

**Verbatim Transcript  
Administrative Hearing  
May 2, 2022**

ADMINISTRATIVE HEARING

CITY OF FORT COLLINS

Held May 2, 2022

Council Chambers, City Hall, 300 Laporte Avenue/Remote

In the Matter of:

Sanctuary on the Green #PDP210018

Meeting Time: 5:30 PM, May 2, 2022

Hearing Officer:

Marcus A. McAskin

Staff Members Participating:

Jenny Axmacher, Senior City Planner

Wes LaMarque, City Stormwater Engineer

Spencer Smith, City Traffic Engineer

Dave Betley, Manager, Civil Engineering

Katie Claypool, Community Development

1 MR. MARCUS MCASKIN: My name is Marcus McAskin; I am a land use and municipal  
2 attorney, and I have been delegated authority to conduct tonight's hearing. I'll go ahead and open the  
3 public hearing on this project tonight. We're here to talk about Sanctuary on the Green. This is Project  
4 Development Plan number 210018, or PDP. What you'll notice up on the screen right now is some  
5 contact information for a couple of key folks with City staff. Jenny Axmacher, and I hope I said that  
6 right, Jenny, so she's the Senior City Planner who will be presenting on this project later tonight. We also  
7 have Katie Claypool who's not present in Council Chambers tonight, but she's in the next room. She's  
8 going to be helping make sure that everybody that's participating via Zoom or calling in has a chance to  
9 participate in this hearing as well.

10 So, this is being conducted as a...what the City refers to as a hybrid meeting, meaning that all of  
11 you folks that are here tonight will have a chance to participate in the public hearing, as will the folks that  
12 are calling in or participating via Zoom. This is the first meeting that I've attended actually in person up  
13 here in a couple of years due to the pandemic, so it's nice not only to be back up in Fort Collins, but it's  
14 nice to see a big turnout, which means that it's an important project for the community.

15 So, a couple of other real quick preliminary matters. City staff has provided me with a copy of  
16 the notice of the hybrid public meeting that was mailed to a one-thousand-foot notification boundary. It's  
17 my understanding that there were 418 letters sent, and Jenny, I hope I got that number correct. Is that  
18 right? Okay. And that notice was sent out on April 13<sup>th</sup>. I have also been provided with a copy of the  
19 notice of public hearing that was published in the Coloradoan on April 14<sup>th</sup>. So, with that, I will note for  
20 the record that I do have jurisdiction to conduct tonight's hearing.

21 And, great...so, Jenny I was going to ask you to make sure that you advance the slide. So let me  
22 go through a couple of just basic...one slide on basic information here on how to Zoom. I'm sure a lot of  
23 you over the past couple of years have figured this out, but for those of you that are participating  
24 remotely, please do sign in with your first name and last name or last initial, and once we've gotten  
25 through the public comment portion of the hearing for the folks that are present here in Council  
26 Chambers, we're going to open it up and allow everybody that's Zooming into tonight's meeting to  
27 participate or ask questions of the applicant or staff. You'll note that, use the raise hand button at the  
28 bottom of your screen to let City staff know you would like to speak. Or, if you are listening to the  
29 meeting through a telephone, please dial star nine on your phone to raise your hand. And again, City staff  
30 will be calling on the folks that are signed in in order to let you know that it's your turn to speak and you  
31 will then be able to unmute yourself. And we do ask that you state your name and address when it is your  
32 turn to speak. The reason that we ask for that information is, under the City's Land Use Code, I am  
33 required to issue a written decision in this matter within ten days, and if you are here to participate, City  
34 staff will make sure that you get a copy of that written decision. That's why we ask for that information.  
35 So, next slide please.

36 Okay, let me...here I'm going to review the order of proceedings at tonight's hearing. So, we're  
37 going to start with...when I'm done rambling on, we're going to start with a project introduction by  
38 Jenny, who's the Senior City Planner on this, for a brief project overview. We will then turn it over to the  
39 applicant for a presentation. Jenny will then have an opportunity to give a more robust staff presentation  
40 regarding the proposal before us this evening. There will also be an opportunity during that presentation  
41 for staff to address questions that may come up during the applicant's presentation. At that point, we  
42 move into the public testimony portion of the hearing, or what I like to refer to as the public comment  
43 portion of the hearing. When I get through this slide, I'm going to cover a little bit of information  
44 regarding some rules of conduct for public comment, as well as time limits, that will be imposed for those

1 of you that will be providing public comment tonight. After the public comment portion of the hearing  
2 has closed, there will be an opportunity for both the applicant and City staff to answer any...to the best of  
3 their ability...address any issues or answer questions that have arisen during the public comment portion  
4 of the hearing. At that point, after we've heard from the applicant and staff again, as I noted earlier, I will  
5 not be making a decision tonight. I have a lot of information to get through. I have about 38 documents  
6 as part of the record of this proceeding, as well as, Jenny, I think we've received I want to say 30 or 40  
7 written comments from other neighbors that may not have been able to make it to tonight's hearing. Is  
8 that about right?

9 MS. JENNY AXMACHER: We had 35 at noon today and have received probably half a dozen  
10 more.

11 MR. MCASKIN: That's what I figured. So, I have those to get through as well. Again, as I  
12 mentioned, if you are here tonight and you're providing testimony, you will receive a copy of the written  
13 decision. And then here's some information on the appeal process. If there is an appeal, it has to be filed  
14 with the City Clerk's Office. Written appeal must be received within 14 calendar days of the decision.  
15 There's a filing fee, and the City Clerk will schedule the appeal for City Council. Next slide please.

16 And Jenny, let me...there was a slide on hearing authority. Did that already...okay, so let me  
17 cover that briefly. The City Council, at the beginning of the pandemic, did adopt City Ordinance 079,  
18 series 2020, and in accordance with the requirements of that ordinance, I have made, in consultation with  
19 City staff, a determination that it is desirable to conduct a remote hearing to provide reasonably available  
20 participation by parties-in-interest and the public because meeting in person would not be prudent.  
21 Obviously, a lot of you are here tonight, and I'm glad you are. Like I said, it's nice to actually be back in  
22 front of people for a hearing and not doing everything remotely; however, there is language in that  
23 ordinance that says that, you know, that finding can be made for some or all persons, right. And we  
24 obviously have members of our community that may be seniors or other folks that fall into an at-risk  
25 population, and for that matter, we have decided to conduct the hearing, like I mentioned earlier, in a  
26 hybrid format, meaning we're conducting it in person and via Zoom.

27 So, with that, I think that concludes...well, like I said, let me quickly go through the rules of  
28 conduct. I think all of you may have noticed the boards that are out front when you walked in, but this is  
29 a legal hearing, and I will, to the extent necessary, moderate for civility and fairness to ensure that  
30 everybody that is here tonight has an equal opportunity to speak and be heard. So, here are some general  
31 guidelines and rules for tonight's hearing. Members of the audience must be recognized by me as the  
32 Hearing Officer before they can speak, public comment is limited to the public testimony portion of the  
33 hearing, speakers must confine their remarks to the merits of the proposal under consideration, speakers  
34 must address comments to me, as the Hearing Officer, and maintain a courteous tone and avoid injecting  
35 personal tone or comments into the debate, personal attacks on another speaker will not be tolerated, nor  
36 questioning the motives of another speaker, speakers shall not engage in expressions of support or  
37 opposition such as clapping, whistling, cheering, booing, speaking out, yelling, or other acts that disturb  
38 or impede the comments of any recognized speaker. And then, with respect to the time limits that I  
39 mentioned earlier, this is something that I typically do any time we're expecting a larger turnout for a  
40 hearing, and that's to be fair to everybody, including all of you that have made this as part of your  
41 Monday night plan...it's just to make sure we're being fair to everybody in terms of time. So, I will give  
42 everybody that's here tonight that wishes to provide comments three minutes to address me during the  
43 public comment portion of the hearing. As authorized by the Land Use Code, I will reserve the right to  
44 exclude testimony or evidence that is irrelevant, immaterial, or unduly repetitious. I will also allow

1 attendees to cede or pool their three minutes with another individual as long as those ceding or requesting  
2 to pool their time with another speaker are present, either virtually or in person, and City staff will be  
3 definitely assisting me with that as necessary. I have been informed that there are nine individuals that  
4 have ceded their time to Laura, and Laura, I know you're in the front row there, and I'm sorry I don't  
5 have your last name here in front of me, but...okay, thank you very much. So, what I'll probably do, is  
6 just out of...Laura, I'll probably, when we get to that portion of the hearing, I'll probably ask that you go  
7 first given that we have a list of folks that have ceded or pooled their time to you. And, no speaker during  
8 the public comment portion of the hearing will be given more than three minutes, and that's in line with a  
9 similar rule that's followed by the Planning and Zoning Board [sic]. So, for example, if there's somebody  
10 that would like to speak on behalf of four other individuals, those four individuals would have three  
11 minutes plus the speaker's time, so that would be a total of 15 minutes. If there's 20 people that are here  
12 that would like to designate their time to one speaker, that's great and fine, but again, that individual will  
13 be limited to 30 minutes. So, with that, again, thank you for letting me drone on. I just like to kind of set  
14 the ground rules before we get going on this hearing. And, with that, Jenny, I'm going to turn it over to  
15 you for a brief overview of the PDP that's before us tonight.

16 MS. AXMACHER: Thank you; good evening everyone. My name is Jenny, and I'm a Senior  
17 City Planner. The case before us tonight is PDP210018, a project development plan for Sanctuary on the  
18 Green located near the northwest corner of North Taft Hill Road and Laporte Avenue. The property  
19 location is bounded in black on the map with North Taft Hill to the east, Laporte to the south, and then we  
20 have Vine Drive further north. The subject property is 41 and a little over a third acres and zoned LMN,  
21 low-density, mixed-use neighborhood district. Adjacent properties are also zoned LMN or  
22 unincorporated within the county. This property was annexed in two parts; the first annexation occurred  
23 in 1982 and included the land west of the New Mercer Ditch. The area east of the New Mercer Ditch was  
24 annexed and zoned LMN in November of 2018. And this site is part of the Northwest Subarea Plan. As  
25 you can see on the arial, you have the New Mercer Ditch that runs through the middle of the property, you  
26 have the Soldier Creek Trail and Bellwether Open Space to the north, and this whole property is included  
27 within the West Vine drainage basin.

28 So, here's a brief introduction of the project. The applicant is proposing 212 dwelling units  
29 through three different housing types. The overall density is proposed to be 5.13 dwelling units per gross  
30 acre. And there was a prior PDP submittal on this site. So, this prior PDP, it's 190003. It was withdrawn  
31 from the Planning and Zoning Commission during a meeting last year. It included 87 multi-family  
32 dwelling units which are not included in the current PDP submittal, and the red highlighted areas on the  
33 plan show areas that changed from the old PDP to the current PDP. So, the new submittal was  
34 determined to be a new application and included substantial changes which included removing those  
35 multi-family units. The remaining housing types proposed fall under the Type I review, which is why we  
36 are here tonight.

37 As I mentioned earlier, this project is part of the Northwest Subarea Plan, so before we hear from  
38 the applicant about their proposal, I wanted to mention a few key high-level concepts from the Plan. The  
39 Plan was a joint effort between the City and Larimer County. The purpose was to establish a focused  
40 roadmap to form the area's future. An overall theme was to retain and enhance the area's existing  
41 character, and when staff reviewed the project for compliance with this Plan, there were two fundamental  
42 components noted: one, following what's allowed with the zoning's density provides predictability, and  
43 two, addressing compatibility with existing neighborhoods through design. The framework plan within  
44 the Northwest Subarea Plan and the LMN zoning designation establish the type and intensity for

1 development within this area. In order to comply with the Subarea Plan, the development needs to meet  
2 the LMN zoning requirements and City standards.

3 Lastly, I'd like to point out that two modifications and an alternative compliance item were  
4 requested as part of this PDP. The modification for 3.5.2(D)(1), connecting walkways, and  
5 4.5(D)(2)(a)(3), housing types. And just a note, a prior version of the staff report also mistakenly  
6 referenced a modification to 4.5(E)(4)(c), which is building variation, but that modification is not  
7 requested nor required. The applicant is requesting alternative compliance to 3.6.3, street pattern and  
8 connectivity standards for public street connections to adjacent developments. And with that, I'll  
9 conclude my introduction.

10 MR. MCASKIN: Thank you, Jenny. Maybe just a couple of very kind of preliminary questions.  
11 You noted that the property was annexed in two parts, it sounds like the...it was the area lying to the west  
12 of the ditch that was annexed first, and then the area to the east was annexed more recently?

13 MS. AXMACHER: Yes, sir.

14 MR. MCASKIN: I didn't notice...in reviewing the staff report, I didn't notice any mention  
15 whatsoever of any type of annexation or annexation and development agreement that may contain terms  
16 or conditions that would bear in any way on this proposal. Is it fair to say that there were either no  
17 annexation agreement, or no annexation agreement that established any sort of vesting for any types of  
18 land uses associated with the proposal?

19 MS. AXMACHER: Yes, sir, that's correct. There's no annexation agreement.

20 MR. MCASKIN: Okay, alright, great, thank you. And then also, just again, the...in reviewing  
21 some of the comments on the Northwest Subarea Plan, is it...that Plan was adopted in 2006, correct?

22 MS. AXMACHER: I believe it's 2006; there's a chance it's 2008.

23 MR. MCASKIN: Okay, 2006 or 8, but there haven't been any modifications or amendments to  
24 that Plan, right? The Plan that's in place was the Plan that was adopted in 2006 or 8?

25 MS. AXMACHER: 2006, and yes, sir, that's correct.

26 MR. MCASKIN: Alright, thank you. Great, so with that, I will turn it over to the applicant for a  
27 presentation. And I'm sure there's one kind of designated representative for the applicant team, so please  
28 do come up and introduce yourself and we can get going on the applicant presentation.

29 MR. DAVID PRETZLER: Good evening, my name is David Pretzler, and I'm the president of  
30 the developer, C&A Companies, Inc., or as referred to throughout this presentation, C&A. C&A has been  
31 developing communities throughout Colorado since 1993 with a focus on green and sustainable building,  
32 and providing housing at attainable price points for a variety of demographic profiles. In Fort Collins, we  
33 developed and built the Saddle Ridge community, consisting of almost 200 condominium and duplex  
34 units, and we did so in collaboration with Bill Veio, who is C&A's partner in the Sanctuary on the Green  
35 project. Thank you for the opportunity to present our application to you this evening.

1 First, I'd like to introduce the team. The members of the applicant team are listed on this slide.  
2 While not all of these members will be speaking as part of our presentation tonight, they will be available  
3 for comments and questions. Next slide.

4 This timeline, which is very hard to read, shows the culmination of 15 years of ongoing planning  
5 and open dialogue with the neighboring communities. Beginning with Bill Veio's proposed development  
6 on the west side of the property in 2006, through the annexation of the east side of the property in late  
7 2018, and culminating in the plan you will reviewing tonight. Our project development plan has been  
8 carefully designed to integrate and address community feedback as much as feasibly possible. We feel  
9 that the application before you today best accomplishes our goal of providing a residential development  
10 with a sense of independent living and a diverse mix of product types, price points, and that also retains a  
11 country feel through the use of connected trail systems, open space, and wildlife habitat preservation,  
12 thereby also meeting the goals of the neighboring community and meeting the various requirements of the  
13 Land Use Code. I will now turn it over to Sam Coutts of Ripley Design, the land planner and landscape  
14 architect for this project, who will summarize and provide an overview of how the site is designed for this  
15 project.

16 MR. SAM COUTTS: Good evening; my name is Sam Coutts, I'm a landscape architect with  
17 Ripley Design, and I'm pleased to present our application to you this evening. C&A is proposing  
18 development of Sanctuary on the Green, a residential community on 41.34 acres of vacant land located on  
19 the northwest corner of Laporte Avenue and North Taft Hill Road. On February 13<sup>th</sup>, 2019, the applicant  
20 submitted an initial application for the Sanctuary on the Green which was subject to the hearing before  
21 the Planning and Zoning Commission on June 17<sup>th</sup>, 2021. Although the initial application met all of the  
22 criteria for approval, the applicant voluntarily withdrew the application before a decision had been made  
23 in order to revise its application to further incorporate feedback from the neighborhood and Planning and  
24 Zoning Commission. Since its inception, the application has undergone numerous revisions and the  
25 applicant has held three neighborhood meetings, provided three informational newsletters, and held two  
26 small group meetings with interested stakeholders. In order to facilitate the proposed development, we  
27 are requesting approval of our project development plan including one alternative compliance plan and  
28 two modifications of standards.

29 Here you can see what the site looks like today. Currently, the site is vacant land. The City of  
30 Fort Collins Natural Areas Department owns the land to the north of the property, and unincorporated  
31 Larimer County neighborhoods are located to the west. Detached single-family homes are located to the  
32 south along Laporte Avenue, and the New Mercer Ditch runs north to south bisecting the site, which you  
33 can see in the middle of this slide. In 2018, the design started with 371 dwelling units between two-  
34 family, single-family, attached, multi-family, and assisted living uses. At this time, a portion of the  
35 property was proposed to be rezoned to medium-density, mixed-use. In response to concerns about  
36 density from the neighbors, C&A withdrew the rezoning request to remain in the LMN district. In turn,  
37 numerous changes were made to the application to address further neighborhood concern. The PDP  
38 submitted in 2019 included 251 dwelling units split between single-family detached, two-family, single-  
39 family attached, and multi-family uses. This application...this PDP application was brought forward to  
40 the Planning and Zoning Commission and voluntary withdrawn before a decision was made.

41 Once again, in response to concerns about density from the neighbors, C&A removed the multi-  
42 family dwellings. The removal of the multi-family dwelling changed the approval process; the  
43 application now requires approval by a Type I hearing this evening. The application before you today  
44 reflects our solutions to the neighborhood concerns. Some of these solutions include the removal of the

1 multi-family, which is the most dense housing type previously proposed, the orientation of buildings to  
2 increase the natural habitat buffer zone and minimize or eliminate pinch points there within, decreased the  
3 amount of three-story units along the perimeter in order to address concerns about height in proximity to  
4 existing structures, added open space by eliminating buildings and reorienting others, and a decrease in  
5 overall density.

6 C&A intends to develop the property as a residential community with a neighborhood center and  
7 large open spaces. As the plan runs from west to east, the community features single-family detached  
8 dwellings, two-family dwellings, and single-family attached dwellings, both in row home and townhome  
9 form, for a total of 212 dwellings and an overall density of 5.13 dwelling units per acre. The  
10 neighborhood center is located on the southeast corner of the site and will be a mixed-use building that  
11 faces the public right-of-way and directly opens onto pedestrian and bike access. It will include both  
12 clubhouse to serve the neighborhood residents and separate leasable spaces for commercial tenants. C&A  
13 aims to design and build a neighborhood center that will best serve the residents and the neighboring  
14 community.

15 Public street connections are made to Taft Hill Road on the east and Laporte Avenue to the  
16 southwest. Private alleys serve the homes throughout the development. An emergency access only  
17 access...provided to the middle of the site to Impala Drive. As a requirement of an arterial road, the  
18 applicant provides that the center turn lane will be constructed on Taft Hill Road at the expense of C&A  
19 in order to mitigate any impacts added by the additional cars with the proposed development. The site is  
20 designed to accommodate all of its own parking needs through the use of attached garages. Additional  
21 on-street parking is provided for guests, and no parking is expected to occur in or around the surrounding  
22 neighbors.

23 The site plan represents a hierarchy of different pedestrian and bike connections throughout the  
24 site. An eight-foot wide trail, available for public use, winds through the development and connects to the  
25 existing Soldier Creek Trail to the north. It continues south and eventually makes a connection to Laporte  
26 Avenue. This trail also connects to the east to Taft Hill Road via a pedestrian-friendly bridge that crosses  
27 the New Mercer Ditch. Public sidewalks are provided within the rights-of-way, a series of major  
28 walkway spines provide access to dwellings located further than 200 feet from a street. A modification  
29 request is included with this application for three major walkway spines which extend past the allowed  
30 350 feet. Connecting walks are also provided for dwellings less than 200 feet from a street. Finally, there  
31 are numerous additional walks and paths that bolster internal connectivity throughout the site.

32 The traffic study submitted with the application found that all turning movements in intersections  
33 comply with the national standards and Fort Collins operation criteria and will continue to do so with the  
34 addition of this development. The short-range and long-range total peak hour traffic continues to operate  
35 acceptably and does not cause any movements to fail to meet the Fort Collins operational criteria. Little  
36 to no traffic impact is expected upon the surrounding neighborhoods; however, the surrounding  
37 communities will still enjoy access to the site by multiple modes of transportation including bike and  
38 pedestrian access.

39 The project development plan provides nearly 24.83 acres of open space. The open space  
40 consists of public parks, enhanced natural habitat buffer zones, greenbelts, courtyards, private front yards,  
41 detention facilities, and native common open space. The application provides for 694 new deciduous and  
42 coniferous trees, and C&A also proposes mulched beds with ornamental grasses, perennials, and  
43 coniferous and deciduous shrubs. Due to the agricultural history of the site, which is no longer being



1 used, non-native and invasive species have taken over the landscape on the site. Many trees on site are  
2 considered invasive or nuisance tree species, such as Russian Olives and Siberian Elms. The application  
3 includes a landscape plan with rain gardens, pollinator gardens, and native restoration. This restored  
4 ecosystem provides more biodiversity and a better habitat compared to existing conditions. As I  
5 mentioned, the application includes 694 proposed trees which are comprised of 55 different species. The  
6 application also provides for the protection of wildlife and natural habitats such as wetlands in the New  
7 Mercer Ditch with the use of buffer zones. Here you can see the native landscape restoration and  
8 buffering surrounding the New Mercer Ditch and how it compares to the existing landscape around the  
9 ditch today.

10 Here you can see the landscape buffer provided along the northwestern edge of the property as it  
11 compares to what the Code allows. The Code allows for a three-story multi-family building to be just 25  
12 feet away from the neighboring single-family home. The application proposes one- and two-story homes  
13 ranging from 120 to 220 feet away from that property line. Then you have the addition of the mature  
14 landscaping in the rear lots of the existing homes to the west.

15 I will now address how the more technical components of the project meet each of the criteria  
16 listed in chapters three and four. As mentioned, we are requesting the approval of the project  
17 development plan and the next part of our presentation outlines how the project meets the criteria  
18 approval for that PDP. The Fort Collins Land Use Code, which I'll refer to as the Code throughout the  
19 presentation, requires that the application comply with all applicable general development standards set  
20 forth in article three of the Code and all district standards set forth in article four of the Code. The  
21 application accommodates the movement of vehicles, bicycles, pedestrians, and transit throughout the  
22 development, and to and from surrounding areas safely and conveniently by providing on-site walkways,  
23 curb cuts, sidewalk ramps, emergency access, and sufficient parking, which all comply with the Code's  
24 setback requirements. This PDP also includes an extension of the Soldier Creek Trail, an important goal  
25 of the City Plan and the Northwest Subarea Plan.

26 The application complies with the landscaping and tree protection standards by providing street  
27 trees at adequate spacing, size diversity, and species, mulch planting beds with ornamental grasses,  
28 shrubs, and perennials. All existing trees on property were identified and the tree mitigation plan  
29 included with the application demonstrates which trees are to be removed and how many are to be  
30 mitigated. The application also provides for enhanced habitat pockets with shrub and tree plantings. In  
31 total, 89 mitigation trees are provided, along with 421 mitigation shrubs.

32 The application provides that 72% of the lots less than 15,000 square feet in single- and two-  
33 family residential developments comply with the definition of a solar-oriented lot. Also, the physical  
34 elements of the application are located and designed to comply with the Code's shading requirements;  
35 therefore, the application complies with all applicable site design and planning standards as required by  
36 section three of the Code. As required by the Code, the application will dedicate on-site and off-site  
37 easements that are needed to serve the area being developed prior to the approval of the final development  
38 plan. As shown on the PDP, C&A is also constructing public rights-of-way at its sole expense.

39 The application includes a drainage report which notes that the property is not within a FEMA  
40 flood zone, but portions of the property are located within the City-designated West Vine Basin flood  
41 zones and the West Vine Master Drainage Basin. The drainage report also notes that there are no major  
42 drainageways within the property. As further detailed in the cover letter accompanied by our application,  
43 the PDP complies with the West Vine Basin Master Plan. C&A has also worked with the City Utilities

1 Stormwater Department for more than a year to ensure the application is in compliance with the revised  
2 City floodplain map. Accordingly, the PDP complies with all applicable engineering standards.

3 The application is designed and arranged to be compatible with and to protect natural habitat and  
4 its features, including plants and animals that inhabit it. The exhibit on the left shows the amount of  
5 natural habitat buffer zone required, totaling 6.91 acres. The exhibit on the right shows the extent of the  
6 provided amount of natural habitat buffer zone, totaling over 10.36 acres, which represents a 50%  
7 increase over the Code requirements. Overall, no modifications or variances are requested as related to  
8 the natural habitat buffer zone, and more than 58% of the site is dedicated to some type of open space, be  
9 it natural habitat, parks, or other programmed or unprogrammed open space. There are two small  
10 wetlands on the north side of the site shown here. The larger of the two is located off-site, the other is  
11 partially on-site. The north wetland requires a 100-foot buffer, to which the application provides a buffer  
12 ranging from 157 to 218 feet wide. The Cherry Street wetland, which is partially on-site, requires a 50-  
13 foot buffer, to which the application provides a 162-foot buffer. As you can see here, there's almost a  
14 300-foot buffer between the existing homes of Bellwether Farm and the proposed single-family attached.

