

Planning and Zoning Commission Hearing July 21, 2022

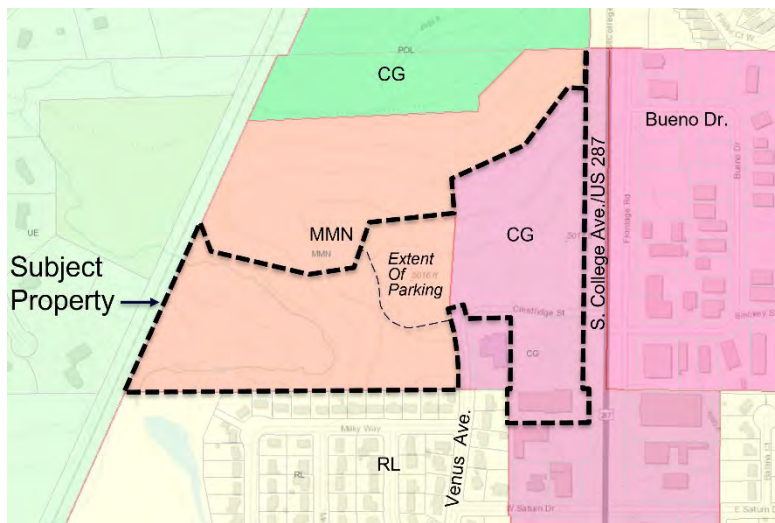
## Fort Collins Nissan - Kia

### Summary of Request

This is a proposed Project Development Plan (PDP), #PDP210017, to remove and replace the existing Fort Collins Nissan car dealership with two new car dealerships (Nissan and Kia).

The plan comprises property in two zoning districts, one of which does not permit the auto sales use (the Medium Density Mixed Use Neighborhood [MMN] zone). Thus, the plan includes a request for Addition of Permitted Uses (APU) under the Land Use Code.

### Zoning Map



### Next Steps

If the Commission approves the APU and the PDP, the applicants will be eligible to proceed to final plans and permits.

### Location

5811 S. College Ave.

### Zoning

General Commercial (CG) along S. College Avenue frontage, and Medium Density Mixed Use Neighborhood (MMN) in the rear portion of the property.

### Property Owner

WWW Properties LLC  
1005 Ken Pratt Blvd.  
Longmont, CO 80501

### Applicant/Representative

Cathy Mathis  
TB Group  
444 Mountain Ave.  
Berthoud, CO 80513

### Staff

Clark Mapes, City Planner

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### Staff Recommendation

Staff recommends that the Commission:

- 1) Approve the Addition of a Permitted Use
- 2) Approve two requested Modifications of standards
- 3) Approve the PDP with three conditions.

## 1. Project Introduction

### A. PROJECT DESCRIPTION

- The plan assembles multiple properties into a single 25-acre parcel. Dealership operations occupy roughly the front half of the property, with the rear half comprising natural features and open landscape area to remain undeveloped.
- The plan is for complete redevelopment of the existing dealership property and new expansion on the larger assembled property. Development includes two buildings, new vehicular access, circulation and parking, a framework of walkways, very extensive landscaping, and drainage and utilities.
- The existing Nissan dealership is accessed from Crestridge Drive, a public street. The plan vacates Crestridge right-of-way and replaces it with a newly configured driveway entrance.
- Venus Ave. is extended northward from its current end at Crestridge, to connect to S. College with a new signalized intersection. The new intersection aligns with Bueno Drive on the east side of S. College.
- This access change is dependent on approval of an amendment to the South College Avenue/US 287 Access Control Plan, which is jointly adopted by the City and the Colorado Department of Transportation, Larimer County, and Loveland. That amendment process would occur in conjunction with Final plans.
- As shown on the previous page, the plan includes parking extending onto the portion of the property that is zoned MMN, which requires the Addition of a Permitted Use (APU) to allow the vehicle sales use to extend onto that portion.
- The dealership operations include large, landscaped stormwater treatment and detention ponds that buffer the activity from the adjacent Skyview subdivision.
- The plan includes a request for a Modification of a standard to allow pole light fixtures which exceed a standard for the Glare rating.
- The plan includes a request for a Modification of a standard to allow vehicle use areas to cross in front of the buildings between the buildings and the street sidewalk.



**FORT COLLINS NISSAN-KIA - SITE PLAN**  
MAY 2022

**B. DEVELOPMENT STATUS/BACKGROUND**

**1. Annexation and Existing Development**

The majority of the property was annexed as part of the Skyview Limited Annexation in 1989 and zoned ‘PUD’ under the Land Development Guidance System in place prior to 1997. In 1997, the Land Use Code was adopted in conjunction with the original *City Plan*, and this property was rezoned as part of citywide rezoning to the new CC, Community Commercial zoning district.

The 2.7-acre existing Nissan dealership property was annexed in 2006 with the Southwest Enclave Phase 1, at which time the current CG and MMN zoning was placed on the subject property.

Several initiatives have been proposed for these properties in the past. Those have included extension of Venus Drive as proposed in the current plan, apartments on portions of the property, remodeling of the dealership, and coordination with concepts for apartments on the adjoining parcel on the north. The current plan is the first proposal to reach a hearing.

