

EL PASO COUNTY

COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
 Stan VanderWerf, Chair**

**FROM: Ryan Howser, AICP, Planner II
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director**

**RE: Project File #: PUDSP-21-009
 Project Name: Mayberry Phase 1
 Parcel Nos.: See attached parcel list**

OWNER:	REPRESENTATIVE:
Mayberry Communities, LLC PO Box 675725 Rancho Santa Fe, CA, 92067	N.E.S., Inc. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	3/17/2022
Board of County Commissioners Hearing Date	4/5/2022

EXECUTIVE SUMMARY

A request by Mayberry Communities, LLC, for approval of a map amendment (rezoning) from the Ellicott Town Center PUD (Planned Unit Development) to the Mayberry Phase 1 PUD (Planned Unit Development) and approval of a preliminary plan for 240 single-family residential lots and seven (7) tracts. The 71.39-acre property is located on the south side of Colorado State Highway 94, approximately two (2) miles east of Peyton Highway, and is within Sections 14 and 15, Township 14 South, Range 63 West of the 6th P.M



A. REQUEST/MODIFICATIONS/AUTHORIZATION

Request: Approval of a map amendment (rezoning) from the Ellicott Town Center PUD (Planned Unit Development) to the Mayberry Phase 1 PUD (Planned Unit Development) to develop 240 single-family residential lots within a 71.39-acre development area. In accordance with Section 4.2.6.E of the El Paso County Land Development Code (2021), a PUD Development Plan May be Approved as a Preliminary Plan; the applicant is also requesting the PUD development plan be approved as a preliminary plan.

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The applicant requests the following modification(s) of the Land Development Code:

1. A PUD Modification of Section 8.4.5.G.4.b of the Code is requested with this application to allow for a reduction in the side yard drainage easements to four (4) feet.

Section 8.4.5.G.4.b, *Standard Drainage Easement Widths and Locations*, of the Code states: Drainage easements may be coincident with the required utility easements unless requested otherwise by the review engineer. The standard drainage easements for urban and rural lots shall be provided as follows:

Urban Density

- Side Lot Lines: 5 feet
- Rear Lot Lines: 7 feet

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. Per the proposed PUD/preliminary plan, adequate drainage easements can be provided as depicted on the PUD/preliminary plan. Additionally, the submitted drainage report identifies that the reduced drainage easement will maintain adequate drainage throughout the site.

The development proposes urban detached single-family lots which are a minimum of 4,900 square feet, with a minimum lot width of 40 feet. Standard side-yard drainage easements are not practical with this urban single-family development because structures are not allowed to be erected within the easements. Lots are proposed to have a minimum side yard building setback of four (4) feet.

2. A PUD Modification of Section 8.4.6.C.2.d of the Code is requested with this application to allow for a reduction in the side yard utility easements to four (4) feet.

Section 8.4.6.C.2.d, *Standard Easement Widths and Location*, of the Code states:

“Unless otherwise required by the utility provider, the standard utility easements for urban lots shall be provided as follows:

- Side Lot Lines: 5-feet;
- Rear Lot Lines: 7-feet.”

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. Per the proposed PUD/preliminary plan, adequate utility easements can be provided as depicted on the PUD/preliminary plan.

The development proposes urban detached single-family lots which are a minimum of 4,900 square feet, with a minimum lot width of 40 feet. Standard side-yard utility easements are not practical with this urban single-family development because structures are not allowed to be erected within the easements. Lots are proposed to have a minimum side yard building setback of four (4) feet.

The applicant requests the following modification(s) of the Engineering Criteria Manual (ECM):

1. A PUD modification of Section 2.5.2.C.4 of the ECM to omit midblock pedestrian crossings along Union Pacific Way and El Reno Lane.

Section 2.5.2.C.4 of the ECM states:

“Access ramps on local roadways shall be spaced no greater than 600 feet apart. Where spacing is greater than 600 feet, mid-block access ramps shall be provided at spacing that minimize travel distances between access ramps. Private accesses may be used for these access points where the access is designed to meet access ramp requirements.”

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification as adequate pedestrian accessibility is provided by access ramps at all intersections and mid-block trail crossings. Additionally, the Federal Americans with Disabilities Act (ADA) has no requirements for maximum distance between pedestrian crossings that would necessitate additional mid-block pedestrian ramps.

2. A PUD modification of Appendix F, detail SD_2-77 of the ECM to modify the standard sight distance triangle length at the urban local knuckle.

Detail SD_2-77 identifies a length of 40 feet for each leg of the sight distance triangle at the inside radius of the knuckle based on a 25-mph design speed. The length of each leg is proposed to be 40 feet and 20 feet, with the 20-foot leg located where the driveway access to the residential corner lot will be located.

ECM Administrator Recommendation:

The ECM administrator recommends approval of the requested PUD modification as the typical speed of vehicles is reduced around the curve of the knuckle to approximately 15-mph allowing for adequate sight distance. Additionally, the proposal will allow for sufficient stopping sight distance on the horizontal curve which is the intended result of the sight distance triangle legs.

Staff recommends that the deviation requests associated with the PUD (Planned Unit Development) Modifications from the ECM as prepared are acceptable contingent upon the approval of the PUD Modifications by the Board of County Commissioners.

Authorization to Sign: PUD Development Plan and any other documents required to finalize the approval

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular item at the March 17, 2022 hearing. The item was pulled from the Consent calendar by Planning Commission member Carlson.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 - 0

Vote Rationale: N/A

Summary of Hearing: The March 17, 2022 Draft Minutes are attached.

Legal Notice: Advertised in the Shopper's Press on March 9, 2022.

C. APPROVAL CRITERIA

The Planning Commission and BOCC shall determine that the following the criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2021), have been met to approve a PUD zoning district:

- The proposed PUD district zoning advances the stated purposes set forth in this section.
- The application is in general conformity with the Master Plan;
- The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
- The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;
- The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;
- The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;

- The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;
- The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
- The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;
- Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
- The owner has authorized the application.

The applicant has requested the proposed PUD also be reviewed and considered as a preliminary plan. Compliance with the requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code (2021) for a preliminary plan requires the Planning Commission and the BoCC shall find that the additional criteria for a preliminary plan have also been met.:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- 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 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;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];

- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

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

E. 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.

The Ellicott Town Center Phase 1 Preliminary Plan (PCD File No. SP-05-032) was approved by the BoCC on May 11, 2006 (Resolution No. 06-163). The Ellicott Town Center Final Plat (PCD File No. SF-06-012) was approved by the Board of County Commissioners (BoCC) on April 12, 2007 (Resolution No. 07-132). The final plat was not recorded within one (1) year from the date of BoCC approval and the BoCC granted a two (2) year extension of time to record the plat on April 22, 2010 (Resolution No. 10-139).

On April 28, 2011, the BoCC adopted A Resolution Extending the Expiration Period of Previously Approved Preliminary Plans and/or Final Plats (hereafter known as the Extension Resolution) (Resolution No. 11-146). The resolution granted an extension to the time to record and/or implement all sketch plans, preliminary plans, and final plats approved from January 2, 2006 through and including April 28, 2009. Subsequent amendments to the Resolution (Resolution Nos. 12-48, 12-386, 13-416, and 14-475) had extended the time to record and/or implement qualifying sketch plans, preliminary plans, and final plats through December 31, 2017.

In preparation for the extension resolution expiring, the applicant requested and received approval of a two (2) year extension on December 12, 2017. The applicant

requested and received approval of another two (2) year extension on November 12, 2019 (Resolution No. 19-415). The Mayberry, Colorado Springs Filing No. 1 final plat was recorded on December 23, 2020 (Plat No. 14655).

The applicant submitted the Mayberry Phase 1 combined PUD development plan and preliminary plan application (PUD/SP) on June 15, 2021. The applicant intends to modify the approved Ellicott Town Center Preliminary Plan and PUD to revise the lot configuration; past approvals have presented many of the lots separated by alleys, whereas the current plan features a conventional lot configuration with no alleys. The density is consistent with the previously approved Ellicott Town Center Sketch Plan, PUD, and Phase 1 Preliminary Plan, which identified 240 single-family residential lots and a maximum density of up to 12 residential dwelling units per acre. The current proposal does not increase or decrease the number of lots, nor does it substantially alter the previously approved road alignments and classifications, and comprises an approximate density of 6.28 residential dwelling units per acre.

The permitted uses within the Phase 1 PUD boundary are proposed to include single-family residential, multifamily residential, public parks and open space, recreational uses, and institutional uses, such as group homes and religious institutions.

If the Mayberry Phase 1 PUD development plan and preliminary plan are approved, and a finding of water sufficiency for water quality, quantity, and dependability is made by the Board of County Commissioners, then it is anticipated that the applicant will request administrative approval by the Planning and Community Development Department Executive Director for all subsequent final plats.

F. ZONING ANALYSIS

1. Land Development Code Analysis

This application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8, as well as the Planned Unit Development (PUD) requirements outlined in Chapter 4 of the Land Development Code (2021).

Section 4.2.6.F.8 of the Code requires a minimum of ten (10) percent of the overall residential PUD be set aside as open space area. The PUD area is 71.4 acres in size, which would require a total of 7.1 acres of open space area. The applicant is providing 8.6 acres (approximately 12 percent) of designated open space tracts.

2. Zoning Compliance

The PUD Development Plan identifies allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and overall landscaping requirements. The PUD Development Plan is consistent with the proposed PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

G. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Suburban Residential

Placetype Character:

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

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

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

Recommended Land Uses:

Primary

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

Supporting

- Single-family Attached

- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional

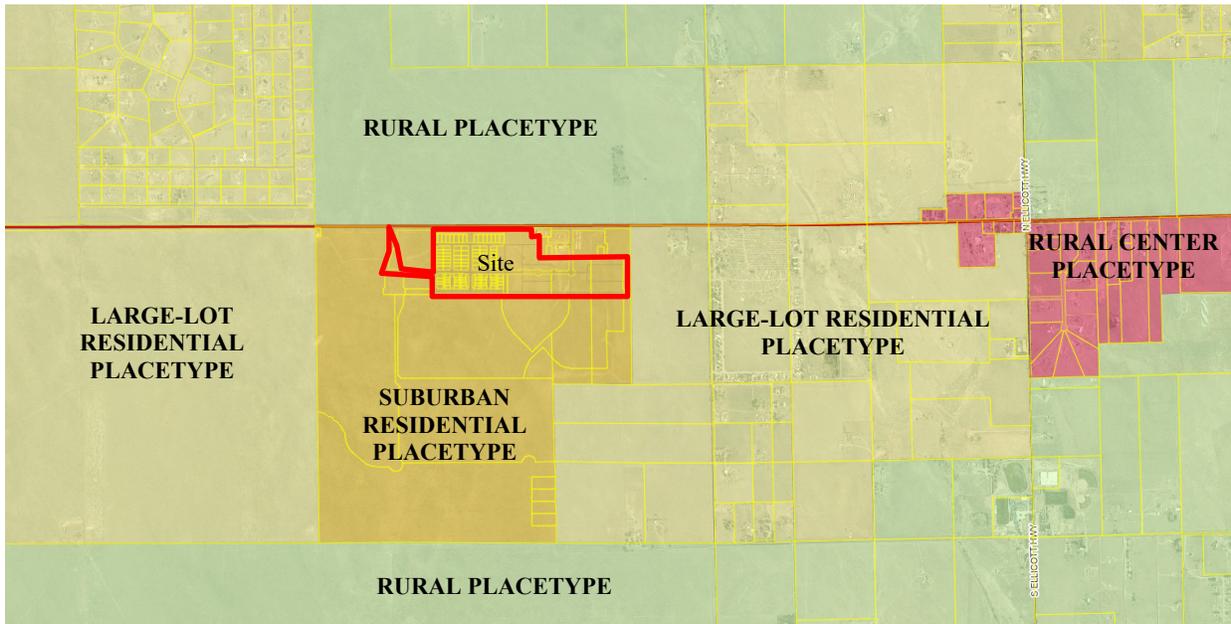


Figure G.1: Placetype Map

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.*

Objective LU3-3 – *The Suburban Residential placetype should be characterized by predominantly residential areas with mostly single-family detached housing.*

Objective HC1-4 – *In Suburban Residential areas, clustered development should be encouraged to increase density while also preserving open space and such development should consist of a mix of single-family detached, single-family attached, and multifamily units.*

Objective HC4-1 – *Denser housing development should occur in Suburban Residential, Urban Residential, Rural Center, and Regional Center placetypes.*

Objective TM1-4 – *Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.*

Objective TM2-1 – *Transportation improvements should prioritize active modes of transportation and connections to local destinations over vehicular travel and regional trips.*

Objective CF13-5 – *Continue to improve coordination with fire districts, developers, and other groups to ensure that new development provides appropriate fire suppression water supplies and infrastructure.*

Objective CF13-9 – *Ensure wastewater treatment systems will be properly operated and maintained and that they will not exceed the maximum treatment capacity if future growth is planned.*

Objective E2-2 – *All future water planning efforts should reference the Water Master Plan to ensure alignment with its key policies and recommendations.*

The proposed amended PUD development plan and preliminary plan proposes an urban density single-family detached residential development which is consistent with the recommended density and primary land use within the Suburban Residential placetype. The overall density is approximately 3 dwelling units per acre. The PUD identifies sidewalks and open space areas to encourage active use of space. The overall PUD and sketch plan incorporate a range of densities and housing types which may be incorporated into future phases of development. Additionally, future phases of development may incorporate institutional and commercial uses

within close proximity to the currently proposed high-density residential development.

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.

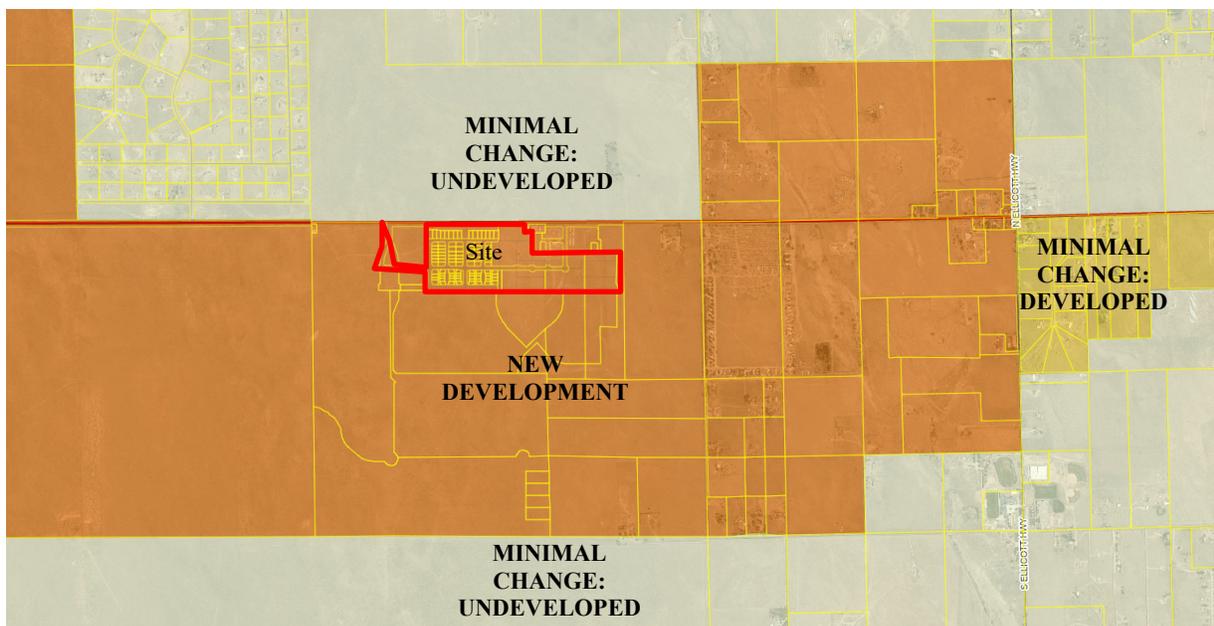


Figure G.2: Area of Change Map

Analysis:

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

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 PUD development plan and preliminary plan is consistent with the level of change identified in the Area of Change, as the character of the area is expected to be transformed. This area is not adjacent to a built-out area; however, the Master Plan identifies as a priority that land designated as New Development will likely significantly change in character.

c. Key Area Influences

El Paso County represents a vast area composed of many distinct areas. These “Key Areas” have their own unique identities and are generally localized into smaller geographic areas with distinct characteristics that distinguish them from other areas of the County. The subject property is potentially influenced by two Key Areas: 1) Small Towns & Rural Communities and 2) Potential Areas for Annexation.

Small Towns & Rural Communities

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

Potential Areas for Annexation

A significant portion of the County’s expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population

over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.

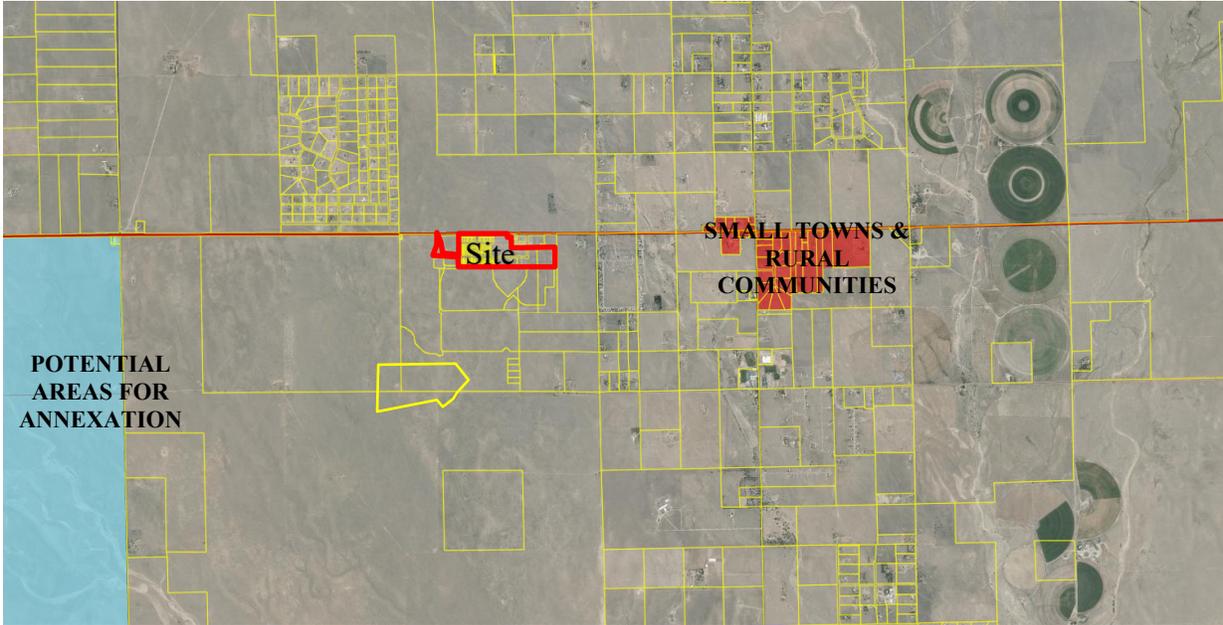


Figure G.3: Key Area Map

Analysis:

Small Towns & Rural Communities

The subject property is located near the Ellicott area of the County which is identified as being within the Small Towns & Rural Communities Key Area. Commercial services are identified as a priority in this Key Area. By locating the proposed high-density residential development near

commercial services, the applicant can help to create a sense of community for the area. The applicant's letter of intent states that the Mayberry project is "designed to create a functional and pedestrian friendly development that enhances the Ellicott area as a community."

Potential Areas for Annexation

If properties within the Potential Area for Annexation to the west of the subject property are annexed into the City of Colorado Springs, it may significantly alter the rural character of the area, consistent with the level of change identified in the New Development Area of Change. Since this area is anticipated to significantly change character, potentially annexed properties in close proximity to the subject property may influence more urban-level density in the area.

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

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

2. Water Master Plan Analysis

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

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

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

Goal 1.2 – Integrate water and land use planning.

Policy 5.2.4 – Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.

Policy 5.5.1 – Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central

system, alternatively, or construct a new central water supply system when the economies of scale to do so can be achieved.

Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development is proposed to be served by Ellicott Utilities Company, LLC, a central water provider. The following information pertains to water demands and supplies in Region 4c for central water providers:

The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer. The Plan identifies the current demands 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 is at 3,967 AFY (Figure 5.1) with a projected supply in 2040 of 3,027 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 4,826 AFY (Figure 5.1) with a projected supply in 2060 of 3,027 AFY (Figure 5.2). This means that by 2060 a deficiency of 1,799 AFY is anticipated for Region 4c.

Water sufficiency has been analyzed with the review of the proposed preliminary plan. The decreed water rights for the property allow the subdivision to draw 50.98 acre-feet of water per year from the Laramie-Fox Hills aquifer. The applicant also proposed to obtain water from the Tipton Well, which is owned by Cherokee Water, LLC and which Ellicott Utilities Company, LLC (EUC) holds an interest. The allocation of water from EUC's interest in the Tipton Well comprises 30.96 acre-feet per year. The applicant's water resources report indicates a demand of 81.94 acre-feet per year for the Mayberry development and an annual allocation of 81.94 acre-feet per year available in the Laramie-Fox Hills aquifer and Tipton Well over a 300-year period.

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 the proposed subdivision has 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. El Paso County Environmental Services and Colorado Parks and Wildlife were each sent referrals and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies eolian deposits (wind-blown sand) 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.

Please see the attached Park Advisory Board recommendations which include an analysis regarding conformance with The El Paso County Parks Master Plan (2013). Those recommendations include the following:

“Recommend that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Mayberry Phase I PUD Final Plat: (1) fees in lieu of land dedication for urban park purposes in the amount of \$69,600 and regional park fees in the amount of \$110,400 will be required at time of the recording of this Final Plat. A Park Lands Agreement may be an acceptable alternative to urban park fees, provided the agreement is approved by the County and executed prior to recording of this Final Plat. (2) provide a 25-foot public trail easement along the south side of Highway 94 that allows for the construction and maintenance by El Paso County of a Secondary Regional Trail, and this easement shall be shown and dedicated to El Paso County on the Final Plat.”

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the PUD development plan and preliminary plan.

2. Wildlife

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

3. Floodplain

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

4. Drainage and Erosion

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

The site generally drains to the southeast. Stormwater runoff from the site will be collected via a storm sewer system and will be directed into two extended detention basins identified as Pond C and Pond D. Pond C is being constructed with the recently recorded Mayberry, Colorado Springs Filing No. 1 (Plat No. 14655). Pond D will be constructed with a future filing. These ponds will provide the necessary permanent stormwater quality and flood control detention for the proposed development. These proposed stormwater facilities will be private and maintained by the Mayberry, Colorado Springs Metropolitan District.

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

5. Transportation

The site is located southwest of the intersection of State Highway 94 and Log Road. The primary access to the site will be via New Log Road at State Highway 94. Secondary access to the site will be via Springs Road at State Highway 94. Additional internal public roadways are proposed throughout the development.

Colorado Department of Transportation (CDOT) access permits for New Log Road and Springs Road were previously obtained by the applicant with the Mayberry, Colorado Springs Filing No. 1 and Filing No. 2 final plat applications. The applicant will need to comply with all CDOT access permit requirements.

The traffic study submitted is consistent with previous traffic studies for the site and provides recommended off-site and on-site improvements. There is no change to the number of lots proposed, therefore, the traffic generation of the site remains the same. Per the submitted traffic study, the minor modifications proposed to the internal roadways will have a negligible effect on the State Highway 94 intersections. Additionally, the traffic analysis and recommended

improvements are in conformance with the El Paso County 2016 Major Transportation Corridors Plan Update.

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

I. SERVICES

1. Water

Water is provided by Ellicott Utilities Company, LLC (EUC). EUC has provided a commitment letter indicating an intent to provide water service to the subdivision.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office is recommending a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health is recommending a finding of sufficiency with regard to water quality.

2. Sanitation

Wastewater is provided by Ellicott Utilities Company, LLC (EUC). EUC has provided a commitment letter indicating an intent to provide wastewater service to the subdivision.

3. Emergency Services

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

4. Utilities

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

5. Metropolitan Districts

The subject property is located within the boundaries of the Ellicott Metropolitan District and the Mayberry, Colorado Springs Metropolitan Districts Nos. 1 & 3. It

is anticipated that the water and wastewater infrastructure will be transferred from the AUC to the Mayberry Metropolitan District. The responsibilities of the Mayberry, Colorado Springs Metropolitan Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement, 7) security services, 8) solid waste disposal, and 9) financing, design, permitting, construction, and installation of public water and sanitation systems.

6. Parks/Trails

Fees in lieu of park land dedication will be due at the time of recording the final plat(s). Additionally, the applicant will be required to provide a 25-foot public trail easement along the south side of Highway 94 that allows for the construction and maintenance by El Paso County of a Secondary Regional Trail. This easement shall be shown and dedicated to El Paso County on the final plat(s).

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a PUD development plan or preliminary plan application. Fees in lieu of school land dedication will be due at the time of recording the final plat. The property is located within the boundaries of Ellicott School District No. 22. The District was sent a referral and did not provide a response.

J. APPLICABLE RESOLUTIONS

See attached resolutions.

K. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

L. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the

Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.

2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
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 Parks and 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 threatened species.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. 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.

