

**CITY PLANNING COMMISSION AGENDA
NOVEMBER 19, 2020**

STAFF: LONNA THELEN

FILE NO(S):
CPC SW 19-00159 – QUASI-JUDICIAL
AR PFP 19-00735 – QUASI-JUDICIAL

PROJECT: LORRAINE VIEWS
OWNER: EUGENA SANGINES
DEVELOPER: EUGENIA SANGINES
CONSULTANT: ALESSI AND ASSOCIATES



PROJECT SUMMARY

1. Project Description: This project is a subdivision design waiver (**see “Subdivision Waiver” attachment**) and a preliminary and final plat (**see “Preliminary Plat” and “Final Plat” attachments**) for a two lot subdivision (Lorraine View Subdivision) in the R2 (Two-family Residential) zone district. The subdivision waiver is to City Code 7.7.605.C. This section of code requires each new lot to have satisfactory access to a public street. The proposed two rear lots only have access to a public alley and not a public street. The site is located at 318 West Cheyenne Road.
2. Applicant’s Project Statement: (**see “project statement” attachment**)
3. Planning and Development Team’s Recommendation: Staff recommends approval of the applications subject to the technical modifications.

BACKGROUND

1. Site Address: 318 West Cheyenne Road
2. Existing Zoning/Land Use: R2 (Two-family Residential)
3. Surrounding Zoning/Land Use:
 - North: R2 (Two-family Residential)/residential
 - South: R1-6 (Single-family Residential)/residential
 - East: R2 (Two-family Residential)/residential
 - West: R2 (Two-family Residential)/residential
4. Annexation: The property was annexed in 1980 as part of the Reannexation of the Southwest Annexation Area.
5. Master Plan/Designated Master Plan Land Use: This site is not part of a master plan.
6. Subdivision: The site is currently platted as Lot 10 Block 1 Fenmoor Subdivision.
7. Zoning Enforcement Action: None
8. Physical Characteristics: The site is developed and contains two single-family homes.

STAKEHOLDER PROCESS AND INVOLVEMENT

Upon submittal, public notice was provided to 290 property owners within a 1000-foot buffer of the site identifying the submittals the City received. The site was also posted with these notifications. Additional posting and public notice will be sent to neighbors prior to public hearing. Six letters of opposition are attached (**see “public comment” attachment**). The concerns noted by the neighbors are access for neighborhood residents and emergency services, increase in density, and property devaluation. These concerns will be discussed in further detail in the review criteria section.

Staff input is outlined in the following sections of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Stormwater Engineering, City Traffic, City Landscape, City Fire Department, School District 12, Floodplain and Enumerations, Police, and E-911. Fees for schools and parks will be required at time of building permit for the new duplex units.

ANALYSIS OF REVIEW CRITERIA/ MAJOR ISSUES/ MASTER PLAN CONFORMANCE/ & PlanCOS

1. Review Criteria / Design & Development Issues
 - a. Subdivision Design Waiver and Preliminary and Final Plat

Per City Code 7.7.605.C each lot in a new or replatted subdivision shall be provided with satisfactory access to a dedicated public street. City Code 7.7.108 defines a public street as a street which is located and constructed in the public right-of-way. In addition, City Code 7.7.108 defines an alley as a public right-of-way, which provides only secondary access to a property and goes on to say for the purpose of this section, an alley is not considered to be a public street.

The applicant is requesting to subdivide one existing lot into three lots (one lot for a single-family home and the other two lots for a duplex with each half of the duplex on a separate lot). The subdivision would create a 6,696 square foot lot adjacent to Cheyenne Road and two lots each containing 3,852 square feet for the purpose of one half of the duplex; the duplex lot would only have access to the alley (**see “Preliminary Plat” attachment**). The existing lot size of 14,400 square feet supports the subdivision of the lot into three lots for one single-family home and one duplex by meeting the lot size requirements (5,000 square feet for a single-family lot and 7,000 square feet for a duplex lot); however, the placement of the existing home on the front lot does not allow a 20-foot vehicular access easement from Cheyenne Road to the rear lot. If the 20-foot access easement were able to be provided, the subdivision waiver would not be required because the rear lot would have direct access to a public street. Because a 20-foot vehicular access easement cannot be provided, a subdivision waiver is required to be approved by City Planning Commission.

