

I would recommend including a note in this letter indicating that Filing 11 was approved by the BoCC and the ROW was subsequently vacated by resolution and therefore this is processed as an administrative replat.

**LETTER OF INTENT**  
**VACATION AND REPLAT**  
**THE GLEN AT WIDEFIELD FILING NO. 11A**  
**June 13, 2022**

**OWNER/APPLICANT:**

Glen Investment Group No. VIII, LLC  
3 Widefield Boulevard  
Colorado Springs, CO 80911  
(719) 392-0194

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3 Widefield Boulevard  
Colorado Springs, CO 80911  
(719) 392-0194

**ENGINEERING CONSULTANT:**

Andy McCord  
Kiowa Engineering Corp.  
1604 South 21<sup>st</sup> Street  
Colorado Springs, CO 80904  
(719) 630-7342

**SURVEYING CONSULTANT:**

John Towner  
Pinnacle Land Surveying Co.  
121 County Road 5  
Divide, CO 80814  
(719) 634-0751

**PROPERTY TAX SCHEDULE NO.:** 55220-00-010

**SITE LOCATION AND SIZE:** The overall Glen at Widefield Filing No. 11 subdivision is located at the northwest corner of the Peaceful Valley Road and Marksheffel Road intersection. The land included within the proposed vacation and replat is known as Lot 25 and Lot 71 as well as a portion of the Penny Cress Drive right-of-way of the Glen at Widefield Filing No. 11. The total area of Lot 25 and Lot 71 and the Penny Cress Drive right-of-way that is the subject of this request is 0.661 acres.

**CURRENT ZONING OF THE PROPERTY:** RS-6000 (Residential Suburban).

Rename the lots per comment on the plat

**REQUEST:** Approval of a vacation of Lots 25 and 71 and a portion of the Penny Cress Drive right-of-way within The Glen at Widefield Filing No. 11 and replat as Lots 25 and 71 and Tract E of The Glen at Widefield Filing No. 11A.

**JUSTIFICATION:** This request is needed to vacate the portion of right-of-way for Penny Cress Drive that was originally platted as an extension to the northerly boundary of The Glen at Widefield Filing No. 11 subdivision which was intended to ensure public access for the property located to the north. The property to the north is now being developed within the City of Fountain and the plan for development does not include an extension of Penny Cress Drive into

the subdivision as a means of public access, therefore, the extension is no longer needed and the applicant requests vacating the right-of-way and replatting the area within the current right-of-way so as to add additional acreage to the two adjoining lots (Lots 25 and 71 of The Glen at Widefield Filing No. 11) while also creating a new tract (Tract E) to preserve a trail connection with the subdivision.

The proposed replat will not create any additional lots for development, which means it is consistent with the approved preliminary plan and will not require the provision of additional water or wastewater services. The Glen at Widefield Filing No. 11 was found to be consistent with the Criteria for Approval in Chapter 7 of the El Paso County Land Development Code, including the El Paso County master plan. This request is also consistent with those findings for the same reasons as were determined with Filing No. 11.

The El Paso County Land Development Code includes requirements associated with the vacation of right-of-way that are in place to ensure that the vacation of the right-of-way will not “interfere with development of, or deny access via public thoroughfare to, adjoining properties...” As stated above, the development to the north that is proposed in the City of Fountain does not require nor is it designed to incorporate a public roadway connection to the right-of-way proposed for vacation.

There are no natural or man-made hazards that will be impacted with approval of the proposed request and no additional traffic will be generated. The request does not include any new proposed waivers or deviations.

#### **ROAD IMPACT FEES:**

The Glen at Widefield Filing No. 11 will be included in the ten (10) mill Public Improvement District. Lots 25 and 71 included within The Glen at Widefield Filing 11A will continue to remain in the ten (10) mill District and associated fees will be paid at the time of building permit.

