

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

FINDINGS AND DECISION

HEARING DATE: January 7, 2016

PROJECT NAME: Caring Smiles Dental Clinic

CASE NUMBER: FDP #150010

APPLICANT: Dan Bernth
Doberstein Lemburg Commercial, Inc.
1401 Riverside Avenue, Suite A
Fort Collins, CO 80524

OWNER: CS Commercial, LLC
1337 Riverside Avenue, Unit 1
Fort Collins, CO 80524

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a consolidated Project Development Plan/Final Plan to construct a one story, 5,850 square foot detail clinic on property legally described as Lot 3, Rigden Farm – Fifteenth Filing, and addressed as 2117 Custer Drive (the “Subject Property”) in the City of Fort Collins. The Subject Property is a vacant lot and is approximately 0.82 acres. The Subject Property is located in the Neighborhood Commercial (N-C) Zone District and is located within the boundaries of the Rigden Farm Overall Development Plan (ODP).

BACKGROUND: The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Neighborhood Commercial (N-C)	Grocery, Retail, Gas Station, Minor Vehicle Repair
South	Low Density Mixed-Use Neighborhood (L-M-N)	Place of Worship
East	Medium Density Mixed-Use Neighborhood (M-M-N)	Child Care, Multifamily Housing
West	Neighborhood Commercial (N-C)	Medical Office, Bank

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Neighborhood Commercial (N-C)

HEARING: The Hearing Officer opened the hearing on Thursday, January 7, 2016, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, prior to the public hearings on the CSU Health & Medical Center Plat (FDP #150039) and College Eight Thirty (PDP #150019) (all three applications were noticed for hearing on January 7, 2016).

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

1. Applicant’s Statement of Planning Objectives.
2. Staff’s PowerPoint presentation, including site photos, site plan, landscaping plan and building elevations.
3. Rigden Farm ODP.
4. Caring Smiles Dental Clinic site plan (7 Sheets).
5. Caring Smiles Dental Clinic utility plans (9 Sheets).
6. Vicinity Map.
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. Affidavit of Publication dated December 29, 2015, evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on December 29, 2015.
9. Notice of Public Hearing dated December 23, 2015.
10. A copy of the Planning Department Staff Report prepared for the above-referenced Application is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.

TESTIMONY: The following persons testified at the hearing:

From the City: Ryan Mounce

From the Applicant Dan Bernth (present but did not testify)

From the Owner: Dr. Ken Allen (present but did not testify)

From the Public: The following individuals were signed in but did not provide any testimony or public comment:

Kevin Marpol., 1535 Remington Street, Fort Collins
Larry Howell, 814-816 S. College Avenue, Fort Collins
Kazim Tercah, 820 S. College Avenue, Fort Collins
Jerry Johnstone, 2257 Iroquois Drive, 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; and
 - C. the Application complies with the applicable Neighborhood Commercial (N-C) Zone District standards contained in Article 4 of the Land Use Code. Specifically, the Hearing Officer finds that the Subject Property is zoned N-C, and that the proposed dental clinic is a permitted use, subject to administrative review.
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 (consolidated PDP/Final Plan for the Caring Smiles Dental Clinic, FDP #150010) as submitted, on the condition that the Applicant/Owner be required to resolve and correct any technical issues as directed by City staff on the final plans.

DATED this 11th day of January, 2016.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report



ITEM NO 1
MEETING DATE Jan. 7, 2016
STAFF Ryan Mounce

ADMINISTRATIVE HEARING OFFICER

STAFF REPORT

PROJECT: Caring Smiles Dental Clinic, FDP150010

APPLICANT: Dan Bernth
Doberstein Lemburg Commercial, Inc.
1401 Riverside Avenue, Suite A
Fort Collins, CO 80524

OWNERS: CS Commercial, LLC
1337 Riverside Avenue, Unit 1
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, 5,850 square foot dental clinic located at 2117 Custer Drive. The proposed development is located on a vacant .82-acre lot in the Neighborhood Commercial (N-C) zone district and within the boundaries of the Rigden Farm Overall Development Plan (ODP).

RECOMMENDATION: Staff recommends approval of the Caring Smiles Dental Clinic, consolidated Project Development Plan/Final Plan, FDP150010.

EXECUTIVE SUMMARY:

Staff finds the proposed Caring Smiles Dental Clinic consolidated Project Development Plan/Final Plan complies with all applicable requirements of the City of Fort Collins Land Use Code (LUC), 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 is in conformance with the Rigden Farm Overall Development Plan, approved by the Planning and Zoning Board on April 15, 1999.
- 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 4.23 Neighborhood Commercial District (N-C) of Article 4 – Districts.

