

**COMMISSIONERS:**  
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**STAN VANDERWERF**  
**LONGINOS GONZALEZ, JR.**

**PLANNING & COMMUNITY DEVELOPMENT**

**TO: El Paso County Planning Commission**  
**Thomas Bailey, Chair**

**FROM: Ryan Howser, AICP, Planner III**  
**Daniel Torres, PE, Senior Engineer**  
**Meggan Herington, AICP, Executive Director**

**RE: Project File Number: CS233 and SF2317**  
**Project Name: Mayberry Filing No. 4 CS Rezone and Final Plat**  
**Parcel Number: 3414102015**

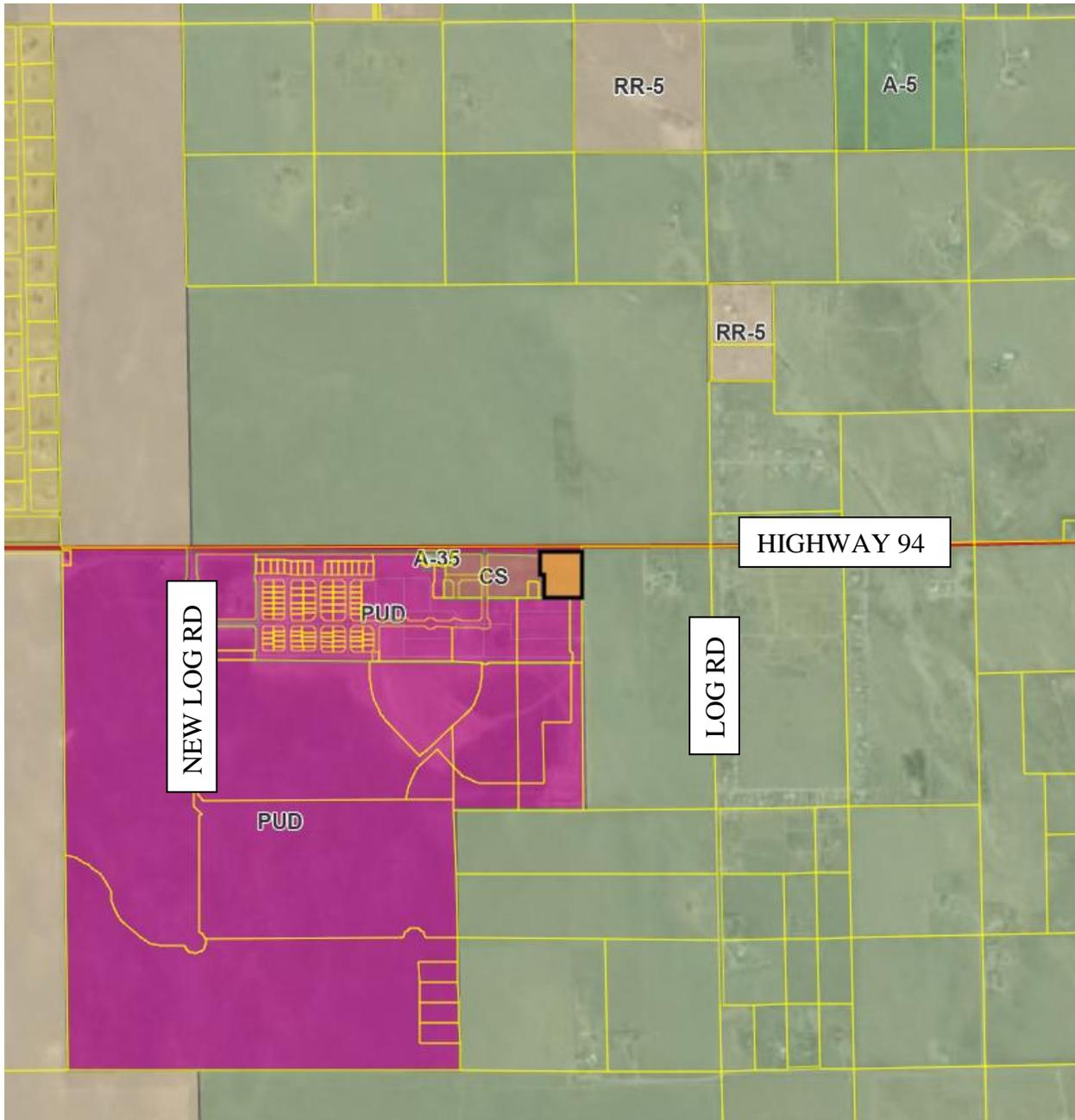
<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Mayberry Communities, LLC PO Box 675725 Rancho Santa Fe, CA 92067	Mayberry Communities, LLC PO Box 675725 Rancho Santa Fe, CA 92067

**Commissioner District: 4**

<b>Planning Commission Hearing Date:</b>	<b>2/15/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>3/14/2024</b>

**EXECUTIVE SUMMARY**

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) of 4.44 acres from PUD (Planned Unit Development) to CS (Commercial Service) and a Final Plat creating eight (8) commercial lots. Approval of the Map Amendment (Rezoning) shall be considered prior to consideration of the Final Plat. The property is located on the south side of Colorado State Highway 94, approximately two (2) miles east of the intersection of Highway 94 and Peyton Highway.



VICINITY MAP

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**A. AUTHORIZATION TO SIGN:** Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

**B. APPROVAL CRITERIA**

In approving a Map Amendment (Rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning) of the El Paso County Land Development Code ("Code") (as amended):

- *The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;*
- *The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;*
- *The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and*
- *The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.*

In approving a Final Plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the Code (as amended):

- *The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.*
- *The subdivision is consistent with the purposes of the Code.*
- *The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.*
- *Either 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 this Code, or, with respect to applications for administrative Final Plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval.*
- *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.*



- *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)].*
- *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.*
- *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.*
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and ECM.*
- *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 therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.*
- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.*
- *The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.*
- *The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.*
- *Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.*
- *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.*
- *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].*



### C. LOCATION

North:	A-35 (Agricultural)	Vacant
South:	PUD (Planned Unit Development)	Vacant
East:	A-35 (Agricultural)	Residential
West:	CS (Commercial Service)	Commercial

### D. BACKGROUND

Mayberry (formerly known as Ellicott Town Center) is a proposed urban-density subdivision designed to create a functional and pedestrian-friendly development in the Ellicott community. The development is intended to serve as a community center in support of the goals and visions for the future of Ellicott as envisioned in the past Ellicott Valley Comprehensive Plan (1989) and the recently adopted Your El Paso Master Plan (2021). A full history of the development and active entitlements follows.

The subject property was zoned A-35 (Agricultural) on March 24, 1999, when zoning was first initiated for this portion of El Paso County (Resolution No. 99-101). The property was rezoned from A-35 to PUD (Planned Unit Development) as part of the Viewpoint Village Subdivision PUD Development Plan (PCD File No. PUD-01-003) on March 14, 2002 (Resolution No. 02-97).

The property is subject to the Ellicott Town Center Sketch Plan (PCD File No. SKP-05-005), which was approved by the BoCC on January 12, 2006 (Resolution No. 06-18). The property was subsequently rezoned from the Viewpoint Village PUD to the Ellicott Town Center PUD (PCD File No. PUD-05-021) on May 11, 2006 (Resolution No. 06-161). The Ellicott Town Center Sketch Plan and PUD incorporate a diverse variety of uses, including residential, commercial, industrial, and institutional uses; however, the Ellicott Town Center PUD was established as a conceptual PUD (referred to at the time as an Overall PUD) and did not establish dimensional standards. The applicant is required to rezone the subject property to either a site-specific PUD or a conventional zoning district to establish dimensional standards.

The Mayberry Phase 1 Preliminary Plan and PUD Development Plan was approved by the BoCC on April 5, 2022 (Resolution No. 22-121); however, this site-specific PUD Development Plan excluded the subject property. The Mayberry, Colorado Springs Filing No. 2 Final Plat was approved on December 22, 2020 (Plat No. 14698). The subject property was platted as a part of Tract D and was designated as future development at



that time. Mayberry, Colorado Springs Filing No. 3 was approved on November 15, 2023 (PCD File No. SF-22-019). The applicant is now requesting to rezone the subject property from PUD to CS, and to subdivide the property to create eight (8) commercial lots.

**E. ZONING DISTRICT ANALYSIS**

The applicant is requesting to rezone 4.44 acres from the PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district. The CS (Commercial Service) zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: PUD (Planned Unit Development)	Proposed Zoning District: CS (Commercial Service)
Minimum Zoning District Area	N/A	2 acres
Minimum Lot Size	N/A	N/A
Front Setback	N/A	25 ft.
Rear Setback	N/A	25 ft.
Side Setback	N/A	25 ft.
Maximum Lot Coverage	N/A	N/A
Maximum Height	N/A	45 ft.

The subject property is adjacent to property within the Mayberry, Colorado Springs Filing No. 2 subdivision which is zoned CS. Filing No. 4 is intended to be an extension of the commercial development located within Filing No. 2 and is intended to provide additional commercial services in close proximity to the ongoing residential development within the Mayberry community.

**F. MASTER PLAN COMPLIANCE**

**1. Your El Paso Master Plan**

**a. Placetype Character:** Suburban Residential

*Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall*



*single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.*

*Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.*

*Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.*

### **Recommended Land Uses:**

#### Primary

- *Single-family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre*

#### Supporting

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*

### **Analysis:**

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. Relevant goals and objectives are as follows:

**Goal LU3** – *Encourage a range of development types to support a variety of land uses.*

**Objective LU3-1** – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*



**Goal HC3 Specific Strategy** – Encourage expansion of the Rural Center in Ellicott to support the daily commercial needs of residents near Schriever Air Force Base.

**Objective ED3-6** – Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.

**Goal ED3 Priority** – Work to expand the Ellicott Rural Center with additional commercial uses to help support the surrounding growing residential including a larger grocery store, additional restaurants, coffee shops, and service businesses.

**Goal ED3 Specific Strategy** – New residential uses in the Ellicott community would further support expansion of the Ellicott Rural Center area, which could help provide areas to the east with better access to goods and services.

The property is located in an area deemed appropriate for commercial development as a supporting land use. The property is located adjacent to CS-zoned property and is located along Colorado State Highway 94, which is identified as a suitable location for commercial uses. The property is not located within the Ellicott Rural Center; however, the close proximity to the Rural Center may influence development along the Highway 94 corridor and the Master Plan identifies several goals and strategies encouraging the expansion of the Rural Center.

**b. Area of Change Designation: New Development**

*These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*

**Analysis:**

The property is located in an area which is expected to completely or significantly change in character due to primarily being undeveloped. A relevant priority is as follows:

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**Goal LU3 Specific Strategy Priority** – *The New Development areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area should be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*

The level of change proposed with the Map Amendment (Rezoning) and Final Plat is consistent with the level of change identified in the Area of Change, as the character of the area is expected to be transformed. The subject property is located within an area that is in the process of building out, which aligns with the level of change expected in the New Development Area of Change.

**c. Key Area Influences:** Small Towns & Rural Communities

*This Key Area includes both incorporated and unincorporated communities in El Paso County. Incorporated towns including Calhan, Green Mountain Falls, Palmer Lake, and Ramah have their own established identities that support neighboring rural residents. Similarly, unincorporated rural communities have commercial uses and community facilities that serve surrounding residents and create a sense of community even without a formalized municipal governmental boundary. The unincorporated areas that comprise this Key Area are Black Forest, Ellicott, Hanover, Peyton, Rush, Truckton, and Yoder. Regardless of municipal status, all of these places function as a community that supports the needs of a significant portion of the County's rural population. To better serve this population, additional commercial development should be prioritized in the unincorporated places, or where appropriate, additional commercial development should be annexed by the municipalities. Additional commercial uses within these communities improves access to necessary goods and services such as grocery stores and gas stations.*

**Analysis:**

The subject property is located near the Ellicott area of the County which is identified as being within the Small Towns & Rural Communities Key Area. Commercial services are identified as a priority in and near this Key Area.

**d. Other Implications (Priority Development, Housing, etc.)**

The subject property is not located within a Priority Development Area.



## 2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

**Goal 1.1** – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

**Policy 1.1.1** – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

**Goal 1.2** – *Integrate water and land use planning.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

*The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.*

A finding of water sufficiency is not required with a Map Amendment (Rezoning); however, water sufficiency was analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has



recommended that there is an adequate water supply in terms of quality. Please see the Water section below for a summary of the water findings and recommendations for the proposed subdivision.

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies eolian deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No hazards were identified during the review of the Map Amendment (Rezoning) and Final Plat applications.

### **2. Floodplain**

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0810G, dated December 7, 2018.

### **3. Drainage and Erosion**

The subdivision is located within the Ellicott Consolidated Basin (CHBS1200), which is unstudied with no associated drainage or bridge fees.

The site generally drains to the southeast. Stormwater runoff from the site will be collected via a storm sewer system and will be directed into an existing extended detention basins identified as Pond D. Pond D is being constructed with the recently recorded Mayberry, Colorado Springs Filing No. 3 (Plat No. 15221). This pond will provide the necessary permanent stormwater quality and flood control detention for the proposed development. Pond D is a private facility maintained by the Mayberry, Colorado Springs Metropolitan District. According to the submitted drainage report, this development will have no adverse drainage impacts on downstream or surrounding areas.



A grading and erosion control plan that identifies construction best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system has been submitted.

