



PLANNING AND ZONING COMMISSION COMMUNICATION
City of Longmont, Colorado

Project Title: Southmoor Retail Plaza Conditional Use Site Plan and Variances from Design and Landscaping Standards (PZR 2021-1)

Date of Meeting: February 17, 2021

Staff Planner: Ava Pecherzewski, Principal Planner, (303) 651-8735,
ava.pecherzewski@longmontcolorado.gov

GENERAL INFORMATION

Proposal: Conditional Use Site Plan for a 15,000 square-foot, one-story commercial building with retail and restaurant uses, including a drive-thru tenant. Variances are requested from the building design standards and from landscape planting standards.

Location: 725, 733 & 801 Ken Pratt Blvd. (south side of Ken Pratt Blvd., west of Main Street)

Area: 1.843 acres

Existing Use: Currently developed with a single-family house and surrounding undeveloped land

Zoning: MU-C (Mixed-Use Corridor)

SURROUNDING LAND USES AND ZONING

North: Parkway Center shopping center zoned MU-C

South: Undeveloped property zoned R-MF (Residential Multi-Family)

East: Commercial retail building zoned MU-C

West: Commercial retail building and 7-11 convenience store zoned MU-C

COMPREHENSIVE PLAN DESIGNATIONS

The "Envision Longmont" Comprehensive Plan designates this property as Mixed-Use Corridor. Ken Pratt Boulevard is designated as a regional arterial street and Grand Avenue, on the south side of this property, is a designated local street in the comprehensive plan.

Property Owner: Stephen D. Tebo

Applicant: Tebo Properties

Applicant Contact: Tom Davis

Company: PWN Architects

Phone: (303) 649-9880 x106

Email: tdavis@pwnarchitects.com

APPLICATION DESCRIPTION

A Conditional Use Site Plan application has been filed by Tebo Properties for the development of a 15,000 square-foot, one-story commercial building with retail, dine-in restaurants and a drive-thru tenant on the property located at 725, 733 and 801 Ken Pratt Boulevard, which is zoned Mixed Use Corridor. The MU-C zoning district permits commercial retail and restaurant uses by right, however, restaurants with a drive-thru component are required to obtain Conditional Use approval. In conjunction with this application, two variances are sought: one from the building transparency design standards in Code Section 15.05.120 and landscaping tree planting standards in Code Section 15.05.040. These variances are discussed at length in the development review section below.

This property is located on the south side of Ken Pratt Boulevard, west of Main Street and is currently developed with a ranch house and detached garage built in 1956 and is surrounded by undeveloped land. The site is directly south of the Parkway Center commercial shopping center, east of a commercial building and 7-11 convenience store at the southeast corner of Ken Pratt Blvd. and Pratt Parkway, and west of the Sherman Village commercial shopping center which is located at the southwest corner of Ken Pratt Blvd. and Main Street. The property boundary to the south is bordered on uncompleted Grand Avenue right-of-way which stubs out to this property on both the east and west side. A vicinity map is below.



The property currently consists of three separate parcels (725, 733 and 801 Ken Pratt Blvd.). The owner is processing a minor plat with the City for administrative review in conjunction with this application which would reconfigure this property so that there are

two commercial lots facing Ken Pratt Blvd. and a separate lot south of Grand Avenue where it is zoned R-MF. For the purposes of this application, this development is located on Lot 1 as depicted in the Site Plan drawings. Lot 2 is a newly created commercial lot to the west of which the City has not received a development application, and Lot 3 is a newly created lot to the south of Grand Avenue which is zoned R-MF. The city has not received a development application for Lot 3. While the site plan drawings depict a proposed footprint for the new Lot 2 commercial property to the west, these are for illustrative purposes for context and do not constitute a site plan approval for that lot.

Alignment with the Envision Longmont Multimodal & Comprehensive Plan

The “Envision Longmont” Comprehensive Plan designates the property as Mixed-Use Corridor. A wide range of commercial, retail, employment and service-oriented uses to serve the adjacent neighborhoods and the broader community are expected in this land use designation. Allowable secondary uses in this zone include medium to high density residential and civic/government uses. The proposed development aligns with the land use goals for this area.