**2. Surrounding Zoning and Land Use**

	North	South	East	West
<b>Zoning</b>	MMN, Medium Density Mixed Use Neighborhood	Low Density Residential (RL)	Service Commercial (CS) across S. College	Urban Estate (UE)
<b>Land Use</b>	Vacant	Skyview subdivision	Commercial strip	Office/private school building, large lot residential across a railroad

## C. OVERVIEW OF MAIN CONSIDERATIONS IN STAFF'S REVIEW

Main considerations through four iterations in plan review have included the following main issues:

1. **APU for the MMN-zoned portion:** Early in the process, staff found the APU to be supportable in this situation for several reasons. Staff considered the intent and importance of this zoning line; impacts of the proposed parking lot compared to apartments; and the opportunity cost of losing land for multifamily housing or other MMN uses.
2. **Street access changes:** Vacating Crestridge Drive as a public street, and extending Venus Avenue to a new signalized intersection, has been generally supported by staff in past development proposals that did not move forward to decisions. Likewise, it was generally supported by staff early in this process, with mutual understanding that the South College Access Control Plan would need an amendment in a separate process.
3. **Street design:** Fitting the new Venus Drive street segment and utilities to the sloping topography and to existing Venus Drive required careful design through several iterations. Likewise, the South College streetscape improvements and new signalized intersection required detailed design involving utilities and sloping topography.
4. **Modification for building placement (not) in direct relation to a sidewalk:** The modification request to allow vehicle use areas between the buildings and the sidewalk was supported early in the process by staff. Staff considered the combination of the unique street front context in the area which has no other sidewalks; the design of the pedestrian connections to the building; and the nature of the dealership use.
5. **Stormwater treatment, detention and drainage on-site and off-site:** Handling runoff from the development required extensive design involving natural features in the western portion of the property including wetlands, a small creek (Lang Gulch), and significant rock outcrops; as well as coordination on an easement from City Natural Areas which remains a condition on staff's recommendation of approval.
6. **Corporate prototype design:** The building design as first proposed was for a standardized corporate branding feature on the front of the building. The design invoked a local building design standard requiring such prototypes to be modified to contribute to the uniqueness of Fort Collins, and also invoked sign standards. Adjusting the design, even slightly, was challenging under Nissan's larger corporate objectives.
7. **Modification for glare rating in light fixtures:** The modification request for a technical rating for Glare – the G in BUG ratings – required an in-depth refresher lesson for staff to clearly understand the difference between a G1 and a G2 rating. A revised photometric plan was submitted during discussions in the later review iterations.

## 2. Comprehensive Plan

*City Plan* is the comprehensive plan for the City of Fort Collins. The City also has other adopted policy plans that are considered as related elements of the comprehensive plan. The South College Corridor Plan is an example.

Development plans are reviewed for compliance with Land Use Code standards, which are generally intended to implement policy direction. Policy is not regulatory in the manner of the LUC, but staff still considers relevant policy direction in the review of development proposals.

### A. SOUTH COLLEGE CORRIDOR PLAN (2009)

The South College Corridor Plan (SCCP) was adopted in 2009, related to the Southwest Enclave Annexation process. Over the long term, the area is envisioned to transition from the highway-oriented commercial development seen today into a more diverse mix of uses with increased attention design to distinguish the area.

The proposed development plan introduces major urban improvements that address issues described in the SCCP, such as the low quality and visual interest of commercial buildings, and the sole emphasis on vehicle access to parking with neglect of other community design considerations such as safety, walkability, and visual quality.

The plan recognizes how the uninviting existing physical character of the area fits the specific markets served by the businesses; and notes that a “basic level of quality and design could enhance the area’s eclectic image.”

### B. CITY PLAN (2019)

*City Plan* presents a forward-looking aspirational vision for land use, transportation, and transit citywide.

To the extent that it addresses current practical realities of automobility and auto-related business development, a few pertinent policies include the following.

- The Structure Plan designates the front portion of the property as ‘Suburban Mixed-Use’ place type, which includes the following statement:

*Existing Suburban Mixed-Use Districts include lower-intensity, auto-oriented uses; however, the transition of these areas to a more transit-supportive pattern development is encouraged as infill/redevelopment occurs, particularly where high-frequency transit is planned.*

- Several policies address development and redevelopment, calling for the City to protect natural features, maintain design standards, promote distinctive design, and ensure context-sensitive compatibility.
- The Structure Plan recognizes the rear portion of the property as the ‘Mixed-Neighborhood’ place type. This neighborhood designation reflects the zoning, past concepts for multi-family residential development, and the presence of an abutting neighborhood on the south (Skyview).

**3. Land Use Code Article 1**

**A. DIVISION 1.3 – ZONING AND APU**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>1.3.4 – Addition of Permitted Uses</b></p>	<p>The purpose of the APU process is to allow for approval of a particular land use on a specific parcel within a zone district that otherwise would not permit such a use.</p> <p>An applicant may submit a plan that does not conform to the zoning, with the understanding that such plan will be subject to a heightened level of review, with close attention being paid to compatibility and impact mitigation.</p> <p>This process is intended to allow for consideration of unique circumstances on specific parcels with evaluation based on the context of the surrounding area. The process encourages dialogue and collaboration among applicants, affected property owners, neighbors and City Staff.</p> <p>In this case, an inventory storage parking lot for the dealership is proposed on the portion of the property zoned MMN.</p> <p>There are two versions of APUs:</p> <p>The first version is <i>not</i> the type of APU being proposed in this case; however, it is important as background for staff’s findings because it lists the required criteria.</p> <p>(1) THE FIRST VERSION applies where the proposed use is a new use in the Fort Collins Land Use Code, meaning that it is not recognized in any existing use classification, and is proposed as being appropriate to add into a zone district(s).</p> <p>In other words, it is to incorporate a new use into the code that was not previously recognized. It is determined by staff (“the Director”).</p> <p>A list of eight criteria must be met for such a use to be approved.</p> <p>The eight criteria are:</p> <ul style="list-style-type: none"> <li>(a) Such use is appropriate in the zone district to which it is added.</li> <li>(b) Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added.</li> <li>(c) The location, size and design of such use is compatible with and has minimal negative impact on the use of nearby properties.</li> <li>(d) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the zone district to which it is added.</li> </ul>	<p>Complies</p>

(e) Such use will not change the predominant character of the surrounding area.

