

**Administrative Hearing Officer  
Decision  
May 16, 2022**

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

HEARING DATE: May 2, 2022

PROJECT NAME: Sanctuary on the Green

CASE NUMBER: PDP # 210018

APPLICANT  
REPRESENTATIVE: Sam Coutts  
Ripley Design, Inc.  
419 Canyon Avenue, Suite 200  
Fort Collins, CO 80521

OWNER: Solitaire Fort Collins, LLC  
7991 Shaffer Parkway, Suite 200  
Littleton, CO 80127

HEARING OFFICER: Marcus McAskin

**PROJECT DESCRIPTION & BACKGROUND:** The Sanctuary on the Green Subdivision PDP #210018 (the “**PDP**”) proposes to subdivide and develop in one phase 242 residential dwelling units and a one (1) acre park (the “**Project**”) on an approximately 41.34-acre parcel of vacant land described as Parcel Nos. 9709104001, 9709104002 and 9709103020, and generally located northwest of the North Taft Hill Road and Laporte Avenue intersection (the “**Subject Property**”).

The residential dwelling units will include a mix of two-family dwellings, single-family attached dwellings, and single-family detached dwellings with rear loaded (alley-loaded) garages with a density of approximately 5.13 dwelling units per gross acre. The Project proposes 453 off-street parking spaces.

The New Mercer Ditch runs through the eastern portion of the Subject Property. Approximately 10.48 acres of the Subject Property will be reserved as natural habitat buffer, one acre of park space is provided, and 0.14 acre of right-of-way is proposed to be dedicated. The PDP proposes 13.72 acres of additional open space, with detention and flood channel portions of the area to be restored with native grasses.

The Subject Property was annexed to the City in two phases. The first annexation occurred in 1982 and included that portion of the Subject Property generally located west of the New Mercer Ditch. The balance of the Subject Property (generally that portion located east of the New Mercer Ditch) was annexed in November of 2018. The Subject Property is located in the City’s Low Density

Mixed-Use Neighborhood (L-M-N) zone district.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
<b>Zoning</b>	City of Fort Collins  Low Density Mixed-Use Neighborhood (L-M-N)	City of Fort Collins  Low Density Mixed-Use Neighborhood (L-M-N)	Larimer County RR-2 Rural Residential	Larimer County RR-2 Rural Residential
<b>Land Use</b>	City Open Space;  Single-family detached (Bellwether Farm Subdivision)	Single-family detached lots;  Multifamily (Ramblewood Apartments)	Single-family detached lots on either side of North Taft Hill Road;  East side also includes commercial uses and Laporte Outreach Ministry	Green Acres Subdivision – single-family detached  Rostek Subdivision

The PDP includes a request for the following two modifications of standards (each, a “**Modification of Standard**” and, collectively, the “**Modifications of Standards**”):

- (1) The City of Fort Collins Land Use Code (“**LUC**”) *Subsection 3.5.2(D)(1) – Relationship of Dwellings to Street and Parking/Orientation to a Connecting Walkway* provides, in relevant part, that “[a] primary entrance may be up to three hundred fifty (350) feet from a street sidewalk if the primary entrance faces and opens directly onto a connecting walkway that qualifies as a major walkway spine.” In addition, “major walkway spine” is defined in *Section 5.1.2* of the LUC as “. . . a tree-lined connecting walkway that is at least five (5) feet wide, with landscaping along both sides, located in an outdoor space that is at least thirty-five (35) feet in its smallest dimension, with all parts of such outdoor space directly visible from a public street.” The Applicant is requesting a Modification of Standard because three (3) proposed walkway areas have building entrances that are further away than 350 feet, and one that is within walkway open space that is narrower than 35 feet.
- (2) LUC *Subsection 4.5(D)(2)(a) – Mix of Housing* provides that “[a] mix of permitted housing types shall be included in any individual development plan, to the extent reasonably feasible, depending on the size of the parcel.” *Sub-subsection (a)(3)* of this requirement states that “a minimum of four (4) housing types is required on any such project development plan containing thirty (30) acres or more.” *Sub-*

*subsection (c)* of this requirement lists out specific housing types that “shall be used to satisfy this requirement.” The PDP includes the following three (3) housing types: single-family detached (rear loaded), two-family dwellings, and single-family attached. A previous iteration of the PDP included multi-family dwellings and two-family attached dwellings, but those plans are no longer being pursued by the Applicant. As such, the Applicant is requesting a Modification of Standard in order to provide three (3) housing types instead of the four (4) housing types required.

The PDP also includes a request for alternative compliance to LUC *Section 3.6.3 – Street Pattern and Connectivity Standards*, the purpose of which is to ensure that the local street system is well designed with regard to safety, efficiency and convenience for automobile, bicycle, pedestrian and transit modes of travel. Specifically, *Subsections 3.6.3(D), (E) and (F)* require collector or local street connections every 660 feet in order to promote an interconnected pattern of streets. The Applicant is requesting alternative compliance in accordance with *Subsection 3.6.3(H)* as summarized in the Applicant’s request dated November 3, 2021 (the “**Alternative Compliance Request**”).

Additional project background and analysis of LUC compliance are detailed in the Development Review Staff Report prepared for the Project, a copy of which is attached to this decision as **ATTACHMENT A** (the “**Staff Report**”) and is incorporated herein by reference.

The Staff Report recommends approval of the PDP, the Modifications of Standards, and the Alternative Compliance Request.

SUMMARY OF DECISION:     Approved.

ZONE DISTRICT:                 Low Density Mixed-Use Neighborhood District (L-M-N)

HEARING: The Hearing Officer opened the hybrid (in-person and virtual) hearing on May 2, 2022 at approximately 5:35 P.M. at Council Chambers, City Hall, 300 LaPorte Avenue, and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings with the Applicant and members of the public present (both in-person and those attending virtually). The Hearing Officer also reviewed the Hearing Officer’s Guidelines for Public Comment with the Applicant and members of the public present.

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding, in addition to the Staff Report attached hereto as **ATTACHMENT A**:

1.     Vicinity Map
2.     Applicant’s Project Narrative
3.     Overall Site Plan
4.     Site Plan Pages
5.     Landscape Plan

6. Architectural Elevations
7. Tree Inventory and Mitigation Plan
8. Neighborhood Center Lighting Plan
9. Environmental - Habitat Buffer Zone Exhibit
10. Environmental Characterization Study (ECS)
11. Prior ECS from 9-15-2020
12. Environmental-Wetland Determination
13. Environmental-Winter Raptor Nesting Memo
14. Environmental - Concentration Areas Memo
15. ICON-PDP-Floodplain Report
16. ICON-Pre-Project Floodplain Map (Overall)
17. ICON-Post-Project Floodplain Maps
18. Utility Plans
19. Plat
20. Email from New Mercer Ditch
21. Email from Larimer County Planning Department
22. Modification Request LUC Sec 3.5.2(D)(1)
23. Modification Request LUC Sec 4.5(D)(2)(a)
24. Request for Alternative Compliance LUC 3.6.3(D)
25. ROW Width Variance Letter
26. Administrative Interpretation #1-18
27. PDP Neighborhood Meeting Notes
28. Old vs. New Plan Exhibit
29. Written Comments - Prior PDP (PDP190003)
30. Neighborhood Newsletter Volume 3
31. Letter of Intent with Calvary Baptist Temple
32. Staff Comment Letters
33. Applicant's Cover Letter
34. Applicant's City Plan Analysis
35. The PowerPoint presentation prepared by City staff for the hearing.
36. The PowerPoint presentation prepared by the Applicant for the hearing
37. Affidavit of publication of Notice of Hearing in the *Fort Collins Coloradan* on April 14, 2022 (Ad # 0005126668)

38. Copy of Written Notice of Hybrid Public Hearing, dated April 13, 2022
39. Written (email) comments from neighbors/other interested parties (see ATTACHMENT B to this decision)
40. Rules of Conduct for Administrative Hearings
41. Administrative (Type 1) Hearing: Order of Proceedings
42. The Fort Collins City Plan, the Northwest Subarea Plan (2006), the LUC, and the formally promulgated policies of the City are all considered part of the record considered by the Hearing Officer.

TESTIMONY: The following persons testified or participated during the virtual hearing:

From the City: Jenny Axmacher, Senior City Planner  
Wes LeMarque, City Stormwater Engineer  
Spencer Smith, City Traffic Engineer  
Dave Betley, Manager, Civil Engineering  
Katie Claypool, Community Development

From the Applicant: David Pretzler, Applicant (Solitaire Fort Collins, LLC; C&A Holding Company, Inc.)  
  
Sam Coutts, Ripley Design  
  
Carolynne White, Counsel for Applicant  
  
Craig Jacobson, ICON Engineering  
  
Danny Weber, Northern Engineering  
  
Seth Hart, DTJ Design  
  
Jesse Dillon, Cedar Creek Environmental

*Note: a list of public attendees continues on the next page.*

From the Public (attending the hybrid hearing in person at Council Chambers, City Hall, 300 LaPorte Avenue)

1. Laura Larson<sup>1</sup>, 320 N. Impala Dr, Fort Collins, CO 80521
2. Denise Steffenhagen, 4021 Brackadale Pl, Fort Collins, CO 80524
3. Barbara Denny, 420 N. Sunset St, Fort Collins, CO 80521
4. Mary Timby, 627 Irish Dr, Fort Collins, CO 80521
5. Joe McHugh, 621 Irish Dr, Fort Collins, CO 80521
6. Cathleen Desantis, 230 Pennsylvania St, Fort Collins, CO 80521
7. Chris Sawyer, 216 Pennsylvania St, Fort Collins, CO 80521
8. Lloyd Walker, 3431 Terry Ridge Rd, Fort Collins, CO 80524
9. Kiri Saftler, 230 N Sunset St, Fort Collins, CO 80521
10. Joey Lasala, 2216 Laporte Ave, Fort Collins, CO 80521
11. Mary Beck, 503 N Hollywood, Fort Collins, CO 80521
12. Val Vogeler, 520 N Taft Hill Rd, Fort Collins, CO 80521
13. Noah Munson, 1500 Castlerock Dr, Fort Collins, CO 80521
14. Cheryl Distaso, 135 S Sunset St, Fort Collins, CO 80521
15. Bill Connelly, 524 N Sunset St, Fort Collins, CO 80521
16. Cathy Roberts, 113 N Sunset St, Fort Collins, CO 80521
17. Cheryl Lynn, 413 Webb, Fort Collins, CO 80521
18. Stuart Solberg, 525 Sunrise Ln, Fort Collins, CO 80521
19. Susan Desantis, 230 Pennsylvania St, Fort Collins, CO 80521

From the Public (attending the hybrid hearing virtually via Zoom, smartphone, iPad, computer or other remote technology):

1. Joe Rowan, 621 Gilgalad Way, Fort Collins, CO 80526
2. Hilary Freeman, 2208 Trevor St, Fort Collins, CO 80521
3. Julie Stephens, 339 N Overland Trail, Fort Collins, CO 80521
4. Nicole Swan, 311 Willow St #213, Fort Collins, CO 80524
5. Miranda Spindel, 330 N Taft Hill Rd, Fort Collins, CO 80521
6. Matthew Behunin, 1613 Waterford Ln, Fort Collins, CO 80525
7. Andrea Cooperstein, 505 N Taft Hill Rd, Fort Collins, CO 80521
8. Vida Hollander, 2212 Laporte Ave, Fort Collins, CO 80521
9. Rorey King, 510 Hanna St, Fort Collins, CO 80521
10. Andy Nelson, 501 Sunrise Ln, Fort Collins, CO 80521

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<sup>1</sup> The following individuals were on record as having donated/ceded time to speaker Laura Larson: Paula Harrison-Schmidt, Raygina Kohlmeier, Phil Vogeler, Nancy Frederick, Lief Youngs, MaryBeth Fischer, Amanda Warren-Martin, Maria Goransson, Margot Steffenhagen.

11. Damien Archambault, 2314 Laporte Ave, Fort Collins, CO 80521
12. Zoe & Brandon Dunn, 510 N Taft Hill Rd, Fort Collins, CO 80521

In addition, the Hearing Officer received written (email) comments from forty-seven (47) members of the public, which were reviewed and considered as part of the record of this proceeding. A list of the individuals submitting written (email) comments is attached to this decision as ATTACHMENT B and is incorporated herein by reference.

The public comment portion of the hearing closed at approximately 8:56 P.M.

The May 2, 2022 hybrid public hearing on PDP # 210018 was closed at approximately 10:40 P.M.

### FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed, and published. Notice of the public hearing contained a reference to the “hybrid” nature of the hearing, permitting both in-person participation or virtual participation by members of the public and other interested parties.
2. As required by City Council Ordinance 079, 2020, the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the hearing by remote technology so as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of Ordinance 079, because meeting in person would not be prudent for some or all persons due to a public health emergency.
3. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
  - A. The vast majority of the public comment received on this Project, including the written (email) comments summarized in ATTACHMENT B, is properly characterized as against the approval of the PDP, for various reasons including noncompliance with certain provisions of the Northwest Subarea Plan (2006) (“NSP”), concerns with building massing, traffic concerns, a desire to protect open space, and concerns with pedestrian/student safety.
  - B. Where a development plan meets all of the applicable zoning requirements, a decision maker may not prevent the development by relying on extraneous considerations. *See, e.g., Cherry Hills Resort Dev. Co. v. City of Cherry Hills Village*, 790 P.2d 827, 832 (Colo. 1990); *Sherman v. City of Colorado Springs Planning Comm'n*, 763 P.2d 292, 296–97 (Colo. 1988); *Bauer v. City of Wheat Ridge*, 182 Colo. 324, 326–27, 513 P.2d 203, 204 (1973). In this case, as evidenced by the Staff Report and by other evidence reviewed by the Hearing Officer, the PDP satisfies all applicable requirements of Article 3 and Article 4 of the LUC (subject to the Modifications of Standards and the Alternative Compliance Request, as noted).



- C. Although the NSP evidences an intent that the Northwest Subarea continue to be a “low density residential area at the edge of Fort Collins with stable neighborhoods” and that such neighborhoods be protected from “incompatible development,”<sup>2</sup> the NSP lacks sufficient guidance as to how to alleviate negative effects caused by development which otherwise complies with City zoning regulations (in this case, the applicable provisions of Article 3 and Article 4 of the LUC, including the City’s Low Density Mixed-Use Neighborhood District regulations). Absent clear guidelines or standards set forth in the NSP against which the PDP may be judged, the NSP is insufficient to provide “all users and potential users of land with notice of the particular standards and requirements imposed by the [City] for [development plan] approval.” *Cherry Hills Resort Dev.*, 790 P.2d at 832; *citing Beaver Meadows v. Board of County Comm’rs*, 709 P.2d 928 (Colo. 1985). The Hearing Officer concludes that the NSP lacks sufficient guidelines or standards on which to deny the PDP for the Project.
- D. Notwithstanding the Hearing Officer’s lack of authority to deny the PDP given the evidence reviewed as part of this proceeding, the Hearing Officer urges the Applicant/Owner to continue to engage with surrounding property owners and City Staff during final development plan review in order to explore how the PDP/FDP may be modified to further reduce overall residential density and lower the height of the some of the proposed three-story single-family attached buildings to two-stories in order to: (1) increase the compatibility between the Project and existing neighborhoods that abut the Subject Property; (2) ensure that goals and policies articulated in the NSP are successfully implemented.
- E. The PDP complies with the applicable procedural and administrative requirements of Article 2 of LUC.
- F. The requested Modification of Standard to LUC *Subsection 3.5.2(D)(1) – Orientation to a Connecting Walkway*, requesting that building entrances to dwellings be oriented to a walkway that is longer than 350 feet, and within walkway open space that is narrower than 35 feet: (i) will not be detrimental to the public good; (ii) the PDP will promote the general purpose of the standard set forth in *Subsection 3.5.2(D)(1)* equally well or better; (iii) by reason of exceptional physical conditions and other extraordinary and exceptional situations, unique to the Subject Property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, the strict application of *Subsection 3.5.2(D)(1)* would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the Applicant/Owner; and (iv) the PDP, as submitted, will not diverge from the standards of the LUC that are authorized to be modified through a Modification of Standard except in a nominal, inconsequential way when considered from the perspective of the entire PDP, and will continue to advance the purposes of the LUC as set forth in Section 1.2.2 of the LUC. With respect to the foregoing, the Hearing Officer specifically finds:

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<sup>2</sup> See NSP, page 9 (“Vision & Key Strategies”).

- i. The requested Modification of Standard to LUC *Subsection 3.5.2(D)(1)* will not be detrimental to the public good. Specifically, the primary intent of the requested Modification is to ensure that the PDP includes walkway and accessibility options that prioritize pedestrians over vehicles in accordance with the general standard included in Subsection 3.5.2(B), which states that “[p]edestrian usability shall be prioritized over vehicle usability.” The requested Modification is also not detrimental to the public good because the requested Modification will assist in furthering the purpose of the residential building standards articulated in Subsection 3.5.2(A) “to promote variety, visual interest and pedestrian-oriented streets in residential development.”
  - ii. 2.8.2(H)(1) and (4) are met because the PDP will allow more residents access to shared walkways with a pattern that provides a high level of interconnectivity throughout the development and to adjacent neighborhoods in a manner that is equal to or better than a street network by fostering a development plan that increases safety, connectivity, pedestrian interaction and quiet enjoyment without sacrificing convenience; wider and more frequently spaced sidewalks are provided to compensate for the increased sidewalk length; and pedestrian bridges are provided in lieu of street crossings.
  - iii. The PDP will continue to advance the purposes of the Land Use Code Section 1.2.2 by increasing access to sidewalks, trails, and bicycle routes.
  - iv. 2.8.2(H)(3) is met because the combination of the unusual shape of the Subject Property, location of the New Mercer Ditch, location of existing flood control channels, and location of existing surrounding development are exceptional practical, which makes providing a network of streets, shorter walkways and/or wider open space for walkway spine green courts in all portions of the Subject Property practically infeasible.
  - v. The difficulties or hardships set forth above have not been caused by the act or omission of the Applicant/Owner.
- G. The requested Alternative Compliance to LUC *Section 3.6.3 – Street Pattern and Connectivity Standards* will accomplish the purpose of LUC *Section 3.6.3* which is to ensure that the local street system is well designed with regard to safety, efficiency and convenience for automobile, bicycle, pedestrian and transit modes of travel, equally well or better than would a plan which fully complies with *Section 3.6.3*. Specifically, Subsections 3.6.3(D), (E) and (F) of the LUC require collector or local street connections every 660 feet in order to promote an interconnected pattern of streets and also requires the street system proposed within the PDP to connect to existing streets stubbed to the boundary of the Subject Property – in this case Webb Avenue, Irish Drive and North Impala Drive. The Applicant is requesting alternative compliance as detailed in the Alternative Compliance Request. The Hearing Officer concludes that the reduction in access and circulations for vehicles, as set forth in the Alternative Compliance Request,

maintains facilities for bicycles, pedestrians and transit to the maximum extent feasible. The PDP promotes pedestrian and bicycle connections and does so which minimizing the impact on natural areas and features. A primary reason stated for the Alternative Compliance Request relates to existing site constraints, including existing drainage easements, existing development which surrounds the Subject Property, and low quality wetlands and storm water conveyances which are present on the north and west portions of the Subject Property (as detailed on pages 40-42 of the Staff Report). Crossing these areas with streets would necessitate culverts or bridges which would be detrimental to wildlife movement through the Subject Property. The Hearing Officer agrees with staff's conclusion that approval of the Alternative Compliance Request is merited in this case. Specifically, the Hearing Officer agrees with, and incorporates, the "**Staff Finding**" on page 42 of the Staff Report that the PDP complies with the standards set forth in Subsections 3.6.3(D), (E) and (F) of the LUC equally well or better than would a plan which fully complies with the applicable Section 3.6.3 requirements, based on the proposed layout and design of streets including local street intersections with Laporte Avenue and North Taft Hill Road, and proposed bicycle/pedestrian connections. The PDP provides both intra- and inter-neighborhood connectivity and complies with the criteria for Alternative Compliance to the maximum extent feasible, taking into account the unusual topographic features, existing development and natural areas and features.

