

**CITY OF FORT COLLINS  
TYPE 1 ADMINISTRATIVE HEARING**

**FINDINGS AND DECISION**

HEARING DATE: October 23, 2017

PROJECT NAME: 2601 Canton Court

CASE NUMBER: FDP #160033

APPLICANT: Daniel R. Bernth  
Doberstein Lemburg Commercial, Inc.  
1401 Riverside Avenue  
Fort Collins, CO 80524

OWNER: Daniel R. Bernth, Donna L. Martemucci,  
Michael J. Puleo  
1401 Riverside Avenue  
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

**PROJECT DESCRIPTION:** This is a request for consideration of a consolidated Project Development Plan/Final Plan to construct a 1-story, 9,000 square foot office and warehouse building on a vacant lot (the “Application”), specifically:

LOT 11, PROSPECT INDUSTRIAL PARK, CITY OF FORT COLLINS,  
COUNTY OF LARIMER,  
STATE OF COLORADO, EXCEPT THAT PORTION CONVEYED BY  
DEED RECORDED OCTOBER 18, 2012 AT  
RECEPTION NO. 20120073332

(the “Subject Property”).

The Subject Property is located at 2601 Canton Court and represents one of the last remaining vacant development sites within the Prospect Industrial Park.

The Application proposes a 14-space vehicle parking lot in front of the proposed building with a driveway leading to a rear equipment and storage yard, which storage yard will be gated and fenced for security and screening. The Subject Property consists of approximately one (1) acre and is located in the Industrial (I) zone district.

**BACKGROUND:** The Subject Property was annexed into the City of Fort Collins in 1973 as part of the East Prospect Street First Annexation. In 1978, the Prospect Industrial Park subdivision was approved, establishing multiple lots for light industrial development.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Industrial (I)	Print shop, Office, Warehouse
South	Industrial (I)	Office, Warehouse
East	Industrial (I) & Public Open Lands (P-O-L)	Office, Warehouse, Prospect Ponds Natural Area
West	Industrial (I)	Office, Warehouse, Storage

SUMMARY OF DECISION:           Approved.

ZONE DISTRICT:                    Industrial Zone (I)

HEARING: The Hearing Officer opened the hearing on Monday, October 23, 2017, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, following the conclusion of the public hearing on the 2620 W. Elizabeth Single-Family Detached project (PDP #160037).

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

1. Project Vicinity Map.
2. Planning Department Staff Report prepared for 2601 Canton Court (FDP160033). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Planning Document Set (Site Plan, Landscape Plan, Elevations, Photometric Plan).
4. Utility Plans.
5. Drainage Report.
6. Letters of Intent for drainage easements from the property owners of 2025 Sharp Point Drive and Prospect Ponds.
7. The City's Comprehensive Plan, Code, and the formally promulgated polices of the City are all considered part of the record considered by the Hearing Officer.
8. Rules of Conduct for Administrative Hearings.
9. PowerPoint presentation prepared by City Staff for the October 23<sup>rd</sup> hearing (14 slides).
10. Affidavit of Publication dated October 13, 2017, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on October 13, 2017.
11. Notice of Public Hearing dated October 9, 2017.

TESTIMONY: The following persons testified at the hearing:

From the City: Ryan Mounce, City Planner

From the Applicant: Robert Gustafson, WG Architects  
1449 Riverside Avenue  
Fort Collins, CO 80524

From the Owner: Donna Martemucci, Doberstein Lemburg

From the Public: None

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that notice of the public hearing was properly posted, mailed and published.
2. Based on testimony provided at the public hearing and a review of the materials in the record of this case, the Hearing Officer concludes as follows:
  - A. the Application complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code;
  - B. the Application complies with the applicable General Development Standards contained in Article 3 of the Land Use Code; and
  - C. the Application complies with the applicable standards contained in Division 4.28 Industrial District (I) of Article 4 - Districts.
3. The Application's satisfaction of the applicable Article 2, 3 and 4 requirements of the Land Use Code is sufficiently detailed in the Staff Report, a copy of which is attached as **ATTACHMENT A** and is incorporated herein by reference.

