

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

HEARING DATE: November 30, 2022

PROJECT NAME: Kum & Go #0951

CASE NUMBER: PDP # 210013

APPLICANT /REPRESENTATIVE: Dan Garneau
Kum & Go
1459 Grand Avenue
Des Moines, Iowa

OWNER: City of Fort Collins (945 E. Prospect Road)
Richard and Pamela Dunlap
3813 Ideal Drive
Fort Collins, CO 80524

HEARING OFFICER: Marcus McAskin

PROJECT DESCRIPTION & BACKGROUND: This is a request for a Project Development Plan to develop a Kum & Go convenience store with fuel sales at 945, 947, 949 E. Prospect Road, and 1607 S. Lemay Avenue. The redevelopment includes a 4,000-sf convenience store and accompanying canopy with four (4) fueling dispensers. Access is taken from S. Lemay Ave. to the east.

The property generally consists of four (4) parcels of land, proposed to be replatted in the proposed KUM & GO 951 SUBDIVISION, and consists of a total of 1.46 acres, more or less (the “Subject Property”).

The Subject Property is located on the southwest corner of E. Prospect Road and S. Lemay Avenue.

The plan proposes to consolidate six (6) points of access into a single point of access on S. Lemay Avenue. The project includes the construction of an eastbound right turn lane on East Prospect Road. The frontage along South Lemay Avenue will include a bus shelter as specified by the Transportation Master Plan.

The Subject Property is within the Neighborhood Commercial (N-C) zone district and is subject to Administrative (Type 1) Review.

Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Neighborhood Commercial (NC) and Low Density Residential (RL)	Neighborhood Commercial (NC)	Neighborhood Commercial (NC)	Low Density Mixed Use Neighborhood (LMN)
Land Use	Single-family detached and limited indoor recreation (Impulse Dance and Fitness)	Single-family detached	Park Central Retail Center that includes office, retail, professional services, microbrewery, and convenience store w/fuel sales (7-Eleven/Conoco)	Single-family detached and multi-family dwellings (Prospect Springs PUD Condominiums)

The PDP includes one request for a modification of standard to Land Use Code (“LUC”) Subsection 4.23(B)(2)(c)8 - *Convenience retail stores with fuel sales* (the “Modification of Standard”). Specifically, the Applicant is seeking a Modification of Standard for the 3,960 foot separation requirement set forth in that Subsection¹.

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 conditional approval of the PDP, and approval of the Modification of Standard.

SUMMARY OF DECISION: Approved with conditions.

ZONE DISTRICT: Neighborhood Commercial District (N-C)

HEARING: This matter was heard as the first (of three) virtual hearings conducted on Wednesday, November 30, 2022. The Hearing Officer opened the virtual hearing at approximately 5:30 P.M and reviewed the Order of Proceedings with the Applicant and members of the public present.

¹ Convenience retail stores with fuel sales are permitted in the N-C District, subject to administrative review, provided that they are at least three thousand nine hundred sixty (3,960) feet (three quarters [3/4] of a mile) from any other such use and from any fueling station.

EVIDENCE: Prior to or at the hearing, the Hearing Officer accepted the following documents as part of the record of this proceeding:

1. The Staff Report.
2. Applicant project narrative.
3. Kum & Go Planning Set (11 sheets).
4. Utility Plans (40 sheets).
5. Kum & Go 951 Subdivision Plat (2 sheets).
6. Drainage Report (58 pages).
7. Transportation Traffic impact study (58 pages).
8. City Property Exhibit.
9. Proposal Renderings.
10. Existing Conditions Photos.
11. Affidavit of publication of Notice of Hearing in the *Fort Collins Coloradan* on 11/18/2022 (Ad # 0005492216).
12. Copy of Written Hearing Notice, dated November 15, 2022.
13. The PowerPoint presentation prepared by City staff for the hearing.
14. The PowerPoint presentation prepared by the Applicant for the hearing.
15. Rules of Conduct for Administrative Hearings.
16. Administrative (Type 1) Hearing: Order of Proceedings.

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

From the City: Rebecca Everette, Planning Manager
Tim Dinger, City Engineering
Steve Gilchrest, City Traffic Operations

From the Applicant: Erica Morton, Olsson
Tom Carrico, Kum & Go
Dan Garneau, Kum & Go

From the Public: Written Comments Submitted Prior to Hearing:

1. Richard Taranow, 2731 Granada Hill Dr, Fort Collins 80525
2. Colin Campbell, 1105 E. Lake Pl., Fort Collins 80524
3. Diane Campbell, 1105 E. Lake Pl., Fort Collins 80524

4. Laura & Paul Geringer, 1120 E. Lake Pl., Fort Collins 80524
5. Robert Walton, 1724 Springmeadows Ct, Fort Collins 80525

Comments Made During Hearing:

1. Colin Campbell, 1105 E. Lake Pl., Fort Collins 80524
2. Diane Campbell, 1105 E. Lake Pl., Fort Collins 80524
3. Stace McGee, 917 E. Prospect Rd, Fort Collins 80525
4. Jeff Hill, 1113 E. Lake Place, Fort Collins 80524
5. Joe Helm, 1700 Springmeadows Ct, Fort Collins 80525

The public comment portion of the hearing opened at approximately 6:21 P.M. and closed at approximately 6:41 P.M.

The virtual hearing was closed at approximately 7:07 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 PDP complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
 - B. The PDP complies with all relevant general development standards set forth in Article 3 of the Land Use Code, subject to compliance with the four (4) conditions of approval set forth below.
 - C. Except for LUC Subsection 4.23(B)(2)(c)8 – *Convenience retail stores with fuel sales*, which is satisfied by way of the Modification of Standard, the PDP complies with the standards contained in Article 4 of the LUC as more specifically set forth in the Staff Report attached as **ATTACHMENT A**. An analysis of the requested Modification of Standard follows below.
 - D. The requested Modification of Standard to LUC Subsection 4.23(B)(2)(c)8 – *Convenience retail stores with fuel sales*: (i) will not be detrimental to the public good, (ii) the granting of the proposed modification would, without impairing the intent and purpose of the Land Use Code, substantially address an important community need specifically and expressly defined in an adopted policy, ordinance

or resolution of the City Council, and the strict application of the spacing requirement set forth in LUC Subsection 4.23(B)(2)(c)8 would render the project practically infeasible, and (iii) the plan as submitted will not divert from the applicable LUC standards 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. With respect to the foregoing, the Hearing Officer specifically finds:

- i. The granting of the modification will not be detrimental to the public good because the PDP provides a long awaited right turn lane (from E. Prospect Road to S. Lemay Avenue) that has been warranted since the late 1980's and other public improvements including a bus shelter along the S. Lemay Avenue frontage, widened sidewalks, and stormwater improvements that will assist with alleviating flooding impacts within the immediate area. In addition, the granting of the modification will not be detrimental to the public good because the PDP represents an update/upgrade to the existing gas and vehicle service station on the Subject Property.
- ii. 2.8.2(H)(2) is met because the PDP as submitted proposes the completion of the right turn lane (from E. Prospect Road to S. Lemay Avenue) that has been included in the City's Capital Improvement Plan ("CIP") in the past. The CIP is adopted on a biennial basis through the City Budget. The Hearing Officer finds that the CIP constitutes an "an adopted policy, ordinance or resolution of the City Council" within the meaning of 2.8.2(H)(2) and that the completion of the above-referenced right hand turn lane by the Applicant as part of the Project will address an important community need, specifically improving traffic flow and improving the overall level of service for the E. Prospect Road & S. Lemay Avenue intersection.
- iii. 2.8.2(H)(4) is met because the PDP as submitted proposes the redevelopment of a site that has operated as an automotive service and gas station since 1962. Deviating from the spacing requirement set forth in Subsection 4.23(B) is nominal and inconsequential when considered in the context of the entire PDP and the development as proposed in the PDP will continue to advance the purposes of LUC Section 1.2.2. Specifically, the Hearing Officer finds that development of the Subject Property consistent with the PDP will foster the safe, efficient and economic use of land, the City's transportation infrastructure, and other public facilities and services in accordance LUC Section 1.2.2(C).