#### **4. Transportation**

The development is located southwest of State Highway 94 and Log Road. The primary access to the site will be via Springs Road at State Highway 94. Highway 94 is a Colorado Department of Transportation (CDOT) owned and maintained highway. The applicant will need to comply with any CDOT access permit requirements. The submitted traffic impact study identifies that direct access to the site will be via a proposed internal Urban Local road that intersects with Springs Road, a Collector roadway.

The traffic study submitted provides recommended off-site and on-site improvements. The traffic analysis and recommended improvements are generally in conformance with the El Paso County 2016 Major Transportation Corridors Plan Update. The traffic study is currently in review as outstanding comments are being finalized by the applicant.

The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

### **H. SERVICES**

#### **1. Water**

Water is provided by Ellicott Utilities Company, LLC. The applicant has shown a sufficient water supply for the required 300-year period. The State Water Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office is recommending a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health is recommending a finding of sufficiency with regard to water quality.

#### **2. Sanitation**

Wastewater is provided by Ellicott Utilities Company, LLC. The applicant has submitted a Wastewater Treatment Report that indicates that Ellicott Utilities



Company, LLC has adequate wastewater capacity to provide service to the proposed development.

### **3. Emergency Services**

The property is within the Ellicott Fire Protection District. The District was sent a referral and has no outstanding comments.

### **4. Utilities**

Mountain View Electric Association (MVEA) provides electrical service to the property. MVEA was sent a referral and has no outstanding comments. Black Hills Energy (BHE) provides natural gas service to the property. BHE was sent a referral and did not provide a response.

### **5. Metropolitan Districts**

The subject property is located within the boundaries of the Mayberry, Colorado Springs Metropolitan Districts No. 1. It is anticipated that the water and wastewater infrastructure will be transferred from the Ellicott Utilities Company to the Mayberry, Colorado Springs Metropolitan District. The responsibilities of the Mayberry, Colorado Springs Metropolitan Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement, 7) security services, 8) solid waste disposal, and 9) financing, design, permitting, construction, and installation of public water and sanitation systems.

### **5. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a Map Amendment (Rezoning) application, nor are they applicable to commercial subdivisions.

### **6. Schools**

Land dedication and fees in lieu of school land dedication are not required for a Map Amendment (Rezoning) application, nor are they applicable to commercial subdivisions.



**I. APPLICABLE RESOLUTIONS**

The Map Amendment (Rezoning) request must be approved prior to the Final Plat approval. See attached resolutions.

**J. STATUS OF MAJOR ISSUES**

There are no major issues.

**K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning) of the El Paso County Land Development Code (as amended), staff recommends the following conditions and notations:

**CONDITIONS**

1. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
2. Specific uses of the site shall be limited to those included in the traffic impact study provided with the Map Amendment (Rezoning) and Final Plat applications (PCD File Nos. CS233 & SF2317). The applicant shall be required to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

**NOTATIONS**

1. 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.



2. 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.

Should the Planning Commission and Board of County Commissioners find that the Final Plat request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended) staff recommends the following conditions and notations:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. 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 Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.



7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 21, 2023, as provided by the County Attorney's Office.
9. The applicant shall address all outstanding engineering comments and receive acceptance of the Traffic Impact Study and approval of the Construction Documents by the ECM Administrator prior to issuance of a construction permit.

#### **NOTATIONS**

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held and a Construction Permit is issued by the appropriate El Paso County staff.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified one (1) adjoining property owner on January 31, 2024 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Map Series  
Map Amendment (Rezoning) Letter of Intent  
Rezone Map  
Draft Map Amendment (Rezoning) Resolution  
Final Plat Letter of Intent  
Plat Drawing  
CAO Letter  
Draft Final Plat Resolution

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OFFICE: (719) 520 – 6300

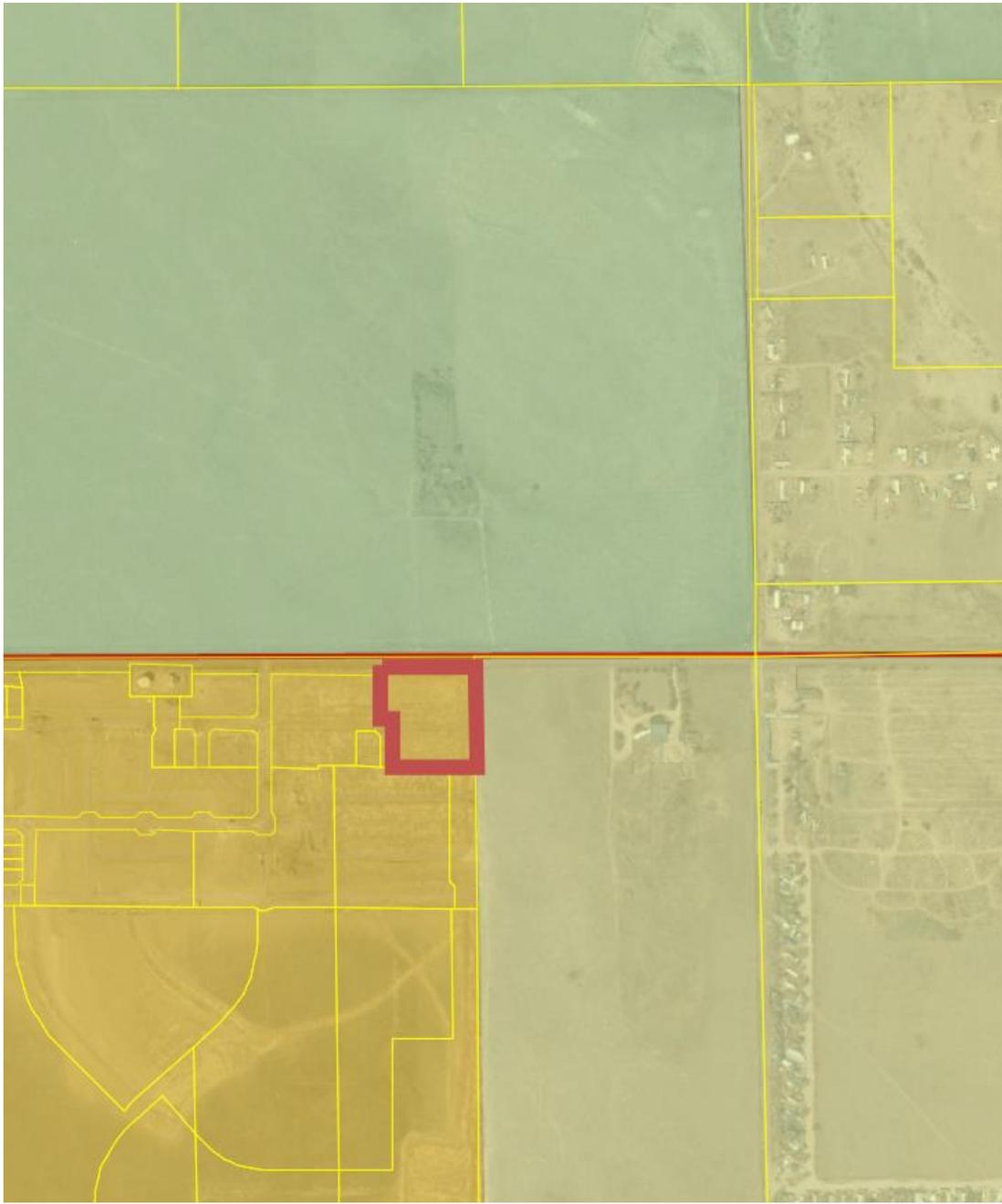


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PLNWEB@ELPASOCO.COM

# Map Exhibit #1: Context



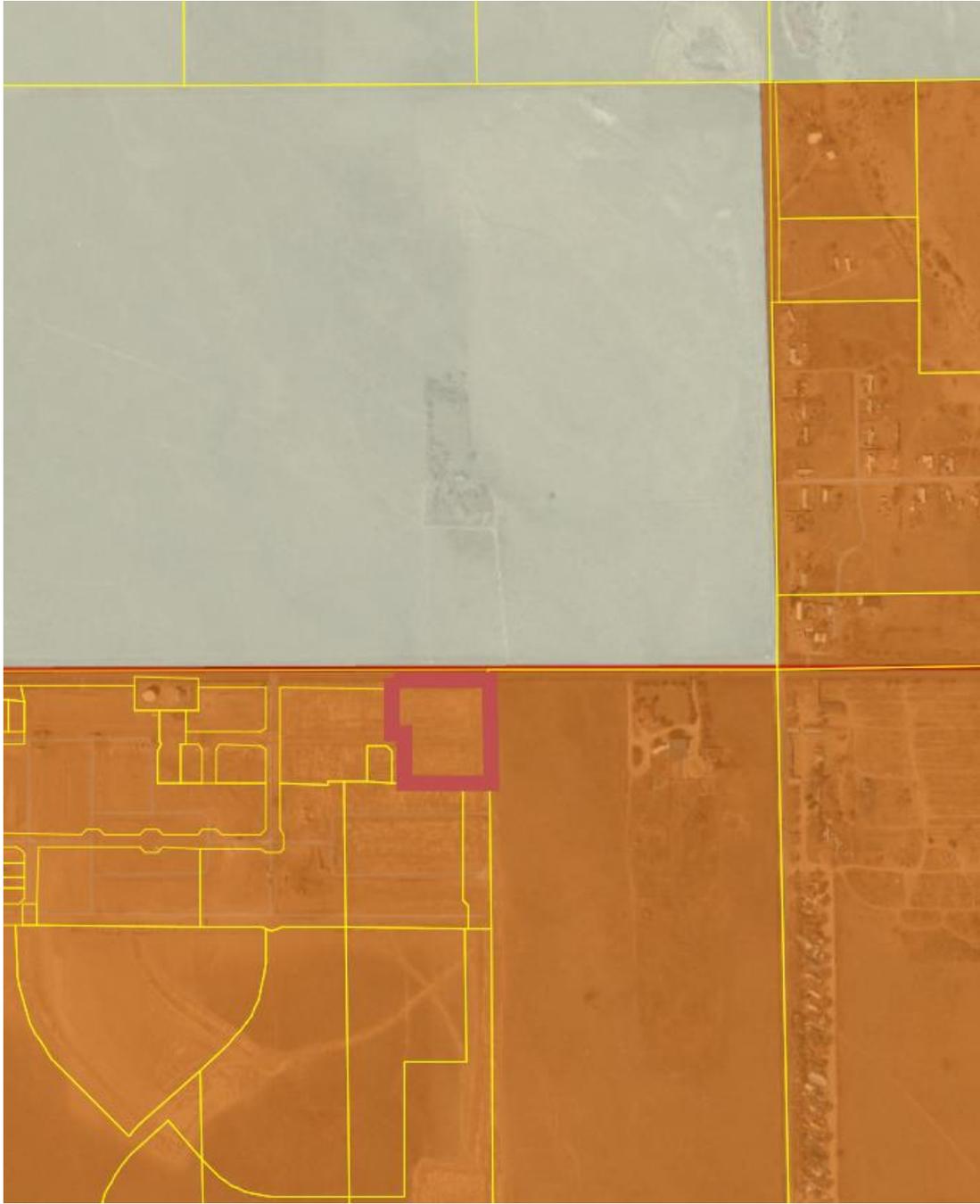
# Map Exhibit #2: Placetype



## Legend

- |   |   |
|---|---|
|  Rural                 |  Employment Center   |
|  Large-Lot Residential |  Regional Open Space |
|  Suburban Residential  |  Mountain Interface  |
|  Urban Residential     |  Military            |
|  Rural Center          |  Utility             |
|  Regional Center       |  Incorporated Area   |

# Map Exhibit #3: Area of Change



## Legend

-  Protected/Conservation Area
-  Minimal Change: Undeveloped
-  Minimal Change: Developed
-  New Development
-  Transition



APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

MAYBERRY COMMUNITIES, LLC  
428 GARDEN PARK AVENUE,  
MAYBERRY, CO 80808  
[scottsouders@mayberrycoloradosprings.com](mailto:scottsouders@mayberrycoloradosprings.com)  
719-922-2181

PLANNING SUPPORT

KIMLEY-HORN AND ASSOCIATES, INC.  
2 NORTH NEVADA AVENUE, SUITE 900  
COLORADO SPRINGS, CO 80903  
[Larry.salazar@kimley-horn.com](mailto:Larry.salazar@kimley-horn.com)  
719-284-7829

ENGINEERING/SURVEYING

R&R ENGINEERING AND SURVEYORS, INC.  
1635 WEST 13<sup>TH</sup> AVENUE, SUITE 310  
DENVER, CO 80204  
[cdayton@rrengineers.com](mailto:cdayton@rrengineers.com)  
720-390-5513

## LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) includes Parcel No. 3414102015. The proposed rezoning is located near the southeast corner of the intersection of State Highway 94 and future Springs Road (see vicinity map insert and map exhibit for details). The total acreage of the proposed rezone is ±4.28. (Currently Zoned: Planned Unit Development [PUD]).



## REQUEST

The application is to Rezone 4.28 acres from the PUD zone to the Commercial Services zoning district (CS). The application includes the following request:

- Approval to rezone Parcel No. 3414102015 to CS to match adjacent Parcels, 3414102013 and 3414102014, located west of said parcel.
- The Rezone process is projected to run concurrently with the site development plan of all three parcels for the purpose of being replatted at a later date to include a total of eight (8) commercial lots.
- The rezone of will be for commercial use, as proposed in the traffic study.

