

Development Review Staff Report

Administrative Hearing: November 18, 2019

Stodgy Brewing, PDP190012

Summary of Request

This is a request for a Project Development Plan (PDP) to redevelop the main building at 1802 Laporte Avenue into a microbrewery and taproom. An outdoor vendor location is also proposed near the main building entrance for a food truck. To the west of the main building, the existing building at 1804 Laporte is proposed to be demolished and replaced with 23 off-street parking spaces, including one handicap space east of the main entrance. An office use is proposed in the existing building to the east of the main building at 1800 Laporte Avenue. A small hallway is proposed to provide an internal connection between the two remaining buildings. No other exterior modifications are proposed to the existing buildings. The project provides a new detached sidewalk, bike lane and curb/gutter along the property's Laporte Avenue frontage. The proposed project is within the Limited Commercial (C-L) zone district and is subject to an Administrative Hearing (Type 1) review.

Site Location

Project Location: 1800, 1802 and 1804 Laporte Avenue

Zoning

Limited Commercial District (C-L)

Property Owner

Natalie Yoder
1205 Columbine Ct
Fort Collins, CO 80521

Applicant/Representative

Natalie Yoder
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Fort Collins, CO 80521

Staff

Jason Holland, City Planner

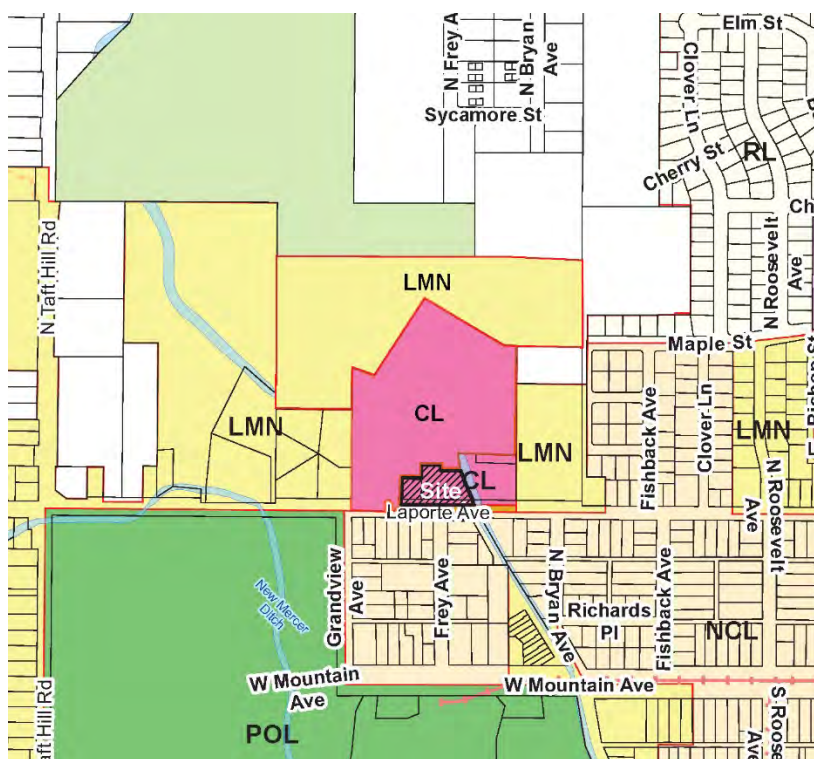
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Staff Recommendation

Approval

Zoning Map (ctrl + click map to follow link)

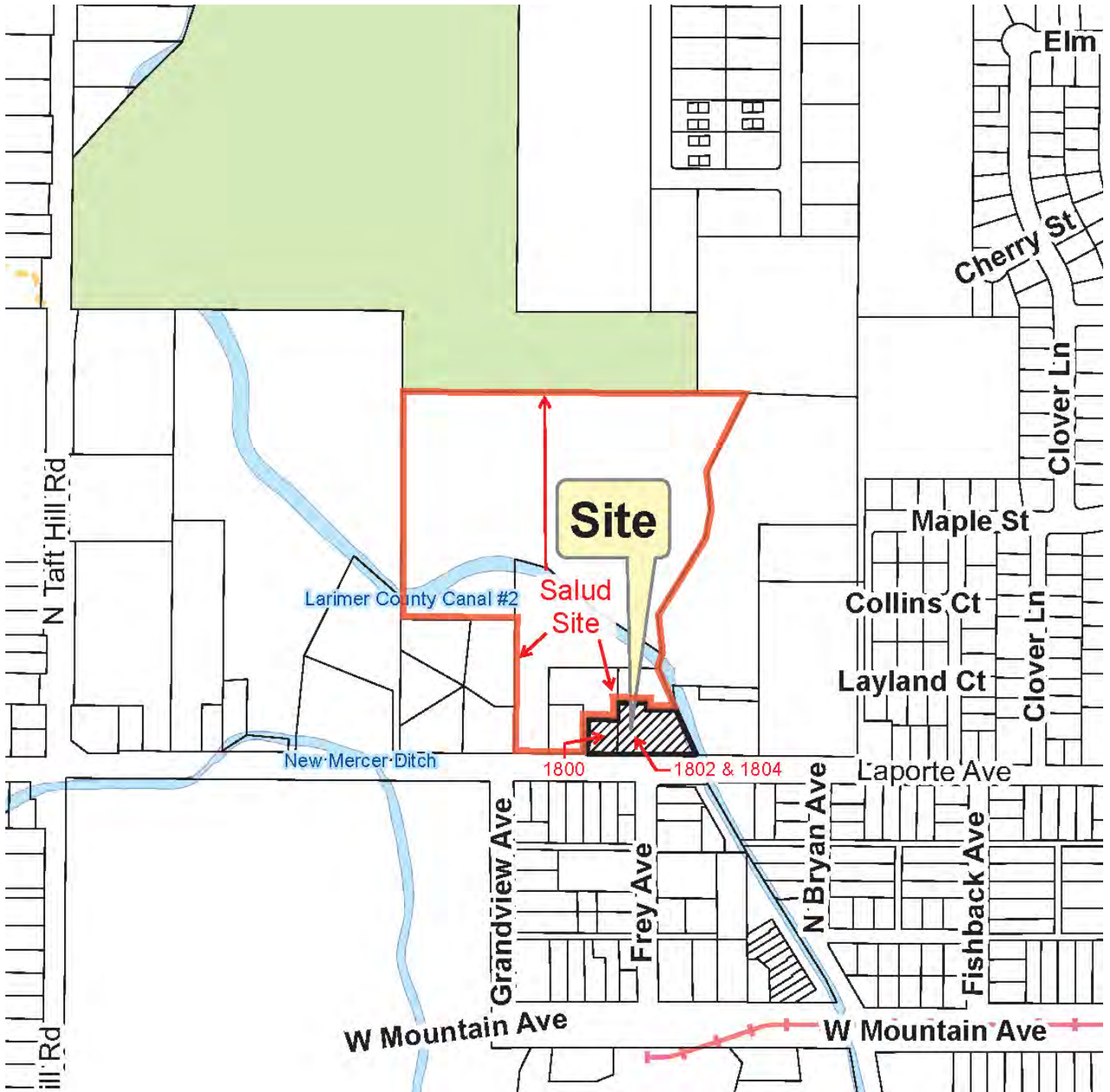


Next Steps

If approved by the decision maker, the applicant will be eligible to apply for a Final Development Plan (FDP).