3. 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.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

M. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified four (4) adjoining property owners on February 28, 2022, for the Board of County Commissioners meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

List of parcels

Vicinity Map

Letter of Intent

Development Plan / Preliminary Plan

State Engineers Letter

County Attorney's Letter

El Paso County Public Health Recommendation Letter

Park Advisory Board Letter

March 17, 2022 Planning Commission Draft Minutes

Planning Commission Resolution

Board of County Commissioners' Resolution

Schedule Number	Owner Name	Location
3414101001	MAYBERRY COMMUNITIES LLC	22312 CATTLEMEN RUN
3414101002	MAYBERRY COMMUNITIES LLC	22313 CATTLEMEN RUN
3414102002	MAYBERRY COMMUNITIES LLC	VILLAGE MAIN ST
3414102005	MAYBERRY COMMUNITIES LLC	HIGHWAY 94
3414102013	MAYBERRY COMMUNITIES LLC	SPRINGS RD
3414102014	MAYBERRY COMMUNITIES LLC	SPRINGS RD
3414102016	MAYBERRY COMMUNITIES LLC	HIGHWAY 94
3414201001	MAYBERRY COMMUNITIES LLC	22012 CATTLEMAN RUN
3414201002	MAYBERRY COMMUNITIES LLC	22024 CATTLEMAN RUN
3414201003	MAYBERRY COMMUNITIES LLC	22036 CATTLEMAN RUN
3414201004	MAYBERRY COMMUNITIES LLC	22048 CATTLEMAN RUN
3414201005	MAYBERRY COMMUNITIES LLC	22060 CATTLEMAN RUN
3414201006	MAYBERRY COMMUNITIES LLC	22072 CATTLEMAN RUN
3414201007	MAYBERRY COMMUNITIES LLC	22084 CATTLEMAN RUN
3414201008	MAYBERRY COMMUNITIES LLC	22096 CATTLEMAN RUN
3414201009	MAYBERRY COMMUNITIES LLC	22108 CATTLEMAN RUN
3414201010	MAYBERRY COMMUNITIES LLC	22120 CATTLEMAN RUN
3414201011	MAYBERRY COMMUNITIES LLC	22132 CATTLEMAN RUN
3414201012	MAYBERRY COMMUNITIES LLC	22144 CATTLEMAN RUN
3414201013	MAYBERRY COMMUNITIES LLC	22156 CATTLEMAN RUN
3414201014	MAYBERRY COMMUNITIES LLC	22168 CATTLEMAN RUN
3414201015	MAYBERRY COMMUNITIES LLC	22180 CATTLEMAN RUN
3414201016	MAYBERRY COMMUNITIES LLC	491 BLANKET FLOWER ST
3414201017	MAYBERRY COMMUNITIES LLC	477 BLANKET FLOWER ST
3414201018	MAYBERRY COMMUNITIES LLC	463 BLANKET FLOWER ST
3414201019	MAYBERRY COMMUNITIES LLC	449 BLANKET FLOWER ST
3414201020	MAYBERRY COMMUNITIES LLC	435 BLANKET FLOWER ST
3414201021	MAYBERRY COMMUNITIES LLC	421 BLANKET FLOWER ST
3414201022	MAYBERRY COMMUNITIES LLC	407 BLANKET FLOWER ST
3414201023	MAYBERRY COMMUNITIES LLC	STATE HWY 94
3414201027	CHEROKEE WATER &, SANITATION DISTRICT	HIGHWAY 94
3414201028	MAYBERRY COMMUNITIES LLC	22301 CATTLEMEN RUN RD
3414201030	MAYBERRY COMMUNITIES LLC	VILLAGE MAIN ST
3414201031	MAYBERRY COMMUNITIES LLC	VILLAGE MAIN ST
3414202001	MAYBERRY COMMUNITIES LLC	406 BLANKET FLOWER ST
3414202002	MAYBERRY COMMUNITIES LLC	420 BLANKET FLOWER ST
3414202003	MAYBERRY COMMUNITIES LLC	448 BLANKET FLOWER ST
3414202004	MAYBERRY COMMUNITIES LLC	462 BLANKET FLOWER ST
3414202005	MAYBERRY COMMUNITIES LLC	476 BLANKET FLOWER ST
3414202006	MAYBERRY COMMUNITIES LLC	490 BLANKET FLOWER ST
3414202007	MAYBERRY COMMUNITIES LLC	493 GARDEN PARK AVE
3414202008	MAYBERRY COMMUNITIES LLC	477 GARDEN PARK AVE
3414202009	MAYBERRY COMMUNITIES LLC	461 GARDEN PARK AVE
3414202010	MAYBERRY COMMUNITIES LLC	445 GARDEN PARK AVE
3414202011	MAYBERRY COMMUNITIES LLC	429 GARDEN PARK AVE
3414202012	MAYBERRY COMMUNITIES LLC	413 GARDEN PARK AVE
3414203001	MAYBERRY COMMUNITIES LLC	412 GARDEN PARK AVE

3414203002	MAYBERRY COMMUNITIES LLC	428 GARDEN PARK AVE
3414203003	MAYBERRY COMMUNITIES LLC	444 GARDEN PARK AVE
3414203004	MAYBERRY COMMUNITIES LLC	460 GARDEN PARK AVE
3414203005	MAYBERRY COMMUNITIES LLC	476 GARDEN PARK AVE
3414203006	MAYBERRY COMMUNITIES LLC	492 GARDEN PARK AVE
3414203007	MAYBERRY COMMUNITIES LLC	495 INDIAN GRASS ST
3414203008	MAYBERRY COMMUNITIES LLC	481 INDIAN GRASS ST
3414203009	MAYBERRY COMMUNITIES LLC	453 INDIAN GRASS ST
3414203010	MAYBERRY COMMUNITIES LLC	439 INDIAN GRASS ST
3414203011	MAYBERRY COMMUNITIES LLC	425 INDIAN GRASS ST
3414203012	MAYBERRY COMMUNITIES LLC	411 INDIAN GRASS ST
3414204001	MAYBERRY COMMUNITIES LLC	410 INDIAN GRASS ST
3414204002	MAYBERRY COMMUNITIES LLC	424 INDIAN GRASS ST
3414204003	MAYBERRY COMMUNITIES LLC	438 INDIAN GRASS ST
3414204004	MAYBERRY COMMUNITIES LLC	452 INDIAN GRASS ST
3414204005	MAYBERRY COMMUNITIES LLC	466 INDIAN GRASS ST
3414204006	MAYBERRY COMMUNITIES LLC	480 INDIAN GRASS ST
3414204007	MAYBERRY COMMUNITIES LLC	494 INDIAN GRASS ST
3414204008	MAYBERRY COMMUNITIES LLC	493 MARKETPLACE DR
3414204009	MAYBERRY COMMUNITIES LLC	479 MARKETPLACE DR
3414204010	MAYBERRY COMMUNITIES LLC	465 MARKETPLACE DR
3414204011	MAYBERRY COMMUNITIES LLC	451 MARKETPLACE DR
3414204012	MAYBERRY COMMUNITIES LLC	437 MARKETPLACE DR
3414204013	MAYBERRY COMMUNITIES LLC	423 MARKETPLACE DR
3414204014	MAYBERRY COMMUNITIES LLC	409 MARKETPLACE DR
3414205001	MAYBERRY COMMUNITIES LLC	NEW LOG RD
3414207001	MAYBERRY COMMUNITIES LLC	367 MARKETPLACE DR
3414207002	MAYBERRY COMMUNITIES LLC	353 MARKETPLACE DR
3414207003	MAYBERRY COMMUNITIES LLC	339 MARKETPLACE DR
3414207004	MAYBERRY COMMUNITIES LLC	325 MARKETPLACE DR
3414207005	MAYBERRY COMMUNITIES LLC	22038 MAYBERRY DR
3414207006	MAYBERRY COMMUNITIES LLC	22048 MAYBERRY DR
3414207007	MAYBERRY COMMUNITIES LLC	22058 MAYBERRY DR
3414207008	MAYBERRY COMMUNITIES LLC	22043 VILLAGE MAIN ST
3414207009	MAYBERRY COMMUNITIES LLC	22033 VILLAGE MAIN ST
3414207010	MAYBERRY COMMUNITIES LLC	22063 VILLAGE MAIN ST
3414207011	MAYBERRY COMMUNITIES LLC	22053 VILLAGE MAIN ST
3414207012	MAYBERRY COMMUNITIES LLC	22068 MAYBERRY DR
3414207013	MAYBERRY COMMUNITIES LLC	22078 MAYBERRY DR
3414207014	MAYBERRY COMMUNITIES LLC	22088 MAYBERRY DR
3414207015	MAYBERRY COMMUNITIES LLC	332 GARDEN PARK AVE
3414207016	MAYBERRY COMMUNITIES LLC	348 GARDEN PARK AVE
3414207017	MAYBERRY COMMUNITIES LLC	364 GARDEN PARK AVE
3414207018	MAYBERRY COMMUNITIES LLC	380 GARDEN PARK AVE
3414207019	MAYBERRY COMMUNITIES LLC	396 GARDEN PARK AVE
3414207020	MAYBERRY COMMUNITIES LLC	MAYBERRY DR
3414207021	MAYBERRY COMMUNITIES LLC	MAYBERRY DR
3414207022	MAYBERRY COMMUNITIES LLC	MAYBERRY DR

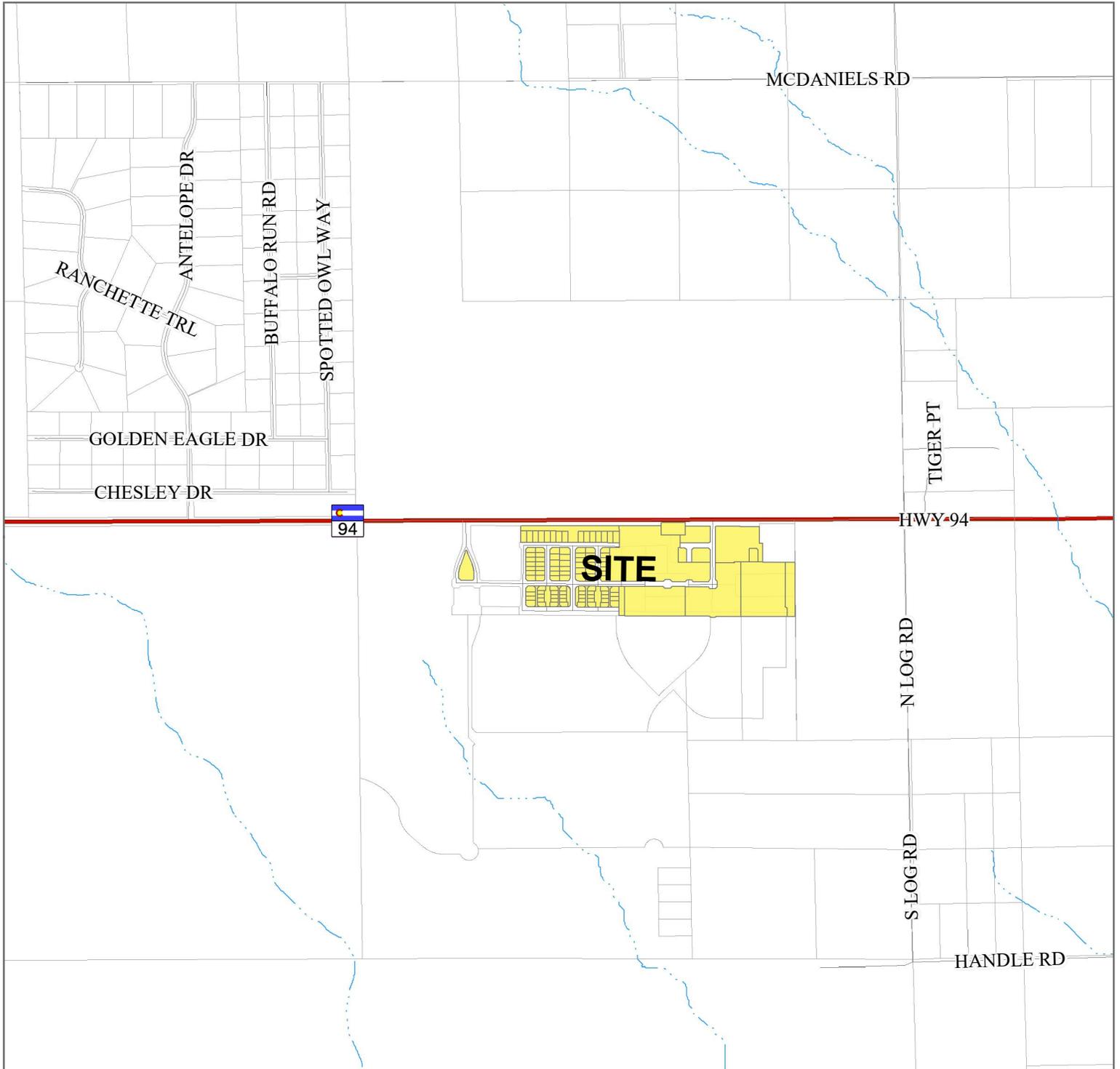
3414207023	MAYBERRY COMMUNITIES LLC	GARDEN PARK AVE
3414208001	MAYBERRY COMMUNITIES LLC	397 GARDEN PARK AVE
3414208002	MAYBERRY COMMUNITIES LLC	381 GARDEN PARK AVE
3414208003	MAYBERRY COMMUNITIES LLC	365 GARDEN PARK AVE
3414208004	MAYBERRY COMMUNITIES LLC	349 GARDEN PARK AVE
3414208005	MAYBERRY COMMUNITIES LLC	333 GARDEN PARK AVE
3414208006	MAYBERRY COMMUNITIES LLC	22118 MAYBERRY DR
3414208007	MAYBERRY COMMUNITIES LLC	22128 MAYBERRY DR
3414208008	MAYBERRY COMMUNITIES LLC	22138 MAYBERRY DR
3414208009	MAYBERRY COMMUNITIES LLC	22133 VILLAGE MAIN ST
3414208010	MAYBERRY COMMUNITIES LLC	22123 VILLAGE MAIN ST
3414208011	MAYBERRY COMMUNITIES LLC	22153 VILLAGE MAIN ST
3414208012	MAYBERRY COMMUNITIES LLC	22143 VILLAGE MAIN ST
3414208013	MAYBERRY COMMUNITIES LLC	22148 MAYBERRY DR
3414208014	MAYBERRY COMMUNITIES LLC	22158 MAYBERRY DR
3414208015	MAYBERRY COMMUNITIES LLC	22168 MAYBERRY DR
3414208016	MAYBERRY COMMUNITIES LLC	22178 MAYBERRY DR
3414208017	MAYBERRY COMMUNITIES LLC	22188 MAYBERRY DR
3414208018	MAYBERRY COMMUNITIES LLC	22173 VILLAGE MAIN ST
3414208019	MAYBERRY COMMUNITIES LLC	22163 VILLAGE MAIN ST
3414208020	MAYBERRY COMMUNITIES LLC	GARDEN PARK AVE
3414208021	MAYBERRY COMMUNITIES LLC	MAYBERRY DR
3414208022	MAYBERRY COMMUNITIES LLC	MAYBERRY DR
3414208023	MAYBERRY COMMUNITIES LLC	MAYBERRY DR
3414208024	MAYBERRY COMMUNITIES LLC	MAYBERRY DR
3414208026	MAYBERRY COMMUNITIES LLC	VILLAGE MAIN ST

El Paso County Parcel Information

File Name: PUDSP-21-009

Zone Map No.: --

Date: February 10, 2022



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
279) 520-6600



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MAYBERRY PHASE 1 (ELLICOTT TOWN CENTER)

PUD DEVELOPMENT PLAN/PRELIMINARY PLAN AMENDMENT

LETTER OF INTENT

MAY 2021

REVISED FEBRUARY 2021

OWNER/APPLICANT:

Colorado Springs Mayberry, LLC
32823 Temecula Parkway
Temecula, CA 92592
719.426.7810
jasonkvols@mayberrycoloradosprings.com

CONSULTANT:

N.E.S. Inc.
619 North Cascade Avenue
Colorado Springs, Colorado 80903
719.471.0073
jromero@nescolorado.com

LOCATION

The Mayberry (Ellicott Town Center) development is located southwest of the intersection of Highway 94 and S. Log Road, west of Ellicott in El Paso County, Colorado. The phase 1 site comprises of approximately 71.39 acres and is zoned PUD. The proposed Amendment area is part of the Approved Ellicott Town Center Sketch Plan and Overall PUD.

(TSN: 3400000362, 3400000437, 3400000438, 3400000441, 3400000440, 3400000442 & 3400000444)



REQUEST

Colorado Springs Mayberry Inc. is requesting approval of the following applications:

1. A PUD/Preliminary Plan Amendment for the 71.39ac Phase 1 portion of the past approved Ellicott Town Center PUD.
2. Early Metro District grading improvements.
3. The following PUD Modifications for the Mayberry

	LDC/ECM Section	Category	Standard	Modification	Justification
1	LDC Chapter 8.4.5.G.4b, 8.4.6.C.2.d	Drainage/Utility Easements	The standard drainage easement and utility width for urban side lot lines (5 feet)	4' Drainage easement and utility width for urban side lot line.	Small lot product requests smaller setback for increased flexibility in product types associated with urban PUD. MVEA has accepted reduced dimension.
2	ECM Standard Drawing SD 2_77	Urban Knuckle SDT Length	40' SDT	Reduce driveway side SDT to 20'	To provide greater flexibility on driveway placement, particularly to increase distance between intersections and driveways while maintaining the overall knuckle design criteria.
3	ECM Section 2.5.2.C.4	Mid-block crossings	Access ramps on local roadways shall be spaced no greater than 600 feet apart	Union Pacific and El Reno crossings exceed 600' standard as provided.	<i>Pedestrian ramps have been designed at the westerly intersection with Besseyi Way and the trail crossings at the east subdivision boundary, providing a maximum spacing of approximately 950 feet.</i>

Chapter 4.2.6.F.2.h of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM). The proposed PUD modifications allow for a more efficient layout that enhances the urban development characteristics and benefits to the proposed community for safe access in urban pedestrian oriented developments as proposed. Due to the nature of the roadway and location of the improvement, a reduced traffic volume and speed at this location is anticipated. All other criteria per the SD2_77 design are to be adhered too in the proposed improvements.

PROJECT HISTORY

The site is part of Phase 1 of the Ellicott Town Center Overall PUD Plan and Sketch Plan (PUD 05-022 & SKP 05-005); a 550-acre PUD west of Ellicott that was approved by the County Commissioners on

January 12, 2006. The Phase 1 Preliminary Plan for the Ellicott Town Center was approved on May 11, 2006 and the Final Plat for the Ellicott Town Center Filing No. 1 was approved April 12, 2007. Ellicott Town Center Filing No. 1 consists of 98 residential lots on 228.0 acres, including several tracts for future development. The past approved Phase 1 PUD/Preliminary Plan includes the noted Filing 1 and future Filing 4.

TABLE 1

Date	Approved
January 12, 2006	Ellicott Town Center Overall PUD Plan
May 11, 2006	Phase 1 PUD/Preliminary Plan
April 12, 2007	Ellicott Town Center Filing No. 1 Final Plat
December 22, 2020	Mayberry Filing No. 2 Final Plat
December 23, 2020	Mayberry Filing No. 1 Final Plat Recorded

The Ellicott Town Center is a proposed urban-density subdivision designed to create a functional and pedestrian friendly development that enhances the Ellicott area as a 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 and more recently approved County Master Plan. The approved overall PUD plan and past approved Phase 1 Amendment addressed a request for the initial 240-unit residential proposal. This proposal set the stage for the recently approved Filing 1 and future Filing 4 Plats.

The proposal for the Amendment of the past Ellicott Town Center, now Mayberry Phase 1 is consistent with past approvals in regards to density and lots. The amendment is keeping with the past 240-unit residential single-family lots and looks to only revise the past alley loaded lots with conventional lots. General road alignments and past approved street classifications and associated sections are to remain unchanged.

The amendment for the Phase 1 PUD is intended to revise the lot configurations for the past alley loaded lots to conventional and will be followed with subsequent replats for Filing 1's initial 98 lot plat to largely address the southerly portion of Filing 1. In addition, the future Filing 4 portion of the Phase 1 amendment will comprise of the remaining 142 lot amended area. Local street alignments have been revised in this area to address the new conventional lot direction.

Future replats are to be processed which address needed changes to the commercial Filing 2 which is focused around the revised and eliminated connection to Springs Road from Cattleman Run previously proposed.

This amendments future goals will also set the framework for efforts tied to the overall approved PUD direction for the easterly commercial lots and proposed rezoning to support the past Filing 2 approvals. Subsequent submittals addressing these changes will be proposed through future applications.

PROJECT JUSTIFICATION

a. Consistency with Approved Sketch Plan

The Amended PUD Development/Preliminary Plan for Mayberry consists of 240 lots on approximately 71.39 acres, which represents a density of 3.78 dwellings per acre. The net density, excluding the tracts and right-of-way is 7.68 dwellings per acre. The PUD Development/ Preliminary Plan is, therefore, in accordance with the approved Sketch Plan which notes a density range of 5-12du.

b. County Master Plan Compliance

Mayberry is identified in the County Master Plan Place-Based approach as a Suburban Residential Placetype. Suburban residential place types look to detached single-family land uses as primary land uses. Supportive land uses in this place type acknowledge attached single family, multi-family, commercial retail, commercial service, parks and open space and institutional uses.

Mayberry, consistent with the past approvals (Ellicott Town Center), intends to incorporate a mixed-use development that focuses on single family attached uses with supportive commercial retail and parks and open space. The development intent is focused around smart growth principles to create a vibrant and attractive community. The pedestrian friendly focus of the design is intended to allow for residents to live, work, and play within reasonable walking distance. The community will have residential, retail, civic, and park features that will enhance the quality of life for the residents as well as surrounding community.

As such it is in accords with the foundational alignment of the Master for Placetypes and Core Principles and Goals of the County Master Plan for Housing and Communities Priority Development Areas to meet the housing needs of existing and new residents with a diversity and variety of housing type, size, and location.

The proposed residential subdivision also satisfies the following policies of the County Master Plan:

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.

The Mayberry Development is consistent with the Master Plans intent for suburban placetypes which incorporate single family detached uses as a primary use with supporting mixes of commercial, attached single family and parks and open space.

Objective LU3-3: The Suburban Residential placetype should be characterized by predominantly residential areas with mostly single-family detached housing.

The proposed development is for 240 single family homes supportive of the primary land use noted for suburban residential placetypes. The proposed development in addition supports the overall Sketch Plan intent and approved densities.

Objective HC1-4: In Suburban Residential areas, clustered development should be encouraged to increase density while also preserving open space and such development should consist of a mix of single-family detached, single-family attached, and multifamily units.

Mayberry Phase 1 Amendment is consistent with the past Ellicott Town Center Sketch Plan and PUD that promotes a mixed-use approach that provides a variety of housing densities and supportive services that are easily accessible. Incorporation of open space, parks and trail is consistent with the overall past approvals which incorporate a mix of housing densities and supportive services.

Objective HC4-1: Denser housing development should occur in Suburban Residential, Urban Residential, Rural Center, and Regional Center placetypes.

A mixed use of housing densities is provided in the approved Overall PUD consistent with the approved Sketch Plan.

Objective TM1-4: Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.

The Mayberry development (Ellicott Town Center) is a mixed-use development that promotes connected open spaces and parks and incorporates increased access to services within the mixed-use development.

Objective TM2-1: Transportation improvements should prioritize active modes of transportation and connections to local destinations over vehicular travel and regional trips.

Increased services for the overall development will reduce trips and travel by providing easy access to goods and parks and open spaces.

Objective CF13-5: Continue to improve coordination with fire districts, developers, and other groups to ensure that new development provides appropriate fire suppression water supplies and infrastructure.

Proper Service Commitments with the Ellicott Fire Protection District have been provided to address the new development intent and the District's ability to serve such.

Objective CF13-9: Ensure wastewater treatment systems will be properly operated and maintained and that they will not exceed the maximum treatment capacity if future growth is planned.

Wastewater Service Commitments have been provided to address the capacity to serve the initial phase 1 development.

Objective E2-2: All future water planning efforts should reference the Water Master Plan to ensure alignment with its key policies and recommendations.

Proper County Water Master Plan compliance shown below.

The proposed residential subdivision satisfies the following policies of the County Water Master Plan:

Policy 5.2.4 – Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.

The proposed subdivision is located within the Ellicott Utilities Co. service area and a supportive Will Serve Letter noting the Districts ability to serve the proposed development in an efficient manner with the current infrastructure has been provided.

Policy 5.5.1 – Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central water supply system when the economies of scale to do so can be achieved.

The proposed development is located within the Ellicott Utilities CO service area and is proposed to connect to the existing central water and wastewater. Will Serve Letters have been provided for the proposed development.

Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.

An appropriate Will Serve Letter has been provided noting the Ellicott Utilities ability to serve the noted subdivision adequately and noting their current capacities to serve.

The first water source immediately available to serve the development, Mayberry, Colorado Springs and support the PUD Amendment is the Denver basin water decreed through Determination No. 598-BD. Determination No. 598-BD allows for a total water supply of 161-acre feet per year over a 100-year period from the Laramie-Fox Hills aquifer. The Laramie-Fox Hills groundwater supply translates to an available supply of 53.67-acre feet per year under a 300year rule. The 300-year requirement is based upon paragraph 8.4.7(B)(9)(a)(iii) of the El Paso County Land Development Code. The Laramie-Fox Hills groundwater will be withdrawn from two existing wells under the assumption the wells can be re-equipped to produce the required amount of water annually. It is also assumed there will be a 5 percent loss of water from the wells through treatment/storage/distribution, leaving a balance of 50.98-acre feet of water available annually. The allocation of the 50.98 AFY is shown in the below table.