The property is currently accessed off of Ken Pratt Boulevard, which is designated as a regional arterial street on the Envision Longmont plan. The property abuts an unbuilt portion of Grand Avenue, a local street, on the south side. Grand Avenue is stubbed out on the west side from Pratt Parkway and on the east side from Main Street. At this time there is an inadequate amount of right-of-way dedicated on the south side of Grand Avenue to construct a public street that will meet City standards. Public Works is working with the applicant through the Public Improvement Plans on an alternative street design that will provide adequate access for the Fire Department and the public. This will be an interim condition until the area south of Grand Avenue develops and the City can acquire the necessary right-of-way on that side of the road to design and construct a complete city street. For the interim, this will appear as a cul-de-sac when driving east on Grand Avenue. The project will provide vehicular access to Grand Avenue which will lead drivers to go west on Grand Avenue to the Pratt Parkway intersection.

DEVELOPMENT REVIEW COMMITTEE PROCESS

The Development Review Committee initiated review of this project in March 2020. Public Works noted that the property is located in the 100-year floodplain. There is an approved CLOMR (Conditional Letter of Map Revision) that requires grading of the site prior to approval of a LOMR (Letter of Map Revision) from FEMA (Federal Emergency Management Agency). FEMA approval of the LOMR is required before building permits can be issued for this project.

Public Works staff are continuing to review the final drainage report for this project. There are other miscellaneous markups on the site plan from the DRC that will need to be addressed. A condition of approval has been added that the applicant obtain plan approval from the DRC before final approval of the project will be granted. In accordance with the Commission’s request, we have included the remaining redlines from the city development review team.

Longmont Power & Communications will require overhead lines on the property to be located underground and the applicant is working with LPC to coordinate this during construction.

A Species and Habitat Assessment was prepared for this property in April 2018. The report concluded that due to its location within an urbanized area, the property does not provide habitat for any federally or state-listed threatened, endangered or candidate plants or wildlife species. Staff from the City's Natural Resources Department reviewed the report and concurred with its findings. They had no conditions of approval to add to this application.

The traffic study provided by the applicant's consultant and accepted by City traffic engineering concludes that based on a potential of 15,621 square-feet of commercial retail and restaurant, including two dine-in restaurants and a drive-thru coffee shop tenant, approximately 3,066 weekday trips are expected at full buildout. Of these trips, approximately 280 morning peak hour trips and 220 afternoon peak hour trips are expected. The proposed Site Plan provides a main access to this site from Ken Pratt Blvd. on the north and from Grand Avenue on the south. There is a 3rd access point where drivers can go east into the Southmoor Plaza shopping center driveway and then exit onto Ken Pratt Blvd. from that property as well. The access points from Ken Pratt Blvd. will be right-in/right-out and the applicant is currently in the process of obtaining an Access Permit from CDOT.

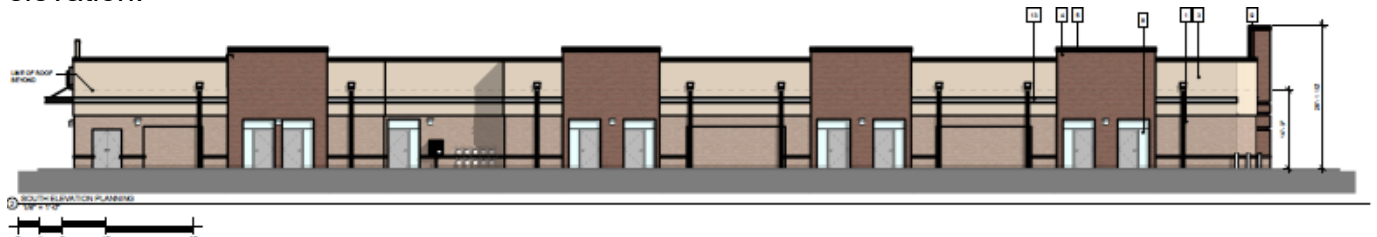
The traffic study concluded that there would not be enough traffic generated by this development to warrant a connection from Grand Avenue to Main Street on the east and recommends that Grand Avenue end with a cul-de-sac on the east side of the property.