(f) Such use is compatible with the other listed permitted uses in the zone district to which it is added.

(g) Such use, if located within or adjacent to an existing residential neighborhood, shall be subject to two (2) neighborhood meetings, unless the Director determines, from information derived from the conceptual review process, that the development proposal would not have any significant neighborhood impacts. The first neighborhood meeting must take place prior to the submittal of an application. The second neighborhood meeting must take place after the submittal of an application and after the application has completed the first round of staff review.

(h) Such use is not a medical marijuana business as defined in Section 15-452 of the City Code or a retail marijuana establishment as defined in Section 15-603 of the City Code.

The second type of APU is the type that is proposed:

(2) THE SECOND VERSION applies where the proposed use is listed in other zone districts other than the zoning on the subject property, and **“is proposed based solely on unique circumstances and attributes of the site and development plan.”**

In other words, this second type is to allow a use to be added on one specific site in a given development plan, rather than to add an entirely new use into a zone(s) in the Land Use Code, as in the first type.

However, this second type refers to same criteria listed under the first type, which are written based on adding a use to the zone district in the first type.

Accordingly, staff has consistently interpreted the criteria slightly differently in this second type than in the first type.

I.e., a proposed use may *not* be appropriate to be added to the zone district; it may *not* conform to basic characteristics of other uses in the zone; may generate more traffic than other uses permitted in the zone; and may *not* be compatible with other uses in the zone district, but for the unique circumstances of a particular plan.

The way staff typically interprets the criteria is illustrated by the underlined edits below for the pertinent criteria. These interpretations can be compared to the criteria as stated in the code text above.

(a) Such use is appropriate in the particular location within the zone district, based on the plan and the context and circumstances of the specific location.

(b) Such use has basic characteristics that are appropriate in the particular location, based on the plan and the circumstances and context of the proposed location.

(c) The location, size and design of such use is compatible with the context of the specific location within the zone district and has minimal negative impact on the use of nearby properties.

(d) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more

traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the zone district to which it is added, unless: any additional impacts are addressed/accounted for in the plan, and thus are warranted by the plan, context, and circumstances. Considerations may include the degree of any more impacts; the degree of sensitivity in the area affected; whether the location is already characterized by such impacts; offsetting benefits to adjacent properties and/or the community; and any other pertinent considerations unique to the situation.

(e) Such use will not change the predominant character of the surrounding area.

(f) Such use is compatible with the other listed permitted uses in the zone district to which it is added, in the given location based on the plan as proposed.

Note that staff will propose an update to the code Section to add these edited criteria acknowledging the difference in the second type of APU.

**Applicants Justification**

The applicants' justification narrative is attached and addresses each of the pertinent criteria.

**Staff Findings**

Staff finds that the APU request conforms to the criteria as follows:

**(a) Such use is appropriate in the zone district to which it is added.**

The proposed use (inventory storage parking lot for the dealership) is appropriate in the particular location, based on the plan and the context and circumstances, because staff finds that the only potential issue is visual impact experienced by the adjoining Skyview neighborhood. It can be compared to the visual and other impacts of MMN-type apartment complex development.

The MMN-zoned portion of the property that appears potentially developable on the upland area above the steep rock outcrops totals about 5.5 acres. Stormwater detention pond occupy nearly 3 of these acres.

The parking lot is 240 feet from the Skyview neighborhood at its closest point, and thoroughly landscaped per standards, with intervening landscaped detention ponds.

Relatedly, potential future multi-family development on the adjoining property on the north could theoretically have a view of the parking lot, although that property is a hillside sloping down to the north, and a fence and evergreen trees screen the north side of the parking lot.

Staff finds that the parking lot would have similar or perhaps lesser impacts than apartment complex development with its parking lots, as permitted under the MMN zoning. MMN development typically comprises buildings and parking lots that would presumably generate more visual and activity impacts



at all times of day and night than the dealership parking for inventory storage.

**(b) Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added.**

The use has basic characteristics appropriate in the particular location, based on the plan and the circumstances and context of the proposed location, for the reasons stated under (a) above.

**(c) The location, size and design of such use is compatible with and has minimal negative impact on the use of nearby properties.**

The proposed parking lot is compatible with the context of the specific location within the zone district and has minimal negative impact on the use of nearby properties for reasons stated above.

**(d) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or any more traffic hazards, traffic generation or attraction, adverse environmental impacts, adverse impacts on public or quasi-public facilities, utilities or services, adverse effect on public health, safety, morals or aesthetics, or other adverse impacts of development, than the amount normally resulting from the other permitted uses listed in the zone district to which it is added.**

Staff finds that the parking would create similar, or perhaps lesser, impacts than an apartment complex as allowed in the MMN zone and as proposed in the past.

**(e) Such use will not change the predominant character of the surrounding area.**

The proposed plan significantly improves upon the predominant character of the surrounding area, and the surrounding residential area will retain its character.

Staff finds that other permitted uses could likely represent more significant change.

**(f) Such use is compatible with the other listed permitted uses in the zone district to which it is added.**

The proposed parking lot is compatible with the other listed permitted uses in the zone district to which it is added, in the given location based on the plan as proposed, for all of the reasons stated above, and because the other uses would also include parking lots.