The second water source immediately available to serve the development, Mayberry Colorado Springs, and support the PUD Amendment is 30.96 AFY of the 82 AFY of Tipton Well Interest owned by EUC. The Tipton Well is an exportable well located inside the Upper Black Squirrel Basin and is supported through Colorado Ground Water Commission Case No. 91-GW-01 attached in Exhibit A of the attached report. This well is owned by Cherokee Water, LLC in which EUC holds an interest. Cherokee Metropolitan District is the manager of this LLC and further manages this well.

These two sources combined will satisfy the demand of 81.94 AFY that is created by the PUD Amendment containing 240 homes 3 industrial lots and the associated street and park landscaping. The projected balances of water from Viewpoint Estates/Antelope Park Ranchettes and Sunset Village which were mentioned previously will not be relied upon for this PUD Amendment, but the change of location process will be started, and that water will be utilized for future construction at Mayberry.

c. Parks and Open Space Requirement

Mayberry Phase 1 includes open space tracts approximately 8.5 acres in size including trail connections to the proposed trail and open space provisions within the Phase 1 development. The proposed Open Space dedication for the project of 8.5 acres achieves a 12% dedication exceeding the 10% requirement as noted in the Land Development Code Section 4.2.6.F.8b.

As required by Section 8.5.3 of the Land Development Code, the fees in lieu of park land dedication are \$272 per subdivision lot for Urban Parks and \$430 per subdivision lot for Regional Parks. The required fees in lieu for this project are:

	Mayberry Phase 1
Urban	\$65,280
Regional	\$103,200
Total	\$168,480

Credit for the urban park fees will be requested through a Parks Land Agreement at the time of platting to offset the costs of construction the neighborhood park, landscaped open space and trail improvements referenced above.

d. PUD Modification

PUD modification for the Urban Knuckle SDT Length distance. The proposal requests to modify the current Sight Distance to a 20' distance on the driveway side of the interior knuckle curve with the approach distance remaining 40' as listed on SD2_77. Due to the nature of the roadway and location of the improvement, a reduced traffic volume and speed at this location is anticipated. All other criteria per the SD2_77 design are to be adhered too in the proposed improvements.

e. Drainage

A Preliminary Drainage Report for the Mayberry Phase 1 Amendment is submitted with this application package.

f. Traffic

A Traffic Report prepared by LSC is submitted in support of this application. Overall suggested improvements noted with the development can be found in the past approved report.

g. Geotechnical Report

A Geotechnical Report prepared by CTL Thompson is submitted in support of this application.

Specific development recommendations with the Mayberry Phase 1 to the developer will include the following:

- Site-specific, design level Soils and Foundation Investigation to provide design criteria for foundations and floor systems for proposed residential buildings.
- Subgrade investigation and design after grading.
- Construction testing and observation during site development and residential building construction.
- Foundations drains should be anticipated for all basement areas.

h. Utilities

Ellicott Utilities Company will provide central water and sanitary sewer service to the project. Mountain View Electric Association, Inc. will supply electricity service and Black Hills Energy will supply natural gas.

i. Wildlife

Mayberry Phase 1 is in a developing where there is no significant impact to wildlife.

The property contains no significant concentration areas of endangered or threatened species of wildlife that is identified by the Colorado Parks and Wildlife. Proposed native corridors are to be provided with community open space improvement areas with the current application and future overall development improvements.

CRITERIA FOR APPROVAL

- ***The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;***

Mayberry encourages suburban development consistent with the approach of placetypes noted within the County Master Plan that provides necessary and accessible services needed for such growth in this growing rural community. The proposal in addition is line with the goals of the plan to meet the housing needs of existing and new residents that provides necessary diversity for a balance of mixed uses for both urban rural densities. The proposed residential subdivision also satisfies the policies of the County Policy Plan & County Water Master Plan as noted above.

- ***The subdivision is consistent with the purposes of this Code;***

The proposed development meets all aspects of the Code and as approved with past Sketch Plan and overall PUD plans for the Ellicott Town Center.

- ***The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;***

The proposed development is in keep with past approvals and aspects of the approve Sketch Plan for development in this area.

- ***The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;***

Development is consistent with approved Sketch Plan which identifies transitional uses and buffers and incorporates such in Phase 1 PUD for future development.

- ***The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;***

Phase 1 improvements incorporate appropriate buffering and implement PUD Criteria previously approved and provides necessary diversity for a balance of mixed uses for both urban rural densities.

- ***Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;***

No significant natural features exist.

- ***Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;***

Mayberry is a new community based upon smart growth principles to create a vibrant and attractive community. The pedestrian friendly focus of the design is intended to allow for residents to live, work, and play within reasonable walking distance. The community will have residential, retail, civic, and park features that will enhance the quality of life for the residents as well as surrounding community.

- ***The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;***

Appropriate Will Serve Letters have been provided addressing the capacities of necessary services to support the proposed development.

- ***The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;***

Mayberry is a new community based upon smart growth principles to create a vibrant and attractive community. The pedestrian friendly focus of the design is intended to allow for residents to live, work, and play within reasonable walking distance. The community will have residential, retail, civic, and park features that will enhance the quality of life for the residents as well as surrounding community.

- ***The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;***

No mineral right owners were identified on the site.

- ***The subdivision is in conformance with the subdivision design standards and any approved sketch plan;***

This project is in keeping with the past Sketch Plan and Overall Ellicott Town Center PUD and associated design standards. These approvals show the land use designation of the area now comprising the Mayberry Phase 1 PUD as MDR-12 (5-12 du/ac). The PUD Development/Preliminary Plan for Mayberry Phase 1 comprises 240 lots on approximately 71 acres, which represents a density of 3.78 dwellings per acre. The net density, excluding the tracts and right-of-way is 7.68 dwellings per acre. The PUD Development/ Preliminary Plan is, therefore, in accordance with the approved Sketch Plan.

- ***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;***

Ellicott Utilities Company will provide central water to the project. The District has a sufficient water supply.

- ***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.***

Ellicott Utilities Company will provide sanitary sewer service to the project. Mayberry, Colorado Springs is planning to connect to the central water and wastewater system that is owned and operated by Ellicott Utilities Company, LLC. It is understood that improvements to the central system will need to be made and the developer has agreed to make these improvements and dedicate them to Ellicott Utilities Company. Ellicott Utilities Company has sufficient wastewater treatment capacity at the Ellicott Springs Wastewater Treatment Plant (formerly known as the "Sunset Wastewater Treatment Plant") to accept flow from the 240 homes and 3 industrial lots contained in this PUD Amendment.

- ***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 Geotechnical Report prepared by CTL Thompson in support of this application identifies little to no geologic constraints on construction, but nothing that would prevent the development of this site. Conditions we identified that may pose hazards or constraints to

development include expansive soil lenses, potentially collapse prone soils, and existing undocumented fill. Regional geologic conditions that impact the site include and seismicity and radioactivity. We believe these conditions can be mitigated with engineering design and construction methods commonly employed in this area. These conditions are discussed in greater detail in the attached report.

- ***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;***

A Preliminary Drainage Report for the Mayberry Phase 1 is submitted with this application package. Proposed drainage improvements include an additional detention and water quality pond in the southeast corner of the project

- ***Legal and physical access is or will be 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 lots by public rights-of-way.

- ***The proposed subdivision has established an adequate level of compatibility by***

- (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;***

There are no natural physical features in this project. The design of Mayberry is focused on an extensive open space and trail system, which connects the residential areas to parks and open space. Future applications and implementation of the Overall PUD goals will further facilitate the plans for a connected community. Open space tracts with trails within this PUD provide connectivity to the amenities in this subdivision and the future overall PUD area.

- (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;***

The design of Mayberry will be focused around extensive trail and open space systems, which connects the residential areas to parks and open space. This will reduce the need for using motor vehicles to access local amenities, thereby conserving energy and the environment. There is no public transportation system serving this part of the County.

- (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;***

At this time there is no immediate requirement for a transition with adjacent uses as the surrounding area is generally grazing land or proposed for similar development densities. Landscaping is provided along the streets and in the park and open space tracts.

- (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and***

There are no environmentally sensitive or significant concentration areas of endangered or threatened species of wildlife that is identified by the Colorado Parks and Wildlife areas in this Preliminary Plan. The property contains no features of natural or geographical significance and is, therefore, in accordance with the policies of Section 2 of the County Policy Plan, which seek to preserve significant natural landscapes and features. Existing established native corridors are to be provided as with community open space improvement areas with the current application and future overall development improvements.

(5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

A Preliminary Drainage Report, Traffic Report and Geotechnical Report are submitted with this application package. The provision of adequate roads, utilities and public facilities is planned as part of the master planned community. New road connections are proposed with these filings which will implement the Phase 1 road networks as part of the project. An additional detention pond is also included with this development.

Ellicott Utilities Co. will provide central water and sanitary sewer service to the project. Mountain View Electric Association, Inc. will supply electricity service and Black Hills Energy will supply natural gas.

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

Appropriate Will Serve Letters and Letters of Commitment have been provided addressing the ability to adequately serve the proposed subdivision. Provisions for all necessary services are provided in the attached PUD Development package are provided to serve the proposed subdivision.

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

An appropriate Fire Protection Report has been provided showing the ability of the Ellicott Fire Protection District (EFPD) ability to serve the proposed development. EFPD Will Serve Letter included in addition.

• ***The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.***

The proposed development meets all aspects of the Code and is conformance with past Sketch Plan and Overall PUD Plan Approvals.

P:\CS Mayberry\Mayberry\Admin\Submittals\Phase 1 Amendment\3rd Submittal\MAYBERRY_Letter of Intent(R2).docx

**APPENDIX A:
MAYBERRY PHASE 1 RANCH PUD: JUSTIFICATION FOR PROPOSED DEVIATIONS**

Chapter 4.2.6.F.2.g of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.h are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meets the criteria for approval in ECM Section 5.8.7.

The following deviations to the ECM are requested for the MAYBERRY PHASE 1 PUD (numbers correspond to PUD modification table on the PUD cover sheet and in the Letter of Intent).

#2- Urban Knuckle – SDT Length

Nature of Request:

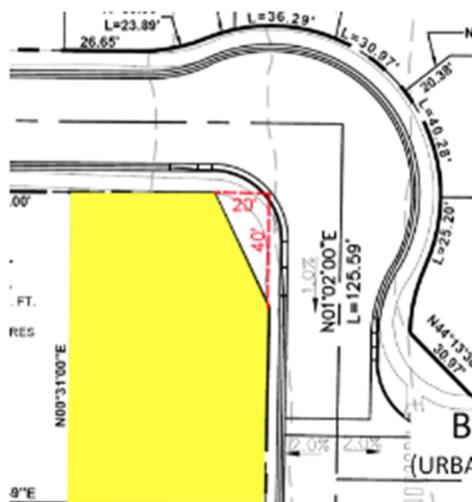
Section of ECM from which Deviation Is Sought: Section F Standard Detail(SD) 2-77

Specific Criteria from which a Deviation Is Sought: The request is a modification to/deviation from Section F SD_2-77 “Urban Knuckle,” specifically the standard sight-distance triangle (SDT) length.

Proposed Nature and Extent of Deviation: The deviation is needed to accommodate a driveway on the corner lots adjacent to the inside radius of the affected knuckles.

The proposed alternative, shown in the attached Deviation Exhibit 2 (below), would modify the length of the standard sight-distance-triangle leg from 40’ and 20’ along the street leg (extending back from the knuckle) onto which the corner lot will have driveway access. This is shown for several locations, which are shown in the attached Deviation Exhibits 1a and 1b. A copy of the ECM Urban Local Knuckle standard plan sheet (SD_2_77) is also attached for reference. The standard plan sheet shows several standard dimensions, including the inside radii and the sight-distance triangle (SDT) dimensions.

Deviation Exhibit 2:



ECM Section 5.8.6: Limits of Consideration:

The ECM Administrator may only consider a project-specific deviation to an existing standard when **one** of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
N/A
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
N/A
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

The change to the sight-distance-triangle leg length is needed along the street leg (extending back from the knuckle) onto which the corner lot will have driveway access. This change is needed to be able to provide for a driveway for the corner lot.

ECM Section 5.8.7: Criteria for Approval

Per ECM section 5.8.7 the request for a deviation may be considered if the request is not based exclusively on financial considerations. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with all of the following criteria:

- The deviation will achieve the intended result with a comparable or superior design and quality of improvement;
The deviation will allow for sufficient Stopping Sight Distance on the horizontal curve, which is the intended result of the sight-distance-triangle leg lengths.
- The deviation will not adversely affect safety or operations;
The inside edge of pavement radius is 37 feet (the same as SD_2_77) and the centerline radius through this 90-degree curve/knuckle is 52 feet. Please refer to the attached Deviation Exhibit 3. Assuming a design speed of 15 mph around the curve of this knuckle, the required stopping sight distance is 80 feet. Based on Figure 2-21 in the ECM, the required "M," middle ordinate distance, centerline of inside lane to obstruction is 14.6 feet. Exhibit 3 shows the M value for the proposed sight-distance-triangle leg lengths. The measured M is 14.7. Therefore, the Stopping Sight Distance, 82 feet, on Horizontal Curve 2.3.6.C would be met.
- The deviation will not adversely affect maintenance and its associated cost;
The maintenance would not adversely be affected, as the area of the sight triangle needing to be kept clear of obstructions would be smaller with the deviation. Conversely, if the long cul-de-sac were not allowed, a street would be required to be added increasing maintenance and cost to the County.
- The deviation will not adversely affect aesthetic appearance.
The aesthetic appearance would not be adversely affected, as the area outside of the fenced yard requiring maintenance would actually be reduced. This is an area often neglected, so less area to maintain would be a positive rather than a negative.

- The deviation meets the design intent and purpose of the ECM standards.
The deviation would meet the intent and purpose of the standard plan, which is to ensure sufficient Stopping Sight Distance on the horizontal curve.
- The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.
The deviation meets the control measure requirements. This deviation request has no impact on control measure requirements of the County's MS4 permit. The site meets the County's MS4 and (2) full-spectrum detention ponds are proposed for the Phase 1 PUD development.
See civil plans.

#3- Mid Block Crossings

Nature of Request:

Section of ECM from which Deviation Is Sought: 2.5.2.C.4

Specific Criteria from which a Deviation Is Sought: 2.5.2.C.4 Access ramps on local roadways shall be spaced no greater than 600 feet apart.

Proposed Nature and Extent of Deviation: The proposed deviations consist of eliminating mid-block pedestrian ramps along Union Pacific Way and El Reno Lane. The proposed deviations are depicted on the PUD Preliminary Site Plan Drawings.

The proposed deviations are requested based on the fact that pedestrian ramps have been designed at the westerly intersection with Besseyi Way and the trail crossings at the east subdivision boundary, providing a maximum spacing of approximately 950 feet. Recognizing the relatively low traffic volumes anticipated for these local roadways, the proposed pedestrian ramp spacing provides for reasonable crossings in general conformance with the intent of this standard.

ECM Section 5.8.6: Limits of Consideration:

The ECM Administrator may only consider a project-specific deviation to an existing standard when **one** of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
N/A
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
N/A
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.
The proposed elimination of mid-block ramps along these two streets provides enhanced pedestrian safety by minimizing the number of crossing locations. The proposed deviations are

requested based on the fact that pedestrian ramps have been designed at the westerly intersection with Besseyi Way and the trail crossings at the east subdivision boundary, providing a maximum spacing of approximately 950 feet

ECM Section 5.8.7: Criteria for Approval

Per ECM section 5.8.7 the request for a deviation may be considered if the request is not based exclusively on financial considerations. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with all of the following criteria:

- The deviation will achieve the intended result with a comparable or superior design and quality of improvement;
The proposed deviations will result in a comparable or superior roadway design. The proposed pedestrian ramp spacing provides for reasonable crossings in general conformance with the intent of this standard.
- The deviation will not adversely affect safety or operations;
The proposed roadway improvements will be constructed to County standards, and the requested deviations will not adversely affect safety or operations. The proposed elimination of mid-block ramps along these two streets provides enhanced vehicle and pedestrian safety by minimizing the number of crossing locations.
- The deviation will not adversely affect maintenance and its associated cost;
Maintenance will not be adversely affected based on the proposed deviations. Elimination of additional mid-block pedestrian ramps will reduce future County maintenance costs.
- The deviation will not adversely affect aesthetic appearance.
Aesthetic appearance will not be adversely affected based on the proposed deviations.
- The deviation meets the design intent and purpose of the ECM standards.
The proposed pedestrian ramp spacing provides for reasonable crossings which meet the design intent and purpose of the applicable ECM standards.
- The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.
This deviation request has no impact on control measure requirements of the County's MS4 permit. The site meets the County's MS4 and (2) full-spectrum detention ponds are proposed for the Phase 1 PUD development.

MAYBERRY PHASE 1

EL PASO COUNTY, COLORADO

AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD / PRELIMINARY PLAN

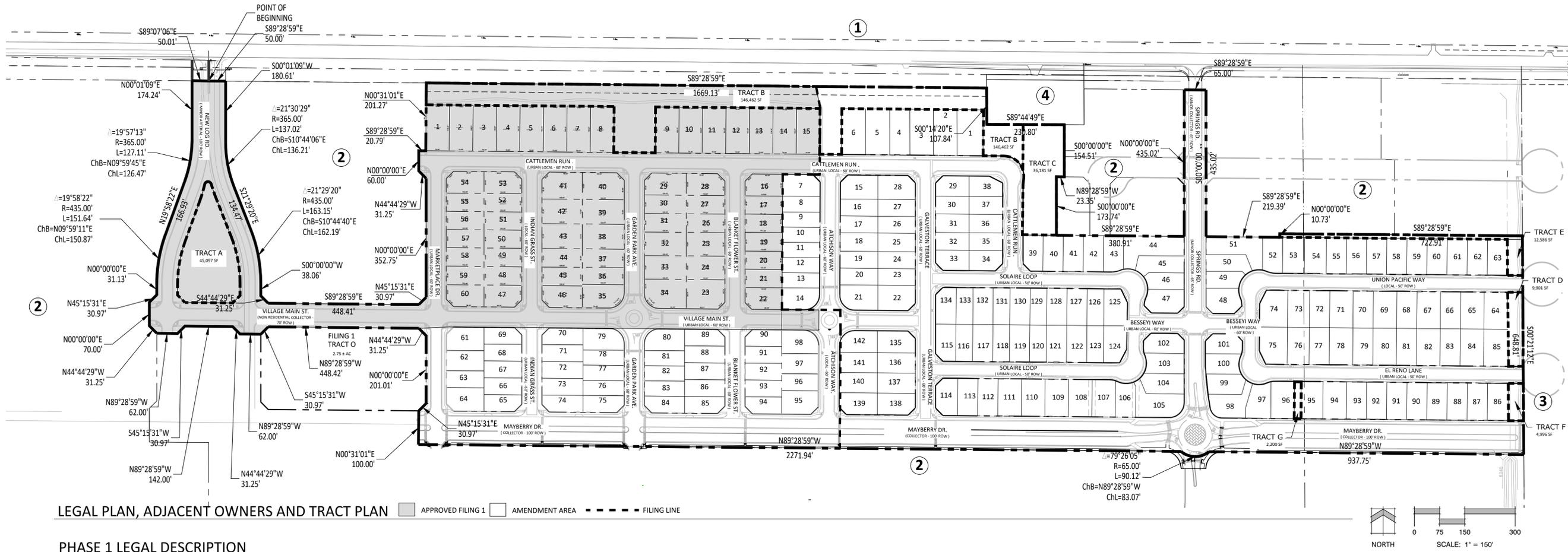


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LEGAL PLAN, ADJACENT OWNERS AND TRACT PLAN

PHASE 1 LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 15 AND IN THE NORTH ONE-HALF (N1/2) OF SECTION 14, ALL IN TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 15, AS MONUMENTED BY A REBAR AND 3-1/2" ALUMINUM CAP STAMPED "U.P. & PLS 116. 4 1999", FROM WHICH THE NORTH ONE-QUARTER CORNER OF SAID SECTION 14, AS MONUMENTED BY A REBAR AND 2" ALUMINUM CAP IN A RANGE BOX STAMPED "U.P. & PLS 116.24 1999", BEARS S89°44'49"E, A DISTANCE OF 2606.55 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S00°01'09"W ALONG THAT LINE COMMON TO SAID SECTION 15 AND SAID SECTION 14, A DISTANCE OF 61.50 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S89°28'59"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF NEW LOG ROAD AS SHOWN ON THE PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 220714655 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THAT CDOT RIGHT-OF-WAY DESCRIBED AS TRACT NO. 1, AS RECORDED UNDER RECEPTION NO. 22021233 OF SAID COUNTY RECORDS AND THE NORTHWEST CORNER OF TRACT K, OF SAID MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE ALONG THAT LINE COMMON TO SAID EASTERLY RIGHT-OF-WAY LINE AND THE WESTERLY LINE OF SAID TRACT K, THE FOLLOWING FIVE (5) COURSES:

- 1.) THENCE S00°01'09"W, A DISTANCE OF 180.61 FEET TO A POINT OF CURVATURE;
- 2.) THENCE ALONG THE ARC OF A 365.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 21°30'29", AN ARC LENGTH OF 137.02 FEET (THE LONG CHORD OF WHICH BEARS S10°44'06"E, A LONG CHORD DISTANCE OF 136.21 FEET) TO A POINT OF TANGENCY;
- 3.) THENCE S21°29'20"E, A DISTANCE OF 134.47 FEET TO A POINT OF CURVATURE;
- 4.) THENCE ALONG THE ARC OF A 435.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 21°29'20", AN ARC LENGTH OF 163.15 FEET (THE LONG CHORD OF WHICH BEARS S10°44'06"E, A LONG CHORD DISTANCE OF 162.19 FEET) TO A POINT OF TANGENCY;
- 5.) THENCE S00°00'00"W, A DISTANCE OF 38.06 FEET;

THENCE S44°44'29"E ALONG THE SOUTHWESTERLY LINE OF SAID TRACT K, A DISTANCE OF 31.25 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VILLAGE MAIN STREET AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE S89°28'59"E ALONG THAT LINE COMMON TO SAID TRACT K AND SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 448.41 FEET;

THENCE N45°15'31"E ALONG THE SOUTHEASTERLY LINE OF SAID TRACT K, A DISTANCE OF 30.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF MARKETPLACE DRIVE AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE N00°00'00"E ALONG THAT LINE COMMON TO SAID TRACT K AND SAID MARKETPLACE DRIVE, A DISTANCE OF 352.75 FEET;

THENCE N44°44'29"W ALONG THE EASTERLY LINE OF SAID TRACT K, A DISTANCE OF 31.25 FEET TO THE SOUTHWESTERLY POINT OF TERMINUS OF CATTLEMEN RUN AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE ALONG THAT LINE COMMON TO SAID TRACT K AND SAID CATTLEMEN RUN, THE FOLLOWING TWO (2) COURSES;

- 1.) THENCE N00°00'00"E, A DISTANCE OF 60.00 FEET;
- 2.) THENCE N89°28'59"E, A DISTANCE OF 20.79 TO THE SOUTHWEST CORNER OF LOT 1, OF SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE N00°31'01"E ALONG THAT LINE COMMON TO SAID TRACT K, SAID LOT 1 AND TRACT B, SAID POINT ALSO BEING A POINT OF SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1, A DISTANCE OF 201.27 FEET TO THE NORTHERLY CORNER COMMON TO SAID TRACT K AND SAID TRACT B, SAID POINT ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CDOT TRACT NO. 1;

THENCE S89°28'59"E ALONG THAT LINE COMMON TO SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID TRACT B AND TRACT L OF SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1, A DISTANCE OF 1669.13 FEET TO THE SOUTHEASTERN CORNER OF SAID CDOT TRACT NO. 1, SAID POINT ALSO BEING A POINT ON THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 5527 AT PAGE 376 OF SAID COUNTY RECORDS;

THENCE ALONG THAT LINE COMMON TO SAID TRACT AND SAID TRACT L, THE FOLLOWING TWO (2) COURSES;

- 1.) THENCE S00°14'20"E, A DISTANCE OF 107.84 FEET;
- 2.) THENCE S89°44'49"E, A DISTANCE OF 230.80 FEET;

THENCE S00°00'00"E, A DISTANCE OF 154.51 FEET;

THENCE N89°28'59"W, A DISTANCE OF 23.35 FEET;

THENCE S00°00'00"E, A DISTANCE OF 173.74 FEET;

THENCE S89°28'59"E, A DISTANCE OF 380.91 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SPRINGS ROAD AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE N00°00'00"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 435.02 FEET TO THE SOUTHEAST CORNER OF THAT CDOT RIGHT-OF-WAY DESCRIBED AS TRACT NO. 2, AS RECORDED UNDER SAID RECEPTION NO. 22021233;

THENCE S89°28'59"E, A DISTANCE OF 65.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID SPRINGS ROAD;

THENCE S00°00'00"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 435.02 FEET;

THENCE S89°28'59"E, A DISTANCE OF 219.39 FEET;

THENCE N00°00'00"E, A DISTANCE OF 10.73 FEET;

THENCE S89°28'59"E, A DISTANCE OF 722.91 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 NE1/4) OF SAID SECTION 14;

THENCE S00°21'12"E ALONG SAID EAST LINE, A DISTANCE OF 648.81 FEET;

THENCE N89°28'59"W, A DISTANCE OF 937.75 FEET;

THENCE ALONG THE ARC OF A 65.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 79°26'05", AN ARC LENGTH OF 90.12 FEET (THE LONG CHORD OF WHICH BEARS N89°28'59"W, A LONG CHORD DISTANCE OF 83.07 FEET);

THENCE N89°28'59"W, A DISTANCE OF 2271.94 FEET TO THE SOUTHWESTERLY POINT OF TERMINUS OF MAYBERRY DRIVE AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE N00°31'01"E ALONG THE WESTERLY LINE OF SAID MAYBERRY DRIVE, A DISTANCE OF 100.00 FEET TO A POINT ON THE SOUTHERLY LINE OF TRACT O, AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE ALONG THE SOUTHERLY, EASTERLY, AND NORTHERLY LINES OF SAID TRACT O, THE FOLLOWING FIVE (5) COURSES;

- 1.) THENCE N45°15'31"E, A DISTANCE OF 30.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID MARKETPLACE DRIVE;
- 2.) THENCE N00°00'00"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 201.01 FEET;
- 3.) THENCE N44°44'29"W, A DISTANCE OF 31.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VILLAGE MAIN STREET;
- 4.) THENCE N89°28'59"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 448.42 FEET;
- 5.) THENCE S45°15'31"W, A DISTANCE OF 30.97 FEET;

THENCE CONTINUING ALONG THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINES OF SAID VILLAGE MAIN STREET, THE FOLLOWING SEVEN (7) COURSES;

- 1.) THENCE N89°28'59"W, A DISTANCE OF 62.00 FEET;
- 2.) THENCE N44°44'29"W, A DISTANCE OF 31.25 FEET;
- 3.) THENCE N89°28'59"W, A DISTANCE OF 142.00 FEET;
- 4.) THENCE S45°15'31"W, A DISTANCE OF 30.97 FEET;
- 5.) THENCE N89°28'59"W, A DISTANCE OF 62.00 FEET;
- 6.) THENCE N44°44'29"W, A DISTANCE OF 31.25 FEET;
- 7.) THENCE N00°00'00"E, A DISTANCE OF 70.00 FEET;

THENCE N45°15'31"E, A DISTANCE OF 30.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID NEW LOG ROAD;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FIVE (5) COURSES;

- 1.) THENCE N00°00'00"E, A DISTANCE OF 31.13 FEET TO A POINT OF CURVATURE;
- 2.) THENCE ALONG THE ARC OF A 435.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 19°58'22", AN ARC LENGTH OF 151.64 FEET (THE LONG CHORD OF WHICH BEARS N09°59'11"E, A LONG CHORD DISTANCE OF 150.87 FEET) TO A POINT OF TANGENCY;
- 3.) THENCE N19°58'22"E, A DISTANCE OF 166.93 FEET TO A POINT OF CURVATURE;
- 4.) THENCE ALONG THE ARC OF A 365.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°57'13", AN ARC LENGTH OF 127.11 FEET (THE LONG CHORD OF WHICH BEARS N09°59'45"E, A LONG CHORD DISTANCE OF 126.47 FEET) TO A POINT OF TANGENCY;
- 5.) THENCE N00°01'09"E, A DISTANCE OF 174.24 FEET;

THENCE S89°07'06"E, A DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 71.39 ACRES OF LAND, MORE OR LESS.

