

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

FINDINGS AND DECISION

HEARING DATE: October 12, 2017

PROJECT NAME: Christian Brothers Automotive

CASE NUMBER: PDP 170018

APPLICANT: Todd Rand
Baseline Engineering
4007 S. Lincoln Ave.
Suite 405
Loveland, CO 80537

OWNER: Academy Court Enterprise LLC
5412 Vardon Way
Fort Collins, CO 80528

HEARING OFFICER: Marcus A. McAskin

PROJECT DESCRIPTION: This is a request for a Project Development Plan to construct a vehicle repair, servicing and maintenance establishment at the northeast corner of Academy Court and Prospect Road (Larimer County Parcel ID #8718413001 and Schedule #R1201867). The property consists of 49,954 sf (1.147 acre), more or less, and is legally described as BLOCK ONE, UPLANDS PROSPECT BUSINESS PARK P.U.D. (the "Subject Property"). The automotive repair facility will be one-story and contain 5,140 sq. ft. of floor area. The proposed site plan for the Subject Property shows 26 parking spaces. The Subject Property is located in the Industrial (I) zone district.

BACKGROUND: The Staff Report prepared for this case sets forth that the Subject Property was annexed into the City of Fort Collins as part of the Upland Annex in April of 1984. The Subject Property was platted as part of the Upland Prospect Business Park PUD Replat in 1994. The Subject Property is currently vacant.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Industrial (I), Public Open Lands (POL)	Railroad right-of-way, Kingfisher Natural Area
South	Industrial (I)	Coterie Natural Area
East	Employment (E)	Retail
West	Industrial (I), Employment (E)	Railroad right-of-way, school, office

SUMMARY OF DECISION: Approved.

ZONE DISTRICT: Industrial District (I)

HEARING: The Hearing Officer opened the hearing on Thursday, October 12, 2017, in Conference Rooms A-D, 281 North College Avenue, Fort Collins, Colorado, at approximately 5:30 p.m.

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 Christian Brothers Automotive (PDP170018). A copy of the Staff Report is attached to this decision as **ATTACHMENT A** and is incorporated herein by reference.
3. Zoning & Site Vicinity Map
4. Christian Brothers Automotive Planning Document Set (Site Plan, Landscape Plan, Elevations & Photometric Plan).
5. Affidavit of Publication dated October 4, 2017 evidencing proof of publication of Notice of Hearing in the Fort Collins Coloradan on October 4, 2017.
6. Notice of Public Hearing dated September 28, 2017.
7. The PowerPoint presentation prepared by City Staff for the October 12, 2017 hearing.
8. The letter of intent/handout prepared by the Applicant for the October 12, 2017 hearing (4 pages).
9. Administrative (Type 1) Hearing: Order of Proceedings.
10. Rules of Conduct for Administrative Hearings.
11. 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.

TESTIMONY: The following persons testified at the hearing:

From the City: Clay Frickey, City Planner

From the Applicant: Jonathon Wakefield
Director of Development
Christian Brothers Automotive

Todd Rand
Baseline Engineering
4007 S. Lincoln Ave., Suite 405
Loveland, CO 80537

From the Public: Peter Kast, 3500 JFK Parkway, Suite 310, Fort Collins, CO 80525

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 Modification of Standard to Section 4.28(E)(3)(a)(2) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H)(1), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted promotes the general purpose of the code standard equal to or better than would a compliant plan.
 - C. The Application complies with the relevant standards of Article 3 – General Development Standards.
 - D. The Project Development Plan complies with relevant standards located in Division 4.28 Industrial (I) of Article 4 – Districts.
3. Based on testimony provided at the public hearing and a review of the materials submitted, the requested Modification of Standard to Section 4.28(E)(3)(a)(2) of the LUC – *Site Design Screening*, is approved and is justified by the applicable standards set forth in Section 2.8.2(H)(1) of the LUC. Section 4.28(E)(3)(a)(2) of the LUC requires a minimum 30-foot deep landscaped buffer yard along all arterial streets. The Applicant requests a modification to this LUC standard to provide a 25-foot buffer yard between the proposed building and

East Prospect Road. In making this finding, the Hearing Officer concludes that the granting of the Modification will not be detrimental to the public good and that 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. The Modification criterion set forth in Section 2.8.2(H)(1) is satisfied.

