



BOARD OF ADJUSTMENT
May 25, 2023
7:00pm

REGULAR MEETING

WILSON LEEPER CENTER – 3800 Wilson Ave.

Individuals wishing to make public comments must attend the meeting in person or may submit comments by sending an email to lundypa@wellingtoncolorado.gov. The email must be received by 4:00 p.m. Wednesday, May 24, 2023. The comments will be provided to the Board and added as an addendum to the packet. Emailed comments will not be read during the meeting.

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/83813145268?pwd=Y3o5a2lNmpRb2tmdVZYRzN2SjF2QT09>

Passcode: 293786

Webinar ID: 838 1314 5268

Or One tap mobile :

US: +17193594580, 85804577280# or +17207072699, 85804577280#

Or Telephone:

US: +1 719 359 4580 or +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **ADDITIONS TO OR DELETIONS FROM THE AGENDA**
4. **PUBLIC FORUM**

Public invited to be heard on non-agenda items (time limit of 3 minutes per person)

5. **CONSIDERATION OF MINUTES**

5.A. Meeting Minutes

- Regular meeting minutes of April 27, 2023.

6. **NEW BUSINESS**

6.A. Variance Request – Seeking relief from Section 4.03.3 (A) of the Land Use Code to reduce the minimum setback requirement of a bar/tavern from a residential district or use from 500 feet to 150 feet. (8121 First Street)

7. **COMMUNICATIONS**
8. **ADJOURNMENT**



**TOWN OF WELLINGTON
BOARD OF ADJUSTMENTS
REGULAR MEETING MINUTES
April 27, 2023**

1. CALL TO ORDER

The Board of Adjustments for the Town of Wellington, Colorado, met on April 27, 2023, at the Wilson Leeper Center at 7:00 p.m.

2. ROLL CALL

Members Present: Eric Stahl – Acting Chairman
Wyatt Knutson
Kathy Wydallis
Meghan Molin
Sherman Stringer

Members Absent: None

Town Staff Present: Cody Bird, Planning Director
Patty Lundy, Planning Analyst

3. ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

4. PUBLIC FORUM

None

5. PRESENTATION

- A. Cody Bird, Planning Director introduced the new members of the group Meghan Molin and Sherman Stringer. Everyone introduced themselves and told a little bit about why they were interested in being on the Board of Adjustments as well as some personal information about themselves.

6. CONSIDERATION OF MINUTES

- A. Meeting minutes of October 27, 2022

Member Wydallis moved to approve the regular meeting minutes of October 27, 2022. Member Knutson seconded the motion.

Yeas – Wydallis, Knutson, Molin, Stringer, Stahl

Nays – None

Motion carried.

7. NEW BUSINESS

- A. Election of Officers

Acting Chairman Stahl nominated Member Knutson for Chair, seconded by Member Wydallis.

Yeas – Wydallis, Knutson, Molin, Stringer, Stahl

Nays – None

Motion carried.

Member Wydallis nominated Acting Chairman Stahl for Vice Chair, seconded by Member Knutson.

Yeas – Wydallis, Knutson, Molin, Stringer, Stahl

Nays – None

Motion carried.

B. Presentation: Review Meeting Procedures and Role of Board of Adjustment

Bird presented binders with helpful information for Board of Adjustment members. There was an overview of general guidelines and best practices for quasi-judicial proceedings. As well as an overview of the use of "Bob's Rules" as the Town's recognized public meeting procedures manual. They were shown that they had copies of the Variance Procedures and Appeal Procedures from the Land Use Code.

8. ANNOUNCEMENTS

Bird announced there will be a meeting on May 25th, 2023. Member Knutson announced that he is unavailable on May 25th, 2023.

9. ADJOURNMENT

Acting Chairman Stahl closed the meeting at 7:56pm.

Approved this ____ day of _____, 2023.

Recording Secretary

Board of Adjustments Meeting

Agenda Item # 6.A.

Meeting Date: May 25, 2023

Submitted By: Cody Bird, Planning Director

Agenda Category: New Business

Subject:

Variance Request -- Reduce the 500-FT minimum separation setback from a residential zone district in the LI-Light Industrial Zone District.

Background:

- The applicant, Twila Soles on behalf of Soles^2 LLC is seeking relief from Section 4.03.3-A, Use Specific Standards of the Wellington Municipal Code to reduce a 500-ft separation setback to 158-ft.
- The applicant is proposing to locate a special event/community center that also serves alcohol (bar/tavern) on a parcel of land situated in the SE ¼ Section 33, Township 9North, Range 68West of the 6th, P.M. Town of Wellington, County of Larimer, State of Colorado (8121 First Street – location map attached).
- The applicant is requesting a variance to reduce the required 500-FT setback to 158-FT from the closest adjacent residential property. The applicant considers the required 500-FT setback a hardship because strict application of the setback would restrict a permitted land use (bar/tavern) within the Light Industrial zoning for the property and that is consistent and complimentary to uses allowed in the adjacent Downtown Core Commercial district.
 - The subject property is located within the Town limits and is zoned LI – Light Industrial. The property includes several existing structures including a 100+year old wood grain elevator. The site is partially occupied by Grouse Malting and Roasting Company which operates a Conditional Use Permit approved in 2013, (Ordinance 13-2013).
 - The conditional use process is no longer required since the Land Use Code was updated in 2022 and included breweries, tap rooms and bar/taverns as a permitted land use in the light industrial zone district.
 - The applicant/owner envisioned a complimentary use when first seeking Town approvals in 2013, and a tap room/brew pub use was approved in 2015 (Old Colorado Brewing Company – operated from 2015 to 2019).
 - The applicant/owner wishes to once again complement the existing malting/roasting business with a bar/tavern venue for private events offering alcohol beverages produced on the site.
- The applicant and Town staff have discussed whether the proposed use should be considered a brew pub or a bar/tavern. Staff has determined that a bar/tavern is the most appropriate use associated with the described functions of the site.
 - A bar/tavern is a permitted land use subject to Use Specific Standards within the LI – Light Industrial zone district, Table 4.02 & Section 4.03.3-A.
 - The bar/tavern use would support the community events described by the applicant and would also support the production and dispensing of alcohol beverages.

- The brew pub designation is not appropriate due to the definitions for a brew pub and the state liquor licenses that would allow a brew pub to produce up to one million eight hundred sixty thousand gallons (1,860,000 gals.) of beer annually (approximately 45,000 barrels). The volume production allowed under the brew pub designation is not consistent with the intent described by the applicant and would require additional consideration for site and utility infrastructure needs.
- The applicant is seeking relief from Section 4.03.3-A, Use Specific Standards of the Land Use Code to allow a decrease of the minimum separation setback from a residential district (500-FT).
 - When a variance is requested from the dimensional standards of the Land Use Code, the Board of Adjustments considers the reasonableness or appropriateness of the request relative to the Findings for Approval identified in the Land Use Code, Section 2.22 4. The Findings for Approval are discussed in more detail in the “Staff Comments” portion of this report.
 - The applicant is requesting a variance to reduce the required 500-FT setback to 158-FT from the adjacent residential zone district to the bar/tavern front entry (see attached site plan exhibit).
- The applicant considers the required 500-FT setback a hardship as it would restrict a land use that is otherwise permitted on the Light Industrial zoned site.
- The applicant proposes limiting most activities to internal uses to minimize noise impacts to the adjacent residences to meet the spirit and intent of the regulations.
- The applicant also proposes a landscape buffer along the eastern property line to create an aesthetic environment between the properties, and to screen the parking lot from the adjacent residences.
- A request for variance is a quasi-judicial proceeding and requires a public hearing. The Board will need to hear and weigh testimony presented at the public hearing.
- In addition to the variance request described in this report, the applicant has also submitted a site development plan for review by the Planning Commission. The site plan proposes a variety of improvements including new sidewalks, fencing, parking lot, and landscaping to comply with current town land use code. The applicant is also seeking a liquor license for the premise.

Staff Comments:

- When considering a request for a variance, the Board of Adjustments evaluates the Findings for Approval identified in the Land Use Code, Section 2.22.4A-H. The findings that are to be considered are listed below, and the staff’s opinion of each finding follows (*in italics*).

