

LETTER OF INTENT

February 20, 2020

Cherry Springs Ranch Filing No. 2/PUD Amendment and Plat Note Modification

PARCEL NUMBER: 6100000498 PUD 05007

OWNER

Cherry Springs Ranch, Inc.
Stan Searle, Vice President and General Manager
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DEVELOPER

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PROJECT BACKGROUND

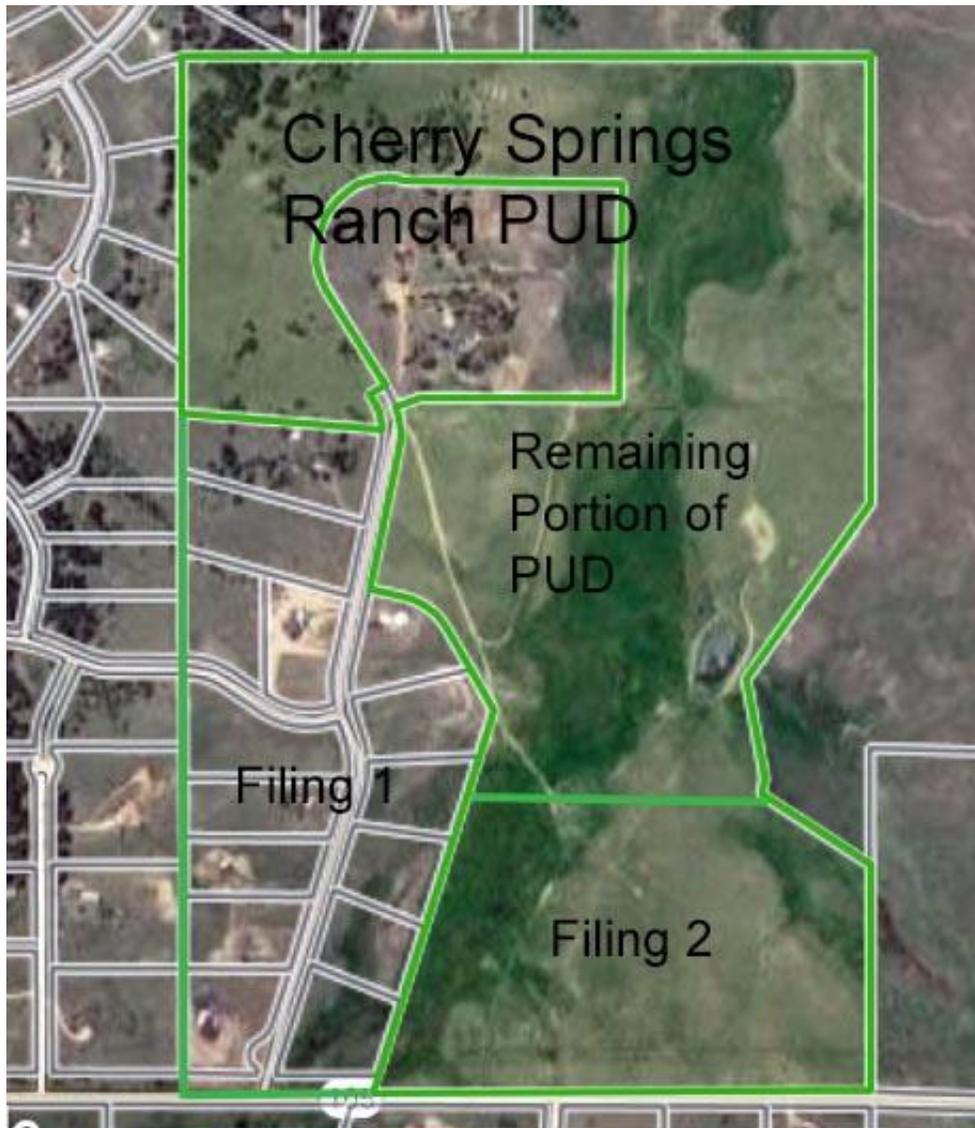
Cherry Springs Ranch is located generally north of Highway 105 and ¼ mile west of Highway 83. The Cherry Springs Ranch (CSR) PUD was approved in 2006 for 42 lots on approximately 231 acres. The Final Plat for Filing 1 was approved in 2007 for 16 lots and is mostly built out with residences.

