



## Legislation Text

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**File #:** 15-00270, **Version:** 1

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Nonuse Variance Request Regarding Front Setback Requirements to allow a front setback of 10.11 feet where 25 feet is required adjacent to Cragmor Village Road.

(Quasi-Judicial Matter)

**From:**

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

**Summary:**

There are four applications associated with this project:

- (1) zone change (CPC ZC 15-00004) to the change the zoning from R/HS (Estate, Single Family with Hillside Overlay) to SU/HS (Special Use with Hillside Overlay);
- (2) development plan (CPC DP 15-00005) for a 157-bed student housing apartment complex;
- (3) nonuse variance (CPC NV 15-00027) to City Code Section 7.3.104 of the City Code to allow a front setback of 10.11 feet where 25 feet is required adjacent to Cragmor Village Road; and
- (4) nonuse variance (CPC NV 15-00028) to City Code Section 7.4.205.B of the City Code to allow 20 parking spaces that will allow the backing of vehicles across a property line adjacent to the public right-of-way of Cragmor Village Road.

The applications propose a multi-family residential project intended for University of Colorado Colorado Springs (UCCS) students consisting of 71 dwelling units on 2.145 acres for a density of 33.1 dwelling units per acre. The 71 apartments are within a five-story building which includes 157 bedrooms. On-site parking is provided for 149 vehicles. Vehicular access is from Cragmor Village Road, a City maintained, dead-end street which intersects to the west with Regent Circle, also a City street.

Normally development plans and nonuse variances are reviewed and approved administratively. But, pursuant to city code, when multiple applications are filed concurrently, all applications must be considered by the highest level of review authority - in this case a zone change which requires City Council action.

**Previous Council Action:**

Not Applicable.

**Background:**

In the last few years the single-family residential neighborhood accessed from Cragmor Village Road and located immediately east of the main campus of UCCS has been rapidly transforming to university uses as the school has acquired the majority of the property in the neighborhood. The proposed project intended for student housing is consistent with changing land use of the area and the UCCS Master Plan. For a detailed background and analysis, please see the attached Planning Commission staff report.

**Financial Implications:**

Not Applicable.

**Board/Commission Recommendation:**

At their April 16, 2015 meeting the Planning Commission recommended approval of the four applications by votes of 7-1 subject to revisions to the development plan. A number of surrounding residents spoke against approval of the project and associated applications. Their comments are provided in the attached Planning Commission Record of Decision.

**Stakeholder Process:**

Public notice was provided to 82 property owners within 500 feet of the site on three occasions: 1) after the submittal of the applications, 2) for the neighborhood meeting on 4/1/15 and 3) prior to the Planning Commission meeting. Included in the attached CPC Agenda Report is correspondence received after the first public notice. Approximately 75 people attended the neighborhood meeting. Issues discussed at the meeting were similar to those noted in the correspondence. Correspondence received after the neighborhood meeting is also included in the CPC Agenda Report. At the Planning Commission hearing 8 citizens spoke in opposition to the project.

**Alternatives:**

1. Approve the applications as recommended by staff and the Planning Commission;
2. Approve the applications with modifications;
3. Deny the applications; or
4. Refer the applications back to Planning Commission for further consternation.

**Proposed Motion:**

CPC NV 15-00027 - Nonuse Variance:

Approve the nonuse variance to City Code Section 7.3.104 of the City Code to allow a front setback of 10.11 feet where 25 feet is required adjacent to Cragmor Village Road based on the finding the request complies with the review criteria in City Code Section 7.5.802.B. (Criteria for Granting a Nonuse Variance).

Not Applicable.