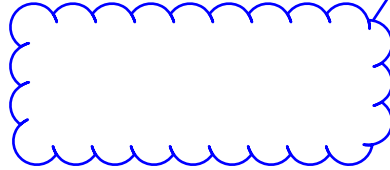


**Fairytale Acres  
Letter of Intent**

**PCD File P234**

**March 15, 2023**



Jacob & Sherry Kershman  
13055 Herring Road  
Colorado Springs, CO 80908

**Planner:** Vertex Consulting Services, LLC, Nina Ruiz  
455 E Pikes Peak Avenue, Suite 101  
Colorado Springs, CO 80903  
719-733-8605  
[Nina.ruiz@vertexc.com](mailto:Nina.ruiz@vertexc.com)

**Tax Schedule No:** 5209000030

**Acreage:** 14.63 Acres

**Current Zoning:** RR-5 (Residential Rural)

**Site Location, Size, Zoning:**

Vertex Consulting Services, LLC, on behalf of Jacob and Sherry Kershman, is respectfully submitting an application for a map amendment (rezone) from the RR-5 zoning district to the RR-2.5 zoning district. The proposed rezone is compatible with the surrounding planned and existing developments and is consistent with the Your El Paso Master Plan.

**Utilities**

Mountain View Electric Association (MVEA) provides electric service and Black Hills Energy provides natural gas service to the area and have provided commitment to serve any new homes within the subdivision. All new dwellings will be served by individual onsite wastewater treatment systems and individual wells.

**Request:**

Request for approval of a map amendment (rezone) of 14.63 acres from the RR-5 zoning district to the RR-2.5 zoning district.

**Justification:**

The pages that follow address each one of the criteria included within Section 5.3.5 (map amendment), of the El Paso County Land Development Code.

*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 proposed map amendment (rezone) is in general conformance with the Master Plan. Please see the Master Plan analysis beginning on page five.

*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.*

Pursuant to the El Paso County procedures, the County has posted the public hearing date in the newspaper ensuring all statutory requirements have been satisfied.

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

The property owners are requesting to rezone the property from the RR-5 zoning district to the RR-2.5 zoning district. The parcels located immediately adjacent to the east are zoned RR-2.5 and are approximately 2.5 acres in size. Immediately adjacent to the south are three parcels less than 2.5 acres in size. There are also numerous developed non-conforming parcels within the RR-5 zoning district that are 2.5 acres or less in size (see map below).

Section 3.2 of the Code states the following as the intent of the RR-5 (Residential Rural) zoning district:

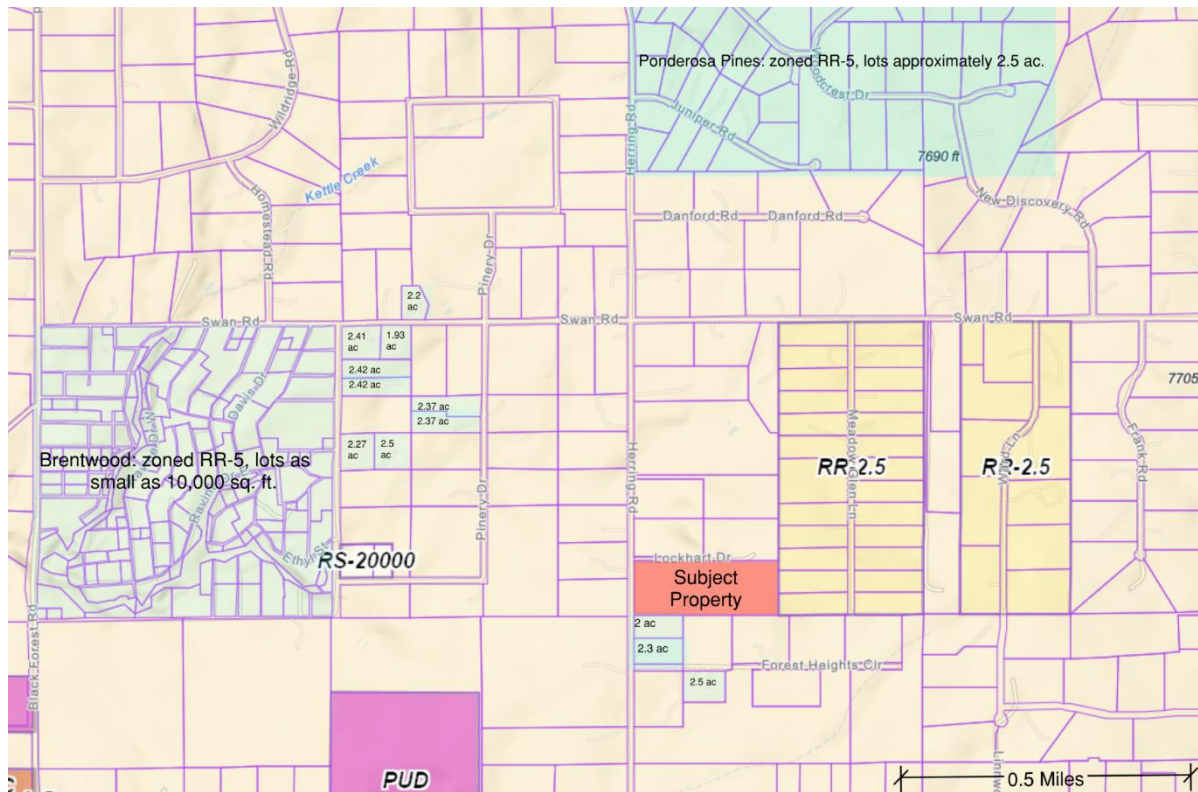
“The RR-5 zoning district is a 5 acre district intended to accommodate low density, rural, single-family residential development.”

