



BOARD OF ADJUSTMENT

Lynne Derby
Kathy Kvasnicka
Thomas Meyers

Mike Simone, Chairperson

Paul Weber
Bushrod White, Vice-Chairperson
Vacancy

Mark Grajeda, Alternate

**Board of Adjustment Agenda
Regular Meeting
Virtual Meeting via GoToMeeting*
Thursday, November 12, 2020
6:00 P.M.**

(Order & Contents Subject to Change by Action of the Board)

**This meeting will be held virtually only.
Login information on how to attend this virtual meeting is on the second page of this Agenda.*

Call to Order – Roll Call

Approval of Agenda

Consent Agenda – Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Commission member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- a. Approval of the Minutes of the October 22, 2020 Meeting

Public Comment – This portion of the Agenda is provided to allow members of the audience to present comments to the Planning Commission related to items not otherwise listed on the Agenda.

Action Items

- a. BOA2020-0002 McDonald's Restaurant Sign Variance

Discussion Items

Future Business

Adjourn

VIRTUAL MEETING LOG-IN INSTRUCTIONS

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/247460885>

You can also dial in using your phone.

United States (Toll Free): 1 877 309 2073

United States: +1 (312) 757-3129

Access Code: 247-460-885

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/join/247460885>

If you have issues getting into the virtual meeting, please email PlanningDept@FortLuptonco.gov or call (303) 304-4498 for assistance.

Virtual Meeting Instructions

If you would like to participate remotely, we encourage you to test the phone number and links provided above prior to the start of the meeting, as each device requires initial adjustment. It is also recommended to log into the meeting early, and if you encounter any issues to call 303-304-4498 or email PlanningDept@fortluptonco.gov immediately.

When calling in, please be sure to mute your microphone on your computer, phone or tablet. Planning staff and/or the Chairman of the Planning Commission will provide instructions on when and how comments can be made by the public virtually.

**RECORD OF PROCEEDINGS
FORT LUPTON BOARD OF ADJUSTMENT
October 22, 2020**

The Board of Adjustment of the City of Fort Lupton met in session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the Board of Adjustment, and virtually via GoToMeeting on Thursday, October 22, 2020 at 6:00 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone, Vice-Chair Bushrod White, and Board Members Lynne Derby, Kathy Kvasnicka, Thomas Meyers, Paul Weber and Mark Grajeda. Also present were Planning Director Todd Hodges, City Planner II Alyssa Knutson, and City Planner I Maria Lancto.

Chair Simone gave the following statement:

The President of the United States, the Governor of the State of Colorado, and the Mayor of the City of Fort Lupton have collectively declared federal, state, and local emergencies due to the outbreak of the COVID-19 virus. As such, a portion of tonight's meeting shall be held virtually so as to ensure the health and safety of the general public, and the City of Fort Lupton Planning Commission, and staff. The intent and purpose of the Fort Lupton emergency policy and procedures is to ensure that the City is innovative in providing the general public the most meaningful access possible in light of the current emergency challenges present as a result of the COVID-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered both the opportunity to be physically and or electronically present for meetings at the City, subject to existing health conditions. An electronic link has been made available for tonight's meeting on the City's website, and social media platforms, as well as posted at the City Hall so that the general public, and Planning Commission, and staff may participate electronically via the internet, on the phone, or in limited circumstances in-person.

APPROVAL OF AGENDA

Chair Simone asked for a motion to approve the agenda. It was moved by Member Bushrod White and seconded by Member Kathy Kvasnicka to approve the agenda as submitted.

Motion carried unanimously by a voice vote.

CONSENT AGENDA

Chair Simone asked for a motion to approve the consent agenda. It was moved by Member Paul Weber and seconded by Member Mark Grajeda.

Motion carried unanimously by a voice vote.

PUBLIC COMMENT

**RECORD OF PROCEEDINGS
FORT LUPTON BOARD OF ADJUSTMENT
October 22, 2020**

Chair Simone asked if anyone wish to make comments not otherwise related to the agenda; seeing no one the public comment portion was closed.

ACTION ITEM

There were no action items.

DISCUSSION ITEMS

- a. Board of Adjustment Training – Alyssa Knutson led the Board of Adjustment in a training session.
- b. Administrative Variance Updates – The Board was updated on an administrative variance.

FUTURE BUSINESS

ADJOURNMENT

It was moved by Member Thomas Meyer and seconded by Member Lynn Derby to adjourn the October 22, 2020 Board of Adjustment meeting.

Motion carried on voice vote.

Maria Lancto, Planner I

Approved by Board of Adjustment

Mike Simone, Chairperson

RESOLUTION NO. BOA2020-002

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF FORT LUPTON APPROVING MCDONALDS CORPORATION'S REQUEST FOR A POLE SIGN THAT IS 45-FEET IN HEIGHT LOCATED IN A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Board of Adjustment held a public hearing on November 12, 2020, to consider and review McDonalds Corporation's application for a variance from Section 16-159(e) of the Fort Lupton Municipal Code for a pole sign that is 45-feet in height located in a Part of the West Half of the Northeast Quarter of Section 6, Township 1 North, Range 66 West of the Sixth Principal Meridian, City of Fort Lupton, County of Weld, State of Colorado; and

WHEREAS, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within one hundred (100) feet of the property, and the posting of a sign on the site advertising the public hearing a minimum of fifteen (15) days in advance of the hearing; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton Board of Adjustment took into consideration any supporting documentation for the variance request, staff comments, as well as the applicant's presentation and any citizen input in response to this application. Based upon review of the applicable policies and goals in the Fort Lupton Zoning Regulations, the Board of Adjustment hereby approves a variance.