TRACT TABLE

NAME	SIZE (SF)	SIZE (AC)	USE	OWNERSHIP	MAINTENANCE
Tract A	45,097	1.0	Open Space, Landscape, Public Utilities	Mayberry Metropolitan District	Mayberry Metropolitan District
Tract B	146,462	3.4	Open Space, Landscape, Public Utilities, and Private Utilities	Mayberry Metropolitan District	Mayberry Metropolitan District
Tract C	36,181	0.8	Open Space, Landscape, Public Utilities, and Private Utilities	Mayberry Metropolitan District	Mayberry Metropolitan District
Tract D	9,901	0.2	Open Space, Landscape, Public Utilities, and Private Utilities	Mayberry Metropolitan District	Mayberry Metropolitan District
Tract E	12,265	0.3	Open Space, Landscape, Public Utilities, and Private Utilities	Mayberry Metropolitan District	Mayberry Metropolitan District
Tract F	4,996	0.1	Open Space, Landscape, Public Utilities, and Private Utilities	Mayberry Metropolitan District	Mayberry Metropolitan District
Tract G	2,200	0.05	Public Utilities, and Private Utilities	Mayberry Metropolitan District	Mayberry Metropolitan District
Filing 1 Tract O	119,674	2.75	Open Space, Landscape, Public Utilities, and Private Utilities	Mayberry Metropolitan District	Mayberry Metropolitan District
Total Tract Area	373,285	8.6			

ADJACENT OWNERS

Name	Mailing Address	City, State, Zip
1 LORRAINE ANDERSON & GAIL J HELLMANN	5242 FOSSIL CREEK DR	FORT COLLINS CO, 80526-4313
2 COLORADO SPRINGS MAYBERRY LLC	32823 TEMECULA PKWY	TEMECULA CA, 92592-8348
3 WAYNE K & KATHY A, GILLESPIE	22775 STATE HIGHWAY 94	CALHAN CO, 80808-8534
4 CHEROKEE WATER &, SANITATION DISTRICT	1335 VALLEY ST	COLORADO SPRINGS, CO 80915

MAYBERRY PHASE 1

AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD DEVELOPMENT / PRELIMINARY PLAN

EL PASO COUNTY, CO

PROJECT INFO

DATE: 05.26.2021
PROJECT MGR: J. ROMERO
PREPARED BY: B. ITTEN

ENTITLEMENT

ISSUE INFO

DATE:	BY:	DESCRIPTION:
10.20.2021	B.1.	Per County Comments
01.11.2022	B.1.	Per County Comments
02.16.2022	B.1.	Per County Comments

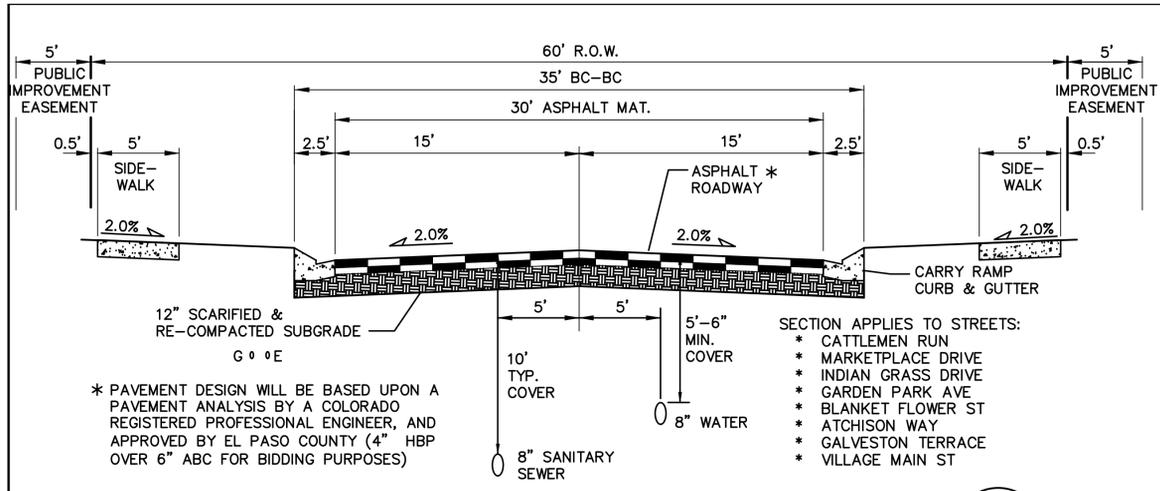
LEGAL BOUNDARY / TRACT EXHIBIT

SHEET TITLE

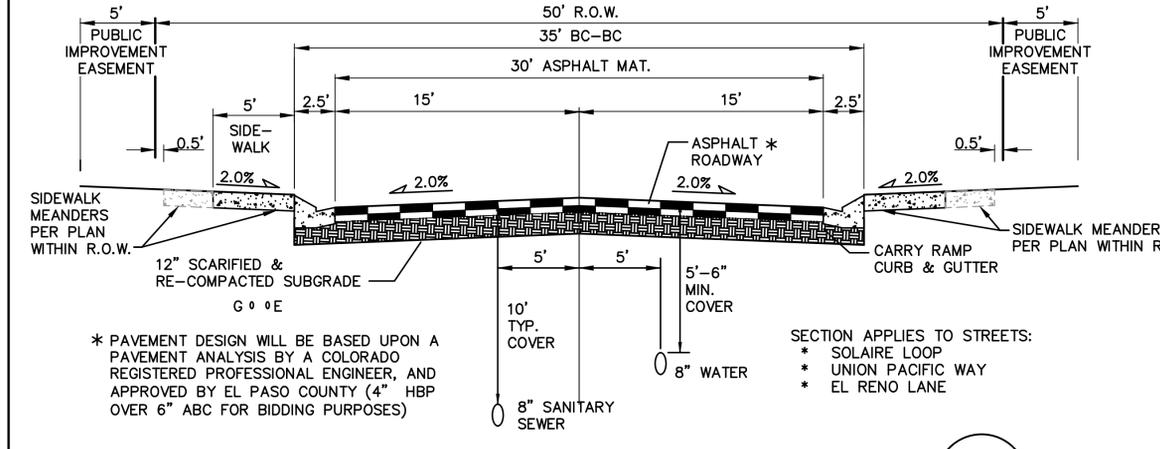
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2 OF 13

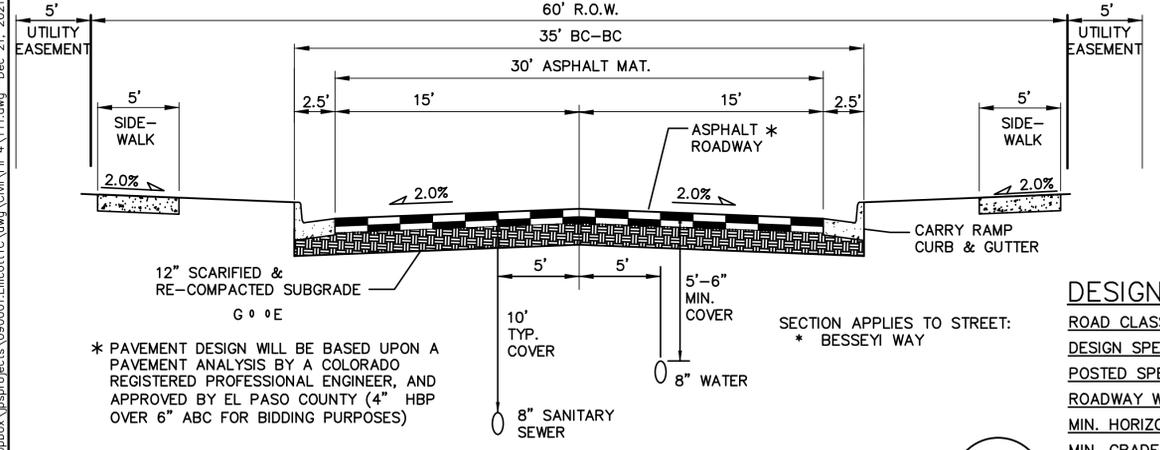
PUDSP-21-009



TYPICAL URBAN LOCAL ROAD SECTION - 60' ROW A
(URBAN LOCAL)
SCALE: 1"=5' H
1"=2.5' V



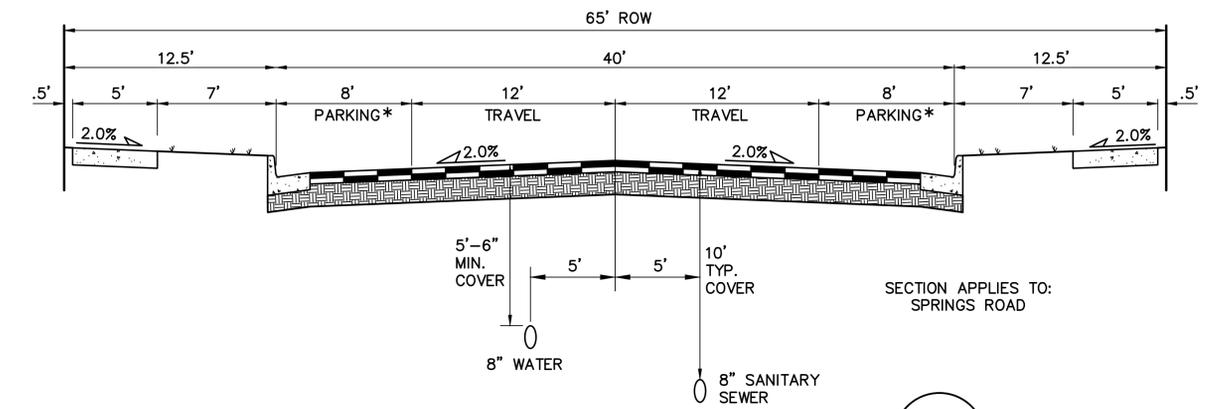
TYPICAL URBAN LOCAL ROAD SECTION - 50' ROW B
(URBAN LOCAL)
*ON-STREET PARKING ALLOWED
SCALE: 1"=5' H
1"=2.5' V



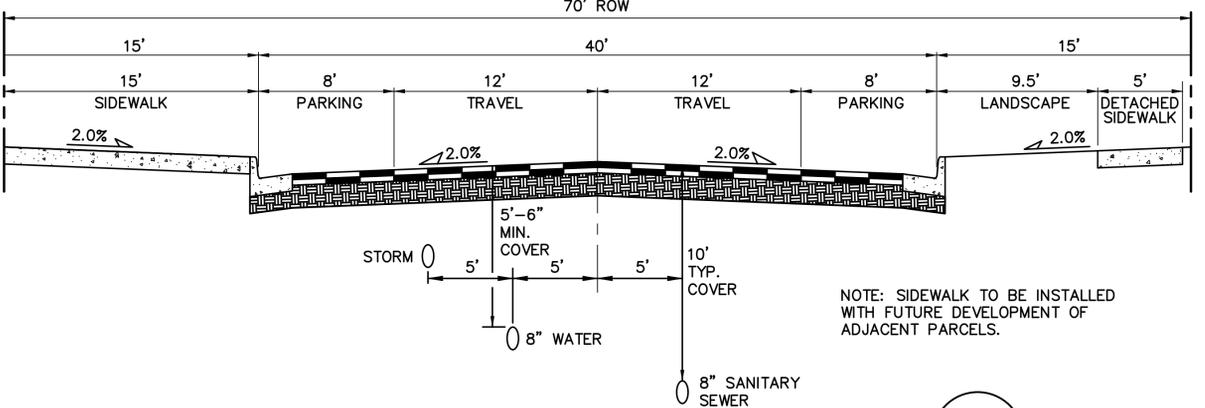
TYPICAL URBAN LOCAL ROAD SECTION - 60' ROW C
(URBAN LOCAL)
SCALE: 1"=5' H
1"=2.5' V

DESIGN DATA

ROAD CLASSIFICATION:	URBAN/LOCAL
DESIGN SPEED:	25 MPH
POSTED SPEED:	25 MPH
ROADWAY WIDTH:	30'
MIN. HORIZONTAL RADIUS:	200'
MIN. GRADE:	0.5%
MAX. GRADE:	8.0%
MIN. K-VALUE (CREST):	12
MIN. K-VALUE (SAG):	26

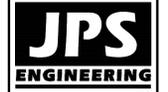


TYPICAL MINOR COLLECTOR ROAD SECTION D
SCALE: 1"=5' H
1"=2.5' V



VILLAGE MAIN STREET TYPICAL COMMERCIAL SECTION E
(NON-RESIDENTIAL COLLECTOR)
SCALE: 1"=5' H
1"=2.5' V

MAYBERRY, COLORADO SPRINGS - PHASE 1



19 E. Willamette Ave.
Colorado Springs, CO
80903
PH: 719-477-9429
FAX: 719-471-0766
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1-800-922-1987
CALL BEFORE YOU DIG. IN AN EXCAVATE
BEFORE YOU DIG. GRADE, OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES.

NO.	REVISION	BY	DATE

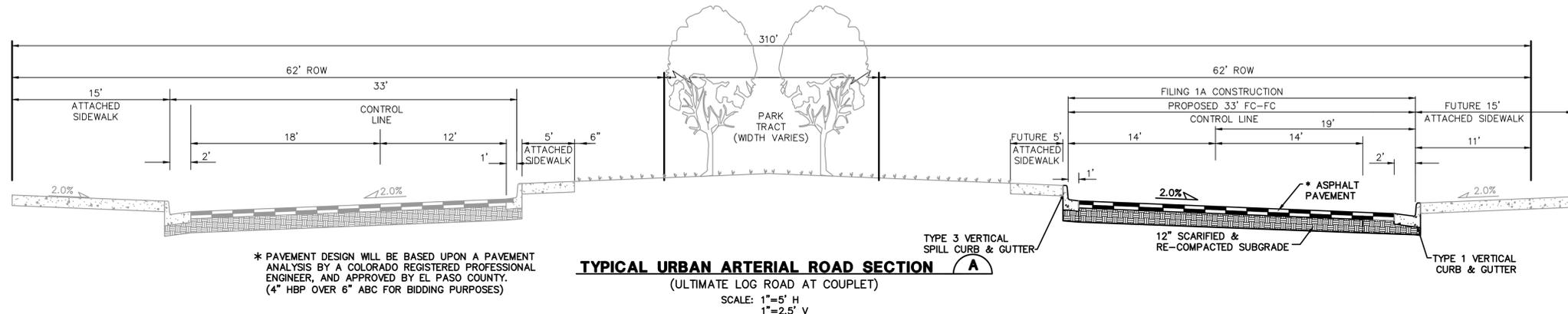
TYPICAL ROAD SECTION & DETAILS

HORZ. SCALE:	1"=5'	DRAWN:	BJJ
VERT. SCALE:	AS SHOWN	DESIGNED:	JPS
SURVEYED:	R&R	CHECKED:	JPS
CREATED:	5/5/05	LAST MODIFIED:	12/21/21
PROJECT NO:	090001	MODIFIED BY:	BJJ

- NOTES:**
- A LANDSCAPE AGREEMENT IS REQUIRED FOR LANDSCAPING IN COUNTY ROW.
 - STREET TREES MAY BE PLANTED IN STREET WITHIN ROW SUBJECT TO COUNTY STANDARDS

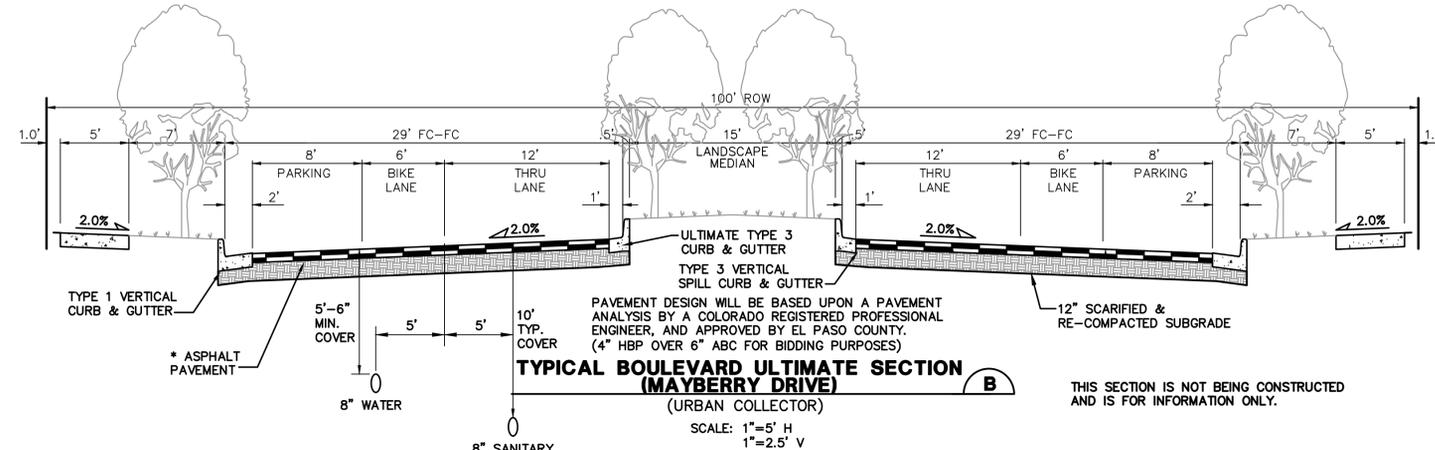
SHEET: **TY1**
3 OF 13

G:\Users\Owner\Dropbox\jpsprojects\090001_Elliot\TTC.dwg\Civil\F11_4\TY1.dwg Dec 21, 2021 4:34pm



* PAVEMENT DESIGN WILL BE BASED UPON A PAVEMENT ANALYSIS BY A COLORADO REGISTERED PROFESSIONAL ENGINEER, AND APPROVED BY EL PASO COUNTY. (4" HBP OVER 6" ABC FOR BIDDING PURPOSES)

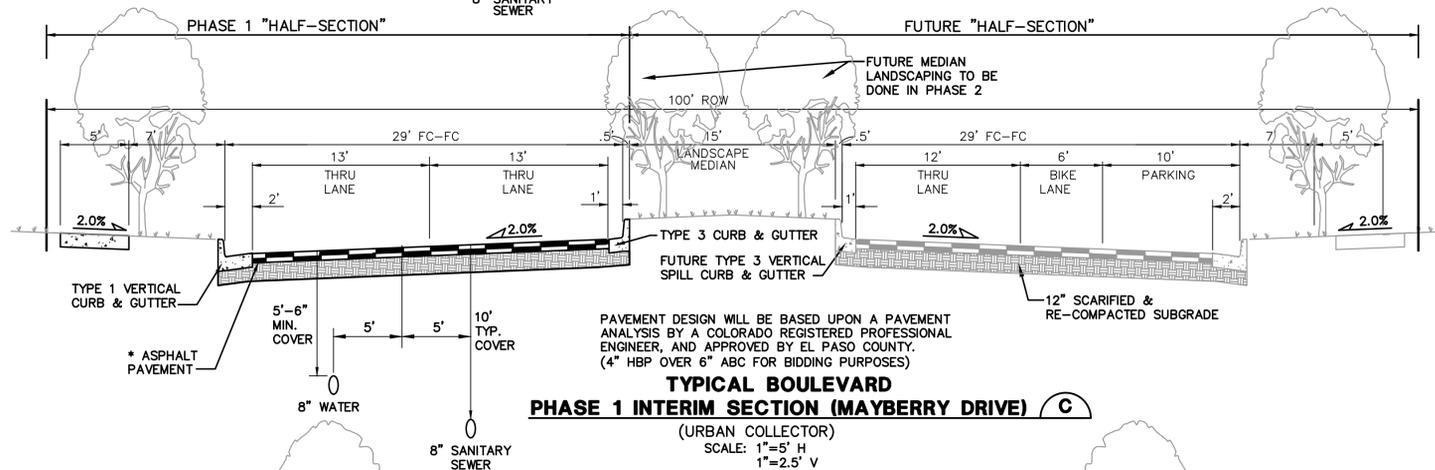
TYPICAL URBAN ARTERIAL ROAD SECTION (A)
(ULTIMATE LOG ROAD AT COUPLER)
SCALE: 1"=5' H
1"=2.5' V



PAVEMENT DESIGN WILL BE BASED UPON A PAVEMENT ANALYSIS BY A COLORADO REGISTERED PROFESSIONAL ENGINEER, AND APPROVED BY EL PASO COUNTY. (4" HBP OVER 6" ABC FOR BIDDING PURPOSES)

TYPICAL BOULEVARD ULTIMATE SECTION (MAYBERRY DRIVE) (B)
(URBAN COLLECTOR)
SCALE: 1"=5' H
1"=2.5' V

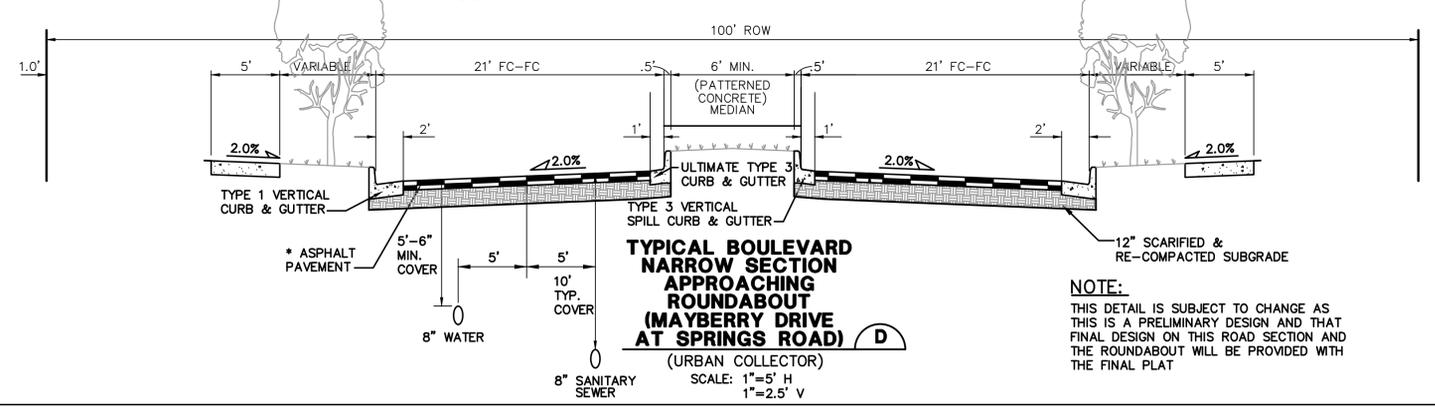
THIS SECTION IS NOT BEING CONSTRUCTED AND IS FOR INFORMATION ONLY.