The specific uses of the site shall be limited to those included in the traffic impact study provided with PCD file no. SF2317. The applicant shall be required to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

## JUSTIFICATION

The applicant requests approval of the rezoning based on findings of compliance with the following Goals:

- Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.
- Goal 1.3 - Encourage a range of development types to support a variety of land uses.

The proposed Rezone from the PUD district to the CS district provides opportunity for the developer to include additional commercial uses in this area, designating a CS zoned district creates a buffer from the residential use PUD development to the south from the State Highway 94 corridor. The proposed CS district and future plans to subdivide the parcels into eight (8) commercial lots allow the developer to maintain compliance with the previously approved Ellicott Town Center (SKP-05-005), soon to be amended to the proposed "Mayberry Communities Sketch Plan". In addition, the subject parcels directly abut State Highway 94 which is a busy corridor with vehicles traveling at high rates of speed creating above average noise. Providing commercial development directly adjacent to this expressway will act as a transition from this corridor into the Mayberry development. Furthermore, this commercial development, with any buffering and code compliant landscaping, will buffer future and planned residential developments in the surrounding area that are located within the Suburban and Rural placetypes to the east, west, and south.

PLACETYPES	LAND USES																				
	Agriculture	Farm/Homesite	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Service	Tourism/Commercial	Entertainment and Arts	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Spaces	Natural and Paleontological	Institutional	Utility		
Rural	●	●	○																	●	○
Large Lot	○		●						○											○	
Suburban			●	○	○				○	○										○	○
Urban Residential			●	●	○	○		○	○	○		○								○	○
Rural Center			●	○	○			●	●	●										●	
Regional Center				○	○	○		●	●	●	●	●	○							○	
Employment Center								○	○	○		●	●	●							
Regional Open Space																				●	●
Mountain Interface			○					○	○	○	○									●	●
Military			○	○	●		○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Utility																				○	●

● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype  
 ○ Supporting Land Use: Less prevalent and serve to support the primary land use.

Key Areas:

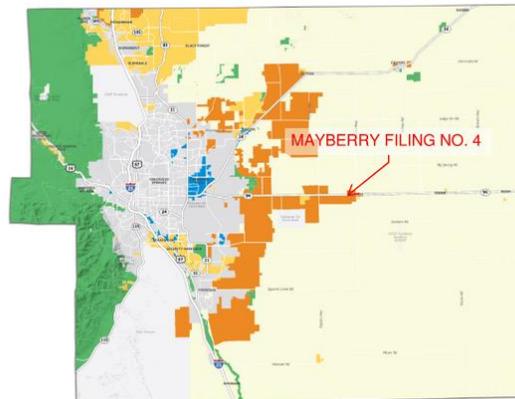


**Key Areas**

- |   |  |   |
|---|--|---|
| Military Installations and 2-Mile Notification Zone | Small Town & Rural Communities                             | Tri-Lakes Area                                    |
| Potential Area For Remediation                      | Forested Area  | Colorado Springs Airport/ Peterson Air Force Base |
| Enclaves or Near Enclaves                           | Fountain Creek Watershed Flood Control & Greenway District | Uncommon Natural Resources                        |
| Pikes Peak Influence Area                           |  |   |

The property is not located within the ten (10) classifications of key areas.

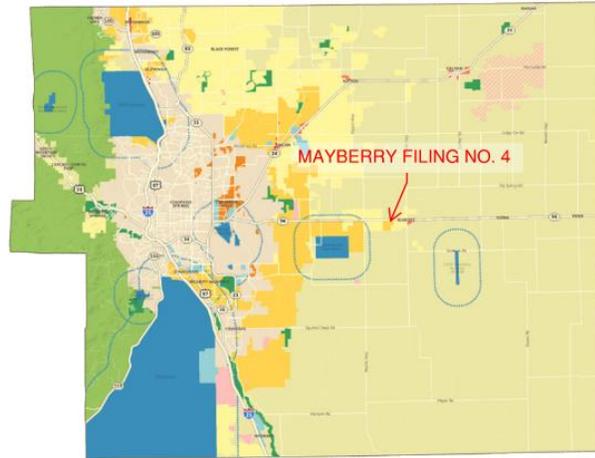
Areas of Change:



**Areas of Change**

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

Mayberry Filing No 4 Rezone is located in the area expected for “New Development”. It is understood that these areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one, such as an employment hub or business park adjacent to an urban neighborhood.



**Placetypes**

 Military	 Urban Residential	 Regional Open Space
 Rural	 Rural Center	 Mountain Interface
 Large Lot Residential	 Regional Center	 Utility
 Suburban Residential	 Employment Center	 Incorporated Area

Mayberry Filing No. 4 is located within the Suburban Residential type. This land use is designated for Suburban Residential, Traditional Residential neighborhoods with supporting commercial uses at key intersections. The Suburban place type generally supports the proposed development pattern and the support of limited accessory dwelling units as well.

- The rezone would be consistent with this placetype.
- The rezone and the code would protect the intent of the Placetype, by the procedures and standards intended to promote safe and orderly development.
- The proposal would provide for the land uses in relation to existing and predicted patterns of growth in the area.
- The proposal is consistent with available and necessary services.
- The rezone would have no impact on any currently approved sketch plans.

**Sec. 5.3.5.B Map Amendment (Rezoning)**

**(B) Criteria for Approval. In approving a Map Amendment, the following findings shall be made:**

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;

**The site, and zone change are in conformance with the El Paso County Master Plan, the rezone is a minor portion of the overall Mayberry Communities Sketch Plan Amendment (SKP-05-005), adjacent properties are zoned CS and PUD.**

- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;  
**The requested rezone is in compliance with applicable statutory provisions.**
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions;  
**The proposed land use of CS is adjacent to existing CS zones and is in compliance with the existing Sketch Plan (SKP-05-005) and proposed Mayberry Communities Sketch Plan Amendment, to be approved.**
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.  
**Site is suitable for intended use.**

### **Water Master Plan:**

Under the Colorado Revised Statutes, Title 32. This property is within the Ellicott Utilities district boundary and will consistently follow the rules and regulations per the El Paso County Water Master Plan,

- A sufficient water supply has been clarified or provided through existing private wells. The wells have been permitted per quantity and quality standards set forth in the State water supply standards.

### Wastewater systems:

- Wastewater services will be provided by way of Ellicott Utilities district boundary.

### Electric

- Electric service will be provided through Mountain View Electric.

### Gas

- Gas service will be provided through Black Hills Energy.

### Natural or Physical site features:

**The Zone Change will support the preservation of the natural features and drainages of the site and surrounding lands:**

- Site Natural Features:
  - Site is located within the Ellicott Consolidated drainage basin (CHWS0200). Data provided by Muller Engineering Company; (1988)



- The topography of the site includes rolling hills with one drainage way, extending from north to south through the property. The existing drainage ways are wide and without a defined flow path; no erosion is anticipated.

- The site consists of;
  - An area of minimal flood hazard "Zone X" per the National Flood Hazard Layer FIRMette (08041C0820G)

## National Flood Hazard Layer FIRMette



SEE HIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**Legend**

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, X, F00
- With BFE or Depth Zone AE, AH, VE, AR
- Regulatory Floodway

**HAZARD AREAS**

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot, or with drainage areas of less than one square mile Zone V
- Future Conditions 1% Annual Chance Flood Hazard Zone F
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS OF FLOOD HAZARD**

- no screen: Area of Minimal Flood Hazard Zone X
- Effective LOMs
- Area of Undetermined Flood Hazard Zone D

**OTHER AREAS**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**GENERAL STRUCTURES**

- Cross Sections with 1% Annual Chance
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline

**OTHER FEATURES**

- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

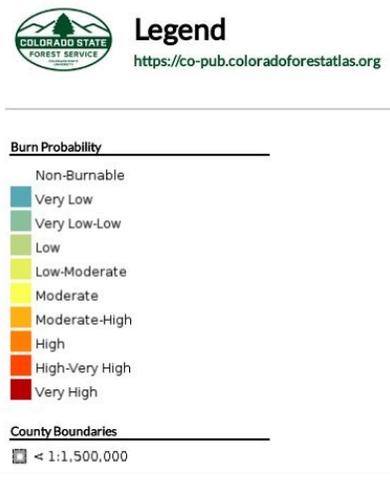
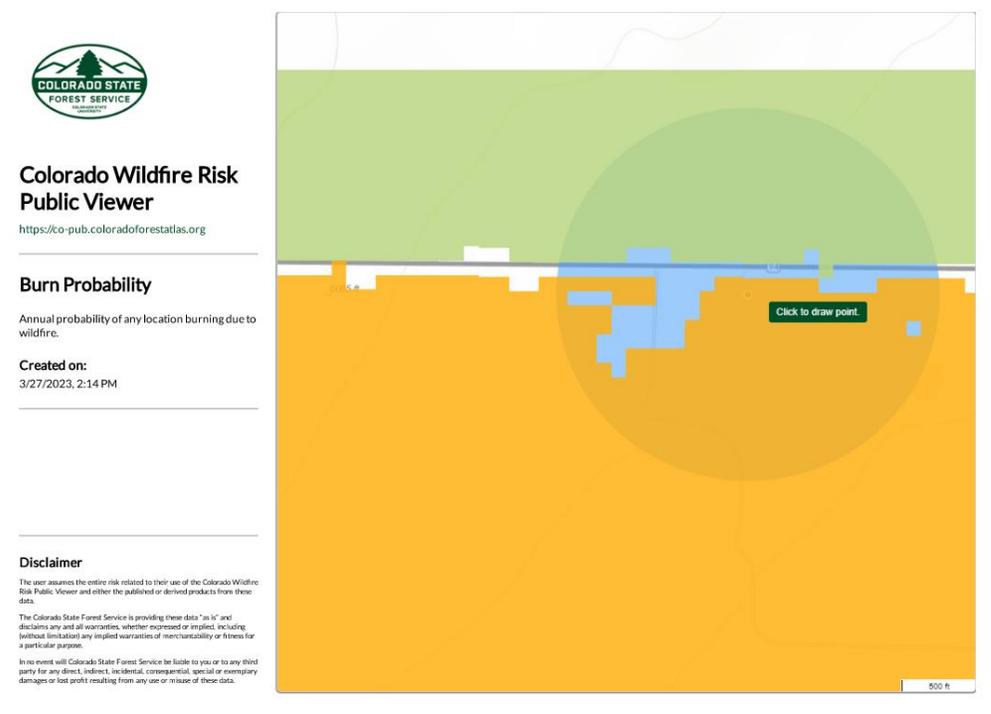
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/27/2023 at 4:02 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unredetermined areas cannot be used for regulatory purposes.

- o Said Site is mapped as low to moderate-high per the wildfire risk public viewer.



Wildlife:

Impacts are expected to be very low.

Community Outreach:

**Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.**

- **Adjacent owner notification letters were sent out 3/24/2023 informing neighbors that a rezone and replat of said property will be completed. No comments have been received at this time.**
- **No additional community outreach has been conducted on the zone change to date.**

A Summary of anticipated traffic generation and access

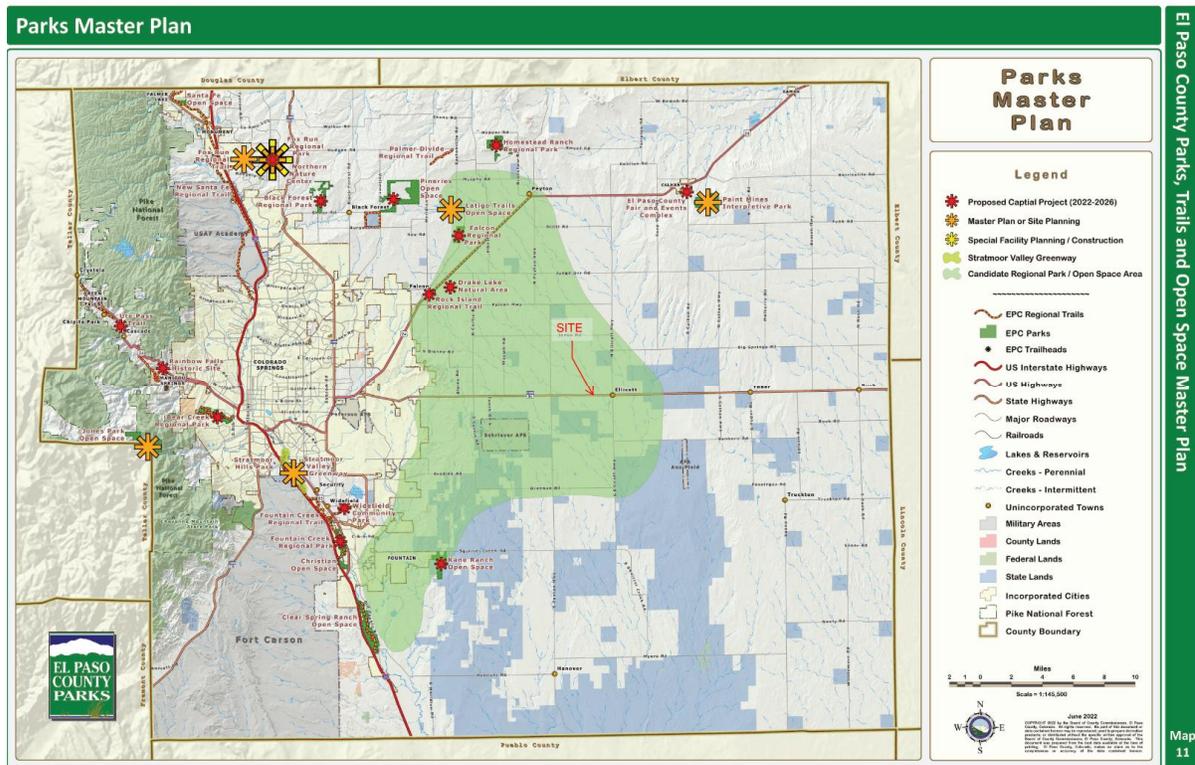
A traffic study has been completed by HDR Engineering, Inc.

