



Development Review Center
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May 9, 2019

Stephanie Hansen
Ripley Design, Inc.
419 Canyon Ave, Suite 200
Fort Collins, CO 80521

RE: First Stop Plaza, BDR180031 – Manager’s Decision

Dear Stephanie:

On September 28, 2018, the City of Fort Collins Development Review Division received and processed a request for the First Stop Plaza project, a request for a Basic Development Review to make changes to vehicular circulation at 1004 N College Ave, due to pending construction of the Suniga Rd and College Ave intersection. The purpose of the project is to maintain adequate access to two lots so that the existing retail business can function as needed on Lot 2 and future development is possible on Lot 1. The proposed project is located in the Service Commercial (C-S) zone district.

This request has been processed in accordance with Section 2.18.3 – Basic Development Review Procedures of the City of Fort Collins Land Use Code. In addition, the request has been reviewed for compliance the applicable General Development Standards of Article Three, and with Division 4.22 – Service Commercial (C-S) zone district standards of Article Four.

The applicant is requesting modifications of standards for three Land Use Code sections, all of which relate to the placement of vehicle use areas in relation to buildings:

1. Section 3.2.2(C)(5) – *Walkways*, which describes standards for pedestrian walkways and street crossings.
2. Section 3.2.2(J) – *Setbacks*, which specifies a minimum average setback of 15 feet for vehicle use areas containing six or more parking spaces or 1,800 or more square feet.
3. Section 3.5.3(C)(2) – *Orientation to Build-to Lines for Streetfront Buildings*, which specifies that buildings should generally be located between 10 and 25 feet from large arterial streets.

The request for modifications and applicant justification is attached to this decision. The process and criteria for modifications of standards is outlined in Division 2.8 of the Land Use Code, 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).

Modification requests for specific projects are reviewed independently based on specific location, context and circumstances. In reviewing the proposed development plan and applicant request, staff finds that the three modifications of standard would not be detrimental to the public good and meet criterion 3 (hardship) described above. There are several unique circumstances that support staff's findings:

- In the case of this property, portions of both lots are needed to accommodate the construction of a new arterial street, Suniga Rd.
- The Suniga Rd project will limit opportunities for safe and convenient access to both Lot 1 and Lot 2, and results in a need for cross access across the two lots.
- Emergency access needs to be provided to and through both lots.
- These factors, and other existing covenant agreements between the two properties, creates a hardship that drives the layout of drive aisles and future buildings on the site.
- The strict application of Sections 3.2.2(C)(5), 3.2.2(J) and 3.5.3(C)(2) would result in unusual and exceptional practical difficulties to meet vehicular and emergency access requirements.

The Development Review Manager hereby makes the following findings of fact:

1. First Stop Plaza, BDR180031, has been accepted and properly processed in accordance with the requirements of Section 2.2.10, 2.8 and 2.18 of the Land Use Code.
2. First Stop Plaza, BDR180031, complies with the applicable sections of Article Three, General Development Standards, of the Land Use Code, except for Sections 3.2.2(C)(5), 3.2.2(J) and 3.5.3(C)(2), for which three modifications of standards are requested.
3. The modification requests for Sections 3.2.2(C)(5), 3.2.2(J) and 3.5.3(C)(2) comply with Division 2.8. Granting the modifications of standards would not be detrimental to the public good, and the three interrelated requests satisfy modification criterion 3 (hardship).
4. First Stop Plaza, BDR180031, complies with the requirements of Article Four, Division 4.22 – Service Commercial (C-S).

Based on these findings of fact, the Development Review Manager of the City of Fort Collins makes the following decision:

Approved
Decision

5/9/19
Date

Rebecca Everette
Rebecca Everette
City of Fort Collins, Development Review Manager

Attachment: Request for Modifications of Standards

This final decision of the Development Review Manager may be appealed to the Planning & Zoning Board, in accordance with Article II, Division 2.18.3(L) of the Land Use Code, within 14 calendar days of the date of final action by the Development Review Manager. Guidelines explaining the appeal process, including the Code provisions previously referenced, can be found online at fcgov.com/cityclerk/appeals.php, or may be obtained in the City Clerk's Office at 300 Laporte Avenue.