PAVEMENT DESIGN WILL BE BASED UPON A PAVEMENT ANALYSIS BY A COLORADO REGISTERED PROFESSIONAL ENGINEER, AND APPROVED BY EL PASO COUNTY. (4" HBP OVER 6" ABC FOR BIDDING PURPOSES)

TYPICAL BOULEVARD PHASE 1 INTERIM SECTION (MAYBERRY DRIVE) (C)
(URBAN COLLECTOR)
SCALE: 1"=5' H
1"=2.5' V

FUTURE MEDIAN LANDSCAPING TO BE DONE IN PHASE 2



TYPICAL BOULEVARD NARROW SECTION APPROACHING ROUNDABOUT (MAYBERRY DRIVE AT SPRINGS ROAD) (D)
(URBAN COLLECTOR)
SCALE: 1"=5' H
1"=2.5' V

NOTE: THIS DETAIL IS SUBJECT TO CHANGE AS THIS IS A PRELIMINARY DESIGN AND THAT FINAL DESIGN ON THIS ROAD SECTION AND THE ROUNDABOUT WILL BE PROVIDED WITH THE FINAL PLAT

DESIGN DATA

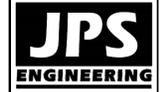
ROAD CLASSIFICATION:	URBAN MINOR ARTERIAL
DESIGN SPEED:	40 MPH
POSTED SPEED:	35 MPH
MIN. HORIZONTAL RADIUS: (STANDARD)	565'
MIN. HORIZONTAL RADIUS: (PER APPROVED DEVIATION)	400'
MIN. GRADE:	0.5%
MAX. GRADE:	6.0%
MIN. K-VALUE (CREST):	44
MIN. K-VALUE (SAG):	64

DESIGN DATA

ROAD CLASSIFICATION:	URBAN COLLECTOR
DESIGN SPEED:	40 MPH
POSTED SPEED:	35 MPH
MIN. HORIZONTAL RADIUS:	565'
MIN. GRADE:	1.0%
MAX. GRADE:	8.0%
MIN. K-VALUE (CREST):	44
MIN. K-VALUE (SAG):	64

* PAVEMENT DESIGN WILL BE BASED UPON A PAVEMENT ANALYSIS BY A COLORADO REGISTERED PROFESSIONAL ENGINEER, AND APPROVED BY EL PASO COUNTY. (4" HBP OVER 6" ABC FOR BIDDING PURPOSES)

NOTE: LANE WIDTHS ARE IN ACCORDANCE WITH DEVIATIONS APPROVED AS PART OF PUD



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NO.	DATE	REVISION

MAYBERRY, COLORADO SPRINGS - PHASE 1

TYPICAL ROAD SECTIONS

HORZ. SCALE:	1"=5'	DRAWN:	BJJ
VERT. SCALE:	AS SHOWN	DESIGNED:	JPS
SURVEYED:	R&R	CHECKED:	JPS
CREATED:	10/30/20	LAST MODIFIED:	12/08/21
PROJECT NO:	090001	MODIFIED BY:	BJJ
SHEET:	TY2		
	4 OF 13		

MAYBERRY PHASE 1

EL PASO COUNTY, COLORADO

AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD / PRELIMINARY PLAN



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903

Tel. 719.471.0073
Fax 719.471.0267

www.nescolorado.com

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PLANNER / LANDSCAPE ARCHITECT

BY ASSOCIATION WITH

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ISSUE INFO

ISSUE / REVISION

SHEET TITLE

SHEET NUMBER

PLAN FILE #

MAYBERRY PHASE 1 AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD DEVELOPMENT / PRELIMINARY PLAN

EL PASO COUNTY, CO

DATE: 05.26.2021
PROJECT MGR: J. ROMERO
PREPARED BY: B. ITTEN

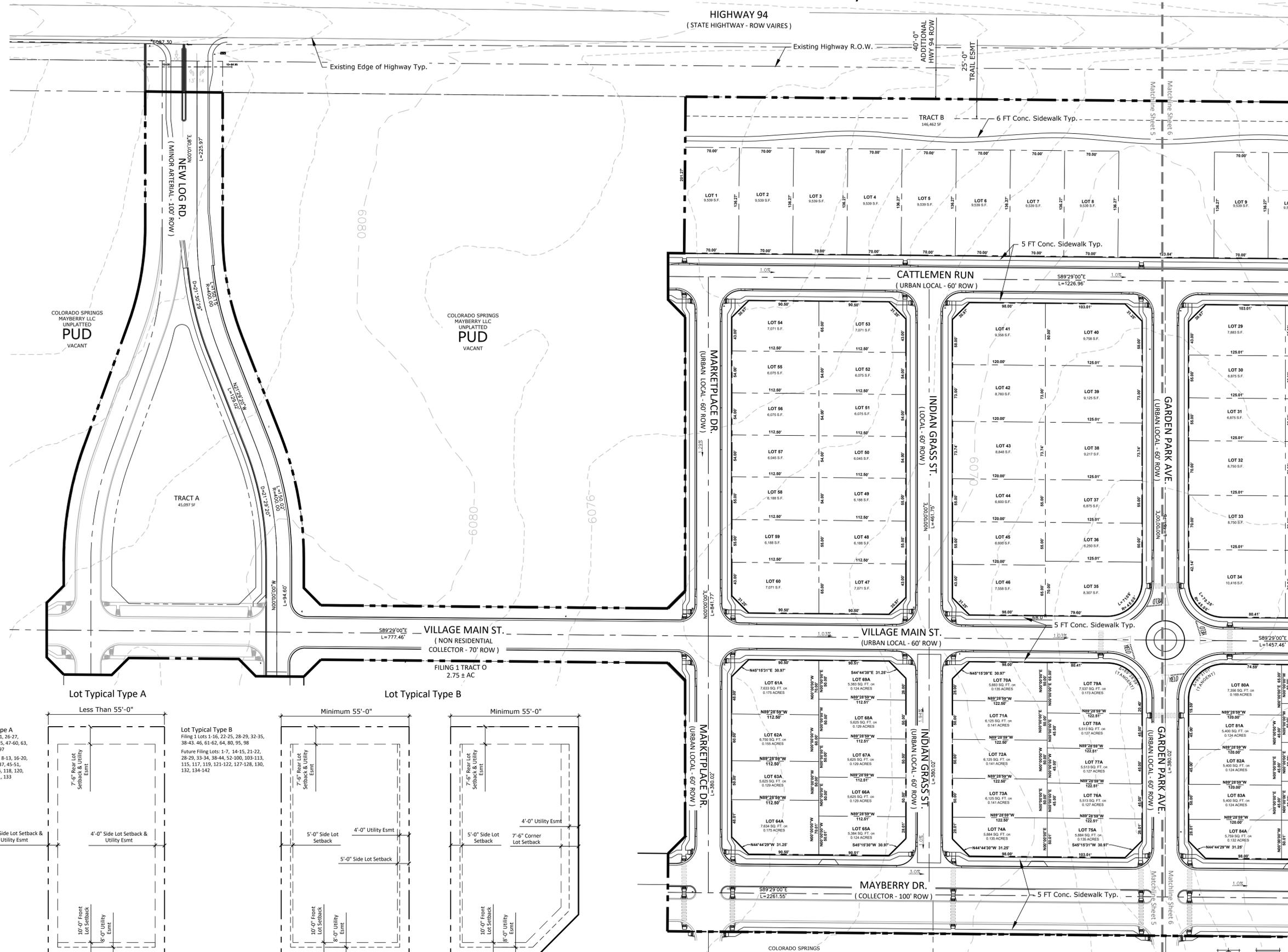
ENTITLEMENT

DATE:	BY:	DESCRIPTION:
10.20.2021	B.I.	Per County Comments
01.11.2022	B.I.	Per County Comments
02.16.2022	B.I.	Per County Comments

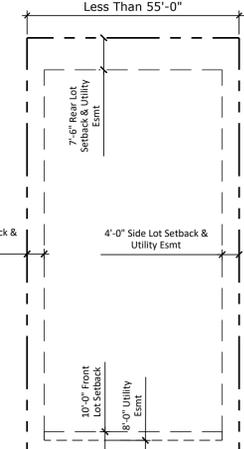
PUD PRELIMINARY SITE PLAN

5 OF 13

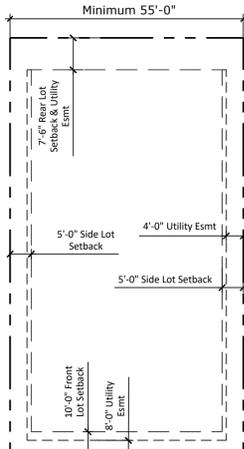
PUDSP-21-009



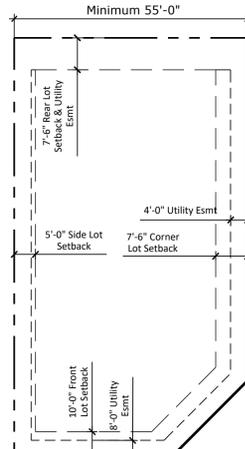
Lot Typical Type A
Less Than 55'-0"



Lot Typical Type B
Minimum 55'-0"



Lot Typical Type C
Minimum 55'-0"

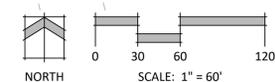


LOT TYPICALS

Lot Typical Type A
Filing 1 Lots: 17-21, 26-37, 30-31, 36-37, 44-45, 47-60, 63, 65-78, 81-94, 96-97
Future Filing Lots: 8-13, 16-20, 23-27, 30-32, 35-37, 45-51, 101-102, 114, 116, 118, 120, 123-126, 129, 131, 133

Lot Typical Type B
Filing 1 Lots: 1-16, 22-25, 28-29, 32-35, 38-43, 46, 61-62, 64, 80, 95, 98
Future Filing Lots: 1-7, 14-15, 21-22, 28-29, 33-34, 38-44, 52-100, 103-113, 115, 117, 119, 121-122, 127-128, 130, 132, 134-142

N.T.S.

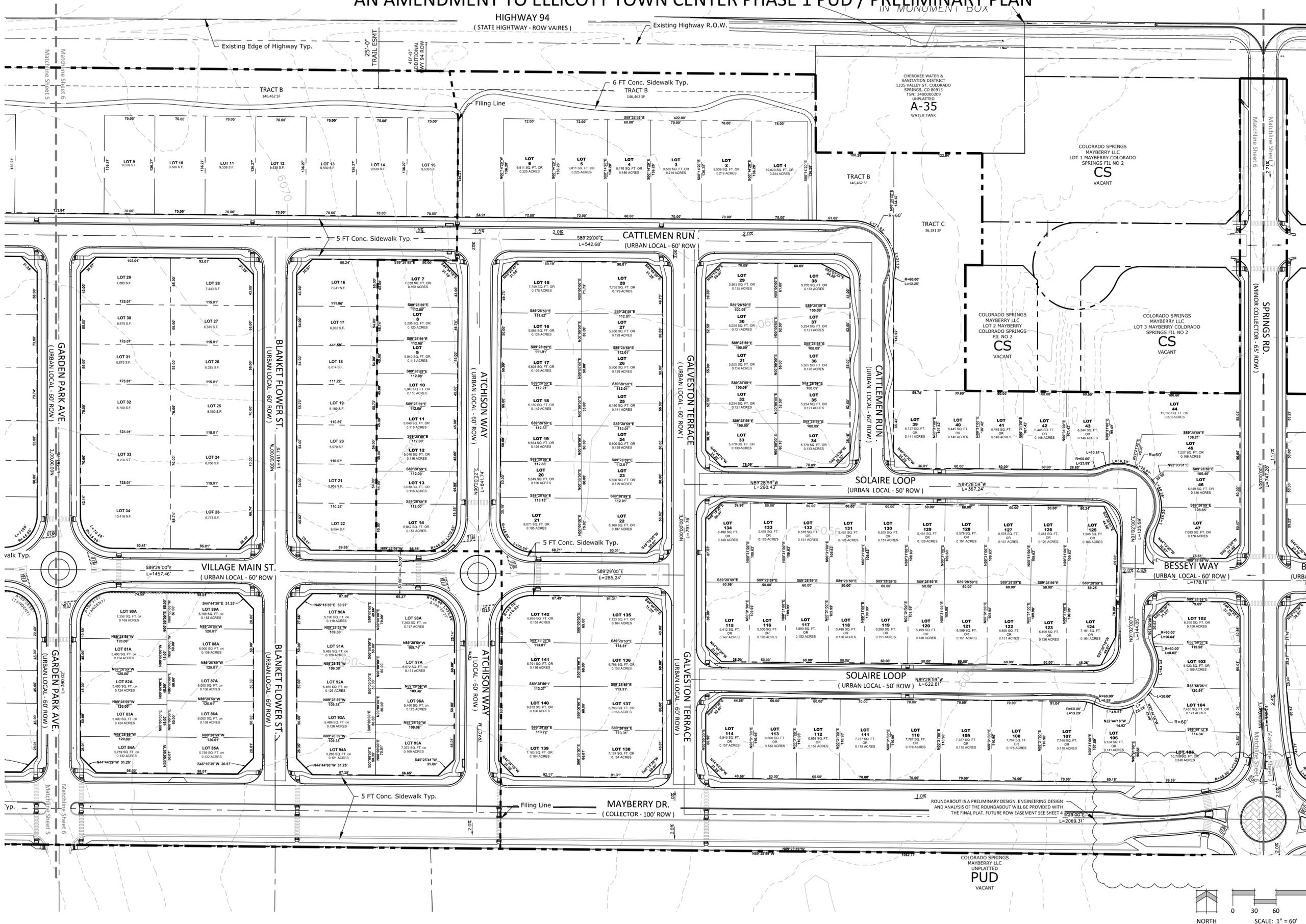


C:\Users\jromero\OneDrive\Documents\Projects\Mayberry\Phase 1_PUD_PP_Amendment\Drawings\Planning\Phase 1_PUD_PP_Amendment\Mayberry Phase 1_PUD_PP_Amendment\Mayberry Phase 1_PUD_PP_Amendment.dwg [5-Plan] 2/16/2022 10:09:42 AM baten

MAYBERRY PHASE 1

EL PASO COUNTY, COLORADO

AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD / PRELIMINARY PLAN



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
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PLANNING / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

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MAYBERRY PHASE 1 AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD DEVELOPMENT / PRELIMINARY PLAN

EL PASO COUNTY, CO

DATE: 05.26.2021
PROJECT MGR: J. ROMERO
PREPARED BY: B. ITTEN

ENTITLEMENT

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10.20.2021	B.I.	Per County Comments
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02.16.2022	B.I.	Per County Comments

PUD PRELIMINARY SITE PLAN

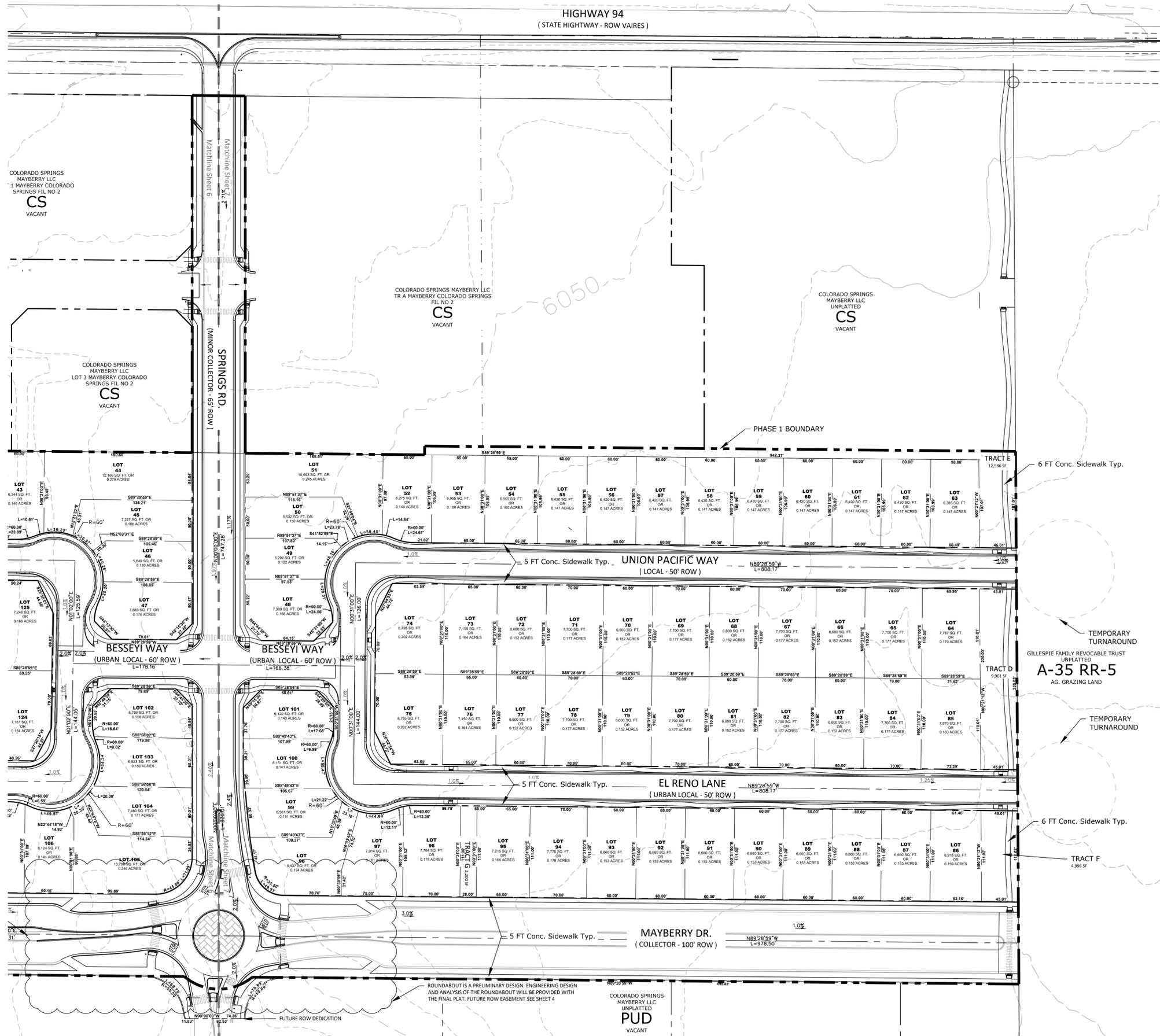
6 OF 13

PUDSP-21-009

MAYBERRY PHASE 1

EL PASO COUNTY, COLORADO

AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD / PRELIMINARY PLAN



ROUNDABOUT IS A PRELIMINARY DESIGN. ENGINEERING DESIGN AND ANALYSIS OF THE ROUNDABOUT WILL BE PROVIDED WITH THE FINAL PLAT. FUTURE ROW EASEMENT SEE SHEET 4

COLORADO SPRINGS MAYBERRY LLC UNPLATTED PUD VACANT



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
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PLANNER / LANDSCAPE ARCHITECT

BY ASSOCIATION WITH

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DATE: 05.26.2021
PROJECT MGR: J. ROMERO
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PUD PRELIMINARY SITE PLAN

MAYBERRY PHASE 1

EL PASO COUNTY, COLORADO

AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD / PRELIMINARY PLAN

LANDSCAPE NOTES

- ALL PRESERVATION AREAS CONTAINING VEGETATION DESIGNATED TO BE PRESERVED, SHALL BE FENCED OFF DURING CONSTRUCTION TO MINIMIZE DISTURBANCE IN THESE AREAS. ALL FENCING SHALL BE INSTALLED AROUND PRESERVED VEGETATION PRIOR TO ANY GRADING ON THE PROPERTY. A 4-FOOT, ORANGE, CONSTRUCTION SAFETY FENCE SHALL BE USED IN THIS APPLICATION.
- SOIL AMENDMENT - INCORPORATE 3 CUBIC YARDS/1000 SF AREA OF "PREMIUM 3 ORGANIC COMPOST", OR APPROVED EQUAL, ON BLUEGRASS TURF AREAS. INCORPORATE 2 CUBIC YARDS/1000 SF AREA OF ORGANIC COMPOST (DECOMPOSED MANURE) TO ALL NATIVE SEED AREAS. TILL INTO TOP 8" OF SOIL. FOR PLANTING PIT AMENDMENTS, SEE RECOMMENDED SOILS AMENDMENT BELOW:

RECOMMENDED SOIL AMENDMENT:
TRI-MIX III as supplied by C&C Sand
-To be applied as backfill in planting pits
- CONTRACTOR TO APPLY EROSION CONTROL BLANKET TO ALL SEED AREAS WITH GREATER THAN 3:1 SLOPES.
- FOR ALL SEED AREAS REFER TO SEED MIXES SPECIFIED ON THIS SHEET.
- ALL NATIVE SEED AREAS SHALL HAVE A TEMPORARY ABOVE-GROUND SPRAY IRRIGATION SYSTEM UTILIZED UNTIL SEED IS ESTABLISHED, AND ALL TREES AND SHRUBS WITHIN NATIVE SEED AREAS SHALL HAVE A PERMANENT DRIP IRRIGATION SYSTEM.
- A FULLY AUTOMATED SPRINKLER IRRIGATION SYSTEM WILL DRIP IRRIGATE ALL TREE, SHRUB, AND GROUND COVER PLANTINGS, AND SPRAY ALL TALL FESCUE SOD AND LOW ALTERNATIVE TURF AREAS. AN IRRIGATION PLAN WILL BE PREPARED AT A LATER DATE AND WILL INCLUDE AN IRRIGATION SCHEDULE THAT NOTES APPLICATION RATES BASED ON TURF TYPE, RATES FOR NEWLY INSTALLED PLANTS VS. ESTABLISHED PLANTS, AND GENERAL RECOMMENDATIONS REGARDING SEASONAL ADJUSTMENTS.
- SOD TO BE TALL FESCUE BLEND.
- NO SOD SHALL BE PLANTED ON SLOPES IN EXCESS OF 6:1 GRADIENT.
- CONTRACTOR TO UTILIZE STOCKPILED TOPSOIL FROM GRADING OPERATION AS AVAILABLE. TILL INTO TOP 6" OF SOIL.
- FOR GRADES REFER TO CIVIL ENGINEERING DRAWINGS.
- NO TREES AND NO PLANTS OVER 2 FEET TALL SHALL BE INSTALLED WITHIN 5 FEET OF ANY FIRE HYDRANTS.
- ALL PLANTS TO RECEIVE 3 INCH DEPTH OF GORILLA HAIR SHREDDED CEDAR WOOD MULCH UNLESS OTHERWISE SPECIFIED. FOLLOW PLANTING DETAILS FOR MULCH RING DIMENSIONS WITHIN ROCK, SOD, OR SEED AREAS.
- COBBLE: 2-4" WHITE SPECKLED RIVER ROCK, AT 3-4" DEPTH, AT ALL INTERSECTION CORNERS BETWEEN HANDICAP RAMPS. INSTALL GEOTEXTILE FABRIC UNDER ALL COBBLE AREAS.
- ROCK: 3/4" SADDLEBACK SWIRL, AT 3-4" DEPTH. INSTALL GEOTEXTILE FABRIC UNDER ALL ROCK AREAS.
- ALL SHRUB BEDS TO BE ENCLOSED BY SOLID STEEL EDGING, AS A SEPARATOR FROM SOD, SEED, AND ALTERNATIVE TURF. SEPARATION BETWEEN SOD AND SEED, AND BETWEEN ALTERNATIVE TURF AND SEED SHALL BE A MOWED STRIP, WITHOUT STEEL EDGING.
- SE: SOLID STEEL EDGING TO BE: "DURAEDGE" (1/8" THICK x 4" WIDE) STEEL LANDSCAPE EDGING, DARK GREEN COLOR, WITH ROLLED EDGE AND STEEL STAKES. USE SOLID STEEL EDGING EXCEPT WHERE NOTED ON THE PLANS.
- ALL PLANTS NOT LABELED AS FULFILLING A COUNTY LANDSCAPE REQUIREMENT ARE "EXTRA" PER COUNTY STANDARDS, AND WILL BE INSTALLED AT THE OWNER'S DISCRETION.
- ANY FIELD CHANGES OR DEVIATIONS TO THESE PLANS WITHOUT PRIOR COUNTY APPROVAL OF AN AMENDED SITE DEVELOPMENT PLAN MAY RESULT IN A DELAY OF FINAL APPROVAL AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THESE PLANS ARE FOR COUNTY APPROVALS ONLY AND ARE NOT TO BE UTILIZED FOR CONSTRUCTION.
- ALL TREES TO BE STAKED FOR A MINIMUM OF 18 MONTHS. REMOVE STAKING MATERIALS ONCE TREE IS ESTABLISHED, WHICH MAY DEPEND ON TREE SPECIES, MATURITY AND SITE CONDITIONS.