1. Project Introduction

VICINITY MAP:



A. PROJECT DESCRIPTION

- This is a request for a Project Development Plan (PDP) to redevelop the main building at 1802 Laporte Avenue into a microbrewery and taproom. A vicinity map is provided below showing the three parcel addresses included in the project (1800, 1802 and 1804 Laporte Avenue).
- To the west of the main building, the existing building at 1804 Laporte is proposed to be demolished and replaced with 23 off-street parking spaces, including one handicap space east of the main entrance. Four additional off-street parking spaces are provided for employees along the eastern boundary of the project. Per the Land Use Code Section 3.2.2, changes in use of existing building footprints are not technically required to provide off-street parking, however, the applicant is providing off-street parking for guests and employees in order to minimize impacts to the surrounding residential neighborhood. Bicycle parking is provided in excess of the minimum requirements to encourage alternative transportation and minimize vehicle impacts.
- The applicant has a background in horticulture and proposes extensive plantings on the property to add visual interest, provide buffering and land use transition for the project. A large outdoor gathering space is proposed in front of the brewery. This includes a deck space and lawn area. A wide planted edge is proposed along Laporte Avenue to provide buffering for the outdoor space and the parking lots.
- An office use is proposed in the existing building to the east of the main building at 1800 Laporte Avenue. A small hallway is proposed to provide an internal connection between the two remaining buildings. No other exterior modifications are proposed to the existing buildings.
- The two existing lots are proposed to be platted and combined into one lot. The combined lot size is 1.194 acres per the attached preliminary plat. Approximately 12 feet of additional right-of-way will be dedicated per the plat.
- An outdoor vendor location is also proposed near the main building entrance for a food truck. This could be used as either a stationary vendor or outdoor vendor. A vendor license is required for this use. The vendor license requirements are governed by the Municipal Code, which require a separate permit application that would occur after FDP approval.
- The project provides a new detached sidewalk, bike lane and curb/gutter along the property's Laporte Avenue frontage.
- The proposed project is within the Limited Commercial (C-L) zone district and is subject to an Administrative Hearing (Type 1) review.

B. SITE CHARACTERISTICS, BACKGROUND AND MAIN CONSIDERATIONS

Current Conditions

The project area contains three existing buildings. A portion of the Larimer County Canal No. 2 irrigation ditch is within proposed project boundary, running north/south along the east edge of the property. The property consists primarily of dense, overgrown vegetation surrounding the existing vehicle use areas.

Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Limited Commercial District (C-L)	Neighborhood Conservation, Low Density District (N-C-L)	Limited Commercial District (C-L)	Limited Commercial District (C-L)
Land Use	Currently undeveloped, Lot 7 of the Salud PDP and Salud ODP (please see attachments)	Existing Single-family detached	Existing commercial building	Salud Family Health Center (Clinic); previously Forney Industries (offices/industrial)

Land Use Background

Subject Property:

- The main building at the center of the site at 1802 Laporte Avenue was used in the past for the Friendly Fire business, which sold stoves and fireplace equipment. Single family residential dwellings are located on either side of the main building at 1800 and 1804 Laporte Avenue.
- These properties were developed and approved in Larimer County. The entire property (including all three addresses) was annexed by the city involuntarily on January 15, 2019 by second resolution of City Council, known as the “Friendly Fire Enclave Annexation”. The C-L zoning was approved at that time.
- The recommended C-L zoning for the property is described the [Northwest Subarea Plan](#) (pages 18 – 21).

Salud/Forney Property to the north and west:

- Redevelopment of the 23-acre property adjacent to the north and west is also worth noting (please see attached PDP and ODP site plans). This is known as the Salud property and was formerly known as the Forney Property.
- This 23-acre property was initially developed in Larimer County as the main office, warehouse and manufacturing facility for Forney Industries, which makes metalworking and welding products.
- In October 2012, the 23-acre property was voluntarily annexed and zoned with the Forney Annexation. The property was held in the Transition (T) zone at the time of annexation, as the owner was uncertain what zoning designations would be proposed with future development of the site. When this property was annexed, it made the Friendly Fire site (1800, 1802, 1804 and adjacent 1760 Laporte Avenue into an enclave, which was then annexed in 2019 by the city.
- In August 2015, the 23-acre property was rezoned, as requested by Salud, to include 12.5 acres within the (LMN) Low Density Mixed Use Neighborhood zone district and 10.5 acres within the (CL) Limited Commercial zone district, consistent with the City Structure Plan Map and the Northwest Subarea Plan.
- In 2015, Forney Industries sold the property to Salud and relocated the Forney headquarters to 2057 Vermont Ave.
- In September 2015, an existing building on the site was renovated to temporarily house the Salud medical and dental clinic. The building is located on Lot 1 of the proposed plat and site plan and was formerly the office and headquarters of Forney Industries.

- On May 12, 2016, the Planning and Zoning Board approved Salud Family Health Center Overall Development Plan (ODP), which establishes the general planning and development parameters for future PDP phases.
- The Salud ODP/PDP envision a new public street (Salud Parkway) which will be to the west of 1800 Laporte Avenue. While the timeline for the construction of Salud Parkway is unknown, this public street should make available on-street parking for public use including Stodgy Brewing customers.

Overview of Main Project Considerations

- Providing off-street parking to minimize impacts to the surrounding neighborhood.
- Providing street improvements along Laporte Avenue to improve bicycle and pedestrian safety and convenience.
- Improving the aesthetic quality and vitality of the vegetation on the site by removing dead and neglected trees; saving and pruning existing trees to the extent feasible and planting a diversity of new trees.
- Providing outdoor space along Laporte Avenue for the benefit of the project and public.
- Provide a landscape buffer along Laporte Avenue to add visual interest for the property and the public. Provide landscape separation along the property's street frontage to change the sense of proximity for the proposed outdoor gathering space, soften the view of parking from the street and provide for a comfortable outdoor space.

2. Public Outreach

A. NEIGHBORHOOD MEETING

A neighborhood meeting is not required for Administrative (Type 1) projects and a neighborhood meeting was not held for this project.

B. PUBLIC COMMENTS:

No public comment has been received at this time. 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

1. Conceptual Review

Applicable. A conceptual review meeting was held on August 18, 2018. Since that time, the applicant has been waiting for the enclaved property to be annexed. The annexation plat was recorded on February 15, 2019.

2. Neighborhood Meeting

Not applicable for the Type 1 review.

3. Submittal

The submittal of the project was completed on August 21, 2019. The submittal was deemed complete and accepted for review on August 23, 2019. The project was subsequently routed to all reviewing departments. The project was also reviewed by the representatives of the Larimer Canal #2.

