

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

FINDINGS AND DECISION

HEARING DATE: August 10, 2016

PROJECT NAME: 6617 S. College Avenue Plat (Dings Subdivision)

CASE NUMBER: BDR 150011

APPLICANT: BJ DeForge
Hauser Architects, P.C.
3780 East 15th Street
Suite 201
Loveland, CO 80538

OWNER: 6617 South College LLC
Mark Dings
6617 South College Avenue
Fort Collins, CO 80525

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a consolidated project development plan/final plan to subdivide a tract located at 6617 South College Avenue (parcel number 96141-00-010), consisting of 3.26 acres more or less, and generally located on the southwest corner of South College Avenue and West Trilby Road (the “Subject Property”). The Subject Property has not previously been platted. The Subject Property is located in the Limited Commercial (C-L) zone district.

As set forth in the Staff Report prepared for the August 10th hearing, the Subject Property was annexed into the City as part of the Southwest Enclave Annexation (Phase One) on October 3, 2006. The Applicant is requesting a consolidated PDP/FP approval of the Dings Subdivision Plat (the “Plat”), which proposed to subdivide the Subject Property into three (3) lots as follows:

Lot 1, Dings Subdivision (0.8241 acres +/-)
Lot 2, Dings Subdivision (1.6544 acres +/-); and
Lot 3, Dings Subdivision (0.6386 acres +/-).

The Plat dedicates and conveys certain rights-of-way, utility, emergency and pedestrian access easements to the City of Fort Collins for public use, as more particularly shown thereon.

The Applicant's request for approval of the Plat is concurrent with a Basic Development Review (BDR) for the existing medical marijuana sales and cultivation business to expand its operations. The marijuana sales and cultivation business will operate on Lot 1. An existing commercial and residential insulation business will continue operations on Lot 2. Lot 3 is currently vacant.

BACKGROUND: The zoning and land uses of properties in the vicinity of the Subject Property are set forth in the table below:

Direction	Zone District	Existing Land Uses
North	Limited Commercial (C-L)	Veterinary hospital, single family home
South	Limited Commercial (C-L)	Sand and gravel company
East	General Commercial (C-G)	Gas station and convenience store, vacant parcel, car wash
West	Low Density Mixed-Use Neighborhood (L-M-N)	Roofing and restoration company

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Limited Commercial District (C-L)

HEARING: The Hearing Officer opened the hearing on Wednesday, August 10, 2016, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado.

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 6617 S. College Avenue Plat (BDR150011). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Dings Subdivision Plat (1 Sheet). A copy of the Plat is attached to this decision as **ATTACHMENT B** and is incorporated herein by reference.
4. Basic Development Review Site Plan – Facility Expansion (2 Sheets).
5. Landscaping Plan (1 Sheet).
6. Exterior Elevations (2 Sheets).
7. Utility Plans for the Kind Care Site Improvements.
8. Affidavit of Publication dated August 4, 2016 evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on August 4, 2016.
9. Notice of Public Hearing dated July 27, 2016.
10. The PowerPoint presentation prepared by City staff for the August 10, 2016 hearing.

11. The City's Comprehensive Plan, Code, and the formally promulgated policies 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:	Meaghan Overton, City Planner
From the Applicant:	BJ DeForge Hauser Architects, P.C. 3780 East 15 th Street, Suite 201 Loveland, CO 80538
From the Public:	Gordon Thayer, 6813 S. College Avenue, Fort Collins

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. Specifically, the Hearing Officer concludes that the requirements of the plat and development plan standards set forth in Section 3.3.1 of the Land Use Code have been satisfied as follows:
 - i. There is no applicable minimum lot size requirement set forth in Division 4.24 (Limited Commercial District (C-L)) of the Code;
 - ii. In accordance with Section 3.3.1(B)(1) each of Lots 1 – 3 has access to a public street; and
 - iii. The applicable dedication requirements set forth in Section 3.3.1(C) have been satisfied.
 - C. the Application complies with Article 4 of the Land Use Code - Division 4.24, Limited Commercial District (C-L) of the Land Use Code. Specifically, the existing uses on the Subject Property are consistent with the articulated purpose of the C-L zone district, as set forth in Section 4.24(A) of the Code: “. . . to allow small scale nonresidential uses to continue to exist or expand while still protecting surrounding residential area, provided that such areas have been designated under an adopted subarea plan as being appropriate for the C-L District.”

