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Hay Creek Rezoning RR-2.5 Rezoning Request

Letter of Intent

September 30, 2024

File No. P2413

3405 Hay Creek, LLC
3405 Hay Creek Road
Colorado Springs, CO 80921

OWNER: 3405 Hay Creek, LLC
3405 Hay Creek Road
Colorado Springs, CO 80921

PLANNER: Vertex Consulting Services, LLC
455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903
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PROPERTY LOCATION:

On the south side of Hay Creek Road approximately one-third of a mile west of the Snow Mountain Heights and Hay Creek Road intersection.

TAX SCHEDULE NO:

The northeastern-most portion of Schedule No. 7133007025.

ACREAGE:

3.54 acres

CURRENT ZONING:

RR-5 (Residential Rural)

REQUEST AND SITE SIZE:

Vertex Consulting Services, LLC, on behalf of 3405 Hay Creek, LLC, is respectfully submitting an application for approval of a map amendment (rezone) of 3.54 acres from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district. The remaining acreage of the larger parcel will remain RR-5 and will not be rezoned.

UTILITIES:

Mountain View Electric Association (MVEA) provides electric service and Black Hills Energy provides natural gas service to the area and have provided commitment to serve any new homes on the subject acreage. All new dwellings will be served by individual onsite wastewater treatment systems and individual wells.

OVERLAY ZONING:

There is no overlay zoning applicable to the subject property.

JUSTIFICATION:

The pages that follow address each one of the criteria included within Section 5.3.5, Map Amendment (Rezoning), of the El Paso County Land Development Code.

REZONING CRITERIA #1: *“The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.”*

The proposed map amendment (rezoning) is in general conformance with the Master Plan. Please see the Master Plan analysis below.

Your El Paso County Master Plan

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is “general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action.” In addition, Chapter 1 goes on to state that the Plan “is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives.” When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. However, that is not the case with this preliminary plan and the concurrent map amendment (rezoning) request, as identified below.

Chapter 3 Land Use

Key Area Analysis: “Tri-Lakes Key Area” and “Potential Areas for Annexation”

The property is not located in a potential area for annexation.

“Tri-Lakes” Key Area

The property is located within the Tri-Lakes Key Area. The Plan describes the key area as follows:

“Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. *Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area.* It is also an activity and entertainment center with the three lakes (Monument Lake, Woodmoor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with *a mixture of housing options*, easy access to necessary commercial goods and services, and a variety of entertainment

opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.”

The proposed rezoning will help support the existing character of the Tri-Lakes Key Area by providing an additional place of residence for those who commute to work in the Denver Metropolitan Area. Developing additional housing in the area will help strengthen the current residential market while staying compatible with the surrounding neighborhood, which includes RR-5 zoned lots and parcels and PUD-zoned lots having some lots less than 5 acres but larger than 2.5 acres.

Area of Change Analysis: “Minimal Change: Developed”

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Developed” area of change. Page 21 of the Plan characterizes areas of “Minimal Change: Developed” by stating:

“These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.”

The mapping of the boundary of the “Minimal Change: Developed” Area of Change on the property is appropriate given that there is an existing single family residence on the larger property (which is proposed to remain on Lot 1 as depicted on the associated subdivision plat), but also considering that the current zoning of the property suggests that the property is underdeveloped so as to allow for additional subdivision and development of the property. The subject acreage, once created via the subdivision process, will be vacant and suitable for single family residential development, making it consistent with the “Minimal Change” aspect of the “Area of Change” designation.

Placetype Analysis: “Large Lot Residential”

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Large Lot Residential Placetype.

Page 26 of the Plan identifies the following land uses as being Primary Land Uses within the Large Lot Residential Placetype:

- Single-Family Detached Residential (typically 2.5-acre lots or larger)

In addition, the Placetype includes the following Supporting Land Uses:

- Parks/Open Space
- Commercial Retail (Limited)
- Commercial Services (Limited)
- Agriculture

The Large Lot Residential Placetype is described further on page 28 as follows:

“The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of **2.5 acres or more**, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities.”

