



ALLES TAYLOR & DUKE, LLC
LICENSED PROFESSIONAL ENGINEERS
LICENSED PROFESSIONAL LAND SURVEYORS

3610 35TH AVE. UNIT #6
EVANS, 80620
970-330-0308

November 12, 2020

Attn:

City of Evans – Planning Division
1100 37th Street
Evans, CO 80620

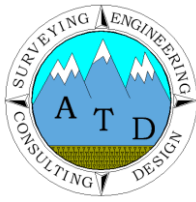
Subject:

Variance Request for Lot 8, 9, and 10, Block 4 of Evans Industrial Park
4320 Industrial Parkway
Innovative Investors, LLC

Innovative Foods is a meat processing company that has operated in Evans since 2007. They provide commercial meat processing for businesses, private customers, and have a retail component that is open to the public for regular business hours. Their facility is located at 4320 Industrial Parkway, the northeast corner of the intersection of Industrial Parkway and 44th Street. Recently there was a fire in the main building of their facility that resulted in a complete demolition of the structure in July of this year. There were several walk-in coolers on the north side of the main building that remain, along with the eastern portion (1,984 ft²) of the original building and the livestock pens. Dave Ellicott, owner of Innovative Foods, has been planning an addition to the original structure for several years and is taking this opportunity to rebuild in a manner that will allow his business to accommodate the growing demand for their services. Mr. Ellicott, along with Innovative Investors, LLC, are planning a new 11,065 ft² facility that will be in the same approximate location of the original structure and expanded to the south and west. Site improvements are also proposed for the site complying with current zoning codes and Evans design criteria with a few exceptions. Below is an explanation of the exceptions to City codes and criteria that we are requesting a formal variance to along with a more detailed description of the subject property and proposed development.

Existing Site Conditions

The subject property is specifically described as Lots 8, 9, and 10, Block 4 of the Evans Industrial Park. The original building was constructed in 2003 per Weld County records and was occupied by Innovative Foods shortly after. Since construction of the building the site remained relatively unchanged until the recent demolition. The property is primarily covered with packed gravel and a recycled asphalt customer parking lot along the western property line. The area to the north and east of the original structure is delineated by a wooden fence separating the business operations and livestock area from the customer parking/loading area as well as screening it from public view. There is a small detention pond on the south side of the property with a Corrugated Metal Pipe discharging into 44th Street. According to Weld County aerial photos landscaping was installed along the western property line, east side of Industrial Parkway, with construction of the original building. The landscape installed was several trees and decorative rock ground cover, but it does not extend along the entire length of the street frontage. The original building was mostly built on Lots 8 & 9 and the landscaping was installed along the frontage of the building on the east side of Industrial Parkway along the frontage of the building. The main entrance to the facility is in approximately the center of the western property line off Industrial Parkway, and to the north of the entrance is bare ground from the back of the east curb to the wooden fence. The parking lot sits on the west side of the building area, south of the entrance, and has a second access point off 44th Street. This access is not well defined since 44th Street and the customer parking lot are



unpaved at this time. There is a second truck access off 44th Street in the southeast corner of the property that is used for deliveries and access to the livestock area.

Proposed Development

Along with construction of the new building, there will be site improvements made to the property including a concrete paved customer parking lot along the western property line, new stormwater detention pond complying with current City criteria, site regrading, landscaping, irrigation, and some minor utility work. The proposed building will be approximately 7,330 ft² larger than the original structure at a proposed size of 11,065 ft² and will include 650 ft² of retail space that is open to the public. Below is a breakdown of the lot coverage proposed for the subject property.

Lot Coverage:

Total Lot Size = 65,594 ft² (1.51 Acres)

- Building Area = 13,049 ft² (19.9%)
- Concrete Paving Area = 8,771 ft² (13.4%)
- Concrete Sidewalk Area = 5,364 ft² (8.2%)
- Packed Gravel Area = 25,286 ft² (38.5%)
- Landscape Area = 13,124 ft² (20.0%)

Please reference the Variance Site Plan submitted with this variance request for a detailed layout of the proposed site improvements. After the variance request is considered by the City, detailed construction drawings will be provided in a Site Plan Review process with Community Development.

Variance

1. The proposed building will be in the same area the original building was but will extend further to the west and south of the original footprint. The north and east sides of the new building will align with the existing coolers and remaining building, respectively, so that the function of the facility can remain largely the same as before. The existing building and mechanical equipment are limiting two sides of the proposed building location resulting in an encroachment into the required 25' setback along 44th Street. Per section 18.04.080(E), the setback requirements for I-1 zoned properties are:
 - Min. Front = 25'
 - Min. Side = 30'
 - Min. Side Street = 25'
 - Min. Rear = 20'

The proposed building is 22 ft from the southern property line, northern Right-of-Way (ROW) line of 44th Street, and will have a concrete pad for mechanical units along the southern building face extending to within 14 ft of the property line. The combined encroachment of the building and associated mechanical units is 11 ft.

