

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

HEARING DATE: November 30, 2022

PROJECT NAME: Sit and Stay Dog Bar

CASE NUMBER: PDP 210016

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

OWNER: Patrick Duncan
1121 Bellaire Drive
Fort Collins, CO 80521

HEARING OFFICER: Marcus McAskin

PROJECT DESCRIPTION: This is a request for a Project Development Plan (“PDP”) to develop a combined dog day-care facility, kennel, and restaurant/bar on an undeveloped 2.5-acre pad site in the Country Club Corners Shopping Center, specifically LOT 3, COUNTRY CLUB CORNERS SIXTH FILING, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO (the “Subject Property”).

The Subject Property is an existing “pad site” within the County Club Corners shopping center with access along the front and rear drives that run through the center between Bristlecone Drive on the south and Wilcox Lane on the north. The project proposed a one-story building of approximately 12,815 square feet and includes 92 new parking spaces and 10 bicycle spaces.

BACKGROUND: The PDP application is summarized in the Development Review Staff report (attached to this Decision as **ATTACHMENT A** and incorporated herein by reference).

The zoning and land uses for properties in the vicinity of the Subject Property are as follows:

	North	South	East	West
Zoning	Service Commercial (CS)	Service Commercial (CS)	Service Commercial (CS)	Service Commercial (CS)
Land Use	Shopping center commercial strip building and vacant Albertson's supermarket building	Health District Clinic	Larimer County Public Health Services office buildings and vacant lots that are constrained by a large water transmission line	Car wash, shopping center detention pond facility, Health District clinics and offices

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Service Commercial (CS).

HEARING: This matter was heard as the third (of three) virtual hearings conducted on Wednesday, November 30, 2022. The Hearing Officer opened the virtual hearing at approximately 8:06 P.M and reviewed the Order of Proceedings 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:

1. Development Review Staff Report prepared for Sit and Stay Dog Bar (PDP #210016). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
2. Site Plan for Sit and Stay Dog Bar (2 pages).
3. Landscape Plan for Sit and Stay Dog Bar (1 page).
4. Architectural Elevations for Sit and Stay Dog Bar (4 pages).
5. Utility Plans (10 pages).
6. Photometric/Lighting Plan (2 pages).
7. Traffic Study dated July 25, 2022, and prepared by Olsson (59 pages).
8. Confirmation of Publication of Notice of Hearing (Ad# 0005492216) published on November 18, 2022 in *The Coloradoan*.
9. Confirmation of posted notice (October 4, 2021, Sign #650).
10. Copy of Written Notice of Public Hearing dated November 15, 2022 (per Development Review Staff Report the Written Notice of Public Hearing was distributed to 256 addresses).

11. The City’s Comprehensive Plan, the Land Use Code, and the formally promulgated ordinances and polices of the City are all considered part of the record considered by the Hearing Officer.
12. Rules of Conduct for Administrative Hearings.
13. Administrative (Type 1) Order of Proceedings.

TESTIMONY: The following persons participated in the virtual hearing:

From the City: Clark Mapes, City Planner
Katie Claypool, Community Development & Neighborhood Services

From the Applicant: Russ Lee, Ripley Design
David Carron, VFLA

From the Public: Tess Jones
1212 Rain Tree Drive
Fort Collins, CO 80526

Courtney Sandoval
1118 Ridgelawn Drive
Fort Collins, CO 80521

Melinda Smith
1118 Ridgelawn Drive
Fort Collins, CO 80521

The public comment portion of the hearing was opened at approximately 8:26 PM and was closed at approximately 8:30 PM.

The virtual hearing on this matter was closed at approximately 8:35 P.M.

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the virtual public hearing was properly posted, mailed, and published.
2. 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 Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.

- B. The Application complies with the applicable General Development Standards contained in Article 3 of the LUC.
 - C. The Application complies with relevant standards contained in Division 4.22, Service Commercial District (CS) of Article 4 of the Land Use Code.
3. The Application's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently evidenced by the Staff Report attached hereto as **ATTACHMENT A** and the testimony and materials presented at the hearing.

DECISION

Based on the findings set forth above, the Hearing Officer hereby **approves** the Sit and Stay Dog Bar PDP (PDP #210016).