4. Notice (Posted, Written and Published)

Posted notice: September 6, 2019, Sign # 514

Written notice: November 4, 2019, 800-foot notification boundary, 218 letters sent

Published Notice: November 8, 2019, Coloradoan advertisement #0003885106

4. Article 3 - Applicable Standards

A. DIVISION 3.2 - SITE PLANNING AND DESIGN

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
Section 3.2.1 Landscaping and Tree Protection		
<p>3.2.1(B) Purpose</p> <p>3.2.1(C) General Standard</p>	<p><i>3.2.1(B) Purpose</i></p> <p><i>The intent of this Section is to require preparation of landscape and tree protection plans that ensure significant canopy shading to reduce glare and heat build-up, contribute to visual quality and continuity within and between developments, provide screening and mitigation of potential conflicts between activity areas and site elements, enhance outdoor spaces, reduce erosion and stormwater runoff, encourage water conservation and mitigate air pollution.</i></p> <p><i>3.2.1(C) General Standard</i></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"> • The project provides a high level of compliance with the purpose and general standard for landscaping and tree protection. Overall, the tree canopy provided and preserved exceed city requirements. Shrub and ground cover plantings are arranged with a quality and character similar to public botanical display gardens. These planting areas provide screening, spatial definition and should be a significant enhancement to the neighborhood in accordance with objectives one through five of the general standards. 	<p>Complies</p>

<p>3.2.1(D) Tree Planting Standards</p>	<ul style="list-style-type: none"> 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. The groves and belts may also be combined or interspersed with other landscape areas in remaining portions of the development to accommodate views and functions such as active recreation and storm drainage. This requirement is met with a combination of existing and proposed trees in compliance with the specific tree planting standards outlined in the sections below: 	<p>Complies</p>
<p>3.2.1(D)(1)(c) Full Tree Stocking</p>	<p>This section 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 Coniferous evergreens: 20' - 40' spacing 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"> This standard is met through a combination of existing and proposed trees around the perimeter of the existing buildings. The high visibility sides of the building include the south frontage and 20 feet of the sides of the buildings. This frontage is 150 feet, which would require five trees if spaced at 30-foot intervals. Ten trees are provided within 50 feet of the building, exceeding this minimum requirement. Other portions of the building perimeter along the west, east and north are not highly visible. However, these areas have a dense existing tree canopy, both on the site and off site to the north of the property. The existing tree canopy for this property is extensive and the applicant has worked closely with city forestry staff to determine which trees should remain. New trees are placed in appropriate locations based on views, existing and proposed circulation and the general layout of the project. 	<p>Complies</p>

<p>3.2.1(D)(2) Street Trees</p>	<p>Wherever the sidewalk is separated from the street by a parkway, canopy shade trees shall 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> <ul style="list-style-type: none"> • The applicant continues to work closely with city staff to preserve existing trees along the Laporte Avenue frontage. The project contains 315 feet of right-of-way frontage, which would require a minimum of eight canopy shade trees to satisfy this requirement. Additional ornamental trees are provided within the property along the project's street frontage to provide additional canopy, visual interest and species diversity. 	<p>Complies</p>
<p>3.2.1(D)(3) Minimum Species Diversity</p>	<p>Six different tree species are proposed for the eight additional trees provided. Twelve different species existing amongst the 24 existing trees to remain, for an existing diversity of 50%. This meets and exceeds the diversity standard which requires that the maximum percentage of any one species be not more than 33% when 20-39 trees are on the site.</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)(1) Buffering Between Incompatible Uses and Activities</p>	<p><i>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 designs, one (1) or more of the following landscape buffering techniques shall be used to mitigate the conflicts.</i></p> <p>(a) <i>Separation and screening with plant material: planting dense stands of evergreen trees, canopy shade trees, ornamental trees or shrubs;</i></p> <p>(b) <i>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;</i></p> <p>(c) <i>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;</i></p> <p>(d) <i>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;</i></p> <p>(e) <i>Landform shaping: utilizing berming or other grade changes to alter views, subdue sound, change the sense of proximity and channel pedestrian movement.</i></p> <ul style="list-style-type: none"> • Staff doesn't typically include comments on this code section, and only recommends additional design measures to address this section if the proposed use cannot be reasonably mitigated through compliance with other specific standards, such as parking lot screening requirements. In this case, because the project is in the C-L zone, and a high level of compatibility is expected, staff is providing the following comments. • The site's surrounding context includes several existing elements that provide existing buffering and land use transition. To the north, there are existing trees. The uses to the north do not include existing single-family homes. To the north, this area will likely see redevelopment of the lot to the north of the proposed brewery with the approved Salud Overall Development Plan and Salud Project Development Plan. The plans also retain existing trees along the north property line of the brewery (please see attachments) which provide separation and screening. Due to the redevelopment envisioned, there are no compatibility issues to the north. • To the east, existing nearby uses are also commercial uses and there are no incompatibility concerns with the subject property. The existing Larimer #2 irrigation canal adjacent to the east provides a buffer transition. • To the south, Laporte Avenue provides a buffer between the proposed brewery/offices and the existing residences to the south. While no additional plantings, fences or landform shaping are recommended other than those required to meet parking lot screening requirements, and the street improvements required along the subject property's frontage, the applicant is providing additional shrub, ornamental tree and perennial plantings along the street frontage. A split rail fence is also provided along the proposed parking frontage. These elements provide an enhanced level of quality and contribute to custom design character that help the commercial brewery use achieve a more unique and sensitive residential-oriented scale which responds well to the context of the area. Overall these design enhancements, screening, preserved trees and curvilinear sidewalk design as well as the uniqueness of the existing architecture combine to fit well within the residential context and provide a sensitive design that is compatible with the surrounding neighborhood. 	<p>Complies</p>
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<p>3.2.1(E)(4) Parking Lot Perimeter Landscaping</p>	<p>This section requires one tree per twenty-five linear feet along the public street.</p> <ul style="list-style-type: none"> • The parking lot has appropriately 70 feet of street frontage, requiring 3 trees. • Five trees are provided along the parking perimeter frontage in project compliance with this section. • Additionally, parking lots with six or more spaces shall be screened from abutting uses and from the street. Screening from residential uses shall consist of a fence or wall six (6) feet in height in combination with plant material and of sufficient opacity to block at least seventy-five (75) percent of light from vehicle headlights. • Staff's recommendation is that the fence or wall requirement would only apply if the proposed parking lot directly abuts an existing residential property. <p><i>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 also 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.</i></p> <ul style="list-style-type: none"> • The project provides continuous plant material coverage along the parking setback, which will provide one-hundred percent screening of the parking lot. Plant species selected are appropriate and will achieve a minimum height of thirty inches. Areas closer to the sidewalk and drive aisle exit are lower to meet visibility requirements. • Planting is layered and provides taller shrubs and perennial grasses including Smoke Bush, Nanking Cherry, mixed with lower perennial grasses and other flowering perennial selections. Overall the plantings provided meet or exceed the 30 inch height requirement. • Both sides of the sidewalk are planted which adds depth to the parking buffer, with no turf grass proposed. • A low fence or screen wall is proposed along the parking stall adjacent to the street, which will add visual interest. This may end up being a split rail fence so that that the streetscape is open in character yet also screened. The split rail fence is also intended to help reinforce the rural feel of the design, which seems an appropriate element to reinforce a unique character envisioned with the Northwest Subarea Plan. • Lastly, no parking stalls face south, which helps minimize headlight impacts to neighbors to the south. These attributes combine to provide an attractive design and effective screening – serving as an equal to better than justification for the reduced parking lot setback discussed in the staff report under Section 3.2.2(J) Setbacks (please see Modification requests). 	<p>Complies</p>
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<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"> • The parking lot interior is 6,700 square feet within the permeable paver area. The asphalt drive, handicap parking stall and food truck parking are an additional 2,700 square feet, for a total parking lot interior of 9,400 square feet. • This requires 564 square feet of interior landscape area. The project provides 784 square feet of interior landscape area, exceeding the minimum requirement. <p>This section also requires a Maximized Area of Shading:</p> <p><i>Landscaped islands shall be evenly distributed to the maximum extent feasible. At a minimum, trees shall be planted at a ratio of at least one (1) canopy shade tree per one hundred fifty (150) square feet of internal landscaped area with a landscaped surface of turf, ground cover perennials or mulched shrub plantings.</i></p> <ul style="list-style-type: none"> • For the 564 square feet of landscape area required, four canopy shade trees are required. Four trees are provided in accordance with the standard. This includes two existing trees (tree #1 and tree #17). The other two trees are the two within the proposed landscape islands. <p>This section also has minimum requirements for Landscaped Islands:</p> <p><i>In addition to any pedestrian refuge areas, each landscaped island shall include one (1) or more canopy shade trees, be of length greater than eight (8) feet in its smallest dimension, include at least eighty (80) square feet of ground area per tree to allow for root aeration, and have raised concrete curbs.</i></p> <ul style="list-style-type: none"> • Both landscape islands are 170 square feet, exceeding the 80 square foot minimum. • The islands are 6 feet wide, and not eight feet. The reduction in the width of the islands from eight feet to six feet is an Alternative Compliance item requested by the applicant, which may be approved as described in Section 3.2.1(N) of the Land Use Code. • Staff recommends approval of the island width reduction. Staff recommends that the reduced width be approved as an acceptable substitution that meets the alternative compliance review criteria, with the following findings: <ol style="list-style-type: none"> 1. The alternative width meets the purpose as described in Section 3.2.1(B) (included on page 6 of this staff report), by providing adequate space for tree canopy shading to reduce glare and heat build-up and contributing to the visual quality and continuity within the development. 2. The six-foot island width is adequate to allow tree root growth and is located in a 170 square foot planting area which exceeds the minimum 80 square feet. The overall space provided for root growth is equal to or better than the required minimum 80 square feet. It should be noted that in urban infill areas staff would be willing to reduce island widths to approximately 3 feet, as long as soil amendment and root aeration measures are provided to promote healthy and vigorous tree growth. 	<p>Complies; Alternative Compliance Requested</p>
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The proposed landscape plan meets the following objectives outlined in the Alternative Compliance criteria:

a) The alternative plan preserves and incorporates existing vegetation in excess of minimum standards and maximizes tree canopy cover. Staff finds that this is met because the applicant proposes to preserve many of the existing trees on the site, in order to maintain the character of the site and to help enhance the outdoor beer patio. Many of the trees that will remain are considered to be in fair condition. Generally, the existing tree stock is overgrown and has been neglected. The applicant intends to prune and rehabilitate the trees to the extent feasible, due to the unique overall attributes of the existing tree stock on the site.

b) The alternative enhances neighborhood continuity and connectivity by providing street improvements along Laporte Avenue.

c) The alternative fosters nonvehicular access or demonstrates innovative design and use of plant materials and other landscape elements by providing additional bicycle parking spaces greater than the minimum requirements and by providing 100% planting coverage along the street frontage within the street parkway and along the property line to provide an enhanced visual character and establish privacy between the outdoor patio and nearby uses.

<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 that 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>The tree protection standards state that:</p> <p style="padding-left: 40px;"><i>Where it is not feasible to protect and retain significant existing tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) according to the following schedule and requirements. Replacement trees shall be used to satisfy the tree planting standards of this Section. Replacement trees shall be planted either on the development site or in the closest available and suitable planting site. The City Forester shall determine the most suitable planting location if planting is required off-site. If locations for planting replacement trees cannot be located within one-half (½) mile of the development site, the applicant may, instead of planting such replacement trees, submit a payment in lieu to the City of Fort Collins Forestry Division to be used to plant replacement trees as close to the development site as possible.</i></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> <p>The mitigation value of each existing tree is determined by a number of factors, including, but not limited to: shade, canopy, aesthetic, environmental and ecological value of the tree to be removed and by using the species and location criteria in the most recent published appraisal guide by the Council of Tree and Landscape Appraisers.</p> <p style="padding-left: 40px;"><i>Replacement trees shall meet the following minimum size requirements:</i></p> <ul style="list-style-type: none"> <i>(a) Canopy Shade Trees: 2.0" caliper balled and burlap or equivalent.</i> <i>(b) Ornamental Trees: 2.0" caliper balled and burlap or equivalent.</i> <i>(c) Evergreen Trees: 8' height balled and burlap or equivalent.</i> <p style="padding-left: 40px;"><i>Additionally, the tree protection standards of this section provide exemptions from the replacement requirements for trees that meet one or more of the following criteria:</i></p> <ul style="list-style-type: none"> <i>(a) dead, dying or naturally fallen trees, or trees found to be a threat to public health, safety or welfare;</i> <i>(b) trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;</i> <i>(c) Siberian elm less than eleven (11) inches DBH and Russian olive less than eight (8) inches DBH;</i> <i>(d) Russian Olive and Siberian Elm of wild or volunteer origin, such as those that have sprouted from seed along fence lines, near structures or in other unsuitable locations.</i> 	<p>Complies</p>
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- In order to address the tree mitigation requirements outlined above, the applicant has submitted a tree mitigation plan (please see Sheet T-1 of the Planning Set). The plan describes the species, condition, and size of the existing trees and assigns a mitigation value (0 through 6) for the existing trees. The City Forester shall determine the most suitable planting location if planting is required off-site. If locations for planting replacement trees cannot be located within one-half (1/2) mile of the development site, the applicant may, instead of planting such replacement trees, submit a payment in lieu to the City of Fort Collins Forestry Division to be used to plant replacement trees to plant replacement trees as close to the development site as possible.
- A total of 56 significant existing trees are located within the project's limits of development. Of this total, 24 are proposed to remain, with the remaining 32 trees proposed to be removed and mitigated. Of the 32 trees to be removed, 9 are dead. Through the process of several on-site evaluations involving both the City Forester and the applicant, the health of the existing trees was evaluated, and a mitigation value was assigned to each tree by the City Forester, as required by the LUC standard.
- Through this evaluation process, it was observed that many of the existing trees on the property are in poor health or are dead. Many of the large and healthy trees are to remain, and the applicant is proposing long overdue pruning. Many of the moderately healthy trees (designated as fair plus and fair minus on the mitigation plan) are also proposed to remain. The applicant's intent is to rehabilitate or retain these trees to preserve their collective value because they contribute to the human-scale of the outdoor functions proposed, contribute to the project's compatibility with the neighborhood's residential character and add habitat value.
- The applicant has worked closely with city forestry staff, and the project satisfies staff's recommended mitigation requirements by providing upsized mitigation trees on the site, and a payment in lieu to the City of Fort Collins Forestry Division shall be required prior to issuance of Development Construction Permit issuance or other required permits in accordance with the Land Use Code.
- Staff is satisfied that all efforts have been made to retain significant trees to the extent reasonably feasible. Trees that are "fair" or "fair plus" condition are proposed to removed only when these trees have an unavoidable conflict. The majority of these conflicts are with the proposed sidewalk and bike lane improvements or proposed utilities. Two examples include trees 45 and 49. Tree 45 is not located in an ideal location along the project frontage and a conflict with the proposed sidewalk cannot be avoided. The location of the proposed sidewalk is designed to save as many of the existing trees as possible. Tree 49 is only a 4" caliper tree, not considered an ideal species and therefore was not assigned any mitigation value.
- Based on the existing tree evaluation process and aspects of the site plan configuration outlined above, staff's opinion is that the project satisfies the tree protection and replacement standards of this section by preserving and protecting existing significant trees within the Limits of Development to the extent reasonably feasible, by providing an adequate number of new upsized mitigation trees in locations and with species selections that are suitable to provide a long-term contribution to the City urban tree canopy, and by satisfying the remaining mitigation requirement by payment in lieu.

