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RESOLUTION NO. 26-373

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR
MAYBERRY PHASE 2 (PUDSP251)

WHEREAS, Mayberry Communities, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County and more particularly described in Exhibit A, which is attached hereto and incorporated by reference, from a conceptual PUD (Planned Unit Development) zoning district to a site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, in accordance with Section 4.2.6.E of the El Paso County Land Development Code (as amended), A PUD Development Plan May be Approved as a Preliminary Plan, the applicants are also requesting the PUD Development Plan be approved as a Preliminary Plan with a finding of water sufficiency for water quality, dependability, and quantity; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 15, 2026, upon which date the Planning Commission did by formal resolution recommend disapproval of the subject Planned Unit Development and Preliminary Plan; and

WHEREAS, a public hearing was held by this Board on November 12, 2026; and

WHEREAS, based upon the evidence presented, including testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. That the application was properly submitted for consideration by the Board of County Commissioners;

2. That proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners;

3. 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 persons were heard at those hearings;

4. That all exhibits were received into evidence;

5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county;

6. 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;

7. That for the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County; and

WHEREAS, this Board further finds that the request meets the criteria for approval outlined in Section 4.2.6.D of the Land Development Code (as amended):

1. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4 of the Code;

2. The application is in general conformity with the Master Plan;

3. The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;

4. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;

5. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an

appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;

6. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;

7. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;

8. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;

9. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;

10. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;

11. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;

12. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide;

13. The owner has authorized the application; and

WHEREAS, the applicants have requested the proposed PUD be reviewed and considered as a Preliminary Plan; this Board therefore further finds that the request meets the criteria of approval outlined in Section 7.2.1.D.2.e of the Land Development Code (as amended), as follows:

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

2. The Subdivision is consistent with the purposes of the Code;

3. The Subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;

4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code;

5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;

6. All areas of the proposed Subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed Subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];

7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design;

8. The location and design of the public improvements proposed in connection with the Subdivision are adequate to serve the needs and mitigate the effects of the development;

9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;

10. The proposed Subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the Subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the Subdivision to provide a transition between the Subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed Subdivision so the proposed Subdivision will not negatively impact the levels of service of County services and facilities;

11. Necessary services, including police and protection, recreation, utilities, open space, and transportation systems are or will be available to serve the proposed Subdivision;

12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and

13. The proposed Subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado hereby approves the application to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the Choose an item. zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that in accordance with Section 4.2.6.E of the El Paso County Land Development Code (as amended), the Board of County Commissioners hereby approves the PUD Development Plan as a Preliminary Plan.

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Development of the property shall be in accordance with this PUD Development Plan. Minor changes in the PUD Development Plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD Development Plan amendment application.

2. Approved land uses are those defined in the PUD Development Plan.

3. All owners of record must sign the PUD Development Plan.

4. The PUD Development Plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any Final Plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD Development Plan.

5. Applicable drainage, bridge, school, and park fees shall be paid with each Final Plat.

6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/12/2026, as provided by the County Attorney's Office.

7. All outstanding El Paso County Staff comments shall be addressed prior to recordation of the PUD Development Plan.

NOTATIONS

1. Subsequent Final Plat filings may be approved administratively by the Planning and Community Development Director.

2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

4. Preliminary Plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

5. Approval of the Preliminary Plan will expire after two (2) years unless a Final Plat has been approved and recorded or a time extension has been granted.

DONE THIS 12th day of November, 2026, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____
Chair

ATTEST:

By: _____
County Clerk & Recorder

EXHIBIT A

MAYBERRY, PUD 2 LEGAL DESCRIPTION

An assembly of contiguous parcels and Right-of-Ways herein described for the purpose of a Planned Unit Development and Preliminary Plan, being all of Tracts A, K and O, MAYBERRY, COLORADO SPRINGS FILING NO. 1, a subdivision of land in the Northwest Quarter of Section 14 and the Northeast Quarter of Section 15, Township 14 South, Range 63 West of the 6th Principal Meridian, El Paso County, Colorado, the plat of said subdivision recorded December 23, 2020 as Reception Number 220714655 in the Office of the Clerk and Recorder of El Paso County, Colorado;

AND

Unplatted land in said Northwest and Northeast Quarters, lying between and adjoining the West line of said Tract O and the easterly line of Tract N, said MAYBERRY, COLORADO SPRINGS FILING NO. 1, also lying North of that easterly/westerly segment of the easterly line of said Tract N that intersects the East line of said Northeast 1/4 of said Section 15 and extended easterly to the Southeast corner of the Right-of-Way of Positive Place (formerly known as Mayberry Drive) established by said plat;

AND

The Right-of-Ways of Mayberry Drive (formerly known as New Log Road) and Village Main Street lying in said Northwest and Northeast Quarters, established by said plat and adjoining the easterly, westerly and southerly lines of said Tract A and adjoining the westerly and South lines of said Tract K;

All together more particularly described as follows:
BEGINNING at the Northeast corner of said Tract K, Thence southerly on the easterly line of said Tract K the following 4 courses and distances: 1) South 00° 31' 01" West, 201.27 feet; 2) Thence North 89° 28' 59" West, 20.79 feet; 3) Thence South 00° 00' 00" East, 60.00 feet; 4) Thence South 44° 44' 29" East, 21.25 feet; Thence South 00° 00' 00" East, 667.76 feet on the East line of said Tract K and its southerly extension and on the East line of said Tract O to the most northerly Southeast corner of said Tract O; Thence South 45° 15' 31" West, 30.97 feet on the southeast line of said Tract O to the most southerly Southeast corner of said Tract O; Thence South 00° 31' 01" West on the West line of said Positive Place Right-of-Way to the Southeast corner thereof and being the Southeast corner of said unplatted land; Thence North 89° 20' 00" West, 801.52 feet on the South line of said unplatted land, intersecting the East line of said Northeast 1/4 of Section 15 and continuing on said easterly/westerly segment of the easterly line of said Tract N; Thence North 00° 17' 11" West, 100.01 feet continuing on said easterly line of Tract N; Thence North 45° 54' 07" East, 31.33 feet continuing on said easterly line; Thence North 00° 00' 00" East, 201.01 feet continuing on said easterly line to the Northwest corner of said unplatted land; Thence northerly continuing

on said easterly line of Tract N being coterminous with the westerly Right-of-Way lines of said Village Main Street and said Mayberry Drive (formerly known as New Log Road) the following 8 courses and distances: 1) North 44° 44' 29" West, 31.25 feet; 2) Thence North 00° 00' 00" East, 70.00 feet; 3) Thence North 45° 15' 31" East, 30.97 feet; 4) Thence North 00° 00' 00" East, 31.13 feet to the beginning of a tangent curve to the right and concave southeasterly; 5) Thence northerly on said curve an arc length of 151.64 feet, said curve having a radius of 435.00 feet, a chord bearing of North 09° 59' 11" East, a chord distance of 150.87 feet and an interior angle of 19° 58' 22" to a point of tangency; 6) Thence North 19° 58' 22" East, 166.93 feet to the beginning of a tangent curve to the left and concave northwesterly; 7) Thence northerly on said curve an arc length of 127.11 feet, said curve having a radius of 365.00 feet, a chord bearing of 09° 59' 45" East, a chord distance of 126.47 feet and an interior angle of 19° 57' 13" to a point of tangency; 8) Thence North 00° 01' 09" East, 173.93 feet; Thence departing said easterly line of Tract N South 89° 28' 59" East, 697.84 feet on the North line of said Tract K and its westerly extension to the POINT OF BEGINNING, containing 821,002 square feet or 18.848 acres.

EXHIBIT B
(zoning map)

