



## Legislation Details (With Text)

**File #:** 15-00185      **Version:** 1      **Name:**  
**Type:** Planning Case      **Status:** Passed  
**File created:** 3/4/2015      **In control:** City Council  
**On agenda:** 3/24/2015      **Final action:** 3/24/2015  
**Title:** A non-use variance application related to 544 W. Monument Street.  
 (Quasi-Judicial Matter)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Criteria-7.5.802.B-Nonuse Variance

Date	Ver.	Action By	Action	Result
3/24/2015	1	City Council	approved	Pass

A non-use variance application related to 544 W. Monument Street.  
(Quasi-Judicial Matter)

**From:**

Peter Wysocki, Planning and Development Director, Planning and Development Department

**Summary:**

CPC ZC 14-00139 & CPC NV 14-00140

This project consists of two applications; a change of zoning from PUD/CR (Planned Unit Development with Conditions of Record) to R-2 (Two-family Residential) and a non-use variance request.

The rezoning request will facilitate the request by Rocky Mountain Community Land Trust for use of the property as a duplex. Currently the property is part of a Planned Unit Development zone that restricts the use to a single-family residence.

The non-use variance application is specific to two requests: 1) to allow a duplex on a 6,239 square foot lot where a minimum of 7,000 square feet is required, and 2) to allow one (1) off-street parking stall where a minimum of two (2) are required.

The property is located at 544 W. Monument Street and consists of a 6,239 square foot lot (.143 acre). R-2 zoning is common within the neighborhoods located south and east of the site.

**Previous Council Action:**

City Council approved the existing PUD zone in 1998.

**Background:**

In 1986 the subject lot and property located to the north and west, containing approximately 1.8 acres, were rezoned from R-2 to PUD that allowed 36 multi-family dwelling units (2 buildings); but the development never came to fruition. In 1998 the same property was considered for rezone from PUD to a new PUD that allowed six (6) townhome units and nine (9) single-family homes, including the subject property. That applicant salvaged and relocated several homes near Colorado College that were planned for demolition and relocated them to the subject property.

The current applicant, Rocky Mountain Community Land Trust (RMCLT), is citing the need to allow the property to be utilized as a duplex due to the relatively large size of the home, 2,300 square feet, and the limited demand for that size of home by its clients. The applicant is also concerned over high utility costs when the units are intended to meet the needs for affordable housing. RMCLT owns two additional homes immediately west of the subject property and owned the property at 556 W. Monument Street but sold it to the homeowner as part of its housing program.

**Financial Implications:**

Not applicable.

**Board/Commission Recommendation:**

At their meeting on Thursday, February 19, 2015 the Planning Commission voted unanimously to approve the two non-use variances.

**Stakeholder Process:**

The public process included posting the site and sending postcards to 73 property owners within 500 feet. No comments were received by staff in objection to the requests. The Organization of Westside Neighbors (OWN) has no objection to the request.

The applications were routed to various City Departments for review. No significant issues or conditions were noted.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

**Proposed Motion:**

CPC NV 14-00140 - NON-USE VARIANCE

Approve the following two non-use variance requests:

- 1) To allow a duplex on a 6,290 square foot lot where 7,000 square feet is required.
- 2) To allow one (1) off-street parking stall where two (2) off-street parking stalls are required;

based upon the finding that the variances comply with the review criteria for granting a variance as set forth in City Code Section 7.5.802.B.

Not applicable.