

PUD-02-013

714.36

**REZONING: R-4 TO PUD
BAPTIST ROAD RETAIL CENTER
WAL-MART SUPERCENTER**

A request by Kenneth H. Barber, Uwe Schmidt and Beverly B. Miller for approval to rezone a parcel from the R-4 (Planned Development) Zone District to the PUD (Planned Unit Development) Zone District for the purpose of accommodating a Wal-Mart Supercenter store and associated Pad sites. The 30-acre property is located south of Baptist Road and east of Interstate-25 in the Tri-Lakes Planning Area. Tax Schedule #: 71360-02-023.

NOTE: The majority of staff comments and analyses are focused on the PUD request because this is the most discretionary of the two applications being considered.

PREPARED BY

Janice E. Fetrow/ Carl F. Schueler
5/5/04

APPLICABLE RESOLUTIONS

Approval Page 51
Disapproval Page 52

DEVELOPMENT SERVICES DEPARTMENT RECOMMENDATION: The Planning Division staff does not make a recommendation, noting that this is a major discretionary zoning and subdivision decision with a number of factors which could be considered both in favor of and against the zone change. If the Planning Commission chooses to approve the request, the Development Services Department recommends the following:

Should a commissioner desire to approve the PUD rezoning application, it is suggested that the motion be phrased as follows and the with the following conditions:

Having considered the evidence of record in this matter in light of the standards of review set forth on pages _____ of the staff comments, I find that

- (1) the Development Guide/Plan does generally conform to the El Paso County Master Plan; and
- (2) pursuant to the provisions of the Land Development Code, the subject property will be compatible, harmonious, and responsive with the existing surrounding area; and
- (3) the applicant/developer has demonstrated to my satisfaction that the proposed development plan will not negatively affect existing and future development.

Therefore, I move that item #PUD-02-013 be approved with the recommended conditions and notations (include any desired additions, deletions or modifications).

Should a commissioner desire to disapprove the PUD rezoning application, it is suggested that the motion be phrased as follows:

Having considered the evidence of record in this matter in light of the standards of review set forth on pages _____ of the back up materials, I find that

- (1) the Development Guide/Plan does not generally conform to the El Paso County Master Plan; and
- (2) pursuant to the provisions of the Land Development Code, the subject property will not be compatible, harmonious, and responsive with the existing surrounding area; and
- (3) the applicant/developer has not demonstrated to my satisfaction that the proposed development plan will not negatively affect existing and future development.

Therefore, I move that item #PUD-02-013 be disapproved. "

The following conditions and notations are suggested if the Planning Commission recommends approval:

CONDITIONS

1. Prior to scheduling this item for hearing by the Board of County Commissioners, the applicant shall:
 - a) Provide a revised PUD Plan and/or related materials that address the outstanding applicable concerns of the Engineering Division as identified in their April 23, 2004, letter or clearly identify areas of disagreement for resolution by the Board of County Commissioners.
 - b) Similarly address Planning Division technical comments as attached to this staff report.
 - c) Specifically address the option of modifying the store footprint such that a "mirror image" of the back of the store would be constructed, thereby shifting the truck-loading operations farther north away from adjacent residential uses.
2. With the possible exception of Condition #1. c) above, and technical modifications of the PUD Development Plan, the allowable uses for this site will be strictly limited to those depicted in the Development Plan included as Exhibit _____ and shall be further limited by a requirement to maintain general consistency with the building elevations and design profiles provided in Exhibit _____.

3. The storage of cardboard boxes, pallets, garbage or other similar materials shall be prohibited outside of screened areas.
4. No merchandise, excluding trees, plants and other live vegetative goods shall be stored along the sidewalk in front of the building or elsewhere outside of designated, screened outdoor sales areas.
5. Roof-edge parapets shall be sufficient to ensure that all rooftop mechanical equipment is screened from view from abutting roadways and adjacent residential properties.
6. The material stored within the outdoor storage area at the northwest corner of the building shall be limited to plants, pots, fertilizers/ lawn foods and other similar types of garden- related products.
7. Landscape berms with plantings shall be provided along Jackson Creek Parkway and Baptist Road to minimize the visual effects from the front ends of cars in the parking lots. Similarly, a six (6) foot opaque fence shall be provided on top of the retaining wall along the north side of the southerly access as well as along the entire eastern perimeter (property line). This fence is needed for safety reasons to prevent children attending the adjacent church/ school from chasing balls or toys down the steep slope that is being created as the result of the massive cutting and filling that has to occur to prepare this property for construction.
8. The PUD Development Plan shall be reviewed by the Engineering and Planning Divisions and recorded prior to submittal of any Final Plat.
9. Development of the property shall be in accordance with the approved Development Plan and Development Guide. Minor modifications may be made subject to the limitations contained in Section 16, paragraph Q. of the El Paso County Land Development Code.

NOTATIONS

1. An Administrative Plot Plan will be required pursuant to Section 37 of the El Paso County Land Development Code.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

PUBLIC NOTICE: The property was posted on April 27, 2004.

PUBLIC NOTIFICATION: Staff notified adjoining property owners of applicant's intent on April 26, 2004. A summary of their responses will be given at the meeting.

ADJOINING LAND USE AND ZONING

North	Existing and Planned Commercial Development	PCD (Town of Monument)
South	Existing Single-Family Residential (Five-Acre Lots)	RR-2 (Rural Residential) District
East	Existing Religious Institution And Residential	RR-2 (Rural Residential) District
West	Mouse Mitigation Property - Undeveloped	PIP (Town of Monument)

HISTORY - This site was identified on the Jackson Creek Junction Master Plan as a "Community Commercial Center" and was rezoned from R (Residential) to R-4 (Planned Development) in 1976. (Files MP-75-5 and R-4-75-004Z; BoCC Resolution #: 231703).

DESCRIPTION OF PROPERTY - The Baptist Road Retail Center Subdivision is a 30-acre commercial development located in unincorporated El Paso County near the Town of Monument, Colorado. It lies on the south side of Baptist Road, approximately 2,000 feet east of the Baptist Road interchange of Interstate 25. The site is bounded by Baptist Road to the north, undeveloped property owned by the Colorado Department of Transportation to the west, and the Chaparral Hills Subdivision (Lots 32-35, and 46) to the south and east.

The subject property is presently covered with native grasses, weeds and scrub oak. Topography across the site generally slopes to the west with approximately 90 feet of elevation difference. The terrain is moderately steep, and the prominent topography is a thirty-five foot (35') ridge that extends through the southern portion of the site. The major drainage way located near the site is Jackson Creek which lies on the adjacent property to the west.

SUMMARY OF PROPOSAL - This is a proposal to subdivide thirty (30) acres into three (3) commercial lots, one of which will be used for a detention pond. The property is presently zoned R-4 (Planned Development - Obsolete), and a request is being made to rezone it to PUD (Planned Unit Development). The site is presently vacant.

The applicant intends to construct an approximately 203,091 square foot Wal-Mart Super Center, a self-serve gas station, and a detention/open space pond. The Wal-Mart Super Center, gas station, and detention pond will fully develop the site by building the facilities, associated parking, truck loading docks, storm drainage facilities, access driveways, landscaping and public road improvements.

The Baptist Road Corridor has experienced significant recent development, including the recently completed King Soopers development across Baptist Road north of the proposed Wal-Mart site. A large parcel to the west of the site is currently vacant. This parcel was considered for development into commercial/industrial uses but has been purchased by the Colorado Department of Transportation for Preble's Meadow Jumping Mouse habitat and is anticipated to remain vacant. Much more residential and commercial development is anticipated in the future particularly to the north in the Jackson Creek development.

The major access points for the Wal-Mart Super Center are planned to be from Jackson Creek Parkway on the west side of the property. Jackson Creek Parkway is planned to have two (2) driveways. The northern access driveway is planned to be right-in/right out only, and the southerly access driveway is planned to be full movement with the possibility of signalization in the long term. The southerly driveway will also provide access to the drive-through pharmacy and delivery truck loading docks located on the south and east sides of the proposed building, respectively. A right-in/right-out driveway onto Baptist Road is also planned to provide ingress/egress to the proposed parking lot and the self-serve gas station.

Water and wastewater service will be provided by Tri-view Metropolitan District. Fire protection will be provided by Donald Wescott Fire Protection District. Electric service will be provided by Mountain View Electric Association, Inc., and Aquila (formerly Peoples Natural Gas) will provide natural gas service.

AGENCY COMMENTS

DEVELOPMENT SERVICES ENGINEERING DIVISION (April 23, 2004)

The following DOT comments are formatted to show the original comments from October 2002, then the status, or any new comments resulting from the re-submittals (including that received April 14, 2004) in bold:

Traffic Impact Analysis:

- 1) The study should be revised as necessary based on updated traffic counts.
Resolved, information provided.

- 2) The County's Baptist Road consultant working with BRRTA needs to review and comment on the document.
Most recent traffic impact analysis to be forwarded to County's consultant, PBS&J.

- 3) Analysis of scenarios need to assume the new Struthers Road South connection from Gleneagle to Jackson Creek Parkway, and take into consideration the significant Forest Lakes project, on Baptist Road West of the interstate.
Issue not entirely resolved. See latest Traffic Engineering comments below.
- 4) The North access point shown onto Jackson Creek Parkway as a full movement will likely need to be a right in/right out only access.
Resolved
- 5) A concern with the earlier site plan was for future access to lots (including the church) immediately East of the subject property. It appears that a frontage road proposed on the Baptist Road improvements plan. The study needs to discuss the frontage road. The study is required to address the access to existing lots on Baptist Road between Jackson Creek Parkway and Leather Chaps. A frontage road may be required.
Issue remains.
- 6) The proposed auxiliary lane geometry including tapers and turn bays as presented (in particular, between the existing bridge on Baptist Road and Jackson Creek Parkway) do not appear to meet access code requirements. The study needs to evaluate the requirements and provide detailed lane and taper length recommendations. The re-submitted study shows intersection improvements on Figure 16 in response to previous comment 6. All lane lengths shown are significantly shorter than required in the access code. Turn bays on Jackson Creek Parkway to and from Wal-Mart access points will likely be required to be back to back double left turn lanes based on the peak hour traffic volumes presented.
Issue remains. See latest Traffic Engineering Comments below.

Additional comments from the re-submittal:

- State clearly that Wal-Mart is required to construct Struthers Road from Baptist Road, South to the Struthers Ranch project to complete the connection.
Resolved, is now listed as project mitigation by developer.
- Wal-Mart will be required to install the signal at Baptist/Leather Chaps as part of their Baptist Road improvements.
Issue remains.
- Specifically state that Wal-Mart will construct the required laneage in Baptist Road to and including the Leather Chaps intersection.
Issue remains.

- Confirm that a curbed median will be installed on Baptist between Jackson Creek and Leather Chaps as a barrier to traffic from the right-in/right out access points.
Resolved, shown on diagram, plans.
- Strike the sentence on page 12 that states the County has preference for LOS D.
This is just a necessary re-wording that has not yet been corrected.
- Use the published ITE generation rates for the associated gas station.
Issue remains.
- Provide additional justification for the generated traffic distribution. We are concerned that there may be higher traffic coming from Jackson Creek to the North especially prior to I-25 ramp improvements, and from I-25 in general.
Issue remains.

Traffic Engineering Section Comments from 4/14/04 submittal:

- **Study needs to include an interim (pre-interchange improvement) scenario that captures near-term effects of development; for example, CLC study for Monument Marketplace shows 2008 figures, which may or may not be the proper specific time in the Wal-Mart case.**
- **Be advised that there is no identified funding for CDOT improvements to the Baptist / I-25 interchange.**
- **Report needs to have a clear listing of improvements that will be constructed by the developer. There are several recommendations that state "should be constructed, but are not clearly stated as a developer responsibility.**
- **The improvements contemplated in Wal-Mart engineering drawings and Monument Marketplace construction plans show a simple extension of the existing 48" pipe culvert under Baptist west of Jackson Creek Parkway. Be advised that this structure size will not accommodate even a 10-year design storm. There is a significant risk that any construction investments here will require replacement because crossing upgrade to criteria will require elevating the roadway several feet, prior to interchange construction or due to storm damage.**
- **Exhibit A needs to be revised to reflect auxiliary lane dimensions as per Monument Marketplace construction drawings. For example, EB to NB left-turn bays for the intersection of Baptist/Jackson Creek are shown as double 550-foot lanes on Monument Marketplace construction drawings, while Wal-Mart TIS shows double 250-foot lanes. Additionally, auxiliary lanes associated with the proposed Wal-Mart project need to be sized according to CDOT's Access Code (RA classification).**

- At the intersection of Baptist and Leather Chaps, right turn deceleration lanes will be required at both Baptist Road approaches.
- Also at the intersection of Baptist and Leather Chaps, the SB Leather Chaps approach will require through, left-turn and right-turn bays. NB Leather Chaps approach is ok as shown.

Preliminary Drainage Report:

- 1) Provide the standard El Paso County Approval Block on the signature page to be approved by John A. McCarty, P.E., County Engineer, Director.
Resolved.
- 2) A section for Drainage and Bridge Fees needs to be added to the report, discussing the fee requirement in the Jackson Creek basin. The fee calculation can be included now, or in the Final Drainage Report. Currently the drainage fee in this basin is \$3,975 per impervious acre. There is no current bridge fee in the basin.
Resolved. Detail will be included in the Final Drainage Report.
- 3) Provide discussion and statements in the report dealing with your analysis of the existing and downstream drainage facilities, and any impacts to these systems as a result of the proposed development. Some discussion of downstream impacts and mitigation still required in the Preliminary Drainage Report to fully identify all issues to be resolved.
Resolved.

