



October 6, 2021

PCD File No.:

**LETTER OF INTENT
VIEWPOINT ESTATES FILING NO.2
A VACATION AND REPLAT OF LOTS 71 & 72, VIEWPOINT ESTATES
PRELIMINARY PLAN**

Owner/Applicant:

Viewpoint Estates, LLC
P.O. Box 6797
Colorado Springs, CO 80934

Consultant:

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Site Location Size and Zoning:

The proposed subdivision to be known as “Viewpoint Estates Filing No. 2” is located in a portion of the West Half of the West Half of the East Half of Section 10, Township 14 South, Range 63 West of the 6th P.M., El Paso County, Colorado. The property has El Paso County Tax Schedule No.'s 34100-10-001 & 34100-09-001. The current addresses for the properties are 21209 & 21307 Chesley Drive and is currently two a vacant parcels. The proposed subdivision is located on the south side of Chesley Drive, north of Colorado Highway 94 and bisected east & west by Antelope Drive. The area of land under consideration for vacating and replatting is 24.332± acres and the property is zoned Residential Rural (RR-2.5).

Project Description:

Viewpoint Estates Filing No. 2 Preliminary Plan is intended to accommodate seven (7) single family rural residential home sites in accordance with the existing RR-2.5 zoning in a manner that is compatible with the existing surrounding neighborhood. The subdivision layout is intended to preserve natural features to the greatest extent while providing desirable home sites on the 24.332± acre site. The subdivision area is composed of Lots 71 & 72, Viewpoint Estates recorded in the records of El Paso County, Colorado recorded in 1999 to be vacated and replatted into seven (7) rural residential single-family lots totaling 22.137± acres with each being at least 2.5 acres in area. Along with Tracts A & B totaling 2.195± acres of right of way convenience to CDOT for Colorado Highway 94.

Access to the lots in the subdivision will from Chelsey Drive connecting to Colorado Highway 94 via existing Antelope Drive. The Drives and State Highway are public and paved asphalt roads. Water for

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each lot will be provided by Ellicott Utilities Company, LLC. Wastewater disposal will be provided by individual On-site Wastewater Treatment Systems (OWTS). Electric service will be provided by Mountain View Electric Association. Natural Gas is not anticipated to be extended to the site. Residents may choose to have on-site propane tanks and propane deliveries.

Requests:

The Owner/Applicant is requesting approval of the Viewpoint Estates Filing No.2 Preliminary Plan. Approval will generate the Vacating and Re-plating Lots 71 & 72, Viewpoint Estates, 24.332± acres, into seven (7) single-family rural residential lots in the RR-2.5 zone and Tracts A & B as additional right of way for Colorado Highway 94. This request is submitted concurrently with the Final Plat application for Viewpoint Filing No. 2.

Justification:

This Preliminary Plan is consistent with the requirements of the existing RR-2.5 zoning with respect to the layout, land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal.

The proposed subdivision is compatible with the surrounding land uses and neighborhood listed above and coincides with the all adjacent County zoning. The surrounding properties are a mix of platted and unplatted parcels, all being 2.5 acres or larger. The proposed Preliminary Plan application is in conformance with the goals, objectives, and policies of the Master Plan and the applicable Topical Master Plan elements as discussed below.

This application meets the Preliminary Plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2021) with the approval of requested waivers and deviations.

Preliminary Plans are reviewed and approved in consideration of the **Review Criteria** found in the El Paso County Land Development Code Section 7.2.1.D.2.(e). Each criteria is listed below followed by the appropriate justification.

Master Plan Conformance: *“The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.”*

Your El Paso Master Plan (2021) is a comprehensive document communicating a vision for many factors that influence the quality of in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.

The site is not located in a designated key area of the county. The site is designated a Large-Lot Residential Placetype in the Master Plan. The Primary Land Use of this placetype is Single Family Detached housing with Agriculture, Commercial Retail, Commercial Service and Parks and Open Space as Supporting Land Uses. The location of this site and existing infrastructure is suited to single family residential use.

The Viewpoint Estates Preliminary Plan is in conformance with the Master Plan. The following goals from the Master Plan are cited in support of the conformity.

In the Land Use category, Goal 1.1 is “*Ensure compatibility with established character and infrastructure capacity*”. This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed 2.5 acre minimum lot size subdivision is compatible with the existing neighborhood and surrounding development. The existing community character is preserved with this proposed Preliminary Plan. The proposed density is less than allowed by zoning since enough acreage exists to allow up to seven rural residential lots. The proposed density will not overburden the capacity of the land to support the water and wastewater needs of the development. The site will remain rural residential and is surrounded by existing rural residential developments on the north, south, east, and west sides of the site. The development will therefore be a part of the transition from the potentially higher densities on the south. Goal 2.2 is “*Preserve the character of rural and environmentally sensitive areas*”. The proposed subdivision will keep the prairie land nature of the area intact. The 2.5-acre lot density has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of five (5) more residences on the site. The project maintains the rural character of site and neighborhood.

The proposed Preliminary Plan is in compliance with the **Parks Master Plan (2013)**, which does not appear to call for parks in the site. The Parks Master Plan appears to call for a secondary Regional Trail along Colorado Highway 94 (Ellicott Highway). This trail could be accommodated for within the 25' wide right of way strip to be conveyed to Colorado State Highway as additional right of way. Any required Park Fees will be paid at the time of plating.

