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LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Joe Letke, Planner II
Lupe Packman, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: VR2323 & CS234
Project Name: Mayberry Filing No. 2A & Mayberry Filing No. 2A CS Rezone
Parcel Number: 3414101001 3414101002 3414201028 3414201031

OWNER:	REPRESENTATIVE:
Mayberry Communities, LLC c/o Scott Souders 428 Garden Park Avenue Mayberry, CO 80808	Kimley-Horn and Associates, Inc. c/o Larry Salazar 2 North Nevada Ave Ste 900 Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	4/18/2023
Board of County Commissioners Hearing Date:	5/9/2023

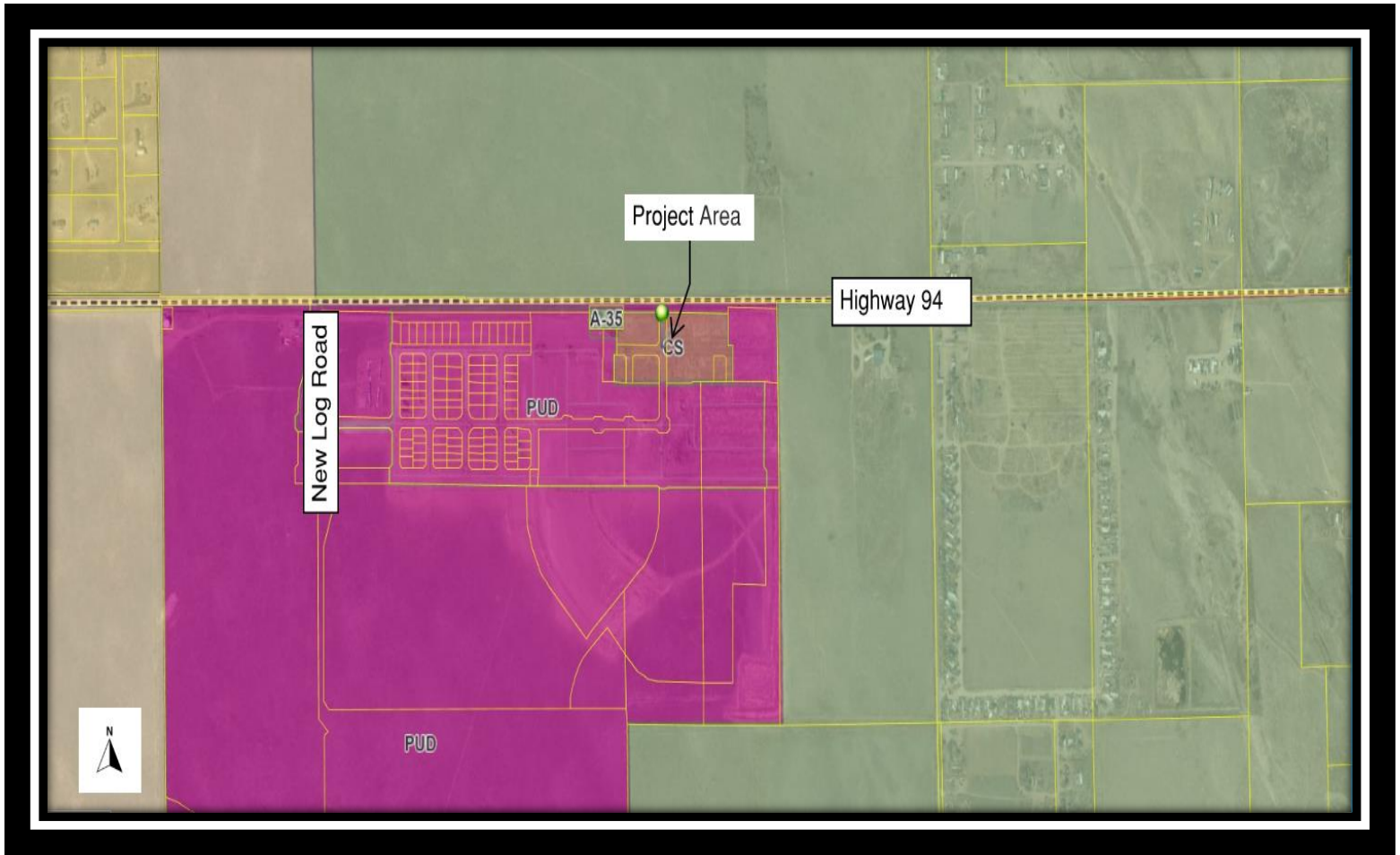
EXECUTIVE SUMMARY

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) of 1 acre from PUD (Planned Unit Development) to CS (Commercial Service) and a Vacation Replat creating three (3) commercial lots. Approval of the Map Amendment (Rezoning) shall be considered prior to consideration of the Vacation Replat. 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.

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A. WAIVERS AND AUTHORIZATION

Waiver(s):

There are no waivers associated with this request.

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 (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;

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- 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 Code, for the intended zone district.

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (As Amended) states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the Engineering Criteria Manual (ECM);
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

C. LOCATION

North:	A-35 (Agricultural)	Agricultural Grazing Land
South:	PUD (Planned Unit Development)	Residential
East:	PUD (Planned Unit Development)	Residential
West:	PUD (Planned Unit Development)	Residential

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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.

Filing 2 was approved July 17th, 2022. The applicant is proposing to rezone the subject property to a conventional zoning district, CS (Commercial Service) to establish dimensional standards. The applicant is now requesting to subdivide the property to reconfigure three (3) commercial lots.

E. ANALYSIS

1. Land Development Code and Zoning Compliance

The proposed replat will create three (3) commercial lots. Commercial lots, as proposed, will conform to the standards of the CS (Commercial Service) zoning district. The CS (Commercial Service) zoning district density and dimensional standards are as follows:

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

F. MASTER PLAN COMPLIANCE

1. Your El Paso County 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 singlefamily 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 be 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 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 that is expected to completely or significantly change in character due to primarily being undeveloped. A relevant priority is as follows:

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.

a. 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; to 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 buildout in 2060 for Region 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, it is required for a Vacation and Replat; 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.

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

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

2. Floodplain

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

3. Drainage and Erosion

The property is located in the Ellicott Consolidated Drainage Basin (CHBS1200) which is included in the El Paso County Drainage Basin Fee program. Drainage fees were paid with the “Mayberry, Colorado Springs Filing No. 2” project.

Water quality and detention were required for this subdivision and were addressed with the “Mayberry, Colorado Springs Filing 2” project. The submitted drainage letter identifies that the developed flows have no adverse impacts on the downstream or surrounding areas that will occur due to this development.

4. Transportation

The subdivision is accessed off Springs Road, which is owned and maintained by El Paso County. A traffic study was not required for this replat since traffic was addressed in the previous project, “Mayberry, Colorado Springs Filing No. 2.”

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.



The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended).

G. SERVICES

1. Water

Water is provided by Ellicott Utilities Company, LLC. A finding of sufficiency was made with Mayberry, Colorado Springs Filing No. 2. At this time, the applicant is not requesting to modify the number of lots associated with the subdivision, and therefore, a revised water sufficiency finding is not necessary at this time.

2. Wastewater

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.

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 District 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 District 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.

6. Parks/Trails

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

7. 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.

H. APPLICABLE RESOLUTIONS

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

I. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

J. 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. CS2324 & VR2323). 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 7.2.3 (Replat) 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

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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.

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.

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K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified four adjoining property owners on April 4, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