COMMENTS:

1. Background

The property was annexed into the City of Fort Collins as part of the Timberline Annexation in November, 1997. A majority of the land of the Timberline Annexation would become part of the Rigden Farm Overall Development Plan approved in 1999 and amended in 2002. The overall development plan calls for a mixed-use development of single and multifamily dwellings, a grocery-anchored neighborhood commercial center, and supporting services such as offices, retail, and childcare.

The location of the proposed development is shown as part of a medium density mixed-district within the Rigden Farm Overall Development Plan, to consist of multifamily residential, office, and retail uses. Medical office is consistent with the stated land-uses for this area of the Rigden Farm Overall Development Plan. Other nearby and adjacent uses surrounding the site are listed in the table below.

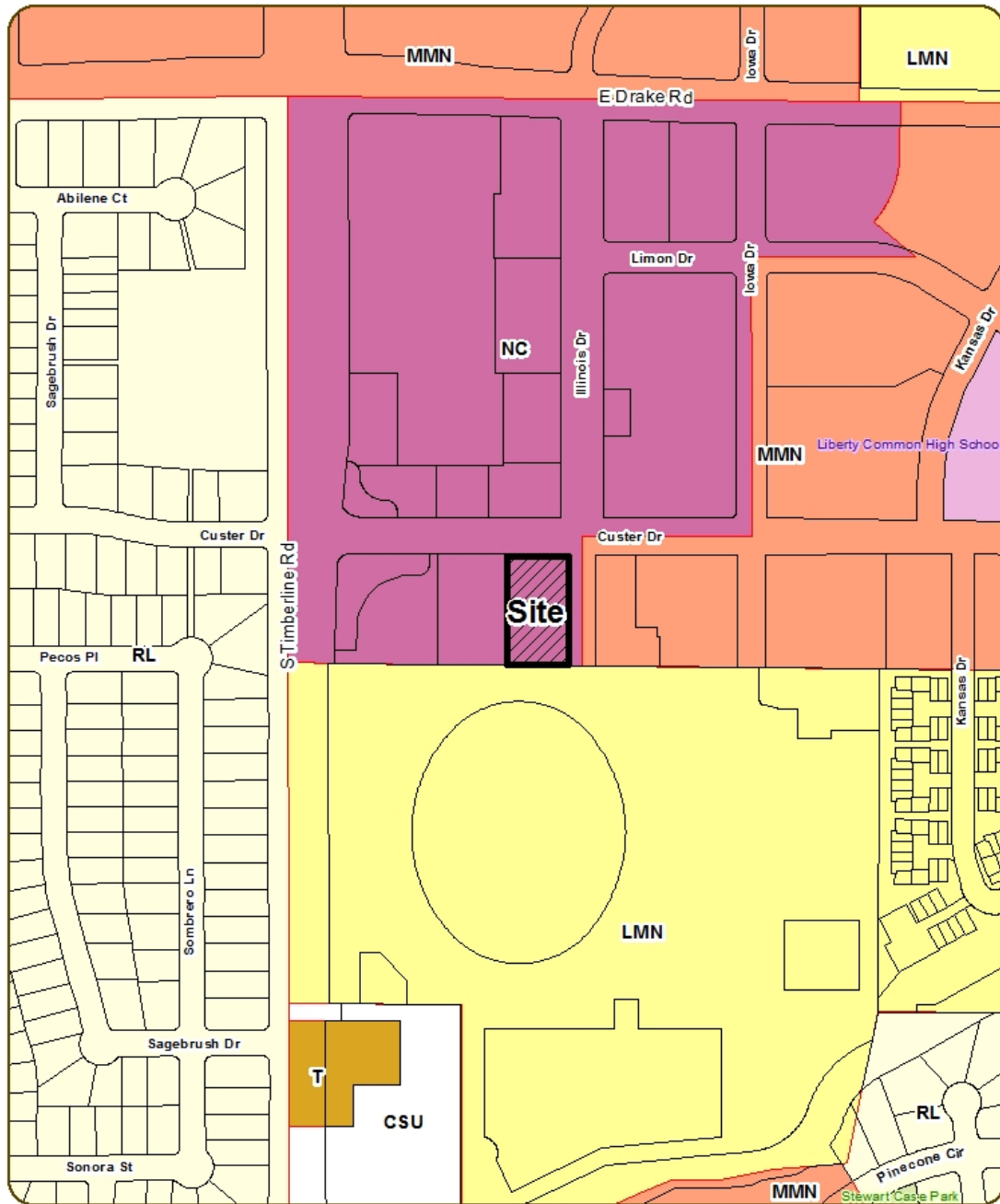
The site of the proposal was previously platted as part of the Rigden Farm Fifteenth Filing, approved in 2010. This project platted several vacant lots along Custer Drive and installed improvements in anticipation of future development, including sidewalks and street trees along Custer Drive, a private driveway, and stormwater drainage enhancements.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Neighborhood Commercial (N-C)	Grocery, Retail, Gas Station, Minor Vehicle Repair
South	Low Density Mixed-Use Neighborhood (L-M-N)	Place of Worship
East	Medium Density Mixed-Use Neighborhood (M-M-N)	Child Care, Multifamily Housing
West	Neighborhood Commercial (N-C)	Medical Office, Bank

