

**ROLLING RIDGE
LETTER OF INTENT
ZONE CHANGE RR-5 TO PUD**

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Site Location: Southwest corner of Colorado Highway 83 and Hodgen Road. El Paso County Tax Schedule Nos. 61270-00-064 & 61270-00-065. Addresses: 16390 Highway 83 and 3285 Hodgen Road, Colorado Springs, CO 80921

Request: Request by TC&C, LLC for approval of a change of zoning from RR-5 to PUD on 8.17 acres (collectively the "Property").

Site and Plan Information/Justification for Request:

The proposed rezoning is consistent with the goals and objectives set forth in the 2000 Tri-Lakes Comprehensive Plan and the 1987 Black Forest Preservation Plan Update. In addition, there has been a significant change in circumstances since the original zoning of this property as well as the dates of the two Comprehensive Plans.

South and West: The land to the south and west contains 48.84 acres and is owned by the Applicant.

North: The land to the north, Cherry Creek Crossing, is zoned PUD and contains 110 2.5 acre residential lots and PUD commercial. The properties are separated by the 180' wide Hodgen Road right of way minimizing adjoining impacts. In addition, the adjoining land uses are similar to those proposed, requiring no impact mitigation.

East: There is a 40 acre PUD privately owned open space parcel separated from the Property by the 180 foot wide Highway 83 right of way. Because of the elevated Highway 83 and lower topography, the Property is not visible from the majority of the 40 acres. In addition, the open space land use is not incompatible with the proposed RR-2.5 land uses.

The 8.17 acres will be subject to a comprehensive set of Covenants, Conditions and Restrictions and an owners' association. Among other things, the owners' association will be responsible for ensuring compliance with the plan for augmentation for use of the Dawson aquifer groundwater.

RR-5 to PUD. As noted above, the Tri-Lakes Comprehensive Plan indicates the northeast portion of the Property as: "potential location for commercial uses which are specifically geared toward the needs of local residents." The Plan recommends coordination with the land use policies of the Black Forest Preservation Plan which also suggests commercial nodes along Highway 83 at the intersection of Hodgen Road and State Highway 83. In addition to the buffering/mitigation objective cited above, the Plan objectives applicable to this PUD request, are:

“Encourage well planned commercial and office park development that incorporates unified site design and traffic circulation planning. Conversely, discourage strip-type commercial and office development that has adjoining parking lots.” Objective 7.1.7, p. 70

“Carefully consider the impacts of new development on the integrity and carrying capacity of the roadway system.” Objective 7.1.10, p. 70

“Recognize SH-83 as a major north-south corridor and support land uses that do not cause traffic impedance, deceleration, or delays, as outlined in the Transportation Section.” Objective 7.1.12, p. 70

“Discourage requests for speculative commercial zoning and land uses.” Objective 7.1.5, p. 70

General: The proposed PUD contains two tracts. Tract A is a 0.76 acre parcel intended to facilitate a drainage detention facility which will handle developed flows for both the single family and office/commercial portions of the Property. Tract B is a 5.35 acre parcel planned to facilitate 35,000 square feet of mixed commercial and office uses with supporting parking and vehicular circulation. Tract B is identified on the Preliminary Plan as “Hold for Future Development”. This application includes an approval request for a PUD Development Plan illustrating:

- Building locations, heights, use and related areas
- Vehicular circulation and parking
- Pad grading and drainage
- Preliminary subdivision of lots
- Well and septic locations
- Landscape features

Upon approval of the zone change and PUD Development Plan requests and the securing of actual building tenants, the applicant will submit a final plat and Site Development Plan applications for approval. The Site Development Plan applications will include:

- Final building architecture
- Dimensional site plan
- Final grading and drainage plan
- Final utility plans
- Final grading and drainage plan
- Final landscape development plan

The final plat and Site Development Plans will be processed in accordance with standard County review processes. The intent of the PUD Development Plan is to verify the feasibility of the proposed development program.