We request that the maximum encroachment of 11 ft into the side street setback for the proposed building be granted a variance by the City.



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2. To accommodate site parking in a practical manner the customer parking was located as close as possible to the retail portion of the proposed building in the same location of the existing customer lot. To accommodate the parking and circulation of larger vehicles, the customer parking lot is set up for one-way traffic. Per section 18.08.080(C.4) all parking areas will be paved with concrete. Per section 18.04.080(E) the minimum front setback is 25 ft, and section 18.03 defines setback as a yard. A yard is defined as the area between the primary structure and the adjacent property line and must be unoccupied and unobstructed from the ground upward other than landscaping, except as may be specifically provided in the zoning ordinance. This would mean that a 25' landscape yard is required around the western and southern property boundaries that doesn't contain any portion of the building or paving. However, per section 18.08.070(S.2a), nonresidential properties 1 acre or greater in size shall have a ten-foot wide landscape strip extending inward from any property line which abuts ROW. This section is understood to be a specific zoning ordinance for nonresidential properties. The proposed customer parking lot is 9.5 ft to 7.2 ft away from the adjacent property line.

We request that the maximum encroachment of 2.8' into the 10 ft landscape yard for the paved customer parking lot along the western property line be granted a variance by the City.

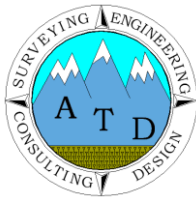
The variances requested are permissible per section 18.06.100(B.1d & e). The requests also meet the criteria established in subsection D of the same section as explained below.

1a. Approval of the variance would not jeopardize the health, safety, or welfare of any person.

The requested variances do not extend outdoor operations into the required setbacks nor will it create a negative impact on vehicular and pedestrian traffic on the adjacent road network or internal to the site. A primary intent of setback requirements is to provide open space between developments and adjacent roads as well as provide adequate room for landscaping, sidewalks, and utilities. The building and parking lot encroachments will not degrade the intent of the setback requirements since there will still be 18 ft to 26 ft between the proposed improvements and the back of the sidewalk along Industrial Parkway and 44th Street (assumed future location) leaving adequate room for safe traffic circulation, utilities, landscaping and unobstructed views for traffic within ROW.

1b. The grant of variance is the minimum variance that will make possible the reasonable use of the parcel, building or structure.

There were many iterations of the proposed building footprint and site layout completed to find the optimal building size for business operations while adhering to City codes and criteria. The owners and their design team have come up with a site layout that, in our opinion, provides an operationally adequate layout that meets the overall intent of City of Evans codes while balancing site maintenance and use for the business. The Evans Industrial Park is a difficult subdivision for typical industrial developments due to the small size and shape of the lots created by the original plat in 1975. The lots are configured more for large residential use than they are for industrial businesses that usually require several acres for adequate operation. The subject property is the combination of 3 of those original lots (8, 9, & 10) for a total area of 1.51 acres, a relatively small lot for industrial purposes. However, the design team was able to come up with a layout that meets all requirements except for the stated code sections.



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1c. Literal interpretation and enforcement of the terms and provisions of the Title would deprive the applicant of rights commonly enjoyed by other parcels in the same zone district and would cause the applicant unnecessary hardship, as distinguished from mere inconvenience. In determining whether an applicant's rights would be deprived, the Board of Zoning Appeals and the City Council shall consider whether either of the following condition apply:

- 1. There are special conditions and circumstances that are unique to the parcel, building or structure, that are not applicable to other parcels, structures or buildings in the same zone district and that do not result from the actions of the applicant; or*

The subject property is relatively small for an industrial use and was previously developed. The situation Innovative Foods is in now puts them in a situation where they are rebuilding a portion of the building that burned down and are constrained on the location of the new building by the existing structures on the property. The layout also must accommodate semi-truck traffic around the east and north sides of the building. The circulation around the east and north sides is adequately handled with the current building location and to avoid creating an operational issue, the new building would need to be located in the same area as the original relative to those two sides.

- 2. Granting the variance will not confer upon the Applicant any special privilege denied by the Evans Comprehensive Plan and the terms of this Title to other parcels, buildings, or structures, in the same zone district.*

1d. Such practical difficulty and unnecessary hardship have not been unreasonably self-imposed by the applicant.

The original facility was built under a previous version of City code and criteria. With changes to zoning code and design criteria in the last decade, the existing development would not fully comply due to inadequate parking, landscaping, and an undersized detention pond. With the sudden need to rebuild the facility, the development must also be brought up to current City codes and criteria. This will create an overall better development for the owners' and the City as well as improve the Evans Industrial Park. However, working around the existing structures and operational layout with a relatively small industrial lot has created the need for the requested variances so that the overall intent of Evans' development code can be achieved while aiding the owner in their efforts to run a successful business.

Thank you,

TJ Heupel, EI 68656

Mark Taylor, PE 46065