15 The drainage report included with the application describes in detail how the application is  
16 designed so the precipitation runoff from the site is treated in accordance with the criteria set forth in the  
17 Stormwater Criteria Manual. The Parks and Recreation Master Plan and Policy Plan do not propose a  
18 park on the property or identify a property as a potential park. Nonetheless, the application does propose  
19 a park on the east side of the property to further enhance the community's access to open spaces. The  
20 application proposes to construct a trail that will meander through the property and connect to the existing  
21 Soldier Creek Trail. Therefore, the application complies with all use, development, and design standards  
22 set forth in the Code.

23 As demonstrated by the architectural plans included with the application, the proposed  
24 development is compatible in architectural character to the adjacent neighborhoods and employs  
25 complementary design strategies. The application proposes buildings that are compatible in terms of size  
26 and height, building materials, and colors. The building design variety summary included in the  
27 application demonstrates that the application meets the requirements for variety, specifically eleven  
28 different building designs for the single-family attached buildings, ten different designs for the single-  
29 family detached, and six different building designs for the two-family, for a total of 27 different building  
30 designs.

31 The application provides for a neighborhood center with significant architectural interest and  
32 attractive street fronts and walkways at a pedestrian scale. The 3,000 square foot neighborhood center  
33 matches the scale of the residential buildings and is only one and a half stories in height. The  
34 neighborhood center utilizes materials and forms that can be found throughout the existing and  
35 neighboring areas. Pedestrian and bike access to the neighborhood center is provided by a network of  
36 walkways connecting Taft Hill Road and a public trail system. Vehicular access is provided by the local  
37 residential road network that connects Taft Hill Road to the east and Laporte Avenue to the west. The  
38 application therefore complies with the applicable building standards.

39 The application sets forth plans to improve connectivity for vehicles, bicycles, and pedestrians  
40 through a number of proposed roads and trails. A local street will bridge over the New Mercer Ditch and  
41 connect Laporte Avenue to Taft Hill Road. The new street will feature an oversized right-of-way to allow  
42 space for parking on both sides of the street adjacent to single-family attached dwellings. The application  
43 also provides for land dedication for the improvements required to improve Taft Hill Road to a two-lane

1 arterial. As for the detail in the application, the PDP proposes the following improvements: an eight-foot  
2 wide trail that will connect Soldier Creek Trail from Cherry Street to Laporte Avenue, three new bicycle  
3 and pedestrian connections to Laporte Avenue where none currently exist, detached sidewalks along  
4 Laporte Avenue and Taft Hill Road, two pedestrian bridges that will cross New Mercer Ditch, and the  
5 network of major walkway spines that lead to the front doors of dwellings that face open space.

6 The project has been reviewed by Poudre Fire Authority and meets all of their needs and  
7 requirements. Each district which is located in the property has commented on the property...on the  
8 project and has found that the existing infrastructure can serve the proposed project. The property lies  
9 within the LMN zone district and the application's proposed uses are permitted in that district. The  
10 proposed buildings are also compliant with the maximum height requirements. As previously mentioned,  
11 the application proposes a density of 5.13 dwelling units per gross acre which is well within the nine  
12 dwelling units per gross acre maximum the LMN district and the eight dwelling per gross acre maximum  
13 set within the Northwest Subarea Plan. It should be noted that in light of the fact that more than 70,000  
14 new residents are expected to locate in Fort Collins in the next 18 years, the City has been reexamining its  
15 land use regulations to ensure that the framework is in place to accommodate this growth. Among other  
16 things, the City has twice modified the maximum density of this LMN zoning and is presently discussing  
17 another increase as part of the overall Code audit presented to Council in January 2022. For our purposes,  
18 however, the total density of 5.13 D.U. per gross acre is well within the limit of the LMN zoning and the  
19 eight D.U. per acre envisioned in the Northwest Subarea Plan.

20 The proposed neighborhood center is integrated into the surrounding residential area and is within  
21 the 3,375-foot travel requirement for a resident to access the on-site neighborhood center. The  
22 neighborhood center also meets the requirements of two uses and an outdoor space by providing a  
23 community facility, two commercial uses, and a playground. The community facility portion of the  
24 neighborhood center for the residents will include a fitness room, kitchen and gathering space, and C&A  
25 envisions that the leasable commercial spaces will include the uses shown on this slide which compliment  
26 the residential uses surrounding. The neighborhood center will also feature a large outdoor gathering  
27 space consisting of a plaza with a fireplace, a playground, and a public park that connects to the trail  
28 network that winds through the development. Two separate entrances to the neighborhood center will  
29 face the public right-of-way and connect to the public trail. Accordingly, the application complies with  
30 the standards for the LMN zone district. I will now turn it over to Carolynne White, C&A's land use  
31 counsel, who will address how the proposed alternative compliance and two modifications of standards  
32 meet the Code's legal criteria for approval and compliance with the plan documents.

33 MR. MCASKIN: Great, thank you. And, Mr. Coutts, maybe I can ask, before you turn it over to  
34 Carolynne, maybe just a couple of quick questions. I'm sorry, I can't remember if it was you or if it was  
35 Mr. Pretzler, you noted there had been three neighborhood meetings I think throughout the process that  
36 got you here tonight, as well as some follow-up newsletters or mailings. What...just for my benefit, I  
37 mean if you had to summarize, you know the major issues that have been identified at those neighborhood  
38 meetings, what would they be and how do you feel like they've been addressed?

39 MR. COUTTS: Sure, so major issues we've heard are related to density, building height, and  
40 traffic impacts. Natural habitat, wildlife, probably the fourth in that group. Density, I think we've shown  
41 through that first half of the presentation how the density has been decreased through the years with each  
42 iterative plan. A lot of that had to do with the removal of the multi-family units. Building height...we  
43 have designed the buildings through each process, each PDP round of review, to start reducing the  
44 building mass through different architectural techniques, with different materials and scales, as well as

1 stepping down the end units of several buildings, which, we do have a graphic later on we can show  
2 showing where those changes occurred to building heights.

3 MR. MCASKIN: And the building height in the LMN zone district, per the Code, nothing can  
4 exceed 40 feet, is that correct?

5 MR. COUTTS: Three stories.

6 MR. MCASKIN: Okay, so it's not a height cap, it's a story...

7 MR. COUTTS: It is a story, yes. The open space and habitat preservation comments we've  
8 heard...that's been addressed by increasing that...there's a 50% increase in the habitat buffer zone over  
9 Code requirement, and staying well beyond the required buffers for those features.

10 MR. MCASKIN: Okay, great. And, in the...I note that in the staff report, there's a discussion of  
11 the Northwest Subarea Plan that talks about large properties that are zoned LMN should achieve  
12 compatibility with existing neighborhoods through site-specific and contextual design. And there's also  
13 some language that talks about protecting stable neighborhoods from incompatible development. As part  
14 of the planning process, how have you analyzed, you know, incompatible versus contextual design, and  
15 how do you think this project satisfies the requirement that...or at least satisfies I think the vision that  
16 may be incorporated within this Subarea Plan in terms of being contextually appropriate.

17 MR. COUTTS: Sure...so I think the important thing to think about with compatibility is that  
18 compatibility does not mean the same as. Compatibility is having two different things live harmoniously  
19 together. And we really focused on how do we take a large development like this and fit all of these  
20 different product types to be compatible. There are one-story bungalow homes to the west of us, existing,  
21 and so we have pushed our single-family detached product as far west in the development plan, which are  
22 the smaller footprints, the one- to two-story product, so that they are more adjacent to the existing  
23 bungalow style homes. We have located the lower height limits of the townhomes, the one- to two-story  
24 single-family attached product, also...when they are next to the single-family detached existing, we have  
25 large buffers, well over 100 feet, well into the 200 foot range, from those homes. And then as far as the  
26 three-story row home type, single-family attached, we've really focused on placing those internally to the  
27 site and providing a lot of variation in those building designs. Architecturally, each one of those, the  
28 detached, the two-family, eleven different single-family attached products, speak a design language that is  
29 compatible with those...the craftsman, mid-century modern bungalow design aesthetic that you see  
30 through the Northwest Subarea Plan. You'll see that in different roof pitches, materials, the agrarian kind  
31 of theme throughout those.

32 MR. MCASKIN: Great, appreciate that additional input. And, with that, I think you were going  
33 to turn it over to Carolynne White?

34 MR. COUTTS: Sure.

35 MR. MCASKIN: Okay, thank you, I appreciate that.

36 MS. CAROLYNNE WHITE: Good evening. As Sam mentioned, my name is Carolynne White, I  
37 am land use counsel for the applicant. And my role here this evening is to describe the alternative  
38 compliance and the two modification of standards, as well as the compatibility with all of the applicable

1 plan documents, which is one of the criteria for PDP approval. I want to start by briefly referencing a  
2 document that you have in your packet, which is a letter that was delivered to the City as part of the file  
3 last week, which summarizes in writing most of what we're going to be saying tonight so that you and all  
4 of the public have it in written form. So, in some cases I won't be reiterating everything we put in that  
5 30-page letter, I'll just be referring to it and summarizing briefly and we can go into more detail as  
6 needed.

7 MR. MCASKIN: And, Carolynne, just for my benefit, on the staff report, there are 36  
8 attachments that are noted, so would that be the applicant's cover letter, number 33, or...?

9 MS. WHITE: Yes, yes, it's number 33.

10 MR. MCASKIN: Number 33?

11 MS. WHITE: Yes. And there were two attachments to the cover letter, but those attachments are  
12 duplicated elsewhere in the attachments to the staff report...there are copies of newsletters.

13 MR. MCASKIN: Okay, thank you.

14 MS. WHITE: So the first thing I'm going to talk about tonight is the alternative compliance that's  
15 incorporated into this PDP. And the standard against which we are requesting alternative compliance is  
16 section 3.6.3(D), which generally speaks to connectivity for vehicles, pedestrians, and bicycles to the  
17 neighborhood around you as well as internally to the site. And as you can see on the graphic that's on the  
18 screen right here, on the north boundary of the property to the west side, there are three places where  
19 existing neighborhood streets touch the property boundary along the north side there. And you may also  
20 note that what you see there is not a connecting roadway that goes through the development, but rather  
21 green space and a yellow arrow. Based in part on feedback that was received during the various iterations  
22 of this project and all of the neighborhood meetings, it became clear that the most desirable outcome for  
23 neighbors living in that neighborhood was not to have a connection directly through into their  
24 neighborhood. However, it also it true that a fire access or emergency access is required. So, what you  
25 see along that northern boundary there where that yellow arrow is along Impala Street, is the emergency  
26 access that is provided for that purpose, and it is only accessible for that purpose. It is not a through street  
27 for vehicles. Similarly, there's a similar connectivity issue to the south where you might connect with  
28 Laporte basically south of where the Soldier Creek Trail connection runs through this property, and that  
29 too does not go all the way through to Laporte, in part in response to feedback received throughout the  
30 process. However, what was provided instead here, is a very extensively interconnected network of trails  
31 for bicycles and pedestrians as well as vehicles interior to the site, and the key connections, one on the  
32 east side of the property to Taft, and one on the south side of the property to Laporte, providing,  
33 according to staff, an opportunity to provide the maximum connectivity while still meeting those  
34 objectives. I said according to staff, but that quote is ours. Staff analyzed it in the staff report and also  
35 concluded that this alternative compliance does adequately meet the goal of providing connectivity  
36 pursuant to 3.6.3. On the next slide, I have a couple of bullets that are summarizing the analysis there,  
37 and I won't go through them all in too much detail, other than to note that these are all the ways in which  
38 connectivity is provided by the alternative compliance plan, and that the alternative design does minimize  
39 impacts on natural areas, it fosters non-vehicular access, and it also does not exceed the level of service  
40 standards. One other thing I'll mention that we did summarize in our alternative compliance request, and  
41 that is addressed in the staff report, is the fact that this is also driven in part by some of the existing site

1 constraints such as the New Mercer Ditch which is existing, the wetlands to the north, and some of the  
2 other constraints which also limit where those connections can be made.

3 MR. MCASKIN: Ms. White, if I could go back real quick, just a quick question on the fire access  
4 that's proposed on Impala...I'm assuming that that is...is that the location that was identified by...is it the  
5 City or Poudre Fire Authority has as the preferred location for fire access, or the emergency access?

6 MS. WHITE: Can you give me a minute to check with the team on that one? I'm not sure.

7 MR. MCASKIN: Of course. And then, just a follow-up question was...when I've seen these  
8 types of emergency access before, they're typically gated and then PFA would have a code or a key. Is  
9 that what's proposed here?

10 MS. WHITE: I see a lot of head nods on the team, but Sam knows the most about it. Shall I ask  
11 him to step to the podium and answer the question?

12 MR. MCASKIN: Thank you.

13 MR. COUTTS: Yes, to address your first question, that is the one that was most preferred by PFA  
14 as it provides the most direct access. As for access limiting, there are a handful of different methods that  
15 PFA will use. We'll identify in the final plan which one we'll use, but common are knock-down bollards,  
16 or the chain, or you could use the Knox Box key, which you were referring to.

17 MR. MCASKIN: Okay, but that's something that hasn't been identified yet, that's something that  
18 you'd be working with PFA on at FDP process?

19 MR. COUTTS: Correct. One of those three.

20 MR. MCASKIN: Yep, thank you.

21 MS. WHITE: If there's no other questions on the alternative compliance, I'll move on to the first  
22 modification of standards. Alright, so the first modification of standards relates to section 3.5.2(D), and  
23 this is the so-called major walkway spine standard, which you may recognize because you've probably  
24 seen it before, and I certainly have stood at this podium and spoken to the Planning and Zoning  
25 Commission about it several times before. This standard really works best when you have a very, sort of,  
26 old school, suburban type neighborhood, and in this development, what you may be seeing is that we're  
27 really promoting a more New Urbanist design with a lot of alley-loaded product, where the pedestrians  
28 and the front doors have direct access right onto green space and trails instead of stepping out onto either  
29 an alley or a street. And as a result of that, in combination with all of the various site constraints, it makes  
30 it very difficult to meet that 350-foot maximum length standard for the connection to a major walkway  
31 spine. So, as a result, there are 22 individual units within the 212 units total that will have a connection to  
32 a major walkway spine that is longer than 350 feet. In, sort of...to more than make up for that, this  
33 development also proposes that there are a variety of alternative connections for those same homes. In  
34 other words, walking out the front door, there's more than one route you could choose to access the  
35 network. And also, there are several sidewalks which are wider than the minimum required. The  
36 required is five feet, we have four and a half feet in some areas but we have six feet and up to eight feet in  
37 some areas. And so, as a result of all of this, we argued in our application for the modification of  
38 standards that it, among other things, is driven in part by site constraints which are outside of the

1 applicants' own design. It is also something which meets the intent of the standard equally well or better  
2 than actual compliance with the standard itself would be. And that is also one that staff supported, among  
3 some of the others, indicating that this proposed design provides a very high degree of interconnectivity,  
4 and in light of the exceptional constraints, it provides a sufficient amount of interconnectivity within the  
5 site. It's also not detrimental to the public good, and I also mentioned promotes the standard equally well  
6 or better. The standard...the purpose of the standard is variety, visual interest, and pedestrian oriented  
7 streets, all of which are present throughout this development. Do you want to ask about that one before I  
8 go on to the next one? Okay.

9           Alright, and then the last modification, the second modification, has to do with housing types, and  
10 this is standard 4.5(D)(2)(a)(3). This is a standard that requires for developments of 30 acres or more,  
11 that you have at least four different housing types. The standard itself is not speaking necessarily about  
12 architecture, it's talking about a type of housing. This application provides three types of housing based  
13 on the definitions contained in the Fort Collins Code. However, one of those housing types actually, by  
14 sort of industry standards and industry analysis, actually contains two subtypes, if you will, so that we  
15 have single-family detached, we have two-family, and we have the single-family attached, which includes  
16 both row homes and townhomes, which are different according to the industry. So, by that analysis, we  
17 actually do have four housing types. But, the main justification for the modification of standards really  
18 rests on the wide variety of different architectural styles and materials that are provided. As was  
19 mentioned by Sam earlier, we have ten different architectural styles for the single-family attached, there  
20 are eleven different architectural styles for the single-family detached, and six different architectural  
21 styles for the two-family attached, or...yeah, two-family attached. All of this, according to the staff's  
22 analysis, results in a varied and unique streetscape without repetition, which is fundamentally the purpose  
23 of this standard of having multiple housing types. In addition, from our perspective, another justification  
24 for this modification is that it allows us to provide a wider deviation of price points and product types in  
25 the way that the market views them, not necessarily the way that the Code defines them. And by that, I'm  
26 referring to the difference between the townhomes and the row homes in particular. Also, when the  
27 original...in the 2018 application, there was, as was mentioned, a multi-family housing product in there.  
28 Clearly, we would have had four at that point; the multi-family was removed in response to concerns  
29 about density because that was obviously the most dense of the housing types that was then provided, and  
30 that of course resulted in the three housing types remaining, so, greater variation was provided in the  
31 architectural features. I am not the most knowledgeable person to speak in detail about those architectural  
32 features, but we do have our architecture team present virtually and if you want to ask some more  
33 questions specific to the architecture, we're happy to do that. I also have just a couple examples up here  
34 to show what some of them look like, and I'll run through those here in a second. Next slide.

35           Alright, next I would just like to talk about compliance with the applicable City plan documents.  
36 And I want to start by just referencing a little bit the relationship between the planning documents to the  
37 Code. And I'm mentioning this in part because of the extensive conversations that have been held over  
38 the last several years, in particular about the Northwest Subarea Plan and how that should be interpreted  
39 in light of the applicable Code regulations. And so, as I know you're aware, the purpose of the City plan  
40 documents is to express policy and to express a vision. And when I say City plan documents, I mean City  
41 Plan, Structure Plan, the Northwest Subarea Plan, and the Housing Strategic Plan, and any and all of the  
42 other strategy and policy documents that the City has adopted which may be applicable in one way or  
43 another to this property. But, ultimately, the regulation, the Land Use Code, expresses the intent of the  
44 vision set forth in those documents. And the ultimate regulatory analysis is of the regulation in the Code  
45 itself. As noted in the staff report, when dealing with some of those issues of interpretation and analysis,

1 ultimately the Code takes precedence. And I mention this in particular because one of the areas that has  
2 been the subject of the most discussion is obviously the question of density. And, so, it's important to  
3 note that the way that the analysis runs is that the Northwest Subarea Plan does set forth a vision about  
4 what different levels of density might be appropriate within different quadrants of the Northwest Subarea  
5 Plan, and it also says that certain areas should be zoned LMN. This property is within one of those areas,  
6 it was zoned LMN, it is zoned LMN, and LMN in the Code sets forth the allowed amount of density  
7 within this area. Next slide.

8 So, starting by talking just a little bit about City Plan. There are actually numerous policies and  
9 goals set forth in the City Plan that this application is in furtherance of. Many of those were highlighted  
10 in the staff report, many of them were highlighted in our letter, I'm not going to go through all of them  
11 right now, but I wanted to highlight just a couple, because this is a particularly timely subject in the city  
12 of Fort Collins, which is the increasing demand for housing, and the decreasing supply of housing to meet  
13 that demand, particularly across different product types and price points. And, as you are probably aware,  
14 and I know staff is, the City has recently undertaken an audit of its Land Use Code in order to analyze all  
15 the ways in which there may be a mismatch between the Code and its desired goals and policies set forth  
16 not only in all the plan documents, but also in the Housing Strategic Plan. And a report on that audit was  
17 delivered to City Council in January, and there are a variety of things included in there, but overall, I  
18 interpret that report as saying the Code doesn't allow the amount of density we need in order to  
19 accommodate the future growth of the city, and there are several places where that might need to be  
20 changed. We're not suggesting that the density ought to be changed in this location, this fits clearly  
21 within the LMN zoning, but to require even less density than the minimum density that's required in the  
22 LMN zoning would be contrary to all of those goals and the current trend of Fort Collins' own self-  
23 analysis of its Code and its plan documents.

24 Just a couple other key Code policies I'm going to just hit quickly: access to outdoor spaces,  
25 encouraging active living, unified and interconnected framework of streets, sidewalks and walkway  
26 spines, encourages a variety of housing types, encourages development that reduces impacts on natural  
27 ecosystems, remember that double the size buffer area, well-balanced system of parks, trails, natural  
28 areas, and recreational facilities, and an attractive and safe environment for pedestrians, bicyclists, and  
29 drivers. Next slide please.

30 Just to talk a little bit about the Structure Plan, also part of City Plan. This plan proposes land  
31 uses for areas that may develop in the future to help establish predictability for the property and for  
32 neighboring areas, it helps guide the City and the County as to whether future proposed developments are  
33 appropriate. However, the Structure Plan is not regulatory and is only used for guidance. Next slide.

34 Now let's zoom in on the Northwest Subarea Plan, which is the most specific of all the applicable  
35 plan documents. And shown on the screen here is the area covered by the Northwest Subarea Plan in  
36 purple, our site is shown in yellow, and a couple of key, sort of representative quotes are summarized on  
37 the side of the slide there. I won't read it out loud to you, but the framework plan within the Northwest  
38 Subarea Plan identifies this area as suitable for low-density, mixed-use neighborhood development, which  
39 is defined as a transition between Old Town neighborhoods and lower density subdivisions to the west.  
40 As the staff notes in the staff report, this also is not regulatory; however, the Northwest Subarea Plan does  
41 set forth some recommended densities for areas which are designated as low-density, mixed-use, up to  
42 eight dwelling units per acre. And that excerpt from the Plan is shown here on this slide. The Plan also  
43 talks about the desirability for low-intensity residential development, open lands and conserved resources,  
44 restoration of Soldier Creek, a balance of the rights of property owners with the community's desire for



1 conservation, access to neighborhood parks and recreation facilities, a connected system of trails, reduced  
2 flood risk, and a unique image and identity, all of which can be said to be fulfilled by this proposal.

3 According to staff's analysis and our own analysis of the relationship between LMN zoning and  
4 the Northwest Subarea Plan, the Northwest Subarea Plan doesn't provide specific design guidelines for  
5 areas which are designated for low-density, mixed-use. Rather, you turn to the LMN zoning in the Code  
6 to determine the applicable design guidelines and density for LMN designated areas within the Northwest  
7 Subarea Plan. Therefore, if it meets the LMN zoning requirements, it meets the Northwest Subarea Plan.  
8 And I know that you just asked Sam this question a moment ago, but this is the part in the presentation  
9 when we were planning to sort of summarize and reiterate the areas in which the plan, proposal, the PDP,  
10 has been further modified to try to address concerns, even though the original plan as proposed, met all of  
11 the criteria for the Northwest Subarea Plan, and the LMN zoning, and was well within the allowed  
12 density. So, at the risk of being too duplicative, I'll just quickly say, overall reduced density, increased  
13 open space and buffering, removal of certain buildings, relocation and reorientation of other buildings,  
14 and perhaps most notably, significantly increasing the buffers between the new development and the  
15 existing development, and changing those buildings that are closest to existing development in order to  
16 reduce their height in some areas to step them back and to further screen and buffer them, and that really  
17 goes to your question earlier about compatibility. And, because it comes up all the time, I need to say it  
18 one more time, compatibility does not mean the same as, three stories can be compatible next door to two  
19 stories. It especially can, as recognized elsewhere in the Code, when you have additional mitigation  
20 measures such as increased buffering, landscaping, changes in massing, changes in architecture, all of  
21 which are things that have been incorporated here to a very significant degree in order to address those  
22 concerns.

23 Oh, we skipped over the Housing Strategic Plan. Purpose of the Housing Strategic Plan is to  
24 overcome the gap between affordable housing and the ability of citizens to afford housing by bridging the  
25 gap between incomes and housing prices. There are a variety of goals set forth in the Housing Strategic  
26 Plan, among them including providing a greater variety of price points and product types available on the  
27 marketplace, which is exactly what this does, providing stable and affordable housing options for those in  
28 the area median income. So I just wanted to mention this because it's particularly on target for the issues  
29 that we're discussing today. Okay, now on to the summary slide. There we go.

30 So we have two summaries, one in table format, one in bullet format. This one in table format  
31 attempts to summarize some of the most important areas in which the application exceeds the Code  
32 requirement. So, we've noted a couple on there: the number of neighborhood meetings, the number of  
33 bike parking spaces, the amount of open space and so on. Perhaps most notable at the very bottom is  
34 density and dwelling units, both of which are 43% less than what is allowed within this zoning and  
35 planning area. Next slide please.

36 And then in bullet format, another way to look at it is that there are 21 specific changes that have  
37 been made to the plan since the last iteration in order to address feedback that has been received from the  
38 community, and that includes a variety of, you know, smaller things like moving the entry north on Taft  
39 Hill and you know, deleted some of the uses that were deemed to be too dense or not well-received, and  
40 then of course the significant amount of landscaping trees and shrubs that are going to be planted here  
41 which is well above the Code requirement. Speaking of exceeding the Code requirement, we have 58%  
42 open space, we have 150% of the required natural habitat buffer zone, and as was mentioned, we have  
43 significantly less density than the maximum amount that is allowed. So, with that, I'll conclude this  
44 presentation. I'll ask for your approval of the PDP for Sanctuary on the Green, including alternative

1 compliance and two modifications of standards. We have all of our team here to answer your questions  
2 as the evening progresses. We look forward to responding to the neighborhood comments at the  
3 conclusion of the public comment, and thank you for the opportunity to present this project to you this  
4 evening.

5 MR. MCASKIN: Thank you Ms. White, appreciate it and I do appreciate that the full team is here  
6 to the extent that there are some questions that come up during the public comment portion of the hearing.  
7 so, with that, let's go ahead and move into the staff presentation. Jenny, I know you have a pretty  
8 thorough report that you'd like to get through as well before we get to the public comment portion of the  
9 hearing, so take it away.