Preliminary Plan:

- 4) The submittal includes proposed improvements to Baptist Road and Jackson Creek Parkway, on Sheet 2 of 2 of the supplemental map. These improvements need to be reviewed in detail by the County's Baptist Road Consultant. It will be difficult to get to a final configuration until the consultant's conceptual plan for overall improvements is complete.
Resolved. Detail to be refined at Final Plat stage of development.
- 5) With respect to the Baptist Road improvements, the County would be interested in balancing potential interim improvements to Baptist Road with additional improvements extending Jackson Creek Parkway South of the subject site. The connection to the South has been determined to be critical to the transportation system if this site development project becomes reality. Discussions concerning potential improvements to the South need to take place at the earliest opportunity.
Resolved. Condition to be placed on Preliminary Plan and detail to be completed prior to Final Plat.

- 6) Along Baptist Road, site improvements such as significant grading, and access curb returns are shown in the proposed 30 feet strip of additional right-of-way. Site improvements should be revised and pulled back assuming the full construction of Baptist Road and frontage road improvements. Additional retaining walls may be required.

Issue remains.

Significant site grading and development still shown in dedicated right-of-way. Site improvements should be pulled back to be within the development property. A retaining wall may otherwise be required along Baptist Road to accommodate the severe grade change.

Resolved, to be finalized with Final Plat/Construction

Drawings.

- 7) Make sure that all necessary easements are shown on the Preliminary Plan.

Resolved. Easements shown.

- 8) Additional right-of-way will be required to accommodate the frontage road on Baptist Road. It will be the applicant's responsibility to secure this additional right-of-way as part of the subdivision process.

Issue remains. Applicant to provide alternatives for access to these parcels.

- **The site access point from Baptist Road is to be right-in/right-out only as previously discussed, and shown in the traffic study. It is now shown as a "full movement entrance" on the Preliminary Plan/PUD Development Plan. Revise the documents.**

**STATE OF COLORADO DEPARTMENT OF TRANSPORTATION - DESIGN UNIT
(January 5, 2004)**

The Colorado Department of Transportation Design Unit in charge of the Baptist Interchange area has reviewed the construction plans dated November 19, 2003 for the Final Roadway Design of Baptist Road. The CDOT review was for that portion of the design plans within the area of the CDOT jurisdiction. The comments are:

General Comments:

- Erosion control measures shall be in place prior to any type of construction activity.
- No encroachment onto the Colorado Department of Transportation (CDOT) Jackson Creek PMJM Mitigation Property as defined from the limits provided by CDOT's consultant PBS&J.
- No sediment is to be allowed onto the Colorado Department of Transportation (CDOT) Jackson Creek PMJM Mitigation Property.

- No ramps at the I-25 Interchange shall be closed at any time and existing laneage will be maintained at all times during construction.
- All construction shall conform to the CDOT standards and specifications.
- Proper traffic control during construction shall conform to the current MUTCD Manual.

Sheet Comments:

Sheet CO.10:

- Include the following in the general notes "If adjusting of the traffic signals is required at the I-25 Interchange, the Contractor shall contact the CDOT Traffic Engineer Unit at (719) 546-5734 to perform the adjustment."

Sheet CO.50:

- Proposed sewer line located on the existing Struthers Road will need to be coordinated with CDOT Utility Unit at (719) 546-5433.
- On this particular sheet the limits for the PMJM Mitigation Property are shown. Include "Note: This limit is not be encroached upon by construction." This note shall be included on all sheets where applicable.

Sheet C2.20:

- Show typical sections for the new southbound and northbound I-25 off ramps. Typical shall include the thickness of the asphalt.

Sheet C4.00:

- The southbound and northbound I-25 off ramps disturbed areas will need to be seeded and mulched. If the slope is steeper than 3:1 erosion blankets will be required.

Sheet C8.10:

- Verify the latest CDOT standards are being used. The current standards listed in the plans have been revised.

If you have any questions regarding the above comments, please contact Mr. Daniel Hunt in Colorado Springs at 719-227-3242. An application for access permit will need to be submitted for the proposed changes to the interchange. Any questions regarding the application can be directed to me in Pueblo at (719) 546-5707. (Jackie Hall, Access Manager)

**STATE OF COLORADO DEPARTMENT OF TRANSPORTATION - TRAFFIC UNIT
(September 2, 2003)**

The Colorado Department of Transportation has reviewed the information submitted requesting approval to rezone a parcel from the R-4 PUD District to the PUD District for the purpose of accommodating a Wal-Mart Super Center store and associated Pad sites. Also requesting approval of a 3-lot subdivision in the proposed PUD District. The

30-acre parcel is located south of Baptist Road and east of I-25 in the Tri-Lakes Planning Area. We have the following comments:

The *revised* traffic impact analysis dated June 20, 2003 has been forwarded to the CDOT traffic unit for review. The comments follow:

- ◇ The CDOT Traffic Unit concurs with the Year 2004 proposed mitigation as presented on pages 49 and 50, but should include the widening of westbound Baptist west of I-25 to accommodate a separate left-turn lane and install a 5-section protected/ permissive left-turn signal. Currently, widen the southbound I-25 on-ramp to accommodate a separate right-turn lane.
- ◇ Construct a cul-de-sac on the very north portion of Struthers Road south of Baptist Road once Jackson Creek Parkway is constructed to Struthers Road near Falcons Nest Loop.
- ◇ Provide a signal progression analysis to include the temporary signals installed on the I-25 on/off ramps, Struthers Road and Jackson Creek Parkway.

Please revise the traffic study and resubmit to CDOT for additional review and comment. All other previous comments from my letter dated July 16, 2003 will still apply.

If you have any questions regarding the review of the revised traffic study, please contact Mr. John Cordova, CDOT Traffic Engineer in Pueblo at (719) 546-5405. All other questions should be directed to me at (719) 546-5407. (Valerie Watkins, Access Manager)

**STATE OF COLORADO DEPARTMENT OF TRANSPORTATION - HYDRAULICS UNIT
(August 7, 2003)**

The Colorado Department of Transportation Hydraulics Unit has reviewed the information submitted with the request for approval to rezone a parcel from the R-4 PUD District to the PUD District for the purpose of accommodating a Wal-Mart Super Center store and associated Pad site and the request for approval of a 3-lot subdivision in the proposed PUD District. The 30-acre parcel is located south of Baptist Road and east of I-25 in the Tri-Lakes Planning Area. Their comments follow:

- ◇ Any CDOT Hydraulics Unit review of a drainage report includes a determination regarding potential harm to DOT infrastructure.
- ◇ In the case of the proposed Wal-Mart development, it is difficult to determine to determine if the development will cause harm to the CDOT infrastructure. The infrastructure is land. The land is serving as a wildlife mitigation area. The development, if built, will release flows at a historic rate but the flows will no longer be sheet flows. The flows will be concentrated and the vegetation on the CDOT land may be affected by this change. The nature and usefulness of the mitigation may

also change. There are other implications including noise and changes to the quality of the runoff.

- ◇ CDOT Hydraulics recommends the designer contact the CDOT Environmental staff and design an acceptable environmental study. The designer should provide clear proof that there will be no negative environmental impacts to the adjacent CDOT property prior to the issuance of access permits.
- ◇ All comments of my previous letter dated July 16, 2003 still apply.

If you have any questions, please contact me in Pueblo at (719) 546-5407. (Valerie Watkins, Access Manager)

STATE OF COLORADO DEPARTMENT OF TRANSPORTATION
(July 16, 2003)

The Colorado Department of Transportation has reviewed the information submitted requesting approval to rezone a parcel from the R-4 PUD District to the PUD District for the purpose of accommodating a Wal-Mart Super Center store and associated Pad sites. Also requesting approval of a 3-lot subdivision in the proposed PUD District. The 30-acre parcel is located south of Baptist Road and east of I-25 in the Tri-Lakes Planning Area. We have the following comments:

- ◇ The *revised* traffic impact analysis dated June 20, 2003 has been forwarded to the CDOT traffic unit for review. Additional comments will be sent upon completion of the review.
- ◇ Previous comments regarding the proposed improvements for both the Wal-Mart and the Monument Marketplace were sent July 9, 2003 (see below).
- ◇ The drainage report dated June 20, 2003 has been forwarded to the CDOT hydraulic unit for review. Additional comments will be sent upon completion of the review.
- ◇ Drainage to the state highway right of way shall not exceed the undeveloped historic rates. All rates in excess of historic shall be detained on site and released at historic levels.
- ◇ On-premise and off-premise signing shall comply with the current Colorado Outdoor Advertising Act, sections 43-1-401 to 421, C.R.S., and all rules and regulations pertaining to outdoor advertising. Please contact Mr. Sam Pisciotta at (719) 546-5743 for any questions regarding advertising devices.
- ◇ Any utility work within the state highway right of way will require a utility permit from the CDOT. Information for obtaining a utility permit can be obtained by contacting Mr. Dennis Fitzsimmons at (719) 546-5433.

If you have any questions, please contact me in Pueblo at (719) 546-5407. (Valerie Watkins, Access Manager)

**STATE OF COLORADO DEPARTMENT OF TRANSPORTATION – TRAFFIC SECTION
(July 9, 2003)**

The Colorado Department of Transportation Traffic Section has reviewed the proposed improvements as forwarded to me at June's MTTF meeting. Their comments are as follows:

- ◇ The northbound off-ramp right turn lane needs to be extended to almost the beginning of the ramp.
- ◇ The Market Place TIA recommended adding an eastbound right-turn lane to southbound I-25 on Baptist Road at the west ramp intersection. We agree this is necessary and it is not shown on the plan.
- ◇ The south leg of Struthers must be re-routed or have access to Jackson Creek south of Baptist Road and restrict the south leg to right-in/right out on Baptist. This is necessary in order for the east ramp/Struthers intersection to function adequately and to provide a free-flow right turn for the northbound I-25 to eastbound Baptist Road right turn. This free-flow right turn is to be channelized through the Struthers intersection.
- ◇ Jackson Creek north of Baptist is to be connected to Higby Road so that the north leg of Struthers on Baptist can be restricted to $\frac{3}{4}$ movement (right-in/right-out and left-in).
- ◇ Baptist Road between the northbound I-25 on-ramp and Struthers will need a left-turn bay for the east to north left turns at Struthers.

If you have any questions regarding the review of the proposed improvements, please contact Mr. Terry Shippy in Pueblo at (719) 546-5734. All other questions should be directed to me at (719) 546-5734. All other questions should be directed to me at (719) 546-5407. (Valerie Watkins, Access Manager)

**MAJOR THOROUGHFARE TASK FORCE
(July 25, 2003)**

The applicants have come in with a larger footprint which necessitated a revision of the traffic study. The study showed that there are two (2) access points onto Jackson Creek Parkway on being right-in right-out the other will be full movement. These have been moved a bit to accommodate the required distances. There is a right-in right-out on Baptist Road. There have been several requests with respect to this project and the MTTF process asking that the four (4) parcels on Baptist Road which have no access be analyzed. The applicants have indicated that there is no way they can provide

access to these parcels. The MTTF Tech Committee asked that the applicant justify this fact in a letter of explanation.

Are the improvements to be made to the 2008 Plan standards or the 2025 Plan standards? An intermediate scenario has been agreed upon for the West segment and it will be in accordance with 2008 standards.

There was discussion of traffic counts in this area for Phase 1 & 2 only. Counts show that there will 1000 left turns per hour during peak traffic times. This is going to be a very busy intersection. Use was made of the maps to show plans for road/intersection improvements.

There was additional discussion. It was decided that the 2008 requirements are acceptable at the present time. During this time horizon, there will be a build out of the Wal-Mart project but not of the Marketplace. Improvements will be made as required and all improvements are consistent with the approved I-25 interchange footprint. A question was asked about funding and these I-25 improvements are not in the TIP for 6 (Transportation Improvements Plan) which is the 6-year capital plan for the region. Most changes to Baptist and related facilities will have to be made no matter which project gets built first and the developers will fund these.

A connection of Jackson Creek and Struthers south through to the Gleneagle is a part of trying to make this situation tenable for the next 10 years. There was additional discussion.

Mr. Schueler summarized as follows: The Tech Committee recommends approval of the access points as shown with one full movement intersection on Jackson Creek and two right-in right-outs, one on Baptist Road and one on Jackson Creek; they recommend approval of rights of way as shown and they recommend approval of making the connection south on Struthers, all subject to appropriate improvements being made at the appropriate times, and subject to comments and/or approval of CDOT which has not yet been received.

A motion was made by Mr. Bell to recommend approval, with access points as shown in the traffic study which include one right-in right-out on Baptist Road and a full movement and a right-in right-out on Jackson Creek Parkway; extension of Struthers with at least 2 lanes to the south; turn lanes and improvements to the west leg in accordance 2008 condition and subject to CDOT's comments on the traffic study. The motion was seconded by Mr. Novak and passed unanimously.

**UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE
(February 25, 2004)**

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.), the Service has prepared the following comments regarding the proposed Wal-Mart Super

Center Site on Baptist Road and Jackson Creek Parkway near Monument in El Paso County, Colorado.

The Service had previously stated, in a letter to Larry Semo of SWCA Environmental Consultants dated July 30, 2003, that the proposed Wal-Mart project site on Baptist Road may contain potential habitat for the Preble's meadow jumping mouse, *Zapus hudsonius preblei* (Preble's), and development of the project site may adversely affect Preble's and Preble's habitat. The Service also provided additional concerns regarding potential Preble's habitat on the project site in a letter to Wayne Forman of Brownstein, Hyatt, and Farber, dated December 11, 2003. During that time, the Service has met twice with you and other consultants for Wal-Mart, as well as with representatives from the Colorado Department of Transportation (CDOT) and the Tri-View Metropolitan District. At the last meeting on February 10, 2004, you presented a development plan for the Wal-Mart project site that includes the following elements:

- A redesign of the site plan to avoid disturbance of the southern-most part of the site, including 0.85 acres identified by the Service as Preble's habitat.
- Off-site mitigation of the impacts to the balance of the Preble's habitat identified by the Service on the project site, comprising approximately 1.74 acres. The proposed mitigation will occur in connection with a n application or an ESA section permit for the construction of Jackson Creek Parkway (Parkway) along the western boundary of the project site and loss of Preble's habitat in the northwest corner of the project site which will be disconnected as a result of construction of the Parkway. The total proposed mitigation will be 12.76 acres of off-site habitat enhancement within the Monument Creek drainage, to be determined as part of the section 10 permit application package.
- Lighting on the project site to be managed to minimize the illumination of the Preble's habitat within the southern end of the site and the CDOT property to the west. The photometric analysis which you provided seems to achieve that result.
- Drainage water shall be managed utilizing best management practices and, through cooperation with CDOT and the Service, may be discharged to an outlet weir or other approved discharge design that will allow the discharged water to enhance the Preble's habitat on the CDOT property.
- Mitigation for both permanent and temporary disturbance which will occur on the CDOT parcel west of the Wal-Mart project site in connection with construction of the Parkway.
- Installation of a second culvert, through cooperation with CDOT, under the Parkway for the drainage in the southern portion of the project site which will allow water to flow from the drainage to the CDOT property and allow for free movement of Preble's along the tributary.

