

Project Narrative for the Minor Subdivision of 1 Cherry Hills Park Drive

This Project Narrative for the Minor Subdivision of 1 Cherry Hills Park Drive (this “**Project Narrative**”) is given by Christopher Marsico (the “**Applicant**”) as part of that certain Project Application (the “**Project Application**”) for the proposed minor subdivision of the property commonly known as 1 Cherry Hills Park Drive, Englewood, CO 80113, as depicted in that certain minor subdivision plat submitted as a part of this Project Narrative and attached hereto as Exhibit A (the “**Minor Subdivision Plat**”) (such property defined herein as the “**Subject Property**”). The Applicant desires to re-subdivide the Subject Property into two lots of approximately equal size, which subdivision will revert the Subject Property to the configuration as it existed prior to the consolidation evidenced by that certain Cherry Hills Park No. 1 – Lot Consolidation plat recorded September 12, 2006. For the reasons described in this Project Narrative, we believe that the requested minor subdivision complies with all relevant requirements of the Cherry Hills Code (the “**Code**”), and the City of Cherry Hills (the “**City**”) has the authority to approve the Project Application.

Background

The Subject Property is situated in the subdivision known as Cherry Hills Park I. The Subject Property has gone through several reconfigurations since its initial development by Cherry Hills Park Development Company (the “**Original Development Company**”) in 1997. The following represent the historical configuration and reconfigurations of the three lots relevant to the Subject Property and this Project Application (lots 1, 2 and 3 of the Cherry Hills Park I subdivision):

(1) As shown in that certain Cherry Hills Park I plat recorded May 20, 1997, attached hereto as Exhibit B, Lots 1, 2 and 3 were originally configured and developed as separate lots. The Subject Property comprised lots 1 and 2 thereon.

(2) As shown in that certain Cherry Hills Park I 1st Amendment plat recorded September 21, 1998, attached hereto as Exhibit C, Lot 2 and Lot 3 were consolidated into one large lot designated “2 Cherry Hills Park Drive Lot 1.”

(3) As shown in that certain Cherry Hills Park I – 5th Amendment plat recorded May 1, 2006, attached hereto as Exhibit D, the new 2 Cherry Hills Park Drive Lot 1 was then re-subdivided into substantially the same configuration as existed previously, which resulted in two lots which were again designated “Lot 2” and “Lot 3.”

(4) As shown in that certain Cherry Hills Park No. 1 – Lot Consolidation plat recorded September 12, 2006, attached hereto as Exhibit E, Lot 1 and the newly designated Lot 2 were then consolidated into one large lot designated “Lot 1A.”

The Applicant now desires to re-subdivide the Subject Property (currently designated as Lot 1A) with the purpose of restoring the lot lines to substantially the same configuration as existed pursuant to that certain Cherry Hills Park I – 5th Amendment plat recorded May 1, 2006.

Scope of Work

The scope of work anticipated for this Project Application consists solely of the subdivision of the Subject Property in accordance with the City’s “minor subdivision” process and requirements. This work

is anticipated to culminate in approval of a final plat and recordation of same, with two resulting lots in a configuration substantially similar to the configuration that existed prior to the consolidation of Lot 1A. There is no physical construction work contemplated in this Project Application.

Land Dedication Requirements

Per separate comment from the City, the Applicant understands that a land dedication or fee-in-lieu of land dedication will not be required in connection with this Project Application.

Approval Criteria Analysis

Section 17-3-360 of the Code dictates the approval criteria for minor subdivisions. The Code requires that any minor subdivision satisfy all eight of the approval criteria by competent and sufficient evidence. For the reasons described below, we believe this minor subdivision satisfies all eight approval criteria. Therefore, we suggest and request that the City Planning and Zoning Commission (the “**Commission**”) may properly recommend approval of the requested minor subdivision and that the City Council of the City of Cherry Hills Village (the “**City Council**”) may properly accept the subdivision plat for filing.

(1) The proposed subdivision meets the definition of a minor subdivision or minor amendment contained in this Division.

Section 17-2-50 of the Code defines a minor subdivision as any division of land that (1) divides a parcel of land held in single or common ownership into two (2) lots or parcels, and (2) does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard, including but not limited to lot area, building height, setback, private road or private drive standards, parking, drainage requirements or access or public amenities, including public roads, easements, rights-of-way, parks, open spaces or trails.