A. The relief requested is consistent with the Comprehensive Plan and the intent stated in the Land Use Code.

- *The requested variance is supported by goals and strategies identified in the Comprehensive Plan in the following ways:*
- *Community Cohesion Goal 5: Encourage development projects and the community to embrace and support Agricultural Heritage and Healthy Food Networks:*

- *CP.5.1 Update the Land Use Code to encourage inclusion of agricultural elements and themes (e.g. repurposing agricultural structures) into the design of development.*
 - *The old wood grain elevator originally known as the “Wellington Mill” constructed in 1922, and adjacent to the rail line once stored local product for processing and shipment to distance facilities. The tower and adjacent buildings are testimony of the rich agricultural heritage of the Town. The Town was also recognized for offering alcoholic beverages during the Prohibition days. Wholesome grains from local producers are once again stored and processed in the repurposed facility, and with the addition of the bar/tavern and private event center, alcoholic beverages such as malt beer produced on-site will be available for local patron enjoyment.*
 - *The Grouse Malting and Roasting Company was created to offer an alternative (gluten free) product to the health-conscious market. The proposed limited brewing on-site will offer a gluten free beer alternative in the bar/tavern to Town residents who cannot enjoy conventional beer.*
- *Thriving Economy Goal 2- Balance commercial, industrial, and residential land uses to ensure a variety of convenient amenities and appropriate infrastructure:*
 - *TE 2.3 Promote architecture and design aesthetics that honor the Town’s rural, historic, and agricultural heritage.*
 - *The subject site zoned Light Industrial is adjacent to the railroad and serves as a buffer between the residential uses to the east and the BNSF rail line on the west.*
 - *The proposal repurposes and preserves a hundred-plus year-old landmark that supports a variety of business uses.*
- *Thriving Economy Goal 4- Develop a supportive business environment that aids in creating a thriving local economy.*
 - *TE 4.1 Balance residential with commercial land uses to promote local job opportunities and needed services for residents.*
- *Redevelopment of the property for light industrial uses is consistent with the recommendations of the Future Land Use Map included in the Comprehensive Plan.*
- *The Town’s Land Use Code establishes a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone.*
- *The Comprehensive Plan encourages economic growth that promotes diversity of employment and service opportunities in the town.*
- *The Comprehensive Plan recognizes the importance of retaining existing businesses and supports the need to grow and expand. The site zoned as LI-Light Industrial allows for the addition of a bar/tavern/ private event center offering locally produced products (gluten-free beer).*

- *The Land Use Code has established procedures for requesting variances to the code to allow modifications to the requirements when determined appropriate.*

B. Strict application of the regulation will result in unnecessary hardship and practical difficulties on reasonable use of the land intended by the existing zoning, as opposed to convenience or benefit of the Applicant or a specific application.

- *The property is zoned for Light Industrial uses. Bar/tavern is a permitted land use within the Light Industrial zone district. offering private events as a permitted use.*
- *Strict interpretation of Use Specific Standards Section 4.03.3-A for a bar/tavern, the 500-FT separation from residential zone districts would limit some uses that are otherwise intended to be allowed within the Light Industrial zone district.*
 - *The property currently serves a malting/roasting operation- Grouse Malting & Roasting Company was allowed by a Conditional Use Permit, Ordinance 13-2013. Amendments to the Land Use Code adopted in 2022 includes bar/tavern as a permitted use, so the Conditional Use is no longer required.*
 - *An associated business for a tap room was also processed as a Conditional Use Permit and was approved in 2015. The tap room (Old Colorado Brewing Company) operated on the site for a period.*
- *The Light Industrial zoning for the property was established prior to the 500-FT separation setback criteria. The nearest adjacent residential zoning was established in 2023 when the “Transitional” zoned properties were reclassified to R-4 – Downtown Neighborhoods.*
 - *The 500-FT separation setback criteria was added with the most recent adoption of the Land Use Code (March 22, 2022) as a means to provide a buffer between higher intensity land uses and residential subdivisions. Prior to the Land Use Code adoption, there was not a separation setback for bars/taverns from residential properties.*
 - *The previously existing zoning districts (Light Industrial and Transitional) had an existing separation distance of zero feet (0-FT).*
 - *(A comparable land use (Old Colorado Brewing Company tap room) previously operated on the site under a Conditional Use Permit.*

C. The need for the variance is due to specific and unique physical conditions on the site that do not exist on similarly situated land in the area.

- *The property is situated adjacent to the BNSF rail line along its’ western boundary and the Wellington Place 1st subdivision is located to the east. The property is approximately 1.59 acres in size.*
- *The site dimensions are approximately 170-FT wide east to west, and 390-FT long north to south.*
- *Based upon the property configuration, the 500-FT separation requirement would render 100 percent (100%) of the site unusable for a bar/tavern and associated uses.*
- *The subject property serves as a buffer zone between the railroad and the*

residential uses. A bar/tavern land use as described by the applicant is often a less intensive land use than some other land uses allowed in the Light Industrial zone district.

D. The manner in which the strict application of the regulation deprives the applicant of reasonable use of the land compared to other similarly situated land in the area.

- *Strict application of the separation regulation would deprive the applicant of reasonable use of the land for light industrial purposes because the 500-FT separation requirement from a residential property encumbers the property for a bar/tavern use.*
- *The applicant is proposing alternatives such as limiting the most intense uses to interior rooms with limited outdoor uses to minimize potential impacts to the neighborhood.*
- *The applicant has expressed that reducing the 500-FT separation to 158-FT would meet their needs to use the site for the permitted use, and is therefore the minimum reduction necessary to support the proposed redevelopment.*

E. The circumstances warranting the variance are not the result of actions by the applicant or could not be reasonably avoided by actions of the applicant.

- *The subject property is an existing grain mill facility with multiple existing buildings and structures. The site is relatively narrow and long extending north to south adjacent to the BNSF railroad. The existing structures are unique and specifically constructed for its' initial use with buildings primarily of wood timbers and metal. The property's size, configuration, and existing structures limits the establishment of new uses that may be located on the site. The current business operation with the addition of a bar/tavern is one of several businesses that could make use of the site in its' present condition.*
- *The building constraints on the property are not conditions created by an action or actions of the applicant—the site's land use and appearance has not changed since 2013.*
- *The Town's Land Use Code and Zoning Map have been updated.*
 - *The 500-FT separation setback was created with the adoption of the updated Land Use Code in March 2022. The Land Use Code update created a new separation buffer that was not required before.*
 - *The Zoning Map updates resulted in some properties previously zoned Transitional (a commercial zoning district) were rezoned to be R-4 – Downtown Neighborhoods (a residential zoning district).*
- *The applicant has demonstrated good faith in pursuing a variance by establishing hours of operation, shifting or limiting outdoor activities within the confines of the existing buildings and building/structure site configuration, and therefore, it can be determined that the circumstance was not the result of an action by the applicant.*

F. Granting the variance does not adversely affect the public health, safety and

welfare, and in fairness to the applicant, substantial justice is done.

- *The town has typically identified properties near or adjacent to the railroad and I-25 as commercial or industrial zone districts. The subject site adjacent to and abutting the BNSF railroad is zoned LI-Light Industrial and is designated for light industrial land uses.*
- *The subject property is also located in close proximity to the C-2 Downtown Core Commercial. Within the C-2 district, a bar/tavern is a permitted land use without separation setback criteria.*
- *The proposed land use is a permitted use in the Light Industrial zone district, and the Town has regulations and standards identified in the Site Plan Review procedures to mitigate potential impacts.*
- *The granting of the requested variance and/or equal alternatives is not expected to adversely affect the public health, safety and welfare of the immediate neighbors or residents of the Town.*
 - *The proposed bar/tavern is a permitted use by right and is expected to be located within the LI –Light Industrial Zone District.*
 - *Applicable standards for traffic impacts, site design, and use limitations will be evaluated as part of a site plan review.*
- *Perimeter landscape buffering/screening techniques in the form of shrub plantings and fence/barricades are proposed to block vehicle headlights, and to mitigate potential impacts of the operation and are offered to justify the reduction to the setback distance.*
- *The proposed bar/tavern is a permitted use within the light industrial zone district and the requested setback variance would not be inconsistent with the proposed land use.*

G. The relief requested is the minimum necessary to alleviate the hardship and practical difficulties; and

- *The existing structures on site have links to the railroad history and the existing uniquely constructed structures reflect to an historic era in Wellington's past. The buildings/structures and platted lot configuration currently allows for limited uses without significantly altering the site and buildings.*
- *The separation setback reduction is requested to allow an associated permitted land use that otherwise could not occur due to the separation requirement.*
- *The highest intensity uses will be located within the building, and outdoor events shall be limited to minimize impacts to the residences.*
- *The applicant has proposed the reduction of the separation setback to be the minimum necessary to allow for the operation of the proposed bar/tavern facility. The minimum reduction may be made a condition of approval.*

H. The relief requested is consistent with any other prior approvals and official plans and policies created under the guidance of that plan for these areas (e.g., The Comprehensive Plan, specific area plans like a Downtown Corridor Study, etc.).

- *The variance requested is the minimum needed for bar/tavern facility to*

- adequately function on the site.*
 - *The proposed light industrial land use is consistent with the Town's intent and vision to revitalize the Vibrant and Historic Downtown Core areas adjacent to the railroad.*
 - *The Comprehensive Plan encourages establishing a diversity of businesses and employment opportunities in the town.*
 - *The Land Use Code and Comprehensive Plan encourages and promotes a "walkable downtown" with services and events available for area residents. Adding sidewalks and a business that complements uses in the existing C-2 Downtown Core Commercial district supports the walkability of downtown.*
 - *The Land Use Code variance procedure (Section 2.22), anticipates and provides flexibility for unique and specific situations.*
 - *Planning staff recognizes that exceptions are needed to the strict application of the land use code provisions and supports variance requests on a case-by-case basis.*
- Based upon the preceding findings, staff recommends approval of the variance requested with conditions. Conditions which may be considered are identified in the "Recommendations" section.

