

SP-04-002

533.29

**PRELIMINARY PLAN
MULE DEER BUSINESS PARK**

A request by Mule Deer Investments, LLC for approval of Mule Deer Business Park Preliminary Plan, consisting of 37.93 acres, proposed for four lots and the right-of-way for Akers Drive. The property is currently zoned RR-3 (Rural Residential) District. The property is located south of North Carefree Circle, approximately 1/3 mile west of Marksheffel Road. The property is not in a small area plan. The request includes a request for an early grading permit and authorization for the County Administrator to accept the financial guarantees required for this grading permit. Assessor's Tax Schedule #53294-00-001.

WAIVER: Waiver of the distance of 660 feet recommended from a major intersection to the nearest access point.

PREPARED BY

Barry Holmes
6/24/04

APPLICABLE RESOLUTIONS

Approval Page 9
Disapproval Page 10

PLANNING DIVISION RECOMMENDATION: The Development Services Department - Planning Division recommends **approval** of this request and the early grading permit. with the following conditions and notations:

CONDITIONS

1. Applicable School, Park, Drainage, Pond and Bridge fees shall be paid prior to recording any Final Plat.

2. Prior to scheduling this request for a hearing by the Board of County Commissioners:
 - a. All concerns of the Department of Transportation will be addressed either through resolution, or by submittal to the Planning Division of a clear description of any remaining areas of disagreement.

3. Prior to scheduling this request for the Board of County Commissioners, the plat shall be corrected as follows:

- a. Correct the floodplain statement by the addition of the other panel identification number, 08041C 0539F.
- 4. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Department of Wildlife, Colorado Department of Transportation, U.S. Army Corp of Engineers and the U.S. Fish and Wildlife Service and/or Colorado Department of Wildlife regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
- 5. El Paso County DOT reserves the right to eliminate or modify the access point in question in the waiver request (such as converting it to a right in right out only) upon determination by the County Engineer or the Board of County Commissioners that the access does not operate in a safe manner or otherwise causes problems with traffic operations.

NOTATIONS

- 1. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

Staff note: There is not enough information at this time for a finding of water sufficiency.

PUBLIC NOTIFICATION: The Planning Division last notified adjoining property owners of applicant's intent prior to July 7, 2004. A summary of their responses will be given at the meeting.

PUBLIC NOTICE: The property was posted prior to July 7, 2004.

SITE: The 37.9 acre site is in a square configuration. The property is slightly rolling grassland with no trees. An unimproved drainage way runs through the property along the west boundary.

ADJOINING LAND USE AND ZONING

North	Single-Family Residential	R-1 (Residential) District
South	DOT Main Facility and Vacant	PID (Planned Industrial) District

East Colorado Springs Utilities
Natural Gas Facility

RR-3 (Rural Residential) District

West Single-Family

City of Colorado Springs

HISTORY/ BACKGROUND: This area is in the Pronghorn Meadows Sketch Plan, approved by the Board of County Commissioners on January 24, 2002.

AGENCY COMMENTS:

OFFICE OF THE STATE ENGINEER See attached letter dated March 22, 2004

DEVELOPMENT SERVICES DEPARTMENT - ENGINEERING DIVISION

The Engineering Division requests the standard comment on this project. The Division does not object to the waiver request.

We do not oppose the access spacing waiver request based on the following:

- a. the unique condition at this location approaching a tee intersection (as identified in the applicant's waiver request)
- b. the applicant's traffic impact study indicates that the access as proposed would meet the applicable standards for engineering, operation and safety.

El Paso County DOT reserves the right to eliminate or modify the access point in question (such as converting it to a right in right out only) upon determination by the County Engineer or the Board of County Commissioners that the access does not operate in a safe manner or otherwise causes problems with traffic operations.

EL PASO COUNTY ENVIRONMENTAL SERVICES

The Environmental Services Department (ESD) has completed its review of the Mule Deer Business Park Preliminary Plan. Our review consisted of the following items; wetlands, general wildlife resources, and federal and state listed threatened or endangered species.

- 1) It is recommended that the applicant obtain documentation from U.S. Fish and Wildlife Service (FWS) regarding threatened and endangered species impacts prior to proceeding with the project.