DONE THIS 12th DAY OF NOVEMBER, 2020 BY THE BOARD OF ADJUSTMENT FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

**MCDONALD'S VARIANCE
VARIANCE REQUEST STAFF REPORT
Project No. LUP2020-0032 & Plan No. VAR2020-0003**

PROJECT DESCRIPTION

Project No.: LUP2020-0032 / Plan No. VAR2020-0003

Project Name: McDonald's Variance

Owner's Name: Luis A. Guzman and Peerless Tyre Company

Representative: Strategic Land Solutions – Agent for McDonald's Corporation (represented by Robert Palmer)

Location of Request:

The site is located in a Part of the West Half of the Northeast Quarter of Section 6, Township 1 North, Range 66 West of the Sixth Principal Meridian, City of Fort Lupton, County of Weld, State of Colorado. It is located at the northeast corner of Highway 52/1st Street and Grand Avenue ("Property").



9th Street

Nature of Request:

The Applicant would like to have a high-rise pole sign associated the fast-food restaurant and drive-thru proposed at this site. The applicant is requesting a sign height variance in order to construct a sign that is 45-feet in height. The Municipal Code stipulates that no sign shall exceed twenty-five (25) feet in height. The proposed sign would extend 20 feet beyond the maximum height requirement.

Please view the attached application materials submitted by the Applicant for more information on the requested variance.

Site Size: The Property is 0.7641 acres, more or less.

Zone District: 'C-1' General Commercial District.

Proposed Use: Fast-food restaurant with drive-thru, currently under review.

Existing Use: Vacant gas station and liquor store.

Hearing Date: Thursday, November 12, 2020 at 6:00 PM, or immediately following the adjournment of the Planning Commission meeting.

Hearing Location: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado.

Staff Recommendation: Approval with conditions, as shown on the proposed resolution.

APPLICATION PROCESS

The Applicant is requesting approval of variance. An administrative variance is processed under [Section 16-13](#) of the Fort Lupton Municipal Code ("Code").

The Code states that no sign shall exceed twenty-five (25) feet in height (Section 16-159(e)). The proposed 45-foot sign is 20 feet taller than what is permitted. The additional 20-feet of sign height as requested by the Applicant would require a variance.

Pursuant to Section 16-13(e)(1), the Board of Adjustment shall not grant a variance to the Code, which:

- a. Permits a land use not allowed in the zoning district in which the property is located; **The proposed use is allowed in the C-1 Zone District. Signs are also permitted within the C-1 Zone District.**
- b. Is in the public right-of-way or on public property; **The use will only occupy the Applicant's private property.**
- c. Alters any definition of the Code; **The proposed variance does not alter any definition of the Code.**
- d. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the Code; **The Applicant could have a sign that is 25-feet in height.**
- e. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the Code; **This request may be general and recurring in nature. The Code currently has a sign height exception for State Highway 85-oriented signs. This exception allows for signs located within 350 feet from the center of a Highway 85 interchange to extend to a**

maximum of 50 feet in height. A possible formulation of a general regulation to be adopted as an amendment of the Code could be to extend the 350 radius.

- f. Is based exclusively on findings of personal or financial hardship. The Board may consider the hardship the applicant may suffer, as long as the applicant did not create his or her own hardship. Buying property without being aware of available facts about the property does not create a hardship. Failing to verify or misinterpretation by the applicant of any City code does not create a hardship. Convenience, profit or caprice shall not constitute undue hardship; or Financial hardship appears to be the driving factor in the requested variance. Please refer to the written statement provided by the Applicant to address the reasoning for the ADU.
- g. Will result in the extension of a nonconforming situation, use, building or lot; authorize the initiation of a nonconforming use of land or conflict with the goals and policies of the Comprehensive Plan. The site is currently conforming.

In order to grant a variance to the Code, the Board of Adjustment shall find that all the following have been satisfied:

- a. That there are unique physical circumstances or conditions of the land such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition of the land particular to the affected property; Staff does not agree this is met. The lot is similar to the other lots in the area, and the proposed use is similar to existing uses in the area.
- b. That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the Code; Staff does not agree this is met. The Applicant is able to use the Property as is.
- c. That such unique physical circumstances or conditions are unique and unusual or nearly so, rather than shared by many surrounding properties; Staff does not agree this is met. All other properties in the vicinity that are located outside of the 350-foot radius from the center of the Highway 85 interchange have signs that do not exceed 25-feet in height.
- d. That, due to such unique physical circumstances or conditions of the land, the strict application of the Code would create a demonstrated hardship; The Code states that financial hardship shall not constitute undue hardship. See the project description provided by the Applicant in the attached Variance Application for further information.
- e. That the demonstrable hardship is not self-imposed; See the project description provided by the Applicant in the attached Variance Application.
- f. That the hardship or poor land use of which the applicant complains is one suffered by the applicant alone and not by neighbors or the general public; All other properties in the vicinity that are located outside of the 350-foot radius from the center of the Highway 85 interchange have signs that do not exceed 25-feet in height. See the project description provided by the Applicant in the attached Variance Application.
- g. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or the neighborhood; Granting the variance will not adversely affect the neighborhood. The proposal could have some effect on neighboring properties, by having some visual impacts.
- h. That the variance, if granted, is in keeping with the intent of the Code; Staff does not agree this is met. The Code permits sign height exceptions in a specific radius of 350-feet from the center of a Highway 85 interchange. The language and intent of this exception clearly excludes taller

signs from being permitted outside of this radius. The site is located outside of the 350-foot radius.