**(g) Such use, if located within or adjacent to an existing residential neighborhood, shall be subject to two (2) neighborhood meetings, unless the Director determines, from information derived from the conceptual review process, that the development proposal would not have any significant neighborhood impacts. The first neighborhood meeting must take place prior to the submittal of an application. The second neighborhood meeting must take place after the submittal of an application and after the application has completed the first round of staff review.**

Two neighborhood meetings were held, and notes are attached.

**4. Land Use Code Article 2**

**A. DIVISION 2.2 – DEVELOPMENT REVIEW PROCEDURES**

Applicable Code Standard	Summary of Code Requirement and Staff Analysis	Staff Findings
<p><b>Sections 2.2.1-2.2.8</b></p> <p><b>Procedural Steps</b></p>	<p>These subsections outline the required steps for processing development applications. Pertinent steps have been:</p> <p><b>Conceptual Review – CDR190082</b></p> <p>A conceptual review meeting was held on August 20, 2020.</p> <p><b>First Submittal –ODP 200001</b></p> <p>The application was submitted on March 12, 2021.</p> <p><b>Neighborhood Meetings</b></p> <p>Pursuant to <i>LUC Section 1.3.4 – Addition of Permitted Uses</i>, two neighborhood meetings are required for an APU in the RL Zone District. The first meeting was held virtually on April 8, 2021. The second meeting was held virtually on May 9, 2022 following submittal of the plan as required. 502 letters were mailed to owners within the notice area for both meetings.</p> <p><b>Notice (Posted, Written and Published)</b></p> <p>Posted Notice: Sign posted January 15, 2021, Sign #614.</p> <p>Written Hearing Notice: July 5, 2022, 502 addresses mailed.</p> <p>Published Hearing Notice: Scheduled for July 10, 2022.</p>	<p>Complies</p>

## B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The Land Use Code is adopted with the recognition that there will be cases where circumstances in a given development plan may warrant a design solution that does not comply with a standard as written.

Thus, the code includes a provision for 'Modification of Standards' under certain criteria.

The plan includes two modification requests – one for the buildings to be placed behind vehicle use areas rather than in direct relation to the sidewalk and one for a technical rating on the proposed light fixtures for 'Glare'.

The criteria for modification requests are in Land Use Code Division 2.8.2(H) 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. Modification of a Lighting Standard – Subsection 3.2.4(H), Table 3.2.4-4

This standard contains ratings for how light fixtures control their light output, using industry ratings for Backlight, Uplight, and Glare, known as BUG ratings.

The applicant requests a modification to the standard for the glare rating for pole mounted light fixtures in the parking lots. The request is attached. In addition, the lighting engineer provided a 9-page explanation of Glare ratings with detailed responses to essential questions about the difference between a G1 and a G2 rating.

#### Summary of Applicant Justification

The applicant's modification request is attached. The request is based on lack of detriment to the public good, and on subparagraph (1) above -- "equal or better", and subparagraph (4) "nominal and inconsequential".

The standard calls for a glare rating of G1, and the applicant requests the use of fixtures with a rating of G2.

The reason for the request is that when the lighting engineer designed a plan to achieve all

requirements for BUG, lumen allotment and off-site spillage requirements, they found that 13' tall pole lights on a 30-foot spacing were necessary along edges of the parking lot.

They think that would be a very dense pole spacing that would be visually undesirable, and instead propose a 20-foot pole height with 60-foot spacing; and the taller pole results in the G2 rating.

All other parameters and ratings are met in the plan – total quantity of light for the site expressed as lumens; light levels on the ground including off-site spillover expressed as footcandles; and Backlight and Uplight ratings (the BU in BUG ratings).

The difference between G1 and G2 glare ratings is the quantity of light (lumens) in a set of four angles between 60 and 90 degrees from a light fixture (with 90 degrees being light directed horizontally from the fixture).

In this case, the lumens in the angles are within G1 parameters for three of the four angles, with the exception being the lumens in the 60-80-degree angle range, known as the Forward High (FH) angle range. The proposed fixtures provide light that exceeds the G1 rating but is well below the G2 rating for this angle range. The lighting engineer highlights the difference between G1 and G2 in this screen shot from their attached 9-page explanation:

*In our case all of the angles/lumen values are with-in the G1 parameters except the FH lumen value.*

		G0	G1	Proposed Fixture	G2
Glare	FVH	10	100	55.8	225
	BVH	10	100	6.5	225
	FH	660	1,800	2,873.60	5,000
	BH	110	500	147.5	1,000

*It is my opinion that you will not be able to physically perceive the difference between "FH" lumen of 1,800 vs 2,873 in the midst of the overall 1,015,479 lumen lighting scheme.*

The engineer states their opinion that the visual impact of 13' display lighting poles at 30' on centers with a "G1" glare rating would be visibly more distracting than the proposed 20' display lighting poles at 60' centers with a "G2" glare rating.

They contend that the lumen per square foot allotment effectively prevents the traditional car-sales-lot lighting "glare bombs".

As an example, the proposed lumen output of the proposed fixtures is 8,890 lumens with a warm 3,000K color. The Nissan Retail Environment Design Initiative corporate guidelines recommend fixtures for the front-line display that would produce 60,854 lumens with a stark white 5,000K color. The proposed solution is 15% of the desired corporate standard.

The engineer states that the plan will provide a dimmable wireless control system with integral occupancy sensors that enable each individual pole light fixture to be programmed for individual operation.

The lights will be on at a 100% level from 30 minutes prior to sunset to 30 minutes after business hours.

Then for security purposes the lights will be dimmed down to 10% output from 30 minutes after business hours to 30 minutes after sunrise. Occupancy sensors will bring the lights up to 100% if activated during this time. If no motion is detected after 20-minutes they will dim back down to 10% output.

Staff will ensure that the Final Plans for lighting incorporate all of these parameters as stated in this staff report.