4. 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 enters the following ruling:

- A. That the request for modification to Section 4.28(E)(3)(a)(2) of the Code is justified by the applicable standards in Section 2.8.2(H)(1) of the LUC.
- B. The Christian Brothers Automotive Project Development Plan (PDP #170018) is approved for the Subject Property as submitted.
- C. The Applicant shall submit a final plan within three (3) years of the date of this decision. If Applicant fails to submit a final plan to the City within said three (3) year period, this PDP approval shall automatically lapse and become null and void in accordance with Section 2.2.11(C) of the Code.

DATED this 17th day of October, 2017.



Marcus A. McAskin
Hearing Officer

ATTACHMENT A

Staff Report
Christian Brothers Automotive
(PDP #170018)



ITEM NO 1
MEETING DATE Oct. 12, 2017
STAFF Clay Frickey

ADMINISTRATIVE HEARING OFFICER

5 STAFF REPORT

PROJECT: Christian Brothers Automotive, PDP170018

APPLICANT: Todd Rand
Baseline Engineering
4007 S Lincoln Ave.
Suite 405
Loveland CO, 80537

OWNERS: Academy Court Enterprise LLC
5412 Vardon Way
Fort Collins, CO 80528

PROJECT DESCRIPTION:

This is a request for a Project Development Plan to construct a vehicle minor repair, servicing and maintenance establishment at the northeast corner of Academy Court and Prospect Road (parcel #8718413001). The building will be one-story and contain 5,140 sq. ft. of floor area. The proposed site plan shows 26 parking spaces. The site is located in the Industrial (I) zone district .

RECOMMENDATION: Staff recommends approval of Christian Brothers Automotive, PDP170018.

EXECUTIVE SUMMARY:

Staff finds the proposed Christian Brothers Automotive Project Development Plan complies with the applicable requirements of the City of Fort Collins Land Use Code (LUC), more specifically:

- The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- The Modification of Standard to Section 4.28(E)(3)(a)(2) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the

public good and the proposal submitted promotes the general purpose of the code standard equal to or better than would a compliant plan.

- The Project Development Plan complies with relevant standards of Article 3 – General Development Standards.
- The Project Development Plan complies with relevant standards located in Division 4.28 Industrial (I) of Article 4 – Districts, assuming the modification to 4.28(E)(3)(a)(2) is approved.

COMMENTS:

