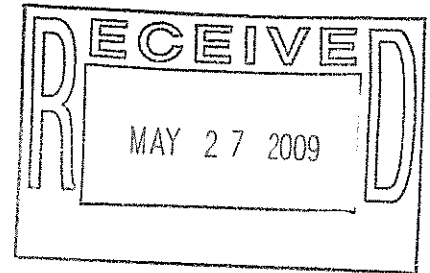


May 26, 2009



Statement Of Intent

Board Of Adjustment Submittal
Proposed Safeway Fueling Facility
Lot 1, Silver Lane Stables Addition
Town of Estes Park, CO

Safeway Inc. proposes to construct a new fueling facility at the above referenced location. All existing site improvements will be demolished and a new fueling facility consisting of a 1,185 square foot (SF) kiosk or convenience store, a 6,075 SF overhead canopy above 6 multiple product fuel dispensers, and a future 1,275 SF single-bay automatic car wash.

Vehicular access to the fuel facility is proposed through one curb-cut on Highway 34 and one curb-cut on Steamer Drive. A new eight foot wide sidewalk will be provided along Highway 34 with a new six foot wide sidewalk added along Steamer Drive. A handicapped accessible pedestrian connection will be provided between the kiosk/convenience store and the new sidewalk along Highway 34.

Extensive landscape buffering exceeding the Town's requirements will be provided along Highway 34, Steamer Drive, and within the interior of the site. The design of the fuel facility will utilize the same materials, colors, and architectural detailing of the existing Safeway grocery store thereby resulting in a visually cohesive and attractive development.

The fuel facility will be owned and operated by Safeway Inc. and will function as another department of the existing Safeway grocery store. The hours of operation will be approximately the same as those of the grocery store. Current plans call for the fuel facility to open in July 2010 and the future car wash to open within 3 years after the opening of the fuel facility.

Variance Request

With this submittal, Safeway Inc. hereby requests a variance from section 5.1.Q.4.a of the "Estes Valley Development Code". Section 5.1.Q.4.a states that for Service Stations, "The use shall be located at least one hundred (100) feet from the property boundary of any residential zoning district". Safeway Inc. respectfully requests that Code section 5.1.Q.4.a be waived for the development of the proposed Safeway Fuel Facility.

Background Information

The proposed Safeway Fuel Facility site, Lot 1 Silver Lane Stables Addition, is zoned CO: Outlying Commercial and "Vehicle Service, Limited – Service Station" and "Vehicle Service, Limited – Car Wash" are uses permitted by right within the CO zone.

Statement Of Intent
Board Of Adjustment Variance Submittal
Safeway Fuel Facility
May 26, 2009

The abutting property to the north of the proposed Safeway Fuel Facility is identified as Lot G of the Stanley Hills Subdivision and is currently zoned Residential. The recorded plat for Lot G states that "open space lot 'g' to be held for future dedicated roadway – 0.625 acres".

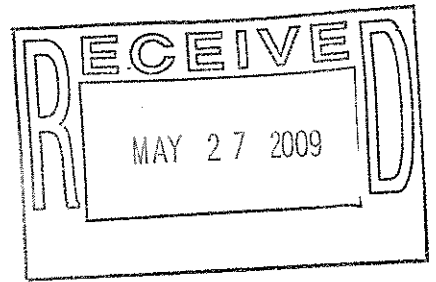
Proposed Safeway Fuel Facility building/structure setbacks as measured from the north property line of Lot 1 Silver Lane Stables Addition:

- 56' at canopy, 90' at future car wash, 138' at kiosk/convenience store

Variance Justification

Based on the variance review standards from the "Estes Valley Development Code" (section 3.6.C) the applicant offers the following:

1. The fact that abutting Lot G of the Stanley Hills Subdivision is intended for future roadway dedication but is zoned Residential is a special circumstance that results in practical difficulty for the development of a fuel facility on Lot 1 Silver Lane Stables Addition.
2. Factors relating to the "practical difficulty" described above are:
 - a. without a variance, the development of a modern fueling facility meeting market demands and expectations on the subject property will not be possible
 - b. due to the fact that the adjacent Lot G of the Stanley Hills Subdivision is intended for future roadway dedication, the requested variance is minor in nature
 - c. the essential character of the neighborhood will not be altered and adjoining properties will not suffer a substantial detriment as a result of the variance
 - d. the delivery of public services such as water and sewer will not be adversely affected by the variance
 - e. this issue will need to be resolved prior to Safeway Inc. purchasing the property
 - f. Town staff has identified a variance as the preferred means of mitigating the Applicant's predicament
3. The circumstances affecting the subject property are a unique situation.
4. The requested variance will not result in the reduction of any lot sizes nor an increase in the number of lots.
5. If authorized, this variance will represent the least deviation from the regulations that will afford relief.
6. The proposed uses are permitted within the CO zone district and this variance addresses the 100' separation requirement only.
7. The applicant recognizes that the BOA may require certain conditions of approval if needed.



