



Legislation Text

File #: 22-546, **Version:** 1

A resolution granting a request for an Amendment to Plat Restriction for Falcon Estates Filing No. 4 Subdivision No. 1, Lot 2

Legislative

Presenter:

Drew Foxx, Planner II, Planning and Community Development
Peter Wysocki, Planning Director, Planning and Community Development.

Summary:

Owner/Applicant: Greg and Sheri Bianchi
Location: 1115 Cragin Road

The project includes a notification to the City Council of the approval and recordation of a Certificate of Amendment to Plat Restriction to allow for the establishment of a 192-square-foot accessory structure within the 75', no-build plat restriction on Lot 2 of Falcon Estates Filing No. 4, Subdivision No. 1. Per City Zoning Code 7.7.503.D.(1), the approval of this amendment to plat restriction and the resolution detailing the amendment shall be placed on the next available City Council agenda as a report item.

Previous Council Action:

The property was annexed into the City on July 28th, 1992, under the Falcon Estates Refiling No. 2 plat (ord. 92-88). Concurrent zone establishment and a master plan were also approved with the above referenced action. City Council has approved amendments to the master plan in 1993 and 1995. Other plan amendments have been made and approved by City Council that do not affect the subject property.

Council has also taken previous action accepting an amendment to plat restriction for a neighboring residential development within the subject subdivision. On September 23rd, 2003, resolution No. 171-03 was accepted to allow primary structures to be built within the 75' no build area. The address for this lot is 1055 Cragin Road and is subject to the same plat note as the property in question.

Background:

This application included a request for an amendment to plat restriction of a seventy-five (75) foot "no-build" area on the southern property line of 1115 Cragin Road to allow for a 192-square-foot shed. Per City Code Section 7.7.503, staff approved an amendment to plat restriction that allows for a 192-square-foot accessory structure within a 75-foot no-build area for Lot 2 of the Falcon Estates Filing No. 4 subdivision. The staff approval was appealed to Planning Commission by a neighbor, but Planning Commission unanimously denied the appeal (5-0). The appellant did not appeal the Planning Commission decision to City Council. After the approval by Planning Commission, the

Certificate of Amendment to Plat Restriction was recorded with the El Paso County Clerk and Recorder's Office.

Allowing the use of a 192-square-foot shed within the single-family residence is supported by Chapter 2 of PlanCOS. It is stated within chapter two that "most established neighborhoods within the city should expect some degree of infill and redevelopment". The dimensional requirement of the "no-build" area is an encumbrance to property owners in this area that wish to establish supportive accessory structures for their residential use with minimal impact on the surrounding neighborhood. While the final plat has a note describing this no-build area, the approved 1995 master plan "Falcon Estates Refiling No. 2 West Side" shows this restricted area to be a 75' building setback. Since City Zoning Code defines "setback" and not "no-build", City staff has been unable to locate any reasonable justification for the "no-build" area and has found no conclusive evidence that accessory structures are limited in this area.

Financial Implications:

N/A

Board/Commission Recommendation:

This amendment to plat restriction application was heard at the City Planning Commission meeting on July 13, 2022, in response to an appeal received by the adjacent property owner at 1125 Cragin Road, who objected to building in the no-build area with concerns of property value, view corridor, size of the structure, and compatibility with the residential neighborhood. City Planning Commission heard the objections and found that all criteria were met for granting the amendment to plat restriction unanimously.

Stakeholder Process:

The public notice procedure consisted of providing notice to adjacent property owners within 500 feet of the site. This included the mailing of postcards to 29 property owners and on-site posting.

Staff sent the amendment to plat restriction application to internal and external review agencies for comments per standard distribution. Agencies included Colorado Springs Utilities, Engineering, Stormwater Engineering, Traffic Engineering, and the City Land Use Surveyor in the review process did not have any comments on the proposed project.

Alternatives:

Council could approve or deny the resolution.

Proposed Motion:

Approve a resolution granting a request for an Amendment to Plat Restriction for Falcon Estates Filing No. 4 Subdivision No. 1, Lot 2, pursuant to City zoning code 7.7.503(D)(1).