Section 3.2.2 Access, Circulation and Parking		
<p>3.2.2(B) General Standard</p> <p>3.2.2(C)(1) Development Standards Safety Considerations</p>	<ul style="list-style-type: none"> • 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. • As required, the sidewalk system provided addresses vehicle conflicts and contributes to the attractiveness of the development. A wider sidewalk, 6 feet in width, is provided along the access drive in order to provide generous space for bicycle and pedestrian use. • Parking requirements in terms of numbers and dimensions of parking stalls are provided in accordance with the standards. • Other relevant standards in Section 3.2.2 are discussed in conjunction with the Modification requests in this staff report. 	Complies
<p>3.2.2(C)(4) Bicycle Facilities</p>	<p>Bicycle parking is provided that exceeds the minimum requirement for the microbrewery use.</p> <p>Required:</p> <p>Microbrewery: 12 spaces required (1 space per 500 square feet, minimum of 4)</p> <p>Office: 4 required (1 space per 4,000 square feet, minimum of 4, 1 space must be enclosed)</p> <p>Total required: <u>16 spaces</u> (with one these required to be enclosed).</p> <p>Total Provided:</p> <p><u>100 spaces</u>, with one covered space accommodated inside the office building.</p>	Complies
<p>3.2.2(D) Access and Parking Lot Requirements</p>	<p>Off-street parking proposed complies with these standards, with one exception:</p> <p><i>Section 3.2.2(D)(3)(c) Pavement. All open off-street parking and vehicular use areas shall be surfaced with asphalt, concrete or other material in conformance with city specifications.</i></p> <ul style="list-style-type: none"> • The applicant proposes that the existing vehicle area where the employee spaces (to the east) remain gravel and the proposed 22 new parking spaces to the west be surfaced with gravel – these gravel spaces are stabilized within a plastic grid underlayment system manufactured by TrueGrid. Staff has evaluated this system and is comfortable with the proposal, specific this proposed site plan and location, and recommends approval of the alternative materials (gravel and TrueGrid). • A Modification request is provided by the applicant and staff support is recommended. Please see page 25 of this staff report. 	Modification Requested

**3.2.2(J)
Setbacks**

- The project complies with the parking lot setback requirements from the lot lines, but does not comply along the Laporte Avenue right-of-way, which is classified as an arterial street.
- A Modification request is provided by the applicant and staff support is recommended (please see Modifications on page 25 of this staff report).

Modification Requested

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:

	<i>Minimum Average of Entire Landscaped Setback Area (feet)</i>	<i>Minimum Width of Setback at Any Point (feet)</i>
Along an arterial street	15	5
Along a nonarterial street	10	5
Along a lot line *	5	5

* Setbacks along lot lines for vehicular use areas may be increased by the decision maker in order to enhance compatibility with the abutting use or to match the contextual relationship of adjacent or abutting vehicular use areas.

<p>3.2.2(K)(2) Nonresidential Parking Requirements</p>	<p>Section 3.2.2(K)(2)(b) Nonresidential Parking Requirements – Existing Buildings Exemption</p> <p><i>Existing Buildings Exemption: Change in use of an existing building shall be exempt from minimum parking requirements. For the expansion or enlargement of an existing building which does not result in the material increase of the building by more than twenty-five (25) percent, but not to exceed five thousand (5,000) square feet in the aggregate, shall be exempt from minimum parking requirements. For the redevelopment of a property which includes the demolition of existing buildings, the minimum parking requirement shall be applied to the net increase in the square footage of new buildings.</i></p> <ul style="list-style-type: none"> • Due to this code provision, no off-street parking is required for the project. However, staff has recommended that off-street parking be provided for the project in order to satisfy <i>LUC 3.5.1(J) Operational/Physical Compatibility</i>. • No parking ratio is specified in the code for the micro-brewery use. The code states under Section 3.2.2(K)(2)(d) that, for uses that are not specifically listed in subsections 3.2.2(K)(1) or (2), the number of parking spaces permitted shall be the number permitted for the most similar use listed. The most similar use is likely to be <i>Bars, Taverns, and Nightclubs</i>, which requires a minimum of five parking spaces and a maximum of 10 spaces per 1000 square feet. Additionally, the east portion of the building (currently a single-family dwelling) proposes a general office use, which requires a minimum ratio of one space per 1,000 square feet. These ratios would require the follow minimum parking without the permitted exemption: <p>Parking Required Without Exemption:</p> <p>Microbrewery: 29 parking spaces, for 5,637 square feet, at 5 spaces per 1,000 square feet.</p> <p>Office: 2 parking spaces, for 1,665 square feet, at 1 space per 1,000 square feet.</p> <p><u>Total minimum without exemption: 31 spaces</u> (one of these would be required to be handicap).</p> <p>Parking Proposed:</p> <p>Microbrewery and Office: 22</p> <p>Employee/Handicap: 5</p> <p><u>Total proposed: 27 spaces</u></p>	<p>Complies</p>
<p>3.3.2(K)(5) Handicap Parking</p>	<p>This section requires one van-accessible handicap space, which is provided along the east side of the entrance drive in close proximity of the brewery’s main entrance.</p>	<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. A number of these minimum dimensions are not met, and the applicant has provided a Modification request to reduce the drive aisle width and parking stall width and length for the proposed short-term parking stalls. Staff recommends support of the Modifications. Please see page 25.</p>	<p>Modification Requested</p>