- E. Pursuant to Section 2.8.1 of the LUC, the Hearing Officer has jurisdiction to grant modifications to any separation or proximity standards that are established as a specific measurement of distance in the *District Permitted Uses* contained in Article 4.

DECISION

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

- A. The Modification of Standard for the separation/proximity standard set forth in LUC Subsection 4.23(B)(2)(c)8 – *Convenience retail stores with fuel sales* standard is approved.
- B. The Kum & Go #0951 PDP (PDP # 210013) is hereby **approved**, subject to the following conditions of approval:
1. the Applicant shall provide enclosed and fixed bicycle parking in compliance with LUC Subsection 3.2.2(C)(4);
 2. the Applicant shall provide landscape island(s) in adequate shape, size and quantity in the Final Development Plan in order to comply with the requirements of LUC Subsection 3.2.2(E)(4);
 3. the Applicant shall limit the hours of operation and hours that certain deliveries (or service calls, as applicable) may be made on the Subject Property as follows²:

Hours of operation

Limited to 5 a.m. – 11 p.m. Monday through Friday

Limited to 6 a.m. – 10 p.m. Saturday and Sunday

Restricted Delivery Hours

No fuel/food/merchandise deliveries before 7:30 a.m. – 7 days/week

No fuel/food/merchandise deliveries after 7:00 p.m. – 7 days/week

No trash/recycling service before 7:30 a.m. – 7 days/week

No trash/recycling service after 7:00 p.m. – 7 days/week

² The Applicant and City Staff shall be permitted to work in good faith to modify the hours of operation and restricted delivery hours set forth in this condition of approval, provided that: (1) City Staff finds and determines that the final agreed-upon hours of operation and restricted delivery hours properly balance the economic needs of the Applicant with the needs of City residents in the vicinity of the Subject Property; and (2) the final agreed-upon hours of operation and restricted delivery hours are clearly set forth and referenced in the Final Development Plan.

4. the Applicant shall modify the FDP lighting/photometric plan to reduce all off-hour site lighting to comply with the limits of the LC1 Lighting Context Area (low ambient lighting) referenced in LUC Section 3.2.4.

DATED this 11th day of December, 2022.



Marcus McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Kum & Go #0951
(PDP #210013)

Administrative Hearing – November 30, 2022

Kum & Go #0951, PDP210013

Summary of Request

This is a request for a Project Development Plan to develop a Kum & Go convenience store with fuel sales at 945, 947, 949 E Prospect Road, and 1607 S Lemay Avenue. The redevelopment includes a 4,000 sf convenience store and accompanying canopy with 4 fueling dispensers. Access is taken from S Lemay Ave to the east. The site is directly south of E Prospect Rd and directly west of S Lemay Ave. The property is within the Neighborhood Commercial (NC) zone district and is subject to Administrative (Type 1) Review.

Zoning Map



Next Steps

If approved, the applicant will be eligible to submit for Final Development Plan review. Once the final plan set is approved and recorded, the applicant would be eligible to apply for construction and building permits.

Site Location

Located southwest of the intersection of E Prospect Rd and S Lemay Ave, parcel #s 9724106905, 9724106017, 9724105001, and 9724106016.

Zoning

Neighborhood Commercial (NC)

Property Owner

City of Fort Collins (945 E Prospect Road)

Richard and Pamela Dunlap
3813 Ideal Drive
Fort Collins, CO 80524

Applicant/Representative

Dan Garneau
Kum & Go
1459 Grand Avenue
Des Moines, Iowa

Staff

Kai Kleer, City Planner

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Staff Recommendation

Conditional Approval of the PDP and Modification of Standard.

1. Project Introduction

A. PROJECT DESCRIPTION

- This is a proposal to develop demolish a service station w/ fuel sales and two single-family detached homes to construct a 4,066 square foot convenience store, four fuel pumps and fuel pump canopy.
- The development would consolidate three lots and carve off a portion of a fourth lot to create a 40,127 square foot redevelopment area.
- The plan proposes to consolidate six (6) points of access into a single point of access on S Lemay Avenue.
- The project includes the construction of an eastbound right turn lane on East Prospect Road.
- The frontage along South Lemay Avenue will include a bus shelter as specified by the Transportation Master Plan.
- The proposal includes one request for a modification of standard to 4.23(B)(2)(c)8. Convenience retail stores with fuels sales ¾ miles separation requirement and four staff recommended conditions of approval.

B. SITE CHARACTERISTICS

1. Development Status/Background

As previously mentioned, this project proposes to consolidate and redevelop three lots and carve off a portion of a fourth lot to create a 40,127 square foot development site. The land area was incorporated into City limits as part of the Second Spring Creek and Schrader's First Annex. Subsequent development of each lot included the following:

945 East Prospect Road

- Contains a single-family detached residence on a 14,300 square foot parcel that was originally constructed in 1936.
- The City purchased this property in 1991 to construct an eastbound right turn lane at the intersection of Prospect and Lemay. Ultimately, the project was paused because of the high cost of relocating the existing fuel station which still exists today.
- An historic survey was completed in 2020 for this property and it was determined that it qualified as an historic resource.



947 East Prospect Road

- Contains a single-family detached residence that was originally constructed in 1947. The home is located on a 9,907 square foot parcel. An historic survey was completed in 2020 for this property and it was determined that it did not qualify as an historic resource.



949 East Prospect Road

- Land was originally annexed in 1961 as the Schrader's First Annex.
- Originally constructed as a service garage in 1963, this is the site of the City's last full-service gas station, Hospital Automotive, which has been in operation over the last 25-years. The 1,268 square foot building is contained within an 8,276 square foot corner parcel. An historic survey was completed in 2020 for this property and it was determined that it did not qualify as an historic resource.



1607 South Lemay Avenue

- Contains a single-family detached dwelling constructed in 1914. The home is located on a 20,076 square foot parcel. An historic survey was completed in 2020 for this property and it was determined that it did not qualify as an historic resource.



2. Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Neighborhood Commercial (NC) and Low Density Residential (RL)	Neighborhood Commercial (NC)	Neighborhood Commercial (NC)	Low Density Mixed Use Neighborhood (LMN)
Land Use	Single-family detached and limited indoor recreation (Impulse Dance and Fitness)	Single-family detached	Park Central Retail Center that includes office, retail, professional services, microbrewery, and convenience store w/ fuel sales (7-Eleven/Conoco)	Single-family detached and multi-family dwellings (Prospect Springs PUD Condominiums)

C. CITY PLAN (2019)

The City's comprehensive plan (City Plan) was updated in 2019. City Plan is organized based on seven outcome areas that form the basis of the City's Budgeting for Outcomes (BFO) process. Three core values guide the vision for City Plan: livability, community, and sustainability. Each outcome area has a series of statements indicating how the principles and policies of each outcome area align with the core values. Action plans accompany each outcome area to ensure implementation of City Plan.