This minor subdivision will divide a single parcel of land owned by the Applicant into two lots. Furthermore, as shown in the Minor Subdivision Plat and as described herein and the Setback Letter submitted herewith, the creation of the two lots will not create a parcel that violates or fails to conform to any applicable zoning or other standards. The new lots will be restored to substantially the same configuration as existed prior to the most recent consolidation, and the lots as they existed previously were approved and accepted as sufficient by the City.

(2) The proposed subdivision fully conforms to all applicable requirements for the zone district in which the property is located, including but not limited to requirements for setbacks and minimum lot sizes.

Pursuant to that certain Cherry Hills Village Official Zoning Map dated March 3, 2019, the Subject Property is currently zoned R-1, 2 1/2-Acre Residential, which has the following purpose per Table 16-2-10: “Provide for residential and agricultural uses on lots of 2 1/2 acres or more in area.” As shown in the Minor Subdivision Plat, the new Lot 1 will be 2.503 gross acres, and the new Lot 2 will be 2.503 gross acres, thus satisfying the minimum lot size requirements for the R-1 zoning designation. Furthermore, each of the reinstated lots will be used solely for residential and/or agricultural uses.

As related to the building setback requirements of the Code, the residential home constructed on what will be the new Lot 1 was built prior to the consolidation that created the Subject Property, and thus remains in compliance with the building setback requirements of the R-1 zoning designation. There are no improvements currently constructed on what will be the new Lot 2, so building setback requirements are not applicable to that lot.

(3) The proposed subdivision meets or satisfies all other applicable requirements of this Code.

This Project Narrative addresses all applicable requirements of the Code and, for the reasons detailed herein, the proposed minor subdivision complies with all such applicable requirements.

(4) The streets, whether public or private, and all public improvements necessary to serve the subdivision meet or exceed the requirements of the City.

With regard to proposed Lot 1, Cherry Hills Park Drive runs immediately adjacent to the lot's eastern boundary line. Additionally, a paved driveway currently runs directly from the residence on Lot 1 to that adjacent public roadway. It is the opinion of the Applicant that this driveway provides the rights and means of access necessary to serve Lot 1 in accordance with the requirements of the City.

With regard to proposed Lot 2, the area of that lot will include a thin rectangular portion of land located between the northeast border of Lot 1 and the southwest border of Lot 3, as highlighted and labeled in Exhibit A (the "Access Portion"). The Access Portion connects the otherwise landlocked Lot 2 to Cherry Hills Park Drive, which is the adjacent public roadway. Additionally, a paved driveway currently runs through the Access Portion and up along the existing lot line separating Lot 2 from Lot 3 (the "Existing Driveway"). It is the opinion of the Applicant that the Access Portion and the Existing Driveway provide the rights and means of access necessary to serve Lot 2 in accordance with the requirements of the City.

(5) Adequate utility easements are established within the affected property to provide service to the lots created by or illustrated upon the minor plat.

With regard to sanitary sewer utility, there exists a 30' non-exclusive sanitary sewer easement (recorded in the Arapahoe County real property records under reception number A8038614) that runs between what will be designated Lot 1 and Lot 2 (the "Sewer Easement"). The Sewer Easement was granted by the Original Development Company to the City of Cherry Hills Village Sanitation District in connection with the original creation of the subdivision of which the Subject Property is a part. The Applicant attests that that the Sewer Easement currently does provide, and will continue to provide, adequate sanitary sewer service to Lots 1 and 2.

With regard to electricity and gas utility, there exists an 8' non-exclusive utility easement (recorded in the Arapahoe County real property records under reception number A8038440) that runs along the northerly 8 feet and the easterly 8 feet of Lot 1 and also along the easterly 8 feet of Lot 2 contiguous with Cherry Hills Park Drive (the "Utility Easement"). The Utility Easement was granted by the Original Development Company to the Public Service Company of Colorado in connection with the original creation of the subdivision of which the Subject Property is a part. Electricity and gas utilities lines are both properly stubbed to both Lot 1 and Lot 2. For this reason, the Utility Easement currently does provide, and will continue to provide, adequate electric and gas service to Lots 1 and 2.