GROUND COVER SCHEDULE

	SEED MIX B W/ WILDFLOWERS	49,336 sf
	SEED MIX A	261,246 sf
	COBBLE 2"-4" Speckled White River Rock	4,066 sf
	TURF Kentucky Bluegrass Sod	29,079 sf
	ROCK 3/4" Saddleback Swirl	17,785 sf

Seed Mix A

15% Western Wheatgrass
15% Big Bluestem
15% Thickspike Wheatgrass
10% Sideoats Grama
15% Little Bluestem
15% Blue Grama
15% Annual Rye

APPLICATION RATE: Native Grass Mix: 3 lbs./1,000s.f. or 130 lbs./acre
Hydromulch: 2200 lbs./acre mulch, 100 lbs./acre tackifier

APPLICATION METHOD: Broadcast seed by hand or with a drop spreader.
Manually rake seed into prepared soil.
After seeding apply green hydromulch and tackifier.

Seed Mix B with Wildflowers

30% Ephraim Crested Wheatgrass Note: Low Gro Mix available from
25% Dwarf Perennial Ryegrass Arkansas Valley Seed Solutions
20% SR3200 Blue Fescue (877) 957-3337
15% Ruebens Canada Bluegrass
10% Chewings Fescue Wildflower Mix available from:
15% Blue Grama Applewood Seed Co.
Wildflowers: 615 Western Mix (303) 431-7333

APPLICATION RATE: Native Grass Mix: 40 lbs./acre (or as recommended by supplier)
Wildflower Mix: 6 oz./1,000 s.f. or 8- 10 lbs./acre
Hydromulch: 2200 lbs./acre mulch, 100 lbs./acre tackifier.

APPLICATION METHOD: Broadcast seed by hand or with a drop spreader.
Manually rake seed into prepared soil.
After seeding apply green hydromulch and tackifier.

PLANT SCHEDULE

DECIDUOUS TREES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
	As	20	Acer x freemanii `Sienna` TM / Sienna Glen Maple	50'	40'	2" Cal.	B&B
	Ms	32	Malus x `Spring Snow` / Spring Snow Crabapple	20'	20'	1.5" Cal.	B&B
EVERGREEN TREES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
	Pu	39	Picea pungens `Baby Blue Eyes` / Baby Blue Eyes Colorado Blue Spruce	25'	15'	6' HT	B&B
	Pn	14	Pinus nigra / Austrian Black Pine	60'	40'	6' HT	B&B
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
	Ci	80	Cornus sericea `Isanti` / Isanti Red Twig Dogwood	5'	5'	#5 CONT	CONT
	Pb3	46	Pinus mugo `Big Tuna` / Mountain Pine	6'	5'	#5 CONT	CONT
	Ph2	64	Pinus sylvestris `Hillside Creeper` / Hillside Creeper Scotch Pine	1'	6'	#5 CONT	CONT
	Pd	28	Potentilla fruticosa `Gold Drop` / Gold Drop Bush Cinquefoil	4'	4'	#5 CONT	CONT
GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
	Ck	150	Calamagrostis x acutiflora `Karl Foerster` / Karl Foerster Feather Reed Grass	4'	3'	#1 CONT	CONT
	Ps2	174	Panicum virgatum `Shenandoah` / Shenandoah Switch Grass	4'	2'	#1 CONT	CONT
	Pb	372	Pennisetum alopecuroides `Little Bunny` / Little Bunny Fountain Grass	1'	1.5'	#1 CONT	CONT
PERENNIALS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
	Hb	54	Hemerocallis x `Baja` / Baja Daylily	3'	2'	#1 CONT	CONT
	Hh	55	Hemerocallis x `Hyperion` / Hyperion Daylily	3'	2'	#1 CONT	CONT
	Pb2	59	Phlox subulata `Blue` / Blue Creeping Phlox	1'	2'-3'	#1 CONT	CONT

Landscapе Setbacks See Code Section 6.2.2.B.1

Street Name or Zone Boundary	Street Classification	Linear Footage	Tree/Feet Required	No. of Trees Req./Prov.
STATE HWY 94	EXP/PRINCIPAL ARTERIAL	1,669	1 / 20'	84 / 84
Shrub Substitutes Required / Provided	Ornamental Grass Sub. Required / Provided	Plant Abbr. Denoted on Plan	Percent Ground Plane Veg. Req. / Provided	
0/0	0/0	SH	75% / 75%	



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Colorado Springs, CO 80903

Tel. 719.471.0073
Fax 719.471.0267

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PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

PROJECT INFO

DATE: 05.26.2021
PROJECT MGR: J. ROMERO
PREPARED BY: B. ITTEN

STAMP

ISSUE INFO

DATE:	BY:	DESCRIPTION:
10.20.2021	B.I.	PER COUNTY COMMENTS
01.11.2022	B.I.	PER COUNTY COMMENTS
02.16.2022	B.I.	PER COUNTY COMMENTS

ISSUE / REVISION

SHEET TITLE

LANDSCAPE NOTES & DETAILS

SHEET NUMBER

8 OF 13

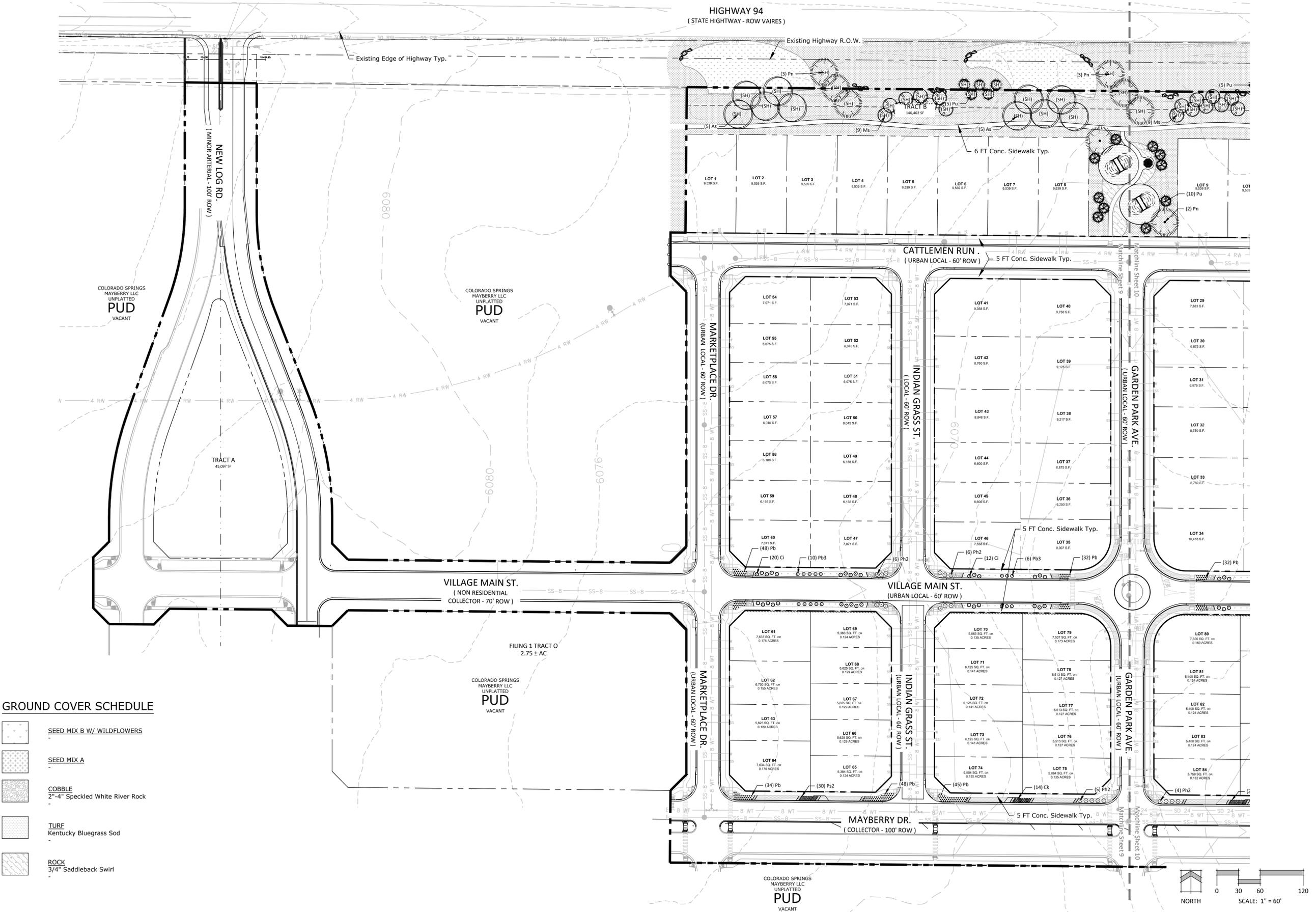
PLAN FILE #

PUDSP-21-009

MAYBERRY PHASE 1

EL PASO COUNTY, COLORADO

AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD / PRELIMINARY PLAN



GROUND COVER SCHEDULE

-  SEED MIX B W/ WILDFLOWERS
-  SEED MIX A
-  COBBLE
2"-4" Speckled White River Rock
-  TURF
Kentucky Bluegrass Sod
-  ROCK
3/4" Saddleback Swirl



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MAYBERRY PHASE 1 AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD DEVELOPMENT / PRELIMINARY PLAN

EL PASO COUNTY, CO

DATE: 05-26-2021
PROJECT MGR: J. ROMERO
PREPARED BY: B. ITTEN

ENTITLEMENT

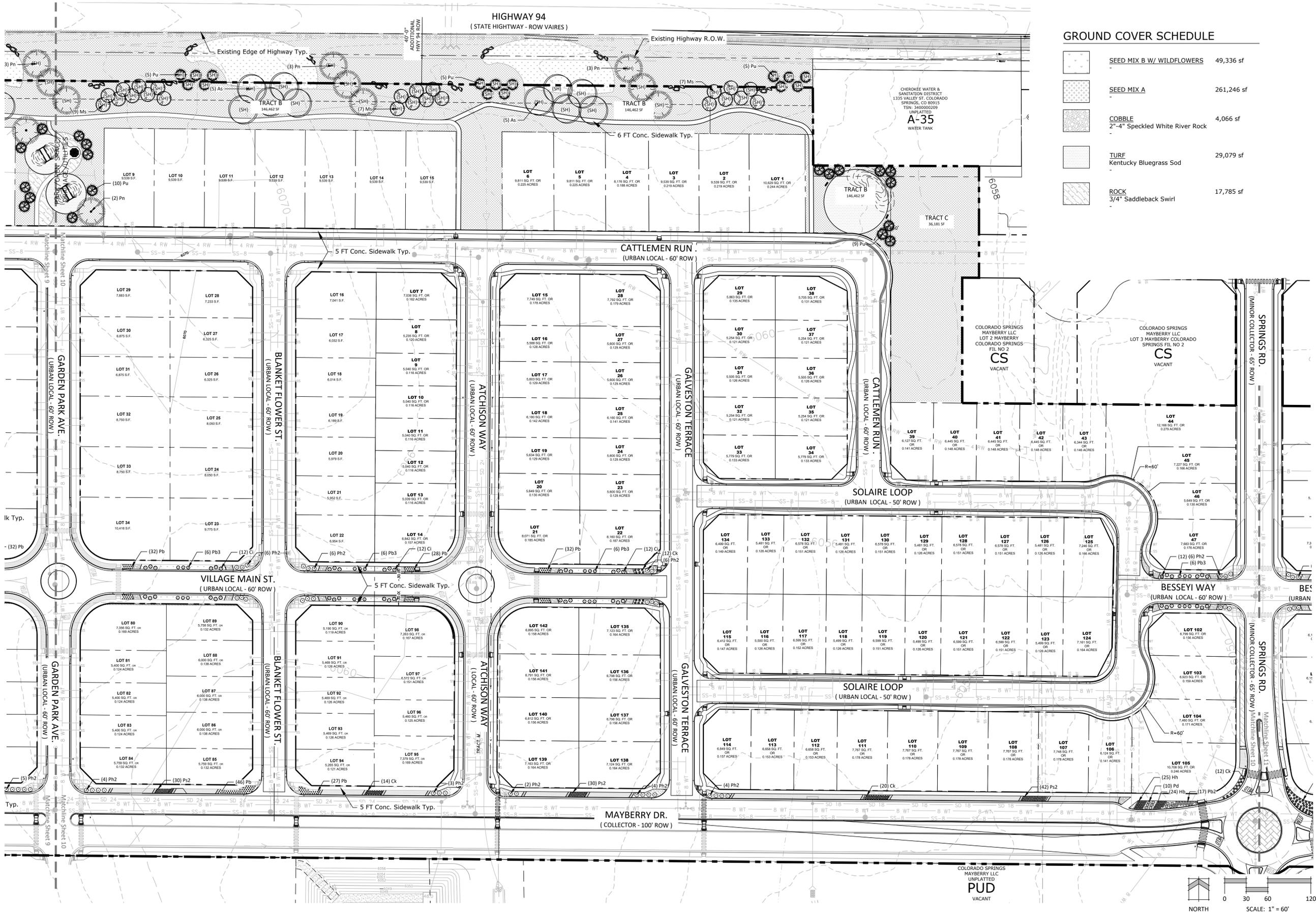
DATE:	BY:	DESCRIPTION:
10.20.2021	B.I.	PER COUNTY COMMENTS
01.11.2022	B.I.	PER COUNTY COMMENTS
02.16.2022	B.I.	PER COUNTY COMMENTS

LANDSCAPE PLAN

MAYBERRY PHASE 1

EL PASO COUNTY, COLORADO

AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD / PRELIMINARY PLAN



GROUND COVER SCHEDULE

	SEED MIX B W/ WILDFLOWERS	49,336 sf
	SEED MIX A	261,246 sf
	COBBLE 2"-4" Speckled White River Rock	4,066 sf
	TURF Kentucky Bluegrass Sod	29,079 sf
	ROCK 3/4" Saddleback Swirl	17,785 sf



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MAYBERRY PHASE 1 AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD DEVELOPMENT / PRELIMINARY PLAN

EL PASO COUNTY, CO
DATE: 05.26.2021
PROJECT MGR: J. ROMERO
PREPARED BY: B. ITTEN

ENTITLEMENT

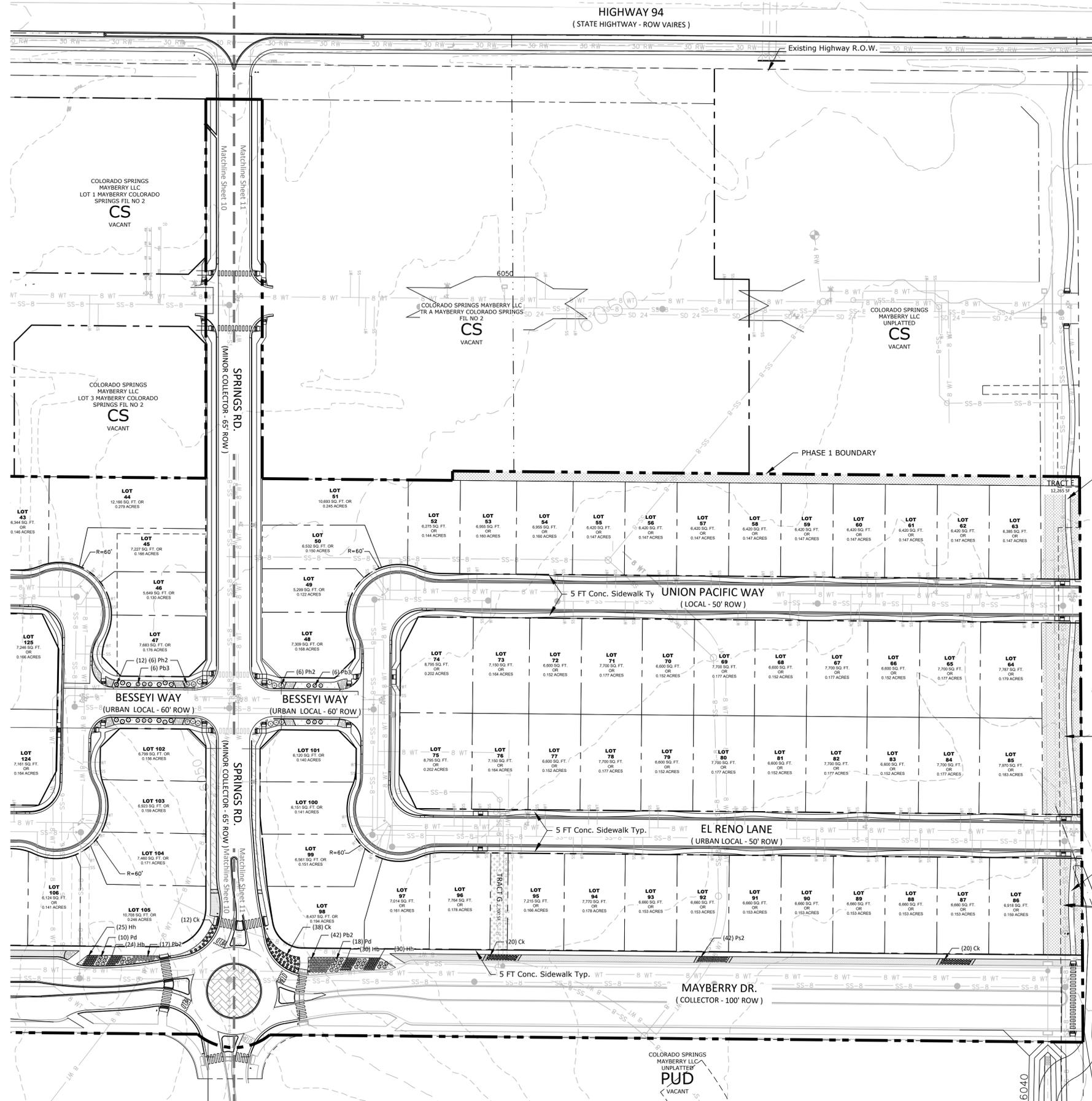
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10.20.2021	B.I.	PER COUNTY COMMENTS
01.11.2022	B.I.	PER COUNTY COMMENTS
02.16.2022	B.I.	PER COUNTY COMMENTS

LANDSCAPE PLAN

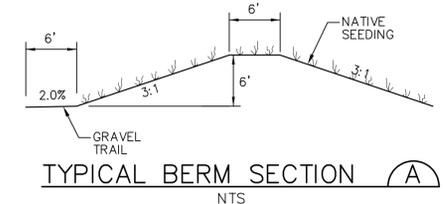
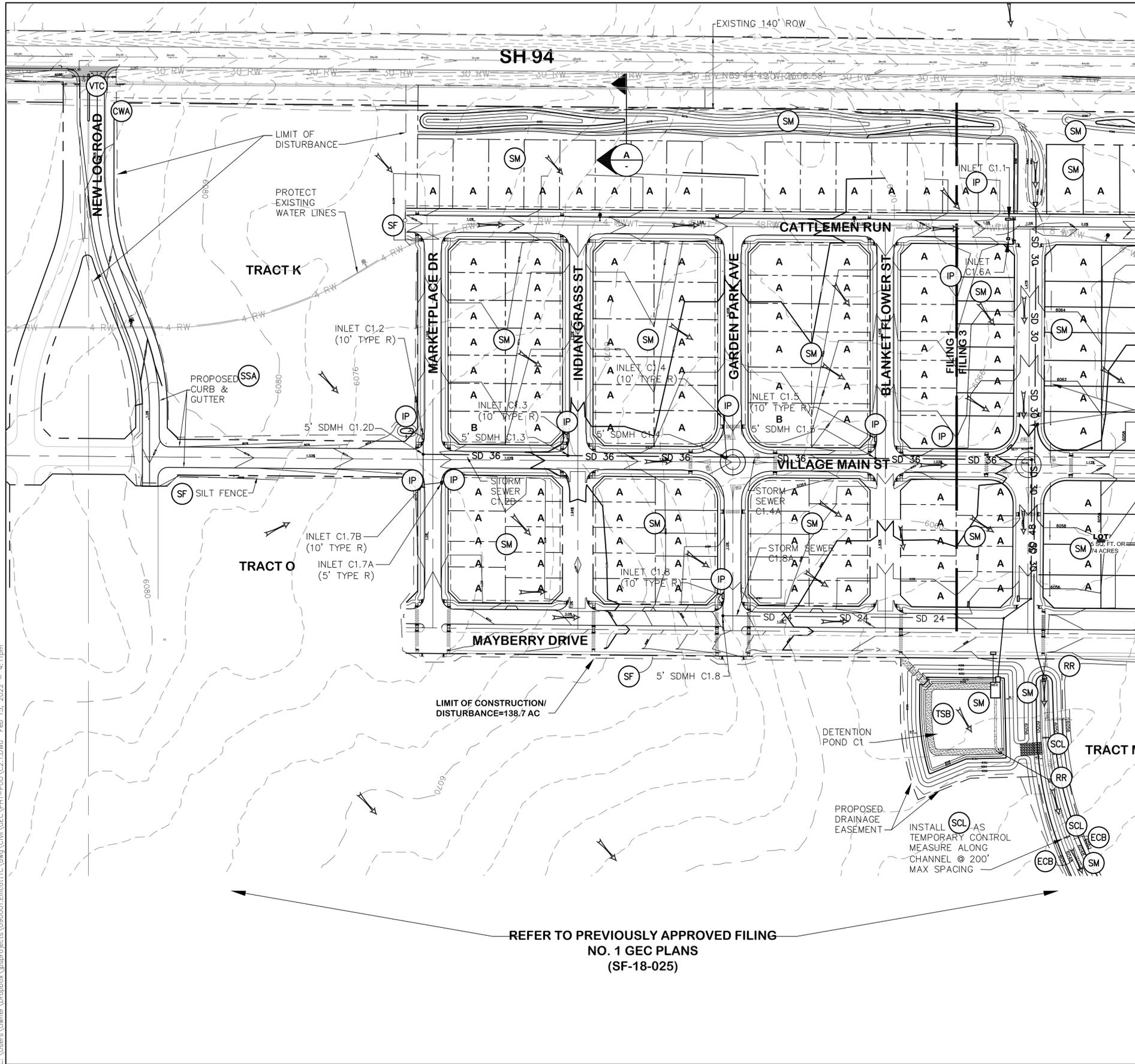
MAYBERRY PHASE 1

EL PASO COUNTY, COLORADO

AN AMENDMENT TO ELLICOTT TOWN CENTER PHASE 1 PUD / PRELIMINARY PLAN

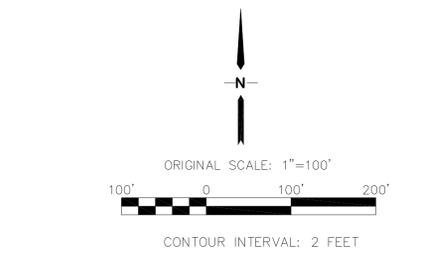


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- LEGEND:**
- PROPERTY LINES
 - - - 6490 EXISTING CONTOURS
 - 6490 PROPOSED CONTOURS
 - - - - - LIMIT OF DISTURBANCE
 - x 99.00 PROPOSED SPOT ELEVATION (FLOWLINE)
 - PROPOSED STREET PROFILE GRADE
 - A/B OVERLOT GRADING LOT TYPE (SEE SH. C2.1)

- EROSION CONTROL LEGEND:**
- IP INLET PROTECTION (GRAVEL FILTER)
 - SF SILT FENCE
 - VTC VEHICLE TRACKING CONTROL PAD
 - TM TEMPORARY SEED AND MULCH ON DISTURBED SLOPES
 - STB STRAW BALE BARRIER
 - TSB TEMPORARY SEDIMENT BASIN
 - RR RIPRAP
 - SM SEED AND MULCH
 - SCL SEDIMENT CONTROL LOG
 - ECB EROSION CONTROL BLANKETS
 - CWA CONCRETE WASHOUT AREA
 - SSA STABILIZED STAGING AREA

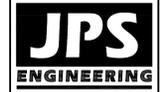


NOTE:
THE FINAL GRADING/STORM FACILITIES SHOWN ARE NOT A PART OF THE PRE-DEVELOPMENT GRADING AND ARE SHOWN FOR FUTURE REFERENCE.

