

**LETTER OF INTENT
RED ROCK ACRES**

December 17, 2020 – Revised April 7, 2021 – Revised May 27, 2021

OWNER:

JZs Land Development, LLC

Jim Stiltner and Brendan Zahl
15876 Farrow Road
Larkspur, CO 80118
Jim – Mobile: (719) 380-5040
Jim – Email: jim@masterbilt.com
Brendan – Mobile: (719) 459-8116
Brendan – Email: zahl@msn.com

AUTHORIZED REPRESENTATIVE:

ISR Strategies, LLC

Ingrid Richter
c/o Olive Real Estate Group, Inc.
102 North Cascade Avenue, Suite 250
Colorado Springs, CO 80903
Mobile: (719) 660-2001
Office: (719) 598-3000
Email: ingridrichter@olivereg.com

APPLICANT:

M.V.E., Inc.

David R. Gorman, P.E.
1903 Lelaray Street, Suite 200
Colorado Springs, CO 80909
Phone: (719) 785-2800
Email: daveg@mvecivil.com

TRANSPORTATION CONSULTANT:

LSC Transportation Consultants

Jeff Hodsdon
510 North Tejon Street
Colorado Springs, CO 80903
Phone: (719) 633-2868
Email: jeff@lectrans.com

Site Location, Size and Zoning:

The site of the proposed zone change is a 20.88-acre tract of land currently zoned RR-5 (Residential Rural 5 acre lots) located in the West ½ of Section 9, Township 11 South, Range 67 West of the 6th principal meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 71090-00-024 and is currently undeveloped.

The site is triangular shaped with the northern tip of the triangle situated south of Highway 105. The hypotenuse side of the triangle follows the curvature of Red Rock Ranch Drive along the western edge of the parcel. To the south, the adjacent side of the triangle borders Cloven Hoof Estates. The opposite, eastern edge of the triangular parcel borders a 33.69-acre vacant property currently zoned RR-0.5 (Residential Rural 0.5 acre lots), which is also owned by JZs Land Development, LLC, creating an overall developable parcel of 54.57-acres (“Red Rock Acres”). The southeastern edge of the Red Rock Acres aligns with Rockbrook Road and three ½ acre, single family homes border the property on the northeast. The overall site is bifurcated by Monument Creek allowing for a combination of densities within Red Rock Acres, with higher densities to the north and lower densities to the south of Monument Creek.

The rezone request for the subject 20.88-acre site is zoned RR-5 (Residential Rural 5-acre lots) is two-fold:

1. To rezone the northern 5.37-acre portion of the site to RR-0.5 (Residential Rural 0.5 acre lots) to align and remain compatible with the adjacent 33.69-acre site zoned RR-0.5 (Residential Rural 0.5 acre lots); and
2. To rezone the southern 15.51-acre portion of the site to RR-2.5 (Residential Rural 2.5 acre lots) to provide a transition buffer with Cloven Hoof Estates on the south end of the property, which is zoned RR-0.5 but has been developed as 1.0 acre lots.

Rezoning the 5.37-acre northwest portion of the property to RR-0.5 acre lots will allow for compatible development with the Owner’s property to the east, currently zoned RR-0.5. Additionally, this rezone will create compatibility with the adjacent Cloven Hoof Estates and Merrick subdivisions, also zoned RR-0.5, along the eastern, southeastern and southern borders of the overall property.

Rezoning the remaining 15.51-acre southwest parcel to RR-2.5 will allow for lower-density rural residential lots, creating a natural buffer along Monument Creek to the north and a transition buffer with Cloven Hoof Estates to the south, which is zoned and developed RR-0.5. While the two properties across Red Rock Ranch Drive to the west and across Highway 105 to the north are both ~35± acres zoned RR5, the adjacent Cloven Hoof Estates and Merrick subdivisions are zoned RR-0.5 and comprise over 80 existing single family, developed homes directly adjacent to the south and east of the overall site. In addition, the proposed rezone will allow for cohesive development between two adjacent parcels with the same ownership.

Allowable zoning for the entire 54.57 acres is illustrated in the table below. Due to the topography of the site, this request is for approximately six additional lots than currently allowed on the 20.88-acre, rezone parcel.

