



September 23, 2019

PCD File No. MS198

**LETTER OF INTENT  
WOLFF RUN ESTATES  
MINOR SUBDIVISION**

**Owner:**

Gregory S. and Tanya R. Wolff  
2170 Diamond Creek Drive  
Colorado Springs, CO 80921  
(719) 459-9653

**Applicant:**

M.V.E., Inc.  
1903 Lelaray Street, Suite 200  
Colorado Springs, CO  
(719) 635-5736  
Attn: Charles C. Crum, P.E.

**Site Location Size and Zoning:**

The proposed subdivision to be known as "Wolff Run Estates" is located within the southwest one-quarter of the northwest one-quarter of Section 4, Township 12 South, Range 66 west of the 6th principal meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 62040-00-016. The current address of the site is 2030 Old North Gate Road. The southern portion of the site currently contains a residence, gravel drive, fenced corral, several outbuildings, and a well and septic system. Old North Gate Road traverses the southern edge of the site with the County claiming ownership of the road right-of-way. The site was 10.17  $\pm$  acres in area prior to the subtraction of Old North Gate Road. The 9.70  $\pm$  acre site is situated on the north side of Old North Gate Road, west of Roller Coaster Road and east of Silverton Road. The proposed site has never been platted and the right-of-way for Old North Gate Road has not been properly dedicated to the County at this time. The zoning of the site is RR-5 (Rural Residential). The site is proposed to be platted into two single family lots and with a strip of road right-of-way to be dedicated for addition to existing Old North Gate Road which has been assumed to be 60' wide right-of-way.

The property to the south of the site is part of Flying Horse No. 9, containing 1/2-acre lots in the City of Colorado Springs zoned PUD (Planned Unit Development). The property located to the north of the site is Lot 1, Block 2 Sun Hills Subdivision zoned RR-5 and containing single family residential development. Lots 7, 8 and 9, Overlook Estates, zoned RR-5, is adjacent on the west side of the site and contains rural residential development. Two unplatted parcels, zoned RR-5 and containing rural residential development, borders the east side of the site.

***Engineers • Surveyors***  
***1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736***  
***Fax 719-635-5450 • e-mail mve@mvecivil.com***

### **Request and Justification:**

The request is for approval of the Minor Subdivision plat of Wolff Run Estates, containing 9.70± acres. This proposed Minor Subdivision will create two (2) rural residential single-family lots and additional road street right-of-way. This Minor Subdivision plat is consistent with the proposed RR-5 zoning with the proposed Administrative Relief application being considered concurrently.

The site already contains one existing single family residence with auxiliary structures located on the southern portion of the site. The proposed minor subdivision layout will comply with the requirements of the proposed RR-5 zone with the existing improvement being located on one of the two lots. The existing residence is also compatible with the RR-5 zone with respect to land use (single-family residential), lot size (with approved administrative relief request), minimum building setbacks, water supply and wastewater disposal.

The proposed Minor Subdivision is compatible with the surrounding land uses and neighborhood listed above and coincides with the adjacent lot/parcel sizes on the north, east, and west, all being approximately 5 acres. The proposed Minor Subdivision application is in conformance with the goals, objectives, and policies of the Master Plan including the Policy Plan and the Tri-Lakes Comprehensive Plan discussed below.

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2016). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.* The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes 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 Policy Plan as they specifically relate to this request: “Goal 6.4 – Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services.” and “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 Minor Plat will not create the need for additional roadways or public facilities. The site will remain rural residential and is surrounded by existing rural residential development on the east, west and north sides. Higher density City of Colorado Springs residential development exists south of the site.; “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 Minor Plat is consistent with the Tri-Lakes Comprehensive Plan as it applies to the Smith Creek sub-area which is discussed below.; “Policy 6.4.4 - Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential area or to be incorporated as a buffer between higher density and undevelopable areas.”; The proposed Minor Plat is in an area adjacent to rural residential development with RR-5 to the west, east and north.; “Goal 6.1 A – Encourage patterns of growth and development which compliment the regions' unique natural environments and which reinforce community character.” The existing community character is preserved with this Minor Plat. Density and land use are compatible with

the surrounding area and the natural features of the site will remain preserved, even with the addition on one more residential lot on the site.