L. ATTACHMENTS

Map Series

Map Amendment (Rezoning) Letter of Intent

Rezone Map

Draft Amendment (Rezoning) Resolution

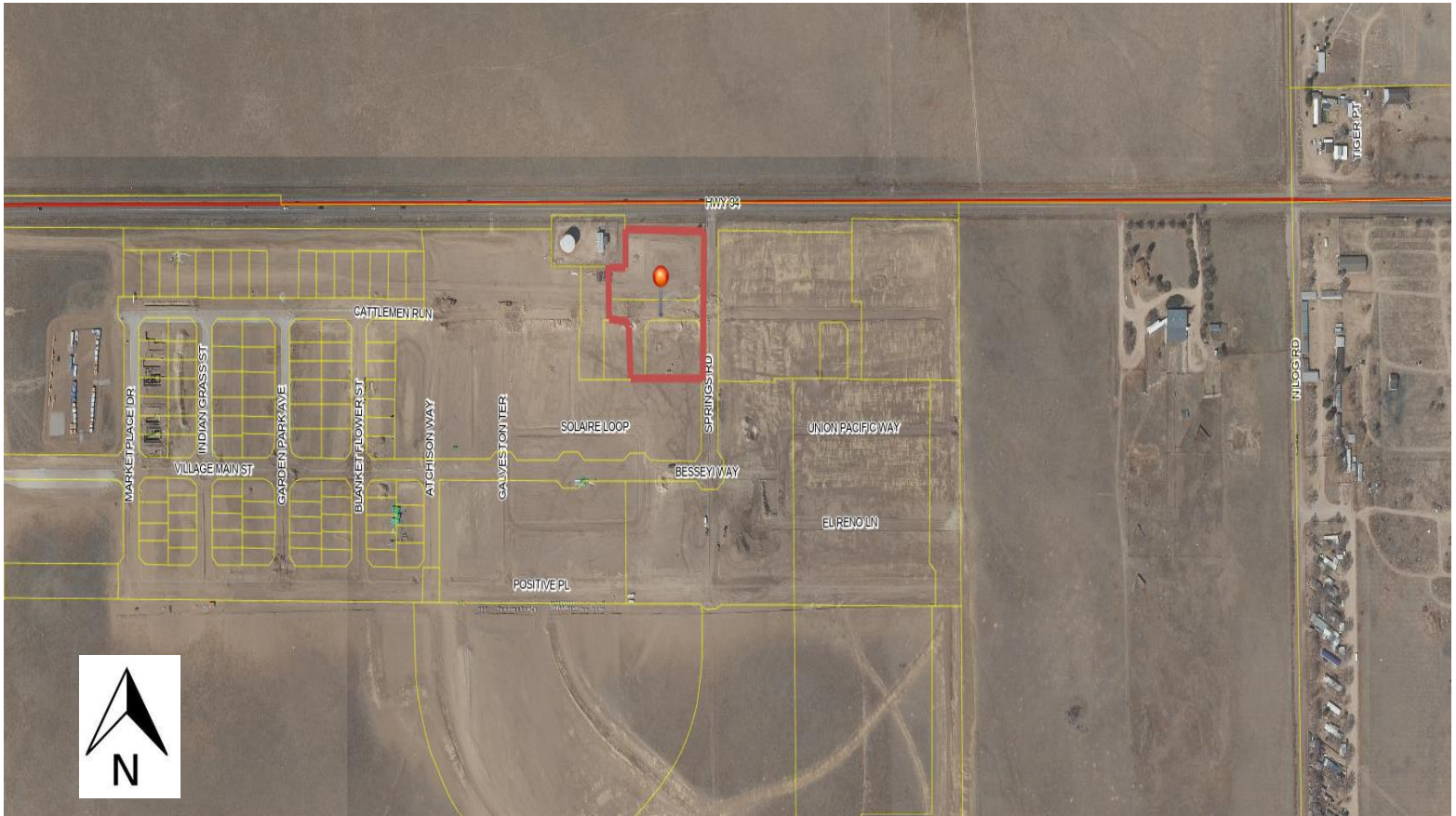
Vacation and Replat Letter of Intent

Plat Drawing

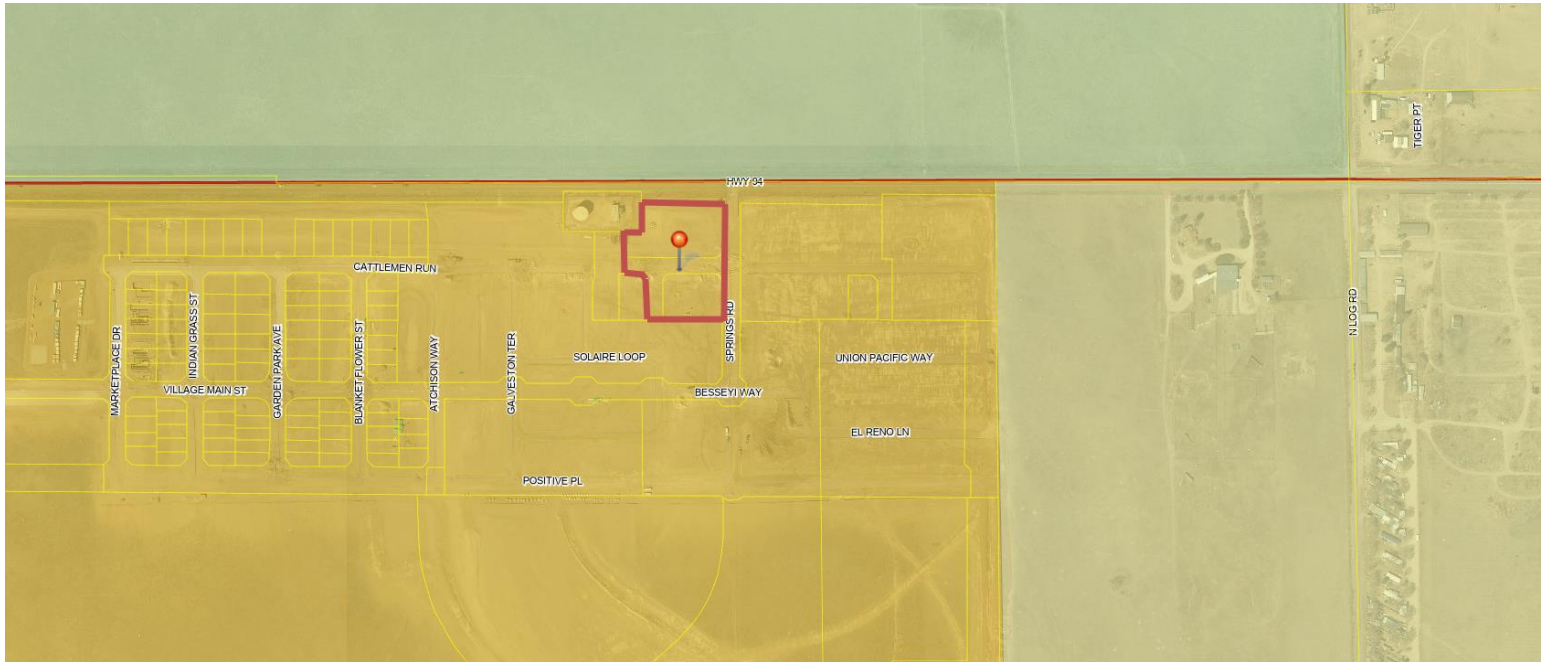
Draft Vacation and Replat Resolution















Map Exhibit #1: Context



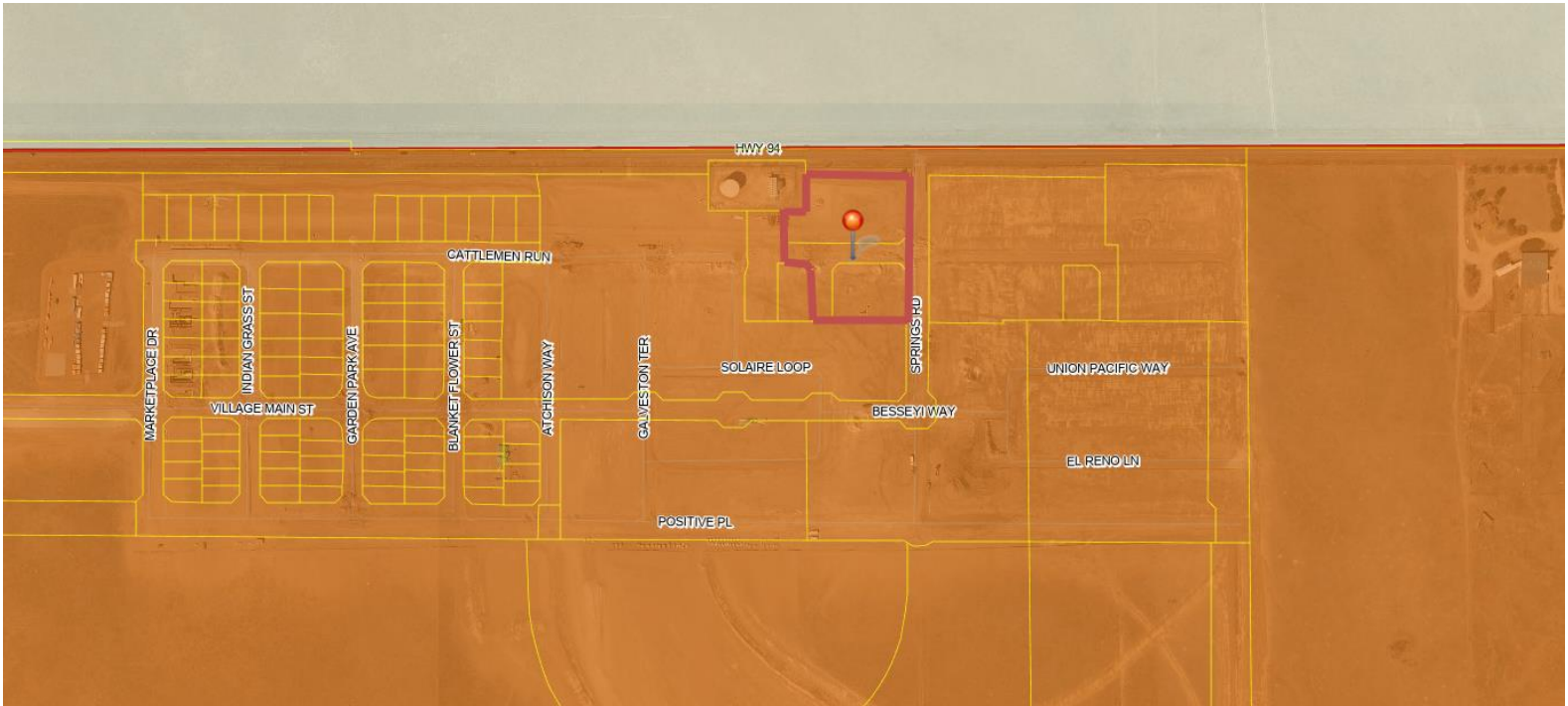
Map Exhibit #2: Placetype



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

Mayberry Filing No. 2A

Zone Change

Letter of Intent February 28, 2024

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" (SKP236).

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.

KEY AREAS:

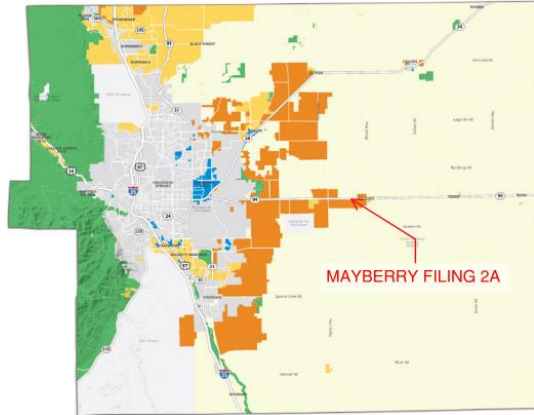


Key Areas

- | | | |
|---|--|---|
| 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. 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

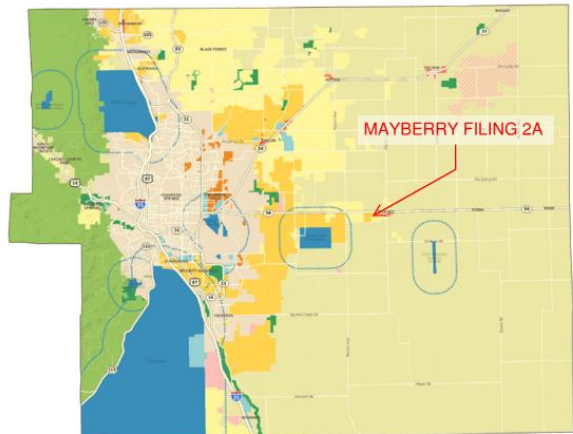


- **Mayberry Filing No 2A Final Plat is located in an area expected for “New Development”.** These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to 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	Farm/Homesite	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Tourism	Commercial Service	Commercial	Office	Light Industrial/Business Park	Heavy Industrial	Military Operations	Parks and Open Space	Natural and Technological	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.



- 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.