Red Rock Acres	West	East	Totals
Acres	20.88	33.69	54.57
Current Zoning	RR-5.0	RR-0.5	
Allowed # of Lots	4	67	72
Proposed Zoning	RR-0.5	N/C	
Proposed # of Lots	10	27	37

Neighborhood Meeting:

A virtual neighborhood meeting was conducted on Tuesday, April 30, 2021. The Applicant sent pre-notification of the meeting via US and electronic mail to all adjacent neighbors and to each individual who submitted a letter of opposition to El Paso County. A total of 42 participants attended the virtual meeting. In addition, the Applicant launched a website prior to the meeting and posted site information as well as answers to Frequently Asked Questions taken directly from letters of opposition received on the initial rezone application. Topics covered at the neighborhood meeting included zoning compatibility with the surrounding area, traffic concerns, water and wastewater service and supply issues, and impacts to Lewis-Palmer school district.

Request and Justification:

This request is for approval of a zone change of a 20.88-acre parcel, with 5.37 acres to be rezoned from RR-5 to RR-0.5 and 15.51 acres to be rezoned from RR-5 to RR-2.5. The proposed single-family residential development will be laid out to comply with RR-0.5 and RR-2.5 zoning with respect to land use, lot size, minimum building setbacks, drainage, access, and utilities. The split zone is being requested to comply with and remain compatible with existing zoning and land uses of the surrounding area, as two of the three sides of the triangle-shaped parcel are adjacent to property zoned RR-0.5. The split zone from north to south is specifically designed to create a natural transition caused by the site’s bifurcation of Monument Creek and provide a natural buffer between the existing single-family residential subdivisions to the east and south.

Various factors justify the rezoning of this 20.88-acre portion of Red Rock Acres. As population and employment growth along the Front Range increases, the rate of development in the unincorporated areas of El Paso continues to correlate with the current economic expansion of the Pikes Peak Region; specifically, those areas in northern El Paso County with a closer proximity to Denver. Monument, Colorado has seen exponential growth

over the past five years resulting in increased demand for new residential housing close to transportation corridors but in natural settings with recreational opportunities, beautiful landscapes, and nearby amenities.

Compatibility with El Paso County Policy and Water Plans and Tri-Lakes Comprehensive Plan:

On November 9, 2020, the Owner (JZs Land Development, LLC), the Applicant (M.V.E., Inc.) and Authorized Representatives (ISR Strategies, LLC) participated in a virtual Early Assistance meeting with El Paso County Development. The proposed zone change application is in conformance with the goals, objectives and policies of the El Paso County Policy Plan (1998), the El Paso County Water Master Plan, as well as the Tri-Lakes Comprehensive Plan (2000).

While the El Paso County Policy Plan does not include site-specific land use policies, it does establish broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the El Paso County Policy Plan as they specifically relate to this request:

- ***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 proposed rezone is contiguous and compatible with the adjacent, developed subdivisions to the east and south in density (RR-0.5 – ½ acre lots), land use (single family dwelling units) and access (utilizing existing urban arterials and collectors), as illustrated on El Paso County Zone Map 712, attached hereto as ***Exhibit 1***.
- ***Policy 6.1.7 – Encourage in-fill development which complements existing uses, is consistent with Small Area and other adopted plans.***
 - The Policy Plan defines ‘infill development’ as “*Development, including provision for parks and open space, which occurs adjacent to or within previously developed areas, and which relies on the existing infrastructure system with little or no needs for additions or expansions.*”
 - The proposed rezone conforms to the previously developed, RR-0.5 subdivisions to the south and east and is compatible with the current zoning of the area, as well as the immediately adjacent parcel.
 - The proposed rezone relies on existing transportation infrastructure with the minimal addition of one interior roadway, cul-de-sacs and a private drive.
 - The proposed project relies upon and financially supports the existing water and sanitation infrastructure systems of Forest View Acres Water District and Palmer Lake Sanitation District, respectively.
 - The proposed rezone contains open space, as well as a planned trail corridor along Monument Creek with adjacent parking to access the planned open space.
- ***Policy 6.1.8 – Encourage incorporation of buffers or transitions between areas of varying use or density where possible.***
 - The proposed rezone area creates a logical density transition between areas of varying densities and uses, with larger rural residential areas to the west and PUD-zoned areas to the north across State Highway 105.
 - The proposed rezone area is bifurcated by Monument Creek creating a natural buffer between the northern, higher density area (RR-0.5) and the lower-density southern area (RR-2.5).
 - The lower-density area is designed to create a transition buffer with the adjacent development to the south.
- ***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.***