### **Staff Findings**

Staff's finds that the request would not be detrimental to the public good; is equal to a plan meeting the standard for purposes of the standard; and that the modification is nominal and inconsequential when considered from the perspective of the whole development plan, for the following reasons:

- There are no measurable off-site impacts because the plan complies with backlight, uplight, and spillover limits, which sharply direct the light to the intended area internal to the site.
- The design complies with LUC's lumen per square foot allotments for the whole site.
- Anyone who would be affected by the difference in lumens would be in the parking lot, presumably for the purpose of seeing the vehicles on display.
- Staff does not have information to disagree with the engineer's opinion that the difference would not be noticeable, particularly in the context of the whole site with its extensive lighted parking.
- Staff notes that some of the footcandle levels in the parking lot are actually lower with the proposed fixtures.
- To the extent that the G2 glare rating might be noticeable, it is offset by reducing the number of poles by half along the edges of the property.
- The plan as a whole advances the general purposes of the Land Use Code as outlined in Division 1.2.

## 2. Modification of Building Placement Standard– Subsection 3.5.3(C)(1)

This standard requires buildings to be placed in direct relation to a street sidewalk with no intervening parking or drives. The applicant requests a modification to this standard to allow both buildings to be located behind parking aisles and spaces.

### Summary of Applicant Justification

The applicant's modification request is attached. The request is based on lack of detriment to the public good, and on subparagraph (1) above -- "equal or better".

The request notes that:

- The standard is written for more pedestrian-oriented urban streetfront environments, and that this highway location is not urban in nature.
- Auto dealerships are different from other commercial businesses.
- Enhanced walkways/crosswalks connect straight to and from the main building entrances and the street sidewalk.
- Visual impacts of the parking in front of the buildings are mitigated by extensive landscaping along all frontages.

### Staff Findings

Staff's finds that in this particular situation, the request would not be detrimental to the public good; is equal to a plan meeting the standard for purposes of the standard; and that the modification is nominal and inconsequential when considered from the perspective of the whole development plan, because:

- The context of the area helps to warrant the modification. The building relationship to South College Avenue/US Highway 287 is unique among streetfronts in the city, because the whole larger area is completely auto-oriented, with a speed limit of 55, which results in a dominance of highway-speed traffic. There is no pedestrian streetfront in the area – there are no sidewalks or walkways.
- Walkways with crosswalks link across the drive aisles and are enhanced with entryway columns that bring the building architecture out to the sidewalk along with extensive landscaping.
- These dealerships are different than most commercial uses elsewhere in the city because the context inherently limits pedestrian use. The plan contributes to improving the pedestrian environment and may perhaps generate pedestrian use, but any pedestrians who might walk to and from the buildings would likely be there for the purpose of interacting with vehicles and sharing space with vehicles, so the presence of the parking drives is not as obtrusive as it can be for other uses and other locations.
- The visual impact of the vehicles in front of the buildings is mitigated by very extensive landscaping.
- The plan as a whole introduces an "island" or "oasis" of pedestrian and visual improvements in this strictly auto-centric area of the city. In this particular situation, staff finds the building placement with its pedestrian and visual improvements to be as good as a plan with the front drive aisles eliminated; and the difference is nominal and inconsequential from the perspective of the whole plan for all of the reasons stated above.
- The plan as a whole advances the general purposes of the Land Use Code as outlined in Division 1.2.

**5. Land Use Code Article 3**

**A. DIVISION 3.2 - SITE PLANNING AND DESIGN STANDARDS**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>Section 3.2.1 Landscaping and tree protection standards</b></p>	<p>This Section requires a fully developed landscape plan that addresses relationships of landscaping to sidewalks, parking and walkways, the building, adjoining properties, and users of the site in a manner appropriate to the neighborhood context.</p> <p>The plan provides extensive irrigated landscaping with the following main components:</p> <ul style="list-style-type: none"> <li>• New parkway strips with turfgrass and street trees along North College and Venus Drive.</li> <li>• Parking lot interior and perimeter landscaping including extensive evergreens to screen parking from Skyview houses, and extensive mulched shrub beds screening parking along S. College.</li> <li>• Tree plantings throughout the site totaling approximately 338 trees.</li> <li>• 18 mitigation trees for existing trees to be removed</li> <li>• Stormwater detention ponds with special seeding.</li> <li>• Restoration of disturbed areas around the perimeter with seeding of appropriate native grasses using appropriate techniques.</li> </ul>	<p>Complies</p>
<p><b>3.2.1(F) – Tree Mitigation</b></p>	<p>This Section requires that developments retain significant existing trees to the extent reasonably feasible.</p> <p>The plan requires removal of numerous existing trees due to the scope and scale of grading and construction.</p> <ul style="list-style-type: none"> <li>• Forestry staff determined that the removals warrant 18 mitigation trees. The plan incorporates 338 trees which staff found to be adequate for mitigation.</li> </ul>	<p>Complies</p>
<p><b>Section 3.2.2 Access, Circulation and Parking – General Standard</b></p>	<p>This Section requires that development projects accommodate the movement of vehicles, bicycles, pedestrians safely and conveniently, and in a manner that adds to the attractiveness of the development.</p> <ul style="list-style-type: none"> <li>• The plan rearranges existing access from S. College Ave., based on vacating the current Crestridge Drive right-of-way access and replacing it with new specialized private drive access to the two dealerships. The access from S. College becomes right-in-right-out only. The proposed new drive layout is shown below.</li> </ul>	<p>Complies</p>