DECISION

Based on the findings set forth above, the Hearing Officer hereby approves the Application (2601 Canton Court, FDP #160033) as submitted.

DATED this 25<sup>th</sup> day of October, 2017.



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Marcus A. McAskin  
Hearing Officer

**ATTACHMENT A**

Staff Report  
2601 Canton Court  
(FDP160033)



ITEM NO 2  
MEETING DATE October 23, 2017  
STAFF Ryan Mounce

**ADMINISTRATIVE HEARING OFFICER**

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**STAFF REPORT**

**PROJECT:** 2601 Canton Ct, FDP160033

**APPLICANT:** Daniel R. Bernth  
Doberstein Lemburg  
1401 Riverside Avenue  
Fort Collins, CO 80524

**OWNER** Daniel R. Bernth, Donna L Martemucci, Michael J Puleo  
1401 Riverside Avenue  
Fort Collins, CO 80524

**PROJECT DESCRIPTION:**

This is a request for consideration of a consolidated Project Development Plan/Final Plan to construct a 1-story, 9,000 square foot office and warehouse building on a vacant lot. The development proposes a 14-space vehicle parking lot in front of the building with a driveway leading to a rear equipment and storage yard. The yard will be gated and fenced for security and screening. The project site is located at 2601 Canton Court on a 1.01-acre lot in the Industrial (I) zone district.

**RECOMMENDATION:**

Staff recommends approval of 2601 Canton Court, FDP160033.

**EXECUTIVE SUMMARY:**

The 2601 Canton Ct consolidated Project Development Plan/Final Plan complies with the applicable requirements of the City of Fort Collins Land Use Code, more specifically:

- The consolidated Project Development Plan/Final Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The consolidated Project Development Plan/Final Plan complies with relevant standards of Article 3 – General Development Standards.
- The consolidated Project Development Plan/Final Plan complies with relevant standards located in Division 4.28 Industrial District (I) of Article 4 – Districts.

