

**ROLLING RIDGE
LETTER OF INTENT
ZONE CHANGE RR-5 TO RR-2.5**

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Site Location: Southwest corner of Colorado Highway 83 and Hodgen Road. El Paso County Tax Schedule Nos. 61270-00-064 & 61270-00-065. Addresses: 16390 Highway 83 and 3285 Hodgen Road, Colorado Springs, CO 80921

Request: Request by TC&C, LLC for approval of a change of zoning from RR-5 to RR-2.5 on 48.84 acres.

Site and Plan Information/Justification for Request:

The proposed rezoning is consistent with the goals and objectives set forth in the 2000 Tri-Lakes Comprehensive Plan and the 1987 Black Forest Preservation Plan Update. In addition, there has been a significant change in circumstances since the original zoning of this property as well as the dates of the two Comprehensive Plans.

RR-5 to RR-2.5. Sixteen single family residential lots each containing a minimum of 2.5 acres are proposed. The Property falls within Sub-Area 8 – West Cherry Creek of the 2000 Tri-Lakes Comprehensive Plan. The recommendations for the Property, as shown in the Concept Plan for this Sub-Area, Map 7.1, are High Density and Medium Density residential with a commercial node geared toward the needs of local residents shown at the northeast corner of the Property located at the intersection of Highway 83 and Hodgen Road. While neither residential density term appears to be specifically defined, lots containing a minimum of 2.5 acres are believed to be consistent with the Plan.

An important objective of the Tri-Lakes Plan is to *“carefully consider the environmental, visual, economic, and land use impacts of new development and, where possible, incorporate, mitigate, and buffer or visually screen adjacent land uses that differ in type and density”*. Objective 7.1.9, p. 70.

Buffering/Mitigation:

South: The property to the south contains five acre lots. In order to meet the above objective, there are only five Rolling Ridge lots adjoining the five existing platted lots to the south. In addition, the Rolling Ridge plan provides a 100' deep “no construction disturbance” buffer adjoining the existing lots. This buffer will be designated as an easement on the plat and included in the HOA documents. This results in a setback of 100 feet versus the standard 25 feet in the RR-2.5 Zone. These five lots, which contain the 100 foot no construction disturbance easement, result in an average lot size of 3.4 acres.

West: There is a 20 acre unplatted parcel containing one single family residence to the west of the Property. The Tri-Lakes Plan indicates that 2.5 acre development would be recommended in this location and current market conditions would indicate that if developed, the property would likely contain 2.5 acre lots compatible with the adjoining Cherry Creek Crossing subdivision to the north and the proposed Rolling Ridge Subdivision. The minimum building setback for lots adjoining the westerly property line has been increased from the required 25' to 75'.

North: The land to the north, Cherry Creek Crossing, is zoned PUD and contains 110 2.5 acre residential lots and PUD commercial. The properties are separated by the 180' wide Hodgen Road right of way minimizing adjoining impacts. In addition, the adjoining land uses are similar to those proposed requiring no impact mitigation.

East: There is a 40 acre PUD privately owned open space parcel separated from the Property by the 180 foot wide Highway 83 right of way. Because of the elevated Highway 83 and lower topography, the Property is not visible from the majority of the 40 acres. In addition, the open space land use is not incompatible with the proposed RR-2.5 land uses.

The sixteen single family lots will be subject to a comprehensive set of Covenants, Conditions and Restrictions and an owners' association. Among other things, the owners' association will be responsible for ensuring compliance with the plan for augmentation for use of the Dawson aquifer groundwater. Water will be provided by individual wells. A Ruling of the Referee was recently entered in Case No. 17CW3076 approving a plan for augmentation for use of Dawson aquifer groundwater for residential and commercial use for 300 years.

Change in Character and Circumstances:

Although Colorado case law does not require an applicant to show a change in the character of the area since the land was last zoned if the proposed rezoning is consistent with the County master plan, there has been a significant change in character in this area since the Property was zoned to what is now the RR-3 (Rural Residential District – 5 acre minimum lot size) in 1955.

Exact population numbers are not available for this particular area. However, the population of El Paso County was approximately 125,000 in 1955 and had grown to 688,284 by 2017. Hodgen Road did not exist on either side of State Highway 83 in 1955. It was extended to the west of Highway 83 along the northerly boundary of the Property in 2003. Hodgen Road is now the main east/west transportation corridor in northern El Paso County with the Pikes Peak Rural Transportation Authority and El Paso County having expended more

than \$30,000,000 in public funds improving this corridor from I-25 to Eastonville Road. Traffic counts from June, 2017, indicate 3,500 average daily trips on Hodgen Road west of Highway 83, 8,000 average daily trips east of Highway 83 and 10,000 average daily trips on Highway 83 bordering the easterly boundary of the Property.

In addition, the 383 acre Cherry Creek Crossing project, immediately to the north of Rolling Ridge, received PUD zoning in 1998 to include 2.5 acre parcels and commercial uses at the NW corner of Hodgen Road and State Highway 83. Also in 1988, the 40 acre Dancing Wolf Estates project at the NE corner of Hodgen and State Highway 83 received PUD zoning for 2.5 acre parcels and commercial use.

Districts Serving the Property:

Academy School District 20
Mountain View Electric Association
Donald Wescott Fire Protection District
Black Hills Energy