	<ul style="list-style-type: none"> <li>• Relatedly, the plan extends Venus Drive northward from its current terminus at Crestridge to a new intersection with S. College, including a needed new signal (Crestridge is unsignalized.) Venus Drive provides a segment of sidewalks and bike lanes.</li> <li>• The S. College streetscape includes a segment of curb, gutter and sidewalk.</li> <li>• Access and parking for the office/school property on the west is reconfigured, with a new connection to the school from Venus Drive that compensates for the loss of access from the current Crestridge Drive, with the benefit of the new signalized intersection on S. College.</li> <li>• A walkway framework traverses the development.</li> </ul>	
<p><b>Subsection 3.2.2(C)(4) – Bicycle Parking</b></p>	<p>This standard requires a minimum of 4 bicycle parking spaces.</p> <ul style="list-style-type: none"> <li>• 4 spaces are provided at each dealership.</li> </ul>	<p>Complies</p>
<p><b>Subsection 3.2.2(k): Parking - number of off-street spaces</b></p>	<p>This subsection lists parking requirements for various land uses but does not list requirements for vehicle dealerships.</p> <ul style="list-style-type: none"> <li>• The plan provides 654 total spaces.</li> <li>• The plan provides 4 handicap spaces for Kia, and 7 for Nissan.</li> <li>• The plan provides 12 new spaces for the office/school building to the west, compensating for loss of on-street parking on Crestridge.</li> </ul>	<p>Complies</p>
<p><b>Section 3.2.4 Site Lighting</b></p>	<p>This Section sets limits for exterior lighting using technical parameters. Limits include 1) photometric parameters for light on the ground measured in footcandles, within the site and off-site as spillover, and 2) technical ratings for Backlight, Uplight and Glare (BUG).</p> <ul style="list-style-type: none"> <li>• The plan provides lighting within all limits with one exception – the rating for glare on pole light fixtures. A Modification of the standard is requested as explained previously under Division 2.8.</li> </ul>	<p>Modification Requested</p>
<p><b>Section 3.2.5</b></p>	<p>Trash and recycling enclosures must be provided in convenient locations and allow for walk-in access without having to open the main service gate. Additionally, standards require 50/50</p>	<p>Complies</p>



<p><b>Trash and Recycling Enclosures</b></p>	<p>distribution of recycling and trash, a concrete pad, and enclosures to be constructed of durable, high quality material that complements the material and architecture of the residential building that it is required for.</p> <ul style="list-style-type: none"> <li>The plan provides a trash enclosure that complies, with masonry walls, painted metal gates including a person-gate, and internal wheel stops.</li> </ul>	
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**B. DIVISION 3.3 - ENGINEERING STANDARDS**


<p><b>Applicable Code Standard</b></p>	<p><b>Summary of Code Requirement and Analysis</b></p>	<p><b>Staff Findings</b></p>
<p><b>Section 3.3.1 Plats and Easements</b></p>	<p>This section requires dedication of rights-of-way for public streets and easements for drainage, utilities, and emergency access as needed to serve the development.</p> <p>The PDP includes a plat with all necessary dedications of additional right-of-way and easements for utilities and emergency access.</p>	<p>Complies</p>
<p><b>3.3.5 Engineering Design Standards</b></p>	<p>This Section requires projects to comply with requirements and specifications for all services provided by various agencies:</p> <ul style="list-style-type: none"> <li>water supply</li> <li>sanitary sewer</li> <li>mass transit</li> <li>fire protection</li> <li>flood hazard areas</li> <li>telephone</li> <li>walks/bikeways</li> <li>irrigation companies</li> <li>electricity</li> <li>natural gas</li> <li>storm drainage</li> <li>cable television</li> <li>streets/pedestrians</li> <li>broadband/fiber optic</li> </ul> <p>The plan addresses all of these services.</p>	<p>Complies</p>

### C. DIVISION 3.4 – ENVIRONMENTAL RESOURCE STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>Section 3.4.1</b></p> <p><b>Natural Habitats and Features</b></p>	<p>This Section requires that to the maximum extent feasible, the development plan must be designed and arranged on the site to protect the natural habitats and features both on the site and in the vicinity of the site.</p> <p>A general standard calls for (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 (either on-site or off-site) when a development proposal will result in the disturbance of natural habitats or features.</p> <p>Several prominent recognized features occur on the western portion of the property.</p> <p>A steep slope down to the west has significant rock outcrops with numerous fossils and native vegetation.</p> <ul style="list-style-type: none"> <li>The development plan does not disturb the western half of the property including this special natural feature which remains undisturbed.</li> </ul> <p>Lang Gulch, a small tributary to Fossil Creek, runs along the bottom of the slope and has a narrow fringe of wetlands along its edges.</p> <ul style="list-style-type: none"> <li>The creek remains undisturbed in the plan.</li> </ul> <p>A .06-acre low quality wetland exists on the west side of Venus where a cross pan in the street drains into an informal drainage swale across open land toward the west.</p> <ul style="list-style-type: none"> <li>The wetland is being replaced, and improved, as part of a stormwater detention pond.</li> </ul> <p>An apparent raptor nest can be seen in a large cottonwood tree in the Redtail Grove Natural Area to the north.</p> <ul style="list-style-type: none"> <li>The relevance of the apparent nest is that if it is confirmed as an active nest when construction is being scheduled, it would have a protection buffer that extends onto the property and could affect timing or hours of construction operations. This would be determined at the time of development construction permits, building permits and construction scheduling. This would be determined with a field survey immediately prior to initiation of construction, and the buffer (if applicable) will be sized to satisfy both subsection 3.4.1(N)(5) and CPW’s recommended buffer standards.</li> <li>The plan includes a buffer zone at the interface between the development and the natural features in the western portion of the development.</li> <li>The plan includes restoration of the current pasture grassland that will be disturbed by grading around the edges of the development, including native seeding and weed management.</li> <li>Stormwater outfall to the west was carefully designed in collaboration among the development engineers, stormwater staff, and environmental planning staff.</li> <li>The presence of natural features prompted an Environmental Characterization Study (attached) which concludes that no significant ecological resources will be adversely impacted by development on the property.</li> <li>Language will be provided in the Development Agreement to address the unlikely event of unearthing unusual fossils (i.e., fossils different than those common on the site as noted by the paleontological report).</li> </ul>	<p>Complies</p>