1. Background

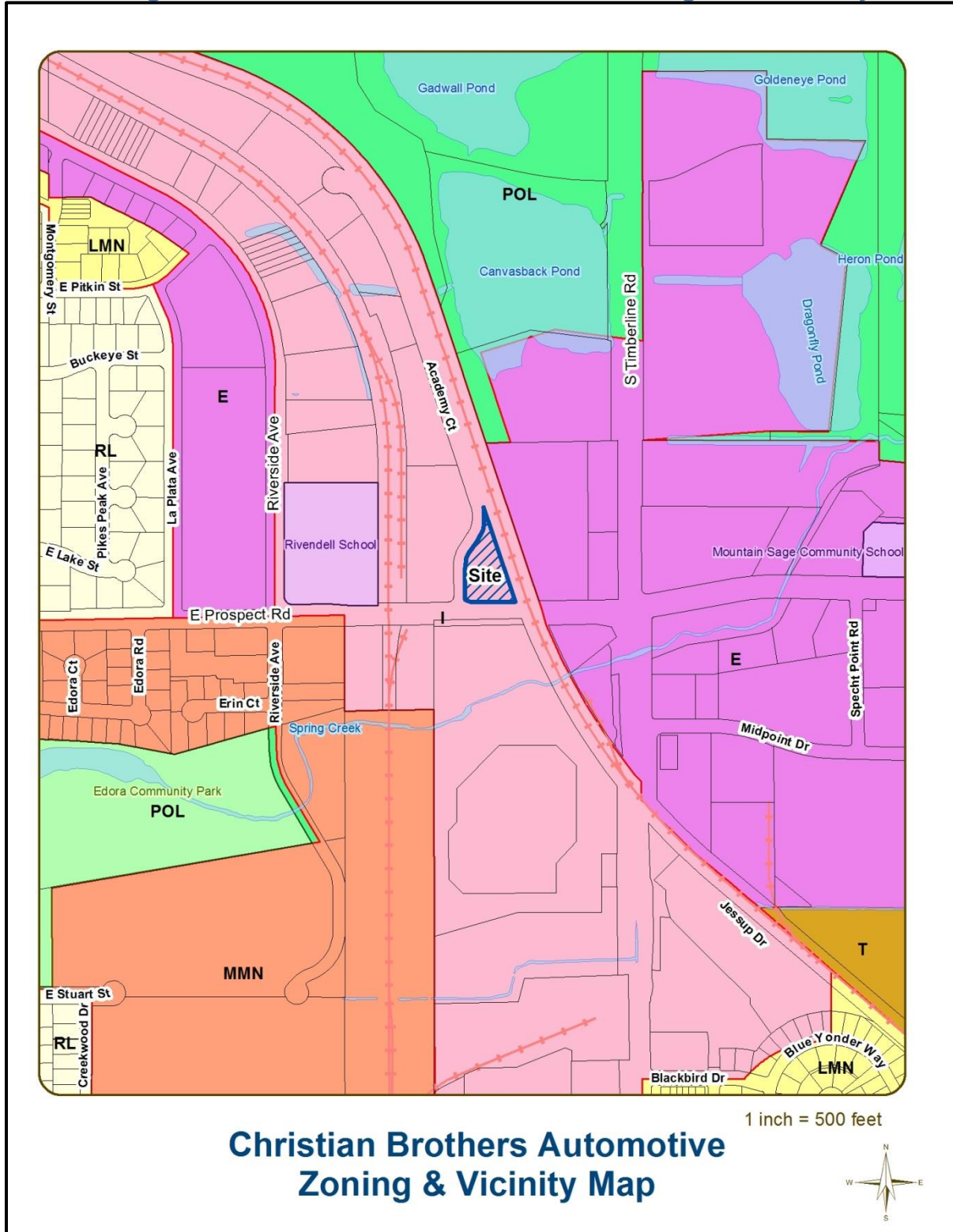
The property annexed into the City as part of the Upland Annex in April, 1984. The lot was platted as part of the Upland Prospect Business Park PUD Replat in 1994. The lot has sat vacant since.

The surrounding zoning and land uses are as follows:

Direction	Zone District	Existing Land Uses
North	Industrial (I), Public Open Lands (POL)	Railroad right-of-way, Kingfisher Natural Area
South	Industrial (I)	Coterie Natural Area
East	Employment (E)	Retail
West	Industrial (I), Employment (E)	Railroad right-of-way, school, office

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

Figure 1: Christian Brothers Automotive Zoning & Site Vicinity



2. **Compliance with Section 2.8.2(H) of the Land Use Code - Modification of Standards**

Modification Description:

The applicant requests a modification to Section 4.28(E)(3)(a)(2) – *Site Design – Screening* to provide less than a 30-foot-deep landscape buffer yard along Prospect Rd.

Land Use Code Standard Proposed to be Modified (areas underlined and bolded for emphasis):

Land Use Code 4.28(E)(3)(a)(2):

A minimum thirty-foot deep landscaped yard shall be provided along all arterial streets, and along any district boundary line that does not adjoin a residential land use. If a district boundary line abuts upon or is within a street right-of-way, then the required landscaped yard shall commence at the street right-of-way line on the district side of the street, rather than at the district boundary line. This requirement shall not apply to development plans that comply with the standards contained in Section 3.5.3 of this Code.

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).

Applicant's Justification for the Modification:

We propose a 25-foot buffer yard between the building and Prospect. Within the buffer, we are providing enhanced landscaping. The design of the building exceeds the standards in the zone so the need to buffer is reduced.

Staff Finding:

Staff finds that the request for a Modification of Standard to Section 4.28(E)(3)(a)(2) is justified by the applicable standards in 2.8.2(H)(1).

- A. The granting of the Modification would not be detrimental to the public good
- B. The project design satisfies 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.*

The purpose of this standard is to screen industrial buildings from arterial streets. Most industrial buildings typically have little visual interest and so the landscape buffer yard provides a buffer between the street and low-interest industrial buildings. Since the plan does not comply with Section 3.5.3 of the Land Use Code by virtue of having a parking lot between the building and the Academy Ct. right-of-way, this standard applies.

