

**ROLLING RIDGE
LETTER OF INTENT
PRELIMINARY PLAN**

Owners/Applicants: TC&C, LLC
Carl Turse, Managing Member
17572 Colonial Park Drive, Monument, Colorado 80132

Consultants: Land Resource Associates
David Jones
9736 Mountain Road, Chipita Park, Colorado 80809
(719) 684-8413

P. J. Anderson
31 North Tejon Street, Suite 500
Colorado Springs, Colorado 80903
(719) 331-2732
Email: pja5713@gmail.com

Engineering: JPS Engineering
19 East Willamette Avenue
Colorado Springs, Colorado 80903
(719) 477-9429
www.ipsenr.com

Entech Engineering, Inc.
505 Elkton Drive
Colorado Springs, Colorado 80907
(719) 531-5238

ERO Resources Corporation
1842 Clarkson Street
Denver, Colorado 80218
(303) 830-1188

LSC Transportation Consultants, Inc.
545 East Pikes Peak Avenue, Suite 210
Colorado Springs, Colorado 80903
(719) 633-2868

Petrock & Fendel, PC
700 17th Street, Suite 1800
Denver, Colorado 80202
(303) 534-0702

Briefly
discuss
the
deviation
requests in
regards to
the
preliminary
application

Letter of Intent
Page 2 of 7

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 preliminary plan to develop sixteen single family residential lots at a minimum of 2.5 acres each, a 0.76 acre drainage detention Tract A and a 5.53 acre Tract B to be held for future commercial development (collectively the "Property").

Site and Plan Information/Justification for Request:

The proposed preliminary plan 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.

Preliminary Plan. Sixteen single family residential lots each containing a minimum of 2.5 acres, a 0.76 acre drainage detention Tract A and a 5.35 acre Tract B to be held for future development are proposed. The Property falls within Sub-Area 8 – West Cherry Creek of the 2000 Tri-Lakes Comprehensive Plan. The recommendations for the Property, as shown in the Concept Plan for this Sub-Area, Map 7.1, are High Density and Medium Density residential with a commercial node geared toward the needs of local residents shown at the northeast corner of the Property located at the intersection of Highway 83 and Hodgen Road. While neither residential density term appears to be specifically defined, lots containing a minimum of 2.5 acres are believed to be consistent with the Plan.

An important objective of the Tri-Lakes Plan is to *"carefully consider the environmental, visual, economic, and land use impacts of new development and, where possible, incorporate, mitigate, and buffer or visually screen adjacent land uses that differ in type and density"*. Objective 7.1.9, p. 70.

Buffering/Mitigation:

South: The property to the south contains five acre lots. In order to meet the above objective, there are only five Rolling Ridge lots adjoining the five existing platted lots to the south. In addition, the Rolling Ridge plan provides a 100' deep "no construction disturbance" buffer adjoining the existing lots. This buffer will be designated as an easement on the plat and included in the HOA documents. This results in a setback of 100 feet versus the standard 25 feet in the RR-2.5 Zone. These five lots, which contain the 100 foot no construction disturbance easement, result in an average lot size of 3.4 acres.

West: There is a 20 acre unplatted parcel containing one single family residence to the west of the Property. The Tri-Lakes Plan indicates that 2.5 acre development would be recommended in this location and current market conditions would indicate that if developed, the property would likely contain 2.5 acre lots compatible with the adjoining Cherry Creek Crossing subdivision to the north and the proposed Rolling Ridge Subdivision. The minimum building setback for lots adjoining the westerly property line has been increased from the required 25' to 75'.

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.

Existing House/structures: At the time the applicant purchased the Property in 2016 there was an existing single family house that has since been modernized on the inside and restuccoed. The house currently meets and will meet all future zoning, subdivision and related Land Development Code requirements. A metal barn and three horse sheds, approximately 60 years old, were considered fire hazards and unsightly and have been removed.

The sixteen single family lots and Tracts A and B will be subject to a comprehensive set of Covenants, Conditions and Restrictions and owners' associations. Among other things, the owners' associations will be responsible for ensuring compliance with the plan for augmentation for use of the Dawson aquifer groundwater.

Tracts A and B. 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. 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: In addition to the sixteen residential lots, the Preliminary Plan 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”. Separate approval requests for rezoning to PUD and a PUD Development Plan for Tract B have been submitted to the County 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.

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 is being requested. 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 façades 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.

Development Phasing: The phasing of individual building construction on Tract B 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.

Criteria for Approval - Land Development Code Section 7.2.1(D)(2)(e):

- *The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan. For the reasons stated above, the preliminary plan is consistent with the objectives of both the Tri-Lakes*

Letter of Intent

Page 6 of 7

- Comprehensive Plan (Map 7.1- Tri-Lakes Area Concept Plan) and the Black Forest Preservation Plan.
- *The subdivision is in conformance with the purposes of this Code.* For the reasons state herein, the subdivision is consistent with each of the purposes of the Code set forth in Section 1.4. of the Code.
- *The subdivision is in conformance with the subdivision design standards and any approved sketch plan.* Other than a technical deviation request necessitated by the previously approved location of the Cherry Crossing Court/Hodgen Road intersection, the subdivision is in conformance with all design standards contained in the El Paso County Land Development Code and Engineering Criteria Manual.
- *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)(b)] and the requirements of Chapter 8 of this Code.* As evidenced in the Water Supply Report and the findings in Case No. 17CW3076 approving a plan for augmentation for use of the Property's groundwater, this standard has been met.
- *All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions {CRS 30-28-133(6)(c)}.* The recommendations contained in the subdivision's geologic and soils reports have been incorporated into the preliminary plan and this standard has been met.
- *Adequate drainage improvements complying with State law {CRS 30-28-133(3)(c)(VIII)} and the requirements of this Code and the ECM are provided by the design.* The drainage improvements incorporated into the subdivision's design documents meet or exceed this requirement.
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM.* No waivers or deviations to the Code or ECM are being requested. This requirement has been met.
- *The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost of effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive*

Letter of Intent

Page 7 of 7

areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities. For the reasons stated above, including the buffers and the placement of five single family lots adjacent to the five single family lots to the south, as well as the numerous other design features incorporated into the plans for this subdivision, these requirements have been met.

- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.* Police services will be provided by the El Paso County Sheriff's Department and fire protection by the Donald Wescott Fire Protection District which has provided a letter of commitment. The subdivision is located in the service areas of Mountain View Electric Association and Black Hills Energy (natural gas) which have both provided commitment letters. For the reasons stated herein, these requirements have been met.
- *The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.* A Wildfire Hazard Mitigation Report was prepared for the subdivision addressing the criteria in Chapter 6. This report, in turn, incorporates the Community Wildfire Protection Plan adopted by the Donald Wescott Fire Protection District.
- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.* To the best of applicants knowledge, all applicable sections of Chapters 6 and 8 of the Land Development Code have been met.

Districts Serving the Property:

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