The Service believes that the issues raised in the above-mentioned July 30, 2003 and December 11, 2003 letters will be appropriately addressed upon obtaining a section 10 permit associated with an Environmental Assessment/Habitat Conservation Plan that requires the successful implementation of the foregoing terms. As we discussed at the February 10, 2004 meeting, the Service is prepared to act with all reasonable dispatch on the Incidental Take Permit (ITP) application for the Jackson Creek Parkway and projects associated with the development of the Wal-Mart project site, and issue an ITP once all applicable permit issuance criteria under section 10(a)(2)(B) of the ESA have been met and the Habitat Conservation Plan and supporting information are statutorily complete. With these understandings, the Service has no objection at this time to Wal-Mart proceeding to process its land use application with El Paso County, in conjunction with proceeding with the section 10 permit application process.

If the Service can be of further assistance, please contact Kathleen Linder or Barbara Spagnuolo of my staff at (303) 275-2370. (Susan Linner, Colorado Field Supervisor)

STATE ENGINEER'S OFFICE
(October 25, 2002)

We have received your October 11, 2002 submittal concerning the above referenced proposal to subdivide 30 acres into 3 commercial use lots plus one lot containing a detention pond. The estimated water requirements were given as 16 acre-feet annually. The proposed water supplier is the Triview Metropolitan District.

Information available in our office indicates the District currently has available 701 acre feet per year from its wells, based on a 100-year aquifer life (see the enclosed table). The submittal included a March 31, 2002 engineering study for the District documenting its ability to serve the proposed subdivision. This study shows in Table 2 a demand of 428.5 acre-feet per year, including "in-process (platting & review) single family" demands, which we assume includes all commitments for service currently entered into by the District. Based on 272.5 acre-feet of excess water being available ($701 \text{ af} - 428.5 \text{ af} = 272.5 \text{ af}$) the District should have sufficient water resources to supply this subdivision for a 100-year aquifer life.

An "Agreement to Serve" document dated April 10, 2002 was provided from the District in which it states water service will be provided subject to certain conditions. This document does not appear to guarantee service. While our office recognizes a District's need to require infrastructure construction and fees and the like in order to provide service, the wording of the document does not appear to commit the District to reserve any currently available water resources capacity to serve this subdivision. Pursuant to provision of C.R.S. 30-28-136(1)(h)(II) it is the opinion of this office that so long as the applicant provides to the county a statement in which the District commits service to the extent of reserving water for the subdivision, the proposed water supply can be provided without injury to existing water rights.

An excess supply of 272.5 acre-feet per year for a 100-year aquifer life would allow the District to supply an annual demand of 90.8 acre-feet per year for a 300-year aquifer life. If any of the 428.5 acre-feet per year of assumed current commitment is subject to the County's 300-year water supply requirement this 90.8 acre-feet per year would decrease.

Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life under the provisions of CRS 37-90-134(4)(b)(I). For planning purposes the county should be aware that the economic life of a water supply based on Wells in a given Denver Basin aquifer may be less than the 100 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply. If you have any questions please contact Keith Vander Horst of this office.

Triview Metropolitan District decreed water rights

Aquifer	Quantification Decree	Annual Quantification Decree (AF/YR) ¹	Status ²	Augmentation Plan Decree	Currently Available (af/yr) ¹	Currently Available (af)
Dawson	82-CW-22	462	NNT	none	0	0
Denver	85-CW-13	331	NNT-Actual ³	none	0	0
	85-CW-13	833	NNT-4%	98CW134 for 50.7 af/yr	50.7	5,070
Arapahoe	87CW40	581	NNT-4%	95CW153 for 323 af/yr	323	32,300
	81CW173	202	NT	NA	202	20,200
Laramie-Fox Hills	81CW173	499	NT (4)	NA	499	49,900

Total not-nontributary water =	2,207	Total not-nontributary water =	374	37,370
Total nontributary water =	701	Total nontributary water =	701	70,100
Total decreed water =	2,908	Total decreed water =	1,074	107,470
		Less NT water reserved for post-pumping augmentation (5) =	373.7	37,370
		Total available water =	701	70,100

Notes:

- 1) Based on a 100 year aquifer life
- 2) NT = Nontributary, NNT = Not-Nontributary
- 3) 456 af/yr under contiguous land and 6 af/yr under non-contiguous land
- 4) 493 af/yr under contiguous land and 6 af/yr under non-contiguous land
- 5) 95CW153 and 98CW134 require nontributary water be held in reserve for post-pumping augmentation in the following amounts:
 - 95CW1 53 reserves 323 af/yr (32,300 af) from the Laramie-Fox Hills aquifer
 - 98CW134 reserved 50.7 af/yr (5,070 af) from the Arapahoe aquifer

By: Colorado Division of Water Resources (21 October, 2002)

EL PASO COUNTY ATTORNEY'S OFFICE
(August 1, 2003)

- 1) This is a proposal by Kenneth Barber, Uwe Schmidt and Beverly Miller to subdivide 30 acres into 3 commercial lots. The property is currently zoned R-4 and a request has been made to rezone it as PUD. The property is located in the Northeast quarter of the Northwest quarter of Section 36, Township 11 South, Range 67 West of the 6th P.M., El Paso County, Colorado.
- 2) The Applicant has provided for the source of water and sewer to be from a central water system - Triview Metropolitan District. A water summary form was not available. The Applicant indicated to the State Engineer's Office that its estimated water requirements were 16 acre-feet annually. Based on these demand figures, Applicant would have to be able to provide a supply of 4,800 acre-feet of water (16 ac ft/yr. x 300 yrs.) to meet the County's 300 year water supply requirement.
- 3) No Letter of Commitment was available from the District.
- 4) In a letter dated October 21, 2002, the State Engineer indicated that the Applicant estimates its water requirements at 16 acre-feet annually. According to the Engineer's records, the Triview Metropolitan District is authorized to withdraw up to 701 acre-feet per year from its wells. Based on a 100 year aquifer life, the District currently has commitments totaling 428.5 acre-feet resulting in a balance of 272.5 acre-feet available (701 ac-ft - 428.5 ac-ft = 272.5 ac-ft) or 90.8 acre-feet for a 300 year aquifer life. Also, the Engineer indicates that while a proposed Agreement to Serve was provided by the District, a Letter of Commitment was not received. Pursuant to C.R.S. 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply is adequate and can be provided without injury to existing water rights.
- 5) The water quality requirements of Section 49.5E of the Land Development Code must be satisfied.

- 6) Therefore, at this time, despite the finding of sufficiency by the State Engineer, and until a letter of commitment is received from the Water District and a new updated letter is received from the State Engineer's Office, the County Attorney's Office would recommend a finding that the proposed water supply is insufficient in terms of quantity and dependability. The El Paso County Health Department shall provide an opinion as to quality.

**TRIVIEW METROPOLITAN DISTRICT
(November 8, 2002)**

This transmittal is a preliminary response to the PUD-02-013 and SP-02-024 requests involving the Wal-Mart proposal at Baptist Road and Jackson Creek Parkway. It is the understanding of the Triview Metropolitan District that Wal-Mart will be petitioning for inclusion into the District to obtain water and wastewater services. If this occurs, Triview would also be responsible for maintenance of public streets, regional drainage and public landscaping within its jurisdictional boundaries.

At this juncture, Triview has been informed that Baptist Road will remain a County Road as will Jackson Creek Parkway south of Baptist Road. Additionally, it has been stated to Triview that the on-site drainage facilities will be maintained as Wal-Mart as well as the landscaping and the service infrastructure on the property. If this information is correct, Triview will only be providing water, wastewater and possible reuse along with maintaining the service lines within the public Rights-of-Way.

There is a need to confirm all of this as soon as possible in order to avoid any confusion or misunderstanding. As a matter of course, the water, wastewater and possible reuse systems infrastructure will have to be constructed to comply with Triview's Standards,

The "Water Resources and Water System Improvements" Study by Nolte Associates, Inc. prepared for Triview and dated 3/31/02 was previously submitted to El Paso County as the District's primary response. Triview may have additional comments when the foregoing presuppositions are confirmed. If you have any questions, do not hesitate to contact the District office at your convenience. (Ronald J. Simpson, District Manager)

**TRIVIEW METROPOLITAN DISTRICT
(April 10, 2002)**

Triview Metropolitan District agrees to provide public services to the Proposed Wal-Mart Site in El Paso County upon the adoption of a specific Resolution by the Board of Directors of the Triview Metropolitan District relative to said Property. The Triview Metropolitan District recognizes it was formed for the purpose of providing the following public services to the property located within the District boundaries. Further, the District intends to meet its obligations as set forth in its Service Plan.

These services include: public water collection; treatment and delivery; public wastewater collection and treatment; public streets; public storm drainage; public parks and recreation; and, public mosquito control.

Such Resolution is conditioned upon inclusion into Triview Metropolitan District has been approved and finalized; all necessary infrastructure being available to and for the Property; the El Paso County having approved the required zoning and/or subdivision plat for the Property; the owner(s) of the Property having committed in a form acceptable to the Triview Metropolitan District to pay all required fees and charges relative to Triview Metropolitan District services; and, there is an approved agreement with the Triview Metropolitan District committing sufficient water to meet service demands for the Property to the Triview Metropolitan District according to approved procedures and conditions.

This Agreement does not constitute a guarantee on the part of Triview Metropolitan District for delivery of said services nor a commitment to deliver said services at a date certain. (Ron Simpson, Triview Metropolitan District Manager)

TOWN OF MONUMENT (September 24, 2003)

At its regularly scheduled meeting on August 4, 2003, the Town of Monument Board of Trustees recommended:

denial of the request for approval

based on the findings that the proposed development does not comply with the following goals or policies of the Tri-Lakes Area 2000 Plan:

Policy 7.1.6.1 concerning the location of higher intensity uses, and Goal I-25.1, subsections 3 through 8 and 11 through 12, concerning visual impact along the I-25 corridor.

Thank you for the opportunity to comment on this application. (Mike Davenport, Assistant Town Manager/Town Planner)

TOWN OF MONUMENT (July 25, 2003)

Thank you for sending the updated information on the above application. We appreciate the opportunity to provide the following comments.

- A. Board of Trustees (BOT) comments. As I indicated to you by phone message, (through no fault of yours) the revised documents had gone to the wrong party here. I expect to be able to provide Bot comments August 5, following the next BOT meeting on August 4.

- B. Traffic. Earlier today (July 25) I faxed you the comments by the Town's transportation consultant SEH, Inc. regarding the revised traffic study.
- C. Drainage and grading.
 - C1. Drainage. The drainage report is still being reviewed by the Town's consulting civil engineer GMS, Inc. I hope to provide civil engineering comments at the same time as BOT comments.
 - C2. Grading. The applicant for this development has neither applied for nor obtained approval from the Town for the proposed regrading shown within the Town limits.
- D. Town approval. The revised plan shows (within the town limits) a proposed extension of Jackson Creek Parkway south of Baptist Road. The applicant for this development has neither applied for nor obtained the Town's approval to either create the right-of-way or construct the road within the Town's boundary.
- E. Comprehensive Plan.
 - E1. Nonresidential development. The proposed development does not comply with the County's 2000 Tri-Lakes plan, which calls for nonresidential development in the County to locate within the towns. (Objective 7.1.6)
 - E2. Visual corridor. The proposed development does not comply with the County's Tri-Lakes plan with respect to visual goals and objectives.
 - ◇ It does not preserve the natural character of the I-25 corridor (Goal I-25.1)
 - ◇ There is insufficient screening of parking areas (Objective I-25.1.5 and Principle I-25.3)
 - ◇ There is insufficient screening of lights. (Objective I-25.1.7)
 - ◇ There is a lack of architectural character. (Principles I-25.2 and I-25.3).
 For example:
 - Extensive use of gray-colored block, even in the front façade.
 - Placing what appear to be service or "freight" doors as the only element to break up a large blank gray wall at the center of a near-symmetric building front.

If you have any questions regarding these comments, please call me at 481-2854.
 (Mike Davenport. Assistant Town Manager/Town Planner)

TOWN OF MONUMENT
(November 8, 2002)

At its November 4, 2002 meeting, the Town of Monument Board of Trustees (BOT) reviewed the referral information and received comments from Town staff, Town

consultants, and citizens. The following comments have been consolidated from the various documents reviewed and verbal comments given.

- 1) Additional information. Additional information (and the time to review that information) is needed in order to adequately comment on the proposed development, for at least specific areas listed below.
- 2) Traffic. In its accompanying letter Transplan/SEH, the Town's transportation Engineering Consultant, provides comments on the following traffic-related aspects of the proposed development:
 - coordination with other projects and agencies (general)
 - study timeframe,
 - trip generation/directional distribution/traffic assignment,
 - site-related improvements, and
 - site access.
- 3) Roads. The applicant's plan shows a proposed road (the extension of Jackson Creek Parkway south of Baptist Road) within the Town's boundaries. Development within the Town's boundaries is subject to approval under the Town's Zoning and Subdivision regulations and by Public Works permit.
- 4) Drainage and grading. A drainage study is needed to understand the potential impact to rights-of-way and properties within the Town.