With regard to domestic water service, there exists a water easement (recorded in the Arapahoe County real property records under reception number A7124610) that runs beneath Cherry Hills Park Drive adjacent to the Subject Property (the “**Water Easement**”). The Water Easement was granted by the Original Development Company to the City and County of Denver, acting by and through its Board of Water Commissioners, in connection with the original creation of the subdivision of which the Subject Property is a part. For Lot 1, domestic water utilities are properly stubbed and provide water service to the residence and irrigation to the land. Lot 2 also has domestic water utilities properly stubbed and are separately metered from Lot 1 with all tap fees paid. The utility on Lot 2 is currently being used for irrigation only, but it is the belief of the Applicant that this service will provide adequate domestic water service to Lot 2 after subdivision from Lot 1. For these reasons, the Water Easement currently does provide, and will continue to provide, adequate domestic water service to Lots 1 and 2.

(6) Existing public trails located within the lots illustrated upon the minor plat are preserved or new trails are dedicated by the plat that will provide, in the opinion of the City, a substantially similar or improved trail system in terms of route, grade, access, surface quality, ease of maintenance and safety.

As shown in the Minor Subdivision Plat, there are no existing public trails located within the Subject Property. For this reason, the minor subdivision will result in a substantially similar City trail system as exists in the Subject Property’s current configuration.

(7) The proposed configuration, shape, arrangement and layout of the lots, conditions placed on the lots and any streets do not, in the opinion of the City, create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, or do not substantially and adversely affect adjacent properties.

While this criteria item is in the purview of the City to decide, the intent of this minor subdivision is to revert the Subject Property into two lots as they existed previously. The two proposed lots, since previously approved by the City as to configuration, shape, arrangement and layout, as well as conditions placed on the lots and any streets, should not create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, and for these same reasons should not substantially or adversely affect adjacent properties.

(8) The proposed subdivision substantially conforms to the goals and policies of the City's Master Plan to the extent that such goals and policies establish requirements that are sufficiently specific to permit the Commission or Council to decide that the application and subdivision plat meets or fails to meet such goal or policy.

As more specifically detailed throughout this Project Application, it is the opinion of the Applicant that the minor subdivision contemplated in this Project Application complies with all of the directly applicable goals and policies of the City’s Master Plan, including specifically as it relates to the Master Plan’s Community Vision. For the reasons outlined below, the Commission and City Council should both properly find that the application and minor subdivision plat meet the goals and policies of the Master Plan.

(a) Community Character. This component is described in the Master Plan as “the preservation, enhancement, and improvement of public and private areas of the City, including streets, streetscapes, trails, and open spaces, should emphasize a pastoral, safe, serene, and open character.” The

scope of work for this project is limited solely to the addition of a lot line to subdivide the property into two lots. Due to this limited scope of work, the community character described in the Master Plan will not be affected or modified, and the minor subdivision therefore complies with this component.

(b) Land Use. The Master Plan states that “The community very strongly supports maintaining the existing land use pattern in the City.” The Master Plan’s Land Use Map designates the Subject Property as being “Rural-Density Residential.” The Applicant does not immediately intend to change the land use of either lot reinstated by this minor subdivision, and so the lots will continue to be used as Rural-Density Residential in compliance with the Master Plan. Furthermore, as detailed in this Project Narrative, the lots reinstated by the minor subdivision will be at least 2.5 acres each, as required by the Land Use Map and the Master Plan, and the Applicant does not intend to expand beyond that 2.5 acre density.

(c) Parks, Trails & Open Space. The relevant goals of this component of the Master Plan are stated to be to “maintain and improve the current system of City-owned parks, trails, and open space” and “preserve and enhance the system of trails and sidewalks, including conducting and maintaining an inventory of trails and enhancing connectivity.” The minor subdivision contemplated in this Project Application will make no changes to City-owned parks, trails or open space, which will therefore preserve the City’s system of trails and sidewalks as they currently exist. For these reasons, the minor subdivision complies with this component of the Master Plan.

(d) Transportation. The goals of this component focus primarily on safety and efficiency of the City and its transportation. This minor subdivision will not change or modify the roads or sidewalks adjacent to the Subject Property and therefore will have no negative effect on either the safety or the efficiency of City transportation. For this reason, the minor subdivision complies with this component of the Master Plan.