- The intersection will operate at LOS A and B under 2024 site plus forecasted traffic conditions during the AM and PM peak periods, respectively. Assuming the connections at both New Log Road and Springs Road are provided, there are no improvements recommended at this intersection as part of this TIS.
- Intersections adjacent to the development on SH 94 will operate at LOS C or better for all scenarios analyzed in this TIA. Therefore, the infrastructure that is anticipated to be in place by the time Filing 3 and Filing 4 are developed and occupied will have the capacity to handle the generated traffic. No improvements are needed for the addition of Filing 4 to the Mayberry Communities development. Intersection LOS and delay results are presented in Table 7 below.

**Table 7: Level of Service Summary**

Intersection	2024 Existing		2024 Background + Filings 1,2 & ,3		2024 Background + Filing 4	
	AM	PM	AM	PM	AM	PM
Highest delay minor street approach is reported for all unsignalized intersections.						
Peyton Highway and SH 94	B (14.1)	B (13.5)	C (15.8)	C (18.7)	C (16.7)	C (19.8)
New Log Road and SH 94	-	-	B (14.5)	B (15.4)	C (15.2)	C (16.4)
Springs Road and SH 94	-	-	A (9.2)	B (10.1)	A (9.2)	B (10.2)
Ellicott Highway and SH 94	C (16.0)	C (15.5)	C (16.7)	C (16.4)	C (16.9)	C (16.5)

**Parks Master Plan**



The site can is located in the “Candidate for Regional Park/Open Space Areas”.

The Developer of the Mayberry Communities Sketch Plan Amendment has the intention to incorporate Filing No. 4 with trails for connectivity to parks throughout the Proposed Mayberry Communities Sketch Plan Amendment.

Connectivity throughout said sketch plan will help with the work live play aspect allowing individuals to live and work within 5-minute walk.

The proposed Sketch Plan Amendment, to be recorded, incorporates the goals and objectives of the El Paso County Parks Master Plan.

Goal 1.B to provide and support large community events and provide visitor destinations and experiences between parks within the Sketch Plan Amendment, to be recorded.

Goal 2.A to provide regional parks, recreation areas, trails and open space

Goal 2.B to continue participation in development review for long range planning within the El Paso County development services, transportation and public park needs to anticipate future growth.

Goal 3.A to refine the definition of active trails between residential and commercial uses.

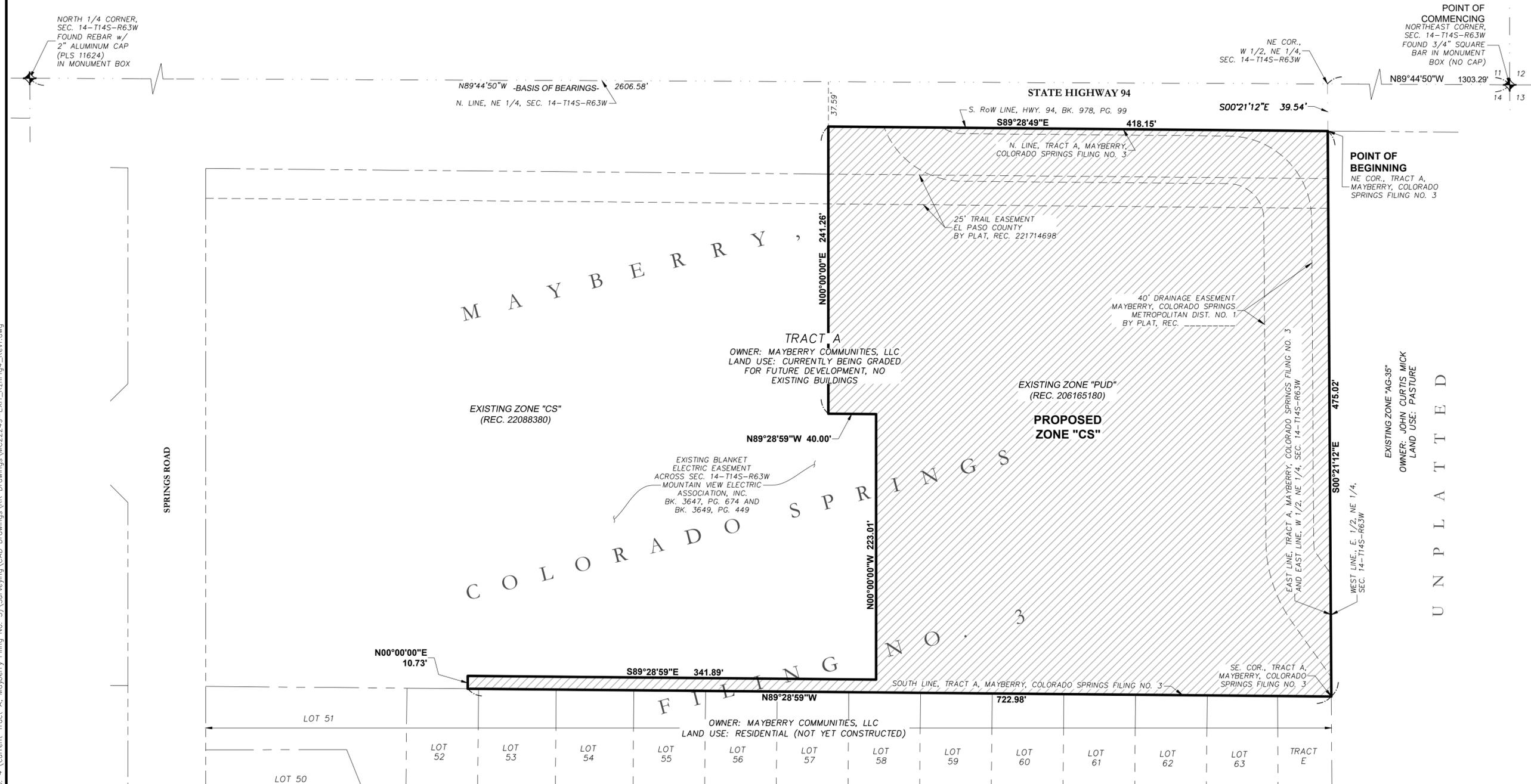
#### Regional Trails

Goal 1.A a regional trail is proposed along the State Highway 94 corridor, Mayberry Communities Sketch Plan Amendment, to be approved, acknowledges the proposed regional trail system and has incorporated an east/west trail within the community that ties into the adjacent proposed trail easement.

Additional Park and Open Space items are to be provided on the Proposed Mayberry Communities Sketch Plan Amendment (SKP-05-005).

# REZONING EXHIBIT

REZONING AREA - Part of Tract A, MAYBERRY, COLORADO SPRINGS FILING NO. 3  
In the Northeast Quarter of Section 14-T14S-R63W of the 6th P.M. | County of El Paso, State of Colorado

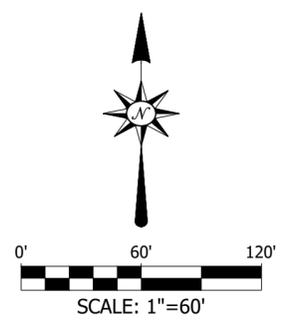


### DESCRIPTION OF LAND TO BE REZONED

A Parcel of land for the purpose of rezoning, being part of Tract A, MAYBERRY, COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North-Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, the plat of said subdivision recorded \_\_\_\_\_ in the Office of the Clerk and Recorder of El Paso County, Colorado as Reception Number \_\_\_\_\_, said Parcel more particularly described as follows:

Commencing at the Northeast corner of said Section 14, monumented by a found 3/4 inch square bar with no cap in a monument box, from whence the North Quarter-corner of said Section 14, monumented by a found rebar with a 2 inch aluminum cap marked "PLS 11624" in a monument box bears North 89° 44' 50" West a distance of 2606.58 feet as shown on said plat, being the North line of the Northeast Quarter of said Section 14 and all bearings herein are relative thereto; thence North 89° 44' 50" West, 1303.29 feet on said North line to the Northeast corner of the West-Half of said Northeast Quarter, said corner also being the intersection of the northerly extension of the East line of said Tract A with said North line; thence South 00° 21' 12" East, 39.54 feet on the East line of said West-Half to the Northeast corner of said Tract A, also being a point on the South Right-of-Way line of State Highway 94 established by the Right-of-Way deed recorded November 8, 1939 as Reception No. 621491 in Book 978 at Page 99 in said Clerk and Recorder's Office, said corner being the POINT OF BEGINNING of the Parcel of land herein described; Thence continuing South 00° 21' 12" East, 475.02 feet on the East line of said Tract A, being coterminous with the East line of said West-Half, to the Southeast corner of said Tract A; Thence North 89° 28' 59" West, 722.98 feet on the South line of said Tract A; Thence departing said South line North 00° 00' 00" East, 10.73 feet; Thence South 89° 28' 59" East, 341.89 feet; Thence North 00° 00' 00" West, 223.01 feet; Thence North 89° 28' 59" West 40.00 feet; Thence North 00° 00' 00" East, 241.26 feet to a corner on the North line of said Tract A lying on said South Right-of-Way line; Thence South 89° 28' 49" East, 418.15 feet on the North line of said Tract A, being coterminous with said South Right-of-Way line, to the POINT OF BEGINNING, said Parcel containing 193,628 square feet or 4.445 acres.

LEGEND	
BK.	Book
PG.	Page
REC.	Reception Number
RoW	Right-of-Way



**NOTE**  
THIS MAP IS MEANT TO DEPICT THE ACCOMPANYING DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

Kevin J. Kucharczyk, P.L.S.  
Colorado Reg. No. 34591  
For and on behalf of  
R&R Engineers-Surveyors, Inc.

### OWNER

Tract A,  
MAYBERRY, COLORADO SPRINGS FILING NO. 3  
Mayberry Communities, LLC  
3296 Divine Heights #208  
Colorado Springs, CO 80922

### PETITIONER

Mayberry Communities, LLC / John Mick  
3296 Divine Heights #208  
Colorado Springs, CO 80922

### PREPARER

R&R Engineers-Surveyors, Inc. / Darrell DeLap  
1635 W. 13th Avenue, Suite 310  
Denver, CO 80204

This document prepared by:  
**R&R ENGINEERS-SURVEYORS, INC.**  
1635 W. 13TH AVENUE, SUITE 310  
DENVER, COLORADO 80204  
303-753-6730  
www.rrengineers.com

REVISIONS		File: MC22249-EXH_RznFlg4
8/28/2023	Revised per county comments	Orig. Issue Date: 3/20/2023
		Drawn By: DD
		Checked By: KJK
		R&R Project No. MC22249

PCD FILE NO. CS233

**REZONING EXHIBIT**  
Part of Tract A, MAYBERRY, COLORADO SPRINGS FILING NO. 3 and  
Part of the NE 1/4, Sec. 14-T14S-R63W of the 6th P.M.  
County of El Paso (Unincorporated)  
State of Colorado

Sheet 1 of 1

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS233  
MAYBERRY FILING NO. 4 CS REZONE

WHEREAS, Mayberry Communities, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on February 15, 2024; and

WHEREAS, based on the evidence, 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, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. That proper posting, publication, and public notice was provided as required by law for the hearing before the Planning Commission;
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted, and that all interested persons and the general public were heard at that hearing;
4. That all exhibits were received into evidence;
5. That the proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. That for the above-stated and other reasons, the proposed amendment of 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.

WHEREAS, when approving a Map Amendment (Rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B of the El Paso County Land Development Code ("Code") (As Amended):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Mayberry Communities, LLC for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
2. Specific uses of the site shall be limited to those included in the traffic impact study provided with the Map Amendment (Rezoning) and Final Plat applications (PCD File Nos. CS233 & SF2317). The applicant shall be required to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

#### NOTATIONS

1. 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.