DATED this 9th day of December, 2022.



Marcus McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Sit and Stay Dog Bar (1524 N. College Ave)
PDP #210016

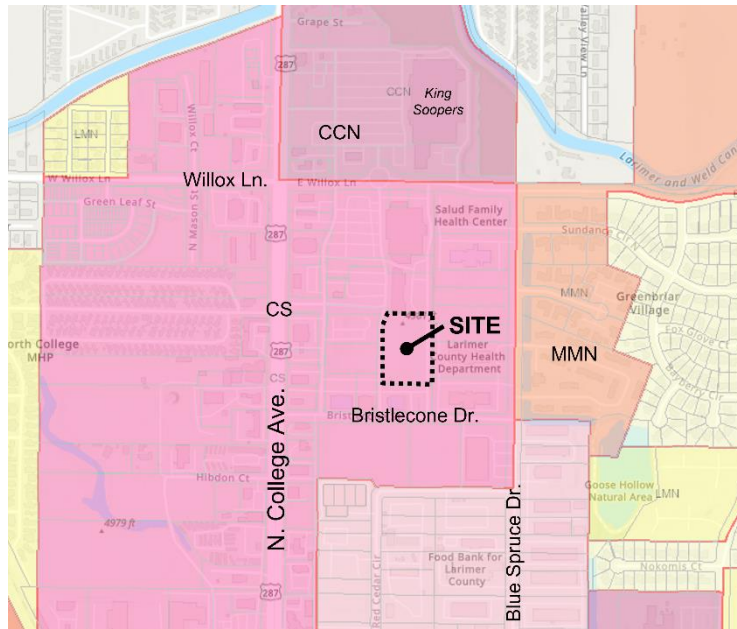
Administrative Hearing: November 30, 2022

Sit and Stay Dog Bar, #PDP210016

Summary of Request

This is a request for a Project Development Plan (PDP) to develop a Dog Day Care facility, kennel, and restaurant/bar on an undeveloped 2.5-acre pad site in the Country Club Corners Shopping Center, which comprises the southeast quadrant of the North College/Wilcox Lane intersection in north Fort Collins.

Zoning Map



Next Steps

If approved by the Hearing Officer, the applicant will be eligible to proceed to filing final plans and then to a building permit.

Site Location

1524 North College Avenue – Lot 3 of Country Club Corners Sixth Filing. Parcel # 9701275003.

Zoning

Service Commercial (CS)

Property Owner

Patrick Duncan
1121 Belaire Drive
Fort Collins CO 80521

Applicant/Representative

Ripley Design Inc.
419 Canyon Avenue Ste. 200
Fort Collins, CO 80521

Staff

Clark Mapes, City Planner
p. (970) 221-6225 e. cmapes@fcgov.com

Contents

- 1. Project Introduction 2
- 2. Compatibility with Comprehensive Plan 3
- 3. Land Use Code Article 2 Procedural Requirements 3
- 4. Land Use Code Article 3 - Applicable Standards 4
- 5. Land Use Code Article 4 – Applicable Standards: 8
- 6. Findings of Fact/Conclusion 8
- 7. Recommendation 8
- 8. Attachments 8

Staff Recommendation

Approval of the PDP.

1. Project Introduction

A. PROJECT DESCRIPTION

New development for a dog day care, dog kennel, and restaurant/bar with a variety of outdoor facilities and spaces for dogs within fenced grounds.

