

LETTER OF INTENT

DANCING WOLF ESTATES IV

PUD Amendment and Replat

October 22, 2017

Owner

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Applicant/Consultant

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Site Location, Size, and Zoning: The site is 21.32 acres of the ~40 acre parcel known as Dancing Wolf Estates (DWE), which is zoned PUD, located on the NE Corner of Highway 83 and Hodgen Road with lot sizes 2.5-5.78 acres.

Request

1. Replat of Lot 1 Dancing Wolf Estates from 5+ acres to two 2.5+ acre lots and Lot 2 Dancing Wolf Estates III from 5.78 acres to two 2.5+ lots.
2. Vacate Recorded Easement originally meant for road access for the property to the north of Dancing Wolf Estates (known as Majestic Pines) and replat lot 2 Dancing Wolf Estates (currently 5+ acres) and recorded easement into two 2.5+ acre lots. One half of the ROW will go to lot 2 DWE and the other half into lot 3 DWE.
3. Realign no build drainage easements on lot 1 and 2 Dancing Wolf Estates, and lot 2 Dancing Wolf Estates III .

Justification

1. Replat Request

The property is bordered to the North, East, West and South by parcels zoned PUD and RR-2.5. All of the subdivisions adjoining Dancing Wolf Estates are made up of parcels of 2.5 acres (exceptions: Cherry Creek Crossing has an 8.35 acre Community Commercial parcel and High Forest Ranch has a 39.06 acre PUD residential parcel yet to be developed). The proposal to divide three of the larger parcels in Dancing Wolf Estates from 5 acre parcels to 2.5+ acre parcels is both suitable and compatible with the surrounding neighborhoods. Additionally, the proposal is in general conformance with the goals, objectives and policies of the Black Forest Preservation Master Plan. Currently the average lot size in DWE all filings is ~4.68 acres (right of way (ROW) road easement not included). With the division of these three lots, the average lot size in this filing, DWE IV will be ~2.88 acres (ROW road easement included in lot square footage). The average lot size in the entire PUD, all filings, after this plat is recorded will be ~3.55 acres. This overall density is lower than a majority of adjoining properties to DWE and lower than any of the subdivisions listed on Table 11 (Small Lot Subdivisions Black Forest Planning Area) of the Black Forest Preservation Master Plan. Dancing Wolf Estates falls within the Spruce Hill Highway 83 Corridor which allows for higher density residential uses (1 DU per acre) and encourages new development which is contiguous and compatible with previously developed areas in terms of factors such as density. This increase in residences will, however, be beneficially shielded in visibility from Highway 83 as topographically, lots to the west of Dancing Wolf Way (including lots 1 & 2 of Dancing Wolf Estates) fall down from Highway 83. As a result, the viewing of residences in this section of the PUD is generally obscured from Highway 83.

Dividing these parcels to 2.5+ acres is more in keeping with all of the developments surrounding Dancing Wolf Estates. When the parcels are reduced to 2.5+ acres, per covenants, the smaller residential parcels will be restricted from housing horses and sheep, which is appropriate for smaller parcels of land and reduces the outside well water use on those parcels. Further, each lot must plant 4-6' pine trees and this will effectively double the number of trees planted on the west side of the Dancing Wolf Way cul-de-sac. There will be no covenant changes in size, material, and color scheme requirements for the residential parcels. All of these factors will help maintain the overall residential nature of DWE by assuring limited outbuildings, no overgrazing of grasslands in the open areas, and increased health/growth of the ponderosa pine trees.

Lot 1 when divided will consist of two 2.5 acre Community Commercial lots that will follow the restrictions of the PUD rezoning established September 14, 1998 with the following exceptions. First, where the wording "Bars, taverns, and nightclubs or like" was used it shall be replaced with the following "nightclub or bar; not to include a brewery, cider house, or similar that has a tasting room or other establishment that serves alcohol as a secondary part of its business model". Changing this wording provides more clarification regarding the Community Commercial lots uses and is in keeping with the expanding industries in the area. It also allows for a potentially more innovative and efficient use of the land for the enjoyment of the surrounding properties and community as a whole. Second, the original square footage of commercial space on Lot 1 was planned and allowed to be around 10,000sf. When the commercial lot is divided into two, 2.5 acre parcels, the total proposed commercial square footage for both parcels is around 14,000sf, an increase of 4,000sf, which is similar in size to a reasonable sized custom home. Therefore, the increase is the same as if the added lot was a 2.5 acre residential lot.

