

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

HEARING DATE: March 25, 2021

PROJECT NAME: Bachus & Schanker Law Office Building

CASE NUMBER: PDP/FDP #200031

APPLICANT: Kenneth Merritt  
JR Engineering LLC  
2900 S. College Ave., Suite 3D  
Fort Collins, CO 80525

OWNER: Bachus & Schanker, LLC  
c/o Julie Wolf  
Intelligen Commercial Environments, Inc.  
6120 Greenwood Plaza Blvd., #100  
Greenwood Village, CO 80111

HEARING OFFICER: Marcus McAskin

**PROJECT DESCRIPTION:**

This is a combination Project Development Plan (PDP) and Final Development Plan (FDP) proposing to replat Lot 1 of the Warren Federal Credit Union-East Drake Subdivision creating two new lots which will be used for commercial and office uses. Two buildings are proposed, one-story in height, with a total of 5,400 square feet of floor area. 28 parking spaces are available with the existing commercial parking lot adjacent to the east of the property. One Modification of Standard is proposed.

The Property is zoned Neighborhood Commercial (N-C).

The project includes a proposal to plat the Property consistent with the PDP.

The PDP is subject to an Administrative Hearing (Type 1) review.

The Applicant/Owner requests a Modification of Standard to Land Use Code (“LUC”) Section 3.2.5 Trash and Recycling Enclosures, subsection 3.2.5(C)(3) which requires that recycling capacity be at least fifty (50) percent of the proposed trash capacity. The Warren Federal Credit Union PDP trash/recycling enclosure provides two 6-yard trash containers and three 95-gallon recycling bins. Each 95-gallon recycling bin equals approximately 0.47 cubic yards, which means that the total

recycling capacity is approximately 1.41 cubic yards. In order to meet the 50% requirement, additional recycling storage is required.

The applicant indicates no recyclable paper from the Bachus and Schanker Office will be placed into the existing trash enclosure recycling containers located on site and only a very minimal amount of trash and recycling generated by Bachus & Schanker will be disposed in the existing trash and recycling containers on-site.

Staff recommends approval of PDP and the requested Modification of Standards.

**BACKGROUND:**

Applicable project background is detailed in the Development Review Staff Report prepared for this Application, a copy of which is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.

The surrounding zoning and land uses are set forth below:

	North	South	East	West
<b>Zoning</b>	Medium Density Mixed Use Neighborhood (M-M-N)	Neighborhood Commercial (N-C)	Neighborhood Commercial (N-C)	Neighborhood Commercial (N-C)
<b>Land Use</b>	Sidehill Residential Subdivision	Flats at Rigden Farm Residential Subdivision	Rigden Farm Senior Living	Shops at Rigden Farm

**SUMMARY OF DECISION:**           Approved.

**ZONE DISTRICT:**                   Neighborhood Commercial (N-C).

**HEARING:** The Hearing Officer opened the virtual hearing at approximately 5:30 p.m. on Thursday, March 25, 2021 and reviewed the Order of Proceedings and Rules of Conduct for Administrative Hearings 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 Bachus & Schanker Law Office Building PDP/FDP #200031. A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
2. Zoning and vicinity map.
3. Picture of posted notice sign #594 with email indicating picture was taken on January 7, 2020.

4. Affidavit of Publication confirmation of order dated March 12, 2021 evidencing proof of publication of Notice of Hearing in the *Fort Collins Coloradoan* on March 14, 2021, AD# 0004644136.
5. Copy of written notice of virtual public hearing dated March 11, 2021, 328 addresses mailed.
6. Project Narrative by Bachus & Schanker Law Office (8 pages).
7. Applicant Request for Modification to LUC Section 3.2.5(C)(3), dated February 2, 2021, from Bachus & Schanker Law Office (3 pages).
8. PDP site plan set (4 sheets).
9. Warren Federal Credit Union – East Drake, Filing Two Subdivision plat (2 sheets).
10. Delich Associates Traffic Impact Study Memo, dated December 1, 2020 (9 pages).
11. Utility Plans for Bachus & Schanker Law Office Building (12 sheets).
12. Copy of power point presentation presented during the hearing by City Staff.
13. Copy of power point presentation presented during the hearing by Ken Merritt (JR Engineering).
14. Declaration of Covenants, Conditions, Restrictions and Easements for Blue Federal Credit Union (recorded June 22, 2016 at Reception No. 20160039897 in the Larimer County records) (the “Declaration”).
15. Development Agreement between the City of Fort Collins and Blue Federal Credit Union dated June 6, 2016 and recorded June 14, 2016 at Reception No. 20160037649 in the Larimer County records.
16. Rules of Conduct for Administrative Hearings.
17. Administrative (Type 1) Hearing: Order of Proceedings.
18. The City’s Comprehensive Plan, 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.

TESTIMONY: The following persons testified at the hearing:

From the City:	Jason Holland, City Planner
From the Applicant:	Kenneth Merritt JR Engineering LLC 2900 S. College Ave., Suite 3D Fort Collins, CO 80525
From the Public:	None.
From the Public (via email):	None.

Mick Aller with Aller Architecture and Marc Virata, City Engineer were in attendance at the hearing but did not provide testimony.

The virtual hearing on this matter was opened at 5:30 p.m. The public comment portion of the hearing was opened at 6:36 p.m. and closed at 6:37 p.m. with no public comment received. The virtual hearing on PDP/FDP #200031 was closed at approximately 6:48 P.M.