- i. That the variance, if granted in a floodplain or floodway, meets the requirements of floodplains and floodways of this Code and any other applicable law; **Not applicable.**
- j. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the City; and **Staff agrees this is met.**
- k. That the variance requested is the minimum necessary to provide relief. **See the project description provided by the Applicant in the attached Variance Application.**

NOTIFICATION REQUIREMENTS

All mailing, posting, and publication requirements were met.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

Sec. 16-159(d) states that no sign shall exceed twenty-five (25) feet in height. Sec. 16-159(e) allows for a height exception for State Highway 85-oriented ground-mount/monument or pole/freestanding signs. This section states that in commercial and industrial zones, all signs located within a three-hundred fifty-foot radius of the center of an interchange shall be allowed to extend twenty-five (25) feet above the paved grade of the interchange adjacent to the property or to a maximum height of fifty (50) feet.

The request variance is for a sign that is 45 feet in height, which is 20 feet taller than the maximum allowance. The property is located outside of the 350-foot radius that would allow for a sign up to 50 feet in height.

The intent of the Code clearly excludes taller signs from being located outside of the 350-foot radius. Staff believes the request does not conform with city standards, regulations and policies.

STAFF RECOMMENDATION

Staff has determined that the proposed variance does not display a demonstrated hardship and conflicts with the intent of the code. Staff recommends denial.

For more information on this development, please refer to the Board of Adjustment packet provided. Additional documents are available for review at the Fort Lupton City Hall.



CITY OF

Planning & Building

 130 S. McKinley Avenue
 Fort Lupton, CO 80621

 Phone: 303.857.6694
 Fax: 303.857.0351

www.fortluptonco.gov

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

- 1) Property Owner Name: Peerless Tyre Company
 Company: Peerless Tyre Company
 Phone: 720-274-0612 Email: d.cannon@peerlesstyreco.com
 Address: 5000 Kingston St. Denver, CO 80239
 Preferred method of contact? Email: _____ Phone: _____ Mail: _____
- 2) Representative Name: Robert Palmer, P.E.
 Company: Strategic Land Solutions - Agent for McDonald's Corporation
 Phone: 720-384-7661 Email: rpalmer@strategicls.net
 Address: 2595 Ponderosa Road Franktown, CO 80116
 Preferred method of contact? Email: ☒ Phone: _____ Mail: _____
- 3) Billing Contact (where invoices should be directed to): Robert Palmer, PE
 Billing Company: Strategic Land Solutions, Inc.
 Phone: 720-384-7661 Email: rpalmer@strategicls.net
 Address: 2595 Ponderosa Road Franktown, CO 80116

B. SITE DESCRIPTION

Site Address: 105 1st Street
 Parcel Number: 147106100021
 Existing Zone Classification: C-1 Proposed Zone Classification: C-1
 Water Type: Municipal Name: Fort Lupton
 Sewage Type: Municipal District Name or Location Hauled to: _____

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

Sketch Plat	Administrative Site Plan	PUD Plan (Preliminary & Final)
Preliminary Plat	Special Use Permit	Variance
Final Plat	Oil & Gas Permit	Administrative Variance
Minor Subdivision	Annexation & Initial Zone	Appeal
X Amended Plat	Change of Zone	Other: _____
X Site Plan	Comp Plan Amendment	

Project No. _____

D. PROJECT DESCRIPTION

Project Name: McDonald's Restaurant

Please provide a short description of the proposed project in the space provided below:

A new 3,915 S.F. McDonald's Restaurant with landscaping, parking, drives, lighting, and utilities.

E. REQUIRED DOCUMENTS

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

F. CERTIFICATIONS

Representative Certification

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: Robert J. Pal Date: 09/11/2020

Owner Certification

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: [Signature] Date: 9/18/20

For Office Use Only

Received Date: _____

If the application is not complete, state reasons why it is incomplete:

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____

Instructions for Submitting the Land Use Application Form

DEFINITIONS

Words in the singular include the plural and words in the plural include the singular.

Application refers to the official submittal to the City of Fort Lupton's Planning Department for review of the proposed land use development identified in the land use application form. The application includes the form, all materials submitted for review of the project, including those documents required under the Land Use Regulations of the Municipal Code, and any additional information provided.

Project refers to the land use development identified on the land use application form and application materials.

Property refers to the land that is being proposed for development as described in the land use application form and application materials.