10 MS. AXMACHER: Yes, sir. Okay. So, coming back to my presentation. First, I'd like to start  
11 by acknowledging the public outreach that was conducted for this case, as well as the public comment  
12 that was received. The applicant completed a voluntary neighborhood meeting on September 13<sup>th</sup>, 2021,  
13 and a number of concerns were voiced. A high-level overview of these concerns are listed here, including  
14 traffic, neighborhood compatibility, environmental resources and flooding, and as mentioned earlier, as of  
15 noon today, we've received approximately 35 written comments on this case, a majority of which express  
16 concerns with and opposition to the proposed project. Many of these comments reference compliance  
17 with the Northwest Subarea Plan.

18 So, let's talk about the Northwest Subarea Plan. On this slide, I've highlighted some of the  
19 sections of the Plan that deal with appearance and design. A key concept is to allow predominantly low-  
20 density housing consistent with the land use framework plan and to protect stable neighborhoods from  
21 incompatible development. The framework plan also strives to create some level of predictability in what  
22 type and intensity of development can be expected for one's own property as well as neighboring  
23 properties. It is important to note that the framework plan provides guidance to land uses, activities, and  
24 density levels, but is not regulatory. The framework plan would have been taken into consideration when  
25 the property was zoned LMN back in 2018. For this specific site, the framework plan identifies LMN  
26 zoning, and that future development density may be up to eight units per acre, or up to twelve units for  
27 affordable housing. And just to note, affordable housing, per the City definition, is not being proposed  
28 for this site. The plan also referenced areas designated as LMN as serving to protect existing family  
29 neighborhoods by ensuring that infill development on parcels to be annexed is appropriate in density and  
30 design, which goes back to the consideration of the zoning designation at the time of annexation. Overall,  
31 staff finds that the PDP meets the objectives outlined in the Subarea Plan based on the proposed density,  
32 the open space and landscape provided, the transition in housing types from west to east, the proposed  
33 pedestrian connections, and the alternative compliance request to not connect Webb, Irish, and Impala  
34 Streets for vehicular traffic.

35 Moving on from the Subarea Plan, the project is proposing to make changes to the grading on the  
36 site. A City floodplain map adoption process is underway to remap portions of the project currently  
37 shown in the City floodway and floodway fringe. Fill with the proposed project will move and revise  
38 flood boundaries via a conditional letter of map review and a letter of map review which will comply with  
39 the City requirements, known as a CLOMR and a LOMR. As a function of this process, the development  
40 must show no adverse impacts with respect to base flood elevations to any surrounding properties or  
41 private property. The development cannot move forward for final approval of plans until these items are  
42 completed, which is acknowledged by the applicant in note 21 on the overall site plan page. The plan  
43 currently proposes five detention areas to be constructed as part of the project. Those detention areas are  
44 being created as an interim solution while a regional improvement project is constructed by the City,

1 known as the Forney Regional Detention Pond, and its located east of Taft Hill Road. Once these  
2 improvements are in place, the five detention areas will act as on-site channels to this regional detention  
3 system, they will not free up land for future development.

4 Moving on to access, circulation and parking. The project proposes an extensive internal  
5 circulation network of sidewalks, including connections to Laporte to the south and Soldier Creek Trail to  
6 the north. There are two proposed pedestrian bridges over the canal and two pedestrian bike only  
7 connections to Green Acres, and one additional bike, ped, and emergency only access connection as well.  
8 A center turn lane is proposed on South Taft Hill and a westbound turn lane is proposed on Laporte. City  
9 managed projects will complete additional improvements in the area along Laporte. The applicant is  
10 proposing 453 off-street parking spaces, all of the housing types proposed will provide garages, and there  
11 are six parking spaces included within the neighborhood center.

12 As for natural habitat buffering, the project is providing 10.36 acres of habitat buffering and an  
13 additional 13.72 acres of landscaping and open space for a total of 24 acres. Restoration work includes  
14 weed mitigation, wetland restoration, and enhancement plantings including the use of berming and dense  
15 plantings near more developed areas.

16 Now let's talk about historical resources. The farmhouse that was previously located on the east  
17 portion of the property was burned down in conjunction with a fire training exercise prior to the property  
18 being annexed into the city. The pre-submittal survey requirements for the site were completed with a  
19 prior PDP, PDP190003. The historic survey results are considered valid for five years, so an updated  
20 survey was not required as part of this current application. The prior survey noted two properties that  
21 were potentially eligible for local landmark designation. 330 North Taft Hill was listed on the State  
22 Register during the same timeframe as the prior case, and the historic influence area was considered for  
23 compatibility with this property. Because the state designated property is across an arterial road, Taft  
24 Hill, the applicant has to comply with a minimum of two of the design compatibility requirements in table  
25 one of section 3.4.7(E), and the proposed buildings along Taft Hill are found to meet at least two of these  
26 requirements. It was determined that the building height and width portions of 3.4.7 are not applicable  
27 because other design connections are being made and the project is across an arterial and not directly  
28 abutting the historical property.

29 Now an overview of the architecture proposed. There are 75 residential buildings being proposed  
30 in a mix of single-family detached, two-family, and single-family attached housing types between two  
31 and three stories in building height. There are 36 single-family buildings proposed...attached buildings  
32 that are proposed where eight are two-story and the remainder are three-story. So on this slide, I'm  
33 showing the three-story building elevations. And then on this slide, we're showing three of the two-story  
34 single-family attached building elevations. Elevations were submitted for the single-family detached  
35 homes and the two-family homes, though they are not required for review as part of the PDP plan set.  
36 The single-family attached elevations achieve architectural compatibility by utilizing masonry on the  
37 ground level to define the base of the buildings, including ground level entrances with a shed or hip roof  
38 component, providing secondary massing elements, and including large windows to further break down  
39 the scale of these buildings. The colors and materials vary and do not deviate from what would normally  
40 be found in a residential development. The buildings are under 40 feet tall and the land use transitions  
41 with a landscape buffer and fencing on the west side of the project are proposed. The project complies  
42 with buffer yard standards in 4.5(E)(4)(b) and staff assessed the setback compliance on the three-story  
43 townhome buildings. The setbacks are met through perimeter open space, roadway widths, landscape  
44 improvements, and building setbacks.

1 This project is requesting an alternative compliance to 3.6.3, which requires future public street  
2 connections to adjacent developable parcels unless rendered infeasible due to unusual topographic  
3 features, existing development, or a natural area or natural feature. Webb, Irish, and Impala are not  
4 proposed to be provided as public street connections and will be limited to bike/ped connections or  
5 emergency access in the case of Impala. So, here where the street connections are being made, the project  
6 is proposing a street connecting into Laporte at Barton Drive, street B connecting into South Taft Hill  
7 Road, and then there's a future roadway connection also being proposed to Laporte in the south. The  
8 decision maker has the authority to approve a development plan that substitutes meeting the standards of  
9 3.6.3. In this case, the alternative compliance is based on the topography, existing development, natural  
10 areas, and other constraints. The PDP provides connections where possible and supports bike and  
11 pedestrian connections as well as connections to the Soldier Creek Trail. Staff finds the criteria for  
12 alternate compliance are met and the PDP accomplishes the purpose of 3.6.3 equally well or better based  
13 on the proposed local street intersections and the bicycle and pedestrian connections.

14 Now let's look at the LMN zone district standards. The project meets the minimum and  
15 maximum density requirements for the zone district as well as the Subarea Plan. It is requesting a  
16 modification for housing types as two-family, single-family attached, and single-family detached with  
17 rear loaded garages are the types being proposed. The plan proposes a neighborhood park meeting the  
18 one-acre requirement, and the proposed buildings meet the zone district heights.

19 The project proposes a neighborhood center which must comply with criteria related to access,  
20 location, land use, design, and outdoor spaces. The proposed center is on the eastern edge of the project  
21 and is shown to be a 3,000 square foot mixed-use building with six parking spaces. There are separate  
22 leasable areas for two commercial tenants; it also serves as a clubhouse. It is located next to the park and  
23 the adjacent open space and plaza can function as a flex space for farmer's markets. The proposed  
24 building is compatible with the nearby residential buildings and is located within ¾ of a mile of 90% of  
25 the dwellings without crossing an arterial roadway. Based on this description, the neighborhood center  
26 complies with the required standards.

27 As mentioned, the project is requesting two modifications. The project is requesting a  
28 modification for the length of walkways that the buildings highlighted in yellow on this plan set, and  
29 along with the modification of walkway width provided for the furthest west yellow buildings. Another  
30 modification is requested for housing types to provide three housing types instead of the four required.  
31 3.5.2(D)(1) requires all buildings to connect to public sidewalks and allows for three different ways to  
32 achieve that connection which are listed here. The modification is requested because some of the  
33 proposed connections are longer than 350 feet, and in once instance the walkway is narrower than 35 feet.  
34 Staff finds that the criteria 2.8.2(H)(1) and (H)(4) are met, that the plan will promote the general purpose  
35 of the standard equally well or better and will not diverge from the standards of the Code except in a  
36 nominal and inconsequential way based on the reasons listed here. Staff further finds that exceptional  
37 conditions unique to this site are also present that result in a hardship and that that hardship is not caused  
38 by the act or omission of the applicant.

39 The second modification requested is for the number of housing types provided. 4.5(D)(2)(a)(3)  
40 requires four housing types for projects greater than 30 acres, and the applicant is only proposing three.  
41 Staff finds that this plan meets the standard equally well or better due to the variety and architectural  
42 elevations submitted and the curved layouts of the streets which help promote visual variety along the  
43 streets. The proposal will also continue to advance the purposes of the Land Use Code and is nominal  
44 and inconsequential when considered from the perspective of the entire development plan.

1 Overall, staff finds the PDP complies with the applicable sections of the Code with two  
2 modifications, alternative compliance for section 3.6.3, and recommends two conditions of approval. The  
3 conditions, which are listed here, will make sure that minor issues are address during final plan review.  
4 And with that, staff concludes their presentation.

5 MR. MCASKIN: Thank you Jenny, I appreciate that. Just a quick question on the alternative  
6 compliance that's proposed for 3.6.3, the street pattern connectivity standards. In your report, you seem  
7 to...staff seems to conclude that the alternative compliance plan would satisfy the...I guess the purposes  
8 of that section equally well or better. And I do note that staff does seem to have taken into account  
9 whether the alternative design minimizes the impact on the ditch and some of the other natural features on  
10 the subject property. Can you go into just a little bit more detail on that for me?

11 MS. AXMACHER: Actually, I might see if staff from our engineering division or traffic division  
12 can provide a little bit of additional insight on that. They should be available online.

13 MR. MCASKIN: Okay, thank you. I think we can hear you.

14 MR. DAVE BETLEY: Hi, this is Dave Betley from Engineering. I just wanted to get  
15 clarification on the question again?

16 MR. MCASKIN: Yeah, Dave, no problem. I was asking for just some clarification on the  
17 proposed alternative compliance plan for section 3.6.3. I noted in the staff report that there's some  
18 discussion that the alternative plan, as submitted, will minimize the impact on some of the natural features  
19 on the site, including the ditch, and I was wondering if you could just provide a little bit of additional  
20 background on that for me.

21 MR. BETLEY: I would have to do some research on that. I think it's probably involved with  
22 some of the stormwater stuff, so I'd have to take a look at that real quick. Can I get back to you in just a  
23 few minutes?

24 MR. MCASKIN: Sure, and also, it seems like the alternative plan...and Jenny, maybe this is a  
25 question for you...it seems like the alternative plan, as submitted, is really focused on increasing the  
26 efficiency and convenience for pedestrian and bike travel and kind of prioritizing that over automobile  
27 travel, which seems to probably satisfy, you know, the purpose of 3.6.3 as set forth in subsection A. A  
28 follow-up question to that is, in subsection B, the general standard for that section, there's some language  
29 that says that local streets must provide for both intra- and inter-neighborhood connections to knit  
30 developments together rather than forming barriers between them. Does staff feel that the alternative  
31 plan, as submitted, satisfies the general standards that's articulated in sub B?

32 MS. AXMACHER: Staff does, and I think I can add that part of the reason that some of those  
33 roadway connections were not made was due to feedback from the surrounding neighborhoods that did  
34 not want through connections made into their properties. And it also has to do with the existing storm  
35 channel, which is a factor in crossing that.

36 MR. MCASKIN: Okay, thank you. Well, we have a lot of folks that are here that are waiting to  
37 provide comment on the project. So, Dave, take your time on finding a response and we can maybe have  
38 you address that question at the end of the public comment portion of the hearing. and before we jump  
39 into that, let me again, for those of you that may have come in late, or are online or attending via Zoom or

1 telephone, we are going to adhere to a three minute per speaker rule, although there are some folks that  
2 have elected to give their time to another speaker, and in that case, we will let that individual have more  
3 than three minutes, up to a maximum of 30 minutes. And as I mentioned earlier, we do have Laura  
4 Larson who's present tonight, and I have a list here of nine folks that have ceded their time to Ms. Larson,  
5 and that's Paula Harrison-Schmidt, Raygina Kohlmeier, Phil Vogeler, Nancy Frederick, Lief Youngs,  
6 MaryBeth Fischer, Amanda Warren-Martin, Maria Goransson, and Margot Steffenhagen, and I apologize  
7 if I got any of those wrong, but I did my best. So, Laura, do you want to...if you maybe want to come up  
8 to the podium and introduce yourself. And, because these folks have ceded time to you, you will have a  
9 maximum of 30 minutes to address me and, as I mentioned earlier, we will have a rebuttal opportunity for  
10 both the applicant and staff to hopefully help address questions or comments that you have on the project.

11 MS. LAURA LARSON: Thank you very much, appreciate the opportunity to speak with you this  
12 evening. My name is Laura Larson; I live at 320 North Impala Drive and my property abuts the proposed  
13 development site. I'm speaking on behalf of Sanctuary Field Neighborhood Network which represents  
14 over 200 neighbors who will be affected by this development. Our organization includes the majority of  
15 the resident population surrounding this site, encompassing the Green Acres, Bellwether Farms, Taft Hill,  
16 Sunset, and Laporte Avenue neighborhoods. The open fields, wetlands, historic farm site along Taft Hill,  
17 and the wildlife that inhabit this area define our neighborhoods; they're a vital part of the character that  
18 the Northwest Subarea Plan was designed to preserve.

19 In 2006, with large participation from our neighborhoods, the Northwest Subarea Plan was  
20 created, and both Larimer County and the City signed onto it as the governing plan for development in  
21 this area. Many of us bought our homes with the understanding that the City has to abide by this plan in  
22 considering new development, and that we would be protected from the high-density, three-story row  
23 houses that dominate this project. Specifically, the vision for the Northwest Subarea Plan is described as  
24 follows...and can you shift the slide for us please? The Northwest Subarea should continue to be  
25 predominantly a low-density residential area at the edge of Fort Collins with stable neighborhoods. The  
26 area should also retain aspects of its semi-rural heritage, including historic structures, small farms and  
27 irrigation ditches, natural areas, foothills vistas, and open fields. As new development or change occurs,  
28 it should occur slowly and be of low intensity and fit in with the diversity and country feel of the area.  
29 New development should safeguard natural features and protect wildlife habitats. In the planning  
30 framework on page 15, one of the primary objectives listed is to ensure that future development is  
31 compatible with the density, uses, and character of existing neighborhoods. The Subarea Plan specifically  
32 states that the City should protect stable neighborhoods from incompatible development, and that's the  
33 reason why we're here this evening. We're asking you to protect our neighborhoods and the wildlife on  
34 this property from incompatible development. Next slide please.

35 Last June, before the Planning and Zoning Commission, the developers' attorneys asserted that  
36 the Northwest Subarea Plan does not matter and it's only the Land Use Code...we heard something  
37 similar this evening...that determines what kind of development can be approved. But, Commissioner  
38 Hogstad corrected this interpretation and described the Subarea Plan as a key document. The  
39 Commissioners clarified that the City's Subarea Plans and the LUC were designed to be used in concert  
40 with one another and that citizen input into the Subarea Plans was a vital part of why they have to be  
41 honored in the context of the LUC. Section 1.2.2(A) of the Land Use Code states that the purpose of this  
42 Code is to improve and protect the public health, safety, and welfare by A, ensuring that all growth and  
43 development which occurs is consistent with this Code, City Plan, the Structure Plan, principles and  
44 policies, and associated Subarea Plans. It is written in the Land Use Code that this is part of what needs

1 to be considered in all development. The Land Use Code also states, in section 3.5.2, that compatible  
2 building massing is required. This development proposal is not compatible with the existing  
3 neighborhoods in terms of building mass or height. It doesn't contribute to the public good as noted as a  
4 required feature and pointed out by the Planning and Zoning Commissioners in the last review, and it  
5 does not adequately preserve the natural features of this area. Next slide please.

6 Let me tell you about our neighborhood and who we are. We are a multi-racial low- and  
7 moderate-income neighborhood with Irish Bilingual Elementary School at the center. Our homes are  
8 predominantly single-story detached single-family homes and all the properties that about this parcel are  
9 single-story homes. I want to really emphasize that point, because they were talking about buffers  
10 between three- and two-story buildings; there are no two-story buildings abutting this property. I want to  
11 be really clear about that, and the misrepresentation of the properties along Sunset...those are all single-  
12 story, one home per acre properties, and I believe it's rural estate designation, not urban estate, so that  
13 was misrepresented. We have chickens, turkeys, goats, and horses on our properties, some of which are  
14 ten acres in size. We know our neighbors, we walk our dogs together and socialize regularly as a  
15 community and with City-sponsored block parties. We're exactly the kind of stable neighborhoods the  
16 Subarea Plan was designed to preserve. The fields on this parcel have served as a congregating and  
17 walking place for our neighbors and residents in the surrounding area for decades, because they have not  
18 been inhabited by people. These past two years especially, the natural spaces and wildlife have  
19 significantly contributed to our neighbors' mental health and physical well-being. Next slide.

20 We all care about the wildlife that lives here. We see and hear them every day. They are a part  
21 of our lives. In the winter, small herds of deer come through our yards on a daily basis and shelter from  
22 storms in the willows and under the large maple and cottonwood trees where the historic farmhouse  
23 stood. We have chorus frogs singing at night, bats that fly through the fields and in our backyards  
24 because this is a dark sky area. There is no light pollution in the fields or in our neighborhoods as we  
25 don't have streetlights. The wetlands provide habitat for red-winged blackbirds and dozens of migratory  
26 bird species that have been documented by the Audubon Society and the bird conservation...we have  
27 members in our neighborhoods. The wetlands provide...oh, I'm sorry. We have large groups of ducks  
28 that come through who nest along the ditch and swim with their babies along the channel in late May and  
29 June every year. All of these species are going to be negatively impacted and their habitat severely  
30 degraded by car headlights and other light and air pollution that this development will cause. Next slide.

31 This project proposes to place two- and three-story row houses along the irrigation ditch and  
32 where the developer had determined a wildlife corridor on his plan. These tall and wide structures are  
33 unlike anything we have in our neighborhoods in terms of mass and height and will pose an impassible  
34 wall to ducks and other birds who reside in this area. Resident building and car lights will regularly shine  
35 into the wetlands on City property and into the confluence of County wetlands and the irrigation ditch  
36 habitat. The noise and air pollution combined with the hazard of 45-foot tall buildings proposed along the  
37 ditch will destroy this area's bird habitat. I want to just clarify the 45 feet. This came from the developer  
38 when we asked them, how are they going to engineer their way out of the floodplain on this property,  
39 because a large chunk of this property is in the floodplain, and they told us there would be an average of a  
40 five-foot elevation increase across the property. So for us, for existing properties looking at the existing  
41 grade, there is going to now be a 45-foot tall building next to our properties.

42 The Northwest Subarea Plan and the Land Use Code require building mass to be compatible with  
43 the surrounding area. This project does not meet this requirement. Over the past four years, our steering  
44 committee has met with City staff and the developer numerous times to discuss our concerns, specifically

1 about the two-and three-story row houses that predominate in this plan. We've repeated our concerns that  
2 the location of these structures along Taft Hill will destroy long-established wildlife corridors and habitat  
3 for deer, foxes, and other animals. We have submitted in writing four separate letters over this time  
4 requesting that the developer adhere to the Northwest Subarea Plan, protect this habitat and our  
5 neighborhoods from incompatible development. We've asked City staff to please work with the  
6 developer to ensure compliance with the guidelines for our area. While we know that City staff have  
7 made suggestions to the developer to address some of these issues, the changes we've requested have not  
8 happened. And I want to clarify here, the habitat that they're describing as being protected, they plan to  
9 actually destroy. So, this is not preserving habitat, this is changing out what is there for a manicured  
10 landscape. So, the habitat being preserved is located on stormwater channels in small, non-contiguous  
11 areas where the water table is high or where they could not engineer their way out of the floodplain.  
12 Those are the areas denoted on this site map. If you look at an overlay of the floodplain and the  
13 stormwater channels that already exist there, those are the spaces that they're calling open space, and they  
14 were not determined out of benevolence, they were determined out of non-buildable sites. This was  
15 established from the beginning of this project.

16           Once wildlife corridors and hunting grounds for raptors and other animals are destroyed, there's  
17 no replacing them with manicured landscaping that will take many years to be established. Even by  
18 Ripley Design standards, the trees that they are planning to plant alongside the neighborhoods as  
19 supposed buffer to the two- and three-story buildings will take ten to twelve years before they have any  
20 kind of height that would make any kind of a buffer exist for us. For the animals that depend on this area  
21 for food and shelter and safe passage to the foothills, this development will mean displacement and total  
22 destruction of their habitat. Next slide.

23           The developer has asserted to you in their marketing materials and in other documents that this  
24 has been a collaborative process with neighbors. They cited tonight how many meetings they have had  
25 with us. I want to assure you that has been anything but collaborative. Let's examine the meetings with  
26 neighbors they referenced. After the Planning and Zoning Commission hearing where the  
27 Commissioners indicated that this proposal was not going to be approved due to its incompatibility with  
28 the existing neighborhood, the developer withdrew their plan, as they have stated earlier. David Pretzler  
29 who spoke with you earlier emailed me the following...on a Friday afternoon, on July 16<sup>th</sup>...hello Laura,  
30 would you be available for a quick meeting with me and Stephanie at Ripley Design offices this coming  
31 Tuesday? We would like to go over some ideas we have for our site that may address some of the  
32 neighbors' concerns. I happened to be camping with my family that weekend so I didn't get his email  
33 until I returned on Monday. Over the three days from that Friday to Monday, he had sent me three emails  
34 and two voicemails on my cell phone...which I didn't give to him by the way, and neither did the  
35 City...all implying that we needed to meet with them urgently and that they had new ideas to share that  
36 addressed our concerns. Our steering committee was excited that perhaps they were finally responding to  
37 us and subsequently set up a Zoom meeting with them for the following Thursday, which we recorded  
38 and so did they, so this is on record. To our dismay, in that meeting, when I asked David, Stephanie, and  
39 their investor who was also present, what they were proposing, there was silence. They had nothing to  
40 offer. We asked, can we see a drawing of what you referenced in your emails as a new idea? Is it lower  
41 density, single-family homes? They responded they didn't have a drawing, instead they asked me, what  
42 is the one thing that we could change that would make you support this plan? I reminded them that we had  
43 submitted three detailed letters to them with changes we would like to see and that there is no one thing.  
44 David then offered to modify the condo building planned behind my house to a two-story row house with  
45 fewer units and wanted to know if that would be enough for me to support the plan. I assured him that it



1 was not. This is the kind of collaborative approach this developer has taken in their meetings with us and  
2 that they have misrepresented to you this evening. When we reminded them of what substantive change  
3 would look like, they protested that our requests would make this project unviable because it has to be  
4 profitable. Their profit is not our concern, and it should not be the City's either. Despite all the  
5 information we've submitted to the City detailing our concerns and potential solutions that could remedy  
6 them, City staff has now forwarded to you a plan that has not made any of the substantive changes we  
7 requested. It does not include adjacent housing that's compatible with our neighborhoods, nor does it  
8 protect wildlife corridors, bird flight paths between wetlands and irrigations channels, or 100-year-old  
9 trees around the old farmhouse site. Instead, they have made only one notable modification to this  
10 iteration of the plan: they replaced the previous condo buildings with more three-story row houses in  
11 order to qualify for a type I hearing. This change allowed them to avoid going back to the Planning and  
12 Zoning Commission where they knew their proposal would fail. This revision is what led to the reduction  
13 in overall units by 18%, but it was not in response to neighborhood concerns. The height and mass of the  
14 row houses are no more compatible with our neighborhoods than the condo buildings. But, the City  
15 doesn't consider row houses multi-family even when they have five units planned in most of these  
16 buildings, the plan still violates both the intent and the substance of the Northwest Subarea Plan.

17 In accordance with the City's responsibility to protect stable existing neighborhoods from  
18 incompatible development, we request that you reject the proposed plan and require the developer to truly  
19 collaborate with neighbors to create a plan that incorporates lower-density housing next to our properties  
20 and better preservation of current wildlife habitat – current wildlife habitat. We would also like to see the  
21 developer step down the buildings facing Taft Hill to single-story, something else the Subarea Plan  
22 addresses directly, and move any two-story buildings to the interior of the development not abutting  
23 single-story homes. The developer has single-story and detached single-family housing products, but he  
24 has not placed these next to our neighborhoods as we have requested multiple times. The City should not  
25 be granting an exception to the requirement of four types of housing in a development of this size. We  
26 would like to see the developer be required to accommodate our request for single-story detached homes  
27 next to our neighborhoods. We would also like to see the majority of the development be one- and two-  
28 story detached homes, no three-story attached row houses. Next slide.