2. Vacate Recorded Easement

When the ~40 acres, now known as Dancing Wolf Estates, was purchased from the original homesteader in 1996, it came with a ROW easement for the parcel to the North. When the parcel to the North, now known as Majestic Pines, was developed, it utilized the already built Blue Heron Springs Lane road, in Settlers Ranch subdivision, as access for all of its 2.5+ acre parcels. Topographically, Dancing Wolf Estates was steep and not conducive to building a road for the land to the north.

Since the sole purpose of the ROW was for access and that access has been provided by a different road, we are requesting the ROW land be returned to the lots that adjoin it in Dancing Wolf Estates. Currently the ROW land is not maintained. When it is returned to the adjoining land owners, it will be mowed and noxious weeds currently growing on it will be removed and kept down in the future.

The newly created Lot 4 of Dancing Wolf Estates IV will provide a trail on part of the ROW for use by the residents of Dancing Wolf Estates. This trail easement will run alongside the flag stem for the newly created Lot 4 of DWE IV and will connect to the Black Forest Trail along Hodgen Road via an added trail easement by David & Alyce McElhoes on the western edges of the newly created Lots 2 & 4 of DWE IV. Interior trails will be for the use of Dancing Wolf Estates residents and guests. This trail land will be maintained by the active DWE HOA.

The removal of this access will assure traffic for Dancing Wolf Way will not be increased by the twenty lot subdivision of Majestic Pines and allow Dancing Wolf residents to utilize some of the easement land for personal enjoyment.

3. Realign No Build Drainage Easement

When the ~40 acres was originally developed into 5 acre parcels in 1996, El Paso County Planning asked David and Alyce McElhoes to roughly identify the drainage area in the draw of Lots 1, 2 and 4 of DWE, which they did to the best of their abilities at that time. After living on the land for 21 years, and watching the drainage in this area from rain and snow, it has become clear to the applicants that the lines are not accurate. Consequently, a drainage engineer was retained and asked to identify specific drainage lines for these areas that are more accurate and based on drainage maps. An updated drainage report has been submitted with this application.

Existing and Proposed Facilities

Facilities in Dancing Wolf Estates consist of a single cul-de-sac gravel road (Dancing Wolf Way) with drainage ways and roadside ditches as well as utility backbones under and to the sides of this road. The 860' county maintained Dancing Wolf Way has already been built in to DWE and no additional roads are needed for this PUD amendment and replat. Electric, telephone, and natural gas were constructed underground after the original platting of Dancing Wolf Estates and are at the road. All appropriate utility providers have agreed they will service the added lots. DWE falls within the Tri-Lakes Fire District and a letter of commitment has also been provided by them.

All lots in the subdivision currently have individual wells based on a ruling in Water District 1, [Case No 94CW198](#). This ruling allowed for each lot (7 total) to have a domestic well permit into the Dawson Aquifer. An additional ruling in Water District Division 1 [Case No 99CW065](#) allows for domestic and commercial Denver aquifer wells. This ruling will provide sufficient water and wells to support all added lots. The applicant reserves the right to amend this ruling to allow for wells into the Dawson aquifer for the additional lots. All lots will be developed with individual on-site wastewater treatment systems (OWTS or septic systems) subject to the geological and subsurface report and in accordance with the El Paso County Health Department. In DWE there are 5 current houses all with non-engineered septic systems (45% septic and soils reporting). Soils samples and percolation tests to further support the viability of these systems have already been performed in DWE as per a Geological Hazards Investigation Report (provided with this submittal).

Waiver Request

The newly created west parcel of Lot 2 of Dancing Wolf Estates III (to be known as Lot 6 Dancing Wolf Estates IV) will be serviced by a flag stem off of the existing Dancing Wolf Way cul-de-sac. The flag stem is land that is being purchased from the adjoining owner of what is currently Lot 1 Dancing Wolf Estates III. That owner is willing to sell a 20' ROW for access to Lot 2 DWE III. A waiver of section 8.4.3 (C)(2)(e) is being requested to allow for Lot DWE IV to have 20' of frontage rather than the required 30'. This access width waiver request does not nullify the main intent or purpose of the code which is for proper and safe access to a parcel. We have met with Tri-Lakes Fire Department and discussed access requirements and width needs. The 20' wide ROW is what they require. This is the correct width required by emergency vehicles and the required turn out for fire trucks will be made at the end of this flag stem. Currently Lot 2 DWE III lacks some functionality due to the shape of the parcel. The proposal to split the lot at its smallest width will produce two lots that are better shaped and more functional for building and living on. Accessing the new parcel formed from the split any other way within Dancing Wolf is very difficult due to steep topography and the potential for a flag stem that exceeds the longest leg of the lot it serves. Access for the newly created Lot of DWE IV as proposed will mean access over a more level terrain, in the open grasslands area and for a shorter length to the parcel. Having the access to the parcel in this area helps keep traffic flow away from existing residences, out of areas that are steep topographically where large amounts of snow accumulate throughout the winter months, and conserves the limited natural feature of mature trees that are on the NE corner of DWE. For these safety reasons, to allow continued residence privacy, and to be in keeping with the area's Master Plan, this waiver is being requested. No subsequent waivers will be needed.