- 2) Information regarding wildlife protection measures should be provided including fencing requirements, garbage containment, pets, enhancement/maintenance of natural vegetation, weed control and riparian/wetland protection/buffer zones as appropriate. Information can be obtained from the Colorado Division of Wildlife.

It should be noted that the U.S. Army Corps of Engineers and the FWS have regulatory jurisdiction over wetland and threatened and endangered species issues, respectively. Thus, as indicated above, it is strongly recommended that the applicant obtain the necessary approvals from the referenced federal agencies as part of their planning process.

We appreciate the opportunity to comment on this project. If you have any questions or concerns please contact me at (719) 520-6982.

COLORADO STATE GEOLOGIST

In response to your request and in accordance with Senate Bill 35 (1972), I visited the site and reviewed the site plan on March 30, 2004. The site consists of approximately 38 acres east of Peterson Road and north of the El Paso County Department of Transportation property. The property will be developed to include commercial and industrial use (warehouses, storage areas) in the eastern portion, and high-density residential lots in the western portion. Included in the review package were the final drainage report (1/04) URS, soil, geology, and geologic hazard study (2/10/04) by Entech, preliminary plan (10/22/03) by LDC, and letter of intent (2/24/04) by LDC. Additionally, geologic information from existing maps and resources was used during this review.

The site is located on a grassy slope in the Sand Creek drainage basin. A swale is located along the western edge of the property. A significant portion of the site is currently covered with fill and stockpiled fill material. Portions of the western area have been stripped of vegetation, and a primitive dirt road exists in the vicinity of proposed Akers Dr. Primary geologic deposits are the Dawson Formation (consisting of friable sandstone with clay lenses) and associated colluvium of variable thickness. Bedrock should be considered near-surface, based on borehole logs and site characteristics. After the literature review and site visit, CGS has the following geologic concerns for development of the site:

- 1) **Uncontrolled Fill**
The central portion of the site is covered with fill and stockpiled fill that should be considered uncontrolled. Building on uncontrolled fill can result in abnormal settlement and other potentially damaging problems. As recommended by Entech, this material should be removed prior to site development, and recompacted and replaced with structural fill, should fill be used in the grading plans.

2) Drainage

The site sits on a slope, which will allow for natural drainage towards the swale along the western portion of the property. However, due to the shallow bedrock and underlying clay lenses in the bedrock, care should be taken to avoid problems associated with perched water which may accumulate as a result of irrigation following development. Positive grading should be used around the perimeter of structures to allow surface water to move away from buildings. Surface water should be directed to the western swale and not allowed to pond on the surface. Foundation drains should be used around sub-surface construction to remove water that may accumulate near structural elements.

3) Soil Conditions

This site has areas of soils that were derived from wind-blown deposits, particularly in the southern and northeastern areas. Wind-blown soils may be prone to hydrocompaction, when soils collapse rapidly under a load when they become wet. Additionally, some of the clay lenses in the Dawson Formation (and soils derived from them) are known to expand in volume when they become wet. These soil conditions can dramatically affect buildings that are not properly designed, and can be difficult to identify on a site-wide scale due to their sporadic nature. For this reason, individual building site foundation investigations should be done prior to building to identify whether these soils are present. Foundation designs should accommodate differential soil movements that may occur.

Since water is the primary factor affecting the hydrocompactive and swelling soils, efforts should be taken to minimize infiltration into the subsurface. Proper foundation drainage and surface grading discussed above will also help prevent potential damage from expansive and hydrocompactive materials. Using pier foundations would compensate for the variable conditions, including settlement from uncontrolled fill. Another mitigative method that is commonly used is overexcavation (removing soil and replacing with properly compacted structural fill). Overexcavation is typically done if extensive over-lot grading is planned.

4) Erosion

The surficial materials on the site consist of loose sand. This material is easily eroded by wind or water, and the potential increases with earthwork activities. Disturbing the native vegetation will accelerate erosion in this area. Erosion should be managed appropriately during construction and the site should be revegetated promptly after construction.

In summary, there are no geologic conditions present at this site that would preclude development of the property, but designs should include measures to control water conditions and the potential for hydrocompactive and swelling soils. Erosion control measures during and after construction should be implemented and maintained. The Entech report identifies each of these concerns and gives good recommendations for mitigation that should be incorporated into the development plans. If you have further questions about this site, please do not hesitate to contact me at 303-866-3518.