Buildings and Land Uses: Tract B is intended to facilitate four buildings on three separate lots (Lots 17, 18 & 19 on PUD Development Plan). Each building includes a 5,000 square foot envelope. Lot 17 is planned for a single story structure facilitating a retail convenience store with gasoline. Lot 18 is planned for two buildings containing 10,000 square feet each in two story structures. The lower level is planned for general retail sales while the upper level is planned for professional and medical offices. Lot 19 is planned for one two story building containing 10,000 square feet. The lower level is planned for general retail sales and the upper level is planned for a mix of general retail, professional offices and medical offices. The final mix of uses will be determined by market demands and tenant requirements and will be illustrated on the Site Development Plans. The four separate structures provide a facility scale intended to avoid the appearance of a "strip center" with individual building parking areas and individual pedestrian entrances. Landscaped open spaces are spread throughout the site and total 43% of the site coverage.

PUD Modification: Although the same amount of buildings, parking, vehicular access and landscaped open spaces described on the PUD Development Plan could be placed on two lots rather than the three lots being proposed, thereby meeting the 2.5 acre minimum lot size for lots containing on-site wastewater systems [Section 8.4.3 (C)(2)(f)(i) of the Land Development Code], the *Soil, Geology, Geologic Hazard & Wastewater Report* prepared by Entech Engineering, Inc. concludes that the individual and commercial on-site wastewater treatment systems (OWTS) proposed for the site meet all El Paso County and State Guidelines. Therefore, modification of the Land Development Code standard, pursuant to the PUD Modification allowances contained at Section 4.2.6.(F)(2)(h) of the Code, is requested. The reasons for the modification include the facts that each of the three lots meet the minimum requirement of 1 acre of buildable area (Section 8.4.3.(C)(2)(ii)), all County and State guidelines for commercial on-site wastewater treatment systems are being met, and additional right of way for and setbacks from Hodgen Road are being provided.

Vehicular Access, Parking and Circulation: Two vehicular access points are provided onto Cherry Crossing Court, a 60' right of way, a County owned and maintained roadway. Cherry Crossing Court accesses Hodgen Road, a 180' County principal arterial roadway. No access to Highway 83. Interior vehicular circulation will be provided by 30' wide asphalt driveways located within 34' wide vehicular access easements. Interior driveways, as well as parking and

landscaped areas, will be maintained by the Tract B Owners' Association. Vehicular parking will be provided in accordance with the El Paso County Land Development Code requirements and will be measured on an individual building requirement basis.

Grading and Drainage: Tract B falls approximately 44 feet from east to west. A walkout building architectural concept has been developed in order to accommodate this significant change in grade. Buildings are single story on the uphill side of the grade and two stories on the downhill side of the grade. A side benefit of this type of architecture provides for a much more interesting and varied building façade while strengthening the non-strip center approach. Pursuant to the El Paso County Land Development Code and the Engineering Criteria Manual, permission from the Board of County Commissioners to commence grading upon approval of the Preliminary Plan is respectfully requested.

Building Architectural Styles: The building cluster technique, smaller building footprints, walkout building style and generous landscaped open spaces are intended to replicate and complement the surrounding community's single family residential architectural styles. Similar to residential structures, building materials will include stone, stucco and timbers. Window and door types and sizes will be residential in scale. Roofs will be pitched with overhangs and constructed of colors and materials evoking a residential character. Building foundations will be landscaped. Lighting will be integrated into the building structure. Where lighting is required for parking lot security, poles will be residential in scale and fixtures will such that the light source shall be concealed.

Development Phasing: The phasing of individual building construction will depend upon market demand and tenant requirements. The developer anticipates full buildout to be completed over a five to eight year period.

Water: Water will be provided by individual wells. A Ruling of the Referee was recently entered in Case No. 17CW3076 approving a plan for augmentation for use of Dawson aquifer groundwater for residential and commercial use for 300 years.

Change in Character and Circumstances:

Section 4.2.6 of the El Paso County Land Development Code, PUD, Planned Unit Development District, Subsection (D), sets forth criteria to be considered in approving a PUD zoning district. Of particular importance is the need to show that *"there has been a substantial change in the character of the area since the*

land was last zoned". The Property was zoned to what is now the RR-3 (Rural Residential District – 5 acre minimum lot size) in 1955.