29 Over the past four years, our steering committee has met with City planners...we're on number  
30 three now...we met with Jenny very recently, had her out to the site and appreciate the City being willing  
31 to come and do that site visit with us. We've met with the floodplain staff, stormwater staff, and two  
32 ecologists. All three departments have told...have described this parcel as very complex because of all  
33 the waterways and wetlands and because it's in the floodplain. In fact, the floodplain department's staff  
34 told us that this is the most complex parcel being considered for development in the entire city. So, while  
35 the developer may have met the technical requirements to engineer this housing development out of the  
36 floodplain, we are skeptical as to whether the plan will actually work. We have yet to hear how this new  
37 plan will impact our Green Acres neighborhood with streets all drain into one culvert and intersect with  
38 the New Mercer Ditch adjacent to this parcel. As you may be aware, our neighborhoods were severely  
39 impacted in the 1997 flood and City staff have told us very clearly that the developer is not required to  
40 prevent that level of flooding from happening again. This is of great concern to us. We have not yet  
41 heard how this revised plan will ensure that our neighborhoods on County property are not negatively  
42 impacted by stormwater coming off the new development, especially with the elevated land required for  
43 houses built over the floodplain channels. After multiple requests for a neighborhood meeting to help us  
44 understand the new proposal, one was finally scheduled for last September. Because of Covid, the  
45 meeting was held via Zoom. This was brought up by the City that this neighborhood meeting happened

1 as well. We expect that there would be an opportunity for neighbors to voice their questions and hear  
2 the developers' responses to them, and accordingly, we submitted our questions in advance. However,  
3 instead of an engaged meeting, the developers' consultant controlled the agenda, avoided addressing any  
4 questions pertaining to the Northwest Subarea Plan, and City staff allowed the developer to limit the  
5 transparency of the chat function such that questions...our questions were not visible to participants and  
6 key questions went unanswered. They ended the meeting without answering our core questions. The  
7 developers' assertion to you that this has been a collaborative process from its inception is false. We are  
8 very concerned that this whole project will negatively impact our property values, threaten the safety of  
9 our homes, destroy wildlife habitat, and degrade our quality of life. The issues we have raised for the past  
10 four years have still not been addressed in any substantive way by this developer. Next slide please.

11 Finally, I want to speak to the developers' plan to decimate the habitat along North Taft Hill  
12 where he has designated the entrance to this development. In 2017, the City's Natural Resources  
13 Department tried to buy the historic farmhouse that occupied that area, including three barns, with  
14 hundred-year-old silver maple trees and mature cottonwoods around it because they recognized the  
15 cultural and environmental value of its preservation. However, this developer outbid the City and  
16 acquired the parcel along Taft Hill with the historic farmhouse and barns. In May of 2018 when the  
17 property was still under County jurisdiction and not subject to historical review that the City would have  
18 required as soon as it was annexed, the developer had the farmhouse burned to the ground. I want to be  
19 clear, the developer chose that, the developer chose to give it as a training exercise to have it burned to the  
20 ground. We were as neighbors given very, very little notice on this...I think it was three days that we got  
21 the notice in the mail. The historic barns were disassembled, the owls and bats nesting in those buildings  
22 were displaced and the historic trees were damaged by the fire, as nothing was done to protect them.  
23 Next slide please.

24 The large cottonwood tree along the ditch next to the farmhouse site provides nesting habitat in  
25 its hollows for a host of birds, including great horned owls and other raptors. In the City staff review  
26 documents, we learned that the developer intends to cut down this giant cottonwood tree that's well over  
27 ten feet in diameter and estimated to be 150 years old or more, dating back to the creation of the New  
28 Mercer Ditch based on historical documents. An arborist hired by the developer deemed the tree  
29 unhealthy. As you can see from this picture, the tree is exceptionally well-balanced, has very few dead  
30 branches, and is in full fertility mode...this is from last June...releasing its cotton to reproduce along the  
31 waterways as it was designed to do. This tree has a natural hollow at the base, something that you  
32 commonly see in cottonwoods in the natural areas across Fort Collins, and is not an indicator of disease or  
33 poor health as noted by horticulturalists in our neighborhood. We have in fact investigated that hollow  
34 from the ditch and found by the growth pattern that it's merely adapted to accommodate high water flows  
35 that periodically erode the bank under part of its center as it sits at the elbow of a 90-degree turn in the  
36 ditch and has no doubt stabilized that bank for all of its life. However, the developer has portrayed this  
37 tree as a hazard to planned houses nearby and wants to cut it down along with all the silver maples that  
38 surround the former farmhouse. We have a serious issue with this. Had the cottonwood tree been  
39 evaluated by the City for its value as bird habitat in the context of a natural area to be preserved, we are  
40 certain that the verdict would have been the opposite. This tree and all the silver maples on the property  
41 are part of an historic site and are required to be preserved under the Northwest Subarea Plan guidelines.  
42 The irony here is that the Subarea Plan itself has a picture of the former farmhouse and barns given as an  
43 example of an historic site on North Taft to be preserved...the site that was burned down by this  
44 developer. In addition to nesting habitat for owls and other raptors, the trees in this area provide vital  
45 shelter for deer, foxes, and other animals who live here. We ask that you please save this giant tree that is

1 a heritage landmark for our northwest Fort Collins area and require it to be considered part of what the  
2 Subarea Plan identifies as natural features to be protected on the property. Next slide.

3 In closing, we ask that you hold the developer to the requirements of the Northwest Subarea Plan  
4 and reject this proposal as submitted. The predominant housing in this plan relies on two- and three-story  
5 row houses that are not compatible with existing neighborhoods in terms of building mass, height, or  
6 density. The plan does not protect wildlife habitat and natural features on the property as required. As  
7 the former chair of the Planning and Zoning Commission concluded last June, this plan does not reflect  
8 the natural area...the rural nature of this area. Thank you for your time and consideration.

9 MR. MCASKIN: Thank you Ms. Larson. Appreciate your comments, and I will note that you  
10 were under your 30 minutes of time allotted. So, with that, I don't know if City staff has a sign up sheet  
11 for folks that are here...I see Jenny saying...

12 MS. AXMACHER: Yes, I believe Alissa or Katie can help us with that.

13 MR. MCASKIN: Okay, great, so like I mentioned before, I'd like to definitely have folks that are  
14 here that have taken time to be here tonight in person have the opportunity to address this proposed plan  
15 first, so if there are folks...and Alissa, do you want to call folks out in order that they signed up, or...do  
16 you want me just to invite folks to come up to the podium? I'm seeing a nodding head. Okay, great. So,  
17 if you are here to provide comments on the plan, like I mentioned earlier, please do provide your name  
18 and address, and the reason we ask for that is that the City's Land Use Code does require that if you're  
19 here to provide comment that we do end up getting you a copy of the decision that's ultimately issued.  
20 So, I'll just open it up for anybody else that's in attendance that would like to provide comment or ask  
21 specific questions directed to the applicant or staff.

22 MS. DENISE STEFFENHAGEN: Good evening; my name is Denise Steffenhagen. I live at  
23 4021 Brackadale Place, 80524. I don't live in the area, but I do walk the fields with my daughter when I  
24 visit her. It's a beautiful place and it's a natural place that should be preserved in my regard. Wildlife  
25 needs to be protected these days, and the environment. Having more than 1,000 people in that new area is  
26 going to increase the traffic, the ozone, the water usage...which, we're in a drought right now. There's  
27 just all kinds of reasons for not allowing the development on this property. Also flooding is a major  
28 concern. In the area where I live, there's a FEMA floodplain. I'm trying to put trees there and I have to  
29 go through all kinds of paperwork and decision making. Here, to build houses and concrete, it's going to  
30 definitely impact the flooding. So, I just ask you to not allow this development to go on. Thank you.

31 MR. MCASKIN: Thank you. I appreciate the input. Is there anybody else tonight? Yep.

32 MS. BARBARA DENNY: Hello, my name is Barbara Denny, I live at 420 North Sunset Street;  
33 it's on the west side of the development, Sunset is. I bought my home in 2007 and the Subarea Plan was  
34 written in 2006. So much of this is viewpoint and interpretation of what guidelines and codes mean.  
35 There are minimums and maximums, and a lot of cherry picking going on. Anyway, we got the staff  
36 analysis less than a week ago, so there hasn't been a lot of time to be able to dig into that, but one thing I  
37 noticed was that, because so much of this land is unbuildable, it comes down to a net density of 7.13  
38 dwelling units per buildable acre, I guess that's the net. Anyway, that means there's around 24 acres that  
39 are not buildable. When you take away, do the math on that, that means, you know, it's close to 20 acres  
40 that are buildable, and the LMN says that the minimum density should be three dwelling units per acre.  
41 The Subarea Plan also mentions a minimum of four dwelling units per net acre. Anyway, a lot of those

1 minimums aren't mentioned in these presentations, but the Commissioners verbalized in the Zoning...I  
2 mean the P and Z meeting, that the zoning for this property was probably too high based on the  
3 surrounding areas around it. It's rural residential zoning, much of it, all around the property. The only  
4 one that isn't is the Bellwether density, Bellwether properties, and those...density is 3.1. So you can see  
5 that when you look at a 7.13 per buildable acre, how out of whack it is with the whole area. When I  
6 bought my property, I thought for sure the Subarea Plan was going to guide development so that it would  
7 remain semi-rural where I live. There is a reason behind the only 20 acres, approximately...I don't know  
8 why it's cutting out so much...there is a reason behind why only 20 acres are buildable, and that's  
9 because of all the stormwater issues. It seems like the plan is bending over backwards to try and make  
10 this fit into those 20 acres, and that intensifies the density on what they can build. There were five major  
11 floods in the '90's. It's the most complicated property in the city to be developed because of this. The  
12 concerns remain despite improvements that the City and County have done, but the plans are not fully  
13 adopted and there are risks to the developer's plans, which he's made aware of. Anyway, sorry, I guess  
14 that's it. Thanks.

15 MR. MCASKIN: Thank you very much. And, it sounds like City staff is keeping a timer on the  
16 three minutes, so I appreciate that, I was not. And again, please, name and address for the record. Thank  
17 you.

18 MS. MARY TIMBY: Good evening; my name is Mary Timby and I'm a homeowner on Irish  
19 Drive, 627 Irish Drive, near Sanctuary Field. This is my first time ever speaking up at a meeting, and the  
20 fact that I'm overcoming my extreme fear of public speaking to show up tonight is a testament to how  
21 passionate I feel about the issues with this development. I've lived in Fort Collins for 24 years. I moved  
22 to this neighborhood as a renter and purchased my home because I loved it. I host two international  
23 students, one from Brazil and one from Spain, who attend nearby Poudre High School. I was drawn to  
24 this area because of the Northwest Subarea Plan, because of the diversity of the neighborhood, and the  
25 open space, and that's why I'm speaking up today. I know housing is challenge in our community, and I  
26 look forward to welcoming new folks to the neighborhood; however, I'm very concerned about two major  
27 aspects of this development plan. My first concern is the developers' complete disregard of the  
28 Northwest Subarea Plan, the second is the developers' lack of transparency and neighborhood  
29 engagement. The developer continues to disregard and violate the Northwest Subarea Plan. I have some  
30 examples that I emailed, most of them from the Northwest Subarea Plan. My second concern is the lack  
31 of transparency and neighborhood engagement by the developer. The process seems to be taking place  
32 behind closed doors and changes constantly. One meeting was held with the developer via Zoom in  
33 September. It is facilitated in such a way that the developer controlled the conversation and failed to  
34 address why the proposal did not meet the Northwest Subarea Plan. The developer has refused to meet  
35 with neighbors and the neighborhood steering committee has shown disregard for neighborhood concerns.  
36 Tonight I've heard a lot of 'in response to neighborhood concerns' and, in my experience...or from my  
37 viewpoint as a new homeowner to the area, but after renting for seven years, is that none of these changes  
38 we heard here tonight are in response to neighborhood concerns, they're in response to a lack of  
39 compliance. I'm not anti-development, I am pro-responsible development, and I would like the City to  
40 hold the developer accountable to the Northwest Subarea Plan and see more transparency in the process.  
41 Thanks.

42 MR. MCASKIN: Thank you.

43 MR. JOE MCHUGH: Good evening; my name is Joe McHugh, I've lived on Irish Drive for 32  
44 years. I'm a retired art teacher in Poudre School District after serving the community for 30 years. I want

1 to point out something that hasn't been mentioned, which is aesthetics are subjective. And so when we  
2 hear from the developers that this is an aesthetically unimpactful development, I take issue with that as an  
3 artist and art teacher and a resident of this community...actually 37 years, counting time on Hollywood  
4 Street. So, aesthetics are subjective, and I don't know how anybody with any sense of visual sense could  
5 look at the proposal and find that that's compatible with our neighborhood. Our neighborhood is a rural  
6 neighborhood, it's one-story houses, lots of large yards, big trees, and the development looks like  
7 something that was dropped in from...excuse me for saying this, but from the south side of Fort Collins.  
8 I did teach at Lincoln Junior High School for 17 years, Wellington Junior High School for four, taught  
9 kids that went to Poudre IB, and then was voluntarily transferred to the south side of town for the last  
10 eight years of my career. Driving across town after teaching on the south side of town felt like coming  
11 back to a sanctuary, pardon the pun...actually it's a little bit strange to use that word. So, I just feel like,  
12 from an aesthetic standpoint, these row houses look exactly like the ones that have been built across from  
13 where the stadium used to be by the drive-through [sic] movie theater, and I can't imagine those buildings  
14 being plopped in the field that's basically a block away from my house, where I walk my dog almost  
15 every single day and see the ducks, the wildlife, the hawks, and these animals, the deer through there at  
16 night. So, aesthetics are subjective, but I think that after 37 years on the northwest side of Fort Collins  
17 and being an art teacher serving this community, that my sense of aesthetics for this community is a lot  
18 more valuable than a developer who is from out of town or may not know our neighborhood at all. Thank  
19 you.

20 MR. MCASKIN: Thank you. And it was Mr. McHugh, correct? Okay, great. Anybody else to  
21 comment? For those of you on the telephone, there's a fight about who's going to speak next, but I think  
22 it just got sorted out. Okay, go ahead.

23 MS. CATHLEEN DESANTIS: Hi, I'm Cathleen. I live on 230 Pennsylvania Street, which is  
24 right up against the field. I had a huge thing written down, but listening to everything, what everybody  
25 has been saying, I'm just kind of going to go off of what I've written. I feel like there has been a lot of  
26 misrepresentation and lack of transparency throughout this whole entire process, especially, you know,  
27 considering the barn and the house that could have been historic. In the Northwest Subarea Plan, it was  
28 actually listed as a potential historic resource, and they just had not assessed it yet, and it's unfortunate  
29 that they did burn it down, even though it was for a good purpose. I also want to say that, you know, this  
30 plan isn't just a vision.

31 You know, the City of Fort Collins Land Use Code section 1.2.2(A) says...it ensures that all  
32 growth, development is consistent with this Code, City Plan, and its adopted components, including  
33 associated subarea plans. So, I think that's really important to note. The Northwest Subarea Plan  
34 represents a joint planning effort of the City and County involving residents, landowners, businesses in  
35 the area and other interested parties, to create a shared vision and plan for the future. The City and  
36 County have a history of joint subarea-level planning to achieve a finer level of detail and goals, policies,  
37 and land use planning for areas within the growth management area. Each subarea level plan is distinct  
38 and is public-driven, so I think that's why it's really important to listen to the community. Throughout  
39 this whole process, we have been saying that three-story buildings are just not consistent or compatible  
40 with everything else around it, and yet they have consistently kept the three-story buildings. You know,  
41 it's great that they lowered the units; however, they increased the three-story buildings, so I wanted to  
42 note that. And you know, three-story buildings are going to be blocking the open land and views.

43 I also want to state that, as of April 2020, the northern Front Range, including Fort Collins, has  
44 been reclassified from a serious to a severe violator of federal ozone standards. This is due to a

1 combination of industrial and vehicle emissions. So, considering, you know, like 1,000 more residents  
2 coming in is going to increase that and, you know, affect the ozone more. I'm also concerned about the  
3 flooding. Water does go from my house to the field, and that bike path is right up against my house, and  
4 with such an open field, I don't understand why they can't, you know, back up the path even more and  
5 allow the water to flow into that, you know, basin that they have. You know, five feet at least change in  
6 height is a lot, so I ask you to reject this plan. Thanks.

7 MR. CHRIS SAWYER: How's it going? My name is Chris Sawyer, and I'm at 216  
8 Pennsylvania Street, and I just want to oppose the plan. A hundred years from now, none of us will be  
9 here, but the wildlife will be, and it's just going to become more complicated for them as Fort Collins  
10 grows, there will be people here, it will be expensive to live here, more so than it is now. And living right  
11 there on the street and having a Master's in natural resource management, those wildlife corridors that  
12 were shown on the map, you know, what are they going to look like in a hundred years? It seems like it's  
13 not going to be good enough, so thanks so much. 216 Pennsylvania.

14 MR. MCASKIN: Thank you Mr. Sawyer.

15 MR. LLOYD WALKER: My name is Lloyd Walker, I'm a retired civil engineer from CSU and a  
16 lot of my career was devoted to water and associated environmental issues. A lot of my concerns are the  
17 complexity of the water flows across this site, which has been well-documented, or expressed, I'd say, so  
18 I'm not going to go into that. But, I have a particular point that is missing, and that is the elephant in the  
19 room in this project is the New Mercer canal, and it's just being ignored, or saying, well, it's just  
20 something we have to cope with. In fact, it is a tremendous resource that's not being developed in terms  
21 of the fact that there's a ditch access through there which people use informally and illegally, because  
22 they're trespassing according to current rules, as a walkway, and nothing is being done about that. Now, I  
23 would cite an example of how this could be done in the Red Fox Meadows project. New Mercer canal  
24 goes through there, the ditch access road is considered a part of the City of Fort Collins trail system, and  
25 so there's no question about, you know, trespassing. It's documented that the City made an arrangement  
26 with the New Mercer canal people, which by the way, probably the City is largest water shareholder in  
27 the New Mercer canal. So, I don't see why not...whatever happens here, that the New Mercer canal is  
28 considered an attribute and something that could enhance the natural feature of this area by providing a  
29 walking trail along a waterway that has a lot of wildlife amenities and habitats. And so I would suggest  
30 that whatever happens on this site, there ought to be consideration for how the New Mercer canal and its  
31 associated access road can be considered part of this project site to enhance the enjoyment of the  
32 neighborhood, the residents, and the city. And I would again suggest that if anybody wants to know how  
33 this could work, go look at the Red Fox Meadows site. It's a gem in the middle of the city, it's a grand,  
34 larger, regional water plan as this will be with the West Vine project, and it could be something that is an  
35 enhancement rather than just something we have to work around as a problematic feature. So,  
36 let's...whatever happens, let's take into account how we can more creatively use the New Mercer  
37 waterway as has been done in Red Fox Meadows. Thank you.

38 MR. MCASKIN: Thank you, Mr. Walker. Appreciate those comments. I see somebody in the  
39 back that is coming up.

40 MS. KIRI SAFTLER: Hi, I'm Kiri Saftler. You guys have seen me all the years that you've been  
41 trying to develop this property. I have lived on my property at 230 North Sunset for 45 years, which is  
42 just to the west. I am in the County, this property is now City property. I am guessing, Marcus, that you  
43 have not been on this property, and we have quite a neighborhood that we want to preserve. I'm sure

1 you've heard all of this. One of the things that I like to bring to these meetings is the future generations.  
2 What happens beyond what's happening right now? And there are two things that I bring up at almost  
3 every meeting. One is that I, in 1970 something, built a root cellar, dug a root cellar, which became a  
4 swimming pool instantly. So every time I have met with the developers, I've said, so, are you building  
5 root cellars...or I mean basements for all these people, and are you providing sump pumps, and are we  
6 going to address the damage that might happen to those homeowners' new homes because of a high water  
7 table. And we do know that somebody on the very east side just dug a well, and it was only eight feet  
8 deep, and ours was about eight feet, and I'm on the west side. So, we do know that there's a high water  
9 table on that property.

10 And also speaking about our future generations, I have asked all the years for the City...this is a  
11 City thing...about consciousness around solar, and you say that you have solar design; however, solar  
12 orientation is different. And, if you're not orienting a house, you're not using its natural resource, you're  
13 using, maybe the roof will work so I can put a solar panel on it and pay more money, but we're not doing  
14 solar gain. And this is something that I have talked about all the years and felt really impassioned about  
15 for the future generations; it's an important thing.

16 We've talked about air pollution and light pollution, which I feel really strongly about. I live in a  
17 very dark neighborhood and love that, that I can go out and see the stars. That will change drastically.  
18 And, of course, all this stormwater and floodplain...we were told by a City employee, which I'm glad my  
19 brain doesn't work to remember who the person was...that this is the most complicated property to be  
20 developed, and it should not be being developed in an LMN fashion, and that it was probably even zoned  
21 incorrectly. These were by two different City employees who told us those in all of our meetings that  
22 we've had.

23 I am hoping that we are agreeing to the fence that we have talked about once before along  
24 anybody who wants it, and I hope you deny this plan. Thank you.

25 MR. MCASKIN: I'm sorry, was it Ms. Saftler? Okay, thank you.

26 MR. JOEY LASALA: Hi, my name is Joey Lasala; my wife and I live on 2216 Laporte Ave on  
27 the very east side of the...or I guess south side of the development there. Our property is bordered on  
28 three directions by either a planned future access road...or access walkway for pedestrians, and many of  
29 the development proposals still say future access road which I have particular concern with as it cuts  
30 through a very dense wetland that runs in front of my property on the very south side. Along this area is,  
31 again, very high water table, which we noted needing to dig and redo our sewer line this year, which I  
32 could only imagine is not going to be made any better with continued development in the surrounding  
33 area. We actually have been personally contacted by the developer about the ditch running in front of our  
34 property in that it is, well, just quite simply put, not quite deep enough or wide enough to accommodate  
35 the water that happens there sometimes, and frequent flooding happens as is.

36 Other concerns, kind of, for us specifically...part of the walkway that is going to be cutting  
37 towards the south side of the property is going to run along what is currently the access driveway to my  
38 property, and it has been for the past 82 years. The maintenance of the ditch surrounding this is  
39 something that has de facto fallen onto myself and the surrounding neighbors to keep it clear of debris and  
40 sediment. This is having to be done every single year. It's not anything that I think the developer has  
41 mentioned or has any sort of maintenance plan for. Thank you very much; those are my primary  
42 concerns.

1 MR. MCASKIN: Thank you Mr. Lasala.

2 MS. MARY BECK: Hi, I'm Mary Beck; I live at 503 North Hollywood Street, and we own a  
3 property there for the last 40 years...more than 40 years. We...I'm concerned about the traffic and the  
4 safety to the students at Poudre High School. My own two sons went through all that system, and the  
5 traffic build up...adding more residents to that area can endanger our young people. I know already that  
6 there's been multiple accidents on either Taft Hill or Laporte Avenue. I know a young man who was  
7 crippled by a negligent driver on Laporte Avenue. The kids walk up and down that street three or four  
8 abreast, and it is a dangerous situation already. Adding a sidewalk should be mandatory, and by the City  
9 as well...not only from Taft Hill all the way through Sunset, because there is a second high school at the  
10 alternative high school location. But, between the traffic, parents dropping off their kids in the morning,  
11 and me having to negotiate through that traffic every morning to get to work...before I retired...and the  
12 kids walking back and forth like at lunchtime and breaks, I have a serious concern about the safety of our  
13 teenage kids in Fort Collins. And no one's addressed that yet, and I think it's really, really important.  
14 Thank you.

15 MR. MCASKIN: Thank you, Ms. Beck. At this point, before we continue with public comment,  
16 it is about 7:52 PM. Let's take about a five-minute break, and we'll resume just before 8:00. Okay, thank  
17 you.

18 (\*\*Secretary's Note: There was a brief recess at this point in the meeting.)

19 MR. MCASKIN: Okay, the time is 8:00. For the record, this is Marcus McAskin, the Hearing  
20 Officer. We took a short five or seven minute break. We are currently in the public testimony, or public  
21 comment portion of tonight's hearing. The last member of the public to provide comment was Mary  
22 Beck who had some comments on pedestrian or student safety. And with that, I'm going to open up the  
23 microphone again to folks that would like to provide comment. Thank you.

24 MS. VAL VOGELER: Hi, my name is Val Vogeler and my husband and I live at a home at 520  
25 North Taft Hill Road, so it's on the east side of Taft Hill just north of the property that's proposed to be  
26 developed. And so, being in this proximity, close proximity, to this area for years now, I have firsthand  
27 knowledge of the current housing density and the architecture of the surrounding community, the wildlife  
28 that's in all of our yards, and also the traffic flow along Taft Hill Road, which already is causing traffic  
29 back-ups during the arrival and dismissal of the three schools in the neighborhood, and a big increase in  
30 truck traffic. And although the developer claims that the newest proposal has been collaborative with the  
31 neighbors and they've accommodated our concerns, it really is not true. The three-story multi-plexes are  
32 planned to be prominent all across the front eastern property edge of North Taft Hill Road, and the side  
33 northern property along Soldier's Creek. And it seems to me, it's hard to believe that the City would  
34 allow these beautiful fields and trails with peaceful foothill views to allow them to be degraded by  
35 towering multi-plexes that block the scenery of this very unique site, along with the wildlife corridor and  
36 the wetlands. In order to preserve these views and to step back from Taft Hill Road, the neighbors have  
37 repeatedly asked for single-family, single-story homes, detached homes, on all four borders of the  
38 property, possibly graduating up to a few two-story homes in the center of the planned development. This  
39 request has been consistently ignored when we've asked for reduction or relocation of these high-density  
40 homes to the center of the planned development. There's been no give on this aspect repeatedly voiced  
41 by the neighbors. So, all four borders. Take time to consider the incompatible visual and density aspects,  
42 and please tell Solitaire Homes that this prime northwest subarea acreage has a distinct character that



1 needs to be preserved on the edge of town. It is not southeast Fort Collins where roads are equipped to  
2 handle the increased traffic and the multi-plexes do abound.