- The proposed rezone is planned to utilize the functionality of existing roadways and is designed to minimize impacts to adjoining properties.
- The proposed rezone includes various densities to create aesthetically pleasing transitions and natural buffers within the context of adjoining uses and densities.
- **Policy 6.1.13 – Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.**
 - The proposed rezone utilizes a clustering approach with high-density residential on the north side of the property to maximize conservation of the natural creek corridor, promote open space areas and offer recreational opportunities.
 - The proposed rezone is planned to promote efficient land use, minimize roadway infrastructure costs and support existing water and sanitation districts that serve the area.
- **Policy 6.1.14 – Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County.**
 - The proposed rezone supports the preservation of Monument Creek as open space and conforms with the existing and well-established land uses and character of the surrounding Tri-Lakes area and West Monument Creek Sub-area.
- **Policy 6.2.15 – Recognize the need for new development and redevelopment to response to changes in demographic, market and technological conditions.**
 - The proposed rezone responds to and supports population growth within northwestern El Paso County and offers desirable, half acre lots for single family dwellings.

The proposed subdivision rezone complies the El Paso County Water Master Plan (2018). The subject property carries non-severed water rights which could be adjudicated through Water Court and developed accordingly. However, the Applicant is currently seeking inclusion into the Forest View Acres Water District (FVAWD) in exchange for (1) the dedication of the property’s attached water rights to the district, (2) significantly higher district inclusion fees (and ultimately tap fees) than any other water district in the County, as well as (3) the commitment to extend water infrastructure to the subdivision at no cost to the district. All water infrastructure will be constructed in accordance with the district rules and requirements. Although a finding of water sufficiency is not required at this time, discussions with the district indicate that existing supply is available for use by the subdivision and the district can serve the development at the requested zone density.

Red Rock Ranch is located within Water Master Plan Region 2, comprising the northwest corner of El Paso County to include the Tri-Lakes area. The site is located within a designated 2040 Growth Area as determined in the Water Master Plan. The Water Master Plan contains estimated demand and available supply by region in years 2018, 2040 and 2060 Build-Out. The Region 2 2018/2040/2060 demand is estimated to be 7,532 acre-feet per year, 11,713 acre-feet per year, and 13,254 acre-feet per year, respectively. The Region 2 2018/2040/2060 supply is estimated to be 13,607 acre-feet per year, 20,516 acre-feet per year, and 20,756 acre-feet per year, respectively, indicating a surplus of supply in Region 2 at each benchmark year. However, a significant portion of the supply is derived from non-renewable Denver Basin groundwater, which may act to diminish the projected surplus.

The following policies contained in the Water Master Plan are supported by the proposed rezone:

- **Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County.**
 - The proposed water system will include metering of individual homes in the subdivision and the district tracts individual and total usage for the district, enabling the district to monitor the available supply over time.

- **Policy 6.1.2.1 – Follow best management practices to maximize aquifer recharge, including supporting the use of greenway corridors, the maintenance of drainage ways in their natural state, and the avoidance of large amounts of impervious cover for recharge areas.**
 - Approximately, 16.0 acres of Monument Creek floodplain area through the site will be preserved as a greenway corridor. In addition, the approximately 21.2 acres of land adjacent to and south of Monument Creek is planned to be developed as 2.5-acre minimum lots, further creating a significant open space buffer on the property which will encourage and enable aquifer recharge.
- **Policy 6.1.2.2 – Encourage and accommodate water conservation practices for existing and new developments.**
 - The future subdivision, in conjunction with the water district, limits landscape irrigation as part of the district’s water conservation policies.
- **Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible.**
 - The proposed rezone is to require minimum 2.5 acre lots along the south side of the property. These lots will utilize onsite wastewater treatment systems providing “Return Flows” to the environment.