The applicant's plan shows regrading extending onto properties within the Town's boundary. Any site disturbance within the Town must be according to an erosion control plan approved by the Town's Engineer.
- 5) Tri-Lakes Comprehensive Plan. The proposal should be consistent with the policies of the Tri-lakes Comprehensive Plan in particular that commercial development along Baptist Road should be encouraged to annex into the Town of Monument. The following policies are listed for the Gleneagle-Academy subarea that includes the proposed development site.
 - Commercial and non-residential type land uses should be located in areas designated as mixed use and should be designed in a manner that is sensitive (to) the existing residential uses.
 - Parcels planned for commercial development along Baptist Road should be encouraged to annex into the town of Monument.
 - All development that occurs within the I-25 corridor should be coordinated with the I-25 Visual Overlay and be consistent with the goals and objectives outlined in that section.
- 6) Visual impact. Following are objectives from the I-25 Visual Overlay section of the Tri-Lakes Comprehensive Plan.

- Support efforts to visually screen parking.
 - Reduce adverse visual impact from signs, communication towers, lighting and land uses along the I-25 Corridor.
 - Promote the use of low-level lighting, down lights, and photovoltaic (solar-powered) lighting.
- 7) Public safety. The accompanying letter by the Monument Chief of Police identifies indirect impact the proposed development will have.

Thank you for the opportunity to comment on this application. If you have any questions regarding these comments, please call me at 481-2954. (Mike Davenport, Assistant Town Manager/Town Planner).

**TRANSPLAN
(May 1, 2003)**

Following are some initial comments on the Wal-Mart Supercenter

General

- We recommend applicant coordinate proposed improvements along Baptist Road with CDOT's Baptist Road Interchange Project. We believe this interchange project study area includes the Baptist Road/Jackson Creek Parkway intersection.
- It is our understanding that the Wal-Mart property is part of BRRTA. We recommend applicant coordinate with Baptist Road Improvement Study being conducted by El Paso County, BRRTA and Loris & Associates. All adjacent roadway improvements should be coordinated with roadway designs being developed with this Baptist Road project.
- This traffic study evaluates Future Year 2002" with and without the site. As the site will not be open in 2002, we question the value and validity of this study.
- At a minimum, we recommend the traffic study evaluate existing conditions without the project (2002) and short term with and without the site (5 years or "opening year").
- We also recommend the study evaluate long term with and without the site (20 year – 2022). This current study correctly assigns no traffic to/from the south along Jackson Creek Parkway under existing 2002 conditions. When Jackson Creek Parkway is extended south to North Gate Road & Gleneagle Drive, a significant amount of site traffic will come from the south on Jackson Creek Parkway.

Trip Generation/Directional Distribution/Traffic Assignment

- We recommend Table 4 include daily trips from the site (about 10,000 new trips per day).

- We question the assumption that 50% of site traffic comes from the east and only 35% of site traffic comes from I-25 in 2002.
- We question whether a third of all trips to/from the north on Jackson Creek Parkway will enter/exit the site at the southern entrance, as it is a circuitous route to parking for the main Wal-Mart store entrance and pad sites.

Site Related Improvements

- Site related impacts are not identified as short and long term analysis was not performed.
- We recommend the applicant be responsible for mitigating site related impacts beyond 2002 site plus background traffic conditions. At a minimum, the site should mitigate short term impacts and mitigation of long term impacts are also recommended. We do not recommend interim "throw away" signal improvements replacing applicant's responsibility for longer-term (permanent) improvements.
- We recommend consideration that the applicant contributes their fair share to mitigate site related impacts within CDOT and El Paso County/BRRTA project areas.
- We recommend a raised median along Baptist Road to physically restrict left turns at proposed right-in/right-out entrance and provide pedestrian refuge at the Jackson Creek Parkway intersection. We also recommend consideration of channelized right turn islands at Jackson Creek Parkway/Baptist Road for pedestrians and improved operation.
- Plan shows Jackson Creek Parkway being built on property owned by CDOT. Is this ROW available for the applicant to construct four-lane design? We recommend consideration of applicant constructing portions of ultimate design in vicinity of Jackson Creek Parkway/Baptist Road intersection, including NB and EB double left turn lanes, signal improvements, additional Baptist Road EB thru lane along site frontage, and EB RT land at proposed right-in/right-out entrance on Baptist Road.
- We recommend the plans clearly indicate all improvements being built by applicant.

Site Access

- In the long term, a traffic signal may be needed at the Wal-Mart site's main entrance along Jackson Creek Parkway. We recommend this main entrance be located at least 600' south of Baptist Road, and the developer should be responsible for future potential signalization. Due to its proximity to Baptist Road, it may become necessary to construct SB double left turn lane into site to provide adequate "back to back" left turn storage NB at Baptist Road and SB at the main site entrance in the future.
- ***We recommend future access to the CDOT property west of the site across Jackson Creek Parkway occurs at the Wal-Mart entrance locations.***

- We recommend consideration of potentially restricting left turns out at the southern site entrance along Jackson Creek Parkway in the future. In the long term, these lefts out will become difficult on four lane Jackson Creek Parkway, and the main entrance may eventually be signalized to provide protected lefts out.
- We recommend Jackson Creek Parkway site entrances have two outbound lanes where full outbound movements are allowed.
- We recommend right turn lanes at site entrances along Jackson Creek Parkway.
- We recommend the full width NB right turn lane on Jackson Creek Parkway at Baptist Road be extended back to main (northern) Wal-Mart entrance.

In summary, analysis of future traffic conditions is needed to adequately and reasonably evaluate site impacts. Based on current knowledge, we have provided these comments. We recommend further evaluation after traffic study revisions are submitted and reviewed.

TOWN OF MONUMENT POLICE DEPARTMENT (October 22, 2002)

At the regular meeting of the Board on 21 October 2002, they requested input from the directors on how the increased traffic on Baptist Road when Wal-Mart is built will affect each department. The change will not affect the Police Department directly however; there will be indirect impacts.

Baptist Road falls under the jurisdiction of the Sheriff's Office for criminal violations and the State Patrol for accidents. The Police Department supports the State Patrol and the Sheriff's Office when our assistance is requested for traffic control in the event of an accident or if there is a crime in progress we may be requested as back up to the responding Deputy. We will also respond at the Sheriff's Office request if we are the closest enforcement agency and the situation requires immediate attention. We control the situation until the Sheriff's Office arrives and takes over the investigation. Our officers write a report if they were required to take law enforcement action during the assist creating an increase in written reports and the potential for increased subpoenas to appear in County Court.

The new Wal-Mart will create the need for turn lanes from Baptist Road increasing the chance for accidents. Many citizens do not realize Baptist Road is not under our jurisdiction and will call us first for assistance creating the potential for increased incoming phone calls to the Department. We then refer the call to the Sheriff's Office or the State Patrol depending on the nature of the call. We respond if there is a need for immediate attention.

Just the addition of the Wal-Mart alone will increase the number of shoplifting incidents, accidents on private property and criminal mischief complaints (damage to property). Again the involved persons will probably call the Monument Police Department for assistance even though the County or State Patrol may have jurisdiction. (Joe Kissell, Chief of Police)

COLORADO GEOLOGICAL SURVEY
(July 8, 2003)

I have reviewed the resubmitted preliminary plan and zone change information for the above site. This site was originally reviewed by CGS in October 2002. The site consists of approximately 30 acres. Included in the resubmittal were the letter of intent (undated), preliminary plan/PUD development plan (6/10/03) by CLC Associates, supplemental map (6/10/03) by CLC Associates, rezoning map (6/10/03) by CLC Associates, preliminary drainage report and erosion control plan (6/20/03) by CLC Associates. Both the supplemental and rezoning maps appear to be using the old lot configurations.

Minor lot changes have occurred since the original review, including the elimination of one commercial lot, and additional parking spaces being added. Significant cuts and fills and extensive site grading are still planned. CGS does not have any additional comments regarding the development of this site. Please refer to the original review letter for this site.

If you have further questions about this site, please do not hesitate to contact me at 303-866-3518. (T.C. Wait, Engineering Geologist)

COLORADO GEOLOGICAL SURVEY
(October 23, 2002)

In response to your request and in accordance with Senate Bill 35 (1972), I visited the site and reviewed the site plan on October 22, 2002. The site consists of approximately 30 acres and is being platted to include 3 commercial lots ranging in size from 0.98 to 22.89 acres and one lot (2.49 acres) for snow storage and storm water retention. A super Wal-Mart store and parking will occupy lot 1, lots 2 and 3 will be built at a later time. The lots will have water and sewer services provided. Included in the review package were the letter of intent (undated), preliminary plan/PUD development plan (10/4/02) by CLC Associates, erosion control plan (8/19/02) by CLC Associates, Geotechnical Engineering Report (6/29/01) by Terracon, Preliminary Drainage Report (4/3/02) by CLC Associates, and Engineering Study for Water Resources and Water System Improvements (3/31/02) by Nolte Associates, Inc. No geologic or engineering geology mapping was done as part of the Geotechnical report.

The site is located on a hillslope area east of Jackson Creek. The prominent topography is a 35' ridge that extends through the southern portion of the site. Drainage is by sheet flow west, towards Jackson Creek. The site is currently vacant, covered in native grasses and scrub oak. No standing or running water was observed on the site. Primary geologic deposits include loose sandy alluvium of varying thickness over the Dawson formation sandstones and claystones. The Dawson is known for its tendency for easy erosion. Erosion could become a problem when native vegetation is disturbed during construction.

Development of this property will include **significant grading**, cuts up to 35 feet, and fill placement. Many of the boreholes in this area do not extend into the foundation depth of the proposed building; several do not even extend all the way through the material that will be removed from the site. It is important that **detailed subsurface information** is collected to adequately design foundation elements. The Dawson formation is variable, both laterally and vertically. Varying subsurface conditions should be carefully identified.

An **engineered cut** is planned along the eastern boundary and several retaining walls will be constructed. These walls should be designed to adequately withstand any lateral movement that may occur. Proper drainage should be established both behind the retaining walls and above the cut slopes to ensure that water pressures and erosion do not cause problems in the long term. Slopes should not be steeper than 3:1 (horizontal to vertical). If clayey lenses are exposed in the cut along the eastern side of the property, a geotechnical engineer or engineering geologist should be consulted regarding possible slope stability issues.

Grading will also bring the **surface closer to groundwater** levels, possibly creating a high groundwater situation. All subsurface construction should have adequate drainage to prevent possible flooding. Positive grades should be established around the perimeter of buildings to prevent water infiltration adjacent to foundation elements.

CGS concurs with Terracon that **sporadic areas of expansive soils and bedrock** may be encountered. The foundation investigation should adequately address this potential and identify areas of potential swelling soils.

In summary, there are no geologic hazards that would preclude the development of this site as proposed, however further subsurface information should be required during the foundation investigation to identify the variable conditions at the locations where foundation elements will be located. A geotechnical engineer should carefully monitor the significant cuts and retaining walls. High groundwater and erosion are concerns that should also be addressed to prevent future problems.

If you have further questions about this site, please do not hesitate to contact me at 303-866-3518. (T.C. Wait, Engineering Geologist)

NATURAL RESOURCE CONSERVATION SERVICE
(November 4, 2002)

We have reviewed the above referenced request and have no significant comments. The landscape plans do list the native grasses that will be planted on the disturbed sites. We would recommend that native species be used and that until the grass becomes established a noxious weed be implemented to prevent the spread of diffuse knapweed which is prevalent in that area. (Gary Guthrie, President and John Valentine, District Conservationist)

EL PASO COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
(July 28, 2003)

The Environmental Services Department (ESD) has completed its review of the Baptist Road Wal-Mart PUD Rezone and Preliminary Plan. Our review consisted of the following items; wetlands, general wildlife resources, and federal and state listed threatened or endangered species.

- 1) A completed U.S. Army Corps of Engineers permit should be provided to the El Paso County Planning Department prior to project commencement if ground-disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project would be acceptable.
- 2) It is recommended that the applicant obtain documentation from the U.S. Fish and Wildlife Service (FWS) regarding threatened and endangered species impacts prior to proceeding with the project.
- 3) 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. (Nancy Prieve, Natural Resource Specialist)

MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.
(July 22, 2003)

MVEA has no objection to the PUD rezone of this parcel of land. (Avelyn Ullom, Engineering Clerk)

QWEST
(June 26, 2001)

Your request for facilities to your project, the Wal-Mart located on Baptist Road in Monument, Colorado and within Qwest's Monument central office service area, will be provided in accordance with the rates and tariffs set forth by the Colorado Public Utilities Commission. (Terye Kandrak, Field Engineer)

DONALD WESCOTT FIRE PROTECTION DISTRICT
(July 8, 2003)

This development is within the area serviced by the Donald Wescott Fire Protection District, and will be provided with fire protection and medical services accordingly. We have no objections to these plans. Fire Protection and Emergency Services will remain the same for this area.

Thank you for forwarding these plans to our department.

If you have any further questions, contact Chief Sheldon at 488-8680. (William Sheldon, Fire Chief)

EL PASO COUNTY PARKS DEPARTMENT
(August 12, 2003)

Staff Recommendation: Park staff recommends a concrete pedestrian sidewalk along the north edge of this site adjacent with Baptist Road...

