

November 16, 2021 | **Revised: February 7, 2022** | **Revised: May 16, 2022**

El Paso County Development Services Department  
Attn: Mr. Ryan Howser  
2880 International Circle  
Colorado Springs, CO 80910

**SUBJECT: Akers Acres Subdivision No. 1a (A Replat of Lot 3, Akers Acres Subdivision 1)  
Final Plat (SF-21-39) – Letter of Intent**

Dear Mr. Howser,

This Letter of Intent (LOI) is being submitted as part of the Final Plat Review (SF-21-39) application for Akers Acres Subdivision No. 1a. D & K Ackers, LLC is proposing to subdivide “Lot 3, Akers Acres Subdivision 1” into two lots, approximately 5-acres and 4.26-acres in size.

This LOI provides (4) sections to help clarify the intent of this project.

- **[Introduction](#)**
  - This LOI includes all required information (#1-#5) listed in the “Final Plat Application – Letter of Intent” form provided by El Paso County (EPC) Planning and Development department.
- **[Supporting Documentation](#)**
  - A list of supporting documents and districts are provided with associated descriptions for further clarification of the project scope.
- **[El Paso County Master Plans](#)**
  - Additionally, summaries are provided to convey how the proposed project satisfies adopted El Paso County Master Plan policies, including *EPC Parks Master Plan*, *EPC 2016 Major Transportation Corridors Plan Update*, *EPC Water Master Plan*, and *Your EPC Master Plan*.
- **[Land Development Code: Final Plat Criteria of Approval](#)**
  - Lastly, responses are included addressing the Final Plat Criteria of Approval (LDC 7.2.1.D.3.F).

## Introduction

**1. OWNER/APPLICANT AND CONSULTANT:**

**DEVELOPER / APPLICANT:**

**Larry Dillie**

[Ldillie.ld@gmail.com](mailto:Ldillie.ld@gmail.com)

(719) 338-8499

D & K Akers, LLC

11826 E Del Timbre Dr.

Scottsdale, AZ 85259

**CONSULTANT:**

**Grant Dennis, P.E.**

[GrantDennis@GallowayUS.com](mailto:GrantDennis@GallowayUS.com)

(719) 900-7220

Galloway & Company, Inc.

1155 Kelly Johnson Blvd., Suite 305

Colorado Springs, CO 80920

**2. SITE LOCATION, SIZE AND ZONING:**

**Location:** Akers Acres Subdivision No. 1a project site is located in the Northwest Quarter of Section 32, Township 13 South, Range 65 West, of the Sixth Principal Meridian, County of El Paso, State of Colorado.

- The properties surrounding Akers Acres Subdivision No. 1a include:
  - **North:** THAT PART OF LOT 2 AKERS ACRES SUB 1 AS FOLS, BEG AT SE COR OF LOT, RUN N ON E SEC LN 221.83 FT, W 822.34 FT TO A PT ON ELY R/W LN OF CRI+P RR, SWLY ON SD R/W LN AN ARC DIST OF 389.67 FT, E ON S LOT LN 1141.96 TO POB, EX THAT PT CONV TO COUNTY BY REC #210030746
  - **East:** THE SANDS FIL NO 1
  - **South:** LOT 4 AKERS ACRES SUB 1, EX THAT PT CONV TO COUNTY FOR R/W/ BY REC #209135994
  - **West:** HANNAH RIDGE AT FEATHERGRASS FIL NO 5

**Size:** Lot 3, Akers Acres, Subdivision 1 (As Platted) consists of 9.26 acres. Akers Acres Subdivision No. 1a (As Replatted) proposes to subdivide Lot 3 into two lots: Lot 3a (4.26 acres) & Lot 3b (5.00 acres)

**Zoning:** The existing parcel is zoned M CAD-O. The zoning will remain unchanged with this project.

**Schedule #:** 5332001008



### 3. **REQUEST AND JUSTIFICATION:**

**Request:** Galloway & Company, Inc. on behalf of D & K Akers, LLC requests approval of the Akers Acres Subdivision No. 1a Final Plat.

**Justification:** The proposed project satisfies the goals and objectives of all adopted master plans of El Paso County. Additionally, the replat meets all required approval criteria of the El Paso County Land Development Code, 7.2.1.D.3.F. Detailed descriptions of EPC Master Plans & EPC LDC are provided below.

### 4. **EXISTING AND PROPOSED FACILITIES, STRUCTURES, AND ROADS, ETC:**

**Existing:** The existing parcel can be described as two halves. The west half is developed and has one large structure with an associated paved parking lot, currently occupied by Dillie and Kuhn, Inc. (a construction company). The remaining

portion of the west half is used as storage for construction equipment and materials. The east half is undeveloped, covered with native grasses and shrubs.

