

CITY OF COLORADO SPRINGS PLANNING COMMISSION

MINUTES / RECORD-OF-DECISION

**THURSDAY, OCTOBER 20, 2016,
CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE,
COLORADO SPRINGS, COLORADO 80903**

PRESENT:

Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith, McDonald, Gibson, Graham

ABSENT:

None

ALSO IN ATTENDANCE:

Mr. Peter Wysocki, Planning and Development Director
Mr. Marc Smith, City Senior Corporate Attorney

NEW BUSINESS CALENDAR

DATE: October 20, 2016
ITEM: 6.C
FILE NO.: CPC CA 16-00115
PROJECT: Waiver of Replat Ordinance
STAFF: Meggan Herington

STAFF PRESENTATION:

Meggan Herington gave a Power Point Presentation on the proposed changes to the Waiver of Replat and minor administrative subdivision procedures.

The intent of the change is to look at ways to make it easier to redevelopment in older areas of the City. This pertains to residential alterations as well as new residential and commercial development. This amendment is being brought forward with a unanimous recommendation by the Code Scrub Committee.

Ms. Herington explained what Waiver of Replat and Building Permit to Unplatted Land involve from a definition and processing standpoint.

These are minor administrative procedures that allow a property owner to bypass the full subdivision platting process. It's a lengthy process to survey and plat land. We'd like a way in certain circumstances to allow properties to not have to go through that entire subdivision platting process. That is what the Waiver of Replat does. There were lots that were previously platted in some capacity that we don't want to have to have them replatted to recognize their current legal description. The Building Permit to Unplatted Land deals with allowing building permits to be issued on ground that is unplatted. Everything hinges on proving your land is a lot of record.

The primary change is to change the definition of a Lot of Record which is "A parcel of land in the City, the deed of which was recorded in the public records of El Paso County, Colorado on

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or before February 13, 1951.” Whereas before is said January 18, 1904. The February 13, 1951, date is easier to find. The 1951 date is the date the city adopted the first zoning ordinance that established lot size per city code. The 1904 date was the first subdivision plats were recorded within the city. Subdivision and platting were not required were not required in unincorporated El Paso County until September 1, 1972. If you were legally exempted from platting requirements in the county prior to 1972 and annexed into the city later we will not require you to plat your property.

Ms. Herington explained what general language updates they want in the code and how is needed to be consistent throughout. Change the length of time for the turnaround and change it to allow these applications to be completed over the counter.

Ms. Herington discussed what would change in the City Code Section 7.7.505: Waiver of Replat. They will delete references to Issuance of Building Permit to Previously Platted Land, update the purpose (add the 1951 date), remove restrictions to the limits on waivers, update the language on approval with conditions – tie it to certificate of occupancy.

Ms. Herington discussed what would change in the City Code Section 7.7.506: Issuance of Building Permits Prior to Platting – remove this section from the code. There’s no reason to issues permits prior to platting.

Ms. Herington discussed what would change in the City Code Section 7.7.1402: Compliance Not Required – which currently says: addition of an accessory structure no larger than 120 square feet in area or the addition of a deck(s) or patio/porch cover(s) or both and expand it to include: Addition to the principle structure is no larger than 50% of the principle structure gross floor area; or the addition of a detached accessory structure(s) no larger than 100% of the principle structure.

Questions:

Commissioner Shonkwiler said this will allow older areas of the City to encourage redevelopment and make it easier to do so.

Commissioner McDonald asked for clarification if someone asked for two lots to become one lot, then later they want to change it back to the two lots. Ms. Herington said that triggers a subdivision. So if they put the lots together via a waiver and in the future want to divide the lots in any configuration a subdivision plat would be required.. Commissioner McDonald questioned if something like that could be done. Ms. Herington said it could.

Commissioner Henninger asked if there was any situation where you couldn’t find the lot of record before 1951 and then later someone else did find it and it was different, is there any legal situation that’s been thought about might arise? Ms. Herington said she didn’t think so. If a property owner can’t find that deed or the lot wasn’t created prior to 1951 then the waiver process would not apply. She couldn’t think of any situation where the date would change anything.

Commissioner Smith clarified some parts in the language and make sure it’s cleaned up. Commissioner Smith asked if two lots were put together if there are still setback

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requirements. Ms. Herington said yes. Commissioner Smith clarified language in the addition part of City Code Section 7.7.1402 and how it would be done and all the standards that would be looked at.

Citizens in Support:

None

Citizens in Opposition:

None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Motion by Commissioner Shonkwiler, seconded by Commissioner Walkowski on **CPC CA 16-00115 – Waiver of Replat Code Amendment** to recommend adoption of an ordinance amending Section 201 (Definitions Enumerated) of Part 2 (Definitions of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications); Section 1205 (Nonconforming Lots) of Part 12 (Nonconforming Development) of Article 5 (Administration and Procedures), and Multiple Sections of Article 7 (Subdivision Regulations) All within Chapter 7 (Planning, Development and Building of the Code of The City of Colorado Springs 2001, as Amended

Aye: Phillips, Markewich, Shonkwiler, Walkowski, Smith, McDonald, Gibson, Graham, McDonald, Henninger

No: None Motion Passed 9-0