The proposed subdivision is in compliance with the **2040 Major Transportation Corridors Plan (MTCP)**. An additional 25 feet of right-of-way is being dedicated for Colorado Highway 94 on the southern edge of the site. This dedication will allow for 25 feet of additional right-of-way as requested by CDOH.

The proposed subdivision is also in compliance with the **Master Plan for Mineral Extraction** as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

Viewpoint Estates is located in the Ellicott Utilities District and will receive their potable water for each lot with their existing purchased water taps.

Code Purposes: “*The subdivision is consistent with the purposes of this Code.*”

The proposed Preliminary Plan is submitted in conformance with the Land Development Code. All aspects of the plan adhere to the requirements of the code except where waivers are requested as provided within the code.

Subdivision Design Standards: “*The subdivision is in conformance with the subdivision design standards and any approved sketch plan.*”

The proposed Preliminary Plan is prepared in accordance with applicable subdivision design standards with respect to lot size, setbacks, access and provision of utilities.

Water Supply: “*A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code.*”

Water service is to be provided by Ellicott Utilities Company, LLC. A Water Supply Report detailing supply and demand has been prepared and submitted for this project.

Sewage Disposal: *“A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code.”*

Waste water is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.

Soil and Topographic Conditions: *“All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].”*

A soils report has been prepared for the site and the owner will comply with the recommendations of the report. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include areas of potentially seasonal shallow groundwater, potential expansive soils and shallow bedrock which can be satisfactorily mitigated through avoidance or proper engineering design and construction practices. Based on the proposed plan, it appears that these areas will have minor impacts on the development. These conditions are discussed in further detail in the Soil, Geology, and Geologic Hazard Study produced by Entech Engineering, Inc.

Drainage Requirements: *“Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design.”*

The proposed Preliminary Plan is consistent with the submitted Final Drainage Letter. There are no recommended drainage improvements for the subdivision. The the owner will comply with the requirements of the drainage report.

Public Improvements: *“The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.”*

There are no public improvements associated with this Preliminary Plan. Public roads in existing public right of way exist adjacent to the subdivision. The Final Plat for the subdivision will dedicate additional 25' of right-of-way for Colorado Highway 94 along the subdivisions southern boundary.

Access: *“Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM.”*

All seven (7) proposed lots will be accessed via existing Chesley Drive. Driveway permits will be requested for the newly subdivided lots at the time single family building permits are applied for.

Compatibility: *“The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.”*

Viewpoint Estates Filing No. 2, by nature of the 2.5 acre rural residential subdivision type, preserves the natural physical features of the site to a great extent. The existing adjacent roadways and lot layouts with 'No-Build' areas are designed to preserve significant natural features and existing contours. Including right of way convenience the proposed gross density of 1 lot per 3.476 acres (0.288 Units per acre) is less than allowed within the RR-2.5 zone. The 'No Build' areas created open by the Preliminary Plan for the individual lots of Viewpoint Estates Filing No. 2. incorporate open space elements into the design. The existing roadways and connection to the existing transportation system at Colorado Highway 94 is efficient and does not add new public roads for county maintenance. A Natural Features Report has been prepared and submitted for the site. No wetlands or waters were found in the project area. The site does not contain suitable habitat for federally threatened and endangered species. The owners will follow the recommendations of the Natural Feature Report.

Services: *“Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.”*

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Viewpoint Estates is located within the Ellicott Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water will be provided by Ellicott Utilities Company, LLC. Sanitary sewer will be provided by individual OWTS systems as discussed above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Ellicott School District No.22, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

Fire Protection: *“The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.”*

Viewpoint Estates is located within the Ellicott Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve this subdivision. A Fire Protection Report and Wildfire Hazard Mitigation Plan has been prepared and submitted for the proposed subdivision. The Owner will observe and follow the recommendations of the Fire Protection District. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

Other Requirements: *“The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.”*

The subdivision is in accordance with the Land Development Code with respect to zoning, lot size, building setbacks, provision of utilities and storm drainage.

Existing and Proposed Facilities:

Existing drainage improvements within this parcel are related to the existing residential use in Viewpoint Estates as previously platted and constructed. Drainage facilities consist of existing piping previously constructed within existing Detention Basin Easements within the proposed Viewpoint Estates Filing No. 2. Individual water service lines, wastewater facilities, and new electric service lines will be extended and constructed by the future lot owners at the time of their residence construction. There are no other facilities or subdivision improvements required for this site.

Total Number Of Residential Units And Densities:

The gross area of Viewpoint Estates is 24.332± acres and is proposed to contain 7 rural residential Single Family Units with 2.195± acres of right of way to be conveyed to CDOT for Colorado Highway 94. The gross density including right of way dedication is therefore 0.288 units per acre. The net area to be used for residential lots is 22.137± acres with an average net lot area of 3.476± acres.

Traffic Impact and Traffic Impact Fees:

The seven (7) proposed single family residential units will access existing Chesley Drive a private road on the north side of the subdivision. A Traffic Memo has been prepared that details the expected traffic generation for the subdivision. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.