Recommendation:

- In considering a variance, the Board of Adjustments has the authority to grant the variance, grant the variance with conditions, or deny the variance.
- If a variance is approved, the Board may want to consider requiring the below conditions of approval:
 - a. The separation setback is reduced to no less than 158-FT.
 - b. Site development shall proceed in substantial compliance with the site layout exhibit attached herein and incorporated by reference.
 - c. The site plan shall provide significant buffering and screening (landscaping) along the eastern property lines to mitigate potential impacts to the existing residences and public rights-of-way.
 - d. Outdoor events associated with the bar/tavern facility is limited to hours of operation for Sunday through Thursday 11 AM to 8 PM, and Friday through Saturday 10 AM to 11 PM (these hours of operation are consistent with use standards for similar outdoor activities allowed within the Light Industrial zone district).
 - e. Application for and approval of Site Plan Review by the Planning Commission in accordance with applicable Land Use Codes and Town standards.
 - f. Application for and approval of building permits with the Town of Wellington.
 - g. Satisfaction of all applicable State of Colorado, Larimer County and Town of Wellington permits and certifications.
 - h. Applicant shall obtain all required licenses and permits to operate a bar/tavern business.
- Below are possible motion options for the Board of Adjustments to consider. Staff will also be available to assist in crafting alternative motions if desired by the Board.

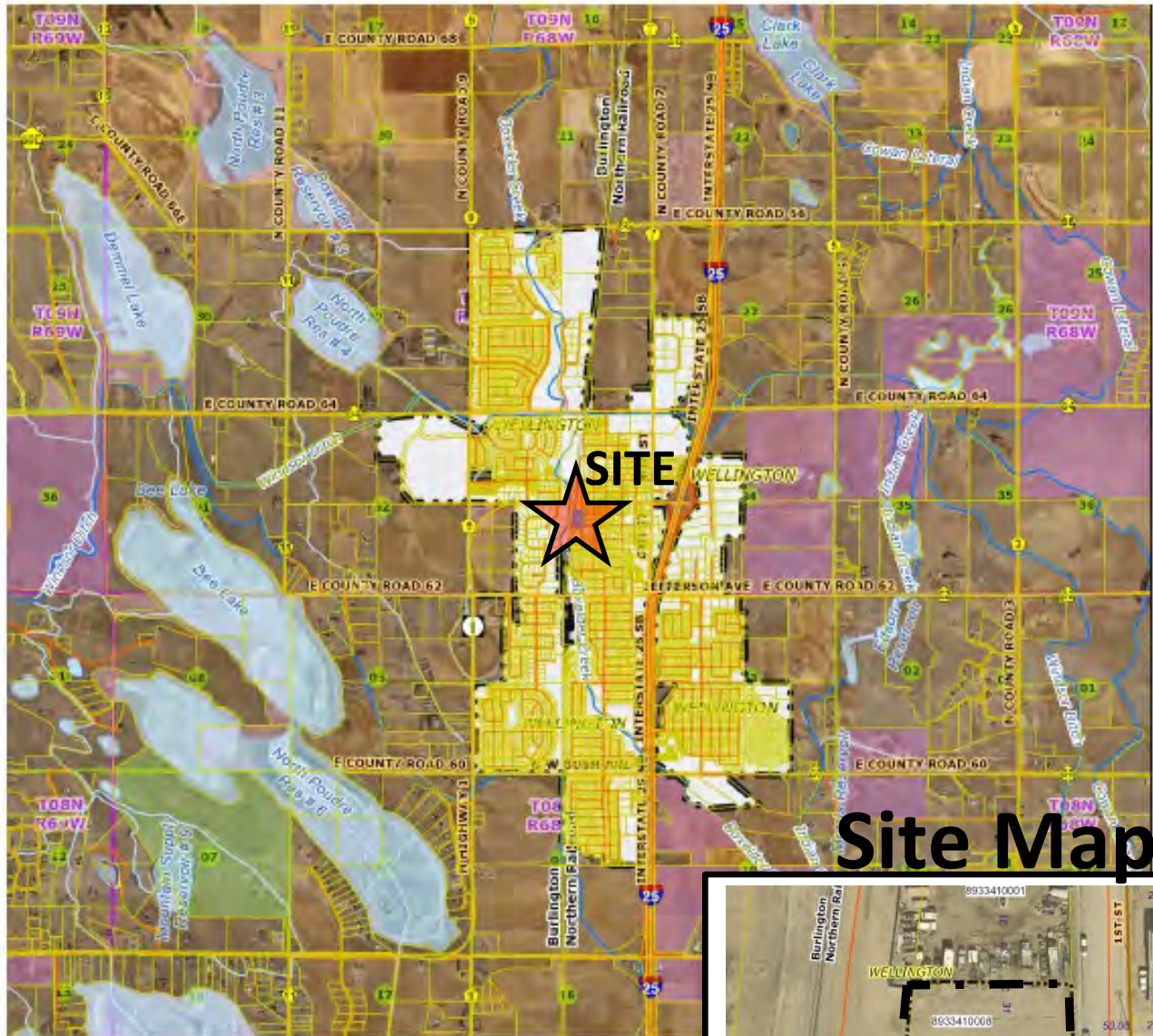
1. Move to grant a variance to vary Section 4.03.3-A, Use Specific Standards to reduce the minimum separation setback requirement of the LI-Light Industrial zoning district for 8121 First Street from 500-FT to 158-FT, subject to conditions, including (condition a) through (condition h) and based on the Findings of Approval.
2. Move to grant a variance to vary Section 4.03.3-A, Use Specific Standards to reduce the minimum separation setback requirement of the LI-Light Industrial zoning district for 8121 First Street from 500-FT to 158-FT with no conditions and based on the Findings for Approval.
3. Move to deny the request for a variance of the minimum separation setback requirement of the LI – Light Industrial District.
4. Move to continue consideration of the variance request to a regular/special meeting of the Board of Adjustments to be held _____ (month) _____ (day), 2023 at _____ (time) at the Wilson Leeper Center, 3800 Wilson Ave., Wellington, Colorado.

Attachments

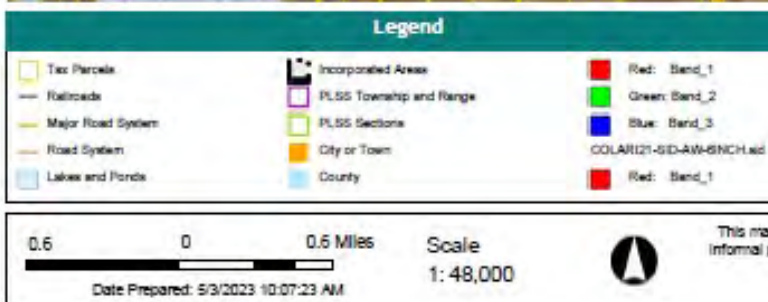
- Location Map
- Zoning Map
- Buffer Exhibit
- Applicant Narrative
- Site Development Plans
- Presentation Slides

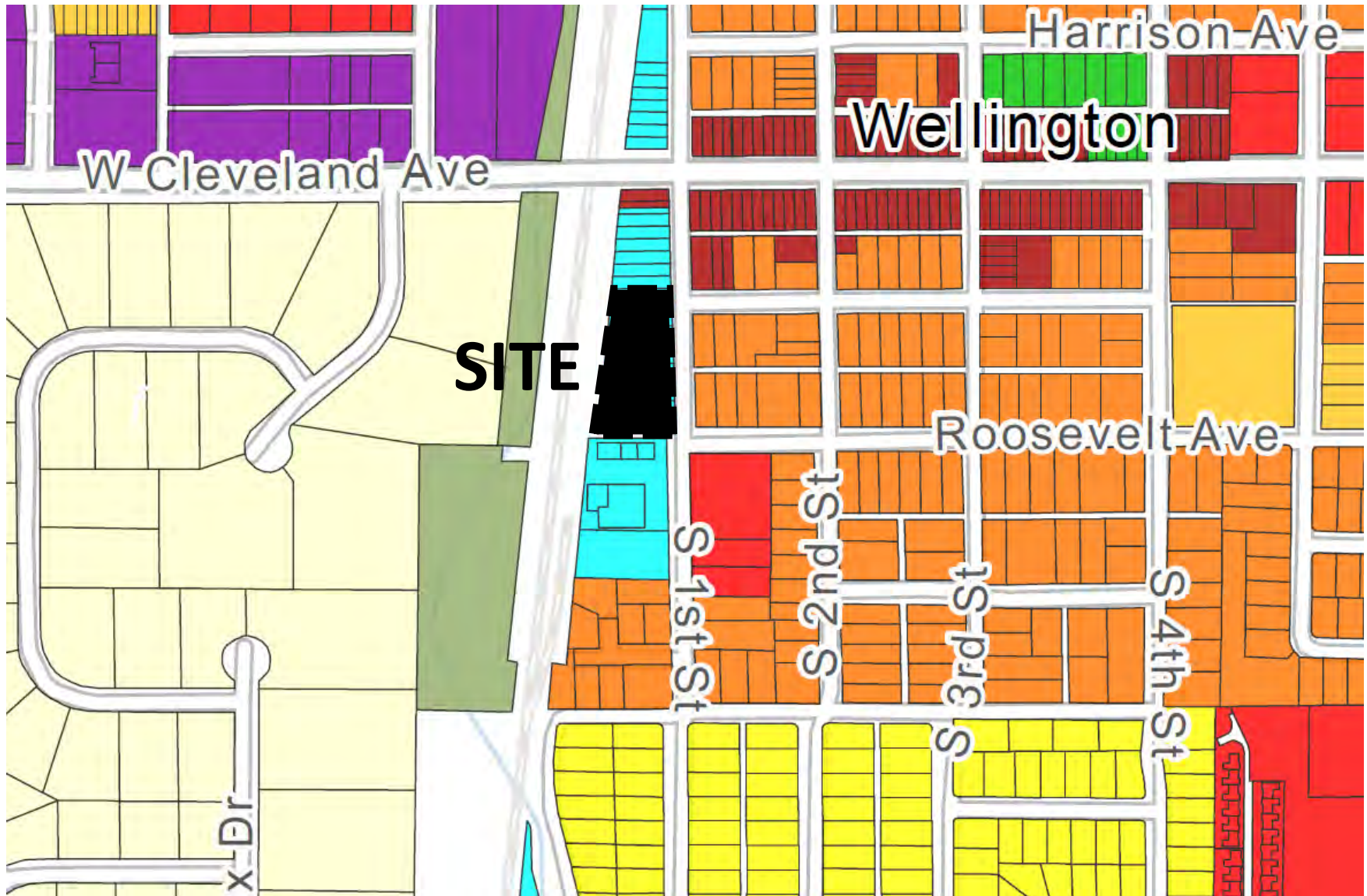


Regional Map:

