

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

MAYBERRY COMMUNITIES, LLC  
428 GARDEN PARK AVENUE,  
MAYBERRY, CO 80808

PLANNING SUPPORT

KIMLEY-HORN AND ASSOCIATES, INC.  
2 NORTH NEVADA AVENUE, SUITE 900  
COLORADO SPRINGS, CO 80903

ENGINEERING/SURVEYING

R&R ENGINEERING AND SURVEYORS, INC.  
1635 WEST 13<sup>TH</sup> AVENUE, SUITE 310  
DENVER, CO 80204

Include emails and  
phone numbers

This letter is missing a detailed analysis summarizing how the request complies with each of the Criteria of Approval in Chapter 5 of the Land Development Code. There is Master Plan analysis; however, the other criteria points are not addressed.

This letter is missing discussion of compliance with the Parks Master Plan.

## 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 replated at a later date to include a total of eight (8) commercial lots.

Not sure what this means

## JUSTIFICATION

The rezone follows the overall PUD Sketchplan for Mayberry communities. Rezoning the property from PUD to CS will help create a better suitable commercial transitional zone from agricultural zoning from the north to residential to the south along the State Highway 94 corridor.

I'm not really following the logic here. The explanation on the next page provides a stronger argument

Goal 1.2 is not relevant to this request

Does this page start the Master Plan analysis? It is not clear.

I'm not sure this is a statement you want to make to justify a rezoning.



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 1.2 - Coordinate context-sensitive annexation and growth strategies with municipalities.
- Goal 1.3 - Encourage a range of development types to support a variety of land uses.

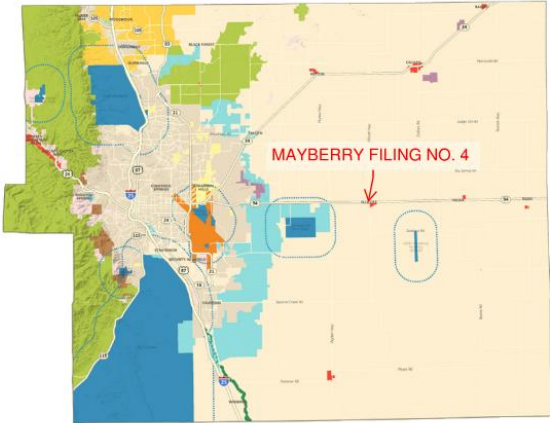
The proposed Rezone from the PUD district to the CS district provides opportunity for the developer to include additional commercial uses in this area without the need for deviations from El Paso County development standards. The proposed CS district and future plans to subdivide the parcels into eight (8) commercial lots allow the developer to maintain compliance with the overall Mayberry Master Plan, while removing the need for the PUD district. 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.

What is this plan?

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 Space	Natural and Paleontological	Industrial	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:

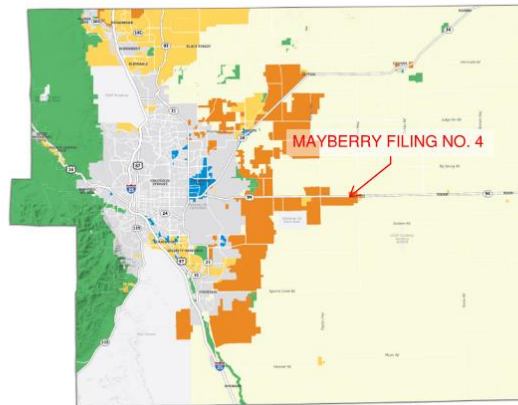


**Key Areas**

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

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

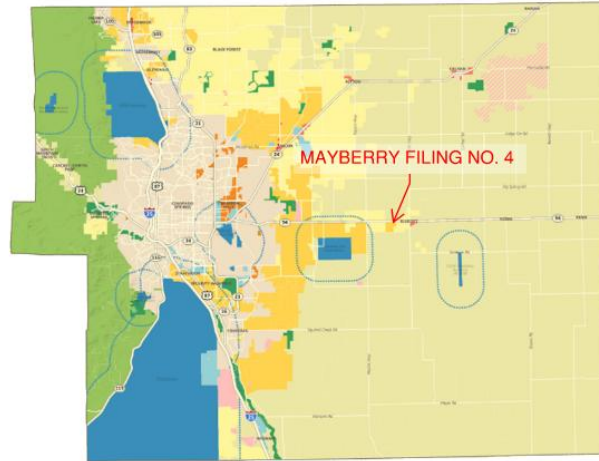
Areas of Change:



**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”. 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.

**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 FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**Legend**

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, X, BFE
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway
- 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 X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes Zone I
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS OF FLOOD HAZARD**

- NO SCREEN: Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

**OTHER AREAS**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall
- Cross Sections with 1% Annual Chance
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**GENERAL STRUCTURES**

- Digital Data Available
- No Digital Data Available
- Unmapped

**MAP PANELS**

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 identifier, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



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



## Colorado Wildfire Risk Public Viewer

<https://co-pub.coloradoforestatlas.org>

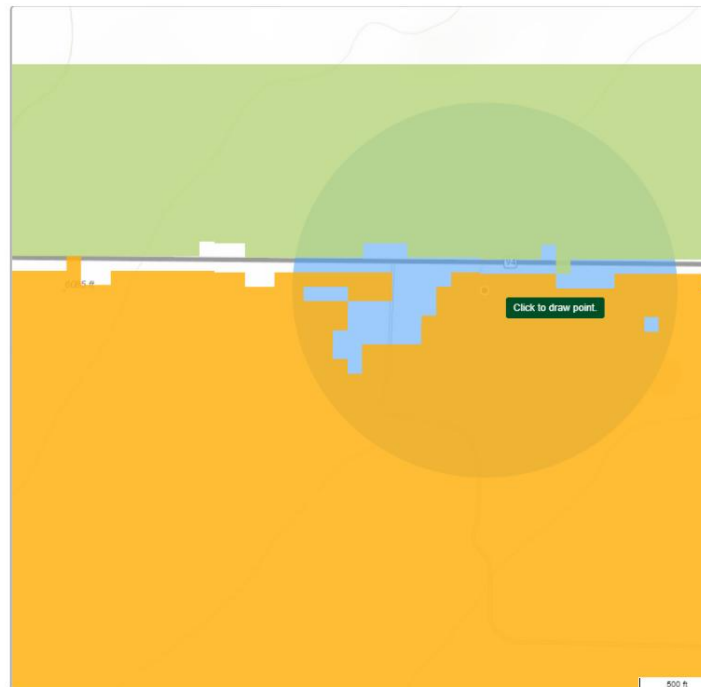
### Burn Probability

Annual probability of any location burning due to wildfire.

Created on:  
3/27/2023, 2:14 PM

### Disclaimer

The user assumes the entire risk related to their use of the Colorado Wildfire Risk Public Viewer and either the published or derived products from these data.  
The Colorado State Forest Service is providing these data "as is" and disclaims any and all warranties, whether expressed or implied, including (without limitation) any implied warranties of merchantability or fitness for a particular purpose.  
In no event will Colorado State Forest Service be liable to you or to any third party for any direct, indirect, incidental, consequential, special or exemplary damages or lost profit resulting from any use or misuse of these data.



## Legend

<https://co-pub.coloradoforestatlas.org>

### Burn Probability

- Non-Burnable
- Very Low
- Very Low-Low
- Low
- Low-Moderate
- Moderate
- Moderate-High
- High
- High-Very High
- Very High

### County Boundaries

< 1:1,500,000

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)