While the initial intent of the City was to have Grand Avenue constructed to provide a link between Main Street and Pratt Parkway, there was not adequate right-of-way dedication between the proposed project and Main Street to make the extension viable with this project. The traffic study for this development concluded that the traffic flows could function without this extension, and the city is not requiring the developer to obtain the offsite right-of-way along Grand Avenue east of this property. Public Works is working with the applicant through the Public Improvement Plans on an alternative street design that will provide adequate access for the Fire Department and the public. This will be an interim condition until the area south of Grand Avenue develops and the City can acquire the necessary right-of-way on that side of the road to design and construct a complete city street to extend Grand Avenue to Main Street.

During the course of plan review, Planning staff noted that the project met almost all of the development standards in the Land Development Code with the exception of the ground floor transparency requirement from public streets in the Non-Residential Design Standards in Code Section 15.05.120 and the tree planting requirement Landscape Standards in Code Section 15.05.040.

Design Standards Variance

Section 15.05.120.C.5 requires commercial buildings facing a public street to provide 60% of the ground floor façade with either display windows, entry doors, awnings and arcades. Of that amount, Section 15.05.120.C.6 requires 50% of that to be transparent. While this standard has been met on the Ken Pratt Blvd. façade of the building elevations, the applicant has not achieved this on the south side facing Grand Avenue, proposing 8% transparency. The applicant notes in their variance request materials that while Grand Avenue is planned to be a public street at this location, it is currently not built out as such, and the south side of this building was meant for loading of deliveries and from a functionality standpoint, the floor plan on the south side was meant to include kitchen areas, stockrooms and restrooms which would be challenged to provide windows and transparency in these locations. The applicant also notes that drive-thru standards in the development code require a six-foot screen wall to provide a visual buffer from the drive-thru to Grand Avenue, and this wall will block any provided enhanced transparency attempts on this side of the building. Below is a depiction of the proposed south side elevation:



Noting that there are two standards here, of which one requires 60% of the ground floor façade to provide arcades, display windows, entry areas, awnings, or other such features, staff recommends that the applicant update the south facing elevation to provide awnings over the exit doors to provide that additional detail that may increase the percentage on this façade.

Landscaping Standards Variance

The landscaping standards in Code Section 15.05.040 require tree plantings in the landscape buffers, in detention ponds, and in the tree lawn within the right-of-way.

The applicant has request variance relief from tree requirements in all of these locations due to numerous utility conflicts within the site. Below is a breakdown of the variance requests:

Ken Pratt Blvd. Landscape Buffer	10 trees required	6 trees provided
Grand Ave Landscape Buffer	10 trees required	2 trees provided
Detention Pond Trees (these detention ponds are located within the Ken Pratt and Grand Ave buffers, not as a standalone detention pond, so many of these trees are overlapped)	14 trees required	7 trees provided
Grand Avenue Right-of-Way	7 trees required	0 trees provided

In the landscape buffer areas and in the detention/water quality area, the applicant is unable to plant the required number of trees because of existing electrical and gas easements and the placement of a sand filter underneath in which tree roots are not permitted. The placement of the sand filter in this location was at the request of Public Works staff. In the Grand Avenue landscape buffer there is an additional 20-foot drainage easement. The applicant has attempted to work through this with staff and there appear to be no alternative locations in which to plant additional trees to mitigate the loss. The detention pond area is not a standalone area but within the two landscape buffers along Ken Pratt Blvd. and Grand Avenue, therefore, some of these tree requirements are overlapping. The applicant plans to mitigate for the loss of these trees by planting additional shrubbery above and beyond the amount required by Code. In the Ken Pratt Blvd. landscape buffer, 50 shrubs are required and the applicant proposes to plant 165 shrubs. In the Grand Avenue buffer, 48 shrubs are required and the applicant proposes to plant 153 shrubs. By providing three times the required number of shrubs, the applicant is hoping to still provide the effects of a well landscaped buffer area on both street frontages.