A. CONTACT INFORMATION

- 1) Provide contact information for all owners of any property that is the subject of the application. If the contact information for all property owners will not fit on the space provided, submit a separate sheet for the additional owners.
- 2) Provide contact information for all persons, firms or businesses that are authorized by the owners identified in Section A(1) to work on the land use application, including, but not limited to, discussing the project, submitting application materials, and attending meeting and hearings. If the contact information for all representatives will not fit on the space provided, submit a separate sheet for the additional representatives.
- 3) Provide contact and mailing information for the person that should receive all invoices for the project. If this person changes at any time, contact the Planning Department immediately to update this information.

B. SITE DESCRIPTION

Provide all information requested. Parcel numbers and address information may be found at the Weld County Property Portal at <https://www.co.weld.co.us/maps1/propertyportal/>. Current zoning can be found at <https://www.fortluptonco.gov/405/Zoning>.

C. APPLICATION TYPE

Select the land use application that is applicable to the project. If there are multiple land use application types being submitted to run concurrently, select all that apply. The land use application types will be identified during the required pre-application meeting. If you have any questions about this, please contact the Planning Department at 303.857.6694 or planningdept@fortluptonco.gov.

D. PROJECT DESCRIPTION

Please select a project name that will be referenced throughout the project and a description of what the project entails. If you need more space for the project description, please attach a separate sheet.

E. REQUIRED DOCUMENTS

Required documents will be discussed during the pre-application meeting with the Planning Department. If any documents are missing, the acceptance of the application may be delayed until the submittal is complete.

F. CERTIFICATIONS

Representative Certification. Provide the signature of all authorized representatives in this section.

Owner Certification. Provide the signature of all owners of properties included in the application in this section.

For any other questions, please contact the Planning Department at 303.857.6694 or planningdept@fortluptonco.gov.



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

- 1) Property Owner Name: Luis A. Guzman
 Company: Columbia Reality, Inc.
 Phone: 720-486-5769 Email: luis.guzman@columbiareality.com
 Address: 115 1st Street Fort Lupton, CO 80621
 Preferred method of contact? Email: _____ Phone: _____ Mail: _____
- 2) Representative Name: Robert Palmer, P.E.
 Company: Strategic Land Solutions - Agent for McDonald's Corporation
 Phone: 720-384-7661 Email: rpalmer@strategicls.net
 Address: 2595 Ponderosa Road Franktown, CO 80116
 Preferred method of contact? Email: ☒ Phone: _____ Mail: _____
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Site Address: 105 1st Street
 Parcel Number: 147106100021
 Existing Zone Classification: C-1 Proposed Zone Classification: C-1
 Water Type: Municipal Name: Fort Lupton
 Sewage Type: Municipal District Name or Location Hauled to: _____

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

☐ Sketch Plat	☐ Administrative Site Plan	☐ PUD Plan (Preliminary & Final)
☐ Preliminary Plat	☐ Special Use Permit	☐ Variance
☐ Final Plat	☐ Oil & Gas Permit	☐ Administrative Variance
☐ Minor Subdivision	☐ Annexation & Initial Zone	☐ Appeal
☒ Amended Plat	☐ Change of Zone	Other: _____
☒ Site Plan	☐ Comp Plan Amendment	

D. PROJECT DESCRIPTIONProject Name: McDonald's Restaurant

Please provide a short description of the proposed project in the space provided below:

A new 3,915 S.F. McDonald's Restaurant with landscaping, parking, drives, lighting, and utilities.**E. REQUIRED DOCUMENTS**

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F. CERTIFICATIONS**Representative Certification**

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: Robert J. Pal Date: 09/11/2020

Owner Certification

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: Luis A. Guzman Date: 09/08/2020
Luis A. Guzman (Sep 18, 2020 16:05 MDT)

For Office Use Only

Received Date: _____

If the application is not complete, state reasons why it is incomplete:

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____

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- 3) Provide contact and mailing information for the person that should receive all invoices for the project. If this person changes at any time, contact the Planning Department immediately to update this information.

B. SITE DESCRIPTION

Provide all information requested. Parcel numbers and address information may be found at the Weld County Property Portal at <https://www.co.weld.co.us/maps1/propertyportal/>. Current zoning can be found at <https://www.fortluptonco.gov/405/Zoning>.

C. APPLICATION TYPE

Select the land use application that is applicable to the project. If there are multiple land use application types being submitted to run concurrently, select all that apply. The land use application types will be identified during the required pre-application meeting. If you have any questions about this, please contact the Planning Department at 303.857.6694 or planningdept@fortluptonco.gov.

D. PROJECT DESCRIPTION

Please select a project name that will be referenced throughout the project and a description of what the project entails. If you need more space for the project description, please attach a separate sheet.

E. REQUIRED DOCUMENTS

Required documents will be discussed during the pre-application meeting with the Planning Department. If any documents are missing, the acceptance of the application may be delayed until the submittal is complete.

F. CERTIFICATIONS

Representative Certification. Provide the signature of all authorized representatives in this section.

Owner Certification. Provide the signature of all owners of properties included in the application in this section.

For any other questions, please contact the Planning Department at 303.857.6694 or planningdept@fortluptonco.gov.

