

EL PASO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
Jim Egbert, Chair**

**FROM: Len Kendall, Planner I
Beck Grimm, EI Engineer I
Craig Dossey, Executive Director**

**RE: Project File #: P-18-002
Project Name: 121 S. Marland Road
Parcel No.: 75013-00-009**

OWNER:	REPRESENTATIVE:
Robert B. Condie and Kari Lee Hebble 1337 Northwest Eagle Street Camas, WA 98607	Larry and Mary Gilland Larry Gilland & Assoc. Inc. 201 E. Las Animas Street Suite 113 Colorado Springs, CO 80903

Commissioner District: 3

Planning Commission Hearing Date:	11/20/2018
Board of County Commissioners Hearing Date:	12/11/2018

EXECUTIVE SUMMARY

A request by Robert B. Condie and Kari Lee Hebble for approval of a map amendment (rezoning) from split zoned A-5 (Agricultural) and RS-20,000 (Residential Suburban) to RS-20,000 (Residential Suburban). The 3.37 acre parcel is located approximately one-third (1/3) of a mile east of the intersection of Cheyenne Mountain Zoo Road and Marland Road and is within Section 1, Township 15 South, Range 67 West. The applicant was in the process of obtaining the appropriate permitting to construct an addition to the dwelling on the property when the split zoning situation was discovered. The proposed addition was approved by the Planning and Community Development Director on the condition that the zoning on the parcel be rectified prior to certificate of occupancy sign off. The applicant is proposing a map amendment (rezone) to unify the split zoning on the property from A-5 (Agricultural) and RS-20,000 (Residential Suburban) to only RS-20,000. The subject parcel has water, electricity, and natural gas

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

service from Colorado Springs Utilities. Wastewater service is provided via an onsite wastewater treatment system (OWTS).

A. REQUEST/WAIVERS/MODIFICATIONS/AUTHORIZATION

Request: A request by Robert B. Condie and Kari Lee Hebble for approval of a map amendment (rezoning) from A-5 (Agricultural) and RS-20,000 (Residential Suburban) to RS-20,000 (Residential Suburban) zoning district.

Waiver(s)/Modification(s): There are no waivers or modifications associated with the request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. Planning Commission Summary

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a Map Amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2018):

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

D. LOCATION

North:	City of Colorado Springs	Single Family Residential
South:	City of Colorado Springs	Single Family Residential
East:	City of Colorado Springs	Single Family Residential
West:	City of Colorado Springs	Vacant/Single Family Residential

E. BACKGROUND

The property was zoned in 1942, and a single family residence was constructed in 1957. The split zoning of the property is due to the area being blanket zoned when the original zoning was put in place. The zoning district boundaries established via County initiated zoning for this area typically followed section lines or, in this instance, half section lines. The parcel was created on February 16, 1973 when the owners excluded it from annexation into the City of Colorado Springs; the parcel was established by a warranty deed which can be found in Book 2561, Page 875. The applicant was in the process of obtaining the appropriate permitting to construct an addition to the dwelling on the property when the split zoning situation was discovered. The proposed addition was approved by the Planning and Community Development Director on the condition that the zoning on the parcel be rectified prior to certificate of occupancy sign off. Due to the RS-20,000 zoning district existing on the property, the applicant has proposed to rezone the property to a single zoning district. The parcel has water, electric, and natural gas services from Colorado Springs Utilities. Wastewater service is provided via an onsite wastewater treatment system (OWTS).

F. ANALYSIS

1. Land Development Code Analysis

The current zoning on the property is split between two zoning districts, A-5 (Agricultural) and RS-20,000 (Residential Suburban). The rezone request will unify the zoning on the parcel to a single zoning district, the RS-20,000 zoning district. The rezone request complies with Section 5.3.5.B of the Code.