### FINDINGS

1. Testimony of Jason Holland and evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. As required by City Council Ordinance 079, Series 2020 (the “City Ordinance”), the Hearing Officer, in consultation with City staff, determined that it was desirable to conduct the hearing by remote technology so as to provide reasonably available participation by parties-in-interest and by the public, consistent with the requirements of the City Ordinance, because meeting in person would not be prudent for some or all persons due to a public health emergency.
3. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
  - A. The Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
  - B. The Modification of Standard to LUC Section 3.2.5(C)(3) requested by the applicant (to not comply with the the fifty percent (50%) recycling capacity requirement set forth in Section 3.2.5(C)(3)) will not be detrimental to the public good and the plan as submitted will promote the general purpose of LUC Section 3.2.5(C)(3) equally well or better than would a PDP which complies with LUC Section 3.2.5(C)(3). With respect to foregoing, the Hearing Officer specifically finds that the existing recycling containers/bins located in Tract A should remain adequate to service the recycling needs of the overall development, including the approximate 5,400 square feet of office use proposed within the Bachus & Schanker PDP/FDP. Testimony provided during the hearing confirmed that the Applicant would utilize the services of a third party to shred (and remove off-site) the majority of the paper generated by the law office use. In addition, the primary purpose of this LUC Section 3.2.5 in to ensure the provision of areas, compatible with surrounding land uses, for the collection, separation, storage, loading, and pick up of trash and recycling materials. This purpose is not frustrated by permitting the existing recycling bins to remain to be utilized in the existing enclosure located in Tract A. Testimony provided at the hearing confirmed that the existing trash enclosure was oversize and adequate for the proposed uses. If additional recycling capacity is required in the future, the property owners’ association may increase the frequency at which the existing recycling bins are serviced.

- C. Except for LUC Section 3.2.5(C)(3), which standard is recommended for Modifications of Standard, the Application complies with the applicable General Development Standards contained in Article 3 of the LUC.
  - D. The Application complies with the relevant standards located in Division 4.23, Neighborhood Commercial (N-C) of Article 4 of the LUC.
4. 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 as **ATTACHMENT A**) and the testimony and materials presented at the virtual hearing.
5. The Hearing Officer notes that Section 7.3 of the Declaration (*reference* Evidence #14 above) states, in relevant part, that “. . . the Owners of Lots 1 and 2 shall maintain Trash Containers inside screened dumpster enclosures or other approved structures on their respective Lots for Trash generated from the use of their respective Lots.” This language of the Declaration conflicts with the plan of the owner(s) of Lot 1 (to be subdivided into the two new lots, specifically Lot 1 and Lot 2, Warren Federal Credit Union-East Drake, Filing Two) to utilize the existing trash enclosure on Tract A. The Hearing Officer encourages the Applicant to work with the Association to amend the Declaration to address this inconsistency.

DECISION

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

- A. The Modification of Standard to LUC Section 3.2.5(C)(3) is approved.
- B. PDP/FDP #200031 is approved for the Property with no conditions.

DATED this 8th day of April, 2021.



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Marcus McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
Bachus & Schanker Law Office Building  
PDP/FDP #200031

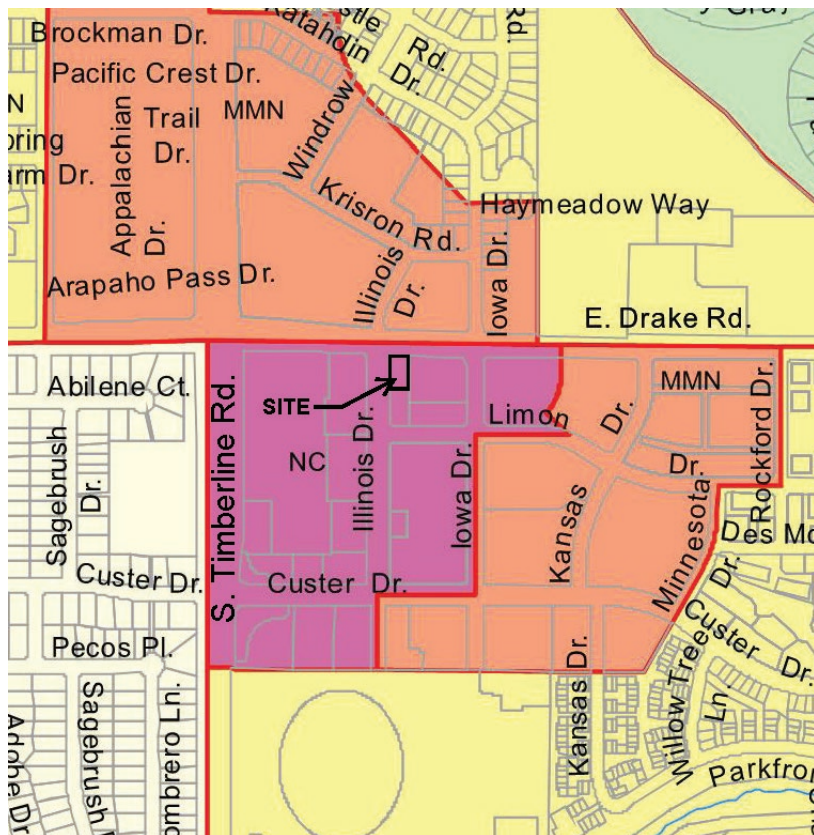
Administrative Hearing: March 25, 2021

**Bachus and Schanker Law Office Building, FDP200031**

**Summary of Request**

This is a combination Project Development Plan (PDP) and Final Development Plan (FDP) proposing to replat Lot 1 of the Warren Federal Credit Union-East Drake Subdivision creating two new lots which will be used for commercial and office uses. Two buildings are proposed, one-story in height, with a total of 5,400 square feet of floor area. 28 parking spaces are available with the existing commercial parking lot adjacent to the east of the property. One Modification of Standard is proposed.

**Zoning Vicinity Map**



**Next Steps**

If approved by the decision maker, the Final Development Plan review may be completed for the project.

**Site Location**

Located at the southeast corner of E. Drake Road and Illinois Drive. The site is currently addressed as 2630 Illinois Drive.