3.2.4 Site Lighting	<ul style="list-style-type: none"> • A photometric plan has been submitted and reviewed for the project. • All parking lot and exterior building lighting is provided by down-directional and sharp cut-off fixtures. • As proposed, the project complies with the photometric light levels and lighting design standards in Section 3.2.4. 	Complies
3.2.5 Trash and Recycling Enclosures	<ul style="list-style-type: none"> • The project provides a fully screened trash enclosure with walk-in access to recycling and waste containers in accordance with the requirements of this section. • Container sizes proposed have been reviewed by staff and are adequate to meet the needs of the brewery and office uses proposed. • A concrete service pad is provided to allow rollout of the containers. The applicant has agreed to limit the hours of operation for trash/recycling services, with no collection occurring between the hours of 7 P.M. and 7 A.M. 	Complies

B. DIVISION 3.3 - ENGINEERING

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.3.1 Plat and Development Plan Standards	<ul style="list-style-type: none"> • The lot's orientation provides direct access to a public street. • The layout of driveways, utilities, drainage facilities, and other services are designed in accordance with the City's engineering standards. • The plat demonstrates proper dedication of public rights-of-way, drainage, utility and emergency access easements that are needed to serve the area being developed. 	Complies

C. DIVISION 3.4 - ENVIRONMENTAL, NATURAL AREA, RECREATIONAL & CULTURAL RESOURCES

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings

3.4.1 Natural Habitats and Features	<p>Section 3.4.1(C) General Standard states:</p> <p><i>“To the maximum extent feasible, the development plan shall be designed and arranged to be compatible with and to protect natural habitats and features and the plants and animals that inhabit them and integrate them within the developed landscape of the community by: (1) directing development away from sensitive resources, (2) minimizing impacts and disturbance through the use of buffer zones, (3) enhancing existing conditions, or (4) restoring or replacing the resource value lost to the community (either on-site or off-site) when a development proposal will result in the disturbance of natural habitats or features.”</i></p> <p>Section 3.4.1(E)(1) Buffer Zone Performance Standards.</p> <p>The decision maker “shall determine the buffer zone for each natural habitat or feature contained in the project site. The buffer zones may be multiple and noncontiguous. The general buffer zone distance is established according to the buffer zone table but the decision maker shall reduce or enlarge any portion of the general buffer zone distance, if necessary, in order to ensure that the performance standards set forth are achieved.”</p> <p>Staff Comments:</p> <p>Project Habitats and Features</p> <ul style="list-style-type: none"> A portion of the Larimer County Canal No. 2 irrigation ditch is within proposed project boundary. The proposed development project area contains existing buildings that will be remodeled in place. The LUC quantitative buffer standard for ditches serving as wildlife corridors is 50-ft from the “top of bank” of the feature. An Ecological Characterization Study (ECS) was received July 2019 outlining ecological value of the site and ditch top of bank. As reported in the ECS, the “property consists primarily of dense, overgrown vegetation mostly associated with the irrigation ditch to the north and east of the property as well as overgrown landscaping throughout the property.” Fringe riparian forest wetlands of 0.06 acres along the ditch will not be impacted. No impacts to jurisdictional wetlands are anticipated with this project. Existing buildings will remain that are within the 50-ft buffer. <p>Project Natural Habitat Buffer Zone (NHBZ):</p> <p>The proposed project meets the nine (9) buffer zone performance standards (LUC Section 3.4.1(E)(1)(a-i):</p> <p>3.4.1(E)(1)(a) <i>The project shall be designed to preserve or enhance the ecological character or function and wildlife use of the natural habitat or feature and to minimize or adequately mitigate the foreseeable impacts of development.</i></p> <ul style="list-style-type: none"> The project is proposing to establish a natural habitat buffer zone that works with existing conditions and the minimum buffer distance to existing buildings is 12-ft, the maximum distance is 50-ft and the average buffer distance is 25-ft to the ditch. <p>3.4.1(E)(1)(b) <i>The project, including, by way of example and not by way of limitation, its fencing, pedestrian/bicycle paths and roadways, shall be designed to preserve or enhance the existence of wildlife movement corridors between natural habitats and features, both within and adjacent to the site.</i></p> <ul style="list-style-type: none"> The project is proposing to thin much of the over-growth of trees and shrubs in the area and reduce fuel load from dead woody vegetation and fallen limbs to increase safety within the area and increase wildlife movement. <p>3.4.1(E)(1)(c) <i>The project shall be designed to preserve existing trees and vegetation that contribute to the site’s ecological, shade, canopy, aesthetic, habitat and cooling value. Notwithstanding the requirements of Section 3.2.1(F), all trees and vegetation within the Limits of Development must be preserved or, if necessary, mitigated based on the values established by the Ecological Characterization Study or the City Environmental Planner. Such mitigation, if necessary, shall include trees, shrubs, grasses, or any combination thereof, and must be planted within the buffer zone.</i></p>	Complies
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	<ul style="list-style-type: none"> • Many large and healthy trees are to remain and the project is proposing healthy and long overdue pruning of trees and shrubs, removal of many invasive tree species and addition of several desired species to enhance overall biodiversity of the site. <p><i>3.4.1(E)(1)(d) The project shall be designed to protect from adverse impact species utilizing special habitat features such as key raptor habitat features, including nest sites, night roosts and key feeding areas as identified by the Colorado Parks and Wildlife Division ("CPW") or the Fort Collins Natural Areas Department ("NAD").</i></p> <ul style="list-style-type: none"> • The site contains no LUC defined special habitat features and will not impact any special habitat features. <p><i>3.4.1(E)(1)(e) The project shall be designed so that the character of the proposed development in terms of use, density, traffic generation, quality of runoff water, noise, lighting and similar potential development impacts shall minimize the degradation of the ecological character or wildlife use of the affected natural habitats or features.</i></p> <ul style="list-style-type: none"> • The project is proposing to thin much of the property's over-growth to increase safety, (small) wildlife movement through the site and outdoor lighting will be fully shielded, down directional and 3000K or less corrected color temperature. <p><i>3.4.1(E)(1)(f) The project shall be designed to integrate with and otherwise preserve existing site topography, including, but not limited to, such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic features.</i></p> <ul style="list-style-type: none"> • The ditch and its topography will remain open, undisturbed (beyond healthy pruning) and buffered. <p><i>3.4.1(E)(1)(g) The project shall be designed to enhance the natural ecological characteristics of the site. If existing landscaping within the buffer zone is determined by the decision maker to be incompatible with the purposes of the buffer zone, then the applicant shall undertake restoration and mitigation measures such as regrading and/or the replanting of native vegetation.</i></p> <ul style="list-style-type: none"> • The project is a unique one in that removal of vegetation over-growth, invasive species and debris will greatly enhance the ecological value and allow more space for existing desired species to flourish and additions of native species will provide more nutritional resources and habitat for small wildlife like birds and butterflies. <p><i>3.4.1(E)(1)(h) The project may be designed to provide appropriate human access to natural habitats and features and their associated buffer zones in order to serve recreation purposes, provided that such access is compatible with the ecological character or wildlife use of the natural habitat or feature.</i></p> <ul style="list-style-type: none"> • The project is located directly on Laporte Avenue and wildlife use of the area is already primarily by urban-adapted species; the NHBZ will provide nature viewing opportunities to visitors using the proposed project's outdoor seating. <p><i>3.4.1(E)(1)(i) Fencing associated with the project shall be designed to be compatible with the ecological character and wildlife use of the natural habitat or feature.</i></p> <ul style="list-style-type: none"> • Removal of an old chain-link fence with many Siberian elms growing through it will greatly enhance the ecological value of the site and increase (small) wildlife movement through the site. 	
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Section 3.4.7 Historic and Cultural Resources	While the property on the development site is over fifty years of age, it has been heavily altered and an historic survey was not required by historic preservation staff to document eligibility. Because the nature of the project does not impact any historic resources within 200 feet of the site, no preservation review was required by staff.	Complies
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D. DIVISION 3.5 – BUILDING STANDARDS