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 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 and permitted land uses as directed by Your El Paso County Master Pan.**

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 of the CS zone and shall meet all dimensional standards per Table 5-5 of the El Paso County Land Development Code.**

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:

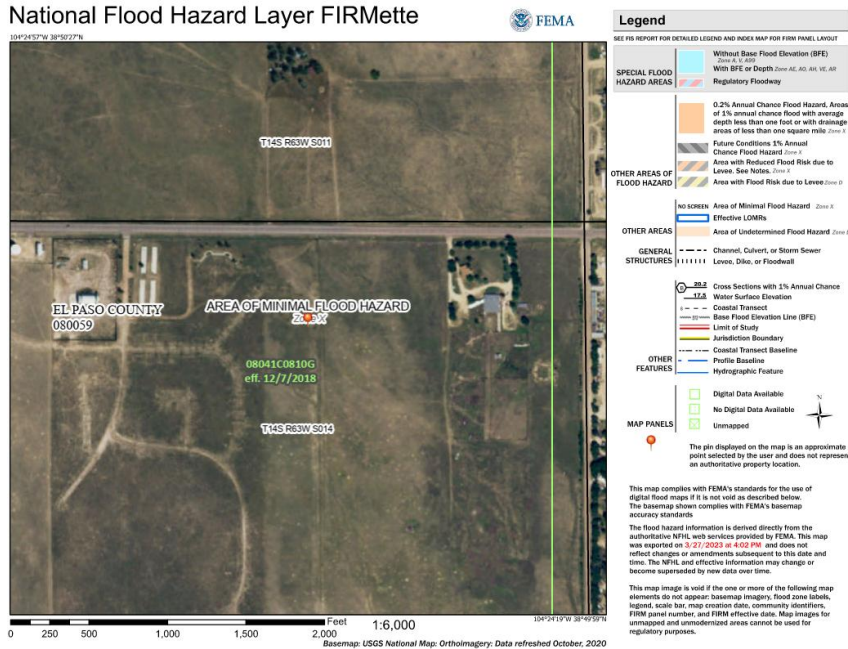
SITE NATURAL FEATURES:

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

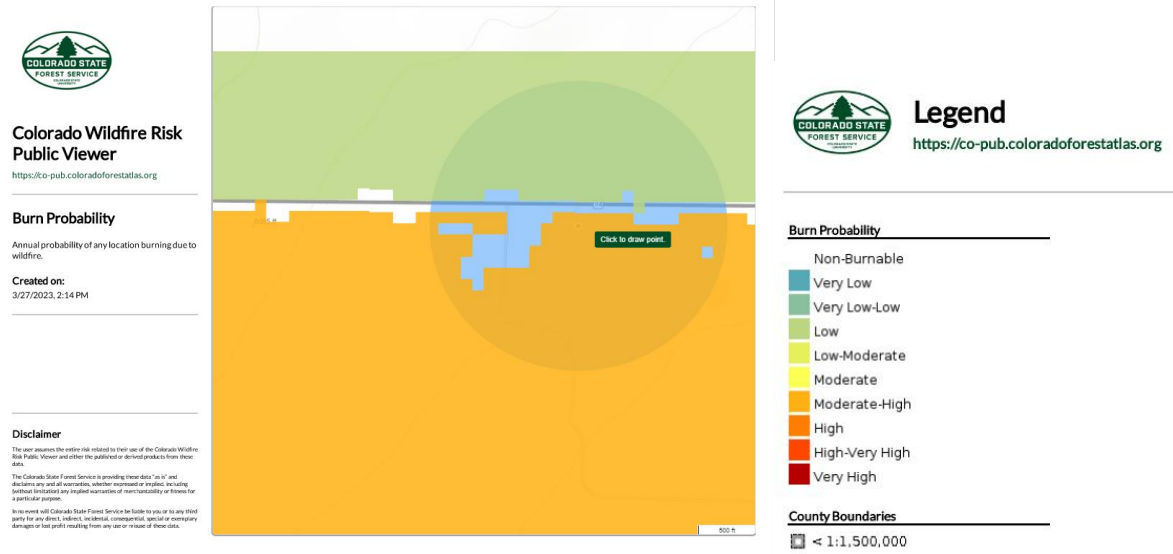


- The topography of the site includes rolling hills with one drainage way, extending from north to south through the property. The existing drainage ways are wide and without a defined flow path; no erosion is anticipated.

- An area of minimal flood hazard "Zone X" per the National Flood Hazard Layer FIRMette (08041C0820G); dated 12/7/2018.



- 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.

- Although the Filing 2a site is being rezoned from PUD to commercial services, the intent of the development is the same. Therefore, the same land use code is being used to calculate the site-generated traffic. However, trip rates were updated to reflect the latest edition of the Trip Generation Manual, which increased the trips by an insignificant amount. According to the El Paso County Engineering Criteria Manual Appendix B, a TIS is not required if a site generates less than 100 daily trips or less than ten peak trips. Therefore, the analysis in the Ellicott Town Center Filing 2 Traffic Impact Study PCD File Nos. CS192 & SF1910 report, submitted in September 2020, are still valid, and no further analysis is required.

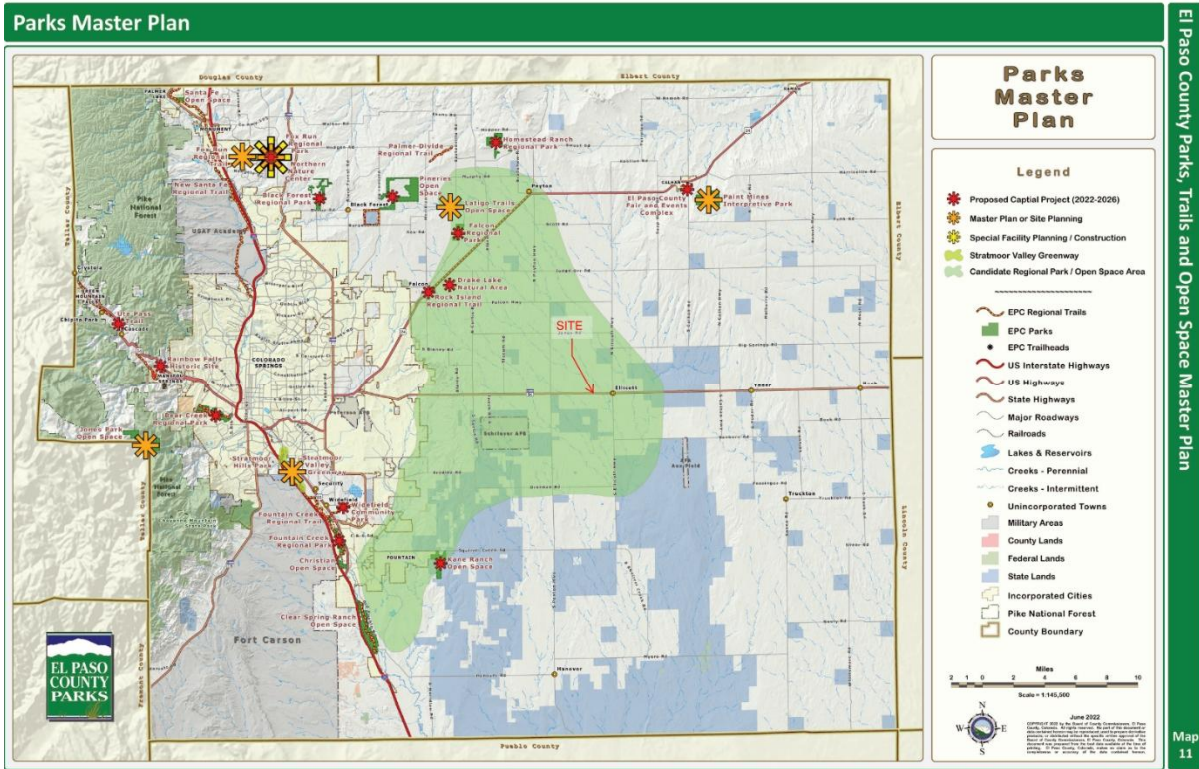
Table 1: Trip Generation Estimate from March 31, 2020 Report

Code	Description	Quantity	Units	Average Weekday	AM		PM	
					In	Out	In	Out
110	General Light Industrial	30	KSF	149	18	3	2	16

Table 2: Updated Trip Generation and Difference

Code	Description	Quantity	Units	Average Weekday	AM		PM	
					In	Out	In	Out
110	General Light Industrial	30	KSF	163	21	3	2	15
Trip Difference				14	3	0	0	-1

PARKS MASTER PLAN



Per the Park Master Plan, the proposed project site and development area is located in the area identified as the “Candidate for Regional Park/Open Space Areas”. The “Candidate for Regional Park/Open Space” areas is a broadly-defined area that encompasses a landscape unit or defined habitat type without regard to individual ownership boundaries. An acquisition of land or easements in these areas are to be accomplished through agreements with the landowners on a willing seller basis, such as, an agreement for a Conservation Easement. This can be further defined under the Chapter 11 section of the EL Paso County Parks Master Plan.

The Parks Master Plan indicates a proposed EPC Trail to be located along State Highway 94 and is identified as Highway 94 Regional Trail (Trail #11). It is understood that developers along the south Right of Way line (R.O.W.) of State Highway 94 shall dedicate a 25’ Easement/ Trail buffer to EPC for Trail #11. However, due site restriction associated with the existing developed properties owned by Cherokee Water and Sanitation District and Intelifab of Colorado LLC, a regional trail and easement dedication along State highway 94 will not be feasible to dedicate a trail easement along the south side of the Highway 94 right of way line.

Mayberry Communities is proposing to bring Regional Trail #11 into the Mayberry development and through the property as a feature of the Positive Place roadway Right-of-Way to establish and enhance local community and pedestrian connectivity throughout the development and meet the goals of the overall parks master plan and the community development plan. Allowing the regional trail to go through the community will enhance the future participation, connections and increase pedestrian use through an east west trail within the current and future development.

Per the Amended El Paso County Parks Master Plan dated 11/10/22 for publication, the Regional Trail #11 is estimated to be 19.35 miles in length, as of the date of publication the trail is 0% Complete.

Mayberry Communities is proposing to build out approximately 1.5 miles of the regional trail via Positive Place. Upon approval, Mayberry Communities is committed to build out this portion of trail and bring the trail completion to 7.75% completion of the overall trail.

The intention is to establish connectivity throughout the sketch plan (master planned community) that will help with meeting the community work, live, play objectives and meet pedestrian infrastructure goals. The proposed alignment will also support community walkability and the “live and work” 5-minute walkable model.

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

Focus are One: system and management:

Mayberry Communities is dedicated to providing and support large community events and provide visitor destinations and experiences between parks within the Sketch Plan Amendment, to be recorded. Create a balance of passive and active uses of parks, open space and internal trails based on community needs. Mayberry communities intends to provide high quality in management and administration of all department operations users of county park facilities and recreational areas.

Focus area Two: Parks

Mayberry Communities is dedicated to maximizing current assets to better serve it’s residents through maintaining consistent and equitable level of services for future population demand.

Focus area Three: Trails

Mayberry Communities will maintain the improvements of trails and intend to work collaboratively with governmental agencies, private organizations, and trail advocacy groups to create a continuous, connected system for the proposed regional trail. to provide regional parks, recreation areas, trails, and open space. The priority of Mayberry Communities will be to aid and enhance the trail connection of Trail #11 as identified in the master planning process.

Focus area Four: Open Space

The intention of Mayberry Communities is to feature unique natural features and areas of open space areas.

Focus area Five: Recreation and Cultural Services Programs and Facilities

Mayberry Communities intends to provide high quality recreation and educational experiences via recreational areas throughout the community and incorporation a regional through the community.