(e) Infrastructure / Facilities. The goals of this component focus primarily on the importance of drainage and communications utilities in the City. As described above, both of the lots to be reinstated have easements (or abut a right of way with applicable easements) for utilities that were previously requested by the City and granted by the owners of the land at that time. These easements will remain in place following the minor subdivision, which will allow for the continued use of those easements by the City, advancing the goals of this component.

(f) Sustainability & Reliability. The goals of this component focus primarily on reducing the City’s environmental footprint, water conservation and reducing natural hazards. Given the limited scope of this minor subdivision, the footprint, water conservation efforts and natural hazard reduction efforts should not be impacted by the creation of the two lots. For these reasons, this minor subdivision complies with this component.

EXHIBIT A

TO PROJECT NARRATIVE

Minor Subdivision Plat

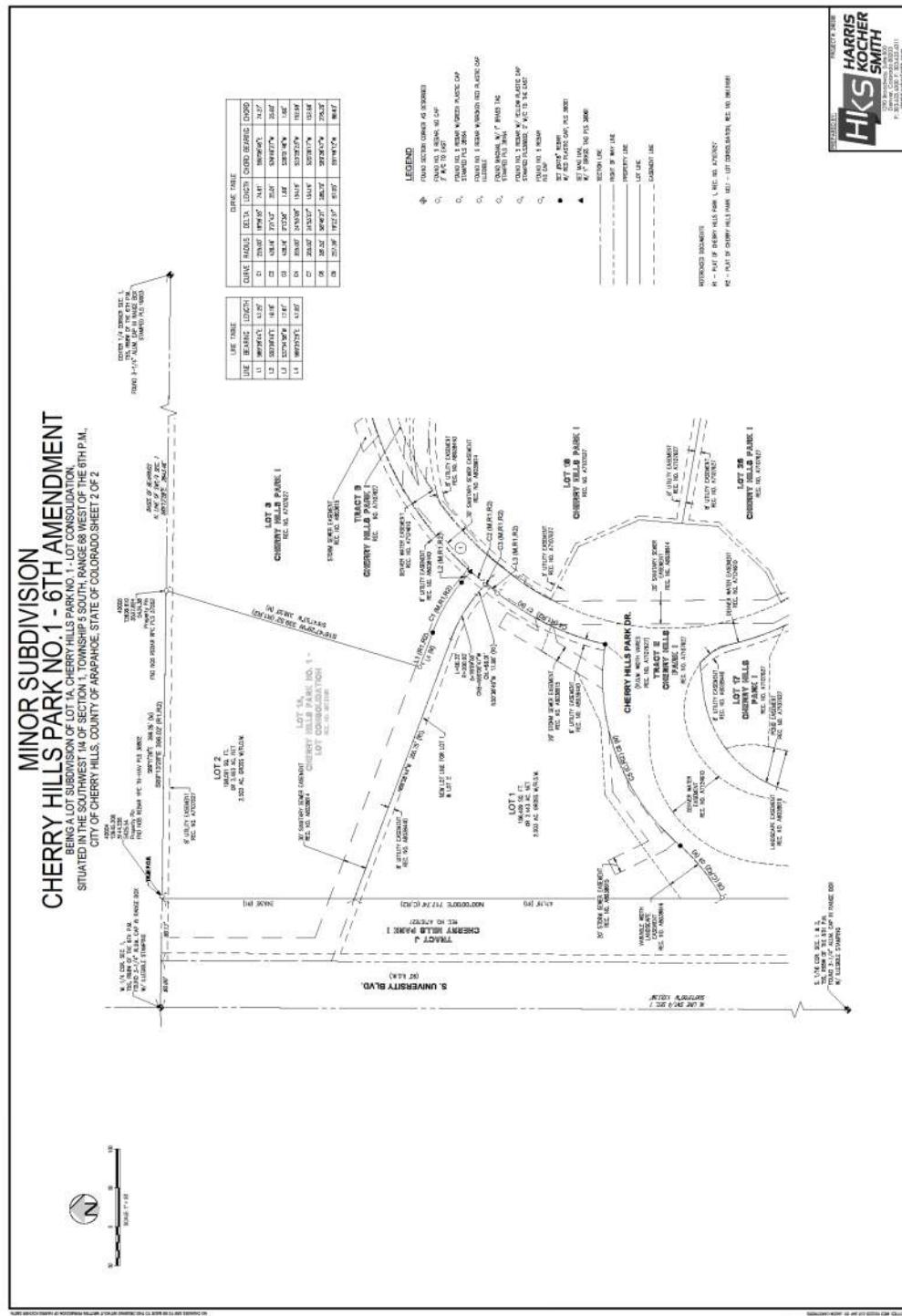


Exhibit A

EXHIBIT B
TO PROJECT NARRATIVE