3 I also was asked to mention that the area on Laporte where the buses exit the bus depot there onto  
4 Laporte, is also where...and I guess an access road is possibly planned...so that's going to certainly be a  
5 problem with the buses coming out. The Northwest Subarea Plan is very clear in its intent to preserve the  
6 special attributes of this section with single-family dwellings and farms. And the Northwest Subarea Plan  
7 was, and is, a collaborative effort between the City and County. Thank you.

8 MR. MCASKIN: Thank you.

9 MR. NOAH MUNSON: Hi, my name is Noah Munson. I'm at 1500 Castlerock Drive, and I  
10 grew up in an actual rural community on a corn farm. And I, just for the record, I want to say that this is  
11 not a high-density area, and that anybody who thinks that just doesn't actually understand the effect of  
12 urban sprawl towards farmers and towards, like, rural communities. So, this is unfortunately something I  
13 can't get behind, but also I heard a lot of talk about how this is a mixed, sort of community, of different  
14 socio-economic groups, but also I hear things of people referring to row homes and multi-purpose  
15 housing as southern, or the south side of Fort Collins, which in my opinion, is very elitist. So, coming  
16 from the son of a farmer, just, I don't know...this is kind of why I approve and want this to be developed,  
17 so...

18 MS. CHERYL DISTASO: Good evening; my name is Cheryl Distaso, I live on 135 South Sunset  
19 Street, and I've been there since 1990, so I'm a relative newcomer to the neighborhood. I want to talk a  
20 bit about traffic. By the City's own admission, the Laporte Avenue corridor between Fishback and  
21 Sunset is dangerous for pedestrians and cyclists, and it needs to be addressed. This has been documented  
22 in the Laporte plan, but the funding or timeline has not been secured except for the bridges. The  
23 Laporte/Taft Hill intersection is narrow and not safe at many times of day, particularly around the Poudre  
24 High School bell times. It's not unusual for cars on Taft Hill to back up north to West Vine Drive. It  
25 only stands to reason that 500 plus more cars will negatively impact an already problematic traffic flow in  
26 and around our neighborhood. The applicant has claimed that there is no negative impact to traffic, and  
27 this simply cannot be the case.

28 And then as far as compatibility, I just want to say that this project is not compatible in mass, or  
29 density, or design with our neighborhood, regardless of what the applicant might call agrarian-themed  
30 two-story row houses. Massing and compatibility is addressed in the Land Use Code, 3.5, as well as the  
31 Subarea Plan. We've heard from the developer that three-story row houses need to dominate the project  
32 in order to make this development profitable on this complicated property. This property is not  
33 appropriate for this development. I'm opposed to this plan. Thank you.

34 MR. BILL CONNELLY: Hello, my name is Bill Connelly. I've lived on Sunset Street for 40  
35 plus years. I have two acres, irrigation rights, and moved there because of the way it was, and hope to  
36 remain. I'm against the plan happening there. It's going to destroy everything about that area. I was a  
37 homebuilder...I'm retired now...for 50 years, and just detested that type of concept of what they want to  
38 build in this area. It's nothing like what is there, and doesn't belong there. It belongs in new land, corn  
39 fields out east, down south, other places. This land just incredible.

40 That's why all my neighbors...I'm also going to speak for Sunset Water District. It's Sunset,  
41 Hollywood, Laporte, and Vine. We have 178 homes. They are all on...most of them on acres, or two

1 acres, and some maybe a half-acre that got broken down over the years. But, anyway, we have our own  
2 water, we own our water, we keep the rates low, we control the irrigation that comes down...well, not  
3 Sunset, but our North Lateral Ditch Company of Pleasant Valley and Lake Canal, and we...that does not  
4 fit here. It just does not. When I was building, I designed homes and built homes that blended with the  
5 environment that...and these do not blend with the environment at all. They're just like something that  
6 fell out of the sky; they're horrible. So, anyway, that's my opinion on this.

7 I am worried about the extra traffic. We've had issues with Sunset Water District with all the  
8 increased traffic on Sunset Street. They keep widening the roads, the City or County, when they update it  
9 every few years, because they send all the buses from Poudre and Irish down the street and we get leaks in  
10 the water system. Our water system of Sunset Water District was created in 1947 when that was a dirt  
11 road going through there, and it was a rural area with all the houses...my home, original part of my home  
12 was built in 1919, and my neighbor's was built when we got back...well, it was built before he got back  
13 from World War II, in 1945, and he had two acres. A lot of people had acreages, or they had big gardens  
14 and animals. We have mountain lions going through our property, you know, hawks, eagles, great horned  
15 owls, and, you know, all sorts of animals going through our property. We have big trees everywhere. We  
16 just kept it as natural as we could possibly do, and that's it.

17 MR. MCASKIN: Yep, thank you, Bill. And, City staff will help me with the spelling of  
18 everybody's name, but last name was...? Thank you, appreciate it.

19 MS. CATHY ROBERTS: Hi, my name is Cathy Roberts, I live at 113 North Sunset and I am on  
20 the south side of Laporte Street. During one of the first public hearings, a question was presented  
21 concerning the traffic study reporting no impact. At that time, another study was determined to be  
22 performed to address the before and after school flow of traffic. My first question is that, was that second  
23 study performed, when was it performed and where, and then my next question was, were the Covid  
24 restrictions requiring the high school students to go virtual factored in, which would of course decrease  
25 the number of the flow. So, thank you, and I'd appreciate clarification, and based on the reality of what I  
26 experience with the traffic, I oppose this plan. Thank you.

27 MR. MCASKIN: Thank you.

28 MS. CHERYL LYNN: My name is Cheryl Lynn, I live at 413 Webb; I've lived there for 17  
29 years. I have a sump pump in my home, which kind of gives you an idea of what the water level is at  
30 times. I don't understand how this project, this development, has gotten this far, because in no way is the  
31 architecture compatible with what is existing in the area. Homes built on fill dirt, even one-story homes,  
32 are not going to blend in. And so, I'm concerned about also how many people, how many campers, how  
33 many trucks, how many cars, so you have more air pollution. There's...nobody has addressed the night  
34 sky, the fact that there is going to be...it's going to look like...I don't know, an all-night circus at that  
35 area, because you have...if it goes through...three-story homes built on fill dirt that have no regulations  
36 as far as the night light goes. And, also there's a movement now, the right to nature movement, which is  
37 supporting the personhood for ecosystems, meaning people are organizing to give personhood to  
38 ecosystems so they can be represented in courts. And there have already been cases brought for lakes,  
39 and rivers, and acres of land. And I think that the feeling toward nature is changing, and so it is not going  
40 to continue to be as exploited and abused as it is in a development like this. Thank you.

41 MR. MCASKIN: Thank you Ms. Lynn for your comments. Do we have...yep, we do have a  
42 couple more folks, great. And again, for those of you that are on Zoom or on the telephone, we are trying

1 to get through everybody here in Council Chambers before we switch over to the electronic comments.  
2 Thank you. Go ahead sir.

3 MR. STUART SOLBERG: Hi, I'm Stuart Solberg, 525 Sunrise Lane, that's just west of the grade  
4 school. Been there since the '70's. I hear a lot of concerns about the animals and the wildlife, and they  
5 are absolutely a primo thing about the neighborhood, and so I'm totally on...in sync with that. Even  
6 go...I don't know...could it be made an open space? I have to agree with Lloyd, Red Fox Meadows has  
7 something beautiful. If I made the rule, this is too many people. I would say a horse per house, you  
8 know. So, that's not, you know, somebody is looking for a profit margin here, that's understood. So I  
9 just want to bring the question of human flourishing to this. If we're going to bring these large numbers  
10 of people in, you know, they're going to end up under an HOA or something, that's nothing like the  
11 surrounding neighborhood. The neighborhood is...I would call it historic by eclecticism. The way I  
12 draw the neighborhood box is maybe Overland to Taft, Vine to Laporte, maybe it should be Vine to  
13 Mulberry. But, you know, we've got single-lane roads all around that and so we want to introduce the  
14 new people...undesirable. And, again, the neighborhood is historic in terms of eclecticism. It wasn't  
15 managed to be...there's not anything past, you know, the Sunset/Vine area...there's no two lots the same  
16 size there. It's utterly different than...we're trying to bring this very homogenous thing in, and we're  
17 going to bring those people in, and...I want to meet my neighbors kind of one at a time, but we're going  
18 to bring them in and control them. You know, heaven forbid somebody's a working stiff in this new  
19 neighborhood and he has to bring home the shop truck at night. Are they going to let him do that? If it  
20 was going to be that, it's much better for it to be not some kind of imploding floodplain than for us to  
21 bring humans in and they can't flourish. So, and I would talk at length about, you know, what...if it's got  
22 to be people, I want human flourishing, which is what I see in the very eclectic neighborhood that I grew  
23 up in. I miss...we had pea fowl, we had shaggy Scottish cows, they're gone now from that...when they  
24 had to dig out for the flood, the Scottish cows lasted a few more years, but now that's gone. People keep  
25 the goats and the horses. Sometimes there's incidents with the...even the irrigation, because there's  
26 various ditches there coming in off of Vine. As long as it doesn't displace someone from their house,  
27 that's more charm to me, but that's not compatible with this homogenous, you know, we're going to get  
28 all these people to come in and hook them up to the internet and they'll just hide in their homes at night.  
29 Well, it's vastly different than what's going on now.

30 MR. MCASKIN: Thank you Mr. Solberg, and we have...go ahead, ma'am, thank you.

31 MS. SUSAN DESANTIS: Hi, my name is Susan Desantis, and I own the house on 230  
32 Pennsylvania Street, which is the southeast area of the field. Our house backs right up to the field on the  
33 side there and there's a little catch basin located there. There's also power lines that run across the top, so  
34 naturally the builder cannot build anything right there. And I have an issue with the number of houses  
35 that they're declaring per acre. They're taking the total acreage and dividing up the houses, when clearly  
36 more than half of the acreage is not going to be developed, so there's going to be more houses per acre  
37 than what they are suggesting, the 5.13, or...I don't know the exact number...but it's much higher than  
38 that when you take out the non-usable land space. The other issue that I have is just with that whole area  
39 being a flood area with the catch basins, and the canal, and all the wildlife in there. With the floods and  
40 everything, you're going to put a bunch of concrete and, you know, the streets and asphalt in there, and  
41 then when it rains and floods, you know, where is the water going to go? Is it going to go into the  
42 surrounding neighborhoods instead of into the ditches and everything that it was designed for? And I  
43 haven't heard much about the way the developer wants to increase the level to bring in fill dirt and build it  
44 up another five feet. With the water table being at eight feet, it just seems like it's kind of going to be a

1 swamp if they try and build on it, and I haven't heard a lot of that being discussed. It is a rural area. The  
2 homes there are all single-story, that's what attracted me to the area when I was looking to buy four years  
3 ago. I love how everything is...they're smaller homes and bigger land, and to put in that number of  
4 houses is really incompatible with the area. If you walk that area and if you know that area, you can  
5 clearly see that by putting in the three-story row homes, and even the two-story ones, that it's really going  
6 to stick out. Fort Collins should try to preserve its land in the northern area of Fort Collins. There's  
7 plenty of open land in the south and east of Fort Collins that's being developed, and they're using every  
8 square foot of land that they can to build houses on, and it's just increasing the population and the traffic.  
9 It's going to increase the traffic in that area on Laporte and Taft. The high school is there with all the kids  
10 going on the street, and the traffic with people going to and from school in the mornings and in the  
11 afternoons. It's...and then plus the lighting that was brought up. The street lights that will probably go  
12 in, the dark area at night is going to be diminished, the pollution is going to increase, and it's not a good  
13 fit for that area. Thank you.

14 MR. MCASKIN: Thank you Ms. Desantis. Do we have any other folks that are in attendance  
15 tonight in Council Chambers that would like to provide comments or ask questions at this time? Okay, so  
16 seeing nobody walking up toward the podium, Katie, I know you're in the back room managing the folks  
17 that are signed up via Zoom or on the telephone, and so, again, I believe that you have those members of  
18 the public that are signed up in order to provide public comment, so we'll go ahead and start that portion  
19 of the public comment portion of the hearing at this time. And, so Katie, let me turn it over to you at this  
20 point.

21 MS. KATIE CLAYPOOL: Sure. And, again, if folks need to make a public comment online, you  
22 can use the raise hand feature in Zoom, or you can hit star nine if you're calling in on a telephone. The  
23 first person that we have up is Joe Rowan, so I'm going to allow you to talk Joe, and you should be able  
24 to unmute yourself.

25 MR. JOE ROWAN: Good evening, thank you. My name is Joe Rowan and I have owned or  
26 rented property in this area since I first moved to Fort Collins in 1987, so in effect, I've been living on  
27 somebody else's open space for the last 35 years. And I think you've not heard from all the neighbors,  
28 you've only heard from those that wish to appropriate somebody else's property for their own private use,  
29 their own private enjoyment. And, truly, this property does lie within the city, it has vested rights, and I  
30 think the developer, if they are to be criticized in any way, it would be that they're not developing this  
31 property at a high enough density to really utilize the full use of that property. I don't think we can  
32 preserve yesterday, nor should we attempt to defend the exclusionary policies that are being proposed by  
33 my neighbors. You know, much as been said to suggest that this is a diverse and inclusive neighborhood,  
34 but you know, that really is an illusion because you're only hearing from current property owners. And I  
35 will speak on behalf of those who don't have a vested financial interest. This development proposal is not  
36 dense enough. The 2019 app was a great plan, and I would encourage the applicant to move closer in that  
37 direction, because if we're to at all function going forward, we really do need to adhere to our  
38 development plan that says that, if you're living within the city, we need higher density, we need greater  
39 heights, so three stories is probably not even sufficient for this area. And I think that we do need to  
40 increase the amount of density that is allowed not only in this proposal, but within the LMN zoning  
41 district, because we certainly cannot afford to preserve yesterday and still function as a society going  
42 forward. So, thank you very much, and I look forward to your decision.

43 MR. MCASKIN: Great, Joe, thank you for that. Katie, let's take the next individual that signed  
44 up via Zoom.

1 MS. CLAYPOOL: Our next person is Hilary Freeman.

2 MS. HILARY FREEMAN: Hello, my name is Hilary Freeman. I live at 2208 Trevor Street; it's  
3 kind of on the other side of Vine, but when I got my dog about five or six years ago, I started walking  
4 more in the southerly regions. I'm very conflicted with the understanding that Fort Collins is pricing a lot  
5 of the local residents out of the area, and the solution to that is more housing. But, that's also hard for me  
6 having grown up on a farm in western Colorado, so I like to see the open space. To try to be very  
7 relevant here though, personally, I try to commute via bike as much as possible to do my part to minimize  
8 air pollution. I bike south on Taft Hill, and if I don't time it right, it's a little terrifying to bike down Taft  
9 Hill and then get into the left-hand turn lane on Laporte. So, I am anxious about how the traffic is going  
10 to impact my bike commute, so I would just like to say that I'm concerned about the traffic.

11 I'm also concerned about the air pollution. And somebody else made a comment about designing  
12 homes to take advantage of solar gain, and things like that would be great to see because we could reduce  
13 the energy consumption; that would help with air pollution as well. So, those are some of my big  
14 concerns.

15 One thing that I haven't heard addressed, and I don't know how exactly relevant it is, but since I  
16 started walking my dog, I walked down Impala Road, Street, several times, and that road is in pretty  
17 terrible shape due to a ton of potholes, and I've seen people will occasionally over the years dump a load  
18 of gravel, but the thought of a fire truck in an emergency trying to take that road seems odd to me. So, I  
19 just would hope that the people who are in charge of the decision for the emergency access are taking that  
20 into account and not expecting someone else to pick up the tab on fixing that street or, you know, if it's an  
21 emergency access route, it seems that access should be expedient and fast and not hindered by a gigantic  
22 pothole, so that is something that I haven't heard addressed and wanted to bring to the table. Just, again,  
23 echoing the comments on traffic, pollution, wildlife, but I do understand that needs to be balanced with  
24 human habitation and growth. So, hopefully things can be balanced in a safe and hopefully somewhat  
25 environmentally responsible manner. Thank you for your time.

26 MR. MCASKIN: Thank you for your comments. Katie, who do we have next?

27 MS. CLAYPOOL: Next up is Julie Stephens. Julie, you should be able to unmute yourself now.  
28 Go ahead and speak when you're ready, Julie. I am not hearing her on the line. I'm going to go ahead  
29 and remove your permission to talk and then re-allow it here Julie, just a minute. Go ahead and try again  
30 Julie.

31 MR. MCASKIN: Katie, maybe we can take the next person in line and circle back in a few  
32 minutes and check in with Julie.

33 MS. CLAYPOOL: Absolutely. So, next up would be Nicole Swan. Nicole, you're ready to  
34 unmute.

35 MS. NICOLE SWAN: Hello, good evening. As she said, my name is Nicole Swan. My address  
36 is 311 Willow Street, apartment 213, 80524. I'm here tonight because it's important to me that Fort  
37 Collins is a livable, affordable, and accessible city. And as such, I want to register my support of the  
38 Sanctuary on the Green development proposal. In Fort Collins, we need housing, and importantly we  
39 need development like this that provides multiple types of housing, thereby providing housing at different  
40 price points to serve the different demographics of our city's citizenry. In my review of the proposal, City

1 Planning and the developer have done their due diligence. The proposal meets all requirements for land  
2 use, bicycle and pedestrian connectivity, open and green space, and zoning, and I believe it should be  
3 approved. Thank you.

4 MR. MCASKIN: Thank you. So, Katie, let's maybe take the next one...we'll give Julie a few  
5 more minutes, but let's take number five.

6 MS. CLAYPOOL: Sure, so, next is Miranda Spindel. And Miranda, you should be able to  
7 unmute yourself now.

8 MS. MIRANDA SPINDEL: Hi, my name is Miranda Spindel and I live at 330 North Taft Hill.  
9 My three-acre farm is on the state's historic register and borders most of the east side of this proposed  
10 development. Thanks for listening; I have quite a few concerns. First, this proposal has been extremely  
11 difficult for neighbors to track, provide input on, and understand. The difficulty stems from both the City  
12 and the developer. The City's development review website is extremely difficult to navigate, documents  
13 are not uploaded in a timely manner, and some are so large that they can't be viewed online. The final  
14 round of documents, staff report, and information about this hearing were not publicly available until late  
15 last week. How are neighbors supposed to actively participate in the hearing if this information is not  
16 available?

17 The developer is claiming that this has been an extremely collaborative and responsive effort with  
18 neighbors. This is false. The developer has shown utter disregard for this area since the project's  
19 inception when the historic buildings were burned to the ground. It should be clear to all that the  
20 Planning and Zoning Commission was poised to reject the proposal and this hearing is an attempt to  
21 bypass going back before the Commission with a plan that has barely changed. The Commissioners  
22 specifically advised the developer to negotiate with the neighbors to find a more compatible plan. It  
23 should be on record that the developer has not done this, and in fact, rejected our group's request for  
24 another neighborhood meeting before this hearing.

25 Second, the proposal neither conforms to the Northwest Subarea Plan or the Land Use Code, and  
26 therefore it should not be approved. The Subarea Plan's vision speaks specifically to preserving historic  
27 structures, small farms, and open fields. Three-story buildings are one hundred percent incompatible with  
28 our neighborhood. Nothing on the east border of this plan fits the character of my historic acreage or  
29 attempts to, quote, step down the visual impact. The current staff report is the first time my property has  
30 actually ever been referenced and specifically states that the building height and width of the proposed  
31 new construction does not meet the Land Use Code 3.4.7 requirements. Several sections of the Land Use  
32 Code do make specific reference to developments being in accordance with an adopted subarea plan. The  
33 City and neighbors have made multiple suggestions to correct disregard for the Plan, and they've largely  
34 been ignored submittal after submittal. Why is the City not holding the developer to its own guidance?

35 Third, I'm quite concerned about traffic impacts. Only 41 parking spaces are on-street, and only  
36 six spaces are dedicated to the neighborhood center. Will that really accommodate? The proposed turn  
37 lane entrance across North Taft Hill is going to directly impact me with noise, wildlife impact, headlight  
38 glare, and difficulty getting out of my own driveway will be life-altering.

39 Finally, I would just like to close by sharing that I cherish the rural and quiet nature of my  
40 neighborhood, the beautiful foothills views, and the varied wildlife that frequent my property. The vision  
41 in the Northwest Subarea Plan is a large part of why I bought this property 15 years ago. This is why I

1 registered my home on the state register, and I truly can't envision the change that this development will  
2 bring. I respectfully ask you to reject the current proposal. Thank you.

3 MR. MCASKIN: Thank you Miranda. So, Kate, let's maybe go back real quick and check in  
4 with Julie Stephens to see if she's available.

5 MS. CLAYPOOL: Julie, you should be able to unmute yourself now.

6 MS. JULIE STEPHENS: Can you hear me now? Hello.

7 MR. MCASKIN: Yes, we can hear you.

8 MS. STEPHENS: Oh good, I'm so glad I tried another way. My name is Julie Stephens and I  
9 live at 339 North Overland. We've lived here for over 40 years, as many people have, and you'll notice  
10 many people don't move because we love it here so much. However, no one has mentioned that there  
11 was a time when the City wanted to turn Overland Trail into a four-lane highway, and there was a study  
12 done regarding the impact of the pollution and how it would affect the foothills in particular. And, at that  
13 time, the plan was scrapped and that was part of the reason why, was because of how all of the pollution  
14 tends to hover in the foothills, in our backyard basically. So, to bring more traffic even closer to the  
15 foothills would greatly increase what's already been determined to be a hazard. So, that's what I wanted  
16 to say, and say that I do hope you reject the current plan as it is. Thank you.

17 MR. MCASKIN: Thank you Ms. Stephens. Katie, who do we have next?

18 MS. CLAYPOOL: We just had four additional hands raised, so next up is going to be Matthew.  
19 You should be able to unmute yourself now.

20 MR. MATTHEW BEHUNIN: My name is Matthew Behunin; I live at 1613 Waterford Lane here  
21 in Fort Collins. I want to talk about four areas on this project. So, Fort Collins is in a housing crisis. We  
22 recently had some friends move out of state because the cost of rent was too much for them to bear. My  
23 five-year-old's friend, Conrad, they had to move, they couldn't afford rent here. So, I'm speaking in  
24 favor of this development.

25 Density...so, the four areas I want to address: density, environment, traffic, and then diversity.  
26 So, density is actually pretty low, it's...this zoning is low, mixed-use development, but there's no  
27 commercial, there's no industrial uses, no group homes, no multi-family buildings above two, which are  
28 very common. I live in a low-density residential neighborhood next to a complex of condos and  
29 townhomes and low, mixed-use zones kind of sandwiched in between two of those zonings. I don't...I go  
30 on walks every day with my dog, I don't hardly notice a difference between the two.

31 Environment...so, some might be tempted to think that any development equals destruction of the  
32 environment, but this is actually far from the truth. The truth is that infill development and higher density  
33 construction is actually better for the environment. It reduces sprawl, less habitat is destroyed per person,  
34 water use is lower per person, materials used for construction per person is all lower with higher density.  
35 The environmental improvements, weed mitigation, plantings, wetland restoration, pollinator gardens,  
36 dense plantings, those are all appreciated to be improved in this project. They are significant  
37 environmental improvements to the status quo.

1 Traffic...higher density is actually better for traffic. If we're not going to build here, we're going  
2 to build in Loveland, Wellington, Severance, et cetera, resulting in more commuting traffic in the end.  
3 This property is well within biking distance of employment centers, would be an excellent place to bike to  
4 work from, speaking as someone who bikes to work every day.

5 And then finally, diversity. The new City Plan says that Fort Collins and local partners are  
6 committed to finding solutions and new ideas that promote housing options that meet the needs of all  
7 residents. The folks that are most impacted by this project are not here at the meeting. They tend to be  
8 racial minorities, those in the lowest income. There was a housing study done by Larimer County said  
9 that we are 10,000 units short for low- to middle-income people in our region. If we're not going to be  
10 Boulder, then we need to approve and expedite projects like these. Thank you.

11 MR. MCASKIN: Thank you Matthew. Katie, who do we have...you said we have about three  
12 hands that are raised right now.

13 MS. CLAYPOOL: That is correct. Next up is Andrea Cooperstein. You should be able to  
14 unmute yourself now Andrea. I believe the button is in the bottom left-hand corner of your screen. Okay,  
15 we can come back to Andrea. Let's go ahead and move on to Vida.