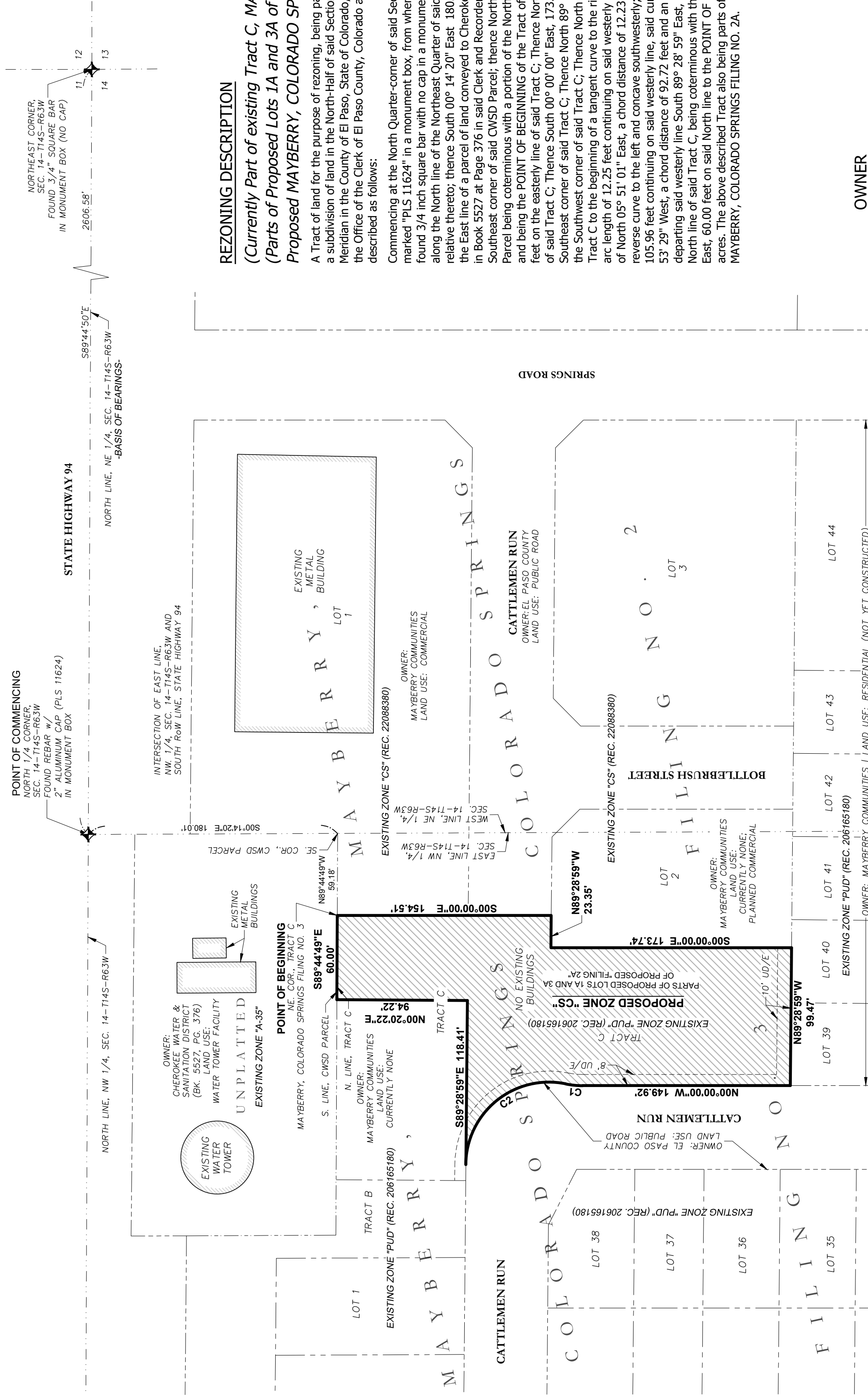
Focus area Six: Implementation and Funding

Mayberry Communities acknowledge the importance of parks and open space in El Paso County and will be providing adequate funding to develop, operate, and maintain these resources in order to provide a healthy environment throughout the community.

Additional Park and Open Space items are to be provided on the Proposed Mayberry Communities Sketch Plan Amendment (File No. SKP-236).

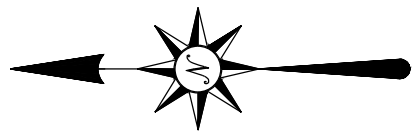
REZONING EXHIBIT

REZONING AREA - Part of Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3
(Parts of Proposed Lots 1A and 3A of Proposed MAYBERRY, COLORADO SPRINGS FILING NO. 2A)
In the Northwest Quarter of Section 14-T14S-R63W of the 6th P.M. | County of El Paso, State of Colorado



CURVE DATA TABLE

	R=	L=	Δ=	ChB	ChD
C1	60.00'	12.25'	11°42'02"	N6°51'01"E	12.23'
C2	60.00'	105.96'	101°11'01"	N38°53'29"W	92.72'



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

REZONING DESCRIPTION
(Currently Part of existing Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3)
(Parts of Proposed Lots 1A and 3A of Proposed MAYBERRY, COLORADO SPRINGS FILING NO. 2A)

A Tract of land for the purpose of rezoning, being part of Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North-Half of said 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 November 15, 2023 in the Office of the Clerk of El Paso County, Colorado as Reception Number 223715221, 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 along the North line of the Northeast Quarter of said Section 14 as shown on said plat, and all bearings herein are relative thereto; thence South 00° 14' 20" East 180.01 feet on the West line of said Northeast Quarter, also being the East line of a parcel of land conveyed to Cherokee Water and Sanitation District in the quit claim deed recorded in Book 5527 at Page 376 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"), to the Southeast corner of said CWSD Parcel; thence North 89° 44' 49" West, 59.18 feet on the South line of said CWSD Parcel being coterminous with a portion of the North line of said Tract C; to the Northeast corner of said Tract C and being the POINT OF BEGINNING of the Tract of land herein described; Thence South 00° 00' 00" East, 154.51 feet on the easterly line of said Tract C; Thence North 89° 28' 59" West, 23.35 feet continuing on the easterly line of said Tract C; Thence South 00° 00' 00" East, 173.74 feet continuing on the easterly line of said Tract C to the Southeast corner of said Tract C; Thence North 89° 28' 59" West, 99.47 feet on the South line of said Tract C to the Southwest corner of said Tract C; Thence North 00° 00' 00" West, 149.92 feet on the westerly line of said Tract C to the beginning of a tangent curve to the right and concave easterly; Thence northerly on said curve an arc length of 12.25 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 05° 51' 01" East, a chord distance of 12.23 feet and an interior angle of 11° 42' 02", to the beginning of a reverse curve to the left and concave southwesterly; Thence northerly and westerly on said curve an arc length of 105.96 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 38° 53' 29" West, a chord distance of 92.72 feet and an interior angle of 101° 11' 01", to a point of cusp; Thence departing said westerly line South 89° 28' 59" East, 118.41 feet; Thence North 00° 20' 22" East, 94.22 feet to the North line of said Tract C, being coterminous with the South line of said CWSD Parcel; Thence South 89° 44' 49" East, 60.00 feet on said North line to the POINT OF BEGINNING, said Tract containing 30,994 square feet or 0.712 acres. The above described Tract also being parts of proposed Lots 1A and 3A of the proposed subdivision MAYBERRY, COLORADO SPRINGS FILING NO. 2A.

OWNER
Tract A,
MAYBERRY, COLORADO SPRINGS FILING NO. 3
Mayberry Communities, LLC
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

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

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

REVISIONS

File: MC22199-El-Paso-Sub-A-3A	DD
Orig. Issue Date: 9/29/2023	DD
Drawn By:	KJK
Checked By:	
Project No.	MC22199

PCD FILE NO. CS234

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

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS234
MAYBERRY FILING NO. 2A CS REZONE

WHEREAS, Mayberry Communities, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, 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 April 18, 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 (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 approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for 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. CS2324 & VR2323). 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 18th day of April 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, MAYBERRY, COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North-Half of said 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 of El Paso County, Colorado as Reception Number _____, said Tract more particularly described as follows:

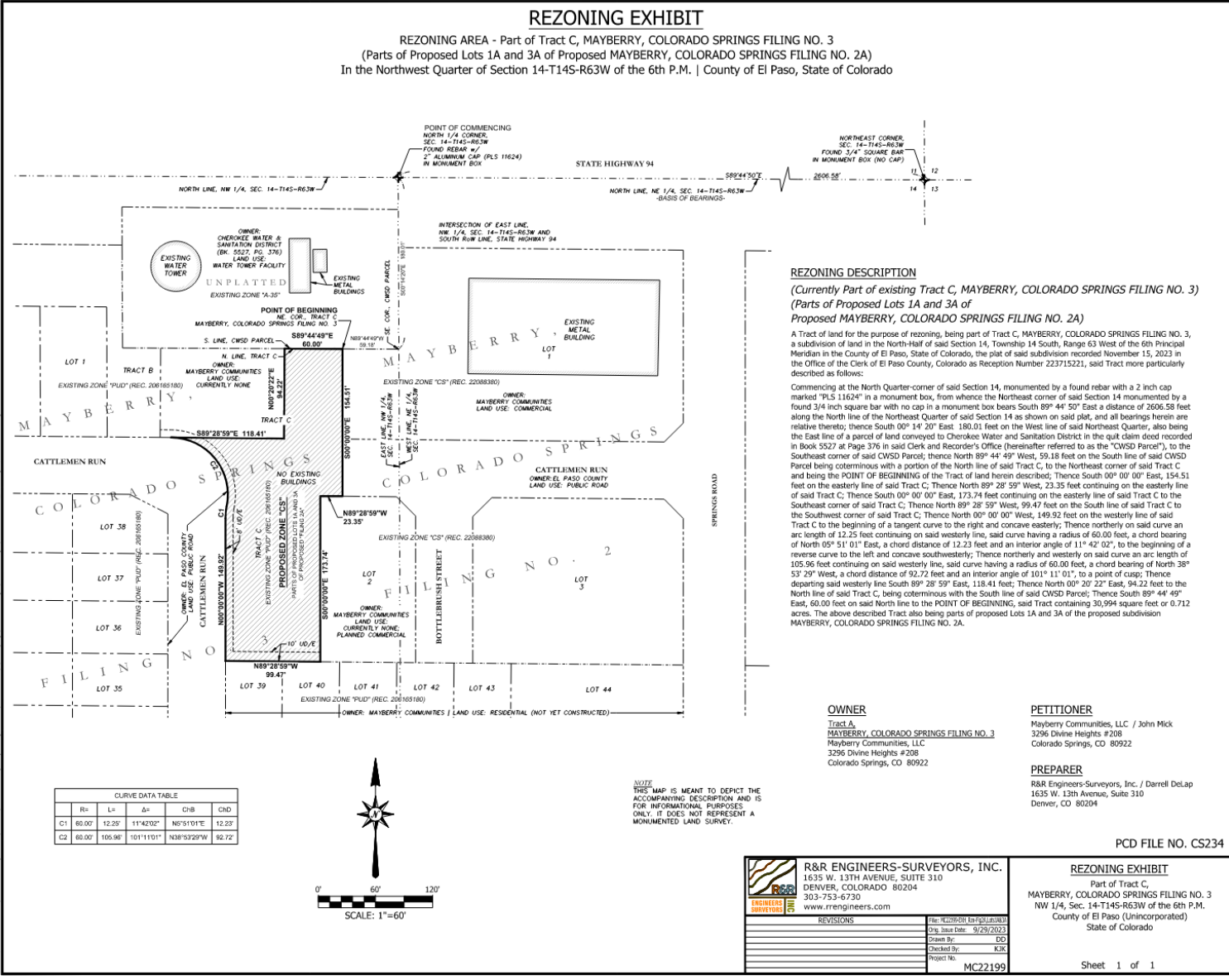
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The above described Tract also being parts of proposed Lots 1A and 3A of the proposed subdivision MAYBERRY, COLORADO SPRINGS FILING NO. 2A.

