



UVAR 23-0004 - Catology Use Variance

CITY COUNCIL MEETING

October 10, 2023



Catology Use Variance



QUICK FACTS

Address:

5929 Delmonico

Location:

West of I25, North of Rockrimmon Boulevard and east of Delmonico Road

Zoning and Overlays

Current: Current: MX-M/HS (Mixed Use Medium Intensity with Hillside Overlay)

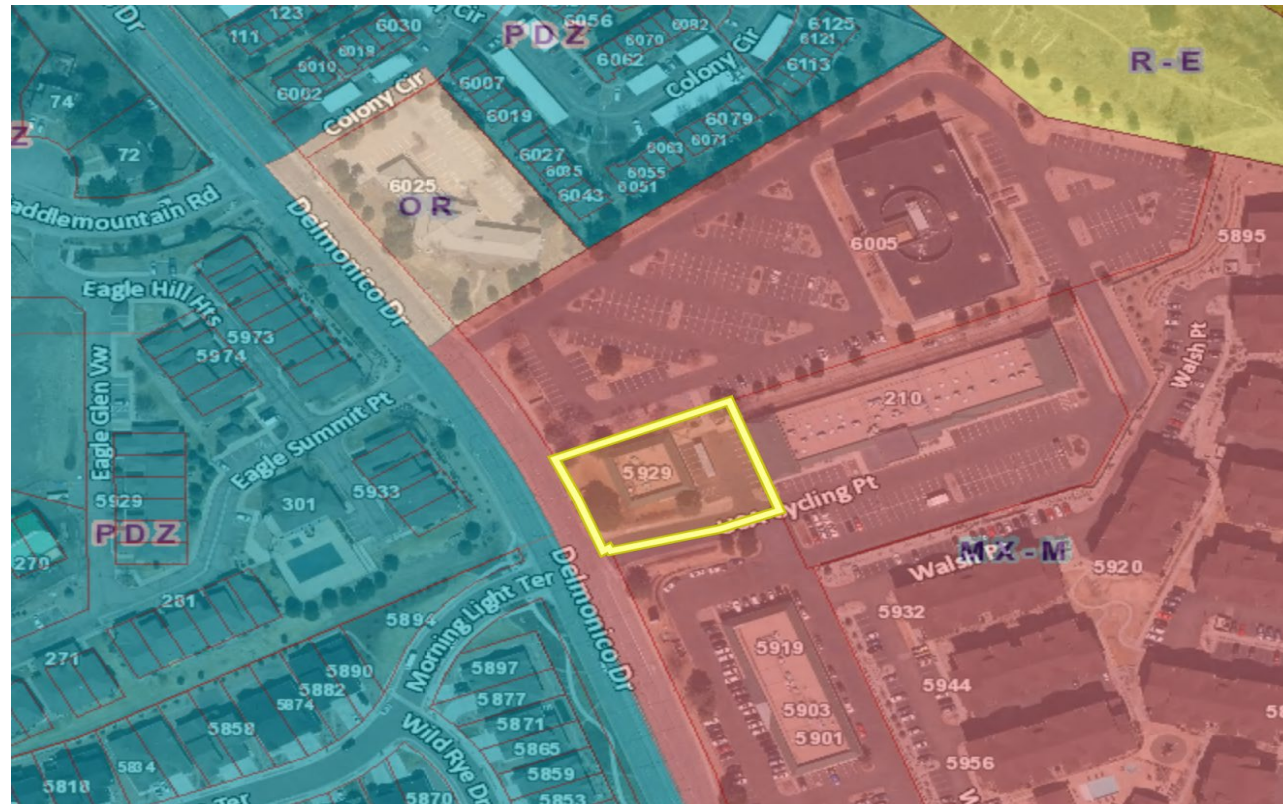
Site Area

25,903 SF

Proposed Land Use

Animal Care Facility to include cat kennel

VICINITY MAP



Catology Use Variance



PROJECT SUMMARY

File #(s):

UVAR 23-0004

Project Proposal:

The project includes a Use Variance application to allow an animal care facility use in an MX-M district (Mixed Use – Medium Scale), which is not permitted nor conditionally permitted.

