

## Letter of Introduction

**Land Use Proposed:** Commercial

**Zoning:** Airport District (AD)

**Project Location:** Southeast corner E. 64<sup>th</sup> Avenue and Jackson Gap Street

**Size of the Project:** 1.638 Acres

**Intensity of Development:** 6,000 square foot convenience store with fuel facility  
FAR – 0.084  
24-hour operation

**Proposed Waivers:** None

**Developer/Applicant:** Nicks Investments, LLC  
6180 S. Oak Hill Way  
Aurora, CO 80016  
(303) 895-1639

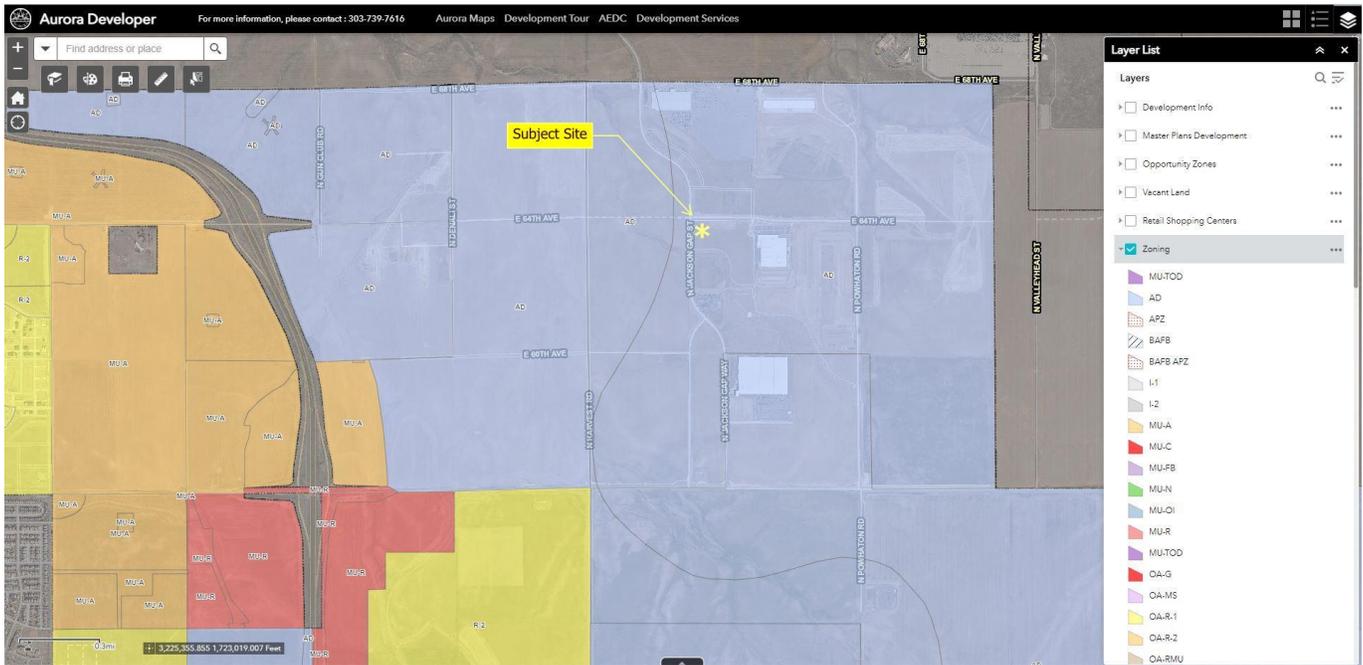
**Agent/Project Manager:** The Dimension Group – Steve Cromer  
5600 S. Quebec Street, Suite 205B  
Greenwood Village, CO 80111  
(720) 536-3180

**Civil Engineer:** The Dimension Group – Joel Tompkins  
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### Project Description

This development proposal requests approval for the construction of a 6,000 square foot convenience store, with a patio area and fuel facility, located in the southeast corner of the intersection of E. 64<sup>th</sup> Avenue and Jackson Gap Street. The fueling facilities include an auto-oriented canopy with eight (8) fuel dispensers, and a single high speed diesel dispenser located just to the east of the auto-fuel canopy. The project will provide retail convenience and fuel services to this growing industrial area. This will be a local owner operated facility. The project does not require any variances or waivers from City code or regulations at this time.

The property is located in Subarea C, and is zoned Airport District (AD). While this area is largely undeveloped, it is a burgeoning industrial development area. The map below shows the zoning in the vicinity of the property.



