

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

MEETING: SEPTEMBER 4, 2003

CONSENT CALENDAR

**ITEM : N
FILE NO: CPC APR 03-00188**

STAFF: ANGELA WHITE

DECISION OF THE PLANNING COMMISSION:

It was moved by Commissioner Cunningham, seconded by Commissioner Snider to approve Item N, CPC APR 03-00188 subject to the following condition:

A 75' No Build Area for Primary Structures.

The motion passed 5-0 with Commissioners Johnson, Winkler and Shuttleworth excused.

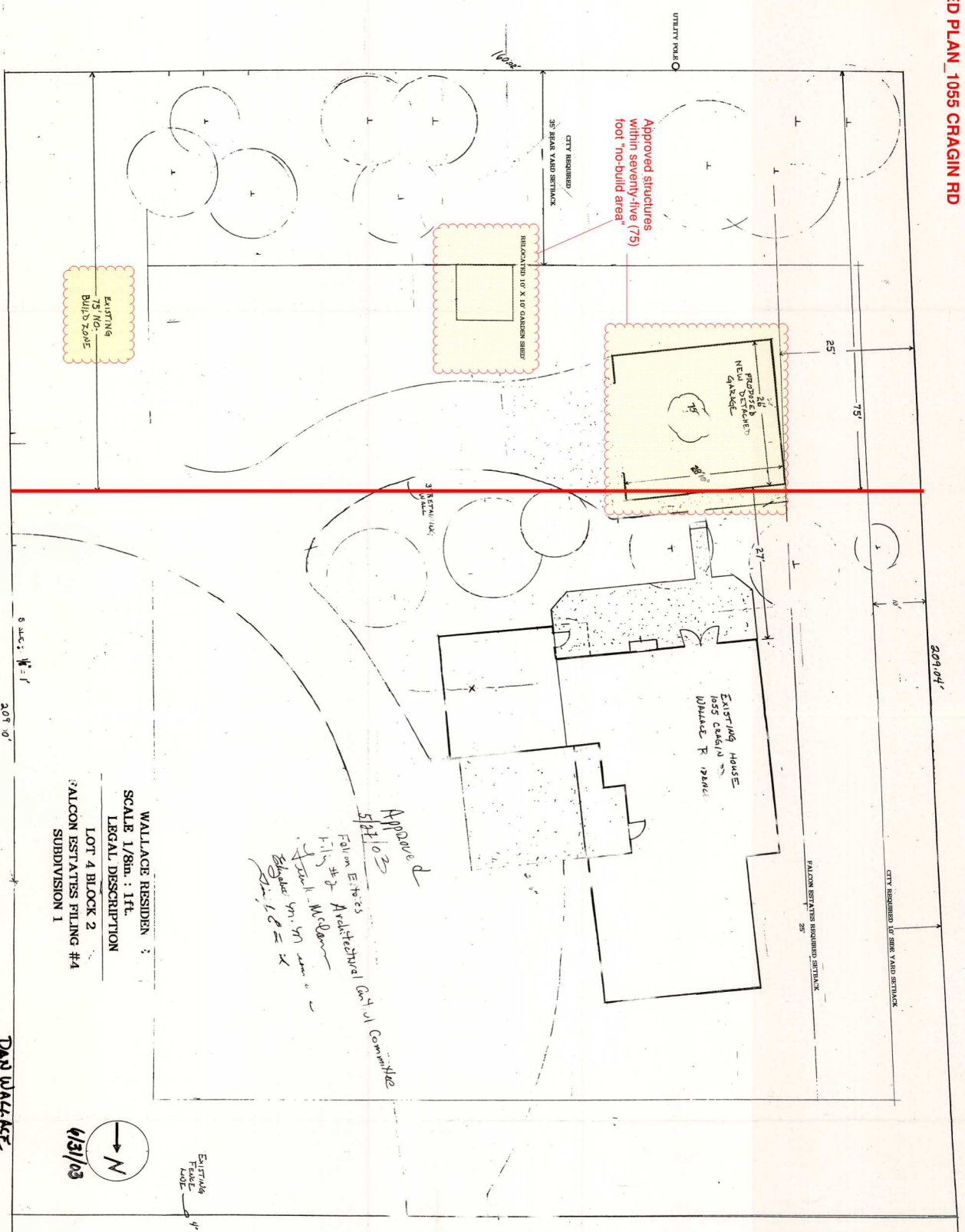
September 4, 2003

DATE OF DECISION



PLANNING DIRECTOR

APPLICANTS: THE DECISION PERTAINS ONLY TO THE APPLICATION YOU SUBMITTED. YOU MUST COMPLY WITH ALL OTHER APPLICABLE REQUIREMENTS OF THE CITY OF COLORADO SPRINGS AND THE REGIONAL BUILDING DEPARTMENT. A COPY OF THE RECORD-OF-DECISION AND APPROVED SITE PLAN SHALL BE SUBMITTED IN CONJUNCTION WITH A BUILDING PERMIT APPLICATION. THIS DECISION DOES NOT SUPERSEDE OR NULLIFY PRIVATE COVENANTS THAT MAY LAWFULLY IMPOSE OTHER RESTRICTIONS ON THE USE OF YOUR PROPERTY.



WALLACE RD

DAN WALLACE
1055 CRAGIN RD
COLORADO SPRINGS CO
719-4191-1469
719-822-0712

WALLACE RESIDEN
SCALE 1/8" = 1'
LEGAL DESCRIPTION
LOT 4 BLOCK 2
FALCON ESTATES FILING #4
SUBDIVISION 1

6/31/03
N

Approved
6/31/03
Falcon Estates
Files #2
Architectural Control Committee
Frank McDonald
Blaine M. M. M.
D. L. C. E. K.

Amendment to Plat Restriction Description

This request for amendment is to build a new 750 Sq. Ft. Detached Garage, at 1055 Cragin Rd., Colorado Springs, Co., in what is currently shown as a 75' No Build / Open Space zone on the South side of the property. In conjunction with the construction of a Garage the existing 10' X 10' shed, currently in the 75' Zone, would be relocated to the South East as shown on the submitted site plan. All Buildings are and relocated will maintain the 25' setback as required by Falcon Estates subdivision.

After extensive research, by myself and others including the city Planning Department, justification for the "No-Build zone" has not been found. Therefore an Amendment to the Plat for Construction of Accessory Building is requested.

APPROVED
SEP 23 2003
BY CITY COUNCIL