**Zoning**

Neighborhood Commercial (N-C)

**Property Owner**

Bachus & Schanker, LLC c/o Julie Wolf  
Intelligen Commercial Environments, Inc.  
6120 Greenwood Plaza Blvd #100  
Greenwood Village, CO 80111

**Applicant/Representative**

Kenneth Merritt  
JR Engineering LLC  
2900 S College Ave, Suite 3D  
Fort Collins, CO 80525

**Staff**

Jason Holland, City Planner

**Contents**

- 1. Project Introduction ..... 2
- 2. Public Outreach ..... 3
- 3. Article 2 – Applicable Standards ..... 3
- 4. Article 3 – Applicable General Development Standards ..... 7
- 5. Article 4 – Applicable Standards: ..... 14
- 6. Findings of Fact/Conclusion ..... 15
- 7. Recommendation ..... 16
- 8. Attachments ..... 16

**Staff Recommendation**

Approval of the FDP and Modification of Standard

# 1. Project Introduction

## A. PROJECT DESCRIPTION

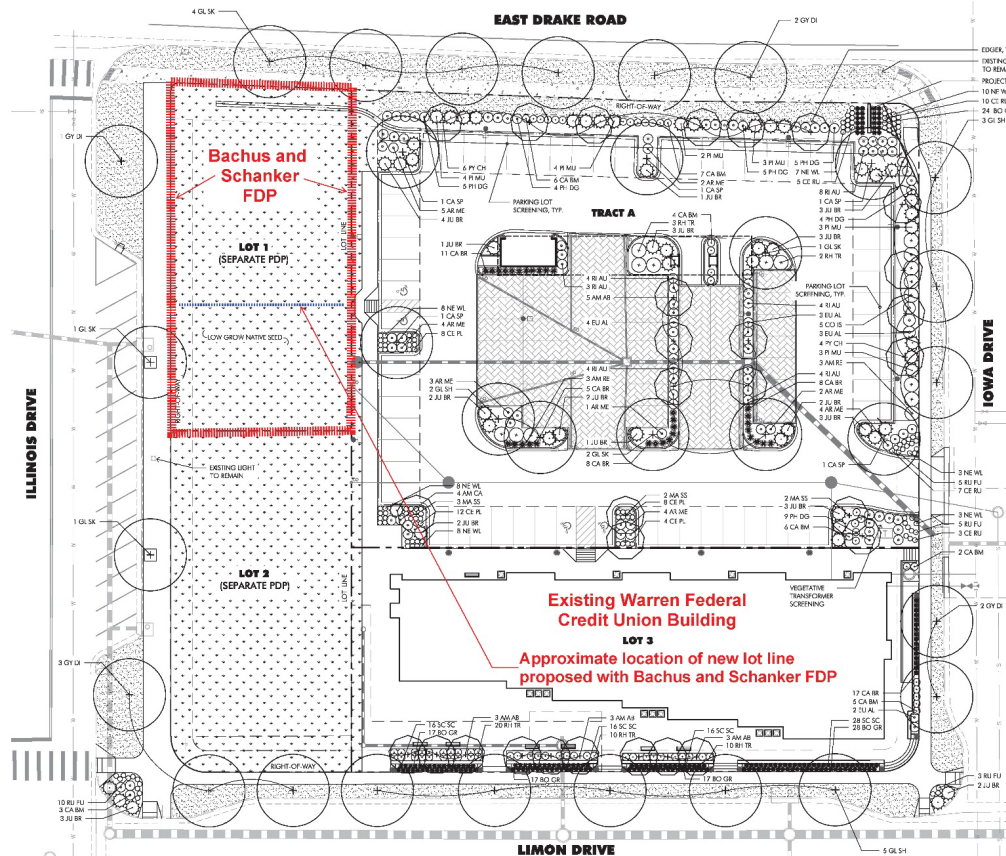
- This is a combination Project Development Plan (PDP) and Final Development Plan (FDP) proposing to replat Lot 1 of the Warren Federal Credit Union-East Drake Subdivision creating two new lots which will be used for commercial and office uses.
- Two buildings are proposed, one-story in height, with a total of 5,400 square feet of floor area.
- 28 parking spaces, interior sidewalks and landscape areas are proposed. 28 parking spaces are available with the existing commercial parking lot adjacent to the east of the property.
- One Modification of Standard is proposed which addresses *Section 3.2.5 – Trash and Recycling Enclosures*.

## B. SITE CHARACTERISTICS

### 1. Background

The property is part of the Rigidon Farm Overall Development Plan which was first approved in 1999. The majority of the Rigidon Farm neighborhood has been constructed.

The property is also a part of the Warren Federal Credit Union-East Drake Plat which was approved in 2015. This plat includes approximately two acres and divided the block into three lots and Tract A. Tract A is intended to be used for access, off-street parking and trash/recycling for all lots. The Warren Federal Credit Union building located on Lot 3 is occupied. The Bachus and Schanker FDP location is shown in red below and proposes to further subdivide their property into two new lots.





Surrounding Zoning and Land Use

	North	South	East	West
<b>Zoning</b>	Medium Density Mixed Use Neighborhood (M-M-N)	Neighborhood Commercial (N-C)	Neighborhood Commercial (N-C)	Neighborhood Commercial (N-C)
<b>Land Use</b>	Sidehill residential subdivision	Flats at Ridgen Farm residential subdivision	Rigden Farm Senior Living	Shops at Ridgen Farm

## 2. Public Outreach

### A. NEIGHBORHOOD MEETING

Pursuant to *Section 2.2.2 – Step 2: Neighborhood Meetings*, a neighborhood meeting is not required for Administrative (Type 1) projects.

### B. PUBLIC COMMENTS

Any communication received between the public notice period and hearing will be forwarded to the Hearing Officer to be considered when making a decision on the project.

## 3. Article 2 – Applicable Standards

### A. PROJECT DEVELOPMENT PLAN PROCEDURAL OVERVIEW

The PDP complies with all applicable Development Review Procedures in Division 2.2 of the Land Use Code:

#### 1. Conceptual Review - CDR200077

A conceptual review meeting was held on October 15, 2020.

#### 2. Project Development Plan/Final Plan Submittal – FDP 200031

The first submittal of this project was completed on December 18, 2020.

#### 3. Neighborhood Meeting

*2.2.2 – Step 2: Neighborhood Meetings* -- Not applicable.

#### 4. Notice (Posted, Written and Published)

Posted Notice: December 7, 2020, Sign # 594

Written Hearing Notice: March 11, 2021, 328 addresses mailed.