Pursuant to the El Paso County Policy Plan Goal 1.1, it is the intention of the County to protect and enhance the unique and individual qualities that exist in El Paso County through identifying and articulating Small-Area Plans for all unincorporated and urbanizing areas within its boundaries. This project is located within the Tri-Lakes area and the proposed rezone compliments, complies and is compatible with several goals of the **Tri-Lakes Comprehensive Plan** (2000), which contemplates infill and contiguous expansion of existing developments, while preserving the natural amenities the area offers. The Tri-Lakes Comprehensive Plan details ten overarching principles for development in the area, with detailed objectives and proposed actions for each principle. However, this narrative will specifically examine *Chapter 7 – Growth and Land Use*, noting the following guiding principles and compatibility components of the proposed rezone and development:

- **Principle 7.1 – Preserve the natural qualities of the Tri-Lakes Area and the individual character of each Sub-Area.**

The Tri-Lakes Sub-Area is comprised of various types of land uses and the subject property is situated in the West Monument Creek Sub-Area #3 of the Tri-Lakes area, attached hereto as **Exhibit 2**. This map illustrates the sub-area’s compatibility with the subject 20.88-acre rezone parcel and with the adjacent, RR-0.5-zoned, 33.69-acre parcel, as well as compatibility with the immediate adjacent and long-established Cloven Hoof Estates development to the east and south, also zoned RR-0.5. The proposed rezone complies with, preserves, and continues to promote the natural character of the West Monument Creek Sub-Area. In addition, the proposed rezone seeks to create 14.93 acres of open space to preserve the natural qualities and amenities of Monument Creek, to include a trail corridor along Monument Creek with parking to access open space.

- **Principle 7.2 – Maintain a diversity of lifestyles, densities and employment options.**

The Tri-Lakes Comprehensive Plan presents the following density definitions:

- **Rural-Residential Development** – Residential lots or parcels ranging from 2.5 to 10.0 acres, typically provided with less-than-urban level of services (individual wells and septic systems, etc.)
- **Urban Residential Development** – Residential densities of more than one dwelling unit per 2.5 acres with services of an urban nature (i.e. central water and sewer, fire hydrants, paved roads with curb and gutter, etc.)
- **Semi-Urban Development** – Residential lots of 20,000 square feet or larger with residential characteristics in common with rural-residential development (drainage swales instead of curb and gutter, etc.)

The proposed rezone of property north of Monument Creek to RR-0.5 is best categorized as **urban residential** and the proposed rezone of the property to the south of Monument Creek to RR-2.5 is best categorized as **rural residential**. The proposed rezone promotes higher densities along State Highway 105 and minimizes drive-through traffic in neighboring area. Red Rock Acres offers a rural neighborhood lifestyle for families who frequently travel to Monument, Interstate 25 and beyond.

- ***Principle 7.3 – Support development standards that contribute to quality of life including schools, infrastructure and services.***

The proposed rezone will support development standards that contribute to the Tri-Lakes area quality of life, and specifically those services which have been established by region’s water and sanitation districts. The proposed project will promote and financially support expansion of both Forest View Acres Water District and Palmer Lake Sanitation District. The Red Rock Acres development will support growth and expansion of the Forest View Acres Water District (FVAWD) in the following ways:

- All water rights associated with the property will be dedicated to FVAWD, ensuring significant and enduring rights in the Dawson and Arapahoe aquifers for future, surrounding development(s).
- Expands the FVAWD’s service area boundary as illustrated on ***Exhibit 3***.
- Dedicates a 0.54-acre tract to FVAWD that currently houses a FVAWD well and pump house.
- Ensures financial sustainability of FVAWD through a \$3,000 per acre Inclusion Fee (~\$150,000) and 30+ residential tap fees at a cost of \$30,000 per tap (~\$900,000).
- Expands the District’s current infrastructure to include a new, looped water system.

In addition, the proposed rezone will increase mill levy revenue to Lewis-Palmer School District No. 38, the Pikes Peak Library District, Tri-Lakes Monument Fire Protection District.

Existing and proposed facilities, structures, and roads:

The site will be served with water by Forest View Acres Water District and the developer will install a looped water system to serve the subdivision. Sanitary sewer treatment will be provided by Palmer Lake Sanitation District for the northern RR-0.5 acre lots and by septic/OWTS for the southern 2.5 acre lots. Electric service will be provided by Intermountain Rural Electric Association and natural gas service will be provided by Black Hills Energy. The site is located within the boundaries of Tri-Lakes Monument Fire Protection District.

When developed, the proposed 20.88-acre rezone will include approximately seven (7) half acre lots, and approximately three (3) 2.5 acre lots, for a total of ten (10) lots. Due to the presence of Monument Creek on the site, the actual density of the rezone property will be approximately one dwelling unit per two acres.

