



Jerome W.

HANNIGAN and ASSOCIATES, INC.

Land Planning • Land Surveying • Land Development Consulting

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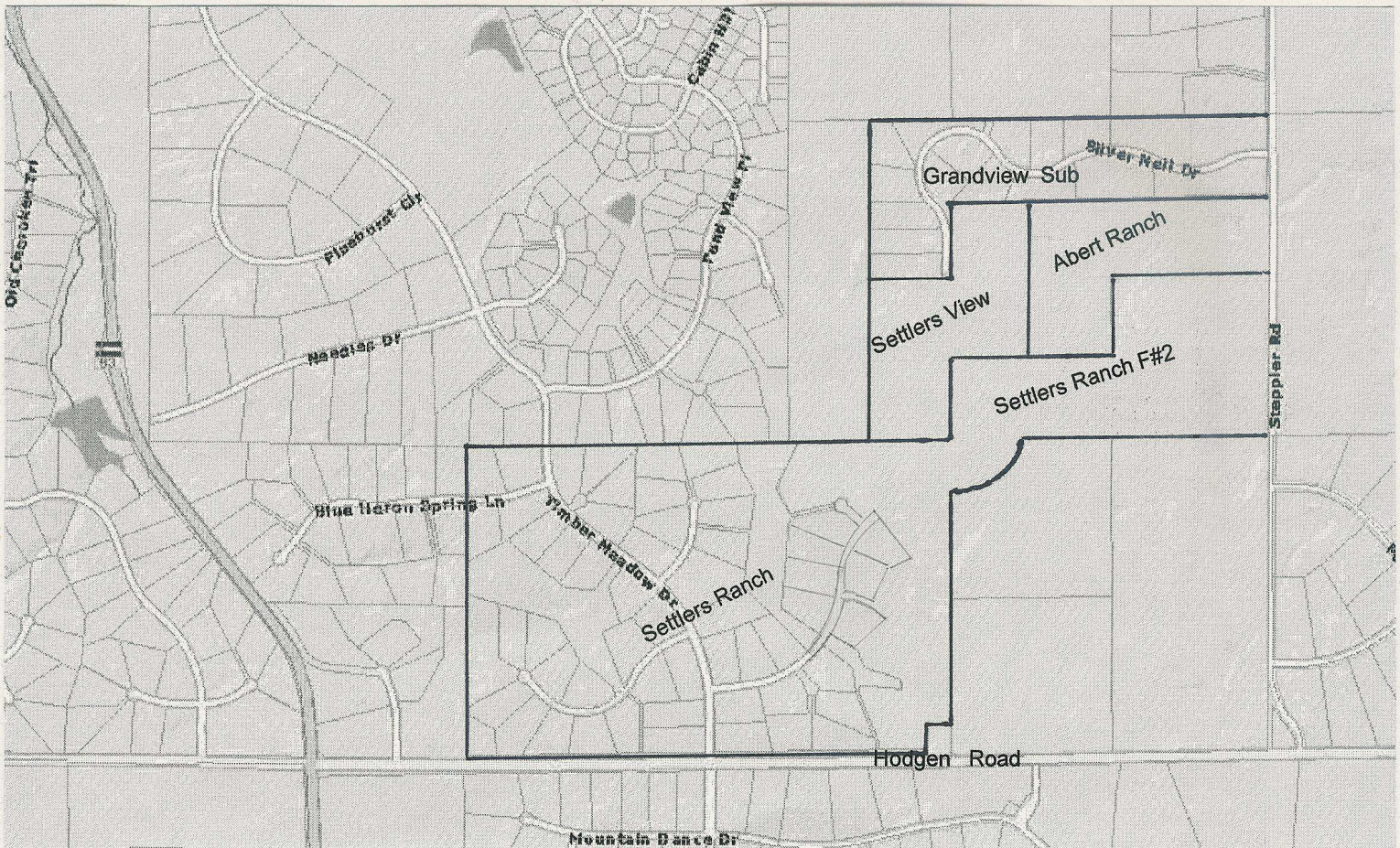
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REZONING LETTER of INTENT ABERT RANCH SUBDIVISION

Abert Ranch Subdivision (No relation to Abert Estates along Shoup Road) is a proposed RR-2.5 acre residential rezoning in Section 23 and 24, T11S, R66W of the 6th P.M., El Paso County, Colorado. More generally, the property lies east of Highway 83, North of Hodgen Road and adjoining the west side of Steppler Road. The property is 40.40 acres in area, originally and currently zoned RR-5 and is vacant grazing land. This tract is one part of the Hodgin Ranch property that had been divided among family heirs. It has since sold to a non family member.

The property is bounded on the north by Grandview Subdivision which is zoned PUD with 17 residential lots ranging from 2.5 to 5.08 acres. Platted in 2007, only one lot remains vacant. Adjoining the property to the south is Settlers Ranch with 57 platted lots and Filing No 2, also zoned PUD with 29 lots of 2.5 to 5.22 acres planned, though not yet final platted. Adjoining to the west is Settlers View, another 40 acre part of the original ranch that is currently in the process of subdividing into 2.5 acre and larger lots for residential purposes.