The applicant is proposing not to install any trees in the Grand Avenue right of way due to the narrow width of the right of way and the presence of electric facilities in the right of way. The distance between the sidewalk and the property line is only 2.5 feet. The city's landscape consultant has concurred that this is not an adequate amount of width for a tree to survive. Staff concurs there are no other remedies available to provide the required right of way trees. Due to the utility easement constraints in the adjacent landscape buffer, the applicant is also not able to plant additional trees in the adjacent landscape buffer.

In addition, one tree is required in each parking lot landscape island. There is one island on the south side of the development that is not able to provide a tree due to an electrical transformer required at this location.

The City Forester inspected the property and noted that all existing trees were Siberian Elms, which are not required to be mitigated for their loss. He provided a memo to staff noting that tree mitigation will not be required for this project.

Since this is a Conditional Use review, staff required the applicant to add performance standard notes on the cover page of the site plan (see notes 9-13). These notes

specifically prohibit the use of outdoor public address systems (not including drive-thru speakers), prohibit outdoor storage, limit deliveries to the rear of the building (closest to residential) from 7:00 am to 7:00 pm and at the front of the building from 7:00 am to 10:00 pm. In addition, the notes require all tenants to abide by the operational standards set forth in Code Section 15.05.160 regarding nuisance noise, light, odors, hazardous materials, and air quality. Finally, a note is added to the cover page which does not permit land uses that are subject to a distance separation standard from residential as described in Code Section 15.04.030.

During DRC review, outside referral agencies were sent application materials to comment on. The following entities were sent referral letters regarding this annexation:

- Century Link (phone)
- Xcel Energy (gas)
- Comcast (cable)
- CDOT (State Hwy 119)
- Poplar Grove Neighborhood Group via Community Services
- Army Corps of Engineers
- US Fish & Wildlife
- Colorado Parks & Wildlife

Comments were received from Xcel Energy and U.S. Fish & Wildlife (see Attachment 3). Xcel Energy noted that there is an existing high pressure natural gas transmission pipeline on this property which will require the applicant to conduct an engineering review separately with Xcel. . The U.S. Fish & Wildlife Services provided a statement of No Concerns regarding the proposed development due to the lack of nearby habitat and the urban nature of the location. Copies of all correspondence received is in Attachment 3.

NEIGHBORHOOD INPUT – NOTIFICATIONS AND SIGN POSTING

<u>Notice Type</u>	<u>Date Sign Posted</u>	<u>Date Mailed/Postmarked</u>
Neighborhood Meeting	December 5, 2019	December 5, 2019
Notice of Application Submittal	February 28, 2020	February 28, 2020
Public Hearing Notice	February 3, 2021	February 2, 2021

A neighborhood meeting was held on December 19, 2019 at Longmont Public Library. Notices for the meeting were mailed out to all property owners within a 1,000-foot radius of the subject property and signs were posted on the property at least two weeks prior to the meeting. There were approximately seven attendees at the meeting, not including the applicant and city staff. The applicant discussed their proposed site plan and staff explained the development review process. Issues identified at the neighborhood meeting include:

- Concerns raised regarding potential cut-through traffic into the residential area south of Grand Avenue if this street extension is required to be provided; similarly, concern

about delivery traffic coming up from the residential area via Terry Street to access the back of this building;

- Concern that there are already too many retail vacancies in town within existing buildings so why construct more retail buildings;
- Concern about types of businesses that would be allowed; specifically, concerns about noise and late night activity;
- Questions about how drainage will be addressed

A copy of the neighborhood meeting minutes is located in Attachment 3.

A notice of application was mailed to all property owners within a 1,000-foot radius and signs were posted on the property on February 28, 2020 notifying the public that a conditional use site plan application had been formally submitted. The city received two phone calls in opposition to the development on the grounds that there is too much traffic in town and staff received one letter from Yvonne Sanders (see Attachment 3) expressing concern that an extension of Grand Avenue would create more cut-through traffic into the residential neighborhood south of Grand Avenue. She requested that any traffic onto Grand Avenue be directed east toward Main Street and not allowed to go west toward Pratt Parkway.