Further, the Plan provides a new framework map that reflects the vision for how zone districts will develop over time. This development plan is located within the Neighborhood Mixed-Use District which is defined as follows:

Principal Land Use

Grocery store, supermarket, or other type of anchor, such as a drugstore

Supporting Land Use

Retail, professional office, childcare centers, and other neighborhood services, along with residential units, civic/institutional uses, pocket parks, gathering spaces and other supporting uses

Density

Densities will vary; building heights will be between one and five stories

Key Characteristics/Considerations

- Neighborhood Mixed-Use Districts are stand-alone districts that are smaller in scale than Suburban Mixed-Use districts (typically smaller than 10 acres) and surrounded by neighborhoods.
- Provide a range of neighborhood-oriented services in a compact, pedestrian and bicycle-friendly setting.
- Supported by direct pedestrian and bicycle linkages to surrounding neighborhoods and more limited bus service.

Typical Types of Transit

Varies depending on density and surrounding context, but generally served by fixed-route service at frequencies of between 30 and 60 minutes

Principles & Policies

The following are principles and policies that the proposed project provides alignment with.

Neighborhood Livability and Social Health

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:

- *Adaptive reuse of existing buildings (especially those that have historic significance);*
- *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; » Public/private partnerships;*
- *Infrastructure improvements/upgrades;*
- *Streetscape enhancements; and*
- *Voluntary consolidation and assemblage of properties to coordinate the redevelopment of blocks or segments of corridors where individual property configurations would otherwise limit redevelopment potential*

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

Policy LIV 3.5 - DISTINCTIVE DESIGN

Require the adaptation of standardized corporate architecture to reflect local values and ensure that the community's appearance remains unique. 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 10: *Recognize, protect, and enhance historic resources.*

Policy LIV 10.1 - IDENTIFY HISTORIC RESOURCES *Determine through survey techniques what historic resources exist within the GMA; how significant these resources are; the nature and degree of threat to their preservation; and methods for their protection.*

Policy LIV 10.2 - PRESERVE HISTORIC RESOURCES *Preserve historically significant buildings, sites, and structures throughout Downtown and the community. Ensure that new construction respects the existing architectural character of the surrounding historic resources without artificially duplicating historic elements.*

Policy LIV 10.5 - PLANNING AND ENFORCEMENT *Recognize the contribution of historic resources to the quality of life in Fort Collins through ongoing planning efforts and enforcement of regulations.*

Summary of Staff's Comprehensive Plan Findings

The proposed development will provide general alignment with the Principles and Policies of the City's comprehensive plan by providing the following elements:

- A supporting land use that will serve the surrounding residential neighborhoods.
- An improved street sidewalk system that connects to the Spring Creek Trail and bus shelter that will serve the Fort Collins transit system.
- Infrastructure improvement (right turn lane) and streetscape enhancements such as closing off multiple points of access, street trees, detached sidewalk along Lemay, and expanded attached sidewalk along Prospect.
- Incorporating context sensitive building and site features that complement the historic resource to the west. The plan proposes to pull in elements of roof form, color, and materiality.
- The preservation of a historically eligible resource located at 945 E Prospect.

2. Public Outreach

A. PUBLIC COMMENT

City staff have received several comments related to the project which include:

- That demolition of the intervening single-family detached home and expansion of the fuel station would bring the impacts of lighting, noise, and overall activity closer to the abutting residential property to the south. These impacts would create significant impacts to neighborhood quality of life.
- Commercial traffic such as fuel trucks, trash trucks, and deliveries are not adequately mitigated through the proposed fencing and screening plan and that the proximity of the entrance will further enhance the impacts of such traffic.
- Potential for increased disruptive behavior such as loitering, litter, noise, and crime.
- The current fuel station operates from 7:30 am to 6pm Monday thru Saturday and are closed on Sundays. These restrictions on hours of operation align with the neighborhood character and preserve enjoyment of adjoining properties
- Concerns around sales of alcohol and alcohol consumption on or around the premises.

3. Article 2 – Applicable Standards

A. DIVISION 2.2 - PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

1. Conceptual Review – CDR210031

A conceptual review meeting was held on April 15, 2021.

2. Neighborhood Meeting – Not Applicable

Because this project is subject to a Type 1 (Administrative Hearing) a neighborhood meeting is not required and was not held for this project.

3. First Submittal – PDP210013

The first submittal of this project was completed on August 6, 2021.

4. Notice (Posted, Written and Published)

Posted Notice: August 25, 2021, Sign # 705

Published Hearing Notice: November 16, 2022

B. DIVISION 2.8 – MODIFICATION OF STANDARDS

The applicant requests one modification of standard to 4.23(B)(2)(c)8. – which requires a 3,960 foot separation from any other fueling station.

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 and unforeseen circumstances would not meet a specific standard of the Land Use Code as stated. Accordingly, code standards include provisions for modifications. 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. Modification to 4.23(B)(2)(c)8. - Convenience retail stores with fuel sales.

This standard requires that convenience stores with fuel sales be at least three thousand nine hundred sixty (3,960) feet (three quarters $\frac{3}{4}$ of a mile) from any other such use and from any fueling station.

This modification is included because an existing convenience retail store with fuel sales is located right across the street (currently a Conoco/7-11 in the Prospect Plaza shopping center). Also, another small convenience store with fuel sales is located 2,900 feet to the north. The zoning contains this spacing for convenience retail stores with fuel sales; but, it lists convenience stores as a permitted use without the requirement; and, It lists fuel stations (gasoline stations) without the requirements.

This situation is not entirely understood by staff although staff does note that the $\frac{3}{4}$ mile distance dates to the former Land Development Guidance System (LDGS) planning system established in the 1980's (a precursor to the Land Use Code).

At the time of the LDGS, Neighborhood Convenience Shopping Centers (NCSC's) were a key component of land use planning to emphasize integrated neighborhoods and avoid the tendency for arterial streets to become commercial strips. The development pattern prevailing at the time was the mile grid being developed with original County roads being improved as Arterial streets on a mile grid, and Collector streets bisecting each mile, in the cardinal directions.

The system was a point-based scoring system that encouraged these NCSC's to be built at arterial/collector intersections rather than arterial/arterial intersections. The $\frac{3}{4}$ mile distance was related to that, because of the typical collector spacing of $\frac{1}{2}$ - $\frac{2}{3}$ of a mile from the arterial intersections

Staff recognizes that the concept derives from the point chart for NCSCs in the LDGS.

The sweeping change from the LDGS to the Land Use Code in 1997 included the new zoning designation of 'Neighborhood Commercial Districts.

The Neighborhood Commercial zone district is envisioned to be a grocery store anchored district that features a mix of retail, professional office, and other service oriented land uses that serve the surrounding neighborhoods. The standard was created to prevent the proliferation of convenience retail store with fuel stations at arterial intersections where Neighborhood Commercial districts are typically located.

In any case, staff understands that the general intent is to discourage the proliferation of commercial uses in the form of commercial strips along arterials and to bring neighborhood-serving uses together in centers that integrate with surrounding neighborhoods.

Staff will propose a code revision to clarify the intent and the metrics as part of the continuous Land Use Code maintenance and update process. delete map

Summary of Applicant Justification

The applicant's modification request is attached and provides their complete justification. The applicant contends the following:

- That project would be replacing an already existing fuel and service station (Hospital Automotive).
- The project would provide substantial public benefit by upgrading sidewalks, streetscape, bus station shelter, stormwater infrastructure, and an eastbound right turn lane along Prospect.

Staff Findings

Staff finds that the granting of the modification would not be detrimental to the public good and that the plan satisfies criterion (1), "equal to or better than" criterion (3) "physical hardship", and criterion (4), "nominal and inconsequential" under Section 2.8.2(H) – Modification Request.

Not Detrimental to the Public Good. The plan provides a long awaited right-turn lane to E Prospect Road that has been warranted since the late 1980's that requires a 20' dedication of ROW that without

redevelopment would make the properties unusable. Other public improvements include a bus shelter along S Lemay Avenue, widened sidewalks, improved street crossing, and stormwater improvements that will help alleviate flooding within the immediate area. Further, staff recommended conditions will reduce the overall impacts of the project to neighboring residential properties. The plan is essentially an update and upgrade of the 1962 gas and vehicle service station.