Published Hearing Notice: March 14, 2021, Coloradoan Confirmation # 0004644136

## B. DIVISION 2.8 – MODIFICATION OF STANDARD

The applicant requests one Modification of Standard and provides a justification letter attached to this staff report.

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

### Land Use Code Modification Criteria:

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

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

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

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

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

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

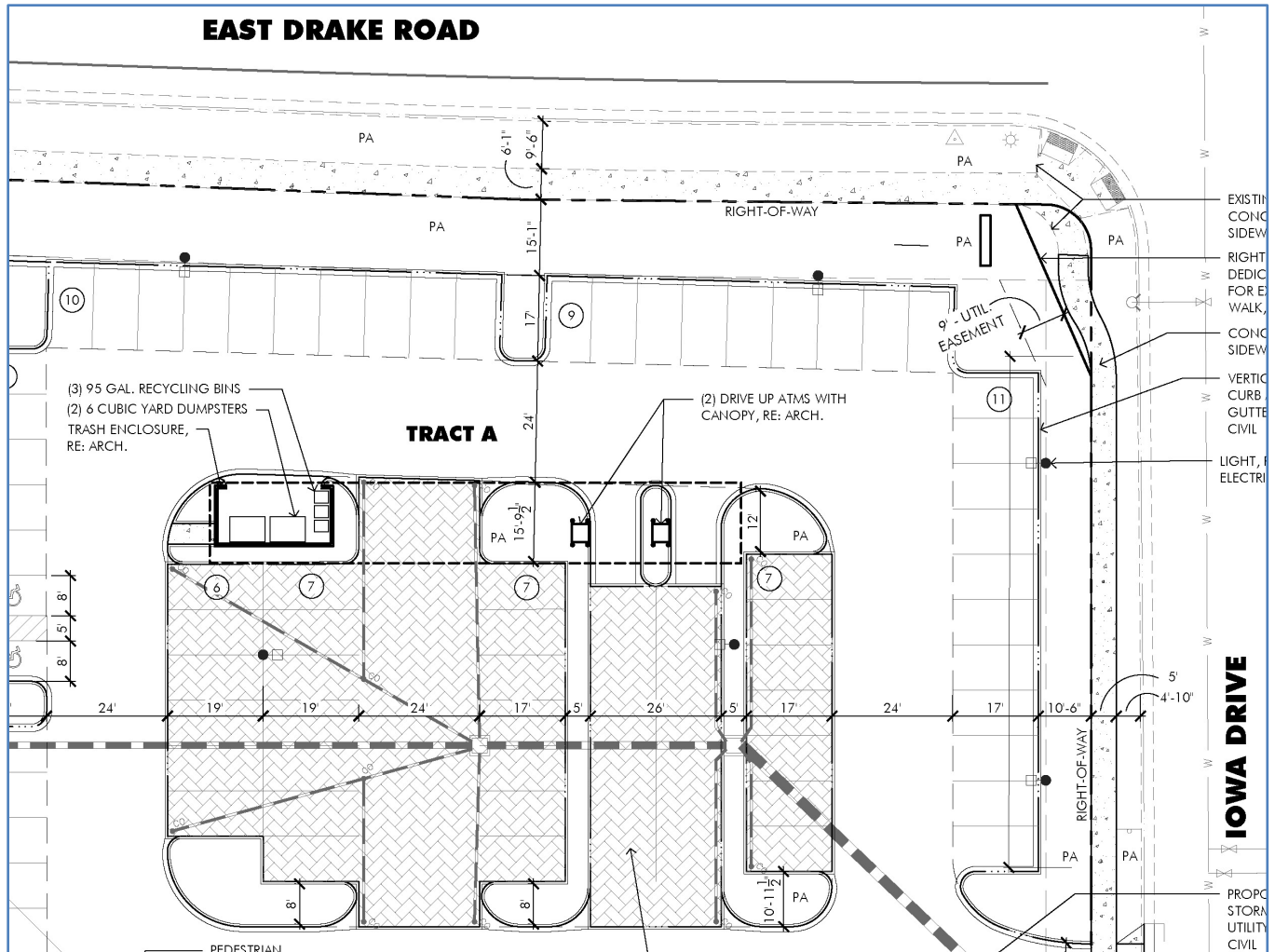
### 1. Description of the Modification to Trash and Recycling Enclosures – General Standards, *Subsection 3.2.5(C)(3)*:

*3.2.5(C)(3) “Development plans must include labeled drawings of all proposed enclosures, internal trash and recycling rooms, staging areas and the like and include all proposed dumpsters, containers, bins and other receptacles and label the capacity of each. Proposed recycling capacity must be at least fifty (50) percent of the proposed trash capacity.”*

The Applicant proposes to use the existing trash and recycling enclosure with the existing trash and recycling container sizes approved within Tract A of the Warren Federal Credit Union PDP. This trash enclosure was approved in 2015 and the standards related to recycling capacity have changed, and as underlined in the code provision in 3.2.5(C)(3), recycling capacity must be at least fifty (50) percent of the proposed trash capacity. The Warren Federal Credit Union PDP trash/recycling enclosure provides two 6-yard trash containers and three 95-gallon recycling bins. Each 95-gallon recycling bin equals

approximately 0.47 cubic yards, which means that the total recycling capacity is approximately 1.41 cubic yards. In order to meet the 50% requirement, additional recycling storage is required.

**Image from the Approved Warren Federal Credit Union FDP (See Attachment 18):**



**2. Applicant’s Justification for the Modification to Trash and Recycling Enclosures – General Standards, Subsection 3.2.5(C)(3):**

The Applicant’s modification request is attached with this staff report. The Applicant contends that the modification meets one of the four criteria:

Criteria 1 of 4 – *“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.”*

Applicant:

“The Law Office of Bachus and Schanker have a strict policy that requires that all paper and documents generated by the company that are to be disposed must first be shredded by an outside Legal Document Shredding Service. All Paper that is designated for disposal will be collected and stored in a secured area of the building prior to being shredding by an outside shredding service. On a weekly or bi-weekly basis,

depending on volume of material collected the Document Shredding Service will arrive and shred all paper and documents on-site under the supervision of a Bachus & Schanker representative. After the shredding is complete the shredded material will then be hauled off-site by the Document Shredding Service provider to be recycled. No recyclable paper from the Bachus and Schanker Office will be placed into the existing trash enclosure recycling containers located on site and only a very minimal amount of trash and recycling generated by Bachus & Schanker will be disposed in the existing trash and recycling containers on-site.”

