

SP-02-024

714.36

**PRELIMINARY PLAN
BAPTIST ROAD RETAIL CENTER SUBDIVISION
WAL-MART SUPERCENTER**

A request by Kenneth H. Barber, Uwe Schmidt and Beverly B. Miller for approval of a Preliminary Plan for a three-lot subdivision in the proposed 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.

PREPARED BY

Jan Fetrow/ Carl Schueler
5/6/04

APPLICABLE RESOLUTIONS

Approval	Page 9
Disapproval	Page 10

PLANNING DIVISION NOTES

- 1) See PUD-02-013 for related comments and further description of this project.
- 2) The applicants have submitted a combined PUD Development Plan/ Preliminary Plan.

DEVELOPMENT SERVICES DEPARTMENT RECOMMENDATION: If the accompanying PUD zoning request is approved for this property, the Planning Division recommends approval of this Preliminary Plan with the following conditions and notations:

CONDITIONS

1. Prior to scheduling this request for hearing before the Board of County Commissioners, the applicant shall:
 - a) Provide a re-submittal of the Preliminary Plan and/or related supporting information which addresses all of the applicable outstanding concerns of the Engineering Division as outlined in their April 23, 2004, letter or clearly identify any areas of disagreement for resolution by the Board of County Commissioners.
 - b) Provide a similar response to outstanding Planning Division technical comments as included in the attachment to the staff report for PUD-02-013.

- c) Specifically delete the depicted full-movement access to the site on Baptist Road east of Jackson Creek Parkway and replace this with a right-in/ right-out intersection.
 - d) A specific listing of all street, roadway and drainage improvements that will be constructed by the developer.
2. The following information shall be provided in conjunction with Final Plat(s) submittal:
 - a) An updated Water Resources Report and Wastewater Summary and related service commitments which accurately reflect the increased footprint of the building.
 - b) A Detention Pond Maintenance Agreement.
3. Prior to recording any Final Plat for this property:
 - a) The applicant shall obtain approval of a Preble's Meadow Jumping Mouse Habitat Conservation Plan (HCP) from the U.S. Fish and Wildlife Service.
 - b) The applicant shall enter into a Development Agreement pursuant to Section 53.5 of the Land Development Code which specifies the extent, timing and funding of the adjacent and off-site transportation improvements necessary to adequately serve this use.
 - c) Applicable School, Park, Drainage, Pond and Bridge fees shall be paid prior to recording any Final Plat.
4. Developer shall comply with Federal and State laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Department of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service and/or Colorado Department of Wildlife regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

NOTATIONS

1. Major improvements to the Baptist Road/ Interstate 25 Interchange will be required to maintain acceptable levels of service in future years. Although this interchange reconfiguration has been approved funding for construction has not yet been identified by Colorado Department of Transportation.
2. The property is located within the boundaries of BRRTA (Baptist Road Rural Transportation Authority) and is subject to the financial and other requirements of the Authority.

3. The applicant's water supply and wastewater reports have not been formally updated to reflect the increased footprint of the current proposed building. This update is recommended as a condition prior to Board of County Commissioners Final Plat submittal. A finding of water supply insufficiency would be appropriate at this time.
4. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 12 months of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

A Finding of Insufficiency for water quantity, quality and dependability is recommended at this time.

BACKGROUND, DESCRIPTION OF PROJECT, ADJOINING USES: See comments for the PUD zone change (PUD-02-013).

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

PUBLIC NOTIFICATION: The Planning Division notified twelve (12) adjoining property owners of applicant's intent on April 26, 2004. A summary of their responses will be provided at the meeting.

AGENCY COMMENTS (See PUD-02-013)

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

MVEA has reviewed the Preliminary Plan for Baptist Road Wal-Mart and has one objection. MVEA was granted a utility easement from U.S. Service Co., Inc.; it is recorded with the El Paso County Clerk and Recorder, Book 6419, Page 1020, Reception Number 94047700. MVEA requests that this recorded easement be platted.

MVEA built present facilities based on previous design. If any portion of these facilities require removal or relocation to accommodate the new design, this modification will be at the developer's expense.

MVEA requests that no trees or shrubs be planted within seven feet of the existing facilities including underground lines.

If additional information is required, please contact our office at (719) 495-2283.
(Avelyn Ullom, Engineering Clerk)

All other agency reports are provided with the previous item (PUD-02-013).

PLANNING DIVISION COMMENTS

- 1) Planning Division Comments are provided within the previous item (PUD-02-013).
- 2) The Preliminary Plan and PUD Plan depict a full-movement intersection on Baptist Road where a right-in/ right-out access was previously identified. A full-movement intersection is not contemplated in the Traffic Study nor has it been recommended by the Major Thoroughfare Task Force or staff. Therefore, the intersection needs to be depicted correctly as right-in/ right-out only.

