



February 28, 2023

El Paso County
Planning and Community Development Department
2880 International Circle
Colorado Springs, CO 80910

PCD File #VR-22-003

RE: Letter of Intent – Proposed Replat of Parcel Nos. 5312402015, 5312402016, 5312403003, 5312403004, 5312404003, 5312405003, 5312405005

Owner/Applicant and Consultant

Randy L. Gibbs and Vicky L. Gibbs - OWNER
6810 North Meridian Road
Peyton, CO 80831-8136

Malone William G. Trust - OWNER
3612 Pennington Cir.
Modesto, CA 95356-1223

CST Metro LLC, D.B.A. Circle K Stores Inc. – OWNER/APPLICANT
5500 S. Quebec St., Ste. 100
Greenwood Village, CO 80111
(720) 341-7015

Land Development Consultants, LLC – CONSULTANT
950 S. Cherry St. Ste. 512
Denver, CO 80246
(303) 717-3305

Site location, size and zoning

The site is located on the southwest corner of US HWY 24 and Old Meridian Road. Overall size is 8.99 acres. The zoning respective zoning for the parcels are C-2 (5312402016), RR-5 (5312402015, 5312403003, 5312403004, 5312404003, 5312405003, 5312405005).

Areal Map



Request & Justification

Circle K Stores Inc. is proposing the redevelopment of their existing facilities. The new development will encompass a new 5200 SF convenience store with a single stack fuel canopy with (7) fuel dispensers with (14) fueling positions. The previously listed parcels require a replat to reconfigure the parcels into (2) lots in order to allow for the larger redevelopment of the Circle K facilities. The proposed replat takes into consideration the CDOT ROW dedication required the future expansion of US HWY-24.

Existing & Proposed Facilities

The current Circle K facilities reside within parcel 5312402016, the remaining parcels are residential with one single family dwelling. The parcels are bound by US HWY-24 to the north, Old Meridian Rd to the east, New Meridian Road to the west and Swingline to the south. Access to the existing CK is from US HWY-24 and Old Meridian Rd. Access to the residential parcels is provided via Old Meridian Rd.

The proposed development will consist of a raze and rebuild of a new larger convenience store and passenger fuel canopy. The residential dwelling will be demolished and parcels via a separate application will be rezoned to commercial. Through CDOT coordination the existing access from US HWY-24 will be closed and access will be provided via Old Meridian and New Meridian Rd. A private road between both proposed parcels is being proposed to provide access to either Old or New Meridian Rds.

A 60 foot right-of-way, Pacific Avenue, and a 20 foot alley right-of-way are being requested to be vacated. This will allow for Circle K to incorporate the 20 foot alley into the proposed Lot 2 of the plat. Vacating Pacific Avenue allows for a 60 foot private road/access to the proposed Lot 1, the new Circle K site. The proposed private road will be maintained by Circle K. The proposed private road is intended to provide access to lots 1 and 2 via Meridian Sol Dr. and Meridian Rd due to CDOT's requirement to close the existing access to US Hwy 24.

Waiver Requests

There is one waiver being requested with this application which is the construction of a private road along Pacific Avenue which will provide access to Highway 24 via Meridian Road and Meridian Sol Drive.

Land Development Code 8.4.4, Transportation System Considerations and Standards, 8.4.4.C – This section states that public roads are required and that divisions of land, lots and tracts shall be served by public roads.

Although Pacific Avenue is currently County ROW, Pacific Avenue has not been constructed by the county. The county has confirmed the ROW is not needed, ROW can be vacated and a private road can be proposed for the project. The intent of the private road is to provide access to the overall development via either Meridian Sol Dr. or Meridian Rd.