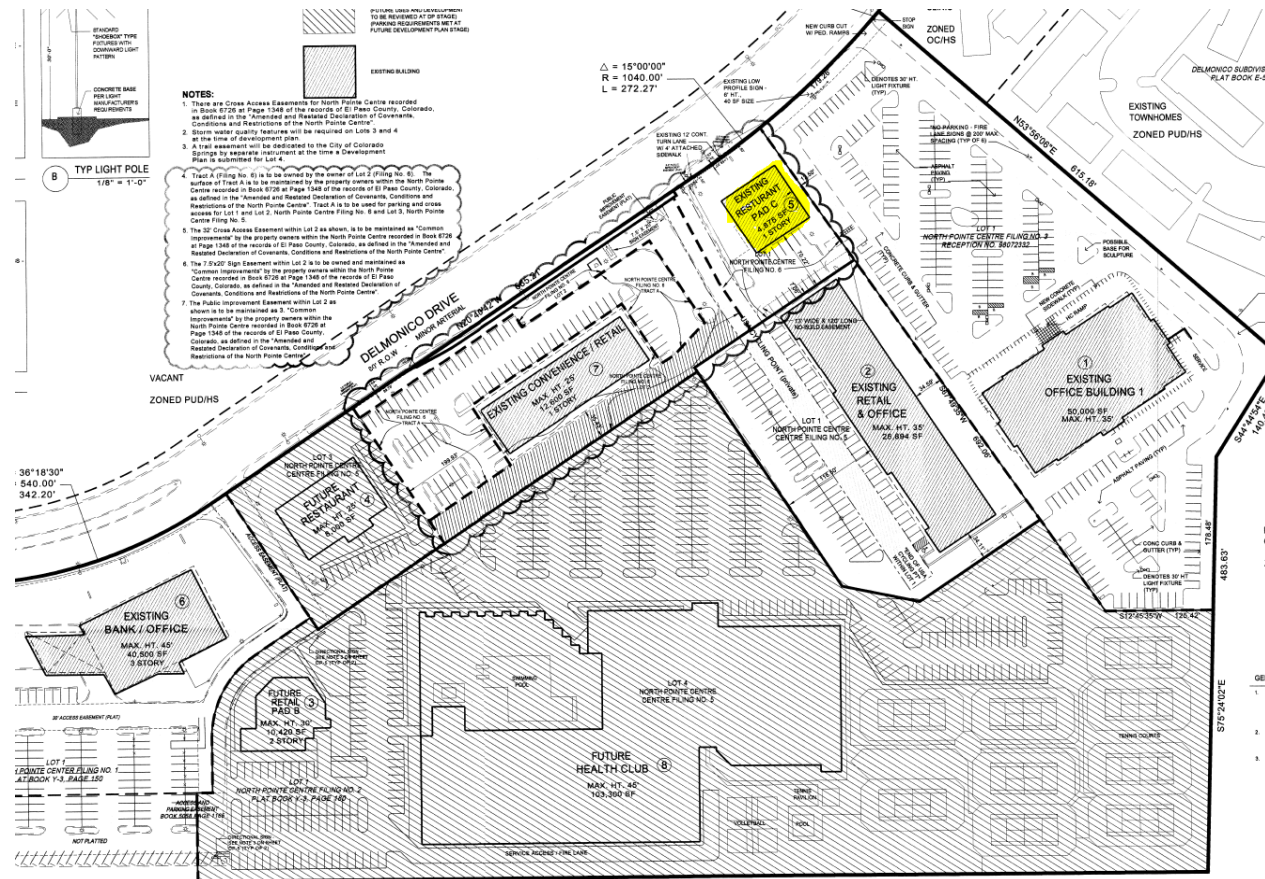
Application:

Use Variance

RECOMMENDATION

Planning Commission recommends approval for a Use Variance to allow an animal care facility at 5929 Delmonico Drive which complies with the criteria in City Code 7.5.527.E.

SITE PLAN



BACKGROUND



Catalogy Use Variance

- Originally **retail** use and amended in 1989 to **restaurant** use.
- Under Chapter 7, existing property zoned PBC/HS (Planned Business Commercial/Hillside Overlay).
- Applicant proposes a cat kennel which was a permitted use within previous PBC zone district.
- Under UDC, the property is zoned MX-M/HS (Mixed Use Medium Scale), but **kennel** use was not transferred to this zone district.
- Kennel falls under “**animal care facility**” definition which is not permitted nor conditional use within the MX-M zone district.

Animal Care Facility

A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases, including veterinary services, or in which boarding, breeding, grooming, training, and daytime or overnight care of more than four (4) domesticated animals is permitted. This use also includes public facilities for the temporary impoundment of animals found abandoned or removed from other locations due to improper care and may include an animal crematorium as an accessory use.

- Staff has determined that this use was omitted in error and therefore this application is appropriate to rectify that oversight.

