



## Legislation Details (With Text)

**File #:** AR NV 19-00173      **Version:** 2      **Name:**

**Type:** Planning Case      **Status:** Passed

**File created:** 3/28/2019      **In control:** City Council

**On agenda:** 5/28/2019      **Final action:** 5/28/2019

**Title:** A non-use variance to allow a 15 foot side yard setback along the south lot line where 25 foot is required in the PBC (Planned Business Center) zone district located at the southwest corner of Dublin Boulevard and North Academy Boulevard.

(QUASI-JUDICIAL)

Related files: CPC ZC 19-00009, CPC DP 19-00010

Presenter:  
Chris Staley, Planner II, Planning & Community Development

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
5/28/2019	2	City Council	approved	Pass
4/18/2019	1	Planning Commission	referred	Pass

A non-use variance to allow a 15 foot side yard setback along the south lot line where 25 foot is required in the PBC (Planned Business Center) zone district located at the southwest corner of Dublin Boulevard and North Academy Boulevard.

(QUASI-JUDICIAL)

Related files: CPC ZC 19-00009, CPC DP 19-00010

**Presenter:**  
Chris Staley, Planner II, Planning & Community Development

Owner: Cascade Canyon Investments, LLC  
Developer: Cadence Development, LLC  
Consultant Representative: N.E.S., Inc.  
Location: 6480 North Academy Boulevard.

The request is to rezone the subject property from PBC/HS (Planned Business Center with a Hillside Overlay) and OC/HS (Office Complex with a Hillside Overlay) to PBC (Planned Business Center). The development plan will allow construction of a 3,061 square foot convenience store with fuel

canopy. The non-use variance to allow a 15 foot side yard setback along the south lot line where 25 foot is required in the PBC (Planned Business Center) zone district. The subject property is located southwest corner of Dublin Boulevard and North Academy Boulevard and consists of 1.13 acres. Staff is also administratively reviewing a waiver of replat for this site.

**Previous Council Action:**

N/A

**Background:**

The 6480 North Academy property was initially developed in 1976. A development plan was not required at the time the property was developed. In 2015 a development plan was approved when a new access point was proposed onto Dublin Boulevard. That access was never installed. The adjacent lot at 0 Wall Street is currently vacant with only the parking spaces from the adjacent property encroaching at the westerly lot line.

The project area is currently split-zoned. Pursuant to City Code, development sites must be single-zoned. The change of zone will establish one contiguous base zone for the 1.13 acres as PBC (Planned Business Center) and removal of the hillside overlay. The site is currently comprised of two lots; 6480 North Academy Boulevard is 0.81 acre in size and 0 Wall Street is 0.32 acre.

The City originally adopted the Hillside Overlay in 1996 as a blanket overlay in certain areas of the City exhibiting hillside characteristics such as significant vegetation and slope. There are often times lots in the overlay do not exhibit any significant hillside characteristics as the overlay was not adopted at a property specific level, but as a broad-brush over certain areas. The majority of this site was originally developed prior to the hillside overlay being applied. Because the site has no significant vegetation, slopes or other hillside character, staff is supportive of removing the overlay.

The existing building on the site will be demolished and the development plan depicts the new construction and re-design of the site as a 3061 square foot single-story convenience store with fuel canopy, detention pond, landscaping and off-street parking.

Please see the attached City Planning Commission staff report for additional detailed analysis.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At the Planning Commission meeting held on April 18, 2019, were approved on the consent calendar, which was passed unanimously (6-0, 3 absent) without discussion.

**Stakeholder Process:**

The public process included posting the site and sending postcards to 189 property owners within a 1000-foot buffer of the subject property including the Council of Neighborhood Organizations (CONO) on three occasions: once during the internal review stage, and prior to the Planning Commission and City Council hearings. The site was also posted on those three occasions.

Staff had initially received one (1) public comment from a surrounding property owner who only had general questions regarding the company that would operate at the store and types of fuel that would be available. No other public comments were received.

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. A majority of the comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Stormwater Engineering, City Traffic, City Fire, School District 11, Police and E-911. Colorado Springs Utilities has one outstanding request that is included as a condition of approval and explained in more detail below.

**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:**

Approve a non-use variance for a 15 foot side yard setback where 25 foot side yard setback is required, based upon the findings that the non-use variance meets the review criteria for granting a non-use variance as set forth in City Code Section 7.5.802(B).