- H. Except for LUC *Subsection 3.5.2(D)(1) – Orientation to a Connecting Walkway*, which is satisfied by way of a Modification of Standard, and LUC *Subsections 3.6.3(D) – (F)*, which is satisfied by way of the Alternative Compliance afforded in *Subsection 3.6.3(H)*, the PDP complies with the standards contained in Article 3 of the LUC as more specifically set forth in the Staff Report attached as ATTACHMENT A.
- I. The requested Modification of Standard to LUC *Subsection 4.5(D)(2)(a) – Mix of Housing*: (i) will not be detrimental to the public good and (ii) will promote the general purpose of said standard equally well or better than would a plan which complies with said standard. With respect to the foregoing, the Hearing Officer specifically finds:
  - i. The modification will not be detrimental to the public good because the PDP still provides a large variety of housing types as intended by *Subsection 4.5(D)(2)* and furthers several purposes of the L-M-N District, including providing a variety of housing choices, inviting walking to gathering places such as to the centrally located one (1) acre park, and providing trail and local street linkages.
  - ii. 2.8.2(H)(1) is met because the PDP as submitted promotes the general purpose of *Subsection 4.5(D)(2)* to provide a variety of housing types equally well or better as it would if it were to provide a fourth housing type that is specifically listed in *Sub-subsection 4.5(D)(2)(c)*. This is due to the fact that the PDP

provides 11 different single family attached building elevation options (where only three are required), and 10 single family detached home elevations and six different two-family building elevation designs (where only a total of four between these two housing types is required). This level of variety, coupled with other design and massing elements, results in a varied streetscape that avoids significant repetition. Additionally, and as noted in the Staff Report, the curves and intersections within the streets internal to the Subject Property help to minimize sight lines, and open spaces along the New Mercer Ditch allow angled views of building corners. The Hearing Officer concludes that PDP, as submitted, promotes the general purpose of *Subsection 4.5(D)(2)* to provide a variety of housing types equally well or better as a plan that were to provide a fourth housing type listed in *Sub-subsection 4.5(D)(2)(c)*.

- iii. The PDP will continue to advance the purposes of the Land Use Code Section 1.2.2 by: (a) encouraging the development of vacant properties within established areas, and (b) increasing access to sidewalks, trails, and bicycle routes.
- J. Except for LUC *Subsection 4.5(D)(2)(a) – Mix of Housing*, which is satisfied by way of a Modification of Standard, the PDP complies with the standards contained in Article 4, Division 4.5 of the LUC (Low Density Mixed-Use Neighborhood District standards) as more specifically set forth in the Staff Report attached as ATTACHMENT A.

### DECISION

Based on the findings set forth above, the Hearing Officer hereby enters the following ruling:

- A. The Modification of the LUC *Subsection 3.5.2(D)(1) – Orientation to a Connecting Walkway* standard is approved.
- B. The Alternative Compliance for LUC *Subsections 3.6.3(D) – (F)* is approved.
- C. The Modification of LUC *Subsection 4.5(D)(2)(a)* is approved.
- D. The Sanctuary on the Green Subdivision Project Development Plan (PDP #210018) is approved for the Subject Property, subject to the following conditions:
  - 1. A photometric plan conforming to LUC Section 3.2.4 (Exterior Site Lighting) for the neighborhood center will be submitted for review and approval during final plan review.
  - 2. Plans for the neighborhood center will be updated to conform with LUC Section 3.2.5 (Trash and Recycling Enclosures) during final plan review.

- E. Consistent with the Finding set forth in Section 3.D. above, the Hearing Officer urges the Applicant/Owner to continue to engage with surrounding property owners and City Staff during final development plan review in order to explore how the PDP/FDP may be modified to further reduce overall residential density and lower the height of the some of the proposed three-story single-family attached buildings to two-stories. The Hearing Officer urges the Applicant/Owner to explore these modifications to the PDP/FDP in order to: (1) increase the compatibility between the Project and existing neighborhoods that abut the Subject Property; (2) ensure that goals and policies articulated in the NSP are successfully implemented.

DATED this 16<sup>th</sup> day of May, 2022.



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Marcus McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
Sanctuary on the Green  
(PDP #210018)

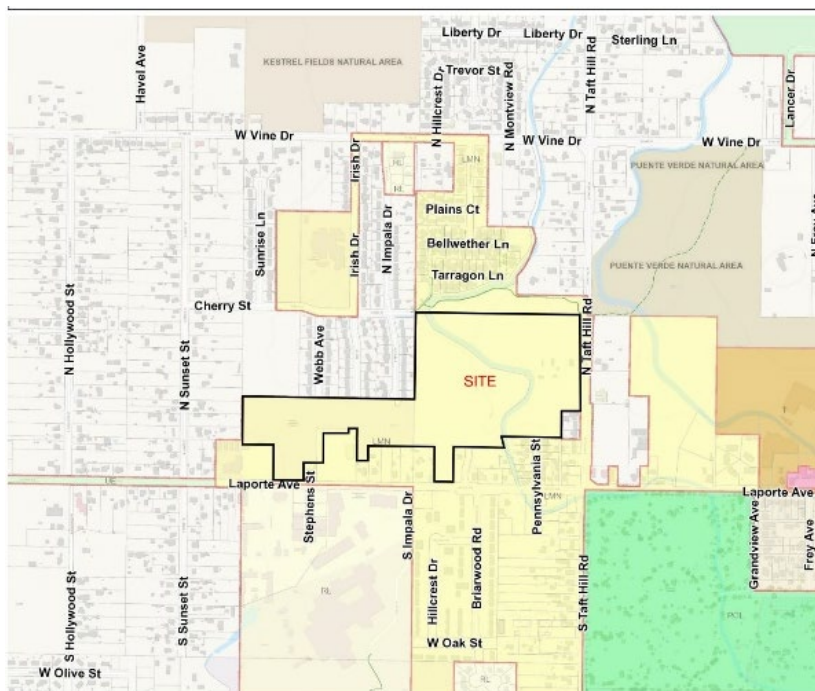
Administrative Hearing: May 2, 2022

## Sanctuary on the Green, PDP210018

### Summary of Request

This is a request to develop 41.34 acres for residential uses. A total of 212 dwelling units are proposed with an overall maximum density of 5.13 dwelling units per gross acre. Three housing types are proposed, including alley-loaded single family, two-family, and single-family attached. The proposal includes 453 off-street parking spaces. Outdoor amenity areas, open space, natural habitat buffering, a neighborhood center and small neighborhood park are provided. Bicycle and pedestrian connections are provided throughout the project to connect to existing neighborhood streets and the Soldier Creek Trail. The property is zoned L-M-N, Low Density Mixed-Use Neighborhood. Modifications of Standards are proposed to address walkway requirements and number of housing types.

### Zoning Map (ctrl + click map to follow link)



### Next Steps

If approved by the decision maker, the applicant will be eligible to apply for a Final Development Plan (FDP). Subsequent rounds of review would be required to finalize site, landscape, and utility plans before recording. Once recorded, the applicant can apply for site and building permits.

### Site Location

Located near the northwest corner of N. Taft Hill Road and Laporte Avenue

### Zoning

Low Density Mixed-Use Neighborhood (L-M-N)

### Property Owner

Solitaire Fort Collins, LLC  
6645 E Heritage Place South  
Centennial, CO 80524

### Applicant/Representative

Sam Coutts  
Ripley Design, Inc.  
419 Canyon Avenue, Suite 200  
Fort Collins, CO 80521

### Staff

Jenny Axmacher, Senior City Planner

### Contents

1. Project Introduction .....	2
2. Comprehensive Plans.....	6
3. Public Outreach .....	133
4. Article 2 – Applicable Standards.....	15
5. Article 3 - Applicable Standards.....	24
6. Article 4 – Applicable Standards:.....	44
7. Findings of Fact/Conclusion .....	49
8. Recommendation .....	50
9. Attachments .....	51

### Staff Recommendation

Approval of two Modifications of Standards, Alternative Compliance, and approval of the PDP, with two conditions.

## 1. Project Introduction

### A. PROJECT DESCRIPTION

- This is a request to develop 41.34 acres for residential uses. A total of 212 dwelling units are proposed with an overall maximum density of 5.13 dwelling units per gross acre. The property is zoned L-M-N, Low Density Mixed-Use Neighborhood.
- Three housing types are proposed, including 32 alley-loaded single-family units, 14 two-family units, and 166 single-family attached units. A modification is requested for the fourth required housing type.
- The New Mercer Ditch runs through the eastern portion of the site. 10.48 acres of the site are reserved as natural habitat buffer, one acre of park space is provided, and 0.14 acre of right-of-way is proposed to be dedicated. This results in a net density of 7.13 dwelling units per acre.
- Proposed architecture for the site includes 75 residential buildings. This includes:
  - 7 two-family buildings; all two-story.
  - 36 single-family attached buildings; 8 are two-story, 28 are three-story.
  - 32 single-family detached buildings with rear-loaded garages.
- The street and sidewalk pattern within the site is designed to fit within the site's constraints, including several existing floodway channels, the New Mercer Ditch corridor and the existing neighborhood pattern around the property. A public street system is proposed through the property, with a new connection planned to Laporte Avenue and N. Taft Hill Road. An additional future public street connection is planned to Laporte Avenue, for a total of three public street connections. No other local street connections are proposed, and Alternative Compliance is proposed to allow connections to the neighborhood to the north to be limited to bicycles, pedestrians, and emergency access.
- The proposal includes a total of 453 off-street parking spaces. This includes 47 off-street surface parking spaces and 400 garage spaces. All unit types have two garage spaces. The proposed Neighborhood Center has 6 parking spaces, based on 2 spaces/1000 square foot average parking space demand. Additionally, 41 on-street parking spaces are planned along portions of the new street system.
- A network of bicycle and pedestrian greenspace corridors and gathering areas are provided throughout the project to connect to existing neighborhood streets and the Soldier Creek Trail. Other outdoor amenities include a small privately-owned neighborhood park fronting on N. Taft Hill Road, which contains a neighborhood center, playground and landscape areas.
- City staff are working on additional sidewalk, bicycle lane and bridge improvements through a separate capital project, which are proposed along Laporte Avenue between Fishback Avenue and Sunset Street. Funding is anticipated to be provided through local municipal programs and State of Colorado grants. Bridge improvements are currently funded, and roadway improvements are tentatively planned for the Fall of 2022 (dependent on funding). [Here is a link to the program.](#)
- All turning movements and intersection levels of service continue to comply with City standards. The short-range and long-range total peak hour traffic volumes continue to operate acceptably and do not cause any movements to fail to meet the Fort Collins operational criteria. A center turn lane will be constructed on Taft Hill Road to mitigate turning impacts by the additional cars, and a westbound right turn lane is proposed on Laporte Avenue.
- 10.36 acres of Natural Habitat Buffer Zone (NHBZ) are proposed along the New Mercer Ditch and wetland areas. 13.72 acres of additional open space area and landscaping are also proposed, with the detention and flood channel portions of the open space area to be restored to native grasses. The result is 24.08 acres of landscaped area that will be of higher habitat value than what exists today. Restoration will include weed mitigation and enhancement plantings, wetland restoration, pocket pollinator gardens, berming and dense plantings – particularly near more developed areas to mitigate impacts to adjacent properties, such as noise and lighting. Mitigation also covers vegetation being removed to replace habitat loss and includes 88 trees and 410 shrubs.



- Modifications of Standards are proposed to address housing type variation and connecting walkway requirements:
  - Modification to Section 3.5.2(D)(1) Orientation to a Connecting Walkway, requesting that building entrances to dwellings be oriented to a walkway that is longer than 350 feet, and within walkway open space that is narrower than 35 feet.
  - Modification to Section 4.5(D)(2)(a)3. Housing Types, requesting approval of three housing types instead of four.
- Stormwater improvements and floodplain mapping information are provided below in the “Overview of Main Considerations” section of the staff report.

## B. SITE CHARACTERISTICS

### 1. Current Conditions

The Sanctuary on the Green development area is located just west of North Taft Hill Road and just north of Laporte Avenue and includes approximately 41 acres of property. The site generally slopes from south to north, and the New Mercer Ditch runs through the eastern portion of the site. Existing ground cover on the site is comprised mostly of non-native grass species. An overhead electric powerline crosses the southeast portion of the site.



### 2. Surrounding Zoning and Land Use

	North	South	East	West
<b>Zoning</b>	City of Fort Collins Low Density Mixed-Use Neighborhood District (LMN)	City of Fort Collins Low Density Mixed-Use Neighborhood District (LMN)	Larimer County <a href="#">RR-2 Rural Residential</a>	Larimer County <a href="#">RR-2 Rural Residential</a>
<b>Land Use</b>	City Open Space; Single-family detached (Bellwether Farm Subdivision)	Single-family detached lots; Multifamily (Ramblewood Apartments)	Single-family detached lots on either side of N. Taft Hill Road; East side also includes Commercial uses and Laporte Outreach Ministry	Green Acres Subdivision – single-family detached Rostek Subdivision

County Zoning Information:

Rural Residential (RR-2): The RR-2 district is intended to accommodate rural residential uses, along with compatible agricultural and civic uses. It serves as a transition between rural and urban areas. Development options include conservation development or subdivision depending on the size of property being developed. Minimum lot sizes are based on the availability of public water and sewer serving the property. Lot Area (Minimum) 21,780 SF; 100,000 SF if on well/septic. Setbacks: front: 25 feet; side: 5 feet; rear 10 feet. Maximum building height: 40 feet.

## C. OVERVIEW OF MAIN CONSIDERATIONS

Main considerations with the project review include architectural design variation for the proposed housing types, neighborhood compatibility and compliance with the Northwest Subarea Plan guidelines, habitat buffering, stormwater design and floodplain remapping. These subjects are discussed in subsequent sections of the staff report.

The following provides an overview of the stormwater and floodplain considerations.

### **Existing Stormwater Conditions:**

Existing offsite stormwater flow enters the site from the west and south sides of the property. The New Mercer Canal traverses the site and receives a portion of the existing historic flow from a portion of the site. Additionally, the Larimer No. 2 Canal is located just to the east of the site and receives existing flows from the site via an existing culvert under Taft Hill Road.

### **Overview of Proposed Stormwater Improvements:**

Stormwater flow from the offsite basins and the property are conveyed through the site by the regional channel running through the center of the site and then along the northern portion of the site. These channels provide large open space tracts running through the central and northern portions of the site. New grading is proposed to create new detention areas and improve these conveyance channels throughout the project site, also improving the natural habitat characteristics of these existing channel areas. The grading and stormwater improvements are proposed for the site per City criteria, including five surface detention areas, rain gardens, and underground detention to improve stormwater quality and reduce the rate of stormwater discharge from the site. The proposed drainage plan routes existing and additional stormwater flows under the New Mercer Canal and directs all developed flows from the site into the Larimer No. 2 Canal.

As part of the West Vine Basin Stormwater Master Plan, a future City-funded regional improvement project will construct the Forney regional detention pond and regional channel located east of N. Taft Hill Road.

The open space tracts/conveyance channels on the Sanctuary on the Green site, and to the north of the site within the Bellwether Farm City Open Space, will be improved and used for stormwater detention in the interim period between now and when the remaining regional City improvements are completed. Once these future City improvements are in place, they will serve as the outfall for the project site, and on-site stormwater detention will not be necessary. The detention volume for the proposed site can be shifted to the proposed Forney regional detention pond, with the on-site channels then limited to only stormwater conveyance, while still providing habitat and open space. Once this shift occurs, the temporary detention ponds will function as the regional drainage channel and will not be freed up for potential future development.

As part of the future anticipated regional channel improvements, two box culverts will be put in place with the proposed Sanctuary on the Green project under "Street A". Just upstream of the box culvert, the interim stormwater detention is proposed by partially blocking the box culvert with a concrete wall. When the City regional channel and Forney pond is completed in the future, the concrete wall will be removed to allow full regional flow through the box culvert, and the regional channel will have capacity for master planned discharges.

### **Overview of Floodplain Mapping Requirements:**

Much of the project area is impacted by the current effective and draft City of Fort Collins' West Vine Basin floodplain boundaries. There is no federally designated (FEMA) floodplain on the site. Currently, a Stormwater

master plan is in progress for the City's West Vine Basin. Ultimately, this City master plan proposes an open channel to remain through the project site to convey stormwater, and these channels are incorporated into the Sanctuary on the Green grading and landscaping improvements. A City floodplain map adoption process is underway to remap the portions of the project that are currently shown in floodway and flood fringe. Fill with the proposed Sanctuary on the Green project will move and revise flood boundaries, via a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) process which must be per City requirements. As a function of this process, the development must show no adverse impacts with respect to base flood elevations to any surrounding public or private property. A floodplain use permit will be required for each site construction element (detention ponds, bike paths, parking lots, utilities, structures, etc.) in the floodplain. Ultimately upon completion of construction, a Letter of Map Revision (LOMR) will be submitted for city review and approval to revise the floodplain. ICON Engineering is conducting all floodplain modeling and has submitted a floodplain modeling report (see Attachment 15).

**Flooding Impact Conclusions from the ICON Floodplain Report (see Attachment 15):** "There are no adverse impacts to existing or proposed structures, or adjacent private property as a result of the Sanctuary on the Green proposed project. Additional rainfall runoff created by the change in impervious surfaces within the project area will be detained on-site until such time as regional detention improvements downstream are fully constructed ... The project follows the recommended alternatives of the West Vine Master Plan by incorporating conveyance channels to the west and north of the Sanctuary site, crossings with the existing irrigation canals, regional detention east of Taft Hill Road, and connection to the existing outfall channel to the Cache La Poudre River. Proposed grades and concepts from this plan were integrated into the current design for the Sanctuary channel system."

**Floodplain Background Information per the ICON Floodplain Report:**

"The West Vine Basin, located in northwest Fort Collins, extends east from Horsetooth Reservoir to the Cache La Poudre River and south from West Vine Drive to Mulberry Street and Laporte Avenue. The total area of the basin is approximately 2,252 acres, with the eastern half of the basin largely developed as residential, including several schools. The western half of the basin, west of Overland Trail, includes open space, Colorado State Forest nurseries, and the Colorado State University Foothills Campus. In general, the basin drains from west to east along five flowpaths that are not well defined as development and agricultural practices have changed these historical paths.

The West Vine Basin has had a history of flooding problems over the years. Problems have included damage to homes and property, roadway overtopping and spills from the canal systems. Based on reports from residents, there have been major flooding events at the following years/locations:

- 1990, 1992, 1994-Irish Drive
- 1997-Sunset, Hollywood, North Hollywood, Webb Avenue, Hillcrest, West Vine
- 1999-North Hollywood

These events and issues led to a series of stormwater improvements provided by both the City of Fort Collins and Larimer County to mitigate localized flooding. While these improvements have decreased flood damages in portions of the basin, concerns remain, and the City is currently in the process of selecting alternatives for future drainage improvements within the basin. ICON Engineering is in the process of preparing the West Vine Basin Stormwater Master Plan Alternatives Report, and the subsequent Selected Plan Report, which will provide data to support the City in their decision-making process.

Floodplain mapping shown on the City of Fort Collins "FC Maps" website is considered Current Effective; however, a study is currently underway and will revise floodplain mapping through the project site significantly. Because of this the City of Fort Collins has discussed with the project developer that if they choose to move forward, they must utilize draft study information at their own risk as this study undergoes adoption. A draft HEC-RAS model and work map are the basis for the Pre-Project conditions modeling used for this project. Per the City of Fort Collins, this draft floodplain information is to be treated as the Current Effective conditions."

**The following images from the ICON report provide pre-project and post project floodplain mapping for the PDP:**

Pre-Project Floodplains: Attachment 16

Post-Project Floodplains: Attachment 17

The complete ICON report and above attachments are provided with Attachment 15.