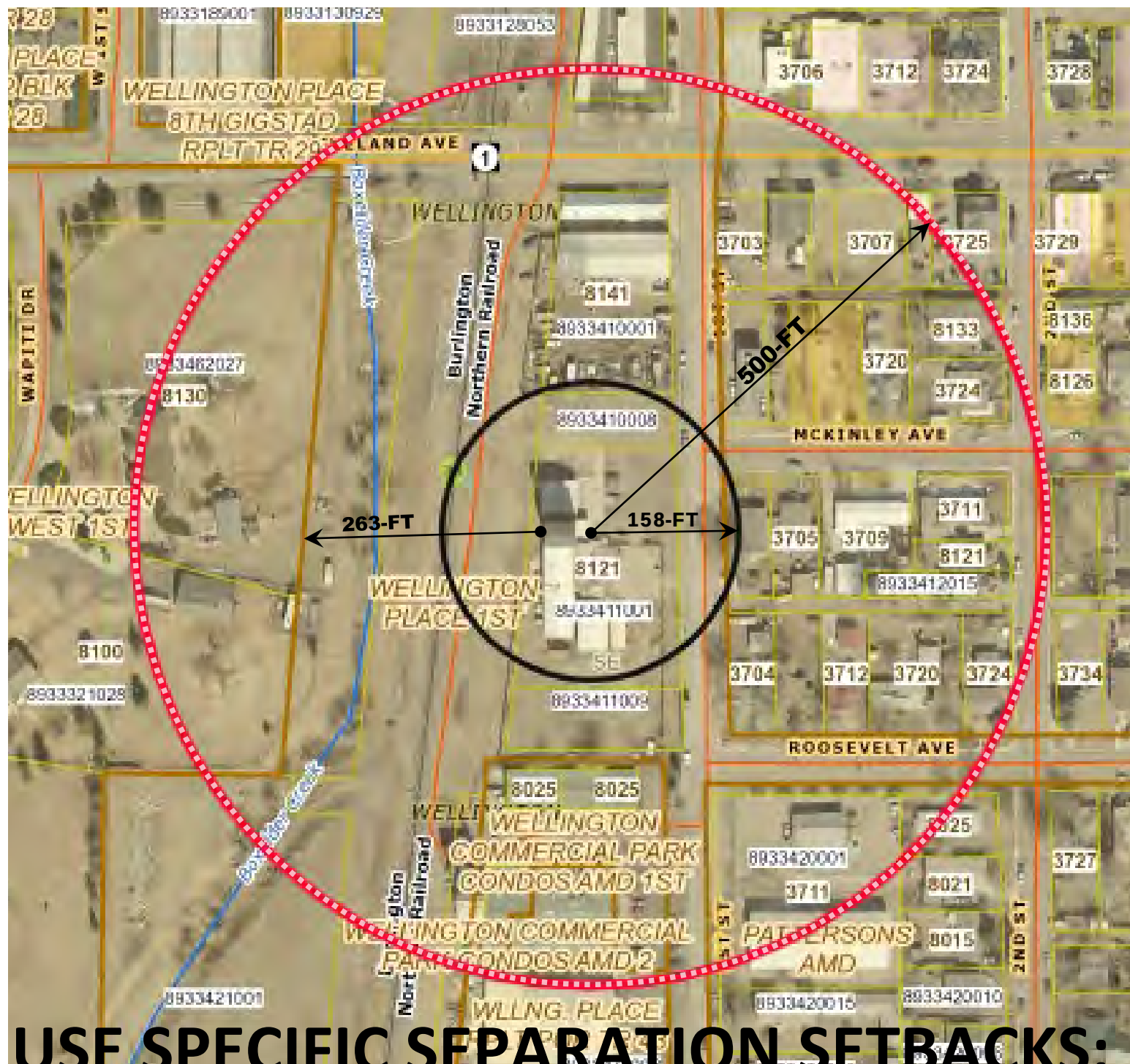


Site Map:





2023 Official Zoning Map:



NARRATIVE

Town of Wellington Planning
Attn: Board of Adjustment
Wellington, CO 80549
April 21st 2023

Considerations for variance request of liquor license for establishments at 8121 First ST Wellington CO 80549

Recently, TOW code changed and requires our location to apply for a variance request for a liquor license, due to its location of within 250 FT of residential zoning. This exact location has held a liquor license previously from 2016-2019 without disruption to the residential neighbors. The addition of the proposed establishment (The Well In Wellington) will bring significant value to the old town area of Wellington, providing a community gathering space and significant site improvements. The Well In Wellington is a Brew Pub/Tavern, initially open only for specific dates/times, i.e. will not initially be open for standard hours of operation.

The following information supports this variance request:

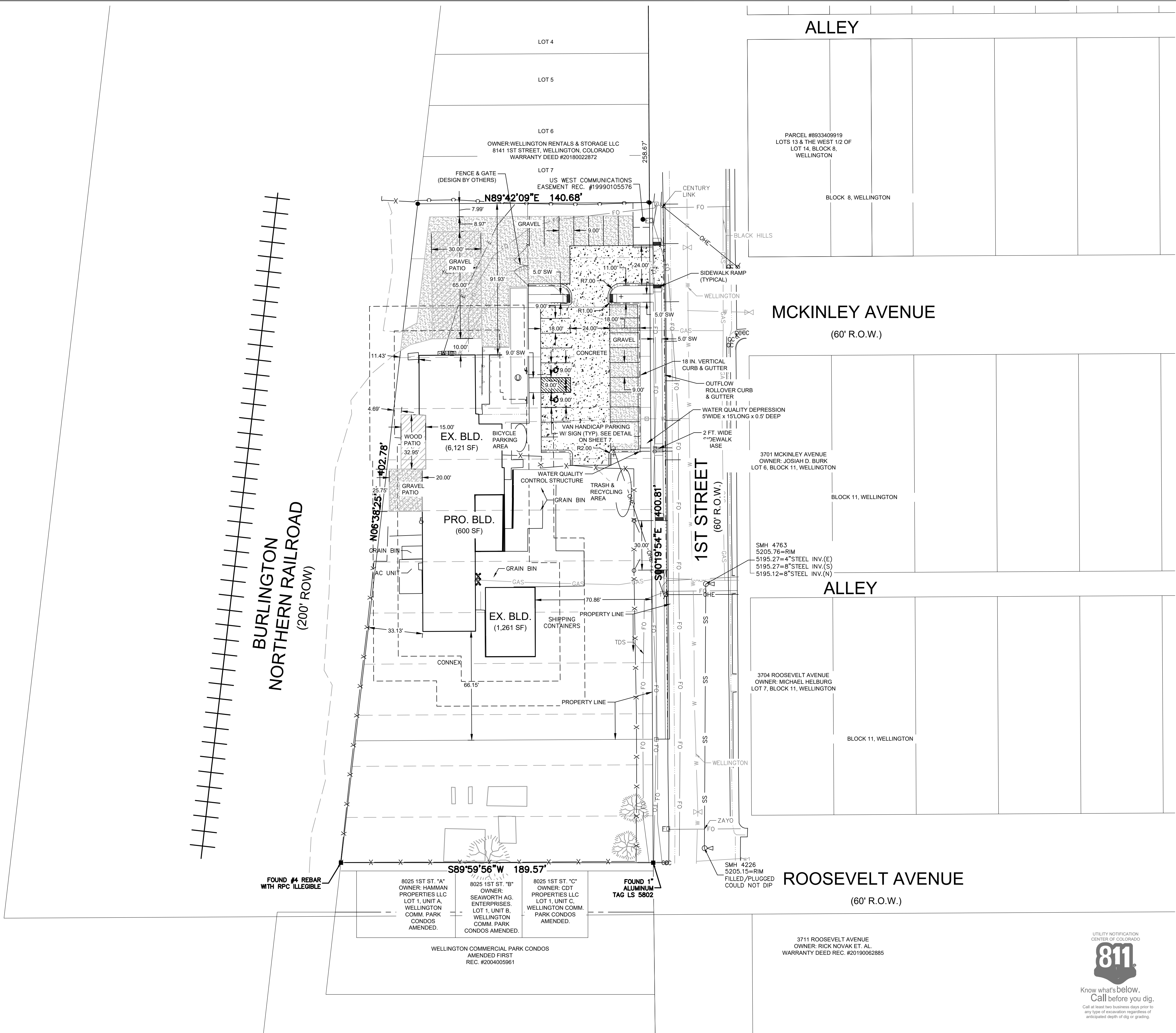
- a. The relief requested is consistent with the Comprehensive Plan and intent stated in the Land Use Code. This location is zoned light industrial, and thus, is permitted by right to have a Brew Pub establishment.
- b. Strict application of the regulation will result in an unnecessary hardship and practical difficulties as this is the location we have to work with, and it has previously been issued a liquor license.
- c. The need for the variance is due to the unique location of this property (i.e. in Old Town Wellington) and thus is close in proximity to residential zoning.
- d. Strict application of this regulation deprives us of reasonable use of the land (as permitted by right) based on Wellington's adopted Land Use code.
- e. This location has previously been granted a liquor license; a comparable business was located at this location prior. It was the Town's decision to change the zoning regulations, therefore, we are requesting this variance.
- f. Granting the variance will not harm the public health, safety, and welfare of the residential neighbors. We have included in our site plan necessary screening to protect the neighbor(s) directly across the street on McKinley Ave. from light (headlights in parking lot) and to the west (building a privacy fence).

