



## Legislation Details (With Text)

**File #:** CPC NV 18-00043    **Version:** 2    **Name:**

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

**File created:** 6/4/2018    **In control:** City Council

**On agenda:** 7/24/2018    **Final action:** 7/24/2018

**Title:** A Non-Use Variance to allow the height of a two story building addition to reach 49'-10", where 35 feet is maximum in the OR zoning district, on a 0.51 acre property located at 20 Boulder Crescent.

(Quasi-Judicial)

Related Files: CPC ZC 18-00041, CPC DP 18-00042

Presenter:  
Peter Wysocki, Director, Planning and Community Development  
Matthew Fitzsimmons, Planner II, Urban Planning Division

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 7.5.802 Nonuse Variance

Date	Ver.	Action By	Action	Result
7/24/2018	2	City Council	approved	Pass
7/24/2018	2	City Council	approved	Pass
6/21/2018	1	Planning Commission	referred	Pass

A Non-Use Variance to allow the height of a two story building addition to reach 49'-10", where 35 feet is maximum in the OR zoning district, on a 0.51 acre property located at 20 Boulder Crescent.

(Quasi-Judicial)

Related Files: CPC ZC 18-00041, CPC DP 18-00042

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Matthew Fitzsimmons, Planner II, Urban Planning Division

**Summary:**

Applicant: Bobby Hill LLC  
Owner: James Morley  
Location: 20 Boulder Crescent

This project includes concurrent applications for a zone change, development plan and a non-use

variance.

- a. Zone Change: The zone change would rezone the property from R-5 (Multi-Family Residential) to OR (Office Residential).
- b. Development Plan: Proposes the construction of two additional residential floors and garages.
- c. Non-Use Variance: Allows a new building height of 49'10" where 35' is permitted.

**Previous Council Action:**

No previous Council Actions

**Background:**

The owner of 20 Boulder Crescent plans to construct two additional residential floors on top of the existing two story office building. These two additional floors would consist of two apartments on the third floor and one penthouse on the fourth floor. This plan is not possible with the current R-5 zoning, which does not allow mixed-use buildings. As a result, the owner is pursuing a zone change to OR (Office Residential) which would allow mixed-use development and is the dominant zone on the west side of the block.

The OR zone will allow mixed office and residential use, but the maximum height limits are reduced from 45' (R-5) to 35' (OR). Because of the new building design and desire to have four stories, the owner is requesting a height variance along with the zone change and development plan.

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 June 21st, 2018, all three items were placed on the consent calendar, which was passed unanimously without discussion.

**Stakeholder Process:**

The public process included public notice provided to 120 property owners within 1,000 feet of the site on three occasions: during the internal review stage and prior to the Planning Commission and City Council hearings. The site was also posted on those three occasions. In response to the solicitation for comments, eight letters were received from residents. All eight (8) letters that were received from the neighbors welcomed this development in their neighborhood, with only minor changes requested.

Staff input is outlined in the City Planning Commission report. Staff sent plans to the standard internal and external review agencies for comment. All comments received from the review agencies are addressed.

**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 18-00043

Move to approve the Non-Use Variance for 20 Boulder Crescent to allow a height of 49'10" where 35' is the maximum in the OR zoning district, based upon the finding that the non-use variance complies with the review criteria in City Code Section 7.5.802.B.

N/A