The PUD Development Plan indicated the access road for the PUD would be aligned with Appaloosa Road. However, the access for Filing 1 was revised during the Final Plat process to create a direct access from Highway 105 onto the existing Cherry Springs Ranch Drive. The Final Plat for Filing 1 also slightly modified Filing 1 boundaries relative to the approved PUD. The property lies within the Tri-Lakes Comprehensive Planning Area - West Cherry Creek Sub-Area 8.

THE REQUEST

Cherry Springs Ranch Filing 2 (CSRF2) is located on the southeast portion of the PUD on approximately 42.25 acres to the east of Filing 1, adjacent to Highway 105. The location and subdivision design are consistent with the approved 2006 PUD Development Plan. The original PUD specified an area for Phase 1 only. Please see aerial photo below of the overall PUD and the location of Filings 1 and 2 as well as the remaining portion of the PUD on the north.

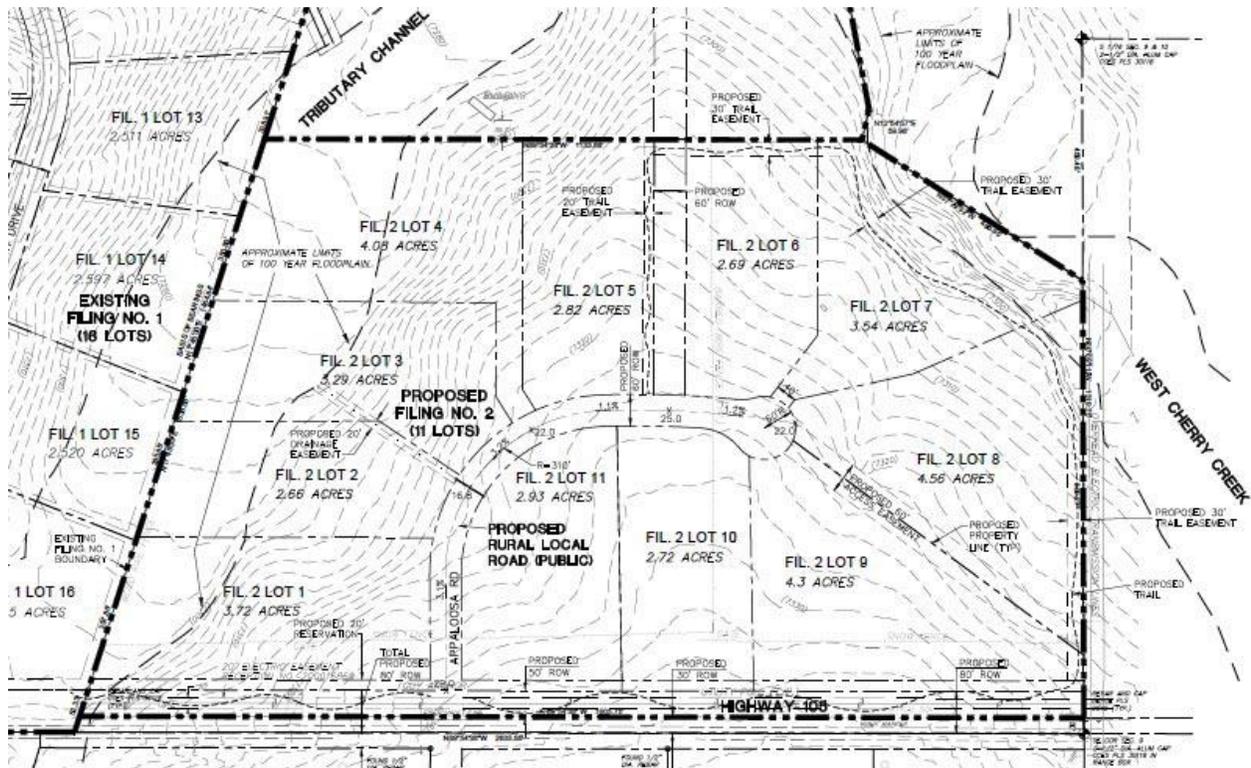




Filing 2 proposes 11 lots from 2.66 – 4.56 acres with a single access aligned with Appaloosa Road off Highway 105 (see Filing 2 Site Plan below). Vehicular access connections to potential future development on the northern portion of the PUD (60' ROW) as well as property to the east (60' Access Easement) are provided. A soft surface trail for PUD residents along the perimeter of the eastern portion of Filing 2 is included as a recreational amenity.