As discussed above, the acreage included in the propose rezoning, which will ultimately be Lot 2 of the associated final plat, will be compromised of well over 2.5 acres (3.54 acres) and will be served by well and septic.

El Paso County Water Master Plan

The subject property is located within Planning Region 2 of the Water Master Plan, pursuant to Figure 3-1 on page 25, includes several other central water providers. Table 5-3 of the Plan identifies that Region 2 has a current demand of 7,532 acre-feet per year and a current supply of 13,607 acre-feet per year, which results in current excess water supplies in the amount of 6,075 acre-feet per year. Tables 5-4 and 5-5 project Region 2 as continuing to have excess water supplies at year 2040 and at full buildout (2060) in the amount of 1,894 acre-feet and 353 acre-feet, respectively. However, none of the central water providers have existing infrastructure in relatively close proximity to the subject property. Extension of such services is not economically feasible. Instead, the property will be served by a groundwater well pursuant to decreed water rights.

El Paso County Parks Master Plan

The El Paso County Parks Master Plan (2022) does not identify any parks, trails or open space facilities located in the immediate vicinity of the subject property. The closest facility is the New Santa Fe Regional Trail which has a trailhead located near the intersection of Baptist Road and Old Denver Highway. The Trails Master Plan depicts a “Proposed Secondary Regional Trail” in the area, but it does not provide for a specific alignment. The Open Space Master Plan depicts the overall general area, including the Forest Lakes area, as being “Candidate Open Space Lands.” This is consistent with the conservation easement applicable to property located south of the Forest Lakes

development and uphill to the north/northwest of the subject parcel.

2016 Major Transportation Corridors Plan (MTCP)

Map 14. The 2040 Roadway Plan (Classification and Lanes) exhibit of the 2016 El Paso County Major Transportation Corridors Plan (MTCP) identifies Hay Creek Road as a Collector level roadway. Hay Creek Road is also currently designated as a collector level roadway; therefore, no right of way or improvements are required to Hay Creek Road in association with this rezoning request.

Other Topical Elements of the County Master Plan

The proposed rezoning is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

The Master Plan for Mineral Extraction, and specifically Map 1 Aggregate Resource Evaluation, identifies the property as having “Stream Terrace Deposits” which is defined as including “Older stream deposits containing sand, gravel, silt, and clay preserved on benches or broad flat to sloping areas adjacent to streams.” Map 2 of the Plan, which is the Exclusive Version of the Aggregate Resource Evaluation, includes the same designation. Lastly, Map 3, which is the Residual Version of the Aggregate Resource Evaluation, also indicates potential Stream Terrace Deposits. Preservation of the wetlands is required and the drainage area is being protected through the associated final plat by designating the stream corridor, which is the same area as potentially having with Stream Terrace Deposits, as a no-build area thereby eliminating the potential for commercially viable mineral extraction on the property now or into the future.

The Mineral Rights Affidavit submitted in support of the preliminary plan and final plat application identifies that there is not a separate mineral rights owner(s) on the subject property that would be impacted by the approval of the rezoning request.