**COMMENTS:**

**1. Background**

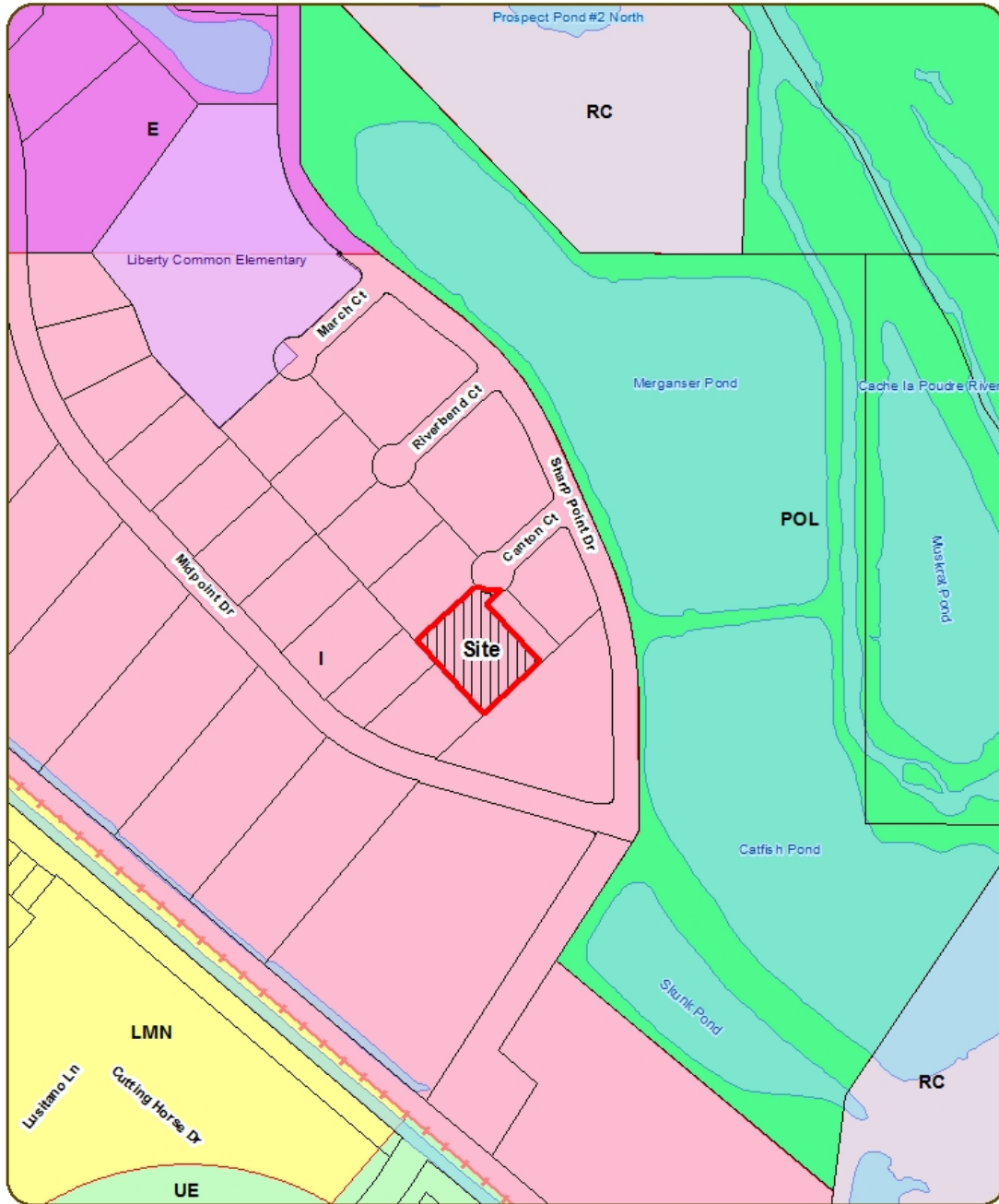
The project location was annexed into the City of Fort Collins in 1973 as part of the East Prospect Street First Annexation. In 1978, the Prospect Industrial Park subdivision was approved, establishing multiple lots for light industrial development. The project site is located on Lot 11, which has been undeveloped since the subdivision was first approved, and represents one of the last remaining vacant development sites within the Prospect Industrial Park.

The surrounding zoning and land uses are as follows:

<b>Direction</b>	<b>Zone District</b>	<b>Existing Land Uses</b>
North	Industrial (I)	Print shop, Office, Warehouse
South	Industrial (I)	Office, Warehouse
East	Industrial (I) & Public Open Lands (P-O-L)	Office, Warehouse, Prospect Ponds Natural Area
West	Industrial (I)	Office, Warehouse, Storage

A zoning vicinity map is presented on the following page:

### Site & Zoning Vicinity Map



**2601 Canton Ct.**

1 inch = 300 feet



**2. Compliance with Article 4 of the Land Use Code – Industrial District (I), Division 4.28:**

The project complies with all applicable Article 4 standards as follows:

*A. Section 4.28(B) – Permitted Uses*

The project proposes a new building for office and warehouse space, along with a rear fenced yard for accessory storage of equipment. The proposed land uses are consistent with the intent of the Industrial (I) zone district and are permitted uses in the zone district subject to Administrative (Type 1) review.

*B. Section 4.28(D)(1)(a) – Land Use Standards*

The proposed building is one-story, below the four-story maximum in the Industrial (I) District.

*C. Section 4.28(E)(2)(c) – Building character and color*

Industrial District standards require new buildings to feature neutral color shades with a medium or dark range, and prohibits white, bright or reflective finishes. The proposed building features a mixture of split-face masonry block and standing seam metal facings featuring earth-toned colors, meeting this code standard.