Columbia Reality, Inc. Land Use Application[2]

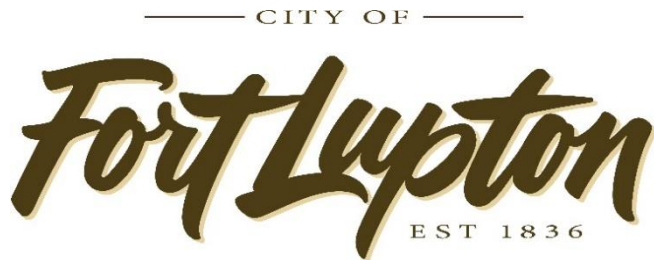
Final Audit Report

2020-09-18

Created:	2020-09-18
By:	Leonard Abels (len@msbba.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXV8CLkEv9fpmHyzZuX253OiWXHDRZgGy

"Columbia Reality, Inc. Land Use Application[2]" History

-  Document created by Leonard Abels (len@msbba.com)
2020-09-18 - 9:37:22 PM GMT- IP address: 73.203.55.136
-  Document emailed to Luis A. Guzman (luis.guzman16180@gmail.com) for signature
2020-09-18 - 9:38:18 PM GMT
-  Email viewed by Luis A. Guzman (luis.guzman16180@gmail.com)
2020-09-18 - 9:38:22 PM GMT- IP address: 64.233.172.79
-  Document e-signed by Luis A. Guzman (luis.guzman16180@gmail.com)
Signature Date: 2020-09-18 - 10:05:12 PM GMT - Time Source: server- IP address: 76.25.91.137
-  Agreement completed.
2020-09-18 - 10:05:12 PM GMT



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

Variance Application

A pre-application conference and site visit may be required prior to submitting the Variance Application. The applicant may meet with representatives from the Planning Department to discuss the applicant's intended submittal, the criteria for issuance of a variance, the City's application requirements and processes and other information relevant to the proposed application. Please contact the Planning Department at 303-857-6694.

Section A: Owner Information

Applicant Name: Robert Palmer for McDonald's Corp. Phone: 720-384-7661

Address: 4643 S. Ulster ST. Suite 1300
Denver, CO 80237

Owner Name: Peerless Tyre Company - Nate Hansen Phone: 720-529-2881

Address: 5000 Kingston St.
Denver, CO 80239

Legal Description: See Attached

Parcel Size: 33,286 Sqft

Section B: Proposed Project Information

Description of proposed project (check all that apply)

- | | | |
|-------------------------------------|---------------------------------------|---|
| ☐ New structure | ☐ Addition | ☐ Change of use |
| ☐ Remodel | ☐ Redevelopment | ☐ Accessory structure |
| ☐ Mobile home | ☐ Attached garage | ☐ Detached garage |

☒ Other (describe) High Rise Sign for a new use by right restaurant

Existing Use (circle one): residential, non-residential, mixed use, vacant ground

Proposed Use (circle one): residential, non-residential, mixed use

Other: _____

If non-residential or mixed use, describe in detail:

The requested variance is for a high rise sign to accompany a ne McDonald's restaurant that is in a use by right district. The new restaurant will include landscaping, sidewalks, and new curb and gutter.

Section(s) of City Code for which variance is being requested:

Section 16-160

What is the variance request?

The variance request is to allow a 45' pole sign for the new McDonald's

What circumstances justify the proposed variance?

McDonald's performed a sign test where they utilized a crane truck to evaluate the sign height necessary for site visibility. McDonald's strongly believes a 45' high sign is needed for this site to operate properly and to be economically viable.

The applicant hereby certifies that the above information, along with the attached plans and project descriptions, is correct. The applicant agrees to comply with the provisions of the zoning ordinances, building code and all other applicable sections of the City Code, Land Use Code, City Plan and all other laws and ordinances affecting the construction and occupancy of the proposed building.

Signatures: Robert J. Pal

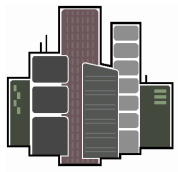
Date: 10/21/2020

Office Use Only

Date application fee paid: _____ Date complete application submitted _____

Date of variance hearing: _____ Variance: approved denied

Notes/conditions: _____



Strategic Land Solutions, Inc.

Civil Engineering • Land Planning • Entitlements

Wednesday – October 21, 2020

Sent Via: ☐ 1st Class ☐ FedEx ☐ Courier
☐ Facsimile to:

☐ Hand Deliver

☒ **EMAIL TO:** thodges@fortluptonco.gov

CITY OF FORT LUPTON

Community Development Department
 Planning Division
 130 S. McKinley Avenue
 Fort Lupton, CO 80621

Attention: Mr. Todd Hodges

Dear Mr. Hodges:

Re: **MCDONALD'S RESTAURANT VARIANCE REQUEST**

105 1st Street
 Fort Lupton, CO

SLS JN: 20-0001-149

As you are aware McDonald's plans to redevelop the existing gas station and liquor store parcel at the northeast corner of 1st Street (Highway 52) and Grand Avenue. As part of the proposed development McDonald's plans to raze the existing site and build a new McDonald's facility including a 3,915 S.F. building with associated parking, landscaping, LED lighting, and utility connections. As part of the proposed development McDonald's is requesting a variance to allow a 45-foot high pole sign.