S1

BACKGROUND:

Existing Zoning/Land Use: "R" / Existing Single-family Residential (**Refer to Figure 1**)

Surrounding Zoning/Land Use: "R" / Existing Single-family Residential

Annexation – February 1993, Falcon Estates #2

Zoning Enforcement Action – None identified.

Physical Characteristics – Existing Residential Lots

PETITIONER'S JUSTIFICATION: (Refer to Figure 3)

STAKEHOLDER PROCESS:

All applicable City agencies and departments were asked to review and comment. There was standard City notification provided to all owners within 500' of the property. The Falcon Estates Architectural Control Committee has approved of the request.

ANALYSIS OF MAJOR ISSUES:

7.7.503: RESOLUTIONS FOR AMENDING PLAT RESTRICTIONS:

It is recognized that restrictions and conditions, which are placed on recorded plats, may need to be removed because they no longer apply or are unnecessary.

A. Requirements: Restrictions and conditions on recorded plats may be removed if it is determined after a review by City Planning, the City Engineer and the Utilities Executive Director; the requirements or conditions are no longer necessary or no longer applicable.

It has been determined that the plat restriction was placed on the plat to separate the larger single family lots (1+ acre) from the smaller single family lots (less than an acre) on the north. Surrounding property owners have not voiced any objection to the construction of the garage. The neighborhood association has also approved the application.

Amendment to Plat Restriction Description 7/2/03

Statement of Use

**LOT 4 BLK 2 FALCON ESTATES FIL NO4 SUB NO 1
1055 CRAGIN RD COLORADO SPRINGS CO
Parcel # 6305303014**

This request for amendment is to build a new 750 Sq.Ft. Detached Garage, at 1055 Cragin Rd. Colorado Springs, Co, in what is currently shown as a 75' "No Build / Open Space" Zone on the South side of the property. In conjunction with the construction of a Garage the existing 10' X 10' shed, currently in the 75' Zone, would be relocated to the South East as shown on the submitted site plan. All Buildings new and relocated will maintain the 25' setback as required by Falcon Estates subdivision.