Another element of the Master Plan is the Small Area Plan. The Wolff Run Estates site is located within the area of the Tri-Lakes Comprehensive Plan (2000), specifically within the Smith Creek sub-area. The area desires that the rural residential development pattern be continued, with a preferred density of one dwelling unit per five acres. This coincides with the proposed subdivision density. The plan also desires that former North Gate Road be upgraded. Since the time of plan writing, The alignment of North Gate Road has been revised, leaving the adjacent right-of-way to be renamed “Old North Gate Road” with reduced traffic. The proposed subdivision provides for official dedication of additional right-of-way along the north side of Old North Gate Road from within our Minor Plat. The proposed Minor Plat is consistent with the Tri-Lakes Plan.

The proposed Minor Plat is in compliance with the Parks Master Plan, which does not call for trails or parks in the site vicinity. The proposed subdivision is also in compliance with the 2040 Major Transportation Corridors Plan (MTCP) and Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*  
This is a proposed Minor Subdivision and requires no Preliminary Plan for Plat approval. The subdivision will be developed in accordance with the currently proposed land use applications.
3. *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.*  
The proposed Minor Subdivision Plat is prepared in accordance with applicable subdivision design standards. A request for Administrative Relieve, in accordance with the Land Development Code, is submitted to allow up to a 20% reduction in lot area due to previous Right-of-Way expansion for widening of Old North Gate Road.
4. *A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code.*  
Water service is intended to be provided by individual on site wells operated under a State approved Water Augmentation Plan. Colorado Springs has responded to our question of 'If Colorado Springs Utilities could provide public utilities to our Minor Subdivision area?' Colorado Springs responded that our Minor Subdivision area is NOT ELIGIBLE for annexation and therefore NOT ELIGIBLE for provision of City services at this time. City of Colorado Springs response letter is attached for readers reference.
5. *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code.*  
Waste water is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations.

Colorado Springs has responded to our question of 'If Colorado Springs Utilities could provide public utilities to our Minor Subdivision area?' Colorado Springs responded that our Minor Subdivision area is NOT ELIGIBLE for annexation and therefore NOT ELIGIBLE for provision of City services at this time. City of Colorado Springs response letter is attached for readers reference.

6. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].*

A soils report has been prepared for the site and the owner will comply with the recommendations of the report.

7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM.*

The proposed Minor Subdivision is consistent with the submitted Final Drainage Report. There are not Drainage facilities needed or proposed with this development. The the owner will comply with the requirements of the drainage report.

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

Both lots created as part of this subdivision, will utilize the existing driveway access onto Old North Gate Road. An access easement for the new lot is provided on the Minor Subdivision Plat. A request for Waiver of subdivisions regulations in accordance with the Land Development Code has been submitted to allow Lot 2 to not abut a public right-of-way, but instead gain access by ingress/egress easement through Lot 1.

9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Wolff Run Estates is located within the Donald Wescott Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Academy School District 20, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

10. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*

Wolff Run Estates is located within the Donald Wescott Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve this subdivision. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

11. *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8.*

All Offsite impacts are determined to be insignificant with the addition of one residence to the site already containing one residence. The owner will be responsible for paying park, school, drainage and Traffic Impact fees.

12. *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.*

There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and Traffic Impact fees due for this project.

13. *The subdivision meets other applicable sections of Chapter 6 and 8.*

Contingent upon approval of the requests for Administrative Relief and waiver, The subdivision meets the requirements of the Land Development Code.

14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.].* No separate mineral estate owners were found for this property and mineral extraction operations will not be undertaken by the project owners.

#### **Request for Administrative Relief:**

Administrative Relief is being requested to reduce the minimum lot size requirement of 5.00 acres in the RR-5 zone pursuant to Section 5.5 of the El Paso County Land Development Code. Lot 2 of the proposed subdivision is 5.00 acres in area. The proposed lot size for Lot 1 of 4.62± acres is within the 20% allowance for Administrative Relief consideration.

The owners purchased and have title to 9.70± acres of land which originally consisted 10.17± acres prior to the deduction of area for the existing Old North Gate Road. The 9.70± acres leaves area for one 5.00± acre lot, one 4.62 acre± lot and the dedication of 0.08± acres as additional right-of-way for Old North Gate Road. If the property was adjacent to a section line road, the minimum lot size would automatically be reduced by code. Old north Gate Road is not a section line road, however the original parcel size was over 10 acres prior to deduction for the existing roadway. The owners are also dedicating additional road right-of-way (0.08± acres) on the north side of Old North Gate Road on the Minor Plat.