“Therefore the applicant believes that the process of on-site paper shredding, removal and recycling performed on a weekly or bi-weekly basis will ensure that the existing Trash Enclosure and the existing Trash and Recycling Containers as originally designed and installed in 2016 will remain adequate for the existing and future businesses located within the Warren Federal Credit Union development and thus no modifications to either the trash enclosure or its trash and recycling collection containers will be required by the proposed development subject to the approval of this requested Modification of Standard.”

### **3. Staff Analysis and Findings of Fact for the Modification to *Trash and Recycling Enclosures – General Standards, Subsection 3.2.5(C)(3)*:**

Staff finds that the request for the Modification of Standard to *Subsection 3.2.5(C)(3)* is justified by the applicable standards in 2.8.2(H).

The Modification satisfies criterion 2.8.2(H)(1) – The plan as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested. Staff finds that the modification meets criterion 2.8.2(H)(1) and is not detrimental to the public good because:

- 1) The existing recycling containers located in Tract A of the Warren Federal Credit Union FDP should remain adequate to serve the recycling needs of the overall development, including the 5,400 square feet of office use within the two buildings proposed with the Bachus and Schanker Law Offices FDP. Law offices and financial services uses typically need less recycling space because a portion of the recycling volume is hauled off-site by a document shredding service provider to be recycled. This measure represents an alternative recycling plan that adequately reduces the on-site recycling storage volume needed.
- 2) The other existing commercial uses that utilize the trash and recycling containers are generally considered to be relatively low volume trash and recycling users; current users in the Warren building include financial services, nutrition supplements (general retail) and a fitness center (limited indoor recreation); should there be proposed future changes of use then staff could re-evaluate whether the trash and recycling facilities are adequate to meet the requirements in Section 3.2.5 of the Land use Code.

**4. Article 3 – Applicable General Development Standards**

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

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Section 3.2.1 Landscaping and Tree Protection		
3.2.1(C) General Standard	<p><i>3.2.1(B) Purpose. The intent of this Section is to require preparation of landscape and tree protection plans that ensure significant canopy cover is created, diversified and maintained so that all associated social and environmental benefits are maximized to the extent reasonably feasible. These benefits include reduced erosion and stormwater runoff, improved water conservation, air pollution mitigation, reduced glare and heat build-up, increased aesthetics, and improved continuity within and between developments. Trees planted in appropriate spaces also provide screening and may mitigate potential conflicts between activity areas and other site elements while enhancing outdoor spaces, all of which add to a more resilient urban forest.</i></p> <p><b>3.2.1(C) General Standard</b></p> <p><i>All developments shall submit a landscape and tree protection plan, and, if receiving water service from the City, an irrigation plan, that: (1) reinforces and extends any existing patterns of outdoor spaces and vegetation where practicable, (2) supports functional purposes such as spatial definition, visual screening, creation of privacy, management of microclimate or drainage, (3) enhances the appearance of the development and neighborhood, (4) protects significant trees, natural systems and habitat, (5) enhances the pedestrian environment, (6) identifies all landscape areas, (7) identifies all landscaping elements within each landscape area, and (8) meets or exceeds the standards of this Section.</i></p> <ul style="list-style-type: none"> <li>• The project provides a landscape design that meets and exceeds the purpose and general standard for landscaping and tree protection. The tree canopy provided and preserved meets city requirements. In accordance with objectives one through five of the general standards, shrub and ground cover plantings are arranged to provide screening, visual interest and spatial definition around the proposed buildings.</li> <li>• Per criterion 8 in the General Standard, compliance with Section 3.2.1 is further described through the following specific landscape and tree protection design standards applicable to the project.</li> </ul>	Complies
3.2.1(D) Tree Planting Standards  3.2.1(D)(1)(c) Full Tree Stocking	<p>This section requires that all developments establish groves and belts of trees along all city streets, in and around parking lots, and in all landscape areas that are located within fifty (50) feet of any building or structure in order to establish at least a partial urban tree canopy.</p> <p>This section more specifically requires that full tree stocking be provided in all landscape areas within fifty (50) feet of any building or structure. Landscape areas shall be provided in adequate numbers, locations and dimensions to allow full tree stocking to occur along all high use or high visibility sides of any building or structure, in accordance with the spacing standards outlined in this section:</p> <p>Canopy shade trees:      30' - 40' spacing</p> <p>Coniferous evergreens:    20' - 40' spacing</p>	