2. Zoning Compliance

The applicant is requesting to rezone the 3.37 acre parcel to the RS-20000 (Residential Suburban) zoning district. The RS-20000 (Residential Suburban) zoning district is intended to accommodate larger lot, single-family residential development with urban services. The density and dimensional standards for the RS-20000 (Residential Suburban) zoning district are as follows:

- Minimum lot size – 20,000 square feet
- Setbacks – front 40 feet, sides 40 feet (15 feet for accessory structures), and rear 15 feet.
- Maximum building height – 30 feet
- Maximum lot coverage – 20 percent

The property is a single parcel enclave within the City of Colorado Springs and is surrounded by single family residential development. There is one other single parcel enclave north and west of the subject parcel. Because the current zoning of the property is partly zoned A-5 (Agricultural), where the minimum lot size is 5 acres, and the parcel is currently 3.37 acres, the lot would be considered nonconforming with respect to lot area. The rezoning request will correct the nonconformity and expand the existing RS-20,000 zoning to include the entire parcel.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 6.6.6 – *Consider the development of cooperative building, zoning and infrastructure standards in areas that interface with municipalities and military properties.*

The applicant is not proposing a change in land use, but instead is proposing to resolve an existing split zoning situation. The adjacent parcels are part of a Planned Unit Development (PUD) zoning district and the parcel sizes range from approximately 29,000 square feet to over four (4) acres. The City of Colorado Spring's Annexation Plan does not take into account this parcel. Due to the property being smaller than five (5) acres, the zoning district that would be most appropriate would be the RS-20,000 zoning district, which is the zoning that is already applicable to the northern half of the parcel.

4. Small Area Plan Analysis

The subject parcel is not within the boundaries of a small area plan.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies mesa gravel and upland deposits in the area of the subject parcel.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A hazard evaluation was not performed with this rezone request.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. The only change to the property is an addition to the existing structure.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel 08041C0738G shows that the site lies within Zone X, an area determined to be outside of the 500-year floodplain.

4. Drainage and Erosion

The site is located within the Fishers Canyon drainage basin. Although the Fishers Canyon drainage basin is a fee basin, no drainage or bridge fees will be required with this rezone since there is no platting action. No public improvements are required with this rezone request.

5. Transportation

The site is accessed off of South Marland Road, which is within the City of Colorado Springs. No public roadway improvements will be required with this rezone request.

H. SERVICES

1. Water

Water is provided by Colorado Springs Utilities.

2. Sanitation

Wastewater is provided by an onsite wastewater treatment system (OWTS).

3. Emergency Services

The property is within the Broadmoor Fire Protection District.

4. Utilities

Electric and natural gas utilities are provided by Colorado Springs Utilities.

5. Metropolitan Districts

This property is not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required with a map amendment (rezoning) application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required with a rezone application.

I. APPLICABLE RESOLUTIONS

Approval Page 27

Disapproval Page 28

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2018) staff recommends the following conditions and notations:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RS-20000 (Residential Suburban) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified seven (7) adjoining property owners on October 17, 2018, for the Planning Commission hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Map Amendment (Rezone) Map