No-build areas have been incorporated into the plan. These areas include the 100 year floodplain areas, wetlands within the floodplain areas and a bog area adjacent to the floodplain on Lot 4. Unless otherwise allowed under EPC regulations, no improvements will be allowed in the 100 year floodplain associated with West Cherry Creek and its tributary channel to the west.





The PUD Amendment is to create CSRF2 with 11 lots and a revised Filing 2 boundary as well as a revised access that is consistent with the original PUD but varies from a plat note on the Final Plat for Filing 1. A separate application has been submitted for a Plat Note Modification. The Filing 1 Final Plat contained a plat note that requires modification to allow the proposed access off Highway 105 aligned with Appaloosa Road. The applicant proposes to delete the plat note shown below:

Final Plat of Filing 1 Plat Note #30: Should Appaloosa Road ever be extended north of Highway 105 in the future, as depicted on the PUD Development Plan recorded under Reception No. 206021422, the present access from Highway 105 onto Cherry Springs Ranch Drive will be closed.

If the PUD Amendment and Plat Note Modification are approved, a Preliminary Plan Subdivision application and Final Plat will be submitted.

A Traffic Impact Study and a request for a Deviation from ECM Criteria (for road intersection spacing) has been submitted supporting the proposed access.

Homes will likely be located on the higher elevation portion of the site adjacent to the access road and above the floodplain areas to the east and west. Water and wastewater will be provided by individual well and septic systems. No changes to the PUD-adopted Dimensional Standards such as setbacks and building height are proposed. A Landscape Plan for Filing 2 has been submitted that indicates additional tree planting (9 Ponderosa



Pine + 11 Aspen) to enhance the perimeter areas of the site and to further buffer homes from Highway 105– see Sheet 5 Landscape Plan.

SITE ANALYSIS

The 42-acre Filing 2 site is vacant and used for cattle grazing. The site is primarily native prairie grassland with the high ground in the center, sloping off toward drainages on the north, east and west and Highway 105 to the south (see photo below of area of Filing 2 site). There are a dozen existing ponderosa pines mostly along the Highway 105 frontage planted as a buffer when the original PUD was initiated. Wetlands are associated with the drainages. There are two small bog areas located adjacent to the floodplain on the west portion of proposed Lot 4.



COMPLIANCE WITH TRI-LAKES COMPREHENSIVE PLAN

The PUD approval in 2006 found the PUD to be in compliance with the Tri-Lakes Comprehensive Plan and specifically the goals and objectives of the West Cherry Creek Sub-Area (Sub-Area 8). Filing 2 is consistent with the overall PUD approval. Development is rural in nature and is in harmony with the surrounding development of Filing 1, neighborhoods to the east of Filing 1 and the Canterbury neighborhood south of Highway 105. The overall density proposed with the Cherry Springs Ranch PUD is approximately 5.5 acres (42 lots on 231 acres) which is the stated density (“5 acre overall densities”) within this area of Sub-Area 8 .



AUTHORITY

These standards are adopted pursuant to the Planned Unit Development Act of 1972, C.R.S. 24-67-111, et. seq., and the El Paso County Land Development Code, and shall apply to all property contained in the approved Cherry Springs Ranch Planned Unit Development Plan. The regulations and requirements shall become the governing standards for review, approval and modification of all development activities occurring on the Property. The subdivision and zoning regulations for El Paso County shall apply where the provisions of this document or the Development Plan do not address a specific subject.

