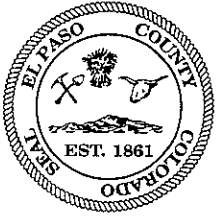


EL PASO COUNTY DEVELOPMENT SERVICES DEPARTMENT



File No: MS-05-006
Applicant: Larry King
Owner: Don and Eileen Zytka
Date Submitted: 6/14/2005
Location: 9455 Chipita Park Road
Commissioner District: 3

Staff report prepared for Planning Commission Public Hearing

Date Prepared: November 8, 2005
Project Manager: Not Applicable
Planner: Heather Rose
Engineer: Robert Wolf

I. SUMMARY OF STAFF REPORT COMMENTS

The applicant is requesting a vacation/replat following the minor subdivision process. This application is running concurrently with a rezoning request from R-T (Residential Topographic) District to RR-2 (Rural Residential) District.

The applicant is proposing to replat his current 5-acre lot into two 2.5-acre lots. There are no remaining concerns with the subdivision of this property.

There is a waiver request for this application. The applicant is proposing Lot 2 obtain access via an ingress/egress easement and therefore does not have the required 30 foot of frontage on a public, maintained road. Additional explanation in Section VI.

II. ACREAGE, PARCEL NUMBERS, PROPOSED USE

Acres: 5 acres
Parcel Number(s): 83161-06-001
Proposed Use: 2 lots Single Family

III. STAFF RECOMMENDATION

That the Planning Commission **approve** the proposed Minor Subdivision with conditions/ notations.

IV. NOTIFICATION

Staff notified 7 adjoining property owners.

Public Input:

V. PUBLIC HEARINGS and LEGAL NOTIFICATION

Planning Commission:

Request: Scheduled Hearing Date(s) 11/29/2005

Waiver(s): Approved

Vote:

Voting Rationale:

Summary of Planning Commission Hearing:

Legal Notice:

Board of County Commissioners:

Request: Not Applicable Hearing Date

Waiver(s): None

VI. CODE AND POLICY COMPLIANCE:

The project was reviewed against Sections 48 & 49 of the Land Development Code.

The proposed project is not in compliance with the following sections of the El Paso County Land Development Code.

49.2.3.a. 'All lots created by the Subdivision Process shall have a minimum of thirty (30) feet of frontage upon a public street accepted for maintenance by El Paso County. The following shall not be deemed public streets for the purpose of these regulations.'

A waiver is being requested with this application. Lot 2 is gaining access through an ingress/egress easement through Lot 1.

VII. IDENTIFICATION AND LOCATIONAL INFORMATION

Surrounding Land Use: North: Developed Single-Family Residential

South: Developed Single-Family Residential

Project Name: Minor Subdivision – Larry King – Zytka – King Subdivision
Project Number: MS-05-006
Project Manager: N/A, Heather Rose, Planner

East: Developed Single-Family Residential

West: Developed Single-Family Residential

Zoning of Surrounding Property: North: R-T - Residential-Topographic
South: R-T - Residential-Topographic
East: R-T - Residential-Topographic
West: R-T - Residential-Topographic

VIII. LAND USE ANALYSIS AND IMPLICATIONS

The property has been zoned R-T (Residential-Topographic) District since 1967. The original subdivision's soils and geology report indicates that portions of the property may have been a landfill at one time (see comments for Topography for further explanation). This property was subdivided into 4 lots in 1997 under the R-T Zone District. The Chipita Homes Subdivision Filing No. 1 was heard and approved by the Board of County Commissioners on September 29, 1997.

This lot size will still meet the minimum size required for septic systems and both lots have central water.

