



## Legislation Details (With Text)

**File #:** 15-00622      **Version:** 1      **Name:**

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

**File created:** 9/28/2015      **In control:** City Council

**On agenda:** 10/13/2015      **Final action:** 10/13/2015

**Title:** An appeal of the Planning Commission’s action to approve a non-use variance for impervious cover in the Streamside Overlay Zone.  
(Quasi-Judicial Matter)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Appeal Statement- CC Creekside Support Center, 2. Criteria-7.5.802.B-Nonuse Variance

Date	Ver.	Action By	Action	Result
10/13/2015	1	City Council	approved	Pass

An appeal of the Planning Commission’s action to approve a non-use variance for impervious cover in the Streamside Overlay Zone.  
(Quasi-Judicial Matter)

**From:**

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

**Summary:**

This is an appeal of the Planning Commission’s action to approve a minor amendment to the Colorado College Master Plan, a zone change, a major amendment to a conditional use development plan, a non-use variance for impervious cover in the Streamside Overlay Zone, and a vacation of a portion of the W. San Miguel public right-of-way.

**Previous Council Action:**

City Council approved a minor amendment to the Colorado College Master Plan, a zone change, a conditional use development plan, and a non-use variance for impervious cover in the Streamside Overlay Zone for a portion of the subject property in April, 2011.

**Background:**

Upon submittal of the appeal of Planning Commission’s decision, the appellant - Cathy Henrichs - requested that City Council postpone the hearing to the October 13, 2015 Council meeting. On September 22, 2015 City Council unanimously postponed the hearing as requested.

As detailed in the Planning Commission staff report, this project requires the approval of five separate applications. The ultimate goal of the project is to construct a new 10,923 square foot warehouse for the Colorado College east of Glen Ave. and north of San Miguel St. The proposed warehouse will serve as a central receiving facility for the College as well as off-site storage for Tutt

Library. The site work includes significant landscape improvements, a new cul-de-sac bulb at the northern terminus of Glen Ave., and improved trail connection to Monument Valley Park, significant drainage improvements, and new fences and walls to screen the site.

The proposed warehouse building has been designed by a local architect to appear as a historic dairy barn in an attempt to fit in with the adjacent neighborhood to the west as well as the Old North End Neighborhood to the east. Significant effort has been made to minimize impact on adjacent properties. The Planning Commission staff report includes analysis of each application and their specific criteria.

**Financial Implications:**

Not applicable.

**Board/Commission Recommendation:**

At their meeting on August 20, 2015 the Planning Commission unanimously recommended approval of all five applications. An additional restriction was added to the Conditional Use Development Plan prohibiting the transportation and storage of food waste on the site.

**Stakeholder Process:**

Neighboring property owners were notified of the project prior to a neighborhood meeting on June 2, 2015, shortly after the applications were submitted in late June of 2015, and prior to the Planning Commission hearing on August 20, 2015. In all cases, notices were sent to 48 property owners within 500 feet of the subject property.

**Alternatives:**

1. Deny the appeal, upholding the Planning Commission's approval of the applications.
2. Approve the appeal, overturning Planning Commission's approval of the applications.
3. Refer the item back to Planning Commission for additional consideration.

**Proposed Motion:**

CPC NV 15-00076

Deny the appeal, approving item CPC NV 15-00076, a non-use variance to allow 42% impervious cover within the Streamside Overlay where 25% is the limit, based on the findings that the application meets the criteria found in section 7.5.802.B. of the City Code.

Not applicable.