Once the proposed 20.88-acre rezone parcel is combined with the adjacent 33.69-acre undeveloped parcel, the overall 55.69-acre Red Rock Acres development will include approximately:

- Thirty-one (31) single-family residential 0.5 acre lots; five (5) single family residential 2.5 acre lots; and one (1) 1.2-acre lot for a density of 1.47 dwelling units per acre;
- 15± acres of open space/flood plain to include a riparian zone area and trail corridor;
- A 0.69-acre tract for a neighborhood open space area with a parking area to access the trail corridor, and storm detention and water quality treatment;
- A 0.16-acre tract for overflow parking;
- A 0.54-acre tract to be dedicated to Forest View Acres Water District;
- Dedication of 1.06 acres to expand the Right of Way for Red Rock Ranch Drive to comply with El Paso County Engineering Criteria Manual roadway width requirements; and
- Dedication of 3.51 acres for construction of a connector road between Red Rock Ranch Drive and Rockbrook Road and two cul-de-sacs to serve the property along with a cul-de-sac extension of Vista View Drive.

Existing transportation corridors affecting the rezone parcel include State Highway 105, a two-lane, non-rural principal highway to the north; Red Rock Ranch Drive, a two-lane, rural major collector that extends south from SH 105; and Rockbrook Road, a two-lane, rural gravel local road that extends 1,400 feet south of SH 105. A future east-to-west rural local roadway will bifurcate the property, connecting Red Rock Ranch Drive to the west, with Rockbrook Road to the east. Recommendations from the Traffic Impact Study prepared by LSC Transportation Consultants, include paving Rockbrook Road from State Highway 105 to the new east-west rural local roadway; a classification upgrade to Red Rock Ranch Drive to meet Rural Major Collector standards; the addition of a westbound left-turn deceleration lane at the intersection of SH 105 and Rockbrook Road; the addition of northbound to eastbound right-turn acceleration lane at State Highway 105 and Red Rock Ranch Drive and the addition of a westbound left-turn deceleration lane at State Highway 105 and Red Rock Ranch Drive.

Conclusion

Applicant requests a staff recommendation for rezone of 5.37 acres to RR-0.5 and 15.11 acres to RR-2.5 for the proposed Red Rock Acres development.

Attachments:

- Exhibit 1 – El Paso County Zone Map 712
- Exhibit 2 – West Monument Creek Subarea #3 Map
- Exhibit 3 – Forest View Acres Water District service area expansion Map

Rezone Request Details – (The data shown below pertains to either the rezone area only or the total development as indicated.)

The purpose and need for the change in zone classification	The proposed request is to rezone the parcel from RR-5 to RR-0.5 to cohesively develop the parcel in conjunction with the adjacent property zoned RR-0.5 under the same ownership and to offer compatibility in zone with the established and developed subdivisions adjacent to the overall property.
The total number of acres in the request - rezone area only	20.88 acres
The total number of residential units and densities for each dwelling unit type – rezone area only	Approximately 7 single family dwelling units – 0.5 acre lots (north 5.37 acres) Approximately 3 single family dwelling units – 2.5 acre lots (south 15.51 acres) <i>The proposed rezone area has been designed in conjunction with the adjacent property; therefore, densities are estimated.</i>
The total number of residential units and densities for each dwelling unit type – total development	31 single family dwelling units – 0.5 acre lots 5 single family dwelling units – 2.5 acre lots 1 single family dwelling unit – 1.2-acre lot <i>No mobile homes, industrial or commercial uses are being proposed.</i>
Typical lot sizes: length and width – total development	The majority of lots are irregularly shaped, but estimated typical length and width are 125’ wide by 160’ deep.
Type of proposed recreational facilities – total development	Approximately 14.93 acres of open space/flood plain with parking and access from adjacent drainage tract.
Drainage Detention and Water Quality Treatment Tract for 0.5 acre lots – total development	Approximately 0.12-acre tract and 0.69 acre tract with parking and access to adjacent open space tract.
If phased construction is proposed, how will it be phased – total development	Proposed development of the southern portion of the site (Phase 1) would commence in late 2021, with development of northern area (Phase 2) commencing in early 2022.
How water and sewer will be provided – total development	Water – Forest View Acres Water District; developer to build a looped water system. Sewer – Palmer Lake Sanitation District for RR-0.5 acre lots and septic/OWTS for RR-2.5 acre lots.

