



October 20, 2023

PCD File # SF-21-042

**LETTER OF INTENT
VIEWPOINT ESTATES FILING NO. 2
A VACATION AND REPLAT OF LOTS 71 & 72, VIEWPOINT ESTATES**

Owner/Applicant:

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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.

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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.

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.*

Your El Paso Master Plan (2021) is a comprehensive document communicating a vision for many factors that influence the quality of in 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. The project satisfies the following policies from the Master Plan as they specifically relate to this request:

 - **Goal 1.1** *Ensure compatibility with established character and infrastructure capacity.*

This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed 2.5 acre minimum lot size subdivision is compatible with the existing neighborhood and surrounding development. The existing community character is preserved with this proposed Preliminary Plan. The proposed density is less than allowed by zoning since enough acreage exists to allow up to seven rural residential lots. The proposed density will not overburden the capacity of the land to support the water and wastewater needs of the development. The site will remain rural residential and is surrounded by existing rural residential developments on the north, south, east, and west sides of the site. The development will therefore be a part of the transition from the potentially higher densities on the south.
 - **Goal 2.2** *Preserve the character of rural and environmentally sensitive areas.*

The proposed subdivision will keep the prairie land nature of the area intact. The 2.5-acre lot density has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of five (5) more residences on the site. The project maintains the rural character of site and neighborhood.

- 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 public easements are being vacated with the Vacation Request and new public 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 these easements will be vested with the property owner. The 2 – 50' x 50' Detention Basin Easements (Rec. No. 99182220) are not being vacated. These two Detention Pond areas will be maintained under a separate County agreement documenting that the Viewpoint Home Owners Association will have maintenance responsibility for the Detention Pond areas.

Services

“Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.”

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Viewpoint Estates is located within the Ellicott Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. The Owner will provide fire protection water by installing a Post Hydrant connected to the existing 4" water main at the southeast corner of Antelope Drive and Chesley Drive for the Fire Protection District filling of their pumper trucks for fire protection. Water will be provided by Ellicott Utilities Company, LLC. Sanitary sewer we be provided by individual OWTS systems as discussed above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Ellicott School District No.22, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

Traffic Impact and Traffic Fees

The seven (7) proposed single family residential units will access existing Chesley Drive, a public county road on the north side of the subdivision. A Traffic Memo has been prepared that details the expected traffic generation for the subdivision. This 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 have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.