## 2. Comprehensive Plans

### A. CITY PLAN

**Staff Summary Comments -- overall, the PDP meets the objectives of City Plan:**

- The plan layout adequately responds to the site's specific topography, features, and shape.
- The plan provides a diversity of housing types while maintaining open space buffering around the majority of the site perimeter, which provides a transition where larger building mass is proposed.
- Proposed building types and their corresponding mass/bulk are arranged on the site to provide a massing and density transition from east to west.
- N. Taft Hill Road and landscape frontage improvements buffer building mass and provide a spatial transition along the east side of the development.
- The project helps implement regional stormwater improvements while providing landscape and grading enhancements that improve the visual character and habitat quality of these areas.
- Highly varied architectural design is provided through the use of distinctive changes in building forms, massing, styles, window and door details, materials, and colors.
- The PDP appropriately and creatively responds to the unique area context by providing a high level of bicycle and pedestrian connectivity while eliminating local street vehicular connections, which would change the long-standing existing "quiet cul-de-sac" condition of the surrounding neighborhoods.

**Notable principles and policies from [City Plan](#):**

**OUTCOME AREA "LIV" -- NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH** – Managing Growth: These principles help the City to manage growth by encouraging infill and redevelopment, ensuring this development is compatible with the character of the surrounding neighborhood or area.

**PRINCIPLE LIV 2: Promote Infill and Redevelopment:**

**POLICY LIV 2.1 - REVITALIZATION OF UNDERUTILIZED PROPERTIES**

Support the use of creative strategies to revitalize vacant, blighted or otherwise underutilized structures and buildings, including, but not limited to: Infill of existing surface parking lots—particularly in areas that are currently, or will be, served by bus rapid transit (BRT) and/or high-frequency transit in the future.

**PRINCIPLE LIV 3: Maintain and enhance our unique character and sense of place as the community grows:**

**POLICY LIV 3.1 - PUBLIC AMENITIES**

Design streets and other public spaces with the comfort and enjoyment of pedestrians in mind ...such as plazas, pocket parks, patios, children's play areas, sidewalks, pathways...



**POLICY LIV 3.5 - DISTINCTIVE DESIGN**

...Development should not consist solely of repetitive design that may be found in other communities.

**POLICY LIV 3.6 - CONTEXT-SENSITIVE DEVELOPMENT**

Ensure that all development contributes to the positive character of the surrounding area. Building materials, architectural details, color range, building massing, and relationships to streets and sidewalks should be tailored to the surrounding area.

**PRINCIPLE LIV 4 – Enhance neighborhood livability****POLICY LIV 4.2 - COMPATIBILITY OF ADJACENT DEVELOPMENT**

Ensure that development that occurs in adjacent districts complements and enhances the positive qualities of existing neighborhoods. Developments that share a property line and/or street frontage with an existing neighborhood should promote compatibility by: Continuing established block patterns and streets to improve access to services and amenities from the adjacent neighborhood; Incorporating context-sensitive buildings and site features (e.g., similar size, scale and materials); and Locating parking and service areas where impacts on existing neighborhoods—such as noise and traffic—will be minimized.

**Principle LIV 5 – Create more opportunities for housing choices.****POLICY LIV 5.3 - LAND FOR RESIDENTIAL DEVELOPMENT**

Use density requirements to maximize the use of land for residential development to positively influence housing supply and expand housing choice.

**B. NORTHWEST SUBAREA PLAN (2006)****Summary Staff Comments – Project Compliance with Northwest Subarea Plan (NSP):**

- Overall, the PDP meets the objectives outlined in the NSP for reasons similar to City Plan, following the adopted Framework Plan and maximum density guideline for the L-M-N Zone District – not more than 8 dwellings per gross acre.
- Landscaped drainage and open space areas provide land use transitions to the north, west and south. North Taft Hill Road and landscape frontage improvements provide a land use transition to the east.
- Two-family and single-family detached buildings are located on the west portion of the property, which contributes to an overall density, building mass and building height transition from east to west.
- Multiple pedestrian connection points are provided to appropriately integrate the project into the surrounding neighborhoods and street system.
- Existing streets are not connected (Webb, Irish, Impala), with Alternative Compliance requested to allow these connections to be pedestrian only, which helps protect existing County neighborhoods and long-standing existing conditions where through-traffic does not occur.
- Some additional design measures were suggested during the prior PDP (PDP190003) to help build neighbor consensus and address specific neighborhood concerns; however, these measures were not supported by the applicant group or required by City staff. In this application, the multifamily development was omitted and the overall density was reduced, however the three-story buildings still remain, along with other areas of neighborhood concern.
- The NSP was completed in conjunction with Larimer County, as many of the properties in this area, including ones adjacent to this project are unincorporated. With that in mind, this PDP was referred to Larimer County's Planning Department, where they are aware of the project, however they elected not to provide a formal review and responded with no comments (Attachment 21).

## Staff Summary – Key Concepts from the [Northwest Subarea Plan](#) (NSP):

“The purpose of the Northwest Subarea Plan is to establish “a focused roadmap for the area’s future through clearly defined goals, policies, and strategies. An overarching theme of this Plan is to retain and enhance the area’s existing character.”

- When reviewing the proposed project for compliance with the policies and strategies contained in the Northwest Subarea Plan there are two fundamental components of the NSP:
  - Following what is allowed with the zoning’s density provides predictability;
  - Addressing compatibility with existing neighborhoods through design.
- For large properties that are zoned L-M-N, policies, goals and strategies focus on following the L-M-N zoning established with the Framework Plan; while other goals also discuss achieving compatibility with existing neighborhoods through “site-specific and contextual design.”
- Page 9: “Vision and Key Strategies” ... “Key ideas of Vision Tomorrow”:  
Key Idea #5. Low-Density Housing with Stable Neighborhoods.  
“Allow predominately low-density housing consistent with the land use/framework plan. Protect stable neighborhoods from incompatible development.”

### Staff Summary of Key Ideas Stated in the NSP:

- 1) “New neighborhoods should entail creative master planning to lead to visually attractive, pedestrian-friendly neighborhoods that have nearby services, parks, and other amenities.”
- 2) “In areas designated as Low Density Mixed-Use (L-M-N) residential areas, protect existing single-family neighborhoods by ensuring that infill development on parcels to be annexed is appropriate density and design.”
- 3) “New development should fit the pattern and character of the area in terms of scale, use, lot sizes, setbacks, and landscaping, and should provide connected open space and avoid natural areas.”
- 4) “The Framework Plan proposes land uses for areas that may develop in the future. Having a plan in place for the area guides the City and County as to whether future proposed developments are appropriate. The Framework Plan also creates some level of predictability in what type and intensity can be expected for one’s own property as well as neighboring properties. The Framework Plan provides guidance to land uses, activities, and density levels. One of the primary objectives of the Framework Plan is to ensure that future development is compatible with the density, uses, and character of existing neighborhoods.”

### Staff Summary of NSP -- Vision and Key Strategies, Page 9 Chapter 2:

#### “What This Area Should be in the Future”

“The following statement represents the citizen-based vision for the future. It expresses values shared by most residents, landowners, businesses, and others who participated in the planning effort.

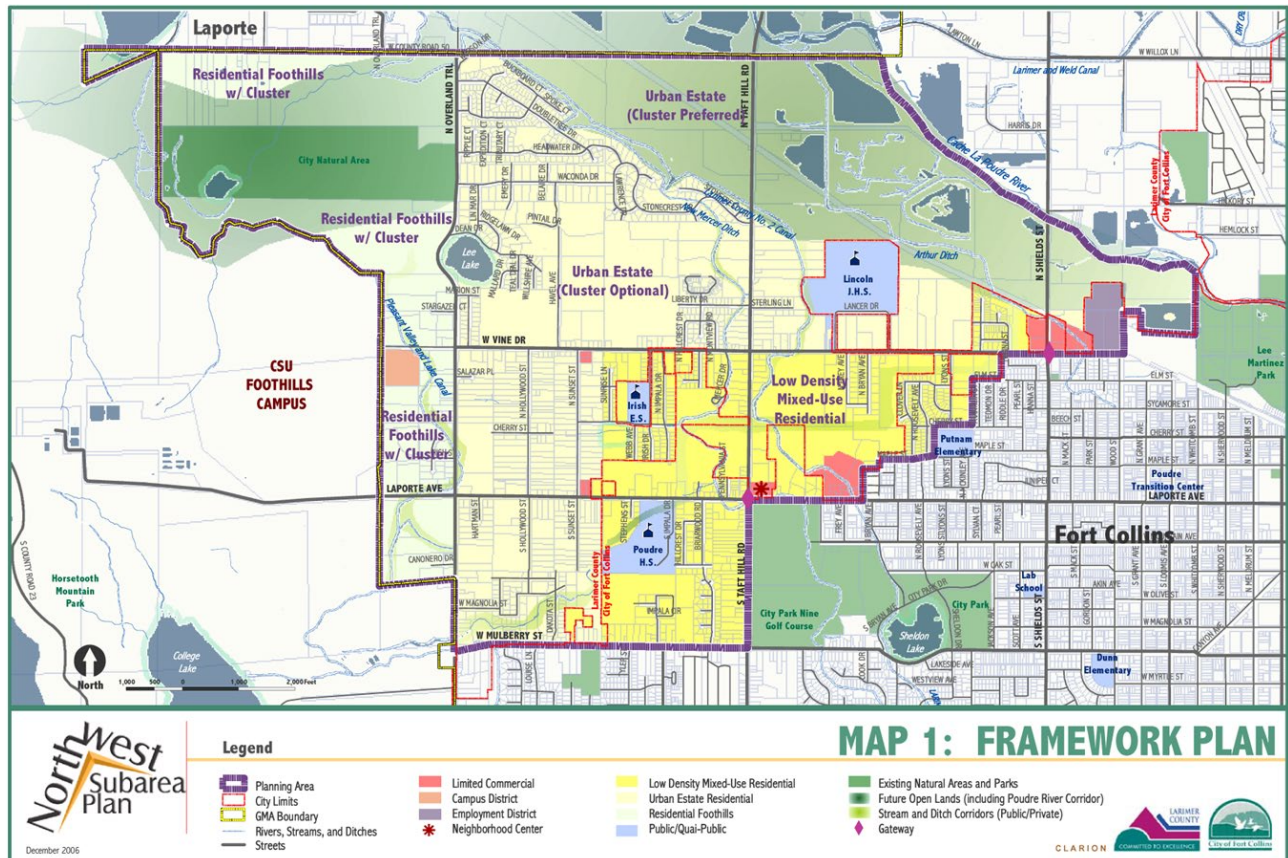
- “The Northwest Subarea should continue to be predominately a low-density residential area at the edge of Fort Collins with stable neighborhoods.
- “The area should also retain aspects of its semi-rural heritage including historic structures, small farms and irrigation ditches, natural areas, foothills vistas, and open fields.
- “As new development or change occurs, it should occur slowly and be of low intensity and fit in with the diversity and country feel of the area.

- “New development should safeguard natural features and protect wildlife habitats.
- “The Northwest Area should encompass permanently protected open lands and connected trail corridors to provide better access to the foothills, Poudre River, and local destinations, and to restore Soldier Creek as a functional drainage system with natural areas and recreational trails.
- “The area should have a safe and functional transportation system for pedestrians, equestrians, bicyclists, and motorists in the area.”

## **Staff Summary of Framework Plan and Goals, Policies and Strategies (Chapter 6):**

“Framework Plan should be used together with the guidelines in Chapter 7 to prepare and review development proposals for the NWSA. The guidelines address how...”

- Chapter 3 – PURPOSE OF THE FRAMEWORK PLAN:  
“The Framework Plan proposes land uses for areas that may develop in the future. Having a plan in place for the area guides the City and County as to whether future proposed developments are appropriate. The Framework Plan also creates some level of predictability in what type and intensity can be expected for one’s own property as well as neighboring properties.”
- The Chapter 7 guidelines are for Residential Foothills (RF): West of Overland Trail Urban Estate District (UE): East of Overland Trail, Outside City Limits.
- Guidelines are not provided for L-M-N other than the Framework Plan and maximum density allowed.
- Using the Framework Plan -- Follow the L-M-N zoning established with the Framework Plan (but with slightly reduced overall density 8 d.u./acre maximum)
- Chapter 3 – PURPOSE OF THE FRAMEWORK PLAN:  
“The Framework Plan proposes land uses for areas that may develop in the future. Having a plan in place for the area guides the City and County as to whether future proposed developments are appropriate. The Framework Plan also creates some level of predictability in what type and intensity can be expected for one’s own property as well as neighboring properties.”



- **The Framework Plan – EXISTING NEIGHBORHOODS:**  
“This Plan does not promote change in existing neighborhoods; they will remain in their current configuration and pattern. One of the primary objectives of the Framework Plan is to ensure that future development is compatible with the density, uses, and character of existing neighborhoods. The Northwest Subarea is predominately a low-density residential area with subdivisions in the City of Fort Collins and unincorporated Larimer County.”
- **THE FRAMEWORK PLAN AND ZONING:**  
“The City and County staff and officials will use the Framework Plan as they review development proposals. The Framework Plan provides guidance to land uses, activities, and density levels, but it is not regulatory. It is to be used in conjunction with City and County zoning and development standards.”
- **Staff Comment from the Framework Plan:** The Framework Plan and zoning establishes the type and intensity for development within the Northwest Subarea Plan. In order to comply with the subarea plan, the development needs to meet the L-M-N zoning requirements and city standards. In past appeals to City Council of development decisions, City Council has reinforced that the Land Use Code takes precedence over the Subarea Plan policy guidance.

## Summary Narrative Related to L-M-N Areas – Starting on Page 15:

### L-M-N Purpose and Intent (Page 15):

- “The designation of Low Density Mixed-Use Residential in this area is consistent with the current Structure Plan and existing neighborhoods and provides a transition between adjacent Old Town neighborhoods in the City and lower density subdivisions to the west.”



- “New neighborhoods should entail creative master planning to lead to visually attractive, pedestrian-friendly neighborhoods that have nearby services, parks, and other amenities.”

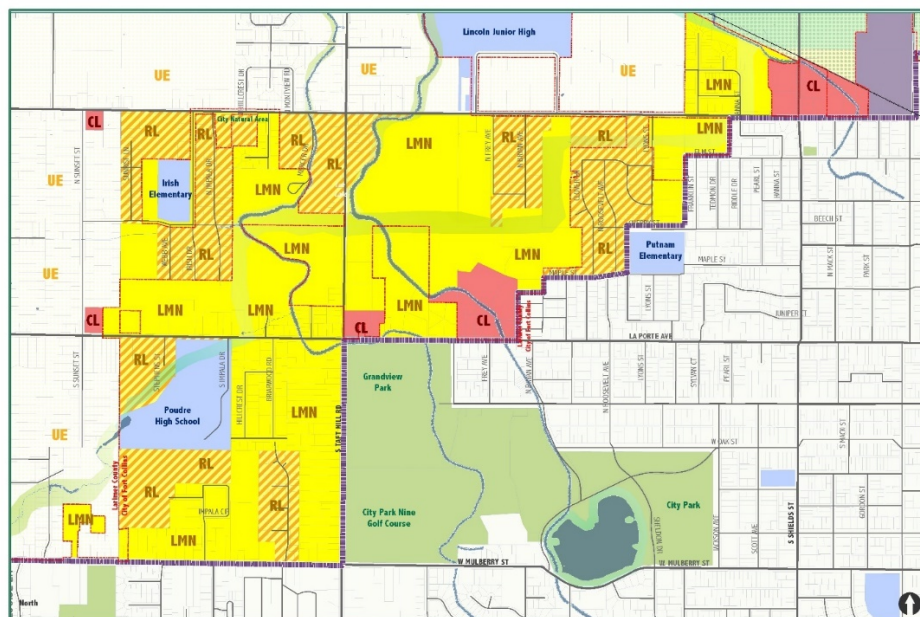
### **Staff Summary -- Areas That Are Zoned L-M-N:**

- The intent is to ensure that future development is compatible with the integrity and density of existing neighborhoods, as determined by location and infill parcel size.
- Future development density may be up to 8 units per acre overall within the NSP area (or up to 12 units per acre for affordable housing).
- The permitted density depends on each specific location as described in the sections below (R-L vs. L-M-N)

### **“What Low Density Mixed Use Allows” (Page 16):**

“This Plan recommends that most of the Low Density Mixed-Use Residential category will be appropriate for L-M-N zoning, if annexed. However, parcels zoned FA-Farming that are seeking annexation will be zoned R-L if they meet the following criteria:

- 1) “If they are five (5) acres or less in size;
  - 2) “If they are adjacent to an existing single-family neighborhood.”
- “Residential Low (R-L) allows single family housing up to five units per acre, which may be more appropriate for small infill parcels in this area than the L-M-N district.”
  - “Larger parcels will be zoned, upon annexation, as Low-Density Mixed-Use Neighborhood (L-M-N) allowing up to eight (8) units per acre (or up to 12 units per acre for affordable housing).”
  - Page 16: “Low Density Mixed-Use Neighborhood (L-M-N) district, which allows housing up to eight (8) units per acre, including single family homes and townhomes with no minimum lot size and also some commercial development.”
  - “Figure 9 - Recommended Locations for R-L and L-M-N Zone Districts in the Low Density Mixed-Use Residential Area” (the plan includes recommendations for R-L and L-M-N):



- **Staff Summary from the L-M-N Purpose and Intent:** Allow housing up to eight (8) units per acre, including single family homes and townhomes with no minimum lot size and also some commercial development. New neighborhoods should entail creative master planning to lead to visually attractive, pedestrian-friendly neighborhoods that have nearby services, parks, and other amenities.

## **Staff Summary of Chapter 6 – Goals, Policies and Strategies:**

**Overview, Page 33:** “While residents have indicated interest in keeping vacant and agricultural properties “open,” it is not possible to conserve all lands. Therefore, as new development occurs, it should be of low intensity to be compatible with the diversity and semi-rural feel of the area. Cluster development can be a positive design approach that supports these goals.”

### **Policy LU-1.2**

#### **Framework Plan Guides Development**

Adhere to the Framework Plan for the Northwest Subarea in the design and review of developments. (See Figure 5 - Framework Plan on page 12.) All new development and redevelopment activity in the Northwest Subarea should follow this Plan and its guidelines and applicable regulations.

### **Policy LU-1.3**

#### **Low Intensity Residential Development**

Ensure that new development outside City limits is generally low intensity residential development (and other uses allowed in residential districts), as defined on the Framework Plan (i.e., in Urban Estate and Residential Foothills districts). Neighborhood densities generally should become lower toward the western edge of the Plan area to provide a transition between urban and rural areas, foothills, and Laporte; to buffer agricultural operations; and, to provide opportunities to protect natural features. (See Chapter 7 – Guidelines for the Urban/Rural Edge on page 45.)

- **Staff Comment:** Look at development intensity guidelines stated in the NWP through the context of the entire Framework Plan area.

### **Policy LU-1.4**

#### **Compatible Infill in Low Density Mixed-Use Residential Areas**

In areas designated as Low Density Mixed-Use Residential areas, protect existing single-family neighborhoods by ensuring that infill development on parcels to be annexed is appropriate density and design. Parcels which are smaller than five acres and are adjacent to existing single-family developments, will be zoned as Residential Low (R-L). (See Figure 9 on page 17 for recommended locations for the R-L and L-M-N zone districts.)

- **Staff Comment:** The NSP only has specific guidelines for U-E and R-L (Chapter 7). For L-M-N, the specific guidance is to follow the zoning standards and also to limit the density to 8 DU/acre.

## **Staff Summary of Appearance and Design Strategies:**

### **Appearance and Design (page 44):**

“The vision for the Northwest Subarea is for new development to fit in with the low density and country-like image of the area and to safeguard natural features.”

### **Appearance and Design Overview (page 44):**

“The Northwest Subarea character has a country-feel and distinctive image in the broader Fort Collins/Larimer County community with a wide variety of styles, lot sizes, and activities.”

“New development should fit the pattern and character of the area in terms of scale, use, lot sizes, setbacks, and landscaping, and should provide connected open space and avoid natural areas. Public projects (e.g., gateways, streets, and trails) should also enhance the area’s identity and image.”

## Staff Summary of Notable Goals and Policies:

### Goal AD-1: Unique Image and Identity

The Northwest Subarea will continue to have a unique image and identity, with a wide variety of compatible styles and activities.

### Policy AD-1.1

#### Compatibility—Residential Guidelines

Encourage site-specific and contextual design and planning to promote new development that is compatible with the area.