After extensive research, by myself and others including the city Planning Department, justification for the "No-Build zone" has not been found. Therefore an Amendment to the Plat for Construction of Accessory Building is requested.

The Detached Garage would be used for personnel use and no commercial activities will be undertaken.

**Dan Wallace
1055 Cragin Rd.
Colorado Springs, CO**

FIGURE 3

**CPC APR 03-188
PLANNER: WHITE**

RESOLUTION 171 -03

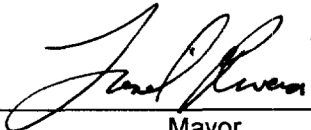
**A RESOLUTION GRANTING A REQUEST FOR AMENDMENT TO PLAT
RESTRICTIONS FOR FALCON ESTATES FILING NO. 4, LOT 4**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

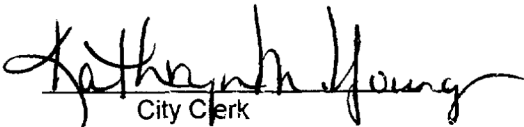
That the request for amendment to plat restrictions for Falcon Estates Filing No. 4, Lot 4, as recorded under reception number 95089575, of the records of El Paso County, Colorado, as presented to Council this date, is hereby granted. The plat notes are hereby amended as shown on Exhibit A and subject to the following condition:

A 75' No Build Area for Primary Structures.

Dated at Colorado Springs, this 23rd day of September, 2003.



Mayor



City Clerk

“Exhibit ‘A’”

REQUEST FOR AN AMENDMENT TO PLAT RESTRICTION

THE OWNER OF THE PROPERTY KNOWN AS FALCON ESTATES FILING NO. 4 SUBDIVISION RECORDED UNDER RECEPTION NO. 95089575 ON AUGUST 30, 1995 IN THE RECORDS OF THE EL PASO COUNTY, COLORADO, CLERK AND RECORDER, HEREBY REQUESTS THAT THE FOLLOWING NOTE ON THE ABOVE REFERENCED SUBDIVISION PLAT BE CHANGED:

NOTE(S) FOUND ON THE RECORDED PLAT (PAGE 1):

75' NO BUILD AREA

NOTE(S) ARE HEREBY AMENDED TO:

75' NO BUILD AREA FOR PRIMARY STRUCTURES

CPC APR 03-00188 / lars

INTEROFFICE
MEMORANDUM

171-03



CITY OF COLORADO SPRINGS

DATE: September 4, 2003
TO: Lorne Kramer, City Manager *Lorne Kramer*
FROM: William Healy, City Planning Director *W. Healy*
Larry Larsen, Planner II
RE: Falcon Estates Filing No. 4, CPC APR 03-188

PROJECT: This is a request by Dan Wallace for approval of an amendment to the plat restrictions for Falcon Estates Filing No. 4, Subdivision No. 1. The subject property consists of 0.801 acres and is located southeast of Cragin Road and Milner Drive.

SUMMARY: Dan Wallace is requesting removal of the 75' no build plat restriction on Lot 4 of the Falcon Estates Filing No. 4, Subdivision No. 1 to allow the construction of an accessory structure (garage). The placement of the structure will be outside of the 10' side yard setback and the 35' rear yard setback. The resolution to amend the plat restriction will limit construction in the 75' no build area to accessory structures on Lot 4 only.

PREVIOUS COUNCIL ACTION: None

FINANCIAL IMPLICATIONS: None

PLANNING COMMISSION RECOMMENDATION: Planning Commission unanimously recommended approval of the application at the September 4, 2003 Planning Commission meeting.

STAKEHOLDER PROCESS: All applicable City agencies and departments were asked to review and comment. In addition, the standard City notification and posting process was utilized. The Falcon Estates Architectural Control Committee has approved of the request.

ALTERNATIVES: Council could approve or deny the resolution.

RECOMMENDATION: Staff recommends the City Council approve the resolution.

PROPOSED MOTION: Motion to approve the resolution.

C: File No. CPC APR 03-188
Dave Nickerson, Deputy City Manager
Alayna Hydock, Assistant to the City Planning Director