**Proposed:** This project proposes no facilities, structures, or roads.

5. **WAIVER/DEVIATION REQUESTS AND JUSTIFICATION:**

There is no waiver or deviation requests proposed for this project.

## Supporting Documentation

**SUPPORTING DOCUMENTS:**

The following reports and information were submitted in support of the Akers Acres Subdivision No. 1a Final Plat application and are referenced in this LOI:

- Water & Wastewater Commitment Letter
- Electric Commitment Letter
- Gas Commitment Letter
- Fire Commitment Letter
- Drainage Letter
- Final Plat

**SUPPORTING DISTRICTS**

- Cherokee Metropolitan District
- Mountain View Electric Association, Inc.
- Colorado Springs Utilities
- Falcon Fire Protection District

**UTILITIES**

*(Water & Wastewater, Electric, & Gas Commitment Letters / Cherokee Metropolitan District, Mountain View Electric Association, Inc., Colorado Springs Utilities)*

No construction improvements are proposed, but this project includes commitment letters to service the undeveloped parcel that is proposed as "Lot 3b".

**TRAFFIC AND ACCESS**

*(No Traffic Impact Study or Memo is provided)*

No construction improvements are proposed. However, it is anticipated that the proposed "Lot 3b" will be sold and eventually developed. It is assumed that the use of "Lot 3b" will remain the same and therefore no Traffic Impact Study is required at this time. According to the EPC Engineering Criteria Manual, Appendix B, Section B.1.2.D, when no TIS is provided the following criteria must be satisfied:

**Vehicular Traffic:**

1. Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10

*Response: No construction improvements are proposed with this project. Therefore, daily vehicle trip-end generation will remain the same.*

2. There are no additional proposed minor or major roadway intersections on major collector, arterials, or State Highways

*Response: No construction improvements are proposed with this project. Therefore, no additional road intersections will be constructed.*

3. The increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends

*Response: No construction improvements are proposed with this project. Therefore, the number of vehicular trips will remain the same.*

4. The change in the type of traffic to be generated does not adversely affect the traffic currently planned for and accommodated within, and adjacent to the property

*Response: The zone and use are unchanged with this project. Therefore, the type of traffic remains consistent with the traffic currently planned for and accommodated within and adjacent to the property.*

5. Acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained

*Response: No construction improvements are proposed with this project. Therefore, the LOS will be maintained.*

6. No roadway or intersection in the immediate vicinity has a history of safety or accident problems

*Response: No history or documentation was reported with a history of safety or accident problems in the vicinity of the project.*

7. There is no change of land use with access to a State Highway

*Response: No change in land use is proposed.*

#### **Pedestrian Traffic:**

1. Paved pedestrian facilities exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new pedestrian traffic.

*Response: The undeveloped parcel Lot 3b is adjacent to Marksheffel Rd. A concrete sidewalk already exists on Marksheffel Rd. Additionally, the proposed use (DISTRIBUTION WAREHOUSE) will not generate any new pedestrian traffic.*

#### **Bicycle Traffic:**

1. Paved bicycle lanes or paths exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new bicycle traffic.

*Response: The undeveloped parcel Lot 3b is adjacent to Marksheffel Rd. A paved bicycle lane already exists on Marksheffel Rd. Additionally, the proposed use (DISTRIBUTION WAREHOUSE) will not generate any new bicycle traffic.*

When Lot 3b develops, if the criteria listed above is not met, then a traffic impact study or memo will be required.

Additionally, due to Lot 3a & 3b sharing the same ingress/egress, an easement is provided for shared driveway access and emergency services.

#### **DRAINAGE**

*(Drainage Letter – provided by Galloway & Company, Inc.)*

No construction improvements are proposed. Therefore, this project will not change existing drainage patterns. Per the provided drainage letter, any future improvements made to lot 3a & 3b will require a separate drainage analysis and at minimum provide water quality detention on-site in accordance with El Paso County criteria.

### **SOIL AND GEOLOGIC IMPACTS**

*(Soils & Geology Report – provided by Entech Engineering, Inc.)*

Entech has performed an Environmental Investigation at the site located at 2875 Akers Drive in Colorado Springs, Colorado. The purpose of the test borings was to evaluate what, if any, impacts may exist in the subsurface soils beneath the Site. Based on the analytical results, it appears low levels of gas and diesel range organics have been identified in the subsurface soils. Additionally, the results of the site investigation conducted by Entech, no further environmental investigation is recommended (see the provided environmental investigation for more information).