Purposes & Need for Replat: To better utilize the land for more residential purposes rather than for horses or other large grazing animals and to be more consistent in land density to neighboring parcels. To identify more specifically the Community Commercial Zone, a restrictive commercial zone, and its uses to better serve the surrounding communities.

Total Acres in Requested Area: The acreage in this PUD Amendment and ROW vacation is 21.32 acres.

Total Residential Units/Densities for Each Dwelling Unit: Total residential units in the requested area are 5. Densities for residential dwelling units in requested area will be 1 unit in 3.02 acres.

Number of Commercial Sites Proposed & Floor Area Ratio of Commercial Uses: Two Community Commercial sites are proposed. Total Community Commercial units in the requested area are 2 and the density will be 1 unit in 2.5 acres. Proposed floor area of commercial use is 14,000sf. Floor area ratio is an average of 6.4% per parcel.

Number of mobile home units and densities: None

Typical Lot Sizes: Length and width: Typical lot sizes after the proposed divisions will be 2.5+ acres, and the lengths/widths are as follows (flag stems not included): DWE Lot 1 divided will be 425' x 225' and 325' x 333'; DWE Lot 2 divided will be 355' x 255'; DWE III Lot 2 divided will be 350' x 340' and 600' x 350'.

Type of Proposed Recreational Facilities: Added trails within DWE to be maintained by the active DWE HOA and adjoin to a current trail along Hodgen Road which is dedicated to the El Paso County Regional Trail System.

Phased Construction: The residential parcels can be developed now. The two Community Commercial lots can be developed now if being developed as residential. If they are to be developed as Community Commercial lots, all appropriate reports must be completed, submitted and approved by El Paso County Planning, the Department of Transportation, and the Board of County Commissioners prior to development.

Anticipated Schedule of Development: Residential lots and trails will be developed upon final approval. Development schedule of the Community Commercial lots is to be determined.

Water and Sewer Provided: The water source for all lots will be individual wells through an existing water decree and augmentation plan. Sewer will be provided through individual OWTSS.

Proposed Uses, Relationship between Uses and Densities: All but the two Community Commercial lots are for residential homes. For all of Dancing Wolf Estates the densities of the residential lots after this plat will be 6, 2.5+ acre lots and 3, 5.0+ acre lots. The 2.5+ acre lots allow less outside watering and have some large animal restrictions. The 5+ acre lots have some equestrian and other animal uses. Some fencing between smaller and larger lots exists and there are a variety of natural screens from trees and land topography between the smaller and larger lots. All lots, large and small, have the same overall atmosphere created by the neighborhood's desire to enjoy the land through outdoor living, animal keeping (pets and professional), and home businesses. The two 2.5+ acre Community Commercial lots have size, height, and color restrictions to help the buildings feel blended into the surrounding residences. Additionally, when they are developed, they will have numerous landscaping, lighting, and screening restrictions and requirements both for the benefit of the residences within DWE and in relationship to the two main roads, Hodgen Road and Highway 83. Landscaping for the Community Commercial parcels will be presented and modified as required at the time of submittal.

Areas of Required Landscaping: Each residential lot not within the area of Dancing Wolf Estates that currently has only a few mature pine trees will be required to plant an additional 4- 6' pine trees and re-vegetate all disturbed areas. Landscaping for the Community Commercial sites will be completed at the time of development.

Proposed Access Locations: All lots within DWE will be accessed only from Dancing Wolf Way, a cul-de-sac into the ~40 acres. Each lot will adjoin Dancing Wolf Way with 30' of frontage. The exception to this is the requested added Lot 6 of DWE IV which is proposed to have 20' of frontage to Dancing Wolf Way.

A Traffic Impact Study is not required for the proposed replat as the anticipated trip generation is less than 100 trips/day and less than 10 trips during the peak hour.

Approximate Acres and percent of Land to be set aside as Open Space: Dancing Wolf has no dedicated open space. See map for trail easements within the subdivision, dedicated by David and Alyce McElhoes, that connect to El Paso County trails along Hodgen Road.