	<p>Ornamental trees: 20' - 40' spacing</p> <p>Exact locations and spacings may be adjusted at the option of the applicant to support patterns of use, views and circulation as long as the minimum tree planting requirement is met. Canopy shade trees shall constitute at least fifty (50) percent of all tree plantings. Required street trees may be used to contribute to this standard.</p> <ul style="list-style-type: none"> <li>Both of the proposed buildings exceed the tree stocking requirement through a combination of existing trees along the streets and existing trees along the parking lot. Additional new trees are provided as an enhancement that meets and exceeds the tree stocking spacing requirement.</li> <li>All sides of the buildings meet or exceed the tree stocking requirement. A total of 17 trees are provided (or currently exist) around the proposed buildings within 50 feet of the building facades.</li> </ul>	
<p>3.2.1(D)(2) Street Trees</p>	<p>This section requires that canopy shade trees be planted along public sidewalks at thirty-foot to forty-foot spacing and to the extent reasonably feasible, be positioned at evenly spaced intervals. Spacing should also be coordinated to meet utility and traffic separation requirements as described in Section 3.2.1(K).</p> <ul style="list-style-type: none"> <li>There are five existing shade trees along the East Drake Road and Illinois Drive frontage in proximity to the proposed buildings. The tree locations are spaced at acceptable intervals and are positioned to comply with traffic and utility separation requirements as described in Section 3.2.1(K).</li> </ul>	<p>Complies</p>
<p>3.2.1(D)(3) Minimum Species Diversity</p>	<p>Six different tree species are proposed for the 20 trees provided. Species noted in the plant list (Attachment 9, sheet 7 of 12) indicate a maximum of 25% of any one species proposed which meets the diversity standard that requires a maximum percentage of any one species be not more than 33% when 20-39 trees are provided.</p>	<p>Complies</p>
<p>3.2.1(D)(4) Tree Species and Minimum Sizes</p>	<p>All minimum required tree and shrub sizes are met.</p>	<p>Complies</p>
<p>3.2.1(E)(4) Parking Lot Perimeter Landscaping</p>	<p>This section requires one tree per twenty-five linear feet within the parking lot setback areas along a public street and one tree per forty linear feet along a side lot line parking setback area. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right-of-way.</p> <ul style="list-style-type: none"> <li>The existing Tract A parking lot was reviewed for compliance with these requirements when the parking lot was approved in 2015 with the Warren Federal Credit Union PDP. Attachment 17 provides a perimeter landscape table demonstrating compliance with this standard.</li> <li>The parking lot perimeter is planted with a combination of trees and shrubs that provide an adequate screen and appropriate transition between the Tract A parking area and surrounding public streets. The existing tree spacing meets and exceeds the 25-foot spacing requirement along the public streets.</li> </ul>	<p>Existing Improvements Comply; no changes proposed or required</p>

	<p>This section also requires screening from the street and abutting uses (walls, fences, berming, plant material, or similar) of at least thirty (30) inches in height for a minimum of seventy percent (70%) of the length of the street frontage shall be provided.</p> <ul style="list-style-type: none"> <li>The Tract A parking lot provides continuous plant material coverage along the East Drake Road and Iowa Drive frontages. No additional plantings are recommended to meet the standard. Plant species selected are appropriate and will achieve a minimum height of thirty inches.</li> </ul>	
<p>3.2.1(E)(5) Parking Lot Interior Landscaping</p>	<p>This section requires six percent of the interior space of all parking lots with less than one hundred spaces to be landscape areas:</p> <ul style="list-style-type: none"> <li>The proposed interior parking area is approximately 33,296 square feet, and 3,817 square feet, or 11% of interior landscape space is provided which exceeds the minimum requirement. This landscaping was provided with the Warren Federal Credit Union PDP and has already been installed. A table is shown on sheet 1 of 2 – Attachment 17 with these figures.</li> </ul>	<p>All Existing Improvements Comply; no changes proposed or required</p>
<p>3.2.1(F) Tree Protection and Replacement</p>	<p>This standard requires that the project preserve and protect existing significant trees within the Limits of Development to the extent reasonably feasible, and these trees may help satisfy the landscaping requirements of the development. Streets, buildings and lot layouts shall be designed to minimize the disturbance to significant existing trees. All required landscape plans shall accurately identify the locations, species, size and condition of all significant trees, each labeled showing the applicant's intent to either remove, transplant or protect.</p> <p>A significant tree is defined in Article 5 as any tree that has a DBH (diameter at breast height) of six inches or more.</p> <p>Any affected tree that is removed shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of value of the removed significant tree. The rated value of the trees is determined by the City Forester in coordination with the Applicant's certified arborist.</p> <ul style="list-style-type: none"> <li>No mitigation trees are required with the project. One tree is being replaced, which is located east of the proposed Lot 1 building. This is a tree within the parking lot landscaping area in Tract A that died and is being replaced.</li> </ul>	<p>Complies</p>
<p>Section 3.2.2 Access, Circulation and Parking</p>		
<p>3.2.2(B) General Standard 3.2.2(C)(1) Development Standards Safety Considerations</p>	<p>In conformance with the Purpose, General Standard, and Development Standards described in this section, the parking and circulation system provided with the project is adequately designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the development and to and from surrounding areas:</p> <ul style="list-style-type: none"> <li>As required, the sidewalk system provided addresses vehicle conflicts and contributes to the attractiveness of the development. An additional new sidewalk connection is provided near the northeast side of the law office building on Lot 1. This provides an addition direct connection to the public sidewalk on East Drake Road.</li> <li>Connecting walkways are provided on both the east and west sides of the proposed buildings for convenient access into the buildings.</li> </ul>	<p>Complies</p>

