



## Legislation Text

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**File #:** AR PFP 16-00629, **Version:** 2

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An appeal of the Planning Commission decision to approve the Archer Park Preliminary and Final Plat, dividing 4.7-acres into 7 single-family residential lots located at 10 El Encanto Drive.

(Quasi-Judicial)

**Presenter:**

Lonna Thelen, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Summary:**

Applicant: Richard Delesk  
Owner: The Newport Company  
Location: 10 El Encanto

This project includes an application for a preliminary and final plat for Archer Park to subdivide a 4.7 acre property into seven single-family lots. The site is located at 10 El Encanto Drive.

**Previous Council Action:**

On June 13, 2017, City Council voted to formally postpone this item to the June 27, 2017 meeting.

**Background:**

This application is for a preliminary and final plat with an administrative review threshold. The applicant for this project requested it be heard by City Planning Commission due to the neighborhood input received during the process and the potential for appeal to City Planning Commission. City Planning Commission heard this item in May and approved the project with a 7-1 vote. Urban Strategies, Inc appealed the project to City Council (EXHIBIT A)

The appellant has stated in his appeal statement that staff has misrepresented drainage issues, utility easement authority and density of the surrounding neighborhood. Staff has very thoroughly reviewed the preliminary and final plat documents to ensure City Code requirements have been met. In addition, a thorough review of the surrounding neighborhood was completed to ensure accurate assessments were made during internal review and at City Planning Commission. The staff report attached to this document outlines the issues relating to drainage, utilities and density. Please see the report and associated figures in preparation for the appeal discussion. Representatives from City Fire, City Utilities, City Engineering and City Planning will be available to address any questions related to the specific divisions.

Historically, 10 & 12 El Encanto Drive have been under single ownership; the owner resided at 12 El Encanto Drive and used 10 El Encanto Drive as a horse property. A stable was constructed on 10 El

Encanto Drive in 1956, but no other structures have ever been constructed on 10 El Encanto Drive. The eastern portion of 10 El Encanto Drive and 12 El Encanto Drive were platted, but the western portion of 10 El Encanto Drive has never been platted.

In 2016, 10 & 12 El Encanto Drive were put on the real estate market. The owners were willing to sell the properties as a whole or as two separate properties. The owner of 9 El Encanto Drive agreed to purchase 12 El Encanto Drive and was sold in June of 2016. In December of 2016, 10 El Encanto Drive was purchased by The Newport Company. The Newport Company had conducted two neighborhood meetings and submitted the preliminary and final plat application prior to purchase.

The Preliminary and Final Plat application is a request to subdivide the property into seven single-family lots with a 20 foot private road accessing each lot from El Encanto Drive. The property is zoned R (Estate Single-Family Residential) and each lot requires 20,000 square feet. To address concerns about overflow parking, a nine foot wide grass paver section was added to the north of the private drive. There are three tracts proposed: Tract A includes landscape, drainage, stormwater quality and the grass paver parking area, Tract B includes the round-about landscaping, and Tract C includes private and emergency access to the seven lots as well as to 12 El Encanto Drive.

#### **Financial Implications:**

N/A

#### **Board/Commission Recommendation:**

At their meeting on May 18, 2017 the Planning Commission, as part of their new business calendar, voted 7-1 to approve of the application. Please reference the minutes from the hearing for a detailed record.

#### **Stakeholder Process:**

The public process involved with the review of these applications included posting the site and sending postcards to 60 property owners within 500 feet for a pre-application neighborhood meeting held on June 22, 2016. Approximately 35 people attended the meeting. For internal review and notification, the property was posted and postcards were sent for a neighborhood meeting that was held on October 18, 2016. Approximately 90 people attended the meeting. Multiple rounds of public comments were received during the internal review. Finally, the site was also posted and postcards sent for the City Planning Commission meeting and the City Council appeal to 141 property owners within a 1,000 foot buffer of the site.

The major areas of concern documented by the neighborhood are fire safety, utility easements, access, an increase in density, stormwater runoff, and an increase in traffic. These areas of concern will be discussed in the following review section of the 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 Traffic, City Fire, Police, Enumerations, Floodplain, Real Estate Services, City Landscape, Comcast, School District 12 and E-911. This site is not within the Airport Overlay and was not seen by the Airport Advisory Committee and is outside of the buffer for review by USAFA.

#### **Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Grant the appeal and reverse the action of the City Planning Commission - granting of the appeal will essentially deny the project as proposed; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

**AR PFP 16-00629 - PRELIMINARY AND FINAL PLAT**

Deny the appeal and uphold the City Planning Commission decision to approve the preliminary and final plat for Archer Park, 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 technical and/or informational plan modifications and noted in the minutes from the May 18, 2017 City Planning Commission Hearing.