**Project Background**

The project site is part of the larger Porteos Master Plan development. Development is governed by the Porteos Framework Development Plan (FDP) in addition to the City’s Unified Development Ordinance (UDO). The parcel is within Planning Area PA-9a of the Porteos FDP and is designated as Mixed-Use Commercial.

**Code Compliance with Development Application Standards**

**Section 146-5.4.3.B.2.c.i. Criteria for Approval of a Site Plan.**

i. General. The Major Site Plan shall be approved only if:

(a) The application complies with the applicable standards in this UDO, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning and Zoning Commission or City Council in a prior decision affecting the property.

**The proposed site plan is in compliance with all applicable standards of the Unified Development Ordinance (UDO) and the Porteos Framework Development Plan (FDP), as approved by the Planning and Zoning Commission and the City Council.**

(b) The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable.

**All necessary infrastructure and public improvements are in place, or will be in place, upon completion of all improvements identified in the Porteos PA-9A & PA-9C Civil Construction Plans, and there will be adequate capacity to serve this development.**

(c) Major Site Plans shall be designed to preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands, and

floodplains affected by the proposed development and to integrate those areas into site design where practicable.

**The site has been designed to preserve, protect, and integrate these features to the extent practicable.**

(d) The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers.

**The proposed development is part of the larger Porteos FDP, which on a larger scale addresses these improvements and/or expansion of multi-modal connections with the larger development area.**

(e) The application is compatible with surrounding uses in terms of size, scale and building façade materials.

**The proposed development is a component of the overall Porteos FDP which identified land uses, scale of development, and building design standards to ensure compatibility with adjacent and surrounding developments.**

(f) The application mitigates any adverse impacts on the surrounding area to the degree practicable.

**Any adverse impacts of the proposed development have been mitigated through site design, and through compliance with the UDO and the Porteos FDP.**

### **Code Compliance with Use Specific Standards**

The project is a permitted use in the Airport District (AD) zone district, subject to the Use Specific Standards identified in Section 146-3.3.5.T - Retail Sales, and Section 146-3.3.5.OO- Motor Vehicle Fuel Dispensing Station. The Project's compliance with these standards is detailed below.

### **Use Specific Standards**

#### **146-3.3.5.T – Retail Sales**

1. In all zone districts, any establishment on a lot that is located partially or entirely within 100 feet of an R-R, R-1, or R-2 zone district and that will remain open to the public after 12:00 midnight shall require a conditional use approval under Section 146-5.4.3.A.

**NA - The closest residentially zoned property is located approximately 5,630 feet to the southwest (See Attachment - Distance to Residentially Zoned Property).**

2. After the Effective Date, in all zone districts, a Retail Sales use that holds a license from the State of Colorado permitting the sale of fermented malt beverages shall not be located within 500 feet to any Retail Liquor Store and shall comply with all other Colorado statutes and regulations regarding the location of such use. The distance shall be determined by a radius measurement that begins at the principal doorway of the premises for which the application is made and ends at the principal doorway of the other licensed retail premises.

**NA – There are no retail liquor stores within 500 feet of this proposed development. In addition, all State statutes and regulations will be met.**

3. In the MU-C districts, this use requires conditional use approval if abutting a Residential zone district or use and operates between the hours of 12:00 midnight and 6:00 a.m.

**NA**

4. In the MU-OI district, only retail sales that are primarily used by the occupants of the building are permitted.  
**NA**
5. In the MU-OA-R2 subdistrict, only retail sales, small, are permitted, and the use must be located at the corner of two streets and must comply with the standards in Section 146-2.4.4.F.1 (Corner Commercial Use), which requires conditional use approval.  
**NA**
6. In the MU-OA-RMU subdistrict, this use is only available in two circumstances:
  - a. It must be located at the corner of two streets and comply with the standards in Section 146-2.4.4.F.1 (Corner Commercial Use), which requires conditional use approval; or
  - b. It must comply with the standards in Section 146-2.4.4.F.2 (Ground Floor Commercial Use), which does not require conditional use approval.  
**NA**
7. In the MU-TOD district:
  - a. Any structure or use with more than 60,000 square feet of gross floor area on the ground floor requires conditional use approval.
  - b. A grocery store with a maximum gross floor area of 80,000 square feet shall be a permitted use if shown in the Station Area Plan.  
**NA**
8. Retail facilities that include more than 500,000 square feet of gross floor area, and that contain more than 25 retail sales businesses, in which the primary entry to the majority of retail sales businesses is through an enclosed interior hallway(s), are permitted only in the MU-R zone district.  
**NA**