Park Advisory Board Recommendation: Park Board concurs with staff recommendation. (Neil Katz, Park Planner)

AQUILA NATURAL GAS (FORMERLY PEOPLES NATURAL GAS)
(June 22, 2001)

This letter will confirm that People's Natural Gas/Energy One will provide natural gas service to the Wal-Mart store located at Baptist Road and Jackson Creek Blvd. in El Paso County, CO, subject to its natural gas extension policy and tariffs filed with the Colorado PUC. If you have any questions please feel free to contact me. (George Peterson)

**PIKES PEAK REGIONAL BUILDING DEPARTMENT
(October 29, 2002)**

The site proposed for this Preliminary Plan appears to be in Zone X – outside the 500-year floodplain. However, the detention pond outfall will need floodplain approval. Per K. Stilson. (Jeannine Lewis)

**NORTHERN EL PASO COUNTY COALITION OF COMMUNITY ASSOCIATIONS
(July 30, 2003)**

Having received your letters of June 30, 2003 requesting our review of “Preliminary Plan Baptist Road Wal-Mart” and “Rezoning R-4 to PUD Baptist Road Wal-Mart,” NEPCO, Northern El Paso County Coalition of Community Associations, submits the following comments:

NEPCO recommends that the County deny both the request for rezoning and for the preliminary plan. In consideration of traffic, neighborhood transitions, existing zoning, protection of property values, and water issues, the County should encourage the developer to relocate its proposed commercial operation into an appropriately zoned and planned site that is congruent with the county’s policy plan, the current Tri-Lakes Comprehensive plan, the draft revised Monument comprehensive plan, long-standing expectations by residents, and present land zoning.

We believe most people in the NEPCO area want fairness to existing neighboring landowner/taxpayers, especially as it should be reflected in conditions applied by the county to zoning changes. Most landowners are not experts and they invest their savings in homes with the understanding that neighboring zoning guides future development. All considerations to change zoning should be balanced against a compelling need to make such changes.

We recognize that making hard decisions is why we have elected representatives. We are open-minded to all sides of an issue, because NEPCO is not a political organization. Our responsibility is to protect the interests of the many community associations that choose to be members of NEPCO. The remarks below address factual questions and considerations regarding this controversial proposal.

Recommended Considerations

●**Traffic.** NEPCO community leaders agree traffic is the most important issue. Before such a large traffic-generating store is built, adequate roadways for safe, timely traffic flow should be put in place to move vehicles from I-25 through the Jackson Creek/Struthers Road interchange and on up Baptist Road. The introduction of a “big-box” store should not inhibit current flow from I-25 to the communities east of the proposed Wal-Mart site. Currently, CDOT does not intend to improve the Baptist

Road/I-25 interchange until the year 2008 or 2010. Given the present congestion on Baptist Road and the expected increase in traffic that will come from development in Jackson Creek, it would be unwise to permit a huge traffic generator like a Super Wal-Mart to be built on this site before CDOT improves the interchange. We do not need to experience casualties along Baptist Road to remind us of this mandatory planning and execution step. Do not let the County fail here.

•**Neighborhood Transition.** The proposed store site is currently zoned for significantly less intense use than requested and a change in the zoning will impact housing prices. As home ownership is typically the single greatest investment county residents make in their lifetime, your attention to their life savings should be secondary only to safety issues. Construction of a Wal-Mart adjacent to residential homes will have a severe negative impact on those investments. In fact, appraisals in the area have already been revised downward as a result of the Wal-Mart filing.

•**Zoning.** NEPCO recommends educating the requestor on PBC zoning, as a Wal-Mart Super Center is clearly not a PUD. Because PBC zoning is a two-step jump from PBP--which replaced the current R-4 zoning and is compatible with the neighborhood--we must respect the covenants of Chaparral Hills that specifically reference this property and state in paragraph 21 of their covenants:

"Adjacent Property. Purchasers of lots in Chaparral Hills agree to the commercial development of the 30 acres more or less located northwest of CH and adjoining tracts 32, 33, 34, 35 & 36; and 20 acres more or less SW of CH and adjoining tracts 26, 27 and 28, in a manner compatible with maintaining property values of CH."

A Super Wal-Mart is not consistent with this provision. Covenants are respected by Colorado courts and must be respected in consideration of such a major zoning change request. We have not yet seen any specific written statement by the requestor and by the Planning Department as to how this covenant will be respected. Many Chaparral Hills residents feel a Wal-Mart Super Center is by definition a breach of covenant because they believe it will lower their property values--exactly what is not allowed under the covenants applying to the land proposed for Wal-Mart.

•**Impact on the Town of Monument.** Under the current arrangement, a Public Improvement Corporation (PIC) is used to transfer revenue and decision-making authority from the Town to a private corporation. The PIC holds private meetings and is not obliged to respond to the voters. The Town would receive no sales tax revenue from the store and yet would suffer significant losses in sales tax revenue from existing stores within the Town such as King Soopers. Taking an action that would so directly damage the financial health of the Town is not in keeping with maintaining a cooperative long-term working relationship between the County and the Town and encourages jurisdictional shopping by developers.

•**Water.** 300-year water supply guaranteed by registered engineer. You will be hearing this from NEPCO repeatedly, as many of the County's NEPCO voters didn't invest their savings in well-based neighborhoods to then see large County developments dry up the water supply.

●**Drainage.** The developer has addressed the issue of drainage from the proposed large building and parking area by using a detention area. There remain significant concerns about the downstream environmental impact of the concentrated drainage and the associated pollution from de-icing and petroleum products.

Conclusion

NEPCO urges the County Planning Department to consider the negative impacts a large “Box Store” would have on local traffic, neighborhood transition, property valuation, zoning and water supply. We recommend the County deny both the request for rezoning and for the preliminary plan. The County should encourage the developer to relocate its proposed commercial operation into an appropriately zoned and planned site that is congruent with the county’s policy plan, the current Tri-Lakes Comprehensive plan, the draft, revised Monument comprehensive plan, long-standing expectations by residents, and present land zoning.

Thank you for the opportunity to comment on these important requests. (David E. Swanson, Chairman, Land Use Committee, NEPCO)

The following agencies were notified but did not respond:

El Paso County Department Of Health And Environment
Baptist Road Rural Transportation Authority (BRRTA)
El Paso County Development Services Comprehensive Planning Section
El Paso/Teller 911 Authority
Regional Building Department (Enumerations)
Academy School District # 20

ANALYSIS WITH RESPECT TO SECTION 16 OF THE LAND DEVELOPMENT CODE

Section 16 of the El Paso County Land Development Code addresses, among other things, the purposes, requirements, processes and standards pertaining to application and use of the PUD Zone District. The following analyses excerpts key sections with staff comments included as indented verbiage in parentheses). It is specifically noted that the Planning Division staff recommended the use of PUD zoning by the applicant.

A. PURPOSE

This district is established in accordance with Sections 24-67-101, et seq., C.R.S., for the following purposes:

1. To further the public health, safety, integrity, and general welfare within El Paso County in any era (*sic*) of increasing urbanization;

(The purpose is general but could apply.)

2. To provide for necessary commercial, recreational, and educational facilities conveniently located to residential housing;

(Use of PUD zoning not necessary to allow this particular convenient location. Additionally, there are other existing and planned commercial locations in the vicinity.)

3. To provide for well-located, clean, safe, and pleasant industrial sites involving a minimum of strain on transportation and other public facilities and services;

(N/A as this is not an industrial use.)

4. To ensure that the provisions of the zoning laws and regulations promulgated thereunder which direct the uniform treatment of dwelling type, bulk, density, and open space within each zoning district will not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the zoning laws and regulations;

(N/A)

5. To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;

(This plan provides for no innovations – special design - beyond what is allowed by right in the PBC (Planned Business Center) Zone District.)

6. To provide more flexibility and latitude of design;

(From the applicant's perspective, no additional flexibility or latitude is being requested or promoted. However, use of the PUD does allow the County to hold the applicant to their represented building design.)

7. To provide more flexibility in the development review process;

(Use of the PUD allows the County to recommend the inclusion of more limiting conditions regarding design, off-site improvements, uses, and operations.)

8. To provide for a greater variety of principal and accessory uses in the development of land;

(No such variety is being proposed.)

9. To address the advantages resultant from technological change;

(To the knowledge of staff there is no need to apply this purpose.)
10. To encourage a more efficient use of land and of public services, or private services in lieu thereof;

(Not particularly applicable to this case)
11. To ensure adequate and timely public facilities and services;

(This purpose could be considered quite applicable. Although not entirely necessary, use of PUD zoning allows a stronger zoning-related nexus for the County to use in justifying and exacting the off-site road improvements staff believes are necessary to support this proposed use.)
12. To lessen the burden of traffic on streets and highways;

(As noted above, the PUD zoning allows an additional nexus to require improvements intended to mitigate the traffic impacts of this development.)
13. To conserve the value of the land;

(Although there is some limited on-site protection of Mouse habitat, this standard is not particularly applicable.)
14. To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics;

(N/A – Few of the site's natural characteristics are being preserved.)
15. To encourage innovative and creative development of parks, recreation areas, and open space; and

(No significant open space or recreation areas are being proposed.)
16. To encourage integrated planning in order to achieve the above purposes.

(N/A)

B. PERMITTED USES (Text not excerpted)

(All proposed uses are permissible in the PUD District.)

C. DEVELOPMENT REQUIREMENTS (Text not excerpted)

(The Development Plan, as proposed to be conditioned, meets all minimum development requirements for a PUD District.)

D. SUBMITTAL REQUIREMENTS (Text not excerpted)

(The Submittal has met all minimum requirements.)

E. PETITION PROCEDURE (Text not excerpted)

(Applicant and Planning Division have met these provisions).

F. PLATTING

No building permits shall be applied for or granted on any portion of property which is currently zoned PUD District until and unless the property is subdivided and/or platted, as applicable, in accordance with the El Paso County Land Development Code as amended unless otherwise excepted by statute.

(The applicant will be platting the site.)

G. PLOT PLAN

No building permits shall be applied for or granted on any portion of property which is currently zoned PUD District until and unless a Plot Plan in conformance with Section 37 is approved by the Planning Director. Prior to the approval of the Plot Plan the Planning Director shall find that the land use(s), densities, setbacks, height limits, access locations, the commercial/ industrial floor area square footage and phasing plans as depicted on the Plot Plan are in conformance with the Development Plan as approved by the Board of County Commissioners.

(Platting and approval of a Plot Plan will occur prior to issuance of any building permits.)

...

H. MAINTENANCE PLAN

In cases in which maintenance of roads, common areas, open space, or facilities normally maintained by public entities are proposed to be maintained by homeowners associations, or other nongovernmental bodies, the applicant shall submit a maintenance plan conforming to the requirements of Section 38. A maintenance statement addressing ownership and maintenance shall be submitted with the rezoning

request. The maintenance plan shall be submitted concurrently with the Final Plat and recorded prior to or in conjunction with the Final Plat. Failure to maintain areas that are not normally maintained by public entities in a reasonable order and condition in accordance with the approved Planned Unit Development may result in El Paso County, at its own discretion, correcting the deficiencies as provided in C.R.S. 24-67-105 (6) c. and d.

(Staff are recommending a condition which will require a maintenance plan in conjunction with Final Plat(s).

I. OFF-STREET PARKING

Unless otherwise established by the development plan as approved by the Board of County Commissioners, off-street parking shall be provided in accordance with Section 35.3.

(A Maintenance Plan will likely be required in conjunction with any Final Plat.)

(Off-street parking has been determined at this stage to be generally sufficient.

However, a final determination as to the adequacy of parking will be made at the Plot Plan stage.

J. ADVERTISING DEVICES

Unless otherwise established by the development plan as approved by the Board of County Commissioners, advertising devices shall be provided in accordance with Section 35.4.

K. LANDSCAPING

Unless otherwise established by the development plan as approved by the Board of County Commissioners, landscaping shall be provided in accordance with Section 35.12.

(At a minimum, the property will need to comply with the minimum signage and landscaping requirements of the County. A preliminary landscape plan has been submitted. The applicant will have the option of applying for a uniform sign plan. Through the PUD process the Board of County Commissioners would have the option of proposing additional or more limiting landscaping and signage requirements. These have not been proposed by staff at this time.

L. PROVISION FOR PUBLIC FACILITIES AND SERVICES

PUD Districts shall be subject to the terms and requirements of all applicable development standards and regulations relating to the provision and financing of necessary public services and facilities. Determinations concerning the adequacy and efficiency of the provision of the described public services and facilities, and the financing of the same, shall be based upon standards and criteria adopted by the Board of County Commissioners, and may include a requirement that the applicant agree, by appropriate written agreement, to contribute a fair and equitable share of the costs of necessary public services and facilities through the payment of development impact fees, special assessments, participation in a local improvement district or special district, or other similar mechanism for the provision and financing of adequate public services and facilities.

(Provision of public facilities and services is addressed elsewhere in this staff report. Applicants are being required to finance off-site roads and have chosen the PIC (Public Improvements Corporation) as the mechanism to accomplish this.

M. DESIGN STANDARDS

1. In preparation of a rezoning request to the PUD District, the applicant should consider the following standards:

a. Uses:

- 1) Residential - Residential uses shall be designed and located to achieve an efficient and desirable use of land, preservation of natural features and efficient and desirable use and placement of the necessary public and/or private infrastructure.
- 2) Non-Residential: Non-Residential uses shall be designed and located to achieve greater convenience to residential areas, efficient and desirable use of land, desirable use and placement of necessary public and/or private infrastructure, and to minimize the impact on transportation and drainage facilities. – Not minimized, but mitigated.

(The proposed commercial use will be in general proximity to a residential trade area, but the use is not really integrated into an overall land use plan. By being close to Interstate 25, traffic impacts will be focused near the I-25 corridor.)

b. Density: The density of land uses within the PUD District shall be compatible with other uses within the PUD District and the surrounding area. Compatibility shall be determined by, but not limited to, type of land uses, transportation system, buffering, landscaping and availability of services.

(Issues of internal density are inapplicable as essentially there is one use. Compatibility with surrounding uses is a major issue and is discussed elsewhere in this report.

To the North staff believes there is general compatibility due to an intervening major arterial road and the existing and proposed commercial uses in that direction.

