

Request for Modification of Standard LUC Section 3.2.1 (E) (4)

Project No. PDP 190004

City of Fort Collins Planning
281 North College Avenue
Ft. Collins, Colorado 80524
Attn: Pete Wray, Planning Services

Re: Lot 13, South 13 Subdivision (5724 Bueno Drive); Fort Collins, Colorado
Request for Modification of Section 3.2.1 (E) (4) (b) of the Land Use Code

Background

The adjacent lot to the South of the subject property has an existing parking lot at its North boundary. From the adjacent parking lot, there is a steep slope running North down to the South boundary of lot 13 and the proposed parallel parking space #6. The Code requires a minimum of 5' landscape screen on this side boundary. See # 4 (b) below:

From Section 3.2.1 (E) (4) of LUC:

(4) Parking Lot Perimeter Landscaping. Parking lot perimeter landscaping (in the minimum setback areas required by Section 3.2.2(J) (Access, Circulation and Parking) shall meet the following minimum standards:

(a) Trees shall be provided at a ratio of one (1) tree per twenty-five (25) lineal feet along a public street and one (1) tree per forty (40) lineal feet along a side lot line parking setback area. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right-of-way.

(b) Screening. Parking lots with six (6) or more spaces shall be screened from abutting uses and from the street. Screening from residential uses shall consist of a fence or wall six (6) feet in height in combination with plant material and of sufficient opacity to block at least seventy-five (75) percent of light from vehicle headlights. Screening from the street and all nonresidential uses shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of thirty (30) inches. *Such screening shall extend a minimum of seventy (70) percent of the length of the street frontage of the parking lot and also seventy (70) percent of the length of any boundary of the parking lot that abuts any nonresidential use.* Openings in the required screening shall be permitted for such features as access ways or drainage ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three (3) years of construction of the vehicular use area to be screened.

The required screening is not possible with the sudden change of grade at the South boundary. In addition, any screening in this location would be screening the proposed parking lot from the adjacent parking lot which is at a higher elevation.

The landscape plan does propose a tree and large shrub at the West end of parking space #6 in the limited space available.

Justification

The justification for this modification request is found in LUC Section 2.8.2 (H) (1) & (3):

(H)

Step 8 (Standards): Applicable, and 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 side yard screening, 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).

Approval of This Request

In our opinion, the proposed plan for which the modification is requested will provide a product that is equal or better than a plan which complies with the standard (1).

In addition, the physical conditions described above would present practical difficulties or hardship to meet the Code requirement. (4) The approval of this request for modification shall have no impact on the general health, safety and welfare of the general public.

Please call with any questions. Thank you,

Tim Briggs, RLA
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