<p>3.2.2(C)(4) Bicycle Facilities</p>	<p>This standard requires at least 1 bicycle parking space per 4,000 square feet of commercial building space, and a minimum of four spaces. At least one of these spaces must be enclosed/covered.</p> <ul style="list-style-type: none"> <li>Eight bicycle parking spaces are provided with two exterior bicycle racks located near each building entrance (four spaces per location). At least one additional covered bicycle parking space can be accommodated within each building to meet the covered parking requirement.</li> </ul>	<p>Complies</p>												
<p>3.2.2(J) Setbacks (for vehicle use areas)</p>	<p>This section requires that any vehicular use area containing six 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 (except a lot line between buildings or uses with collective parking) consistent with the provisions of this Section, according to the following table:</p> <table border="1" data-bbox="418 695 1308 1083"> <thead> <tr> <th></th> <th>Minimum Average of Entire Landscaped Setback Area (feet)</th> <th>Minimum Width of Setback at Any Point (feet)</th> </tr> </thead> <tbody> <tr> <td>Along an arterial street</td> <td>15</td> <td>5</td> </tr> <tr> <td>Along a nonarterial street</td> <td>10</td> <td>5</td> </tr> <tr> <td>Along a lot line</td> <td>5</td> <td>5</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>The existing parking lot located in Tract A complies with these setbacks. The setback along the East Drake Road arterial is at least 15 feet and 10.5 feet along the Iowa Drive nonarterial.</li> </ul>		Minimum Average of Entire Landscaped Setback Area (feet)	Minimum Width of Setback at Any Point (feet)	Along an arterial street	15	5	Along a nonarterial street	10	5	Along a lot line	5	5	<p>All Existing Improvements Comply; no changes proposed or required</p>
	Minimum Average of Entire Landscaped Setback Area (feet)	Minimum Width of Setback at Any Point (feet)												
Along an arterial street	15	5												
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<p>3.2.2(K)(2) Nonresidential Parking Requirements</p>	<p>Section 3.2.2(K)(2)(b) Nonresidential Parking Requirements – The existing parking lot in Tract A is approved to be shared amongst the uses on the surround lots. Required parking for the buildings is met as follows.</p> <p><b>Minimum Required Parking Tabulations:</b></p> <p>Section 3.2.2(K)(2)(a) outlines both minimum and maximum parking for commercial uses based on the 9,342 square feet proposed:</p> <ol style="list-style-type: none"> <li>Warren Federal Credit Union PDP -- Existing building on Lot 3:       <ul style="list-style-type: none"> <li>2,902 SF financial services – at least 6 spaces required;</li> <li>8,300 SF retail – at least 17 spaces required;</li> </ul> </li> <li>Bachus and Schanker PDP (two buildings proposed):       <ul style="list-style-type: none"> <li>Lot 1 (Law Office), 3,200 SF – at least 6 spaces required;</li> <li>Lot 2 (Offices), 2,200 SF – at least 5 spaces required;</li> </ul> </li> <li>Warren Federal Credit Union PDP – Future Lot 2 (of the first Plat):       <ul style="list-style-type: none"> <li>This is the remaining undeveloped lot at the corner of Illinois/Limon;</li> <li>The Warren PDP lists this site as a 6,500 SF restaurant;</li> <li>6,500 SF restaurant – at least 32 spaces required;</li> </ul> </li> </ol>	<p>All Existing Improvements Comply; no changes proposed or required</p>												



	<p><b>Tract A Parking Lot Totals:</b></p> <p><b>Total Minimum Parking Required:</b></p> <ul style="list-style-type: none"> <li>➤ 66 parking spaces total minimum required per the uses noted above.</li> </ul> <p><b>Total Parking Available in Tract A:</b></p> <ul style="list-style-type: none"> <li>➤ 88 parking spaces available;</li> <li>➤ Additional on-street public parking spaces may be available for the uses</li> </ul>	
<p>3.3.2(K)(5) Handicap Parking</p>	<p>This section requires at least four handicap spaces, including one van-accessible handicap space. Parking lots with 76-100 spaces require at least 4 handicap parking spaces.</p> <ul style="list-style-type: none"> <li>• Four handicap spaces are provided in the Tract A parking lot in accordance with the standard.</li> </ul>	<p>Complies</p>
<p>3.3.2(L) Parking Stall Dimensions</p>	<p>This section describes minimum dimensions for off-street parking areas, including short-term commercial parking stalls and drive aisle widths. All parking lot metrics are met.</p>	<p>Complies</p>
<p>3.2.4 Site Lighting</p>	<ul style="list-style-type: none"> <li>• A photometric plan has been submitted and reviewed for the project.</li> <li>• All parking lot and exterior building lighting is provided by down-directional and sharp cut-off fixtures.</li> <li>• As proposed, the project complies with the photometric light levels and lighting design standards in Section 3.2.4.</li> </ul>	<p>Complies</p>
<p>3.2.5 Trash and Recycling Enclosures</p>	<ul style="list-style-type: none"> <li>• The project utilizes the fully screened trash enclosure that is located in Tract A. Walk-in access to recycling and waste containers is provided accordance with the requirements of this section. Masonry walls are provided for the enclosure compatible with the surrounding buildings.</li> <li>• A Modification of Standard is proposed to address subsection 3.2.5(C)(3) which requires that recycling capacity be at least fifty (50) percent of the proposed trash capacity.</li> <li>• Staff anticipates that ample room exists within the trash and recycling enclosure to reconfigure and re-size the containers as needed for existing and future uses if needed.</li> </ul>	<p>Partially Complies; Modification Requested to 3.2.5(C)(3)</p>

**B. DIVISION 3.3 – ENGINEERING STANDARDS**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.3.1(C) – Public Sites, Reservations and Dedications</b>	<p>The Applicant is required to dedicate drainage and utility easements as needed to serve the area being developed. In cases where any part of an existing road is abutting or within the tract being developed, the applicant must dedicate such additional rights-of-way as may be necessary to increase such roadway to the minimum width required by Larimer County Urban Area Street Standards and the City of Fort Collins Land Use Code.</p> <ul style="list-style-type: none"> <li>No additional right-of-way is required with the project to meet city standards. All street improvements (parking, public sidewalks, and street trees) were provided with the Warren Federal Credit Union PDP.</li> <li>The proposed plat dedicates all necessary easements as required by the City’s Engineering Services department.</li> </ul>	Complies

**C. 3.4.7 – HISTORIC AND CULTURAL RESOURCES**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>Section 3.4.7 Historic and Cultural Resources</b>	This section is not applicable.	N/A

**D. 3.5 – BUILDING STANDARDS**

The purpose of this Section is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area. More specific or stringent standards are addressed with the TOD requirements.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.5.1(B)(C)(D)(E)(F)(G)(H) – Building Project and Compatibility</b>  <b>3.5.3 – Mixed-Use, Institutional and Commercial Buildings</b>	<p>These standards are designed to ensure compatibility of new buildings with the surrounding context. 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 in order to establish attractive street fronts and walkways. Buildings shall be designed with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context.</p> <p><i>“Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed infill development. Brick and stone masonry shall be considered compatible with wood framing and other materials. Architectural compatibility (including, without limitation, building height) shall be derived from the neighboring context.”</i></p>	Complies