As you are aware McDonald's direct competition in the area is Burger King and Wendy's. Both Burger King and Wendy's are located within the State Highway Sign district which allows a larger and higher sign giving them a competitive advantage over McDonald's. As part of their due diligence McDonald's hired a sign company to lift a panel with a crane truck at various heights and locations on the proposed site. Several McDonald's personnel then drove the adjacent roads and highway to determine the best sign position and the minimum height needed for proper visibility. Based on the sign test McDonald's determined that a 45-foot high sign was required at the location shown on the site plan accompanying this request. Therefore, McDonald's is requesting a variance with this project to allow a sign conforming to the Highway 85 Sign District allowable height. McDonald's believes the additional sign height, along with the placement of the sign, are necessary for this site to be profitable.

McDonald's expects to employ approximately 60 people at this restaurant, with the largest shift having 13-employees working at one time. The proposed restaurant drive thru will be open 24 hours a day seven days a week. The dining room will be open from 5:00 am until 11:00 pm. Proper signage is necessary to allow customers see this location with sufficient time to exist the highway.

As described in this letter McDonald's is requesting a variance to allow a 45-foot high sign. The sign is necessary for McDonald's to operate their proposed restaurant. Furthermore, this sign is similar to the sign approved for Wendy's directly across Grand Avenue, and for Burger King across 1st Street. McDonald's acknowledges that both of those locations are in a different sign district, but respectfully requests to be allowed a sign similar in height.

If you have questions regarding what is requested, please feel free to call me. Thank you!

Sincerely,

STRATEGIC LAND SOLUTIONS, INC.

Robert J. Palmer, PE (CO, NM, AZ, WY, MT)
 President for SLS, Inc. A Colorado Corporation

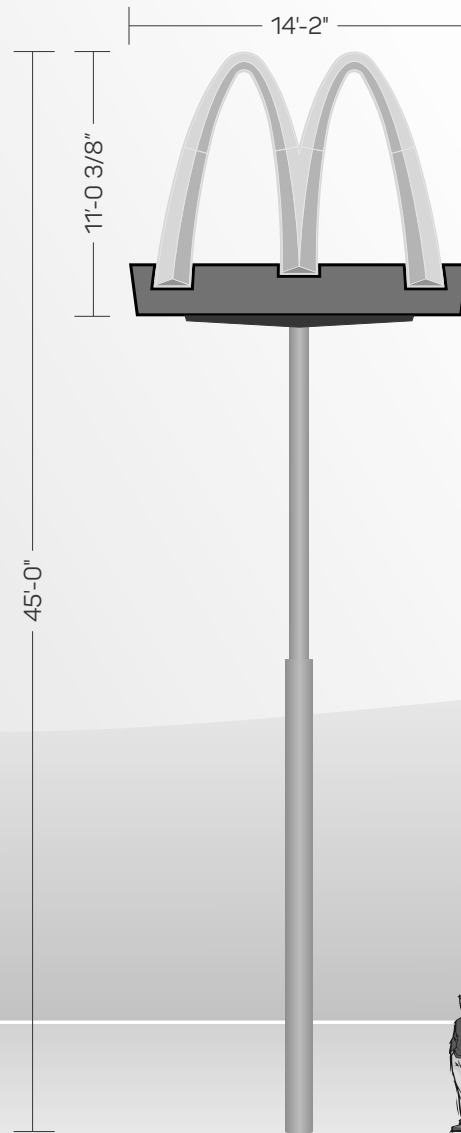
Attachments: As noted above.

cc: Mr. Trevor Prophet, McDonald's via: trevor.prophet@us.mcd.com

2595 Ponderosa Rd – Franktown, CO 80116

Robert Palmer: 720.384.7661 phone • rpalmer@strategicls.net • **WEBSITE:** <http://www.strategicls.net>

file: c:\s\projects\2020-projects\01-mcdonald's\123-1st street (fort lupton)\docs\2020-10-21-variance request letter-mcdonald's.doc Page 19 of 29



ROAD SIGN
SCALE: 1/8" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

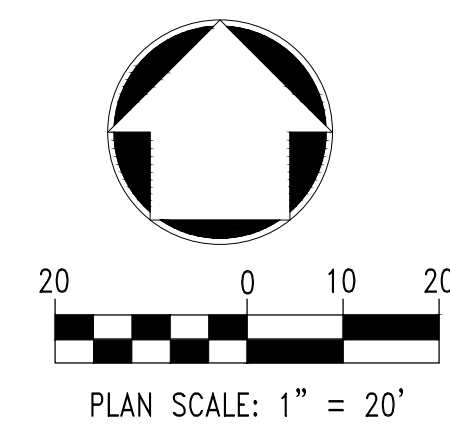
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NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

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Location: FT LUPTON, CO	File Name: 265915 - FT LUPTON, CO				

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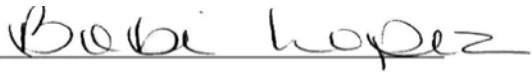
Page 21 of 29

**PROOF OF PUBLICATION
FORT LUPTON PRESS
WELD COUNTY
STATE OF COLORADO**

I, Steve Smith do solemnly swear that I am the Publisher of the **Fort Lupton Press** the same is a weekly newspaper printed and published in the County of Weld, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterrupted in said county of Weld for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of **ONE consecutive insertion(s)** and that the first publication of said notice was in the issue of newspaper, dated **28th day of October, 2020** the last on the **28th day of October, 2020**.



Publisher, Subscribed and sworn before me,
this **28th day of October, 2020**



Notary Public.