Compatibility to the West is a mixed issue. There is also an adjoining arterial roadway (planned). Although the property immediately to the West is presently designated as open space by Colorado Department of Transportation, it is unlikely that it will be able to be actively used by people. Since the Tri-Lakes Plan identifies the subject property as being suitable for non-residential uses, the compatibility issue from the West pertains primarily to visual impact and mass. The building will be visible from Interstate 25. However, it will be depressed within the landscape so the amount of visual impact will be somewhat mitigated.

There are significant compatibility concerns with the properties to the South. As further described elsewhere in this staff report, there are four (4) rural residential lots directly adjacent to the southern property line of the proposed Wal-Mart site. Of these, three (3) are occupied with dwelling units and one (1) is vacant. Although all dwelling units are set back a minimum of a few hundred feet from the property line these homes will be directly within the line of sight of the Wal-Mart store and generally will look down toward it. There is very little buffer area within the subject property. The discount store will be an intensive use of the site.)

- c. Open Space: Common open space may be provided within the PUD District. The amount and type should be proportional to the proposed land uses, buildings and densities. Common open space areas should be designed for the occupants/ residents of the PUD District.

Open Space is defined as a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development designed and intended to reasonably serve the needs of the residents, occupants and owners of the planned unit development.

(There is very little open space directly associated with the project. A small amount of land on the South side of the parcel will be preserved as Preble's Mouse habitat. Most of the site itself will be very intensively developed.)

- d. Circulation: Development within the PUD District shall be designed and constructed to include adequate, safe and convenient arrangement for pedestrian and vehicular circulation, off-street parking and loading space. Pedestrian and vehicular circulation shall correlate with the external circulation system. All roads whether public or private shall be constructed in accordance with Section 49.2 of these regulations.

(Vehicular circulation, parking and loading have been or will be evaluated as part of the subdivision and future plot plan process. Within the site itself there is the normal accommodation of pedestrian movements associated with a large discount store. There will be limited pedestrian connections between the site and adjacent land uses. Presumably there will be protected pedestrian movements associated with the improved Baptist/ Jackson Creek Parkway intersection, thereby allowing potential pedestrian access to the proposed regional trail north of Baptist Road and ultimately to the new Santa Fe Trail.

Adequacy of roadway capacity is addressed separately in this staff report.)

- e. Drainage: Development within the PUD District shall be designed and constructed to include adequate storm water management including planning, financing, design, construction, operation and maintenance. All drainage facilities whether public or private shall be constructed in accordance with Section 49.2 of these regulations.

(Stormwater management has been addressed through a Preliminary Drainage Report which has been reviewed by the El Paso County Engineering Division and presumably meets or will meet County standards). The drainage plans have recently been modified to mitigate Mouse concerns.

- f. Buffering and Screening: Uses, buildings or structures within the PUD District that would not be considered compatible with other uses, buildings or structures within and adjacent to the PUD District shall be adequately buffered and screened to insure their appearance and operation will be compatible to the surrounding uses.

(Because of the limited area of the site there is very minimal internal buffering within the subject property. The back and side of the proposed Super Center are pushed close to the east and south sides of the parcel. These sides adjoin existing five-acre lots, most of which are developed. On the eastern perimeter a major embankment will be created. Although the topographic change along this boundary will be

quite abrupt, in some sense the embankment will create a physical buffer. The applicant will also note that the occupied houses on the adjoining lots are, for the most part, distanced several hundred feet from the subject property.

Certain accommodations have been made in the building design for the purposes of screening some of the most acute impacts on the use from the neighbors. These include:

- ⇒ Landscaping
- ⇒ Enhanced building design
- ⇒ Walls which will screen truck bays and trash dumpsters
- ⇒ Raise building parapets

- g. Phasing: If development is to occur in stages a detailed phasing program shall be prepared in conjunction with the Development Plan. The phasing program shall coordinate development of all land use types and both on-site and off-site transportation and drainage improvements in a timely fashion. If open space and/or recreational facilities are proposed development of these land use types shall occur proportionally to the other proposed land uses within the development. Transportation and drainage improvements shall be constructed within each phase in accordance with the El Paso County Subdivision Regulations.

(N/A as the majority of the site (with the possible exception of one pond site) will be developed as one phase.)

2. Modification to Design Standards

- a. Design, construction, and other requirements applicable to a Planned Unit Development may be different from or modifications of the requirements otherwise applicable by reason of any zoning, subdivision or other land use regulation or resolution of El Paso County, so long as such requirements substantially comply with the subdivision provisions of part 1 of article 28 of title 30, C.R.S., and appropriate regulations promulgated thereunder. No modification from the submittal and review requirements for rezoning and/or subdivision requests as contained within these regulations shall be allowed.

Any request for modification of design, construction or other applicable requirement shall be specifically requested in writing as part of the application for PUD District zoning, and shall be accompanied by appropriate supporting documentation and justification for the modification request. The Board of County Commissioners may approve a specific modification of the design, construction or other applicable requirement upon a written finding that, in the particular case, the public purposes are satisfied to an equivalent or greater degree.

If no modification request is submitted as part of the application for PUD District zoning, the proposed development shall comply with all applicable zoning, subdivision and other land use regulations for El Paso County.

(The applicants are requesting uses and densities and development requirements which are consistent with the PBC (Planned Business Center) District. However, they have also proposed a particular building design which includes significant design accommodations compared with a more minimal standard. Implementing this enhanced design would be a significant added benefit.)

N. CONSIDERATION FOR REZONING

In addition to the Land Development Guidelines as outlined in Article II of these Regulations, the Planning Commission and Board of County Commissioners shall consider the following in making their decision on an PUD District rezoning request:

1. That proper posting, publication, and public notice was provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.

(The site was properly posted for this hearing on April 27, 2004).

2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested parties were heard at those hearings.

(N/A at this time. Complete hearings are anticipated.)

3. That the proposed land use will be compatible with existing and permitted land uses in the surrounding area, and will be in harmony and responsive with the character of the surrounding area.

(Compatibility with existing and permitted land uses in the area is a major issue. It is addressed comprehensively later in this staff report.)

4. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

(The *El Paso County Master Plan for the Extraction of Commercial Mineral Deposits* depicts Upland Deposits in the vicinity of the subject property. These are not particularly valuable for commercial purposes.)

5. That a need for the development is demonstrated.

(The question of need for this development is a relative one with respect to the need for a major discount store in this general area, and the specific need to locate it on this particular site.

A number of opponents of this project have pointed out that they do not desire another major discount store (i.e. Wal-Mart) in the Tri-Lakes area. They note the location of a similar facility in Castle Rock to the north and in the northern Colorado Springs area.

That said, El Paso County has traditionally relied on the private market to determine the "market need" for development projects. Unlike some other development projects in the County, in the view of staff this one is not particularly speculative or anticipatory inasmuch as the applicant intends to construct the store immediately based on their market studies.

The question as to whether there is a "need" to locate the use on this particular site is a bit more complicated. There are other possible locations. These include within the Flying Horse Ranch or Northgate developments in Colorado Springs (approximately four (4) to five (5) miles to the south of the subject property) or within the Monument Marketplace development approximately one-half mile to the north. This topic is also addressed in more detail later in this staff report.

The recommendation of staff is that the basic standard of "need" for this use is met within the context of the overall development philosophy of El Paso County. Likewise, the "need" for this particular site is, to a degree established by the applicant's market choice to pursue this site. This need is relative inasmuch as there is at least one other choice of location. The applicant needs to make a case for the need for this particular site.)

6. That existing and proposed public services and facilities are adequate for the proposed development, and that proposed public services and facilities will be timely provided.

(The position of staff is that, based on the application materials and other information, services and facilities are or will be adequate in terms of water, sewer, gas and electric utilities. As is also discussed later in this staff report, roadway capacity and timing has been a major issue.)

7. That the existing and proposed internal/external transportation network is suitable and adequate to carry the anticipated traffic generated by the proposed development, and that the proposed transportation network improvements will be timely provided.

(As conditions of approval the applicants will be constructing major improvements to both Baptist Road and Struthers Road. Additionally, they will be making or relying on others to make some relatively minor interim improvements to the Baptist/ Interstate-25 interchange. The applicant's traffic study proposes that all of these improvements in combination will be adequate to allow levels of service (LOS) above F until such time as the Colorado Department of Transportation upgrades the interchanges planned. There is a question as to how long this situation would remain tenable after the store is presumably opened in 2005 and before the interchange is comprehensively upgraded.)

8. That the proposed development will not have a negative effect upon the existing and future development of the surrounding area.

(This standard is significantly related to number 3 above. Staff believes that if this project is approved it will likely stimulate other more high-density development in the area. Whether on an overall basis this pattern will be negative or positive is to some degree a matter of whose perspective one takes.

The rural lifestyle of some residents in the immediate area will be significantly impacted. Certain site and traffic issues aside, the proposed development will likely compliment some of the other proposed high-density development in this area.)

9. That the proposed PUD District zoning will achieve and advance the stated purposes set forth in this Section, and is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

As set forth in Section 24-67-104 (1) (f), C.R.S., a finding by the County that such PUD District rezoning request is in general conformity with the Master Plan or any amendment thereto is required.

(The first half of this standard is a general catch-all. Master Plan consistency is addressed later in this staff report. In general, the *Tri-Lakes Comprehensive Plan* acknowledges this site as an appropriate location for "mixed use" commercial development. That said, there are site-related issues with respect to the intensity of this use on this parcel, buffering of adjoining low-density residential uses, roadway capacity prior to reconstruction of the interchange and the provision in the Tri-Lakes Plan that recommends that major commercial uses be located within the boundaries of the Town of Monument.)

O. EFFECT OF APPROVAL

Upon approval of a rezoning to the PUD District by the Board of County Commissioners the development plan shall be the controlling document, establishing land use(s), densities, setbacks, height limits, lot coverage and access points. Said development plan shall be recorded in the Clerk & Recorder's Office of El Paso County, Colorado, in conjunction with the Board of County Commissioners' approval Resolution establishing said zone. Said zoning and development plan shall be binding on the owner/applicant, his heirs, successors, and assigns.

The provisions of the approved Development Plan shall prevail and govern development within a PUD District, provided, however, that where the provisions of the approved Development Plan do not address a particular subject the relevant provisions of the El Paso County Zoning and Subdivision Resolutions, as amended, or any other applicable resolutions or regulations of El Paso County shall be applicable.

(Although it is not likely to be a concern in this case, staff notes that PUD zoning is in fact customized and very particular zoning for a given area. Any significant changes to the identified uses and requirements will need to come back before a public hearing.

(Additionally, staff and the applicants are proposing certain structural architectural and design features be incorporated as part of the PUD requirements for this project.)

P. RECORDING OF THE DEVELOPMENT PLAN

Upon approval by the Board of County Commissioners of an PUD District rezoning request, the applicant shall provide to the Planning Department a development plan as approved by the Board of County Commissioners drawn with permanent India ink or produced by a photographic process on a polyester (mylar) film, 24" x 26" in size, suitable for reproducing.

(Staff are recommending a condition whereby a final plat submittal will not be accepted until the PUD Plan (if approved) is duly recorded.)

The following information shall be depicted on the development plan to be recorded:

(NOTE: These provision of the Code are administrative and are not repeated in this staff report. The position of staff is that the applicants have met minimum submittal requirements.)

Q. AMENDMENT TO THE DEVELOPMENT PLAN

(NOTE: Likewise, these provisions of the Code have future applicability and are not reported in this staff report.)

PLANNING DIVISION ISSUES

- 1) Acceptability of a Wal-Mart – Some, but certainly not all of the opposition to this request is directed toward concerns with the specific applicant as a global and national entity including objections to certain purported business practices of this retailer and/or secondary impacts on either workers or the rest of the retailing community. The position of staff is that these issues are inapplicable to the land use applications at hand. These applications should be considered in a manner which is transparent to the particular applicant. The Development Services Department analysis of this application is directed toward the impacts of a “generic” 203,000 square foot discount super-store on this site and to the physical and aesthetic aspects of this use.
- 2) Tri-Lakes Comprehensive Plan – The subject property is located in the Area #10 (Gleneagle/ Academy View Sub-Area) of the *2000 Tri-Lakes Comprehensive Plan* as well as Interstate 25 Overlay. The Tri-Lakes Plan was adopted in October 1999 after an extensive public process.

The overall Concept Plan for the Tri-Lakes Plan depicts “mixed use and/or non-residential uses” for the subject property. These terms are defined in the Plan as follows:

Mixed Use Development refers to *non-residential* intermingled with *high density residential uses*.

Non Residential Development refers to commercial, office, light industrial and related uses.

Staff notes that the proposed use is consistent with these definitions in the general sense.

The three (3) most applicable policies from the Land Use Scenario for Sub-Area 10 are the following (with numbers added for reference):

- A. Commercial and non-residential type land uses should be located in areas designated as mixed use and should be designed in a manner that is sensitive (*sic*) the existing residential uses.
 - B. Parcels planned for commercial development along Baptist Road should be encouraged to annex into the Town of Monument.
 - C. All development that occurs within the I-25 corridor should be coordinated with the I-25 Visual Overlay and be consistent with the goals and objectives outlined in that Section.
- A) The site is located in an area designated for mixed use. This issue of whether the use is designed in a “manner that is sensitive (to) the existing residential areas” is less clear. The proposed super-center is of a large scale, almost all of the parcel will be developed (i.e. impervious or highly altered and there will be limited buffering of the developed five-acre rural residential lots to the south and (less significantly) to the east.

However, it should be noted that, for the most part, the depth of the adjoining lots is several hundred feet with most homes set back a significant distance from the property proposed to be developed. It could be argued that a limited additional buffer within the Wal-Mart property would not provide that much more proportional benefit to the adjoining owners.

Visual, perceptual and other (possibly noise and litter) impacts to the directly adjoining neighbors will potentially be significant. The applicants have proposed upgraded building design features to somewhat mitigate these impacts. These include raised parapet walls, enclosed truck and trash bays and less austere design of the building.