### Appearance and Design Strategies:

- **Staff Comment:** There is a gap in more specific guidelines for L-M-N – Specific guidelines for R-L and U-E are discussed in Chapter 7, but nothing specific is provided for L-M-N.

### Policy AD-1.1A

**Residential design guidelines** (see Chapter 7) to achieve compatible residential development site plans and buildings to fit the neighborhoods and character in the Residential Foothills and Urban Estate Districts in the Northwest Subarea.

### Chapter 7 includes:

“Guidelines for the Urban/Rural Edge Which Applies To:

Residential Foothills (RF): West of Overland Trail

Urban Estate District (UE): East of Overland Trail, Outside City Limits”

## 3. Public Outreach

### A. NEIGHBORHOOD MEETING

While a neighborhood meeting was not required, the applicant held a virtual neighborhood meeting for the Type 1 PDP submittal on September 13, 2021.

Adjacent property owners contacted staff and requested that the applicant conduct another voluntary neighborhood meeting prior to this project being scheduled for hearing, however the applicant's representative stated they “have offered to respond to comments in a written format, but not a formal meeting.” The applicant's representative stated they planned to mail a newsletter providing their summary of how concerns about the Northwest Subarea Plan were addressed. A copy of this newsletter is included in the packet as Attachment 30.

### B. PUBLIC COMMENTS:

Summary of concerns raised in the neighborhood meeting include the following:

- Traffic and safety concerns for vehicles and pedestrians, particularly related to traffic patterns for nearby high schools.
- Concerns about building height and the impact of taller buildings on the viewsheds and character of existing neighborhoods.
- Environmental resources on the site.
- Concerns about grading and stormwater runoff.
- Attendees who spoke or submitted questions via chat were mostly opposed to the development, though there were comments in support of the project because of the improved infrastructure and amenities related to the development. Reasons for opposition included concerns about a mismatch with the intent of the Northwest

Subarea Plan, increased traffic delays with the addition of new homes onto already busy roads, and concerns about safety for students of nearby high schools.

The neighborhood meeting summary is included as Attachment 27 and a recording of the meeting is posted online at [OurCity.FCGov.com/DevReview](https://OurCity.FCGov.com/DevReview).

### **Prior Development Application**

While this is a new application and different from what was presented previously before the Planning and Zoning Commission on June 17, 2021, many of the comments from the community are similar or remain the same, based on feedback from the community on the current application. To honor those community members who provided comments on the initial proposal, a summary of those concerns is included below, with the Planning and Zoning Commission meeting minutes, which contains the public testimony can be found here: [Minutes](#), and the written comments submitted for that application included as Attachment 29.

Comments raised by neighbors in past meetings and hearing include:

- Concern about overall density of the development, particularly the inclusion of multifamily dwellings
- Concern about building height, especially the inclusion of three-story row homes
- Concern about lack of alignment with the intent of Northwest Subarea Plan
- Concern about inadequate stormwater infrastructure and the potential for flooding of surrounding properties.
- Concern about additional vehicle traffic and the potential for safety issues for pedestrians, especially school children attending Irish Elementary
- Concern about impacts to natural habitats, particularly the habitats of birds and deer.

## 4. Article 2 – Applicable Standards

### A. BACKGROUND

#### Annexations

The property was annexed in two parts. The first annexation occurred in 1982 and included the land west of the New Mercer Ditch. The area east of the New Mercer Ditch was annexed and zoned L-M-N in November of 2018.

#### Prior Application (PDP190003)

The applicant previously submitted an application for this same site on February 15, 2019. That application was reviewed through six resubmittals and referred to Planning and Zoning Commission for a decision on the June 17, 2021 meeting agenda. During the June 17/18 hearing, the applicant requested to withdraw their application prior to a final decision being made on the application. The applicant then submitted a new plan, which was determined by the Director to include substantial changes in land use, residential density and/or nonresidential intensity in compliance with 2.2.11(E)(9). The new plan removed the multifamily condo units and added single-family rowhomes, among other changes. The removal of the multifamily dwelling units allowed for the project to follow the Type-1 review path instead of the Type-2 path the prior application went through, as the remaining uses are permitted under 4.2.(B)(2).

#### Neighborhood Meetings

The applicant has held one neighborhood meeting for this application. A summary of this meeting is included in the previous section of this staff report. Please see Attachment 27 for the City's neighborhood meeting notes. Additional neighborhood meetings were held for the prior application that was in review in 2019-2021.

#### Pre-submittal Review (PDR180008)

The pre-submittal review was waived for this application based on the prior application (PDP190003) for the site, which included a Preliminary Design Review meeting (PDR180008) that was held on June 13, 2018.

#### Project Development Plan (PDP) Submittal

The following is a summary of the submittal rounds:

##### Prior PDP (PDP190003)

Two-story multi-family: 87 dwellings; two and three-story single family attached: 106 dwellings; two-family: 26 dwellings; single family detached alley loaded: 32 dwellings.  
A total of 251 dwelling units were proposed.

##### Round One PDP (PDP210018):

Plan contained two and three-story single-family attached: 154 dwelling units, two-family: 14 dwelling units, two-family attached: 12 dwelling units, and single family detached alley loaded: 32 dwelling units. A total of 212 dwelling units were proposed.

##### Round Two PDP (PDP210018):

Plan contained two and three-story single-family attached: 166 dwelling units, two-family: 14 dwelling units, and single family detached alley loaded: 32 dwelling units. A total of 212 dwelling units were proposed.

The main changes between round one and two included:

- Removal of the two-family attached dwelling units which were replaced with single family attached dwelling units.

##### Round Three PDP (PDP210018):

Plan contained two and three-story single-family attached: 166 dwelling units, two-family: 14 dwelling units, and single family detached alley loaded: 32 dwelling units. A total of 212 dwelling units were proposed.

- Round Three focused on minor revisions and drawing clean up to prepare for the hearing.





## C. DIVISION 2.8 – MODIFICATIONS OF STANDARDS

The applicant requests two Modifications of Standards and provides justification letters attached to this staff report.

The Land Use Code is adopted with the recognition that there will be instances where a project would support the implementation of City Plan, but due to unique or unforeseen circumstances would not meet a specific standard of the Land Use Code as stated. The modification process and criteria in Land Use Code Division 2.8.2(H) provide for evaluation of these instances on a case-by-case basis, as follows:

### Land Use Code Modification Criteria:

“The decision maker may grant a modification of standards only if it finds that the granting of the modification would not be detrimental to the public good, and that:

(1) the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or

(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Land Use Code, substantially alleviate an existing, defined and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the city's Comprehensive Plan or in an adopted policy, ordinance or resolution of the City Council, and the strict application of such a standard would render the project practically infeasible; or

(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or

(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2.

Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).

## 1. Description of the Modifications

- A. Modification to Section 3.5.2(D)(1) Orientation to a Connecting Walkway, requesting that building entrances to dwellings be oriented to a walkway that is longer than 350 feet, and within walkway open space that is narrower than 35 feet.
- This Modification is required because three proposed walkway areas have building entrances that are further away than 350 feet, and one that is within walkway open space that is narrower than 35 feet.

- A primary entrance to a dwelling may be up to three hundred fifty (350) feet from a street sidewalk if the primary entrance faces and opens directly onto a connecting walkway that qualifies as a major walkway spine. Dwellings within seven buildings do not meet the major walkway spine requirement because they are greater than 350' away from a street sidewalk.

*"A primary entrance may be up to three hundred fifty (350) feet from a street sidewalk if the primary entrance faces and opens directly onto a connecting walkway that qualifies as a major walkway spine."*

- The open space width requirement for Major Walkway Spines is defined in Article 5 of the Land Use Code, requiring that major walkway spines be within an open space that is at least 35 feet wide and directly visible from a public street:

*"Major walkway spine shall mean a tree-lined connecting walkway that is at least five (5) feet wide, with landscaping along both sides, located in an outdoor space that is at least thirty-five (35) feet in its smallest dimension, with all parts of such outdoor space directly visible from a public street."*

- B. Modification to Section 4.5(D)(2)(a)3. Housing Types, requesting approval of three housing types instead of the required four. The housing types proposed as part of the development plan are alley-loaded single family, two-family, and single-family attached. The standard reads as follows (emphasis added):

*(2) Mix of Housing. A mix of permitted housing types shall be included in any individual development plan, to the extent reasonably feasible, depending on the size of the parcel. In order to promote such variety, the following minimum standards shall be met:*

*(a) A minimum of housing types is required on any project development plan as follows:*

*1. a minimum of two (2) housing types is required on any project development plan containing at least fifteen (15) acres and less than twenty (20) acres.*

*2. a minimum of three (3) housing types is required on any project development plan containing twenty (20) acres and less than thirty (30) acres, including such plans that are part of a phased overall development; and*

*3. a minimum of four (4) housing types is required on any such project development plan containing thirty (30) acres or more.*

## 2. Applicant's Justification

- A. Modification to Section 3.5.2(D)(1) Orientation to a Connecting Walkway, requesting that entrances to dwellings be oriented to a Major Walkway spine that is longer than 350 feet, and within a Major Walkway Spine open space that is narrower than 35 feet.

The applicant's modification request is attached to this staff report and provides their justification narrative. The applicant contends that the modification meets one of the four modification criteria. The following excerpts are provided from this justification letter:

The Sanctuary on the Green Project Development Plan (PDP) is a residential project that emphasizes cohesive community connections and shared amenities. The proposed site plan emphasizes pedestrian connectivity and minimizes pedestrian/vehicular conflicts. Creating a walkable neighborhood has been a key design objective from the very beginning. One design technique used to accomplish this is orienting dwelling units towards green courts or along greenbelts instead of streets. In these situations, the home front faces onto the green space and the garage faces an alley. Connecting sidewalks are provided along these green spaces providing access to front doors, however, there is no "street" on the front side. The result is a



more pedestrian friendly environment surrounded by landscape rather than asphalt and concrete. Relocating the main entrance to green courts creates a safer entry sequence for pedestrians by minimizing pedestrian interaction with vehicles. Many families prefer this for safety reasons, others like it for the visual advantages or because open space is generally quieter than streets.

While the “connecting walkway” standard works well for traditional street-oriented communities it has limited the ability for Fort Collins to provide single-family attached products, a key element in the City’s goals to provide attainable housing. Single-family attached products are often alley loaded in order to provide efficient unit widths. This inherently orients the main entrance of the dwellings towards open spaces. For this reason, this code section has frequently been modified for recent residential developments in Fort Collins. As a community that focuses on pedestrian connectivity, open space, alley access and reducing the number of vehicular streets, Sanctuary on the Green has similar challenges. While the design meets the overall intent of the standard and exceeds the standard in many locations, there are some situations where the required metrics are not met.

The alternative to lengthening the MWS would be to orient these dwellings towards a street instead of green space to ensure connecting walks are provided. The intent of this modification request is to demonstrate that the pedestrian connections provided are not detrimental to the public good and are equal to or better than connections provided in a more traditional, street-oriented design.

The applicant states that the proposed modification would not be detrimental to the public good.

The modification would not be a detriment to the public good and would in fact enhance the public good because it provides a desirable lifestyle option that lessens interactions with vehicles and permits greater housing diversity in the community. Such an increase in lifestyle options, and particularly options that promote non-vehicular modalities of transportation, is compatible with the context of this area in northwest Fort Collins. The modification also brings the advantages of the development being safer, visually more interesting, and quieter than fronting onto a public street without sacrificing accessibility. While the increased length of the MWS is present, intermediate midblock crossings have been provided to provide the residents of these dwelling units access to neighborhood amenities or the ability to leave the neighborhood on foot. These options are no less than they would be if the dwelling units were oriented to a public street.

The applicant provides the following justification for Criterion 1 -- 2.8.2(H)(1) *the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested:*

3.5.2 (A) Purpose. The standards in this section are intended to promote variety, visual interest and pedestrian-oriented streets in residential development.

The Sanctuary on the Green project exemplifies the purpose of the Residential Building Standards. The proposed project offers a variety of lifestyle choices for residents. Single-family detached, two-family, two-family attached, and single-family attached units are available. Allowing buildings to orient towards open spaces, as well as streets, promotes variety in the built environment, block face design and pedestrian experience. Many natural features on site provide unique opportunities for visual interest along Connecting Walks and Major Walkway Spines that lead to the primary entrance of dwelling units along green belts. The alley-loaded products proposed inherently create pedestrian-oriented streets and an attractive community without streets dominated by garage doors. The elongated MWS enables more residents to enjoy the visual interest and creates a true pedestrian thoroughfare. Finally, LUC 3.5.2(B) describes that the General Standard for residential buildings be that “Pedestrian usability shall be prioritized over vehicular usability.” Granting this modification would promote the Purpose and General Standard of the Residential Building Standards.

**Major Walkway Spine exceeds maximum length**

There are three instances where the proposed Major Walkway Spine (MWS) exceeds the maximum 350 feet. Sheet L2 illustrates all the proposed Major Walkway Spines and identifies the three locations where the spines exceed the prescribed 350 feet.

In all three cases the longer MWSs serve residences located along a greenway or natural open space. Where dwelling units front on to a greenway or open space, the walk located in front of these homes is a public sidewalk via a public access easement. The walks act the same as a public street sidewalk connecting people from their home to other places in the neighborhood. The only difference is that the vehicular street has been replaced with a green space. This arrangement has the following advantages over a plan that would comply with the standard:

- Fronting on to a green space provides an alternative way of living with less interaction with vehicles.
- It is safer, visually more interesting, and quieter than fronting onto a public street.
- People living in these dwelling units don't walk any further to access neighborhood amenities or to leave the neighborhood on foot than they would if the green belts were replaced with streets, which would meet the standard.

Furthermore, the MWS exceeds the standard in the following ways:

- Additional alternative connecting walkways are provided in three locations to allow residents convenient access to a public street sidewalk. Enhanced crosswalks are provided where these connecting walkways cross the alley. Alleys have low traffic volumes and vehicles are moving at reduced speeds.
- MWSs are required to be 5-foot wide and public street sidewalks along local streets are only 4.5-foot wide. Two of these MWSs located in front of the residences are planned to be 6-foot wide and the one that provides connection to the Soldier Creek Trail is planned to be 8-foot wide. The width of the walkway in all three instances exceeds the standard.

Given that homeowners will access a public sidewalk right out their front door, and that there are many advantages to the proposed pedestrian connectivity, we believe this Modification Request is not detrimental to the public good, and is equal to or better than a plan that would meet the standard.

**Major Walkway Spine open space less than 35-foot wide**

The MWS standard requires that the walk be located in open space that is 35 feet wide. There is one instance where the proposed Major Walkway Spine (MWS) is located in an open space that is less than standard. Sheet L2 identifies the single location where the MWS is less than 35 feet wide.

The MWS standard requires that the walk be located in open space that is 35-foot wide. The MWS located along the northern edge of the project is adjacent to the 2- and 3-story single family attached units is 23 feet wide measuring from the unit to the property line. The property in this area, however, is adjacent to the City-owned Bell Weather Farm Open Space creating an open space corridor wider than 170 feet, far exceeding the standard. The open space adjacent to the north-south MWS adjacent to the 1- and 2- story single-family attached units on the west side averages 143 feet wide, exceeding the required 35 feet.

Given that the effective open space is much wider than the prescribed 35 feet, we believe the proposed MWS widths are not detrimental to the public good and are equal to or better than a plan that would meet the standard.

- B. Modification to Section 4.5(D)(2)(a)3. Housing Types, requesting approval of three housing types instead of the required four for properties 30 acres or more.

The applicant's modification request is attached to this staff report and provides their justification narrative. The applicant contends that the modification meets one of the four modification criteria. The following excerpts are provided from this justification letter:

#### Reason for the Request

The Sanctuary on the Green Project Development Plan (PDP) is a residential project that emphasizes cohesive community connections, shared amenities, and vibrant design. The proposed site plan creates a neighborhood that provides the public with a variety of housing options, both in the type of residence and style. The development offers three distinct housing types and twenty-seven different housing models. The housing types and models have been mixed throughout the site to ensure that there is no chance of a monotonous streetscape.

The reason for this modification request is that being over 30 acres, the project is required four different housing types, and the project is providing three. The Fort Collins Land Use Code (LUC) offers eleven different housing types as options to satisfy this requirement. The three housing types proposed are: Single-family detached dwellings with rear loaded garages; two-family dwellings; and single-family attached dwellings. It should be noted that previous iteration of this site plan which have been reviewed by City Staff have included site plans that contain multi-family dwellings and two-family attached dwellings, both of which are allowed housing types. However, those plans are no longer being pursued for reasons which are detailed below. The intent of this memo is to prove that providing one less housing type is not detrimental to the public good and the proposed plan promotes the general purpose of the standard equally well or better than a plan which meets the standard.

The applicant states that the proposed modification would not be detrimental to the public good.

A previous PDP application presented a site plan which achieved this standard by providing multifamily dwellings as the fourth housing type. The project conducted extensive community outreach and one of the most common concerns heard was that the density of the multifamily dwellings was not compatible with the existing neighborhood. Despite the multifamily dwellings providing another price point and lifestyle option, the surrounding neighborhood voiced concerns that this housing type, although allowed by code, was in fact a detriment to the public good. That application was formally withdrawn, and the project has been reimagined to remove the multifamily housing type.

The reimagined site plan proposes a mix of single-family detached, two-family, townhomes and rowhomes. While the LUC does not differentiate between townhomes and rowhomes, they do provide a distinctly different forms and housing options that are not a detriment to the public good.

In summary, the proposed development has reimagined a previous application which achieved the housing type standard, specifically to address the good of the surrounding public. It also adequately achieves the building design variation standards and provides a fourth form of housing. The reduction in housing types does not cause any other standard or code to be violated, nor does it create a condition on site that impacts those of others off-site. Therefore, reducing the number of required housing types from four to three is not detrimental to the public good.

The applicant provides the following justification for Criterion 1 -- 2.8.2(H)(1) *the plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested:*

The general purpose of the housing type variety standard is two-fold. First, it is designed to produce communities that do not have a repetitive and monotonous streetscape. Second, it is designed to produce communities that provide multiple options, price points and lifestyles for homeowners to choose between.

The plan presented boasts eleven different models of single-family attached models, ten different single-family detached models, and six different two-family models. The site plan has been carefully designed to ensure that no buildings adjacent to each other are the same model. The amount of variety offered in this plan is above and beyond what the building variety standards require solely to ensure that the streetscape is not repetitive and monotonous. The single-family attached products are also split into two sub-categories. The “townhome” style units offer the tradition one- and two-story dwellings with larger footprints and more private space. The “rowhome” style units offer two- and three-story dwellings with smaller footprints and larger common open space. The land use code does not differentiate between these two types of dwellings when it comes to the housing type standard, however they do provide the community with different design options, price points and lifestyles for homeowners.

Additionally, the site plan that was submitted with the first round of this PDP application provided a fourth housing type by including two-family attached dwellings. The LUC defines two-family attached dwellings as “a two-family dwelling attached to one other two-family dwelling with each such two-family dwelling located on its own separate lot.” In essence a four-plex single family attached building, which has four separate lots, could be converted into a two-family attached building simply by removing two lot lines (see figure below). Everything else about the building could essentially remain the same, giving the same appearance to the public as a single-family attached building. As it relates to the general purpose of this standard, the two-family attached product does not substantially add variety to a streetscape or provide a new price point option for homebuyers.

The reason this product is no longer being pursued for the project is that the LUC does not offer a height limit specifically for two-family attached product in the LMN zone district. It could be interpreted that the buildings are held to the two-family building height of two-and-a-half stories. However, it could also be interpreted that the products are held to the attached dwelling building height of three stories. The building elevations that were proposed as two-family attached showed two-story units on the ends with three-story units in the middle. To avoid the ambiguity in the code, the two-family attached dwellings have been removed, thus leaving the project with three housing types.

In summary, the proposed development goes above and beyond in model variation and offers four distinctly different lifestyle and price point options. Additionally, a plan which achieves this standard by providing two-family attached dwellings looks nearly identical to the public as it relates to the general purpose of this standard. Therefore, the plan as submitted promotes a varied, unrepitive streetscape; and provides multiple options, price points and lifestyles for homeowners to choose between; equally well or better than a plan which complies with the housing type standard.