- 2. 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.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of \_\_\_ to \_\_\_ by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 15<sup>th</sup> day of February 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Thomas Bailey, Chair

EXHIBIT A

A Tract of land for the purpose of rezoning, being part of Tract C and part of Tract D, MAYBERRY, COLORADO SPRINGS

FILING NO. 2, a subdivision of land in the North-Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, the plat of said subdivision recorded March 10, 2021 in the Office of the Clerk of El Paso County, Colorado as Reception Number 221714698, said Tract more particularly described as follows:

Commencing at the North Quarter-corner of said Section 14, monumented by a found rebar with a 2 inch cap marked "PLS 11624" in a monument box, from whence the Northeast corner of said Section 14 monumented by a found 3/4 inch square bar with no cap in a monument box bears South 89° 44' 50" East a distance of 2606.58 feet as shown on said plat, being the North line of the Northeast Quarter of said Section 14 and all bearings herein are relative thereto; thence South 89° 44' 50" East 1303.29 feet on said North line to the Northeast corner of the West-Half of said Northeast Quarter; thence South 00° 21' 12" East 39.54 feet on the East line of said West-Half to the Northeast corner of said Tract D and the POINT OF BEGINNING of the Tract of land herein described;

Thence continuing South 00° 21' 12" East 475.02 feet on the East line of said Tract D; Thence departing said East line North 89° 28' 59" West 722.98 feet to a corner on the southerly line of said Tract A, being common with a corner on the northerly line of said Tract C; Thence North 00° 00' 00" East 10.73 feet on said southerly line, being coterminous with said northerly line of Tract C, to a corner common to said Tracts A and C; Thence South 89° 28' 59" East 341.89 feet continuing on said southerly line, a portion of which being coterminous with said northerly line of Tract C, to the Southeast corner of said Tract A; Thence on the easterly line segments of said Tract A, being coterminous with the westerly line segments of said Tract D, the following three (3) courses and distances:

1) North 00° 00' 00" West 223.01 feet;

2) Thence North 89° 28' 59" West 40.00 feet;

3) Thence North 00° 00' 00" East 241.26 feet to the Northwest corner of said Tract D;

Thence South 89° 28' 49" East 418.15 feet on the North line of said Tract D to the POINT OF BEGINNING, said Tract containing 193,628 square feet or 4.445 acres; said Tract above described also being part of the proposed subdivision MAYBERRY, COLORADO SPRINGS FILING NO. 4

# Mayberry Filing No. 4

## Final Plat

### Letter of Intent May 24, 2023

#### **APPLICANT-OWNER/CONSULTANT INFORMATION:**

##### **OWNER/APPLICANT**

MAYBERRY COMMUNITIES, LLC  
428 GARDEN PARK AVENUE,  
MAYBERRY, CO 80808  
[scottsouders@mayberrycoloradosprings.com](mailto:scottsouders@mayberrycoloradosprings.com)  
719-922-2181

##### **PLANNING SUPPORT**

KIMLEY-HORN AND ASSOCIATES, INC.  
2 NORTH NEVADA AVENUE, SUITE 900  
COLORADO SPRINGS, CO 80903  
[Larry.salazar@kimley-horn.com](mailto:Larry.salazar@kimley-horn.com)  
719-284-7829

##### **ENGINEERING/SURVEYING**

R&R ENGINEERING AND SURVEYORS, INC.  
1635 WEST 13<sup>TH</sup> AVENUE, SUITE 310  
DENVER, CO 80204  
[cdayton@rrengineers.com](mailto:cdayton@rrengineers.com)  
720-390-5513

**LOCATION, ACREAGE, PARCEL ID INFO, & ZONING**

The application for a Final Plat. Said application will be processed at the same time of the rezoning of parcel no. 3414102015. Overall Site includes Parcel No(s). 3414102013, 3414102014 and 3414102015, as depicted below. The proposed rezoning is located east of the southeast corner of intersections of State Highway 94 (SH 94) and Proposed Springs Road (see vicinity map insert and map exhibit for details). The total acreage of the proposed rezone is ±4.28. (Currently Zoned: Planned Unit Development [PUD]).



**REQUEST**

Mayberry Communities LLC (“Applicant”) Requests approval for eight (8) lots as part of Mayberry Filing No. 4.

	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8	R.O.W.
<b>USE</b>	CS	ROAD							
<b>OWNERSHIP</b>	PRIVATE	EPC							
<b>AC+/-</b>	1.085	1.087	1.258	1.293	0.947	0.939	0.939	0.927	1.300

The application to Rezone 4.28 acres from the PUD zone to the Commercial Services zoning district (CS) will be processed concurrently with this process. The application includes the following request:

- Approval to rezone Parcel No. 3414102015 to CS to match adjacent Parcels, 3414102013 and 3414102014.
- Approval of subdivision and replating of parcels, 3414102013, 3414102014 and 3414102015.

The process of the rezone is projected to run concurrently with the Final Plat/Replat of said parcels identified as Tract A, Mayberry Colorado Filing No.2, unplatted parcel, and a portion of Tract D as platted in Mayberry Colorado Springs Filing No. 2 to later be replated for a total of eight (8) commercial lots.

Associated with the application the transportation improvements including public and private roadway improvement, pedestrian facilities, utility infrastructure. The public subdivision improvements are to be owned/maintained by Mayberry Metropolitan District No. 2 and Mayberry Metropolitan District No. 3 in partnership with Ellicott Utilities Company for water and wastewater services.

### **ZONE DISTRICT COMPLIANCE**

The final plat is to be in compliance with the CS zone. Future development of Right of Way will conform to the engineering criteria requirements. Conformance with zoning requirements will be largely demonstrated in phases of development for lots and tracts within this final plat area. All proposed Lots are designed to meet the bulk, density, and dimensional requirements of the respective underlying zones. They are able to meet the required landscaping, buffering and screening requirements for the proposed uses, and buffering and screening against adjacent and differing uses per Section 6.2.2 of the Code.

### **REVIEW/APPROVAL CRITERIA & JUSTIFICATION**

- ***The proposed subdivision is in conformance with the goals, objectives, and policies of the Master Plan; (see treatment of review criterion below)***

The applicant requests approval of the rezoning based on findings of compliance with the following Goals:

- Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.
- Goal 1.3 - Encourage a range of development types to support a variety of land uses.

The proposed Rezone from the PUD district to the CS district provides opportunity for the developer to include additional commercial uses in this area, designating a CS zoned district creates a buffer from the residential use PUD development to the south from the State Highway 94 corridor.

The proposed CS district and future plans to subdivide the parcels into eight (8) commercial lots allow the developer to maintain compliance with the previously approved Ellicott Town Center (SKP-05-005), soon to be amended to the proposed "Mayberry Communities Sketch Plan Amendment".

In addition, the subject parcels directly abut State Highway 94 which is a busy corridor with vehicles traveling at high rates of speed creating above average noise. Providing commercial development directly adjacent to this expressway will act as a transition from this corridor into the Mayberry development.

Furthermore, this commercial development, with any buffering and code compliant landscaping, will buffer further and planned residential developments in the surrounding area that are located within the Suburban and Rural placetypes to the east, west, and south.

PLACETYPES	LAND USES																			
	Agriculture	Family/Homestead	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Service	Tourism Commercial	Entertainment and Arts	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility	
Rural	●	●	○																●	○
Large-Lot	○			●				○	○										○	
Suburban				●	○	○		○	○										○	○
Urban Residential				●	●	●	○	○	○			○							○	○
Rural Center				●	○	○		●	●	●									●	
Regional Center				○	●	●	○	●	●	●		●	○						○	
Employment Center								○	○	○			●	●	●					
Regional Open Space																●	●			
Mountain Interface				○				○	○	○	○					●	●		○	
Military				○	○	●		○	○	○		○	●	●	●	○			○	○
Utility																○				●

● **Primary Land Use:** More prominent and play a pivotal role in characterizing that placetype  
 ○ **Supporting Land Use:** Less prevalent and serve to support the primary land use.

**Key Areas:**

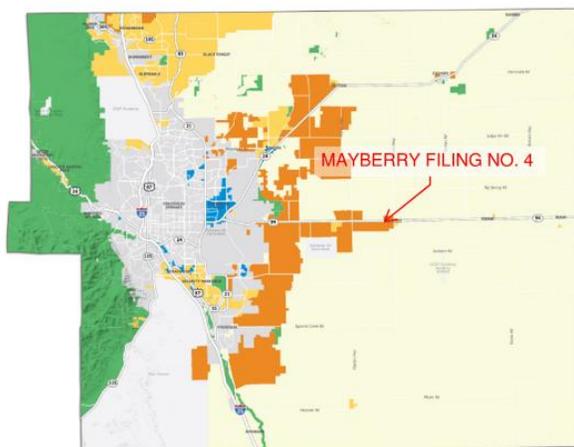


**Key Areas**

- Military Installations and 2-Mile Notification Zone
- Small Town & Rural Communities
- Tri-Lakes Area
- Potential Area For Annexation
- Forested Area
- Colorado Springs Airport/ Peterson Air Force Base
- Enclaves or Near Enclaves
- Fountain Creek Watershed Flood Control & Greenway District
- Uncommon Natural Resources
- Pikes Peak Influence Area

The property is not located within the ten (10) classifications of key areas.

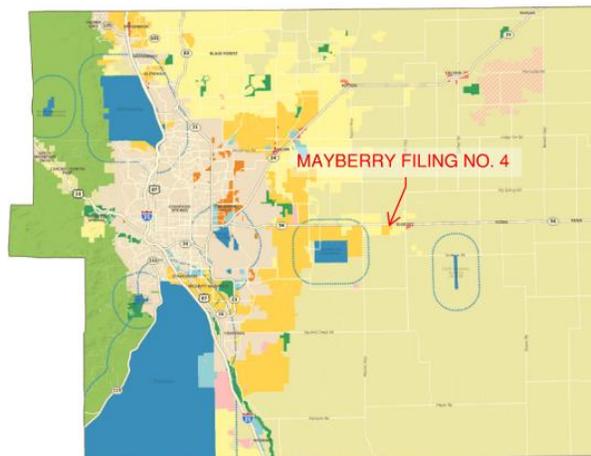
**Areas of Change:**



**Areas of Change**

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

**Mayberry Filing No 4 Final Plat is located in the area expected for “New Development”. These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.**



**Placetypes**

 Military	 Urban Residential	 Regional Open Space
 Rural	 Rural Center	 Mountain Interface
 Large Lot Residential	 Regional Center	 Utility
 Suburban Residential	 Employment Center	 Incorporated Area

**Mayberry Filing No. 4 is located within the Suburban Residential type. This land use is designated for Suburban Residential, Traditional Residential neighborhoods with supporting commercial uses at key intersections. The Suburban place type generally supports the proposed development pattern and the support of limited accessory dwelling units as well.**

- ***The subdivision is in substantial conformance with the approved Preliminary Plan***  
A preliminary plan has not been done for the site.

**Water Master Plan Conformance:**

The development area is in REGION 4c as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Ellicott Utilities Company (EUC) Service Area. Water supplies in Region 4c, and specifically from EUC, should be sufficient to meet the current development demand; however, additional resources will be required to meet the full projected development demand within the Region by the 2060 target build out date. Additional water resources are planned through regional collaboration with partner and/or neighboring water providers.

The total water demand for the proposed subdivision is calculated to be 3.03 af/yr. (see Table 2). This water demand is based upon the following:

- A total of 2.35 af/yr water demand for in-house uses for the 8 lots (0.294 af/lot/yr) based on Table 2 of the Water Supply Report provided by Respec.
- A total of 0.68 af/yr water demand for outside uses for the 8 lots (0.085 af/lot/yr), based on a unit water demand of 0.0566 af/1000 sq. ft. of landscaping with a maximum irrigated landscaping of 1500 sq. ft. per lot.

These water uses result in a total water demand per lot of 0.739 af/yr.

Wastewater from the domestic uses will be discharge after treatment though the Ellicott Utilities WWTP which has be designed and constructed in compliance with the requirements of the El Paso County Department of Health and Environment (EPCDHE) and the Colorado Department of Health & Environment. The estimated return flow from the WWTP is 2.23 af/yr which is 95% of the domestic water requirement and we estimate that the return flows from landscape irrigation will be 0.14 af/yr which is 20% of the landscape water requirements, for a total return flow of 2.37 af/yr

**Your El Paso Master Plan Conformance:**

The Proposed Final Plats generally conforms to the goals conformance with the goals, objectives, and policies of the Your El Paso Master Plan.

- ***Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.***

The BOCC made findings of compatibility with the established character of the area by their approval (Resolution 06-18) of the Sketch Plan for Ellicott Town Center (SKP-05-005) on 03/01/2006. The site plans are in conformance with framework of the sketch plan. The submittals demonstrate infrastructure capacity for public drainage, roadways, utilities, and other public services (parks, schools, and fire and police protection). Public improvements are proposed that are roughly proportionate to the impact to or demands for services and/or infrastructure generated by the planned uses within the final plat area.

According to the SKP-05-005 Staff Report to the BOCC, the overall sketch plan would consist of approximately 550.6 acres and proposed for urban development of residential units, approximately 32 acres of commercial use and other mixed uses.

Urban services which include, but not necessarily limited to water, wastewater, electric service, natural gas service, fire protection, roadway and transportation, and drainage and stormwater management services are currently available. No issues have been raised with previous Zone Change, Final Plat or the Final Plat applications.

Water/sewer services will be provided service by Ellicott Utilities Company. Private stormwater facilities will be provided by the developer and managed by the Mayberry Metropolitan District No. 1, public offsite and regional facilities and management by El Paso County Road/Bridge respectively; Electric will be provided by Mountain View Electric Company and natural gas service will be provided by Black Hills Energy. Fire protection will be provided by the Ellicott Fire Protection District. Police and related public safety services will be provided by the El Paso County Sheriff. Compulsory education services are provided by Ellicott School District No. 22.

The approved Sketch Plan provide the basis for the private park, recreation, and open spaces associated with Ellicott Town Center. These amenities will be managed by the Metropolitan District. The development of the public parks, open space, add to the recreation services provided by El Paso County, City of

Colorado Springs, and Mayberry Metropolitan District via existing network outside of this project area.

- ***Goal 1.3 - Encourage a range of development types to support a variety of land uses.***

The existing plans and previous final plats will implement the planned mixed commercial, single, and multifamily residential used defined with the Mayberry Communities Sketch Plan in This commercial and adjacent PUD use district.

- ***Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”.***

The developer is bearing the costs of providing necessary improvements to support the proposed development. These applications continue to provide complete financial assurance estimate for required improvements and construction activities and will be bound by the terms and conditions of a Subdivision Improvements Agreement. The developer will also be responsible for the payment of all subdivision exactions and road impact fees.

