

COMMUNITY SERVICES DEPARTMENT

PARK OPERATIONS ~ PLANNING ~ CSU EXTENSION ~ COMMUNITY OUTREACH
ENVIRONMENTAL SERVICES ~ VETERANS SERVICES ~ RECREATION/CULTURAL SERVICES

January 25, 2019

Nina Ruiz
Project Manager
El Paso County Development Services Department
2880 International Circle
Colorado Springs, CO 80910

Subject: Ellicott Town Center Filing No. 1 Final Plat, Review #2 (SF-18-025)

Hello Nina,

The Planning Division of the Community Services Department has reviewed the development application for Ellicott Town Center Filing No. 1 Final Plat, Review #2, and has no additional comments at this time. Staff acknowledges the inclusion of the 25-foot trail easement along East Highway 94, but is concerned about language in the Letter of Intent regarding the waiver of urban park fees. Please refer the applicant to the original review comments below, as endorsed by the Park Advisory Board on November 14, 2018, for clarification regarding the calculation and payment of urban park fees:

"Ellicott Town Center is zoned PUD and is located on East Highway 94, 1.5 miles west of the intersection of Log Road and the unincorporated town of Ellicott. The proposed 36.87-acre development will include 98 single-family residential lots, with a minimum lot size of 0.088 acres. The property is located within the Ellicott Valley / Highway 94 Comprehensive Plan boundary.

The El Paso County Parks Master Plan (2013) shows the Highway 94 Secondary Regional Trail being impacted by the proposed development – running east-west along the south side of U.S. Highway 94. In addition, the project site is located immediately south and adjacent to the proposed Highway 94 Road Bicycle Route, which runs east-west along U.S. Highway 94. The project is not located within the bounds of any Candidate Open Space Areas.

In October 2005, the Ellicott Town Center Sketch Plan was reviewed by El Paso County Parks staff, and the following internal administrative comments were provided:

- "Park staff has no objections to this submittal. Recommend linking schools and parks with trails and open spaces. For internal review only and not forwarded to the Park Board for approval at this time. Final park fees will be determined once final."*

The Sketch Plan was approved in January 2006 with the following conditions:

- Applicable Park and School fees shall be paid with any Final Plats.*

- *With each Preliminary Plan, the applicant shall work with El Paso County Park Department to determine acreage and acceptable locations for park area or areas, and include them on the plan.*

In May 2006, the Ellicott Town Center Overall PUD Development Plan, Phase I PUD Development Plan, and Phase I Preliminary Plan were approved by the Planning Commission and Board of County Commissioners. The 550.6-acre Overall PUD Development Plan shows 24.53 acres of park land, as well as numerous conceptual internal trails connecting the various phases of the project, including an east-west running trail across the most northern portion of the property. This trail could be interpreted as the Highway 94 Secondary Regional Trail.

The Phase I PUD Development Plan and Preliminary Plan, at 82.45 acres in size, shows tracts totaling 9.20 acres designated to "Park / Open Space / Drainage / Utilities," although no conceptual park plans are included in the application. The applicant's letter of intent, dated December 2005, contained no waivers for regional or urban park fees. Subsequently, no El Paso County Parks subdivision review forms, and therefore no Park Advisory Board recommended endorsements have been located. Applicant responses to the agency reviews of the PUD and Preliminary Plans also reveal no Parks comments, although in response to a Planning Division request, the applicant stated the following:

- *"Park and open space acreage is noted. As an overall PUD, this is general in nature and indicates intent. Final park and open space acreage may vary. The Ellicott Town Center Metropolitan District will own and maintain all park and open spaces illustrated on the plans."*
- *"Park areas have been identified with the acreage. Maintenance responsibilities for these areas are by the Ellicott Town Center Metropolitan District and are identified on the Preliminary Plan Tract Table."*

In June 2006, the applicant resubmitted the Ellicott Town Center Phase One Filing One, with a letter of intent requesting the following waiver of fees:

- *"Urban parks fees will be waived in lieu of land to be dedicated. Said land has been committed to per approved PUD plan."*

In addition, the applicant sent a letter to El Paso County Parks Director, Tim Wolken, dated 08/07/2006, requesting the following fee waiver:

- *"Please accept this as confirmation and formal request of providing land in lieu of fees for the land development known as Ellicott Town Center."*
- *"Urban parks fees will be waived in lieu of land to be dedicated. Said land allotment has been committed to per approved PUD plan."*

Furthermore, the applicant requested an extension of the Ellicott Town Center Filing No. 1 Final Plat in 2009, which was reviewed by El Paso County Parks staff, who provided the following recommendations:

- *“By previous agreement, staff recommends waiving urban park fees, with understanding that modifications to the final plan and a Letter of Intent will be submitted to show urban park areas. Additionally, developer should be made aware of EPCDOT 2030 Master Plan showing Highway 94 as a recommended bicycle route and may need additional ROW for a paved shoulder. Staff recommends accepting fees in lieu of land for regional park purposes in the amount of \$42,360.00.”*

As noted previously, the Ellicott Town Center Preliminary Plan and Filing No. 1 Final Plat do show land dedicated to urban park uses (in addition to other noted uses), as well as the additional 40’ right-of-way on the southern side of Highway 94. However, the aforementioned recommendations were not endorsed by the Park Advisory Board in May of 2009, as no record has been found of either the presentation of or endorsement of Ellicott Town Center Filing No. 1 Final Plat. Moreover, no formal park land agreement or fee waiver was approved by the Board of County Commissioners, nor recorded with the El Paso County Clerk and Recorder’s Office.

Due to the amount of time that has passed between the 2009 Filing No. 1 Final Plat extension and the current application, the lack of recorded Park Advisory Board endorsements or BoCC-approved park lands agreements, as well as the adoption of the 2013 El Paso County Parks Master Plan and its focus on the acquisition, construction, maintenance, and preservation of large-acreage regional park lands and open space, staff recommends reestablishing fees in lieu of land for both regional and urban park purposes, but additionally recommends the formal establishment of a park lands agreement as an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the final plat. This park lands agreement will allow the waiving of urban park fees in exchange for the applicant’s construction and maintenance of urban park amenities in those lots previously dedicated to urban park uses, to be constructed, owned, and maintained by the Ellicott Town Center Metropolitan District.

Staff also recommends the dedication of a 25-foot trail easement along the southern side of Highway 94 that allows for public access, as well as construction and maintenance by El Paso County of the Highway 94 Secondary Regional Trail, and that the easement be shown on the Final Plat and dedicated to El Paso County prior to the recording of the Final Plat.

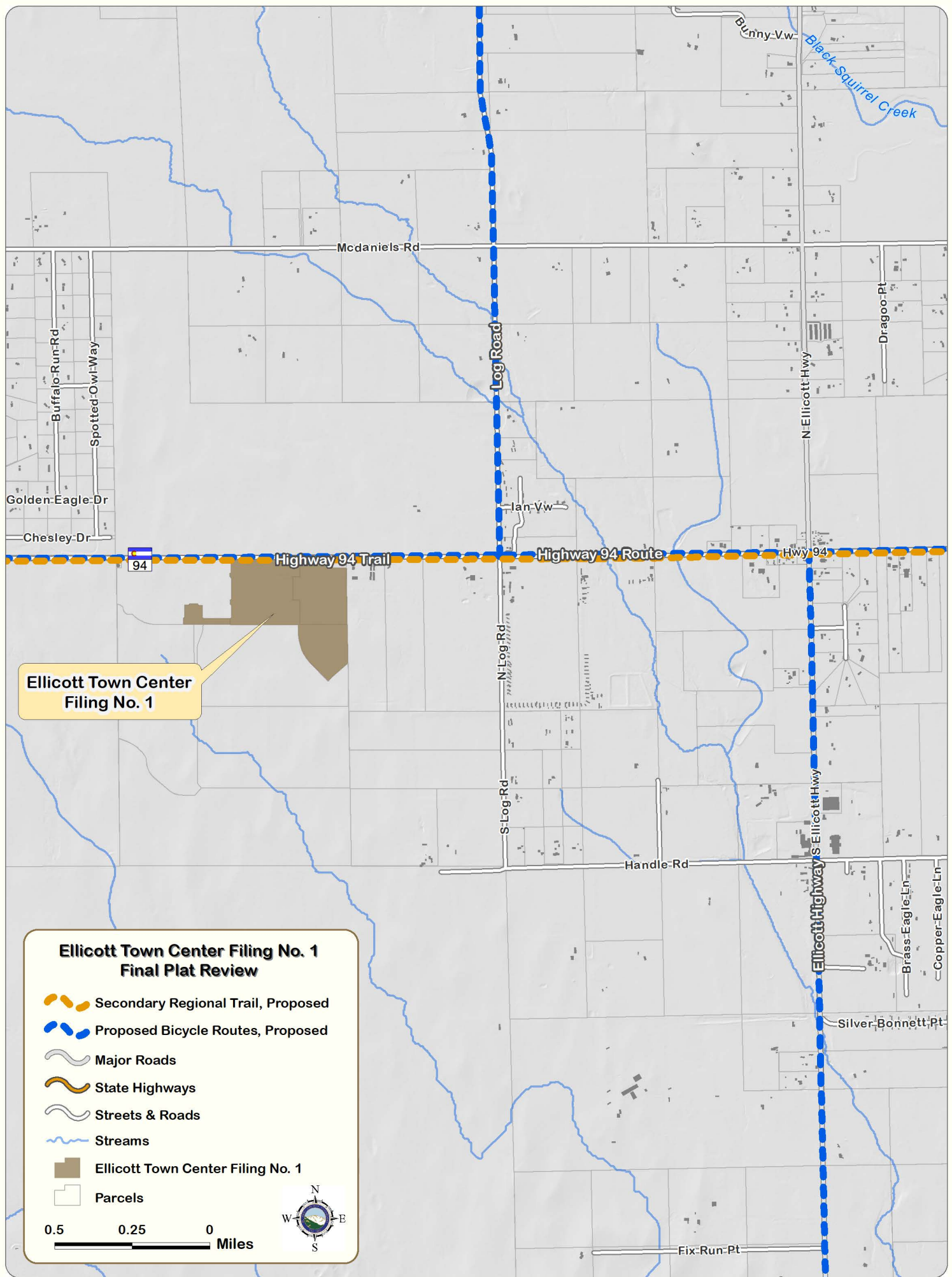
Recommended Motion (Filing No. 1 Final Plat):

