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## EL PASO COUNTY

### LETTER OF INTENT FOR: 824 ACRE CURTIS ROAD SUBDIVISION REZONE REQUEST FROM AG-35 (Agricultural) TO RR-2.5 (Rural Residential 2.5 Acre)

OCTOBER 22, 2018

#### ☐ OWNER/APPLICANT, AND PLANNING CONSULTANT:

##### **Owner/Applicant:**

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#### **PROJECT LOCATION/DESCRIPTION:**

The *824 Acre Curtis Road Subdivision* property to be rezoned is located in El Paso County in Peyton, CO, approximately 12 miles east of downtown Colorado Springs, situated east of Curtis Road and the Town of Falcon, Colorado, and south of Judge Orr Road. The site is bordered by Judge Orr Road on the north and Curtis Road on the west. It is approximately 2-1/2 miles east of CO Highway 24.

The property had previously been zoned PUD and had been approved when it was formerly known as *Santa Fe Springs Ranch* until February 2018, when El Paso County rezoned it back to its original AG-35 zone district. *[Note: the subject property is an 824 acre portion of the overall former Santa Fe Springs Ranch, which had been approved by the county in 2007 as a PUD zone district with an urban density of up to 5,370 dwelling units on 6,300 acres].*

The Applicant proposes to develop the site as a planned community of new single-family detached manufactured residential dwelling units that recognizes and respects the character of the rural surrounding community. The total acreage of the proposed development is approximately 824 acres, of which approximately 629+/- acres will be developed with up to 250 single family residential lots of not less than 2.5 acre size.

Approximately 135 acres (16.4%) of the 824 acre site is bisected in three distinct areas by jurisdictional and non-jurisdictional wetlands, which are identified on the Rezone Plan as “floodplain.” The areas will be preserved as open space with limited recreational use with a primary emphasis on walking and equestrian trails. None of the proposed residential lots would encroach into the floodplain.

Public infrastructure to serve the new lots, including roads, drainage facilities, and utilities will all be constructed in compliance with applicable county standards, regulations and criteria in effect at the time of this application. In keeping with the rural character of the surrounding Peyton and Meadow Lake Estates communities, internal circulation will be comprised of Rural Local roads with roadside ditches.

No development has occurred on the site. It is presently used for livestock grazing as it has been for decades. A small windmill and water tank related to grazing activity exist on the property and will remain to help preserve and promote a rural identity for the proposed development. Two existing capped well heads also are located on the site.

Adjacent land to the east of the property is vacant. Land to the south and west of the property is zoned AG-35. Single family residences exist to the west of the site, across from Curtis Road, and to the north of the site across from Judge Orr Road and are zoned RR-5.0, with RR-2.5 zone districts located about one mile farther south from the site on Curtis Road, PUD zoning within the adjacent Meadow Lake Airport, and RR-2.5 zoning approximately two miles west of the site on Judge Orr Road.

### **DEVELOPMENT REQUEST**

The Owner and Applicant request a zone change from AG-35 to RR-2.5 to allow for the development of rural residential single family residential lots on approximately 629 acres.

**TOTAL NUMBER OF ACRES IN THE REQUESTED RR-2.5 REZONE AREA:** 629.54 acres single family residential, 135.23 83 acres jurisdictional and non-jurisdictional wetland (floodplain/open space, no-build), and 109.40 acres roads/ROW for a total of 824 acres.

**TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION:** 824.00+/- acres

### **JUSTIFICATION FOR REQUEST**

The re-zoning request is consistent with the purposes of the EPCLDC including the *Falcon/Peyton Small Area Master Plan*. The proposed Rezone Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development.