- ***Goal 2.3 - Locate attainable housing that provides convenient access to goods, services, and employment.***

The existing and approved land use mix within the adjacent area includes residential (single-family attached, single-family detached, and multifamily) land uses, together with commercial and retail uses, service oriented, light, and heavy industrial land uses along State Highway 94. The commercial and retail uses will help complete the desired mixed uses to serve the residents.

The proposed commercial lots are also conveniently located near a major transportation thoroughfare (SH 94) which can connect them to other employment centers, commercial/retail corridors and nodes throughout the El Paso County region.

- **The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;**

A final drainage, grading and erosion control plan, water/wastewater resource reports, traffic impact analysis, and the Final Plat have been provided which meet the applicable plan/report development requirements of the LDC, ECM, and DCM, subject to review and acceptance by the County. The application is consistent with the previously approved plans.

- **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 this Code;**

A commitment to provide water service has been provided by Ellicott Utilities Company which has adequate water resources to serve the proposed development. Findings of sufficiency were made along with quitclaim deed of water provided per recordation number 204053280. The district has also provided updated letters of commitment.

- **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 this Code;**

The subdivision will connect into an existing public sewage disposal system what has been installed together with other public improvements associated with previously approved Ellicott Town Center (SKP-05-005), soon to be amended to the proposed "Mayberry Communities Sketch Plan Amendment" and its many development phases and filings. The existing system complies with state and local laws and regulations, statutory requirements, and the requirements of Chapter 8 of the County Land Development Code.

**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)];**

The Geology/Soils report prepared by CTL Thompson, dated March 13, 2023, based on the results of this investigation, the near surface materials are predominantly granular and will generally provide good support for spread footing foundations, slabs-on-grade, and pavements. In the event expansive clay soils or claystone bedrock are encountered following grading or are present within 4 feet of proposed foundations and floor slabs, sub-excavation and reworking of these materials will likely be necessary.

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 application is compatible with such conditions or will achieve compatibility through compliance with recommendations of corresponding reports and plans or by conditions of approval by the BOCC.

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

Adequate drainage improvements have been provided by the subdivision design, including but not limited to, stormwater, detention, and/or water quality control facilities, all of which meet stormwater requirements established by the state in addition to meeting the requirements of the County Code and ECM. Detention facilities will be designated within each Lot's Site Development Plan. Ownership and maintenance of all drainage facilities and improvements shall be provided by the Mayberry Metropolitan District No. 2 and Mayberry Metropolitan District No. 3.

- **Legal and physical access is or will be provided to all parcels/Lots by public rights- of-way or recorded easement, acceptable to the County in compliance**

**with this Code and the ECM;**

Legal and physical access is and will be provided by planned public and private rights-of-way. The public road with the appropriate public access easement will be recorded with the final plat. The private road tract and improvements will be owned and maintained by the respective Mayberry Metropolitan Districts. All access planned is legal and in accordance with the provisions and allowances in the LDC and ECM.

Access to SH94 is from connections to Springs Road located at the westernmost boundary of the property.

- **Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**

Necessary services which include, police and fire protection, recreation, utilities, open space and transportation system, are presently available to serve the development as supported by the utility and public service commitments provided in support of the development application.

- **The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;**

The subdivision provides evidence via commitment letters from Ellicott Fire Protection District for emergency and fire service and Ellicott Utilities Districts for water for fire suppression as well as site plan layout and design of access and utilities demonstrate show that the proposed methods for fire protection comply with Chapter 6 of the County Code.

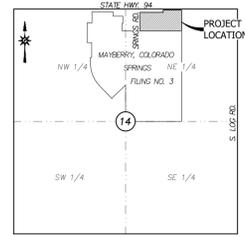
- **Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;**

Off-site improvements including improvements at the State Highway 94 and Springs Road intersection and the extension of Springs Road South adjacent to the property boundary and stormwater detention facilities have been included in the associated construction documents and financial assurances with Filing 4 and reflected in the previously reviewed applications.

**Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;**

Bridge, Drainage, Park, School, and Road Impact Fees will be paid at the time of plat recordation and building permit issuance (Road Impact only).

Final Plat of  
**MAYBERRY, COLORADO SPRINGS FILING NO. 4**  
Being a replat of Tract A, MAYBERRY, COLORADO SPRINGS FILING NO. 3  
Lying the Northeast Quarter of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian  
County of El Paso (Unincorporated), State of Colorado



VICINITY MAP  
Section 14-T14S-R63W of the 6th P.M.  
-Not to Scale-

**SHEET INDEX**

- Sheet 1.....Subdivision Boundary Description, Dedications, Notes, Approvals, etc.
- Sheet 2.....Plat Boundary Detail and map of As Originally Platted by MAYBERRY, COLORADO SPRINGS FILING NO. 3
- Sheet 3.....Plat Boundary and New Lot and Right-of-Way Replat Detail

**SUBDIVISION BOUNDARY DESCRIPTION**

All of Tract A, MAYBERRY, COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, El Paso County, Colorado, the plat of said subdivision recorded November 15, 2023 as Reception Number 223715221 in the Office of the Clerk and Recorder of El Paso County, Colorado, said Tract containing 426,071 square feet or 9.781 acres.

**OWNER'S CERTIFICATE**

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots, streets and easements as shown hereon under the name and subdivision of "MAYBERRY, COLORADO SPRINGS FILING NO. 4". All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

**RELEASE AND VACATION OF "CHANNEL E" DRAINAGE EASEMENT ORIGINALLY DEDICATED BY PLAT**

The 45' Drainage Easement known as "Channel E", originally dedicated and established by the plat of MAYBERRY, COLORADO SPRINGS FILING NO. 3, is hereby released and vacated. (Note: The location and extent of this easement is being revised by this plat as specified in the New Channel E Revised Drainage Easement and Right-of-Way Preservation verbiage in Plat and Subdivision Note 3 below.)

**PLAT AND SUBDIVISION NOTES**

- ROAD/STREET PUBLIC RIGHT-OF-WAYS DEDICATION:** The road and/or street Right-of-Ways shown on this plat as "PUBLIC RoW DEDICATED BY THIS PLAT" are hereby dedicated to El Paso County for public use.
- RESTRICTION OF DIRECT VEHICULAR ACCESS TO SPRINGS ROAD AND STATE HIGHWAY 94:** There shall be no direct vehicular access to Springs Road and State Highway 94 from any Lots within this subdivision. Indirect access to said road and highway is facilitated via the public Right-of-Way dedicated by this plat.
- EASEMENTS HEREBY DEDICATED:**

**UTILITY AND DRAINAGE EASEMENTS:** *Unless otherwise indicated*, side lot lines are hereby platted on each side with a 5 feet wide public utility and drainage easement except for Lots 1 and 8, which are hereby platted with an 8 feet wide public utility and drainage easement along the West side lot lines adjoining Springs Road, and the East side lot line of Lot 5 which is hereby platted with a 45 feet wide public utility and drainage easement; all rear lot lines are hereby platted with a 7 feet wide public utility and drainage easement; all front lot lines are hereby platted with an 8 feet wide public utility and drainage easement, said easements being annotated hereon sheet 3 of this plat as "UD/E" (Utility and Drainage Easement). The sole responsibility of these easements is hereby vested with the individual property owners.

**30' TRAIL EASEMENT TO EL PASO COUNTY:** A 30' wide trail easement along the East line of Lot 5 is hereby dedicated to El Paso County, Colorado for public use, annotated hereon sheet 3 of this plat as "30' TRAIL EASEMENT".

**DRAINAGE EASEMENTS TO MAYBERRY, COLORADO SPRINGS METROPOLITAN DISTRICT NO. 1:** Easements for drainage purposes are hereby dedicated and granted to Mayberry, Colorado Springs Metropolitan District No. 1, its successors and assigns, the locations, widths and extents of which are delineated and annotated on sheet 3 of this plat as "D/E" (Drainage Easement).

**NEW "CHANNEL E REVISED" DRAINAGE EASEMENT AND RIGHT-OF-WAY PRESERVATION:** The "Channel E Revised" Drainage Easement along the northerly portion of Lots 3 and 4 is included in above dedication to Mayberry, Colorado Springs Metropolitan District No. 1, however, is also subject to the following restriction: Permanent buildings or other permanent vertical structures are hereby prohibited from lying within any part of this easement. Other improvements such as paving, curb and gutter, parking, landscaping, temporary sheds for storage, etc. are allowed to occupy this easement, provided such improvements do not damage the drainage improvements therein nor interfere with the free and unobstructed flow of storm drainage for which the easement is intended.

Mayberry, Colorado Springs Metropolitan District No. 1, its successors and/or assigns is responsible for the facilities within its easements. The surface maintenance of the easements is the responsibility of the individual property owner/s.

- MASTER DECLARATION OF COVENANTS** (by separate document): Certain Lots within this subdivision may be subject to the "Master Declaration Covenants, Conditions and Restrictions for Mayberry" recorded August 13, 2022 as Reception No. 222107505 in the Office of the Clerk and Recorder of El Paso County, Colorado.
- The subdivider / developer is responsible for extending utilities to each lot or building site. Water and wastewater service is provided by Ellicott Utilities Company, LLC, subject to Provider's rules, regulations and specifications. Gas service for this subdivision is provided by Black Hills Energy, subject to Provider's rules, regulations and specifications. Electric service for this subdivision is provided by Mountain View Electric Association, subject to Provider's rules, regulations and specifications.
- All proposed road and drainage construction within this subdivision will be performed to El Paso County Standards. Roads and drainage facilities within the public street Right-of-Ways will be maintained by El Paso County upon final acceptance of these facilities after the two-year warranty period.

The following reports, and as amended, have been submitted in association with the Preliminary Plan or Final Plat for this subdivision and are on file at the County Planning and Development Department: Natural Features; Wildlife Hazard and Vegetation; Geology and Soils; Water Supply; Wastewater Treatment; Final Drainage Report; Erosion Control Plan; Traffic Impact Study.

- Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
- The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
- No driveway shall be established unless an access permit has been granted by El Paso County.

All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual Lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.

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 Parks and Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species (e.g., Preble's Meadow Jumping Mouse).

Property within this subdivision is subject to the terms and provisions of the El Paso County Road Impact Fee Program (Resolution No. 19-471) and any subsequent amendments. Fees for each Lot within this subdivision shall be paid in full at the time of building permit issuance.

The subdivider(s) agree on behalf of him/herself and any developer of builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documents on all sales documents and in plat notes to ensure that a title search would find the fee obligation before sale of the property.

No lots shall be sold, conveyed or transferred, whether by deed or by contract, and no construction permits for the subdivision or building permits shall be issued, unless and until either the required public and common development improvements have been constructed and completed and preliminarily accepted in accordance with the Subdivision Improvements Agreement (SIA) recorded under Reception No. \_\_\_\_\_ in the Office of the Clerk and Recorder of El Paso County, Colorado, or, in the alternative, other collateral is provided to make provision for the completion of said improvements in accordance with the El Paso County Land Development Code and Engineering Criteria Manual. Any such alternative collateral must be approved by the Board of County Commissioners or, if permitted by the Subdivision Improvements Agreement, by the Planning and Community Development Department Director and meet the policy procedure requirements of El Paso County prior to the release by the County of any lots for sale, conveyance or transfer.

This plat restriction may be removed or rescinded by the Board of County Commissioners or, if permitted by the Subdivision Improvements Agreement, by the Planning and Community Development Department Director upon either approval of an alternative form of collateral or completion and preliminary acceptance by the El Paso Board of County Commissioners of all improvements required to be constructed and completed in accordance with said Subdivision Improvements Agreement. The partial release of lots for sale, conveyance or transfer may only be granted in accordance with any planned partial release of lots authorized by the Subdivision Improvements Agreement.

A geologic hazard evaluation was prepared for this property by CTL/Thompson, Inc., final report dated September 8, 2022, and can be found in file SF2317 available at El Paso County Planning and Community Development Department. The property was not found to be impacted by geologic hazards that preclude development of the site as planned. Geologic hazards and constraints at the site may include expansive soils, collapsible soils, and undocumented fill. The potential geologic hazards were found to be sporadic at the site. The impact and mitigations of any potential geologic hazards should be evaluated by the geotechnical engineer upon performing a site specific, design-level geotechnical investigation at such time individual lots are developed.

This subdivision is surrounded by agricultural land. Property owners may be impacted by sounds, smells and/or activities associated with active agricultural practices. Pursuant to Article 3.5, Title 35, C.R.S., it is the declared policy of the State of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. Colorado is a "Right-to-Farm" State pursuant to C.R.S. 35-3.5-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of agricultural operations as a normal and necessary impact of living in a county with a strong rural character and a healthy agricultural sector. State law provides that ranching, farming, or other agricultural activities and operations shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner. Therefore, all must be prepared to encounter noises, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, and one or more of which may naturally occur as a part of legal and non-negligent agricultural operations. (Used when subdivision is adjacent to an existing agricultural operation such as feedlot, farmed field, or when determined necessary by the Project Manager).