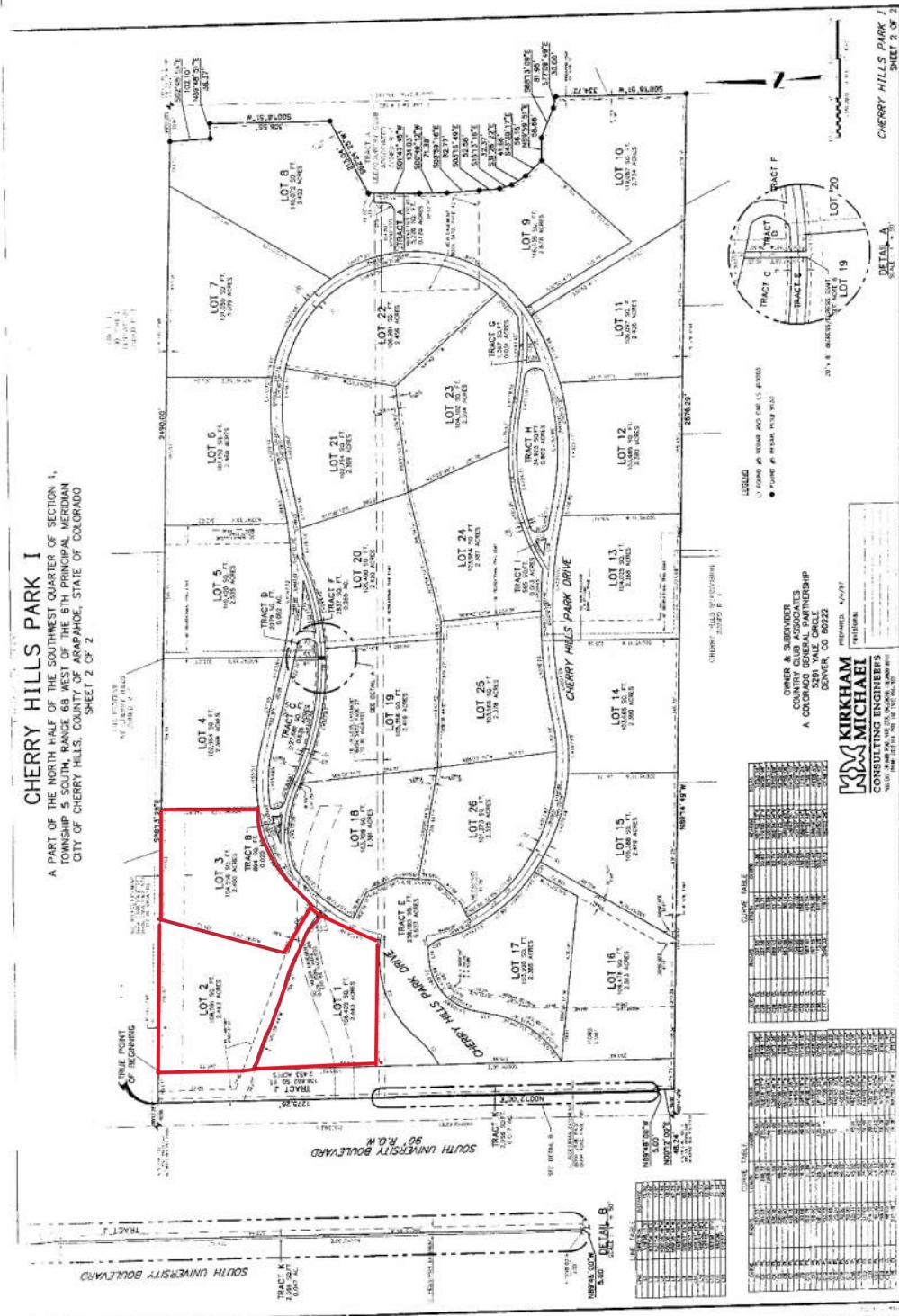


Exhibit B

EXHIBIT C
TO PROJECT NARRATIVE

Plat - Cherry Hills Park I 1st Amendment

EXHIBIT D
TO PROJECT NARRATIVE

Plat - Cherry Hills Park I – 5th Amendment

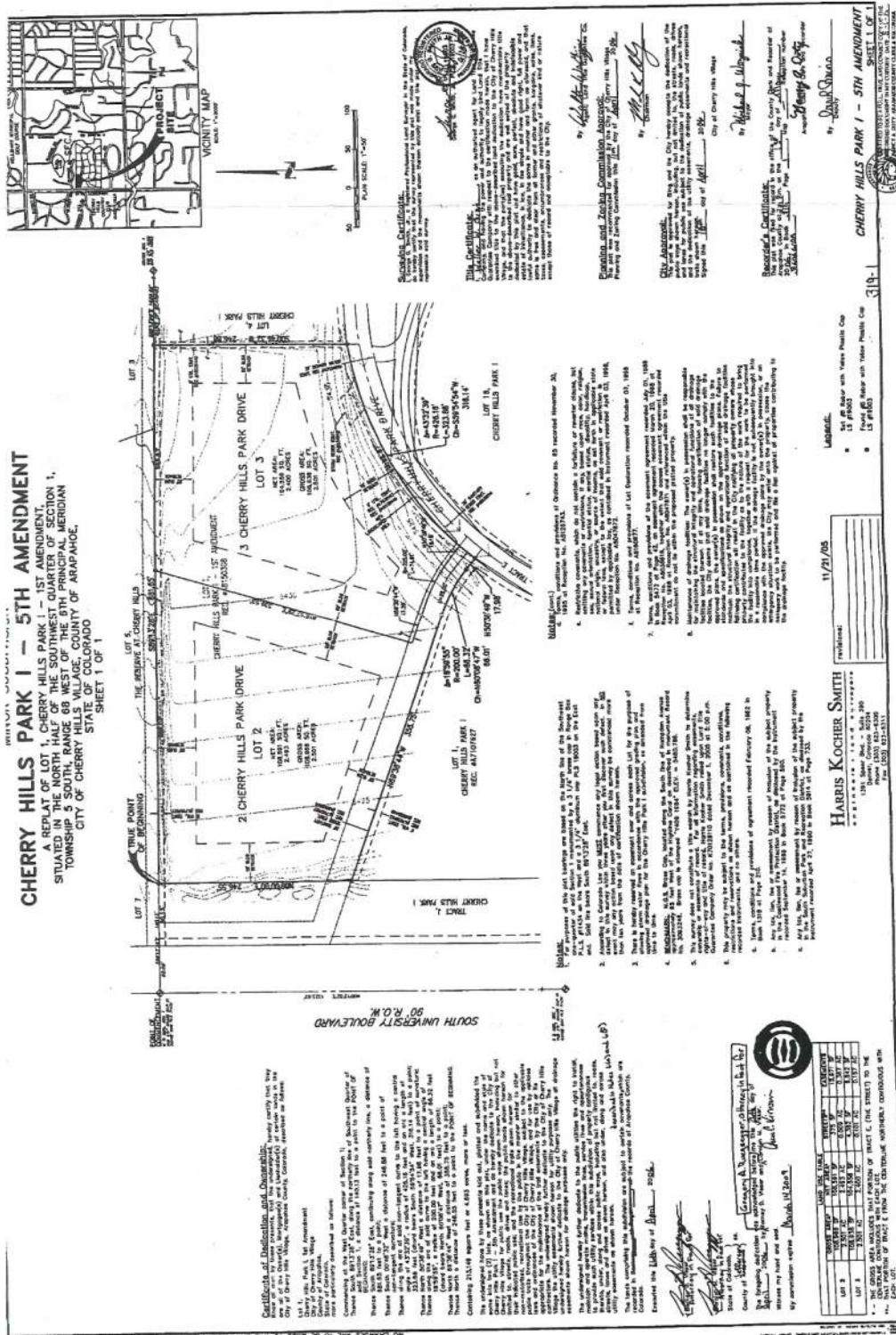


Exhibit D

EXHIBIT E
TO PROJECT NARRATIVE

Plat - Cherry Hills Park No. 1 – Lot Consolidation

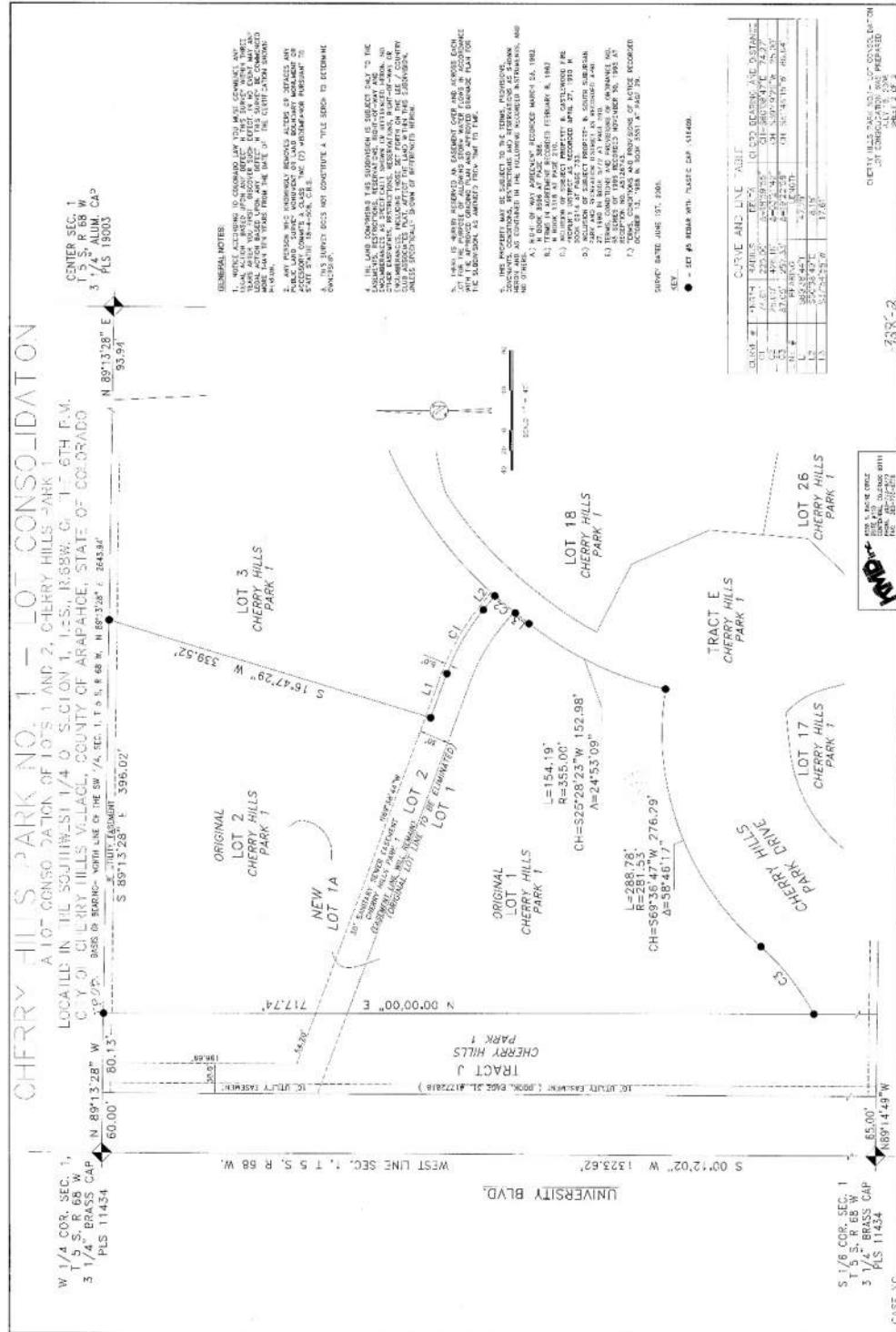


Exhibit F-2