Instead of the standard 30-foot buffer yard, the applicant proposes a 25-foot-wide buffer yard between the building and Prospect Rd. A series of Mugo Pines, Honeylocust trees, and Tiny Wine Ninebark shrubs screen the building from

Prospect Road. This level of landscaping provides ample screening and meets the intent of this code section. The proposed building also uses high-quality materials that exceed the Land Use Code. The proposed use, vehicle minor repair, servicing and maintenance establishments, is not an industrial use. Vehicle minor repair, servicing and maintenance establishments may locate in five other zone districts within the City. In commercial zones, a facility such as this would not need a 30-foot buffer yard. This buffer yard standard did not contemplate a use such as this. Due to the enhanced landscaping, high quality building design, and type of use staff finds this proposal equal to or better than a compliant plan.

3. **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 3.2.1(D) – Tree Planting Standards*

All developments shall establish groves and belts of trees along all city streets, in and around parking lots, and in all landscape areas that are located within 50' of any building or structure in order to establish at least a partial urban tree canopy. The proposed landscape plan shows street trees planted at appropriate intervals, canopy shade trees planted in bulbouts adjacent to parking lots, and ornamental trees planted close to buildings to provide screening and a partial urban tree canopy, which meets this code standard.

B. *Section 3.2.1(E)(3)(b)(2) – Water Budget*

Annual water use shall not exceed 15 gallons/square foot over the site. The water budget shown on the landscape plan indicates the landscape area will require 2.01 gallons/square foot, in accordance with this standard.

C. *Section 3.2.1(E)(4) – Parking Lot Perimeter Landscaping*

The perimeter of parking lots are required to have trees planted at a ratio of 1 per 25 lineal feet along a public street and 1 per 40 lineal feet along a side lot line and parking setback area. Parking lots must also have screening to block at least 75% of light from vehicle headlights. The proposed landscape plan shows shrub beds extending the full length of

the parking area along Academy Ct. that provide screening from the shine of vehicle headlights. The parking area is flanked by canopy shade trees that provide ample tree cover for the perimeter of the parking lot, meeting this code standard.

D. *Section 3.2.1(E)(5) – Parking Lot Interior Landscaping*

6% of the interior space of all parking lots with less than 100 spaces shall consist of landscaping. The parking area has bulb outs at the north end with evergreen shrubs and a canopy shade tree, which satisfies this code requirement.

E. *Section 3.2.2(C)(4)(b) - Bicycle Parking Space Requirements*

The minimum number of bicycle parking spaces required for the vehicle servicing and maintenance use is four spaces. All of the bicycle parking spaces may be provided via fixed racks. The applicant proposes four spaces via fixed rack in accordance with the standard.

F. *Section 3.2.2(C)(5) - Walkways*

Walkways must be provided to link sidewalks with building entries through parking lots. These walkways must also provide direct connections to off-site pedestrian and bicycle destinations. Christian Brothers Automotive provides a connecting walkway that connects the front door to the sidewalk along Prospect Rd. in accordance with the standard.

G. *Section 3.2.2(D)(1) - Access and Parking Lot Requirements; Pedestrian/Vehicle Separation*

To the maximum extent feasible, pedestrians and vehicles shall be separated through provision of a sidewalk or walkway. Where complete separation of pedestrian and vehicles is not feasible, potential hazards shall be minimized by using landscaping, bollards, special paving, lighting, and other means to clearly delineate pedestrian areas. Christian Brothers Automotive separates pedestrians from vehicles by providing a sidewalk separated from the driving and parking area via curb.

H. *Section 3.2.2(E) - Parking Lot Layout*

The proposed parking lot layout is consistent with requirements of the Land Use Code in regards to circulation routes, orientation, landscaped islands, and points of conflict.

I. Section 3.2.2(J) - *Setbacks*

The proposed parking lot is setback further than the 15-foot minimum from an arterial street, 10-foot minimum from non-arterial streets, and 5-foot minimum along a lot line required per the Land Use Code.

