



Claremont Business Park 2 Filing No. 2 Minor Site Development / Final Plat Letter of Intent

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER

DTV MEADOWBROOK LLC
106 S. KYRENE RD., SUITE 2
CHANDLER, AZ 85226

ENGINEERING

M&S CIVIL CONSULTANTS, INC.
212 N. WAHSATCH AVE, STE 305
COLORADO SPRINGS, CO 80903

SURVEYING

M&S CIVIL CONSULTANTS, INC.
212 N. WAHSATCH AVE, STE 305
COLORADO SPRINGS, CO 80903

SITE/BACKGROUND INFORMATION

The Claremont Business Park 2 Filing No. 2 Final Plat (4.988 AC) is located near the southwestern intersection of Meadowbrook Parkway and Marksheffel Rd. The plat implements the Claremont Business Park 2 Filing No. 2 Preliminary Plan (SP19-007) for three (3) commercial services lots, with an access easement for private roads, utility and drainage. The Final Plat includes three (3) commercial services lots within the CS CAD-O zone and TSNs (Parcel ID No.: 5405412005, 5405412006, 5405412007, 5405412008, 5405412009, 5405412010, 5405412011). The property is within the Commercial Aviation District Overlay (CAD-O). All future land use actions will be subject to the restrictions and limitations of the Airport Overlay.

Request & Justification

DTV Meadowbrook LLC ("The Applicant") requests approval of the Claremont Business Park 2 Filing No. 2 to replat three (3) commercial lots and a tract with a total of (4.988 AC). Each lot shall provide stormwater detention/water quality for stormwater runoff generated from each lot. Stormwater detention/water quality for the runoff from the private road "El Jefe Hts" shall be provided for via a sand filter basin near the south side of replated Lot 2 adjacent to the west side of the El Jefe Heights. This proposal includes a roadway connection from El Jefe Hts and Gary Watson Pt via the 45' access easement previously platted in between Lots 6-7 of Claremont Business Park 2 Filing No. 1, to be utilized per allowed note 4.1 of the recorded plat. Private road waivers and supporting deviations shall be submitted and provided with this letter. (See table below) The final plat and construction drawings conform to the previously approved preliminary plan and supporting waivers and deviations.

DEVIATION TABLE

	LDC/ECM SECTION	CATEGORY	STANDARD	MODIFICATION	JUSTIFICATION
1	<ul style="list-style-type: none"> ● LDC 8.4.4.E.3, LDC 8.4.4.E.2 ECM SECTION 2.2.4.B.6/SD-4-1 	PRIVATE ROAD ALLOWANCES	ALLOWANCE FOR A PRIVATE ROAD	ECM SECTION 2.2.4.B.6/SD-4-1, THE PRIVATE ROADWAY SECTION SHALL MEET ALL DETAILS OF THE LOCAL URBAN ROAD SECTION EXCEPT REQUESTS TO EXCLUDE THE 5' WIDE SIDEWALK (EACH SIDE) AS DEFINED IN THE DETAIL AND PROVIDE A 5' WIDE SIDEWALK ON THE ONE SIDE ONLY; REQUEST TO REDUCE THE MINIMUM CENTERLINE RADIUS FROM 200' TO 100'; AND REQUEST TO WIDEN FROM THE STANDARD 30 FOOT WIDE ASPHALT MAT TO A 32 FOOT WIDE ASPHALT MAT. (REQUEST EL JEFE HEIGHTS ONLY.)	THIS DEVIATION REQUEST WOULD PROVIDE ALIGNMENT TO THE CURRENT CHARACTERISTICS, DESIGN AND APPEARANCE OF THE CLAREMONT BUSINESS PARK COMMERCIAL DEVELOPMENT. ROAD TO BE MAINTAINED BY CLAREMONT BUSINESS PARK HOA.

The Minor Site Development/Final Plat application includes private roadway improvements, pedestrian facilities, utility infrastructure. Additional information is provided in the review and approval criteria discussion below.

Findings of water (and wastewater) sufficiency and conformance with the approved Preliminary Plan as recorded under BOCC Resolution No. 20-421. The Minor Site Development/Final Plat conforms to the Preliminary Plan and remains consistent with the applicable findings of sufficiency and Master Plan consistency.

ZONE DISTRICT COMPLIANCE

The Minor Site Development/Final Plat includes (3) commercial services lots in the CS CAD-O zone. All proposed lots are designed to meet the bulk, density, and dimensional requirements of the respective underlying zones, and are able to meet a required landscaping, buffering and screening requirements for the proposed uses and buffering and screening against adjacent and differing uses per Section 6.2.2 of the Code.