EXHIBIT B

REZONING EXHIBIT

REZONING AREA - Part of Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3
(Parts of Proposed Lots 1A and 3A of Proposed MAYBERRY, COLORADO SPRINGS FILING NO. 2A)
In the Northwest Quarter of Section 14-T14S-R63W of the 6th P.M. | County of El Paso, State of Colorado



REZONING DESCRIPTION

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(Parts of Proposed Lots 1A and 3A of Proposed MAYBERRY, COLORADO SPRINGS FILING NO. 2A)

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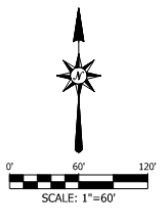
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OWNER
Tract A
MAYBERRY, COLORADO SPRINGS FILING NO. 3
Mayberry Communities, LLC
3256 Divine Heights #208
Colorado Springs, CO 80922

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

Curve	Rc	Lc	Δ	ChB	ChD
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C2	60.00'	105.96'	101°11'01"	N38°53'29"W	92.72'



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

PCD FILE NO. CS234

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

REVISIONS	File: R223715221.dwg
	Org. Issue Date: 9/29/2023
	Drawn By: GD
	Checked By: KJK
	Project No: MC22199

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

Sheet 1 of 1

Mayberry Filing No. 2A
Final Plat
Letter of Intent March 4, 2024

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 Final Plat. Said application will be processed at the same time of the rezoning of parcel no. 3414201031 and a portion of Parcel No. 3414201030. Overall Site includes Parcel No(s). 3414101002, 3414201028, 3414201031 and 3414101001, as depicted below. The proposed rezoning is located west of the southwest 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 ±1.0 acres. (Currently Zoned: Planned Unit Development [PUD]).



REQUEST

Mayberry Communities LLC (“Applicant”) Requests approval for three (3) lots as part of Mayberry Filing No. 2A.

The application to Rezone approximately 1.0 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. 3414201031 and a portion of Parcel No. 3414201030 to CS to match adjacent Parcels, 3414101002, 3414201028 and 3414101001.
- Approval of subdivision and replating of parcels, 3414101002, 3414201028 and 3414101001.

The process of the rezone is projected to run concurrently with the Final Plat/Replat of said parcels identified as Tract B, Mayberry Colorado Filing No.2. Mayberry Colorado Springs Filing No. 2A to be replated for a total of three (3) commercial lots and one (1) public utility tract, to later be dedicated to CCMD.

Associated with the application the transportation improvements including public and private roadway improvement, pedestrian facilities and 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 shall 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 shall 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 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 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 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 residential development.

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

KEY AREAS:

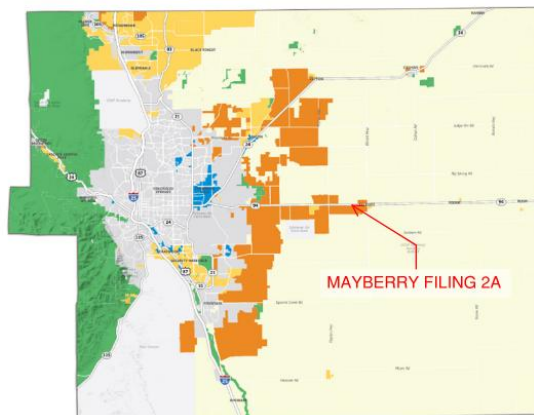


Key Areas

- | | | |
|---|--|---|
|  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) identified classifications of the “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

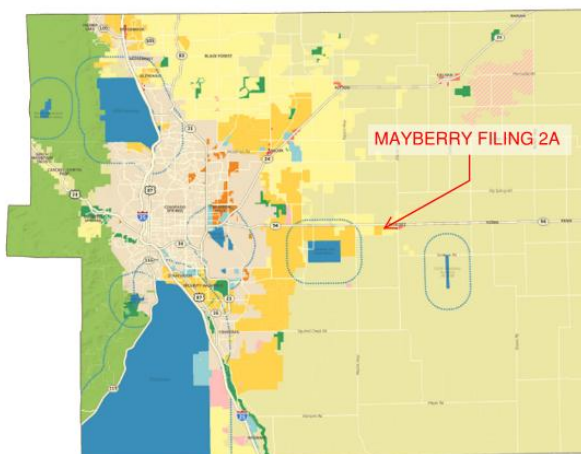
- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

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 and 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	Farm/Nonresidential	Esstate	Single Family Detached	Single Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Office	Tourism/Service	Entertainment and Arts	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 subdivision is in substantial conformance with the approved Final Plat-

- The proposal meets the subdivision plat standards and conforms to the EPC development regulations and to the lot-size standards of the approved zoning.

7.2.3(C)4 Approval Criteria for Replat

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
 - **The replat complies with the Code.**
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
 - **All lots are within conformance.**
- The replat is in keeping with the purpose and intent of this Code;
 - **The replat is within the purpose and intent of the code.**
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
 - **The replat is in conformance with findings for a minor subdivision as it creates three (3) lots.**
- Legal and physical access is provided to all parcels 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 provided to all parcels by public rights-of-way and is in compliance with El Paso County ECM**
- The approval will not adversely affect the public health, safety, and welfare; and
 - **No adverse effects to the public health, safety, and welfare**
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.
 - **The established and proposed lots are not subject to any CC&Rs nor restrictions**

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.

Upon discussion and review with the county, no further information is needed as there is no change in lot numbers from the previously approved Mayberry Filing No. 2 final plat. All water findings are compliant with the Water Master Plan.

YOUR EL PASO MASTER PLAN CONFORMANCE:

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

- ***Goal 1.1 - Ensure compatibility with established character and Infrastructure Capacity.***

Prior to the Your El Paso County Master Plan 2021, The BOCC made findings of compatibility and availability (Resolution 06-18) of the Sketch Plan for Ellicott Town Center (SKP-05-005) on 03/01/2006. The Sketch Plan Amendment, to be amended as “Mayberry Sketch Plan” (SKP236)

The current submittal demonstrates infrastructure capacity for public drainage, roadways, utilities, and other public services (parks, schools, and fire and police protection). Public improvements are proposed that are proportionate to the impact to or demands for services and/or infrastructure generated by the planned uses within the final plat area.

Urban services provided include, but are 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.

Water/sewer services will be provided 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.

The amendment further defines the detail of all amenities and services that will be managed by the Metropolitan District. The development of the public parks, open space, add to recreation services to the development and support the regional services provided by El Paso County and City of Colorado Springs

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

The existing plans and previous approved final plats will implement the planned mixed commercial, single, and multifamily residential uses defined with the Mayberry Communities Sketch Plan and uses defined within the adjacent PUD 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 proposal area and approved Sketch Plan includes residential single-family attached, single-family detached, and multifamily uses, together with commercial services and retail uses, and provide a transition to light and heavy industrial land uses along State Highway 94. The proposed commercial and retail uses will help meet and expand the desired mixed uses to serve the local community residents.

The proposed commercial lots are also conveniently located near a major transportation thoroughfare (SH 94), which can serve and connect local and regional residents 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;**

The 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 that 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 various associated 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 was prepared by CTL Thompson, and 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 found to be 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. These include, but are 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 their respective Mayberry Metropolitan Districts. All access planned is legal and in accordance with the provisions and allowances in the LDC and ECM.

Access to SH 94 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 from Ellicott Utilities Districts for water for fire suppression. The site plan layout and design of access and utilities demonstrate also illustrate that the proposed methods for fire protection comply with Chapter 6 of the County Code.

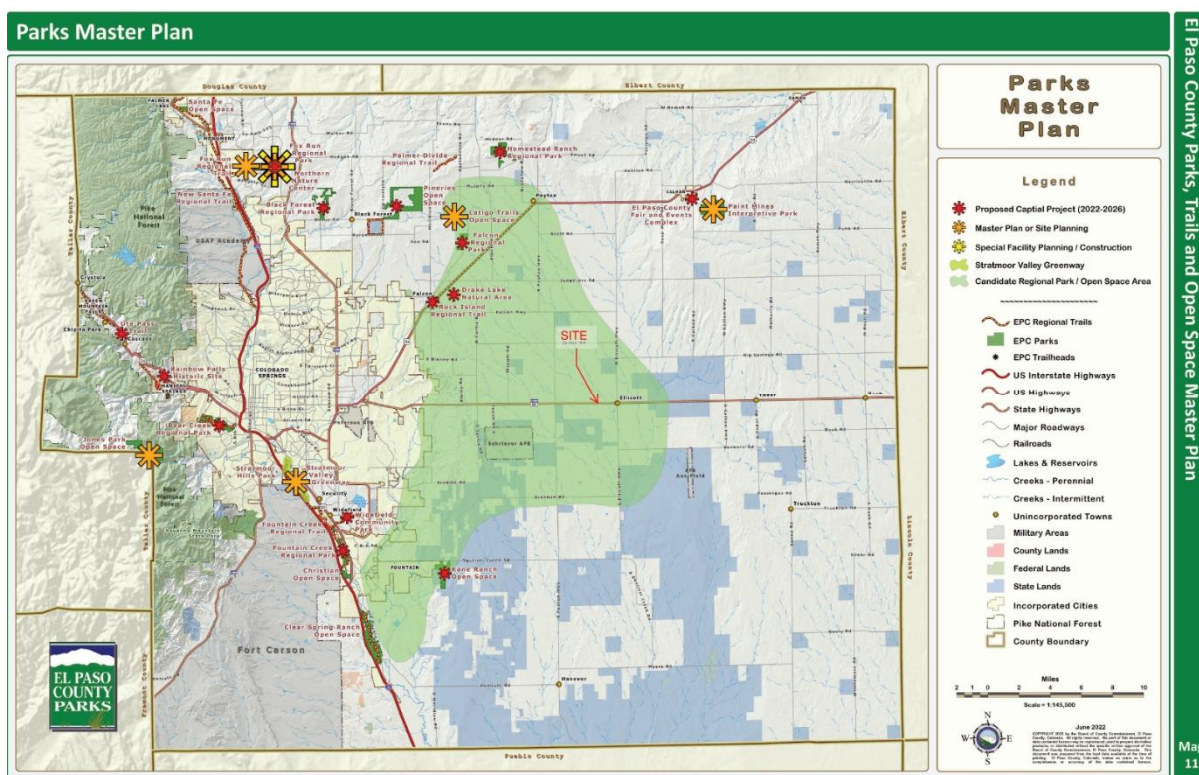
- **Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;**

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 No. 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).