Soil samples were not taken on the undeveloped portion of the existing parcel because the Phase 1 Environmental Site Assessment (ESA) completed by Entech did not find any items of concern in that area.

### **EMERGENCY SERVICES**

*(Fire Protection Commitment Letter / Falcon Fire Protection District)*

The project is located within the Falcon Fire Protection District (FFPD) service area. Therefore, FFPD will provide emergency services to the property. A commitment letter is provided to El Paso County to confirm FFPD's commitment to providing emergency services for this project.

## **El Paso County Master Plans**

### **YOUR EL PASO MASTER PLAN (MAY 2021)**

The "Your El Paso Master Plan" was adopted on May 26, 2021 and provides an outline of the community's desires for the future of El Paso County. This Master Plan offers ten (10) core principles that will guide the county's growth over years to come.

- 1. Land Use and Development**
- 2. Housing & Communities**
- 3. Economic Development**
- 4. Transportation & Mobility**
- 5. Community Facilities & Infrastructure**
- 6. Military Installations**
- 7. Recreation & Tourism**
- 8. Community Health**
- 9. Environment & Natural Resources**
- 10. Resiliency & Hazard Mitigation**

Only the applicable core principles and associated goals are discussed below.

#### **Land Use and Development (#1)**

Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the county.

- Goal 1.1 – Ensure compatibility with established character and infrastructure capacity.
- Goal 1.2 – Coordinate context-sensitive annexation and growth strategies with municipalities.
- Goal 1.3 – Encourage a range of development types to support a variety of land uses.
- Goal 1.4 – Continue to encourage policies that ensure "development pays for itself".

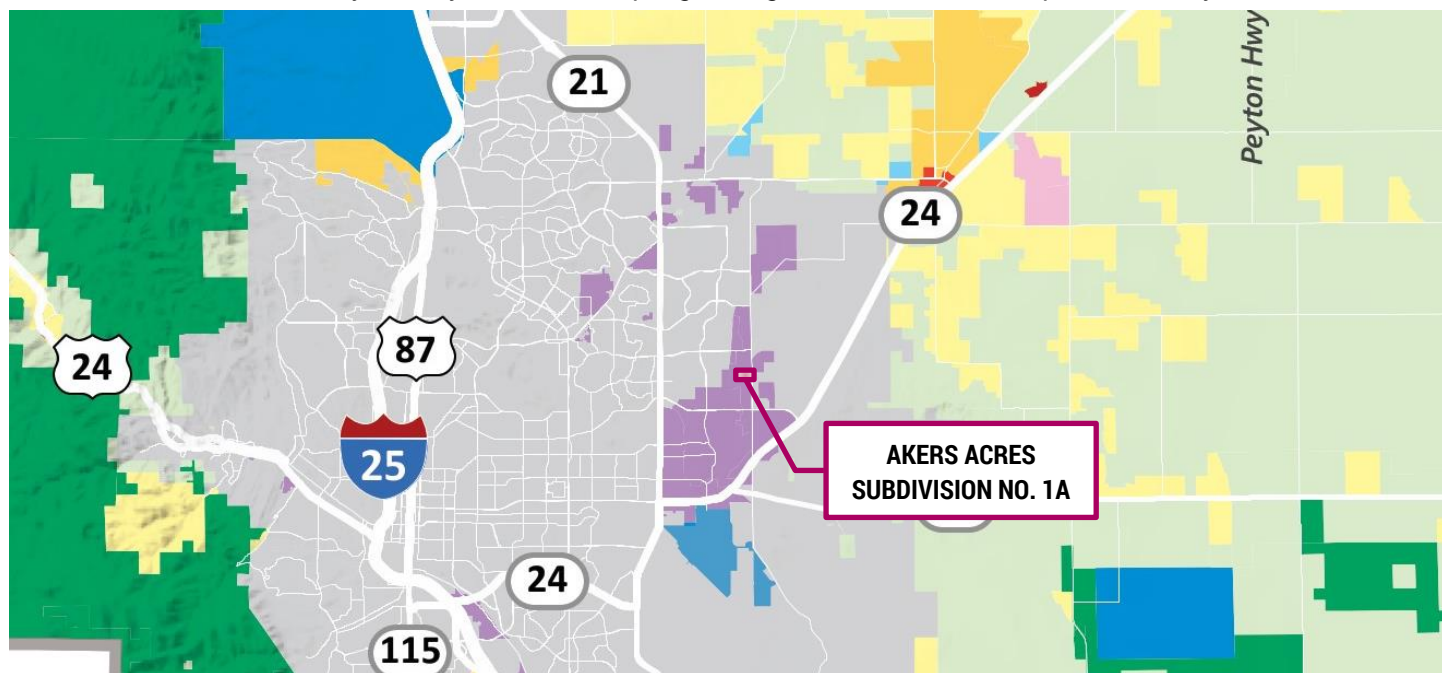
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### **EXISTING LAND USE**

