

**CITY OF FORT COLLINS
TYPE 1 ADMINISTRATIVE HEARING
FINDINGS AND DECISION**

HEARING DATE: November 7, 2016

PROJECT NAME: GRIT Athletics Facility

CASE NUMBER: PDP 160024

APPLICANT: RSW Holdings LLC
c/o TB Group
444 Mountain Avenue
Berthoud, CO 80513

OWNER: RSW Holdings LLC
2120 Milestone Drive
Fort Collins, CO 80516

HEARING OFFICER: Kendra L. Carberry

PROJECT DESCRIPTION: This is a request to build a one-story, 7,545-square-foot building on a vacant lot at 846 S.E. Frontage Road, to be used as a non-profit wrestling facility. Approximately 4,784 square feet will be devoted to limited indoor recreation, 1,694 square feet will be used as office space, and 1,067 square feet will be used for equipment storage. There will be 19 parking spaces.

SUMMARY OF DECISION: Approved

ZONE DISTRICT: General Commercial (CG)

HEARING: The Hearing Officer opened the hearing at approximately 5:30 p.m. on November 7, 2016, in the Conference Room A, 281 North College Avenue, Fort Collins, Colorado.

EVIDENCE: During the hearing, the Hearing Officer accepted the following evidence: (1) Planning Department Staff Report; (2) application, plans, maps and other supporting documents submitted by the applicant; and (3) a copy of the public notice (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: Ted Shepard

From the Applicant: Cathy Mathis, James Olson, Mike Oberlander

From the Public: Shelley MacDonald

FINDINGS

1. Evidence presented to the Hearing Officer established the fact that the hearing was properly posted, legal notices mailed and notice published.
2. The PDP complies with the Northern Colorado I-25 Corridor Plan – Regional Communities (2001) and the I-25 Sub-area Plan (2003).
3. The PDP complies with the applicable General Development Standards contained in Article 3 of the Code.
 - a. The PDP complies with Section 3.2.1, Landscaping and Tree Protection, because existing trees will be preserved and additional trees and shrubs will be provided around all four sides of the site.
 - b. The PDP complies with Section 3.2.1(E)(4)(a)(b), Parking Lot Perimeter Landscaping, because the parking lot along the southwest edge of the property, facing the Honda Motorcycle Dealership, includes various shrubs.
 - c. The PDP complies with Section 3.2.1(E)(5), Parking Lot Interior Landscaping, because the parking lot includes three landscape islands along the southwest edge, with one tree per island.
 - d. The PDP complies with Section 3.2.2(B), Access, Circulation and Parking, because existing private driveways lead to the parking lot, which includes 19 stalls.
 - e. The PDP complies with Section 3.2.2(C)(4), Bicycle Parking, because the PDP provides four bicycle parking spaces, one of which is enclosed.
 - f. The PDP complies with Section 3.2.2(C)(5), Walkways, because a walkway links the front door of the building to the public sidewalk along the Southeast Frontage Road.
 - g. The PDP complies with Section 3.2.2(J), Setbacks, because the Southeast Frontage Road is classified as a local street, and the vehicular use area is separated from the street by more than 10'.
 - h. The PDP complies with Section 3.2.2(K)(2), Non-residential Parking Requirements, because the PDP includes 19 on-site parking spaces.
 - i. The PDP complies with Section 3.2.4, Site Lighting, because pole-mounted and building-mounted lighting will feature sharp cut-off and fully shielded luminaries.
 - j. The PDP complies with Section 3.2.5, Trash and Recycling Enclosure, because the enclosure will feature exterior masonry materials that match the building, and a solid gate.
 - k. The PDP complies with Section 3.4.1(E)(I), Establishment of Buffer Zones, Design and Aesthetics, because the PDP will not degrade the limited off-site ecological features.

Any visual impacts to the Boxelder Creek corridor are mitigated by a row of large, dense shrubs planted along the southeastern boundary of the property.

- l. The PDP complies with Section 3.5.3(C)(1), Relationship of Buildings to Streets, Walkways and Parking – Orientation to a Connecting Walkway, because the southwest building entrance is as close to the street as possible and features 2 full-height windows.
 - m. The PDP complies with Section 3.5.3(D)(E), Commercial Architecture, because the building features architectural details that break up the mass, articulate the facades and do not duplicate a standardized prototype design.
4. The PDP complies with the applicable standards contained in Article 4 of the Code for the CG zone district.
- a. The PDP complies with Section 4.21(B)(2), Land Use, because a Limited Indoor Recreational Facility less than 5,000 square feet is a permitted use in the CG zone subject to Administrative Review.
 - b. The PDP complies with Section 4.21(E)(2), Site Design, because it provides for a continuous detached sidewalk, with street trees, which links the PDP on both sides to the business park.
5. The Modification of Standard (Section 3.9.5(A)(1)) meets the applicable requirements of Section 2.8.2(H) of the Code:
- a. The Modification will not be detrimental to the public good.
 - b. The flat roof design proposed in the PDP 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 because: there will no rooftop mechanical equipment and that the location of the building is such that it is not highly visible from the elevated interchange; there is no cohesive or unified architectural theme that establishes a distinctive character; the site is an infill parcel lanked by two flat-roofed buildings; and as such, the building, as designed, will match the context of the surrounding area.

ANALYSIS

Ms. MacDonald raised several concerns during the hearing on behalf of the Honda motorcycle dealership adjacent to the PDP site. Those concerns focused on emergency access, trucks backing up, overspray from washing motorcycles and payment for irrigation and electricity for landscaped areas. At the hearing, the applicant agreed to adjust the landscaping in the overspray area, in compliance with City standards. The applicant intends to obtain an access easement from the owner of the property to the east, and the Colorado Department of Transportation supports the shared access onto the frontage road. The applicant further agreed to take measures during construction to assist trucks with access to the Honda property. Finally, the applicant agreed to address the issue with the irrigation and electricity. As such, the Hearing Officer finds that the concerns have or will be adequately addressed by the applicant and should not affect the approval of the PDP.

DECISION

Based on the foregoing findings, the Hearing Officer hereby enters the following rulings:

1. The PDP and Request for Modification are approved as submitted.

DATED this 17th day of November, 2016.



Kendra L. Carberry
Hearing Officer