As part of the NC District which incorporates the intersection, the use does represent proliferation or arterial strip commercial development.

Criterion 1, “equal to or better than”. Staff believes that the proposed convenience retail store with fuel sales would be as good as a plan that would omit the c-store or the fuel sales, or reconstruct the current use of the site as a vehicle servicing and fuel sales, neither of which would be subject to the separation requirements.

So, the district could consist of these uses in a different arrangement; and the difference between differing arrangements of these uses within this NC District would not affect its overall function for purposes of the standard.

The c-store and gas station can serve residents of the neighborhood areas located south and west of the intersection as well as or better than a plan without these components.

The redevelopment of the site will provide substantial public benefit and allow for the completion of a right-turn lane that has been on a City Capital Project list since the late 1980’s.

Criterion 4, “nominal and inconsequential”. Considering that:

This is the redevelopment of a site that has operated as an automotive service and gas station since 1962. The plan essentially proposes to exchange the ‘minor vehicle repair’ with a ‘convenience retail store’ land use.

The existing service station features four fuel pumps while the proposed project maintains the same number of pumps.

The separation requirement is limited to convenience retail stores with fuel sales. Gasoline stations and convenience retail stores without fuel sales, do not have the same limitation. The district could consist of these uses in a different arrangement, and the difference between differing arrangements of these uses within this NC District would not affect its overall functionality. Thus the proposed arrangement of the uses is nominal and inconsequential from the perspective of the whole plan, which provides long-needed infrastructure upgrades along with architectural and landscape improvements consistent with the Land Use Code.

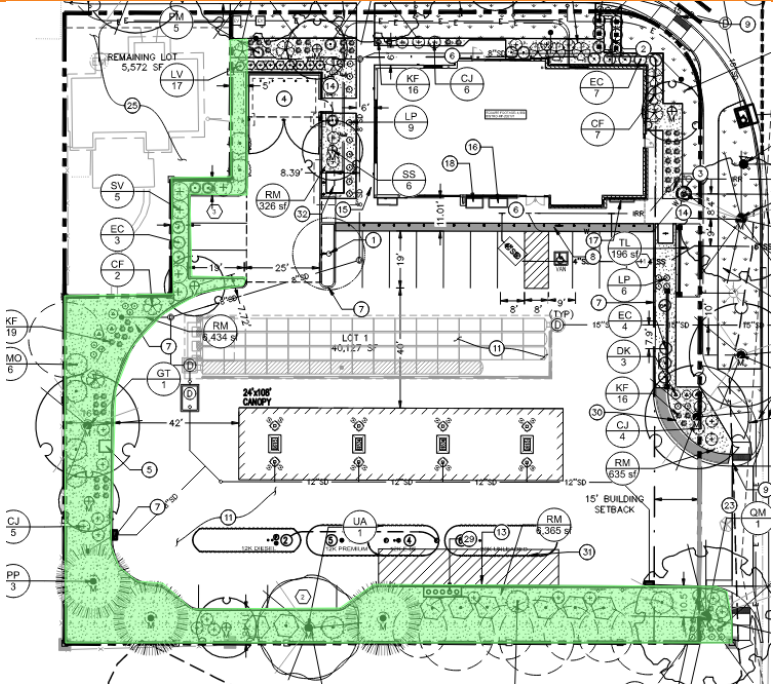
For all of the reasons stated above, the plan continues to advance the purposes of the Land Use Code.

4. 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
3.2.1 – Landscaping and Tree Protection	<p>The standards in this Section require a development plan to demonstrate a whole approach to landscaping that enhances the appearance and function of the neighborhood, streetscapes, walkways, other outdoor spaces, and buildings.</p> <p>The main landscape plan components are:</p> <ul style="list-style-type: none"> • A 11-19 foot landscape buffer along the south side of the site that contains a combination of evergreen/deciduous shrubs and trees that provide screening and separation to the residence to the south. Seven (7) of the 13 trees will be preserved in this area of the site. • A 6-foot privacy fence that features stone columns every 37 feet along the south and west boundary of the site. • Full tree stocking of site (219 shade, evergreen, and ornamental trees). • Irrigated turf and street trees in the parkways along half ROW of Delozier Dr, Crusader St, Flourish Ln, Comet St, and Aria Way (see image below). • Remaining streetscapes not highlighted below will be constructed with Bloom Filing One. • Ground plane landscape area plantings of ornamental trees and shrubs in mulch beds, including perennials and grasses (details to be finalized at FDP). <p>Irrigation plans for all landscaping will be included in final plans.</p>	Complies
3.2.1 (D)(2) – Street Trees	<p>Wherever the sidewalk is separated from the street by a parkway, canopy shade trees must be planted at thirty-foot to forty-foot spacing (averaged along the entire front and sides of the block face) in the center of all such parkway areas. Such street trees shall be placed at least eight (8) feet away from the edges of driveways and alleys.</p> <p>The plan provides the following:</p> <ul style="list-style-type: none"> • Four (4) street trees within grates along Prospect Road. • Four (4) street trees along S Lemay Avenue. <p>Planning, Light & Power, and forestry staff will work with the applicant team during the Final Development Plan process to finalize location of streetlights, tree species, and quantities.</p>	Complies
3.2.1(D)(3) Minimum Species Diversity	<p>The intent of this standard is to avoid extensive monocultures and prevent uniform insect and disease susceptibility on a development site, based on the number of trees on the site.</p> <p>In compliance with the standard, the plan provides 6 tree species with no one species exceeding the maximum allowable diversity mix of 33%.</p>	Complies
3.2.1(E)(1) – Buffering Between Incompatible	<p>In situations where the Director determines that the arrangement of uses or design of buildings does not adequately mitigate conflicts reasonably anticipated to exist between dissimilar uses, site elements or building</p>	Complies

