



"A MASTER PLANNED COMMUNITY" COLORADO SPRINGS, COLORADO

8/12/2026

Project: Mayberry PUD2 + Filing 1 "Tract K Development"

Subject: Ellicott Fire Protection District Review Comments & Response

Ellicott Fire Protection District (EFPD) has provided the following comments to the Mayberry Phase 2 PUD second submittal package. No comments were received from the first submittal posted on 10/1/2025.

EFPD comment provided 7/7/26:

"The fire protection report does not calculate the required water supply according to the El Paso County Land Development Code of 300 gallons and acre and 3,000 gallons a dwelling unit. [SS1.1] This is the responsibility of El Paso County Planning to apply. The adopted fire code requires a minimum of 1,500 gallons per minute with hydrants spaced no more than 500 feet apart based on the size and construction type of the structure built. The size and type of structure is not addressed in the fire protection report so it is impossible to say if the purposed design is adequate. No ground truthing has taken place on the site and nothing submitted to the State of Colorado Division of Fire Prevention and Control so the hazard level per the Colorado Wildfire Resiliency Code cannot be changed and all structures in the Moderate must meet the Class 2 structure hardening. The side set backs do not meet the minimum of the El Paso County Land Development Code and Ellicott Fire Protection District does not support any distance less than the minimum. In a meeting with Mayberry and Ellicott Fire Protection District, Mayberry's representatives stated that the exterior of structures less than 10 feet apart would be provided with 1 - hour fire rated exterior walls. It appears that the one hour walls have not been included in the PUD nor have the hardened structure requirements of the Colorado Wildfire Resiliency Code. It is the responsibility of the applicant to provide a plan that meets all applicable codes and standards. Ellicott Fire Protection District does not support any deviation from the applicable and adopted codes and standards and encourages El Paso County Planning and Engineering to do the same."

Mayberry has prepared the following responses to the above review comment from EFPD. Each comment topic has been extracted from the above EFPD response and italicized in quotations for clarity. Below each statement is Mayberry Communities (MC) response to each topic.



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EFPD Comment: "The fire protection report does not calculate the required water supply according to the El Paso County Land Development Code of 300 gallons and acre and 3,000 gallons a dwelling unit. [SS1.1] This is the responsibility of El Paso County Planning to apply."

- MC Response: This statement is not applicable. The referenced EPC LDC requirement is only applicable to "Areas without Central Water Systems". Mayberry is served by a central water system.

EFPD Comment: "The adopted fire code requires a minimum of 1,500 gallons per minute with hydrants spaced no more than 500 feet apart based on the size and construction type of the structure built."

- MC Response: As stated in the Fire Protection Report, Mayberry acknowledges and agrees to provide the minimum 1500gpm hydrant requirements. Fire hydrants have been proposed throughout the development (as depicted on sheet 15 of the submitted PUDSP plan set). Mayberry would welcome any feedback EFPD may have regarding the proposed placement of these hydrants so that fire protection operations can be effectively executed.

EFPD Comment: "The size and type of structure is not addressed in the fire protection report so it is impossible to say if the purposed design is adequate."

- MC Response: The proposed housing product was illustrated on sheet 13 of the submitted PUDSP plan set. Total square footage was not provided, but dimensioned footprints were included (this information has been added to the plan sheets). The Fire Protection Report states that structures will be constructed in accordance with applicable codes. In absence of identifying the specific building materials, one can assume the homes are to be constructed of combustible light-frame residential construction with fire protection detailing to be established at time of building permit. Unless specifically stated, most single-family and two-family dwelling units are typically in this classification.

The Fire Protection Report has been updated to include a statement that the structures will be of combustible light-frame residential construction complying with the 2021 IRC and PPRBD amendments, with required rated assemblies where prescribed.

The Development Standards on sheet 2 of the plan set have also been updated to include the following statement:

PAIRED HOME LOTS SHALL CONSIST OF INDIVIDUALLY OWNED FEE-SIMPLE LOTS WITH THE COMMON PROPERTY LINE LOCATED AT THE CENTERLINE OF THE COMMON BUILDING SEPARATION. EACH DWELING SHALL BE STRUCTURALLY INDEPENDENT WITH INDEPENDENT WALL FRAMING AND SHALL COMPLY WITH



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THE APPLICABLE TOWNHOUSE SEPARATION REQUIREMENTS OF THE ADOPTED RESIDENTIAL BUILDING CODE.

EFPD Comment: "No ground truthing has taken place on the site and nothing submitted to the State of Colorado Division of Fire Prevention and Control so the hazard level per the Colorado Wildfire Resiliency Code cannot be changed and all structures in the Moderate must meet the Class 2 structure hardening."

- **MC Response:** Per communication with Mindy Shulz (EPC Deputy Executive Director of Planning & Community Development), the Colorado Wildfire Resiliency Code is only applicable to applications that come in after adoption of the new code. Records indicate the WRC was officially adopted by EPC BOCC on June 23, 2026. The original application for Mayberry Phase 2 PUD was submitted on February 24, 2025, with fees paid and the submittal distributed for agency comment on October 1, 2025. Therefore, it is Mayberry's understanding that references to the WRC are not applicable to the Phase 2 PUD application.