El Paso County Parcel Information

PARCEL	NAME
7501300009	CONDIE ROBERT BRUCE

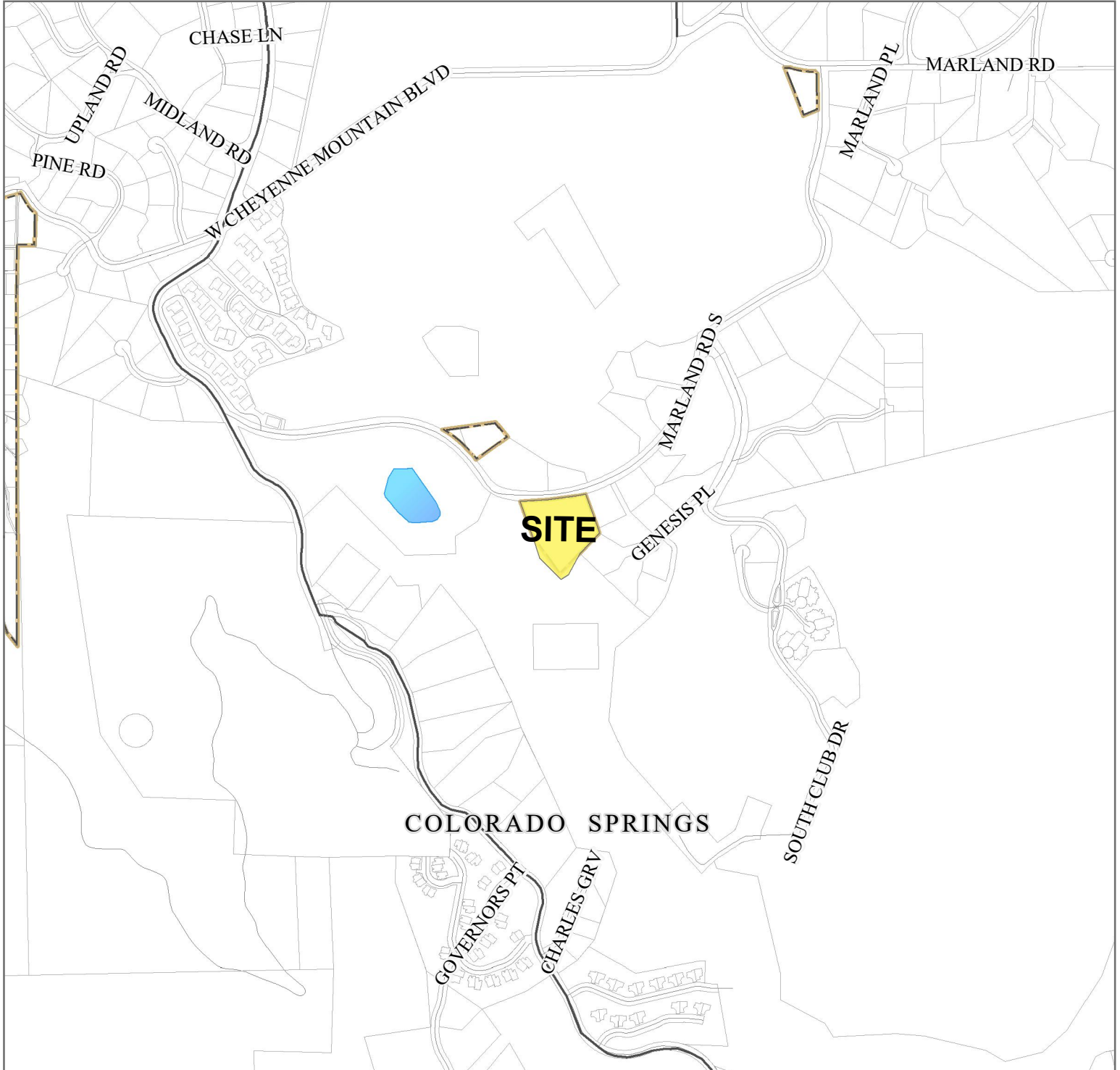
File Name: P-18-002

Zone Map No.: --

ADDRESS	CITY	STATE
121 S MARLAND RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80906	4350

Date: October 16, 2018



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
819) 520-6600



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Letter of Intent for 121 South Marland Road

Current Owner: Robert Condie

Kari Hebble

121 South Marland Road,

Colorado Springs, CO 80906-4350

Site Location: 121 South Marland Road also known by the following legal description:

TRACT IN SW4NW4 + NW4SW4 SEC 01-15-67 AS FOLS, BEG AT PT ON SLY BDRY OF MARLAND RD FROM WHICH W4 COR OF SEC 1 BEARS S 71<44' W 411.20 FT FOR POB, TH S 19<40' E 233.15 FT, S 17<06'54" E 129.49 FT, S 44<58'53" E 180.0 FT, N 60<55'29" E 52.51 FT, N 28<00'01" E 145.12 FT, N 44<11'30" E 170.0 FT, N 19<27'03" W 248.26 FT TO A PT ON SLY BDRY LN OF MARLAND RD, TH SLY ALG SD R/W LN OF MARLAND RD ON CUR TO R WITH AN ARC DIST OF 394.30 FT TO POB

Request:

We are requesting a change in zoning for the portion of the parcel that is zoned A-5 to R5-20000 to match the current other portion of the parcel. The current parcel contains two different zone classifications. When the current owners purchased the property, it was noted that it is a parcel that is located within a county map and shown to be of similar zoning as other parcels in the area also located in the Broadmoor area. (See maps 751.2 and 751.1).

The owners wish to add a garage addition and remodel the current home.

When we started to work on the project with the clients, we (Larry Gilland and Associates, Inc.) sent an email inquiry to El Paso County Development Review asking if they could foresee any issues with an addition and remodel to this existing home on this site, and we felt confident from their response that there wouldn't be any surprises. So we moved forward.