Notices of public hearing were mailed out to a 1,000-foot radius on February 2, 2021. Signs giving notice of the public hearing were posted on the site as of February 3, 2021. Legal notice was published in the Times-Call newspaper.

CRITERIA EVALUATION

In order to recommend approval for a Conditional Use Site Plan, Planning & Zoning must find the application meets the following core review criteria in Land Development Code Section 15.02.055:

- A. The application is consistent with the comprehensive plan and the purpose of the code and zoning district; conforms to any previously approved concept plan, preliminary plat, or PUD overall development plan; and complies with all applicable statutes, codes, ordinances and regulations.**

The proposed conditional use site plan is consistent with the following goals, policies and strategies in the Envision Longmont Comprehensive Plan:

- Goal 1.1: Embrace a compact and efficient pattern of growth.
- Policy 1.1B: Support the adaptive reuse or redevelopment of underutilized sites and buildings and encourage higher density infill and redevelopment in centers and mixed-use corridors, and other areas of change where development can easily be accessed on foot, by bike, or using public transit.
- Goal 1.2: Promote a sustainable mix of land uses.
- Policy 1.2A: Strive for a balanced mix of residential, employment, retail, commercial, recreational, and other uses that allow residents to live, work, play,

learn, and conduct much of their daily business within the City and increase the self-sufficiency of the community.

- Goal 6.1: Recruit, support, incentivize and retain quality businesses to provide a comprehensive range of job opportunities and promote economic diversity.

The proposed development meets the purpose of the MU-C zoning district, which is to establish areas for a wide range of uses including general commercial goods and services that serve Longmont's residents and businesses. The site does not have any previously-approved concept plans or PUD development plans. With the exception of the two variances discussed below, the proposed development complies with all applicable codes and regulations.

B. The application complies with applicable city standards, including for street and utility design and layout, and adequate utilities are available or will be provided for appropriate urban-level services.

The conditional use site plan submitted by the applicant meets City standards for street and utility design and layout. While the initial intent of the City was to have Grand Avenue constructed to provide a link between Main Street and Pratt Parkway, there was not adequate right-of-way dedication between the proposed project and Main Street to make the extension. The traffic study for this development concluded that the traffic flows could function without this extension. Public Works is working with the applicant through the Public Improvement Plans on an alternative street design that will provide adequate access for the Fire Department and the public. This will be an interim condition until the area south of Grand Avenue develops and the City can acquire the necessary right-of-way on that side of the road to design and construct a complete city street to allow an extension of Grand Avenue to Main Street. Public Works acknowledges that there are sufficient utilities available to provide appropriate urban-level services.

C. The application proposes development compatible with surrounding properties in terms of land use, site and building layout and design, and access.

The proposed conditional use site plan is compatible with the surrounding commercial properties along the Ken Pratt Blvd. streetscape. This area is characterized with multi-tenant shopping centers. The property to the east, Southmoor Plaza, has a one-story commercial strip center with an assortment of restaurants, retail shops and personal services. Similarly, there is a one-story multi-tenant commercial building and a 7-11 convenience store to the west. Across the street, the Parkway Center is also developed with a shopping center. The proposed conditional use site plan provides cross-access to the neighboring Southmoor Plaza to the east and to the new commercial lot that will be developed to the west. The site plan is sensitive to the undeveloped property to the south of Grand Avenue as well as the existing single-family homes to the southwest by

providing a landscape buffer and a screen wall from the drive-thru lane to mitigate any lighting or noise impacts from a future residential development at this location.

