



## Legislation Details (With Text)

**File #:** 15-00585      **Version:** 1      **Name:**  
**Type:** Planning Case      **Status:** Passed  
**File created:** 9/8/2015      **In control:** City Council  
**On agenda:** 9/22/2015      **Final action:** 9/22/2015

**Title:** A request by Cerberus Brewing Company for a non-use variance for a liquor establishment within 200 feet of a residentially zoned/used property located at 702 W. Colorado Avenue.

Quasi-Judicial

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
9/22/2015	1	City Council	approved	Pass

A request by Cerberus Brewing Company for a non-use variance for a liquor establishment within 200-feet of a residentially zoned/used property located at 702 W. Colorado Avenue.

Quasi-Judicial

**From:**

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

**Summary:**

Applicant: Echo Architecture on behalf of Cerberus Brewing Company

Owner: Jerry Morris

Location: 702 W. Colorado Avenue

Non-use variance for on an premises liquor establishment within 200 feet from any residentially-used or -zoned property

**Previous Council Action:**

None

**Background:**

Non-use Variance from Minimum Separation Requirements (200 feet) for Liquor Establishments from Residentially-zoned or -used Properties:

Per City Code, liquor sales establishments are allowed in the C-5 zone district. However, on premises liquor establishments must be located no closer than 200 feet from any residentially-used or -zoned property. The intent of this requirement is to provide for a case-by-case review of liquor

establishment proposed in the vicinity of residential sites to determine if the liquor establishment would generate inordinate off-site impacts from noise, for example. Please see attached Planning commission staff report for a more detailed analysis.

**Financial Implications:**

Not applicable

**Board/Commission Recommendation:**

At their meeting on August 20, 2015 the Planning Commission approved the non-use variance by a vote of 6-0 subject to technical modifications as indicated in the Draft Record-of-Decision.

**Stakeholder Process:**

The standard City notification and posting process was implemented; 103 property owners within 500 feet of the property were notified, as well as one stakeholder organization - the Organization of Westside Neighbors. To date, Staff has received six (6) responses in opposition to the development plan and associated applications, with respondents expressing concerns about parking and the potential for noise and visual disruptions. In addition, 15 signatories signed a petition in opposition that was submitted to the Department on June 29, 2015.

On May 26, 2015 Planning staff facilitated a neighborhood meeting with 17 attendees (including the applicant and applicant's consultant) at the Penrose Library to discuss the development plan and associated applications. Several attendees expressed concerns about parking availability and the potential for other off-site impacts, particularly noise. In addition, the site was posted prior to the City Planning Commission hearing and postcards were mailed notifying property owners of the hearing.

**Alternatives:**

1. Approve the non-use variance application (with technical modifications) as recommended by the Planning Commission;
2. Deny the application; or
3. Refer the applications back to Planning Commission for further consideration.

**Proposed Motion:**

Approve the non-use variance for an on premises liquor establishment within 200 feet from any residentially-used or -zoned property, per 7.5.802.B, subject to the conditions of approval as specified in the Record-of-Decision from the August 20, 2015 Planning Commission meeting

Not applicable