This northern portion of the County is quite suitable for residential use at this density and indeed much of the surrounding area has already developed in that way. Site topography is typical rolling hills with associated viewsheds. The western boundary of the property is higher, being along the West/East Cherry Creek drainage basin boundary. The northwestern portion of the property is treed with ponderosa pines. Most of the balance of the property is grassland as you would expect of ranch property. The most significant topographical feature is a small stock pond in the eastern part of the site several hundred feet west of Stepler Road. It straddles a drainage that runs from the southwest part of the property through the pond to a culvert under Stepler Road.

Access will be through the adjoining 40 acre Settlers View Subdivision on Silver Nell Drive and at the south side of our parcel where it adjoins Settlers Ranch Road which connects to Stepler Road. Water for the proposed subdivision has been adjudicated which will satisfy the County requirements for quality, quantity and dependability. Soils are suitable for the proposed onsite wastewater disposal systems, necessary roadways and homes. Utilities already exist next door in Grandview Subdivision and will be extended through existing easements and along proposed roads. These are all indicators that the property is suitable for the proposed zoning and residential use.

In addition to being suitable for the proposed zoning and use, the residential use is compatible with the existing zoning and uses in the neighborhood. In this case the land use to the north is already residential and that to the south is also. The parcel adjoining to the west, which, like this, was part of the same earlier ranch, is proposed for the same residential zoning and land use at a slightly higher overall density.

This proposed rezoning is in general conformance with the El Paso County Master Plan. The applicable small area plan is the Black Forest Preservation Plan. The Black Forest Plan uses the drainage basin boundary that separates the West Cherry Creek basin (Planning Area 5 - Spruce Hill / Highway 83) from the East Cherry Creek basin (Planning Area 6 - Northern Grasslands) as the general boundary separating what should be smaller lot residential development from larger 5 acre residential development to the east. The idea is that parcels along Stepler Road would be larger and more rural and that properties along and related to Highway 83 would be suitable for 2.5 or (with conditions) even 1 acre lots, as is the case in Walden. That is one reason why both Grandview Subdivision to the north and Settlers Ranch Filing 2 to the south have lot sizes that vary from 2.5 acres in the west to 5 acres adjoining Stepler Road.

As we know, property lines don't follow drainage basin boundaries and that is the case here. The boundary depicted in the Black Forest Plan is, by it's nature, meandering. And we know that master plans are advisory documents, not necessarily to be accepted verbatim. That doesn't mean however, that the boundary should be ignored, it simply means the intent of the plan should be interpreted relative to actual boundaries and more importantly, individual parcels should be evaluated on their own merits in light of the goals in the Plan.

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Consequently, as in Grandview and Settlers Ranch, some smaller lots exist in the east basin and the area of lots that straddle the exact basin boundary varies. The important question is what is appropriate for the specific tract of land. Beginning with our initial design studies we worked with the Black Forest Plan Land Use Committee seeking their input on the question of what is appropriate for this site. While the current RR-5 zoning allows 8 lots and RR-2.5 acre zoning would permit 15 lots, our discussions resulted in support for only 10 lots. 10 lots is our limit.

Just as has been done in both Grandview and Settlers Ranch, lot sizes taper in area from 2.5 acres at the west boundary to at least 5.0 acres along Steppler Road. The resulting overall density for the proposed Abert Ranch is 1 dwelling unit per 4.04 acres.

Some have asked why the Black Forest Committee would support 10 lots since the property is essentially all within the East Cherry Creek Basin. And one reason is geographic; or more specifically, topographic. Looking at the topography of the area you notice that Grandview to the north is higher and Settlers Ranch to the south is higher. The west boundary of Abert Ranch lies along the ridge that separates it from the lots in Settlers View and which defines the Basin boundary. Topographically, Abert Ranch appears as a large swale between the three adjoining subdivisions that slopes down to the east with it's low spot along Steppler Road. Lots in this proposed subdivision are visible from Steppler Road as you pass them by and homesites along the proposed road are well below any ridgeline, consequently they are not visibly prominent as are those lots to the north and south. To further conform to the adjoining lots to the north and south we have designed our lots to taper from 2.5 acres up at the basin boundary to 6.27 acres along Steppler Road.

One additional consideration in the evaluation of this parcel is the location of Silver Nell Drive where it enters the property on the western boundary and the location of Settlers Ranch Road where it is available for us to connect to on our south boundary. It is a fact that connection through this property to Steppler Road is mandatory. Without this connection Silver Nell cannot complete the loop back to Steppler. Since those two road locations are fixed, connecting them with a County standard road creates a lot of 2.63 acres. This is compatible with the adjoining lot in Settlers Ranch and the adjoining one in Settlers View. It further justifies the RR-2.5 zoning.

In summary, this property is suitable for development into residential lots at the density proposed and, at that, is compatible with the adjoining properties. At 10 lots, the proposed density is lower than any of the three adjoining subdivisions. The proposed zoning is otherwise in general conformance with the County Master Plan, more specifically the applicable portions of the Black Forest Preservation Plan, and, indicative of that conformance, is supported by them. All proposed lots can and will comply with the requirements of the Land Development Code for the proposed zone district and subdivision.