



January 6, 2023

PCD File No.:

**LETTER OF INTENT**

**1825 SUMMIT DRIVE  
(Lot 14, Overlook Estates)  
REZONE**

**Owners:**

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**Site Location, Size, and Zoning:**

Lot 14, Overlook Estates as recorded under Reception No. 159801 in the records of El Paso County is the site of the proposed Rezone application. Said Lot 14 is located in the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 4 and the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 5, Township 12 South, Range 66 west of the 6th principal meridian in El Paso County, Colorado. The site is 5.23 $\pm$  acres in area and has El Paso County Tax Schedule No. 62040-01-018 and address of 1825 Summit Drive, Colorado Springs, Colorado 80921. The site is situated at the southwest corner of Silverton Road and Summit Drive, approximately 500 feet north of Old North Gate Road and west of Roller Coaster Road. The site contains an existing single family residence, barn, private driveway, well and onsite wastewater treatment system, all located in the northeastern portion of the property. This parcel is currently zoned RR-5 (Rural Residential-5 acres) with no applicable overlay zones.

**Request and Justification:**

The request is for approval of the rezone of Lot 14, Overlook Estates from RR-5 to RR-2.5 (Rural Residential-2.5 acres). The rezone would allow the owners to apply for a Minor Plat request in the future to subdivide the existing 5.23 $\pm$  acre lot into two 2.5 acre lots and allow the construction of a new single family residence on the property in addition to the existing residence located at 1825 Summit Drive.

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This property is able to meet all the dimensional requirements for the proposed RR-2.5 zone with respect to the existing residence as well as a potential new residence on the site including minimum lot size, minimum width at setback of 200 feet, and building setback requirements. The setbacks for the RR-2.5 zone for the front, side, & rear are 25 feet, 15 feet, and 25 feet respectively. With 2.5 acres per lot, there is adequate space within the property to locate a new residence, access drive, well and septic facilities and optional accessory structures while observing all required setbacks. The existing 30' wide road easement located along the west boundary of Lot 14 shall remain in accordance with the original Overlook Estates subdivision plat.

Zone Changes are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. This application is presented with intent to demonstrate the proposed rezone request meets the submittal and approval criteria for Map Amendments (rezoning) found in the **El Paso County Land Development Code (2021) Sections 5.3.5(B)** as discussed below.

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.* This application was examined in light of the current El Paso County Master Plan. **“Your El Paso Master Plan” (2021)** is a comprehensive document communicating a vision for many factors that influence the quality of 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. This masterplan also replaces all Small Area Plans previously in effect in the county.

The site is not located in the Forested Area or any of the other designated Key Areas of the county according the master plan's Key Areas map. However, the site is located just north of the the City of Colorado Springs boundary line at Old North Gate Road. The area south of Old North Gate Road contains an existing Academy School District 20 campus and residential development that is zoned PUD (city) containing one-third to one-half acre lots within 600 feet of the subject property.

The site is located in an area of Minimal Change: Developed as shown on the Areas of Change map in the master plan. The request for rezone to RR-2.5 does not represent a significant change is use or density for the area. RR-2.5 is still both rural residential and large-lot rural residential in nature.

The site is designated Large-Lot Residential Placetype. The Primary Land Use of this place-type is Single Family Detached housing. Agriculture, Commercial Retail, Commercial Service and Parks and Open Space are Supporting Land Uses. The site location, existing infrastructure, along with the characteristics of existing surrounding development make the single-family residential use the only suitable use. Large-Lot Residential is defined by the master plan to be lots 2.5 acres or larger. Although the site is adjacent to 5 acre lots, the location is suitable for rezone and subdivision into 2.5 acre lots, maintaining the rural residential character of the area while creating a transition from the more dense development to south and expanse of 5 acre lots to the north. Goal LU3: *“Encourage a range of development types to support a variety of land uses”* includes the specific strategy: *“The Minimal Change: Developed areas 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. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.”*. Rezoning and subdividing this RR-5 lot into two RR-2.5 lots maintains the character of the Rural Residential zoning and Large Lot placetype. The proposed rezone and future replat would meet El

Paso County Master Plan's goal to “Align with Placetypes” which encourages “appropriate densities and transitions between different placetypes”. This site is located adjacent to the incorporated areas, potential annexation place-types, and large lot residential. The rezone and subdivision would be beneficial to meet the transition goal between the large lot residential and the higher density incorporated place-types. The rezone is appropriate given the amenable terrain and location on both existing and potential future improvements on the site. 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 zone change will not create the need for additional roadways or public facilities. The owner has adjudicated the water rights for the new lot and can demonstrate adequate water resources in accordance with the El Paso Land Development Code. Goal HC1: “*Promote development of a mix of housing types in identified areas.*” includes the specific strategy: “*Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*” The proposed rezone will provide needed additional housing capacity and opportunity in the area with no need to extend infrastructure or services while maintaining the rural residential character of the area.