Uses and Activities	<p>designs, one (1) or more of the following landscape buffering techniques shall be used to mitigate the conflicts.</p> <p>(a) Separation and screening with plant material: planting dense stands of evergreen trees, canopy shade trees, ornamental trees or shrubs;</p> <p>(b) Integration with plantings: incorporating trees, vines, planters, or other plantings into the architectural theme of buildings and their outdoor spaces to subdue differences in architecture and bulk and avoid harsh edges;</p> <p>(c) Establishing privacy: establishing vertical landscape elements to screen views into or between windows and defined outdoor spaces where privacy is important, such as where larger buildings are proposed next to side or rear yards of smaller buildings;</p> <p>(d) Visual integration of fences or walls: providing plant material in conjunction with a screen panel, arbor, garden wall, privacy fence or security fence to avoid the visual effect created by unattractive screening or security fences;</p> <p>(e) Landform shaping: utilizing berming or other grade changes to alter views, subdue sound, change the sense of proximity and channel pedestrian movement.</p> <p>The proposed expansion of the site will result in adjacency to two single-family detached dwellings. Staff has carefully considered placement of site elements, lighting, landscaping, and fencing as part of an overall approach to mitigate impacts of the proposed use. The Plan proposes to meet buffering through technique (d) which includes the following:</p> <ul style="list-style-type: none"> • A 6-foot privacy fence that features stone columns every 35-40 feet along the south and west boundary of the site. • 11-19 foot landscape area along the south side of the site that contains a combination of evergreen/deciduous shrubs and trees. • 15-foot landscape area west of the fuel pumps and drive aisle that contains evergreen, deciduous trees, and shrubs in adequate quantities. • Line of medium-sized shrubs contained within a 5-foot landscape bed in front of head-in parking spaces on the west side of the site. 	
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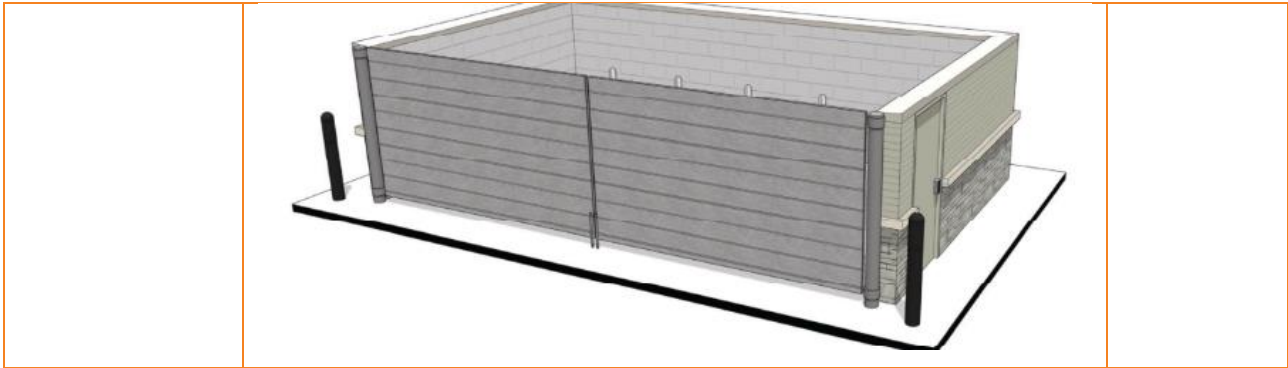
		
<p>3.2.1(E)(3) – Water Conservation</p>	<p>Landscape plans are required to be designed in a way that employs water efficient techniques, such as using low water use plants, limiting high water-use turf to areas of high traffic, efficient irrigation design and use of mulch to conserve moisture. Landscape plans may not exceed an average of fifteen gallons per square foot of landscape.</p> <p>The landscape plan demonstrates high, moderate, and low water zones. Combined, all landscape areas within the site are calculated to average 12 gallons per square foot, in compliance with the Maximum allowance of 15 gallons/square foot.</p>	<p>Complies</p>
<p>3.2.1(E)(4) – Parking Lot Perimeter Landscaping</p>	<p>The parking lot perimeters are required to be landscaped in setback areas by meeting the following minimum standards:</p> <ol style="list-style-type: none"> One (1) tree per 25 lineal feet along a public street (Lemay & Prospect) and one (1) tree per forty feet along a side lot line. Screening from the street and all nonresidential uses shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of thirty (30) inches. Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and seventy (70) percent of the length of any boundary of the parking lot that abuts any nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened. <p>The plan provides perimeter parking lot landscaping which includes:</p> <ul style="list-style-type: none"> A low architectural wall (see below), canopy shade tree, and a combination of 20 shrubs and grasses along S Lemay Avenue. One tree per 25-35 feet along the adjoining property lines. 	<p>Complies</p>

	<p>10"X2"X16" SOLID BLOCK CAP TO MATCH SILL – ARRISCRAFT ADIR LIMESTONE</p> <p>1 COURSE 4"X8"X16" AND 4 COURSE 8"X8"X16" SPLIT FACE CMU WITH STONE VENEER – "SHADOWSTONE – STEEL GREY BY ARRISCRAFT</p> <p>(\angle TOP, \angle BOTTOM) #4 DOWELS @ 24" O.C. ALTERNATE LEGS</p> <p>2'-0'</p> <p>3'-2"</p> <p align="center">ELEVATION</p>	
<p>3.2.1(E)(5) – Parking Lot Interior Landscaping</p>	<p>The interior space of all parking with less than 100 spaces must contain six (6) percent landscape coverage. Landscape islands must have a canopy shade tree and ground planting. Further, the standards require an intervening landscape island no more than every 15 parking spaces, landscaping along walkways and driveways, and landscape material placement that preserves driver sight distance at driveway-street intersections.</p> <p>Parking lot interior landscaping requirements are not met by the proposed plan. Staff is recommending a Condition that is interrelated to 3.2.2(E)(4) – Landscape Islands. As part of this condition the project shall provide an interior parking lot landscaping that meets the minimum 6% interior parking lot landscaping requirements in a manner acceptable by City Staff.</p>	<p>Condition of Approval</p>
<p>3.2.1(F) – Tree Mitigation</p>	<p>This Section requires that developments retain significant existing trees to the extent reasonably feasible.</p> <ul style="list-style-type: none"> • Forestry staff has identified and assigned values to all 38 trees which currently exist on-site. The project proposes to preserve eight trees and remove 30 trees which equal a total mitigation value of 53. • The plan will provide 19 upsized trees on site and due to the limited space of the site, a payment in-lieu will be provided for the remaining 21 trees. 	<p>Complies</p>

<p>3.2.2 (A)(B)(C) – Access, Circulation and Parking</p>	<p>This Section requires that development projects accommodate the movement of vehicles, bicycles, and pedestrians safely and conveniently, both within the development and to and from surrounding areas, safely and conveniently and contribute to the attractiveness of the neighborhood. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development.</p> <p>In compliance with the standard, the plan provides the following elements:</p> <ul style="list-style-type: none"> • Two walkway connections into the adjacent sidewalk system surrounding the project. • Consolidation of six Curbcuts that will provide greater safety for pedestrians and bicyclists. 	<p>Complies</p>
<p>3.2.2 (C)(4) – Bicycle Parking</p>	<p>Bike parking is calculated at a ratio of 1 space per 4,000 square feet of building space with a minimum of 4 spaces. 20% of all spaces must be enclosed, while the remaining 80% can be satisfied by using fixed racks.</p> <p>The requirement for the proposed 4,066 square foot convenience store is 4 spaces with 1 enclosed and 3 fixed. The plan does not provide the require bicycle parking in compliance with this standard.</p> <ul style="list-style-type: none"> • Staff recommends a Condition of Approval that prior to Final Plan approval, the project provide enclosed and fixed bicycle parking in compliance with the requirements of this section. 	<p>Condition of Approval</p>
<p>3.2.2(C)(5) – Walkways</p>	<p>Internal private walkways are provided in the following manner:</p> <ul style="list-style-type: none"> • North: walkway connection between E Prospect and the rear building entrance and main building entrance. • East: walkway connection between S Lemay Avenue and the main entrance. 	<p>Complies</p>