CHEROKEE METROPOLITAN DISTRICT

This development lies within the boundaries of the Cherokee Metropolitan District. Cherokee has no problem with Mule Deer Investments' Business park preliminary plan.

CITY OF COLORADO SPRINGS

Incomplete information for this portion of the plan. Several lots and access do not work well. 90 degree corners do not work well. Is the complete range of necessary urban services available? Fire access may be difficult for middle of storage units. No buffering for lots along south boundary adjacent to PID. Double frontage lots along Akers Drive to have street scape landscaping? Who will own and maintain or will it be just weeds? No active parkland for use of these residents? If residential area is not part of this "Business Park" plan, why is it included within the legal and noted as 50 and 70 lots respectively in the data table?

[Note: The above review was based on a more detailed plan, which was later revised into the plan attached to these agenda comments. All of the City comments above are relevant to the development of the property and will need to be addressed at any future stage.]

REGIONAL BUILDING DEPARTMENT - Floodplain Administration

The floodplain statement appears to be correct with the following addition:

. . . 08041C 0543F and 08041C 0539F

The parcel extends between two floodplain maps.

AIRPORT ADVISORY COMMISSION

The Colorado Springs Airport has no objection to the proposal. The proposal falls under 40:1 Airport Approach Surface and as a result the developer should be made aware of the provisions of the administrative recommendation, and be required to execute an avigation easement for each property.

EL PASO COUNTY SOIL CONSERVATION DISTRICT

The El Paso County Conservation District has reviewed the Preliminary Plan for Mule Deer Business park and if the developer follows the guidelines of the erosion control and drainage plan we will have no additional comments at this time.

EMERGENCY 911

Is Akers Dr. going to be extended up from the South into this development? If not, or if this will be a private street another name will have to be used. If this is the case contact Dan Gross, E-911 Authority, 785-1968 for approval of a new name.

MOUNTAIN VIEW ELECTRIC ASSOCIATION

MVEA requests a ten (10) foot front, ten (10) foot side, and ten (10) foot rear lot line easement along with a twenty (20) foot exterior easement on this parcel proposed as commercial/industrial.

Other agencies notified, their comments will be provided at the meeting if available:

Falcon School District 49
El Paso County Department Of Health And Environment
Falcon Fire Department
El Paso County Attorney's Office
El Paso County Parks

PLANNING DIVISION COMMENTS:

- 1) This proposal is part of a process to final plat approximately five acres in the southeast portion of this property for a light industrial use and future contractor's equipment yard/contractor's offices. The proposed Preliminary Plan divides the property into large lot use areas. The area of the proposed Lots 1 and 2 are proposed for rezoning at this time. Lots 3 and 4 will undoubtedly have future zone change requests and be replatted into smaller lots in the future.
- 2) Access to Akers Drive is impacted by its intersection with North Carefree Circle and by its expected heavy truck traffic from the DOT site to the south. The applicant has proposed three access drives/roads on the east side of Akers Drive. One is to serve Lots 1 and 2, and two to serve Lot 3. Staff review has indicated that the northernmost access on the east side does not meet the recommended distance from a major intersection (Carefree and Akers). There are potential stacking distance and weaving lane distance issues at this type of intersection. The applicant has requested a waiver of this spacing distance and the letter of justification is attached.

- 3) The applicant has talked to the Park Department about construction of a trail along the western side of this property, extending south, through the DOT property. The applicant should pursue those discussions as planning continues on the residential portion of the property.

ENCLOSURES

Location/Zoning Map

Letter of Intent

Waiver Letter

Reduced Preliminary Plan

State Engineer's Letter, dated March 22, 2004

Southern Portion of Pronghorn Meadows Sketch Plan

El Paso County Parcel Information

Parcel Number: 5329400001

File Name: SP-04-002

Parcel Address: 0 29-13-65

Zone Map No.: 533.29

Parcel Owner: MULE DEER INVESTMENTS LLC

Owner Mailing Address: 520 E COLORADO AVE, COLORADO SPRINGS, CO 80903




N



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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February 26, 2004

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EL PASO COUNTY
GIS DIVISION



LDC, Inc.