16 MS. VIDA HOLLANDER: Hello, can you hear me?

17 MS. CLAYPOOL: Yes.

18 MS. HOLLANDER: Thank you. Thank you for listening to all of this. I have a couple concerns.  
19 I'm at 2212 Laporte Avenue, and we're on the south side of the proposed development. The first thing is  
20 I'm concerned about the privacy around the pathway that's proposed to go between our property line and  
21 our neighbor's driveway. Currently that space is just as wide as a car can drive through for their  
22 driveway, and I'm just curious about, are the planning on putting a fence up between...on either side of  
23 that pathway? And what space they're actually proposing to use up for that pathway. I'm also concerned  
24 about flood mitigation in the wetland area to the west of our property and our neighbor's property. We  
25 have a stream that runs through our property and drains into the New Mercer Ditch. It routinely floods as  
26 it is, even when we do maintain and clear the stream bed. And my question is, what happens if this  
27 development causes flooding in our houses? And I also just wanted to really thank everybody from the  
28 surrounding neighborhoods for all of their work in preparing for tonight's meeting. And thank you for  
29 hearing us.

30 MR. MCASKIN: Thank you Vida. And, Katie, I don't know if you want to try Andrea again or  
31 go on to the next individual?

32 MS. CLAYPOOL: Yes, Andrea should have the ability to unmute and speak when they're ready.  
33 I'll give you a few more seconds to try that again. Again, I think it's the bottom left-hand corner of your  
34 screen. There should be a microphone with a line through it that you should be able to click on to  
35 unmute. Okay, I'll go ahead and allow the next person to talk. They are Rorey King. Rorey, you should  
36 be able to unmute and speak when you are ready.

37 MS. ROREY KING: Great, thanks, can you hear me?

38 MS. CLAYPOOL: Yes.



1 MS. KING: My name is Rorey King and I live on 510 Hannah Street and formerly at 1948  
2 Laporte, which is how I became involved with this effort. I'm in opposition to this development. I've  
3 been in Fort Collins for ten years, mostly on the north side of town, and when I moved to 1948 Laporte  
4 last year, the Sanctuary field quickly became one of my favorite places in town, and one that I would visit  
5 at least once a day, sometimes twice with my dog, Carl. This is partially because of the limited pedestrian  
6 walkways and heavy traffic along Laporte and Taft intersection, already noted by someone else, and  
7 partially because its just lovely. I go to this place now to greet and appreciate the sun, the wind, the  
8 grasses, the mountains, and one of my very favorites, the old cottonwood tree on the creek, which has  
9 been a site of my writing, art making, and apple eating...there's an apple tree nearby. And  
10 sometimes...and for sharing with my favorite people. It's a space I share with walkers, Poudre High  
11 School students enjoying lunch breaks and free periods, deer, birds, fox, mice, and many others. As it  
12 stands, this development does not support the public good or protect public health, safety, or welfare  
13 required in the City of Fort Collins Land Use Code, which requires alignment with any subarea plans.  
14 Environmental health and public health are interdependent. This development which calls for several  
15 variances that violate setback requirements for wildlife corridors and wetlands would disrupt the habitat,  
16 nesting grounds, and movement corridors for dozens of species of plants and animals. Maintaining the  
17 green space is also vital to mitigating the rising climate and air quality issues on the front range which  
18 have been flagged by the EPA earlier this year as being some of the worst in the nation with regards to  
19 ozone. This development may increase biodiversity, the literal number of species that vary, via  
20 intentional planting efforts; however, the development itself, both in its phases of construction and  
21 completion, will have a far greater negative impact on existing species and climate by interrupting  
22 feeding, nesting, movement, and migration patterns through the environmental shocks of construction, the  
23 increased light and traffic in the area, and covering the majority of the 41.5 acres with concrete. I'm  
24 interested in efforts to revitalize native plant species and intentionally increasing biodiversity in this space  
25 within the context of the project that does not also nullify any positive possible environmental impacts of  
26 doing so.

27 I'm also speaking as someone who is not against development, and believe that housing is a  
28 human right. I'm committed to people, particularly those who are most vulnerable having access to fair  
29 and affordable housing. I have a vested interest as a renter, and as somebody who is living on a service  
30 industry salary, that this area not be further gentrified. While the developer has stated the units are at  
31 attainable price points for a variety of different demographics, there is no assurance or accountability here  
32 that units will actually be affordable, particularly for residents with middle or low incomes, which is the  
33 majority of the existing neighborhood. This does not ensure that this development would be meeting the  
34 stated demand in Fort Collins for more available housing at a variety of different price points, and I'm  
35 concerned that this development would cater only to managerial and owning class residents from in town  
36 or moving into town on the front range that would push rental and property values up.

37 MR. MCASKIN: Thank you Rorey for that. So, Katie...Katie, it looks like maybe we have  
38 Andrea?

39 MS. CLAYPOOL: Yes, we do. I'll go ahead and try to unmute that other account again. I don't  
40 know if they're in the same room as a computer or something which might be causing that feedback issue.  
41 So, just as a heads up, try not to sit next to a computer if you're calling in on another line. You should be  
42 able to unmute yourself now Andrea.

43 MS. ANDREA COOPERSTEIN: Great, thank you very much. I'm so sorry for my technological  
44 inabilities here. I am a resident at 505 North Taft Hill Road, and I've also been a realtor in town here

1 since 2004. A lot of the way that the developers have come upon some of this...and I, unfortunately, can  
2 recognize both sides. The developers want to purchase a property and have an investment and make an  
3 income. However, what they have selected as open space to make a subdivision, is really not, not  
4 adequate. I think what they're trying to do is squeeze a size nine foot into a size seven and a half shoe.  
5 The exits onto Laporte and Taft Hill are not adequate to sustain all of the homes and cars that would be  
6 coming in and out of there. And, as Miranda said earlier, the one exit is going to be pointed directly at  
7 her living room, and its going to be just catastrophic for her. The arterial roads are already at max  
8 overload with everything coming from County Road 19, 257, and the gravel roads...or the gravel pits.  
9 The emerging [*sic*] exit that they have on Impala is not well-maintained and Impala exits onto Vine Drive,  
10 which is also over-utilized.

11 Now, the multiple types of housing that they are suggesting for this subdivision is great, but it's  
12 not good for this size of a development, and it's not congruent with the Northwest area idea. The vision  
13 of the Northwest Area Plan was not to become an urban subdivision. The demand for more housing  
14 should focus on going east, not soaking up every inch of open space that we have available and then  
15 trying to cram it in, and ultimately, as a realtor as I ask, and I specialize in farm and ranch, is, where is the  
16 water coming from? Where is the infrastructure going to come from to support this? Now, just because  
17 LMN allows a number of units does not mean it should be applied to this particular area. I think that's  
18 something that the neighbors have tried to emphasize with the developer, but the developer refuses to  
19 meet with the people who live here, and he's not really working from the idealistic idea of what this  
20 neighborhood should be. He's from Denver, so...and that's certainly not a problem...develop as you  
21 would in Denver down in Denver.

22 The...somebody else earlier had made a mention regarding affordable housing and how we  
23 should consider this. Now, I don't know if everyone is aware, but the way the market is going and with  
24 20% appreciation, a three-bedroom, two-bath house in Fort Collins is now anywhere between \$575 and  
25 \$625,000. So, if people think that this developer is coming in to provide affordable housing, I think you  
26 might need medication. The three-story buildings are not something that fits the area, and it blocks the  
27 views, and is not contiguous with the existing areas. And I believe that this developer, if he really wanted  
28 to recap his investment...farmettes that would sell for anywhere from \$2 million down. Thank you very  
29 much for your time.

30 MR. MCASKIN: Thank you. Katie, do we have one individual with their hand up...or what does  
31 our current count look like?

32 MS. CLAYPOOL: Yes, we have one additional hand...two additional hands raised. The first one  
33 is Andy Nelson.

34 MR. MCASKIN: Great, thank you.

35 MR. ANDY NELSON: Hi, my name is Andy Nelson and I live at 501 Sunrise Lane, we're over  
36 to the north of the property. I just want to first say, yeah, it's been great to eat apples and walk my dog in  
37 the field, I really do enjoy it. And I guess I just appreciate not being hassled, since it is, you know,  
38 somebody's property. Thanks for not hassling me and letting me do that. Thanks to the neighbors with  
39 the appeal network, and just to everybody speaking tonight, because in today's busy life, it's hard to stay  
40 connected with this, and I just appreciate everybody's input. All the neighbors, everybody who's put  
41 their input in here has been very...just appreciate that so much because it just really highlights so many  
42 crossroads between environmental and human things that are just real and next to me.

1 I just want to see more transparency in the process. I want to see more community support. I  
2 want to make this a thing that we can look back on here in 50 to 100 years and whatever happens, we can  
3 say we did the right thing that was visionary that met a lot of things, and that was good for the people that  
4 are living in Fort Collins after us, and the wildlife and the environment. Yeah, I just want to go from  
5 neighbor input, you know, to neighbor supported with this project, and just urge the developers and  
6 everybody to continue to do that. And thanks for the time.

7 MR. MCASKIN: Thank you, Mr. Nelson. So, Katie, who else do we have signed up right now?

8 MS. CLAYPOOL: It looks like we have Leif Youngs and a Damien Archambault. So, I'll go  
9 ahead and unmute Leif first. Whenever you are ready.

10 MR. LEIF YOUNGS: I gave my time over to the first speaker.

11 MR. MCASKIN: That is correct; we thank you for noting that for the record. I do see that you  
12 had ceded your time to Laura Larson.

13 MS. CLAYPOOL: I'll go ahead then and promote Damien. Whenever you're ready.

14 MR. DAMIEN ARCHAMBAULT: Hi, Damien Archambault, 2314 Laporte Avenue. Yeah, I'm  
15 currently in opposition of the project. I think, you know, once we commit to it and it goes through,  
16 what's done is done. I guess the question is...I kind of want to echo the...you know, when we talk about  
17 affordable housing, you know, how affordable is it? What real impact would it actually have? And it  
18 begs the question of, what is the pricing? The other would be, how is it going to impact property taxes,  
19 utilities, water usage? Those are all things that are valid arguments that we really haven't dialed into.  
20 And the last thing I'd like to bring up is, have there been alternate ideas as far as augmenting the property  
21 to make it more of a park type area? For example, the lower...where the leg goes out to the west, you  
22 know, there's seven units that are looking to be built right there. I always thought that...you know,  
23 there's different ideas, you know, that could be like a concert area, more of a recreational area. And that  
24 would be ways that the area could be preserved and still developed to provide revenue down the road.  
25 And that's all I have. Thank you.

26 MR. MCASKIN: Thank you Damien. Katie, do we have anybody else that's signed up at this  
27 point?

28 MS. CLAYPOOL: At this time, there are no additional hands raised online.

29 MR. MCASKIN: Okay. For those of you that are participating online or via telephone, let's give  
30 you just a couple of seconds to...if you change your mind. We had a couple of folks here that said that  
31 they had overcome their fear of public speaking in Council Chambers tonight, and I have to tell you it's  
32 probably easier to do it virtually than it is in person. But, if there's...Katie, do we have anybody else at  
33 this point? With their hand raised?

34 MS. CLAYPOOL: Yes, that was the magic cue right there. So, now, Zoe Dunn is able to speak.  
35 Whenever you're ready Zoe.

36 MR. BRANDON DUNN: Hi, I'm not actually Zoe, I'm her fiancé, Brandon. She's sitting right  
37 next to me. One of the concerns I do have for the developer regarding adding in more native species and

1 increasing biodiversity, is, will that property have a committee or company in charge of maintaining the  
2 property when it comes to mowing the lawn, cutting the trees, taking care of bushes, or will that, in some  
3 ways, fall into disrepair as it is in an LMN district near the rural county and could be overlooked as  
4 something that is an additional cost to homeowners and developers, and then would greatly affect  
5 neighbors from an eyesore perspective and a potential weed and other invasive species issue related to the  
6 neighbors. We live at 510 North Taft, and that's all from me.

7 MR. MCASKIN: Okay, thank you. I believe you said Brandon and not Zoe, so thank you for  
8 that. And Katie, do we have anybody else signed up?

9 MS. CLAYPOOL: I am not seeing any hands raised.

10 MR. MCASKIN: Okay, so as I get ready to close the public testimony, or the public comment  
11 portion of the hearing, as I mentioned before, the next phase of the hearing tonight will be to go into the  
12 applicant response and staff response. That's the portion of the hearing where the applicant team and  
13 staff can help answer any specific questions that may have been raised, or provide some input on some of  
14 the issues that have been raised by various members of the public that participated in the comment.

15 I'm not going to go...and before we get into that section, or that portion of the hearing, I'm just  
16 going to highlight a couple of issues, or questions, that I heard. These are in no particular order, other  
17 than probably the order that they were raised by members of the public that spoke tonight, both here in  
18 Council Chambers, and with us via Zoom or on the phone. And these do not have to be addressed in any  
19 specific order by the applicant or staff. But, a lot of folks seem to be concerned with flooding and the  
20 water table, so I think some comments from the applicant team and staff on how that has been reviewed  
21 and addressed would be helpful. I think we've had a lot of questions on density, and I think that the staff  
22 report does a good job of highlighting what the minimum required density is in the LMN zone district, as  
23 well as the maximum density, but some clarification on density would be helpful. Again, drainage, I  
24 think I'd put in the same category as flooding, but that would be helpful if that's addressed. There is a...I  
25 believe it was Mr. Walker that raised an issue with the New Mercer Ditch or canal, and whether there  
26 have been any engagement by the City or the applicant to try to preserve some pedestrian path or walking  
27 trail along the canal. Solar orientation was raised as an issue...how these units are being...to the extent  
28 that...I know the Land Use Code has specific sections that require solar orientation, but a reminder on  
29 whether those are triggered by this project, and how those are being satisfied, if applicable, would be  
30 helpful. Pedestrian student safety was raised as an issue, as was the transportation network generally, the  
31 regional transportation network and whether there are any off-site improvements that have been  
32 recommended by the traffic engineering division for this project. Again, a lot of these...a lot of  
33 comments focused on traffic, density, I think we have some comments focused on air quality. There was  
34 one specific comment on a privacy concern with a pathway toward the south side of the development and  
35 whether there would be a fence put up on either side of the pathway. There was a general question about  
36 where's the infrastructure coming from for the...you know, the water and sewer, who's serving the  
37 project. And I think, to the extent that the applicants' team or staff can address that, that might be helpful  
38 for those that are still here tonight or are participating virtually. And, in terms of affordability, I think  
39 Jenny, you had said earlier that this project is not proposing any affordable units, which would, under the  
40 Land Use Code, allow for a slightly higher density in the LMN zoning district, but maybe hearing from  
41 the applicants' team about whether, you know, including affordable units was considered, and if so, if the  
42 units are not included, why that was rejected. And then I think the final question that was raised by  
43 Brandon, or maybe I'll just call him the fiancé...his question was focused on, in terms of the...some of  
44 these landscaping improvements and the buffer yard and the natural habitat that would be ultimately

1 installed as part of this development, who is going to take care of it? I mean, is there a...I'm assuming  
2 there's not a metropolitan district or a title 32 financing district that's being proposed with this  
3 development, so is it an HOA, you know, what entity is going to be formed to take care of these  
4 improvements long-term if this plan ultimately moves forward? And I think that's my list. You guys  
5 probably have some others that I may have missed. But, with that, why don't we take another about a  
6 five minute break just so that I can allow Jenny, both staff and the applicant, a little bit of time to get  
7 organized in terms of continuing on with the applicant response and staff response. So, I have the time at  
8 about nine PM. Let's go ahead and try to reconvene at about 9:10 PM. Thank you.

9 (\*\*Secretary's Note: There was a brief recess at this point in the meeting.)

10 MR. MCASKIN: Okay, so the time is now 9:10 PM. For the record, this is Marcus McAskin, the  
11 Hearing Officer. We will go ahead and restart the hearing on the Sanctuary on the Green project, this is  
12 PDP210018. We concluded the public comment portion of the hearing, or public testimony, at  
13 approximately 8:56 PM this evening, and we are moving on to the applicant response and staff response  
14 portion of the hearing. So, I'll give the applicant team just a minute to get back into Council Chambers,  
15 but Jenny, maybe this is an opportunity if there are any questions or issues that came up that staff would  
16 like the opportunity to provide any additional input on, or clarifications, that would be great. So, I'll turn  
17 the microphone over to you at this point.

18 MS. AXMACHER: Thank you, sir. So, I can talk about density here for a minute. And then, we  
19 do have a whole team ready to answer questions on traffic, natural habitats, flooding, drainage, and all  
20 that good stuff, but I want to give the applicant a chance to answer that first. As far as air quality goes,  
21 we really don't have anything that's a specific regulation within the Code; however, it is a priority of City  
22 Council, so it's more of a macro-scale issue, and air quality impacts aren't quantified at the level of an  
23 individual development. So, answer that.

24 MR. MCASKIN: Great, and so you were going to talk a little bit about density, correct?

25 MS. AXMACHER: Yes, sorry, my packet pages were upside down. So, the section of the Code  
26 that applies is the LMN zone district standards. The minimum density...so this section requires a  
27 minimum of four dwelling units per net acre of residential land. The net acreage for the PDP is 29.73  
28 acres, and they have 212 dwellings that are proposed, resulting in a net density of 7.13 dwellings per net  
29 acre, meeting the minimum density requirement. There's also that maximum density requirement. So, in  
30 LMN, the project's maximum residential density be not more than nine dwelling units per gross acre of  
31 residential land. So, the minimum calculation is on net, the maximum is on gross, and the gross acreage  
32 for the PDP is that 41.34 acres. And again, 212 dwelling units are proposed resulting in the maximum  
33 density of 5.13 dwellings per gross acre, which is within that requirement. I believe the maximum  
34 density requirement within the Northwest Subarea Plan is eight dwelling units per acre, so it's one lower,  
35 but the plan still complies. So, that's my density clarification.

36 MR. MCASKIN: Okay. And I know that the City's Land Use Code, in section 4.5, where it's  
37 speaking about density and it's setting the minimum and maximum, the minimum density uses a net...a  
38 net acreage calculation, correct? And the maximum uses a gross...

39 MS. AXMACHER: Correct.

40 MR. MCASKIN: ...acreage calculation. Does the Subarea Plan talk about net or gross?

1 MS. AXMACHER: I believe it is gross, but let me take a look and confirm it. I'm still not seeing  
2 it called out, so let me...why don't you come back, and I will have an answer after the applicant speaks.

3 MR. MCASKIN: Great, so I'll turn it back over to the applicant team, and I'm sure you're  
4 probably taking notes with all the folks that provided public comment on the questions and issues, and I,  
5 again, I don't have any specific order that I'd like these addressed in, but I'll turn it back over to the  
6 applicant at this point.

7 MS. WHITE: Thank you very much. Once again for the record, Carolynne White, land use  
8 counsel for the applicant. And thank you for the opportunity to provide some responses and clarification  
9 of some of the issues that have been raised during the course of this hearing. We have generally grouped  
10 all of the comments that were made and questions that you asked at the conclusion into four broad  
11 categories: flooding and drainage, compatibility and architecture, wildlife, and traffic and pedestrian  
12 safety. So we'll try to sort of generally address them in that framework in that sequence, and I think there  
13 might be one or two random questions that don't clearly fall into any of those categories, and we'll  
14 certainly make sure we address those at the end, or the beginning, because one of them I want to address  
15 right now, which is the last one you asked, and I think was one of the later questions asked, and that was  
16 the question of, who would maintain the new biodiverse landscape plan that's being proposed? The  
17 answer is a homeowner's association. And, you're right, there's no metro district being proposed here,  
18 rather it's a homeowner's association that will have that ongoing responsibility. And, although I know  
19 there were also some other comments from folks who were opposed to having a homeowner's association  
20 here, that is one of the most reliable methods to ensure that those common open spaces are taken care of  
21 into the future.

22 Okay, so before I go into the four groupings, flooding and drainage and so on, I have just a couple  
23 preliminary comments, and then I'll have a couple concluding comments at the end, and we will ask each  
24 of our respective experts to come up and provide further explanation on each of these four topics. As a  
25 preliminary matter, I want to be really clear about one thing for the record. This is private property; it is  
26 not public open space, there are no public trails, there are no easements, it's not a park, it's not a  
27 designated nature preserve, it's not any of those things. It's a former agricultural site that is in private  
28 ownership that is slated for development to the LMN zoning. And, I think there may have been some  
29 folks who have been a little confused about that, but there are not any public trails located on this property  
30 today, right now, and to my knowledge, the property owner has not granted any users or the public any  
31 easements or other rights or permission to use this property as it appears to have been used in recent  
32 years.

33 Alright, let's move on to the four categories. So, let's start first with flooding and drainage. And  
34 there were a couple different questions asked about this, and in a moment, I'll turn it over to the folks who  
35 really know the technical answers to them, but I want to mention a couple things about the process, and  
36 that is that...there was one comment made that, well, even though it might meet all of the technical  
37 criteria in analyzing floodplains and analyzing drainage and so on, I'm still not sure it's really going to  
38 work, I'm skeptical. Two comments about that, one, we don't really have another way to measure and  
39 analyze that issue other than ensuring that it meets the technical criteria and designing it to meet the  
40 technical criteria, and the way that that process works is, the applicant designs it, the City reviews the  
41 designs, makes comments, sends them back, that goes on until they finally approve the designs. And in  
42 this case, where flooding is concerned, the City uses a process similar to FEMA, and that involves, as was  
43 mentioned earlier, the CLOMR and the LOMR, meaning that, after it is designed and the design is  
44 approved, it's then constructed, and then there is a period and a process whereby the City determines

1 whether it has been constructed as designed before the final letter of map revision, the LOMR, is issued.  
2 So, that's sort of the process answer to that question. But, in terms of the actual flooding and drainage  
3 issues, I'd like to first turn to our online expert, Craig...can our folks just unmute at will, or do they need  
4 to be individually promoted?

5 MR. MCASKIN: I'm assuming it's the latter, so I'm going to ask Katie to maybe jump in and see  
6 if...Katie, can you assist with having one of the applicant team be able to provide comments via Zoom?

7 MS. CLAYPOOL: Yes, I just unmuted a couple of different folks, Alex and Craig...you should  
8 be promoted to panelist.

9 MR. CRAIG JACOBSON: Hi, I think I'm a panelist. Can everybody hear me okay?

10 MS. CLAYPOOL: Yes.

11 MR. MCASKIN: Yes.

12 MR. JACOBSON: Carolynne, would you like to repeat where you'd like me to start with the  
13 answer...or start with the question as well and I can do my best to help explain?

14 MS. WHITE: Sure, we're...the main thing I think to address is some concerns that, given that  
15 there are existing flooding issues in certain areas in the vicinity of the property, given that there's a  
16 complex situation as it relates to drainage on this property, how are we going to ensure that development  
17 of this property doesn't increase the risk of flooding?

18 MR. JACOBSON: That sounds good. So, I think you did a pretty good job of introducing this. I  
19 also think the staff comments at the beginning did a good job as well. So, my name is Craig Jacobson;  
20 I'm with ICON Engineering, we are a stormwater engineering company that has been brought on board to  
21 work with this team to evaluate the West Vine floodplains. We also work with the City of Fort Collins as  
22 well in the West Vine Basin area, so we do have a lot of strong familiarity with what is going on.

23 Our role, I think, with this team, is a little bit twofold. It's number one, to circumvent the  
24 floodplain development permit process which is where Carolynne is indicating on this project. So, as it  
25 was explained, there are two different types of floodplains within the city of Fort Collins, you have a  
26 City-regulated floodplain as well as FEMA-regulated floodplains. This is a City-regulated floodplain, but  
27 the City regulates the floodplains consistently with how, say FEMA, would regulate floodplains as well,  
28 and that's through a floodplain development review process. And, in the City's case, it involves what  
29 they call and CLOMR and a LOMR process, CLOMR being a conditional letter of map revision, LOMR  
30 being a letter of map revision. The CLOMR comes before the project, the LORM comes after the project.  
31 The CLOMR gives the opportunity for the City to review the technical data for completeness and  
32 technical soundness in order to be compliant with the floodplain development regulation. For this  
33 particular site, we were able to get in and review the floodplain information as proposed by the site plan.  
34 We have been working with the City of Fort Collins to complete an independent review of our work in  
35 order to review the engineering soundness behind that with the goals being that the floodplain engineering  
36 studies, which is done through technical modeling, demonstrates that there will not be any offsite impacts  
37 from any of the changes within the floodplain conditions. From there, I mean we could get into all sorts  
38 of the technical nuances with how the stormwater interacts in this basin between the different flow paths

1 in the canal systems and Taft Hill Road, and how that...how those are key contributors to the floodplain  
2 in this area and the challenges.

3 But, the other aspect to this, too, is the compliance with past and ongoing City master plan efforts  
4 that relates to the establishment of drainageways in this area as well. So, the drainageways that are  
5 proposed by the development are a key aspect of flood mitigation. Sanctuary, in its own right, cannot  
6 really complete all the flood mitigation by its own, because this is all part of master planning processes  
7 that go both upstream and downstream. I think this was mentioned in the staff comments initially as well  
8 about the needs for connections into other regional systems to really establish a new drainageway for  
9 Soldier Creek, but it goes all the way to the Poudre River. That ultimately aids in ultimate flood  
10 mitigation in this. But, our other role in this project is to help ensure that the drainageways are being  
11 completed in a manner that is consistent with ongoing flood mitigation efforts by the City of Fort Collins  
12 as well. That will ultimately lead to flood reduction within the West Vine Basin as a whole.

13 MS. WHITE: Thank you, Craig. Please stay around in case there are follow-up questions. Yes?

14 MR. MCASKIN: Well, I think that it was...in the staff report, it seemed clear that engineering  
15 staff had reviewed the, you know, the drainage plan, for the PDP, as was satisfied that the technical  
16 criteria were satisfied. Jenny, is that a fair characterization of the summary that is set forth in the staff  
17 report?

18 MS. AXMACHER: I believe it is, but we do have Wes LaMarque available who is the reviewer  
19 for the drainage and can speak to it specifically if you would like.