	The network of walkways provides safe access for pedestrians into and out of the site.	
3.2.2(C)(6,7)	<p>These standards require that the on-site/off-site pedestrian and bicycle circulation system be designed to provide for direct connections to major pedestrian and bicycle destinations, including, trails, parks, schools, Neighborhood Centers, Neighborhood Commercial Districts, and transit stops that are located either within the development or adjacent to the development.</p> <p>The plan provides the appropriate connections to the surrounding destinations:</p> <ul style="list-style-type: none"> • Route 5, Southbound Lemay & Prospect Bus Shelter which will be constructed as part of this project. • Improvement of the existing sidewalk that provides connection into the Spring Creek Trail system. • Improvements to the intersection with a pedestrian island that connects into the adjoining Neighborhood Center shopping center to the east. 	Complies
3.2.2(E)(4) – Landscape Islands	<p>To the maximum extent feasible, landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of all parking aisles and the location and pattern of primary internal access drives, and to provide pedestrian refuge areas and walkways.</p> <p>The plan currently proposes a flagpole and narrow integral curb system that terminates the parking aisle immediately in front of the building. Staff recommends a Condition of Approval that prior to Final Plan approval, the project provide a landscape island to terminate the end of the parking aisle and in adequate size to meet the minimum 6% interior parking lot landscaping requirements in a manner acceptable by City Staff.</p> <p>This condition would reduce the overall parking count from 16 to 15 spaces which would be in compliance with the minimum required parking for the site.</p>	Condition of Approval
3.2.2(J) – Setbacks	<p>Any vehicular use area containing six (6) or more parking spaces or one thousand eight hundred (1,800) or more square feet shall be set back from the street right-of-way and the side and rear yard lot line. The minimum requirement along lot lines is 5 feet and arterial streets (Lemay and Prospect) are 15-feet.</p> <p>Setbacks along lot lines for vehicular use areas may be increased by the decision maker to enhance compatibility with the abutting use or to match the contextual relationship of adjacent or abutting vehicular use areas.</p> <p>In compliance with the standard the project provides:</p> <ul style="list-style-type: none"> • Increased setback between 11 and 19 feet along the south property line. • Increased setback between 5-15 feet along the west property line. • 15-setback along S Lemay. Thought the plan provides a 15-foot setback there are several overlapping factors such as utilities, bus shelter, and large drive radius that requires the plan to incorporate low architectural walls meet the screening requirements for this space. 	Complies

<p>3.2.2(K) – Nonresidential Parking Requirements</p>	<p>Nonresidential uses must provide a minimum number of parking spaces and are limited to a maximum depending on the land use. If on-street or shared parking is not available on land adjacent to the use, then the maximum parking allowed may be increased by twenty (20) percent.</p> <p>The 4,066 square foot store is classified as under the General Retail parking standards which require allow for a minimum of 2 spaces/1,000 square feet and a maximum of 4/1,000 square feet.</p> <p>For this project standards allow for a minimum of 8 and a maximum of 16 (or 19 with a 20% increase)</p> <p>The 4,066 sq ft convenience store proposes 16 parking spaces, with one designated as accessible, in compliance with the standards of this section.</p> <p>A condition of approval related to landscape islands would reduce proposed parking from 16 to 15 spaces and would remain in compliance with this standard.</p>	<p>Complies</p>
<p>3.2.4 – Site Lighting</p>	<p>The purpose of this Section is to ensure adequate exterior lighting for the safety, security, enjoyment, and function of the proposed land use; conserve energy and resources; reduce light trespass, glare, artificial night glow, and obtrusive light; protect the local natural ecosystem from damaging effects of artificial lighting; and encourage quality lighting design and fixtures.</p> <p>In compliance with the standards of this Section, the lighting plan proposes the following light fixtures:</p> <ul style="list-style-type: none"> All pole and building-mounted lighting will feature sharp cut-off and fully shielded luminaries, The under-canopy lighting will be installed in a manner that features flush mount relative to the canopy ceiling with a flat lensed lights that do not protrude. The under-canopy lights, per the Photometric Plan, will be under the maximum allowed. 	<p>Complies</p>
<p>3.2.5 – Trash and Recycling</p>	<p>The purpose of this standard is to ensure the provision of areas, compatible with surrounding land uses, for the collection, separation, storage, loading and pickup of trash, waste cooking oil, compostable and recyclable materials.</p> <p>The trash and recycling enclosure will feature exterior masonry materials and lap siding that tie in elements of the primary building and abutting historic resource.</p>	<p>Complies</p>



B. DIVISION 3.3 – ENGINEERING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<p>3.3.1(C) – Public Sites, Reservations and Dedications</p>	<p>This Section requires the applicant 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 as may be necessary to increase such rights-of-way to the minimum width required by Larimer County Urban Area Street Standards and the City of Fort Collins Land Use Code.</p> <p>Engineering staff has reviewed and confirmed the proposed plan meets all necessary reservation and dedication requirements of Larimer County Urban Area Street Standards and other applicable codes.</p> <p>Dedications include:</p> <ul style="list-style-type: none"> • 20 feet of ROW along E Prospect Road • 21 feet of ROW along S Lemay Avenue • 15' utility and transit easement along the back side of ROW 	<p>Complies</p>

C. DIVISION 3.4 – 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 any 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
3.4.7 – Historic & Cultural Resources	<p>This standard is intended to ensure that development is compatible with and protects historic resources and that the design of new structures is compatible with and protects the integrity of historic resources located within the area of adjacency.</p> <p>As mentioned earlier in this report 945 E Prospect Road was found to be historically eligible. Historic preservation staff reviewed and found that the proposal meets the design compatibility requirements in LUC 3.4.7(E) Table 1 sufficiently. In comments provided to the applicant on September 7, 2022,</p> <p>Preservation staff confirmed that compatibility standards 1-2 for massing and articulation were met related to the convenience store massing relative to this property but recommended additional screening between the properties including a fence and modification of the trash enclosure to lapboard siding.</p> <p>Standards 3-4 on Materials were met with the use of lapboard on the convenience store building.</p> <p>Standards 5-6 on Façade Details were met using a similar window pattern on the proposed convenience store as the 945 building.</p> <p>Standard 6 was met as the historic resource will have little to no change in visibility because of this development.</p>	Complies
3.4.8 – Parks and Trails	<p>This standard requires compliance of development plans with the Parks and Recreation Policy Plan to ensure that the community will have a fair and equitable system of parks, trail and recreation facilities as the community grows.</p> <p>The plan proposes direct connection into the S Lemay Avenue sidewalk system which connects into the Spring Creek Trail.</p>	Complies

D. DIVISION 3.5 – BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.5.1– Building Project and Compatibility (B)(C)(E)(F)	<p>The purpose of the following interrelated sections is to ensure that the <u>physical and operational characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area.</u> 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> <p>These subsections require new developments in or adjacent to existing developed areas are compatible, when considered within the context of the surrounding area, by using a design that is complimentary. They should be read in conjunction with the more specific building standards contained in the zone district standards contained in Article 4.</p> <ul style="list-style-type: none"> • The building is a single-story 4,000 square foot convenience center that breaks down the overall mass relative to 945 E Prospect Road property by providing secondary roof element, and intervening trash structure. • Privacy is preserved using a 6 foot fence and varying buffer yard. Staff will work with the applicant and historic preservation staff to finalize the landscape plan along the western edge of the site. • Building material are consistent with those being used in the neighborhood and are in compliance with the more specific requirements of historic preservation. • Building color is neutral and was selected to facilitate blending with the surrounding neighborhood. • 	Complies
3.5.1(J) – Operation and Physical Compatibility Standards	<p>Conditions may be imposed upon the approval of development applications to ensure that new development will be compatible with existing neighborhoods and uses. Such conditions may include, but need not be limited to, restrictions on or requirements for:(1) hours of operation and deliveries;(2) location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;(3) placement of trash receptacles;(4) location of loading and delivery zones;(5) light intensity and hours of full illumination;(6) placement and illumination of outdoor vending machines;(7) location and number of off-street parking spaces.</p> <p>Staff is recommending two conditions based on the project’s adjacency to two single-family detached and multi-family residential uses and the associated impacts of late-night traffic, noise, and lighting intensity and hours of full illumination. Conditions include the following:</p> <p>Hours of operation and deliveries shall be limited to 6 am-9:00pm Monday through Friday and 6am-7:00pm Saturday and Sunday.</p> <p>During off-hours, all site lighting shall be reduced below the limits in Section 3.2.4 in the LC2 Lighting District.</p>	Conditions of Approval
3.5.3 – Mixed – Use, Institutional and	<p>Nonresidential buildings must provide significant architectural interest and shall not have a single, large, dominant building mass. The street level shall be designed to comport with a pedestrian scale to establish attractive street fronts and walkways. Walkways shall be designed principally for the purpose of accommodating pedestrians while secondarily accommodating vehicular movement. Buildings shall be designed with predominant materials, elements,</p>	Complies