Although exact population numbers are not available for this particular area, the population of El Paso County was approximately 125,000 in 1955 and had grown to 688,284 by 2017. Hodgen Road did not exist on either side of State Highway 83 in 1955. It was extended to the west of Highway 83 along the northerly boundary of the Property in 2003. Hodgen Road is now the main east/west transportation corridor in northern El Paso County with the Pikes Peak Rural Transportation Authority and El Paso County having expended more than \$30,000,000 in public funds improving this corridor from I-25 to Eastonville Road. Traffic counts from June, 2017, indicate 3,500 average daily trips on Hodgen Road west of Highway 83, 8,000 average daily trips east of Highway 83 and 10,000 average daily trips on Highway 83 bordering the easterly boundary of the Property.

In addition, the 383 acre Cherry Creek Crossing project, immediately to the north of Rolling Ridge, received PUD zoning in 1998 to include 2.5 acre parcels and commercial uses at the NW corner of Hodgen Road and State Highway 83. Also in 1988, the 40 acre Dancing Wolf Estates project at the NE corner of Hodgen and State Highway 83 received PUD zoning for 2.5 acre parcels and commercial use.

Criteria for Approval – Land Development Code Section 4.2.6.(A):

- *To further the public health, safety and general welfare within El Paso County.* For the reasons stated above, this objective has been met.
- *To permit adjustment to changing public and private needs and to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs.* As cited in the above section, Change in Character and Circumstances, there have been major changes in the area resulting in changing public and private needs. The PUD, with the proposed architectural styles, building materials, pitched roofs, modern lighting technics, and landscaped open spaces, are meeting the changing needs in a compatible and effective manner.
- *To improve the design, character and quality of new development with flexibility by varying lot size, building heights, setback controls and other development requirements.* For the above reasons, including the extent of the landscaped open spaces and the utilization of the significant change in grade by providing more interesting and varied building facades, this objective has been met.
- *To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings.*

- *including mixed use and traditional neighborhood design and by the conservation and more efficient use of open space ancillary to said buildings.* For the above reasons, the applicable portions of this objective have been met.
- *To encourage more efficient use of land services reflecting changes in the technologies and economies of land development.* The location of this commercial subdivision at the immediate intersection of two major arterial roadways and the rezoning to a PUD with its development guidelines are reflective of an efficient and economic use of the land.
- *To provide housing of all types and designs to be located in proximity to employment and activity centers such as shopping, recreational, and community centers, healthcare facilities, and public transit.* Not applicable to this request.
- *To achieve development economies to minimize impacts on existing infrastructure and to encourage the most efficient use of public infrastructure while limiting the costs of providing services and to reduce the burden on existing streets and utilities by more efficient development.* Public infrastructure, including electric, gas and telephone, is already adjacent to the subdivision. The availability of neighborhood commercial uses to the surrounding area will reduce the amount of traffic and burden on existing streets and highways.
- *To promote layout, design and construction of development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area, including scenic vistas, natural features and environmental resources.* For the numerous reasons cited above, these objectives have been met.
- *To ensure that provision is made for beneficial open space, to provide for active, usable open spaces, and to preserve open areas.* Although this objective is somewhat difficult to meet on such a small parcel, landscaped open spaces are spread throughout the site and total 43% of the site coverage.
- *To encourage integrated planning systems to achieve the objectives of and to otherwise implement the stated purpose and intent of this Code and Master Plans.* For the reasons stated above and those contained in the project's extensive submittal documents and reports, this objective has been met.
- *To create an integrated and fixed set of land use controls which allow multiple and mixed uses in one coordinated development.* Although this PUD request does not contain residential uses, a mix of multiple retail and office uses are projected. The PUD review process, with the Development Plan
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and subsequent Site Plan and Final Plat controls/reviews, ensures a coordinated development.

- *To establish a basis for vested property rights for multi-year projects.* The PUD provides a basis for continued reviews by the County as the project proceeds while also providing reasonable assurances to the developers of the subdivision that the plan will be allowed to proceed.

Districts Serving the Property:

Academy School District 20
Mountain View Electric Association
Donald Wescott Fire Protection District
Black Hills Energy