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.5.1(J) Operational 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:</p> <ol style="list-style-type: none"> (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. <ul style="list-style-type: none"> • As noted previously, staff has recommended that the project provide off-street parking spaces to serve to the project. • Hours of operation for the business are also restricted (see attachment). This will be noted on the site plan at the time of FDP. • Hours of trash/recycling service are also restricted as noted previously. These restrictions will also be noted on the site plan at the time of FDP. 	Complies

3.5.3 Mixed-Use, Institutional and Commercial Buildings	<ul style="list-style-type: none"> • No exterior changes are proposed or recommended in order to satisfy the requirements of this section. The overall form of the two remaining buildings is low-slung and horizontal, with overall proportions that are similar to buildings in the area. • The existing buildings provide variations in massing, varied patterns of recesses and projections with juxtaposed roof forms to provide vertical and horizontal interest in conformance with Section 3.5.3(E)(2), breaking down the overall scale of the building. • The main entrance is clearly identified and articulated with an entrance canopy as a sheltering element and with a change in mass related to the building entrance in conformance with Section 3.5.3(E)(4). • The building is oriented towards the street in conformance with the “build-to” line requirement. The public sidewalk connection is provided to the main entrance without crossing a drive aisle. • The stained vertical wood siding on the building reduces the apparent mass of the building and gives the building a warmer, more comfortable scale. The combination of warm color patterns helps the building relate to existing residential buildings in the area. • The 1800 building (the office) is a stacked log structure with gable roof forms and window patterns that are residential in appearance and scale. • A varied parapet roofline provides a cap feature for the 1802 building (the brewery) in accordance with the Section 3.5.3(E)(6). 	Complies
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E. DIVISION 3.6 - TRANSPORTATION & CIRCULATION

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
3.6.4 Transportation Level of Service Requirements	<p>Transportation impacts were evaluated for the project by the City Traffic Operations Department. Traffic Operations staff noted that when the previous approved use is compared to the new use, the additional traffic does not meet the threshold of requiring a traffic impact study (TIS). The need for a TIS was waived by staff (please see attached waiver). Level of Service in the area remains acceptable.</p> <p>A City-funded public improvement project is planned for Laporte Avenue. This project will provide new bridges, sidewalks and bicycle lanes in the vicinity of the brewery project. Funding is only partially approved for this city project.</p>	Complies
3.6.6 Emergency Access	<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. The project has been reviewed by Poudre Fire Authority and provides the necessary emergency access easements per their recommendations.</p>	Complies

5. Article 4 – Applicable Standards:

A. SUMMARY

The project is consistent with the purpose of the Limited Commercial District, which is intended to allow small scale nonresidential uses to continue to exist or to expand while still protecting surrounding residential areas.

B. DIVISION 4.24 – LIMITED COMMERCIAL DISTRICT (C-L)

Applicable Code Standard	Summary of Code Requirement and Analysis	Staff Findings
4.24(B)(2) Permitted Uses	Microbrewery and Office uses are permitted uses in the C-L District subject to a Type 1 review process.	Complies
Section 4.24(D) Land Use Standards		
4.24(D)(1) Building Height	The maximum building height in the C-L District is three stories. The existing buildings are one story.	Complies
4.24(D)(2) Nonresidential Development	<p><i>Nonresidential development in all areas except for the Riverside Area shall comply with the following criteria:</i></p> <p><i>Section 4.24(D)(2)(a) To the extent reasonably feasible, loading docks, service bays and garage doors shall not face any abutting public street, in order to encourage such facilities to be located so as to face side yards or other internal site areas and not public streets. If it is not reasonably feasible to accommodate the function of the intended use without such facilities facing an abutting public street, then such facilities shall be completely incorporated into the architectural design of the building.</i></p> <ul style="list-style-type: none"> One existing garage door faces Laporte Avenue. The project complies with this standard to the extent reasonably feasible. Because the garage door is existing, residential in scale and is set back from the street, staff is not recommending that the garage door be removed or mitigated further. The standard is intended to discourage vehicle service bays, and garage doors associated with vehicle service, indoor storage and other similar commercial uses. For this project, the existing garage door has minimal visual and functional impact and is incorporated into the architectural design per the standard. 	Complies
Section 4.24(E) Development Standards		
4.24(E)(1)(a) Building Standards	<p><i>All nonresidential buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 3.5.3 of this Code.</i></p> <ul style="list-style-type: none"> Please see Section 3.5.3 for staff comments. Due to the residential scale, articulation and materials of the existing buildings, no modifications to the building exterior are recommended to achieve compliance with the LUC standards. 	Complies

<p>4.24(E)(1)(b) Maximum Size</p>	<p><i>No building permitted by this Section shall have a single undifferentiated mass with a footprint over ten thousand (10,000) square feet. Except for schools and places of worship or assembly, no building footprint shall exceed a total of twenty thousand (20,000) square feet.</i></p> <ul style="list-style-type: none"> • The existing building footprints are a total of approximately 7,300 square feet. 1. <i>For any building with a footprint in excess of ten thousand (10,000) square feet, walls that are greater than seventy-five (75) feet in length shall incorporate recesses or projections created by wall plane returns of at least thirty (30) feet; any such building shall be differentiated into multiple sections of mass in order to achieve proportions that are compatible in scale with adjacent residential neighborhoods.</i> • Not applicable but included for context. The existing buildings incorporate recesses and projections with massing and proportions that are comparable with the existing residential buildings in the area. 	<p>Complies</p>
<p>4.24(E)(1)(c) Hours of Operation</p>	<p><i>The decision maker may limit hours of operation, hours when trucking and deliveries may occur, and other time related characteristics of the nonresidential uses in order to enhance the compatibility with adjacent residential uses.</i></p> <ul style="list-style-type: none"> • Trash and recycling hours of operation are described in Municipal code section 15-423. Under this section, no collector shall operate any vehicle for the purpose of collecting solid waste, recyclables, food scraps, or yard trimmings on any street designated by the City as "local residential" or "residential collector" between the hours of 7:00 p.m. and 7:00 a.m. (the "Nighttime Hours"). • Staff recommends that the trash and recycling hours of operation described above apply to this property. This will be noted on the site plan with the Final Plan site plan approval. 	<p>Complies</p>
<p>4.24(E)(2) Development Standards in the Riverside Area</p>	<p><i>Within the Riverside Area, any nonresidential use shall be separated from abutting residential land uses or residential zone districts by a solid fence or wall at least six (6) feet in height.</i></p> <ul style="list-style-type: none"> • While the project is not in the Riverside area, this standard is included for context. No residential use directly abuts the property. 	<p>Not Applicable</p>

6. Modification of Standards

A. MODIFICATION DESCRIPTIONS

The applicant requests the following modifications. The Applicant requests that the Modifications be approved and provides a justification letter attached to this staff report.