The snippet below is taken from *Your El Paso Master Plan* and shows the existing land use and development patterns of El Paso County. The project site is located in the purple boundary; this area is known as "Urban Enclave". The master

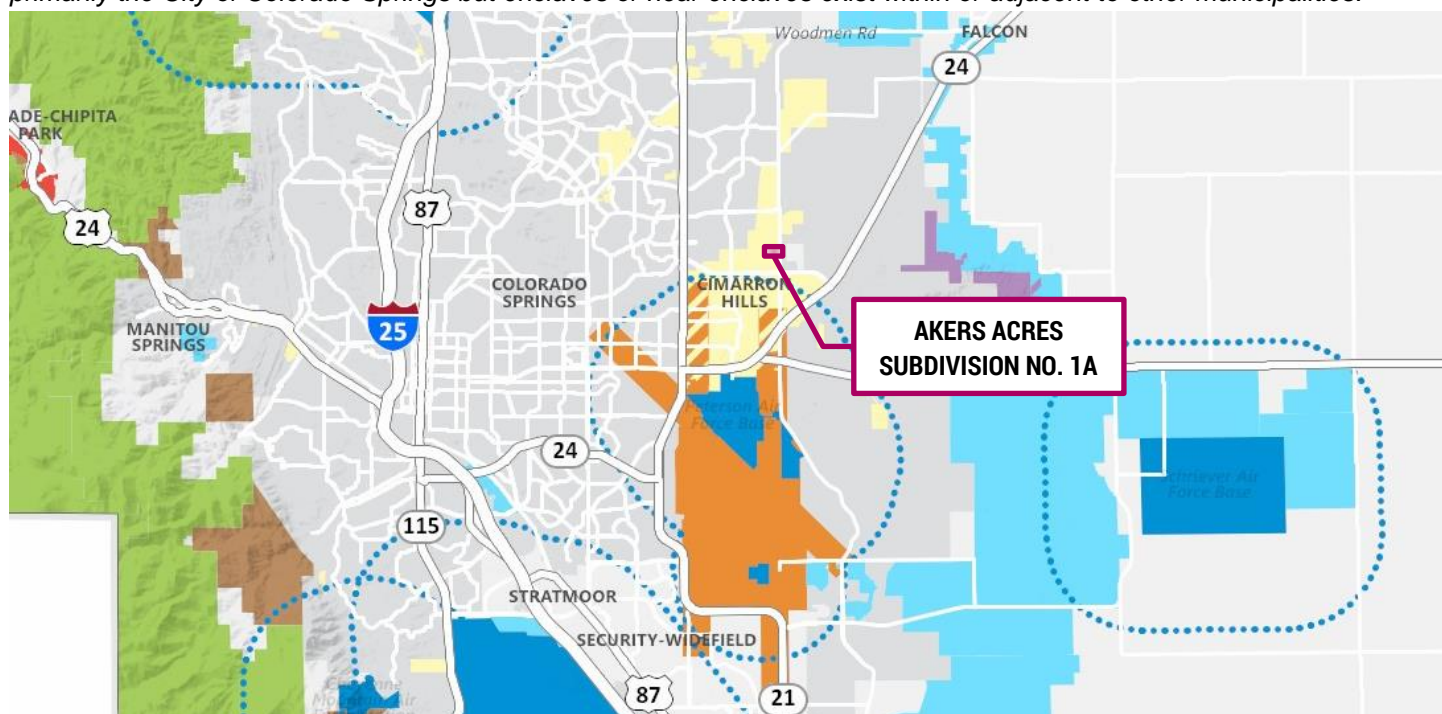


plan describes this land use as: *enclaves of developed and undeveloped land that remain unincorporated, although they are surrounded on all sides by the City of Colorado Springs and give the sense that it is part of the City.*