*D. Section 4.28(E)(3)(a) – Screening*

Storage and operational areas for the project are screened from public streets and district boundary lines. In compliance with this section, the storage area has also been located behind the rear of the building, while the front of the lot is dedicated to vehicular parking.

No buffer yards are required for the project as it is not located adjacent to residential land uses, along a zone district boundary, or along an arterial street.

*E. Section 4.28(E)(3)(b) – Storage and Operational Areas*

The storage and operational areas of the project are located behind the proposed building and will be ringed by a solid six-foot fence and landscaping, meeting code requirements that storage and work operation areas are screened from zone district boundary lines and public streets.



**3. Compliance with Article 3 of the Land Use Code – General Development Standards:**

The project complies with all applicable General Development Standards as detailed below.

*A. Section 3.2.1 – Landscaping and Tree Protection*

The proposed landscaping plan is consistent with the applicable requirements of Land Use Code Division 3.2.1, *Landscaping and Tree Protection*, with additional explanation for specific subsections below:

*3.2.1(D) – Tree Planting Standards*

A total of 13 new trees will be planted as part of the project, including four street trees along Midpoint Drive associated with offsite improvements for a detention pond. The nine trees to be planted on-site feature a mixture of deciduous and evergreen trees, primarily along the site perimeter for screening, as well as several within the front half of the site associated with parking lot landscaping. The new site trees meet requirements for size, species diversity, and tree-stocking.

*3.2.1(D)(2) – Street Trees*

No street trees will be planted along the main site frontage along Canton Court due to the unique geography of the circumference of the cul-de-sac, interruption of the street frontage for driveway access, utilities, and street lighting. As part of the project's stormwater and detention requirements, an offsite detention pond is proposed to the southwest. As part of this offsite improvement, frontage improvements to Midpoint Drive along the length of detention pond are included in the proposal, including new sidewalk and the planting of four canopy shade trees. The new street trees meet requirements for size and spacing.

*3.2.1(E)(2) – Landscape Area Treatment*

All site areas not covered by buildings or paving will feature landscaping in compliance with landscaping treatment requirements, including:

- Shrub and foundation plantings in front of the building and along the eastern face visible from the public right of way along Canton Court.

- Shrubs and trees within a landscape island and perimeter garden beds adjacent to the parking lot meeting interior and perimeter landscaping requirements for parking areas. The landscaping is consistent with requirements to block headlights and extends along a minimum of 70% of the perimeter of parking lot side yard setbacks
- Evergreen shrubs around the proposed trash enclosure to provide year-round screening to an area of low visual interest.
- A mixture of shrubs and trees along portions of the western and southern property lines to provide screening and visual transition to a solid six-foot fence which screens the storage yard.
- A natural upland seed mix within areas for stormwater detention, both on and offsite.

*B. Section 3.2.2(C)(4) – Bicycle Facilities*

The project proposes four bicycle parking spaces, meeting the minimum requirement of four spaces for industrial land uses.

*C. Section 3.2.2(C)(5) – Walkways*

A direct sidewalk connection from each entryway of the building to Canton Court meets code requirements for connectivity and connection to the public street sidewalk network.

*D. Section 3.2.2(J) – Setbacks*

The development's parking and equipment storage areas meet or exceed minimum setback requirements of 10-feet from the street right of way and 5-feet from side property lines.

*E. Section 3.2.2(K)(2) – Nonresidential Parking Requirements*

Parking requirements for industrial land uses are intended to cover employee need, with a minimum parking requirement of one vehicle space for every two employees. The 14 vehicles spaces proposed meet minimum parking requirements for up to 28 employees, which is anticipated to exceed requirements for a low-intensity industrial office/storage building occupied largely for storage.

The building will feature multiple tenant spaces for multiple users, however, it is anticipated a landscaping company will be one of the first and largest building occupants. Employees of this business will be primarily working at off-site locations and only need occasional parking for short durations at infrequent periods throughout the day or week.