IX. COMPREHENSIVE PLAN ANALYSIS

Policy Plan Recommendation

N/A

Small Area Plan Recommendation

Ute Pass Comprehensive Plan

Other Master Plan Recommendations

N/A

Summary

The subject property is included within the Ute Pass Comprehensive Plan (1982). This plan utilizes a map approach, and designates this property as being appropriate for residential uses. Other more environmentally constrained areas are designated for lower density, clustered, residential uses. Although the Ute Pass Comprehensive Plan does not contain explicit language addressing 5-versus 2.5-acre zoning, it is clear from a review of the Plan that this density of residential use is appropriate within the context of the Ute Pass Plan, assuming there are no site characteristics or facilities and services limitations that would adversely effect the ability to subdivide. It appears the property has adequate access and the ability to support septic systems for two 2.5-acre lots. On this basis, the Long Range Planning Division recommends a finding of consistency with the El Paso County Master Plan.

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X. PUBLIC SERVICE AND SITE CONSIDERATIONS

Major Thoroughfare and Transportation

Although the property is addressed on Chipita Park Road, the property actually fronts onto Colorado Department of Transportation (CDOT) right-of-way for U.S. Highway 24. The applicant has received an access permit from CDOT for a shared driveway for the two proposed lots. Along with the shared driveway, a private access easement along the south property line is proposed.

The additional residential lot will result in approximately 10 additional trips per day on the County's road system. This is not a significant impact and there are no traffic concerns.

Drainage

The plat for the existing lot designates a "No Build Area", approximately 150 feet wide, for a small drainage draw traversing the property from north to south. The proposed minor subdivision plat would vacate this No Build Area. Analysis and certification by a licensed engineer was required to ensure that: a) the no-build area could be safely vacated, and b) that the proposed development would not adversely impact downstream properties. A sealed Drainage Letter was received with the application, with revisions dated October 14, 2005. The letter provides analysis and certification addressing the noted concerns. Based on the documentation Development Services Department believes that the drainage easement can be vacated without harm.

Utilities Services

Colorado Springs Utilities will serve this subdivision, and has no objections to the rezone or the subdivision.

Schools

District: Manitou School District No. 14

No objections to the proposed subdivision.

Public Safety (Fire Protection and Law Enforcement)

Chipita Park Fire Protection District has no objections to this rezone or the subdivision and will serve them.

Recreation and Parks

District Number: N/A

Urban Parks Area: N/A

Fees in Lieu of Land:

Regional Parks: N/A

Urban Parks:

Neighborhood: N/A

Community: N/A

Project Name: Minor Subdivision – Larry King – Zytka – King Subdivision
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Topography and Land Characteristics Adaptability

The site consists of vacant land that is vegetated with grasses, shrubs and sparse trees. The soil is composed of gravelly sands and interbedded clays on a gentle slope to the south. A drainage channel bisects the property, roughly along the proposed lot line. The site contains an old waste disposal area; the applicant drilled test bores to determine what the area was for and how big it was. The County Health Department is satisfied with shrinking the waste disposal area from the originally platted area with a proposed condition of approval which will stop construction if any waste is found during excavation.

Based on the documentation provided by the applicant the Development Services Department believes that the drainage easement can be vacated without harm. The applicant has provided us documentation that the drainage has changed from the original subdivision and the drainage easement is no longer necessary.

Water

Source	Colorado Springs Utilities
Quantity	Finding of sufficiency
Quality	Finding of sufficiency regarding water quality
Dependability	Finding of Sufficiency
Comments	

XI. APPLICABLE RESOLUTIONS

Approval: Page 1
Disapproval Page 2

XII. CONDITIONS OF APPROVAL

1. Prior to recording the Plat:
 - a. School fees (Manitou School District #14) in the amount of \$185.00 shall be paid
 - b. Regional Park fees of \$353.00 shall be paid.
 - c. Drainage fees shall be paid.

Project Name: Minor Subdivision – Larry King – Zytka – King Subdivision
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- d. The applicant shall submit the Mylar to Enumerations for addressing.
- e. All Deed of Trust holders shall ratify the Plat.
- f. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
- g. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
- h. Applicant shall provide proof to the Development Services Department and the County Attorney's Office that Applicant has complied with the requirements and policies of CSU for connection to CSU, including proof that tap fees have been paid, and that Applicant has complied with any and all agreements for connection to CSU between Applicant and CSU.
- i. Address minor comments of Planning and Engineering in their October 11, 2005, comments.
- j. Add plat note:

The owner must cease excavation on the property if construction debris is encountered. Upon discovery of such materials the owner is to contact an engineer and the El Paso County Department of Health and Environment (EPCDHE) for a review of the site, and approval/ denial of further development/ excavation.