REFER TO PREVIOUSLY APPROVED FILING NO. 1 GEC PLANS (SF-18-025)

MAYBERRY, COLORADO SPRINGS - FILING NO. 1

FILING 1 GRADING & EROSION CONTROL PLAN

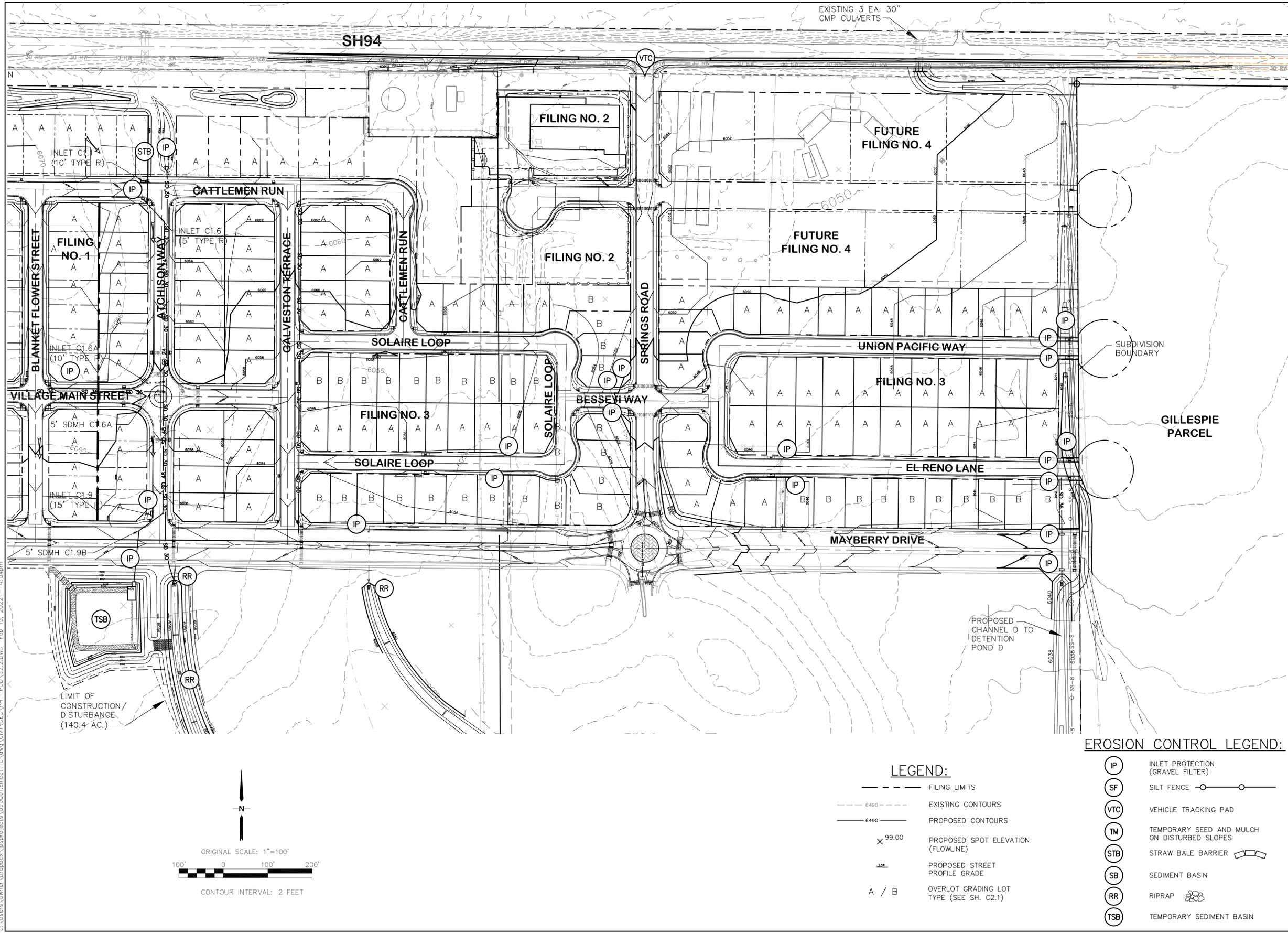


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CALL BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

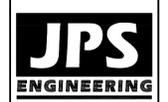
No.	REVISION	DATE
1	EPC COMMENTS	JPS 4/17/20
2	EPC COMMENTS	JPS 9/22/20
3	EPC COMMENTS	JPS 10/27/20
4	EPC COMMENTS	JPS 8/30/21
5	EPC COMMENTS	JPS 2/15/22

HORZ. SCALE: 1"=100'	DRAWN: RMD
VERT. SCALE: N/A	DESIGNED: JPS
SURVEYED: R&R	CHECKED: JPS
CREATED: 12/03/00	LAST MODIFIED: 2/15/22
PROJECT NO: 090001	MODIFIED BY: BJJ



MAYBERRY, COLORADO SPRINGS - FILING NO. 2-4

FILING 2-4 GRADING & EROSION CONTROL PLAN



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80903
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BEFORE YOU DIG. GRADE, OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES.

No.	REVISION	BY	DATE

EROSION CONTROL LEGEND:

- IP INLET PROTECTION (GRAVEL FILTER)
- SF SILT FENCE
- VTC VEHICLE TRACKING PAD
- TM TEMPORARY SEED AND MULCH ON DISTURBED SLOPES
- STB STRAW BALE BARRIER
- SB SEDIMENT BASIN
- RR RIPRAP
- TSB TEMPORARY SEDIMENT BASIN

LEGEND:

- FILING LIMITS
- 6490 EXISTING CONTOURS
- 6490 PROPOSED CONTOURS
- X 99.00 PROPOSED SPOT ELEVATION (FLOWLINE)
- PROPOSED STREET PROFILE GRADE
- A / B OVERLOT GRADING LOT TYPE (SEE SH. C2.1)

HORZ. SCALE: 1"=100'	DRAWN: RMD
VERT. SCALE: N/A	DESIGNED: JPS
SURVEYED: R&R	CHECKED: JPS
CREATED: 1/14/19	LAST MODIFIED: 2/15/22
PROJECT NO: 090001	MODIFIED BY: BJJ

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February 22, 2022

Ryan Howser, Project Manager
El Paso County Development Services Department
Transmitted via the EPC EDARP Portal: epcdevplanreview.com

Re: Mayberry Phase 1 PUD/SP (a.k.a. Ellicott Town Center Phase 1 PUD Amendment)
Case No. PUDSP219
Part of the NE ¼ NE ¼ of Sec. 15 and part of the N ½ N ½ of Sec. 14, T14S, R63W, 6th P.M.
Upper Black Squirrel Creek Designated Basin
Water Division 2, Water District 10

Dear Ryan Howser:

We have reviewed additional information submitted on February 10, 2022 and February 16, 2022 in regards to the water supply for Mayberry Phase 1. Based on review of that information we have the following comments on the water supply plan for Mayberry Phase 1 PUD. This letter supersedes our letters dated June 28, 2021; July 23, 2021; December 27, 2021 and February 3, 2022.

Mayberry Phase 1 PUD is an amendment to the existing Ellicott Town Center Phase 1 PUD. Therefore this letter also supersedes the letters previously written for Ellicott Town Center Filings 1 and 2. The proposed development will consist of 240 single-family residential lots, 3 industrial lots, and open space tracts on 71.39-acres located in part of the NE ¼ NE ¼ of Sec. 15 and part of the N ½ N ½ of Sec. 14, T14S, R63W, 6th P.M. off of State Highway 94.

Water Supply Demand

According to the Water Supply Information Summary and “Water Resources and Wastewater Treatment Report” (“Report”) prepared by MMI Water Engineers dated February 14, 2022 (which supersedes the report prepared for the original PUD), the total estimated water demand is 81.94 acre-feet/year (62.40 acre-feet/year for household use in 240 units, 11.84 acre-feet/year for the irrigation of 4.81 acres, and 7.70 acre-feet/year for industrial use).

The Applicant should be aware that the proposed household supply (0.26 acre-feet/year per unit) used in estimating the above demand is less than what this office typically views as an adequate household supply. However, the report provides an analysis based on actual water usage data from the Viewpoint Estates/Antelope Park Ranchettes and Sunset Village developments, for which the lot sizes are greater than the lot sizes proposed for this development, and states that this estimated demand is applicable for the Mayberry development. This analysis is valid so long as the existing units within the above developments have comparable water demands to those planned for the Mayberry development.

Source of Water Supply

The proposed water supply source is service provided by Ellicott Utilities Company, LLC (“Company”). According to the letter dated May 14, 2021 and revised June 2, 2021, the Company will provide water and sewer service to the Mayberry Phase 1 development, subject to the Company’s Rules and Regulations. This office has not received information that the Applicant has met these requirements. The service letter supersedes the two prior commitment letters from the Company for Ellicott Town Center Filing Nos. 1 and 2.



The Company has no other water commitments at this time. However the Company's infrastructure is used to deliver 50 acre-feet per year of water controlled by the Cherokee Metropolitan District ("Cherokee") to the Viewpoint Estates/Antelope Park Ranchettes subdivisions.

According to the report, the Company owns and controls water rights associated with Determination of Water Right Nos. 598-BD and 599-BD, an interest in the Tipton Well and the Benton Well. For purposes of this letter only the water associated with Determination of Water Right no. 598-BD and the Tipton Well is considered, since water from Determination of Water Right no. 599-BD and the Benton well are not currently legally available for use within the proposed development.

Determination of Water Right No. 598-BD was issued November 8, 2004 and allows an average annual withdrawal of 161 acre-feet/year for 100 years from the Laramie-Fox Hills aquifer for domestic, irrigation, commercial, industrial, firefighting, and recreational use. The allowed place of use is the 551.26 acres generally described as the W ½ and the W ½ of the NE ¼ of Section 14 and the E ½ of Section 15, all in Township 14 South, Range 63 West of the 6th P.M. Mayberry Phase 1 PUD is within this allowed place of use.

A proposed source of water for this development (Determination no. 598-BD) is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in Determination of Water Right No. 598-BD is equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on 300 years, the allowed average annual amount of withdrawal of 161 acre-feet/year from the Laramie-Fox Hills aquifer would be reduced to one third of that amount, or 53.67 acre-feet/year. The Company anticipates a 5% transit loss in delivering the water supply, therefore an amount of 50.98 acre-feet/year is available from this source to supply the development.

According to the Report, the Company has an 82 acre-feet/year interest in the Tipton Well. The 82 acre-feet/year that the Company claims a right to is part of 225 acre-feet/year of fully consumable alluvial groundwater associated with the Tipton Well (permit nos. 16253-RFP-R and 27574-FP) adjudicated in Colorado Ground Water Commission Case No. 91GW01 for municipal, commercial and/or industrial use or export outside of the Upper Black Squirrel Creek Designated Ground Water Basin. The Company anticipates a 5% transit loss in delivering the water supply, therefore an amount of 77.9 acre-feet/year is available from this source to supply the development.

Based on additional information provided by the Applicant the Company has a water service agreements with Cherokee for the delivery of 82 AF/yr of water from the Tipton Well to this proposed development. In addition, Cherokee has provided evidence that the 82 AF/yr from the Tipton Well is not committed to serve any of Cherokee's existing water commitments.

The uncommitted annual water supply of 128.88 acre-feet/year (50.98 acre-feet/year from 598-BD and 77.9 acre-feet/year from the Tipton well) is more than the estimated annual demand of 81.94 acre-feet/year for Mayberry Phase 1.

State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Additional Comments

According to the submitted material, stormwater detention structure(s) will be developed on the site. The applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

If you or the Applicant have any questions, please contact Joanna Williams at (303) 866-3581 x8265 or at Joanna.Williams@state.co.us.

Sincerely,



Joanna Williams, P.E.

Water Resource Engineer

Ec: SEO Referral No. 27762
Upper Black Squirrel Ground Water Management District

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Michael J. Desmond
Christopher M. Strider
Terry A. Sample
Dorey L. Spotts
Steven Martyn

February 28, 2022

PUDSP-21-9 Mayberry Phase I
 Combined PUD/Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
 Edi Anderson, Paralegal, ACP

A handwritten signature in blue ink, appearing to be "LS".

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Colorado Mayberry Springs, LLC ("Applicant") for subdivision of 240 single-family lots and 3 industrial lots on a 71.39-acre parcel (the "Property"). This project is part of and amends Phase 1 of the Ellicott Town Center PUD which was originally approved by the Board of County Commissioners on January 12, 2006. The Property is zoned PUD (Planned Unit Development).

This PUD/SP Amendment includes property previously platted as Mayberry, Colorado Springs Filing No. 1 and Mayberry, Colorado Springs Filing No. 2. This Water Review supersedes those provided for each of these plats.

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the subdivision demand is 62.40 acre-feet/year for in-house use (0.26 acre-feet/lot), plus 11.84 acre-feet for irrigation, plus 7.7 acre-feet for 3 industrial lots for a total of 81.94 acre-feet/year for the subdivision.¹ Based on the total demand, Applicant must be able to provide a supply of 24,582 acre-feet of water (81.94 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement.

¹ Applicant allows for 7.7 acre-feet/year for 3 industrial lots which is consistent with other documentation in the submittal; however, the WSIS does not specifically identify that there are 3 industrial lots in the development.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Ellicott Utilities Company (“EUC” or “company”). As detailed in the *Mayberry Colorado Springs Water Resources Report for PUD Amendment* updated February 14, 2022 (“*Report*”), EUC has 50.98 acre-feet/year of water available through Colorado Ground Water Commission Determination No. 598-BD and 77.90 acre-feet/year of water available through the Tipton Well, a well owned by Cherokee Water, LLC in which EUC owns an interest. The *Report* states that “EUC currently has adequate water rights and water system infrastructure to serve 240 single family homes, three industrial lots, and all parks and street landscaping in the development.”

4. A representative of EUC provided a letter of commitment for the Mayberry Colorado Springs PUD Amendment dated June 2, 2021 in which the company committed to providing water service to the 240 residential lots, 3 industrial lots, plus irrigation, with an annual water requirement of 81.94 acre-feet/year.

State Engineer’s Office Opinion

5. In a letter dated February 22, 2022, the State Engineer reviewed the proposal to subdivide the 71.39-acre parcel into 240 single-family lots, 3 industrial lots, plus open space. The State Engineer stated that the “Company owns and controls water rights associated with Determination of Water Right Nos. 598-BD and 599-BD, [and] an interest in the Tipton Well and Benton Well.” For this subdivision, only the water rights from 598-BD and the Tipton well will be utilized. The State Engineer confirmed the water supply of 50.98 acre-feet/year from Determination No. 598-BD is available, as well as 77.9 acre-feet/year from the Tipton Well (adjudicated through Determination No. 91GW01). The State Engineer further stated that “pursuant to section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for the Mayberry Phase I development is 81.94 acre-feet per year to be supplied by Ellicott Utilities Company, LLC.

Based on the water demand of 81.94 acre-feet/year for the Mayberry Phase I development and the company’s available water resources in the amount of 128.88 acre-feet/year, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for the Mayberry Phase I development.

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

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary provided May 25, 2021, the *Water Resources Report* dated February 14, 2022, the Ellicott Utilities Company letter dated June 2, 2021, and the State Engineer Office's Opinion dated February 22, 2022. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

- A. Applicant must upload the following documents to eDARP prior to recording the final plat:
 - a. Updated Water Supply Information Summary i) identifying that there are 3 industrial lots in the development (see footnote 1) in addition to the 240 single-family lots and ii) correcting question #6.B to identify that the property has previously been platted as Mayberry, Colorado Springs Filings 1 and 2.
 - B. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the company.
- cc. Ryan Howser, Planner II

Mayberry, Phase I, PUD.SP-21-9

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- The proposed 71.39-acre, 240-lot residential, 3-lot industrial development will be provided water services by Ellicott Utilities Company, LLC (EUC). There is a finding for sufficiency in terms of water quality by El Paso County Public Health for water obtained from this Colorado Department of Public Health and Environment, Water Quality Control Division, regulated central water supply. The Colorado Department of Public Health and Environment assigned PWSID# is CO0121245. The MMI Water Engineers, 12June2021, Wastewater Report for PUD Amendment: 240 Homes, 3 Industrial Lots (filing 2 previously approved) All Landscaping Pertaining to the PUD Amendment Report was also reviewed in support of the water quality finding. There is Commitment to Serve Letter from EUC dated 02June2021 included with the submittal.
- Per the MMI Water Resources and Wastewater Treatment Report for PUD Amendment: 240 Homes, 3 Industrial Lots Report dated 02June2021, there is sufficient wastewater treatment capacity provided for the proposed development at the EUC Wastewater Treatment Plant. Wastewater Disposal Report dated 18August202, and the Lower Fountain Metropolitan Sewage Disposal District, Commitment to Provide Wastewater Management Services Letter dated 24August2021, wastewater will be treated by Fountain Sanitation District. There is sufficient wastewater treatment capacity for the proposed project per the referenced letters above.
- Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area, have potentially higher radon levels than other areas of the country.
- Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to: <https://www.colorado.gov/pacific/cdphe/general-air-permits>
- El Paso County Public Health encourages planned walkability of residential communities. Please consider appropriate connections to

commercial areas using sidewalks, and bike trails. Walkability features help reduce obesity and associated heart diseases.

- **The water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.**

Mike McCarthy
El Paso County Public Health
719-332-5771
mikemccarthy@elpasoco.com
14February2022

COMMUNITY SERVICES DEPARTMENT

PARK OPERATIONS ~ JUSTICE SERVICES

ENVIRONMENTAL SERVICES ~ VETERANS SERVICES ~ RECREATION/CULTURAL SERVICES

July 1, 2021

Ryan Howser
Project Manager
El Paso County Development Services Department
2880 International Circle
Colorado Springs, CO 80910

Subject: Mayberry Phase 1 PUDSP 219

Ryan,

The Planning Division of the Community Services Department has reviewed the development application for Mayberry Phase I PUDSP and is providing the following final comments on behalf of El Paso County Parks.

This is a request by NES on behalf of Mayberry Communities LLC to amend the Ellicott Town Center Phase I PUD. The amendment revises the lot configuration but does not change the overall count or density of residential lots.

Mayberry, originally known as 'Ellicott Town Center' is located southwest of the intersection of Highway 94 and S. Log Road, west of Ellicott in El Paso County, Colorado. The Mayberry, Colorado Springs Masterplan contains approximately 630 acres of which 559 acres are planned for residential development, 61 acres are planned for an industrial park along State Highway 94, and 10 acres are planned for a commercial Town Center within the Project.

This application is phase 1 which comprises of 71.39 acres and is zoned PUD. The proposed Amendment area is part of the Approved Ellicott Town Center Sketch Plan and Overall PUD. The Amended PUD Development/Preliminary Plan for Mayberry consists of residential 240 lots.

The proposal for the Amendment of the past Ellicott Town Center, now Mayberry Phase 1 is consistent with past approvals in regards to density and lots. The amendment is keeping with the past 240-unit residential single-family lots and looks to only revise the past alley loaded lots with conventional lots. General road alignments and past approved street classifications and associated sections are to remain unchanged.



Mayberry Phase 1 includes open space tracts approximately 8.5 acres in size including trail connections to the proposed trail and open space provisions within the Phase 1 development. The proposed Open Space dedication for the project of 8.5 acres achieves a 12% dedication exceeding the 10% requirement as noted in the Land Development Code.

The 2013 El Paso County Parks Master Plan shows the Proposed Highway 94 Secondary Regional Trail running along the north edge of the proposed development along Highway 94. The proposed Highway 94 Bicycle Route also runs along the north edge of the development, but this route would not be impacted by the development because it is in the public right of way. The property is not located within any candidate open space land.

County Parks requests trail easements where development projects impact proposed County trails. As it pertains to this application, the County requests that the landowner provide a 25-foot public trail easement along the south side of Highway 94 that allows for the construction and maintenance by El Paso County of a Secondary Regional Trail, and this easement shall be shown and dedicated to El Paso County on the Final Plat.

It should be noted, a park land agreement is an acceptable alternative in lieu of park fees provided the agreement is approved by the County, and executed prior to recording the final plat. However, in the absence of an approved park land agreement, all open space tracts, parks and trails shall be the responsibility of the Metro Districts, and not the County with the exception of the 25-ft wide Highway 94 Secondary Regional Trail easement.

Staff Recommended Motion:

Recommend that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Mayberry Phase I PUD Final Plat: (1) fees in lieu of land dedication for urban park purposes in the amount of \$69,600 and regional park fees in the amount of \$110,400 will be required at time of the recording of this Final Plat. A Park Lands Agreement may be an acceptable alternative to urban park fees, provided the agreement is approved by the County and executed prior to recording of this Final Plat. (2) provide a 25-foot public trail easement along the south side of Highway 94 that allows for the construction and maintenance by El Paso County of a Secondary Regional Trail, and this easement shall be shown and dedicated to El Paso County on the Final Plat.

Please let me know if you have any questions or concerns.

Sincerely,

Greg Stachon
Landscape Architect
Community Services Department
GregStachon@elpasoco.com

**Development
Application
Permit
Review**



COMMUNITY SERVICES DEPARTMENT
 Park Operations - Community Outreach - Environmental Services
 Veterans Services - Recreation / Cultural Services

July 1, 2021

Subdivision requirements referenced in Section 8.5.2 of the El Paso County Land Development Code. Fees are based on average land values within designated areas. See El Paso County Board of County Commissioners (BoCC) Resolution for fees established on an annual basis. The Park Advisory Board meets the second Wednesday of each month, 1:30 p.m., BoCC Auditorium, second floor of Centennial Hall, 200 South Cascade Avenue, Colorado Springs.

Name:	Mayberry Phase 1 PUD	Application Type:	PUD / Prelim. Plan
PCD Reference #:	PUDSP 219	Total Acreage:	71.39
		Total # of Dwelling Units:	240
Applicant / Owner:	Owner's Representative:	Dwelling Units Per 2.5 Acres:	8.40
		Regional Park Area:	4
Mayberry Communities LLC	NES	Urban Park Area:	5
3296 Divine Heights #207	619 Cascade Ave Suite 200	Existing Zoning Code:	PUD
Colorado Springs, CO 80902	Colorado Springs, CO 80922	Proposed Zoning Code:	PUD

REGIONAL AND URBAN PARK DEDICATION AND FEE REQUIREMENTS

Regional Park land dedication shall be 7.76 acres of park land per 1,000 projected residents, while Urban Park land dedication shall be 4 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit.

The EPC Land Development Code defines urban density as land development of higher density and intensity which is characteristically provided with services of an urban nature. This category of development includes residential uses with densities of more than one dwelling unit per 2.5 acres.

LAND REQUIREMENTS

Regional Park Area: 4

0.0194 Acres x 240 Dwelling Units = 4.656
Total Regional Park Acres: 4.656

Urban Density (>= 1 Dwelling Unit Per 2.5 Acres): **YES**

Urban Park Area: 5

Neighborhood: 0.00375 Acres x 240 Dwelling Units = 0.90
 Community: 0.00625 Acres x 240 Dwelling Units = 1.50
Total Urban Park Acres: 2.40

FEE REQUIREMENTS

Regional Park Area: 4

\$460 / Dwelling Unit x 240 Dwelling Units = \$110,400
Total Regional Park Fees: \$110,400

Urban Park Area: 5

Neighborhood: \$114 / Dwelling Unit x 240 Dwelling Units = \$27,360
 Community: \$176 / Dwelling Unit x 240 Dwelling Units = \$42,240
Total Urban Park Fees: \$69,600

ADDITIONAL RECOMMENDATIONS

Staff Recommendation:

Recommend that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Mayberry Phase I PUD Final Plat: (1) fees in lieu of land dedication for urban park purposes in the amount of \$69,600 and regional park fees in the amount of \$110,400 will be required at time of the recording of this Final Plat. A Park Lands Agreement may be an acceptable alternative to urban park fees, provided the agreement is approved by the County and executed prior to recording of this Final Plat. (2) provide a 25-foot public trail easement along the south side of Highway 94 that allows for the construction and maintenance by El Paso County of a Secondary Regional Trail, and this easement shall be shown and dedicated to El Paso County on the Final Plat.

Park Advisory Board Recommendation:

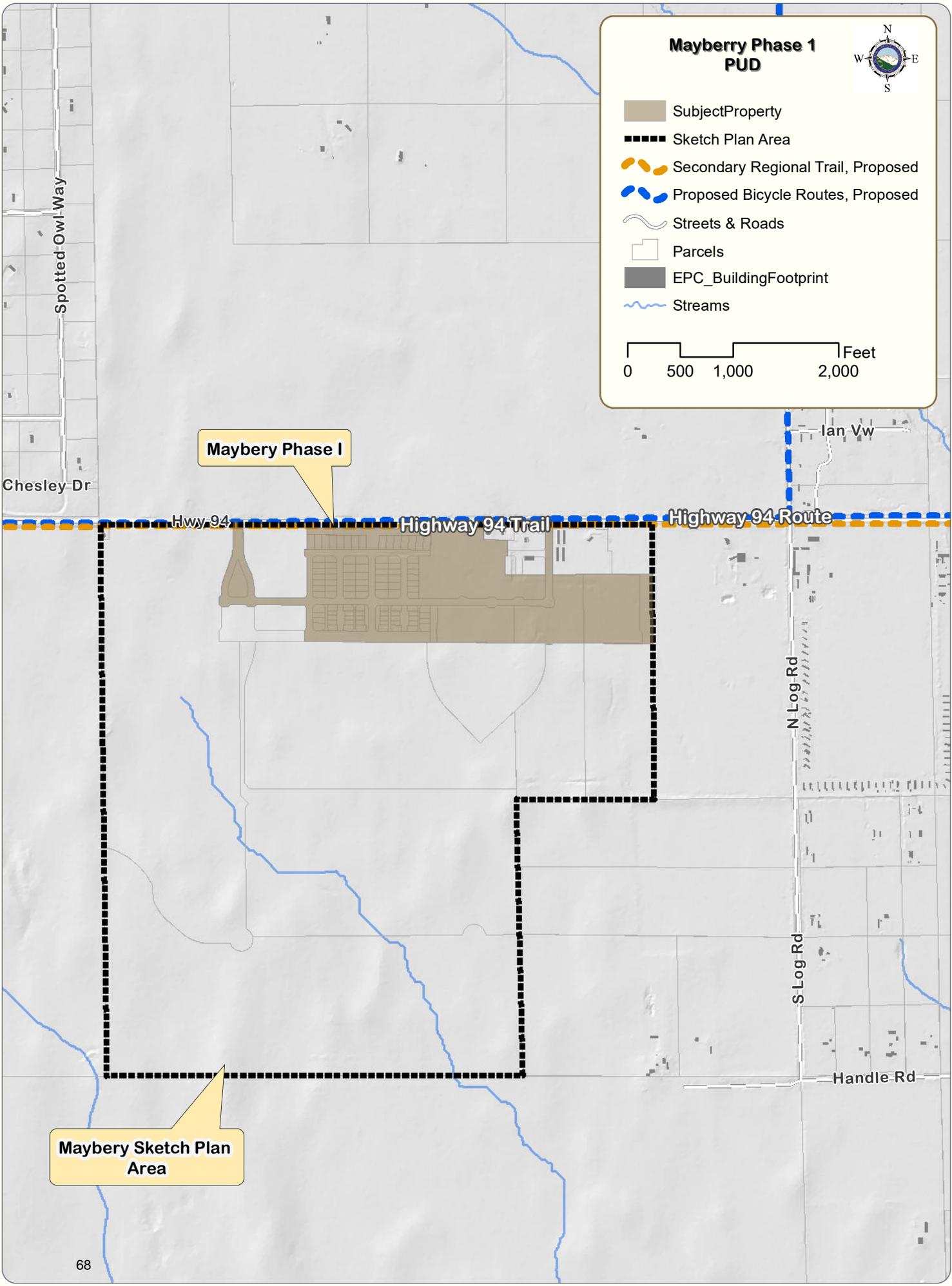
N/A

Mayberry Phase 1 PUD



- SubjectProperty
- Sketch Plan Area
- Secondary Regional Trail, Proposed
- Proposed Bicycle Routes, Proposed
- Streets & Roads
- Parcels
- EPC_BuildingFootprint
- Streams

0 500 1,000 2,000 Feet



Mayberry Phase I

Mayberry Sketch Plan Area

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, March 17, 2022
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
9:00 a.m.

