



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

**ADMINISTRATIVE HEARING DATE:** November 20, 2006

**PROJECT NAME:** 132 West Willox Lane P.D.P

**CASE NUMBER:** #19-06

**APPLICANT:** Willox Court L.L.C.  
c/o East Point Studio  
552 Kinnikinnik  
Severance, CO 80546

**OWNER:** Willox Court, L.L.C.  
255 East Monroe Drive  
Fort Collins, CO 80525

**HEARING OFFICER:** Cameron Gloss  
Current Planning Director

**PROJECT DESCRIPTION:**

This is a request reconstruct a building that was damaged in the blizzard of March 2003. The new building would be same size as the previous, 12,000 square feet, and constructed upon the same foundation. As with the previous building, the new structure would be mostly steel. The site is .84 acre in size and located at the northeast corner of Willox Lane and Willox Court

**SUMMARY OF HEARING OFFICER DECISION:** Approval

**ZONING DISTRICT:** CN, Commercial–North College

**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 5:00 p.m. on November 20, 2006 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 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:

Ted Shepard, Chief Planner

From the Applicant:

Don Brookshire  
Jay Davis, DMW Engineers  
Pierre DeMiles

From the Public:

Ed Shipley, 218 W. Willox Ln.

Written Comments:

None

## FACTS AND FINDINGS

The surrounding zoning and land uses are as follows:

- N: C-N; Existing multi-tenant commercial/industrial uses
- S: C-N; Existing drive-through restaurant with convenience store and fuel facility
- E: C-N; Existing convenience store and fuel facility
- W: C-N; Existing multi-tenant commercial/industrial uses

The original building was damaged in the blizzard of March 2003 to the point where it was condemned by the chief building official of the City of Fort Collins. Since more than six months have elapsed since the blizzard, the request to re-build is required to be processed as a new Project Development Plan (P.D.P.) subject to Administrative (Type One) review.

### **1. Compliance with Article 4 and the CN Zone District Standards:**

The Project Development Plan complies with all applicable requirements of Article 4 and the CN Zone District, including the proposed warehouse use. The Staff Report summarizes the PDP's compliance with these specific standards and no specific evidence was presented to contradict the statements and conclusion of the staff report concerning compliance with Article 4 or the CN District Standards.

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

The Project Development Plan complies with all applicable requirements of Article 3 including all landscaping, parking, and building height standards. No evidence was presented to contradict the statements and conclusion of the staff report concerning compliance or to other refute the compliance with Article 3.

At the hearing, a neighboring property owner raised questions regarding the lack of public street infrastructure near the site as well as the provision of parking and storage within the Development. As part the development plan, the Applicant is required to pave Willox Lane in a manner meeting the Larimer County Urban Area Street Standards. In addition, the applicant will prohibit outdoor storage of materials and equipment and provide a paved, 15-space parking area on-site.

Public comment was also received about the perceived lack of enforcement of City standards related to the storage of inoperable vehicles within the North

College area. The comments were noted by City staff as part of the public record. However, since these comments fall outside the review criteria applicable to the development, the Hearing Officer is not authorized to require the Applicant to participate in the City's efforts to address the inoperable vehicle issue.

### **SUMMARY OF CONCLUSIONS**

- A. The 132 West Willox Lane Project Development Plan is subject to administrative review and the requirements of the Land Use Code (LUC).
- B. The 132 West Willox Lane Project Development Plan satisfies the development standards of the CN zoning district.
- C. The 132 West Willox Lane Project Development Plan complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.

### **DECISION**

The 132 West Willox Lane Project Development Plan # 19-06, is hereby approved by the Hearing Officer without condition.

Dated this 22nd day of November 2006, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.

  
Cameron Gloss  
Current Planning Director

SIGN IN SHEET

NOVEMBER 20, 2006

132 WEST WILLOX LANE

PIERRE JEMIS, SEVERANCE CO.

DON BROOKHIRE S52 KINNIKINIK CT  
SEVERANCE CO BOSSO  
(WINDSOR)

JAY DAVIS DMW CIVIL ENGINEERS, INC.

1435 W 29TH

LOVELAND, CO 80538

W & Eleanor Shipley  
218 W. Willox Lane  
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