- 2. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by CSU, particularly those set forth in its July 25, 2005, letter, and any separate agreements between Applicant and CSU.

XIII. NOTATIONS

- 1. Minor Subdivisions not forwarded to the Board of County Commissioners for consideration within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

Project Name: Minor Subdivision – Larry King – Zytka – King Subdivision
 Project Number: MS-05-006
 Project Manager: N/A, Heather Rose, Planner

2. Costs incurred to establish the use or comply with conditions of approval shall not be used as a basis of extending the use beyond the specified time limit.

Attachments:

Vicinity Map
Letter of Intent
Reduced Plat

El Paso County Parcel Information

Parcel Number: 8316106001

Parcel Address: 0 CHIPITA PARK RD

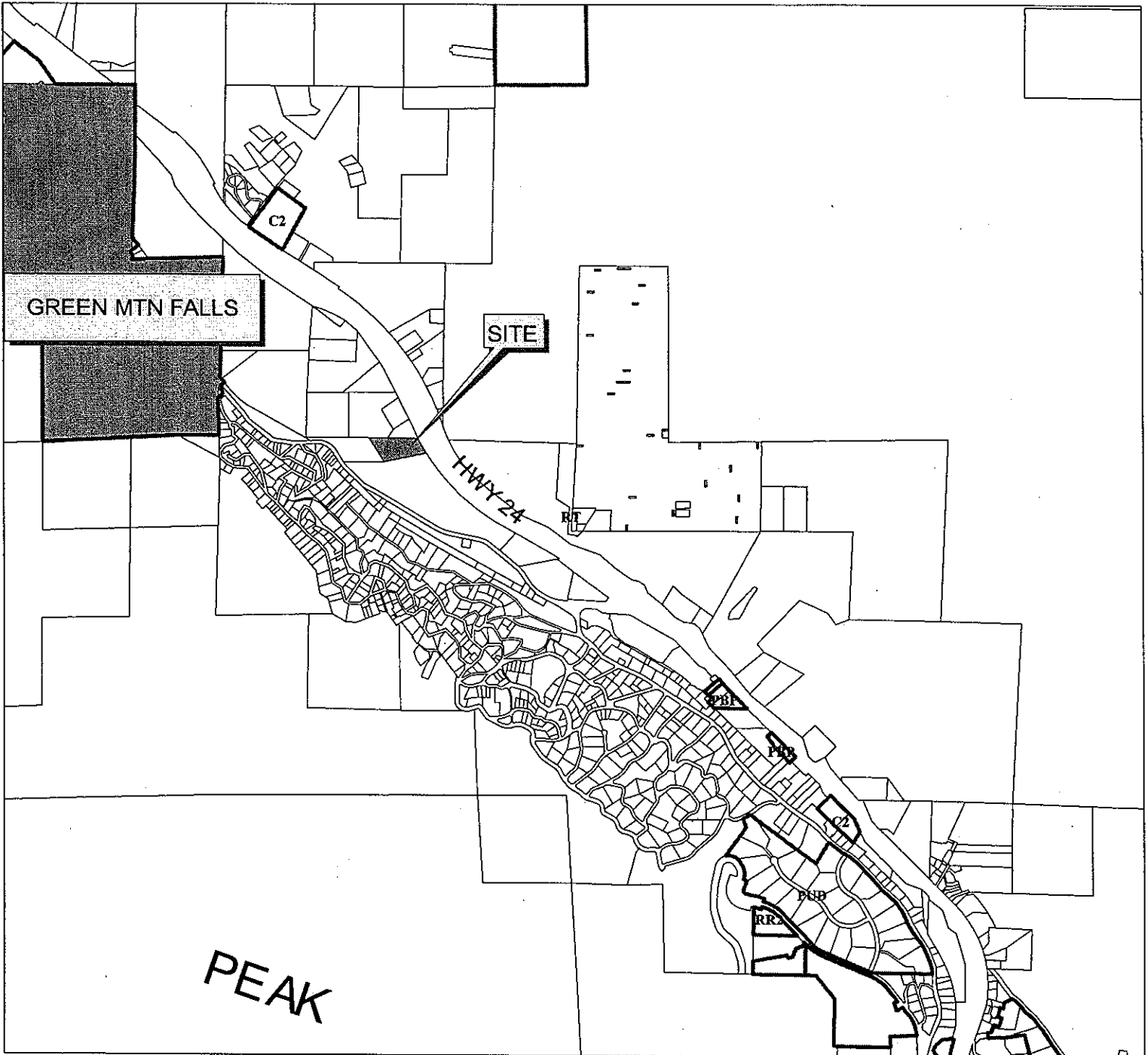
Parcel Owner: ZYTKA DONALD J

Parcel Owner 2: ZYTKA EILEEN F

File Name: MS-05-006

Zone Map No.: 832.16

Owner Mailing Address: PO BOX 666, CASCADE, CO 80809



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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November 9, 2005