Concept plans and working drawings were prepared and submitted to PPRBD for permits. These were approved for construction. Approved demolition (for the remodel) has already occurred. At the plan review stage, the plan was stopped at County Plan Review because of the two different zonings that have been applied to this parcel. With the help of Mark Gephardt, research has shown this parcel has contained the same zone classification since zoning was put in place in 1942. The current home to be remodeled was built between 1957 and 1958 and has been in Maytag ownership since that period of time. Around the mid 1970's, areas of the Broadmoor had been annexed into the city except for this parcel and other parcels shown on maps 751.1 and 751.2. Going back to the 1942 zoning maps, a virtual line was drawn on this area and apparently has carried over to this day. No records have been located to explain why this parcel was never annexed.

Therefore to remain consistent with the zoning afforded to this parcel, we are requesting the entire parcel be zoned to R5-20000.

Size of Parcel: 3.37 Acres

Residential use will continue on this parcel.

All current utilities: City Water, Septic Gas, and Electric will continue on the parcel.

The home remodel will not add additional bedrooms. The addition space is principally building a new three car garage, replacing the current three car garage. The current three car garage area is being re-built as a new great room space.

The excavation and location of the new garage addition will actually remove portions of the existing driveway, and thus allow this site to maintain more vegetated areas and less hard surface paving.

Floor Area Ratio:

No Phasing will occur:

Development: Development or Construction will remain consistent during the entire process for the addition and remodel and is anticipated to take 9 to 11 months to complete.

Water is currently provided by: Colorado Springs Utilities
111 South Cascade Avenue,
Colorado Springs, CO 80903

Sewer is currently provided by: A septic system is currently in place on the property.
NO additional bedrooms will be added.

Use and Density:	Residential Use		
Building Footprint:	7378 S.F.	5.03%	
Addition Footprint:	1378 S.F.	0.93%	
Current Hard Surface Paving:	13843 S.F.	9.4%	
New Hard Surface Paving Area After Construction:	12698 S.F.	8.6%	

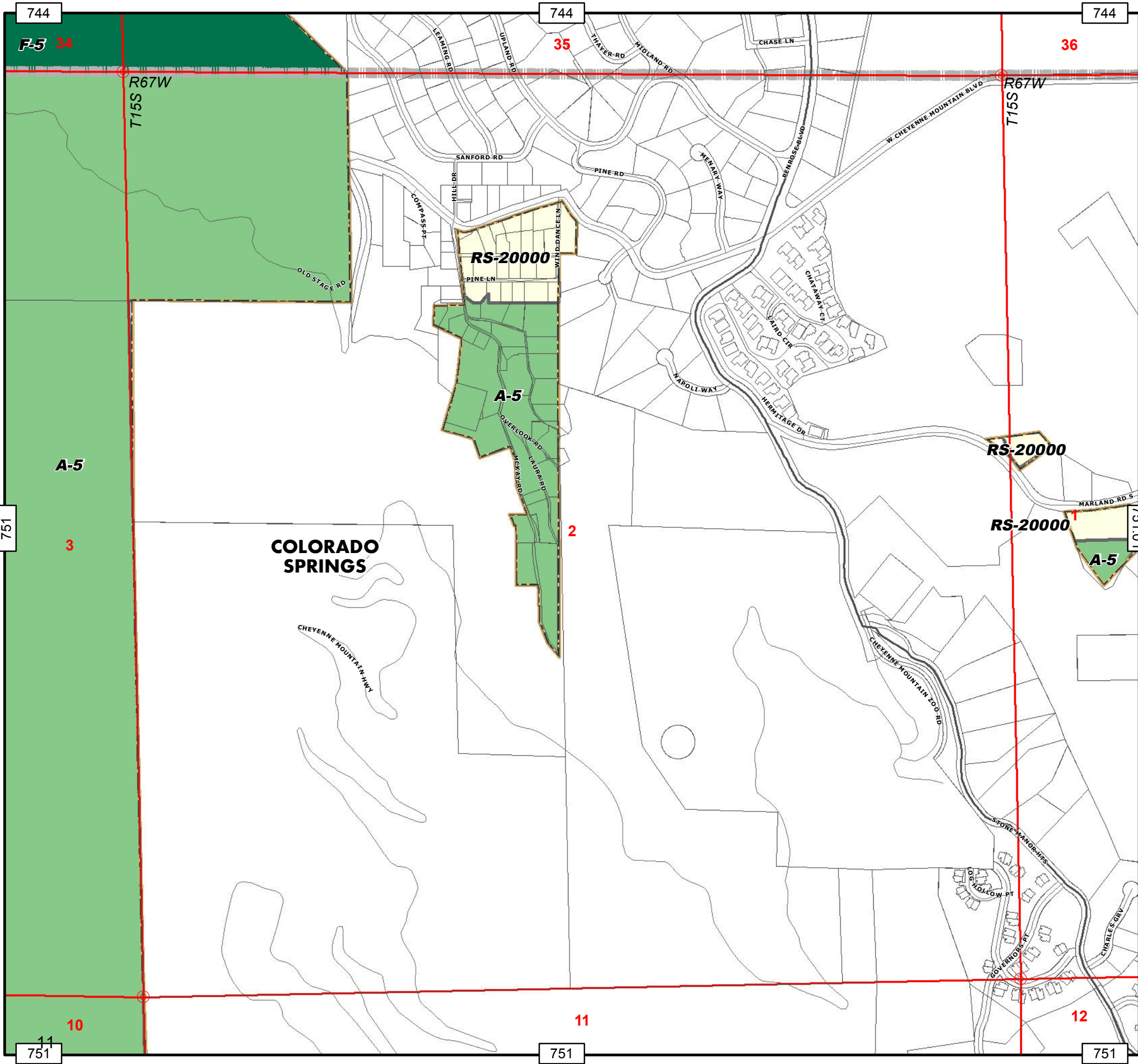
Area of Landscaping: Landscape area after construction.