- The proposed zone change is in compliance with the **2040 Major Transportation Corridors Plan (MTCP)**. The site is located on a rural residential local roadway with all necessary right-of-way dedications already made..
  - The proposed zone change is in compliance with the **Parks Master Plan**, which does not call for trails or parks in the site. Any required Park Fees will be paid at the time of future replating. The proposed zone change is also in compliance with the Master Plan for Mineral Extraction. There are no severed mineral right owners.
  - The proposed zone change is in compliance with the **El Paso County Water Master Plan (2018)**. The District Court has already decreed certain water rights and approved a plan for augmentation as necessary to allow drilling of a new well on the property which will provide an adequate water supply. The appropriate Water Resources Report and supporting documentation will be presented at the time of any future replating request. Some of the policies of the Water Master Plan that are supported by the proposed development are: *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 the existing residence and the new single-family residences on the proposed lots will utilize onsite wastewater treatment systems which will provide “Return Flows” to the environment as a condition of the groundwater findings and order and the well permit.
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.* The rezone is sought in compliance with Colorado Revised Statutes and the provisions of the El Paso County Land Development Code. The authority to determine the results of the rezone request ultimately rests with the Board of County Commissioners.

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 zone change from RR-5 to RR-2.5 will allow the replatting of the existing lot into two lots and the construction of one more one single-family residence on the 5.23± acre site. The area of the proposed lot is large enough to be considered Rural Residential in nature. Such 2.5 acres lots are an appropriate transition between the higher density city development on the south and the existing 5 acre rural residential lots on the north.
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.* This tract meets the dimensional requirements of the RR-2.5 zone which includes: the minimum lot size of 108,900 sf (2.5 acres), a minimum width of 200 feet at setback line, and minimum setbacks of 25 ft, 25 ft, 15ft for front, rear, side, respectively. The proposed future residence will comply with all setbacks and the 30 ft maximum building height.

#### **Total Number Of Residential Units And Densities:**

The gross area of Lot 14 is 5.23 +/- acres and the site is to contain one existing and one proposed single-family residential units. Therefore, the gross density of the site is 0.38 units per acre.

#### **Existing and Proposed Facilities:**

The existing lot has existing on-site improvements which include a single-family residence, detached garage, well & septic, and fencing for livestock. This lot is already served with electric and gas utilities on-site and Service Commitment Letters from Black Hills Corporation for natural gas and Mountain View Electric have been received for service for the proposed lot.

#### **Community Outreach:**

Letters to adjacent neighbors were sent out as part of the El Paso County development review requirements. Many of the neighbors were also personally contacted by the applicants. There are no mineral rights owners impacted by the proposal.

#### **Traffic Impact and Traffic Impact Fees:**

Access to the existing residence will remain on Summit Drive. Access for a new residence could be constructed from either Summit Drive or Silverton Road, depending on the final lot layout and orientation of the the new residence. Driveway Permits will be obtained for the existing and proposed driveways as required. There are no topographical or alignment challenges limiting safety of the existing or proposed driveway access to the proposed lots.

The one new single family rural residential lot, together with the existing residence will access the existing public roadways with two private driveways as described above. The development is expected to generate a total of 19 trips per day (Average weekday trips ends) 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 trip during the peak hour. Therefore, a full Transportation Impact Study (TIS) is not

required for the project. Summit Drive, an existing gravel cul-de-sac road, currently serves 4 residences. Adding one more brings the total lots served to 5. The resulting Average Weekday Trip Ends for the Summit Drive is 47 with 5 trips in the peak hour. This amount is less than the 200 trips per day requiring the paving of a road. Therefore paving of Summit Drive will not be required. El Paso County also limits the number of residences on a cul-de-sac road to 25. The rezone will not cause the number of lots to exceed the limit. New development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners will elect to not be included in a Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

Based on the current conditions of the adjacent roadways and the low traffic volumes to be generated by the site, no new improvements to Summit Drive, Silverton Road or nearby area roadways are required to serve this development. All rights-of-way for the existing roadways have been previously dedicated from the subject property with the previous plat. No new rights-of-way are required to be dedicated with the approval of the rezone or future minor plat.

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