#### **OTHER IMPACT FEES:**

All other impact fees associated with the two lots (Lots 25 and 71) have been previously paid with the recording of The Glen at Widefield Filing No. 11. No additional fees will be due with this request since the vacation and replat request does not create any additional buildable lots or parcels.

#### **CONSISTENCY WITH APPROVAL CRITERIA**

1. The approval criteria for a vacation of right-of-way includes the following:

The request complies with the El Paso County Land Development Code and the original conditions of approval of the recorded plat.

*The proposed request is in complete compliance with the requirements of the Code and with the conditions of approval associated with the approval of The Glen at Widefield Filing No. 11.*

The Code states that no nonconforming lots can be created with the vacation of right-of-way.

*The lots on either side of the proposed right-of-way for vacation (Lots 25 and 71) were platted as conforming lots with The Glen at Widefield Filing No. 11 and are proposed to increase in size (becoming even more conforming) with the vacation of the identified portion of the Penny Cress Drive right-of-way as replatted.*

The Code does not allow for the vacation of right-of-way action to fall within the intent and purpose of the subdivision regulations.

*No new buildable lots or parcels are being proposed with this request that would otherwise violate the intent and purpose of the County's subdivision regulations.*

The approval will not adversely affect the public health, safety, and welfare.

*The request to vacate and replat Lots 25 and 71 and a portion of the Penny Cress Drive right-of-way within The Glen at Widefield Filing No. 11 will not have an adverse effect on the public health, safety, and welfare since no new traffic access points are being proposed. In fact, vacation of the previously platted right-of-way connection to the property to the north may actually improve public safety with The Glen at Widefield development since no additional vehicle trips from the development to the north will be traveling through the development.*

No land is left, by reason of this vacation, without an established public right-of-way or private access easement connecting the land with an established public road.

*As stated above, the development to the north will gain access to public roads via alternative locations, rendering the existing platted connection unnecessary.*

A dedication or intent to dedicate has been established, where necessary.

*There is no need to dedicate additional right-of-way as a result of this request.*

Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.

*There is no conflict between the CC&Rs of the development and the proposed request for approval of a vacation and replat.*

2. The El Paso County Land Development Code states that a replat “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat. The approval criteria for a replat includes the following:

The replat complies with the Code, and the original conditions of approval associated with the recorded plat.

*The proposed replat complies with the Land Development Code, including the dimensional standards for residential lots within the RS-6000 zoning district and would be in compliance with the conditions of approval associated with the previously approved The Glen at Widefield Filing No. 11 final plat.*

No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.

*Existing Lots 25 and 71, which are the lots subject to the requested replat, were found to be conforming with approval of The Glen at Widefield Filing 11 and will increase in size with the requested replat, making them even more conforming.*

The replat is in keeping with the purpose and intent of the Code.

*The proposed replat is not a material change to the previously approved final plat and would support the purpose and intent of the Code, including the standards in the RS-6000 zoning district and the rules and regulations governing the division of land.*

The replat conforms to the required findings for a minor or major subdivision, whichever is applicable.

*Approval of the proposed replat would be directly consistent with The Glen at Widefield Filing No. 11, which was found to be in conformance with the findings for a major subdivision at the time it was approved.*

Legal and physical access is proposed to all parcels by public right-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM.

*Legal access has already been established for the overall The Glen at Widefield development, including access to Filing No. 11 which ensures access to the two lots that are the subject of this request (Lots 25 and 71).*

The approval will not adversely affect the public health, safety, and welfare.

*The request to vacate and replat the Lots 25 and 71 and a portion of the Penny Cress Drive right-of-way within The Glen at Widefield Filing No. 11 will not have an adverse effect on the public health, safety, and welfare since no new traffic access points are being proposed. In fact, vacation of the previously platted right-of-way connection to the property to the north may actually improve public safety with The Glen at Widefield development since no additional vehicle trips from the development to the north will be traveling through the development.*

Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

*There is no conflict between the CC&Rs of the development and the proposed request for approval of a vacation and replat.*