Access will be provided: From South Marland Road as is currently in place.

Parking: Three Car Garage

Building Height of Current Home: 17'8"

Building Height of With Addition: 24' 6"
















Zone Map 751.02

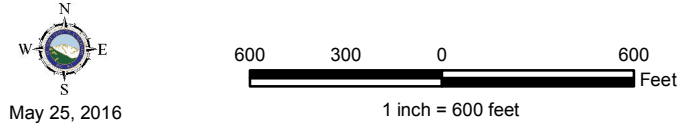
- El Paso County -
Development Services Department

Zoning Designations

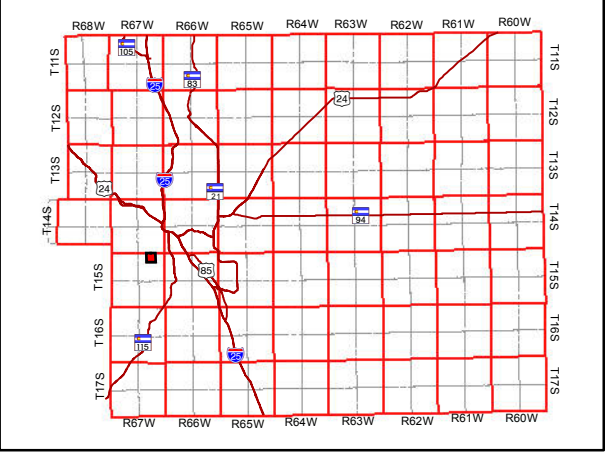
	RS-20000: Residential Suburban (20,000 sq. ft.)		F-5: Forest & Recreation (5 acres)
	RS-6000: Residential Suburban (6,000 sq. ft.)		PUD: Planned Unit Development
	RS-5000: Residential Suburban (5,000 sq. ft.)		CC: Commercial Community
	RM-12: Residential Multi-Dwelling (12 DU/acre)		CR: Commercial Regional
	RM-30: Residential Multi-Dwelling (30 DU/acre)		CS: Commercial Service
	RR-0.5: Residential Rural (0.5 acres)		I-2: Limited Industrial
	RR-2.5: Residential Rural (2.5 acres)		I-3: Heavy Industrial
	RR-5: Residential Rural (5 acres)		A-5: Agricultural (5 acres)
	R-T: Residential - Topographic		A-35: Agricultural (35 acres)
	MHP: Mobile Home Park		C-1: ** Commercial
	MHP-R: Mobile Home Park, Rural		C-2: ** Commercial
	MHS: Mobile Home Subdivision		M: ** Industrial
	RVP: Recreational Vehicle Park		R-4: ** Planned Development