#### **146-3.3.5.OO – Motor Vehicle Fuel Dispensing Station**

1. General
  - a. This use may not be located within 500 feet of an Adult or Child Day Care Center, Hospital, Elementary or Secondary School, Nursing or Convalescent Home or Group Home, FHAA.  
**NA – there are none of the above referenced facilities located within 500 feet of the proposed development.**
  - b. No Adult or Child Day Care Center, Hospital, Elementary or Secondary School, Nursing or Convalescent Home, or Group Home, FHAA, shall be permitted to locate within 500 feet of a Motor Vehicle Fuel Dispensing Station.  
**NA – there are none of the above referenced facilities proposed within 500 feet of the proposed development.**
  - c. The restrictions in Subsections a and b above shall not apply to normal scheduled delivery of combustible fuel into approved tanks used for heating or the operation of emergency electrical generating equipment, provided such delivery is made in accordance with approved dispensing practices with regard to public safety.  
**NA – Comment noted.**

d. The Fire Chief may modify the provisions of Subsections 1.a and 1.b above where there are practical difficulties in strict compliance with those Subsections, provided that the spirit of those two Subsections is complied with and public safety is secured.  
**NA – Comment noted.**

e. The storage of equipment, auto parts, and supplies used in conjunction with servicing, painting, or body repair shall be maintained inside an enclosed structure. Outdoor storage of auto-related parts and equipment shall not be allowed.  
**NA**

f. All service shall only occur within a fully enclosed structure.  
**NA**

g. Parking areas shall not be used for motor vehicle salvage, the storage of inoperable vehicles, or any motor vehicle servicing, painting, or body repair.  
**NA**

2. Whenever modifications are made to the architectural features or site features of a motor vehicle fuel dispensing station constructed before the Effective Date, a Redevelopment Plan shall be required in accordance with the requirements of Section 146-5.4.3.B.3 (Minor Site Plan).  
**NA**

3. Where this use is located adjacent to a Residential zone district, the lot lines adjacent to the Residential zone district shall be screened pursuant to Section 146-4.7 (Landscape, Water Conservation, Stormwater Management).  
**NA**

4. In the MU-C and MU-R districts, use shall not be located closer than 300 feet from an arterial/arterial or arterial/E-470 intersection.  
**NA**

5. In the MU-OA district, this use is limited to those establishments existing on the Effective Date.  
**NA**

6. In the MU-TOD Core subdistrict, a motor vehicle fueling dispensing station associated with a grocery store may be a permitted use if so provided in the Station Area Plan.  
**NA**

7. In the I-1 and I-2 districts, a building containing or related to this use is not permitted within 300 feet of a Residential zone district unless a conditional use approval is obtained pursuant to Section 146-5.4.3.A.  
**NA**

8. After the Effective Date:

a. In all zone districts where these uses are permitted or conditional uses, if two of the four corners of a street intersection are occupied by any of the following four uses, none of the five listed uses may be located on the remaining corner lots at that street

intersection, or on any lot partially or entirely located within 500 feet of the corner along either of the intersecting streets:

- i. Automobile and Light Truck Sales and Rental;
- ii. Motor Vehicle Body Shop and Painting;
- iii. Motor Vehicle Fueling Station;
- iv. Motor Vehicle Repair and Service; or
- v. Motor Vehicle Wash.

**NA**

b. The restrictions in Subsection a above do not apply to properties located:

- i. Within the -HSO zone district; or
- ii. Within the I-1 or I-2 zone districts and within an approved Master Plan containing an exception to the restrictions in subsection.

**NA**

## 9. Design Standards for Motor Vehicle Fuel Dispensing Stations

a. Setbacks for Buildings and Fueling Area Canopies

When site constraints such as easements, floodplains, utilities, or others do not impact building placement, primary buildings shall front the street and fueling area canopies shall be set back behind buildings, and no street frontage buffers for building perimeters shall be required.

**Comment noted. The building has been sited to front the street with the fuel canopy located internal to the site behind the building.**

b. Canopy Compatibility

The materials, colors and forms on the fueling area canopy shall repeat those used on other structures on the site.

**The material, colors, and forms used on the canopy mimic those used on the convenience store building.**

c. Canopy Columns

- i. The cross-section of canopy columns shall have a minimum width of 24 inches and depth of 16 inches, except that round columns shall have a minimum diameter of 24 inches.

**The canopy columns are 24" x 24".**

- ii. All columns shall be faced with brick, metal panels, stucco, or decorative masonry block to match the wall materials of the main building.

**The canopy columns are faced with concrete masonry units (CMU) that are complementary in color to the colors used on the convenience store.**

- iii. Columns may be any shape, as long as they meet the minimum dimensional standard listed above for at least 3/4 of their height.