Since this is a Conditional Use review, staff required the applicant to add performance standard notes on the cover page of the site plan (see notes 9-13). These notes specifically prohibit the use of outdoor public address systems (not including drive-thru speakers), prohibit outdoor storage, limit deliveries to the rear of the building (closest to residential) from 7:00 am to 7:00 pm and at the front of the building from 7:00 am to 10:00 pm. In addition, the notes require all tenants to abide by the operational standards set forth in Code Section 15.05.160 regarding nuisance noise, light, odors, hazardous materials, and air quality. Finally, a note is added to the cover page which does not permit land uses that are subject to a distance separation standard from residential as described in Code Section 15.04.030.

D. The application will not adversely affect surrounding properties, the natural environment, existing or planned city transportation, or utility services or facilities, or the adverse impacts of the use will be mitigated to the maximum extent feasible.

The proposed conditional use site plan does not adversely affect surrounding properties for the reasons noted above. The proposed plan does not show any encroachment to the natural environment. A Species and Habitat Assessment was prepared for this property in April 2018. The report concluded that due to its location within an urbanized area, the property does not provide habitat for any federally or state-listed threatened, endangered or candidate plants or wildlife species. Staff from the City's Natural Resources Department reviewed the report and concurred with its findings. They had no conditions of approval to add to this application.

The proposed conditional use site plan does not adversely affect streets or utilities. Public Works acknowledges that there are sufficient utilities available to provide appropriate urban-level services. The traffic study provided by the applicant's consultant and accepted by City traffic engineering concludes that based on a potential of 15,621 square-feet of commercial retail and restaurant, including two dine-in restaurants and a drive-thru coffee shop tenant, approximately 3,066 weekday trips are expected at full buildout. Of these trips, approximately 280 morning peak hour trips and 220 afternoon peak hour trips are expected. The proposed Site Plan provides a main access to this site from Ken Pratt Blvd. on the north and from Grand Avenue on the south. There is a 3rd access point where drivers can go east into the Southmoor Plaza shopping center driveway and then exit onto Ken Pratt Blvd. from that property as well. The access points from Ken Pratt Blvd. will be right-in/right-out and the applicant is currently in the process of obtaining an Access Permit from CDOT.

The traffic study concluded that there would not be enough traffic generated by this development to warrant a connection from Grand Avenue to Main Street on the east and recommends that Grand Avenue end with a cul-de-sac on the east side of the property.

While the initial intent of the City was to have Grand Avenue constructed to provide a link between Main Street and Pratt Parkway, there was not adequate right-of-way dedication between the proposed project and Main Street to make the extension. The traffic study for this development concluded that the traffic flows could function without this extension, the city is not requiring the developer to obtain the offsite right-of-way along Grand Avenue east of this property. Public Works is working with the applicant through the Public Improvement Plans on an alternative street design that will provide adequate access for the Fire Department and the public. This will be an interim condition until the area south of Grand Avenue develops and the City can acquire the necessary right-of-way on that side of the road to design and construct a complete city street to extend Grand Avenue to Main Street.

- E. The application, where required, complies with the sustainability evaluation system requirements to mitigate impacts of development within the City's riparian areas, and as applicable to other projects as determined by separate agreement.**

The subject property is not located adjacent to a riparian area. This review criteria is not applicable for this application.

- F. The application includes an appropriate transportation plan, including multi-modal transportation access, and is integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails and similar features.**

The proposed conditional use site plan provides an appropriate multi-modal plan. A direct access to Ken Pratt Blvd. is provided as well as an access to Grand Avenue. Traffic from Grand Avenue will move west to Pratt Parkway. In addition, the site plan includes cross-access between this property and the adjoining properties on the east and west. While the property to the west has not been developed yet, the applicant has demonstrated on the site plan how a cross-access would work for the undeveloped lot to the west. A pedestrian path is provided to the site from Ken Pratt Blvd. and bicycle racks are provided at the building entry.

