed-use  
16 zone district couldn't permit two hundred and twelve units in a building, it wouldn't permit a building  
17 that size. We have a lot of other requirements, too, around building height, such as a three-story height  
18 limit and two and a half stories for other building types within the low-density mixed-use zone district  
19 that wouldn't permit a scheme like that. So, yes, I agree that metrics only tell part of the story, and that's  
20 why we have a lot of other requirements around architectural character, building size, height, number of  
21 units in buildings, et cetera, in the low-density mixed use zone district to ensure compatibility with  
22 surrounding development.

23           I'll comment, too, about a lot of the references to the Northwest Subarea Plan, specifically  
24 chapter seven. Chapter seven, specifically, applies to projects that are zoned residential foothills, or RF  
25 for short, and urban estate, and this project is neither of those, and so therefore, the appropriate section of  
26 the Northwest Subarea Plan to reference was with regards to design character, or the areas that are dealing  
27 with the low-density mixed-use neighborhood zone district. And, you know, staff put the relevant  
28 references to those particular sections of the Northwest Subarea Plan in the staff report and referenced  
29 them in the presentation, and the development proposal tonight conforms with that particular section of  
30 the Northwest Subarea Plan.

31           The other thing, too, that I will talk a little bit about, is I'll talk a little bit about lighting. There  
32 was a photometric plan submitted for the neighborhood center, which was what was required to comply  
33 with the lighting code. The lighting code changed around the time of the submittal for this particular  
34 project. At one time, there was supposed to be no light spillage...there's were some comments about  
35 light spillage into the natural habitat buffer zone. The photometric plans showed no light spillage into the  
36 natural habitat buffer zone, and that's a really key component of trying to retain wildlife movement  
37 through those particular corridors. A lot of animals are very sensitive to light at night, and so that's really  
38 what our lighting code is designed to do is trying to keep light out of those sensitive areas. And so, that's  
39 why there's that condition of approval. It's mainly just to update the metrics for that particular lighting  
40 plan to match what the current code allows. In looking at what the development had proposed initially,

1 it's in line with, generally speaking, what the lighting code requires today. We just need to see updated  
2 metrics at final plan, so that's why there's that condition of approval. So, just wanted to highlight that.

3 Also, too, wanted to say...also respond to Ernest's question about the demo permit of the old  
4 building next door. I did note that your address is 242 North Sunset Street, so we'll be sure to mail you  
5 whatever we can find. I can't promise anything, just because I think, as you noted, that might have been a  
6 state permit, and so we may not have records of state permits here at the City, but I will check with our  
7 Building Department to see if we have any records of that. And same thing, I'll check the records for the  
8 annexation, because it sounds like that was about the same time...it might have been tied to the  
9 annexation, that property. So, we'll do our best to get you some information and send you a letter one  
10 way or the other, just so that way you know kind of where that stands.

11 With that, because there were some more specific questions about landscaping, wildlife corridors,  
12 dark sky, migratory paths of birds, I'll invite our environmental planner, Kirk Longstein, to chime in.  
13 There was a lot of detail in the staff report pertaining to that section of the Land Use Code. I'll let Kirk  
14 elaborate a little bit on that.

15 KIRK LONGSTEIN: Good evening everyone, my name is Kirk Longstein, I'm the Senior  
16 Environmental Planner reviewing for this project. I wrote down a couple of the questions here, so I'll go  
17 through a list to just provide a little bit more detail related to the natural habitat buffer zones, particularly.  
18 So, the applicant did submit an ecological characterization study that identifies all those areas to be  
19 buffered. There's also been some supplemental studies as well related to bird concentration areas,  
20 migratory waterfowl, and the like, and I just wanted to comment just a couple key details on that. One,  
21 we do not have evidence of an active raptor nest on the site. I've heard some comments related to  
22 Swainson's hawks and the like; we do not have evidence of that through our observational data. To the  
23 east is Puente Verde Natural Areas, which is a great habitat complex for Red-Tailed hawks and other bird  
24 concentration areas. So, it's likely that raptors have been seen in the area, but they are not nesting on the  
25 subject property particularly.

26 The other supplemental ECS, and Jesse Dillon and Cedar Creek have provided these studies,  
27 related to studying the song bird concentration area, which is specifically a buffer standard, to identify if  
28 it's appropriate to apply in this situation. A couple key findings: the Natural Areas Policy Plan from 1992  
29 does not specifically identify this area as a key concentration area. We have some other areas throughout  
30 the community, particularly adjacent to the Poudre River corridor and some of our other major tributaries  
31 that would be better suited, or better...better suited habitats for those types of bird species. Also, the  
32 perennial water source is not necessarily present here for that as well...the studies find that as well as, the  
33 Colorado Parks and Wildlife have a state wildlife action plan that also identifies some areas for key  
34 concentration areas, and this area particularly is not identified on that plan as well. They've also  
35 supported those findings with some observational data, seasonally, so there are some key bird species in  
36 the area, but none that fall into the concentration area of buffering that we would apply for this subject  
37 property.

38 The...we've also heard a lot of comments related to building height and migratory bird impacts  
39 due to building heights. We've...there has been some supplemental studies related to that, and the  
40 finding are that these birds, mallards and the like, have adapted within this urban environment, but  
41 primarily when we're thinking about building heights, raptors, migratory birds, we're thinking about line  
42 of sight for landing, taking off, identifying food sources, and generally speaking, you know, when we  
43 start to get higher vertical development, above fifty feet, a hundred feet, then we start to really have some

1 concerns. But, primarily, in those situations, we are consulting with Colorado Parks and Wildlife who are  
2 the experts on these types of...on these types of issues, and there have been no concerns identified for the  
3 subject property in general.

