



May 9, 2019

**LETTER OF INTENT
HADDEN HEIGHTS NO. 2 – VACATION AND REPLAT**

Owner/Applicant:

Jose & Mary Contreras
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(719) 495-9203

Site Location Size and Zoning:

The proposed subdivision to be known as “Hadden Heights No. 2” is located in the Southeast Quarter of Section 13, Township 13 South, Range 65 West of the 6th P.M., El Paso County, Colorado. The property has El Paso County Tax Schedule No. 53130-01-010 and is currently a vacant parcel with address of 11480 Eggar Drive. The proposed subdivision is located on the north side of Eggar Drive, west of Meridian Road and just east of Eggar Court. The area of land under consideration for replatting is 5.105± acres and the property is zoned RR-5 (Rural Residential 5 Ac).

Request and Justification:

The request is for approval of a Vacation and Replat of a parcel of land currently composed of a portion of Lot 18, Hadden Heights as recorded in Plat Book Z-2 at Page 24 under Reception Number 04040 of the records of El Paso County, Colorado. Lot 18 was originally platted in 1973 as a 10-acre park site. The El Paso County Board of County Commissioners disposed of the property in 1981 with Resolution 81-65, which made the property illegible for home construction. The subject parcel was separated from Lot 18 by deed in 1982. The proposed replat will create one (1) lot with an area of 5.105± acres to be designated Lot 18B. The property is proposed to be vacated and replatted in order to create a legal lot of the separated parcel to allow development of a single family residence on the site by the owners, Jose and Mary Contreras. The Contreras intend to build their retirement/primary home on the lot once replatted. Single-family dwellings are an allowed use in the RR-5 zone. The resulting residential density is 0.2 DU/Ac (1 DU/5.1 Ac) which complies with the zone density requirements. The proposed use will be identical and complimentary to the existing adjacent development surrounding the site.

The Owner/Applicant is requesting approval of the Vacation Replat for “Hadden Heights No. 2”. The property is eligible for subdivision under El Paso County Land Development Code. The proposed lot will provide an adequate site for a single-family home and is in a location and zone fitting for the purpose.

This application meets the Vacation and Replat submittal requirements, the standards for Divisions of Land in Chapter 7 (Section 7.2.3(A)(3) and Section 7.2.3(C)., and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2016). Vacation and Replats are reviewed and approved in consideration of the following review criteria found in the El Paso County Land Development Code.

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Vacation

1. *Vacation of the recorded plat will not leave any lots or parcels without adequate utility or drainage easements.* This vacation is accompanied by the replat creating Lot 18B of which will provide the necessary utility and drainage easements.
2. *Vacation of the recorded plat will not vacate road rights-of-way or access easements needed to access other property.* No road right-of-way or access easement are being vacated with this proposed vacation action.
3. *Vacation of the recorded plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code.* There are not public facilities or services that will be affected by the vacation of the subject property. Also, the vacation action is accompanied by the replat that will replace the vacated portion with a viable legal conforming lot for single-family residential use.
4. *Vacation of the recorded plat is consistent with the Master Plan.* This proposed vacation is accompanied by a replat which is consistent with the Master Plan and satisfies the required findings for a Final Plat. There is no aspect of the proposed vacation that conflicts with the goals and policies of the Master Plan.
5. *Vacation of the recorded plat will not adversely affect the public health, safety, and welfare.* There is no aspect of this vacation that will adversely affect the public health, safety, and welfare. The proposed vacation action will make way for the proposed replat which will enable the use of this long-vacant property in an established neighborhood.
6. *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 vacation of the plat has been resolved.* The recorded CC&Rs (Bk 2886, Pg 759) have been reviewed by the applicant and contain no restrictions that conflict with the implementation of the proposed vacation action.

Replat

1. *The replat complies with this Code, and the original conditions of approval associated with the recorded plat.* The proposed replat complies with the Land Development Code. The replat does not affect any original conditions of approval of the 1973 recorded plat, except as modified by BOCC Resolution 81-65 which established existing Lot 18 as a usable lot for single-family residential purposes. The reason for the replat is to establish the deeded parcel as a legal conforming lot in compliance with the RR-5 zone district requirements. The replat will establish one (1) new viable lot of the same size and area as the existing surrounding lots. The adjacent street right-of-way will remain in place. All easements currently established in the subdivision will be placed on the new lot.
2. *No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.* The purpose of the replat is to establish the existing deeded parcel as a legal conforming lot. No nonconforming lots will be created as indicated on the proposed Vacation and Replat.
3. *The replat is in keeping with the purpose and intent of this Code.* The proposed replat will establish one (1) new single-family residential lot in place of the existing nonconforming deeded parcel in order to meet the requirements contained in the Land Development Code in size, area and provision of adequate public facilities and services. The replat will allow use of the property according to the existing RR-5 zone. The development and use of the lots will be in conformance with the requirements of the Land Development Code.

