

Letter of Intent: Studer Subdivision

Owner:

Harry J. Studer Trust
2915 W. 119th Ave
Denver, Colorado 80234
303-650-9582

Applicant:

Harry J. Studer Trust
2915 W. 119th Ave
Denver, CO 80234
303--650-9582

Consuktant:

John H. Keilers
9920 Otero Ave
Colorado Springs, Colorado 80920
719-649-9243

Site Location: 2727 Evergreen Road, Colorado Springs, CO,

A tract located in the Northeast Quarter of Section 33, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows:

Commencing at the Northeast corner of said Section 33; thence Westerly along the North line of said Northeast Quarter of Section 33, 532.0 feet; thence Southerly, parallel with the East line of said Section 33, 411.0 feet for the Point of Beginning; thence Westerly, parallel with the said North line of the Northeast Quarter, 530.0 feet; thence South, parallel with said East line of the Northeast Quarter, 924.0 feet; thence East, parallel with said North line of the Northeast Quarter, 1062.0 feet; thence North, along the East boundary of said Northeast Quarter, 331.0 feet; thence Westerly, parallel to North line of said Northeast Quarter, 532.0 feet; thence Northerly, parallel to the East line of said Northeast Quarter, 593.0 feet to the Point of Beginning, subject to a 30.0 foot easement described by Book 5078 at Page 513, containing 15.28 acres, more or less.

Please revise this paragraph. Tall Pine Estates is recorded at Plan No. 2690. Easement on the plat is not denoted as an access easement.

Zoning: Rural Residential-5. RR-5 requires 5 acre minimum lot size residential parcels., 25' setback on all sides, 25% coverage, 30' maximum building height. New structures will need to meet the dimensional requirements.

Request & Justification:

Owner requests the platting of the existing 15.28 acre tract into 3 each 5 + acre lots. Currently the existing residence is built on the northerly portion of the described tract. Studer Subdivision would consist of 3 each 5 + acre lots. The existing driveway easement, as described in Book 5078 at Page 513, has been used as an access drive for the existing tract. Further access for the newly created lots the proposed Studer Subdivision would use the same access to Evergreen Road or using a 30 foot easement, as shown on the plat of Tall Pine Estates as recorded in Plat Book T-2 at Page 119. The easement is over the easterly 30 feet of said Tall Pine Estates begins at the south line of 15.28 acre tract and ends at the northerly right of way line of Stagecoach Road.

El Paso County Policy Plan Comments:

Policy 6.1.3: The development of the new lots will be contiguous to existing 4.9 to 50 acre tracts that surround the proposed subdivision. Contiguous to the proposed subdivision are: one 2 acre, one 2.8 acre, six 5 acre tracts, one 8 acre tract, one 12 acre tract, one 31 acre tract and one 50 acre tract. The density of the area with the new lots will be compatible with all of the residences accessed by the existing streets and roads. The land use of the new lots will remain zoned RR-5 as are all the other local lots and residences accessed by existing streets and roads.
Policy 6.1.11 & 6.1.8: The new lots will be zoned RR-5 to allow the prospective owners to construct residences that will be aesthetically integrated within the context of the surrounding

Please list the policy in full and provide the response below for clarification purposes.

residences and will function the same as the surrounding homes. No buffers or transitions will be required as the development will be of the same use as existing development.

All of the other residences in the area are served with individual water wells and on-site sewerage facilities.

The site is located in the Tri-Lakes Planning Area. Water and sanitary sewer services are provided by the owners of each tract with local septic systems and wells for water as shown in the accompanying "Water Rights of Harry Studer," under Consolidated Case Nos. 04CW61 and 04CW189. Electric service is provided by Mountain View Electric. Natural gas service provided by Black Hills Energy.

Justification:

The proposed Studer Subdivision will create 3 lots, with a minimum area of 5.0 acres, or more, two of which are to be sold for future construction of a new residences matching the other homes in the area in size and use. New lots will remain zoned RR-5.

Wavier Requests:

Wavier of Minimum 30 foot lot frontage requirement (8.4.3©(2)(e) is required.

Access is guaranteed by existing Ingress/Egress access and easement. The existing access has been used for several decades and to provide a wider lot frontage is not in the best interests of the current or future property owners. A wider lot frontage would require the removal of many existing, mature trees and would not enhance the compatible use request of the Planning Department.

Owner/Developer requests a waiver of the 30' of Lot frontage onto a county road citing the following requirements:

7.3.3. Criteria for Approval of Waivers

A waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

§The waiver does not have the effect of nullifying the intent and purpose of this Code;

§The waiver will not result in the need for additional subsequent waivers;

§The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

§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;

§A particular non-economical hardship to the owner would result from a strict application of this Code;

§The waiver will not in any manner vary the zoning provisions of this Code; and

§The proposed waiver is not contrary to any provision of the Master Plan.

This letter includes policy plan analysis. Master Plan compliance also includes small area plan (Tri Lakes) and water master plan. Please note that these have not been addressed in this letter. Also note that whether you choose to provide a robust analysis of the Master Plan components or not, County staff will provide an analysis for public hearing, noting any consistencies or inconsistencies with the Master Plan documents.

This letter does not address the criteria for approval of preliminary plan and final plat as outlined in Land Development Code Secs. 7.2.1(B)(2) and 7.2.1(B)(3). Minor subdivision is required to address criteria for both preliminary plan and final plat, as it is considered a consolidated application incorporating both processes into one. Criteria is provided below on pg. 3. Some of the criteria between preliminary plan and final plat is duplicated - duplicate criteria can be removed and only addressed once. You can format the letter specifically in a manner which organizes much of the information in the criteria analysis.

(e) **Criteria for Approval.** In approving a preliminary plan, the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- 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 (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval);
- 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;
- 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. [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- 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;
- 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 effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive 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;
- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

(f) **Criteria for Approval.** In approving a final plat, the BoCC approving authority shall find that:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- 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;
- Either Aa 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, or, with respect to applications for administrative final plat approval, such finding has been previously made by the BoCC in connection with the time of preliminary plan approval;
- 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;
- 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)];
- 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;
- 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;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- 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;
- 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;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]

Water Master Plan compliance guidelines:

Review of Projects (Many Goals and Policies are applicable to a project)

1. Where is the project (refer to region)
2. What is their water supply (central, wells, by whom)
3. If they are a central supplier, how have they addressed Section 3 (efficiencies, cooperation, reuse, storage, interconnection)
4. What standards of Section 4 are applicable, especially for groundwater (quality, economic life, sustainability)
5. How has the applicant addressed water supply needs at full buildout. Chapter 5
6. Have they planned for the project or the area to ensure adequate water in the future (efficiency, drought planning, conservation, flexibility in design, reuse, participating in regional water supply planning, renewable water partnerships and development, etc)