- g. The relief requested is consistent with prior approved uses of this location, and consistent with the goals of increasing foot traffic businesses in the downtown corridor.

In summary, this location has previously received a variance request for a liquor license, therefore the relief requested is consistent with the Comprehensive Plan and the intent stated in this Land Use Code and consistent with the prior approval for a liquor license at this location.

Thank you for your consideration.

Twila Soles
Property Owner



NORTH

1"=30'

0

30

60

Feet

Legend

Proposed Curb & Gutter

Existing Right-of-Way

Property Boundary

Existing Sanitary Sewer w/ Manhole

- Notes
1. The size, type and location of all known underground utilities are approximate when shown on these drawings. It shall be the responsibility of the contractor to verify the existence of all underground utilities in the area of the work. Before commencing new construction, the contractor shall be responsible for locating all underground utilities and shall be responsible for all unknown underground utilities.

2. See soils report and/or geotechnical report for pavement and subgrade preparation, design and recommendations.

3. Manhole rim elevations are to be adjusted to 1/4" below finished grade, if necessary, cone sections shall be rotated to prevent lids being located within vehicle or bicycle wheel paths.

4. Expansion joints shall be provided in all sidewalks at maximum spacing of 50 feet.

5. Crossspans along public streets at the intersection of private drives shall have concrete extended to the right-of-way line.

6. Limits of street cut are approximate. final limits are to be determined in the field by the town engineering inspector. all repairs to be in accordance with town street repair standards.

7. Contractor shall adjust existing sanitary sewer manholes and subdrain cleanouts within the right-of-way per town standards.

8. Refer to the plat for lot areas, tract sizes, easements, lot dimensions, utility easements, other easements, and other survey information.

Land Use Table

Description	Area (Square Feet)	Area (Acres)	Percent
Building	20,912	0.48	30.30%
Concrete	34,695	0.80	50.20%
Open Space	13,470	0.31	19.50%
Total	69,077	1.59	

Parking Table

Description	Area (Square Feet)	Parking per 1,000 Square Feet	Parking Spots
Patio The Well	6,070	4	24.28
Production The Well	627	1	0.63
Production Grouse	4,993	1	4.99
Office Grouse	883	2	1.77
Total			31.6660

Description	Provided Parking Spots
On Site Concrete	9
On Site Gravel	17
Off Site Concrete	5
Total	31

UTILITY NOTIFICATION
CENTER OF COLORADO

811

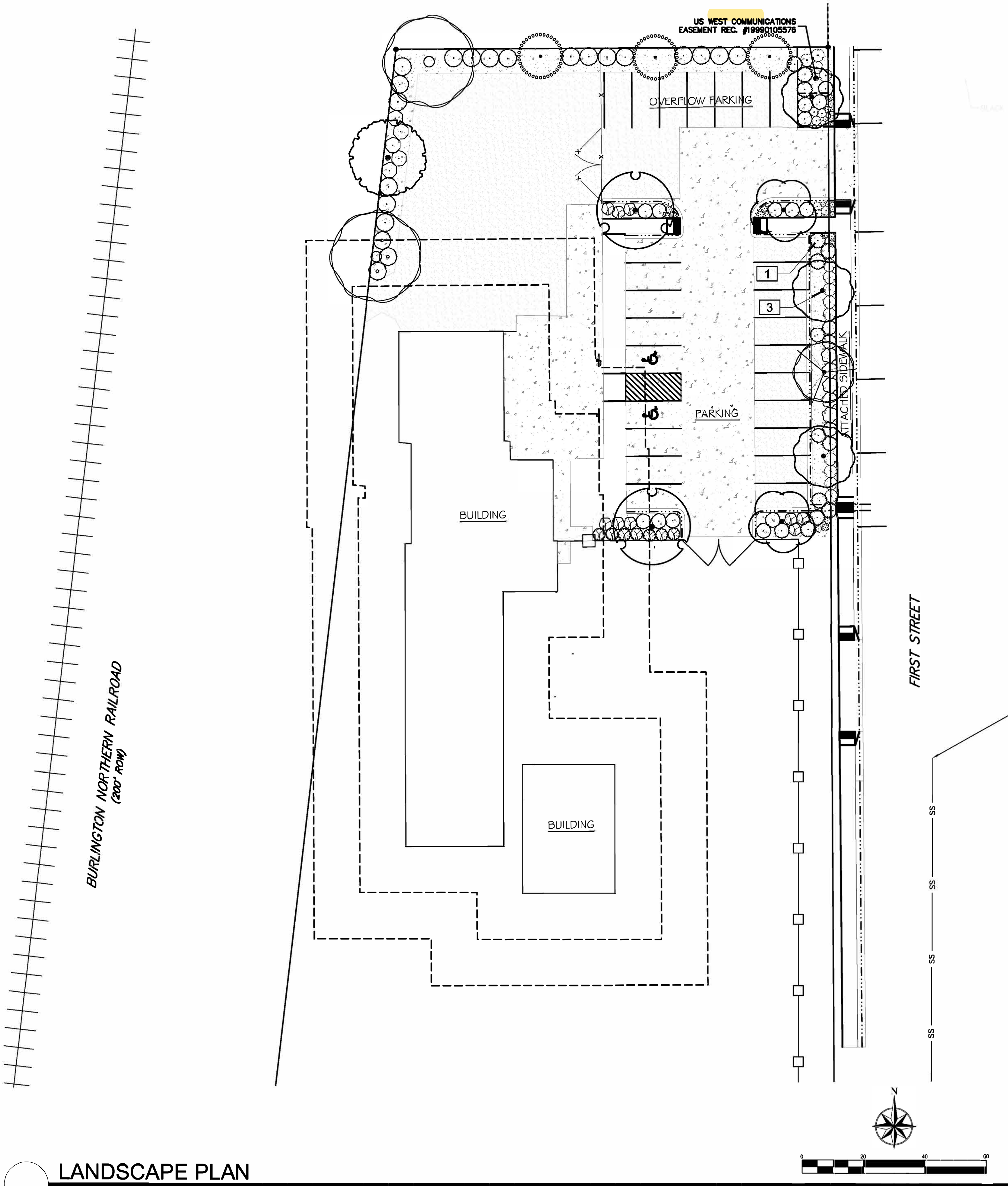
Know what's below.
Call before you dig.

Call at least two business days prior to
any type of excavation regardless of
anticipated depth of dig or grading.

SITE PLAN

SITE DEVELOPMENT PLAN

PARCEL: 8933411001, 8933410008 & 8933411009, LOT 8, BLOCK 9 AND LOTS 1-9, BLOCK 10,
TOGETHER WITH THOSE PORTIONS OF VACATED MCKINLEY AND ROOSEVELT AVE. LYING
ADJACENT TO SAID LOTS. SITUATE IN THE SE1/4 OF S.33, T.9N., R.68W., OF THE 6TH P.M.
TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO



PLANT SCHEDULE

QTY FOR REFERENCE ONLY.
VERIFY ALL COUNTS PER PLAN

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	WATER USE
	AG	2	Acer grandidentatum	Bigtooth Maple	B & B	2"Cal	L
	AS	3	Amelanchier grandiflora 'Autumn Brilliance'	'Autumn Brilliance' Serviceberry	B & B	1.5"Cal	L
	CS	1	Catalpa speciosa	Northern Catalpa	B & B	2"Cal	L
	MS	1	Malus x 'Spring Snow'	Spring Snow Crab Apple	B & B	1.5"Cal	M
	PE	3	Pinus edulis	Pinon Pine	6' B&B		L
	QM	2	Quercus muehlenbergii	Chinkapin Oak	B & B	2"Cal	L
	UF	2	Ulmus x 'Frontier'	Frontier Elm	B & B	2"Cal	M
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE		
	AC	15	Arctostaphylos x coloradoensis 'Chieftain'	Manzanita	5 gal		L
	AMI	10	Aronia melanocarpa 'Iroquois Beauty'	Dwarf Chokeberry	5 gal		M
	CD	9	Caryopteris x clandonensis 'Dark Knight'	Blue Mist Shrub	5 gal		L
	JCM	18	Juniperus scopulorum 'Moonglow'	Moonglow Juniper	10 gal		L
	MC	7	Mahonia aquifolium 'COMPACTA'	COMPACT Oregon Grape	5 gal		L
	PLC	5	Philadelphus lewisii 'Cheyenne'	Lewis Mock Orange	5 gal		L
	PSW	5	Physocarpus opulifolius 'Summer Wine'	Summer Wine Ninebark	5 gal		L
	PF	13	Potentilla fruticosa 'Goldfinger'	Goldfinger Potentilla	5 gal		L
	RG	3	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	5 gal		L
GRASSES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE		
	BB	15	Bouteloua gracilis 'Blonde Ambition'	Blue Grama	1 gal		L
	SW	6	Sporobolus wrightii	Big Sacaton	1 gal		L
PERENNIALS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE		
	CI	6	Callirhoe involucrata	Wine Cups	1 gal		L
	PPP	13	Penstemon pinifolius	Threadleaf Beardtongue	4"pot		L
MULCHES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE		
	RM	3,343 sf	ROCK MULCH PER OWNER APPROVAL. PLACE TO A UNIFORM DEPTH OF 3".	RIVER ROCK 1"-2"	mulch		