- B) The intent of this policy (encouraging annexation) was to recognize Monument’s interest in sales tax revenue but also the inherent potential capability of a municipality to provide higher levels of municipal services. The applicant had originally proposed annexation to Monument, but shifted to the County jurisdiction option in 2001. Although annexation is only a recommendation, the applicant should present a case for why this option was not chosen.
- C) As noted above, the applicants have recently “upgraded” their proposed building façade and design to a higher standard than was originally proposed. This will add significant visual relief to the building, especially as viewed from Interstate 25 and points north. That said, the scale of the use and the preponderance of parking visible from Interstate 25 will create a significant visual impact. It is noted that the proposed lighting plan has

been somewhat mutual and subdued in order to address potential off-premise impacts to Prebles Mouse habitat also. A more detailed analysis of the Interstate 25 Overlay Policies is included as an attachment.

The Tri-Lakes Plan also includes a variety of topical policy sections. Several of the most applicable policies are excerpted and included as an attachment.

3) Compatibility with Surrounding Land Uses

As noted in the Master Plan and PUD standards analysis, compatibility with surrounding land uses is a major issue with respect to this decision. Staff believes the proposed use is compatible with the proposed major arterial roadway and commercial uses to the north if mitigation occurs. Similarly, staff believes the use is not incompatible with the large church that exists to the east. Although there are visual issues to the west, (view from Interstate 25), there will likely be no development of the CDOT-owned parcel adjacent to Interstate 25 and therefore no residents or businesses will be affected in that direction. As noted above, the directly impacted properties which will be most impacted from a compatibility standpoint are those to the south and southeast.

Given the constraints of the site there is little opportunity for effective buffering along these boundaries. Likewise, there are probably few viable options for rearranging functions (such as truck bays, etc.) such that compatibility impacts will be significantly lessened. Finally, operational limitations (such as hours of operation, limitations on truck idling or delivery time) may have some benefit in reducing compatibility issues. However, these conditions are difficult to enforce. Staff does note that certain design enhancements have been included in the proposed building plans, and that these should reduce off-site visual, noise and blowing-trash impacts.

4) Traffic Impacts and Capacity

The applicants have provided an extensive traffic study. It calculates traffic generated by the site and then includes certain discounts for internally captured and "pass by" trips. The trips are then distributed on the proposed transportation network (first on the existing network with improvements proposed to be made by the applicant and then on the 2025 network with 2025 growth. As noted in the Engineering Division comments, there are still some outstanding technical issues.

The applicants propose to make significant improvements to Baptist Road and to construct an arterial section of Jackson Creek Parkway extended south from Baptist Road. This southerly extension of Jackson Creek Parkway will continue south to connect with Struthers Road with at least a two-lane connection. Additionally, the applicants propose that certain interim improvements will be made to the Interstate 25 interchange either by them or by others. The applicant's traffic study shows the system operating without failed levels of

service for the next few years. Once the Interstate 25 interchange is improved to its ultimate configuration, the traffic study shows the overall system having adequate capacity. Of issue is how long it may take for Colorado Department of Transportation to fund and construct the new interchange and to what extent background traffic will grow during this period.

5) Funding of Traffic Improvements/ Development Agreement

The applicants propose to fund the majority of their off-site and adjoining transportation improvements through the use of a PIC (Public Improvement Corporation). Through this quasi-public entity, the applicants will advance-fund the infrastructure improvements and then be paid back from a "retail sales fee." This is the rough equivalent of a sales tax. Initially the retail sales fee would be three percent (3%) of all sales with one-half going to pay back the infrastructure bonds and the other half going to the Triview Metropolitan District to pay off its outstanding debt. Once the Wal-Mart infrastructure bonds are paid off, the retail sales fee would drop to one and one-half percent (1.5%) with all proceeds going to Triview.

If these applications are approved by the County it is the intent of the County to define and memorialize the applicants' road improvement responsibilities through a Development Agreement. This Agreement would be formalized by the applicants and the County Attorney's Office and adopted pursuant to Section 53.5 of the Land Development Code. A condition to this effect is proposed.

6) Prebles Meadow Jumping Mouse

Early in the consideration of this site the applicants obtained a "clearance letter" from the Fish & Wildlife Service (FWS) regarding Prebles Meadow Jumping Mouse impacts. However, these determinations have a time limitation. Due to a combination of delays in the project and the evolution of approaches to evaluating these impacts the FWS required an updated assessment of the site in 2003. Based on this updated assessment the Service issued a new letter on July 30, 2003, which found there was possible Mouse habitat on the site and that its development could adversely impact the Mouse. This letter precipitated additional evaluations and meetings, the upshot of which is the most recent FWS letter dated February 25, 2004 which memorializes an agreement by the applicants to mitigate on-site impacts by acquiring off-site mitigation property, revising the site layout, modifying the drainage plans and agreeing to a lighting plan that minimizes impacts to off-site habitat areas. The applicants also agree to do a specific HCP (Habitat Conservation Plan) for this property, on the presumption that the County-wide HCP will not be completed in a timely fashion.

Staff are proposing a condition which would require this HCP to be adopted by the FWS prior to any plat being recorded.

ENCLOSURES

Vicinity Map

Letter of Intent

Summary of March 2, 2004, Neighborhood Meeting

Consultant's Response to Issues Raised at Neighborhood Meeting

Consultant's Visual Analysis

Reduced Site Plan

Planning Division Technical Comments d. 5/5/04

El Paso County Parcel Information

Parcel Number: 7136002023

File Name: PUD-02-013

Parcel Address: 0 BAPTIST ASSEMBLY RD

Zone Map No.: 714.36

Parcel Owner: BARBER KENNETH H

Parcel Owner 2: MILLER BEVERLEY B

Parcel Owner 3: SCHMIDT UWE

Owner Mailing Address: 2910 VALENCIA RD, COLORADO SPRINGS, CO 80917



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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October 9, 2002



LETTER OF INTENT
Baptist Road Retail Center Subdivision
Zoning Regulations
Rezoning Petition

Owners:

Kenneth H. Barber
5160 N. Union Boulevard
Colorado Springs, CO 80918
Fax: 719-598-2337

Uwe Schmidt
2910 Valencia Road
Colorado Springs, CO 80917

Beverly B. Miller
P.O. Box 567
Palmer Lake, CO 80133
Phone: 719-481-2003
Fax: 719-481-3452

Consultant:

CLC Associates, Inc.
8480 E. Orchard Road, Suite 2000
Greenwood Village, CO 80111

Location:

The proposed site is located in the County of El Paso, State of Colorado, at the southeast corner of the intersection of Baptist Road and Jackson Creek Parkway. It lies on the south side of Baptist Road directly south of the existing King Soopers store and consists of 30 acres. The site is currently zoned R-4 which is currently obsolete in El Paso County. The site is proposed to be rezoned as a Planned Unit Development (PUD) through a rezoning petition through El Paso County.

Request and Reason:

This Letter of Intent is a request for subdividing the proposed site (30 acres) into three (3) lots.

- Lot 1 consists of 24.19 acres and will be used for development of a 203,091 square foot Super Wal-Mart.
- Lot 2 consists of 1.43 acres and will potentially be used for development of a self-serve gas station.
- Lot 3 consists of 1.69 acres and will be used for storm water detention and snow storage.
- The remaining 2.69 acres will be used for development of the continuation of Jackson Creek Parkway along the west side of the site and widening of the existing Baptist Road.

The Owners of the subject property are developing a commercial center on the property which compliments adjacent commercial development.

PUD rezoning will permit the County and the Owners to impose greater restrictions and higher development standards on the property than are available through other commercial zoning classifications under El Paso County Code. The size and nature of the improvements planned for

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PUD-02-013 (REV.)

the property necessitate a long-term vision that considers the possibility of future changes in market conditions and other factors that affect commercial center development and operations.

Although more restrictive in nature, PUD rezoning will allow the Owners sufficient design and use flexibility on the property to ensure ongoing useful success of the center well into the future. The minimum setbacks, dedicated wildlife area and neighborhood buffering requirements set forth on the Preliminary Plan and careful placement of the proposed improvements on the property reflect the Owner's concern and respect for neighbors, nature and the community.

PUD rezoning further enables the Owners and the County to appropriately address complex offsite roadway improvements and ongoing maintenance issues, which improvements and provision for ongoing maintenance shall be a condition of the PUD rezoning. The proposed roadway improvements will benefit surrounding properties outside and beyond the boundaries of the subject property and benefit the County and its residents. PUD rezoning will allow the Owners and the County more flexibility in the development review process to address and resolve significant regional roadway issues in the area.

Existing and Proposed Conditions:

The existing use of the site is pastureland and no structures, facilities, or roads currently lie on the site. The proposed site will consist of a 203,091 square-foot Super Wall-Mart with truck docks, parking lot, driveways, landscaping, and associated utilities, one (1) out-lot for future development, a detention pond and open space, and extension of Jackson Creek Parkway. Jackson Creek Parkway will be extended from its current intersection with Baptist Road, south to connect with existing Struthers Road off of the Northgate Road. Baptist Road improvements are planned from the intersection of Baptist Road and Jackson Creek Parkway, east to the intersection of Baptist Road and Leather Chaps Road.

Additional Information:

The purpose of the zone change is to develop one (1) commercial site that is currently zoned R-4, which is obsolete. The proposed zone will be Planned Unit Development (PUD), which encompasses land uses similar to the R-4 zone. The total number of acres proposed is 30.0003. The site will be subdivided into four (4) areas as identified below:

Lot Number	Acreage	Approx. Dimensions	Land Uses
1	24.19	960' X 1110'	Commercial
2	1.43	189' X 331'	Commercial
3	1.69	400' X 450'	Detention Pond/Open Space
R.O.W.	2.69	Varies	Roadway

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PUD-02-013 (REV.)



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MEMORANDUM

DENVER

PHOENIX

SALT LAKE CITY

SPOKANE

ATTN:	El Paso County Planning Department
FROM:	Denis Kelsch, PE
DATE:	March 29, 2004
RE:	Monument Wal-Mart Neighborhood Meeting – March 2, 2004

Below is a summary of issues from Neighborhood Meeting. Addresses to concerns are in italics.

BUILDING ISSUES

Screening of mechanical roof top units.

Parapet walls will be extended around the east and south sides of the building, up to 24-feet to aid in screening the roof top units.

Truck dock location in close proximity to south residential area.

With an earlier prototype, the truck dock location was proposed on the south side of the building. In an effort to move it further from the south residential property line, the truck dock was moved behind the building and further north to reduce the proximity to the south property line.

Truck noise mitigation measures.

Screenwalls are proposed around the perimeter of each truck dock to aid in the reduction of truck noise. Typically, Wal-Mart drops off the trailers to be unloaded and picks up the empty trailer that was left previously. This reduces the amount of time that a truck is at each store with its motor running.

TLE (Tire and Lube Express) noise mitigation measures.

With another earlier prototype, the TLE was also located on the south side near the residential area. Again, Wal-Mart has revised the prototype to locate it on the north side of the building facing the commercial uses along Baptist Road and away from the residential area to the south.

Condenser noise mitigation measures.

The condensers will have a screenwall/soundwall installed around their perimeter in an effort to reduce noise towards the residential area to the south. The effect of the screenwall is to reflect condenser noise directly up instead of out. Additional landscaping has also been added to the south side of the building adjacent to the condenser to buffer any residual noise.

TRAFFIC ISSUES

The south access on Jackson Creek Parkway needs a signal.

Based on the Traffic Impact Analysis for this project, a signal is not required at this time. However, as properties to the south continue to develop, a signal may be warranted at a future time. Current design of that access will allow for future installation of a signal.

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PUD-02-013

SP-02-024



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The project will generate too much traffic.

The project will generate additional traffic. A Traffic Impact Analysis is prepared for this project to address the concerns that additional traffic will pose to the area. Construction of Jackson Creek Parkway to the south, I-25 exit ramp improvements, and the widening of Baptist Road east to Leather Chaps Drive will all assist in alleviating any traffic impacts. These improvements will also improve the current traffic congestion that exists.

What is the PIC (Public Improvement Corporation) process?

The PIC is an intergovernmental agreement with governing authorities that allows for Wal-Mart to make infrastructure improvements to the area and be paid back over time through the use of tax dollars through sales at the Wal-Mart store.

Impact of the roadway improvements to adjacent church access?

Improvements to Baptist Road will allow for a $\frac{3}{4}$ movement to and from the church. $\frac{3}{4}$ movement allows for a right-in, right-out, and left-in only. Left-out will not be permitted. Those church members needing to head westbound from the church can travel east to Leather Chaps and use Leather Chaps to access points west, or make a permitted u-turn at the Leather Chaps/Baptist Road intersection.

Who pays for what, what is cost to residences?

All roadway improvements will be paid initially by Wal-Mart through the PIC process. It is not intended that residences will pay for any improvements as part of this development.

Concern for pass-thru traffic from Northgate Road up Jackson Creek Parkway to Baptist Road.

With the completion of Jackson Creek Parkway to the south to Gleneagle and Northgate Road, pass through traffic will access Baptist Road via this route. While it will add volume to the Jackson Creek Parkway/Baptist Road intersection, it is intended that this route will also alleviate traffic volumes from the I-25 Interchange. It is intended that levels of service at the interchange will improve and the Jackson Creek Parkway/Baptist Road intersection will maintain an acceptable level of service.

Concern for pass-thru traffic from Leather Chaps Road south to Baptist Road.

With the completion of the Baptist Road improvements from Leather Chaps Road to the I-25 interchange, it is expected that pass-thru traffic will be improved with this project. Baptist Road will be widened to two lanes through this area and the Jackson Creek Parkway/Baptist Road intersection will also be widened for turn lanes and to accommodate future traffic volumes.

GRADING ISSUES

The impact of detention pond pollution to residential wells.