WILDFIRE MITIGATION

The Colorado State Forest Service mapping indicates a moderate wildfire risk for the area of CSR PUD as shown below. The developer will consult with the Tri-Lakes Monument Fire District regarding wildfire mitigation and inform homeowners of the need to be aware of the importance of mitigating wildfire hazards and the impact of living in the Urban-Interface, including the guidelines from the TLMFD's FireWise Program. The FireWise Program shows homeowners/homeowner associations how to mitigate property and reduce the risk of a catastrophic wildfire.

APPROVAL CRITERIA AND JUSTIFICATION FOR REQUEST

Applicant responses are in italics below each criteria.

A. PUD Amendment

“Effect of Approval and Recording. The approved development plan shall be recorded and placed on file at the PCD and shall serve as the basis for review and approval of the subsequent preliminary plan, final plat, or site development plan application. Any future development plan and development guide for any portion of the approved PUD shall substantially conform to the recorded development plan. The subject property is zoned PUD at the time of approval of the development plan. All subsequent uses and actions shall conform to the development plan.”

The proposed PUD Amendment substantially conforms to the recorded PUD and the proposed uses and actions conform to the PUD Development Plan. Design and Dimensional Standards have not been changed (except for a slight modification to the setback for corner lots) so that development in Filings 1 and 2 conform to the original PUD Development Plan and Design Standards.

Approval Criteria For PUD Zoning

In approving the original CSR PUD in 2006, EPC has determined that the PUD meets the criteria below. Because the Filing 2 and the PUD Amendment is in substantial conformance with the original PUD and the proposed uses and actions conform to the approved PUD Development Plan, the PUD Amendment complies with all the criteria below. Responses below are relative to the proposed Filing 2.

- The proposed PUD District zoning advances the stated purposes set forth in this Section;

The proposed PUD Amendment is consistent with the objectives stated in the Purpose Section of the PUD Zone District.



- The application is in general conformity with the Master Plan;

Due to the consistency with the original PUD, the PUD Amendment is in general conformance with the Master Plan.

- The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;

The proposed PUD Amendment is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.

- The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;

The Filing 2 site is suitable for single family development and the proposed lot sizes. The layout is consistent with the surrounding neighborhoods and Filing 1. Sensitive natural areas will be protected by the designated No-build Areas for the 100 year floodplain and associated wet areas.

- The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;

Filing 2 does not propose any “potentially detrimental use to use relationships” and provides open space (within lots) adjacent to Filing 1 as well as additional tree planting to add to the existing landscape buffer adjacent to Highway 105 and the property to the east.

- The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;

The Filing 2 site is suitable for single family development and the proposed lot sizes. The layout is consistent with the surrounding neighborhoods’ lot sizes and Filing 1.

- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;

Filing 2 does not contain any areas with unique or significant historical, cultural, recreational or aesthetic features. Natural features are preserved.

- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;

A soft surface trail is proposed within Filing 2 for the PUD residents.



- The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;

A Traffic Impact Study for Filing 2 has been submitted in support of the Filing 1 Plat Note Modification. Letters of Commitment have been obtained from the electric and natural gas providers. The developer will coordinate with Tri Lakes Monument Fire Protection District prior to submitting a Preliminary Plan Subdivision application. Water and wastewater will be provided by individual wells and OWTS's.

- The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;

Open space is connected with Filing 1. Environmental features will be conserved.

- The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;

Not applicable.

- Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and

Please see submitted Traffic Impact Study supporting the proposed deviation.

- The owner has authorized the application.

The owner has authorized the application.

B. Plat Note Modification

Approval Criteria

- The plat amendment complies with this Code, and the original conditions of approval associated with the recorded plat;

The Plat Note Modification complies with the Code and the original conditions of approval of the PUD.

- The changes to the recorded plat are insubstantial, or the plat amendment is necessary to reflect the current circumstances or restrictions;

The change is necessary to provide adequate and safe access to Filing 2 – please refer to the submitted TIS.

- The plat amendment is in keeping with the purpose and intent of this Code;

The Plat Note Modification is in keeping with the purpose and intent of the Code and the original PUD.

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

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



- 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 plat amendment has been resolved.
Filing 2 will be subject to CC&R's and there will be no conflicts due to the amendment.

Submitted by
Cherry Springs Ranch, Inc.

Stan Searle, Vice President and General Manager