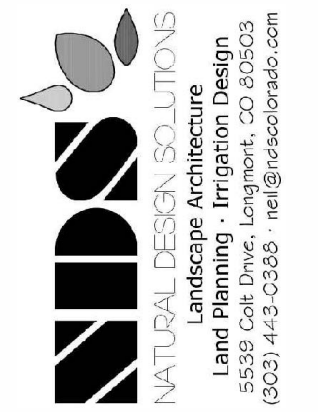
REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION
1	PLACE SHREDDED CEDAR MULCH AROUND BASE OF ALL PERENNIALS AND GRASSES IN LARGE COBBLE AREAS. MASSED PERENNIALS TO RECEIVE LARGE RING AROUND ENTIRE GROUP (TYP). WOOD MULCH NOT REQUIRED AROUND BASE OF PLANTS LOCATED IN PEA GRAVEL.
3	Place plants to provide min. 2" clearance from back of curb at mature spread.

LANDSCAPE REQUIREMENTS

LANDSCAPE AREA		MINIMUM OVERALL LANDSCAPE AREA REQUIRED = 20% - 53.69% PROVIDED					
Total Site area per platted documents	24,517 (Affected)	Total Landscape Area Required (15%)	3677	Total Landscape Area Provided (on-site)	3705 SF (15.11%)		
PARKING LOT LANDSCAPE							
Total # of parking spaces proposed	26	Parking Screening Areas (6' Perimeter)	East	Parking Screening Length / SF	127/ 127	Total Tree/ Islands Req./ Prov. (120 spaces)	2 / 2
						Total Shrubs Req./Prov. (75%, Min. 30' Ht.)	101 LF/120 LF
STREET ROW LANDSCAPE							
Street Name or Zone Boundary (elev.)	1st Street	Street Classification	Collector	Linear Footage	135	Tree/lf Required	1 / 40 lf
						No. of Trees Req. / Prov.	3 / 3
						Shrubs/Sf Required	1 / 150 sf
						No. of Shrubs Req. / Prov.	7 / 7 + coverage
NON-STREETFRONT PERIMETERS							
Zone Boundary	Linear Footage	Tree/lf Required	No. of Trees Req. / Prov.	No. Evergreen Req. / Prov.	Shrubs/Sf Required	No. of Shrubs Req. / Prov.	
North	140	1 / 40 lf	4 / 4	1 / 3	1 / 150 sf	7 / 7 + coverage	
West	93	1 / 40 lf	3 / 3	1 / 0	1 / 150 sf	4 / 4 + coverage	
BUILDING PERIMETER							
Street Frontage	Linear Footage	Tree/lf Required	No. of Trees Req. / Prov.				
North	68	1 / 40 lf	2 / 2				

LANDSCAPE PLAN



THE WELL
8121 1ST STREET, WELLINGTON, CO
LANDSCAPE PLAN RENDERING

PROJ. NO.:
DATE: 03.30.23
SCALE: See Sheet
DRAWN: NAM
CHKD BY: NAM
SHEET L10

GROUSE MALT HOUSE
BUILDING EXPANSION
\$121 FIRST STREET, WELLINGTON, COLORADO

CONCEPTUAL

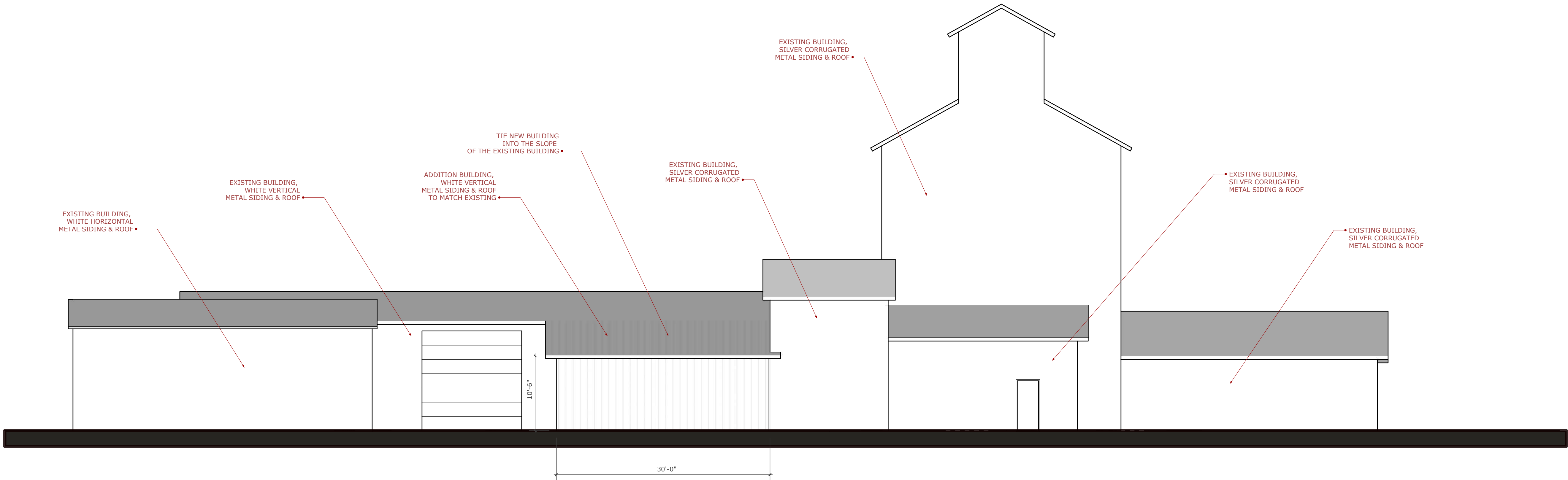
Issued For SD: 00/00/21
Issued For DD: 00/00/2021
Issued For Permit: 00/00/2021
Issued For Construction: 00/00/2021
Revision Number Revision Date

Seal:

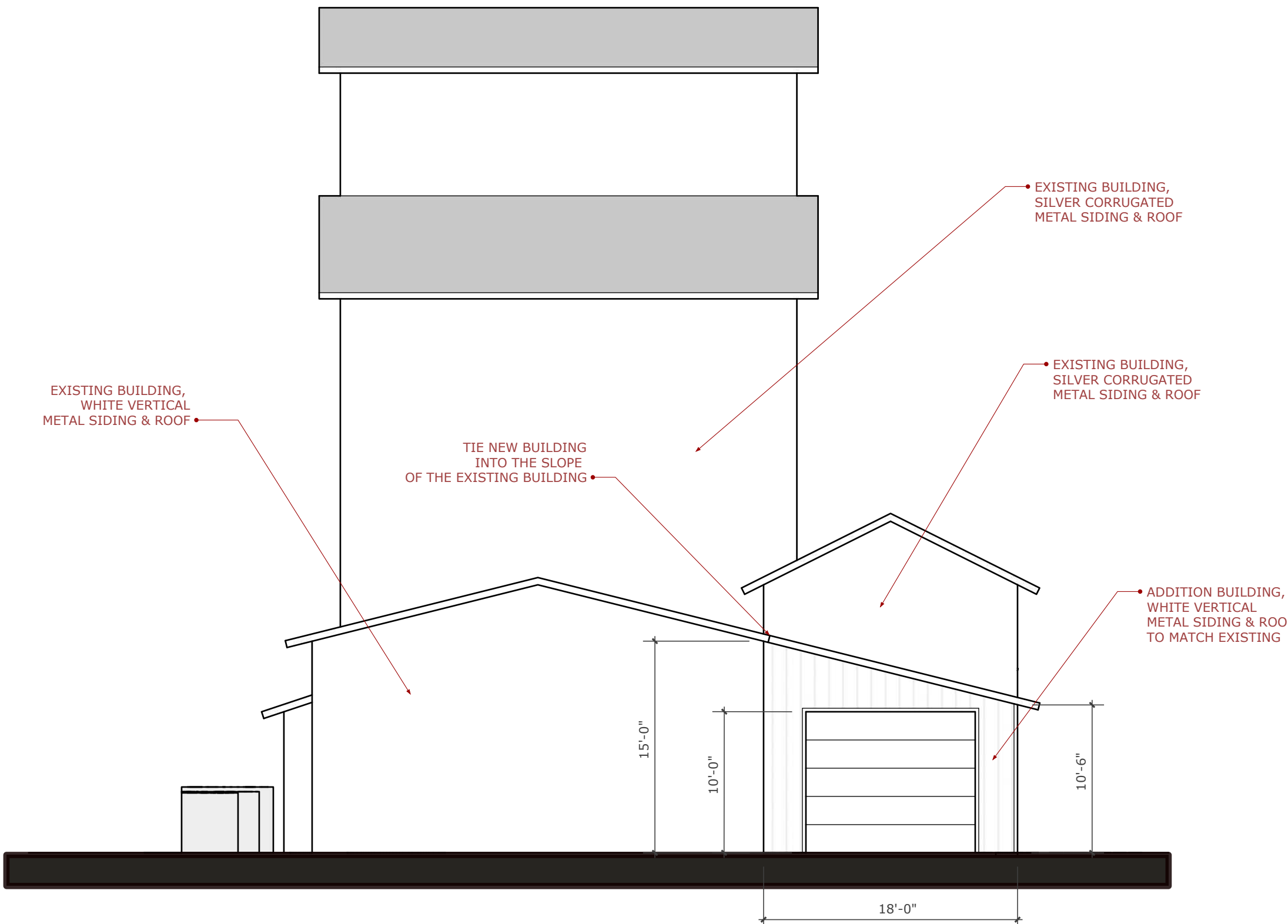
Plot Date: April 3, 2023

ENTITLEMENT
ELEVATIONS

A01



1
A01
EAST ELEVATION
Scale: 1/8" = 1'-0"



2
A01
SOUTH ELEVATION
Scale: 1/8" = 1'-0"

ELEVATIONS:

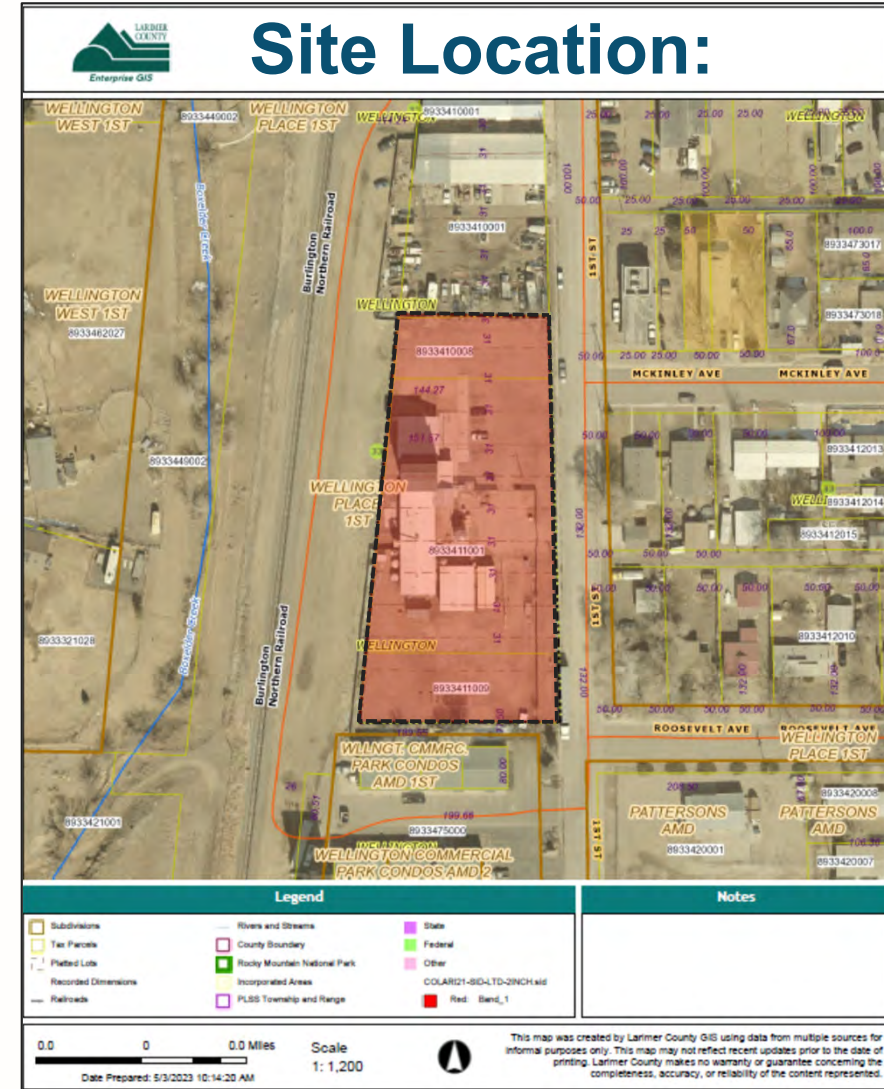
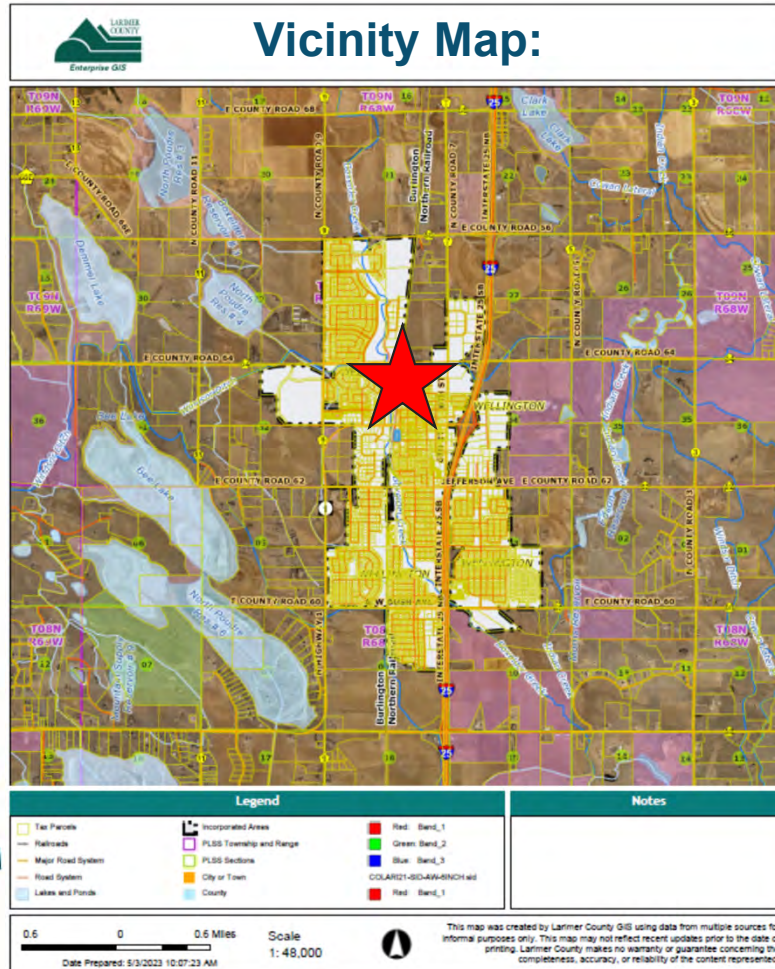
Board of Adjustments

Variance Request: 8121 First Street

Wellington Land Use Code (Ord. 07-2022)
Section 2.22 Variance
Subsection 2.22.4 Findings for Approval