ESTES VALLEY BOARD OF ADJUSTMENT APPLICATION



Submittal Date: 5/27/09

General Information

Record Owner(s): BETTY JUNE WHITESIDE
Street Address of Lot: 621 BIG THOMPSON AVENUE
Legal Description Lot: 1 Block: Tract:
Subdivision: SILVER LANE STABLES ADDITION
Parcel ID # 25193-00-009 Section 19 Township 5 NORTH Range 72 WEST

Site Information

Lot Size 1.594 ACRES Zoning C.O. COMMERCIAL OUTLYING
Existing Land Use HORSE STABLE & CORRALS
Proposed Land Use FUEL FACILITY WITH FUTURE CAR WASH
Existing Water Service [X] Town [] Well [] Other (Specify)
Proposed Water Service [X] Town [] Well [] Other (Specify)
Existing Sanitary Sewer Service [X] EPSD [] UTSD [] Septic
Proposed Sanitary Sewer Service [X] EPSD [] UTSD [] Septic
Existing Gas Service [] Xcel [] Other [X] None
Site Access (if not on public street)
Are there wetlands on the site? [] Yes [X] No

Variance

Specific variance desired (state development code section #):

Primary Contact Information

Name of Primary Contact Person JOHN C. SCALES 96 GALLOWAY
Mailing Address GALLOWAY, 5350 D.T.C. PARKWAY, GREENWOOD VILLAGE, CO 80111

Attachments

- [X] Application fee (see attached fee schedule)
[X] Statement of intent (must comply with standards set forth in Section 3.6.C of the Estes Valley Development Code)
[X] 1 copy (folded) of site plan (drawn at a scale of 1" = 20") **
[X] 1 reduced copy of the site plan (11" X 17")
[X] Names & mailing addresses of neighboring property owners (see attached handout)

** The site plan shall include information in Estes Valley Development Code Appendix B.VII.5 (attached). The applicant will be required to provide additional copies of the site plan after staff review (see the attached Board of Adjustment variance application schedule). Copies must be folded.

Town of Estes Park P.O. Box 1200 170 MacGregor Avenue Estes Park, CO 80517

Community Development Department Phone: (970) 577-3721 Fax: (970) 586-0249 www.estesnet.com/ComDev

3. *Schools and Day Care Centers as Accessory Uses:*
 - a. Special review shall be required when a religious assembly use includes a school or day care facility.
 - b. Accessory schools and day care centers must comply with the specific use standards in §5.1.F. (Ord. 6-06 §1)
- P. **Resort Lodge/Cabins.** A guest room or unit contained in a resort lodge/cabin accommodations use may contain full kitchen facilities instead of the otherwise required "limited kitchen facilities" (see definition of "guest room" in §13.3), provided that the following conditions are satisfied:
 1. The guest room/unit is contained in a freestanding, detached "cabin" structure, and such structure contains no more than four (4) such guest rooms/units.
 2. For purposes of permitted density/intensity calculations, all guest rooms/units with full kitchen facilities shall comply with a minimum five-thousand-four-hundred-square-foot land area per unit requirement, in lieu of the one-thousand-eight-hundred-square-foot requirement for accommodations units set forth in Table 4-5 of this Code.
- Q. **Vehicle Services, Limited.** All service stations, car washes and quick lubrication service uses shall be subject to the following standards:
 1. *Minimum Separation.* Such uses shall be located at least five hundred (500) feet from schools and day care uses, as measured from the outer boundaries of the sites.
 2. *Site Layout.* Conditions of development plan approval may require buffering, screening or planting areas necessary to avoid adverse impacts on properties in the surrounding areas.
 3. *Storage and Accessory Sales of Materials and Equipment.*
 - a. No outdoor displays of materials or equipment shall be allowed, except that a display rack for automobile products no more than four (4) feet wide may be maintained within three (3) feet of the principal building, subject to a limit of one (1) such display rack per street frontage.
 - b. Storage of unlicensed or inoperable vehicles shall be prohibited.
 4. *Specific Standards for Service Stations and Quick Lubrication Services.*
 - a. The use shall be located at least one hundred (100) feet from the property boundary of any residential zoning district.
 - b. All minor repair work, vehicle washing, lubrication and installation of parts and accessories shall be wholly performed within an enclosed structure.
 - c. All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence. A chain link fence with slats shall not constitute acceptable screening or fencing for the purposes of this provision.
 - d. All vehicles awaiting repair or service shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored on or obstruct access to a public right-of-way.