In addition, the following additional review criteria are specifically required for Variance requests (Land Development Code section 15.02.060.I.5):

A. Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property.

i. Special circumstances include, but are not limited to, exceptional limitations to the dimensions, shape or topography of the property.

ii. the following factors shall be considered in determining practical difficulty:

- **whether the property and development can have any beneficial use without the variance;**
- **the degree to which the variance deviates from the otherwise applicable standard;**
- **whether the applicant purchased the property with knowledge of the standard;**
- **whether the standard can be addressed through some means other than a variance; and**
- **whether the purpose and intent behind the regulation would be maintained by granting the variance.**

The applicant seeks a variance from the ground floor building transparency requirement in Code Section 15.05.120.C.5, which requires commercial buildings facing a public street to provide 60% of the ground floor façade with either display windows, entry doors, awnings and arcades. In addition, the applicant seeks relief from Code Section 15.05.120.C.6 requires 50% of that to be transparent. While this standard has been met on the Ken Pratt Blvd. façade of the building elevations, the applicant has not achieved this on the south side facing Grand Avenue, and proposes 8% transparency. The applicant notes in their variance request materials that while Grand Avenue is planned to be a public street at this location, it is currently not built out as such, and the south side of this building was meant for loading of deliveries and from a functionality standpoint, the floor plan on the south side was meant to include kitchen areas, stockrooms and restrooms which would be challenged to provide windows and transparency in these locations. The applicant also notes that drive-thru standards in the development code require a six-foot screen wall to provide a visual buffer from the drive-thru to Grand Avenue, and this wall will block any provided enhanced transparency attempts on this side of the building.

To decrease the amount of variance being requested, staff recommends that the applicant be required to add awnings over the exit doors on the south side of the building as a condition of approval.

The applicant also seeks a variance from tree planting requirements for landscape buffers, detention areas and public right of way as required in Code Section

15.05.040. In the landscape buffer areas and in the detention/water quality area, the applicant is unable to plant the required number of trees because of existing electrical and gas easements and the placement of a sand filter underneath in which tree roots are not permitted. The placement of the sand filter in this location was at the request of Public Works staff. In the Grand Avenue landscape buffer there is an additional 20-foot drainage easement. The applicant has attempted to work through this with staff and there appear to be no alternative locations in which to plant additional trees to mitigate the loss. The detention pond area is not a standalone area but within the two landscape buffers along Ken Pratt Blvd. and Grand Avenue, therefore, some of these tree requirements are overlapping.

The applicant plans to mitigate for the loss of these trees by planting additional shrubbery above and beyond the amount required by Code. In the Ken Pratt Blvd. landscape buffer, 50 shrubs are required and the applicant proposes to plant 165 shrubs. In the Grand Avenue buffer, 48 shrubs are required and the applicant proposes to plant 153 shrubs. By providing three times the required number of shrubs, the applicant is hoping to still provide the effects of a well landscaped buffer area on both street frontages.

The applicant is proposing not to install any trees in the Grand Avenue right of way due to the narrow width of the right of way and the presence of electric facilities in the right of way. The distance between the sidewalk and the property line is only 2.5 feet. The city's landscape consultant has concurred that this is not an adequate amount of width for a tree to survive. Staff concurs there are no other remedies available to provide the required right of way trees. Due to the utility easement constraints in the adjacent landscape buffer, the applicant is also not able to plant additional trees in the adjacent landscape buffer.

B. A variance shall not nullify or impair the purpose and intent of the code or the comprehensive plan.

The proposed variances to allow less building transparency on the south side and to allow less tree plantings than required will not conflict with the purpose and intent of the code or the Envision Longmont plan. While these standards are in place to provide for a pleasant streetscape, the applicant has provided trees and shrubs in all other locations and has met the design standards facing the Ken Pratt Blvd. arterial streetscape. The proposed building elevations facing Grand Avenue on the south do provide tasteful architectural treatment with a variety of colors and materials. The landscape plan calls for three times the required amount of shrubbery along the Ken Pratt Blvd. and Grand Avenue streetscape to provide a deeply planted landscape buffer.