## 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>This Section requires the physical and operational characteristics of proposed buildings and uses to be compatible when considered within the context of the surrounding area.</p> <p>The context of the surrounding area includes:</p> <ul style="list-style-type: none"> <li>• The highway commercial strip along the front of the property.</li> <li>• The Skyview residential subdivision abutting the rear portion of the property.</li> <li>• A modest-size office/school building with landscaped grounds extending into the property from the south as a notch between the dealership proper and landscape area on the west side of Venus Dr.</li> </ul> <p>The area was originally developed in the 1970s and '80s as outskirts of the city, along the highway in unincorporated Larimer County.</p> <p>For staff, the pertinent context for compatibility review was the commercial frontage, rather than the houses in the subdivision, because the subdivision abuts landscape areas in the rear portion of the plan, which is presumably inherently compatible.</p> <p>The commercial context is characterized by utilitarian, horizontally oriented single-story buildings placed behind parking lots and frontage roads, with no sidewalks or walkways and very limited strips and islands of landscaping with few trees.</p> <ul style="list-style-type: none"> <li>• The whole plan sets an enhanced standard of quality in all aspects relative to the context of the surrounding area.</li> <li>• Houses along the eastern edge of Skyview back up to commercial strip along South College, and the northernmost two of these houses have rear yards abutting the dealership. The plan replaces the existing Nissan building in this location with a parking lot, with a 28-foot-wide landscape buffer containing evergreen trees to separate the parking from the yards.</li> </ul>	<p>Complies</p>
<p><b>Section 3.5.3 Commercial Building Standards</b></p>	<p>This Section generally promotes design of an urban environment built to human scale with buildings providing architectural interest, particularly at the street level along sidewalks and walkways.</p> <ul style="list-style-type: none"> <li>• Building fronts are glass atrium type spaces with prominent entrances.</li> </ul>  <p>Kia Building Front</p>	<p>Complies</p>

	 <p>Nissan Building Front</p>	
<p><b>Subsection 3.5.3(C)</b> <b>Relationship of Buildings to Streets</b></p>	<p>This subsection requires building to be placed in direct relation to street sidewalks with no intervening vehicle use areas.</p> <p>A modification of the standard is requested to allow parking drives between the buildings and the street sidewalk as explained previously under Division 2.8.</p>	<p>Modification Requested</p>
<p><b>3.5.3(D)</b> <b>Variation in Massing</b></p>	<p>This standard requires that building design incorporate substantial variation in massing rather than a single large, dominant building mass, with modulation related to entrances, the integral structure, and/or organization of interior spaces and activities.</p> <ul style="list-style-type: none"> <li>• The large glass modules at the fronts of the buildings mitigate the effect of “mass”.</li> <li>• The plan provides substantial massing variation in the solid portions of both buildings, on the sides and rear. The massing modulation is related to the integral functions within the buildings.</li> </ul>	<p>Complies</p>
<p><b>3.5.3(E)</b> <b>Character and Image</b></p>	<p>This subsection requires building design to contribute to the uniqueness of Fort Collins with design tailored to the site and context so that development forms a cohesive place within the community.</p> <p>A standardized corporate prototype design must be modified as necessary to comply with this subsection.</p> <p>Staff found that the only noteworthy component of standardized corporate prototype design was the entry feature on the Nissan building, which was originally proposed as a bright red. As such, it fit the definition of a sign (which did not comply with sign standards and made the building an obvious prototype.</p> <ul style="list-style-type: none"> <li>• The red was removed in extensive discussion, to make the entry feature an integral part of the building as an overhang that highlights the entrance.</li> </ul> <p>With that red branding feature toned down, the building design is still highly consistent with Nissan corporate architecture, but staff finds that the building design fits well with many commercial contexts including this one.</p> <p>Further, staff finds that the dark subdued colors and massing modulation on the sides and rear help the large buildings fit the residential aspect of the local context.</p>	<p>Complies</p>