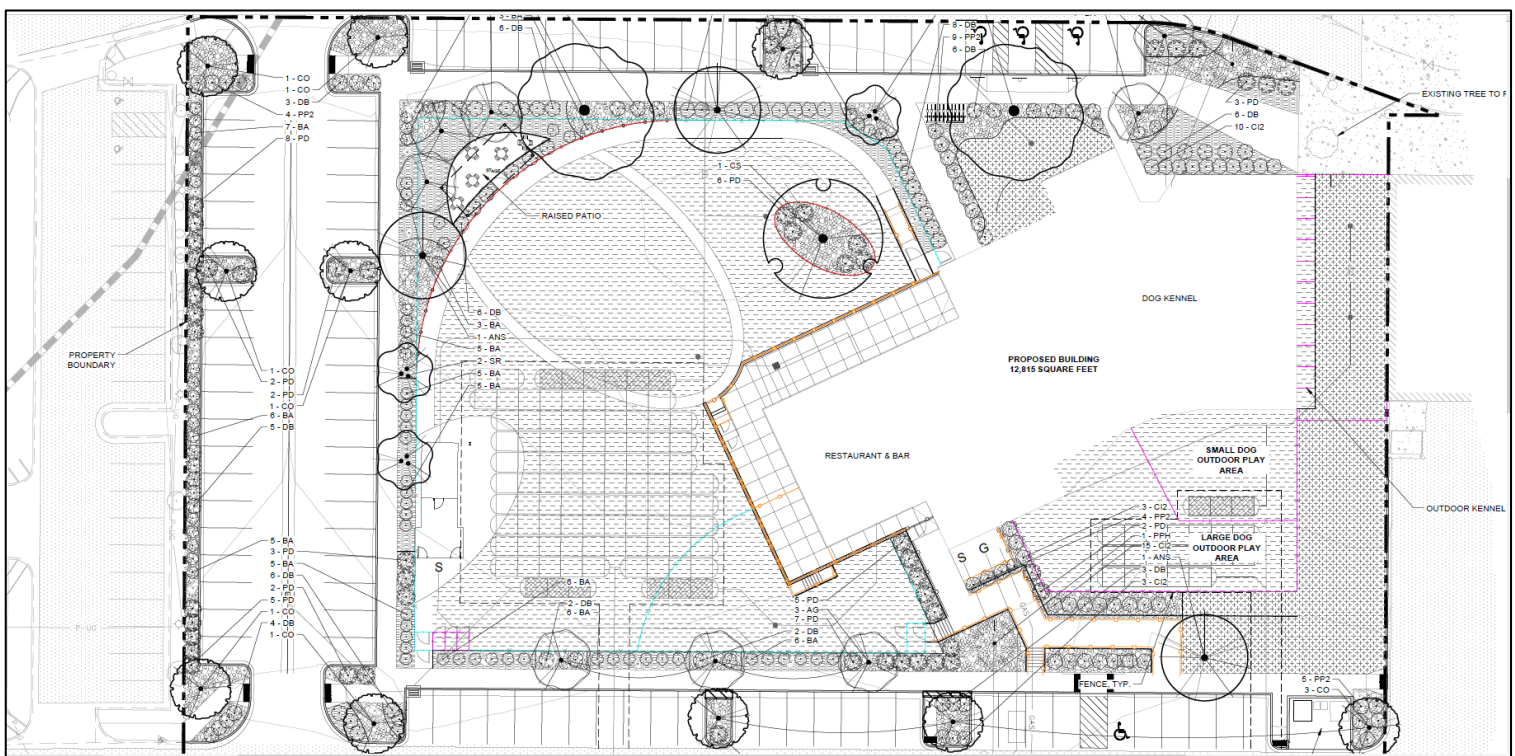
The vacant site is essentially an internal “pad site” embedded within the Country Club Corners shopping center, with access along the front and rear drives that run through the center between Bristlecone Drive and Willox Lane.

The plan adds parking and walkways along the existing drives.

The proposed building is 12,815 sq. ft. with one story.

92 new parking spaces are provided.

Below are images cropped out of the attached plans to convey a sense of plan layout and character.



B. STAFF REVIEW OVERVIEW

There have been no significant issues for staff because the site is a development-ready parcel in the developed shopping center.

C. SITE CHARACTERISTICS

1. Surrounding Zoning and Land Use

The site is embedded within the Service Commercial (CS) Zone District which allows a very wide range of land uses. Existing surrounding development comprises mainly shopping center uses in the shopping center including Health District offices/clinics, and Larimer County public health and social service offices on the east, to the rear of the site.

	North	South	East	West
Zoning	Service Commercial (CS)	Service Commercial (CS)	Service Commercial (CS)	Service Commercial (CS)
Land Use	Shopping center commercial strip building and vacant Albertson's supermarket building	Health District Clinic	Larimer County Public Health Services office buildings and vacant lots that are constrained by a large water transmission line	Car wash, shopping center detention pond facility, Health District clinics and offices

2. Site History

The site was part of large area on the east side of North College Avenue that was annexed in 1972 in the Pine Tree Annexation. The Country Club Corners PUD shopping center was first developed in 1995 with subsequent filings continuing up the current proposal.