<p>Commercial Buildings</p>	<p>features, color range and activity areas tailored specifically to the site and its context.</p> <ul style="list-style-type: none"> The plan provides design that is scaled to the pedestrian with projecting architectural features, store-front window glazing, scaled overhanging canopies and building and canopy design that features a mansard roof. Walkways provide indirect connection from Prospect and direct connection to the front entryway from Lemay Ave. 	
<p>3.5.3(C) Building Placement in Relation to Streets</p>	<p>This standard requires that all dwellings are connected to the public or private street sidewalk by a connecting walkway (as specifically defined) that does not exceed 200 feet or by a major walkway spine (as specifically defined) that does not exceed 350 feet.</p> <p>The building is placed so that the primary building entrance is on the south-facing façade and opens directly onto a connecting walkway which connects out to S Lemay Avenue</p>	<p>Complies</p>
<p>3.5.3(C)(2) – Orientation to Build to Lines for Streetfront Buildings</p>	<p>To establish "build-to" lines, buildings shall be located and designed to align or approximately align with any previously established building/sidewalk relationships that are consistent with this standard. Accordingly, at least thirty (30) percent of the total length of the building along the street shall be extended to the build-to line area.</p> <p>As required by the standard, the project is brought to the street corner of E Prospect and S Lemay. The building occupies approximately 58% of the frontage along prospect and establishes a setback that matches the adjoining historic resource to the west (15-18 feet) and 17 foot setback along Lemay Avenue.</p>	<p>Complies</p>
<p>3.5.3(D) – Variation in Massing</p>	<p>Variation in building mass is required to avoid the appearance of a single, large, dominant building mass.</p> <ul style="list-style-type: none"> The proposed building achieves a variation in massing through the utilization of a projecting module. This module and secondary roof feature break down the horizontal mass to be within compliance of the requirements. 	<p>Complies</p>

<p>3.5.3 (E) (1-6) Character & Image</p>	<p>These standards require that the building and fuel canopy feature architectural details that break up the mass, articulate the facades and ensure that the building is not duplicative of a standardized prototype design.</p> <p>Convenience Store</p> <p>The 4,066 square foot convenience store is distinguished by a projecting module and storefront glass system that is used in similar void ratio as the single-family historic resource to the east. All four elevations feature a distinctive stone veneer base treatment that is terminated by a limestone sill. The middle of the building features a neutrally colored brick veneer with banding that aligns with the overhanging eave of the historic residence. Other features include overhanging mansard roof, clipped gable, architectural blade, and storefront window/panel system.</p> <p>The southern façade and primary entrance are defined by a 3’10” secondary roof overhang that spans most of the façade. The secondary roof transitions to a gable end detail over the entry doors. The secondary entrance facing prospect will be utilized as a service door for employees only.</p> <p>The project utilizes similar architectural elements including building materials and colors/shades found in the residential developments nearby.</p> <p>Fuel Canopy</p> <p>The fuel canopy ties in elements of the surrounding residential character by providing a mansard style standing seam metal roof, aluminum covered metal columns and stone base. The canopy design features similar materiality of the primary building. More specific canopy standards are addressed later in this report.</p>	<p>Complies</p>
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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
3.6.4 – Transportation Impact Study	<p>A Transportation Impact Study was performed for this PDP. The following conclusions of the report have been reviewed and accepted by City Traffic Engineering staff:</p> <ul style="list-style-type: none"> • The project is expected to generate 3,305 daily trips, 328 AM peak hour trips, and 273 PM peak hour trips. • The movements at existing intersections operate with acceptable levels of service. • Movements at the new site drive are expected to operate with acceptable levels of delay in the future background + site scenarios except for the eastbound left turn. This movement is expected to experience unacceptable delay in the peak hours. • This intersection of Prospect and Lemay is expected to operate with acceptable delay in the opening day (2022) scenarios. By the long term (2042) scenario, the intersection is expected to operate at LOS F which does not comply with ACF standards. This is primarily related to background traffic growth. Due to this and the potential for significant impacts of intersection widening the expansion of the intersection should be considered as part of a larger effort to address overall intersection operations. 	Complies
3.6.6 – Emergency Access	<p>This Section requires adequate access for emergency vehicles and persons rendering fire protection and emergency services.</p> <p>Poudre Fire Authority staff has reviewed and preliminarily approved the proposed 24 foot circular emergency access easement that overlays the parking area.</p>	Complies

