



July 20, 2022

PCD File # SF-22-015

**LETTER OF INTENT
PAIR-A-DISE SUBDIVISION FILING NO. 1
MINOR SUBDIVISION
(MVE Proj. No. 61155)**

Owner:

Sarah Atwood
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Colorado Springs, CO 80921
(719) 238-8800

Applicant:

M.V.E., Inc.
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(719) 635-5736
Attn: David R. Gorman, P.E.

Site Location Size and Zoning:

The proposed subdivision known as “Pair-A-Dise Subdivision Filing No. 1” is located within the northeast one-quarter of Section 36, Township 11 South, Range 67 west of the 6th Principal Meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 71360-02-005. The current address of the site is 515 Struthers Loop. The site is currently vacant. The site is 5.04± acres in area and is zoned RR-2.5 (Residential Rural – 2.5 Acre).

The site is situated on the north side of Struthers Loop, west of Leather Chaps Drive and south of Baptist Road. Struthers Loop, a public gravel road with 60 ft right-of-way, is adjacent to the southern edge of the site. The site is bounded on all sides by the Chaparral Hills Subdivision. Lots 43 & 44 border the site to the north, lot 56 borders the site to the south, lot 37 borders the site to the west, and lots 39 & 40 border the site to the east.

Request and Justification:

The request is for approval of the Minor Subdivision plat of PAIR-A-DISE SUBDIVISION FILING NO. 1, containing 5.04± acres. This proposed Minor Subdivision will create two (2) rural residential single-family lots in the RR-2.5 zone (Residential Rural – 2.5 Acre), each with lot area exceeding 2.5 acres. Also, a waiver from LDC section 8.4.3 (B) that “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC” is also requested. Instead of road frontage, access to Lot 1 shall be through the proposed access easement connecting to Struthers Loop. The justification for the requested waiver is included in a separate section below.

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This Minor Subdivision plat is consistent with the requirements of the existing RR-2.5 zoning with respect to the layout, land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal. The proposed minor subdivision layout will comply with the requirements of the proposed RR-2.5 zone.

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, south, east, and west, all being approximately 2.5 acres or larger. 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 (2000).

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2021). 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. “Your El Paso Master Plan” (2021)* is a comprehensive document communicating a vision for many factors that influence the quality of in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.

The site is located west of Roller Coaster Road, north of North Gate Blvd., and south of Baptist Road. The site is designated to be a Large-Lot Residential Placetype. The Primary Land Use of this placetype is Single Family Detached housing with Agriculture, Commercial Retail, Commercial Service and Parks and Open Space as Supporting Land Uses. The location of this site and existing infrastructure is suited to single family residential use and is surrounded by single family residences. The site location and connecting roadway layout in the immediate area is not suitable for Commercial Service and Commercial Retail uses. In the Land Use category, Goal 1.1 is *“Ensure compatibility with established character and infrastructure capacity”*. This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. Although the zoning of the site and the surrounding area is RR2.5, many of the surrounding lots are 5.0 acres in size. However, 2.5 acre lots are located nearby on the east side of Leather Chaps Drive, also adjacent to 5 acre lots. The proposed replat is not out of character for the neighborhood. The proposed subdivision is compatible with the existing neighborhood and surrounding development. The existing community character is preserved with this proposed plat. The proposed density will not overburden the existing roadway infrastructure or capacity of the land to support the water and wastewater needs of the development. The proposed Minor Plat will not create the need for additional roadways or public facilities. Goal 2.2 is *“Preserve the character of rural and environmentally sensitive areas”*. The proposed subdivision will keep the large-lot nature of the area intact. The 2.5-acre lot density, included in the “large lot” designation, has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of two single-family residences on the site. The private driveways to be used for access will have minimal impact on

the existing terrain. No new roads are proposed with this subdivision since all access is proposed to be provided by a single low-impact driveway connecting to Struthers Loop. In this way, lot access is provided while eliminating the need for additional access points and additional public roadway. The driveway will present a reduced impact on the natural terrain, land forms and vegetation. The project maintains the rural character of site and neighborhood.

The proposed Minor Plat is in compliance with the Parks Master Plan, which does not appear to call for trails or parks in the site vicinity. Any required Park Fees will be paid at the time of plating. 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.

The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The District Court, Water Division 2 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow the drilling of two wells for the subdivision in Case No. 2021CW3010 of the records of El Paso County. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of the well permits based on the decreed water rights. A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County.* The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible.* Both of the new single-family residences on the proposed 2.5 acre lots will utilize onsite wastewater treatment systems which will provide “Return Flows” the environment as a condition of the groundwater findings and order and the well permit.

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. No public improvements are required for this subdivision.

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 to be provided by individual on site wells operated under a State approved Water Augmentation Plan.

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.

Wastewater is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.

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 Drainage Letter. There are not Drainage facilities needed or proposed with this development. The the owner will comply with the requirements of the drainage letter.