The specific uses of the site shall be limited to those included in the traffic impact study provided with PCD file no. SF2317. The applicant shall be requested to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

**PLAT AND SUBDIVISION NOTES (continued)**

**19. EXISTING ENCUMBRANCES PER TITLE REPORT:**

This plat does not constitute a title search by R&R Engineers-Surveyors to determine ownership and/or easements of record. Easement research and ownership information were provided by client in the title commitment prepared by Land Title Guarantee Company for Old Republic National Title Insurance Company as order number RND55109421 with an effective date of January 30, 2023 at 5:00 P.M. According to said title commitment, the following documents listed in the Schedule B, Part II (Exceptions) affect this property. The plottable matters listed therein and lying within the boundaries of this subdivision, if they are still in affect, are plotted on the map sheets. If any other easements and/or encumbrances affect this property, their existence is unknown to this surveyor and are not listed below. The item number listed below, before each document's recording information directly relates to the Schedule B, Part II item number in said title commitment. Items 1 through 8 are standard exceptions, do not cite any document for surveyor to review and are not addressed and/or listed below.

- 9. Book A at Page 78;
- 10. Book 350 at Page 274;
- 11. Book 526 at Page 436;
- 12. Book 3260 at Page 701;
- 13. Book 3527 at Page 176;
- 14. Book 3647 at Page 674 (plotted);
- 15. Book 3649 at Page 449 (plotted);
- 16. Book 3718 at Page 812;
- 17. Reception No. 97015577;
- 18. Reception Nos. 98165598, 204006312, 204006313, 204053279, 204053279, 208100005, 208100007, 213038017, 213038197, 204190085 and 204190086;
- 19. Reception No. 201019028;
- 20. Reception No. 201021723;
- 21. Reception No. 201034352;
- 22. Reception No. 201173795;
- 23. Reception No. 202050995;
- 24. Reception No. 202050996;
- 25. Reception No. 202092688;
- 26. Reception No. 203138552 (not plotted, released/vacated by Fig. 3 plat);
- 27. Reception No. 203138553 (not plotted, released/vacated by Fig. 3 plat);
- 28. Reception No. 203139554 (not plotted, released/vacated by Fig. 3 plat);
- 29. Reception No. 204006308 (not plotted, released/vacated by Reception No. 222150441);
- 30. Reception No. 204015159;
- 31. Reception No. 204043959;
- 32. Reception No. 204045661;
- 33. Reception No. 204061415 (not plotted, released/vacated by Fig. 3 plat);
- 34. Reception No. 204189404;
- 35. Reception No. 204189405;
- 36. Reception No. 205012856 (not plotted, released/vacated by Fig. 3 plat);
- 37. Reception No. 206029706;
- 38. Reception No. 206098620, 207001700;
- 39. Reception Nos. 206149054, 206149055;
- 40. Reception No. 206165180;
- 41. Reception No. 206165181;
- 42. Reception No. 206165182;
- 43. Reception No. 209043451 (plotted, lies within Hwy. 94 Right-of-Way);
- 44. Reception No. 214003507;
- 45. Reception No. 214018538;
- 46. Reception No. 214030731;
- 47. Reception No. 214038069;
- 48. Reception No. 214117420;
- 49. Reception No. 216114888;
- 50. Reception Nos. 217150656, 217151050;
- 51. Reception Nos. 219085337, 219087971, 21992656, 21997309;
- 52. Reception No. 219142179;
- 53. Reception No. 219146540;
- 54. Reception No. 219154809;
- 55. Reception Nos. 22088380, 220139219, 220140324;
- 56. Reception No. 220714655 (Plat of MAYBERRY, COLORADO SPRINGS FILING NO. 1 - this plat was never a part of Fig. 1);
- 57. Reception No. 220211232;
- 58. Reception No. 220212002;
- 59. Reception No. 220213263;
- 60. Book 120 at Page 254 (duplicate of item 56);
- 61. Reception No. 22134250;
- 62. Reception No. 22147142;
- 63. Reception No. 221714698 (Plat of MAYBERRY, COLORADO SPRINGS FILING NO. 2 - the easements within Fig. 2 that laid within this Fig. 4 replat were released/vacated by Fig. 3, except the 25' Trail Easement along North line, plotted);
- 64. Reception No. 22160199;
- 65. Reception Nos. 22185482, 22185463, 22185476, 84578, 84568, 22184919;
- 66. Reception No. 22186550;
- 67. Reception Nos. 22186552, 22186553;
- 68. Reception No. 221149080;
- 69. Reception No. 222055125;
- 70. Reception No. 222107505 (See Plat and Subdivision Note 4);
- 71. Reception No. 222150435 (Blanket, not plotted and applies only to residential lots. The lots in this Fig. 4 replat are commercial).

**GENERAL NOTES**

- NOTICE:** Pursuant to Colorado Revised Statutes Title 13, Article 80, Section 105 (C.R.S. § 13-80-105) - You must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
- Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) misdemeanor pursuant to C.R.S. § 18-4-508.
- Existing ownership and deed of record for this property: Mayberry Communities, LLC (P.O. Box 675725, Rancho Santa Fe, CA 92067 | Ph: 719-426-7810) by Reception No. 221140101 (Parcel H) recorded July 22, 2021.
- Basis of Bearings (Record): Bearings are based on the North line of the Northeast Quarter of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian having a bearing of South 89° 44' 50" East and a ground distance of 2606.58 feet as shown on the recorded plats of MAYBERRY, COLORADO SPRINGS FILING NO. 1 recorded as Reception No. 220714655 and as shown on MAYBERRY, COLORADO SPRINGS FILING NO. 2 recorded as Reception No. 221714698, monumented at each end as shown on sheets 2 and 3 of this plat. The two section corner monuments used for this basis of bearings were located with Global Positioning System instrumentation and were observed for a period of 180 epochs along with a subsequent observations as check shots. The resulting locations were scaled to ground distance using a prisms formula, then compared to other found monuments within and/or along the subdivision perimeter and were found to be within acceptable parameters to hold the bearing and distance between said corners as platted.
- On the map sheets of this plat, references of "FILING NO. 1" or "FLG. NO. 1" refer to the recorded plat of MAYBERRY, COLORADO SPRINGS FILING NO. 1 (Reception No. 220714655), references of "FILING NO. 2" or "FLG. NO. 2" refer to the recorded plat of MAYBERRY, COLORADO SPRINGS FILING NO. 2 (Reception No. 221714698), and references of "FILING NO. 3" or "FLG. NO. 3" refer to the recorded plat of MAYBERRY, COLORADO SPRINGS FILING NO. 3 (Reception No. 223715221).
- Dimension units shown are U.S. Survey Feet.
- No offset monuments (witness and/or reference monuments) along the exterior boundary of this subdivision were set in conjunction with this plat.

**SURVEYOR'S CERTIFICATE**

I, Kevin J. Kucharczyk, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made by July 13, 2023, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000 ; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

I attest the above this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Kevin J. Kucharczyk, P.L.S. Colorado Registered PLS# 34591  
For and on behalf of R&R Engineers-Surveyors, Inc.

**RECORDING**

I hereby certify that this instrument was filed in my office on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ A.D. and recorded as Reception No. \_\_\_\_\_ of the records of El Paso County, Colorado.

By: \_\_\_\_\_

**ACKNOWLEDGEMENT**

Mayberry Communities, LLC, a Colorado limited liability company  
State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

By: \_\_\_\_\_  
R. Randy Goodson, President

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by R. Randy Goodson, as President of Mayberry Communities, a Colorado limited liability company.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

**LENDER'S CERTIFICATE**

Corundum Partners Investments, LLC, a Delaware corporation by Corundum Partners, Inc., a Minnesota corporation, its Managing Member.

**ACKNOWLEDGEMENT**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

By: \_\_\_\_\_  
Justin Leveille, Vice President

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Justin Leveille, as Vice President of Corundum Partners, Inc., a Minnesota corporation, Managing Member of Corundum Partners Investments, LLC, a Delaware limited liability company.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

**APPROVALS**

**BOARD OF COUNTY COMMISSIONERS CERTIFICATE**

This plat for MAYBERRY, COLORADO SPRINGS FILING NO. 4 was approved for filing by the El Paso County, Colorado Board of County Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to any notes specified hereon and any conditions included in the resolution of approval.

The dedications of land to the public streets and easements are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

\_\_\_\_\_  
Chair, Board of County Commissioners

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning and Community Development Director

\_\_\_\_\_  
Date

**R&R ENGINEERS-SURVEYORS, INC.**  
1635 W. 13TH AVENUE, SUITE 310  
DENVER, COLORADO 80204  
303-753-6730  
www.rrengineers.com

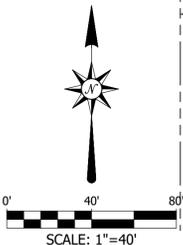
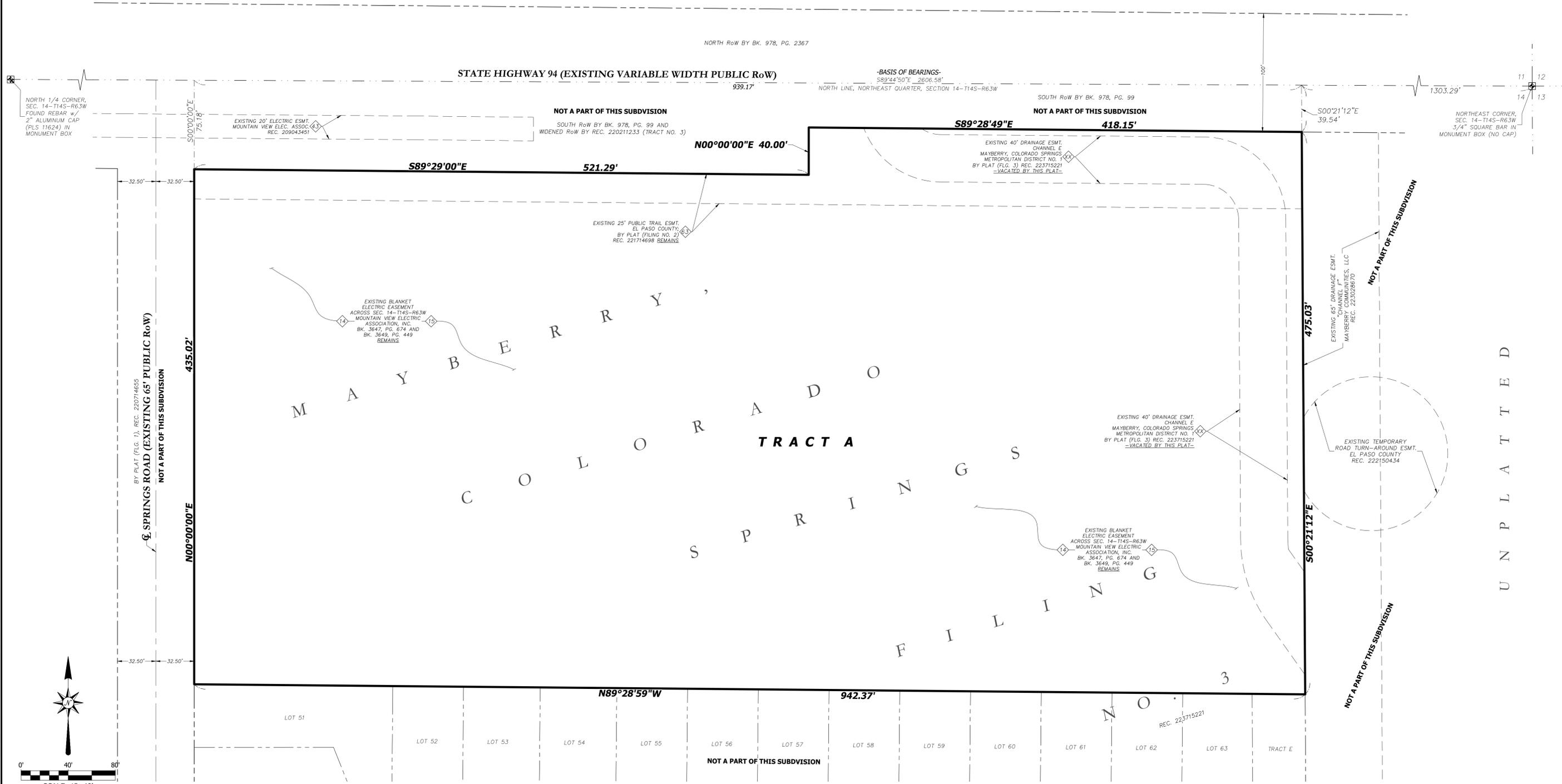
Sheet 1 of 3

REVISIONS		File: MC22249-FP(Fig4)
08/20/2023	Revised per county comments	Orig. Issue Date: 4/6/2023
01/15/2024	Revised per county comments	Drawn By: DD
01/16/2024	Revised per county comments	Checked By:
04/26/2024	Changed Business Park to Business Park Drive	R&R Project No.