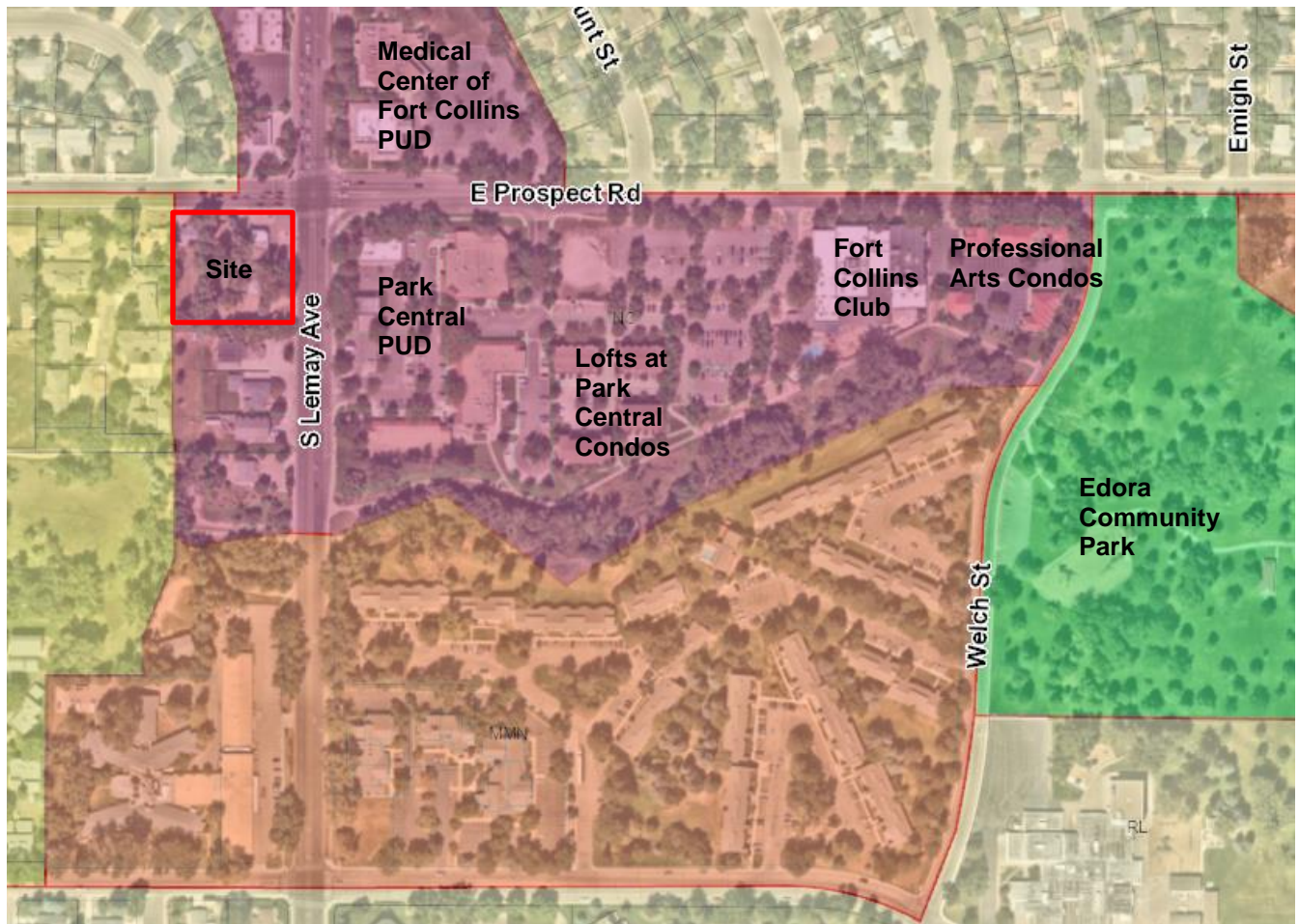
5. Land Use Code Article 4


A. DIVISION 4.23 – NEIGHBORHOOD COMMERCIAL DISTRICT (N-C)

The Neighborhood Commercial District is intended to be a mixed-use commercial core area anchored by a supermarket or grocery store and a transit stop. The main purpose of this District is to meet consumer demands for frequently needed goods and services, with an emphasis on serving the surrounding residential neighborhoods typically including a Medium Density Mixed-Use Neighborhood. In addition to retail and service uses, the district may include neighborhood-oriented uses such as schools, employment, day care, parks, small civic facilities, as well as residential uses.

This District is intended to function together with a surrounding Medium Density Mixed-Use Neighborhood, which in turn serves as a transition and a link to larger surrounding low density neighborhoods. The intent is for the component zone districts to form an integral, town-like pattern of development with this District as a center and focal point; and not merely a series of individual development projects in separate zone districts.

The zoning map below shows the extent and context of the zone district.



Applicable Standard	Summary of Requirement and Analysis	Staff Findings
4.23(B) - Permitted Uses	Convenience retail stores with fuel sales, if they are at least three thousand nine hundred sixty (3,960) feet (three quarters $\frac{3}{4}$) of a mile) from any other such use and from any fueling station.	Modification Request
4.23 (D) – Land Use Standards	<p>This standard requires that land use boundaries occur at mid-block locations rather than at streets so that similar buildings face each other.</p> <p>The proposed project faces similar buildings and uses within the area with a dance studio to the north across Prospect and convenience store with fuel sales across Lemay.</p>	Complies
4.23(E)(1)(a) – Overall Plan	<p>The project must demonstrate that the development plan contributes to a cohesive, continuous, visually related and functionally linked pattern within existing or approved development plans within the contiguous Neighborhood Commercial District area in terms of street and sidewalk layout, building siting and character and site design.</p> <p>The project is the redevelopment of an existing service station and two residential properties that is separated by a four lane arterial from the larger NC area. The project provides a sidewalk layout, building character and site design that is consistent with the surrounding NC district and is more specifically geared toward compliance with the historic structure located to the west of this site.</p>	Complies
4.23(E)(1)(c) – Development Standards	<p>Transit stop facilities shall be integrated into the design of the district, centrally located, and easily accessible for pedestrians walking to and from the surrounding neighborhoods.</p> <p>A transit stop and bench currently exists within the area of development and will be upgraded to a sheltered facility, consistent with the requirements of this section.</p> <p>Existing Condition:</p> 	Complies

<p>4.23(E)(2)(d) – Building Height</p>	<p>All buildings shall have a minimum height of twenty (20) feet. The project proposes a building height of 20 feet.</p>	<p>Complies</p>
<p>4.23(E)(3)(a-f)– Canopies</p>	<p>(a) Primary canopies and shade structures shall be attached to and made an integral part of the main building and shall not be freestanding.</p> <p>(b) Freestanding secondary canopies and shade structures that are detached from the building, if any, shall be designed with a pitched roof, or have the appearance of a pitched roof through a false mansard or parapet, to match the primary canopy and relate to the neighborhood character.</p> <ul style="list-style-type: none"> • A freestanding secondary canopy is proposed for the related fuel pumps within the site. The canopy design features a mansard roof that matches the entryway overhang, primary roof, and secondary roof elements of the building. 	<p>Complies</p>

(c) All canopies shall be designed with a shallow-pitched roof, false mansard or parapet that matches the building. Such roofs, false mansards or parapets shall be constructed of traditional roofing materials such as shingles or cementitious, clay or concrete tiles, or standing seam metal in subdued, neutral colors in a medium value range. The colors shall be designed to relate to other buildings within the commercial center.

- The project proposes a false mansard roof with zinc grey standing-seam metal roof. These colors relate to the primary commercial building and are residential in character.

(d) Canopy fascia and columns shall not be internally illuminated nor externally illuminated with neon or other lighting technique, nor shall canopy fascia or columns be accented, striped or painted in any color except that of the predominant building exterior color.

- The canopy features a zinc grey aluminum fascia consistent with the predominant building exterior color.

(e) There shall be no advertising, messages, logos, or any graphic representation displayed on the canopy fascia or columns associated with drive-in restaurants, financial services, and retail stores. This prohibition shall not apply to canopies for covering the retail dispensing or sale of vehicular fuels [see paragraph 3.8.7(E)(13)].

- Consistent with the exception of this standard the canopy features a Kum & Go illuminated sign.

(f) Under-canopy lighting shall be fully recessed with flush-mount installation using a flat lens. There shall be no spot lighting.

The project proposes a flat lens light fixture consistent with the requirements of this section.



6. Findings of Fact/Conclusion

In evaluating the request for the Kum and Go #0951 Project Development Plan #PDP210013, staff makes the following findings of fact:

- A. The PDP complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
- B. The PDP complies with pertinent standards located in Article 3 – General Development Standards subject to four conditions of approval.
 1. Staff recommends a Condition of Approval regarding 3.2.2 (C)(4) – Bicycle Parking that prior to Final Plan approval, the project shall provide enclosed and fixed bicycle parking in compliance with the requirements for ‘general retail’ land uses.
 2. Staff recommends a Condition of Approval regarding 3.2.1(E)(5) – Parking Lot Interior and Landscaping 3.2.2(E)(4) – Landscape Islands that prior to Final Plan approval the plan shall provide landscape island(s) in adequate shape, size and quantity to comply with city standards and that the plan demonstrate compliance with the minimum interior parking lot landscaping requirements in a manner acceptable by City Staff.
 3. Staff recommends a Condition of Approval regarding 3.5.1(J) – Operation and Physical Compatibility Standards that the hours of operation and deliveries shall be limited to 6 am-9:00pm Monday through Friday and 6am-7:00pm on Saturday and Sunday.
 4. Staff recommends a Condition of Approval regarding 3.5.1(J) – Operation and Physical Compatibility Standards that all off-hour site lighting shall be reduced to comport with the limits of the LC1 Lighting District under Section 3.2.4.
- C. The PDP complies with pertinent standards located in Article 4; Division 4.23 Neighborhood Commercial District subject to the approval of one modification of standards.
- D. Staff Supports the request for Modification of Standards to subsection 4 4.23(B)(2)(c)8. – which would otherwise require a 3,960 foot separation from any other fueling station because it would not be detrimental to the public good and meets criterion 2.8.2(H)(1), (3), and (4).

7. Recommendation

Staff recommends:

- Approval of the Request for Modification of Standard, and
- Conditional approval of Kum and Go #0951, PDP210013.

8. Attachments

1. Applicants Narrative
2. Planning Set
3. Utility Plan
4. Plat
5. Drainage Report
6. Transportation Impact Study
7. Applicant Modification Request
8. City Property Exhibit
9. Proposal Renderings
10. Existing Condition Photos

9. Links

1. [Report of geotechnical Exploration](#)
2. [Phase I Environmental Assessment](#)
3. [Phase II Environmental Assessment](#)