## E. DIVISION 3.6 - TRANSPORTATION AND CIRCULATION

This Section is intended to ensure that the transportation system 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>3.6.2 – Streets, Streetscapes, Alleys and Easements</b>	<p>This Section requires the applicant to dedicate public street right-of-way and utility easements along any abutting streets as required by Larimer County Urban Area Street Standards.</p> <ul style="list-style-type: none"> <li>• A subdivision plat is included with the plan that dedicates all right-of-way and easements.</li> <li>• A condition of approval is needed related to the proposed South College Avenue right-of-way: the adopted South College Avenue Access Control Plan must be amended to enable the development plan including the plat.</li> </ul>	<p>Complies with a Condition</p>
<b>3.6.4 – Transportation Level of Service Requirements</b>	<p>This Section contains requirements for the transportation needs of proposed development to be safely accommodated by the existing transportation system, or that appropriate mitigation of impacts will be provided by the development in order to meet adopted Level of Service (LOS) standards.</p> <p>A Transportation Impact Study (TIS) was required under this Section in order to evaluate impacts and identify any needed facilities to be included in the plan.</p> <ul style="list-style-type: none"> <li>• A TIS was submitted, reviewed, and accepted by the City for its general conclusions.</li> <li>• Vehicle traffic meets Fort Collins criteria with regard to operation using the recommended control and geometry in the TIS, which is incorporated into the plan. This comprises the new signalized S. College/Venus-Bueno intersection with turn lanes, and the reconfigured private drive access with right-in-right-out (RIRO) access only.</li> <li>• The TIS notes that several acceptable Level of Service metrics for pedestrians are not met because there are no sidewalks in this area. The plan provides sidewalks along its frontage and provides the opportunity for a pedestrian crossing of S. College Avenue with the proposed signal at the S. College/Venus-Bueno intersection.</li> <li>• The plan includes bike lanes on Venus and an 8' sidewalk along S. College. The TIS notes only one bicycle destination under the LOS criteria (the Fossil Creek Trail) and finds that LOS is met.</li> <li>• The TIS describes the limited transit service that is existing and planned, based on limited ridership potential in the area.</li> </ul>	<p>Complies</p>
<b>3.6.6 – Emergency Access</b>	<p>This Section requires adequate access for emergency vehicles and persons rendering fire protection and emergency services.</p> <ul style="list-style-type: none"> <li>• The streets and parking lot drive provide adequate emergency access in conformance with Poudre Fire Authority requirements.</li> </ul>	<p>Complies</p>

**6. Land Use Code Article 4**

**A. SUMMARY**

Article 4 of the Land Use Code contains standards for the various zoning districts throughout the City. The subject property comprises property in two zone districts -- the General Commercial (CG), Division 4.21 of the Land Use Code; and the Medium Density Mixed Use Neighborhood (MMN) zone, Division 4.6 of the Land Use Code.

The only pertinent standards applicable to the proposed plan are the permitted use listings.

**B. DIVISION 4.6 – MEDIUM DENSITY MIXED USE NEIGHBORHOOD DISTRICT (MMN)**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>Permitted Uses</b></p> <p><b>Subsection 4.21(B)(3)(b)</b></p>	<p>In the plan, vehicle dealership development extends into MMN-zoned property with a parking lot for vehicle inventory storage and landscaped stormwater treatment and detention facilities.</p> <p>Parking lots and detention ponds would be allowed with the permitted uses in the MMN zone, but staff found that they are part and parcel of the vehicle sales use which is not permitted in under MMN and thus the included the Addition of a Permitted Use (APU) for the record as explained under Division 1.3.4 previously in this report.</p>	<p>Addition of a Permitted Use Requested</p>

**DIVISION 4.21 – GENERAL COMMERCIAL DISTRICT (CG)**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p><b>Permitted Uses</b></p> <p><b>Subsection 4.21(B)(2)</b></p>	<p>Vehicle sales, leasing, and repair uses are listed as Permitted Uses, subject to Type 2 (Planning and Zoning Commission) review. The CG zone contains no other applicable standards.</p>	<p>Complies</p>

## 7. Findings of Fact/Conclusion

In evaluating the request for the Fort Collins Nissan-Kia PDP with APU #PDP 210017, staff makes the following findings of fact and conclusions:

1. The Project Development Plan complies with criteria for Addition of Permitted Uses in Article 1, Section 1.3.4, to enable approval of the proposed parking and stormwater detention that extend into the MMN zone district portion of the property.
2. The Project Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
3. The request for Modification of a standard for a light fixture glare rating under Subsection 3.2.4(H), Table 3.2.4-4 would not be detrimental to the public good; is equal to a plan meeting the standard for purposes of the standard; and is nominal and inconsequential when considered from the perspective of the whole development plan, for the several reasons explained in this staff report's evaluation of the request under Division 2.8.
4. The request for Modification of a standard for building placement in relation to a street sidewalk under subsection 3.5.3(C)(1) would not be detrimental to the public good; is equal to a plan meeting the standard for purposes of the standard; and is nominal and inconsequential when considered from the perspective of the whole development plan, for the several reasons explained in this staff report.
5. The PDP complies with pertinent standards located in Article 3 – General Development Standards.
6. The PDP complies with pertinent standards located in Division 4.21, CG General Commercial District in Article 4 – Districts which lists the proposed use as a Permitted Use.

## 8. Recommendation

Staff recommends that the Planning and Zoning Commission make a motion to 1) approve the Addition of Permitted Uses in the development plan for Fort Collins Nissan-Kia #PDP210017; and then 2) make a motion to approve the Modification of a standard for a light fixture glare rating under subsection 3.2.4(H); and then 3) make a motion to approve the Modification for building placement in relation to a street sidewalk under subsection 3.5.3(C)(1); and then 4) make a motion to approve the Fort Collins Nissan-Kia Project Development Plan #PDP210017.

Staff recommends three conditions on approval of the PDP.

1. The developer shall continue work with the City and CDOT to update the South College Access Control Plan as needed prior to signature of the Final Development/Utility Plans, to incorporate the proposed changes to intersection and signal configuration.
2. Prior to construction, the Crestridge Drive right-of-way must be vacated.
3. The developer shall obtain the necessary drainage easement from the City Natural Areas Department and its governing authorities prior to signature of the Final Development/Utility Plans.

## 9. Attachments

1. Site Plan Rendering
2. Applicants Narrative for the PDP
3. Applicants Narrative for the APU
4. Site Plan
5. Landscape Set
6. Architecture
7. Modification Request for Building Placement
8. Modification Request for Lighting
9. Engineers Explanation of Glare Ratings
10. Lighting Plans
11. Civil Plans
12. Ecological Characterization Study
13. Transportation Impact Study
14. Staff Presentation
15. Applicant presentation





**FORT COLLINS NISSAN-KIA - SITE PLAN**  
MAY 2022