MC22249

Final Plat of  
**MAYBERRY, COLORADO SPRINGS FILING NO. 4**  
 Being a replat of Tract A, MAYBERRY, COLORADO SPRINGS FILING NO. 3  
 Lying the Northeast Quarter of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian  
 County of El Paso (Unincorporated), State of Colorado

AS ORIGINALLY PLATTED BY "MAYBERRY, COLORADO SPRINGS FILING NO. 3" AND VACATIONS OF PREVIOUSLY PLATTED EASEMENTS



**LEGEND**

	Set Survey Monument - 5/8" Rebar with Yellow Plastic Cap Stamped "PLS 38567"
	Found Survey Monument, As Noted
	Section Corner in Monument Box
	Reception Number
	Easement
	Subdivision Exterior Boundary Line
	Center Line
	Existing Platted Lot Line
	Existing Right-of-Way Line
	Section Line or Quarter-Section Line
	Existing Easement Line

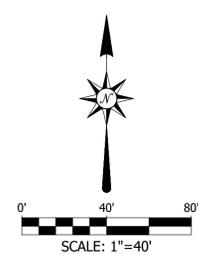
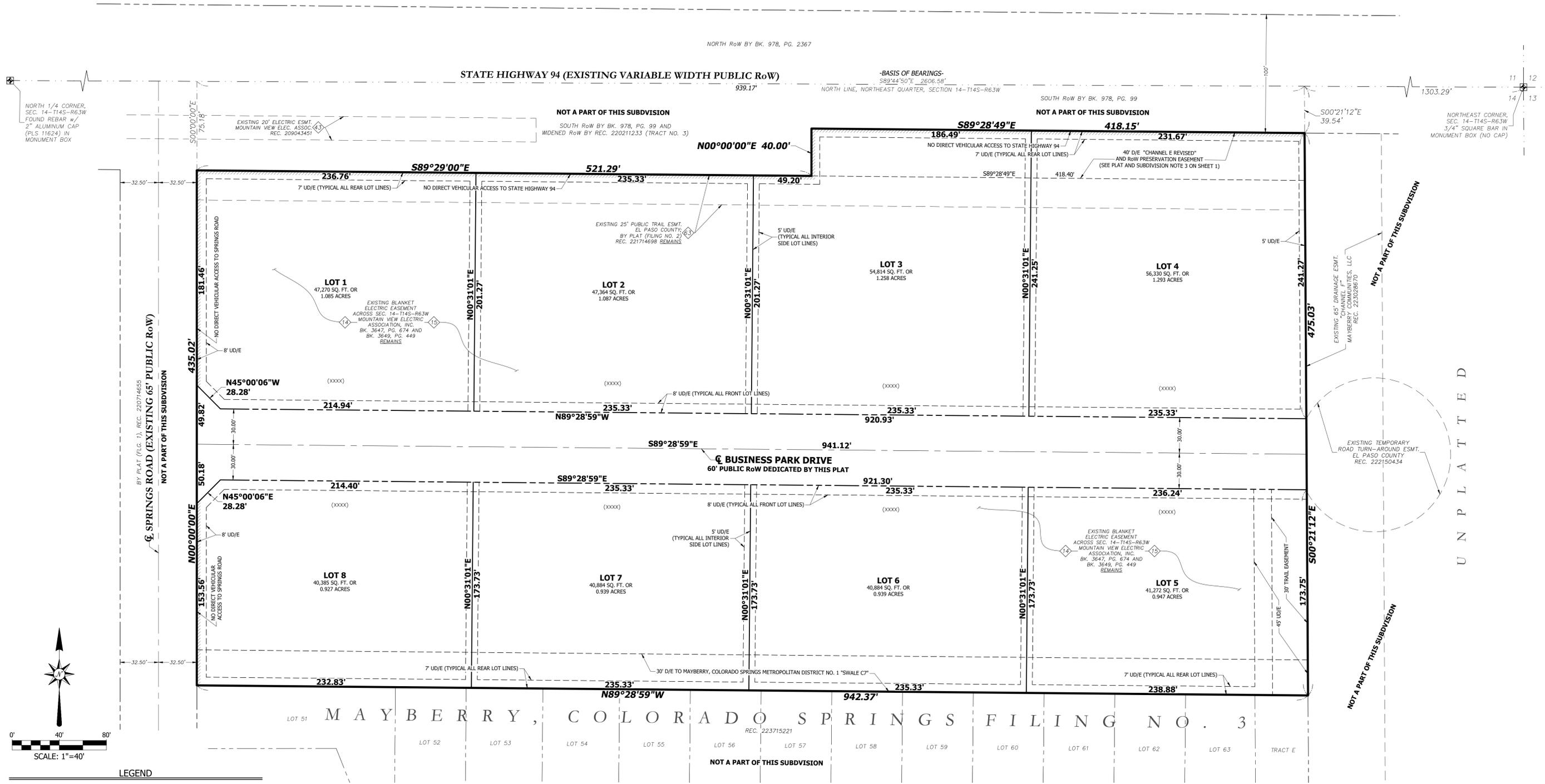
**R&R ENGINEERS-SURVEYORS, INC.**  
 1635 W. 13TH AVENUE, SUITE 310  
 DENVER, COLORADO 80204  
 303-753-6730  
 www.rrengineers.com

Sheet 2 of 3

REVISIONS		File: MC22249-FP(Fig4)
08/20/2023	Revised per county comments	Orig. Issue Date: 4/6/2023
01/15/2023	Revised per county comments	Drawn By: DD
11/20/2021	Revised per county comments	Checked By:
11/24/2021	Adapted Business Park to Business Park Drive	R&R Project No.

MC22249

Final Plat of  
**MAYBERRY, COLORADO SPRINGS FILING NO. 4**  
 Being a replat of Tract A, MAYBERRY, COLORADO SPRINGS FILING NO. 3  
 Lying the Northeast Quarter of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian  
 County of El Paso (Unincorporated), State of Colorado  
**AS HEREBY REPLATTED**



**LEGEND**

- Set Survey Monument - 5/8" Rebar with Yellow Plastic Cap Stamped "PLS 38567"
- Found Survey Monument, As Noted
- ⊠ Section Corner in Monument Box
- UD/E Utility and Drainage Easement dedicated by this plat
- D/E Drainage Easement to Mayberry, Colorado Springs Metropolitan District No. 1 dedicated by this plat
- SQ. FT. Square Feet
- (XXXX) Address (See Plat and Subdivision Note 9 on sheet 1)
- REC. Reception Number
- Subdivision Exterior Boundary Line
- Right-of-Way Line dedicated by this plat
- Lot Line established by this plat
- Easement Line dedicated by this plat
- Center Line
- Existing Platted Lot Line
- Existing Right-of-Way Line
- Section Line or Quarter-Section Line
- Existing Easement Line
- No Direct Vehicular Access

**USE / AREA TABLE**

	Planned Use	Planned Ownership	Total Square Feet	Total Acres
Lots (8)	Commercial	Private	369,204	8.48
Right-of-Way	Public Road / Street	El Paso County	56,867	1.30
<b>Totals</b>			<b>426,071</b>	<b>9.78</b>

**R&R ENGINEERS-SURVEYORS, INC.**  
 1635 W. 13TH AVENUE, SUITE 310  
 DENVER, COLORADO 80204  
 303-753-6730  
 www.rrengineers.com

Sheet 3 of 3

**REVISIONS**

REVISED	REVISION	DATE
03/20/2023	Revised per county comments	4/6/2023
01/15/2023	Revised per county comments	
11/01/2021	Revised per county comments	
10/20/2021	Adapted Business Park to Business Park Drive	

Drawn By: DD  
 Checked By:  
 R&R Project No.  
 MC22249

County Attorney

Kenneth R. Hodges, County Attorney  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
Colorado Springs, CO 80903  
www.ElPasoCo.com

Board of County Commissioners  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

November 21, 2023

SF-23-17 Mayberry, Colorado Springs Filing No. 4

Reviewed by: Lori Seago, Senior Assistant County Attorney  
April Willie, Paralegal

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1. This is a Final Plat proposal by Mayberry Communities, LLC (“Applicant”), to subdivide an approximately 9.78 acre lot into 8 industrial lots. The property is zoned CS (Commercial Service).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the Applicant estimates its annual water needs to serve this subdivision at 3.03 acre-feet/year for 8 lots. The Applicant estimates indoor use at 0.294 acre-feet per lot, with an additional estimated demand of 0.68 acre-feet for irrigation of 0.28 acres (0.085 acre-feet/lot/year), which results in a total annual water demand of 0.379 acre-feet per lot, or a total demand of 3.03 acre-feet for Mayberry, Colorado Springs Filing No. 4. Based on these figures, the Applicant must provide a supply of 909 acre-feet of water (3.03 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Ellicott Utilities Company (“EUC” or “Company”). As detailed in the *Water Resources Report* (“Report”), EUC has 50.98 acre-feet/year of water available through Colorado Ground Water Commission Determination No. 598-BD and 77.90 acre-feet/year of water available through the Tipton Well, a well owned by Cherokee Water, LLC in which EUC owns an interest. This provides a total of 128.88 acre-feet per year of water available. The EUC has already committed 86.69 acre-feet

**ASSISTANT COUNTY ATTORNEYS**

to Mayberry 1, 2, & 3 leaving 42.19 acre-feet/year remaining for Mayberry, Colorado Springs Filing No. 4.

4. The Ellicott Utilities Company, LLC provided a letter of commitment dated April 12, 2023 for Mayberry, Colorado Springs Filing No. 4, in which the District committed to providing water service for the 8 industrial lots and associated landscaping in an annual amount of 4.96 acre-feet per year.<sup>1</sup>

#### State Engineer's Office Opinion

5. In a letter dated June 28, 2023, the State Engineer's Office reviewed the application to subdivide the 9.78 +/- acres into eight commercial lots. The State Engineer stated that "the Company owns and controls water rights associated with Determination of Water Right Nos. 598-BD and 599-13D, [and] an interest in the Tipton Well and the Benton Well. For this subdivision, only the water rights from 598-BD and the Tipton well will be utilized. The State Engineer confirmed the water supply of 50.98 acre-feet/year from Determination No. 598-BD is available, as well as 77.9 acre-feet/year from the Tipton Well (adjudicated through Determination No. 91GW01). The State Engineer further stated that ". . . it is or opinion, pursuant to CRS 30-28-136(1)(h)(II) that the anticipated water supply can be provided without causing material injury to decreed water."

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Mayberry, Colorado Springs Filing No. 4 is 3.03 acre-feet per year for a total demand of 909 acre-feet for the subdivision for 300 years, to be supplied by Ellicott Utilities Company. **Based on the District's available water supply of approximately 42.19 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Mayberry, Colorado Springs Filing No. 4.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated October 20, 2023, the *Ellicott Utilities Company, LLC* letter dated April 12, 2023, and the *State Engineer Office's Opinion* dated June 28, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below***

---

<sup>1</sup> The water demand remains 3.03 acre-feet per year. The number committed by Ellicott Utilities Company is in excess.

***requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

A. Applicant and all future owners of lots within this filing shall be advised of and comply with the conditions, rules, regulations, and specifications set by the Company.

cc: Ryan Howser, Project Manager, Planner

FINAL PLAT (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF2317

MAYBERRY FILING NO. 4

WHEREAS, Mayberry Communities, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Mayberry Filing No. 4 Subdivision for the property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on February 15, 2024; and

WHEREAS, based on the evidence, 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, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
7. For the above-stated and other reasons, the proposed amendment of 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.

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code ("Code") (2022):

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is in substantial conformance with the approved Preliminary Plan;
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either 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, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
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 that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;
12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
13. The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

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 Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Mayberry Communities, LLC for a final plat of Mayberry Filing No. 4 be approved by the Board of County Commissioners with the following conditions and notations:

**CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.

5. 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 Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 21, 2023, as provided by the County Attorney's Office.
9. The applicant shall address all outstanding engineering comments and receive acceptance of the Traffic Impact Study and approval of the Construction Documents by the ECM Administrator prior to issuance of a construction permit.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held and a Construction Permit is issued by the appropriate El Paso County staff.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent

Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of \_\_\_ to \_\_\_ by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 15th day of February 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Thomas Bailey, Chair

EXHIBIT A

A Tract of land for the purpose of rezoning, being part of Tract C and part of Tract D, MAYBERRY, COLORADO SPRINGS

FILING NO. 2, a subdivision of land in the North-Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, the plat of said subdivision recorded March 10, 2021 in the Office of the Clerk of El Paso County, Colorado as Reception Number 221714698, said Tract more particularly described as follows:

Commencing at the North Quarter-corner of said Section 14, monumented by a found rebar with a 2 inch cap marked "PLS 11624" in a monument box, from whence the Northeast corner of said Section 14 monumented by a found 3/4 inch square bar with no cap in a monument box bears South 89° 44' 50" East a distance of 2606.58 feet as shown on said plat, being the North line of the Northeast Quarter of said Section 14 and all bearings herein are relative thereto; thence South 89° 44' 50" East 1303.29 feet on said North line to the Northeast corner of the West-Half of said Northeast Quarter; thence South 00° 21' 12" East 39.54 feet on the East line of said West-Half to the Northeast corner of said Tract D and the POINT OF BEGINNING of the Tract of land herein described;

Thence continuing South 00° 21' 12" East 475.02 feet on the East line of said Tract D; Thence departing said East line North 89° 28' 59" West 722.98 feet to a corner on the southerly line of said Tract A, being common with a corner on the northerly line of said Tract C; Thence North 00° 00' 00" East 10.73 feet on said southerly line, being coterminous with said northerly line of Tract C, to a corner common to said Tracts A and C; Thence South 89° 28' 59" East 341.89 feet continuing on said southerly line, a portion of which being coterminous with said northerly line of Tract C, to the Southeast corner of said Tract A; Thence on the easterly line segments of said Tract A, being coterminous with the westerly line segments of said Tract D, the following three (3) courses and distances:

1) North 00° 00' 00" West 223.01 feet;

2) Thence North 89° 28' 59" West 40.00 feet;

3) Thence North 00° 00' 00" East 241.26 feet to the Northwest corner of said Tract D;

Thence South 89° 28' 49" East 418.15 feet on the North line of said Tract D to the POINT OF BEGINNING, said Tract containing 193,628 square feet or 4.445 acres; said Tract above described also being part of the proposed subdivision MAYBERRY, COLORADO SPRINGS FILING NO. 4