1. *Section 3.2.2(L) Parking Lot Dimensions – drive aisle widths.* A reduction in drive aisle width from 24 feet to 22 feet and 20 feet for the proposed parking lot.
2. *Section 3.2.2(L) Parking Lot Dimensions – parking stall dimensions.* A reduction for the short term (commercial) parking spaces to 15 feet x 8 feet.
3. *Section 3.2.2(D)(3)(c) Pavement.* All open off-street parking and vehicular use areas shall be surfaced with asphalt, concrete or other material in conformance with city specifications. A gravel parking surface for the east employee parking area is requested and a [TrueGrid](#) gravel paver system is requested for the main parking area.
4. *Section 3.2.2(J) Setbacks.* This standard provides minimum and average dimensions for vehicle use area setbacks along streets and lots lines. This standard requires a minimum average 15-foot landscaped setback and 5-foot minimum setback at any point from the street right-of-way. A reduction for the parking lot setback along Laporte Avenue is requested, including a minimum average of approximately 7 feet and a minimum of approximately 4.9 feet.

B. 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)”.

C. STAFF FINDINGS OF FACT FOR THE MODIFICATIONS

Staff finds that the request for the four Modifications of Standards to *Section 3.2.2(L) Parking Lot Dimensions – drive aisle widths and parking stall dimensions; Section 3.2.2(D)(3)(c) Pavement* and; *Section 3.2.2(J) Setbacks* are justified by the applicable standards in 2.8.2(H)(1) and 2.8.2(H)(4):

The Modification to *Section 3.2.2(J) Setbacks* satisfies criteria 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.* This is because:

- 1) While the landscape depth from the right-of-way does not meet the requirement, the landscaped depth from the curb line is 22 feet minimum and 27 feet maximum, which includes the proposed landscaping in the parkway along the street between the street and the sidewalk.
- 2) The reduced setback is not detrimental to the public good because the setback area provides an enhanced landscape design with continuous plant material coverage along the parking setback and with both sides of the sidewalk planted, which adds depth to the parking buffer, providing screening of the parking lot that exceeds the minimum parking lot perimeter screening requirements for Section 3.2.1(E)(4).

The four Modifications satisfy criteria 2.8.2(H)(1)(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.* This is because:

- 1) While the reduced drive aisle and parking dimensions may be less convenient and may require some additional maneuvering for some vehicles, access to the parking stalls should remain viable. The parking metric reductions allow additional parking to be accommodated on the site to mitigate potential impacts to on-street parking within the surrounding neighborhood;
- 2) The gravel paving proposed for the east parking area is nominal because it is limited to four parking spaces for employees only. The gravel surface is within the natural habitat buffer zone and provides a more natural appearance in this area;
- 3) The west gravel parking lot for the 22 parking spaces is stabilized by a [plastic cell grid system](#), which mitigates concerns with potholes and allows stall striping markers to identify each parking stall;
- 4) For the above reasons the proposed modifications are not detrimental to the public good and allow the entire development plan and to continue to advance the purposes of the Land Use Code as contained in Section 1.2.2 including:

(B) encouraging innovations in land development and renewal by providing enhanced landscaping, desirable outdoor gathering space and an alternative paving design;

(C) fostering the safe, efficient and economic use of the land, the city's transportation infrastructure, and other public facilities and; (F) encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation services by providing a business that is conveniently located near transit and within walking and bicycling distance for nearby residents;

(G) increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation by providing sidewalk and bicycle lane improvements along Laporte Avenue;

(I) minimizing the adverse environmental impacts of development by reducing hard surface paving in a manner that minimizes maintenance impacts;

(J) improving the design, quality and character of new development by providing enhanced landscaping and a more rural parking lot pavement design that is consistent with the Northwest Subarea Plan and;

(K) fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all by providing an appropriately scaled commercial business that may serve as a focal point and gathering place for nearby residents;

(L) encouraging the development of vacant properties within established areas by renovating the closed Friendly Fire building;

(M) ensuring that development proposals are sensitive to the character of existing neighborhoods by providing appropriately designed parking and outdoor spaces with enhanced landscaping that softens these uses from the public, and by maximizing the parking on the site in order to minimize the use of public parking on nearby streets and;

(N) ensuring that development proposals are sensitive to natural areas and features by reducing hard-surface pavement near the irrigation canal.

7. Findings of Fact and Conclusion

In evaluating the request for the Stodgy Brewing Project Development Plan, PDP190012, staff makes the following findings of fact:

- The PDP complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Alternative Compliance for *Section 3.2.1(E)(5) Parking Lot Interior Landscaping*, to reduce the width of the two parking lot islands from eight feet to six feet is not detrimental to the public good because the six-foot island width is adequate to allow tree root growth and is located in a 170 square foot planting area which exceeds the minimum 80 square feet. The overall space provided for root growth is equal to or better than the required minimum 80 square feet and the alternative plan preserves and incorporates existing vegetation in excess of minimum standards and maximizes tree canopy cover.
- Staff finds that the request for the four Modifications of Standards to *Section 3.2.2(L) Parking Lot Dimensions – drive aisle widths and parking stall dimensions*; *3.2.2(D)(3)(c) Pavement* and; *Section 3.2.2(J) Setbacks* are not detrimental to the public good and justified by the applicable standards in 2.8.2(H)(1) and 2.8.2(H)(4) as described in the staff findings for the four modifications on pages 26 and 27 of this staff report.
- The PDP complies with all relevant standards located in Article 3 – General Development Standards, subject to approval of the four modifications and the alternative compliance for the parking lot landscaping.
- The PDP complies with relevant standards located in Division 4.24, (C-L) Limited Commercial District of Article 4 – Districts.

8. Recommendation

Approval based on the findings of fact in this staff report.

9. Attachments

1. Vicinity Map
2. Hearing Notice

3. Newspaper Posted Notice
4. Proposed Hours of Operation
5. Applicant's Modification Requests
6. Existing Tree Removal Feasibility Letter
7. Planning Set (site and landscape plan, lighting plan, building elevations, tree mitigation plan and fire access exhibit)
8. Preliminary Subdivision Plat
9. Utility Plan
10. Traffic Impact Study Waiver
11. Ecological Characterization Study (ECS)
12. Preliminary Drainage Report
13. Salud ODP (included for reference)
14. Salud PDP (included for reference)