APPLICATION SUMMARY



Application Summary

- Proposal of a luxury cat kennel called Catology for indoor cat boarding, cat grooming and behavior consultations
- Land Use Statement submitted with justification of Use Variance criteria
- No proposal to expand or change the existing building footprint or site conditions

AGENCY REVIEW



The following agencies reviewed the proposed use and had no comments or concerns:

- Traffic Engineering
- City Engineering
- City Stormwater (SWENT)
- Fire
- Enumerations
- Colorado Springs Utilities
- Citywide Development Impact



STAKEHOLDER INVOLVEMENT



PUBLIC NOTICE

Public Notice Occurrences <i>(Posters / Postcards)</i>	Internal Review / Prior to Planning Commission Hearing / Prior to City Council
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	303 Postcards
Number of Comments Received	1 comment received in opposition during internal review process

PUBLIC ENGAGEMENT

- No neighborhood meeting was held for this entitlement request.
- One public comment was received in opposition with concerns regarding daytime traffic, smell and devaluing surrounding home values. City Traffic Engineering reviewed the application and had no concerns or comments regarding the proposed use meeting traffic requirements. City does not regulate home values or smells as review criteria from animal care facilities.

Catalogy Use Variance



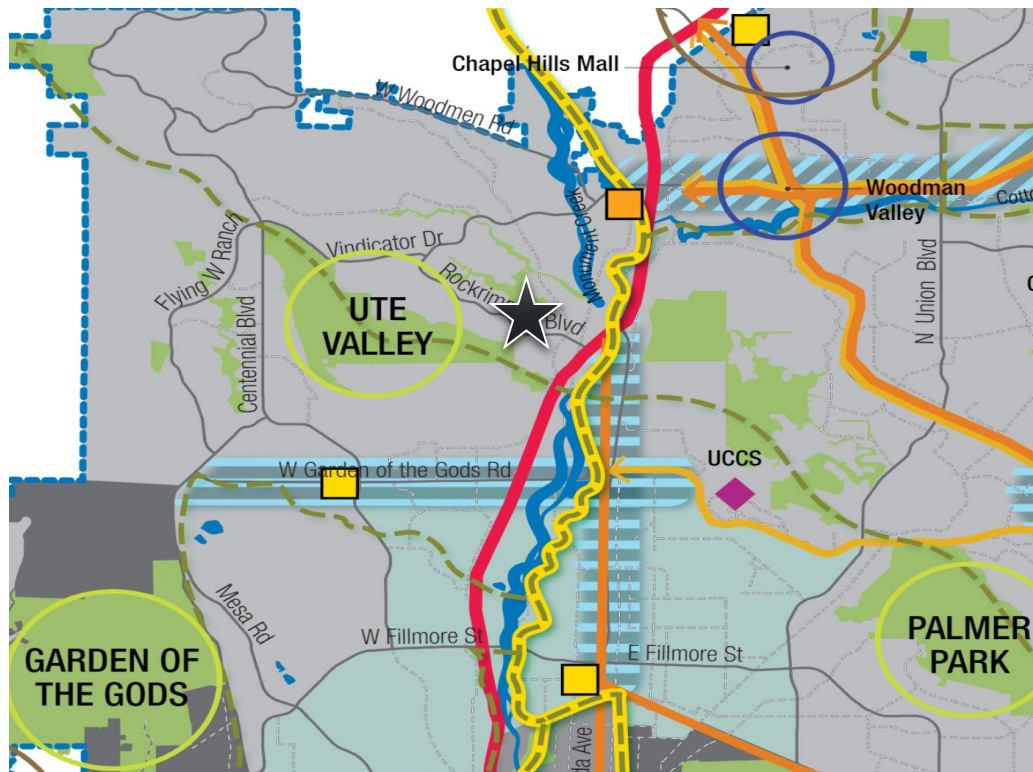
Review Criteria

Staff finds that the proposed Use Variance review criteria have been satisfied and the proposed land use is compatible with the surrounding area which has a mix of office, retail, commercial and residential

- MX-M purpose: *“promote the adaptive reuse or redevelopment of commercial centers that are vacant or underused.”* The existing building has been vacant for approximately 6 years.
- Animal care facility - less intense use than the existing restaurant use
- Will not be detrimental to public welfare – specific to cats and indoor use only
- Hardship is not the result of the Applicant’s own actions – kennel use omitted from UDC use table in error.
- Catalogy has operated as a permitted use within the Chapter 7 PBC zone at 4703 Centennial Boulevard since 2016.

Staff finds that the proposed Use Variance complies with the goals, policies and strategies within PlanCOS. The proposed encourages redevelopment of commercial areas and supports the demand for integrated services to surrounding neighborhoods and further provides a future mix of use types in this area.

PlanCOS MAP IMAGE



GOALS / POLICIES / STRATEGIES:

Goal VN-3: Reclaims neighborhood space through means that empower reinvestment to create community.

Policy VN-3.C Encourages neighborhood-level shopping and service options.