### **EXISTING AND PROPOSED IMPROVEMENTS**

Proposed improvements will include the construction of county-owned (e.g. public) and maintained asphalt roadways ('Rural Local' classification with roadside ditches). Drainage and storm water detention facilities will be constructed and maintained in conformance with County standards and specifications. Electric, natural gas, and telecommunication service points-of-connection will be extended for all new lots. Water will be provided via a central water system to be developed by the Owner/Applicant, with individual septic systems to be provided via an On Site Wastewater Treatment (OSWT) plan being prepared by the Owner/Applicant in accordance with El Paso County Department of Health policy guidelines.

Grading and earthmoving activities will be limited to roadway, drainage and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no 'overlot' grading is proposed to occur over most of the site.

### **LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN AND COUNTY MASTER PLAN CONSISTENCY**

#### **EL PASO COUNTY LAND DEVELOPMENT CODE**

*The Land Development Code Section 5.3.5 (A) states four circumstances in which rezoning is justified. This Application satisfies the first circumstance, which states: "when the requested rezoning is in general conformance or consistency with the County's Master Plan."*

#### **REZONE (MAP AMENDMENT) APPROVAL CRITERIA**

Under Section 5.3.5 (B) of the Land Development Code, the County's approval of a rezone (Map Amendment) requires a finding that the following four criteria have been met:

1. *The application is in general conformance with the El Paso County Policy 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 application conforms to the *El Paso County Master Plan* for the project area, including conformance with the *Falcon/Peyton Small Area Master Plan*.

2. *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 rezoning is in compliance with all statutory provisions required, including C.R.S. §30-28-111, §30-28-113, and §30-28-116.

3. *The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.*

The proposed land use will [at full build-out] include single family residential dwelling units on lots no smaller than 2.5 acres in size and open space. The balance of the land subject to this application (e.g. jurisdictional and non-jurisdictional wetlands/ floodplains) will also be rezoned RR-2.5 and will remain as open space.

RR-2.5 zoning is compatible with adjoining zone districts because it is; i) similar in character to the zoning of existing communities on Judge Orr Road and Curtis Road; ii) will not negatively affect *view corridors* from the existing homes due to home placement on the new lots; iii) will not have negative drainage impacts on the existing neighborhoods because storm water will be retained onsite or appropriately discharged in conformance with plans approved by the County; iv) will not have significant traffic impacts on the surrounding neighborhood, as shown by the Applicant's traffic report; and v) the project will not introduce incompatible or different land uses, as the surrounding Judge Orr Road and Curtis Road neighborhood is predominantly single family residential lots similar in size and character to the lots to be developed under this Application. The proposed development will retain the feel and character of the existing community.

4. *The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5: Use and Dimensional Standards of the Land Development Code, for the intended zone district.*

The site is suitable for the intended use and proposes uses that are compatible with surrounding RR-2.5 and RR-5 zones, as defined in Chapter 5 of the Land Development Code, as it matches existing single family residential lots and open space uses of adjacent land.

Existing public infrastructure and services, such as roads, utilities, water, sanitation, fire, and

drainage will be used to the extent available and adequate to meet the needs of the new development. New infrastructure, to include drainage improvements, roadways, utilities, erosion control, etc. will be planned and installed in accordance with standards of the Land Development Code (LDC), Engineering Criteria Manual and Drainage Criteria Manual (ECM).

### **ADHERENCE WITH THE EL PASO COUNTY POLICY PLAN**

***Goal 6.1 a*** Encourage patterns of growth and development which complement the regions' unique natural environments and which reinforce community character.

The El Paso County Policy Plan (the “Master Plan”) addresses issues directly related to the rezoning and development of the *824 Acre Curtis Road Subdivision* development. The policies specifically related to the rezone request from AG-35 to RR-2.5 include:

**Policy 6.1.3** - *Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.*

The rezone from AG-35 to RR-2.5 to accommodate new single family rural residential lots is compatible with the existing adjacent rural residential lots in the Judge Orr Road and Curtis Road corridors. New lots will be similar in size to existing lots and roads serving the new lots will be compatible with the types of rural roadways in nearby adjacent neighborhoods.