### **3. Staff Analysis and Findings of Fact for the Modification Requests:**

- A. Staff finds that the request for the Modification of Standards to Section 3.5.2(D)(1) Orientation to a Connecting Walkway, requesting that building entrances to dwellings be oriented to a walkway that is longer than 350 feet, and within walkway open space that is narrower than 35 feet, is not detrimental to the public good and satisfies criteria 2.8.2(H)(1) *the plan will promote the general purpose of the standard for which the modification is requested equally well or better*; 2.8.2(H)(3) *by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, or physical conditions which hinder the owner's ability to install a solar energy system, the strict application*

*of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant; and 2.8.2(H)(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2, for the following reasons:*

- 1) 2.8.2(H)(1) and (4) are met because the plan with longer walkways allows more residents access to shared walkways with a pattern that provides a high level of interconnectivity throughout the development and to adjacent neighborhoods in a manner that is equal to or better than a street network by fostering a site plan that increases safety, connectivity, pedestrian interaction and quiet enjoyment without sacrificing convenience; wider and more frequently spaced sidewalks are provided to compensate for the increased sidewalk length; and pedestrian bridges are provided in lieu of street crossings;
  - 2) The plan continues to advance the purposes of the Land Use Code Section 1.2.2 by increasing access to sidewalks, trails, and bicycle routes;
  - 3) 2.8.2(H)(3) is met because the combination of the unusual shape of the property, location of the New Mercer Ditch, location of existing flood control channels, and location of existing development are exceptional practical difficulties not caused by the act or omission of the applicant, which makes providing a network of streets, shorter walkways and/or wider open space for walkway spine green courts in all portions of the site practically infeasible.
- B. Staff finds that the request for the Modifications of Standards to Section 4.5(D)(2)(a)3 to address housing type variation requirements for projects greater than 30 acres would not be detrimental to the public good and satisfies criteria 2.8.2(H)(1) *the plan will promote the general purpose of the standard for which the modification is requested equally well or better* and 2.8.2(H)(4) *the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the purposes of the Land Use Code as contained in Section 1.2.2, The lack of a fourth housing type meets criteria 2.8.2(H)(1), 2.8.2(H)(4) , and is not detrimental to the public good because:*
- 1) The PDP provides eleven different single family attached building elevation options, where only three are required, ten single family detached home elevations, and six different two-family building elevation designs where four total between the two housing types are required. While this variety of architectural elevation designs doesn't count as individual housing types, it demonstrates that even among three housing types, a wide variety of models is being provided within the development. The six two-story and five three-story single family attached designs provide fundamental variation within this housing type, though it only counts as one housing type under 4.5(D)(2)(c). The two-story designs provide noticeably distinct entrance feature forms and details, while the three-story designs also include noticeably distinct roof form and massing elements, and with two of the designs providing massing step-downs to two-stories at building sides. All of these features will combine to create a varied and unique streetscape without significant repetition.
  - 2) The applicant initially proposed including a fourth housing type, a two-family attached dwelling. This type was removed from subsequent submittals but from an architectural elevation standpoint, provided no additional architectural variation than what is currently proposed. The only difference was where the lot lines are drawn within the building footprint, creating two lots for the two-family attached product, versus four lots on an identical single family attached four-plex. Staff did not find that including the two -family attached housing type provided significant variation in streetscape, price



- points, and housing types greater than what is already being achieved through the single family attached, single family detached, and two family products already included in the project.
- 3) Additionally, the curves and intersections within the internal streets help minimize sight lines, and open spaces along the New Mercer Ditch allow angled views of the building corners, which adds visual variety along the street. All of these measures combine within the overall site plan to mitigate the perception of monotony that could occur when viewing repeated housing types along a street.
  - 4) The PDP will continue to advance the purposes of the Land Use Code Section 1.2.2 including:
    - (C) fostering the safe, efficient, and economic use of the land, the city's transportation infrastructure, and other public facilities and;
    - (G) increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation by providing sidewalk and bicycle lane improvements along Laporte Avenue, N. Taft Hill Road, and connections to local streets and trails;
    - (I) minimizing the adverse environmental impacts of development by contributing to flood control plans;
    - (J) improving the design, quality, and character of new development by providing enhanced landscaping, architecture, and landscaped buffer space;
    - (L) encouraging the development of vacant properties within established areas;
    - (M) ensuring that development proposals are sensitive to the character of existing neighborhoods by providing buffer space with enhanced landscaping and landscaped street improvements;
    - (N) ensuring that development proposals are sensitive to natural areas and features by improving existing habitat features.

## 5. Article 3 - Applicable Standards

### A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.2.1 – Landscaping and Tree Protection</b>	<p>The intent of Section 3.2.1 is to ensure that significant tree canopy cover is created, diversified and maintained so that all associated social and environmental benefits are maximized to the extent reasonably feasible. These benefits include reduced erosion and stormwater runoff, improved water conservation, air pollution mitigation, reduced glare and heat build-up, increased aesthetics, and improved continuity within and between developments. Trees planted in appropriate spaces also provide screening and may mitigate potential conflicts between activity areas and other site elements while enhancing outdoor spaces, all of which add to a more resilient urban forest.</p> <p>The plan complies with all requirements of this section:</p> <ul style="list-style-type: none"> <li>3.2.1(D); 3.2.1(D)(1)(c) Tree Planting Standards -- Full Tree Stocking:</li> </ul> <p>The project meets the full tree stocking requirement, providing trees around all high use or high visibility sides, within 50 feet of all proposed buildings in accordance with the maximum spacing requirement. Trees are also provided within common</p>	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	<p>private driveway access areas where feasible and are positioned to meet utility spacing requirements.</p> <p>A total of 692 trees are provided with the project. Of this total, 402 trees, or 58% are canopy trees.</p> <ul style="list-style-type: none"> <li>3.2.1(D)(2) Tree Planting Standards -- Street Trees:</li> </ul> <p>Street trees are provided at approximately 40' intervals and in accordance with required utility and street light separations.</p> <ul style="list-style-type: none"> <li>3.2.1(D)(3) Minimum Species Diversity:</li> </ul> <p>With the 692 trees provided, no individual tree species shall exceed 15%, or not more than 100 trees of any one species. The maximum proposed of any one species is 38, thus meeting this standard.</p> <ul style="list-style-type: none"> <li>3.2.1(D)(4) Tree Species and Minimum Sizes:</li> </ul> <p>All tree species and minimum tree caliper/height requirements are met.</p> <ul style="list-style-type: none"> <li>3.2.1(F) Tree Protection and Replacement:</li> </ul> <p>A total of 43 trees are proposed to be removed, and 88 mitigation trees and are required and provided in accordance with the tree replacement standards.</p>	
<p><b>3.2.2 – Access, Circulation and Parking – General Standard</b></p> <p><b>3.2.2(C)(6,7) – Direct On/Off-Site Access to Pedestrian and Bicycle Destinations</b></p>	<p>In conformance with the Purpose, General Standard, and Development Standards described in this section, the parking and circulation system provided with the project is adequately designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the development and to and from surrounding areas.</p> <p>The sidewalk system provided addresses vehicle conflicts and contributes to the attractiveness of the development. A network of walkways link the front doors of units that face open space. These walks are six feet wide and lined with trees. Intermediate walks connect the public sidewalks to the 6' walkway system. The proposed walkway grid provides a high level of connectivity linking the internal streets and existing surrounding streets within the overall neighborhood.</p> <p>An eight-foot-wide trail will connect the Soldier Creek Trail from Cherry Street to Laporte Avenue allowing students to access the high school, middle school and elementary school more conveniently.</p> <p>A total of three bicycle and pedestrian connections to Laporte Avenue are proposed.</p> <p>Detached sidewalks will be provided along Laporte Avenue and Taft Hill Road where the property abuts these streets.</p> <p>Two pedestrian bridges are proposed to cross the New Mercer Ditch. The southern bridge provides a connection through the proposed park area to Taft Hill Road.</p>	<p>Complies</p>

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings												
<b>3.2.2(C)(4) – Bicycle Facilities</b>	This standard applies to commercial, industrial, civic, employment and multi-family residential uses. The only component of the proposed project that would require bicycle parking per this standard is for the 3000 sf Neighborhood Center. Four enclosed spaces within the Neighborhood Center are being provided to meet the minimum 4 space requirement for General Retail, the closest comparable land use.	Complies												
<b>3.2.2(J) – Parking Lot Setbacks</b>	<p>This standard applies to any vehicle use area, including parking areas containing six or more spaces or vehicle use areas, including private drive aisles that are more than 1,800 square feet. These parking and drive aisle areas must be set back from the street right-of-way and the perimeter lot lines.</p> <table border="1"> <thead> <tr> <th></th><th>Minimum Average of Entire Landscaped Setback Area (feet)</th><th>Minimum Width of Setback at Any Point (feet)</th></tr> </thead> <tbody> <tr> <td>Along an arterial street</td><td>15</td><td>5</td></tr> <tr> <td>Along a nonarterial street</td><td>10</td><td>5</td></tr> <tr> <td>Along a lot line *</td><td>5</td><td>5</td></tr> </tbody> </table> <p>* Setbacks along lot lines for vehicular use areas may be increased by the decision maker in order to enhance compatibility with the abutting use or to match the contextual relationship of adjacent or abutting vehicular use areas.</p> <p>Along the west lot line adjacent to the Rostek Subdivision, the proposed private alley is set back just over 7 feet, which meets the 5' minimum and 5' average landscaped setback requirements. A privacy fence 5 feet in height is also proposed along this property line.</p> <p>Along the southwest lot line adjacent to the school property, the proposed private alley and parallel parking spaces are set back just over 11 feet, also meeting the requirements.</p>		Minimum Average of Entire Landscaped Setback Area (feet)	Minimum Width of Setback at Any Point (feet)	Along an arterial street	15	5	Along a nonarterial street	10	5	Along a lot line *	5	5	Complies
	Minimum Average of Entire Landscaped Setback Area (feet)	Minimum Width of Setback at Any Point (feet)												
Along an arterial street	15	5												
Along a nonarterial street	10	5												
Along a lot line *	5	5												
<b>3.2.2(C),(D), (E),(J),(K),(K)(1)(a) – Residential Parking Requirements</b>	<p>All parking design requirements in Section 3.2.2 are met for the project. Parking areas are evenly distributed throughout the site and meet Sections (C), (D), (E) and (J) which include general requirements related to off-street parking location and design. Handicap parking applies to the neighborhood center building and is provided per the standards.</p> <p>Minimum parking quantities for all residential dwellings are provided in accordance with Section 3.2.2 (K)(1)(a) as follows:</p>	Complies												



Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings																																																						
	<table><tr><th colspan="6">OFF STREET PARKING REQUIREMENTS</th></tr><tr><th>UNIT TYPE</th><th>REQUIRED PARKING STALL PER UNIT</th><th>NUMBER OF UNITS</th><th>PROVIDED SF</th><th>TOTAL SPACES REQUIRED</th><th>TOTAL SPACES PROVIDED</th></tr><tr><td>SINGLE FAMILY DETACHED</td><td>2</td><td>32</td><td></td><td>64</td><td>64</td></tr><tr><td>SINGLE FAMILY ATTACHED*</td><td>2</td><td>166</td><td></td><td>308</td><td>308</td></tr><tr><td>TWO-FAMILY*</td><td>2</td><td>14</td><td></td><td>28</td><td>28</td></tr><tr><td>ADDITIONAL GUEST PARKING</td><td></td><td></td><td></td><td></td><td>47</td></tr><tr><td>NEIGHBORHOOD CENTER - USE 1 **</td><td></td><td></td><td>875</td><td>2</td><td>2</td></tr><tr><td>NEIGHBORHOOD CENTER - USE 2 **</td><td></td><td></td><td>2125</td><td>4</td><td>4</td></tr><tr><td>TOTAL</td><td></td><td></td><td></td><td>400</td><td>453</td></tr></table> <p>*ALL TWO-FAMILY AND SINGLE-FAMILY ATTACHED SHALL HAVE A MAXIMUM OF 3 BEDROOMS PER DWELLING UNIT</p> <p>** NEIGHBORHOOD CENTER SHALL ALLOW THE FOLLOWING USES; RETAIL; CONVENIENCE RETAIL; PERSONAL AND BUSINESS SERVICE SHOPS; SMALL ANIMAL VETERINARY FACILITY; OFFICE; FINANCIAL SERVICE; CLINIC; CHILD CARE CENTER; LIMITED INDOOR RECREATION ESTABLISHMENT; PLACE OF WORSHIP OR ASSEMBLY; DOG DAY CARE; MUSIC STUDIO; COMMUNITY FACILITY OR NEIGHBORHOOD SUPPORT FACILITY;</p> <p>2 SPACES / 1000 SQUARE FEET HAVE BEEN SELECTED AS AN AVERAGE PARKING DEMAND BASED ON THE ALLOWED USES FOR NEIGHBORHOOD CENTER.</p> <p>In summary, a total of 400 parking spaces are required, and 453 spaces are provided.</p> <p>This includes 41 on-street parking spaces.</p>	OFF STREET PARKING REQUIREMENTS						UNIT TYPE	REQUIRED PARKING STALL PER UNIT	NUMBER OF UNITS	PROVIDED SF	TOTAL SPACES REQUIRED	TOTAL SPACES PROVIDED	SINGLE FAMILY DETACHED	2	32		64	64	SINGLE FAMILY ATTACHED*	2	166		308	308	TWO-FAMILY*	2	14		28	28	ADDITIONAL GUEST PARKING					47	NEIGHBORHOOD CENTER - USE 1 **			875	2	2	NEIGHBORHOOD CENTER - USE 2 **			2125	4	4	TOTAL				400	453	
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3.2.4 – Site Lighting	A photometric and fixture plan for the neighborhood center was submitted but found to be created for compliance with the prior lighting code and not the current lighting code. A condition of approval is recommended to update the photometric plan to be compliant with the current lighting code standards during final plan review. All exterior building lighting is provided by down-directional fixtures and with additional information can likely comply with the current standards.	Condition proposed																																																						
Section 3.2.5 – Trash and Recycling Enclosures	<p>This section applies to the neighborhood center building. No material information or architectural renderings of the trash enclosure appear to be provided, but overall, there appear to be sufficient opportunities to meet the standard on-site or handle waste with roll out bins. Additional details will need to be provided at the time of Final Plan submittal to further evaluate the enclosure design and function. A condition of approval is recommended for compliance during final plan review.</p> <p>For all residential dwellings, collection service is proposed with the use of individual carts that will need to be stored within each garage.</p>	Condition proposed																																																						

## B. DIVISION 3.3 – ENGINEERING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
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<b>Section 3.3.1 – Plat and Development Plan Standards</b>	<p>This standard requires that the project dedicate rights-of-way for public streets, drainage easements and utility easements as needed to serve the area being developed. In cases where any part of an existing street is abutting or within the property being developed, the applicant must dedicate such additional rights-of-way to meet the minimum width required by Larimer County Urban Area Street Standards and the City of Fort Collins Land Use Code.</p> <p>The PDP complies with this standard by providing:</p> <ul style="list-style-type: none"> <li>• Two feet of additional right-of-way is provided along N. Taft Hill Road to accommodate the proposed middle turn lane into the site, detached sidewalk and parkway improvements.</li> <li>• Twelve feet of right-of-way is provided along Laporte Avenue to accommodate a westbound right turn lane.</li> <li>• A drainage access easement is provided into the southeast detention pond.</li> <li>• New Mercer Ditch access easement is provided.</li> <li>• Dedication of on-site easements for right-of-way, emergency access, drainage and utility easements as required.</li> </ul>	Complies
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## C. DIVISION 3.4 - ENVIRONMENTAL, NATURAL AREA, RECREATIONAL & CULTURAL RESOURCE PROTECTION STANDARDS

The purpose of this Section is to ensure that when property is developed consistent with its zoning designation, the way in which the proposed physical elements of the development plan are designed and arranged on the site will protect the natural habitats and features both on the site and in the vicinity of the site.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>Section 3.4.1 - Natural Habitats and Features</b>	<p>The General Standard requires, to the maximum extent feasible, the development plan be designed and arranged to be compatible with and to protect natural habitats and features and the plants and animals that inhabit them and integrate them within the developed landscape of the community by: (1) directing development away from sensitive resources; (2) minimizing impacts and disturbance through the use of buffer zones; (3) enhancing existing conditions; or (4) restoring or replacing the resource value lost to the community when a development will result in the disturbance of natural habitats or features.</p> <p>b. Section 3.4.1(E)(1)(a-i): The Land Use Code requires the establishment of natural habitat buffer zones surrounding natural resources. General buffer zone distances for specific resources may be increased or decreased to ensure buffer zone performance standards are met. Buffer Zone Performance Standards allow the decision maker [Hearing Officer] to determine buffer zones that may be multiple and noncontiguous. The general buffer zone distance for each natural habitat or feature is established in the quantitative buffer zone table, but the Hearing Officer may reduce or enlarge any portion of the general buffer zone distance in order to ensure qualitative performance standards are achieved.</p> <p><b>Field Reconnaissance:</b> An Ecological Characterization Study (ECS) was completed by Cedar Creek in 2019 then updated in 2020. Additional analysis was requested of Cedar Creek after City staff met with residents' multiple times regarding various environmental concerns. Concerns included a potential wetland located along a swale immediately north of the site, impacts to deer and avian species (ducks specifically), and potential raptor nests within the project vicinity.</p> <p>To address these concerns, Cedar Creek performed a winter raptor nest survey within 500' of the site; a habitat characterization summary of the New Mercer Ditch; wetland delineation along the swale immediately north of the site; an evaluation of existing wetlands as concentration areas for waterfowl, shorebirds and songbirds (all of which receive a 300' buffer if present); and an analysis of potential impacts to the flight patterns of ducks.</p> <p>Below are the results of various additional reports:</p> <ul style="list-style-type: none"> <li>• The winter raptor nest survey verified no nests are located within or near the site, however a pair of red-tailed hawks were observed perched in a tree approximately 350' north of the site.</li> <li>• The wetland delineation of the swale north of the development site confirmed the swale is not a wetland because it contains minimal hydrophytic cover. Wetlands must contain three key indicators: hydrophytic soils, hydrophytic vegetation and hydrology.</li> <li>• The evaluation of wetlands and the New Mercer Ditch determined these features as important habitats but not concentration areas for waterfowl, shorebirds and songbirds. Therefore, standard buffers for wetlands and irrigation canals were recommended.</li> <li>• Impacts on flight patterns of waterfowl was determined as low since common waterfowl like mallards have successfully adapted to urban habitats, and the buffers applied to wetlands and the New Mercer Ditch, Cedar Creek determined the proposed development will not significantly impact flight patterns of waterfowl.</li> </ul> <p><b>Natural Habitats and Features:</b> The Sanctuary on the Green property contains a number of natural habitats and features that warrant protection or mitigation that include:</p> <ol style="list-style-type: none"> <li>1. Non-Native Upland Forest</li> <li>2. New Mercer Ditch</li> <li>3. Laporte Wetland (located along the southern site boundary)</li> <li>4. Fort Collins Wetland (located offsite immediately north of the property), and</li> <li>5. Cherry Wetland (located in the northwest corner of the property).</li> </ol> <p>Other than these features, the site is dominated by non-native grasses (smooth brome, orchard grass) and invasive weeds (bindweed and alfalfa).</p>	Complies

