

Resolution to Reverse Planning Commission's decision

Adopted findings to reverse decision in lieu of adopting resolution see Council minutes 5-13-04

RESOLUTION NO. 1475

**A RESOLUTION OF THE GOLDEN CITY COUNCIL REVERSING
THE DECISION OF THE GOLDEN PLANNING COMMISSION,
AND APPROVING A SITE DEVELOPMENT PLAN AT 1300
WASHINGTON AVENUE**

WHEREAS, the City of Golden Planning Commission held a public hearing on February 4, 2004, pertaining to a Site Development Plan at 1300 Washington Avenue; and

WHEREAS, the City of Golden Planning Commission adopted a Resolution on February 4, 2004 denying the Site Development Plan; and

WHEREAS, pursuant to the provisions of Section 18.40.040, an appeal of Planning Commission's action has been filed by Leo Bradley, the applicant; and

WHEREAS, the record of the Planning Commission proceedings was certified to City Council on February 19, 2004; and

WHEREAS, City Council has reviewed and considered the procedures for Council review contained in Section 18.40.040, as well as the criteria for Site Development Plan approval contained in Section 18.40.030(1) of the Golden Municipal Code; and

WHEREAS, the City Council of the City of Golden has completed a review of the record of the February 4, 2004 Planning Commission proceedings regarding the requested Site Development Plan at 1300 Washington Avenue.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. With respect to the criteria set out in Section 18.40.030(1) of the Golden Municipal Code, and the downtown area design guidelines contained in Section 18.40.350 of the Golden Municipal Code, City Council makes the following findings of fact.

a. The Site Development Plan proposal meets the land use, and building height requirements in Chapter 18.28, and further meets the open space and building setback requirements in Section 18.40.300(1)(a,b).

b. Planning Commission found non-compliance with only one guideline, pertaining to creation of a view corridor. City Council finds that the Site Development Plan proposal has made an accommodation in building placement and setback to address the guideline in Section 18.40.350(1)(f) to "create view corridors using open spaces that focus on architectural landmarks, natural land forms, or special activities".

c. The applicant's efforts to address the downtown design guidelines have met the standard set out in Section 18.40.030(1) for substantial compliance in that the applicant has made a demonstrated attempt to comply with the guidelines, and has further achieved the result of compliance with a preponderance of the guidelines in their entirety.

Section 2. City Council reverses the decision of Planning Commission as described in Planning Commission Resolution PC 04-01, as being contrary to the provisions of Chapter 18.40, and approves the Site Development Plan, subject to resubmittal of final building elevations with the construction level site plan for staff review and approval in accordance with the architectural guidelines in Section 18.40.160.