3520 AUSTIN BLUFFS PARKWAY
COLORADO SPRINGS, CO 80918
(719) 528-6133
FAX (719) 528-6848
www ldc-inc.com

February 24, 2004

El Paso County Planning
27 E Vermijo
Colorado Springs, CO 80903

Attn: Barry Holmes

Re: **Letter of Intent - Mule Deer Business Park (Preliminary Plan) 53294-00-001**

LDC, Inc. is representing Mule Deer Investments, LLC, owner of the above referenced property, in this application for a Preliminary Plan for two lots that were in the original Pronghorn Meadows Concept Plan. Concurrent applications have been submitted for Zone Change, Final Plat, and Plot Plan.

Proposed zoning of the two lots is PBD with a Special Use to allow for light industrial uses including Light Industrial and Contractor's Equipment Yard. The Preliminary Plan with the proposed uses is in compliance with the approved Concept Plan. Approximately 40 acres are shown on the plan and covers an area from DOT's Marksheffel facility to North Carefree. Two lots are currently proposed encompassing approximately 3.8 acres.

Owner of Amended Area:
Heath Herber (575-0083)
Mule Deer Investments, LLC
520 East Colorado Ave
Colorado Springs, CO 80903

Land Planners:
Pam Cherry (528-6133)
LDC, Inc.
3520 Austin Bluffs Parkway
Colorado Springs, CO 80918

Thank you for your consideration,


LDC, Inc. by Pam Cherry

Waiver Request for the Mule Deer Development Preliminary Plan

MZT Development and Mule Deer Investments, LLC (the owners) are requesting a waiver of the requirement to have access a minimum of 600' from a major arterial (N. Carefree) on Akers Road. The waiver is for a ¾ access (east side) to commercial property, and a right-in-right-out access (west side) for residential property.

The history of the alignment of Akers Road begins back in 1996. The original plan was to have Akers Road align with Antelope Ridge Drive to the north. With El Paso County (EPC) input, this alignment was abandoned and reset to its current location to serve as an industrial road for the Mule Deer and EPC Department of Transportation (DOT) facilities. Akers became a "T" intersection with N. Carefree. Later, EPC decided to have Akers Road not dead-end at the EPC DOT facilities, but rather become a continuous roadway to Constitution Avenue. This change, plus increased development density near Constitution Avenue, results in more traffic (not produced from the Mule Deer development) anticipated on Akers Road than originally intended.

Reasoning for this waiver request includes:

- ✓ This is not a typical condition of a four-way intersection with free flowing, fast moving traffic. The intersection of Akers Road and N. Carefree is a "T" intersection requiring Akers vehicles to stop before turning onto N. Carefree. Also, there will be prominently visible houses on the north side of the intersection. Because of these reasons, northbound traffic on Akers Road will travel slowly as they approach the N. Carefree intersection.
- ✓ N. Carefree is an arterial street that requires a limited number of traffic signals. At this point a traffic signal is planned for both the Antelope Ridge Drive and Marksheffel Road intersections. Because Akers is proximate to Antelope Ridge Drive, it likely cannot be signalized now or in the future.
- ✓ The future traffic signal at Antelope Ridge Drive/N. Carefree (or at a likely earlier date, the Marksheffel/N. Carefree signal) will provide additional gaps in traffic along N. Carefree allowing left turns in and out of Akers Road along N. Carefree.
- ✓ If vehicles waiting to turn left from Akers Road onto N. Carefree do queue and block the ¾ commercial access left-turn movement, the vehicles will have to wait, or drive south to the full movement intersection. This will be an inconvenience to the commercial patrons, not to the other users on Akers Road.