The site is the last undeveloped site within the center.

2. Compatibility with Comprehensive Plan

A. CITY PLAN and NORTH COLLEGE CORRIDOR PLAN

City Plan is the City's comprehensive plan document. The North College Corridor Plan is a related element of the comprehensive plan. The general vision and policy direction for the area recognizes the College Avenue commercial corridor as appropriate for a wide range of commercial activity.

3. Land Use Code Article 2 Procedural Requirements

A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review

A conceptual review meeting was held on May 26, 2021

2. Neighborhood Meeting

A neighborhood meeting was not required nor conducted.

3. Submittal

The project was submitted on September 24, 2021 and routed to all reviewing departments. 2 rounds of review – one revision of the plan package – followed the initial submittal.

4. Notice (Posted, Written and Published)

Posted notice: October 4, 2021, Sign # 650
 Written notice: November 15, 2022, 256 letters sent

4. Land Use Code Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Landscaping and tree protection standards Section 3.2.1	<p>This Section requires a fully developed landscape plan that addresses relationships of landscaping to sidewalks, parking and walkways, the building, abutting properties, and users of the site in a manner appropriate to the shopping center context.</p> <p>The plan provides the following main components:</p> <ul style="list-style-type: none"> • Tree plantings as required. • Parking lot interior and perimeter landscaping as required. • Mulched planting beds around the perimeter, enclosing artificial turf activity areas. • Native grass seeding where appropriate for low use areas. • Vinyl clad chainlink fencing around the dog activity areas. 	Complies
Access, circulation and parking standards Section 3.2.2	<p>This Section requires convenient, efficient parking and circulation that adds to the attractiveness of the development.</p> <ul style="list-style-type: none"> • The plan provides new head-in parking along north-south existing shopping center drives and a parking lot perpendicular between the two drives. • Generous convenient walkways are provided throughout the site. • The existing lots adjacent to the site have walkways and ADA ramps that will tie into the proposed site. 	Complies
Bicycle parking: subsection 3.2.2(c)(4) -	<p>This subsection requires 4 bike parking spaces minimum for the use and size of the building.</p> <ul style="list-style-type: none"> • 10 spaces are provided in a rack at the main walkway to the building entrance. 	Complies
Parking - number of off-street spaces Subsection 3.2.2(k)	<p>This subsection requires a minimum of 20 parking spaces total for the dog kennel and restaurant uses, with one handicap space.</p> <ul style="list-style-type: none"> • 92 are provided with 4 handicap spaces. 	Complies

Site Lighting Section 3.2.4	<p>This Section requires a complete plan for adequate exterior lighting for the safety, security, enjoyment and function of the proposed land use while conserving energy and limiting spillover, glare, and obtrusive lighting generally.</p> <ul style="list-style-type: none"> • The lighting plan demonstrates low lighting levels with down-directional sharp cutoff fixtures and light contained within the site, in compliance with limits. • Final Plans will include additional minor documentation of specifications for the fixtures. 	Complies
Trash and Recycling Section 3.2.5	<p>This Section requires trash and recycling enclosures to be adequate, convenient, and accessible as appropriate for the proposed use.</p> <ul style="list-style-type: none"> • A trash and recycling enclosure is located along the rear drive with walkway access. The design is complementary to the architecture with matching brick masonry and metal gates. 	Complies

B. DIVISION 3.3 - ENGINEERING

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Plats and Easements Section 3.3.1	<p>This section requires dedication of rights-of-way for public streets and easements for drainage and utilities as needed to serve the development.</p> <ul style="list-style-type: none"> • The plan requires easements for utilities, drainage, and emergency access which will be dedicated with Final plans. 	Complies