** Indicates an obsolete designation

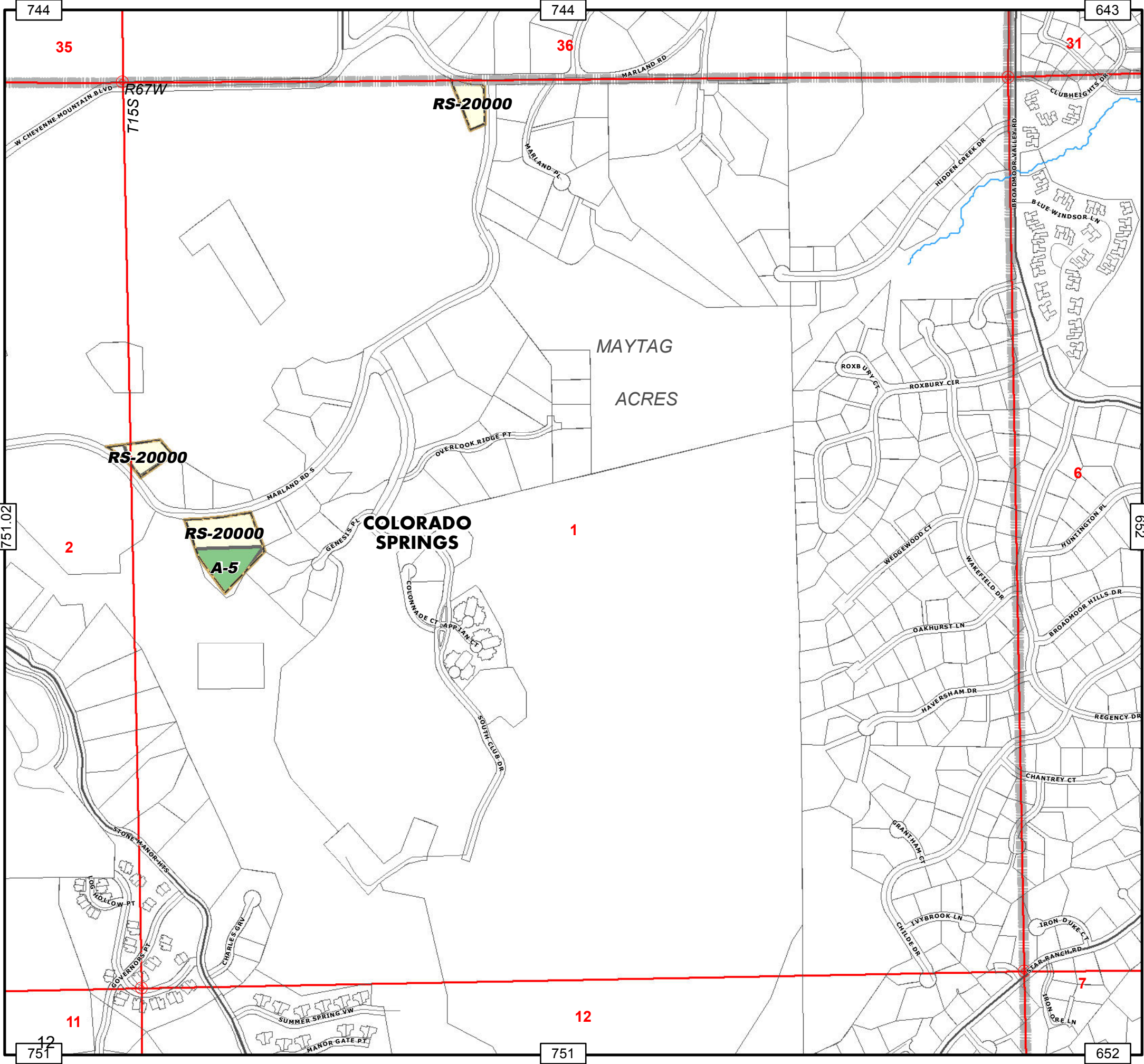
<u>Supporting Data</u>			
	Highways	 Sections	 Incorporated Cities
	Major Roadways	 Parcels	 Zone Map Boundary
	Creeks - Perennial	 Military	 Zoning Overlay
	Creeks - Intermittent	 Pike National Forest	 Special Uses
	Section Corner Nodes		



