



November 10, 2021

**LETTER OF INTENT
VIEWPOINT ESTATES FILING NO. 2
A VACATION AND REPLAT OF LOTS 71 & 72, VIEWPOINT ESTATES
(MVE Proj. No. 61099)**

Owner/Applicant:

Viewpoint Estates, LLC
P.O. Box 6797
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Consultant:

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Site Location Size and Zoning:

The proposed subdivision to be known as “Viewpoint Estates Filing No. 2” is located in a portion of the West Half of the West Half of the East Half of Section 10, Township 14 South, Range 63 West of the 6th P.M., El Paso County, Colorado. The property has El Paso County Tax Schedule No.'s 34100-10-001 & 34100-09-001. The current addresses for the properties are 21209 & 21307 Chesley Drive and is currently two vacant parcels. The proposed subdivision is located on the south side of Chesley Drive. The area of land under consideration for vacating and replating is 24.33± acres and the property is zoned Residential Rural (RR-2.5).

Request and Justification:

The request is for approval of a Vacation and Replat of a parcel of land currently composed of Lots 71 & 72, Viewpoint Estates as in the records of El Paso County, Colorado recorded in 1999. Approval will generate the Vacating and Re-plating Lots 71 & 72, Viewpoint Estates, 24.332± acres, into seven (7) single-family rural residential lots in the RR-2.5 zone and Tracts A & B as additional right of way for Colorado Highway 94. The property is proposed to be vacated and replatted in order to create more lots for residential use. This vacation and replat will comply with the zone density requirements. The proposed use will be residential as the zone is RR-2.5.

The Owner/Applicant is requesting approval of the Replat for “Viewpoint Estates Filing No. 2 ”. The property is eligible for subdivision under El Paso County Land Development Code. The proposed lots will provide adequate sites for new residences.

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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.

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 seven (7) lots in Viewpoint Estates Filing No. 2 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 easements are being vacated with this proposed vacation action. Area for temporary turn arounds at the ends of Chesley Drive will remain with easements created on the end lots to accommodate said turn arounds.
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 viable legal conforming lots for 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 the vacant property which is 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.* There are no recorded CC&R's or other restrictions resulting from the vacation.

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 1999 recorded plat. The replat will establish seven (7) lots and two tracts for right of way conveyance to The State of Colorado for Highway 94. The adjacent street right-of-way will remain in place. Appropriate easements will be established in the subdivision.

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 seven (7) lots. 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 seven (7) new lots in place of the existing two lots which will meet the requirements contained in the Land Development Code in size, area and provision of adequate public facilities and services. 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 the required findings for a Subdivision Plat as contained within the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2016). Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification:
 - 1) *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.* The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which 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:
 - **Goal 3.1** *Protect and enhance the quality, quantity and dependability of water supplies.*
 - Policy 3.1.4** *Encourage more systematic monitoring and reporting of water quality in individual wells.* The replat of seven lots will obtain water from Ellicott Utilities Company Municipal Water System.
 - **Goal 6.1.b** *Support growth and development in the unincorporated County in a manner which reasonably limits long term public costs, provides for the development of supporting infrastructure, preserves environmental quality, provides economic opportunities, and otherwise enhance the quality of life.*
 - 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 replat will allow the owners of said seven (7) lots to utilize the existing infrastructure adjacent to the lot to preserve environmental quality of adjacent lands.
 - 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 replat will allow the owners of the seven (7) new lots to utilize adjacent road alignments.
 - The proposed subdivision is in compliance with the 2040 Major Transportation Corridors Plan (MTCP). The site is not adjacent to existing or proposed transportation thoroughfares.
 - The proposed subdivision is in compliance with the Master Plan for Mineral Extraction. No separate mineral estate owners were found for the property. Although the proposed and existing development on this and the surrounding properties is not compatible with potential mineral extraction operations, the site will not hinder mineral extraction to a greater degree than other typical residential developments.

- The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The Water Resources will be provided by without causing injury to decreed water rights.
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 lots is provided by existing Chesley Drive, a 60' wide public right-of-way that is constructed with asphalt surface and roadside ditches. The replatted lots will access the public road with standard El Paso County rural driveway entrances.
 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.

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 all common lot lot lines between the proposed seven (7) lots. The sole responsibility for maintenance of the these easements will be vested with the property owner.

Traffic Impact

The proposed replat, Viewpoint Estates Filing No. 2, will access the public Chesley Drive as asphalt road which connects State Highway 93. The subject replatted property with five (5) more lots is expected to generate 47.20 trips per day more. Therefore, a Transportation Impact Study (TIS) is not required for the replat. This replat creates five (5) additional lots in the existing subdivision and will have a minimal effect of generating additional traffic compared to the previously platted subdivision.