EFPD Comment: "The side set backs do not meet the minimum of the El Paso County Land Development Code and Ellicott Fire Protection District does not support any distance less than the minimum."

- **MC Response:** The EPC LDC does not specify a minimum side setback for PUD applications. Chapter 5 of the LDC outlines Use and Dimensional Standards of lots within each base zoning district. Table 5-4 of this chapter allows an applicant to establish density and dimensional standards of a PUD through the creation of a Development Plan, including building setbacks.

The application that Mayberry has prepared for its Phase 2 PUD proposes setbacks that are consistent with other PUD developments throughout El Paso County and the State of Colorado. We have previously attempted to collaborate with EFPD to establish setbacks conforming with locally adopted code. To date we have not received guidance from EFPD that points toward adopted code language that does not permit the proposed 3-foot side yard setback. Rather we have provided specific location examples where building separations matching this PUD program have recently been established and structures constructed. These locations include:

- Greenways at Sand Creek – Colorado Springs, CO (off Tutt Blvd)
- Belle at Percheron – Colorado Springs, CO (off Woodmen Rd)
- Downtown Superior – Superior, CO

The housing product proposed for this development will be designed and permitted in conformance with the Pikes Peak Regional Building Department (PPRBD) 2023 Regional Building Code, 2nd Printing, incorporating the 2021 IRC. The single-family attached



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product proposed for this development are classified by this code as two-family dwellings. Per Table R302.1(1), PPRBD directly recognizes exterior walls of dwelling construction requirements within a separation distance of 0 feet to < 5 feet. The PPRBD amendments add specific language for fire-rated projections, soffit vents, and unprotected terminations such as dryer, bath, and appliance vents. This code language further strengthens the argument that 3-foot exterior-wall conditions are workable within the permitting authorities code framework requirements for fire-restive exterior wall detailing.

EFPD Comment: "In a meeting with Mayberry and Ellicott Fire Protection District, Mayberry's representatives stated that the exterior of structures less than 10 feet apart would be provided with 1 - hour fire rated exterior walls. It appears that the one hour walls have not been included in the PUD nor have the hardened structure requirements of the Colorado Wildfire Resiliency Code."

- MC Response: On 6/10/26, Mayberry leadership and EFPD staff met to discuss the site program for PUD2. During this meeting, Mayberry acknowledged that any code required fire protection detailing will be provided at the time of superstructure permitting. We do not believe it is necessary to identify exterior wall fire protection requirements and/or WRC related hardening requirements on the PUD plan set. If this is standard practice for all PUD applications, we will defer to EPC Planning for guidance towards if or how this should be addressed.

EFPD Comment: "It is the responsibility of the applicant to provide a plan that meets all applicable codes and standards. Ellicott Fire Protection District does not support any deviation from the applicable and adopted codes and standards and encourages El Paso County Planning and Engineering to do the same."

- MC Response: Mayberry acknowledges their responsibility to meet applicable codes. As attempted on numerous occasions over the past 18 months, we have requested assistance from EFPD to guide our design team to the specific code language that prohibits the development plan program proposed in the submitted Mayberry Phase 2 PUD application. To date we have only received generic responses without any direction to adopted code language. We are unable to address concerns unless further information is provided.

Street Sections Deviation

As a condition of deviation request approval for modified street sections, EPC has requested that written recommendation input be provided by EFPD.

During a January 8, 2025, Early Assistance meeting with El Paso County, EFPD requested that Mayberry provide documentation that demonstrates site access is capable of accommodating



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certain fire apparatus, specifically a large-scale ladder truck. On January 15, 2025, Mayberry provided AutoTurn exhibits illustrating multiple conditions that demonstrate site maneuverability for both a ladder truck (modeled from specifications provided by EFPD) and an "E-One Combat Unit" with specifications similar to the apparatus currently operated by Ellicott Fire. These illustrations demonstrated that both design vehicles should be capable of maneuvering the site as proposed.

To date, EFPD has refused to acknowledge the provided information and has been unwilling to provide substantive code reference or related feedback that would guide an alternative site program. As such, Mayberry has advanced the site development plans with the understanding that EFPD had no objections to the information provided.

Furthermore, Mayberry finds that the site access road widths and geometry comply with respective code requirements found in the International Fire Code and International Residential Code.

Building Separation

During the above referenced EA meeting with EPC, EFPD cited that the duplex product proposed on Tract 'K' would need to be separated by a minimum of 15', face-of-wall to face-of-wall between structures. Staff later clarified their statement and revised their position that building eaves would require 10' separation.

Since that meeting, Mayberry has attempted to obtain specific code reference that stipulates this separation requirement. To date EFPD has been unable to provide the requested code references. Alternatively, Mayberry has cited code language (Table 302.1(1) of the 2021 IRC) that states exterior walls and eave projections are permitted to be non-fire resistant rated when the separation distance between the building face and the property line is greater than or equal to 5'. Code further allows that when this distance cannot be achieved, the structure must be detailed with 1-hr fire resistive construction for the exterior walls and eaves. Mayberry has stated they understand this requirement and intend to design the structures to comply with applicable codes.

Mayberry has also provided at least three examples of recently constructed similar projects where three-story structures are separated by less than 7'. As referenced previously, those locations include Greenways at Sand Creek, Bele at Percheron, and Downtown Superior. Representative photos have been provided for reference.