Vicinity Map



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Zone Map 751.01

- El Paso County -

Development Services Department

Zoning Designations

	RS-20000: Residential Suburban (20,000 sq. ft.)		F-5: Forest & Recreation (5 acres)
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** Indicates an obsolete designation

Supporting Data

	Highways		Sections		Incorporated Cities
	Major Roadways		Parcels		Zone Map Boundary
	Creeks - Perennial		Military		Zoning Overlay
	Creeks - Intermittent		Pike National Forest		Special Uses
	Section Corner Nodes				

May 25, 2016

1 inch = 600 feet

Vicinity Map

The vicinity map shows a grid of sections with the specific area covered by Zone Map 751.01 highlighted in red. The grid is labeled with letters (R66W to R60W) and numbers (T11S to T17S).

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121 MARLAND RD S.
Legal Description

PARCEL A

A tract of land lying in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 1, Township 15 South, Range 61 West of the 6th Principle Meridian, County of El Paso, State of Colorado, more particularly described as follows, to-wit: Beginning at a point on the Southerly Boundary line of a road locally known as Marland Road, whence the West Quarter corner of said Section 1 bears South 71 degrees 44 minutes West, a distance of 411.2 feet; and running thence South 19 degrees 40 minutes East, 233.15 feet; thence South 35 degrees 33 minutes East, 270.5 feet; thence North 44 degrees 00 minutes East, 344.5 feet; thence North 19 degrees 40 minutes West, 248.26 feet to a point on the aforesaid Southerly Boundary line of Marland Road; thence along and identical with the said Southerly boundary line of Marland Road, on the arc of a curve bearing to the right which has a radius of 2429.0 feet and whose chord bears South 83 degrees 53 minutes West an arc distance of 394.3 feet to the Point of Beginning.

Cheyenne Mountain Zoo Rd.
10 Lake Circle
ZONE FUD/CR FUD/H5
COG Land and Development

170 Marland Rd. S.
R5-20000

170 Marland Rd. S.
Lot 1 and 2 Inc. Broadmoor
Sub Fil No 1 to
ZONE FUD H5
w/access easement for
driveway purposes
over PT Lot 1 So Sub.

160 Marland Rd. S.
Lot 3 Broadmoor Sub Filing #1
ZONE FUD H5
Meira Fisher Co
C/O Spitzerberger Shipping Co
555 Madison Ave. Fl 32
New York, NY 10022-3320.

325 Lake Cir
ZONE C5R FUD H5
BROADMOOR HOTEL INC
ATTN DIRECTOR OF FINANCE
PO BOX 1439 COLORADO SPRINGS
CO 80901-1439

Marland Road

121 Marland Rd. S.
Owners:
Robert Bruce Condie
Karl Lee Hebble
PARCEL A
R5-20000
A-5

EXISTING HOUSE FOOTPRINT

117 Marland Rd. S.
Lot 4 Broadmoor Sub Filing #1
ZONE FUD H5
Four Square LLP
P.O. Box 38369
Colorado Springs, CO
80937-8369

113 Marland Rd. S.
Lot 5 Broadmoor Sub Filing #1
ZONE FUD H5
Miles G. and Jeri Yeagley
Colorado Springs, CO
80906-4350

940 Genesis Pl.
Lot 14 Broadmoor Sub Filing #1
ZONE FUD H5
Dorota A. D'Alessio
Colorado Springs, CO
80906-4360

195 Marland Rd. S.
ZONE FUD H5
Red Fox Properties LLC
11 1ST COLORADO SPRINGS CO

PROPOSED ZONING CHANGE:
Property Address: 121 Marland Rd. S.
Owners: Robert Bruce Condie
Karl Lee Hebble
1337 NW Eagle St.
Camas, WA 98607

Prepared by: Larry Gilland & Assoc. Inc.
dba: LGA Studios
719-635-0880