**The canopy columns are 24" x 24".**

d. Canopy Fascia Colors

- i. Intense, bright, or florescent colors shall not be used as the predominant canopy fascia color.

**The canopy fascia is typically white, tan, or gray. The final color will be provided once determined.**

- ii. Strong accent colors may be used as decorative elements on the fascia, but they shall be limited to horizontal bands of a total area not to exceed 40 percent of the area of the canopy fascia.  
**Final decorative elements and branding will be provided once determined.**
- iii. Additional fascia color bands or designs in excess of 40 percent are permitted, and count toward the total allowable sign code area for the site.  
**Comment noted. This will be taken into account with the signage design and permitting.**
- iv. Lighting
  - a. All lighting mounted on buildings or poles shall be downcast and without drop lenses, and shall not spill light in excess of two-foot candles onto the surface of adjacent parcels or rights-of way.  
**All lighting fixtures are downcast, cut-off designs to minimize light trespass and glare.**
  - b. Buildings facades may be spot-lit but only if the spot lighting bulbs and lenses are shielded and not visible from the adjacent parcels or rights-of way.  
**NA.**
- v. Fueling Area Canopy Fixtures  
Lighting on the underside of canopies shall be flush with, or recessed above the underside of the canopy surface. Lenses dropping below the surface of the canopy underside are not permitted.  
**The canopy lights are flush mount fixtures.**
- vi. Canopy Fascia Lighting
  - a. Canopy fasciae may not be externally lit.  
**The canopy fascia will not be externally lit.**
  - b. A fascia accent band of up to nine inches in width may be internally illuminated.  
**Comment noted. Any accent bands proposed for the canopy fascia will be provided once determined.**
  - c. Additional areas of internal illumination on the canopy fascia are allowed provided those areas are included in the total sign area allowed for the site.  
**Comment noted.**
- vii. Maximum Area of Internally Lit Building Panels
  - a. On buildings, the total area (as projected on a vertical plane) of internally lit panels and internally lit awnings shall:
    - i. Twenty percent or less of the total wall area of any single building elevation, and

- ii. Ten percent or less of the total of all of a building's wall elevations.

**The building does not utilize any internally lit panels.**

- b. Externally lit building areas shall not be subject to these restrictions.  
**Comment noted.**

e. Landscaping Standards

i. Landscape Buffers

- a. All landscape buffers adjacent to Residential zone districts or residential uses shall include a six-foot high decorative opaque fence or wall meeting the standards in Section 146-4.7.9 (Fence and Wall Regulations).

**NA**

- b. Shrubs may not be substituted for required trees in landscape buffers.  
**Comment noted.**

ii. Corner Treatment

At the intersection of buffer strips fronting on public and private streets, a distinctive landscaped area at least 10 percent larger in size than the area that would otherwise be formed by the intersection of the required buffer strips shall be provided. Landscaping in this intersection area shall consist of plant specimens having a high degree of visual interest during all times of the year. The area may also contain one sign of a size and area as permitted by Section 146-4.10 (Signs).

**Please refer to the Landscape Plan for the corner treatment.**

iii. Redevelopment

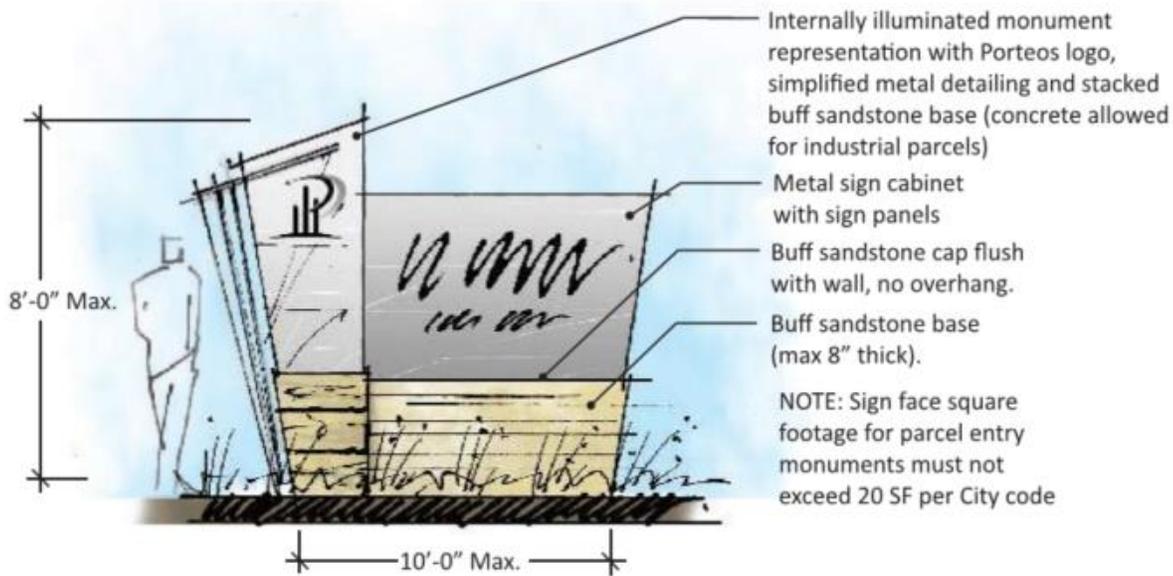
When architectural or site modifications are made to a motor vehicle fuel dispensing station existing before the Effective Date, at least 15 percent of the total lot area shall be landscaped to the maximum extent practicable. Sites that are restricted by easements, pump and canopy locations, fire lanes, and circulation requirements may include landscape areas in adjacent public or private rights-of-way in the 15 percent calculation. Regardless of site constraints, the total landscaped area may not be reduced below that existing prior to redevelopment.