C. DIVISION 3.5 – BUILDING

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings																																																																																																																																																																																																																																																																																																																		
Building and Project Compatibility Section 3.5.1	<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> <ul style="list-style-type: none"> • The context of the surrounding area comprises various commercial and office uses, and also includes the vision for the future in the North College Corridor Plan. • The design is highly consistent with North College Corridor Plan vision and policy direction for contemporary semi-industrial character as the appropriate approach to development in the corridor. The plan uses authentic materials including metal panels, wood and brick.. • Relatedly, the walkways and landscaping contribute to an enhanced standard of quality 	<p>Complies</p>																																																																																																																																																																																																																																																																																																																		
Street Layout and Building Placement Subsection 3.5.3(C)	<p>This subsection requires buildings to be placed in direct relation to street sidewalks with no intervening parking lots or drives.</p> <p>In this case, the site is part of a shopping center developed prior to current standards, with an internal walkway framework along a private drive instead of a street.</p> <p>Staff finds that the requirement for arranging streets and buildings is not applicable because the plan does not and could not include a street.</p>	<p>N.A.</p>																																																																																																																																																																																																																																																																																																																		
Building Design Subsections 3.5.3(D) and (E)	<p>These subsections require variation in massing related to entrances and organization of integral structure, spaces, and activities in the building; building façade articulation; and clearly defined entrances.</p> <ul style="list-style-type: none"> • Massing is highly modulated and articulated to express the different activities in the building. <div data-bbox="425 1323 1347 1743" style="border: 1px solid black; padding: 5px;"> <table border="1" style="font-size: small; margin-top: 10px;"> <thead> <tr> <th colspan="3">EXTERIOR FINISH SCHEDULE</th> </tr> <tr> <th>SYMBOL</th> <th>DESCRIPTION</th> <th>COLOR</th> </tr> </thead> <tbody> <tr> <td>MF-1</td> <td>METAL PANEL</td> <td>BLACK</td> </tr> <tr> <td>MF-2</td> <td>METAL PANEL</td> <td>CHARCOAL GREY</td> </tr> <tr> <td>MF-3</td> <td>WOOD PANEL</td> <td>BLACK</td> </tr> <tr> <td>MF-4</td> <td>WOOD PANEL</td> <td>BLACK</td> </tr> <tr> <td>MF-5</td> <td>WOOD PANEL</td> <td>BLACK</td> </tr> 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D. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Streets, Streetscapes, and Easements Section 3.6.2	<p>This Section contains requirements for street system design including conformance with the <i>Larimer County Urban Area Street Standards (LCUASS)</i> for street design including streetscapes. It also requires easements for utilities, access, drainage or other public purposes as required by the City Engineer.</p> <ul style="list-style-type: none"> • No streets are involved in the plan in any way. • The plan requires easements for utilities and drainage that will be dedicated with Final plans. 	N.A. for the PDP, but final plans will confirm compliance
Transportation Level of Service Section 3.6.4	<p>This Section requires a Transportation Impact Study (TIS). A TIS was submitted and accepted by staff.</p> <ul style="list-style-type: none"> • The traffic generated by the site is not expected to significantly impact the surrounding roadway network. 	Complies
Emergency Access Section 3.6.6	<p>This Section is 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> <ul style="list-style-type: none"> • The drives provide adequate emergency access in conformance with Poudre Fire Authority requirements. 	Complies

5. Land Use Code Article 4 – Applicable Standards:

A. SUMMARY

Article 4 of the Land Use Code contains standards for the various zoning districts throughout the City. The subject property is zoned Commercial Service (CS), Division 4.22 of the Land Use Code. The only pertinent standard in this case is the Permitted Use list which permits the uses as part of a very wide range of permitted uses.

6. Findings of Fact/Conclusion

In evaluating the request for the Sit and Stay Dog Bar, #PDP210016, staff makes the following findings of fact:

1. The PDP complies with process requirements located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
2. The PDP complies with relevant standards located in Article 3 – General Development Standards.
3. The PDP complies with the zone district provisions in Article 4 – Districts, which lists the proposed uses as a Permitted Uses in the Service Commercial zone district.

7. Recommendation

Staff recommends that the Hearing Officer approve Sit and Stay Dog Bar, #PDP210016 based on the Findings of Fact and supporting explanations found in the staff report and hearing materials, and discussion at the hearing.

8. Attachments

1. Site Plan
2. Landscape Plan
3. Architecture
4. Utility Plans
5. Lighting Plan
6. Traffic Study