PARKS MASTER PLAN



Per the Park Master Plan, the proposed project site and development area is located in the area identified as the “Candidate for Regional Park/Open Space Areas”. The “Candidate for Regional Park/Open Space” areas is a broadly-defined area that encompasses a landscape unit or defined habitat type without regard to individual ownership boundaries. An acquisition of land or easements in these areas are to be accomplished through agreements with the landowners on a willing seller basis, such as, an agreement for a Conservation Easement. This can be further defined under the Chapter 11 section of the EL Paso County Parks Master Plan.

The Parks Master Plan indicates a proposed EPC Trail to be located along State Highway 94 and is identified as Highway 94 Regional Trail (Trail #11). It is understood that developers along the south Right of Way line (R.O.W.) of State Highway 94 shall dedicate a 25’ Easement/ Trail buffer to EPC for Trail #11. However, due site restriction associated with the existing developed properties owned by Cherokee Water and Sanitation District and Intelifab of Colorado LLC, a regional trail and easement dedication along State highway 94 will not be feasible to dedicate a trail easement along the south side of the Highway 94 right of way line.

Mayberry Communities is proposing to bring Regional Trail #11 into the Mayberry development and through the property as a feature of the Positive Place roadway Right-of-Way to establish and enhance local community and pedestrian connectivity throughout the development and meet the goals of the overall parks master plan and the community development plan. Allowing the regional trail to go through the community will enhance the future participation, connections and increase pedestrian use through an east west trail within the current and future development.

Per the Amended El Paso County Parks Master Plan dated 11/10/22 for publication, the Regional Trail #11 is estimated to be 19.35 miles in length, as of the date of publication the trail is 0% Complete.

Mayberry Communities is proposing to build out approximately 1.5 miles of the regional trail via Positive Place. Upon approval, Mayberry Communities is committed to build out this portion of trail and bring the trail completion to 7.75% completion of the overall trail.

The intention is to establish connectivity throughout the sketch plan (master planned community) that will help with meeting the community work, live, play objectives and meet pedestrian infrastructure goals. The proposed alignment will also support community walkability and the “live and work” 5-minute walkable model.

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

Focus are One: system and management:

Mayberry Communities is dedicated to providing and support large community events and provide visitor destinations and experiences between parks within the Sketch Plan Amendment, to be recorded. Create a balance of passive and active uses of parks, open space and internal trails based on community needs. Mayberry communities intends to provide high quality in management and administration of all department operations users of county park facilities and recreational areas.

Focus area Two: Parks

Mayberry Communities is dedicated to maximizing current assets to better serve it’s residents through maintaining consistent and equitable level of services for future population demand.

Focus area Three: Trails

Mayberry Communities will maintain the improvements of trails and intend to work collaboratively with governmental agencies, private organizations, and trail advocacy groups to create a continuous, connected system for the proposed regional trail. to provide regional parks, recreation areas, trails, and open space. The priority of Mayberry Communities will be to aid and enhance the trail connection of Trail #11 as identified in the master planning process.

Focus area Four: Open Space

The intention of Mayberry Communities is to feature unique natural features and areas of open space areas

Focus area Five: Recreation and Cultural Services Programs and Facilities

Mayberry Communities intends to provide high quality recreation and educational experiences via recreational areas throughout the community and incorporation a regional through the community.

Focus area Six: Implementation and Funding

Mayberry Communities acknowledge the importance of parks and open space in El Paso County and will be providing adequate funding to develop, operate, and maintain these resources in order to provide a healthy environment throughout the community.

Additional Park and Open Space items are to be provided on the Proposed Mayberry Communities Sketch Plan Amendment (File No. SKP-236).

Final Plat of MAYBERRY, COLORADO SPRINGS FILING NO. 2A Being a replat of All of Lots 1, 2 and 3, MAYBERRY, COLORADO SPRINGS FILING NO. 2, along with Cattlemen Run Right-of-Way and Bottlebrush Street Right-of-Way adjoining said Lots 1, 2 and 3; And All of Tract C, MAYBERRY COLORADO SPRINGS FILING NO. 3; All lying and situated in the North-Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian County of El Paso (Unincorporated), State of Colorado

SUBDIVISION BOUNDARY DESCRIPTION

A tract of land being all of Lots 1, 2 and 3, 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, as Reception Number 22174698 in the Office of the Clerk and Recorder of El Paso County, Colorado,

AND
The Right-of-Ways of Cattlemen Run and Bottlebrush Street established by said MAYBERRY, COLORADO SPRINGS FILING NO. 2 and adjoining said Lots 1, 2 and 3,
AND
All of Tract C, MAYBERRY COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North Half of said Section 14, said county and state, the plat of said subdivision recorded November 15, 2023 as Reception Number 223715221 in said Clerk and Recorder's Office,

All together more particularly described as follows:
Commencing at the North Quarter-corner of said Section 14 monumented by a found 3/4 inch rebar with a 2 inch aluminum cap marked "U.P. & E. PLS 11624 1999" in a monument box, from whence a distance of 2606.58 feet on the North line of the Northeast Quarter of said Section 14, monumented by a found 3/4 inch square bar, bears South 89° 44' 50" East as shown on said plats, a distance of 2606.58 feet on the North line of the Northeast Quarter of said Section 14, being the basis of bearings of this description and all bearings hereon are relative thereto; Thence South 00° 14' 20" East, 73.51 feet on the East line of the Northeast Quarter of said Section 14, being coterminous with the East line of a parcel of land conveyed to Cherokee Water and Sanitation District by the quit claim deed recorded July 5, 1988 in book 3527 at Page 276 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"); to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Northeast corner of said Lot 1, being coterminous with the Southeast corner of said Lot 1; Thence North 89° 28' 59" West, 480.38 feet on the South line of said Lot 2 and 3, said Lot 2 and 3, said Tract C and the South Right-of-Way line of said Bottlebrush Street to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southwest corner of said Tract C, said corner also lying on the East Right-of-Way line of Cattlemen Run established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 3; Thence northerly and westerly on the westerly line of said Tract C, being coterminous with said Cattlemen Run Right-of-Way line, the following 5 courses and distances: 1) North 00° 00' 00" East, 149.92 feet to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the beginning of a tangent curve to the right and concave easterly; 2) Thence northerly on said curve an arc length of 122.25 feet, said curve having a radius of 60.00 feet, a chord bearing of 101° 11' 01" to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southeast corner of said Lot 1; Thence North 89° 28' 59" West, 480.38 feet on the South line of said Lot 2 and 3, said Lot 2 and 3, said Tract C and the South Right-of-Way line of said Bottlebrush Street to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southwest corner of said Lot 1, being coterminous with the Southeast corner of said Lot 1; Thence North 00° 14' 20" East, 106.50 feet on the East line of said CWSD Parcel, being common with a corner on said westerly line of said Lot 1; Thence North 00° 14' 20" West, 106.50 feet on the East line of said CWSD Parcel, being common with the westerly line of said Lot 1, to the POINT OF BEGINNING, said tract containing 196,512 square feet or 4,511 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 the above described land, and the plat of said subdivision is 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.

OWNER OF EXISTING LOTS 2 AND 3 AND PART OF EXISTING TRACT C

Mayberry Communities, LLC, a Colorado limited liability company

By: _____
R. Randy Goodson, President

Witness my hand and official seal

My commission expires _____

ACKNOWLEDGEMENT

Intellifab of Colorado, LLC, a Colorado limited liability company

By: _____
R. Randy Goodson, as _____

Witness my hand and official seal

My commission expires _____

ACKNOWLEDGEMENT

Justin Levellie, Vice President
Managing Member of Corundum Partners Investments, LLC, a Delaware limited liability company.

By: _____
Justin Levellie, Vice President

Witness my hand and official seal

My commission expires _____

14. Plat and subdivision Note 14 continued:

- 9. Bk. A, Pg. 78
- 10. Bk. 350, Pg. 274
- 11. Bk. 526, Pg. 436
- 12. Bk. 3647, Pg. 674
- 13. Bk. 3949, Pg. 449
- 14. Rec. 21995557
- 15. Rec. 21995558
- 16. Rec. 21995559
- 17. Rec. 21995560
- 18. Rec. 21995561
- 19. Rec. 21995562
- 20. Rec. 21995563
- 21. Rec. 21995564
- 22. Rec. 21995565
- 23. Rec. 21995566
- 24. Rec. 21995567
- 25. Rec. 203139554
- 26. Rec. 204006308
- 27. Rec. 204015159
- 28. Rec. 204043959
- 29. Rec. 204045661
- 30. Rec. 204061415
- 31. Rec. 204061416
- 32. Rec. 204061417
- 33. Rec. 204061418
- 34. Rec. 204061419
- 35. Rec. 204061420
- 36. Rec. 204061421
- 37. Rec. 204061422
- 38. Rec. 204061423
- 39. Rec. 204061424
- 40. Rec. 204061425
- 41. Rec. 204061426
- 42. Rec. 204061427
- 43. Rec. 204061428
- 44. Rec. 214038069
- 45. Rec. 214038070
- 46. Rec. 214038071
- 47. Rec. 214038072
- 48. Rec. 214038073
- 49. Rec. 214038074
- 50. Rec. 214038075
- 51. Rec. 214038076
- 52. Rec. 214038077
- 53. Rec. 214038078
- 54. Rec. 214038079
- 55. Rec. 214038080
- 56. Rec. 214038081
- 57. Rec. 214038082
- 58. Rec. 214038083
- 59. Rec. 214038084
- 60. Rec. 221085482
- 61. Rec. 221085483
- 62. Rec. 221085484
- 63. Rec. 221085485
- 64. Rec. 221085486
- 65. Rec. 221085487
- 66. Rec. 221085488
- 67. Rec. 221085489
- 68. Rec. 221085490
- 69. Rec. 221085491
- 70. Rec. 221085492
- 71. Rec. 221085493