20 MR. MCASKIN: Yeah, that would be great. Why don't we see if we can get him?

21 MR. WES LAMARQUE: Yeah, thanks, I'm here. Yeah, I'm Wes LaMarque, I'm a stormwater  
22 development review engineer with the City of Fort Collins. Yeah, if you could just repeat that question  
23 one more time...I missed part of it.

24 MR. MCASKIN: Wes, the question is...is City Engineering staff satisfied that all of the  
25 applicable technical criteria with respect to this development...proposed development...from a drainage  
26 plans perspective have been satisfied? And I can't seem to...when I reviewed the staff report, there was a  
27 discussion about ICON relying on...well, they were designing for an interim condition and then  
28 ultimately designing drainage that would comply with master plan improvements that are not yet  
29 complete. So, maybe just walking me through that process and then providing me a conclusion as to  
30 whether or not this proposed development satisfies the applicable Land Use Code requirements.

31 MR. LAMARQUE: Sure, yeah, so right now at this stage in the development review process, this  
32 project has given City staff a high enough level of confidence that the project will meet all stormwater  
33 and floodplain requirements at the time of approvals, which will be...or which includes, final plan review,  
34 which is when some of the technical and more detailed review happens. But, we have enough high-level  
35 confidence right now that we felt comfortable they could go to a public hearing, that approvals will  
36 happen once...the review takes place. So, right now, we can't say that all City requirements have been  
37 met; they're in the process of being met. Like I said, we have a high level of confidence that they will be  
38 met. So, you know, there's still more review and more design to take place, and that happens at final plan  
39 review, which is the next stage in the development review process.



1 MR. MCASKIN: Okay, thank you for that. So, Carolynne, go ahead. Do we have other  
2 comments at this point on the flooding and drainage?

3 MS. WHITE: I do, I do. We have one other expert in this area with us, that's Danny Weber with  
4 Northern Engineering. He's going to speak a little bit to the overall subject of flooding and drainage, and  
5 also the question that emerged about the New Mercer Ditch trail and why we didn't turn that into a public  
6 trail

7 MR. MCASKIN: Okay, perfect. Thank you.

8 MR. DANNY WEBER: Yeah, my name is Danny Weber, I'm a project manager for Northern  
9 Engineering. We're a civil engineer. And I can speak to the onsite drainage...we hired...the applicant  
10 had hired ICON for floodplain specific, that's just a specialized industry, but for the onsite drainage,  
11 we're required to detain the stormwater runoff and release at a two-year historic rate, that's a requirement  
12 of the West Vine Basin. So, in laymen's terms, its essentially, we have to release at a rate that's  
13 equivalent or less than a two-year storm event. So, in terms of what's happening downstream, those  
14 detention facilities will knock down the peak flow so that downstream is not impacted any worse than it  
15 was prior to the development.

16 Specific to the New Mercer Ditch and the trail along the ditch, we met with the ditch company  
17 several times, talked to them specifically about the trail, the idea of the trail. And this particular ditch has  
18 only access along one side, and they don't have a large easement. It's sort of a tight access for them, and  
19 so they were very concerned with having a trail along the ditch. In fact, it was so much that they just said,  
20 flat out, that we can't do that. It's a liability for us...if there's any sort of emergency where they have to  
21 access the ditch and there's pedestrians on the trail, that could be...that could just be a liability for them  
22 so they have said that that is not an option.

23 MR. MCASKIN: Is that a recorded easement that the ditch company has, or is that just a...kind  
24 of a historic, you know, use right that they have for their ditch rider to get...

25 MR. WEBER: I don't know off hand, but they've claimed I think, 25 feet from the top of ditch,  
26 as I recall.

27 MR. MCASKIN: Okay, and in terms of...I mean, if that easement doesn't exist, I mean, as the  
28 property owner, you could theoretically designate a walking trail along the ditch...is that something that  
29 was looked at from the applicant team when you were designing kind of an overall parks and trail...or  
30 recreation amenity plan?

31 MS. WHITE: I can tell you that there was a time when it was investigated, and there was some  
32 indication that it might be a possibility, but we have since received confirmation otherwise as was just  
33 provided by Danny.

34 MR. MCASKIN: Okay...from the ditch company?

35 MS. WHITE: Indeed. They certainly did investigate it and it was part of early discussions. And  
36 here to provide more color on that is the principal representative, David Pretzler.

37 MR. MCASKIN: Okay, thank you.

1 MR. PRETZLER: So, one of the things that we're trying to do in the natural habitat buffer zone is  
2 to enhance the biodiversity and enhance the environment for the wildlife. And if we had a trail where,  
3 you know, where people are using that for biking and hiking, and that sort of thing, through that area, the  
4 thought was, too, that that might not be conducive to wildlife enjoying using the area as well. And the  
5 gentleman who spoke about the idea of the trail, I kind of wanted to point out that there's other things that  
6 we are doing within the natural habitat buffer zone to enhance the wildlife experience. We are putting in  
7 appropriate plantings, adding to the biodiversity. We have...we do have walking trails along the  
8 stormwater conveyance, not down in it, but we have them along those corridors where people can hike  
9 and walk. But again, even those corridors are expected to be where the wildlife will want to go through  
10 the site. So, we don't want to promote too much of that.

11 The other thing we've done is, we're laying down some of the trees that we're cutting to create  
12 habitat for the wildlife in the natural habitat buffer zone. And, as has been stated before, we're providing  
13 50% more habitat buffer zone than is required by Code. Thank you.

14 MS. WHITE: Any questions on that one?

15 MR. MCASKIN: Not at this time.

16 MS. WHITE: Okay, then I'll move on to compatibility. You guys are kind of sneaking into  
17 wildlife, which is item number three, but...let's go back to compatibility, which is our item number two.  
18 And, could I get slide 71 up there, Lindsay?

19 There are a couple things about compatibility in the Code. In section 3.5.1, for example, we're  
20 talking about things like size and massing and similar proportions. We're also talking about architecture.  
21 There was also a lot of dialogue about compatibility as it relates to density. So, I'm going to talk about  
22 density just for a moment, even though I know that staff already clarified it quite a bit, and a little bit  
23 about that size and massing, and show a couple slides along those lines, and then I'd like to ask the  
24 architects to talk about all the ways in which this architecture, that was in fact custom designed for this  
25 property in order to be compatible with the adjacent architectural styles, does so.

26 So, just briefly, as we said before in our main presentation, compatibility doesn't mean the same  
27 as. It doesn't have to be exactly the same as what's across the property line for it to be compatible, and  
28 the Code expressly recognizes this. The Code talks about buildings shall either be similar in size and  
29 height, or if larger, be articulated and subdivided into massing that is proportional to the mass and scale of  
30 the other structures, if any. Now, here's...we're talking about on the same block face abutting or adjacent  
31 to the subject property, opposing block face, or catty-corner block face at the nearest intersection. We are  
32 talking about comparing compatibility with two properties that are adjacent at the property line,  
33 particularly along the north and west, but we're also talking about comparing those in a situation where,  
34 as was mentioned, we have provided extensive buffering and extensive landscaping to separate the two  
35 things, as well as the architectural diversity that's being proposed exactly as envisioned in 3.5.1(C),  
36 articulated and subdivided. So, we'll talk more about that in just a moment. I'd like to go to...can we go  
37 to the next couple slides, one at a time.

38 So, if I may, in each of these slides, what we're doing is showing what is existing in the  
39 neighborhood, and what we are proposing across the property line, across the...in this case, you know,  
40 wetlands and a buffer and a trail, from the property. So, in this case, you've got...could you go back one?  
41 There we go. We've got the two-story homes with walk-out basements, so depending on your

1 perspective, where you happen to be standing and the grade, those might read as three-story homes, at  
2 least they do to me, in Bellwether Farms to the north. And then, this is...on the bottom of this slide, you  
3 see some examples of the property's...of the development of the buildings that would be to the south of  
4 them, at the closest distance, 335 feet, and many of the distances are significantly farther than that. I'll  
5 leave the discussion of these buildings' architectural features to the architects, other than to mention that  
6 they are stepped down on the end, so they're not all the same mass, meaning they don't all have the same  
7 height. It's not a big square block. That's exactly what this articulation and subdivision it talking about,  
8 as well as accomplishing that in a different way through architectural features. Can I have the next one  
9 Lindsay?

10 There we go. Here's another example of what reads to me as a three-story home; it's two-story  
11 with a walk-out basement on the north side, and with some of the examples of the buildings that will be  
12 adjacent to it on the proposed PDP. Next slide.

13 MR. MCASKIN: Was that last slide, was that also Bellweather?

14 MS. WHITE: I believe so, yeah? Right? Yeah.

15 MR. MCASKIN: And that's to the...?

16 MS. WHITE: North.

17 MR. MCASKIN: To the north, okay,

18 MS. WHITE: Towards the eastern side of the...eastern boundary of the property. We can get  
19 another graphic up there to show exactly where this is if you want.

20 MR. MCASKIN: Okay, and then on the other sides...I suppose on the east, west, and south...and  
21 I think a lot of the...it sounded like a lot of the public comment was focused on the fact that the existing  
22 architecture of those other perimeter...of the subject property...predominantly single-story, like a ranch?

23 MS. WHITE: I've got some slides showing that coming up.

24 MR. MCASKIN: Okay, perfect.

25 MS. WHITE: Let's see...are we in the staff presentation or ours? We're still in ours, okay.  
26 Yeah...there we go. Let's just go ahead and go through these and then we could go back to that one. So,  
27 this is...this is actually comparing the neighborhood center with the church to the south, just as an  
28 example, although I didn't hear a lot of comment about this particular building being incompatible. Next  
29 one?

30 These are some examples of the single-family homes in comparison to the existing single-family  
31 homes, so the hotographs on the top are existing single-family homes. These are to the west, right?  
32 Directly to the west, and then on the bottom you see what is proposed, although, as was also mentioned  
33 by staff, the single-family home architecture is not actually part of the PDP administrative hearing review.  
34 I think we have one or two more on this. Can we go one more? Yeah, there we go.

1           And so this existing project is located...I need the aerial map to be able to point it out, but maybe  
2 we want to go back to the aerial map so you can see the places where all those pictures we just showed  
3 you are from. Do you want to do that?

4           MR. MCASKIN: Yeah, I think...that would be helpful.

5           MS. WHITE: So, I think that would be...well, maybe just nine, which is just eh current site plan.  
6 Yeah, so the single-family ones are on the western portion of the property, so the western-most portion of  
7 the property, if you will, and then the Bellwether are on the northernmost there, and as you can see along  
8 the northern boundary, there's four buildings on our proposed PDP that are, sort of, square on to the  
9 northern property line, and then it curves away toward the south, further increasing the distance between  
10 the existing and proposed. Do you have that one that shows all the ones that were stepped down? Could  
11 we have that one? That one that's being shown right now for the wetland buffer is actually the picture  
12 that we just looked at, Bellwether to the north there and the proposed development to the south, and with  
13 the dimensions, and that's where the 335 comes from. Yes, that one.

14           So, on this slide, what we are showing is the orange, or the yellow, is one-story. The kind of  
15 salmon-pink color is two-stories, and the blue is three-story. So, starting at the northeast corner of the  
16 property, the top right most corner, you can see most of those buildings have been modified to reduce the  
17 two end units from three stories to two stories. This was, contrary to some of the testimony, done directly  
18 in response to feedback that was heard about the proximity of three stories to existing neighborhoods.  
19 That is the reason, and that's what was done here. And I learned recently that the only reason there's one  
20 in the middle there that doesn't have that, is because you can't have two in a row that are the same.

21           Then, progressing around the curve there, along that northern property line, you see two buildings  
22 where that change has not been made; that's because they are much further away and protected by much  
23 more buffer and open space than the ones that are directly up by the property line, although we are still  
24 talking, as I said, 335 feet, for the closest one, which would be that one that's catty-corner at the property  
25 line. And then progressing due east of there, you see there's a building that has two end units that are  
26 one-story and two center units that are that salmon color that are two-story. That's where we're first  
27 adjacent to the western property line, and that's another example where it was reduced down to one-story  
28 on either end in order to provide that additional variation in massing and that additional compatibility  
29 with the adjacent homes immediately to the west. I won't go through each and every one of them, but  
30 those are the primary ones. On the bottom far left, you don't see any colors in because those are the  
31 single-family homes, and some will be one-story, some will be two-stories, the exact location of each has  
32 not yet been determined, so we'd be guessing if we told you which ones are going to be where. Okay, so  
33 with that, if I may, I'd like to ask the architects to speak a little bit about the architectural styles, since  
34 there were some comments about that and since that is one of the criteria.

35           MR. MCASKIN: That would be appropriate if the architects are here.

36           MS. WHITE: We have one online and one in person. We'll ask the in-person one to go first if  
37 that's okay?

38           MR. MCASKIN: Yeah, that's fine. Thank you.

39           MR. SETH HART: My name is Seth Hart, I'm a partner with DTJ Design out of Boulder, and I  
40 am representing the three-story townhomes; we did the design for those. I think...keep going to the taller

1 ones please. I think what's really interesting is, as we look through the architecture throughout this set,  
2 and we even just, you know, saw those compared to some of the homes that are adjacent to the north and  
3 western borders, and even looking at the detached, single-family two-story homes as compared to these  
4 larger, three-story townhomes, or row homes, you see a lot of compatibility within the context of the site.  
5 And I think that's actually really great because there are two different architecture firms representing the  
6 product here, and so there's already, you know, something that was brought up earlier is this idea of this  
7 being this eclectic neighborhood, and I think that, you know, the applicant has done a really good job of  
8 bringing multiple design firms in here to provide that different, kind of layer, of eclectic design.

9 And really, as part of our tool kit of being able to design toward this compatibility, is really  
10 representative of how we stylize these buildings, how we create our exterior elevations. And really, what  
11 we were going for here is this context of this traditional form, traditional styling, in this agrarian kind of  
12 modern farmhouse style, as well as the craftsman that's very indicative of the community and the region.  
13 And then, having a couple variations, some plays on that, where we take it a little bit more modern,  
14 especially with the townhome aesthetic lending itself to that naturally. And so, we have these two  
15 variations of this farmhouse, one being slightly more modern, and then we have two variations of the  
16 craftsman, one leaning toward that more mid-century modern. But, as you can see, the roof forms are  
17 very, very familiar, very traditional in form, very compatible with the rest of the community so it doesn't  
18 feel like it stands out and has this real different embodiment of mass and form, and then utilizing lots of  
19 glazing to kind of break that up, as well as, even with our traditional forms, going with traditional  
20 building materials, like brick, siding, you know, board and bat siding, and then with some of our, a little  
21 bit more modern-leaning ones, pushing the colors a little bit more unique, getting some more cut stone.  
22 But, really paying attention to the materiality and trying to let that compliment the design styles.

23 And then, as well, as we look at these...you know, utilizing the two stories at the ends of these...I  
24 think it's 22 out of 26 of the townhomes have the two story at least on one end, if not bookended, so it  
25 really breaks down the mass. We're utilizing side entries on this, so we're actually really creating four-  
26 sided architecture within these townhomes. You know, trying to pay attention to every angle of this  
27 building, activating sides which can often be kind of an afterthought. And then as you look at these,  
28 we're providing, just similar to one of the images we showed earlier with the walk-out side of the home  
29 on the northern side, they have porches that stick off with covered balconies on that second-story level  
30 that break down that three-story mass, which is something that we're really utilizing with these to break  
31 down the mass, by tacking on these porch elements that provide really high-quality outdoor living, break  
32 up the scale of the building, create an attractive appeal. And then also utilizing upper space on the third  
33 floor for roof decks, so once again, really bringing a high-quality of life to these as well, knowing that, you  
34 know, these denser type products don't often lend themselves to that same quality of living as a single-  
35 family home, but it's something that we're really focusing on with these, to bring that single-family  
36 lifestyle to this higher-density product.

37 And then, one other kind of fun part about these is, especially with townhomes with the scale  
38 being a little bit higher, and a little bit different than a traditional single-family home, we like to really try  
39 to find continuity throughout these, so you can see we have a wood accent material that is actually applied  
40 to each of the different elevation styles, so as you go down the street, they have a unique feel and look to  
41 each of them, there is still some continuity of different materiality and some color palette choices that tie  
42 it all together and really make it feel like a community versus just, you know, one unique building after  
43 another. And that's...I think pretty well represents the three-story architecture and how our goal of  
44 compatibility throughout both the surrounding context as well as the rest of the community.

1 MR. MCASKIN: I appreciate that, and in reviewing, I think, 3.5.1 of the Code that has the  
2 general standard that deals with project compatibility, I believe the language says that, you know, a new  
3 development, you know, has to be compatible with the established architectural character of the  
4 neighborhood. So, in approaching a neighborhood that I think we heard a couple people say that it's  
5 eclectic because it's developed over...you know, you might have some stuff that was developed in the  
6 '60's, and some in the '70's and '80's, you know, how do you deal with that...what's your approach on  
7 the front end to a project like that? Because the Code language goes on to say that, if you don't have a  
8 consistency in the architectural fabric of the surrounding community, then you have to set an enhanced  
9 standard, right? Or you have to come in and establish something that is going to be a higher bar, that  
10 hopefully would help drive future redevelopment of areas. I mean, so how do you approach that, number  
11 one, and number two, do you think you've met that standard in the Code?

12 MR. HART: Yeah, I mean, as I kind of said earlier...in a couple ways. I think it's diversity of  
13 product type, we get a real interesting diversity of that portfolio from single-family to one- and two-story  
14 towns, to two- and three-story, to full three-story, as well as the multiple different architectural styles and  
15 character that go within that. When you look at the...you know, I was not responsible, so I don't want to  
16 speak too much to the single-family and the two-story towns, but it's still very unique and different from  
17 what the part that we've designed in the three-stories. And so, you inherently get that little bit of, you  
18 know, just eclecticism and unique design that plays off of one another. And then, as we get into the  
19 three-story towns or rows, as they've been called, you know, providing those four different elevation  
20 styles provides a lot of variety. And then, when you talk about built over the years, that's where that  
21 traditional and a little bit more modern-leaning starts to come into play, because really the mid-century  
22 modern is a play on a traditional craftsman from the '20's, and how you strip out the details and change  
23 how, you know, really just the details, materiality, the color, can go a long way to take that from  
24 something very traditional to something really modern. And so that's what we tried to do is pay attention  
25 to the same kind of kit of parts, utilizing different column details, different, as I mentioned, you know,  
26 going from a traditional brick to more of a cut stone, but also letting those be in the same color family so  
27 it doesn't feel so disjointed, but you know, more homogenous still. But, it'll definitely give it that more,  
28 kind of built over time, not this cookie cutter production neighborhood that everyone wants to, kind of,  
29 stay away from.

30 MR. MCASKIN: Right, was there any...was there any part of the design process...I mean, I  
31 know you said you were brought in to kind of help with the design of the three-story units. Was there  
32 ever a point in this project where the development team said, you know, given the context of this  
33 property, let's try to focus on...even up along that northern portion of the property...and I do realize that  
34 there's a curvilinear treatment, right, as you move from the east to the west there, but was there ever  
35 any...was the design team ever like, you know, given the context here, let's limit it to two-story? Or was  
36 three-story always in the mix? Or was there...I guess I'm asking, was there ever a time when you said,  
37 you know, maybe two-story fits better?

38 MR. HART: You know, I think from my standpoint, I wasn't really as involved with the site  
39 planning, so as far as building locations, I can't speak to that. But, I think that it's very much the intent  
40 on how we attack the three-story design to have the bookending two-story units so that it does feel like  
41 it's still of this more suburban context. And then the layering of details and how we could treat the  
42 exterior of all of those so that...ideally, it doesn't feel out of context no matter where it is on the site.

1 MR. MCASKIN: Okay, thank you. I appreciate you being here tonight and providing comment.  
2 Was there another architect that wanted...okay, online, that wanted to provide some comments? So,  
3 Katie, is that something you can help with? To maybe...

4 MS. CLAYPOOL: I'm sorry, can you repeat the question?

5 MR. MCASKIN: Oh, I believe there's another member of the architect team that wanted to  
6 provide some comments related to this topic of project compatibility.

7 MS. CLAYPOOL: Am I looking for Don?

8 MR. MCASKIN: ...Anna, I think you're looking for an Anna.

9 MS. CLAYPOOL: I'm not seeing an Anna listed in the attendees. I'm not sure if they're listed  
10 under a different name, or a nickname maybe, but I do not see an Anna listed.

11 MS. WHITE: I'll tell you what, since the major focus has not been on the buildings that were  
12 designed by Anna's firm, if I may, let's move on and we'll come back to her if we need to, if we have  
13 time.

14 MR. MCASKIN: So, what are we moving on to now?

15 MS. WHITE: Wildlife.

16 MR. MCASKIN: Wildlife, okay.

17 MS. WHITE: So there were a number of comments about wildlife, and protection of wildlife, and  
18 protection of habitat, and migration corridors, and flyways, and a variety of different aspects and  
19 components of that. And, just like with the other things that we talked about, like the floodplain and  
20 compatibility of structures, Fort Collins Code has a process for how to address wildlife buffers and habitat  
21 buffers and corridors, and that involves, among other things, starting off with an ecological  
22 characterization study, which was performed and is in the packet, and that was performed by Cedar Creek  
23 Associates. And we do have Jesse from Cedar Creek Associates who is going to speak to that in just a  
24 moment, but one overall comment I'd like to make about that is that, there were a few folks who  
25 suggested that the wildlife corridors we proposed as part of this site plan were sort of random, or not  
26 enough, or, you know, didn't meet the Code, or insufficient. And I want to say, as an overall statement,  
27 that the places where they were located on this plan were designed in response to the results of that  
28 ecological characterization study, which identified the places with the best opportunity for habitat  
29 preservation and wildlife. And so, Jesse can speak obviously much more knowledgeably to that, but they  
30 were not random, and they weren't just where it happened to be convenient or where there were  
31 floodplain issues, they were designed to actually maximize the opportunity to protect wildlife habitat.  
32 And again, to be crystal clear for the record, there are no variances requested. The wildlife buffer, the  
33 natural habitat buffer zone that is proposed here, is significantly larger, I think it's 50% larger, than what  
34 is required under the Code, and no exceptions, variances, or deviations, or modifications are being  
35 requested. So, with that, let me ask Jesse to elaborate just a little bit on the wildlife situation.

36 MR. JESSE DILLON: Hello, I'm Jesse Dillon; I'm an ecologist and principal with Cedar Creek  
37 Associates, based here in Fort Collins. As I'm reiterating pretty much what everybody has said, in

1 accordance with Land Use Code 3.4, I implemented an ecological characterization study, my firm did,  
2 and that identified several important wildlife habitats on the property, including New Mercer Ditch and  
3 several wetlands scattered throughout the property to the north and along Cherry Street, and as well along  
4 Laporte. Those are all habitats that got buffers, in accordance with 3.4, and those buffers are adhered to  
5 on the map. And so, since we've done the initial ecological characterization study, we've also been  
6 providing supplemental ecological support to staff, as they've requested information about whether or not  
7 these wildlife features meet the definition of concentration areas, which they do not. They don't have the  
8 characteristics of concentration areas. And I've also provided other studies, like a winter raptor nesting  
9 study...you look for raptor nests in the wintertime when the trees don't have leaves on them, and other  
10 wildlife and vegetation studies.

11 Finally, I've also provided ecological consulting for the enhancement of these natural habitat  
12 buffer zones. The guidelines for these natural habitat buffer zones call for either preservation or  
13 enhancement, and you know, the features themselves, particularly the wetland on the north of the property  
14 in Bellwether open space area, we're going to preserve the wetland, but that buffer that kind of extends on  
15 to and along the ditches, where we can, looking at enhancing the habitat as others have talked about with  
16 biodiversity, native species, structural diversity where wildlife habitat gets a little bit more plant and  
17 structural diversity...so, that's kind of been the summary of my work on the project.

18 MR. MCASKIN: Okay, thank you Jesse for that. And, I guess just a quick question again for  
19 City staff...it seemed like all of the staff findings in the report, when it came to the ecological  
20 characterization study that was provided, was that it is complying...staff's conclusion was that those  
21 applicable Code criteria are being met. I don't know if you want to provide any additional background on  
22 that, or if you have anybody from City staff that would like to elaborate, Jenny, but, I guess that's a  
23 question.

24 MS. AXMACHER: Yes, staff did find that the ecological study is in compliance and we do have  
25 staff available...Kelly Smith can speak to any specific questions about that process. Do you want me to  
26 pull her up now, or would you...looks like, here she is.

27 MR. MCASKIN: No, I'd like to get through a couple of the other major items first and then see  
28 if we have some questions. So, good to know that she's available.

29 MS. WHITE: We're almost finished. The last big topic is traffic.

30 MR. MCASKIN: Okay.

31 MS. WHITE: And, unfortunately our traffic engineer was not able to stay on the line for the  
32 duration and he has departed, so I'm going to play a traffic engineer on TV here and try to answer some  
33 of the questions as best I can based on the traffic study itself and the information that he did provide to us  
34 before he had to depart.

35 So, I think overall concern about traffic generally was just that it would exceed the capacity of the  
36 existing roadways, and of course that was one of the main points that we made at the very beginning of  
37 our presentation. And just to reiterate, like with all these other things, there is a process in the Fort  
38 Collins Land Use Code that requires that an applicant conduct a traffic impact study, a TIS, to analyze the  
39 traffic that would be generated, not only by the project itself, but also in the context of projected  
40 background traffic. And in scoping that study in deciding what intersections to study and when to do the



1 traffic counts and all that, they consult with staff and get the scope approved before they conduct the  
2 traffic study. So, I'll defer to staff on their comments about the traffic study, but it's my understanding  
3 that it has been accepted by staff and the overall conclusion of that traffic study is that, following this  
4 development's construction, all of the intersections that were studied will continue to operate within  
5 acceptable levels according to the Fort Collins standards. So, that's sort of overall blanket question.