Land Development Code 7.3 Waivers, 7.3.3 Criteria for Approval of Waivers – This section states that waivers from standards can be approved if the following apply:

- Waiver does not nullify intent and purpose of Code
 - Proposed private road will be designed per code requirements.
- Waiver will not result in need for subsequent waivers
 - Subsequent waivers will not be required as a result of the proposed private drive as all other code requirement will be met by the proposed road design.
- Waiver will not be detrimental to public safety, health, welfare or injurious to other property
 - Waiver will not be detrimental to public safety, health or injurious to other property as the proposed road will be designed to meet code requirements.
- Waiver conditions unique to property and are applicable
 - Waiver conditions are unique as the Pacific Avenue ROW has not been utilized or needed by the county
- Waiver required because strict application of code would result in non-economic hardship
 - Waiver required because strict application of code would result in non-economic hardship
- Waiver will not vary zoning
 - Waiver does not vary zoning and is in alignment with the commercial use.
- Waiver is not contrary to any Master Plan provision
 - Waiver is not contrary to the Master Plan as it is in alignment with the CDOT master access plan. The access to Hwy 24 will be closed per CDOT requirements. Due to this, the private access road is necessary to provide ingress/egress via Meridian Sol Dr. and Meridian Dr.

Utilities

This area will be annexed into the Woodmen Hills Metropolitan District for water and sewer. Power will be supplied by Mountain View Electric Association and Colorado Springs Utilities will supply gas.

Hazards

There are no constraints, hazards, or potentially sensitive natural or physical features within this area.

Traffic

A separate traffic study has been conducted.

Engineering Design Standards

A deviation request has been submitted under SDP PPR2230, 3rd submittal. The deviation is being requested due to a lack of 90 degree access to Meridian Sol Drive and in order to fit with the established lot/tract lines. The proposed private access road, now named Pacific Avenue, connects to Meridian Sol Drive at a 60 degree angle and connects to Meridian Road at a 90 degree angle. There are/will be stop signs at both exits from the private access road where the proposed speed is to be 25mph.

The intersection at Meridian Sol Drive has adequate site distance and does not negatively impact driving conditions entering or existing the proposed site. Designing the intersection to be at 90 degrees to the existing Meridian Sol Drive alignment would result in poor site configuration within the established property lines. To design the private access road to meet at a 90 degree angle would create adverse conditions given the 60' width of Tract A and the alignment of Meridian Road to the west of the site.

Public Improvements

Private improvements will include the detention pond, the private road, landscaping, and the driveways and parking areas of the store. These private improvements will be maintained by Circle K.

Common Improvements will include sidewalks and buffer landscaping and will also be maintained by Circle K.

Payment of County's Road Impact Fee

The County's Road Impact Fee will be paid at time of building permit issuance.

Approval Criteria

From a Planning and Community Development perspective and the oversight of the Board of County Commissioners, the following criteria are met:

- The replat complies with the Land Development Code, and the original conditions of approval associated with the recorded plat.
 - All comments provided by the county will be addressed to be in compliance with the Land Development Code and conditions of approval.
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.
 - The replat is taking multiple nonconforming lots and replating into (2) lots in conforming lots
- The replat is in keeping with the purpose and intent of this Code.
 - Master Drainage plan has been prepared for the subdivision to be keep with the purpose and intent of the code. Proposed lots are in conformance with the code.
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
 - Common improvements, access and stormwater designs as required per the subdivision have been addressed with this replat.
- 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.
 - Per CDOT, the existing access to Hwy 24 will be closed as part of this project. As a result, a private access road is proposed to provide access via Meridian Sol Dr. and Meridian Dr. to the subdivision.

- The approval will not adversely affect the public health, safety, and welfare.
 - Access has been coordinated with CDOT, City of Colorado Springs and El Paso County engineers to be in conformance with the applicable codes. Master Drainage plan has been prepared in accordance with County standards to adequately mitigate stormwater. Common improvements such as sidewalk has been incorporated into the project to provide safe pedestrian connectivity to the development.

- Where the lots or parcels are subject to any CC&Rs or other restrictions, any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.
 - No CC&Rs or restrictions will conflict with the replat. The only restriction on the lots will be, the well water rights are required to be transferred to the Woodmen Hills Metro District in order to annex into the district for water and sewer service.

We look forward to working with the County on this new development which has been some time in the making. We appreciate all the assistance from county planning to bring this project to fruition. If any additional information is needed, please let me know.

Sincerely,
LAND DEVELOPMENT CONSULTANTS

Sofia Hernandez
Project Manager