Listed below are the requirements for approval of a subdivision waiver.

7.7.1302.B. Design Standards: Except for MU zone districts, a waiver, which shall be requested concurrently with any subdivision request, may be granted when criteria in subsections B1 through B4 of this section are met. In an MU zone district only, the following criteria in subsections B1, B4 and B5 of this section shall be met:

1. The waiver will not be detrimental to the public good or to surrounding properties;
2. There are exceptional topographic, soil or other surface conditions particular to the property, which are not ordinarily found in the general vicinity;
3. The strict application of the requirements of this part when applied to the property with its exceptional conditions prohibits the use of the property or its reasonable physical development when compared to the opportunity to use and develop similar properties in the general vicinity;
4. The waiver shall be consistent with the intent and purpose of this part, the Comprehensive Plan and State law.
5. As applied in the MU zone districts only, the applicant proposes alternative compliance to the strict application of the design standard in question, such that the alternative:
 - a. Achieves the intent of the subject design standard to the same or better degree than the subject standard;
 - b. Achieves the mixed use goals and policies in the Comprehensive Plan to the same or better degree than the subject standard, such as, but not limited to, a more compact development form; and
 - c. Results in equivalent or better benefits to the community as compliance with the subject design standard. (Ord. 96-44; Ord. 01-42; Ord. 03-157)

The review of the subdivision waiver included a review of a preliminary and final plat. The major areas of review included providing utility access to the duplex lots adjacent to the alley, emergency fire access, and adequate access from Cheyenne Road to the newly created rear lots.

For water service, two new taps will be created on Cheyenne Road and both new lines routed to the rear duplex via the east five foot side yard utility and public drainage easement. The new water lines will be within utility easements. The existing house adjacent to Cheyenne Road will retain the existing water service from Cheyenne Road also located in the five foot utility and public drainage easement on the east property line. For the sewer service, two new sewer taps will be accessed from the alley. The existing house adjacent to Cheyenne Road will retain the sewer connection to Cheyenne Road. A gas line has been extended down the alley to provide gas connection to the rear duplex

lots. The overhead electric line in the alley will provide electric service to the new duplex lots.

The main concern from the City Fire Department during the review was to ensure access for fire trucks and emergency personnel. Because a 20-foot access easement was not able to be provided for direct vehicular access from Cheyenne Road, the City Fire Department requires that the new duplex be sprinklered as an extra safety precaution. Along with the sprinkler requirement, a nine foot emergency access easement is provided from Cheyenne Road for use by emergency personnel needing to access the property on foot. Through the Fire Department review, it was verified that the alley is accessible by a fire truck; confirming alley access meets the need of fire truck passage and access to the rear lots. For ease in addressing and better ability to locate the duplex for emergency vehicles and visitors, Pikes Peak Regional Building, Enumerations, will address the new duplex off of Fenmoor Place (the street to the west of the site) because of the lack of access directly to Cheyenne Road.

Multiple lots along Cheyenne Road exceed the required lot size minimum for the R2 zone district. The R2 zone district requires a 7,000 square foot lot to accommodate a duplex and a 5,000 square foot lot to accommodate a single-family residence or a single-family residence and accessory dwelling unit (ADU). Similar lots in the area to the one in question have previously been subdivided; accommodating additional infill opportunities for single-family homes, ADU's and/or duplex uses that meet the design standards for the existing R2 zone. With previous subdivision examples, the typical layout is a lot adjacent to Cheyenne Road and a lot adjacent to the alley. The **Existing Easements Diagram attachment** provides examples of subdivisions that have occurred near 318 West Cheyenne Road. In the cases provided, an 11-foot or 15-foot access easement was able to be created to allow emergency and vehicular access from Cheyenne Road to the rear lot. In these cases, a subdivision waiver was not required because satisfactory access was provided to Cheyenne Road. Only nine feet is available on the west side of the home currently addressed as 318 West Cheyenne Road for access from Cheyenne Road to the proposed new rear lots. Due to the limited access, staff worked with City Fire to determine other viable options. It was determined that sprinklers would be required for the new duplex and that fire trucks were able to access from the alley. In addition, a nine foot emergency access for emergency personnel on foot was created to ensure adequate access for emergency response.

