

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

ADMINISTRATIVE HEARING DATE: July 31, 2002

PROJECT NAME: Boxelder Sanitation District Treatment Plant Subdivision

CASE NUMBER: #23-02

APPLICANT: Boxelder Sanitation District
c/o Stewart and Associates
105 South Meldrum Street
Fort Collins, CO 80521

OWNER: Boxelder Sanitation District
c/o Mr. Ravindra Srivastava, General Manager
2217 Airway Avenue, Suite 3
Fort Collins, CO 80524

HEARING OFFICER: Cameron Gloss
Current Planning Director

PROJECT DESCRIPTION:

This is a request for a subdivision in order to plat one lot for construction of a new maintenance building. The new lot would be 2.06 acres and is being created out of a larger unplatted property that includes existing wastewater treatment aeration ponds. The parcel is located approximately 1,500 feet west of the I-25 Frontage Road and one mile south of East Prospect Road. The parcel is also located approximately 300 feet east of the Poudre River.

SUMMARY OF HEARING OFFICER DECISION: Approval

ZONING DISTRICT: R-C, River Conservation, which allows a new maintenance building as an accessory use to be reviewed as per the building Permit Review procedures.

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 July 31, 2002 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:

Ravindra Srivastava, Boxelder Sanitation District
Sheri Jensen, Boxelder Sanitation District
Dick Rutherford, Stewart and Associates
Larry Trampe, ARG

From the Public:

None

Written Comments:

None

FACTS AND FINDINGS

1. Site Context

The surrounding zoning and land uses are as follows:

N: R-C; Vacant

S: F-A-1, County; Vacant

E: R-C; Existing Wastewater Treatment Facilities

W: Not Zoned; C.S.U. Environmental Learning Center and State of Colorado
Visitors Center

2. Compliance with the Plat Standards of Article 3:

The plat indicates proper dedications for drainage, utility and access easements as needed to serve the 2.06-acre lot.

3. Compliance with Article 4 and the RC-River Corridor Zoning District Standards:

The plat has been reviewed against the criteria of the standards under Article Four of the Land Use Code. The request to plat the 2.06 acre lot in order to create a legal lot for a new maintenance building complies with the following standards:

A. Section 4.11(E)(1) – Street/Access

Access to the subdivision is by private drive, not a public street. The private drive will be dedicated as an emergency access easement. The width of 20 feet has been reviewed by the Poudre Fire Authority and is adequate for the provision of emergency services. The private drive connects to an existing publicly dedicated access easement that, in turn, connects to the I-25 Frontage Road.

B. Section 4.11(E)(2)(3)(4) – Walkways, Trails and Paths; Building Design;
Site Design

All of these standards relate to land development and building construction. These standards are intended to ensure that new development minimizes the impacts upon the scenic, cultural, natural and historic values of the river landscape. Since the request is for a subdivision plat only, and the construction of the maintenance building will be reviewed by the Building Permit Review Process, these standards do not apply.

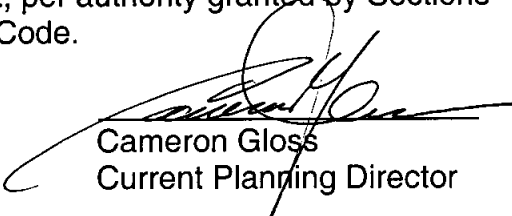
SUMMARY OF CONCLUSIONS

- A. The Boxelder Sanitation District Treatment Plant Subdivision is subject to administrative review and the requirements of the Land Use Code (LUC).
- B. The Boxelder Sanitation District Treatment Plant Subdivision satisfies the development standards of the RC zoning district.
- C. The Boxelder Sanitation District Treatment Plant Subdivision complies with all applicable General Development Standards contained in Article 3 of the Land Use Code.

DECISION

The Boxelder Sanitation District Treatment Plant Subdivision #23-02, is hereby approved by the Hearing Officer without condition.

Dated this 5th day of August 2002, per authority granted by Sections 1.4.9(E) and 2.1 of the Land Use Code.


Cameron Gloss
Current Planning Director

BOXELDER SANITATION DISTRICT
MAINTENANCE BUILDING
TYPE I HEARING

TED SHEPARD

Gwen Jensen BOB

Larry Trampe ARC

Dick Rutherford Stewart & Assoc.

RAVINDRA M. SRIVASTAVA, BOXELDER SAN. DIST.