Goal UP-2 Supports embracing creative infill, adaptation and land use change through "supporting infill and land use investment in mature and developed areas of the City.

Strategy UP-2.A-4 Supports employing problem-solving approaches and continue to implement process improvements to support infill and redevelopment.

Thriving Economy's Chapter Four: Promotes productive redevelopment in the City by encouraging infill in underutilized places. This existing commercial facility provides an excellent location for the proposed use and supports the goal to revitalize and reuse existing city infrastructure.

Planning Commission RECOMMENDATION

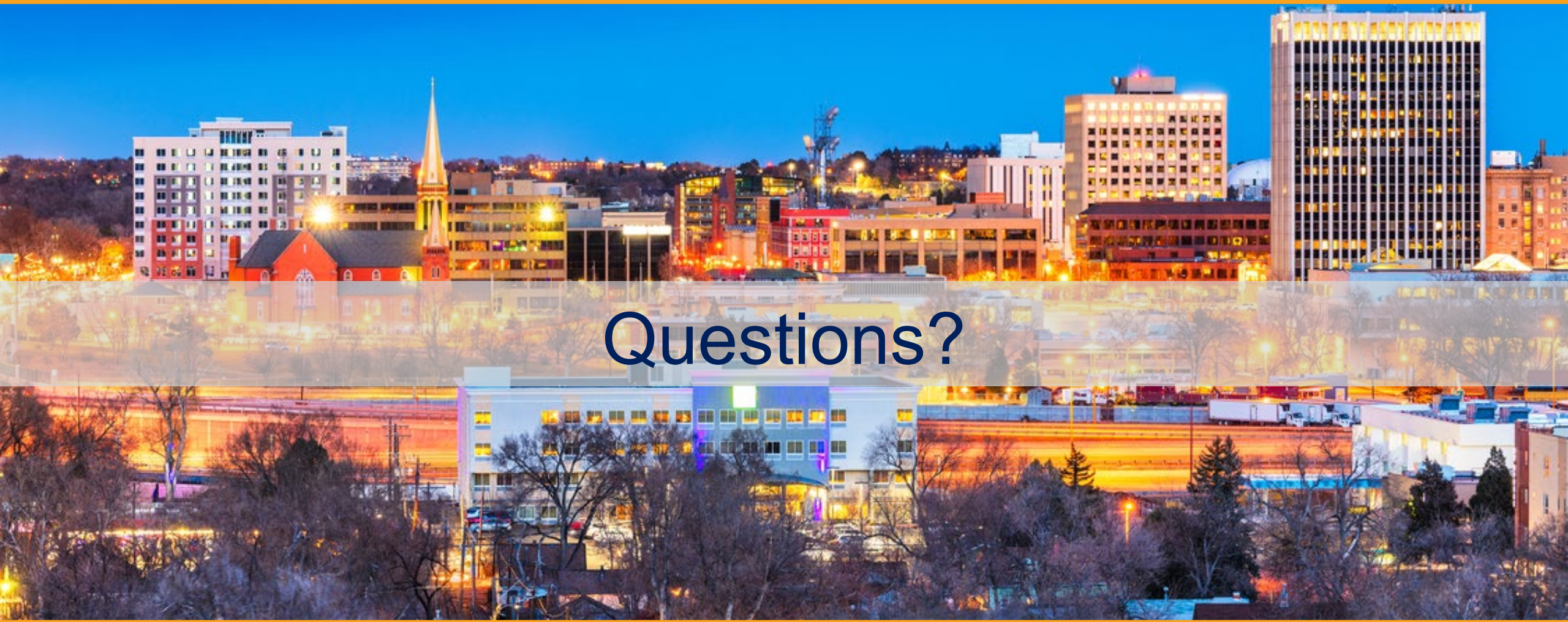


FILE # (UVAR-23-0004):

City Planning Commission recommends approval of the Use Variance to allow an animal care facility use at 5929 Delmonico Drive, based upon the findings that the request complies with the Use Variance criteria as set forth in City Code Section 7.5.527.E.

Use Variance Criteria for Approval:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the Use Variance would result in undue property loss and not solely a mere inconvenience or financial disadvantage;
2. That the Use Variance is necessary for the preservation and enjoyment of a property right of the and if not approved, the property or structure cannot yield any beneficial use;
3. That the Use Variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property;
4. That the hardship is not the result of the applicant's own actions;
5. That because of these conditions, the application of the UDC prohibition on the requested use on the subject property would effectively prohibit or unreasonably restrict the use of the property; and
6. That the Use Variance is not being requested primarily to avoid the time or expense of complying with UDC standards generally applicable to similar properties and development.



Questions?