The site is surrounded by residential developments; however, Cheyenne Road is in very close proximity to the newly redeveloping South Nevada Corridor and Southgate Shopping Center and very close to multiple recreation opportunities in Cheyenne Canyon. Infill is strongly encouraged in locations that have existing infrastructure and are in locations that allow new residents to have close access to commercial uses, employment centers and recreational opportunities.

b. Public Comments

The public comment concerns that were noted by the neighbors included access for neighborhood residents and emergency services, increase in density, and property devaluation. As was previously discussed, staff worked to ensure emergency access was adequately provided for this site. The R2 zone district allows the densities requested by this applicant and as previously discussed subdivision of the lots along the Cheyenne Road corridor has been historically approved.

c. Geologic Hazard Report

A Geologic Hazard Waiver request was submitted and accepted by City Engineering. The waiver notes that the slopes on site are less than four percent and that there is no evidence of underground mining or subsidence activity, history of landfill, or other uncontrolled landfill activity.

d. Drainage Report

The drainage report was reviewed and approved by City Stormwater Engineering. The report states that overall drainage pattern and quantity of runoff will not be significantly changed from the existing conditions with the new development. No additional storm drain improvements are required due to this project.

Staff finds that the proposed plan meets the review criteria for Subdivision Waiver, Preliminary Plan and Final Plat as set forth in City Code Sections 7.7.1302, 7.7.102, 7.7.204 and 7.7.303.

2. Conformance with PlanCOS

Staff has evaluated the proposed application for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"). According to PlanCOS, the project site is identified on the Vision Map as an Established Traditional Neighborhood. Per the Vibrant Neighborhoods Framework Map (**see "PlanCOS Vibrant Neighborhoods Framework Map" attachment**), this site is part of the Established Traditional Neighborhood. Established neighborhoods are predominantly built-out and have been for at least a few decades. These neighborhoods are generally stable and do not anticipate high levels of land use Changes; however, most established neighborhoods should expect some degree of infill. In this case, the proposal is to subdivide the lot to create a second legal lot and use the existing zoning to create a duplex. Infill development in this area uses already existing utilities and emergency services and does not require extensions of any services.

Specific policies of PlanCOS that are supported are listed below:

Policy UP-2.A: Support infill and land use investment throughout the mature and developed areas of the city.

Strategy UP-2.A-3: Continue to implement infill supportive Code changes including provisions tailored for older developed areas.

City Planning staff finds the Lorraine Views project to be in substantially conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan

This site is not part of a Master Plan.

STAFF RECOMMENDATION

CPC SW 19-00159 – SUBDIVISION WAIVER

Approve the subdivision waiver of design standards for Lorraine Views based on the finding that the subdivision waiver complies with the review criteria in City Code Section 7.7.1302.

AR PFP 19-00735 – PRELIMINARY AND FINAL PLAT

Approve the preliminary/final plat for Lorraine Views based upon the finding that the preliminary and final plat complies with the review criteria in City Code Section 7.7.102, 7.7.204 and 7.7.303, subject to compliance with the following technical and/or informational plan modifications:

1. Show on the plans that an address sign will be placed along the street from which these lots are addressed to indicate where the lots are located and if necessary to indicate how to access the lots.
2. Include a public ingress, egress and emergency access easement on the west 9 feet of the lot from Cheyenne Road back to Lot 2.
3. Revise the page numbers on the preliminary plat to be X of 3 and include the following notes:
 - a. Lots 2 and 3 will be addressed off of Fenmoor Place.