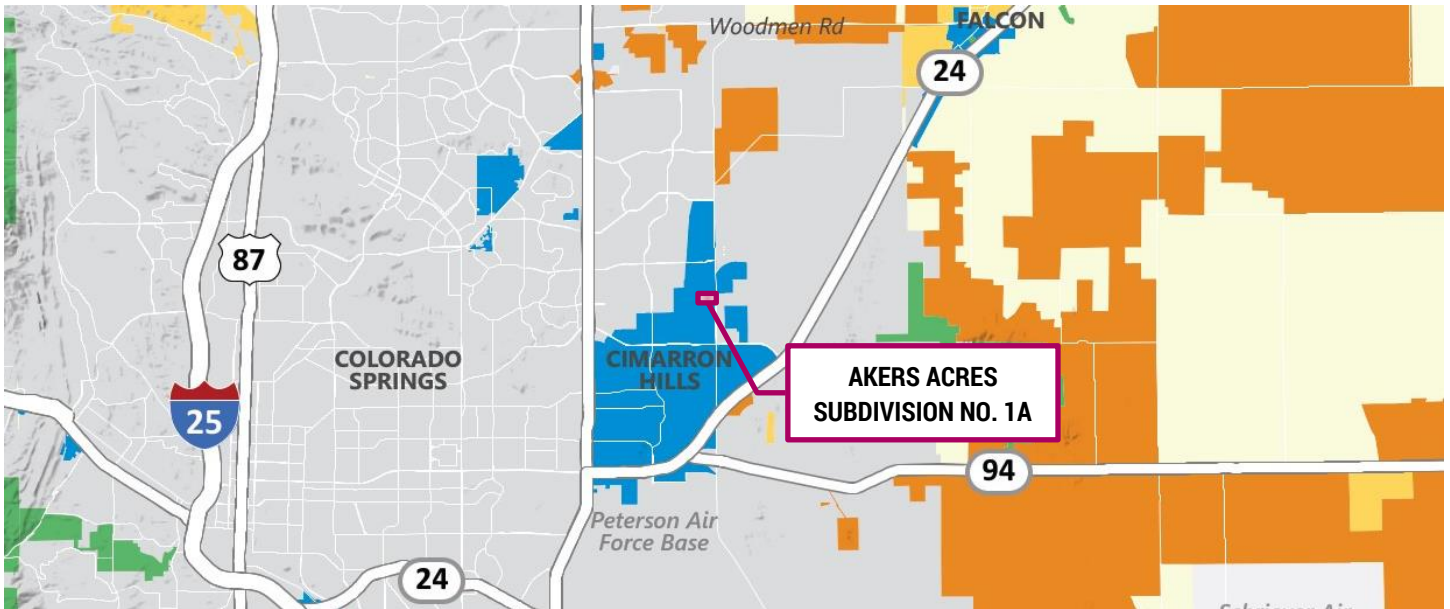
#### KEY AREAS

The snippet below is taken from *Your El Paso Master Plan* and shows the “Key Areas” of El Paso County. The project site is located in the peach boundary; this area is “Enclaves or Near Enclaves”. The master plan describes this Key Area as: *Enclaves are areas of unincorporated El Paso County that are surrounded on all sides by an incorporated municipality, primarily the City of Colorado Springs but enclaves or near enclaves exist within or adjacent to other municipalities.*