Recommend to the Planning Commission and the Board of County Commissioners that the approval of Ellicott Town Center Filing No. 1 Final Plat include the following conditions: (1) the developer is encouraged to further explore and develop urban park options in the form of open space areas, trails, community parks, neighborhood pocket parks or other recreational opportunities; (2) show on the Final Plat and dedicate to El Paso County a 25-foot trail easement along the south side of Highway 94 that allows for public access, as well as construction and maintenance by El Paso County of the Highway 94 Secondary Regional Trail; and (3) require fees in lieu of land dedication for regional park purposes in the amount of \$42,140 and urban park fees in the amount of \$26,656. A park lands agreement will be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the final plat.”

Please let me know if you have any questions or concerns.

Sincerely,

Ross A. Williams
Park Planner
Planning Division
Community Services Department
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Development Application Permit Review



Community Services Department
Park Operations ~ Planning ~ Recreation / Cultural Services
Environmental Services ~ Veterans Services ~ CSU Extension

November 14, 2018

Subdivision requirements referenced in section 8.5.2 of the El Paso County Land Development Code. Fees are based on average land values within designated areas. See El Paso County Board of County Commissioners (BoCC) Resolution for fees established on annual basis. The Park Advisory Board meets the second Wednesday of each month, 1:30 p.m., BoCC Auditorium, second floor Centennial Hall Building, 200 S. Cascade, Colorado Springs.

Name:	Ellicott Town Center Filing No. 1 Final Plat	Application Type:	Final Plat
DSD Reference #:	SF-18-025	CSD / Parks ID#:	0
Applicant / Owner:	Owner's Representative:	Total Acreage:	36.87
Colorado Springs Mayberry, LLC	JPS Engineering, Inc.	Total # of Dwelling Units	98
32832 Temecula Parkway	John Schwab	Gross Density:	2.66
Temecula, CA 92592	19 East Willamette Avenue	Park Region:	4
	Colorado Springs, CO 80903	Urban Area:	5

Existing Zoning Code: PUD Proposed Zoning: PUD

REGIONAL AND URBAN PARK REQUIREMENTS

Regional Park land dedication shall be 7.76 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit.

Urban Park land dedication shall be 4 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit.

LAND REQUIREMENTS

Urban Density: ☒ (2.5 units or greater / 1 acre)

Regional Parks: 4	Urban Parks Area: 5
0.0194 Acres x 98 Dwelling Units = 1.901 acres	Neighborhood: 0.00375 Acres x 98 Dwelling Units = 0.37 acres
	Community: 0.00625 Acres x 98 Dwelling Units = 0.61 acres
	Total: 0.98 acres

FEE REQUIREMENTS

Regional Parks: 4	Urban Parks Area: 5
\$430.00 / Unit x 98 Dwelling Units = \$42,140.00	Neighborhood: \$107.00 / Unit x 98 Dwelling Units = \$10,486.00
	Community: \$165.00 / Unit x 98 Dwelling Units = \$16,170.00
	Total: \$26,656.00

ADDITIONAL RECOMMENDATIONS

Staff Recommendation:

Park Advisory Board Recommendation:

Endorsed 11/14/2018

Recommend to the Planning Commission and the Board of County Commissioners that the approval of Ellicott Town Center Filing No. 1 Final Plat include the following conditions: (1) the developer is encouraged to further explore and develop urban park options in the form of open space areas, trails, community parks, neighborhood pocket parks or other recreational opportunities; (2) show on the Final Plat and dedicate to El Paso County a 25-foot trail easement along the south side of Highway 94 that allows for public access, as well as construction and maintenance by El Paso County of the Highway 94 Secondary Regional Trail; and (3) require fees in lieu of land dedication for regional park purposes in the amount of \$42,140 and urban park fees in the amount of \$26,656. A park lands agreement will be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the final plat.