GENERAL NOTES

- 1. 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.
- 2. Any person who knowingly removes, alters or defaces any public land survey monument or accessory monument or commits a Class Two (2) misdemeanor pursuant to C.R.S. § 18-4-508.
- 3. 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 record bearing of South 89° 44' 50" East and a ground distance of 2606.58 feet as shown on the plat of MAYBERRY, COLORADO SPRINGS FILING NO. 2, recorded March 10, 2021, as Reception Number 22174698 in the Office of the Clerk and Recorder of El Paso County, Colorado; said monumented at each end as shown on said plats, a distance of 2606.58 feet on the North line of the Northeast Quarter of said Section 14, being the basis of bearings of this description and all bearings hereon are relative thereto; Thence South 00° 14' 20" East, 73.51 feet on the East line of the Northeast Quarter of said Section 14, being coterminous with the East line of a parcel of land conveyed to Cherokee Water and Sanitation District by the quit claim deed recorded July 5, 1988 in book 3527 at Page 276 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"); to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Northeast corner of said Lot 1, being coterminous with the Southeast corner of said Lot 1; Thence North 89° 28' 59" West, 480.38 feet on the South line of said Lot 2 and 3, said Lot 2 and 3, said Tract C and the South Right-of-Way line of said Bottlebrush Street to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southwest corner of said Tract C, said corner also lying on the East Right-of-Way line of Cattlemen Run established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 3; Thence northerly and westerly on the westerly line of said Tract C, being coterminous with said Cattlemen Run Right-of-Way line, the following 5 courses and distances: 1) North 00° 00' 00" East, 149.92 feet to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the beginning of a tangent curve to the right and concave easterly; 2) Thence northerly on said curve an arc length of 122.25 feet, said curve having a radius of 60.00 feet, a chord bearing of 101° 11' 01" to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southeast corner of said Lot 1; Thence North 89° 28' 59" West, 480.38 feet on the South line of said Lot 2 and 3, said Lot 2 and 3, said Tract C and the South Right-of-Way line of said Bottlebrush Street to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southwest corner of said Lot 1, being coterminous with the Southeast corner of said Lot 1; Thence North 00° 14' 20" East, 106.50 feet on the East line of said CWSD Parcel, being common with a corner on said westerly line of said Lot 1; Thence North 00° 14' 20" West, 106.50 feet on the East line of said CWSD Parcel, being common with the westerly line of said Lot 1, to the POINT OF BEGINNING, said tract containing 196,512 square feet or 4,511 acres.
- 4. On the map sheets of this plat, references of "FILING NO. 1" refer to the recorded plat of MAYBERRY, COLORADO SPRINGS FILING NO. 1 (Reception No. 220714655; reference of "FILING NO. 2" refer to the recorded plat of MAYBERRY, COLORADO SPRINGS FILING NO. 2 (Reception No. 22174698); and references of "FILING NO. 3" refer to the recorded plat of MAYBERRY, COLORADO SPRINGS FILING NO. 3 (Reception No. 223715221).
- 5. Dimension units shown are U.S. Survey Feet.
- 6. No offset monument (witness and/or reference monuments) along exterior boundary of this subdivision were set in conjunction with this plat.

SURVEYOR'S CERTIFICATION

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 on August 31, 2021, 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 ___st day of ____, 20__.

Kevin J. Kucharczyk, P.L.S. Colorado Registered PLS# 24591

For and on behalf of R&R Engineers-Surveyors, Inc.

The word "certification" and/or "certify" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.

APPROVALS

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

This plat for MAYBERRY, COLORADO SPRINGS FILING NO. 2A 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 (Cattlemen Run, Bottlebrush Street, public utility and drainage easements) are accepted, but the 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.

Previous plat name in entirety is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk and Recorder, Reception # 22174698.

Chair, Board of County Commissioners

PCD Director

RECORDING

I hereby certify this instrument was filed for record in the Office of the Clerk and Recorder of El Paso County, Colorado on this _____ day of _____, 20____ A.D. and is recorded as Reception No. _____ of the records of El Paso County, Colorado.

OWNERS

Existing Lots 2 and 3, MAYBERRY, COLORADO SPRINGS FILING NO. 2 and Part of existing Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3 (being Lots 2A, 3A and Tract A of this plat)
Mayberry Communities, LLC
3296 Divine Heights #208
Colorado Springs, CO 80922
By Reception No. 21140101 (Parcel H)

SURVEYOR AND ENGINEER

R&R Engineers-Surveyors, Inc.
303-753-6730
www.rrengineers.com
1635 W. 13th Avenue, Suite 310
Denver, CO 80204
Ph: (303) 753-6790
Surveyor: Kevin J. Kucharczyk (P.L.S. 34591)
Engineer: Tim Stackhouse (P.E. 0061924)

El Paso County PCD File No. VR2323

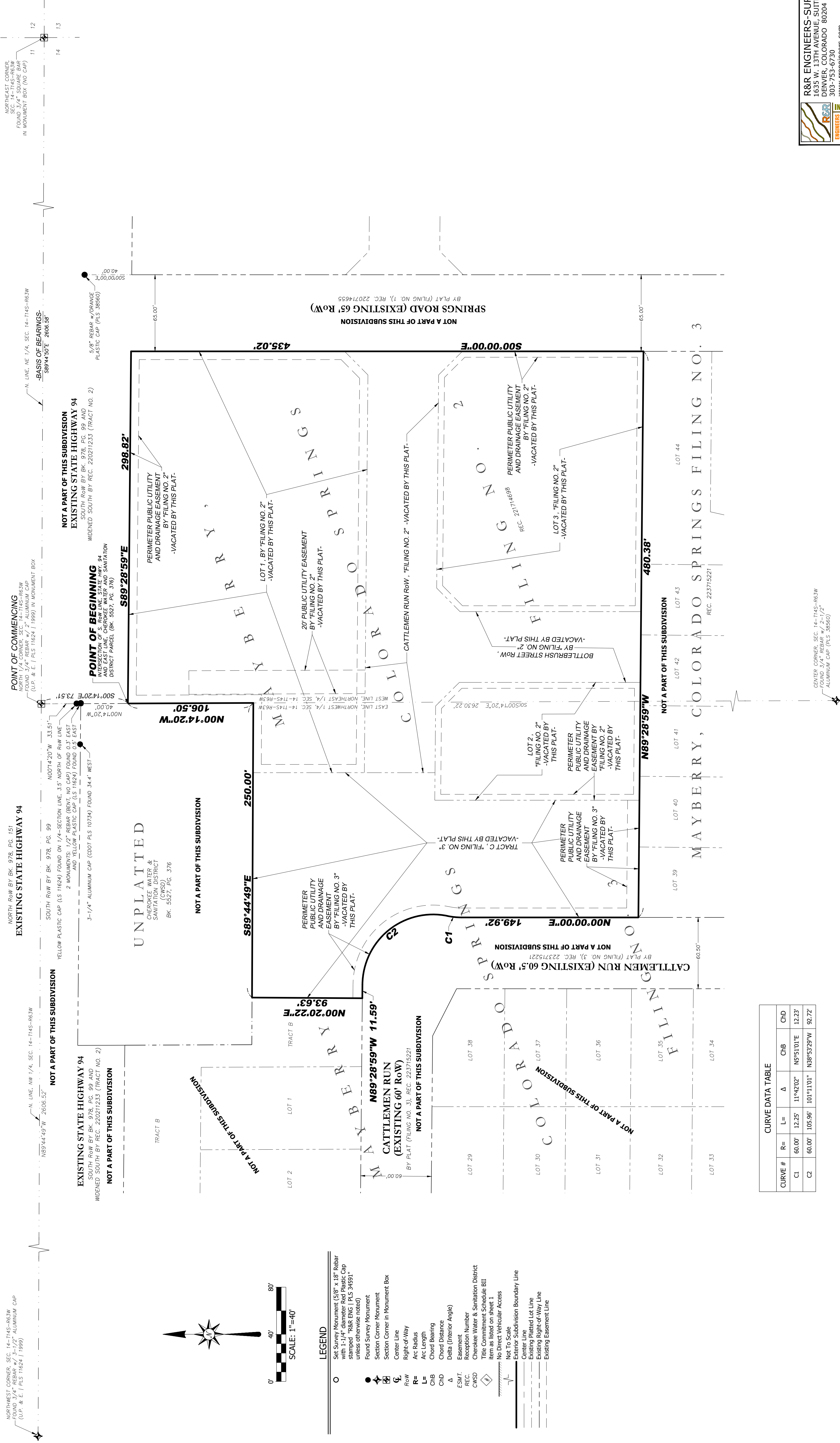
R&R ENGINEERS-SURVEYORS, INC.
1635 W. 13TH AVENUE, SUITE 310
DENVER, COLORADO 80204

REVISIONS	Sheet 1 of 3
FILED	FILED
DATE	DATE
PROJECT NO.	PROJECT NO.

MC22199

Being a replat of All of Lots 1, 2 and 3, MAYBERRY, COLORADO SPRINGS FILING NO. 2A
 And All of Tract C, MAYBERRY COLORADO SPRINGS FILING NO. 3;
 All lying and situated in the North-Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian
 County of El Paso (Unincorporated), State of Colorado

VACATIONS OF PREVIOUSLY PLATTED LOTS, ROWs AND EASEMENTS IN MAYBERRY, COLORADO SPRINGS FILING NO. 2



CURVE DATA TABLE					
CURVE #	R=	L=	Δ	CHB	CHD
C1	60.00'	12.25'	11°42'02"	N85°51'01"E	12.23'
C2	60.00'	105.96'	101°11'01"	N38°53'29"W	92.72'