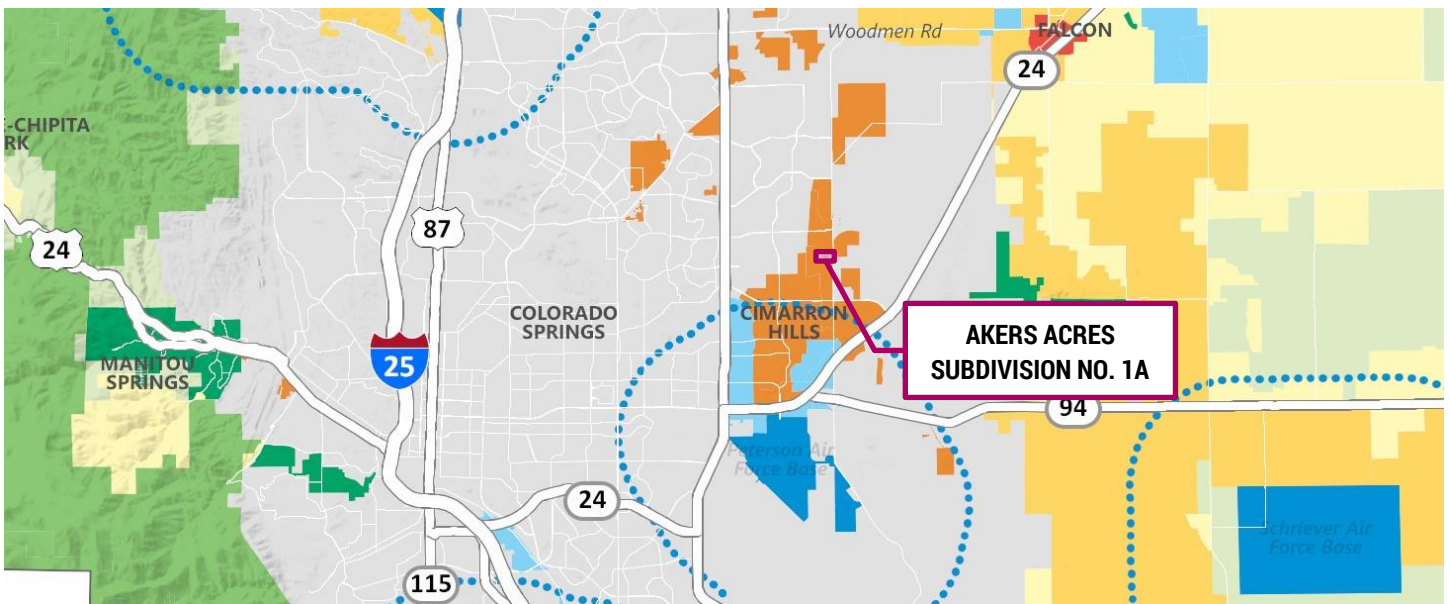
### AREAS OF CHANGE

The snippet below is taken from *Your El Paso Master Plan* and shows the proposed “Areas of Change” for El Paso County. The project site is located in the blue boundary; this area is known as “Transition”. The master plan describes this Area of Change as: *These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a difference supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*



### PLACETYPE

The snippet below is taken from *Your El Paso Master Plan* and shows the proposed placetypes of El Paso County. The project site is located in the dark orange boundary; this area is “Urban Residential”. The master plan describes this land use as: *The Urban Residential placetype consists of established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available.*



### **Core Principle #1 - Conclusions:**

*This project is located in the “Enclaves” Key Area as shown above. This area is expected to require significant improvement for annexation. Because of this, this area is labeled as a “transition” area of change. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development.*

*The project site land use does not match the primary land use for the associated placetype in the master plan. However, the supporting land use includes the following: Mixed Use, Restaurant, Commercial Retail, Commercial Service, Office, Parks and Open Space, and Institutional. The existing Lot 3a hosts an office building. Lot 3b is expected to develop a warehouse, which falls under commercial land use. Therefore, the project is in conformance with the master plan.*

### **EL PASO COUNTY WATER MASTER PLAN (FEBRUARY 2019)**

The “Water Master Plan” was adopted in February 2019 and includes an outline of goals and policies that provide a roadmap to implementing the Water Master Plan. This Master Plan offers six (6) sections with associated goals and policies that make up the plan.

- **Section 1 – Introduction**
- **Section 2 – Public Engagement**
- **Section 3 – Water Service Providers**
- **Section 4 – Water Supplies**
- **Section 5 – Projected Water Supply Needs**
- **Section 6 – Closing the Gap**
  - **6.1 – Water Efficiency**
  - **6.2 – Water Reuse**
  - **6.3 – Regional Water Supply Plans**
  - **6.4 – Renewable Water Development**

Only the applicable sections and goals are discussed below.

### **Section 3 – Water Service Providers**

- Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.
- Goal 3.2 – Promote cooperation among water providers to achieve increased efficiencies on treatment.
- Goal 3.3 – Promote cooperation among water providers to achieve increased efficiencies on reuse
- Goal 3.4 – Promote cooperation between water providers to achieve increased efficiencies on storage.
- Goal 3.5 – Encourage water providers to adapt to drought conditions.
- Goal 3.6 – Develop and maintain partnerships with water providers.
- Goal 3.7 – Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.

### **Section 3 - Conclusions:**

*The master plan encourages cooperation among water service providers to increase efficiencies of the infrastructure, treatment, reuse, and storage. Cherokee Metro District provided a commitment letter for water service and demand estimates. Therefore, this project is in compliance with the water master plan.*