The resulting lot sizes, with the allowance of the Administrative Relief, would still be in compliance with the provisions of the RR-5 zone district. The lot sizes would not be out of character for lots along the north side of Old North Gate Road, which are also affected by the diminished parcel sizes due to right-of-way subtractions. The soils and geology study for subdivision demonstrates that the proposed lots are viable and the new lot is buildable. The lots would comply with required setbacks. We request the approval of the proposed reduced lot area to allow the subdivision of the property into two lot in accordance with the concurrently requested Minor Plat while dedicating additional road right of way for the existing adjacent roadway.

#### **Existing and Proposed Facilities:**

Existing improvements within this parcel are related to the existing residential use of the site, located in the southern portion of the property, which is located within proposed Lot 1. Proposed Lot 2 will be located in the northern portion of the subdivision and is currently vacant. Existing facilities also include the adjacent public roadway of Old North Gate Road. The owners purchased and hold title to a portion of

the southwest one-quarter of the northwest one-quarter of Section 4, Township 12 South, to the north of Old North Gate Road. Earlier deeds do not exclude Old North Gate Road. The road exists, but the right-of-way has yet to be formally dedicated by a legal instrument. The owner is able to dedicate a 10' wide strip on the south side of Lot 1 for additional road right-of-way. Water service on Lot 1 is by the existing well on the site, Water service on Lot 2 will from a new private well located on that lot. Wastewater treatment will by by separate private Onsite Wastewater Treatment Systems (OWTS). There are no required public subdivision improvements required for this site.

#### **Total Number Of Residential Units And Densities:**

The gross area of Wolff Run Estates is 9.70+/- acres, including the Old North Gate Road right-of-way dedication. The subdivision will contain two (2) rural residential Single Family lots. Lot 1 will contain 5.00± acres and Lot 2 will contain 4.62± acres for a total of 9.62+/- acres of single-family residential use. The road rights-of-way take up the remaining 0.08+/- acres. The average lot size for the two (2) lots is 4.81 acres. The gross density of the site is 0.21 units per acre, while the net density, subtracting out the area of street right-of-way is also 0.21 units per acre.

#### **Fire Protection:**

The Wolff Run Estates property is located within the Donald Wescott Fire Protection District. The lots and homes are subject to the codes and policies adopted by the District regarding fire protection.

#### **Proposed Access Locations:**

The access for both lots of the proposed Wolff Run Estates will be the existing driveway access point for the existing home that will be located on Lot 1 of this plat. The existing driveway is located near the southwest corner of the subdivision. An access easement is provided on the plat over the existing driveway location to allow access to Lot 2 which does not have public road frontage.

#### **Traffic Impact and Traffic Impact Fees:**

The one (1) existing and one (1) proposed single family residential units will access public Old North Gate Road, which connects to Roller Coaster Road, Silverton Road and North Gate Boulevard. The development is expected to generate a total of 19 trips per day (Average weekday trips ends) and 2 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trip during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 18-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
Land Use Review Division

June 24, 2019

Mr. & Mrs. Gregory Wolff  
2170 Diamond Creek Dr.  
Colorado Springs, CO 80921

RE: Potential for Annexation for Property Located at 2030 Old North Gate Road  
(TSN 6204000016)

Mr. & Mrs. Wolff,

Recently your consultant, MVE, Inc., reached out to City Planning to inquire about the potential for annexation into the municipal limits of the City of Colorado Springs. The inquiry was based on Colorado Springs Utilities provision of services and the question of IF Colorado Springs Utilities could provide public utilities to the property in question.

Per an email from Colorado Springs Utilities to City Staff, "the property in question is located outside of the CSU Electric Service Area (ESA), and per City Code, Section 7.6.204.C., CSU is unable to extend water and wastewater services into any area not located within the ESA. The only way to incorporate a property into our ESA is through annexation".

A parcel's relationship to the existing City boundary is the key factor in the determination of its eligibility for annexation. One-sixth is the minimum amount of contiguity required by Colorado Revised Statutes for annexation to occur. **The property addressed as 2030 Old North Gate Road does not meet that one-sixth minimum contiguity requirement.**

The City's 2006 Annexation Plan also establishes areas recommended for annexation and policies for annexation specific to the City of Colorado Springs. This property is not recommended for annexation and does not qualify for annexation. In addition, the existing policies of the Annexation Plan do not support annexation of large, rural residential properties.

Therefore, the property is NOT ELIGIBLE for annexation and therefore NOT ELIGIBLE for provision of city services at this time.

Please feel free to contact me at 719-660-2858 if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Meggan Herington", written over a horizontal line.

Meggan Herington, AICP  
Assistant Planning Director