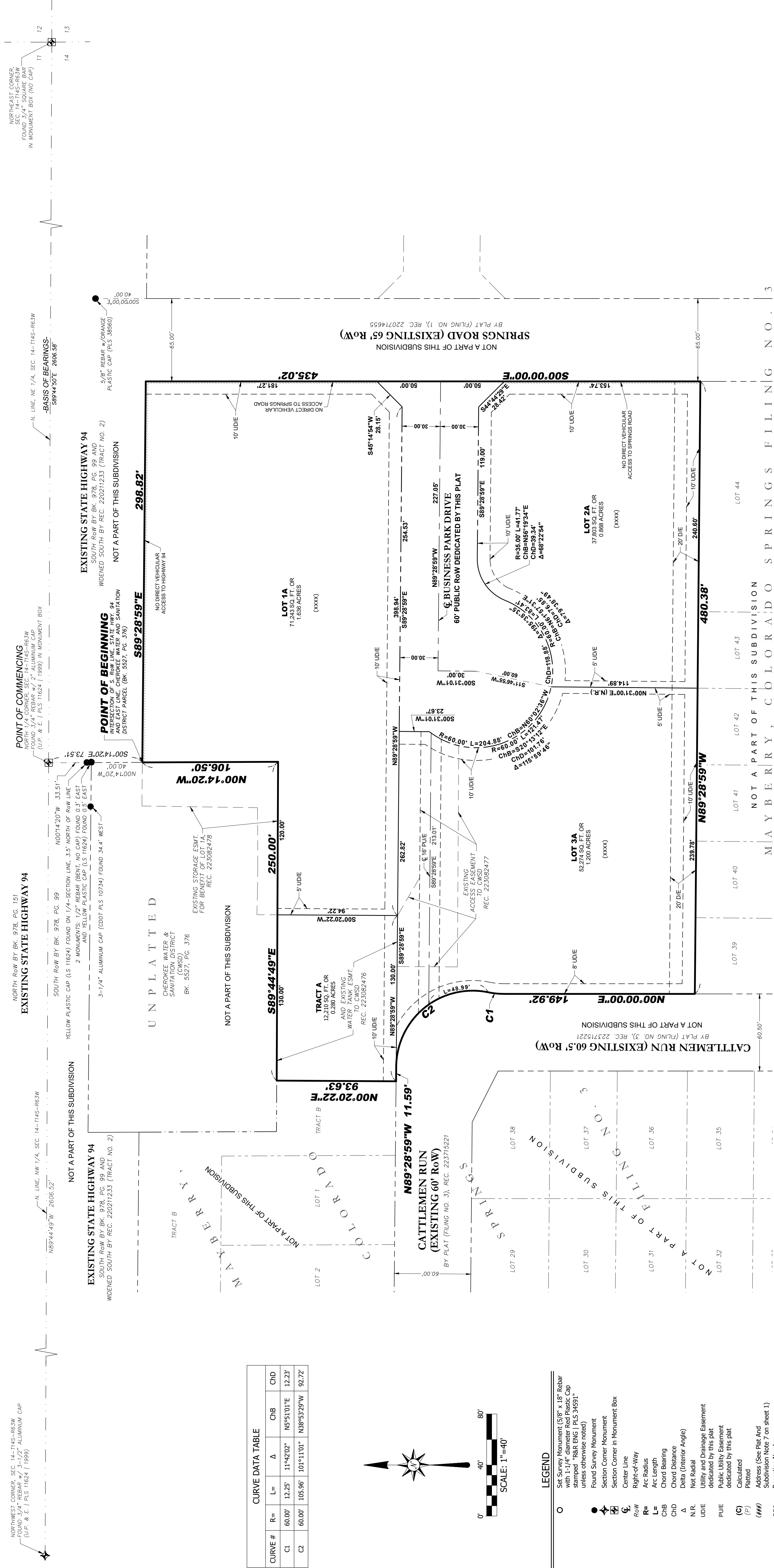
R&R ENGINEERS-SURVEYORS, INC.
 1635 W. 13TH AVENUE, SUITE 310
 DENVER, COLORADO 80204
 303-753-6730
 www.rrengineers.com

REVISED: [Date]
 Drawn by: [Name]
 Checked by: [Name]
 Project No. MC22199

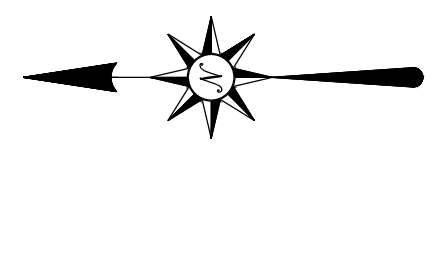
Sheet 2 of 3

Final Plat of
MAYBERRY, COLORADO SPRINGS FILING NO. 2A
 Being a replat of All of Lots 1, 2 and 3, MAYBERRY, COLORADO SPRINGS FILING NO. 2, along with Cattleman Run Right-of-Way and Bottlebrush Street Right-of-Way adjoining said Lots 1, 2 and 3;
 And All of Tract C, MAYBERRY COLORADO SPRINGS FILING NO. 3;
 All lying and situated in the North-Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian
 County of El Paso (Unincorporated), State of Colorado

LAYOUT AND LOT DETAIL OF THIS REPLAT



CURVE #	R=	Δ	CHB	CHD
C1	60.00'	12.25'	N85°51'01"E	12.23'
C2	60.00'	105.96'	101°11'01"	N38°53'29"W
				92.72'



- LEGEND**
- Set Survey Monument (5/8" x 18" Rebar with 1-1/4" diameter Red Plastic Cap stamped "R&R ENG | PLUS 94591" unless otherwise noted)
 - Found Survey Monument
 - ⊙ Section Corner in Monument Box
 - Center Line
 - Right-of-Way
 - Row
 - Arc Radius
 - Arc Length
 - Chord Bearing
 - Chord Distance
 - ChD
 - Delta (Interior Angle)
 - Δ
 - Not Radial
 - N.R.
 - UDE Utility and Drainage Easement dedicated by this plat
 - PUE Public Utility Easement dedicated by this plat
 - (C) Calculated
 - (P) Platted
 - (##) Address (See Plat And Subdivision Note 7 on sheet 1)
 - REC. Reception Number
 - REC. ES&C Cherokee Water & Sanitation District
 - CWSD Title Commitment Schedule BII Item as listed on sheet 1
 - No Direct Vehicular Access
 - Not To Scale
 - Exterior Subdivision Boundary Line
 - Lot Line established by this Plat
 - Right-of-Way Line dedicated by this plat
 - Center Line dedicated by this plat
 - Existing Platted Lot Line
 - Existing Right-of-Way Line
 - Existing Easement Line

	Planned Use	Planned Ownership	Total Square Feet	Total Acres
Lots 1A, 2A, 3A	Commercial Development	Private	161,320	3.703
Tract A	Utility/Water Tower Use	to be conveyed to CWSD	12,210	0.280
Right-of-Way	Public Road / Street	El Paso County	22,982	0.528
TOTALS			196,512	4.511

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

REVISIONS
 File: MC22199-FP-F162A
 Date: 9/29/2023
 Drawn by: [blank]
 Checked by: [blank]
 Project No.: MC22199

Sheet 3 of 3

VACATION AND REPLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR2323

MAYBERRY FILING NO. 2A

WHEREAS, Mayberry Communities, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to create three (3) commercial lots within the PUD (Planned Unit Development) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on April 18, 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; and
7. For the above-stated and other reasons, the proposed Vacation and Replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, in approving a Vacation and Replat of a Subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Section 7.2.3(C)(4) of the Land Development Code ("Code") (as amended):

1. The Replat complies with the Code and the original conditions of approval associated with the recorded Plat;
2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
3. The Replat is in keeping with the purpose and intent of the Code;
4. The Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable;
5. 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 Engineering Criteria Manual ("ECM");
6. The approval will not adversely affect the public health, safety, and welfare; and
7. Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the Replat has been resolved.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Mayberry Communities, LLC for approval of a Vacation and Replat to allow creation of three (3) commercial lots within the PUD (Planned Unit Development) zoning district 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.

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 El Paso County Planning Commission, State of Colorado.

DONE THIS 18th day of April 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Thomas Bailey, Chair

EXHIBIT A

A tract of land being all of Lots 1, 2 and 3, 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 as Reception Number 221714698 in the Office of the Clerk and Recorder of El Paso County, Colorado,

AND

The Right-of-Ways of Cattlemen Run and Bottlebrush Street established by said MAYBERRY, COLORADO SPRINGS FILING NO. 2 and adjoining said Lots 1, 2 and 3,

AND

All of Tract C, MAYBERRY COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North Half of said Section 14, said county and state, the plat of said subdivision recorded _____, 20__ as Reception Number _____ in said Clerk and Recorder's Office,

All together more particularly described as follows:

Commencing at the North Quarter-corner of said Section 14 monumented by a found 3/4 inch rebar with a 2 inch aluminum cap marked "U.P. & E. PLS 11624 1999" in a monument box, from whence the Northeast corner of said Section 14, monumented by a found 3/4 inch square bar in a monument box, bears South 89° 44' 50" East as shown on said plats, a distance of 2606.58 feet on the North line of the Northeast Quarter of said Section 14, being the basis of bearings of this description and all bearings herein are relative thereto; Thence South 00° 14' 20" East, 73.51 feet on the East line of the Northwest Quarter of said Section 14, being coterminous with the East line of a parcel of land conveyed to Cherokee Water and Sanitation District by the quit claim deed recorded July 5, 1988 in Book 5527 at Page 376 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"), to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Northwest corner of said Lot 1 and being the POINT OF BEGINNING of the tract of land herein described; Thence South 89° 28' 59" East, 298.82 feet on the North line of said Lot 1, being coterminous with the South Right-of-Way line of State Highway 94 established by the warranty deed recorded December 23, 2020 as Reception No. 220211233 in said Clerk and Recorder's Office, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Northeast corner of said Lot 1, said corner lying on the West Right-of-Way line of Springs Road established by the plat of MAYBERRY, COLORADO SPRINGS FILING NO. 1 recorded December 23, 2020 as Reception Number 220714655 in said Clerk and Recorder's Office; Thence South 00° 00' 00" East, 435.02 feet on said West Right-of-Way line, being coterminous with the East lines of said Lots 1 and 3 and the East end of said Cattlemen Run Right-of-Way, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southeast corner of said Lot 3; Thence North 89° 28' 59" West, 480.38 feet on the South lines of said Lots 2 and 3, said Tract C and the South Right-of-Way line of said Bottlebrush Street to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southwest corner of said Tract C, said corner also lying on the East Right-of-Way line of Cattlemen Run established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 3; Thence northerly and westerly on the westerly line of said Tract C, being coterminous with said Cattlemen Run Right-of-Way line, the following 5 courses and distances: 1) North 00° 00' 00" East, 149.92 feet to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the beginning of a tangent curve to the right and concave easterly; 2) Thence northerly on said curve an arc length of 12.25 feet, said curve having a radius of 60.00 feet, a chord bearing of North 05° 51' 01" East, a chord distance of 12.23 feet and an interior angle of 11° 42' 02", to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the beginning of a reverse curve to the left and concave southwesterly; 3) Thence northerly and northwesterly on said reverse curve an arc length of 105.96 feet, said curve having a radius of 60.00 feet, a chord bearing of North 38° 53' 29" West, a chord distance of 92.72 feet and an interior angle of 101° 11' 01", to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap

stamped "R&R ENG | PLS 34591" set on the end of said curve at a point of tangency; 4) Thence North 89° 28' 59" West, 11.59 feet to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the most westerly Southwest corner of said Tract C and being common with the Southeast corner of Tract B, said MAYBERRY, COLORADO SPRINGS FILING NO. 3; 5) Thence North 00° 20' 22" East, 93.63 feet on the West line of said Tract C, being coterminous with the East line of said Tract B, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Northwest corner of said Tract C, being a point on the South line of said CWSD Parcel; Thence departing said westerly line of Tract C South 89° 44' 49" East, 250.00 feet on the South line of said CWSD Parcel, being coterminous with the North line of said Tract C and an east/west segment of the westerly line of said Lot 1, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southeast corner of said CWSD Parcel, being common with a corner on said westerly line of said Lot 1; Thence North 00° 14' 20" West, 106.50 feet on the East line of said CWSD Parcel, being coterminous with the westerly line of said Lot 1, to the POINT OF BEGINNING, said tract containing 196,512 square feet or 4.511 acres.

