

# Mayberry Filing No. 2A

## Zone Change

### Letter of Intent January 31, 2024

**APPLICANT-OWNER/CONSULTANT INFORMATION:**

**OWNER/APPLICANT**

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

**PLANNING SUPPORT**

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

**ENGINEERING/SURVEYING**

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

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

The application for a map amendment (rezoning) includes Parcel No. 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  $\pm 1.0$ . (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:**

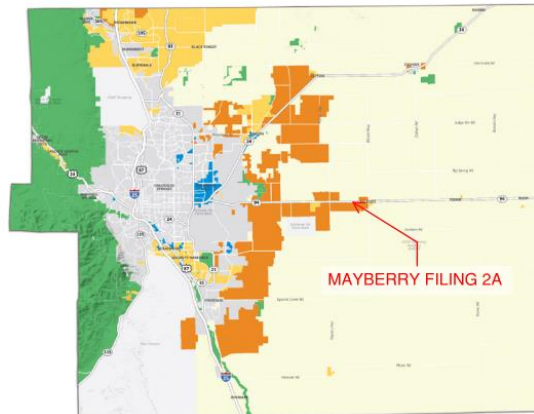


**Key Areas**

- |   |  |   |
|---|--|---|
| 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**

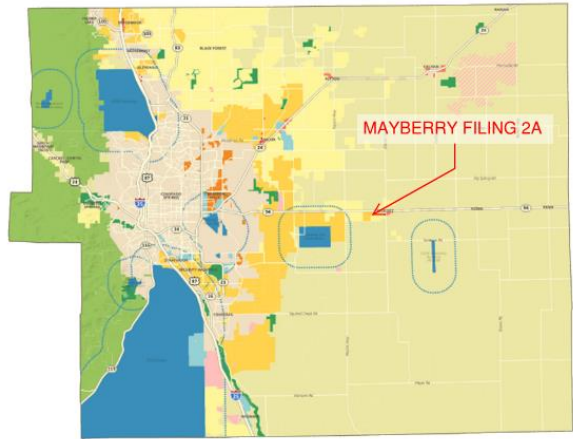


- **Mayberry Filing No 2A Final Plat is located in an area expected for “New Development”. These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a 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	Family Homebased	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Service	Tourism Commercial	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.



- **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 rezone is a minor portion of the overall Mayberry Communities Sketch Plan Amendment (SKP-05-005), adjacent properties are zoned CS and PUD.**

- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;

**The requested rezone is in compliance with applicable statutory provisions.**

- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions;

**The proposed land use of CS is adjacent to existing CS zones and is in compliance with the existing Sketch Plan (SKP-05-005) and proposed Mayberry Communities Sketch Plan Amendment, to be approved.**

- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

**The site is suitable for intended use. Use for the CS Zone e....**

**Water Master Plan:**

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

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

Wastewater systems:

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

Electric

- Electric service will be provided through Mountain View Electric.
- Gas
- Gas service will be provided through Black Hills Energy.

Natural or Physical site features:

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

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



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



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

National Flood Hazard Layer FIRMette



**Legend**

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

**SPECIAL FLOOD HAZARD AREAS**

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

**OTHER AREAS OF FLOOD HAZARD**

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

**OTHER AREAS**

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

**GENERAL STRUCTURES**

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

**OTHER FEATURES**

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

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

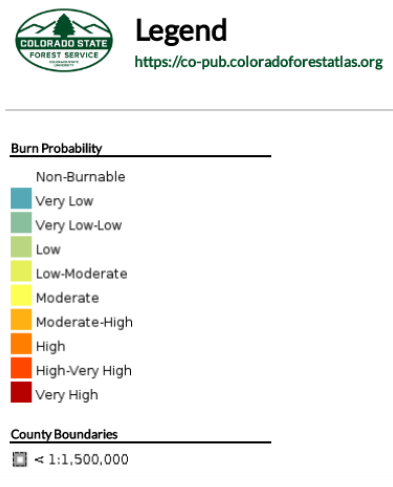
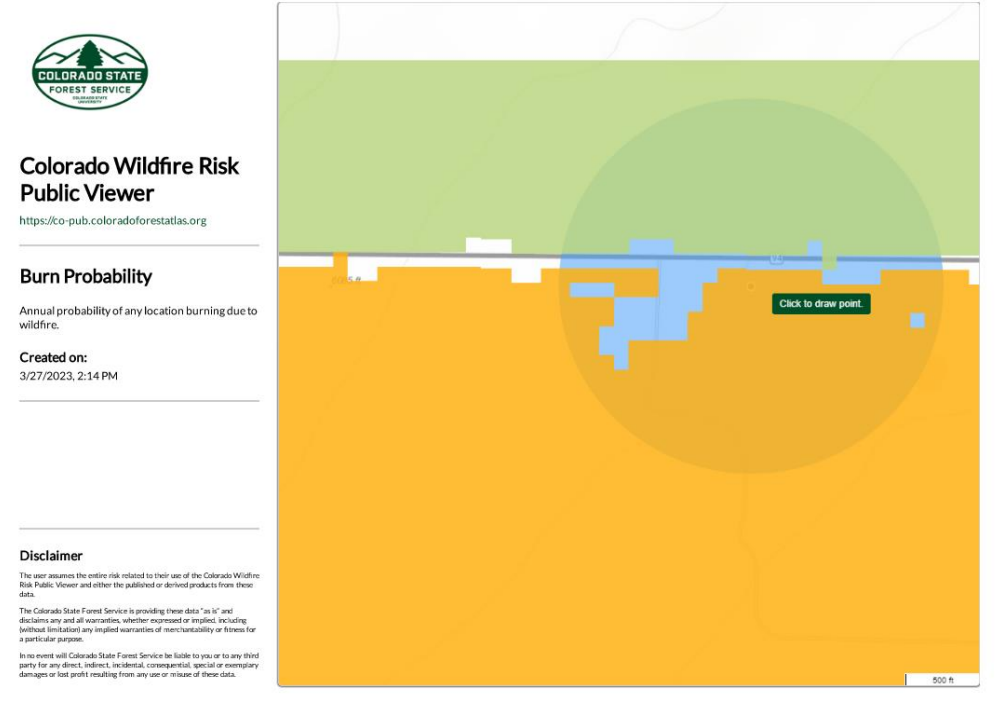
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

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

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

- 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.**

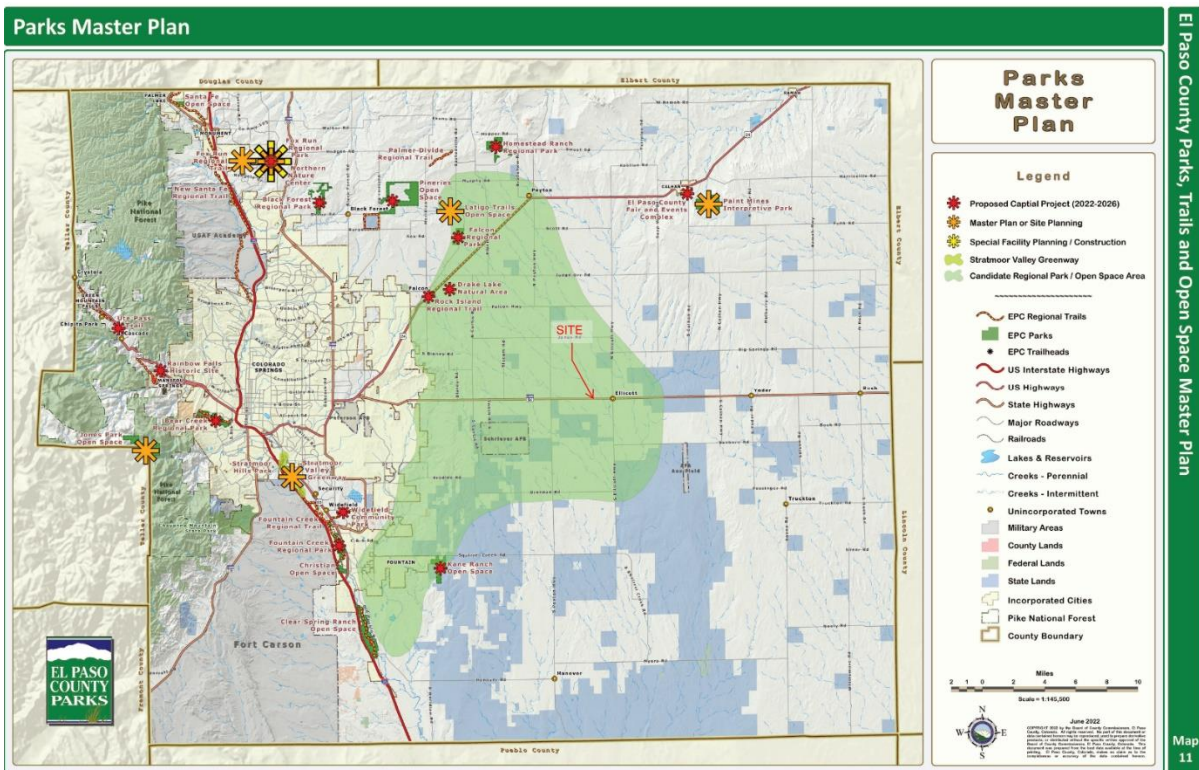
**Table 1: Trip Generation Estimate from March 31, 2020 Report**

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
<b>Trip Difference</b>				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).