REVIEW/APPROVAL CRITERIA & JUSTIFICATION

- ***The proposed subdivision is in conformance with the goals, objectives, and policies of the Master Plan; (see treatment of review criterion below)***
- ***The subdivision is in substantial conformance with the approved preliminary plan***

General conformance with the Master Plan including the County Water Master Plan and Policy Plan have been made with the preliminary plan (SP19-007) approval by the BOCC on 12/08/2020 (Resolution No. 21-421). The preliminary plan was submitted prior to the adoption of the Your El Paso Master Plan (2021) and is not being reviewed against this updated element of the Master Plan. The final plat is consistent with the findings of Master Plan conformance anticipated with the Preliminary Plan approval.

Water Master Plan Conformance:

The development area is in REGION 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Water supplies in Region 5, and specifically from CMD, should be sufficient to meet the current development demand; however, additional resources will be required to meet the full projected development demand within the Region by the 2060 target build out date. Additional water resources are planned through regional collaboration with partner and/or neighboring water providers.

CMD had previously issued a letter on August 6, 2020, committing to providing water and sewer services to the ten lots of the Claremont Business Park 2 Preliminary Plan submittal, allocating 12.19 AF/YR. However, only seven of the ten lots were subdivided under Claremont Business Park 2 Fil No. 1 (EPC Fil No. SF2014) (total 8.761 AC), allocating 7.818 AFY. The remaining three lots, which are being proposed to be reconfigured but will remain as three commercial lots (4.899 AC), have 4.372 AFY remaining of the original commercial commitments made by CMD, which includes commercial irrigation. The details of these calculations can be found in the Water Demand Calculations section of the Water/Wastewater Report provided with the project submission, and as updated November 2023.

CMD has issued an updated water commitment letter dated October 18, 2023, which includes domestic use of 2.4 AFY and minimal irrigation of 0.5 AFT, amounting to a total anticipated use of 3.1 AFY for the replatted lots. The updated allocations for the reconfigured lots are less than that of 4.372 AFY. Therefore, the three lots that are to be reconfigured with this project, known as Claremont Business Park 2 Fil. No. 2 requests an exception from the water supply requirements of the Code based on the 4th bullet in Section 8.437 (A)(3):

“The requirements set forth in this Section shall not apply to: ... A vacation or vacation and replat of an existing subdivision or lots within an existing subdivision or any plat change, any of which will not result in significantly greater total water use than previously anticipated for the subdivision. All determinations as to the significance of the change in water use shall be made by the BoCC, with recommendations by the CAO....”

This project water demands meets the requirements of the exception as outlined above. The number of lots remains the same as previously platted, and the anticipated water use with the reconfigured lots is expected to be slightly less than initially allocated by approximately 29% of use. Please reference the resubmitted Water/Wastewater report (Updated November 2023 with the reconfigured lots) for the specific updated data that is being referenced in this Letter of Intent and the updated Cherokee Metro District commitment letter dated October 18, 2023.

Your El Paso Master Plan Conformance:

The Minor Site Development/Final Plat subdivision generally conforms to the goals conformance with the goals, objectives, and policies of the Your El Paso Master Plan.

This project site lies within the "Enclaves or Near Enclaves" (E or NE) combined in the "Colorado Springs Airport/Peterson Air Force Base" (CSA/PAFB) "Key Areas" of the Your El Paso Master Plan. This project proposal conforms with the planned intent of both areas' descriptions. The (CSA/PAFB) "Key Area" was primed for commercial and industrial development to attract local businesses and trigger new development on available land. This project meets this role as there is planned to be a local car wash and several drive-through-style restaurants. The other "Key Area" is the (E or NE) areas surrounded by incorporated municipalities with the majority or partially developed sites. The character of any new development or redevelopment should match that of the wrapping it. This project meets this role as planned, as it complements the existing gas station and convenience store just to the north of the site and provides additional services for local residents and surrounding businesses to patronize these small commercial services.

This project site also lies within the "Transition" category of the "Area of Change" of the Your El Paso Master Plan. This site is currently undeveloped and not necessarily a place that fits the Area of Change Transition Description, as it's not changing from one type of development to another. However, this proposed project will be newly developed to current standards with street and utility improvements and new building site construction to include parking, lighting, and landscape that will progress the area. These improvements and further development meet the intent of the "Transition" character.

This project site also lies within the "Employment Center" group of the "Placetypes" of the Your El Paso Master Plan. This project development would conform to the Employment

Center, as depicted in the Placetype chart indicates, Restaurant, Commercial Retail, and Commercial

Services, as a "Supporting Land Use" that supports the primary land use of Office. Light Industrial/Business Park & Heavy Industrial. This project meets this role as there are planned support services such as a car wash and several drive-through-style restaurants for the surrounding Employment Center designation.

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

The BOCC made a finding of compatibility with the established character of the area by their approval for the preliminary plan (SP19-007) on 12/08/2020 (Resolution No. 20-421). The project is in conformance with the preliminary plan. The final plat submittal demonstrates infrastructure capacity for drainage, roadways, utilities, and other public services (parks, schools, and fire and police protection).

Urban services which include, but not necessarily limited to water, wastewater, electric service, natural gas service, fire protection, roadway and transportation, and drainage and stormwater management services are currently available.