**Bobi Lopez
Notary Public
State of Colorado
Notary ID 20024002511
My Commission Expires
March 26, 2023**

**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a variance known as the McDonald's Variance located north and adjacent to 1st Street and east and adjacent to Grand Avenue in the 'C-1' General Commercial Zone District within the City of Fort Lupton, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearing is to be held before the Board of Adjustments on November 12, 2020, at 6:00 P.M., or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that there are City Hall closures due to COVID-19 at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (303) 857-6694.

**ALL INTERESTED PERSONS MAY
ATTEND**

LEGAL DESCRIPTION

FOR 105 1ST STREET:

THAT PART OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 745.5 FEET WEST FROM THE SOUTHEAST CORNER OF THE W ½ OF THE NE ¼ OF SAID SECTION 6;
THENCE RUNNING NORTH 409 FEET;
THENCE WEST 106.5 FEET;
THENCE SOUTH 409 FEET;
THENCE EAST 106.5 FEET TO THE PLACE OF BEGINNING,

EXCEPT THE EAST 50 FEET AND THE NORTH 204.5 FEET THEREOF, AND EXCEPT ANY PORTION THEREOF LYING WITHIN ANY PUBLIC ROAD,

COUNTY OF WELD,
STATE OF COLORADO.

FOR 111 1ST STREET:

THAT PART OF THE SW1/4 OF THE NE1/4 OF THE SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO,

DESCRIBED AS:

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THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID SW1/4

OF THE NE1/4, A DISTANCE OF 661.25 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 204.50 FEET;
THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 134.25 FEET;
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Published October 28, 2020 in the
Fort Lupton Press
000ZAI7

Sign Posting Affidavit

McDonald's Site Plan & Variance
LUP2020-0032; SPR2020-0013 & VAR2020-0003



1st Street / Highway 52



Grand Avenue

I, _____ hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this ____ day of _____, 2020.

Signature of Owner or Owner's Representative

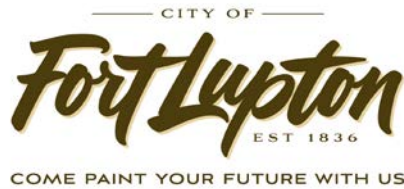
The foregoing instrument was acknowledged before me by _____, this _____ day of _____, 2020. Witness my hand and seal.

My commission expires _____.

Notary Public

(SEAL)

***Signs were posted at least 15 days prior to the Planning Commission Public Hearing. Applicant is working to submit a signed sign posting affidavit.



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 27st day of October, 2020, a true and correct copy of the foregoing Notice of Public Meeting and variance information for the McDonald's Variance was sent via U.S. Mail, postage pre-paid, to the following addresses:

PEERLESS TYRE CO
5000 KINGSTON ST
DENVER, CO 80239

WEND-ROCKIES INC
15846 DELTA CT
BRIGHTON, CO 80603

COLUMBIA REALTY INC
PO BOX 271054
LITTLETON, CO 80127

HOUSING AUTHORITY OF TOWN OF
FT LUPTON
400 2ND ST
FORT LUPTON, CO 80621

LAM FRANION CONG
501 PLUM CREEK PKWY
LEXINGTON, NE 68850

LUKAS FAMILY LIMITED
PARTNERSHIP
6550 GUNPARK DR
BOULDER, CO 80301

MARTINEZ DAVID A
144 2ND ST
FORT LUPTON, CO 80621

GARCIA SALVADOR
C/O TAQUERIA LOS CAZOS II
123 1ST ST
FORT LUPTON, CO 80621

NORTH RANGE BEHAVIORAL
HEALTH
1300 N 17TH AVE
GREELEY, CO 80631

WELLS PROPERTIES LLC
8423 E 161ST AVE
BRIGHTON, CO 80602

A handwritten signature in purple ink that reads "Maria Lanco".