ENCLOSURES

Vicinity Map
Letter of Intent

El Paso County Parcel Information

Parcel Number: 7136002023

File Name: SP-02-024

Parcel Address: 0 BAPTIST ASSEMBLY RD

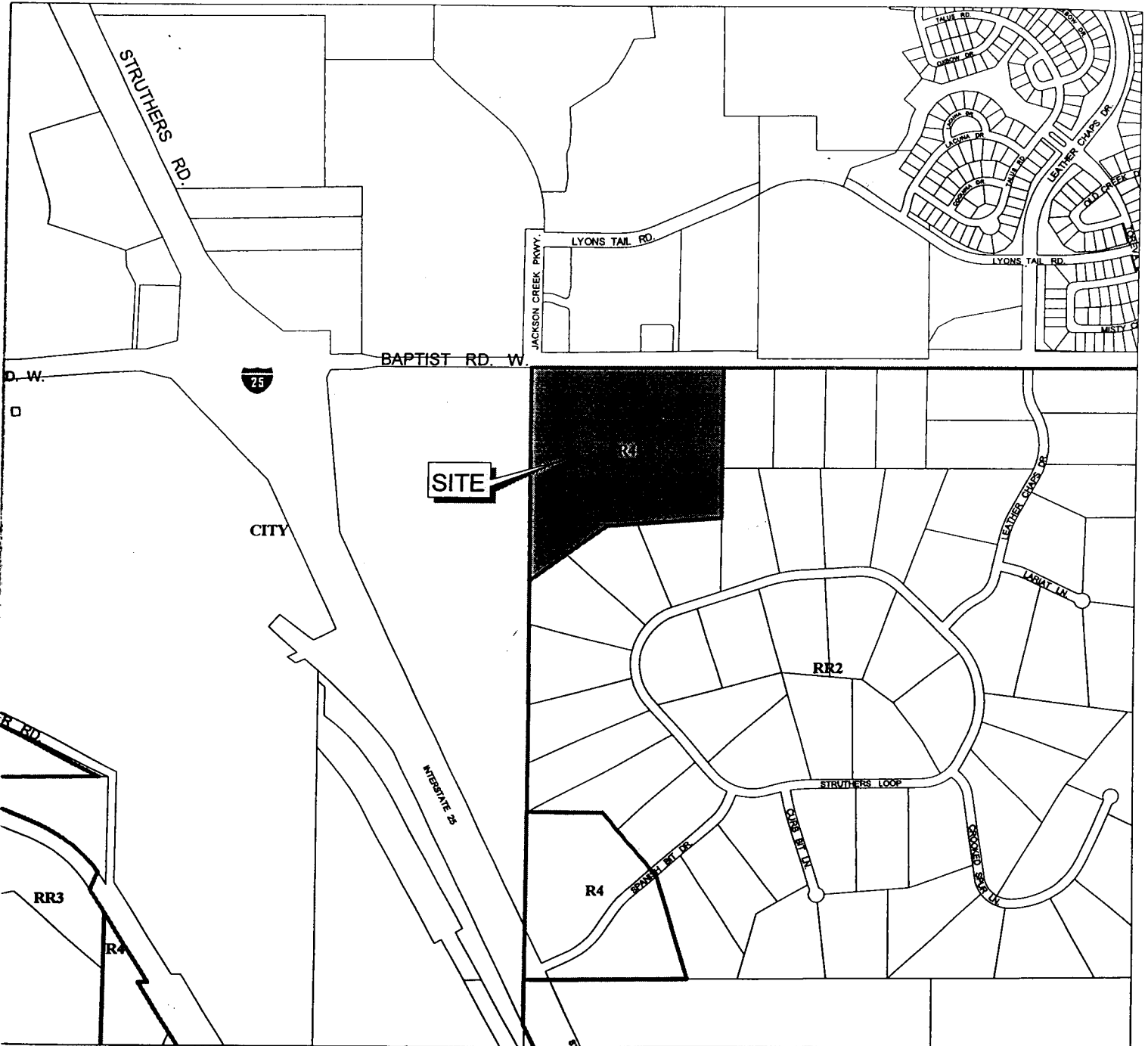
Zone Map No.: 714.36

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



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
 EL PASO COUNTY COLORADO

**LETTER OF INTENT
Baptist Road Retail Center Subdivision
Subdivision Regulations
Preliminary Plan**

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.

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.

Waiver Requests and Justifications:

At this time, no waivers are requested.

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SP-02-024 (REV.)