6 There was also questions specifically what improvements were recommended be constructed, and  
7 we did mention that in the presentation, but very briefly, and that is, along Taft Hill Road, there is a  
8 recommendation for additional turn lanes to be constructed, center turn lanes, and the applicant will be  
9 constructing those and the applicant will also be paying for those. So, that's the only improvement that I  
10 am aware of that is recommended...oh, and then, well, this relates actually to one of your other questions  
11 which had to do with the pedestrian safety. And so, maybe, can I get that...do we have a slide of that  
12 graphic? Probably not.

13 So, on the southern most border of the property, and there's a gap between the property and  
14 Laporte. Remember the location where we talked about...remember the public who asked whether or not  
15 that existing right-of-way that is between two properties that connects the property to Laporte was going  
16 to be widened and fenced...that access on the southern part of the property...and he's pointing to it right  
17 now. Can you see on the screen?

18 MR. MCASKIN: I can.

19 MS. WHITE: So, I'll answer that question and then I'll talk about the asphalt trail. So, the  
20 answer to that question is it will not be widened. There is sufficient existing right-of-way, and the trail  
21 will be constructed within that existing right-of-way. There is no plan to put a fence, however, but it's not  
22 going to be widened. And that also relates to the question about pedestrian safety. The applicant will be  
23 constructing the asphalt trail along those pink dotted lines, and then also you can see running east-west  
24 along the northern side of Laporte there where her cursor is moving right now, that will also be an  
25 additional continuation of that trail, and that will connect to a crosswalk that crosses north-south across  
26 Laporte to the south. And that is going to be the designated sort of area for pedestrians to connect along  
27 to the south, and it is anticipated that many of the students will use that crosswalk area. And also, it  
28 should be noted that this development is also consulting with and coordinating with and part of the Safe  
29 Routes to School program, and that's in part how that route was derived. So, I think that answers two of  
30 those questions about the trail and its widening, and also the pedestrian safety.

31 And then the last traffic-specific question I have on my list was about when the traffic counts  
32 were conducted. And that relates both to school being in session and also Covid. And I have here the  
33 response of our traffic engineer who was online when that comment was made, and if it's alright I'll just  
34 go ahead and read it so that I don't accidentally misstate anything.

35 MR. MCASKIN: That would be fine, thank you.

36 MS. WHITE: The counts were obtained in 10 of 2019 at the Taft Hill/Laporte intersection (most  
37 recent City count) and in 10/21 at all other locations. City staff accepted these count times. In the  
38 vicinity of schools, it is customary to obtain data when school is in session; those times reflect the highest  
39 traffic on the streets and intersections. In October, the construction industry is generally in full operation  
40 due to the mild weather conditions in northern Colorado, and therefore these counts also include  
41 maximum traffic from that standpoint. The City count data, 10/2019, is pre-Covid. The other

1 intersection data, in 10/21, is post-Covid when traffic conditions on the area streets were returning to  
2 normal. In addition to this, the traffic counts are increased due to expected traffic growth in the TIS,  
3 meaning that future anticipated increases were already incorporated and factored in prior to reaching the  
4 conclusion that the intersections would continue to operate at acceptable levels.

5 MR. MCASKIN: Okay, and, Jenny, question on traffic...or for the City's traffic engineer if he or  
6 she is available. I mean, I did note that information in the staff report, that the intersections will continue  
7 to meet a certain level of service, and I don't know if that's a C or a D, or maybe there's a better grade, on  
8 what that existing level of service is for those intersections. I don't have that information here in front of  
9 me. But in terms of the only off-site traffic improvements that are being required of this specific project  
10 would be the turn lanes that are being mentioned on Taft Hill Road, there's no other off-site  
11 improvements that are being required, is that correct?

12 MS. AXMACHER: I believe that's correct, but we do have Spencer Smith from Traffic who is  
13 available to speak to that.

14 MR. MCASKIN: Okay, so Spencer you did hang in the whole time and not depart early, so thank  
15 you for that. But, is there any... Spencer, hopefully you've heard the summary of the traffic impact  
16 report, or study, that was submitted by the applicant and the City's acceptance of that. Is there anything  
17 that you think would be important for me to understand with respect to the traffic requirements associated  
18 with this project?

19 MR. SPENCER SMITH: Yeah, I can elaborate and add a little bit. I think Carolynne did a good  
20 job of summarizing the questions. There were a couple things I noted that I wanted to just mention in  
21 relation to the TIS. I did hear it mentioned a couple times during the public input that the traffic study  
22 stated there was no impact, which...you know, of course there's always impact with any development as  
23 far as traffic. What the traffic study concluded was that, as you just mentioned, those level of service  
24 standards are being met, based on the City's street standards and those letter grades that are given. So,  
25 what the traffic study was saying was that the project does meet those. And those level of service  
26 standards are based on different amount of delay that a driver would typically see. So, that is correct...as  
27 they analyzed all the intersections in the area, and you know, accesses to the site, Laporte and Taft Hill,  
28 that those all meet existing level of service, and in the future, with the projected traffic. And then, I did  
29 have the traffic counts...Carolynne covered that one, so I didn't have anything to add there.

30 As far as improvements, I think we got everything mentioned. There is a left-turn lane into the  
31 site accesses at Taft, and one on Laporte. I would also mention that, on Taft Hill, along this project  
32 frontage, they will be widening the roadway to the west side to the ultimate arterial section for Taft, so  
33 that's going to include detached sidewalk, parkway, curb and gutter, and then full bike lane with bike lane  
34 buffer. We can't require them to build that, necessarily, all the way down to the intersection, just because  
35 they don't have the frontage there or the means to dedicate that right-of-way, but their project is building  
36 those frontage improvements for the ultimate roadway along that frontage that will eventually, you know,  
37 all connect in when Taft is fully improved.

38 And then there was mention that interim pedestrian connection that's being put in basically from  
39 the west side of Impala on the north side of Laporte, and that heads east over to their trail connection into  
40 the site. That is truly an off-site improvement that's not along their frontage necessarily, but they are  
41 going to do some improvements within the right-of-way that does exist to help, you know, provide a safer  
42 pedestrian route there. And that's in lieu of the City capital project that's currently in the planning stages

1 for Laporte. There's a couple components of that. There's bike and pedestrian improvements, essentially  
2 for that north side of Laporte from Taft down to, I believe all the way to Sunset, and then there's a couple  
3 bridge improvements that are done. Those are funded currently, and those are going to happen. The bike  
4 and ped improvements right now are not fully funded, and I know...I think Dave Betley with Engineering  
5 is on and he can touch on some more details, but I think they're early into some preliminary designs, so  
6 they're working toward it, and once that funding is there, those improvements will go in. I was told that a  
7 pedestrian signal at that Laporte crossing near Impala is going to be evaluated with our bike/ped plan, and  
8 then hopefully the City can look at a way to maybe incorporate that into that overall capital project with  
9 potentially some participation from the developer. There's been some preliminary discussions about that  
10 through the process so far, but there's nothing concrete on exactly what that's going to be and what the  
11 contribution would be from this project, but they're definitely willing to work with us on helping get  
12 some improvements there as well. I think that's most of what I had. Again, like I said, Dave can add on  
13 the capital project.

14 And maybe a couple other miscellaneous things with the traffic. I know there was a lot of safety  
15 concerns. The City did...I believe it was mostly a capital project, but constructed sidewalk along the  
16 south side a while back, and I don't know exactly when that project happened, but I know there is  
17 ongoing coordination between Poudre School District and the Traffic Operations department on  
18 especially the pedestrians and their use of those facilities, and ways to try and make things better there.  
19 So, you know there is ongoing dialogue and input, and coordination with the City on that. I think I  
20 covered most of the questions. I would also mention that, I don't have numbers and I don't know if the  
21 development team has anything on this, but I think the potential impact to traffic of the new high school  
22 in Wellington will have some sort of an impact on that peak school rush hour traffic. I don't know what  
23 the numbers are anticipated to be, you know, what kind of a potential decrease that would be. I don't  
24 know if the developers had any contact with the School District on that specifically, but that's another  
25 thing that is going to happen here in the next several months or year, I think that school is going to come  
26 online and hopefully have an impact on that, especially that school peak rush. I'll let others chime back  
27 in...or if there's more questions.

28 MR. MCASKIN: Spencer, I appreciate that additional overview and comments. You mentioned  
29 that Dave may have a little bit of input on capital projects? I mean, I suppose if Dave has gone this long  
30 on hanging out on Zoom and wants to provide anything, that, you know, he thinks I should hear, by all  
31 means, I want to give him that opportunity.

32 MS. CLAYPOOL: He does have his hand raised.

33 MR. MCASKIN: Okay, great, thank you.

34 MR. DAVE BETLEY: Marcus, this is Dave Betley from...I'm the manager of the Engineering  
35 Development Review group. I talked to our capital projects manager, and so the...there's going to be two  
36 phases to the Laporte project. So, the first is to extend the bridges, and that will take...that's fully funded  
37 and that will start...that will get under construction in March of 2023. And then the corridor project is  
38 slated to get started in fall of 2023, but is not fully funded yet. So, Dana did say that if anybody was  
39 interested in updates, provide your email address and they would be happy to put anybody on the contact  
40 list with capital projects. And I guess the last thing I had that everybody...most everybody else has  
41 covered everything else that I had...was, in response to section 3.6.3 that you had asked earlier, we've  
42 gone through multiple iterations and multiple reviews on this project trying to meet the connectivity with  
43 the neighborhoods and the adjacent roadways and stuff of that nature, and our LCUASS standards, and

1 so, you know, I think we've gone through like six or seven reviews now of trying to meet that. And so,  
2 with the client is...or the applicant has done a pretty good job of...a really good job of meeting bike and  
3 pedestrian facilities, trying to extend the access to local neighborhoods so that kids can get back and forth  
4 to the schools easier, and stuff of that nature. So, I think through all of our review process, we feel that  
5 the section 3.6.3 has been met as far as what the applicant has come up with on this submittal.

6 MR. MCASKIN: Okay, thank you Dave, and that's with respect to the alternative compliance?

7 MR. BETLEY: Yeah.

8 MR. MCASKIN: Okay, great, thank you for that. So, let me...I suppose for the applicant team,  
9 just a couple of quick things that were still on my list, and this may be, you know, better directed at City  
10 staff as well, but there was a question on solar orientation that I don't know if you...if you have any input  
11 on that or can help answer that question that was raised during the public comment portion of the hearing.  
12 And then also, just a little bit of background on affordability...was the opportunity to try to incorporate  
13 any work force housing, or affordable units into this project with that, and if it was looked at and then  
14 ultimately decided that...wasn't going to be something that moved forward. Just a little bit of  
15 background on that would be helpful.

16 MS. WHITE: So I still have a little conclusion here, but one of them...it included affordable, so  
17 let me do this, let me maybe just try to begin to answer that, and then I'd like to ask Mr. Pretzler to come  
18 up and speak to both of those things in more detail if that's alright?

19 So, first, I want to be clear that the applicant never said, we are proposing affordable housing  
20 here. What we said was, this housing development, this PDP, helps achieve the housing goals by  
21 providing alternative price points and alternative product types compared to sort of the default in Fort  
22 Collins, which is the single-family home.

23 MR. MCASKIN: Right, and I don't think I was under...

24 MS. WHITE: We're talking about attainable, not affordable.

25 MR. MCASKIN: Right, but I also know that the City's LMN zoning regulations would...and  
26 even the...I think the Subarea Plan also allows for a slightly higher density if the project has an affordable  
27 housing component. So, I was just curious as to whether that was looked at.

28 MS. WHITE: I will ask David to speak to that, but I wanted to say something about the math  
29 really quick. So, right now, today, the LMN zoning combined with the Northwest Subarea Plan, what is  
30 allowed is a range of a minimum of four net and a maximum of eight gross...that's the range of density  
31 that could be developed on this project. And, I think the net versus gross has been explained so I won't  
32 repeat it unless you'd like me to, and it is a little weird that the minimum is net and the maximum is  
33 gross, but that's what we have to deal with in the Code. So, the minimum is four, net, and the maximum  
34 is eight, gross. We have 5.13 gross, 7.13 net. So, however you look at it, we're toward the low end of the  
35 range right now as it relates to density.

36 Thinking again about affordable housing, you know...and, you heard all the comments...the  
37 general trend of the feedback that has been received from the neighborhood since day one is, less density,  
38 less density, less density. And so, all along, the developer has sought to make the project less dense.

1 Whether the range we were looking at is four to eight or four to twelve, it's hard for me to imagine that  
2 that feedback would have been any different. And so, I think that no matter what the range is, no matter  
3 what the upper limit of the range is, the general feedback from the neighborhood would have been  
4 pushing this project toward the lower end of the range, which is where we are. And in fact, there was one  
5 comment, size nine foot in a size seven shoe...this is a size six foot in a size seven shoe if you really just  
6 look at the density ranges. So, just on that, in order to achieve affordability, what you would really have  
7 to do is significantly increase the density, not only beyond what's being proposed, but you know, all the  
8 way to the higher end of the range to get even close to something that would qualify under the City  
9 definition of affordable. So, just broad brush, that's the response to that, but I would really like David to  
10 address, in more detail. David...Sam...Sam is going to talk about solar and then David is going to  
11 address affordable.

12 MR. MCASKIN: Okay, great.

13 MR. COUTTS: Thank you. So, solar orientation...the definition in article five refers to solar-  
14 oriented lots being the east/west front property line. So, whatever the lot is fronting to, that orientation of  
15 that lot line needs to be oriented east to west, or 30 degrees off of east to west is the maximum. And that  
16 is to design buildings for passive solar orientation. So, there's...the solar orientation we commonly think  
17 of where we want your roof ridge aligned east to west in order to get panels onto your roof, but then  
18 there's the passive solar orientation which actually was...what I believe the commenter was discussing on  
19 their comments, and that's to ensure that your front or rear windows of the house are oriented to benefit  
20 with that passive solar gain. So, there is a requirement for that. We do meet the requirement that has  
21 been thought about in the plan.

22 MR. MCASKIN: Okay, thank you. And, Jenny, just to confirm, is that 3.2.3...

23 MS. AXMACHER: Yes, sir, that's correct.

24 MR. MCASKIN: ...of the Land Use Code?

25 MS. AXMACHER: And the general standard is, to accommodate active and/or passive solar  
26 installations to the extent reasonably feasible. But, they do meet that 65% requirement.

27 MR. MCASKIN: And again, so they meet the 65% requirement in the Code?

28 MS. AXMACHER: Correct.

29 MR. MCASKIN: Okay, thank you.

30 MR. PRETZLER: So I wanted to address the collaborative issue that's been brought up a few  
31 times...the idea that it hasn't been a collaborative process that Laura and others have brought up. And  
32 it's also, kind of, in the context of the density question. And one of the things that's been very clear  
33 to us from the very beginning is that the only thing that would be acceptable to the neighbors would really  
34 be density in the neighborhood of about 100 homes, and they wanted single-family, they want one-story,  
35 single-family homes, you know, which they have in their neighborhoods, and anything more dense than  
36 that, they're really not supportive of. And, the other alternative would be an open space field. And so,  
37 it's really difficult to collaborate with a group that doesn't collaborate back, I guess. You know, trying to  
38 find common ground, and ways to collaborate, really requires both parties to do some collaboration.

1           So, I just kind of wanted to, once again, go over some of the things that we have done to try to  
2 address the concerns that the neighbors have had. We've reduced our density from 371 units down to 212  
3 from the beginning of the project to where we are now. We've moved the entry road north on Taft Hill  
4 Road to accommodate the neighbor who lives on the east side of Taft Hill Road, we've added additional  
5 fencing for people who are concerned about, you know, being next to buildings and development, and  
6 we've added trees...we have 694 trees, we have 421 shrubs that we've planted to try to help buffer, we've  
7 reduced the elevations of our three-story product from three stories to two stories for 21 of the 28  
8 buildings that...you know, where we have that type of building. And we've done the same with the two-  
9 story townhomes; we've reduced the end units of those to one story to try to help with, you know, this  
10 feeling that the buildings are too tall. We have done a lot with trying to accommodate the neighbors in  
11 terms of connectivity, and trails, and open space, and habitat, and as a result, we have a site that's 58%  
12 open space, we have a site that's 150% of the required natural habitat buffer zone, we have an incredible  
13 biodiversity that we're going to be introducing to the site. So, I think all of those things are things that we  
14 have tried to do to accommodate the neighbors' concerns, and really address them. And, one thing we  
15 could not do, is reduce the density down to the level that they would be happy with.

16           And, with regard to affordable housing and what would be required to make a project like that  
17 feasible, it would require the kind of density that you're talking about. And, once again, the neighbors  
18 would not want any density anywhere close to that, and one of the things that we did to help with the  
19 density was to eliminate the condo buildings, and so we were able to reduce the project...87 units of  
20 condos...by doing that. We did add some townhomes to...in place of those, but the density of those is far  
21 less. So, while...you know, I stated at the beginning that our company is very focused on attainability,  
22 and green building, and providing housing for, you know, people who can't afford housing in more  
23 traditional developments. And so, we've done everything that we possibly can do to keep the price points  
24 low and to meet that missing middle, as we call it, and also to provide a development that meets the needs  
25 of the neighbors as much as we possibly can.

26           MR. MCASKIN: Thank you, Mr. Pretzler, for those comments. I don't know...Carolynne and  
27 applicant team, do you have any additional rebuttal at this point, or any additional topics that you'd like to  
28 cover?

29           MS. WHITE: Just one concluding statement, and it really kind of follows on what Mr. Pretzler  
30 said, if I may...just a minute? I wanted to tie what was just described back to the comments that were  
31 made about the role of the Northwest Subarea Plan. I want to be clear that I never said that it didn't  
32 matter, or that it didn't apply, clearly it does. What I actually said was that we meet it in every respect,  
33 and we have two or three pages about that in our letter, and we had a couple of slides here, and I read  
34 some of the goals from the Northwest Subarea Plan. And there were some comments about section 1.2.2  
35 of the Code, which says, the purpose of the Code is to improve and protect the public, health, safety and  
36 welfare by ensuring that all growth and development which occurs is consistent with this Code, City Plan  
37 and its adopted components, including but not limited to structure plan, principles and policies, and  
38 assorted subarea plans. So, the way I read that language is it says, the Code itself ensures that the plans  
39 are followed by incorporating the vision of the plans into the Code. That was my only point was saying  
40 that, again, if you look at that hierarchy of land use, you have the plan that expresses the vision, and then  
41 presumably you draft the Code in order to achieve that vision, and in this case, that is expressed in its  
42 regulatory form in LMN zoning. So, we absolutely agree that the Northwest Subarea Plan applies, and  
43 we also assert that this application meets it in every respect. And so...

1 MR. MCASKIN: So, let me ask you, because I need to go back and look at that language...I'm  
2 struggling with that a little bit, but I've heard...I think you said earlier, and I think I may have even seen a  
3 statement in the staff report to this...with the conclusion being that the Northwest Subarea Plan is looked  
4 at...it's a visioning document. It's a subarea plan, but it's not regulatory. But then when you were  
5 discussing zoning, or the density rather, recently, and you were talking about the minimum being the four  
6 net and the maximum being eight gross, the eight number comes from the Subarea Plan, and not from the  
7 Code; the density regulation in the Code is nine units per gross acre. So, if you're referring to eight, is the  
8 Subarea Plan regulatory or not?

9 MS. WHITE: I was sort of using shorthand, because every time I say what the max is, I don't  
10 want to go in and explain the difference between the Code and the Plan. I think we've accepted for  
11 purposes of argument that the upper limit of the density that could be built here is probably eight. But, I  
12 think that is as a result of...City's historic interpretation. I actually technically think I could make a very  
13 defensible legal argument that the maximum is really nine, for all the reasons we just talked about. But, it  
14 doesn't matter because we're not proposing anywhere near that amount, so in terms of the upper limit,  
15 we've been using eight as a shortcut, if you will.

16 MR. MCASKIN: Right, and you were at the...really you're at the 5.13 gross?

17 MS. WHITE: Exactly.

18 MR. MCASKIN: You're at seven something net...

19 MS. WHITE: Exactly.

20 MR. MCASKIN: ...which is exceeding the minimum. But, it's just interesting because in...and  
21 maybe I'll ask Jenny if you have any input on that. I mean, does staff view the Northwest Subarea Plan  
22 as a regulatory document, or is it a document that's a visioning document that helps inform the Code, or a  
23 land use decision made under the Land Use Code?

24 MS. AXMACHER: So, staff does view the Northwest Subarea Plan as a visioning document and  
25 the Land Use Code is the regulatory document. So, from a staff perspective, the nine maximum density  
26 would be what we would enforce. City Council has reviewed appeals on similar development review  
27 cases where the conflict was between the regulatory Land Use Code and the visioning document, and the  
28 direction from City Council that staff has been given is that we uphold the Land Use Code, or the  
29 regulatory document.

30 MR. MCASKIN: And, in terms of...you may not have this answer, but in terms of a...just kind  
31 of a historical question...I mean, we know that the Northwest Subarea Plan was adopted in 2006, or so.  
32 What was the last time...I mean, when was the...was the eight...I guess my question is, was the eight  
33 consistent with the LMN zone district at the time that the Subarea Plan was adopted, and then that was  
34 later amended? And, again, you may not know...I'm not expecting you to answer that...

35 MS. AXMACHER: I do not know the answer, but I do know that the LMN standards have been  
36 updated. So, that is possible.

37 MR. MCASKIN: Okay. So, I'm sorry, but you probably have some more of your...

1 MS. WHITE: That's really it. It meets and exceeds all the applicable standards. As Mr. Pretzler  
2 just said, has this application accommodated every request or every concern of all of the neighbors  
3 throughout this four-year process? No. could it do that and still meet the Code? No. But that's not the  
4 question; the question is, does it meet the Code? And, it absolutely meets the Code in every respect, and  
5 it exceeds it in many respects, and that was really the concluding point that I wanted to make.

6 MR. MCASKIN: Okay, thank you. I appreciate that. And, Jenny, I do want to give...since the  
7 order of proceedings does allow for a staff response as well...I don't know if you have any specific items  
8 that you'd like to focus on, or anything that either you agree with or disagree with in terms of what the  
9 applicant provided during rebuttal, but I do want to give you that...this opportunity.

10 MS. AXMACHER: I think all the items on my list have been taken care of with the exception of,  
11 I just wanted to mention that the project will be served by City water and sewer, and there is adequate  
12 capacity in the system to accommodate the development. I believe everything else has been addressed by  
13 the applicant or through earlier discussion. We do have members from Engineering, Traffic, and  
14 Environmental Planning here to answer questions, but other than that, I think staff's response is complete.

15 MR. MCASKIN: Okay, thank you for that. Just one question that I would like your input on, or  
16 any other member of staff. When I was taking a look at the purpose of the LMN zone district in the Code,  
17 it talks about the LMN district being intended to be a setting for a predominance of low-density housing  
18 combined with complimentary and supporting land uses that serve a neighborhood, and are developed and  
19 operated in harmony with the residential characteristics of a neighborhood. And then there's language  
20 later in the purpose section that defines a neighborhood as typically something between 80 and 160 acres.  
21 But, there's also a statement in that section A, the purpose section of the LMN zone district, that talks  
22 about typically low-density neighborhoods will be clustered around and integral with a medium-density  
23 mixed-use neighborhood, with a neighborhood commercial center at its core. So, I'm just curious from  
24 a...I suppose more of a neighborhood or regional context, is this proposed development abutting or close  
25 to a medium-density mixed-use neighborhood with a neighborhood commercial center? I know that this  
26 specific project is proposing a neighborhood commercial center, albeit somewhat smaller scale, because I  
27 think the total square footage is only in the 3,000 square foot range. So, I'm just wondering, is that  
28 purpose statement being satisfied in terms of this neighborhood being...if you look at it in more of a  
29 regional context, is this close to another neighborhood that has a, you know, larger neighborhood  
30 commercial center that would be considered walkable, or otherwise satisfy the requirements of the Code?

31 MS. AXMACHER: So, to answer that question, there isn't a direct measurement that corresponds  
32 in distance from the LMN to MMN; however, I think that zoning was applied to this property as it was  
33 annexed in relation to existing conditions, and that that purpose statement might be more applicable to  
34 new green field development where there aren't constraints of this type.

35 MR. MCASKIN: Okay. So, the time is now 10:34 PM. In terms of the order of proceedings, we  
36 have completed the applicant rebuttal, the response, as well as the staff response. I have an awful lot of  
37 material to get through. I think there's 38 or so attachments to the staff report. As Jenny mentioned, in  
38 addition to all of you that participated tonight and provided comment, we have about 35, maybe more at  
39 this point, of written public comments that I'm going to need to spend some time looking through those as  
40 well. But, I would like to thank the applicant team, I'd like to thank City staff and for everybody on staff  
41 that was available on the virtual hearing, I appreciate it. And really like to thank the members of the  
42 public that came out tonight and participated via Zoom or on the telephone. Like I said, it's been a couple  
43 of years I think since I've been up here and able to do this in person, and I kind of missed it, you know.



1 So, it's nice that we're getting back to having these in person, but also having the opportunity for people  
2 to participate if they want to in other methods. So, again, I will be taking all of this under advisement. I  
3 am required, under the Land Use Code, to issue a written decision within ten days, and with that, I will  
4 close the public hearing on this matter at 10:36 PM. Thank you.