4 The questions around tree preservation, so Land Use Code Section 3.2.1...it's 3.2.1 is the  
5 previous reference. The trees are preserved to the greatest extent practical, and the City Forester has  
6 weighed in on the tree mitigation plans submitted. Primarily the trees to be removed are Siberian elms,  
7 boxelders, that are in poor condition and also have...there's a safety concern as well. So, trees that are  
8 slated to be removed are meeting the mitigation requirements of the Code, and the trees...there are forth-  
9 three trees that are slated to be removed, and there will be eighty-eight mitigation trees that are currently  
10 planned. And species selection and kind of finalizing those landscape plans generally are happening in  
11 our final plan development, and we will be working quite a bit with the applicant team to ensure that  
12 those are also meeting the requirements of the Code before moving forward.

13 The urban heat island effect was a question as well. The City does not have an urban heat island  
14 plan, although our Environmental Services Department has studied the issue, and some of the key  
15 findings are actually surprising for folks, that our Natural Areas are a source of heat in a lot of situations.  
16 So, the Land Use Code standards do include shading, shading adjacent to buildings, the areas between  
17 buildings, also these natural habitat buffer zones also create some heat mitigation strategies for the site.  
18 So, our planting standards, our species selection, and their focus on canopy cover for the site will be key  
19 heat mitigation strategies that we'll deploy here, and those are all consistent with our Land Use Code  
20 development standards.

21 There were some concerns about tree establishment and survival, and those are...we're lucky to  
22 have some inspectors that work on our team, and through the final plan and prior to a development  
23 construction permit, we work through a development agreement where we do estimate cost of landscape  
24 materials, also the cost of not only planting in the natural habitat buffer zones, but also the ongoing  
25 monitoring of habitat buffer zones to achieve our restoration goals for the site. We do hold a security, a  
26 hundred and twenty-five percent security bond for those areas, and we regularly inspect them. We do  
27 have rigorous inspection standards. We take a reference area approach, and we do apply some of the  
28 adaptive management through our restoration ecology best management practices. So, through that  
29 inspection and security process, we ensure that not only are trees established, but also our restoration  
30 goals within the natural habitat buffer zone are meeting the reference area...or meeting the metrics and  
31 performance metrics for those areas. So, when it gets down to it, plant selection and making sure that  
32 those plants are established, and established into perpetuity, is our key goal for our department.

33 Irrigation...in these areas, we do require irrigation plans. Primarily, we are not...we're trying to  
34 avoid irrigation within our natural habitat buffer zones. These plants have adapted to our region in a  
35 semi-arid environment, and so sometimes we see challenges with establishing natural habitat buffer zones  
36 is with over-watering, and so we will work with the team to ensure that, you know, weeds are maintained,  
37 water is appropriate, and our restoration goals and metrics are achieved. All of those are put into a  
38 development agreement and happening...and agreed upon prior to a development construction permit  
39 would be in place.

40 One of the goals of natural areas is connecting people to nature, and so we do encourage the  
41 incorporation of this trail system, and the connectivity to natural habitat buffer zones is a key component  
42 of this site that we are working on as well. And, I think that's the end of my list. Clay, let me know if  
43 there's anything else that I can provide here, or Marcus, if there's any follow-up questions.

1 CLAY FRICKEY: Nothing from me, Kirk.

2 MARCUS MCASKIN: Yeah, same here, nothing from me. I appreciate the overview of the  
3 security requirements and how you're going to ensure that what's planted ultimately stays planted. And  
4 so I think that overview of the bond requirement plus the inspection, I mean that's very helpful for me,  
5 and I'm sure it's helpful for members of the public that are there tonight as well. So, thank you for that.

6 Clay, anything else from staff at this point?

7 CLAY FRICKEY: That concludes my response, Marcus.

8 MARCUS MCASKIN: Okay. Well, I'd like to thank everybody for participating tonight. Again,  
9 it was very much my intent to be up there tonight, and unfortunately, I was waylaid with COVID, so you  
10 get to see me on this small screen. So, apologies for that. I do appreciate everybody's participation  
11 tonight, and for those members of the public that were there, thank you for spending your Monday  
12 evening with me. I have a lot of material to get through in terms of making a decision. I think as Mr.  
13 Frickey stated at the beginning, I do have ten business days from the conclusion of the hearing to  
14 complete my review and issue a written decision, so I will be working to have a written decision issued  
15 hopefully no later than Friday, the 26<sup>th</sup> of July. I don't have any further questions at this point, so I am  
16 going to close the hearing at 9:01 PM.

17 SAM COUTTS: Sorry, Marcus, right before you close the hearing, I did want to make sure that  
18 the applicant went on record to say that we accept the two conditions of approval in the staff report.

19 MARCUS MCASKIN: Okay, I appreciate that, Mr. Coutts, thanks for that confirmation. Those  
20 are the same conditions I believe that were on the PDP previously, but I appreciate that confirmation. So,  
21 I will, again, I will close the hearing at 9:02 PM and will be issuing my decision on or before the 26<sup>th</sup>.  
22 Thank you all.