City Official



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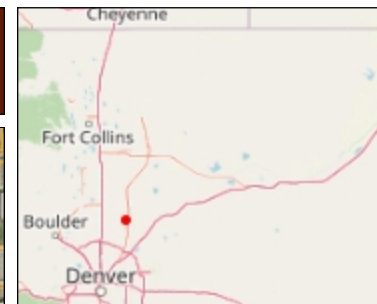
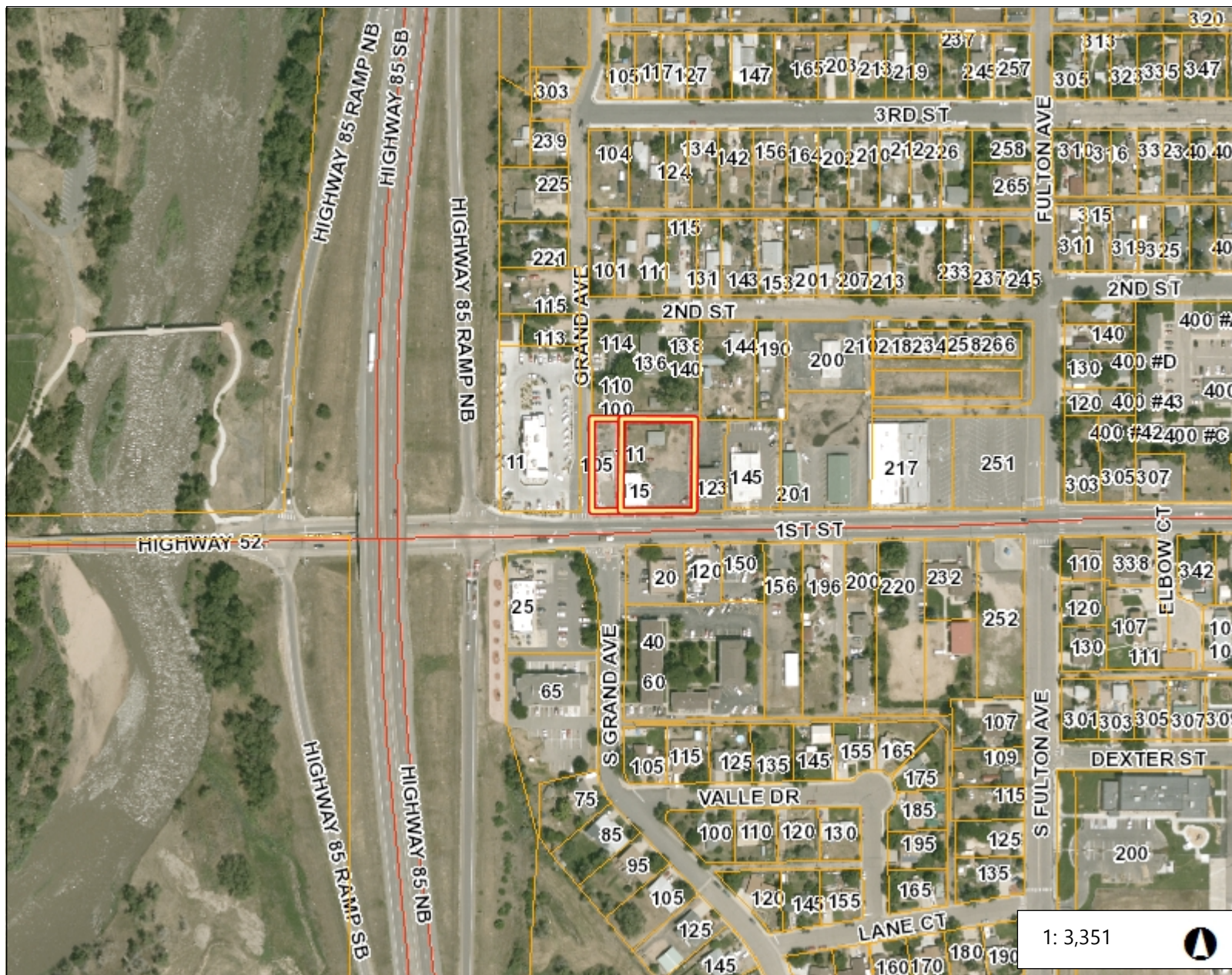
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Legend

- Parcels
- Highway
- County Boundary

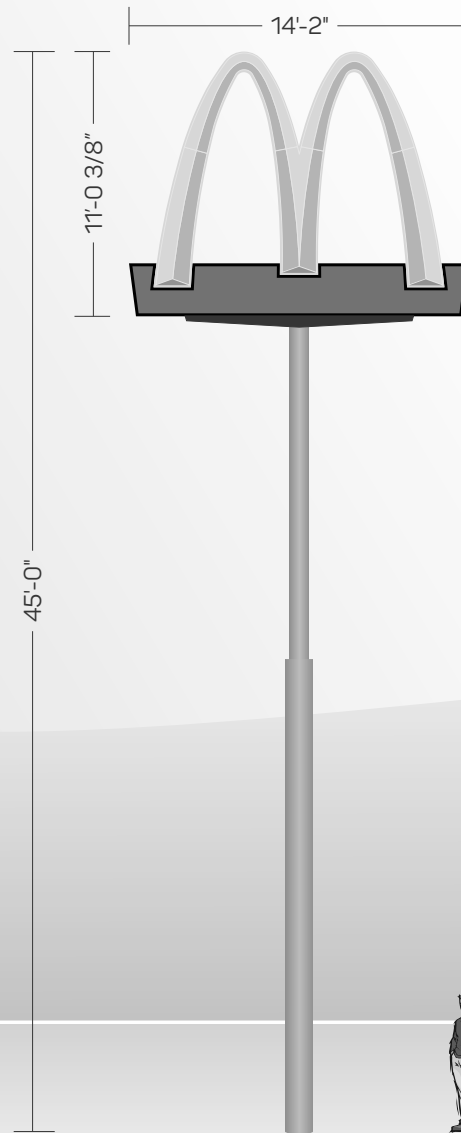
Notes

558.6 0 279.28 558.6 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



ROAD SIGN
SCALE: 1/8" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

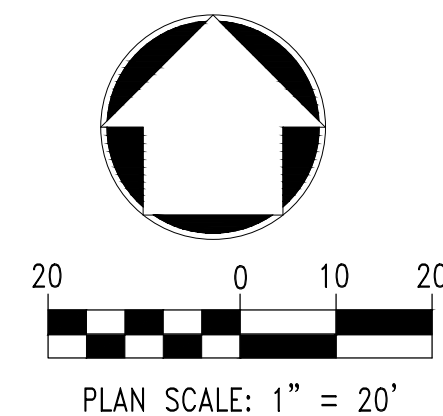
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