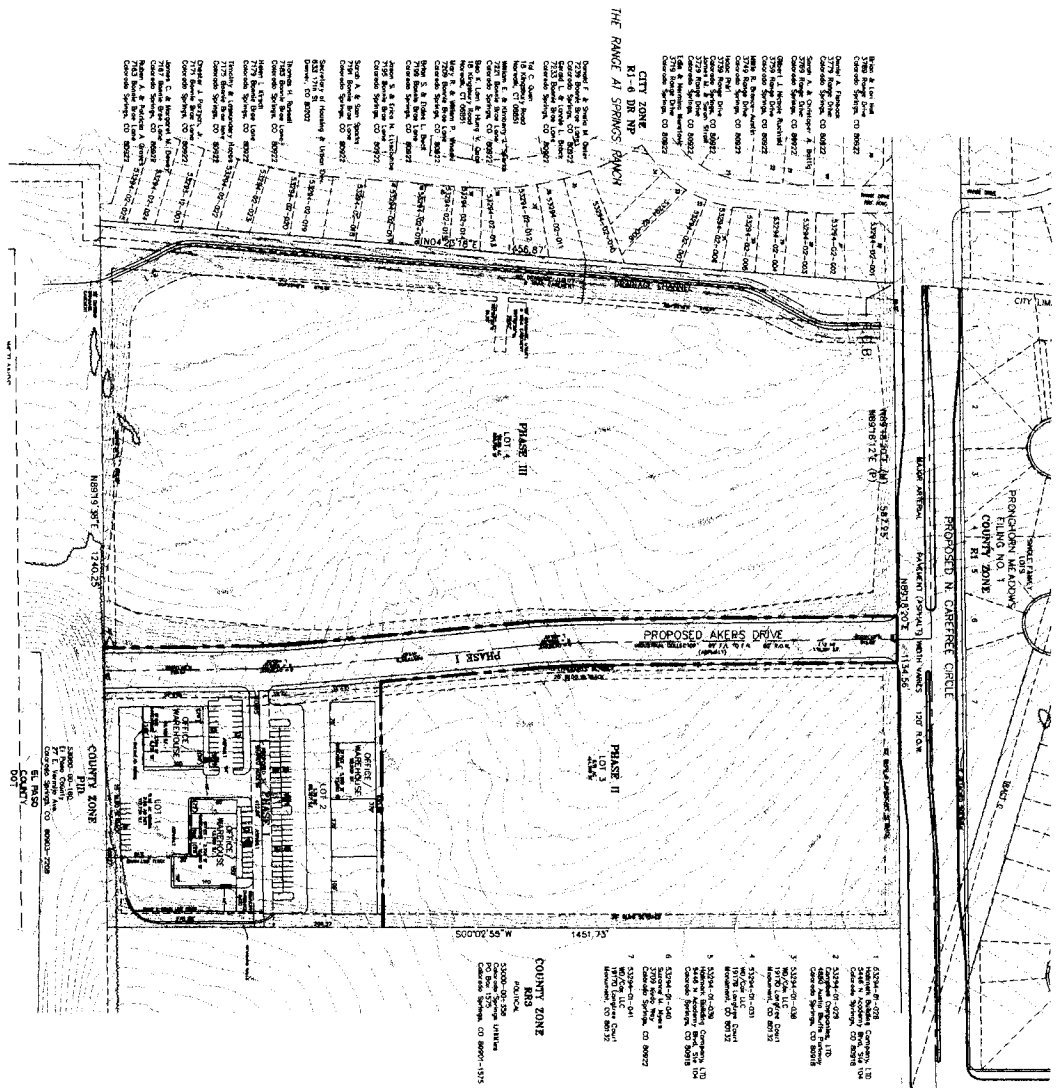
We do not believe there is a safety concern of traffic operations along Akers Road. We understand El Paso County will add a disclaimer to the access permit stating that they maintain the right to modify the ¾ commercial access if a safety problem occurs in the future.

Sincerely,

Heath A. Herber
Heath A. Herber



MULE DEER BUSINESS PARK



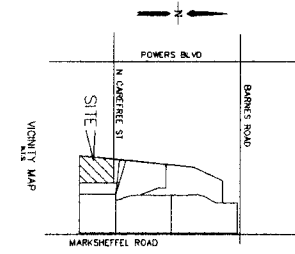
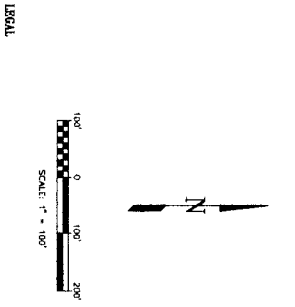
LDG, INC.
 3528 Austin Blvd, Denver
 CO 80202
 (719) 552-8133 FAX (719) 552-8148