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 6617 S. College Avenue Combined PDP/FP (Dings Subdivision Plat, Case No. BDR150011) as submitted, based on a determination that all applicable standards of the Land Use Code have been satisfied. Prior to execution and recording of the Dings Subdivision Plat mylar, the Applicant and Owner shall resolve and correct any and all technical issues as directed by City staff.

DATED this 16th day of August, 2016.



Marcus A. McAskine
Hearing Officer

ATTACHMENT A

Staff Report
6617 S College Avenue Plat
(BDR #150011)



ITEM NO 1
MEETING DATE Aug. 10, 2016
STAFF Meaghan Overton

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: 6617 S. College Avenue Plat, BDR150011

APPLICANT: BJ DeForge
Hauser Architects, P.C.
3780 East 15th Street
Suite 201
Loveland, CO 80538

OWNERS: 6617 South College LLC
Mark Dings
6617 South College Avenue
Fort Collins, CO 80525

PROJECT DESCRIPTION:

This is a request for a consolidated project development plan/final plan to subdivide a tract located at 6617 South College Avenue (parcel number 96141-00-010). The property is a tract of land that has not been platted. The site contains 3.12 acres and is located on the southwest corner of South College Avenue and West Trilby Road. The project is located in the Limited Commercial (CL) zone district.

RECOMMENDATION: Staff recommends approval of 6617 S. College Avenue Plat, BDR150011.

EXECUTIVE SUMMARY:

Staff finds the proposed 6617 S. College Avenue Plat Project Development Plan/Final Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The Project Development Plan/Final Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Project Development Plan/Final Plan complies with relevant standards of Article 3 – General Development Standards.

- The Project Development Plan/Final Plan complies with relevant standards located in Division 4.24, Limited Commercial (CL) of Article 4 – Districts.

COMMENTS:

1. Background

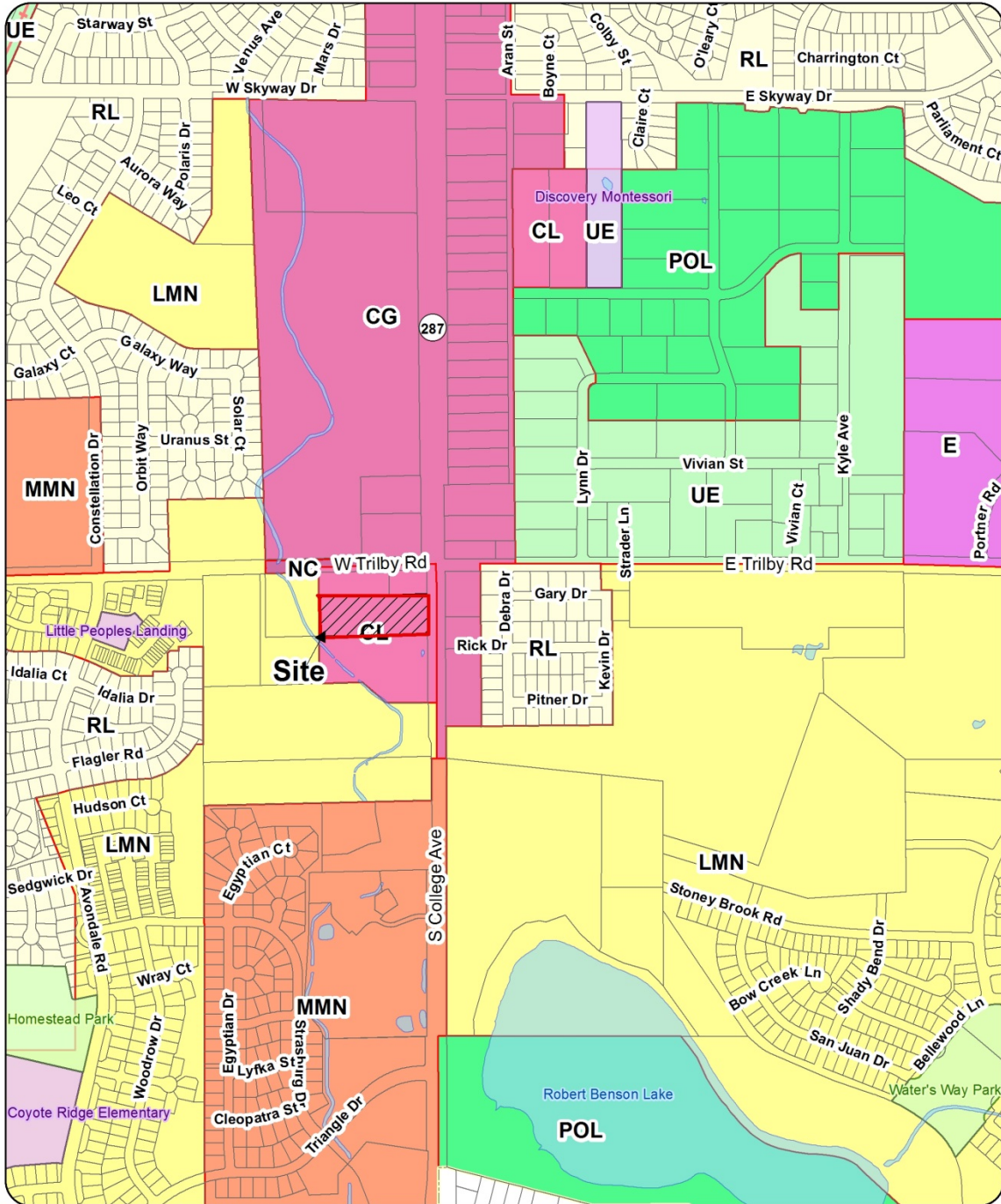
The property was annexed into the City as part of the Southwest Enclave Annexation (Phase One) on October 3, 2006. The tract has not been previously platted. The applicant wishes to plat this tract, which subdivides it into three lots. The plat and subdivision of this parcel is concurrent with a Basic Development Review (BDR) for the existing medical marijuana sales and cultivation business to expand its operations. The marijuana sales and cultivation business will operate on Lot 1. An existing commercial/residential insulation business will continue operations on Lot 2. Lot 3 is currently vacant.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Limited Commercial (CL)	Veterinary hospital, single family home
South	Limited Commercial (CL)	Sand and gravel company
East	General Commercial (CG)	Gas station and convenience store, vacant parcel, car wash
West	Low Density Mixed-Use Neighborhood (LMN)	Roofing and restoration company

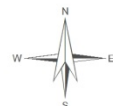
A zoning and site vicinity map is presented on the following page.

Figure 1: 6617 S. College Ave Plat - Zoning & Site Vicinity Map



1 inch = 726 feet

6617 S. College Avenue Plat Vicinity Map



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

The project complies with all applicable General Development Standards as follows:

A. *Section 3.2.3 - Solar access, orientation, shading*

All developments must be designed to accommodate active and/or passive solar installations and must not deny adjacent properties access to sunshine. The existing buildings are designed and located to minimize the casting of shadows on adjacent properties and could accommodate future active and/or passive solar installations.

B. *Section 3.3.1(B) – Lots*

No lot in a subdivision shall have less area than required under the applicable zoning requirements. Each lot must also have vehicular access to a public street. There is no minimum lot size required in the Limited Commercial (CL) zone under Section 4.24. While Lot 2 does not have direct frontage on a public street, it gains access to the street through a 20 foot-wide access easement.

3. Compliance with Article 4 of the Land Use Code – Division 4.24, Limited Commercial (CL):

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

A. *Section 4.24(A) – Purpose*

The existing uses on the site are consistent with the district's intent to be a setting that allows small scale nonresidential uses to continue to exist or to expand while still protecting surrounding residential areas.

5. Findings of Fact/Conclusion:

In evaluating the request for the 6617 S. College Avenue Plat Project Development Plan/Final Plan, Staff makes the following findings of fact:

- A. The Project Development Plan/Final Plan complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.

- B. The Project Development Plan/Final Plan complies with relevant standards located in Article 3 – General Development Standards.
- C. The Project Development Plan/Final Plan complies with relevant standards located in Division 4.24, Limited Commercial (CL) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of 6617 S. College Avenue Plat, BDR150011.

ATTACHMENTS:

- 1. Zoning & Site Vicinity Map
- 2. 6617 S. College Avenue Plat

