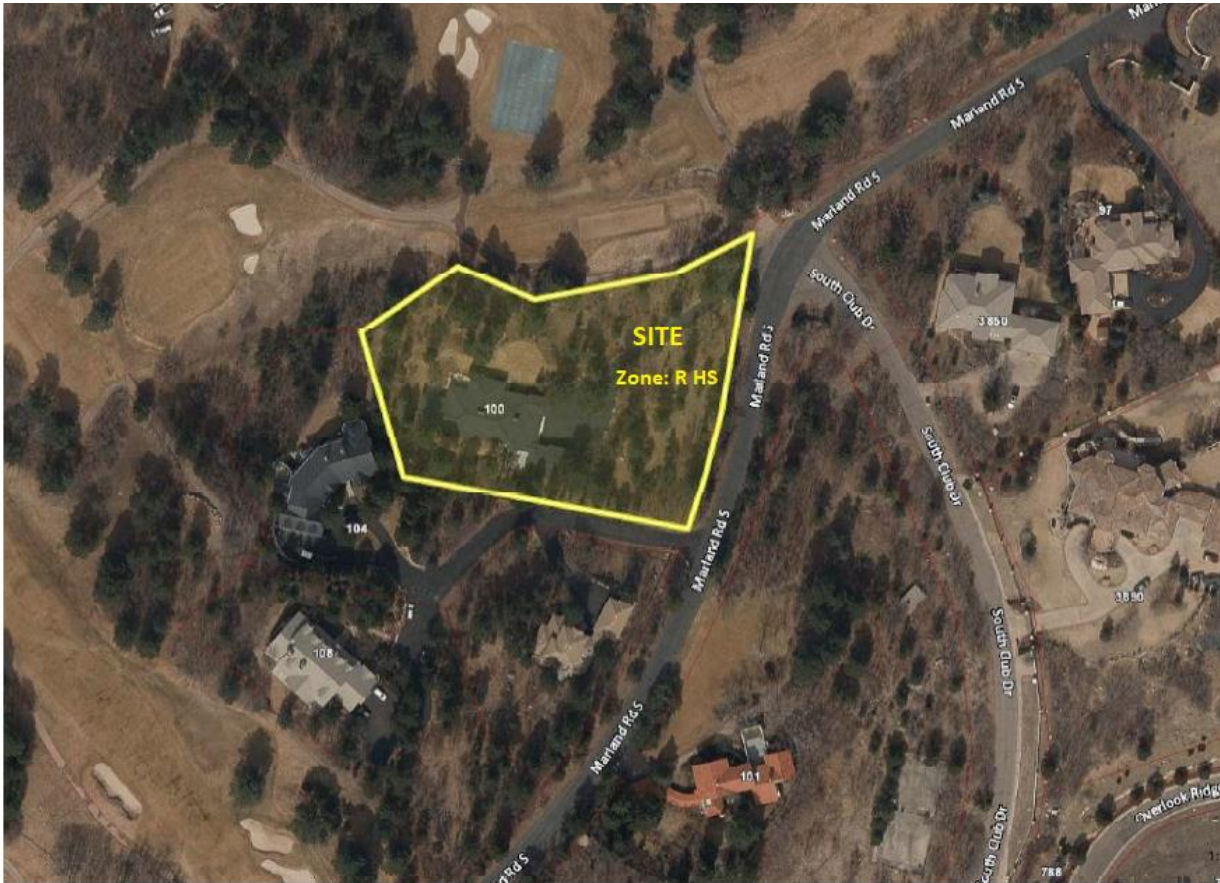


CITY PLANNING COMMISSION AGENDA
February 20, 2020

STAFF: KERRI SCHOTT

FILE NO:
CPC AP 20-00021 – QUASI-JUDICIAL

PROJECT: 100 SOUTH MARLAND ROAD – HILLSIDE SITE PLAN APPEAL
APPLICANT: CHRISTY RIGGS, ARCHITECT
OWNER: TERRI LUX
APPELLANT: FAIRWAY ESTATES HOA