	<ul style="list-style-type: none"> <li>The overall designs for each building satisfy the institutional building requirements of Section 3.5.3. "Variation in massing" requirements are satisfied by breaking up the building mass into a series of intersecting wall planes in a module format.</li> <li>Variations in massing, juxtaposed materials and forms, and repeated patterns of recesses and projections provide vertical and horizontal interest, breaking down the overall scale of the building.</li> <li>Attention is given to the variation in material patterns and textures. The use of materials and patterns is balanced, with colors and textures helping to emphasize and articulate overall building forms.</li> <li>Entrances are clearly identified and articulated with entrance awnings and overhangs as a sheltering element.</li> <li>All facades are subdivided and proportioned using features such as windows, architectural insets, masonry and changes in texture and material.</li> </ul>	
<b>3.5.3(C)(1) – Orientation to a Connecting Walkway</b>	Direct walkway connections are provided per this standard from the street sidewalk to the main entries for each building.	Complies
<b>3.5.3(C)(2) – Orientation to Build to Lines for Streetfront Buildings</b>	This standard requires a build-to-range of at least 10 feet and not more than 25 feet from the street right-of-way, with no vehicle use areas between the building and the street. The proposed building is set back at least 10.9 feet in accordance with this standard.	Complies

### E. 3.6 TRANSPORTATION AND CIRCULATION

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

<b>Applicable Code Standard</b>	<b>Summary of Code Requirement and Analysis</b>	<b>Staff Findings</b>
<b>3.6.4 – Transportation Level of Service Requirements</b>	<ul style="list-style-type: none"> <li>Traffic Operations and Engineering Departments have reviewed the plan's Transportation Impact Study (TIS) memorandum and determined that no additional improvements are required and that the existing improvements remain consistent with the City of Fort Collins Multi-Modal Transportation Level of Service Manual. No street intersection or lane improvements are required in the area to accommodate the vehicle traffic generated by the development.</li> </ul>	Complies
<b>3.6.6 – Emergency Access</b>	<p>This section is intended to ensure that emergency vehicles can gain access to, and maneuver within, the project so that emergency personnel can provide fire protection and emergency services without delays.</p> <ul style="list-style-type: none"> <li>A fire lane access drive is provided within Tract A to accommodate emergency access per Poudre Fire Authority requirements.</li> </ul>	Complies

**F. 3.7 COMPACT URBAN GROWTH**

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>3.7.3 – Adequate Public Facilities</b>	<p>This section requires that any approval of a development is conditioned on the provision of all services necessary to serve the new development. This includes transportation, water, wastewater, storm drainage, fire and emergency services, electrical power and any other public facilities and services as required.</p> <ul style="list-style-type: none"> <li>• The project is located in the City’s service area for water, wastewater and electric utilities. Utilities staff have commented on the project and have concluded that existing infrastructure is capable of serving the proposed project.</li> </ul>	Complies

**5. Article 4 – Applicable Standards:**

**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.

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
<b>4.23(B)(2) – Permitted Uses</b>	The proposed “office” use for each building is a permitted use subject to Type 1 review.	Complies

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.23(E) – Development Standards	<ul style="list-style-type: none"> <li>• The project complies with the LUC 4.23(E)(1) Site Planning standards by providing a logical development pattern, with buildings directly oriented along the surrounding streets. Pedestrian sidewalks with street trees integrated into the sidewalk system provide a visual and functional link with the existing grocery anchored neighborhood center to the west as well as existing residential and institutional uses to the north, south and east.</li> <li>• The proposed outdoor plaza space along the south frontage of Lot 3 provides a Central Gathering Space in accordance with LUC 4.23(E)(1)(b), which requires at least one prominent or central location within each geographically distinct Neighborhood Commercial District that includes a convenient outdoor open space or plaza with amenities such as benches, monuments, kiosks or public art. Benches, landscaping and retaining walls are provided along the Limon Drive street sidewalk to provide a sense of privacy and transition from the street.</li> <li>• The project is well integrated into the surrounding street system and with the Neighborhood Commercial District as a whole, which includes the grocery-anchored center to the west, which provides an integrated transit stop in accordance with LUC 4.23(E)(1)(c).</li> <li>• The project complies with the LUC 4.23(E)(2)(b) Minimum Building Frontage standards by providing building frontage along at least 50% of the total block frontage, and this is anticipated to be more with the buildout of the remaining lot.</li> <li>• The project complies with the LUC 4.23(E)(2)(d) Building Height by providing a building that is at least 20 feet in height.</li> </ul>	Complies

## 6. Findings of Fact/Conclusion

In evaluating the request for the Bachus and Schanker Law Office Building, FDP200031, staff makes the following findings of fact:

- The Final Development Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Final Development Plan is consistent with the approved Rigden Farm Overall Development Plan (ODP).
- The Modification of Standard to *Trash and Recycling Enclosures – General Standards, Subsection 3.2.5(C)(3)* is not detrimental to the public good and is justified by the applicable standards in 2.8.2(H)(1) as described in the recommended staff findings for this modification on page 6 of this Staff Report.
- The Final Development Plan complies with the relevant standards located in Article 3 – General Development Standards, provided that the Modification of Standard is approved.
- The Final Development Plan complies with the relevant standards located in Division 4.23, Neighborhood Commercial (N-C) of Article 4.

## 7. Recommendation

Staff recommends approval of the Modification of Standard to *Trash and Recycling Enclosures – General Standards, Subsection 3.2.5(C)(3)* and approval of the Bachus and Schanker Law Office Building, FDP200031 based on the Findings of Fact in this Staff Report.

## 8. Attachments

1. Zoning Map
2. Sign Posting
3. Coloradoan Notice
4. Hearing Notice Mailed Letter
5. Applicant's Planning Narrative
6. Applicant's modification request – 3.2.5(C)(3)
7. Cover page and Site Plan Sheets
8. Building Elevation Sheets
9. Landscape Plan Sheets
10. Tree Mitigation Sheet
11. Lighting Plan Sheet
12. Plat
13. Utility Plans
14. Traffic Impact Study Memo
15. Drainage Memo
16. Rigden Farm Overall Development Plan (ODP)
17. Warren Federal Credit Union Approved Landscape Plan
18. Warren Federal Credit Union Approved Site Plan
19. Recorded Private Covenants