

Mayberry Filing No. 2A

Zone Change

Letter of Intent 17 November 2023

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

MAYBERRY COMMUNITIES, LLC
428 GARDEN PARK AVENUE,
MAYBERRY, CO 80808
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
719-284-7829

ENGINEERING/SURVEYING

R&R ENGINEERING AND SURVEYORS, INC.
1635 WEST 13TH AVENUE, SUITE 310
DENVER, CO 80204
cdayton@rrengineers.com
720-390-5513

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) includes Parcel No. 3414201031 and a portion of Parcel No. 3414201030. The proposed rezoning is located near the southwest 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 ±1.0. (Currently Zoned: Planned Unit Development [PUD]).



REQUEST

The application is to Rezone approximately 1.0 acres from the PUD zone to the Commercial Services zoning district (CS). The application includes the following request:

- Approval to rezone Parcel No. 3414201031 and a portion of Parcel No. 3414201030 to CS to match adjacent Parcels 3414201028, 3414101002 and 3414101001, located east of said parcel.
- The Rezone process is projected to run concurrently with the final plat of all three parcels for the purpose of being replatted for a total of three (3) commercial lots and one 1 public facility tract.
- The rezone will be for commercial use. Conditions of approval are guaranteed upon approval of the final plat, the traffic report shall be amended if alternative or more intensive uses are proposed.

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 an 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, which is located to the north. The proposed CS district and future plans to subdivide the parcels into three (3) 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.

Please see comments below and make appropriate changes.

KEY AREAS:

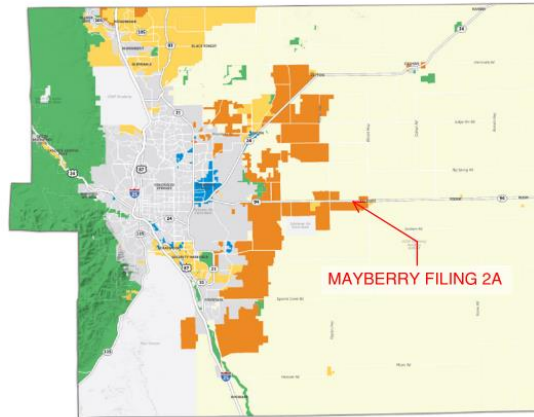


Key Areas



The property is not located within the ten (10) classifications of key areas. However, it is adjacent to the Small Town & Rural Communities Key Area. This Key Area includes both incorporated and unincorporated communities in El Paso County. The unincorporated areas include the adjacent town of Ellicott other communities. 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.

AREAS OF CHANGE:



Areas of Change

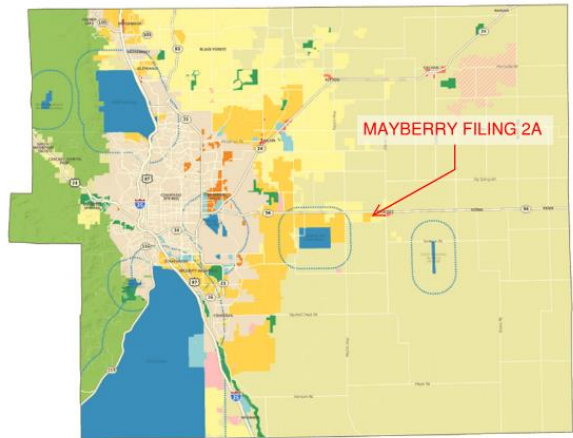
- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

- **Mayberry Filing No 2A Final Plat is located in an 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 said 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:

| PLACETYPES | LAND USES | | | | | | | | | | | | | | | | | | | | |
|---------------------|-------------|------------------|--------|------------------------|------------------------|-------------|-----------|------------|-------------------|-----------------|--------------------------|--------|--------------------------------|------------------|--------------------|----------------------|-----------------------------|---------------|---------|---|---|
| | Agriculture | Family Homebased | Estate | Single-Family Detached | Single-Family Attached | Multifamily | Mixed Use | Restaurant | Commercial Retail | Tourism/Service | Entertainment/Commercial | Office | 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.



Placetypes



- **Mayberry Filing No. 2A is located within the Suburban Residential placetype. This land use is designated for Suburban Residential and/or 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.

Please add additional information. Per the LOI Rezone Checklist: A detailed analysis summarizing how the request complies with each of the Criteria of Approval in Chapter 5 of the Land Development Code.

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.

Old sketch plan analysis is not applicable to current code and rezone application.

- 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.

Old sketch plan analysis is not applicable to current code and rezone application.

Please add an analysis regarding all zoning districts surrounding the property.

- 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.

The site is suitable for intended use.

Please expand on this.

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); dated 12/7/2018.

National Flood Hazard Layer FIRMette



Legend



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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, X, F05
- With BFE or Depth Zone AE, AD, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 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 Y
- 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

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

GENERAL STRUCTURES

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

OTHER FEATURES

- 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

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.