Board of Adjustments

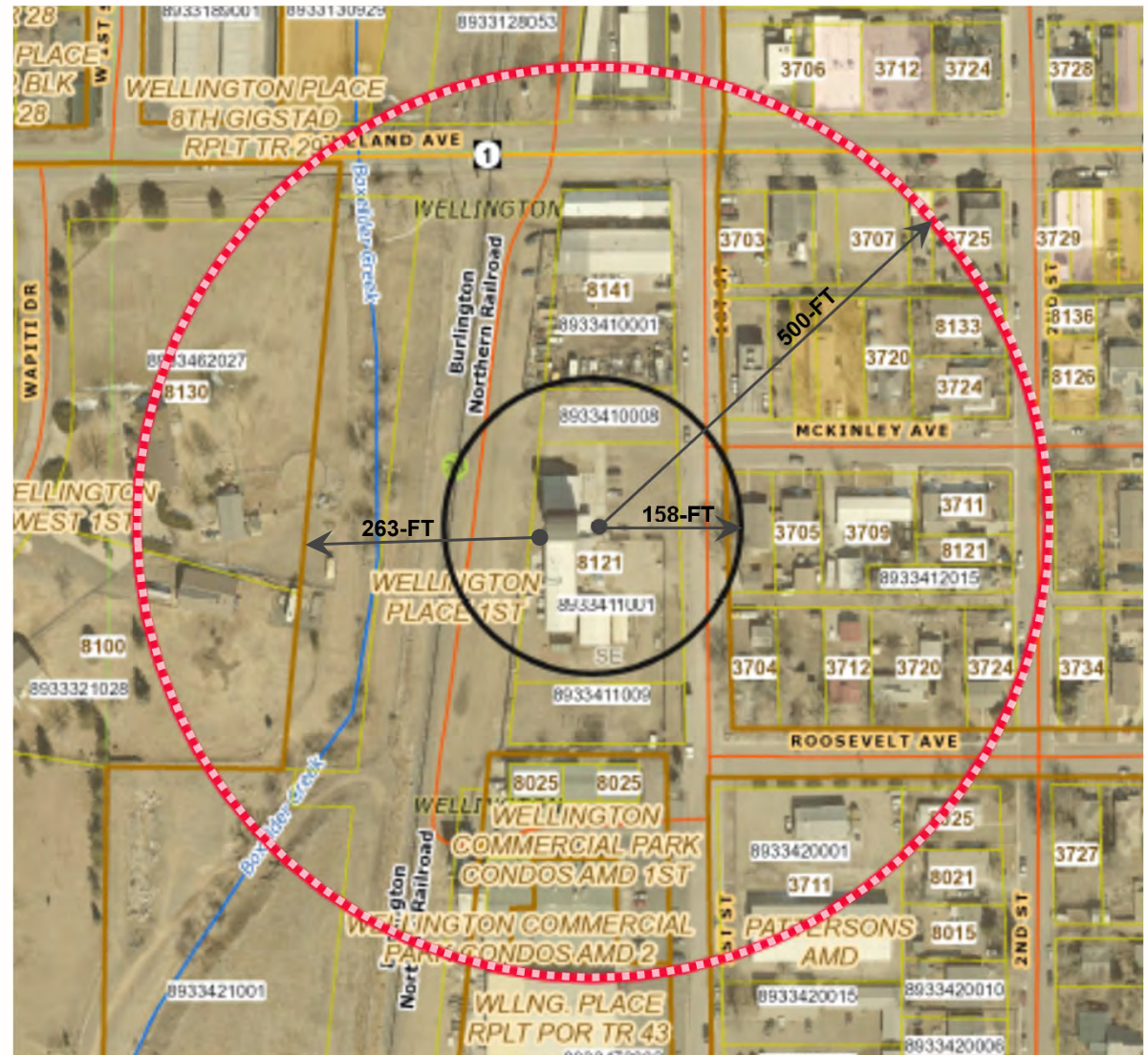


Site Map:

Section 4.03.3-A Bar/Tavern cannot be located within 500-ft of any residential use or district.

The applicant is seeking relief from the separation setback standard.

The applicant proposes reducing the 500-ft separation setback to the nearest adjacent residences to 158-ft. to allow for a bar/tavern and community event activities.



Rendered Site Perspective:



Setback Exhibit:

The site is currently used by the Grouse Malt and Roasting manufacturing operation.

A taproom was previously located on the site (Old Colorado Brewing Company operated a tap room 2015-2019).

The applicant now seeks to add a special event center to the existing light industrial manufacturing facility and intends to again include a tap room to serve alcohol, including alcohol produced/brewed on site.

A bar/tavern requires a 500-FT separation setback from residential uses.

The applicant is seeking to reduce the separation setback standard from 500-ft to 158-ft (nearest residential property to the front wall of the building).

The applicant states that a hardship was created when the Town's Land Use Code was updated in 2022 and the amended Official Zoning Map reclassified the adjacent residential uses to R-2 from "Transitional" in 2023.





Finding A:

- The relief requested is consistent with the Comprehensive Plan and the intent of this Land Use Code.
- ✓ *The relief requested is consistent with the Comprehensive Plan and intent stated in the Land Use Code. This location is zoned light industrial, and thus, is permitted by right to have a bar/tavern establishment.*



Finding B:

- Strict application of the regulation will result in an unnecessary hardship and practical difficulties on all reasonable use of the land intended by the existing zoning, as opposed to convenience or benefit of the Applicant or a specific application.
- ✓ *Strict application of the regulation will result in an unnecessary hardship and practical difficulties due to site size and existing constraints, and it has previously been the location of a comparable use as a tap room.*



Finding C:

- The need for the variance is due to specific and unique physical conditions on the site that do not exist on similarly situated land in the area.
- ✓ *The need for the variance is due to the unique location of this property (i.e. in Old Town Wellington) and thus is close in proximity to residential zoning. The site is also the location of existing buildings that will remain and limit the physical design of the site.*



Finding D:

- The manner in which the strict application of the regulation deprives the applicant of reasonable use of the land compared to other similarly situated land in the area.
- ✓ *Strict application of this regulation deprives the applicant of reasonable use of the land (as permitted by right) based on Wellington's 2022 adopted Land Use Code. The bar/tavern use requested is reasonable based upon prior existing uses and site design to limit negative impacts.*



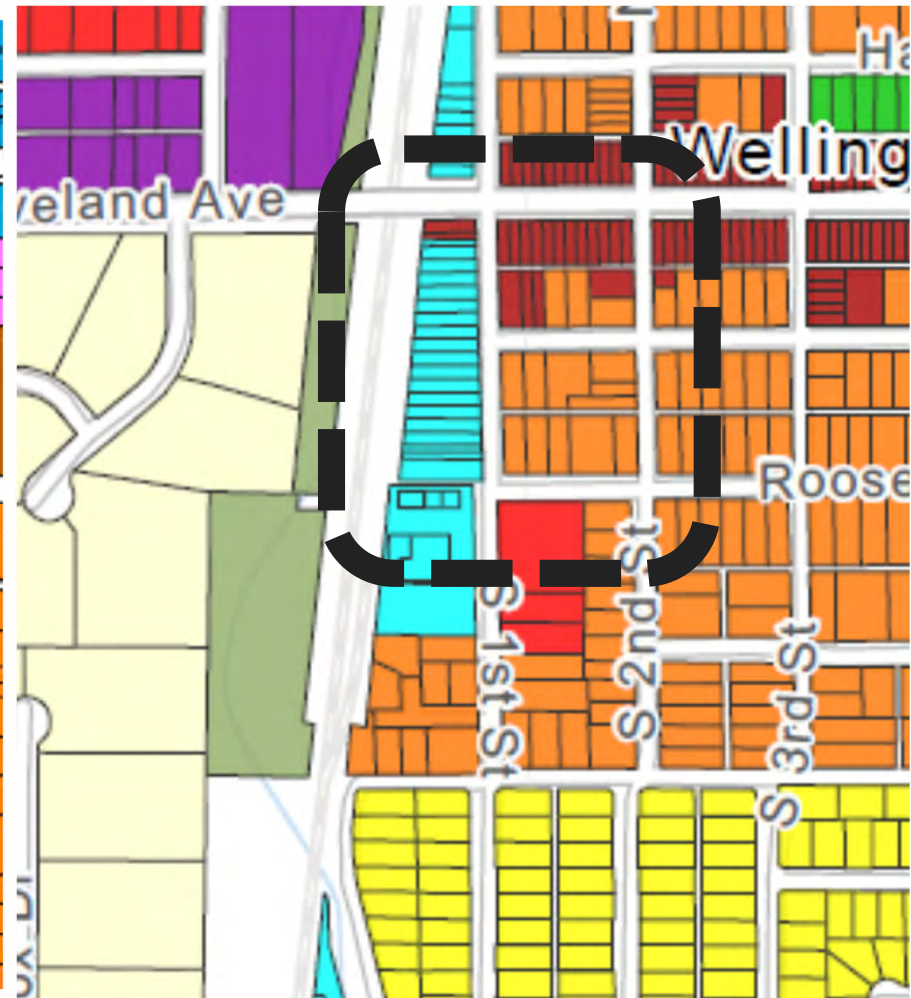
Finding E:

- The circumstances warranting the variance are not the result of actions by the applicant or could not be reasonably avoided by actions of the applicant.
- ✓ *This location was previously occupied by a similar establishment that operated a liquor license in a similar manner as that proposed. The Town's processes of updating the Land Use Code and updating the Official Zoning Map resulted in creation of the new setback separation and use standards.*

Prior Zoning Map



Current Zoning Map





Finding F:

- Granting the variance does not adversely affect the public health, safety and welfare, and in fairness to the applicant, substantial justice is done.
- ✓ *Granting the variance will not harm the public health, safety, and welfare of the adjacent residential neighbors. The proposed site design includes landscaping and screening to protect the neighbor(s) directly across the street on McKinley Ave. (landscaping) and to the west (privacy fence). Outdoor events are limited in area and may be further limited by hours of operation if desired.*



Finding G:

- The relief requested is the minimum necessary to alleviate the hardship and practical difficulties.
- ✓ *The relief requested to reduce the setback from 500-ft to 158-ft from residential zoning is the minimum necessary to alleviate the hardship and practical difficulties resulting from changes to the Land Use Code and Zoning Map.*



Finding H:

- The relief requested is consistent with any prior approvals and official plans and policies created under the guidance of that plan for these areas (e.g., The Comprehensive Plan, specific area plans like a Downtown Corridor Study, etc.).
- ✓ *The request is consistent with the Comprehensive Plan and Land Use Code. Both documents encourage the re-use of agricultural structures that reflect and honor the Town's historic agricultural past.*
- ✓ *The Comprehensive Plan encourages establishing a diversity of businesses and employment opportunities in the town.*
- ✓ *The Comprehensive Plan also encourages repurposing of existing buildings and facilities.*
- ✓ *A similar use (Old Colorado Brewing Company) existed on the property from 2015 to 2019 and the proposed bar/tavern use is consistent with that prior approval.*



Summary & Staff Recommendation:

- *The request to reduce the setback to allow a bar/tavern use is not unreasonable. A similar use has been located on the site before the amended Land Use Code and updated Zoning Map.*
- *Proposed site plan improvements and business hours of operation minimize impacts to the adjacent residences.*
- *The use and proposed site design are consistent with the Comprehensive Plan to repurpose agricultural structures to retain the Town's historic and cultural character.*
- *Granting the variance would allow an existing business to remain and expand at its current location.*
- *Staff supports the granting of the variance, subject to conditions of approval.*