Water/sewer services will be provided service by Cherokee Metropolitan District. Private stormwater facilities for El Jefe Heights runoff will be provided and managed by the developer DTV Meadowbrook. Individual stormwater management per lot basis will be the responsibility of the individual property owner(s). Electric and natural gas service will be provided by CSU. Fire protection will be provided by the Falcon Fire Protection District. Police and related public safety services will be provided by the El Paso County Sheriff. Compulsory education services are provided by Colorado Springs School District No. 11.

Public parks, open space, and recreation services are provided by EL Paso County, City of Colorado Springs, and Cherokee Metropolitan District via existing network of regional and urban parks, trails, and open spaces.

- ***Goal 1.2 - Coordinate context-sensitive annexation and growth strategies with municipalities.***
The City of Colorado Springs has not indicated any desire to annex the development area.
- ***Goal 1.3 - Encourage a range of development types to support a variety of land uses.***
The final plat includes (3) commercial services lots, within a CR zone and will be platted to support permitted commercial uses in that district.
- ***Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”.***
The developer is bearing the costs of providing necessary improvements to support the proposed development. The Minor Site Development/Final Plat subdivision includes a complete financial assurance estimate for required improvements and construction activities and will be bound by the terms and conditions of a Subdivision Improvements Agreement.
- **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;**
A final drainage, grading and erosion control plan, water/wastewater resource reports, traffic impact analysis, and the preliminary plan have been provided in from the previously approved preliminary plan (SP19-007) on 12/08/2020 which meet the applicable plan/report development requirements.

- **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**

General conformance with the Master Plan including the County Water Master Plan and Policy Plan have been made with the preliminary plan (SP19-007) approval by the BOCC on 12/08/2020 (Resolution No. 21-421).

- **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;**

The subdivision will connect into an existing public sewage disposal system what has been installed together with other public improvements associated with Claremont Business Park 2 Fil. No 1 Preliminary Plan and its many development phases and filings. The existing system complies with state and local laws and regulations, statutory requirements, and the requirements of Chapter 8 of the County Land Development Code.

- **All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];**

The Geology/Soils report prepared by Terracon Consultants, Inc, dated May 30, 2006, with an updated letter issued June 17, 2020, identified the presence of granular onsite materials, areas of soft or loose soils will likely be encountered at foundation bearing depth after exaction is completed for footings. It was recommended within the report that when such conditions exist beneath planned footing areas, the subgrade soils should be recompacted prior to placement of the foundation system, Subgrade soils beneath interior and exterior slabs should be scarified, adjusted to optimum water content and compacted to a minimum depth of 12". The water content and compaction of subgrade soils should be maintained until slab construction.

- **Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

Adequate drainage improvements have been provided by the subdivision design, including but not limited to, stormwater, detention, and/or water quality control facilities, all of which meet stormwater requirements established by the state in addition to meeting the requirements of the County Code and ECM. A detention facility is designated within the south end of Lot 2 of the Claremont Business Park 2, Filing No 2. Ownership and maintenance of all drainage facilities and improvements shall be provided and maintained by the developer DTV Meadowbrook LLC.

- **Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

Legal and physical access is and will be provided by planned public right of way and private access easement. The private road will be placed along the adjoining property line of Lot 1-3 with the appropriate public access easement which will be recorded with the final plat. The private road improvements shall be provided by the developer and maintain by the community commercial subdivision. All access planned is legal and in accordance with the provisions and allowances in the LDC and ECM.

Access to US 24 is from connections of Meadowbrook Parkway & Marksheffel Rd located western edge of the property

- **Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**

Necessary services which include, police and fire protection, recreation, utilities, open space and transportation system, are presently available to serve the development as supported by the utility and public service commitments provided in support of the development application. Required service commitments have been provided in support of the development application.

- **The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**

The subdivision provides evidence via commitment letters from Cimarron Hills Fire Protection District for emergency and fire service and Cherokee Metropolitan District for water for fire suppression as well as preliminary plan layout and design of access and utilities demonstrate show that the proposed methods for fire protection comply with Chapter 6 of the County Code.

- **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 Off-site improvements including improvements except for a 5' sidewalk along the existing Meadowbrook Parkway and stormwater detention facilities are included in the associated construction documents and financial assurances.

- **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;**

Off-site improvements limited to the 5' sidewalk along Meadowbrook Parkway and stormwater detention facilities are included in the associated construction documents and financial assurances.

No offsite roadway, signing, striping, and signal improvements shall be incorporated into the Civil Drawings.



Bridge, Drainage, Park, School, and Road Impact Fees will be paid at the time of plat recordation and building permit issuance (Road Impact only).

- **The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**

If the waivers for private road are approved, then the proposed subdivision meets other applicable sections of Chapter 6 and 8 of the County Code or otherwise approved with conditions imposed by the BOCC.

- **The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]**

The development will not impact any economically viable mineral loads or aggregates.