A zoning vicinity map is presented on the following page:

Map: Caring Smiles Dental Clinic Site & Zoning Vicinity Map



1 inch = 300 feet

Caring Smiles Dental Clinic



2. Compliance with Article 4 of the Land Use Code – Neighborhood Commercial (N-C), Division 4.23:

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

A. Section 4.23(B)(2)(c) – Permitted Uses

The new building will house a dental clinic (medical office), complying with the list of permitted uses subject to Administrative review within the Neighborhood Commercial zone district.

B. Section 4.23(E) – Site Planning

As one of the few remaining vacant parcels within the Rigden Farm Shopping Center and Rigden Farm Overall Development Plan, the proposed development contributes to creating a cohesive and visually related Neighborhood Commercial District through the use of similar materials, building and site design, block pattern, and the capacity to utilize existing transit stops, plazas, and other gathering spaces.

C. Section 4.23(E)(2)(d) – Building Height

The proposed 1-story dental clinic will be approximately 33-feet tall at its highest point and meets the zone district standards requiring a minimum 20-foot building height and a maximum building height of up to 5-stories.

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)(2) – Street Trees

Canopy shade trees were previously installed along the Custer Drive frontage as part of the Rigden Farm Fifteenth Filing project. This new proposal will install additional canopy shade street trees along the Illinois Drive frontage.

3.2.1(E)(4) – Parking Lot Perimeter Landscaping

The development plan provides new trees and shrubs surrounding the proposed parking area to mitigate the impacts of headlights and to visually screen the area from public streets and adjacent lots. Tree planting has been emphasized at the northern and eastern edges of the site along public street frontages and where a majority of public view of the site is anticipated.

3.2.1(E)(5) – Parking Lot Interior Landscaping

The proposal meets requirements that at least 6% of the parking area is landscaped. Evenly-spaced landscaped islands are utilized as the primary component of parking lot interior landscaping.

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

The project will include four bicycle spaces, all of which are to be enclosed/protected spaces, exceeding Land Use Code requirements.

C. Section 3.2.2(K) – Parking Lots – Required Number of Off-Street Spaces

A total of 24 vehicle parking spaces are planned for the project, falling between the minimum and maximum parking requirements for medical office. Based on a 5,850 square foot building, the minimum parking requirement is 12 spaces and the maximum amount is 27 spaces.

D. Section 3.2.4 – Site Lighting

A photometric plan prepared for the project demonstrates compliance with the Land Use Code's lighting standards. At the property lines, illuminance will be .1 foot-candle or less, and adequate security and safety lighting is provided in the parking area and building surrounds. All lighting fixtures will be down-directional and conceal light sources.

E. Section 3.5.1(C) - Building Size, Height, Bulk, Mass, Scale

The new building will be similar in building size, height, bulk, mass, and scale to its surroundings. Within the immediate context are multiple one-story office, retail and child care buildings similar in size, height, and mass.

F. Section 3.5.1(E) – Building Materials

Materials for the building will be comprised primarily of brick and stone masonry and will match existing building and shopping center materials used to the north and west of the project site. Red brick comprising the majority of the building faces, and will be similar to the brick used north of the site. A natural stone base will also match stonework used along fencing columns and entrance monument signs for the Rigden Farm Shopping Center.

G. Section 3.5.3 – Orientation to Build-to Lines for Streetfront Buildings

The building has been prominently placed at the corner of Custer and Illinois Drives, where the highest activity is anticipated. A majority of the building faces along Illinois and Custer Drive are no more than 15 feet from the right-of-way and meet build-to line standards.

4. Findings of Fact/Conclusion:

In evaluating the request for the Caring Smiles Dental Clinic consolidated Project Development Plan/Final Plan, FDP150010, Staff makes the following finds 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 is in conformance with the Rigden Farm Overall Development Plan, approved by the Planning and Zoning Board on April 15, 1999.
- C. The consolidated Project Development Plan/Final Plan complies with relevant standards located in Article 3 – General Development Standards.
- D. The consolidated Project Development Plan/Final Plan complies with relevant standards located in Division 4.23 Neighborhood Commercial District (N-C) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of the Caring Smiles Dental Clinic, FDP150010.

ATTACHMENTS:

1. Zoning & Site Vicinity Map
2. Applicant's Statement of Planning Objectives
3. Rigden Farm Overall Development Plan
4. Project Document Set (Site Plan, Landscape Plan, Elevations, Photometric Plan, Utility Plans)
5. Site & Vicinity Photos