Letter of Intent
Zytka-King Subdivision

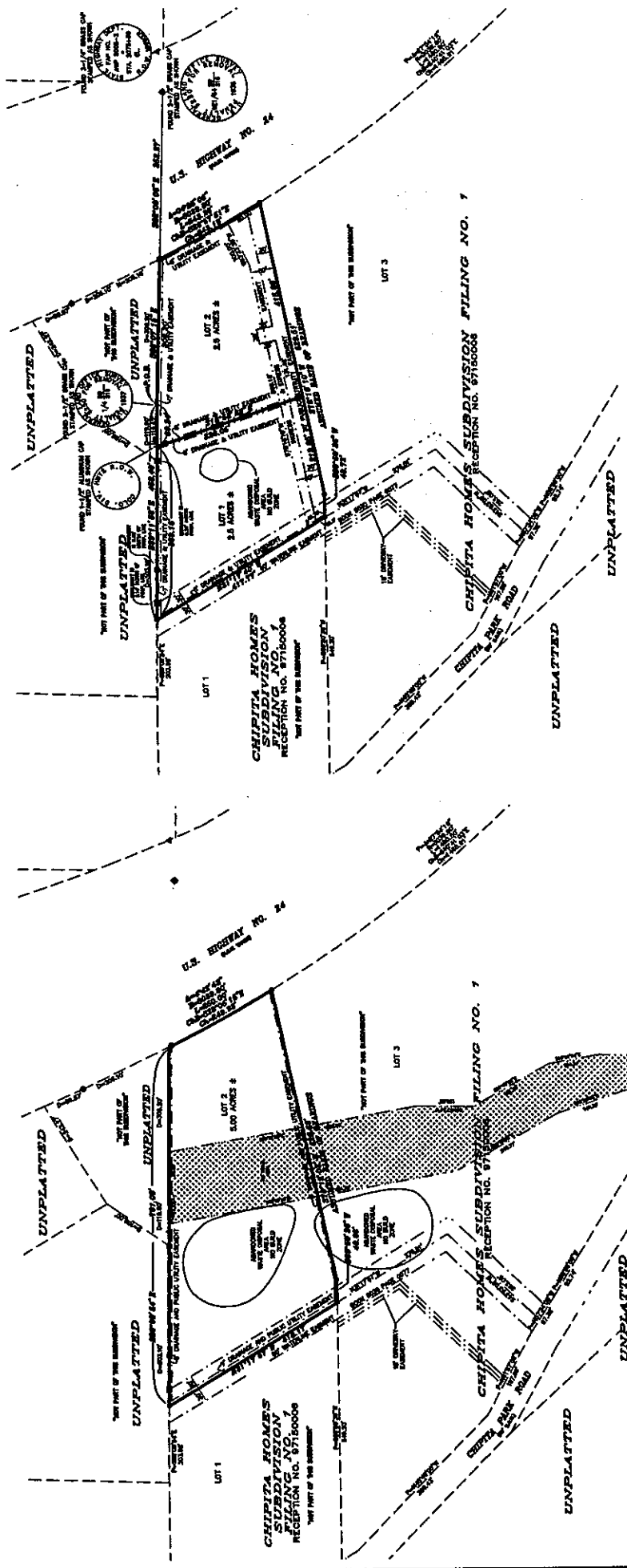
Platting

1. a) Owner: Don and Eileen Zytka Office (719) 684-7800
PO Box 666 Alt. (719) 684-9703
Cascade CO 80809 Cell (719) 290-3605
- b) Applicant: Larry King Phone (719) 686-8840
Alpine Meadows Homes, LLC Fax (719) 686-8841
PO Box 364 Cell (719) 338-3064
Woodland Park CO 80866
- c) Consultant: Kevin F. Lloyd, PLS Phone (719) 687-0920
Rampart Surveys, Inc. Fax (719) 686-1139
PO Box 5101
Woodland Park CO 80866
2. a) Site Location: Lot 2, Chipita Homes Subdivision Filing No. 1
9455 Chipita Park Road
Cascade, CO 80809
- b) Site Size: 5.0 Acres +/-
c) Site Zoning: R-T
d) Proposed Zoning: RR-2
3. The owner and applicant are seeking to subdivide the existing Lot 2 into 2 lots, having 2.5 acres each. The reason for doing this is to allow the current owners, Don and Eileen Zytka, to sell half of their existing property to Larry King.
4. There are no existing facilities. Proposed facilities are for single-family housing with water provided by Colorado Springs Utilities and on-site septic systems to handle sanitary sewer. There will be no public roads.
5. A waiver is requested for the 30' frontage to a public maintained road. A 50' wide ingress & egress easement is proposed across the southerly portion of Lot 2 for the benefit of Lot 1.

Rezoning

6. A change in zone classification from R-T to RR-2 is being requested to simplify the permit process for future construction of single-family housing.