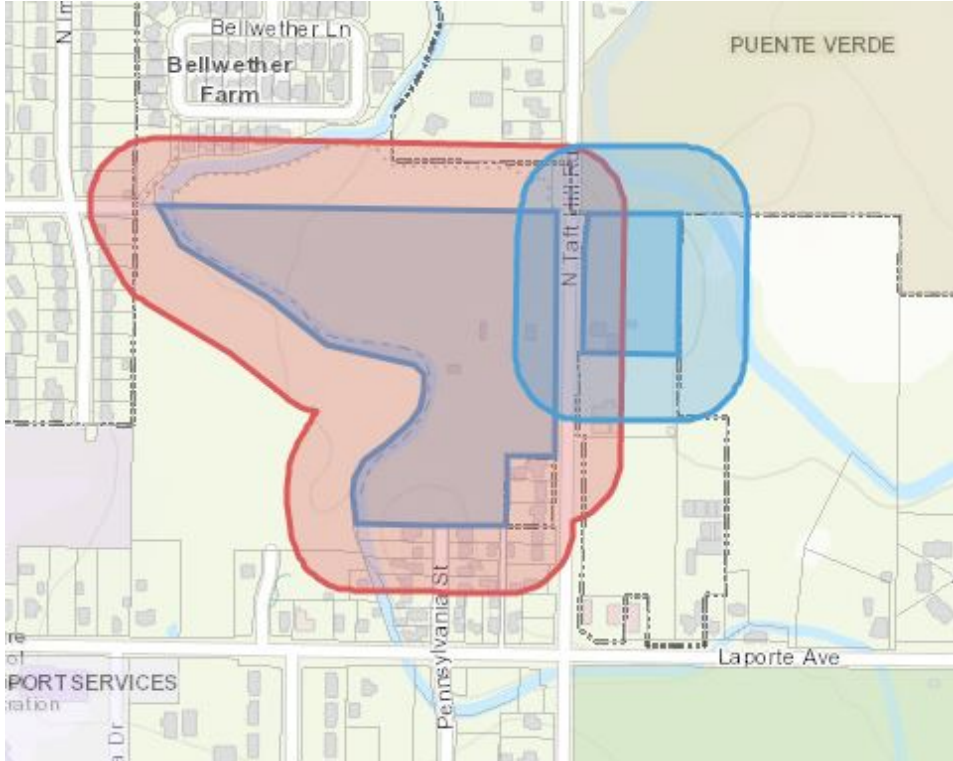
Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	<p>Below is a brief description of natural habitats and features requiring protection or mitigation:</p> <p><i>Non-Native Upland Forest:</i> This ecosystem contains a mixture of grasses, forbs, shrubs and trees. The overstory is dominated by Siberian elm (<i>Ulmus pumila</i>) and boxelder (<i>Negundo violaceus</i>). The understory is dominated by non-native grasses such as smooth brome and orchard grass. The primary ecological function of this community is wildlife habitat, cover and shade.</p> <p><i>New Mercer Ditch:</i> The New Mercer Ditch bisects the site in a north to south configuration and is approximately 4 feet deep by 8 feet wide. The corridor is dominated by grasses, shrubs and trees. Species common along the corridor include smooth brome and reed canary grass, along with mature plains cottonwood trees. The primary ecological function is wildlife habitat, cover, shade and wildlife movement corridor.</p> <p><i>Laporte Wetland:</i> This wetland is approximately 0.39 acre and located along the southern site boundary, just north of Laporte. The wetland is likely supported by leakage from the New Mercer Ditch. It is considered low quality because it contains little structural and species diversity and is dominated by non-native grasses such as smooth brome and reed canary grass.</p> <p><i>Fort Collins Wetland:</i> This wetland is approximately 0.90 acre and located just north of the project site. The wetland is supported by stormwater detention and has moderate ecological value. It contains a variety of native and non-native species, such as plains cottonwood, sandbar willow, common bulrush, leafy spurge and Canada thistle.</p> <p><i>Cherry Wetland:</i> This wetland is approximately 0.14 acre and located in the northwest corner of the site at the confluence of New Mercer Ditch and Cherry Street drainage channel. It has moderate ecological value and contains a variety of shrubs, trees and grasses, including sandbar willow and common bulrush.</p> <p><b>Protection Standards:</b> Section 3.4.1(E) requires buffering of natural habitats and features to protect the character and function of natural resources. However, buffer zones may be reduced so long as the buffer complies with the performance standards. Reduced buffer distances may also be mitigated by enlarging buffer distances elsewhere to meet performance standards.</p> <p>Below are the quantitative buffers for resources on the site:</p> <ul style="list-style-type: none"> <li>• Irrigation Ditches: 50' buffer on both sides</li> <li>• Wetlands above 1/3 of acre: 100' buffer</li> <li>• Wetlands less than 1/3 of an acre: 50' buffer</li> <li>• Buffering is not required for non-native upland forest, however 3.4.1 allows mitigation for any vegetation being removed for habitat loss.</li> </ul> <p><b>Development Proposal:</b> <i>Non-Native Upland Forest:</i> Several non-native trees and shrubs are being mitigated due to loss of habitat value. A total of 37 trees and 168 shrubs are required for mitigation and the applicant is providing 37 trees and 421 shrubs. These plantings are separate from City Forestry's tree protection and mitigation requirements in LUC Section 3.2.1.</p> <p><i>Upland Grassland:</i> The majority of the site is dominated by non-native grasses (smooth brome, orchard grass) and invasive weeds (bindweed and alfalfa). The applicant is restoring open areas to native grasses, providing weed mitigation, and introducing pockets of pollinator gardens to improve the habitat quality throughout the site.</p> <p><i>New Mercer Ditch:</i> The majority of the New Mercer Ditch will be protected by at least a 50' buffer on either side. However, there are portions of the development that encroach within the</p>	

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	<p>buffer. Where the proposed development encroaches into the general buffer zone it is expanded elsewhere, resulting in a larger buffer overall than required.</p> <p><i>Laporte Wetland:</i> The development adheres to the 100' buffer and proposes weed mitigation and enhancement plantings to improve the habitat value and quality.</p> <p><i>Fort Collins Wetland:</i> The development adheres to the 100' buffer.</p> <p><i>Cherry Wetland:</i> The development adheres to the 50' buffer.</p> <p><b>Performance Standards:</b> The applicant proposes meeting the LUC 3.4.1 (E) natural habitat buffer zone performance standards, which are as follows:</p> <p>(a) <i>The project shall be designed to preserve or enhance the ecological character or function and wildlife use of the natural habitat or feature and to minimize or adequately mitigate the foreseeable impacts of development.</i></p> <p>The existing site contains a total of 6.91 acres of buffer area based on the quantitative standards. The development proposes 10.36 acres of enhanced buffer zones in total. To preserve the ecological character of the New Mercer Ditch corridor, native plantings and berms have been placed to screen and soften the impacts of development. The open areas will be restored with native grasses, shrubs and trees, and pockets of pollinator gardens. The resultant buffer zones, open areas, and landscaping, which constitute 24.83 acres, will be of higher quality than what exists today through weed mitigation, and increased species and structural diversity.</p> <p>(b) <i>The project, including, by way of example and not by way of limitation, its fencing, pedestrian/bicycle paths and roadways, shall be designed to preserve or enhance the existence of wildlife movement corridors between natural habitats and features, both within and adjacent to the site.</i></p> <p>The proposed pedestrian walkways, trails, fencing and roadways have been designed to provide connectivity without compromising connectivity for wildlife within and adjacent to the site.</p> <p>(c) <i>The project shall be designed to preserve existing trees and vegetation that contribute to the site's ecological, shade, canopy, aesthetic, habitat and cooling value. Notwithstanding the requirements of Section 3.2.1(F), all trees and vegetation within the Limits of Development must be preserved or, if necessary, mitigated based on the values established by the Ecological Characterization Study or the City Environmental Planner. Such mitigation, if necessary, shall include trees, shrubs, grasses, or any combination thereof, and must be planted within the buffer zone.</i></p> <p>Mitigation for habitat loss and cooling value as a result of vegetation removal includes 37 trees and 421 shrubs. Vegetation within wetlands will be protected while upland areas will be improved through weed mitigation, restoration and enhancement plantings. The landscaping emphasizes native plants to improve opportunities for species' nesting, breeding, and where needed, screening to buffer the surrounding areas visually and from noise and lighting.</p> <p>(d) <i>The project shall be designed to protect from adverse impact to species utilizing special habitat features such as key raptor habitat features, including nest sites, night roosts and key feeding areas as identified by the Colorado Parks and Wildlife Division ("CPW") or the Fort Collins Natural Areas Department ("NAD"); key production areas, wintering areas and</i></p>	

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	<p><i>migratory feeding areas for waterfowl; heron rookeries; key use areas for wading birds and shorebirds; key use areas for migrant songbirds; key nesting areas for grassland birds; fox and coyote dens; mule deer winter concentration areas as identified by the CPW or NAD; prairie dog colonies one (1) acre or greater in size; key areas for rare, migrant or resident butterflies as identified by the NAD; areas of high terrestrial or aquatic insect diversity as identified by the NAD; remnant native prairie habitat; mixed foothill shrubland; foothill ponderosa pine forest; plains cottonwood riparian woodlands; and wetlands of any size.</i></p> <p>While no raptor nests have been identified on the property or within the vicinity of the project, the ECS calls for a bird survey prior to construction. The survey will be required, and a buffer zone setback maintained during the breeding, nesting and nestling rearing period should any active nests be found.</p> <p>(e) <i>The project shall be designed so that the character of the proposed development in terms of use, density, traffic generation, quality of runoff water, noise, lighting and similar potential development impacts shall minimize the degradation of the ecological character or wildlife use of the affected natural habitats or features.</i></p> <p>The character and function of natural resources will be protected through buffering. In higher developed areas, the project proposes berming and landscaping to mitigate impacts such as noise and lighting. Artificial lighting will not spill into the buffer zones and plantings have been placed around parking areas to mitigate impacts from headlights. Finally, the site will employ water quality features and runoff reduction facilities to protect water quality throughout the site.</p> <p>(f) <i>The project shall be designed to integrate with and otherwise preserve existing site topography, including, but not limited to, such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic features.</i></p> <p>The project protects topographic features, such as the New Mercer Ditch and its steep embankments. Wetlands will be protected through buffering.</p> <p>(g) <i>The project shall be designed to enhance the natural ecological characteristics of the site. If existing landscaping within the buffer zone is determined by the decision maker to be incompatible with the purposes of the buffer zone, then the applicant shall undertake restoration and mitigation measures such as regrading and/or the replanting of native vegetation.</i></p> <p>All buffers and open areas will be restored to native vegetation (with the exception of some trees that will be preserved for habitat). Additionally, weed mitigation and enhancement plantings will be incorporated to improve the natural ecological characteristics of the site. Vegetation proposed for removal will be mitigated.</p> <p>(h) <i>The project may be designed to provide appropriate human access to natural habitats and features and their associated buffer zones in order to serve recreation purposes, provided that such access is compatible with the ecological character or wildlife use of the natural habitat or feature.</i></p> <p>The proposed pedestrian walkways and trails provide appropriate access to nature and connect to the larger trail network for recreation purposes.</p> <p>(i) <i>Fencing associated with the project shall be designed to be compatible with the ecological character and wildlife use of the natural habitat or feature.</i></p>	

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	<p>No fencing is proposed near buffer areas.</p> <p><b>Summary:</b> The project results in 10.36 acres of Natural Habitat Buffer Zone (NHBZ), over 3 acres above the required 1:1 mitigation value. The project also proposes 14.54 acres of additional open area for regional stormwater and landscaping, with the detention and channel portions to be restored to native grasses. The result is 24.9 acres of landscaped area that will be of higher habitat value than what exists today. Restoration will include weed mitigation and enhancement plantings, wetland restoration, pocket pollinator gardens, berming and dense plantings – particularly near more developed areas to mitigate impacts such as noise and lighting. Mitigation also covers vegetation being removed to replace habitat loss and includes 37 trees and 421 shrubs.</p>	
<b>Section 3.4.7 - Historic and Cultural Resources</b>	<p>The applicant completed the pre-submittal requirement to provide the historic survey of the only two properties within the city that were adjacent to the site and noted as potentially eligible for local landmark designation (2318 Laporte and 2540 Laporte). Because both properties have lost much of their historic integrity, staff determined at that stage that no further historic review would be required in terms of design compatibility with those properties under section 3.4.7.</p> <p>Because the property at 330 N Taft Hill, a property in the County, was listed on the State Register in that same time frame, staff provided an adjacency map to reflect the historic influence area for the project that should consider design compatibility with the historic farm property. The adjacency area is just along the eastern edge of the development site along Taft Hill (map attached). Because Taft Hill is an arterial, the applicant has to comply with a minimum of two of the design compatibility requirements in Table 1 of 3.4.7 (E).</p> <p>The building elevations for the new construction indicate roof forms, window proportions, and material references to the more traditional residential styles in the area, including the property at 330 N Taft Hill. While the building height and width of the proposed new construction does not meet the 3.4.7 requirements, because the other design connections are made and it is across an arterial, i.e. not directly abutting the historic property nor incorporating the historic structures on the same development site, those building massing requirements are not applicable under 3.4.7.</p> <p>Staff waived the Historic Preservation Commission review of this proposed development because it meets the design compatibility requirements in Section 3.4.7, and because there are not historic buildings on the development site.</p> <p>Adjacency Map:</p>	Complies



Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
		

## D. DIVISION 3.5 – BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	<p><b>Section 3.5.1 - Building and Project Compatibility</b></p> <p>The purpose of this Section is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area. They should be read in conjunction with the more specific building standards contained in this Division 3.5 and the zone district standards contained in Article 4.</p>	



Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.5.1(B) – General Standard</b>	<p>The general standard requires that new developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a design that is complementary. In areas where the existing architectural character is not definitively established or is not consistent with the purposes of this Code, the architecture of new development shall set an enhanced standard of quality for future projects or redevelopment in the area. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed infill development. Brick and stone masonry shall be considered compatible with wood framing and other materials. Architectural compatibility (including, without limitation, building height) shall be derived from the neighboring context.</p> <p>Existing architectural character on adjacent properties consists of predominantly one-story single-family detached residential buildings to the east, west and south. To the north, the Bellwether Farm Subdivision contains a mix of one-story and two-story single-family detached residential buildings that include walk-out basements, which face south towards the Sanctuary property.</p> <p>The proposed Sanctuary on the Green architecture includes both two and three-story buildings. Primary techniques to achieve compatibility and reduce the overall apparent mass/bulk of the buildings include:</p> <ul style="list-style-type: none"> <li>• Utilizing masonry on the ground level to define the base of the larger buildings;</li> <li>• Ground level entrances on all three-story buildings include a shed or hip roof component, which further emphasizes the ground level;</li> <li>• Providing secondary massing elements at the second level, including projecting covered balconies and bay window treatments;</li> <li>• Large windows are provided within the majority of the building modules to further break down the scale of the buildings;</li> </ul>	Complies
<b>3.5.1(C) – Building Size, Height, Bulk, Mass, Scale.</b>	<p>Buildings shall either be similar in size and height, or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures, if any, on the same block face, abutting or adjacent to the subject property, opposing block face or cater-corner block face at the nearest intersection.</p> <p>In addition to the comments provided above, the 3-story Building Type B (SFA #24 and #27) provides two-story massing step-down elements on the ends of the building along the N. Taft Hill Rd. frontage, which helps reduce the mass/bulk of these buildings along this street frontage.</p>	Complies
<b>3.5.1(D) – Privacy Considerations</b>	<p>Elements of the development plan shall be arranged to maximize the opportunity for privacy by the residents of the project and minimize infringement on the privacy of adjoining land uses. Additionally, the development plan shall create opportunities for interactions among neighbors without sacrificing privacy or security.</p> <p>Privacy infringement is minimized through the use of landscaped buffers, building setbacks, street-right-of way separation and tree-lined street parkways, which provide separation of new buildings from existing adjacent buildings.</p>	Complies
<b>3.5.1(E) – Building Materials</b> <b>3.5.1(F) – Building Color</b>	<p>Colors and materials vary and are mostly earth-tone and neutral and do not deviate from what would normally be found in any residential development. Materials include various combinations of manufactured stone or brick veneer, board and batten siding, lap siding, composition shingle main and accent roofs.</p>	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.5.1(G) – Building Height Review</b>	Special Height Review. The purpose of this Section is to establish a special process to review buildings or structures that exceed 40 feet in height. All proposed buildings are lower than 40 feet.	Not Applicable
<b>3.5.1(H) – Land Use Transition</b>	<p>Code Citation: <i>When land uses with significantly different visual character are proposed abutting each other and where gradual transitions are not possible or not in the best interest of the community, the development plan shall, to the maximum extent feasible, achieve compatibility through the provision of buffer yards and passive open space in order to enhance the separation between uses.</i></p> <p>The only specific buffer yard standard contained in the Land Use Code requires that multi-family buildings have setbacks from the property line of abutting property containing single- and two-family dwellings of at least 25 feet, per the L-M-N standard 4.5(E)(4)(b). Attachment 26 is a 2018 Administrative Code Interpretation that clarifies that the three-story townhomes are subject to the multi-family design standards in 4.5(E)(4), including this setback. Therefore, this project was also evaluated for compliance with multi-family design standards in instances where the requirements for large single-family attached buildings are not explicitly stated.</p> <p>The proposed three-story townhomes are separated from adjacent properties by perimeter open space, right-of-way and building setbacks, N. Taft Hill Road landscape improvements and building setback, and the width of the existing N. Taft Hill arterial street right-of-way. In all of these instances, the separation between these proposed buildings and adjacent single-family properties exceeds 25 feet, complying with this standard.</p>	Complies
<b>Section 3.5.2 – Residential Building Standards.</b> The purpose of the standards in this Section are intended to promote variety, visual interest, and pedestrian-oriented streets in residential development.		
<b>3.5.2(B) – General Standard</b>	The project meets this standard by orienting all building entryways to the street or a suitably designed pedestrian walkway. Overall, the network of walkways provided emphasizes bicycle and pedestrian movement and connectivity over vehicular usability. All proposed residential buildings include covered entrance porches, compatible residential material and colors which are applied appropriately within building modules that are articulated to a human-scale.	Complies
<b>3.5.2(C)(1) – Housing Model Variety and Variation Among Buildings – Requirements for single-family detached, single-family attached in groups of two (2), and two-family dwellings</b>	<p>This standard applies to the 32 single-family detached and 14 two-family dwellings. Any development containing fewer than 100 single-family or two-family dwelling units shall have at least 3 different types of housing models.</p> <p>Each housing model shall have at least 3 characteristics that clearly and obviously distinguish it from the other housing models, which characteristics may include, without limitation, differences in floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot and/or building face.</p> <p>The enforcement procedure for this standard shall be in accordance with Section 3.8.15, which requires approval of the housing models at the time of building permit review.</p> <p>While not required at this time, the applicant has provided architectural elevations for these dwellings with the PDP that demonstrate compliance with the model variation requirements. Examples of ten different single-family detached models are provided, and six two-family models are provided with the PDP. Elevations demonstrate unique differences in floor plans, exterior materials, and roof lines, as shown in Attachment 6.</p>	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>3.5.2(C)(2) – Housing Model Variety and Variation Among Buildings – Requirements for single-family attached buildings containing more than two (2) dwelling units</b></p>	<p>This section requires that any development with more than 5 single-family attached buildings that contain more than two dwellings per building (excluding clubhouses/leasing offices), shall include at least 3 distinctly different building designs. The standard also requires that there shall be no similar buildings placed next to each other along a street or street-like private drive, and that building designs shall be considered similar unless they vary significantly in footprint size and shape.</p> <p>Building designs shall be further distinguished by including unique architectural elevations and unique entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. Such variation among buildings shall not consist solely of different combinations of the same building features.</p> <p>166 single-family attached dwellings are proposed within 36 buildings.</p> <p>Of these 36 buildings, 8 buildings are two-story, and 28 buildings are three-story.</p> <p>Additionally, the 36 buildings include 11 distinctly different building designs, which are shown in Attachment 6. These 11 building designs meet the variation requirement by providing significantly unique building styles. Two-story and three-story designs provide fundamental variation within this housing type. The material patterns, placement of materials, roof forms, window styles, and door styles are distinctly different amongst all of the designs. Additionally, the two-story designs provide noticeably distinct entrance feature forms and details. Lastly, the three-story designs include noticeably distinct roof form and massing elements, and with two of the designs provide massing step-downs to two-stories at the building sides.</p>	<p>Complies</p>