Section 3.2 of the Code states the following as the intent of the RR-2.5 (Residential Rural) as the intent of the RR-2.5 zoning district:

“The RR-2.5 zoning district is a 2.5 acre district intended to accommodate low density, rural, single family residential development.”

The primary difference in the intent of the two zoning districts is the dimensional standards, more specifically the minimum lot size requirement. The intent of the two zoning districts is exactly the same if the lot size reference is eliminated. Additionally, the permitted uses mirror one another with very few exceptions. The proposed map amendment (rezoning) is compatible in terms of compatible uses with the surrounding RR-5 zoned parcels.

Below is a map depicting those parcels that are 2.5 acres or smaller:



*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.*

Table 5-4 of the Land Development Code identifies the density and dimensional standards of the RR-2.5 zoning district:

- Minimum lot size: 2.5 acres
- Front Setback: 25 feet
- Side Setback: 15 feet
- Rear Setback: 25 feet
- Maximum Height: 30 feet

The existing dwelling and accessory structures meet all setback and height requirements of the RR-2.5 zoning district, as depicted on the site plan. The concurrently reviewed subdivision depicts lot sizes in excess of 2.5 acres in size. A residential site plan will be required for all lots prior to building permit authorization to ensure all proposed structures will meet the setback and height requirements of the RR-2.5 zoning district

## **Master Plan Elements**

Below is an analysis of the various El Paso County Master Plan elements.

### **Your El Paso County Master Plan Analysis**

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is “general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action.” In addition, Chapter 1 goes on to state that the Plan “is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives.” When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the requested map amendment (rezoning) to the RR-2.5 zoning district, as identified below.

### **Key Area Analysis**

The subject property is identified in the Plan as being within the Forested Area Key Area. The Plan further describes the Key Areas as:

*“This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County’s largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.*

*Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.” (emphasis added)*

As discussed above, the proposed RR-2.5 zoning district is compatible with the adjacent RR-2.5

zoning district, surrounding RR-5 zoning district, and numerous parcels with lot sizes of 2.5 acres or less.

#### Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Undeveloped” area of change.

Page 21 of the Plan characterizes areas of “Minimal Change: Undeveloped” by stating:

*“The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.”*  
(Emphasis added)

The subject property is currently developed with a single-family residence and is surrounded by other residential properties and with lot sizes of 2.5 acres or less to the east and south. The Master Plan anticipates some redevelopment as long as the character can be maintained. As discussed above, the proposed rezone is in conformance with the existing uses and densities of the surrounding properties as well as the other numerous parcels 2.5 acres or less that are located within one half of a mile.

#### Placetype Analysis

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Large-Lot Residential Placetype.

Page 26 of the Plan identifies the following land uses as being Primary Land Uses within the Large-Lot Residential Placetype:

- Single-Family Detached Residential (typically 2.5 acre lots or larger)

In addition, the Placetype includes the following Supporting Land Uses:

- Parks/Open Space
- Commercial Retail
- Commercial Service
- Agriculture

The Large-Lot Residential Placetype is described further on page 26 as follows:

*“The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical*

*separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and wastewater utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.*

*Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.” (emphasis added)*

The placetype specifically identifies lot sizes of 2.5 acres or greater as being supported within the placetype. Additionally, the concurrently reviewed subdivision depicts the existing rural residential improvements being located on a lot in excess of 5 acres in size, which greatly reduces the overall density, allowing for the subject site to serve as a transition from the 5-acre parcels located to the north and the 2-acre parcels located to the south.

### **El Paso County Water Master Plan**

The Executive Summary from the Water Master Plan (2018) states that “The Plan Water Master Plan (WMP) was developed for the Board of County Commissioners, El Paso County officials and staff, developers, citizens, and water providers within the County for the purpose of identifying and addressing water supply issues earlier in the land use entitlement process.” For that reason, water supply should be discussed even with a rezone. This does not mean a full water sufficiency finding should be made since sufficiency findings in El Paso County are made at the subdivision stage of development, which is under concurrent review. It should be further noted that the Water Master Plan only contemplates centralized providers and did not provide an analysis for individual well, as is proposed here.

The subject property is located within Planning Region 2 of the Water Master Plan, pursuant to Figure 3-1 on page 25. The Plan identifies the current supply and demand forecasts at full build out (year 2060) for each of the Planning Regions. The Table indicates that the current water supplies for Region 2 amounts to 13,607 AF of water per year with 2060 being 20,756 AF of water per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

A Water Resources Report has been submitted with the concurrently reviewed subdivision application. The report identifies there is sufficient water in terms of water quantity, quality, and dependability for the lots included in the subdivision.

**El Paso County Parks Master Plan**

The El Paso County Parks Master Plan (2022) does not depict any planned or existing trails or open space on the subject property. Land dedication, or fees in lieu of land dedication are not required with a rezone application, however, fees in lieu of dedication will be provided with the concurrently reviewed subdivision.

**2016 Major Transportation Corridors Plan (MTCP)**

The 2016 MTCP depicts Herring Road as a Collector roadway. Herring Road is of adequate width and no right-of-way dedication is required with the concurrently reviewed subdivision application. A traffic impact study is not required pursuant to ECM Appendix B, ECM Chapters 1.6 and 1.16 as the proposed rezone will not result in traffic in excess of 100 ADT or 10 trips at the peak hour. The rezone is anticipated to result in an average of 30 additional trips per day.

All 7 items listed in ECM Section B.1.2.D need to be addressed.

**Other Topical Elements of the County Master Plan**

The proposed rezone is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

Add discussion regarding access. Discuss private road.

Address any waivers being requested as part of this rezone

Include a discussion summarizing any potentially sensitive natural or physical features (e.g., wetlands, protected species habitat, floodplain, etc.) within the area included within the request.