Proposed uses, relationship between uses and densities	Single family residential use with varying densities of RR-0.5 on the north 5.37 acres and RR-2.5 on the south 15.51 acres.
Areas of required landscaping	Common Landscaping is not required in these zones. Individual lot owners will provide their own private landscaping.
Proposed access locations – total development	One proposed connector road to be constructed between Red Rock Ranch Drive and Rockbrook Road and two cul-de-sac roads to serve 0.5 acre lots. One cul-de-sac to serve two 2.5 acre lots on the southeast and one private drive to serve three 2.5 acre lots on the southwest.
Approximate acres and percent of land to be set aside as open space, not to include parking, drive, and access roads.	14.93 acres are to be set aside as open space. Additional open space is to be provided with two drainage tracts in conjunction with the stormwater detention and water quality treatment facilities.

EXHIBIT 1

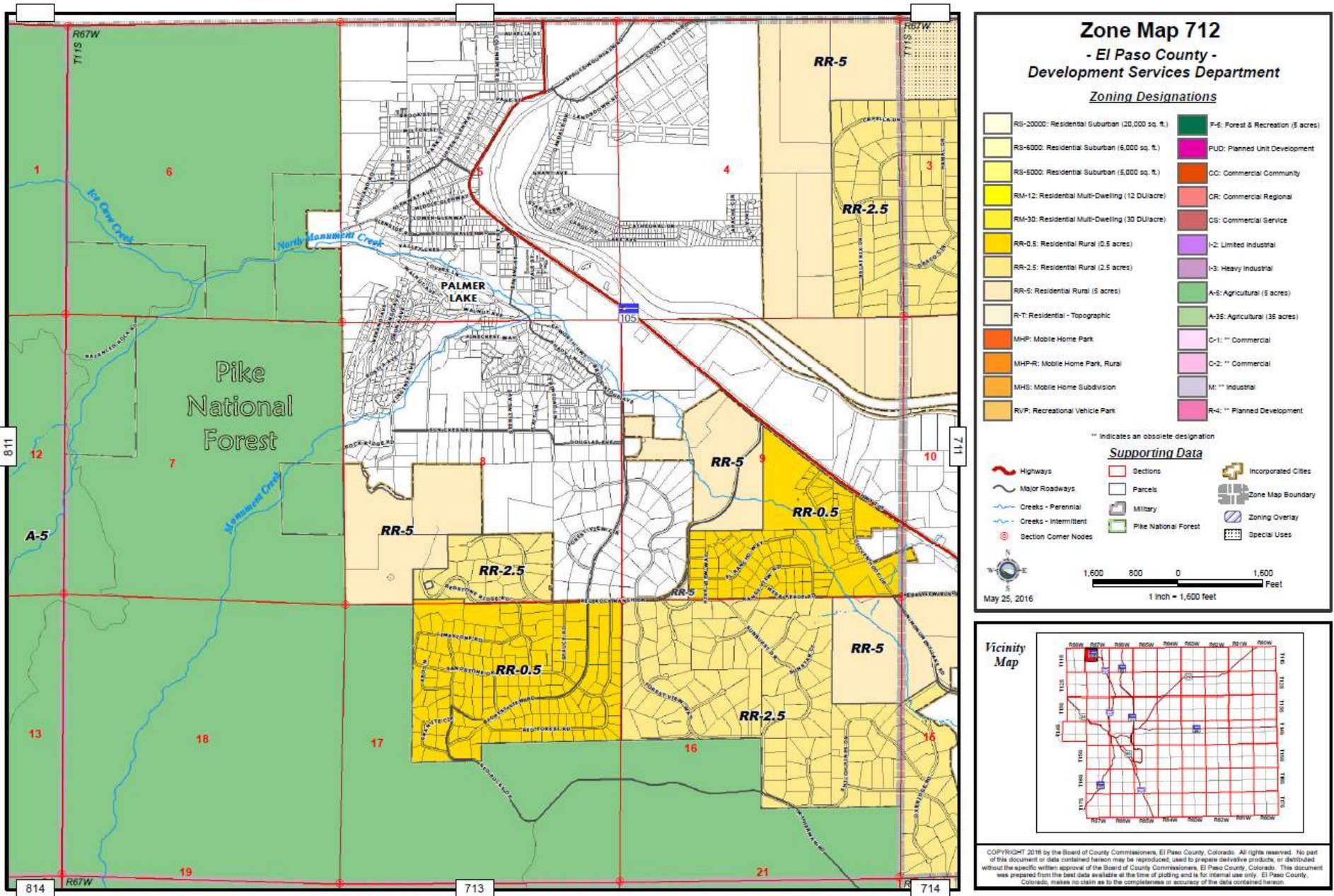


EXHIBIT 2

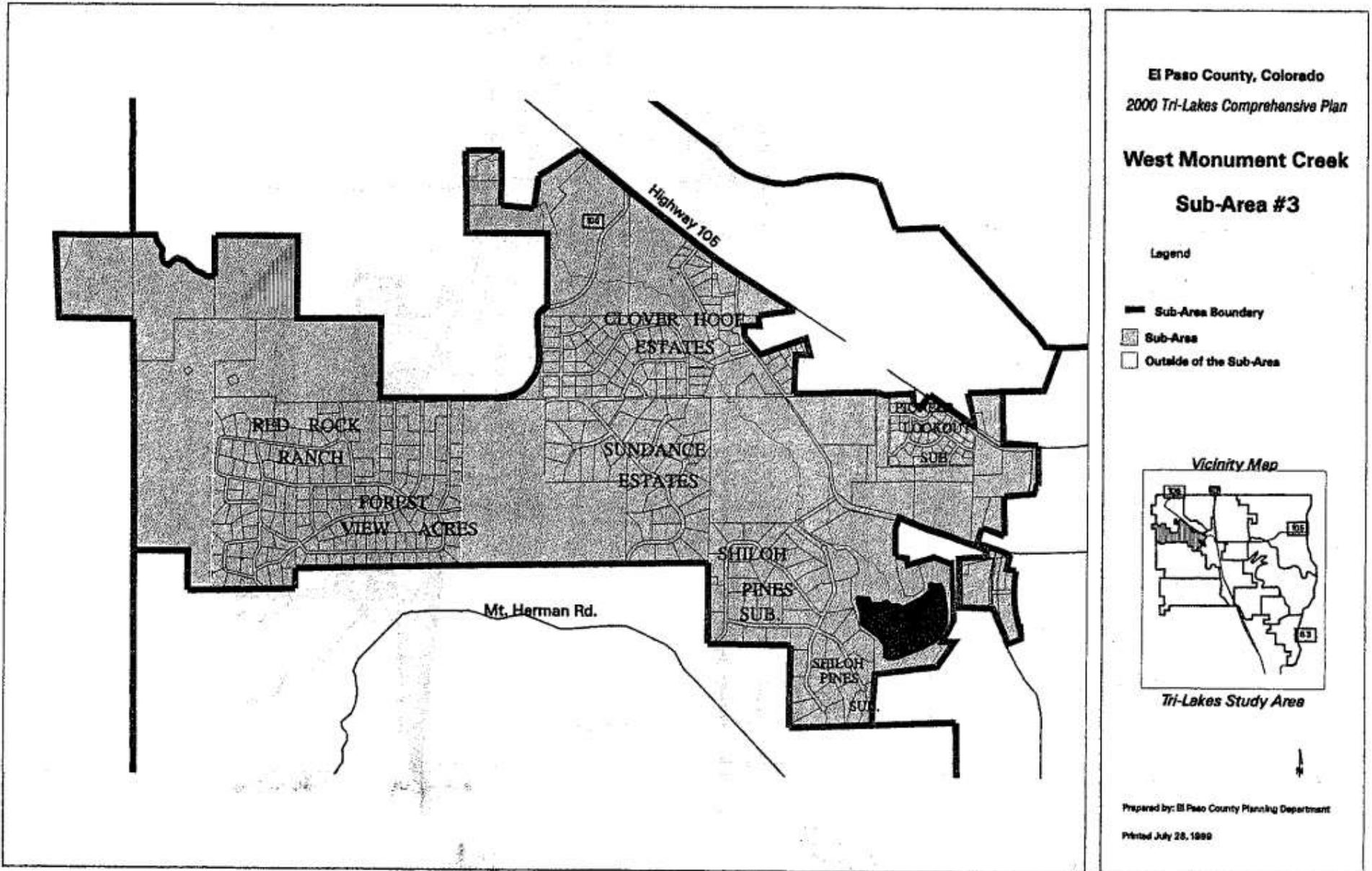


EXHIBIT 3