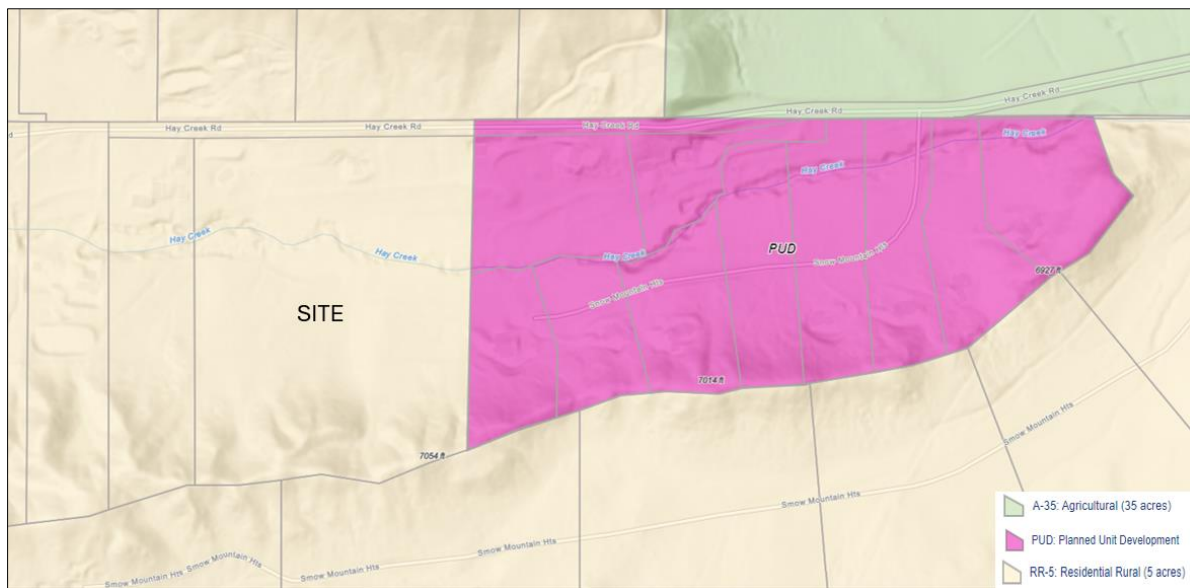
REZONING CRITERIA #2: *The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116.*

County staff has not identified any issues regarding the proposed rezoning’s compliance with all applicable statutory provisions. Pursuant to state statute and El Paso County’s notification procedures, the County will cause the public hearing notice to be published in the newspaper ensuring all statutory requirements have been satisfied.

Pursuant to the El Paso County procedures, the County will post the public hearing date in the newspaper ensuring all statutory requirements have been satisfied.

REZONING CRITERIA #3: *The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.*

The proposed rezoning from the RR-5 zoning district to the RR-2.5 zoning district is consistent with the existing and permitted land uses and zone districts in all directions. The map below depicts the existing zoning in the immediate area, including RR-5 zoned properties to the north, south, and west, and PUD (Planned Unit Development) zoned properties to the east.



While none of the adjacent properties are specifically zoned “RR-2.5 (Residential Rural)” the PUD zoned area to the east, which is zoned PUD pursuant to the Hay Creek Ranch PUD Development Plan, includes four lots having between 4.273 and 4.789 acres (all less than the minimum lot size of the adjacent RR-5 zoned parcels) and one lot (Lot 10) having 3.411 acres. Lot 10 of the Hay Creek Ranch subdivision, similar to the subject acreage, is located immediately adjacent to Hay Creek Road but functions in harmony with the other lots within the subdivision and with the adjacent RR-5 zoned properties (see attached for a copy of the Hay Creek Ranch Final Plat map depicting the acreages associated with each of the ten lots within the subdivision).

Like the Hay Creek Ranch development, the proposed rezoning and creation of the 3.53-acre lot will allow for rural residential single-family development, which is directly compatible with all of the other existing development in the immediate vicinity and within the overall Hay Creek valley.

REZONING CRITERIA #4: *The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.*

Table 5-4 of the Land Development Code identifies the density and dimensional standards of the RR-2.5 zoning district:

- Minimum Lot Size: 2.5 acres
- Width (at front setback line): 200 feet
- Front Setback: 25 feet
- Rear Setback: 25 feet
- Side Setback: 15 feet
- Maximum Lot Coverage: None
- Maximum Height: 30 ft

The intended use of the property is for single family rural residential development. Applying the above included setback and minimum width standards to the 3.54-acre property will result in more than adequate space for construction of a new residence