NO	DESCRIPTION	BY	DATE

PRELIMINARY PLAN

OWNER:
 MULE DEER INVESTMENTS, LLC
 3528 AUSTIN BLVD, DENVER, CO 80202

PROJECT: 02054
 Date: 02/27/03



LEGAL:
 THAT MULE DEER INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND:
 A TRACT OF LAND LOCATED IN THE E 1/2 OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 69 WEST OF THE 6TH READING AT THE SOUTHWEST CORNER OF PROPOSED NORTH CARBON COUNTY ROAD 145 (RECORDED SOUTHERLY RIGHT-OF-WAY OF NORTH CARBON COUNTY, BEING 1981977E PLATTED CONTINUOUS ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 112.56 FEET, THENCE S000°55'W ALONG SAID SAID SECTION 29, THENCE S89°28'W ALONG SAID SOUTHERLY LINE A DISTANCE OF 1202.78 FEET, THENCE N04°23'E A DISTANCE OF 1456.87 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION CONTAINING 37.93 ACRES, MORE OR LESS.

NOTES

1. Drainage and detention areas to be indicated by E from County.
2. No potential hazard areas have been identified on this site.
3. FEDERAL EMERGENCY MANAGEMENT AGENCY Flood Insurance Rate Map Number 0601C-01A-F, effective date: March 1, 1990, indicates the area in the vicinity of this parcel of land to be a Zone X (area determined to be in a flood hazard area).
4. Means of separating the buildings in the adjacent corner between the electric substation and adjacent development will be submitted with any preliminary plan for the area.
5. In 1999 the Colorado Department of Public Health and Environment on this property that may cause development. Prospective developers should review the April 1998 comments in the Planning Department Files (099-01-0003).
6. Any preliminary Plan/Flow Plan for the proposed Phase II (Formerly Phase I) shall include the application of the provisions of the Colorado Department of Public Health and Environment on this property that may cause development.
7. The proposed site of North Carbon County Emergency Services Station will be separate to the residential use to the west and industrial use to the south.

WAIVER

waiver of Section 3012 0.2 for wetland adjacent to residential zone (east property line).

DATA:

AREA	ACRES	PLANNED	PROPOSED
LOT 1	2.98 AC (122.20 SF)	OFFICE/WAREHOUSE	OFFICE/WAREHOUSE
LOT 2	5.31 AC (231,516 SF)	OFFICE/WAREHOUSE	OFFICE/WAREHOUSE
LOT 3	5.31 AC (231,516 SF)	OFFICE/WAREHOUSE	OFFICE/WAREHOUSE
LOT 4	20.50 AC (892,785 SF)	SMALL FARM LOTS	SMALL FARM LOTS
PHASE I	37.93 AC	INDUSTRIAL	INDUSTRIAL
PHASE II	37.93 AC	INDUSTRIAL	INDUSTRIAL
PHASE III	37.93 AC	INDUSTRIAL	INDUSTRIAL

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STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

www.water.state.co.us



March 22, 2004

Bill Owens
Governor
Russell George
Executive Director
Hal D. Simpson, P.E.
State Engineer

Mr. Barry Holmes
El Paso County Planning Dept.
27 East Vermijo Ave.
Co. Springs, CO 80903-2088

RE: Mule Deer Business Park Subdivision
E1/2, Sec. 29, T13S, R65W, 6th P.M.
Water Division 2, Water District 10

Dear Mr. Holmes:

We have received the above referenced proposal to subdivide 37.93 acres into 102 lots for residential and commercial use. The proposed water source for this proposal is Cherokee Metropolitan District, however, a letter of commitment has not been submitted.

As indicated in previous letters to the county, before we will provide additional favorable opinions on Cherokee Metropolitan District as an adequate water supplier, the district must provide a comprehensive summary of its water supply commitments and reservations, in order to document how much water it has available for further commitment. In recent communication Mr. Stuart Loosely, district manager, indicated to our office that he will begin compiling such a summary as soon as he is able.

Based upon the above and pursuant to Section 30-28-136(1)(h)(II), it is our opinion that the District has not submitted sufficient evidence documenting that the proposed water supply can be provided without causing injury to existing water rights.

Should you have any questions, please contact Heidi Frey of this office.