C. A variance shall not adversely impact surrounding properties, neighborhoods, or the natural environment.

The proposed variances to allow less building transparency on the south side and to allow less tree plantings than required will not adversely impact surrounding properties or the natural environment. The streetscape along Ken Pratt Blvd. is developed with other strip commercial shopping centers, most of which provide little to no landscaping. This project, while missing some trees in the landscape buffers, will provide an adequate level of landscaping to achieve the desired buffer from the street. The requested variance to the ground floor building transparency only applies to the south side of the building, of which the streetscape is currently developed with back-sides of buildings with little to no transparency or architectural variety. The proposed building elevation on the south side provides a variety in colors and materials that represent an improvement over the existing streetscape along Grand Avenue. Providing three times the required amount of shrubbery in the landscape buffers along Ken Pratt Blvd. and Grand Avenue will create a practical noise and visual buffer from the existing residential homes to the southwest and the residential area to the south.

D. A variance shall not create a building or fire code violation or other safety hazard.

The proposed variances from the building design standards and landscaping standards will not create a building or fire code violation or any other safety hazard.

E. A variance shall not be granted for a self-imposed hardship.

The proposed variances from the building design standards and landscaping standards are not created out of a self-imposed hardship. The typical floorplan for a retail store or restaurant prioritizes the storefront area for the sales floor or dining area, with the back of the building designed for storage, kitchens and restrooms. The property happens to be flanked on both the north and south side by public streets. This is an atypical situation. When the applicant was presented with a choice, the Ken Pratt Blvd. streetscape was prioritized to provide the storefront transparency required by code. With regard to the landscape variance, the applicant cannot control where public utility easements are laid out. Water detention was a requirement for this development and it was staff who recommended the sand filter within the landscape buffer areas, which are not conducive to tree roots.

F. A variance shall allow only the least deviation from the standard that will afford relief.

The proposed variance from the ground floor building transparency requirement in the design standards in Code Section 15.05.120 is the least deviation that will afford relief. The applicant has attempted to meet the standard by providing 8% of the façade with windows. However, the building typology for retail stores and restaurants does require the back portion of the building to be used for non-transparent uses, such as kitchens, stockrooms and employee breakrooms and restrooms. In addition, a portion of the east side of the building will be blocked from view by a required screen wall for the drive-thru use. The screen wall provides a mitigation from potential noise and light nuisance to the residentially zoned parcel to the south. Staff would prefer the screen wall if given a choice.

The proposed variance from the tree planting requirements in the landscaping standards is also the least deviation that would afford relief in that the landscape design had to work around several utility easements within the landscape buffers, and had to work around the presence of a sand filter for the water quality detention which is not conducive to tree roots. To mitigate for the loss of trees the landscape plan provides three times the required of shrubbery.

Planning and Zoning Commission Options

The Planning and Zoning Commission may consider the following options when reviewing the Southmoor Retail Plaza Conditional Use Site Plan and Variances from Design Standards and Landscaping Standards application:

1. Approve the Southmoor Retail Plaza Conditional Use Site Plan and Variances from Design Standards and Landscaping Standards application, finding that the review criteria have been met, as reflected in PZR-2021-1A.
2. Conditionally approve the Southmoor Retail Plaza Conditional Use Site Plan and Variances from Design Standards and Landscaping Standards application, finding that the review criteria have been met, with conditions, as reflected in PZR-2021-1B.
3. Deny approval of the Southmoor Retail Plaza Conditional Use Site Plan and Variances from Design Standards and Landscaping Standards application, finding that the review criteria have not been met, as reflected in PZR-2021-1C.

Recommendation

Staff recommends that the Planning and Zoning Commission conditionally approve the Southmoor Retail Plaza Conditional Use Site Plan and Variances from Design Standards and Landscaping Standards application, as reflected in PZR-2021-1B, with the condition

that the applicant add awnings to the exit doors on the south façade elevations and that the applicant obtain approval from the DRC before final approval of the conditional use site plan can be granted.

Attachments

1. Resolutions
2. Applicant's submittal materials
3. Neighborhood Meeting Minutes, Correspondence from Referrals & the Public, Certifications of Mailing and Sign Posting
4. Vicinity Map
5. Conditional Use Site Plan
6. Staff electronic redlines of the Site Plan

Project file number: 3088-12b1