- 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.

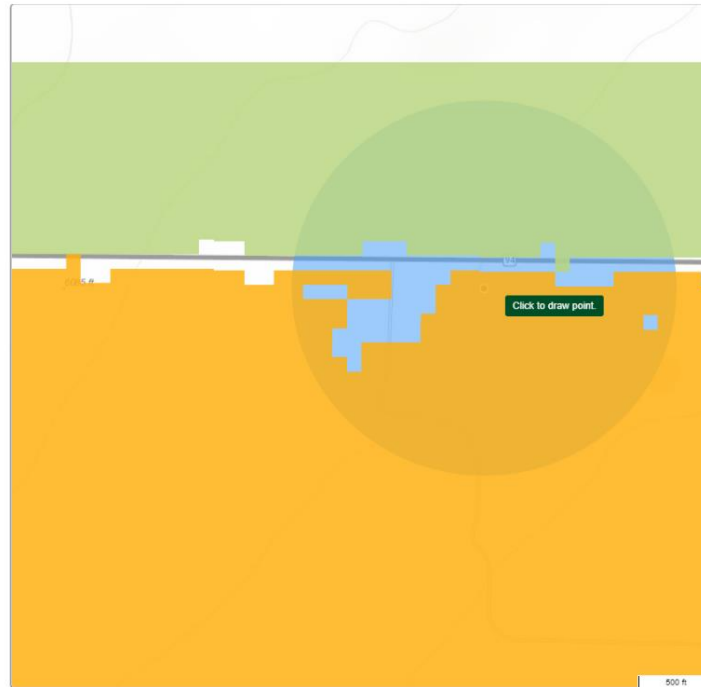
Created on:
3/27/2023, 2:14 PM

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

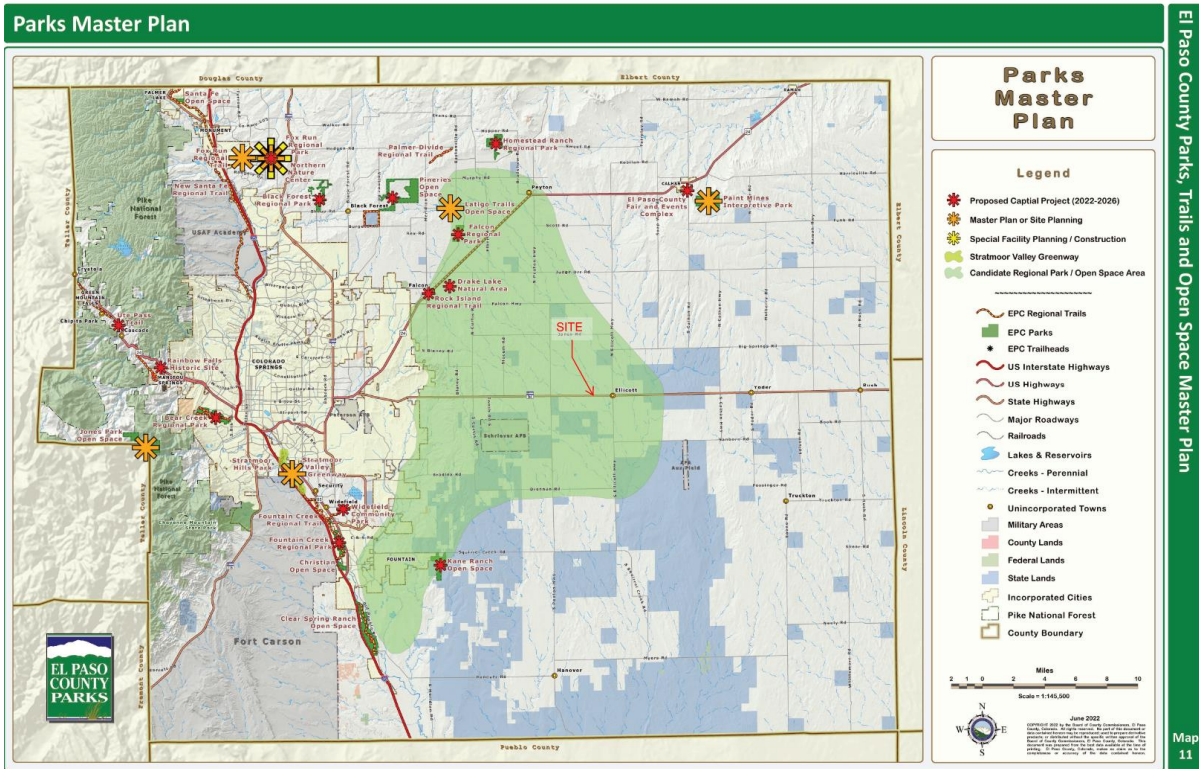
A traffic study has been completed by HDR Engineering, Inc.

- 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) |

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. 2A 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 lang 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).