**NA – this is a new build, not a redevelopment.**

### **Compliance with the Porteos Framework Development Plan (FDP)**

#### **Entry Monumentation**

The site will utilize the Parcel Entry Monumentation of the approved FDP, as identified below.



Parcel Entry Monumentation

### Lighting Standards

Lighting for the site has been designed to comply with the design standards of the FDP identified below:

- Decorative and modern lighting that is environmentally sensitive lighting will be used.
- High pressure sodium and mercury vapor lighting are prohibited.
- Avoid lighting open space and natural areas to preserve the character and environment for wildlife.
- Safety and security as well as identity and image will be important elements of the lighting.
- Parking lot lighting shall be a more standard "shoebox" type light and shall only be lit as necessary to meet security standards.
- Prevent excess light pollution and excessive glare.
- All light poles and fixtures will be comprised of silver galvanized metals, but may also utilize some black metal accents.

### Landscape Design Standards

Landscaping for the site has been designed to comply with the design standards of the FDP identified below:

- The overall landscape concept shall utilize native and adapted plants in a unique way by creating monocultures of ornamental grasses and massing of native shrubs and perennials.
- The landscaping will connect the overall development through the use of signature plants and a specific plant list.
- The landscape along road frontages will promote and enhance the experience of both pedestrian and vehicular traffic as well as provide year round interest.
- The streetscape will provide unity and structure within the development through the use of plant materials and pedestrian friendly, detached sidewalks.
- A 15' setback will be implemented along the length of arterial and collector roads.
- Screening at parking lots should be a 3' minimum height (within 3 years) through berms or a variety of deciduous and evergreen plant material, or a combination of the two.

### Architectural Design Standards

The architectural components of the site have been designed to comply with the design standards of the FDP identified below:

- Buildings shall be integral components of the development and constructed of human scaled, durable materials– not thinly applied trim or surface treatments. Provide 4-sided architecture and shield back-of-house functions from public streets. Focus shall be placed on utilizing the scaling of elements listed to create facades, treatments, and features on all components of the project.
- Surfaces shall be predominantly masonry materials including painted or integral colored CMU, clay fired brick, textured tilt-up concrete, stone, and trims of complimentary materials. Painted tilt-up or precast concrete panels are permitted as predominant materials on retail uses over 20,000 square feet if panels are textured with a form liner pattern and articulated at minimum 50-foot intervals with pedestrian scaled materials, plane variations, feature elements, or a combination of each. Metal panels, fabrications, and trims may be a component of the dominant materials when combined with masonry materials. Cement fiber board, phenolic wood, stucco, EIFS and other troweled or painted products may be used as accents up to 40% of the aggregate facade area.
- Accents of primary and secondary colors may be imposed on a primary field of natural colors and textures. Color is encouraged as a form giving element for feature components.
- Screen rooftop equipment and vents greater than 8 inches in diameter with an extended building parapet or a free-standing screen wall matching the dominant colors and textures of the adjacent building materials.

### Infrastructure Improvements

The infrastructure improvements for Planning Area “G” – PA7 & PA9A, 9B, 9C & 9D have been installed or constructed by the overall developer. The infrastructure requirements necessary for the completion of this planning area include the construction of arterial and collector roadways, a detention/water quality pond, box culverts, open channels, and storm sewer, sanitary sewer and force mains, and water transmission lines.

The project team looks forward to working with City Staff during the review process to ensure that the project is designed in a manner that complies with all City codes and regulations.

# Distance to Residentially Zoned Property