### **Section 5 – Projected Water Supply Needs**

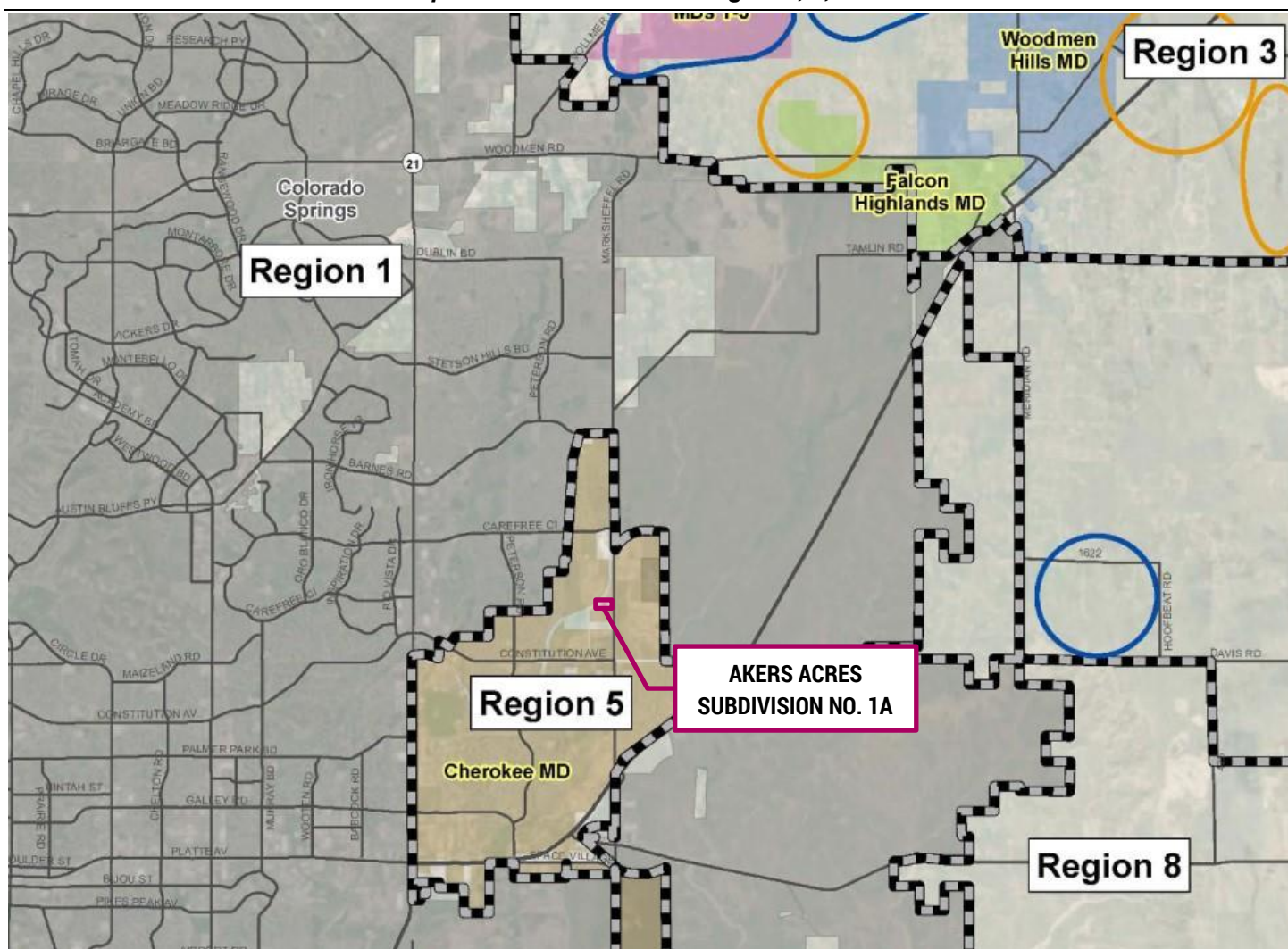
- Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).



- Goal 5.2 – Identify regional opportunities and barriers to satisfying water supply needs at full development build-out (2060).
- Goal 5.3 – Reduce end user water consumption in the County.
- Goal 5.4 – Promote the long-term use of renewable water.
- Goal 5.5 – Identify any water supply issues early on in the land development process.
- Goal 5.6 – Protect property right

The project site is located in “Region 5” as shown in the snippet provided below.