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 will access via existing Struthers Loop. New driveways will be established for the proposed lots. An Access Easement is provided on the Final Plat and a private access and maintenance agreement will be established to facilitate the access for Lot 1. The lot owners will share the same driveway connection for both lots.

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. Pair-A-Dise Subdivision Filing No. 1 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.***

Pair-A-Dise Subdivision Filing No. 1 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 two residences to the site. The owner will be responsible to pay 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.

The existing lot has been designed with the design parameters that are listed in El Paso County Land Development Code, Chapters 6 and 8. This lot is to be subdivided into two residential lots for which the standards for residential lots will be applicable.

All dimensional standards for land subdivisions are met for the project including lot area, lot width, minimum building setbacks, potential lot coverage, and building height. Adequate access to a public county road is provided. Air & water quality standards are to be maintained. Water, wastewater, gas, electric, emergency response and fire protection are available and will be provided for this property.

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.].

Mineral estate owners have been notified of this application. It is unlikely that mineral extraction operations would be feasible in this area.

Requested Waiver:

As previously mentioned, a waiver from LDC section 8.4.3 (B) is requested. The provision requires that “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC”. It is proposed that lot 2 gain access by way of an access easement connecting Lot 1 to Struthers Loop along the easterly property boundary. The responsibility and maintenance of the access drive shall be carried out by the owners of Lots 1 and 2 in accordance with a private access maintenance agreement.

The property is rectangular in shape with the shorter sides oriented north-south and adjacent to Struthers Loop. The property shape and existing natural terrain dictate that the best lot arrangement is that in which Lot 2 borders Struthers Loop and Lot 1 is located to the north of Lot 2. Although sufficient land area exists to create two 2.5 acre lots in accordance with the zone, there is not enough area available to allow for a flag connection from Lot 1 to Struthers Loop or for a new public roadway extension. The natural terrain on the site lends to one lot having frontage on Struthers Loop and the second located to the north with no connection to the roadway.

Each criteria for approval of waivers as stated in section 7.3.3 of the El Paso County Land Development Code (2021) is listed below followed by the appropriate justification.

1. *The waiver does not have the effect of nullifying the intent and purpose of this code;* The request for a waiver of the LDC section 8.4.3 (B) does not go against the intent and purpose of this code. This request is in line with the requirements set forth in the LDC, and the driveway will comply with all applicable design standards.
2. The waiver will not result in the need for additional subsequent waivers; With the approval of this waiver the lots will each be provided the required access necessary for their development. There

will be no need for additional waivers as all applicable requirements of the El Paso County Land Development Code will be met.

3. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property; The proposed shared driveway will be constructed to provide safe and reliable access to each lot on the site. The responsibility and maintenance of said driveway shall be carried out as described in a private access maintenance agreement. The driveway will not pose a threat to the public safety, health, or welfare, nor will it be injurious to any other property.
4. 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; Pair-A-Dise Subdivision Filing No. 1 contains 5.006± acres and two (2) lots. Because the site does not contain more than three lots, a single driveway will be used to provide access to the entire site in lieu of a public road.
5. A particular non-economical hardship to the owner would result from a strict application of this code; With strict application of this code, the subdivision would be required to access by a public roadway in a 60' right-of-way constructed to El Paso County standards. The public road would significantly increase disturbance of the natural terrain and forest as well as the impervious area of the site while increasing the maintenance responsibility of the county. Also, the required land area is not available to either create a roadway or allow for a flag lot connection to existing Struthers Loop.
6. The waiver will not in any manner vary the zoning provisions of this code; The proposed driveway(s) will comply with all zoning provisions of this code.
7. The proposed waiver is not contrary to any provision of the master plan; The proposed shared driveway is in harmony with the goals of the master plan with regard to preserving place type characteristics and preserving natural features.

Existing and Proposed Facilities:

There are no existing facilities located within the parcel as it is currently a vacant lot. Struthers Loop, however, is a public roadway adjacent to the site. There are no required public subdivision improvements required for this site.

Total Number Of Residential Units And Densities:

The gross area of Pair-A-Dise Subdivision Filing No. 1 is 5.006+/- acres and is proposed to contain 2 rural residential Single Family Units. An area of 5.0006+/- acres will be single-family residential lots. The average lot size for the 2 lots is 2.5 acres. The gross density of the site is 0.40 units per acre.

Fire Protection:

The Pair-A-Dise Subdivision Filing No. 1 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 location for Pair-A-Dise Subdivision Filing No. 1 will be from Struthers Loop in a location to be determined in accordance with the County's access policies. The northern lot will have access by way of an Access Easement through the southern lot.

Traffic Impact and Traffic Impact Fees:

The two (2) proposed single family residential units will access public Struthers Loop, which connects to Baptist Road by way of Leather Chaps Drive. The development is expected to generate a total of 19 trips per day (Average weekday trips) 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 trips 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.

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