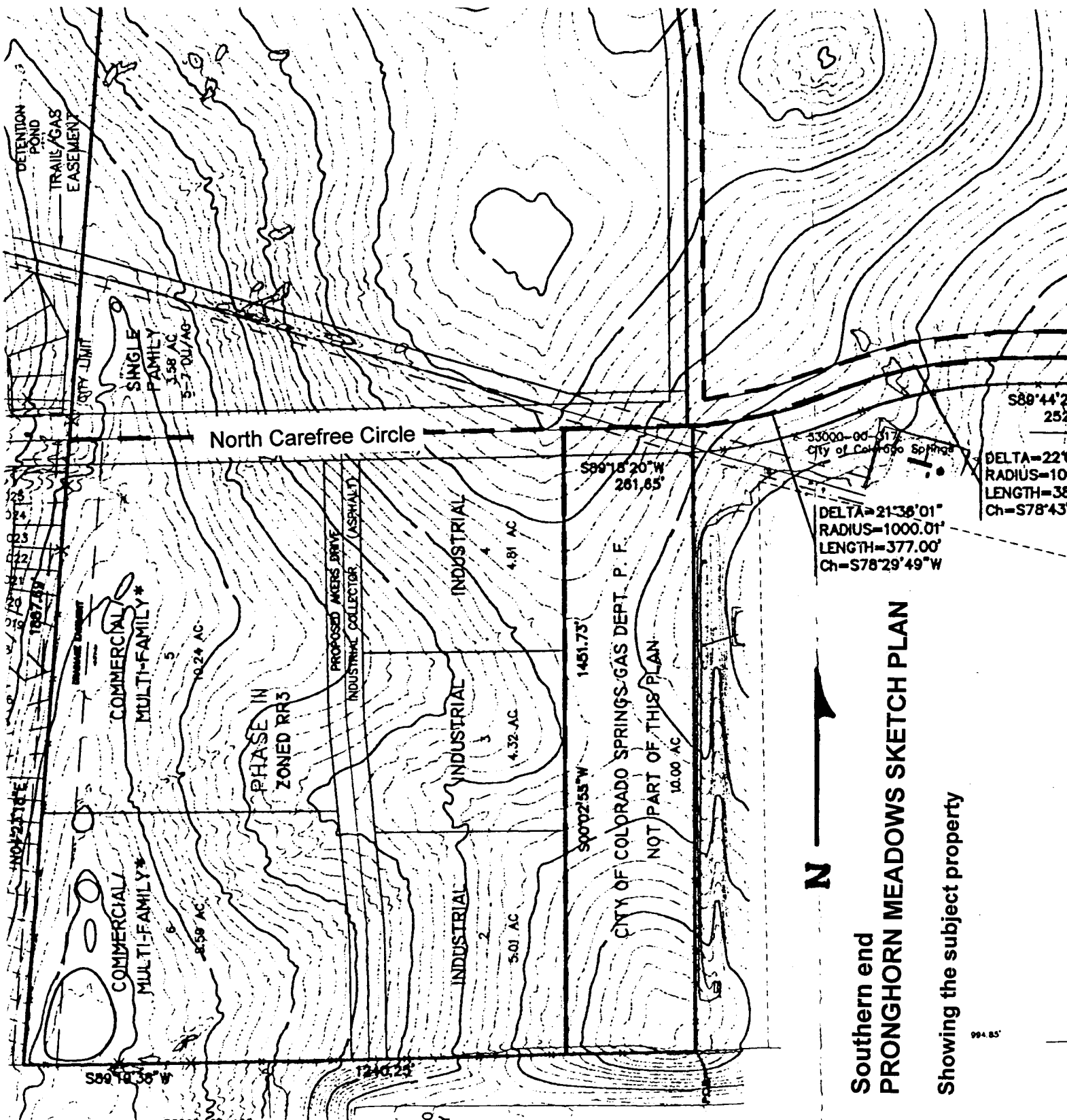
Sincerely

Dick Wolfe, P.E.
Chief of Water Supply

CC: Division 2

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TO KRIS 3/25



53000-00-160
 El Paso County
 27 E. Vermijo Ave.
 Colorado Springs, CO 80903-2208

EL PASO
 COUNTY
 DOT

COUNTY ZONE
 PID

N —————>

**Southern end
 PRONGHORN MEADOWS SKETCH PLAN**

Showing the subject property

994.85'