**Expected Growth Areas – Region 3, 4, and 5**



The following table provides a summary of the existing and future water demand (AF per year) for this region.

| Planning Region | Current Demand<br>(AF per year) | 2040 Demand<br>(AF per year) | 2060 Build-Out Demand<br>(AF per year) |
|-----------------|---------------------------------|------------------------------|--|
| Region 5        | 4,396                           | 6,468                        | 9,608                                  |

Region 5 (Cherokee Metropolitan District Service Areas) is described in the Water Master Plan as, “*Region 5 consists of areas served by Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown in other maps.*”

**Section 5 - Conclusions:**

*The project site is located in Region 5 as shown above. The water master plan states that this region is not expected to experience significant growth by 2060, i.e. water demand is not of great concern for this region. Therefore, this project is in compliance with the water master plan.*

**EL PASO COUNTY 2016 MAJOR TRANSPORTATION CORRIDORS PLAN UPDATE (DECEMBER 2016)**

The “2016 Major Transportation Corridors Plan” (MTCP) is a long-term plan used to plan for the growth of El Paso County over the next 40 years. The report is organized with the following eight sections:

- Chapter I – Background and Context
- Chapter II – Community Engagement
- Chapter III – Growth in the County
- Chapter IV – 2040 Major Transportation Corridors Plan
- Chapter V – Multimodal Transportation
- Chapter VI – Corridor Preservation Plan
- Chapter VII – Funding Analysis
- Chapter VIII – Implementation

Only the applicable chapters are discussed below:

**MTCP - Conclusions:**

*This project does not propose any construction improvements. Therefore, no provisions in the MTCP are applicable.*

**EL PASO COUNTY PARKS MASTER PLAN (JUNE 2013)**

The purpose of the parks master plan is described as, “*The El Paso County Parks Master Plan (Master Plan) is a guiding document that works with other County plans to strategize and provide outdoor recreation opportunities such as parks and trails, long term protection of open space, and historic and cultural resources interpretation.*” This Master Plan offers eight (8) focus areas with associated goals that make up the plan.

- Overall System Mission/Role
- Regional Parks and Recreation Areas
- Regional Trails
- Open Space
- Recreation and Cultural Services Programs and Facilities
- Management and Administration
- Community Awareness
- Implementation and Funding

Only the applicable focus areas are discussed below:

***El Paso County Parks Master Plan – Conclusions:***

*This project does not propose any construction improvements. Therefore, no focus areas in the Parks Master Plan are applicable.*

## EPC Land Development Code – Criteria for Approval

**FINAL PLAT – CRITERIA FOR APPROVAL (LDC 7.2.1.D.3.F)**

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan  
*The project is in conformance with all adopted El Paso County master plans. Detailed discussion for each master plan is provided above.*
- The subdivision is in substantial conformance with the approved preliminary plan  
*No preliminary plan exists for this project.*
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials  
*Subdivision meets El Paso County subdivision design standards.*
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code  
*A water commitment letter is provided by Cherokee Metro District. Estimated water demand and supply is included in the commitment letter.*
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code  
*A wastewater commitment letter is provided by Cherokee Metro District, meeting State and local laws and regulations, and the requirements of chapter 8 of the LDC.*
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)]  
*Entech Engineering, Inc. completed an Environmental Site Assessment (ESA) for this project and identified 6 items of concern observed during the reconnaissance. A follow-up analysis was completed for these areas, it was determined that the project site indicated low levels of Gasoline and Diesel Range Organics and Oil and Grease in the subsurface soils on the Site. Entech Engineering, Inc. recommends care should be taken in the future to prevent spills and overfills of potentially hazardous materials stored and/or used on the project site. However, no further environmental investigation is recommended.*
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM  
*No construction improvements are proposed with this project. A drainage report is provided to outline how the existing stormwater runoff is handled. Additionally, a statement is included to detail what future drainage improvements will be required should any future development occur.*

- 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 proposed subdivision will be from Akers Drive. The Final Plat includes provisions for a shared access easement with maintenance responsibilities for this access.*
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision  
*Falcon Fire Protection District (FFPD) will provide emergency services, Cherokee Metro District will provide water and wastewater, Colorado Springs Utilities will provide gas services, and Mountain View Electric will provide electric services. All associated commitment letters are provided with this submittal.*
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code  
*The Final Plat contains a shared access easement with an included turnaround easement, meeting the requirements of Chapter 6 of the LDC. Additionally, a fire protection report is provided detailing commitment from FFPD and the emergency services offered.*
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8  
*No construction improvements are proposed with this project. Therefore, there is no off-site related impact for this project.*
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated  
*No construction improvements are proposed with this project. Therefore, there is no impacts that require mitigation.*
- The subdivision meets other applicable sections of Chapter 6 and 8; and El Paso County, Colorado Land Development Code Rules Governing Divisions of Land – Chapter 7-Page 10 Effective 05/2016  
*The proposed project meets all sections of Chapter 6, 7, and 8 of the EPC LDC.*
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.]  
*There is no existing or proposed commercial mining for this project.*

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Respectfully submitted,

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Grant Dennis  
Civil Engineering Project Manager  
Galloway & Company, Inc.