PROJECT SUMMARY

1. **Project Description:** This is an appeal of the administrative approval of the hillside site plan for a garage expansion at 100 South Marland Road. The owner is proposing to rebuild the existing 976 square foot garage and add on a 754 square foot addition (which includes a 208 square foot habitable office space). The addition will extend south 19 feet. The structure will be 12 feet 3 inches from the property line; a 10-foot setback is required on this property line. The property in question is located at 100 South Marland Road, is 1.82-acres and zoned R/HS (Estate Single-Family Residential with Hillside Overlay). The expansion is depicted on the hillside site plan provided (**FIGURE 1**).

These applications were approved administratively on January 17, 2020 and appealed by Fairway Estates HOA on January 22, 2020.

2. **Appellant's Project Statement:** The appeal letter is attached as **FIGURE 2**.
3. **Planning and Development Team's Recommendation:** Staff recommends denial of the appeal, thus upholding the administrative approval of the hillside site plan.

BACKGROUND

1. **Site Address:** 100 South Marland Road
2. **Existing Zoning/Land Use:** R HS/Single-Family Residence
3. **Surrounding Zoning/Land Use:** North: PUD (Planned Unit Development)/Broadmoor Golf Course
South: PUD (Planned Unit Development)/Residential
East: R (Estate Single-Family residential)/Residential
West: PUD (Planned Unit Development)/Residential
4. **Annexation:** A portion of this property was annexed in 1993 as part of Fairway Addition annexation and a portion of this property was annexed in 1981 as part of Deannexation & Reannexation of the Broadmoor Addition.
5. **Master Plan/Designated Master Plan Land Use:** There is not a master plan for this site.
6. **Subdivision:** The site is unplatted.
7. **Zoning Enforcement Action:** No Code Enforcement case.
8. **Physical Characteristics:** The property in question is a 1.82-acre lot located off South Marland Road and backing to the Broadmoor Golf Course. The front and rear yard has mature vegetation and some slopes. The southern side property line is adjacent to the private access easement for 104 South Marland Road, the appellant's property.

STAKEHOLDER PROCESS AND INVOLVEMENT

There was not a public notification process involved with the review of the hillside site plan. A hillside site plan is submitted as part of an approval for a building permit and public notice is not required by City Code if the hillside site plan meets all of the required zoning criteria. There were no requested variances for this proposal as the hillside site plan was found to have met all City Code dimensional standards. There was an initial request by Ted Rubley, 104 South Marland Road, for information on all hillside review submittals. Comments were received from Ted Rubley throughout the review process (**FIGURE 3**) and the applicant provided response to comments in resubmittal (**FIGURE 4**).

Staff sent plans to Stormwater Enterprise (SWENT) and City Fire for review during the internal review process. Fire Mitigation consultation regarding vegetation removal was also provided. The City Division of the Fire Marshal provided input on fire wise plantings for vegetation screening along the property boundary that runs adjacent to the private access drive for 104 South Marland Road (**FIGURE 5**).

Public notification for this appeal will include posting of this site and sending postcards to 13 adjacent property owners within the 500-foot buffer prior to the appeal hearing.

ANALYSIS OF REVIEW CRITERIA/:

1. **Review Criteria/Design & Development:**
Background

The existing home at 100 South Marland Road was constructed in 1975. The current owners are proposing an attached garage addition extending 19 feet from existing garage toward the southern side property line along the private access drive for 104 South Marland Road. While the existing garage foundation and footprint will remain, the existing 976 square foot garage will be torn down and rebuilt and a 754 square foot addition added to the garage. The new total garage square footage will be 1,730 square feet (1,522 square feet garage and a 208 square foot habitable office space) at an overall height of 16 feet 1 inch. This addition retains the 10-foot required side yard setback; the structure is set at a side yard setback of 12 feet 3 inches. The hillside site plan approval is detailed below. Staff found that the garage addition meets all City Code requirements and hillside requirements.