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.5.2(D) – Relationship of Dwellings to Streets and Parking</b>	<p>This standard requires that all buildings connect to public sidewalks. One of the fundamental aspects of City Plan and the Land Use Code is that buildings are to be arranged in the traditional manner of homes along neighborhood streets. A corollary network allows other connecting walkways to serve buildings but only so long as these walkways meet certain criteria. This standard allows three types of walkways to ensure that new development provides neighborhood intra-connectivity.</p> <ul style="list-style-type: none"> <li>• Direct connection – where buildings and entrances face a public street so that new development extends the town-like pattern.</li> <li>• Direct connection within 200 feet with a Connecting Walkway. This allows for flexibility in building placement and results in an easy walking distance (roughly one-half of a block in traditional terms) to the City sidewalk network.</li> <li>• Direct connection between 200 and 350 feet by way of a Major Walkway Spine. This allows for a maximum walking distance (less than one block length in traditional terms) but only if this distance is mitigated by urban design features.</li> </ul> <p><i>Under Section 3.5.2(D)(1) Orientation to a Connecting Walkway – every front facade with a primary entrance to a dwelling unit shall face the adjacent street to the extent reasonably feasible. Every front facade with a primary entrance to a dwelling unit shall face a connecting walkway with no primary entrance more than two 200 feet from a street sidewalk. The following exceptions to this standard are permitted:</i></p> <p><i>(a) Up to two single-family detached dwellings on an individual lot that has frontage on either a public or private street.</i></p> <p><i>(b) A primary entrance may be up to 350 feet from a street sidewalk if the primary entrance faces and opens directly onto a connecting walkway that qualifies as a <u>major walkway spine</u>.</i></p> <p><i>Connecting walkway shall mean (1) any street sidewalk, or (2) any walkway that directly connects a main entrance of a building to the street sidewalk without requiring pedestrians to walk across parking lots or driveways, around buildings or around parking lot outlines which are not aligned to a logical route.</i></p> <p><i>Major walkway spine shall mean a tree-lined connecting walkway that is at least five (5) feet wide, with landscaping along both sides, located in an outdoor space that is at least thirty-five (35) feet in its smallest dimension, with all parts of such outdoor space directly visible from a public street.</i></p> <p>Several of the proposed buildings do not meet the walkway standard. A modification of this standard is proposed and is evaluated in the modification portion of the staff report. Approval of the modification is recommended based on the applicant's justification, staff analysis and findings provided.</p>	<b>Modification Requested</b>
<b>3.5.2(E) – Residential Building Setbacks, Lot Width and Size</b>	<p>The proposed project provides the following setbacks for the single-family detached and two-family buildings in conformance with the standards:</p> <ul style="list-style-type: none"> <li>• 15-feet Front Yard along internal local streets</li> <li>• 30-feet Front Yard along arterial streets (Laporte Avenue)</li> <li>• 5-feet Interior Side Yard</li> <li>• 15-feet Corner Side</li> <li>• 8-feet Rear Yard</li> </ul>	Complies

## E. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

This Section is intended to ensure that the transportation network of streets, alleys, roadways and trails is in conformance with adopted transportation plans and policies established by the City.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.6.3(B) - Street Pattern and Connectivity Standards</b>	<p>Code Citation: “3.6.3(B): Street Pattern and Connectivity Standards – General Standard. The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system, (including, without limitation, cars, trucks, buses, bicycles, pedestrians and emergency vehicles). The local street system shall provide multiple direct connections to and between local destinations such as parks, schools and shopping. Local streets must provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them. The street configuration within each parcel must contribute to the street system of the neighborhood.”</p> <p>The local street system will accommodate all modes. The PDP will improve connectivity for cars, bicycles, and pedestrians with the proposed local street system, arterial frontage improvements, internal walkway, and trail connections. Land dedication is proposed for the improvements required along N. Taft Hill Road and Laporte Avenue. An eight-foot-wide trail will provide area residents with additional connectivity to the Soldier Creek Trail from Cherry Street to Laporte Avenue allowing students to access the high school, middle school and elementary school more conveniently. A total of five bicycle and pedestrian connections are proposed to Laporte Avenue. Detached sidewalks will be provided along Laporte Avenue and Taft Hill Road where the property abuts these streets. Two pedestrian bridges are proposed across the New Mercer Ditch, with the southern bridge providing a connection through the small neighborhood park to N. Taft Hill Road.</p>	Complies
<b>3.6.3(C) - Street Pattern and Connectivity Standards</b>	<p>“3.6.3(C) Spacing of Full Movement Collector and Local Street Intersections With Arterial Streets. Potentially signalized, full-movement intersections of collector or local streets with arterial streets shall be provided at least every one-thousand three hundred twenty (1320) feet or one-quarter (¼) mile along arterial streets, unless rendered infeasible due to unusual topographic features, existing development or a natural area or feature.”</p> <p>There is 1,290 feet of frontage on N. Taft Hill Road and 2,575 feet of frontage on Laporte Avenue. This requires at least one full movement connection on Taft and one on Laporte. These connections are accommodated. The east connection on Laporte Avenue is planned as a potential future connection due to existing development within the right-of-way in this area. The PDP provides a temporary asphalt trail connection in this area.</p>	Complies

<p><b>3.6.3(D-H) - Street Pattern and Connectivity Standards</b></p>	<p><b><i>“3.6.3(D) Spacing of Limited Movement Collector or Local Street Intersections With Arterial Streets.</i></b> Additional nonsignalized, potentially limited movement, collector or local street intersections with arterial streets shall be spaced at intervals not to exceed six hundred sixty (660) feet between full movement collector or local street intersections, unless rendered infeasible due to unusual topographic features, existing development or a natural area or feature.”</p> <p><b><i>“3.6.3(E) Distribution of Local Traffic to Multiple Arterial Streets.</i></b> All development plans shall contribute to developing a local street system that will allow access to and from the proposed development, as well as access to all existing and future development within the same section mile as the proposed development, from at least three (3) arterial streets upon development of remaining parcels within the section mile, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature. The local street system shall allow multi-modal access and multiple routes from each development to existing or planned neighborhood centers, parks and schools, without requiring the use of arterial streets, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature.”</p> <p><b><i>“3.6.3(F) Utilization and Provision of Sub-Arterial Street Connections to and From Adjacent Developments and Developable Parcels.</i></b> All development plans shall incorporate and continue all sub-arterial streets stubbed to the boundary of the development plan by previously approved development plans or existing development. All development plans shall provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed six hundred sixty (660) feet along each development plan boundary that abuts potentially developable or redevelopable land.”</p> <p>Sections 3.6.3(D), (E) and (F) require collector or local street connections every 660 feet in order to promote an interconnected pattern of streets. The street system provided with the PDP is also required to connect to existing streets stubbed to the boundary of the development plan – in this case Webb Avenue, Irish Drive and N. Impala Drive. The applicant proposes Alternative Compliance for these requirements, which is discussed below.</p> <p><b><i>“3.6.3(H) Alternative Compliance.</i></b> Upon request by an applicant, the decision maker may approve an alternative development plan that may be substituted in whole or in part for a plan meeting the standards of this Section.”</p> <p>The applicant has provided an alternative compliance request with Attachment 24. The applicant's justification is summarized as follows:</p> <p>The PDP provides a local street network with direct connections to Laporte Avenue and N. Taft Hill Road. A second local street leads to the public park where a cul-de-sac is provided for turning around.</p> <p>The applicant is requesting approval for an Alternative Compliance Plan that provides local street connections to adjacent arterial streets where possible, and creates pedestrian and bike connections to the adjacent arterial streets, to adjacent neighborhoods and to the Soldier Creek Trail that currently do not exist. This request for alternative compliance is based on unusual topographic features, existing development, natural areas and other constraints including the shape of the property, the New Mercer Ditch, existing wetlands and floodway constraints.</p> <p>The applicant's goals for neighborhood planning are consistent with the City's objectives contained in the Purpose statement for Section 3.6.3 Street Pattern and Connectivity. “This section is intended to ensure that the local street system is well designed with regard to safety, efficiency and the convenience for automobile, bicycle, pedestrian and transit modes of travel.”</p> <p>This neighborhood provides a local street with direct connections to Laporte Avenue and Taft Hill Road. A second local street leads to a Neighborhood Center and public park where a cul-de-sac is provided for turning around. Alleys are spaced at regular intervals along the local street. This provides private access to individual homes</p>	<p><b>Alternative Compliance Requested</b></p>
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with approximately half of the homes facing public streets while the other half face green courts or open space. The applicant's goal is to provide attractive pedestrian streetscapes where homes face streets and convenient attractive walkways to the fronts of homes that face courtyards or open space.

Several site constraints prevent local streets from being extended into the adjacent neighborhoods as required by 3.6.3 (F). On the northwest corner of the site this project is adjacent to a City of Fort Collins drainage easement (reception no. 98110267) which will be in use indefinitely. The City of Fort Collins also has a stormwater and drainage easement (reception no. 99058224) on this property where Webb Avenue, Irish Drive and North Impala Drive dead end. Within the easement area is a large detention basin that is in use and contains the flows of the floodway and floodplain. A third stormwater drainage easement (reception no. 99058225) is located along the north portion of the site on the western side. At that location, Cherry Street dead ends half onto this project site and half onto City of Fort Collins Natural Areas land. City owned land that is utilized for storm water management borders the rest of this project to the north and there are no street stubs located across that land to tie into with this project. The existing drainage easements prevent street connections to the north.

Opportunities to provide local street connections to Laporte Avenue are largely prevented by existing development. One local street connection is provided at the western edge of the project. In areas where existing development doesn't prevent street connections along Laporte Avenue, existing wetlands prevent it. In lieu of other local street connections the project will provide two pedestrian/bike connections to Laporte Avenue. One is located on the east side of the Calvary Baptist Church property and the other is located west of Taft Hill Road within an existing street right-of-way.

Existing street right-of-way that would provide an additional street connection to Laporte avenue exists approximately 900 feet west of Taft Hill Road. Extending a street connection through the existing right-of-way would necessitate filling in existing wetlands. In addition, the right-of-way does not align with Briarwood Street on the south side of Laporte Avenue. We believe the best alternative at this time is to provide a pedestrian/bike connection within the right-of-way. This allows pedestrian/bike access that currently does not exist and leaves the door open for a street connection in the future.

The proposed plan significantly increases the bicycle and pedestrian connectivity through this property in the following ways:

- The three streets that are not able to be extended from the north due to stormwater conveyance have permanent trails that will connect to the public sidewalk system.
- An enhanced emergency access provides a connection from Impala Drive with a concrete bicycle and pedestrian path.
- A proposed trail connection leads from the City of Fort Collins Natural Area on the north to the proposed local street which then connects to Laporte Avenue using the existing dedicated right-of-way near Briarwood Street.
- Laporte Avenue will be widened to provide a protected pedestrian and bike lane within the existing right-of-way to Impala Drive. Safe Routes to School has offered to partner with this project to create a safe street crossing on the west side of Impala Drive. This connection will be vital in getting students to Poudre High School located just south of the site on Laporte Avenue, as well as Irish Elementary and Lincoln Middle School to the north. Once the regional detention improvements are completed, a permanent street can be constructed within the existing Briarwood right-of-way.

In total, there are five pedestrian/bicycle connections to Laporte Avenue and five connections to the north, connecting residents of the project to existing



Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	<p>neighborhoods, adjacent arterial streets, schools, the park, community center, trails and the existing Soldier Creek Trail system.</p> <p>The alternative design minimizes the impacts on natural areas, fosters nonvehicular access and does not exceed the level of service standards. There is a direct street connection to the neighborhood center and park within the development. In addition, by providing alleys, the streetscape is dominated by front doors and porches rather than garage doors.</p> <p>Low quality wetlands and storm water conveyances which dominate the site on the north and west will be enhanced through re-seeding with native grasses and planting native trees and shrubs that will significantly increase wildlife habitat value.</p> <p>Crossing these areas with streets would necessitate culverts and/or bridges which would be detrimental to wildlife movement through the drainage corridor. This site plan proposes one vehicular connection and two pedestrian bridges, that tie the neighborhood together. As the site currently exists, the New Mercer ditch prevents east/west connectivity.</p> <p><b>Staff Evaluation:</b> To approve an alternative plan, the decision maker must first find that the proposed alternative plan:</p> <ul style="list-style-type: none"> <li>• Accomplishes the purposes of this Division equally well or better than would a plan and design which complies with the standards of this Division;</li> <li>• That any reduction in access and circulation for vehicles maintains facilities for bicycle, pedestrian and transit, to the maximum extent feasible.</li> </ul> <p>In reviewing the proposed alternative plan, the decision maker shall take into account:</p> <ul style="list-style-type: none"> <li>• Whether the alternative design minimizes the impacts on natural areas and features;</li> <li>• Fosters nonvehicular access;</li> <li>• Provides for distribution of the development's traffic without exceeding level of service standards;</li> <li>• Enhances neighborhood continuity and connectivity;</li> <li>• Provides direct, sub-arterial street access to any parks, schools; and neighborhood centers, commercial uses, employment uses and Neighborhood Commercial Districts within or adjacent to the development from existing or future adjacent development within the same section mile.</li> </ul> <p><b>Staff Finding:</b> Staff finds that the plan complies with the standards in these Sections equally well based on the proposed layout and design of streets including local street intersections with Laporte Avenue and N. Taft Hill Road, two bicycle and pedestrian crossings of the New Mercer Ditch, as well as five pedestrian/bicycle connections to Laporte Avenue and five connections to the north, connecting residents of the project to existing neighborhoods, adjacent arterial streets, schools, the park, community center, trails and the existing Soldier Creek Trail system. The PDP provides both intra- and inter-neighborhood connectivity and complies with the criteria for Alternative Compliance to the maximum extent feasible, taking into account the unusual topographic features, existing development and natural areas or features.</p>	

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.6.4 - Transportation Level of Service Requirements</b>	<p>The Traffic Operations and Engineering Departments have reviewed the Transportation Impact Study that was submitted to the City for review and have determined that the vehicular, pedestrian and bicycle facilities proposed with this PDP are consistent with the standards contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual.</p> <p>Although not warranted by the traffic study, a center turn lane will be constructed on Taft Hill Road to mitigate turning impacts by the additional cars.</p> <p>The <a href="#">traffic study</a> indicates existing Level of Service ratings from A to E with some of the turning movements of the surrounding intersections. Four of the five intersections are rated A, with the Taft Hill / Laporte intersection rated C. All the turning movements and intersection level of service continue to comply with City standards. The short range and long-range total peak hour traffic continue to operate acceptably and does not cause any movements to fail to meet the Fort Collins operational criteria. Although not warranted by the traffic study, a center turn lane will be constructed on Taft Hill Road to mitigate turning impacts by the additional cars.</p>	Complies
<b>3.6.6 - Emergency Access</b>	<p>This Section is intended to ensure that emergency vehicles can gain access to, and maneuver within, the project so that emergency personnel can provide fire protection and emergency services without delays.</p> <p>All emergency access and aerial apparatus requirements are in accordance with the review by Poudre Fire Authority of the PDP plans. Emergency access turning movements have been evaluated and accepted.</p>	Complies

## F. DIVISION 3.8 – SUPPLEMENTARY REGULATIONS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.8.30 - Multi-Family and Single-Family Attached Dwelling Development Standards</b>		
<b>3.8.30(D)(3) – Buildings – Minimum Setback</b>	<p>The proposed three-story single-family attached buildings meet the minimum building setback requirement from the arterial right-of-way (N. Taft Hill Road), which shall be at least fifteen feet.</p> <p>All other applicable standards from this section are addressed in the Article 4 L-M-N standards and the residential building standards in Section 3.5.2.</p>	Complies

## 6. Article 4 – Applicable Standards:

### A. SUMMARY

The Low-Density Mixed-Use Neighborhood District is intended to be a setting for a predominance of low density housing combined with complementary and supporting land uses that serve a neighborhood and are developed and operated in harmony with the residential characteristics of a neighborhood. The main purpose of the District is to meet a wide range of needs of everyday living in neighborhoods that include a variety of housing choices, that invite walking to gathering places, services and conveniences, and that are fully integrated into the larger community by the pattern of streets, blocks, and other linkages. A neighborhood center provides a focal point, and attractive walking and biking paths invite residents to enjoy the center as well as the small neighborhood parks. Any new development in this District shall be arranged to form part of an individual neighborhood.

Typically, Low Density Neighborhoods will be clustered around and integral with a Medium Density Mixed-Use Neighborhood with a Neighborhood Commercial Center at its core. For the purposes of this Division, a neighborhood shall be considered to consist of approximately eighty (80) to one hundred sixty (160) acres, with its edges typically consisting of major streets, drainageways, irrigation ditches, railroad tracks and other major physical features.

### B. DIVISION 4.5 – LOW DENSITY MIXED-USE NEIGHBORHOOD DISTRICT (L-M-N)

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>4.5(B)(2) – Permitted Uses</b>	All of the project's proposed uses are permitted in the L-M-N zone district, including the single-family detached, two-family, and single-family attached dwellings. A Type 1 review process applies to projects that are limited to single-family detached, two-family, and single family attached dwellings that do not include multifamily development.	Complies
<b>Section 4.5(D) – L-M-N Land Use Standards</b>		
<b>4.5(D)(1)(a) – Minimum density</b>	This section requires a minimum of four (4) dwelling units per net acre of residential land. Net acreage for the PDP is 29.73 acres and 212 dwellings are proposed, resulting in a density of 7.13 dwelling per net acre which meets the minimum density requirement.	Complies
<b>4.5(D)(1)(b) – Maximum density</b>	This section requires that the project's maximum residential density be not more than nine (9) dwelling units per gross acre of residential land. Gross acreage for the PDP is 41.34 acres and 212 dwellings are proposed, resulting in a maximum density of 5.13 dwellings per gross acre, which is within the maximum density requirement.	Complies
<b>4.5(D)(2)(a) – Mix of Housing – minimum housing types</b>	<p>This standard requires that at least four housing types be provided for projects that are 30 acres or larger. The PDP provides three housing types as follows:</p> <ol style="list-style-type: none"> <li>1. Two-family dwellings</li> <li>2. Single-family attached dwellings</li> <li>3. Single-family detached dwellings with rear loaded garages</li> </ol> <p>The project does not include a fourth housing type; however, the variation provided between the two- and three-story townhome product, as well as the amount of building design variation provided in the housing type is significant enough so as to act as another housing type. A modification of this standard is proposed and is evaluated in the modification portion of the staff report. Approval of the modification is recommended based on the applicant's justification, staff analysis and findings provided.</p>	<b>Modification Requested</b>

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings												
<b>4.5(D)(2)(b) – Mix of Housing – placement variation</b>	<p>This standard requires that to the maximum extent feasible, housing types, block dimensions, garage placement, lot sizes and lot dimensions be significantly and substantially varied to avoid repetitive rows of housing and monotonous streetscapes. For example, providing distinct single-family detached dwellings or two-family dwellings on larger lots and on corners and providing small lot single-family dwellings on smaller lots abutting common open spaces fronting on streets are methods that accomplish this requirement.</p> <p>The project meets this requirement by providing larger lots at the corners of the single family attached buildings and by providing a varied spacing of walkway connections and green space openings between buildings along the internal streets.</p>	Complies												
<b>4.5(D)(2)(c)(d) – Mix of Housing – housing types provided</b>	<p>This standard requires that no one housing type exceeds 80% or is less than 5% of the three total housing types provided. Of the total of 82 residential buildings, the PDP complies with three housing types distributed in the following manner:</p> <table border="1"> <tr> <td>Two-family buildings</td><td>7</td><td>9%</td></tr> <tr> <td>Single-family attached buildings</td><td>36</td><td>48%</td></tr> <tr> <td>Single-family detached buildings with rear loaded garages</td><td>32</td><td>43%</td></tr> <tr> <td><b>Total</b></td><td><b>82</b></td><td><b>100%</b></td></tr> </table>	Two-family buildings	7	9%	Single-family attached buildings	36	48%	Single-family detached buildings with rear loaded garages	32	43%	<b>Total</b>	<b>82</b>	<b>100%</b>	Complies
Two-family buildings	7	9%												
Single-family attached buildings	36	48%												
Single-family detached buildings with rear loaded garages	32	43%												
<b>Total</b>	<b>82</b>	<b>100%</b>												

