

**CITY OF FORT COLLINS
ADMINISTRATIVE HEARING OFFICER
TYPE I ADMINISTRATIVE HEARING
FINDINGS, CONCLUSIONS AND DECISION**

ADMINISTRATIVE HEARING DATE: December 20, 2007

PROJECT NAME: Import Auto Sales, Towing and Storage,
Project Development Plan

CASE NUMBER: #15-02B

APPLICANT: Jerry Robinson
Stewart and Associates
103 S. Meldrum Street
Fort Collins, CO 80521

OWNER: Randy Milan
1402 Catalpa Ct.
Fort Collins, CO 80521

HEARING OFFICER: Cameron Gloss
Planning and Zoning Director

PROJECT DESCRIPTION:

The Applicant has submitted a request to develop an approximately 1.4 acre vacant lot into a fenced outdoor storage lot.

SUMMARY OF HEARING OFFICER DECISION: Approval

ZONING DISTRICT: I, Industrial

STAFF RECOMMENDATION: Approval

NOTICE OF PUBLIC HEARING: Evidence presented to the Hearing Officer established no controversy or facts to refute that the hearing was properly posted, legal notices mailed and notice published.

PUBLIC HEARING

The Hearing Officer, presiding pursuant to the Fort Collins Land Use Code, opened the hearing at approximately 4:00 p.m. on December 20, 2007 in Conference Room A at 281 North College Avenue, Fort Collins, Colorado.

HEARING TESTIMONY, WRITTEN COMMENTS AND OTHER EVIDENCE:

The Hearing Officer accepted during the hearing the following evidence: (1) Planning Department Staff Report; (2) application, plans, maps and other supporting documents submitted by the applicant and the applicant's representatives to the City of Fort Collins; (3) a sign up sheet of persons attending the hearing; and (4) a tape recording of testimony provided during the hearing. The LUC, the City's Comprehensive Plan (City Plan), and the formally promulgated policies of the City are all considered part of the evidence considered by the Hearing Officer.

The following is a list of those who attended the meeting:

From the City:

Anne Aspen, City Planner

From the Applicant:

Jerry Robinson, Stewart Associates
Randy and Debbie Milan

From the Public:

None.

Written Comments:

None.

FACTS AND FINDINGS

1. Site Context

The surrounding zoning and land uses are as follows:

- N: *I—Industrial District* (existing vacant parcels and outdoor storage lots) with *CN—Commercial North College District* (existing offices and retail) beyond;
- E: *I—Industrial District* (existing warehouses and industrial uses including food bank, Canine Learning Center) with *RL—Low Density Residential District* (existing residential neighborhoods) and *CN—Community Commercial – North College District* (vacant land) beyond;
- S: *I—Industrial District* (vacant land) with *CN—Commercial – North College District* (existing commercial) and *CCN—Community Commercial – North College District* (vacant land) beyond;
- W: *I—Industrial District* (existing warehouse, offices and vacant land) with *CN—Commercial North College District* (existing motel and commercial uses) beyond.

The proposed outdoor storage lot will include a fenced and landscaped outdoor storage lot paved with recycled asphalt. A neighborhood meeting was not required for this project and none was held because the facility is similar to adjacent uses and not near residential uses. Staff did not receive communications from the public on this project.

2. Compliance with Article 4 and the I Zoning District Standards:

The proposed outdoor storage yard use is permitted within the Industrial zone subject to Administrative Review.

The entire lot is proposed to be screened from view with by an 8-foot tall solid fence. As required this screening blocks views from adjacent streets as required in this section.

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

The PDP complies with all applicable General Development Standards, more specifically as follows:

A. Division 3.2, Site Planning and Design Standards

1. Section 3.2.1, Landscaping and Tree Protection

This request satisfies the applicable requirements set forth in this section of the LUC. Several trees are added to the streetfront meeting the standard for tree species, size and number; the uses are sufficiently screened; the fence proposed is of a higher quality than nearby existing storage lots and turf and shrub planting beds will enhance the street frontage of the property.

2. Section 3.2.2, Access, Circulation and Parking

This request satisfies the applicable requirements set forth in this section of the LUC. Access to the site will be via a curb cut on Red Cedar Circle. A detached sidewalk will be constructed with this project, including ramps on either side of the drive apron. As there is no building on the premises and no pedestrian or cyclist business is anticipated, no connecting walk is provided from the street sidewalk to the property nor is a bike rack provided. No vehicular traffic is expected either and no parking is required or provided outside of the parking that is available for storage.

B. Division 3.3, Engineering Standards

The proposal complies with the design standards, requirements, and specifications for the services as set forth in this section. The property was previously platted. There is one off-site easement required for drainage. This drainage easement is located south of the site, across the parcel to the south to allow drainage to flow to Conifer Street. The owner of the subject parcels is also the owner of the parcel to the south, so he has granted a drainage easement from himself to himself by separate document. This owner will also be designing and constructing a sidewalk chase with this project to convey the drainage under the future sidewalk on Conifer Street and into the gutter along Conifer.

C. Division 3.5, Building Standards

Because the fence is proposed to be 8 feet tall, it must meet the building standards. The proposed fence design, materials and colors are compatible with the established character of the surrounding predominantly industrial area. The corrugated metal panels will be light grey in color and not shiny. Fence columns will be split-faced concrete masonry unit columns painted grey and spaced approximately every forty feet on center.

D. Division 3.8, Supplementary Regulations

In the I—Industrial Zone district, there are no minimum setbacks required

for this type of use. Therefore, an 8-foot fence is allowable. This fence is proposed to be taller for both security issues and to prevent any future complaints that could arise with insufficient screening of the types of vehicles that may be stored here.

SUMMARY OF CONCLUSIONS

- A. The Import Auto Sales, Towing and Storage, Project Development Plan is subject to administrative review and the requirements of the Land Use Code (LUC).
- B. The Import Auto Sales, Towing and Storage, Project Development Plan satisfies the development standards of the I zoning district.
- C. The Import Auto Sales, Towing and Storage, Project Development Plan complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.

DECISION

The Import Auto Sales, Towing and Storage, Project Development Plan, #15-02B, is hereby approved by the Hearing Officer without condition.

Dated this 21st day of December 2007, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.

Cameron Gloss
Planning and Zoning Director