The application under review by the City Planning Commission is an appeal of staff's decision to approve the hillside site plan for the garage expansion at 100 South Marland Road. The approval of the hillside site plan allows an attached garage addition along the southern side property line. The appellant claims that the approval of the garage addition removes mature vegetation, does not minimize terrain disturbance and visually impacts adjacent homes along the private access road. Through the review of the hillside site plan, staff found these claims to be inaccurate based on the review criteria for a hillside site plan and the required building setbacks for the R-Estate zone district as outlined below.

1. STANDARD CODE REQUIREMENTS (no requests for administrative relief or non-use variance were required):

- The proposed garage addition meets the required side yard setback of 10 feet for an R/HS zone (Estate Single-Family Residential with Hillside Overlay). The addition is 12 feet 3 inches from the side property line.
- Existing lot coverage is 6.07%. With the proposed addition, new lot coverage is 7.02% where the maximum allowed is 20% per City Code Section 7.3.104.A.
- The total square footage is 1,522 square feet for garage and storage where 1,650 square feet is maximum allowed per City Code Section 7.3.105.C. The addition also includes 208 square feet of habitable office space. Per Regional Building Department requirements, the proposed office within the garage addition meets standards for habitable office space because of a direct exit access to the exterior, fire rated construction between garage use and office use with full insulation per 2015 International Residential Code (IRC) and the inclusion of heat, electricity, and plumbing. At time of building permit, this space will be required to provide insulation and heating calculations to Pikes Peak Regional Building Department. Based on this, staff did not include the 208 square feet within the calculation of "garage and storage space".
- The maximum allowable height for an attached addition with a flat roof is 30-feet measured from existing grade per the hillside requirements. The new proposed height for the attached garage is 16 feet-1 inch (18 feet-7 inches from the lowest grade corner). See **FIGURE 6** for existing garage height versus proposed garage height.
- The southeast corner of the proposed addition encroaches into a public utility and drainage easement. The applicant received approval for an easement encroachment license through City Real Estate Services for the utility easement. See **FIGURE 7** for Utility Encroachment License.
- The current legal description includes a portion of property that was annexed in 1993 as part of Fairway Addition annexation (area B) and a portion annexed in 1981 as part of Deannexation & Reannexation of the Broadmoor Addition (area A) (**FIGURE 8**). The original configuration of the lot (area B), to include the existing home built in 1975, meets lot of record status per Code definition 7.7.108. The garage addition is within the original lot configuration. A plat is not required because the site is a lot of record and meets the compliance not required Section 7.7.1402; this addition is less than 50 percent of the existing home. With these conditions met, City Code does not require a plat of the site.

2. HILLSIDE CRITERIA (Hillside Design Criteria Manual serves as guidelines to minimize terrain disturbance and preserve/protect vegetation and sensitive areas within the Hillside Overlay. Staff reviewed per all hillside requirements. The items listed below are areas stated within the appeal statement:

- *Has terrain disturbance and cut and fill been minimized?*

With proposed location along southern boundary, there will be minimal grading only to maintain proper drainage along the south side. No retaining walls will be required. Some fill will be necessary to maintain the garage floor, however, existing grade is not altered other than along south edge. The current driveway is unaltered. The appeal letter states that there are better locations for the expansion. However, staff found that a north location for the addition is not acceptable because it would result in more grading, site disturbance, and the inability to tie into the existing structure. Current driveway design would have to be altered/regraded to allow for guest parking and eastern home entrance compromised. Steeper existing grade/slopes and more mature vegetation, including a character tree, would be compromised addition was located on the eastern side of existing garage. **FIGURE 9-a and FIGURE 9-b** are views from the existing driveway depicting existing and proposed garage.

