

15PD047-Appeal

Appeal of the Planning Commission decision for Cleary Building Corp at 1555 Catron Boulevard

Dear Council members,

The Cleary Building is located in a Planned Unit Development with a Low Density Residential Zoning designation. An office commercial use is allowed under this Planned Development if it is to serve the neighborhood. The office use was allowed to remain as it was grandfathered in as an office use to serve a horse barn, in the original Planned Unit Development. The Cleary family has had the property for sale as an office commercial use for several years. A Major Amendment to the Planned Unit Development was approved in April 2013, for a small animal clinic to serve the neighborhood. The animal clinic did not go forward and the Cleary business continued their operation.

As the use now had changed, a Major Amendment was needed to allow the Cleary business to legally remain as an office use. A Major Amendment to allow professional offices was heard by the Planning Commission on October 22, 2015. Cleary leased space to Black Hills Garage Doors, which was not legal under the zoning code. The Planning Commission directed that the office use for the Cleary Corporation could remain, with Cleary's requested office hours of 8 am to 5 pm. They denied the use of the additional business of Black Hills Garage Doors. The garage door business had been bringing in door materials with a large semi and was operating as an industrial use.

On January 7, 2015, another Major Amendment was submitted to allow Black Hills Garage Doors at the location as an office use only, and to dispute the Cleary hours as previously requested. The Planning Commission looked at the 5:30 am early morning hours of operation by the Cleary business, the late operating hours in the evening, and the noise and disruption caused by their activity, and concluded that their operation was not an office use that is allowed in the Low Density Residential zoning district. The Planning Commission further stated that Black Hills Garage Doors had been operating illegally, since they were directed to vacate the premise. Their decisions directed that Cleary's office hours be 7:30 am to 5:30 pm and that Black Hills Garage Doors vacate the premise.

Cleary is now appealing the Planning Commission's action and would like Black Hills Garage Doors to remain as an office use only, and would like to appeal the hours of 7:30 am to 5:30 pm, as directed by the Planning Commission.

The Cleary business has been operating as an industrial use by having equipment and trucks on site and using the premise as a staging area to go to jobsites. The noise, lights and disruption of the neighborhood from the industrial commercial uses is not what is allowed in a residentially zoned neighborhood. Cleary would be allowed as a professional office under the Planned Unit Development and Low Density Residential Zoning District. This use is only allowed after approval by the Planning Commission or the City Council.

I am requesting that the City Council uphold the Planning Commission's recent decision and deny the appeal from the Cleary Building Corporation.

Thank you.

Karen Bulman, 1311 Edinborough Drive