F. *Section 3.2.2(L) – Parking Stall Dimensions*

All site parking spaces meet code standards for minimum width and depth for standard vehicle spaces, as well as access widths for drive aisles. In addition, the walkway in front of the building entrance has been widened to six-feet to meet code requirements to account for vehicular overhang.

G. *Section 3.2.4 – Site Lighting*

Proposed site lighting is limited to wall-mounted fixtures on the building, which meet minimum required lighting levels for building surrounds, walkways, and parking areas. All light fixtures meet code standards to be fully-shielded and down-directional.

H. *Section 3.2.5 – Trash and Recycling Enclosures*

The proposal includes a new trash enclosure located along the west end of the parking lot. The enclosure meets code requirements for separate walk-in access and will be designed with high-quality materials matching the proposed building.

I. *Section 3.3.1(D)(5) – Stormwater Drainage*

The project site generally sits lower than nearby properties and does not discharge runoff. As part of the proposal, the site will be shaped to drain to the southwest through a rain garden to an off-site detention pond located at 2025 Sharp Point Drive, and then conveyed to Midpoint Drive and then the nearby Prospect Ponds. Drainage has been reviewed by the City's Stormwater Department and conforms to the City's Stormwater Criteria Manual.

As part of meeting drainage and stormwater criteria, the off-site detention pond and discharge into Prospect Ponds require off-site easements, to be completed by separate document. Letters of intent for the granting of easements from the owners of 2025 Sharp Point Drive and Prospect Ponds are attached to this staff report.

J. *Section 3.5.1 – Building and Project Compatibility*

This section of the Land Use Code contains standards relating to building form (size, height, bulk, mass, scale), materials, and outdoor storage. The proposed building meets these standards through design of the new building, which features a building mass, scale, height, and bulk that are of a similar size or smaller than other nearby structures.

Compatibility with the surrounding context is also achieved through the use of similar building design and materials with other nearby development. The front building face features multiple tenant bays with separate doorway entrances, windows, and metal canopies. The rear is lined with separate tenant garage doors and rear entrances. Building materials include a split-face block base and columns in the front, with a wrap-around section as a building base facing Canton Court. On the sides and rear and section of the front, the building will feature standing seam metal facing. Building colors will be earth-toned. Both building colors and materials are similar to surrounding development.

The proposed outdoor storage areas also meet requirements to be located at least 20-feet from the public street and sidewalk, and that such areas are fully screened. For this development, a solid six-foot metal fence will surround the storage area with additional landscaping along the outer perimeter.

K. *Section 3.5.3 Mixed-Use, Institutional and Commercial Buildings*

Per Section 4.28(E)(2)(a) of the Industrial Zone District, a majority of the Industrial District's permitted uses, including office and warehouses, are exempt from the standards contained in Section 3.5.3 of the Land Use Code, and were not applied to this proposal.

4. **Neighborhood Meeting:**

As an Administrative (Type 1) review, no neighborhood meeting was required for the project, and no meeting was held.

5. **Findings of Fact / Conclusion:**

In evaluating the request for the 2601 Canton Ct consolidated Project Development Plan/Final Plan, FDP160033, staff makes the following findings of fact:

- A. The consolidated Project Development Plan/Final Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.

- B. The consolidated Project Development Plan/Final Plan complies with relevant standards located in Article 3 – General Development Standards.
- C. The consolidated Project Development Plan/Final Plan complies with relevant standards located in Division 4.28 Industrial District (I) of Article 4 – Districts.

**RECOMMENDATION:**

Staff recommends approval of 2601 Canton Ct, consolidated Project Development Plan/Final Plan, FDP160033.

**ATTACHMENTS:**

1. Planning Document Set (Site Plan, Landscape Plan, Elevations, Photometric Plan)
2. Utility Plans
3. Drainage Report
4. Letters of Intent for drainage easements from 2025 Sharp Point Drive and Prospect Ponds property owners