4. *The replat conforms to the required findings for a minor or major subdivision, whichever is applicable.* This replat conforms to all the required findings of the applicable Minor Subdivision Plat, including compliance with the Master Plan. The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which establishes broad policies and goals that are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Policy Plan as they specifically relate to this request:

Policy 6.1.3 - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.” The proposed replat will not create the need for additional roadways or public facilities. The site will remain rural residential and is in an area adjacent to the same type of rural residential development;

Policy 6.1.7 - “Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.” This development will utilize an existing vacant parcel located between two established rural residential lots. The presence of the new lot and future single-family residential home will utilize an existing undeveloped area that is appropriate for the specified use in a long established neighborhood of identical zoning and use;

Policy 6.1.11 - “Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.” The proposed replat will provide development of similar size and use and the surrounding neighborhood will be developed in accordance with the current Land Development Code;

“Policy 6.1.13 – Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs”; The proposed replat will utilize the existing adjacent roadways without adding new public facilities;

Policy 6.2.11 - “Encourage compatible physical character, density and scale in existing neighborhoods.” The proposed replat will allow the use of the existing parcel to be in the same manner and density as the existing surrounding neighborhood;

Another element of the Master Plan is the Small Area Plan. The Hadden Heights subdivision and the proposed Hadden Heights No. 2 subdivision site are located within the area of the Falcon/Peyton Small Area Master Plan (2008), specifically within the Far Southern Area. While general policies of the Far Southern area are aimed at discouraging traditional 2.5 acre and 5 acre rural residential development in favor of a clustered rural residential concept, the plan does not preclude the development of previously established subdivisions for 5 acre rural residential use. The proposed replat is matching the surrounding neighborhood in density and use of an individual septic system.

The proposed subdivision plat is in compliance with the El Paso County Parks Master Plan (2013), which does not call for trails or parks in the site vicinity. The nearest proposed trails are along Garrett Road, Meridian Road, and Falcon Highway. A Regional Park Fee will be paid at the time of the Vacation and Replat recording.

The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The Colorado Division of Water Resources has rendered an opinion of that the water supply for the proposed subdivision can be provided without causing injury to decreed water rights. Colorado Ground Water Commission has issued favorable Findings and Orders for the Laramie Fox Hills, Arapahoe and Denver aquifers. The Colorado Division of Water Resources has also issued a permit to the Owner/Applicant to use the existing well on the property. 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 well permit requires use of metering for the well 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.* The single-family residence on the proposed 5 acre lot will utilize onsite wastewater treatment system which will provide “Return Flows” the environment as a condition of the groundwater findings and order and the well permit.

5. *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.* Access to the new lot is provided by existing Eggar Drive, a 60' wide public right-of-way that is constructed with gravel surface and roadside ditches. The new lot will access the public street with standard El Paso County rural driveway entrance.
6. *The approval will not adversely affect the public health, safety, and welfare.* There is no aspect of this replat that will adversely affect the public health, safety, and welfare. The proposed replat will enable the use of this long-vacant property in a manner originally intended and provided for on the originally recorded plat and established public infrastructure.
7. *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 replat has been resolved.* The recorded CC&Rs (Bk 2886, Pg 759) have been reviewed by the applicant and contain no restrictions that conflict with the implementation of the proposed replat action.

Easements

Existing platted easements are being vacated with the Vacation Request and new easements are being created by the Replat to replace them. New side lot line easements will also be added on the common lot line between existing Lot 18 and the new Lot 18B. All side lot lines will be platted with a ten (10') foot public utility and drainage easement, all rear lot lines will be platted with a twenty (20') foot public utility easement, all front lot lines will be platted with a fifteen (15') equestrian easement as noted on the original plat of Hadden Heights. The sole responsibility for maintenance of these easements will be vested with the property owner.

Traffic Impact

The one (1) new proposed single-family residential unit will access the public Eggar Drive, a gravel local residential road. Eggar Drive connects to Meridian Road to the east and Garrett Road on the south. The subject replatted lot is expected to generate a total of 10 trips per day (Average weekday trips ends) and 1 trip in the peak hour based on 9.52 trips per unit for Single Family Detached Housing (according to Trip Generation, 9th Edition, 2012 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trip during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the replat. This replat creates one (1) additional lot in the existing subdivision and will have the effect of generating additional traffic compared to the previously platted subdivision. Therefore, in accordance with the Road Impact Fee Program Update (Resolution 18-471) and the 2018 Road Impact Fee Implementation Document, this development is subject to road impact fees to be paid at the time of building permit.