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

Vehicle service and maintenance uses must provide a minimum of 2 spaces per 1,000 square feet and a maximum of 5 spaces per 1,000 square feet. For a 5,104 square foot building, this results in a minimum of 10 spaces and maximum of 25 spaces. This code section allows a 20% increase to the maximum parking ratio if there is no on-street parking available adjacent to the property. Neither Prospect Rd. nor Academy Ct. have on-street parking. This means the maximum parking for this project is 30 spaces. The proposed site plan shows 26 spaces, which meets the standard.

K. Section 3.2.2(K)(5) - *Handicap Parking*

Parking lots with 26-50 spaces must provide at least 2 handicap parking spaces with one van accessible with an 8' access aisle. The parking lot proposed contains two handicap accessible spaces with one van accessible.

L. 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 proposed building is designed and located to minimize the casting of shadows on adjacent properties and could accommodate future active and/or passive solar installations.

M. Section 3.2.4 - *Site Lighting*

The proposed lighting plan is consistent with the requirements of the Land Use Code in regards to the general standard, lighting levels, and design standards.

N. *Section 3.2.5 - Trash and Recycling Enclosures*

Trash and recycling enclosures must be provided in locations abutting refuse collection or storage areas, designed to allow walk-in access without having to open the main service gate, screened from public view, and constructed on a concrete pad. The proposed trash and recycling enclosure design satisfies the standards.

O. *Section 3.5.1(E) - Building Materials*

All proposed buildings shall use similar materials to existing buildings in the neighborhood or use similar architectural characteristics if dissimilar materials are proposed. Christian Brothers proposes a building with a predominantly brick and stone façade. Most of the other buildings in the area are built out of stucco, corrugated metal, and concrete masonry units. The proposed materials for Christian Brothers exceeds the quality of the other buildings in the area, meeting this standard.

P. *Section 3.5.1(I) - Outdoor Storage Areas/Mechanical Equipment*

The proposed plan is consistent with the requirements of the Land Use Code in regards to the location of outdoor storage, screening of storage areas, and screening of rooftop mechanical equipment from public view.

Q. *Section 3.6.6 – Emergency Access*

For the Christian Brothers Automotive site, an emergency access easement is proposed that runs through the access drive on the north side of the site. This satisfies the requirements for the Poudre Fire Authority.

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

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

A. *Section 4.28(B)(2) – Permitted Uses*

The proposed uses, office and vehicle minor repair, are permitted in the Industrial zone district and are consistent with the district's intent to provide a wide range of commercial and industrial operations.

B. *Section 4.28(D)(1) – Dimensional Standards*

Non-residential structures are limited to four stories in height. The Project Development Plan/Final Plan proposes a one-story structure.

C. *Section 4.28(E)(2)(b) – Development Standards – Orientation*

Buildings shall be sited so that a building face abuts upon the minimum landscape yard for at least 30% of the building frontage along arterial streets. 100% of the building face along Prospect Rd. abuts the landscape yard, which meets this standard.

D. *Section 4.28(E)(2)(c) – Development Standards – Building Character and Color*

New building color shades shall be neutral, with a medium or dark color range, and not white, bright or reflective. The proposed materials are all neutral and are not white, bright or reflective.

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

Storage, loading and work operations must be screened from view along district boundary lines and public streets in the I District. The proposed site plan shows a 6-foot high solid fence surrounding the storage, loading and work area.

4. Findings of Fact/Conclusion:

In evaluating the request for Christian Brothers Automotive, PDP170018, Staff makes the following findings of fact:

- A. The Project Development Plan complies with the process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- B. The Modification of Standard to Section 4.28(E)(3)(a)(2) that is proposed with this Project Development Plan meets the applicable requirements of Section 2.8.2(H), in that the granting of the Modification would not be detrimental to the public good and the proposal submitted promotes the general purpose of the code standard equal to or better than would a compliant plan.

C. The Project Development Plan complies with relevant standards of Article 3 – General Development Standards.

D. The Project Development Plan complies with relevant standards located in Division 4.28 Industrial (I) of Article 4 – Districts.

RECOMMENDATION:

Staff recommends approval of Christian Brothers Automotive, PDP170018.

ATTACHMENTS:

1. Zoning & Site Vicinity Map
2. Christian Brothers Automotive Planning Document Set (Site Plan, Landscape Plan, Elevations & Photometric Plan)