7. Total number of acres = 5 acres
8. a) Total number of residential units = 2
b) Densities for each dwelling type = 4.0%
- 9 – 11. Not Applicable
12. Typical Lot Sizes = 325' x 325'
- 13 – 15. Not Applicable
16. Water will be provided by Colorado Springs Utilities and sewer will be on-site septic systems.
17. Proposed uses are single-family residential, with no relationship between uses and densities at 4.0% per lot in the subdivision.
18. Not Applicable
19. Proposed access is off of Chipita Park Road.
20. Not Applicable

ZYTKA-KING SUBDIVISION
A REPLAT OF LOT 2, CHIPITA HOMES SUBDIVISION FILING NO. 1,
LOCATED IN THE NORTH ONE-HALF (N1/2) OF SECTION 16, TOWNSHIP 13 SOUTH,
RANGE 68 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO



AS PLATTED
 NOTE: ONLY PLATTED AND DEEDED BEARINGS AND DISTANCES SHOWN

AS REPLATTED
 NOTE: ONLY MEASURED BEARINGS AND DISTANCES SHOWN

- SET 5/8" REBAR AND NO. 6 CAP STAMPED "PUMPART PLS 2008"
- △ FOUND 3-1/4" BRASS CAP STAMPED AS SHOWN
- FOUND REBAR AND CAP STAMPED "PLS 8LS 2008"
- FOUND 1-1/2" O.D. ALUMINUM CAP STAMPED "L.S. 1254"
- FOUND 1-1/2" O.D. ALUMINUM CAP STAMPED AS SHOWN
- FOUND 5/8" REBAR (NO CAP)
- FOUND + IN CONC. FORCE FOSTER
- FOUND 3-1/2" BRASS CAP STAMPED AS SHOWN
- FOUND 1-1/2" O.D. IRON PIPE
- FOUND 3-1/2" BRASS CAP STAMPED AS SHOWN (1/4 CORNER)
- CONC. FOUND
- TEXT MARK