- *Has existing vegetation been preserved to soften the structural mass of building located in highly visible areas and has natural vegetation been preserved and incorporated into design?*

The Division of the Fire Marshal (DFM) consulted on site vegetation and removal. They recommend one diseased tree be removed as well as two other trees that are not more than 12 inches in diameter. The project does not remove any trees or bushes in the front yard area along Marland Road; instead using the side yard for the project expansion. Staff requested tree replacement to maintain a vegetative screen/buffer that also meets DFM requirements. All three trees removed will be replaced with new aspen trees and lilac bushes per Fire Wise recommendations. **FIGURE 10** depicts the locations of proposed trees. The addition is not along the highly visible main Marland Road, but instead along the side southern property line that backs up to the private access drive to 104 South Marland; therefore lessening the overall visibility impact. **FIGURE 11** is a view of existing private access road and existing garage. All other significant vegetation is to be preserved. **FIGURE 12-a and 12-b** illustrates the trees to remain along private access road.

An engineered Grading Erosion Control Plan was submitted and approved by the Stormwater Enterprise and coordinated with the hillside site plan. Per City Code Section 7.7.1503, any land disturbance within the hillside overlay requires an approved Grading Erosion Control Plan prior to approval of the building permit. This plan then becomes part of the plan set. (**FIGURE 13**)

Per City Code 7.4.502, a geo hazard study was not required for this proposed garage addition because this expansion of the building footprint does not exceed 50% of the existing single-family footprint.

Per City Code 7.5.906.4, Criteria For Review Of An Appeal Of An Administrative Decision:

In the written notice, the appellant must substantiate the following

- a. Identify the explicit ordinance provisions which are in dispute.
- b. Show that the administrative decision is incorrect.
- c. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

As described in the above language, the staff finding through the administrative approval is that the hillside site plan meets the Code requirements. There are no variances submitted for this addition,

no administrative relief required and the hillside character of the site is being retained through minimal grading and the revegetation of the disturbed areas.

2. Conformance with the City Comprehensive Plan

Staff has evaluated the proposed application is consistent with the City's current comprehensive plan (herein referred to as "PlanCOS"). According to PlanCOS, it is important to maintain vibrant neighborhoods. For neighborhoods to thrive it is essential to protect, enhance or revitalize the character and functions within each area. The project site is identified on PlanCOS Vibrant Neighborhoods Framework map (**FIGURE 14**) as part of the Old Broadmoor. The predominant typology is an established historic neighborhood. The goal of this neighborhood typology is to recognize, support, and enhance the existing character while supporting their ongoing investment and improved adaptation.

The proposal supports this idea with careful consideration regarding placement, minimal land and vegetation disturbance within an established neighborhood and improving investment to the property value. This proposal also maintains the character of the existing home.

Specific policies of PlanCOS that appear to support the project are listed below:

Policy VN-2.A: Promote neighborhoods that incorporate common desired neighborhood elements.

Strategy VN-2.A-3: Projects that provide a variety of housing types and sizes and meeting the needs of residents and families through various life stages and income levels.

Policy VN-3.A: Preserve and enhance the physical elements that define a neighborhood's character.

This application minimized terrain disturbance while taking careful consideration to the impact on the environment to maintain the Hillside character of this lot and neighborhood. The site in question and the surrounding neighborhood have mature trees and significant changes in grade throughout the property. In order to preserve the character of the site and of the neighborhood as a whole the addition was placed in a location where there would minimal terrain disturbance to maintain the unique characteristics of this established neighborhood.

City Planning staff finds the Hillside Site Plan for 100 South Marland to be in conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan

No master plan exists for this site.

STAFF RECOMMENDATION

CPC AP 20-00021 – HILLSIDE SITE PLAN APPEAL

Deny the appeal and uphold the administrative approval of the hillside site plan, based on the finding that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.A.4, and that the hillside site plan meets the review criteria for the hillside overlay in City Code Section 7.3.504.D.3 and the R Estate development standards as outlined in City Code Section 7.3.104.A