

LETTER OF INTENT

Johnson Parcel

Subdivision Waiver Requests

Owner: ***Delroy Johnson***
14502 Highway 83
Colorado Springs, CO 80921
(719) 352-9833

***Applicant/
Consultant:*** ***Classic Consulting, LLC***
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Tax Schedule No. 61000-00-157

Request:

Prior to any development action, the property owner would like to request waivers related to private access from Highway 83 to anticipated future lots. The requested waivers include the following:

- Waiver 1: Waiver for private road (per definition, a driveway cannot serve more than 3 lots – LDC 8.4.4.E.2) Proposing 4 lots
- Waiver 2: Waiver for private roads to meet County standards (LDC 8.4.4.E.3) Proposing private road design criteria similar to driveway criteria
- Waiver 3: Minimum lot frontage (8.4.3.C.2.E) Not all lots will have direct frontage to Highway 83 based on shape of property and limited access allowed to Highway 83.

The intent of the waivers is to provide a safe, reasonable private access to four rural, heavily forested residential lots without significant disturbance to the natural setting. Thus, these waivers only deal with private access and lot configuration and meet all other intent of the LDC.

Criteria for approval of waivers is found in LDC 7.3.3 and is as follows:

- *The waiver does not have the effect of nullifying the intent and purpose of the code.*
The proposed waivers request a slight adjustment to the private access and lot configurations allowed for this specific project. All other aspects of the code remain in force.
- *The waiver will not result in the need for additional subsequent waivers.*
With the approval of the proposed waivers, no subsequent waiver requests are anticipated.
- *The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property.*
Based on the approved modified State Access Permit and the negligible effect on the overall traffic LOS on Highway 83, these waivers will not be detrimental to the public safety, health or welfare or injurious to other property.
- *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property.*
The requested waivers are unique to this heavily forested, terrain challenged property with minimal public roadway frontage. Not all properties have these same challenging conditions.
- *A particular non-economical hardship to the owner would result from a strict application of this Code.*
Without the requested waivers, the requirements of a public road access to four lots would be detrimental to the sites natural terrain and vegetation characteristics. Significantly more land disturbance would be required without these waivers.
- *The waiver will not in any manner vary the zoning provisions of this Code.*
The current zoning district is RR-5. All proposed lots intend to meet the density and dimensional standards per LDC 5.4.2 and Table 5-4.
- *The proposed waiver is not contrary to any provision of the Master Plan.*
The proposed four rural lots (5.0 ac. min. size) with limited access to Highway 83 seem to remain consistent with the intent of both the Tri-Lakes Comp Plan and the El Paso County Policy Plan.

Upon approval of said waivers, a Minor Subdivision consisting of a Final Plat for 4 lots will be submitted for the entire property. Water sufficiency will be requested with the future Final Plat.

SITE DESCRIPTION:

This letter is prepared to provide sufficient information in support of subdivision waivers for a 28.62 acre parcel with a current single paved driveway access from Highway 83. Three additional residential lots will be proposed from same driveway access. No land use change proposed. Exact lot configuration and alignment of driveway extension determined with Final Plat.

The property is dimensionally constrained, with only 575 feet of frontage to Highway 83 and the remaining 4,600+ feet perimeter of the property being adjacent to private residential land with no other access to a public road. It is also limited to the current single access point to Highway 83. Given these constraints and to meet the intent of the zoning code dimensional standards, one lot will have direct frontage to Highway 83 while the other three will not have direct frontage to a public roadway. However, the proposed waiver 3 covers this condition. Ownership and maintenance of a private driveway with access to all four lots will be handled with special agreement prepared with Final Plat.

The site is located in a portion of section 34, township 11 south, range 66 west of the sixth principal meridian, El Paso County, Colorado. More specifically, located 0.64 miles north of the intersection of Highway 83 and Old North Gate Rd., west side of Highway 83, south of unplatted residential property (zoned RR-5) and due east of the Rosholt Retreat Subdivision (zoned RR-5). The entire property is zoned RR-5.

PROJECT DESCRIPTION:

TRAFFIC

The property frontage adjacent to Highway 83 is approximately 575 feet. Currently, there exists a single paved driveway to the property along the west side of Highway 83 accessing one single family residence. CDOT has recently approved an updated access permit allowing up to 5 residential lots from this single driveway. (See attached Access Permit) This permit is based on meeting all criteria as found in the State Highway Access Code. Also, the following El Paso County criteria seems to be met for not requiring a TIS as found in ECM Appendix B (B.1.2.D):

Vehicular traffic

- 1) Daily trip generation is less than 100 (consistent with CDOT criteria for no study)
- 2) No additional intersections with State Highway – none proposed
- 3) Increase in trips does not increase by more than 100 daily trips – less than 100 trips total
- 4) No change in traffic type – proposed residential use
- 5) Acceptable LOS on adjacent roadways is maintained – proposed traffic increase vs. existing trips on Highway 83 is negligible

- 6) No accident or safety problems on adjacent roadway in immediate vicinity – none documented
- 7) No change in land use with access to State Highway – none proposed

Pedestrian/Bicycle traffic

No existing or new pedestrian/bicycle facilities or traffic is required along Highway 83

Reference e-mail from Wescott Fire District related to proposed access change

El Paso County Road Impact Fee method will be determined with Final Plat.