Runoff collected from the parking lot of the Wal-Mart store as well as from Jackson Creek Parkway along the project frontage will be detained in a pond located at the southern portion of the project. While oil, gasoline, grease and other contaminants will enter the detention pond, the pond is designed to retain approximately 2-feet of water in the pond. This will facilitate the establishment of vegetation in the pond bottom. This vegetation will assist in trapping the contaminants prior to discharge or infiltration into the soil. In addition, contaminant levels of the storm water entering the pond will be minimal and



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infiltration into the groundwater system and contamination of area wells is expected to be negligible.

The impact of detention pond pollution to mouse habitat.

As noted above, impact to the mouse habitat is expected to be minimal for the reasons listed above. In addition, the drainage system proposed has been reviewed by the U.S. Fish and Wildlife Service and has been approved.

The height of the retaining walls and no use of a terraced system.

With over 80-feet of grade differential on this site, retaining walls are necessary. Most of the retaining walls located in the western portion of the site (in front of the store) are no higher than 10-15 feet. Terracing these walls is not feasible since Wal-Mart is dedicating right-of-way for the construction of Jackson Creek Parkway and land area is limited. The higher wall is behind the store, less noticeable. Again, terracing is not feasible due to limited land area. All walls will have handrails for pedestrian safety.

GENERAL ISSUES

Will RV parking be allowed?

RV parking is allowed but not encouraged.

Will there be overnight truck parking?

As noted earlier, Wal-Mart trucks primarily drop-off and pick-up and do not park overnight. Independent truckers may park overnight and likely be allowed. However, overnight parking at the Wal-Mart is less likely since the Diamond Shamrock Service Station on the west side of I-25 has accommodations for overnight truck parking.

A fence at south property line will be a line for trash containment.

Litter clean-up will be the responsibility of the store manager. The fence along the south property line may collect trash, blowing bags, etc. It will be the responsibility of the store manager to keep the site clean.

Delivery hours – restrictions?

Deliveries are made 24-hours. At this time, no restrictions are proposed.

Light pole heights and the effect on adjacent property owners.

Light poles are proposed to be the same height as the King Soopers on the north side of Baptist Road. Lighting photometrics are planned to be less than 0.1 foot-candles at the property lines. This is also a condition imposed by the U.S. Fish and Wildlife Service for mitigation of the mouse habitat.



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MEMORANDUM

DENVER

PHOENIX

SALT LAKE CITY

SPOKANE

ATTN:	El Paso County Planning Department
FROM:	Denis Kelsch, PE
DATE:	March 29, 2004
RE:	Visual Impact Analysis

Based on the Preliminary Plan, the proposed Wal-Mart finished floor will lie approximately 45 feet below the adjacent property to the east, the Family of Christ Lutheran Church. The rooftop is approximately 18-feet above the finished floor. The parapet walls are approximately 6-feet and will be placed on east side of the building, thus the top of the walls will be approximately 24 feet from the finished floor. Consequently, an observer standing in the parking lot of the church will look out over the top of the parapet wall, and will likely see the rooftop ventilation units towards the front of the building.

An observer on the lot south of the church, Lot 35 of Chaparral Hills Subdivision is standing approximately 15 feet lower than the church at the lot's north property line, approximately 6 feet higher than the parapet walls. This observer will also look out over the top of the parapet wall but will unlikely see the rooftop ventilation units. From the center of the lot looking northwest, the observer will likely see the back corner of the building wall with associated landscaping. Looking west and south, the observer will have an unobstructed view of the front range mountains.

An observer on the lots to the south of the building, Lots 32, 33, and 34 of Chaparral Hills Subdivision, looking north, will be located at approximately the same elevation as the finished floor of the building. The observer will look down on the detention pond and at grade at the landscaping and building side. The screenwall will obstruct the view of the condensers on the south side of the building. Looking west and south, the observer will have unobstructed views of the front range mountains.

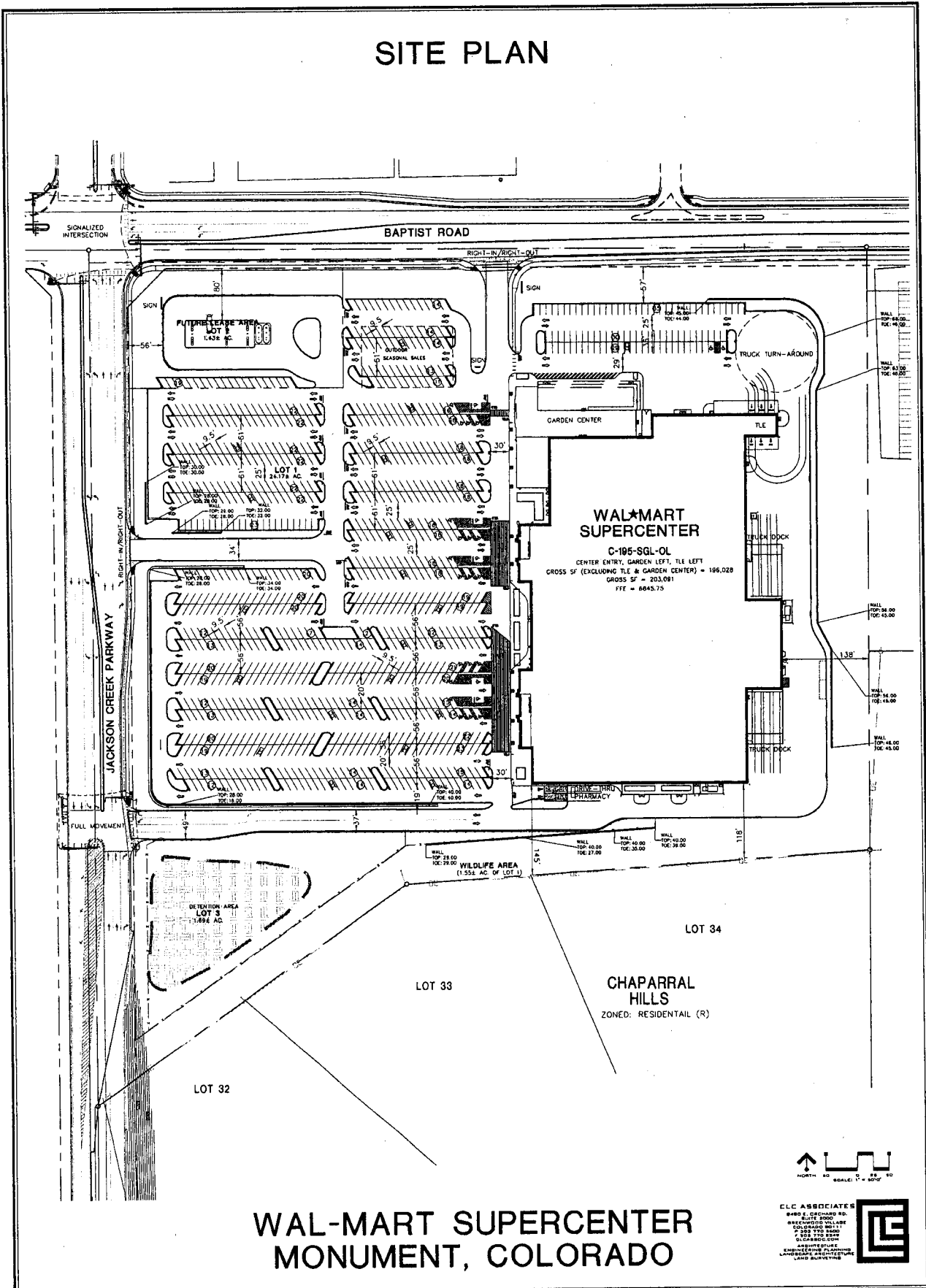
CLC Associates will prepare visual perspectives from some of these lots for review at the Planning Commission meeting.

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PuD-02-013

SP-02-024

SITE PLAN



**WAL-MART SUPERCENTER
MONUMENT, COLORADO**



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PLANNING DIVISION TECHNICAL COMMENTS

Baptist Road Wal-Mart (PUD-02-013 and SP-02-04)

May 5, 2004

These detail comments are provided in anticipation of being addressed in a re-submittal which would occur prior to scheduling for the Board of County Commissioners. These comments overlap or encompass comments from El Paso County Department of Transportation in some cases.

1. The following Notations should be added to the PUD development plan (*noting that some of these details will be worked out in association with the Development Agreement which will be required in conjunction with any Board approval*):
 - A. "Wal-Mart is required to construct Struthers Road from Baptist Road, South to the Struthers Ranch Project to complete the connection."
 - B. "Wal-Mart will construct the required laneage in Baptist Road to and including the Leather Chaps intersection."
 - C. Indicate that "a curbed median will be installed on Baptist Road between Jackson Creek and Leather Chaps."
 - D. Note that "there is no identified funding for CDOT improvements to the Baptist/I-25 interchange."
 - E. Show right turn deceleration lanes at both Baptist Road approaches.
 - F. Note the following: "With respect to the Baptist Road improvements, the County would be interested in balancing potential interim improvements to Baptist Road with additional improvements extending Jackson Creek Parkway South of the subject site. The connection to the South has been determined to be critical to the transportation system if this site development project becomes reality. Discussions concerning potential improvements to the South need to take place at the earliest opportunity."
 - G. Include the following note: "Additional right-of-way will be required to accommodate the frontage road on Baptist Road. It will be the applicant's responsibility to secure this additional right-of-way as part of the subdivision process."
 - H. Note that no encroachment shall be permitted onto the Colorado Department of Transportation (CDOT) Jackson Creek Prebles Meadow Jumping Mouse (PMJM) Mitigation Property as defined from he limits provided by Colorado Department of Transportation's consultant PBS&J.

- J. Note that Wal-Mart shall be required to construct a signal at Baptist/Leather Chaps as part of their Baptist Road improvements.
 - K. Provide a listing of all street, roadway and drainage improvements that will be constructed by the developer..
2. Amend the Development Guidelines contained on Sheet 1 of 2 of the PUD Development Plan/Preliminary Plan to conform to the required minimum side and rear yard setback distances of twenty-five feet (25') in accordance with the information provided on the Development Guidelines (narrative).
 3. Correct the spelling error in the signature block for the property owner named Uwe Schmidt from Une to Uwe.
 4. Delete the monument sign at the southeast corner of the intersection of Jackson Creek Parkway and Baptist Road inasmuch as sign approvals are handled via a separate process and not via the PUD Development Plan/Preliminary Plan review process.
 5. Include the same Site Data (site and building area, parking calculations, etc.) on the Rezoning Map and the Preliminary Landscape Plan as is shown on Sheet 2 of 2 the PUD Development Plan/Preliminary Plan.
 6. Include the legal description on sheet 1 or 2 of the PUD Development Plan/ Preliminary Plan.
 7. Show the location and width of the utility easement that traverses this property in accordance with the agency comment received from MVEA, Inc. (see Preliminary Plan SP-02-024 – next item on the Agenda.).
 8. Modify the PUD Development Plan so that the delivery truck loading docks shall be screened from view from the adjacent residential properties in their entirety (including the truck cabs).
 9. Confirm the existence of the proposed sidewalk adjacent to Jackson Creek Parkway and Baptist Road inasmuch as it is not easily identifiable on the PUD Development Plan/Preliminary Plan.
 10. Delete General Note #2 on sheet 1 of 2 of the PUD Development Plan/ Preliminary Plan along with Note # 2 on the Supplemental Sheet *(dealing with no significant natural features) inasmuch as this property is mouse habitat, thereby qualifying it as something special..
 11. Landscape finger islands shall be provided to break up the number of parking spaces in a row at the northeast corner of the property adjacent to Baptist Road inasmuch as there are 29, 30 and 35 parking spaces located in each of these rows where the Code does not allow more than fifteen (15) spaces.

12. A final landscape plan in accordance with the requirements listed in Section 31.12 shall be required with the submittal of the Administrative Plot Plan.
13. The Development Plan should show the location of bicycle parking if this use is contemplated by the applicant.
14. The west side of the Wal-Mart Super Center building footprint was modified when the preliminary landscape plan was amended to add internal landscape requirements; however, the other plan drawings were not updated to reflect this modification. If this request is approved, the applicant shall provide six (6) complete sets of the revised PUD Development Plan/Preliminary Plan submittal package showing the matching modified building footprint on all copies of the plan.
15. If possible, the applicant shall arrange with local contractors to have garbage and cardboard compactor pickups made after 7 a.m. and 10 p.m.
16. The compressor side of the rooftop HVAC equipment shall face north towards Baptist Road or east toward Jackson Creek Parkway.
17. Prior to operating the proposed Super Center store, the applicant shall hard surface all onsite parking and access roads.
18. Prior to operating the proposed store, the applicant shall post signs at all customer entrances to the property explaining that overnight camping is prohibited within the proposed parking lot.
19. The applicant shall indicate if a noise attenuation structure is going to be provided around the refrigerator compressors and whether these compressors are going to be located on top of the building's roof. If so, the noise attenuation structure shall be composed of building material that are consistent with those on the exterior of the building. The structure shall also be painted dark brown or dark green to match the colors of the exterior of the building.
20. A layman's description of the proposed lighting standards shall provided (as opposed to General Note #8 on PUD Development Plan/Preliminary Plan sheet 1 of 2). Additionally, all light pole bases within the parking lot shall be painted to match the dark colors of the building.
21. All perimeter parking lot lights shall be shielded on the property line side. All floodlights shall be less than fifteen feet (15') in height and directed downward as to prevent excessive light from projecting onto adjacent properties and roadways.
22. The height of all proposed exterior lighting fixtures including parking lot lights shall not exceed twenty feet (20') per the Land Development Code.

23. All disturbed areas shall be either hard-surfaced, hydroseeded or otherwise stabilized (e.g. straw mulch, plastic sheeting, etc.) within sixty (60) days of the disturbance.
24. All future development of the property, such as the gas station, are subject to the same applicable provisions of the Zoning Code in effect at said time.
25. Correct the zone district designation as shown for the adjacent properties to the east and south from "R" (Residential) to "RR-2" (Rural Residential) and provide this information on all sheets of the development plan.