<b>4.5(D)(3) – Neighborhood Center</b>	<p>This standard requires that at least ninety percent of the dwellings in all development projects greater than forty acres shall be located within 3,960 feet (three-quarters of a mile) of either a neighborhood center contained within the project, or an existing neighborhood center located in an adjacent development, or an existing or planned Neighborhood Commercial District commercial project, which distance shall be measured along street frontage, and without crossing an arterial street.</p> <p>According to 4.5(D)(3), a Neighborhood Center must comply with criteria related to access to the center, location, land uses, design, and outdoor spaces.</p> <p><u>Access</u></p> <p>A Neighborhood Center is proposed on the eastern edge of the project presented as a mixed-use building designed to provide separate leasable spaces for commercial tenants. The mixed-use building also serves as a clubhouse to the community and is adjacent to a public park ,which connects to a trail network that winds through the development and provides access to over 15 acres of open space corridors throughout the site.</p> <p>The farthest a resident of this development must travel to access the on-site Neighborhood Center is 3,375 feet, measured along street frontage per LUC 4.5(D)(3)(a). This meets the requirement of 90% of dwellings having access within three-quarters of a mile, without crossing an arterial road.</p> <p><u>Location</u></p> <p>The mixed-use building is located as an integral part of the development, located directly adjacent to public right-of-way, and connected by a public trail system. It is not located on an arterial road, therefore there is no separation requirement.</p> <p><u>Land Uses</u></p> <p>The mixed-use building has been designed with separate entrances, separate utilities, and demising walls between uses to ensure that two separate uses are provided within the building. Potential uses that are slated to rent the spaces include: retail; convenience retail; personal and business service shops; small animal veterinary facility; office; financial service; clinic; childcare center; limited indoor recreation establishment; place of worship or assembly; dog day care; music studio. All of the uses comply with LUC 4.5(D)(3)(c).</p> <p>The clubhouse portion of the mixed-use building acts as a community facility or neighborhood support facility, which is also an allowed use of a Neighborhood Center.</p> <p>The adjacent open space and plaza may also function as a flex space for an open-air farmers market.</p> <p>The park adjacent to the mixed-use building includes a playground and open area which qualifies as a recreation facility.</p> <p><u>Design</u></p> <p>The 3,000 square-foot mixed-use building has six parking spaces associated with it, meeting the two space per 1000 square feet requirement for the associated proposed uses.</p> <p>The mixed-use building is one-and-a-half stories tall and the massing has been divided into three separate compartments ranging from 875 square feet to 1,066 square feet. Those proportions match the scale of nearby residential buildings.</p> <p>Pedestrian and bike access is provided to the Neighborhood Center via a network of walks connecting Taft Hill Road and the internal trail system. The internal trail system provides access to existing residential areas to the north and south. Vehicular access is provided via a local residential road network that connects to Taft Hill Road to the east and Laporte Avenue to the west.</p> <p><u>Outdoor Spaces</u></p>	Complies
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Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
	<p>A roughly 2,000 square foot playground is proposed adjacent to the Neighborhood Center as well as an open turf area to the west and north and a Natural Habitat Buffer Zone to the south, which provides usable trail connections.</p> <p>The park and open space adjacent to the Neighborhood Center (south and southwest) provides a focal point for outdoor gatherings, neighborhood events, picnicking, sitting and passive and active recreation.</p> <p>In addition, a number of commercial uses exist nearby the on-site Neighborhood Center. Within a half mile of this site is a medical clinic, laundromat, convenience store with gasoline sales, multiple churches, an elementary school, and a high school. These uses would be considered a Neighborhood Center on their own if the residents of this development did not have to cross an arterial road to access them. The Neighborhood Center at Sanctuary on the Green will enhance the existing public amenities.</p> <p>Based on the description of the proposed Neighborhood Center, the PDP meets with this standard.</p>	
<b>4.5(D)(6) – Small Neighborhood Parks</b>	<p>The PDP meets this standard by providing a privately owned park that meets the criteria of this section.</p> <p>The park area satisfies the required facilities criteria by including a multiple-use turf area, walking paths, seating, playground, and clubhouse.</p> <p>The park meets the location and accessibility criteria by placing the proposed clubhouse and outdoor amenities along N. Taft Hill Road. This meets the requirement that the park area be highly visible, easily observed from streets and formed by the street layout. All parts of the park are safely and easily accessible by pedestrians and open to the public.</p> <p>In terms of ownership and maintenance, the park will be privately owned and maintained by the development's property owners' association.</p>	Complies
<b>4.5(E)(1)(a) Streets and Blocks – Street System and Block Size</b>	<p>This standard requires that the local street system provided by the development results in blocks no greater than 12 acres in size. The project meets this requirement with the combination of local streets, walkway spines and existing barriers which form a pattern of blocks within the project, with no resulting block more than 5.3 acres.</p>	Complies
<b>4.5(E)(1)(b) Streets and Blocks – Mid-Block Pedestrian Connections</b>	<p>This standard requires that if any block face is over 700 feet long, then walkways connecting to other streets shall be provided at approximately mid-block or at intervals of at least every 650 feet, whichever is less. The project complies with this standard by proposing 5 mid-block pedestrian connections which join the internal streets to the surrounding streets (Laporte Avenue and N. Taft Hill Road). The maximum mid-block spacing proposed is approximately 560 feet.</p> <p>Additional walkways are provided along the internal streets connecting to private alleys and the Soldier Creek Trail. Average spacing of this walkway system is approximately 300 feet, and at least 16 walkway connections are provided along the internal street system which link to perimeter streets, alleys, and trails.</p>	Complies
<b>4.5(E)(3) – Maximum Residential Building Height (one-, two- and three-family dwellings)</b>	<p>The maximum height of one-, two- and three-family dwellings shall be two and one-half (2.5) stories.</p> <p>The project meets this requirement, with a 2-story maximum height proposed for the 7 two-family buildings and 32 single-family detached buildings.</p> <p>Attachment 26 is an administrative interpretation regarding the three-story 4-unit or more townhome product that clarifies it is permitted in the LMN district, subject to compliance with multifamily design standards in 4.5(E)(4).</p>	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>Section 4.5(E)(4) Design Standards for Multi-Family Dwellings Containing More Than Eight (8) Dwelling Units</b>		
<b>4.5(E)(4)(a) – Maximum Number</b>	This standard limits multi-family buildings in the L-M-N District to a maximum of 12 dwellings per building. Based on the administrative interpretation for the three-story townhomes, this standard would be applicable to those units. In total, twenty-eight three-story townhome buildings are proposed, with nine 4-unit and nineteen 5-unit buildings provided.	Complies
<b>4.5(E)(4)(b) – Orientation and Setbacks</b>	<p>This standard requires that the multi-family buildings have setbacks from the property line of abutting property containing single- and two-family dwellings of at least 25 feet.</p> <p>The proposed three-story townhomes are separated from adjacent properties by perimeter open space, right-of-way and building setbacks, N. Taft Hill Road landscape improvements and building setback, and the width of the existing N. Taft Hill arterial street right-of-way. In all of these instances, the separation between these proposed buildings and adjacent single-family properties exceeds 25 feet.</p>	Complies
<b>4.5(E)(4)(c) – Variation Among Repeated Buildings</b>  <b>Applies to LMN multi-family buildings</b>	<p>This section requires that any development containing more than 7 multi-family buildings provide at least 3 distinctly different building designs. Additionally, there shall be no more than two (2) similar buildings placed next to each other along a street or major walkway spine. Distinctly different building designs shall provide significant variation in footprint size and shape, architectural elevations and entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. To meet this standard, such variation shall not consist solely of different combinations of the same building features.</p> <p>The project includes a total of 28 three-story townhome buildings that would require compliance with this standard, and five distinctly different building designs are provided. These designs include three 4-unit building designs and two 5-unit building designs. Significant architectural variation is provided amongst these five building designs. Please refer to Attachment 6 for color elevations.</p> <ul style="list-style-type: none"> <li>• 4-plex Building Type C proposes a “Contemporary Farmhouse” design variation which is used for “SFA-R” buildings #28 and #15.</li> <li>• 4-plex Building Type D proposes a “Mid-Century Modern” design variation which is used for “SFA-R” buildings #16, #21, #29 and #33.</li> <li>• 4-plex Building Type C-2 proposes a “Contemporary Farmhouse” design variation which is used for “SFA-R” buildings #34, #20, and #23.</li> <li>• 5-plex Building Type A proposes a “Modern Farmhouse” design variation which is used for “SFA-R” buildings # 4, #6, #7, #12, #18, #25, #31, and #36.</li> <li>• 5-plex Building Type B proposes a “Mid-Century Modern” design variation which is used for “SFA-R” buildings # 5, #10, #17, #19, #22, #24, #26, # 27, #30, #32, and #35.</li> </ul> <p>All five building designs include significant variations in masonry, roof forms, roof materials, siding patterns, front door styles, garage door styles, window sizes and window style fenestration. These elements, combined with noticeable massing and detail variations within the articulation of each façade, meets the building variation requirement by creating at least three distinctly different building designs.</p>	<b>Modification Requested</b>
<b>4.5(E)(4)(d) – Building Height</b>	The maximum height of a multi-family building shall be three stories. The twenty-eight proposed townhome/rowhome buildings are three-stories in height.	Complies
<b>4.5(E)(4)(e) – Entrances</b>	All entrances are clearly identifiable and visible from the streets and walkways.	Complies



Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>4.5(E)(4)(f) – Roofs</b>	<p>Roof designs must meet at least two of the following requirements. Four of the five requirements are met with building designs A, B, C-2 and D, with building design C meeting three requirements:</p> <ol style="list-style-type: none"> <li>1. The primary roof lines are articulated with a terracing in eave heights in building types, A, B, C-2, and D and a change in primary/secondary massing forms are provided with A, B, and C-2 building designs;</li> <li>2. All five building designs provide secondary roofs forms that provide a transition over entrances, porches, garages, dormers, and other architectural massing areas incorporated into the building footprints;</li> <li>3. Primary and secondary roof planes provide a change in the vertical plane of at least two feet;</li> <li>4. Termination at the top of flat roof parapets shall be articulated by design details and/or changes in materials and color. No flat roof parapets are proposed.</li> <li>5. No rooftop equipment is proposed, thus meeting the requirement that all rooftop equipment shall be hidden from view by incorporating equipment screens of compatible design and materials.</li> </ol>	Complies
<b>4.5(E)(4)(g) – Facades and Walls</b>	Each three-story townhome building is articulated with massing projections and recesses, doorway detailing, and balconies. Each façade emphasizes secondary massing forms through the use of secondary wall projections and related roof forms, as well as window placement and window proportions, to divide each facade into human-scaled proportions similar to the adjacent single-family dwellings.	Complies
<b>4.5(E)(4)(h) – Colors and Materials</b>	Each of the five three-story townhome building designs provide a unique color scheme that further differentiates between buildings, providing variety and individuality per the standard. Bright colors are reserved for accents such as doors. Siding and masonry material patterns and colors are varied amongst the five buildings and this also contributes significantly to the building individuality required with this section.	Complies
<b>4.5(E)(4)(i) – Maximum Floor Area</b>	<p>This standard requires that the maximum gross floor area (excluding garages) of the multi-family buildings be not more than 14,000 square feet.</p> <p>This standard is intended for buildings that would not be subdivided with lot lines along common walls such as the three-story townhomes are in this case, so staff considered the overall four or five-plex building size in the review of this standard.</p> <p>The lots for these individual townhome units vary in size from 1,558 square feet to 4,542 square feet. The townhome units themselves vary from approximately 1,300 square feet to approximately 2,100 square feet. This means the largest possible four-plex would be no larger than 8,400 square feet and the largest possible five-plex would be 10,500 square feet which complies with the standard. Staff assumes the unit sizes will vary based on floorplans, but this should be the largest possible building scenario.</p>	Complies

## 7. Findings of Fact/Conclusion

In evaluating the request for the Sanctuary on the Green, Project Development Plan, PDP210018, staff makes the following findings of fact:

- A. The PDP complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.

- B. The modification of standard to Section 3.5.2(D)(1) *Orientation to a Connecting Walkway*, requesting that building entrances to dwellings be oriented to a walkway that is longer than 350 feet, and within walkway open space that is narrower than 35 feet would not be detrimental to the public good and that the request satisfies criteria 2.8.2(H)(1) and 2.8.2(H)(4) because the plan with longer walkways allows more residents access to shared walkways with a pattern that provides a high level of interconnectivity throughout the development and to adjacent neighborhoods in a manner that is equal to or better than a street network. The plan continues to advance the purposes of the Land Use Code Section 1.2.2 by increasing access to sidewalks, trails, and bicycle routes and satisfies 2.8.2(H)(3) because the of the combination of the unusual shape of the property, location of the New Mercer Ditch, location of existing flood control channels, and location of existing development are exceptional practical difficulties not caused by the act or omission of the applicant, which makes providing a network of streets, shorter walkways and/or wider open space for walkway spine green courts in all portions of the site practically infeasible, as described in detail in Division 2.8 of the staff report.
- C. The modification of standard to Section 4.5(D)(2)(a)3 *a minimum of four (4) housing types is required on any such project development plan containing thirty (30) acres or more* would not be detrimental to the public good and that the request satisfies criteria 2.8.2(H)(1) because the proposed plan provides enough variation between housing models to create a varied and unique streetscape without significant repetition. Staff did not find that including the two -family attached housing type, as previously proposed in the round one submittal, provided significant variation in streetscape, price points, and housing types greater than what is already being achieved through the single family attached, single family detached, and two family products already included in the project. The PDP will continue to advance the purposes of the Land Use Code Section 1.2.2 including, but not limited to G) increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation by providing sidewalk and bicycle lane improvements along Laporte Avenue, N. Taft Hill Road, and connections to local streets and trails; (L) encouraging the development of vacant properties within established areas; and (N) ensuring that development proposals are sensitive to natural areas and features by improving existing habitat features satisfying 2.8.2(H)(4) as described in detail in Division 2.8 of the staff report.
- D. The PDP meets the requirements for alternative compliance to alternatively accomplish the purposes of Division 3.6.3 equally well based on the proposed layout and design of streets including local street intersections with Laporte Avenue and N. Taft Hill Road, two bicycle and pedestrian crossings of the New Mercer Ditch, as well as five pedestrian and bicycle connections to Laporte Avenue and five pedestrian and bicycle connections along the northern boundaries of the property, which connect residents of the project to existing neighborhoods, adjacent arterial streets, schools, the park, community center, and the existing Soldier Creek Trail system equally well than would a plan that complies with the standards of this Division, so that the PDP provides both intra- and inter-neighborhood connectivity and complies with the criteria for alternative compliance under Section 3.6.3(H) to the maximum extent feasible taking into account the unusual topographic features, existing development and natural areas or features.
- E. The PDP complies with all relevant standards located in Article 3 – General Development Standards, subject to approval of the two Modifications of Standards and the alternative compliance for *Division 3.6.3 Street Pattern and Connectivity Standards*.
- F. The PDP complies with relevant standards located in Division 4.5, (L-M-N) Low Density Mixed-Use Neighborhood District of Article 4 – Districts, subject to approval of the two Modification of Standards.

## 8. Recommendation

Staff recommends approval of the two requests for Modification of Standards, Alternative Compliance, and approval of the Sanctuary on the Green Project Development Plan, (PDP210018), subject to the following conditions:

1. A photometric plan conforming to 3.2.4 Exterior Site Lighting for the neighborhood center will be submitted for review and approval during final plan review.

2. Plans for the neighborhood center will be updated to conform with 3.2.5 Trash and Recycling Enclosures during final plan review.

## 9. Attachments

1. Vicinity Map
2. Applicant's Project Narrative
3. Overall Site Plan
4. Site Plan Pages
5. Landscape Plan
6. Architectural Elevations
7. Tree Inventory and Mitigation Plan
8. Neighborhood Center Lighting Plan
9. Environmental - Habitat Buffer Zone Exhibit
10. Environmental Characterization Study (ECS)
11. Prior ECS from 9-15-2020
12. Environmental-Wetland Determination
13. Environmental-Winter Raptor Nesting Memo
14. Environmental – Concentration Areas Memo
15. ICON-PDP-Floodplain Report
16. ICON-Pre-Project Floodplain Map (Overall)
17. ICON-Post-Project Floodplain Maps
18. Utility Plans
19. Plat
20. Email from New Mercer Ditch
21. Email from Larimer County Planning Department
22. Modification Request LUC Sec 3.5.2(D)(1)
23. Modification Request LUC Sec 4.5(D)(2)(a)3
24. Request for Alternative Compliance LUC 3.6.3(D)
25. ROW Width Variance Letter
26. Administrative Interpretation #1-18
27. PDP Neighborhood Meeting Notes
28. Old versus New Plan Exhibit
29. Written Comments – Prior PDP (PDP190003)
30. Neighborhood Newsletter Volume 3
31. Letter of Intent with Calvary Baptist Temple
32. Staff Comment Letters
33. Applicant's Cover Letter
34. Applicant's City Plan Analysis
35. Staff Presentation
36. Applicant Presentation

## 10. Links

The documents available at the following links provide additional information regarding the development proposal under review and are incorporated by reference into the hearing record for this item:

1. [All Submittal Documents](#) (enter PDP210018 into search bar)
2. [Drainage Report](#)
3. [Traffic Impact Study](#)

## **ATTACHMENT B**

### **List of individuals submitting written (email) comments Sanctuary on the Green (PDP #210018)**

\* Note – for each individual listed below, the Hearing Officer has inserted whether the email comment(s) submitted were generally pro (for) or con (against) the proposed PDP.

1. Donald Robinson, email dated 12/18/21 (for)
2. Lisa Barnes, email dated 4/25/22 (for)
3. Kathleen Mineo, email dated 4/20/22 (against)
4. Laurie Causer, email dated 4/26/22 (against)
5. Nancy Frederick, email dated 4/27/22 (against)
6. Mr. & Mrs. Lasala, email dated 4/27/22 (against)
7. David G. Quigley, email dated 4/20/22 (against)
8. Hania Sakkal, email dated 4/25/22 (against)
9. Zack Scott, email dated 4/25/22 (against)
10. Virginia Slauson, email dated 4/28/22 (against)
11. Darrel E. Snyder, email dated 4/15/22 (against)
12. Miranda Spindel, emails dated 4/24, 4/29 & 5/1 (against)
13. Valerie Vogeler, email dated 4/27/22 (against)
14. Lloyd Walker, email dated 4/25/22 (against)
15. Amanda Warren, email dated, 4/27/22 (against)
16. Chris Weeks, email dated 4/21/22 (against)
17. Jenna Olcott, email dated 12/10/21 (against)
18. Denise Steffenhagen, email dated 4/29/22 (against)
19. Bill Steffenhagen, email dated 4/29/22 (against)
20. Margot Steffenhagen, email dated 5/1/22 (against)
21. Lorin Spangler, email dated 4/29/22 (against)
22. Phil Vogeler, email dated 4/29/22 (against)
23. Miranda Spindel, emails dated 4/29 & 5/1/22 (against)
24. Michael Juniper, email dated 4/29/22 (against)
25. Barbara Denny, email dated 5/1/22 (against)
26. Megan Johnson, email dated 5/1/22 (against)
27. Steve Serna, email dated 5/2/22 (against)
28. Cheryl Distaso, email dated 5/1/22 (against)
29. Charles Kopp, email dated 5/1/22 (against)
30. Naomi Win, email dated 5/1/22 (against)
31. Julie Griffin, email dated 5/2/22 (against)
32. Laura M. Larson, email dated 5/2/22 (against)
33. Emma Goulart, email dated 5/2/22 (against)
34. Kyrán Cadmus, email dated 5/2/22 (against)
35. Lucy & Danny Head, email dated 5/2/22 (against)
36. Andrea Faudel, email dated 5/2/22 (against)

37. Mary Timby, email dated 5/2/22 (against)
38. Matthew Behunin, email dated 5/2/22 (for)
39. Julie J. Brewen, email dated 5/2/22 (for)
40. Cristyn Hypnar, email dated 5/2/22 (against)
41. Sandy Knox, email dated 5/2/22 (against)
42. Mikole Grindel, email dated 5/2/22 (against)
43. Kimberly DeSantis, email dated 5/2/22 (against)
44. Cathleen DeSantis, email dated 5/2/22 (against)
45. Todd Simmons, email dated 5/2/22 (against)
46. Paula Harrison, email dated 5/2/22 (against)
47. Hilary Freeman, email dated 5/2/22 (against)