**Policy 6.1.5** - *Support the development of well-planned mixed use projects which promote all, or most, of the following objectives:*

- maximize the economy and efficiency of land use
- preserve open space or natural areas
- integrate employment, housing, shopping, schools and other use
- accommodate multi-modal transportation linkages
- allow for variations in design and character

The rezone from AG-35 to RR-2.5 preserves approximately 16.4% as natural open space areas; jurisdictional and non-jurisdictional wetlands (identified as ‘floodplain on the Rezone Plan) will remain as no-build areas.

**Policy 6.1.6** - *Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.*

The Project is proposed as a development of single family rural residential lots within a non-urban density area of the Falcon/Peyton community. Utilities and road infrastructure needed to serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc. will be constructed as part of the development.

**Policy 6.1.8** - *Encourage incorporating buffers or transitions between areas of varying use or density where possible.*

Buffers and transitions between areas of varying use and density will be achieved using lot sizes that are no smaller than 2.5 acres. Existing jurisdictional and non-jurisdictional wetlands will be used as buffers between residential lots.

**Policy 6.1.11** - *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

RR-2.5 zoning proposed for the site is harmonious and compatible with the rural character of adjacent and nearby neighborhoods that are also zoned RR-2.5, RR-5, and PUD.

**Policy 6.1.14** - *Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.*

The Applicant proposes to avoid overlot grading across the 824 acre site, and instead will limit grading to roadways and drainage infrastructure in keeping with the established land use character of surrounding sub-areas of the county. Lower density will help to sustain the appearance and unique environmental conditions of adjacent properties.

## **Goal 6.2**

*Protect and Enhance Existing and Developing Neighborhoods*

**Policy 6.2.1** - *Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.*

### **Policy 6.2.2**

*Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel.*

The Applicant proposes to incorporate hiking and equestrian trails in various part of the proposed development to promote non-motorized multi-modal transportation linkages within the development. Ideally, residents might travel by horseback from their home to their neighbor's home.

**Policy 6.2.12** - *Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.*

The proposed rezone to the RR2.5 zone district will permit for lower density development that is compatible with the character and use of the non-urban density communities of Falcon/Peyton.

Jurisdictional and non-jurisdictional wetlands within the floodplain areas of the site will be preserved as open space no-build areas, which will also lend themselves well toward sustaining the rural nature and character and maintaining the integrity of the surrounding community.

The owner and applicant furthermore propose to introduce a new public trail system within the 824 Acre Curtis Road Subdivision to include equestrian use to further promote a rural character that is compatible with existing adjacent neighborhoods.

**Policy 6.2.14** - *Encourage the reasonable accommodation of mixed uses within neighborhoods for the purposes of promoting land use efficiency and providing housing options.*

The Applicant proposes that varying housing types will be developed within the project, including the introduction of manufactured housing products to promote attainability by a wider segment of home buyers.

**Goal 6.4** *Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services.*

**Policy 6.4.3** - *Allow rural residential development in those areas with sufficient "carrying capacity" including roadway capacity, water supply, septic suitability, educational facilities and organized structural fire protection.*

The surrounding area of the proposed Rezone Plan has sufficient carrying capacity to support the new development with regard to roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services have been submitted with this Rezone Plan application.

**Policy 6.4.4** - *Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.*

Rezoning from AG-35 to RR-2.5 ensures that development of this site will remain compatible and contiguous with existing rural residential areas.

**Policy 6.4.6** - *Allow for the accommodation of necessary supporting commercial uses within or in proximity to rural residential areas in a manner that preserves the rural character of these areas.*

**Policy 6.4.11** - *Support planning and regulatory approaches which limit the adverse impacts of grazing on lots of 5 acres and less.*

Existing uses on the current site which is zoned AG-35 includes livestock grazing operations. The proposed rezoning from AG-35 to RR-2.5 will not accommodate nor will the Applicant seek livestock grazing on lots of 5 acres and less.

**END**