**PRESENT AND VOTING: BRIAN RISLEY, BECKY FULLER, JAY CARLSON,
BRYCE SCHUETTELZ, ERIC MORAES, AND CHRISTOPHER WHITNEY**

**PRESENT VIA ELECTRONIC MEANS AND VOTING: TIM TROWBRIDGE AND JOAN
LUCIA-TREESE**

PRESENT AND NOT VOTING: NONE

ABSENT: BRANDY MERRIAM, TOM BAILEY, AND SARA BRITTAIN JACK

**STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, CHARLENE DURHAM (VIA
REMOTE ACCESS), RYAN HOWSER, KYLIE BAGLEY (VIA REMOTE ACCESS),
ELIZABETH NIJKAMP (VIA REMOTE ACCESS), DANIEL TORRES, GILBERT
LAFORCE, EDWARD SCHOENHEIT (VIA REMOTE ACCESS), ELENA KREBS, AND
EL PASO COUNTY ATTORNEY LORI SEAGO**

OTHERS SPEAKING AT THE HEARING: JON ROMERO

Report Items

- 1. A. Report Items -- Planning and Community Development Department –
Mr. Dossey** -- The following information was discussed after all other agenda
items were discussed and voted on:

- a) The next scheduled Planning Commission meeting is for
Thursday, April 5, 2022 at 9:00 a.m.
- b) **Mr. Dossey** announced that he will give his Annual Report at the
end of the hearing.

B. Public Input on Items Not Listed on the Agenda – NONE

CONSENT ITEMS

2. A. Approval of the Minutes – March 3, 2022

The minutes were unanimously approved as presented (9-0).

B. SF-20-001

HOWSER

**FINAL PLAT
MOUNTAIN'S EDGE**

A request by OGC RE2, LLC, for approval of a final plat to create five (5) single-family residential lots. The 31.39-acre property is zoned RR-5 (Residential Rural) and is located on the east side of McClelland Road, approximately one and one-half (1.5) miles south of US Highway 24 and one-half (1/2) mile west of North Ellicott Highway, and is within Section 13, Township 12 South, Range 63 West of the 6th P.M. (Parcel No. 32000-00-740) (Commissioner District No. 2)

Mr. Carlson – When did the rezoning to RR-5 happen?

Mr. Howser – The Board approved a rezone from A-35 to RR-5 in 2009.

Mr. Carlson - Seeing that it is already rezoned, I am not going to push back. I don't like seeing five-acre parcels in the middle of 40-acre parcels. I think we need more distance between. I don't like seeing that this type of stuff being approved and then the next developer comes in to put 2.5-acre parcels in the middle.

Mr. Whitney – I would just like to concur on that concern, because then the smaller ones become buffer and then all of a sudden, you're going from 40 acres to one.

PC ACTION: SCHUETTPELZ MOVED/MORAES SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, SF-20-001 FOR AN APPROVAL A FINAL PLAT FOR MOUNTAIN'S EDGE, UTILIZING RESOLUTION PAGE NO. 19, CITING 22-012, WITH 12 CONDITIONS AND TWO (2) NOTATIONS, AND A FINDING FOR WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

C. PUDSP-21-009

HOWSER

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
MAYBERRY PHASE 1**

A request by Mayberry Communities, LLC, for approval of a map amendment (rezoning) from the Ellicott Town Center PUD (Planned Unit Development) to the Mayberry Phase 1 PUD (Planned Unit Development) and approval of a preliminary plan for 240 single-family residential lots and seven (7) tracts. The 71.39-acre property is located on the south side of Colorado State Highway 94, approximately two (2) miles east of Peyton Highway, and is within Sections 14 and 15, Township 14 South, Range 63 West of the 6th P.M. (Multiple Schedule Numbers) (Commissioner District No. 4)

Note for the record – Mr. Carlson requested this item to be heard as a regular item.

Mr. Howser gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for a Planned Unit Development/Preliminary Plan.

Mr. Howser gave an abbreviated presentation, focusing on the history of the project. His presentation is part of the full record.

Mr. Carlson – Isn't there a request to do away with some of the road requirements and so forth? Can you answer those for me, or would that be better suited for the applicant? I'm just wondering why we need to change our stated requirements for these kinds of developments.

Mr. Howser – Let's turn it over to the applicant and if their presentation doesn't address the concerns staff can go over it.

Mr. Howser introduced the applicant's representative, **Jon Romero** to give their presentation. His presentation is part of the full record.

Mr. Carlson – A couple of the changes you're asking for had to do with fewer street crossings and some difference in the view angles. Neither of those go along with being more pedestrian friendly.

Mr. Romero – The current ECM criteria for the site visibility corner on lots, especially corner lots, creates some challenges based on how wide it is. So, we asked to shorten up the approach side of it, because when you have those 25x25 site triangles it creates some issues with driveway locations. I believe that is a County wide thing. I understand the engineering group is looking at modifying that section of code. So, that is what that request is guided towards, the corner lots.

Mr. Carlson – In your report you say that this is ok to do this because the car speeds are going to be 15 MPH, is that the speed limit?

Mr. Romero – So, the speed limit is different, one of the things we agreed to with the County is potential additional signage.

Mr. Carlson- Are those speed limits 25?

Mr. Romero- I believe so, yes. Regarding your question about the mid-block crossing. Typically, mid-block crossings are at 600 feet. We are exceeding that by a 100 or so extra feet. We will still have the crossings.

Mr. Howser – Did you want to hear from the County side about considerations for those deviations?

Mr. Risley – Yes. Also, can you talk briefly about the County Master Plan and how these deals with that, I think that will be helpful.

Mr. Howser introduced **Daniel Torres** on behalf of **PCD** to discuss the modifications and how they relate to the ECM. **Mr. Torres's** presentation is part of the full record.

Mr. Carlson – if we are in favor of it, then we should just change the rules.

Mr. Torres – And we are working towards that.

Mr. Carlson – My other question is about the reduction in the side lot setbacks.

Mr. Howser- So this is a standard modification to the LDC that we see in a lot of these smaller lot subdivisions, where it doesn't seem appropriate for us to stick with the five-foot setback when they are providing adequate room for utilities and drainage with the proposed plan.

Mr. Carlson- I am wondering why we keep giving in on our rules? My problem with it is now having houses that are going to be eight feet apart instead of ten.

Ms. Ruiz - The county did explore creating a small lot zoning district, a small lot PUD zoning district, because we are seeing that there are more requests for more urban and dense developments. When the county looked at that we determined that our current PUD allowed for more flexibility and a better design than if we were to create a zone district. So, a lot of the new PUD's you will see coming through.

Mr. Dossey – When we were looking at drafting a smaller lot standard district one of the challenges, we have you don't see in the city, we have multiple utility providers, and they all have their own different easement requirements. To standardize it would be impossible. If the applicant gets the ok on the narrower easement, then we can approve it as a modification.

Mr. Carlson - I am looking at it as the livability part of it. It is one thing to look at a dense project like this downtown, but it's another thing when it is 30 miles to the east and across the street there are cattle roaming and we are going to put houses eight feet away from each other. I just wonder why we need an extra foot on each side of these lots.

Mr. Dossey – I would warn you all that you're going to see more of this and not less and it is going to be on that urban fringe, because that is where the developable land is. In most cases it isn't going to be infill; there is some of that and you are seeing that in the City of Colorado Springs. With the housing prices where they are and demand, the available land for large scale higher density development is on the urban fringe. This is in Ellicott, but this area has been slated for higher density for some time.

Mr. Romero – We are seeing a lot of this in the County and in the City and a lot of it is based on variety of housing types. This was geared towards providing a variety of housing and specifically the Master Plan asked for that. This area is intended for that purpose. It is in alignment with the master plan and specifically for the development for this area.

Mr. Carlson - What is your motivation for that? Is it so you can provide a larger footprint and make it a more livable home for someone? If we are going to have everyone come in and changing the rules, why not change the rules.

Mr. Romero – In changing the setbacks was the way we can provide more flexibilities in those lots without changing the footprint. Versus having three or more lots potentially.

Mr. Howser gave the rest of his presentation, focusing on Master Plan compatibility. His presentation is part of the full record.

Mr. Carlson – Looking at figure G1, these are identifying what is there now correct?

Mr. Dossey – Those are noting the place types. It is an indication of what we expect to occur on these properties.

Mr. Carlson- On the area of change map, is that stating we expect those placetypes to change?

Mr. Howser – It is stating that we could see development in this area to change, such in a way that it could achieve the level of development that would be appropriate for this placetype. Right now, it is all rural, but it is slated as a placetype as suburban residential, which would be a significant change.

Mr. Carlson – In an ideal world, this development would have been pushed against the rural placetype, that makes the most sense. But you have this big gap in the middle there, but this was done more than ten years ago. Like I said, I am not going to fight the past.

IN FAVOR: NONE
IN OPPOSITION: NONE

DISCUSSION:

Mr. Whitney – I worry about leap frogging, dropping this down in the middle of things in the Master Plan suggest would be surrounded by large residential. It makes you worry about whether large residential is going to survive. if you push it up against something that is already developed, you have a natural pacing but if you put it out in the middle of nowhere, what happens next, I don't know. Just an observation.

Mr. Dossey – I agree. That is why you are seeing development occur how it is today. This area has been approved for development of this nature for some time. There are a couple of these out there that were approved even before I got to the County. It doesn't make it ideal, but there is a need for housing and there is going to be an increasing need for housing for those that work at Schriever AFB, especially as they continue to grow. We're talking about a reconfiguration today, not so much about the density.

Mr. Whitney – I recognize that, and it was not intended as a criticism. It is just a philosophical concern.

Mr. Dossey – I would offer up the large lot residential placetype, if we update this map in five or ten years that placetype might change. Particularly if the City of Colorado Springs does in fact annex out to that area just north of Schriever. You can probably expect there will be ripple effects from that. Likely to the tune of changing to suburban residential if not something else, it is just the pattern of growth, and we are expecting it to happen along the highway corridor.

Mr. Risley – By designating in the Master Plan a specific location for slightly denser development, maybe in theory it helps to preserve larger lot

residential by focusing or creating a hub where density occurs opposed to suburban sprawl at medium density though out the entire county.

Mr. Dossey - If you recall our discussion on the rural place type, that was going to be a location where people could go get goods and services and recognized the need for houses to keep those areas alive and going and if you look at the layout of the parcels in this area, it is already divided. You're likely not going to get development on the periphery on the west side because of the current owner configuration.

Mr. Trowbridge – It seems to me that this is not pedestrian friendly by removing the alleys. Now you have 200 driveways cutting through the sidewalks as opposed to the alley. Also, there are no amenities with this, no parks, no open spaces, you're just throwing 240 lots out in the middle of nowhere. I think we're going to see an increase in traffic for those people to seek out those amenities. I am not going to vote against it, but I will be keeping an eye on it as future developments happen.

PC ACTION: FULLER MOVED/MORAES SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, PUDSP-21-009, FOR APPROVAL A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR MAYBERRY PHASE 1, UTILIZING RESOLUTION PAGE NO. 31, CITING 22-013, WITH SIX (6) CONDITIONS, FIVE (5) NOTATIONS, AND A FINDING FOR WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

Mr. Dossey gave his Annual Report of Activities to the Planning Commission.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

The name to the right of the title indicates the Planner processing the request.

MAP AMENDMENT (REZONING) – PLANNED UNIT DEVELOPMENT (PUD)
(RECOMMEND APPROVAL)

Commissioner Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP-21-009

Mayberry Phase 1

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

WHEREAS, a public hearing was held by this Commission on March 17, 2022; 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 was provided as required by law for the hearing before the Planning Commission of El Paso County.
3. The hearing before the Planning Commission was extensive and complete, all pertinent facts, matters, and issues were submitted and reviewed, and all interested persons were heard at that hearing.
4. That all exhibits were received into evidence; and
5. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
6. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the El Paso County Land Development Code.

7. There has been a substantial change in the character of the area since the land was last zoned.
8. The proposed development is in compliance with the requirements of the Land Development Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.
9. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area.
10. The proposed development provides adequate consideration for any potentially detrimental use-to-use relationships (e.g. commercial use adjacent to single-family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site.
11. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.
12. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
13. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
14. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.
15. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy-efficient site design.
16. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.
17. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
18. The owner has authorized the application.

19. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
20. Sufficiency: A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
21. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
22. 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.W. §30-28-133(6)(c)].
23. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
24. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
25. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
26. 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.
27. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application to amend the EL Paso County Zoning Map to rezone rezone property to the PUD (Planned Unit Development) zoning district.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the PUD Development Plan as a preliminary plan.

BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions and notations be placed upon this approval:

MODIFICATION

1. A PUD Modification of Section 8.4.5.G.4.b of the Code is requested with this application to allow for a reduction in the side yard drainage easements to four (4) feet.

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
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 Parks and 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 threatened species.
6. Applicable park, school, drainage, bridge, and traffic fees shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. 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.

3. 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.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

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.

Commissioner Moraes seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Fuller	aye
Commissioner Lucia-Treese	aye
Commissioner Carlson	aye
Commissioner Trowbridge	aye
Commissioner Moraes	aye
Commissioner Schuettpelz	aye
Commissioner Whitney	aye

The Resolution was adopted by a vote of 8 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: March 17, 2022

Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION – MAYBERRY PHASE 1 PUD AMENDMENT:

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 15 AND IN THE NORTH ONE-HALF (N1/2) OF SECTION 14, ALL IN TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 15, AS MONUMENTED BY A REBAR AND 3-1/2" ALUMINUM CAP STAMPED "U.P.&E. PLS 116_4 1999", FROM WHICH THE NORTH ONE-QUARTER CORNER OF SAID SECTION 14, AS MONUMENTED BY A REBAR AND 2" ALUMINUM CAP IN A RANGE BOX STAMPED "U.P.&E. PLS 11624 1999", BEARS S89°44'49"E, A DISTANCE OF 2606.55 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S00°01'09"W ALONG THAT LINE COMMON TO SAID SECTION 15 AND SAID SECTION 14, A DISTANCE OF 61.50 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S89°28'59"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF NEW LOG ROAD AS SHOWN ON THE PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 220714655 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THAT CDOT RIGHT-OF-WAY DESCRIBED AS TRACT NO. 1, AS RECORDED UNDER RECEPTION NO. 220211233 OF SAID COUNTY RECORDS AND THE NORTHWEST CORNER OF TRACT K, OF SAID MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE ALONG THAT LINE COMMON TO SAID EASTERLY RIGHT-OF-WAY LINE AND THE WESTERLY LINE OF SAID TRACT K, THE FOLLOWING FIVE (5) COURSES;

- 1.) THENCE S00°01'09"W, A DISTANCE OF 180.61 FEET TO A POINT OF CURVATURE;
- 2.) THENCE ALONG THE ARC OF A 365.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 21°30'29", AN ARC LENGTH OF 137.02 FEET (THE LONG CHORD OF WHICH BEARS S10°44'06"E, A LONG CHORD DISTANCE OF 136.21 FEET) TO A POINT OF TANGENCY;
- 3.) THENCE S21°29'20"E, A DISTANCE OF 134.47 FEET TO A POINT OF CURVATURE;
- 4.) THENCE ALONG THE ARC OF A 435.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 21°29'20", AN ARC LENGTH OF 163.15 FEET (THE LONG CHORD OF WHICH BEARS S10°44'40"E, A LONG CHORD DISTANCE OF 162.19 FEET) TO A POINT OF TANGENCY;
- 5.) THENCE S00°00'00"W, A DISTANCE OF 38.06 FEET;
THENCE S44°44'29"E ALONG THE SOUTHWESTERLY LINE OF SAID TRACT K, A DISTANCE OF 31.25 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VILLAGE MAIN STREET AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE S89°28'59"E ALONG THAT LINE COMMON TO SAID TRACT K AND SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 448.41 FEET;

THENCE N45°15'31"E ALONG THE SOUTHEASTERLY LINE OF SAID TRACT K, A DISTANCE OF 30.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF MARKETPLACE DRIVE AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE N00°00'00"E ALONG THAT LINE COMMON TO SAID TRACT K AND SAID MARKETPLACE DRIVE, A DISTANCE OF 352.75 FEET;
THENCE N44°44'29"W ALONG THE EASTERLY LINE OF SAID TRACT K, A DISTANCE OF 31.25 FEET TO THE SOUTHWESTERLY POINT OF TERMINUS OF CATTLEMEN RUN AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE ALONG THAT LINE COMMON TO SAID TRACT K AND SAID CATTLEMEN RUN, THE FOLLOWING TWO (2) COURSES;

- 1.) THENCE N00°00'00"E, A DISTANCE OF 60.00 FEET;
- 2.) THENCE N89°28'59"E, A DISTANCE OF 20.79 TO THE SOUTHWEST CORNER OF LOT 1, OF SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE N00°31'01"E ALONG THAT LINE COMMON TO SAID TRACT K, SAID LOT 1 AND TRACT B OF SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1, A DISTANCE OF 201.27 FEET TO THE NORTHERLY CORNER COMMON TO SAID TRACT K AND SAID TRACT B, SAID POINT ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CDOT TRACT NO. 1;

THENCE S89°28'59"E ALONG THAT LINE COMMON TO SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID TRACT B AND TRACT L OF SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1, A DISTANCE OF 1669.13 FEET TO THE SOUTHEASTERLY CORNER OF SAID CDOT TRACT NO. 1, SAID POINT ALSO BEING A POINT ON THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 5527 AT PAGE 376 OF SAID COUNTY RECORDS;

THENCE ALONG THAT LINE COMMON TO SAID TRACT AND SAID TRACT L, THE FOLLOWING TWO (2) COURSES;

- 1.) THENCE S00°14'20"E, A DISTANCE OF 107.84 FEET;
 - 2.) THENCE S89°44'49"E, A DISTANCE OF 230.80 FEET;
- THENCE S00°00'00"E, A DISTANCE OF 154.51 FEET;

THENCE N89°28'59"W, A DISTANCE OF 23.35 FEET;

THENCE S00°00'00"E, A DISTANCE OF 173.74 FEET;

THENCE S89°28'59"E, A DISTANCE OF 380.91 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SPRINGS ROAD AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE N00°00'00"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 435.02 FEET TO THE SOUTHEAST CORNER OF THAT CDOT RIGHT-OF-WAY DESCRIBED AS TRACT NO. 2, AS RECORDED UNDER SAID RECEPTION NO. 220211233;

THENCE S89°28'59"E, A DISTANCE OF 65.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID SPRINGS ROAD;

THENCE S00°00'00"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 435.02 FEET;

THENCE S89°28'59"E, A DISTANCE OF 219.39 FEET;

THENCE N00°00'00"E, A DISTANCE OF 10.73 FEET;

THENCE S89°28'59"E, A DISTANCE OF 722.91 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 NE1/4) OF SAID SECTION 14;

THENCE S00°21'12"E ALONG SAID EAST LINE, A DISTANCE OF 648.81 FEET;

THENCE N89°28'59"W, A DISTANCE OF 937.75 FEET;

THENCE ALONG THE ARC OF A 65.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 79°26'05", AN ARC LENGTH OF 90.12 FEET (THE LONG CHORD OF WHICH BEARS N89°28'59"W, A LONG CHORD DISTANCE OF 83.07 FEET);

THENCE N89°28'59"W, A DISTANCE OF 2271.94 FEET TO THE SOUTHWESTERLY POINT OF TERMINUS OF MAYBERRY DRIVE AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE N00°31'01"E ALONG THE WESTERLY LINE OF SAID MAYBERRY DRIVE, A DISTANCE OF 100.00 FEET TO A POINT ON THE SOUTHERLY LINE OF TRACT O, AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE ALONG THE SOUTHERLY, EASTERLY, AND NORTHERLY LINES OF SAID TRACT O, THE FOLLOWING FIVE (5) COURSES;

- 1.) THENCE N45°15'31"E, A DISTANCE OF 30.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID MARKETPLACE DRIVE;
- 2.) THENCE N00°00'00"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 201.01 FEET;
- 3.) THENCE N44°44'29"W, A DISTANCE OF 31.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VILLAGE MAIN STREET;
- 4.) THENCE N89°28'59"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 448.42 FEET;
- 5.) THENCE S45°15'31"W, A DISTANCE OF 30.97 FEET;
THENCE CONTINUING ALONG THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINES OF SAID VILLAGE MAIN STREET, THE FOLLOWING SEVEN (7) COURSES;

- 1.) THENCE N89°28'59"W, A DISTANCE OF 62.00 FEET;
- 2.) THENCE N44°44'29"W, A DISTANCE OF 31.25 FEET;

- 3.) THENCE N89°28'59"W, A DISTANCE OF 142.00 FEET;
- 4.) THENCE S45°15'31"W, A DISTANCE OF 30.97 FEET;

- 5.) THENCE N89°28'59"W, A DISTANCE OF 62.00 FEET;
- 6.) THENCE N44°44'29"W, A DISTANCE OF 31.25 FEET;

7.) THENCE N00°00'00"E, A DISTANCE OF 70.00 FEET;
THENCE N45°15'31"E, A DISTANCE OF 30.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID NEW LOG ROAD;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FIVE (5) COURSES;

- 1.) THENCE N00°00'00"E, A DISTANCE OF 31.13 FEET TO A POINT OF CURVATURE;
- 2.) THENCE ALONG THE ARC OF A 435.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 19°58'22", AN ARC LENGTH OF 151.64 FEET (THE LONG CHORD OF WHICH BEARS N09°59'11"E, A LONG CHORD DISTANCE OF 150.87 FEET) TO A POINT OF TANGENCY;
- 3.) THENCE N19°58'22"E, A DISTANCE OF 166.93 FEET TO A POINT OF CURVATURE;
- 4.) THENCE ALONG THE ARC OF A 365.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°57'13", AN ARC LENGTH OF 127.11 FEET (THE LONG CHORD OF WHICH BEARS N09°59'45"E, A LONG CHORD DISTANCE OF 126.47 FEET) TO A POINT OF TANGENCY;
- 5.) THENCE N00°01'09"E, A DISTANCE OF 174.24 FEET;
THENCE S89°07'06"E, A DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 71.39 ACRES OF LAND, MORE OR LESS.

RESOLUTION NO. 22-

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE
OF COLORADO**

**APPROVAL OF THE MAYBERRY PHASE 1 MAP AMENDMENT
(REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-21-009)**

WHEREAS, Mayberry Communities, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the conceptual PUD (Planned Unit Development) zoning district to the site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 17, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application and supporting PUD Development Plan; and

WHEREAS, a public hearing was held by this Board on April 5, 2022; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and Board of County Commissioners of El Paso County.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.

4. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
5. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Land Development Code.
6. The proposed development is in compliance with the requirements of the Land Development Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.
7. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area.
8. The proposed development provides adequate consideration for any potentially detrimental use-to-use relationships (e.g. commercial use adjacent to single-family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site.
9. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.
10. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
11. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
12. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.
13. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy-efficient site design.
14. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere

with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.

15. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
16. The owner has authorized the application.
17. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
18. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
19. Sufficiency: A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
20. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
21. 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.W. §30-28-133(6)(c)].
22. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
23. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
24. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
25. 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.

26. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

27. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the application to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the conceptual PUD (Planned Unit Development) zoning district to the site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby approves the PUD Development Plan as a preliminary plan.

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
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 Parks and 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 threatened species.

6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. 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.
3. 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.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 5th day of April, 2022, at Colorado Springs, Colorado.

Resolution No.
Page 6

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION – MAYBERRY PHASE 1 PUD AMENDMENT:

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 15 AND IN THE NORTH ONE-HALF (N1/2) OF SECTION 14, ALL IN TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 15, AS MONUMENTED BY A REBAR AND 3-1/2" ALUMINUM CAP STAMPED "U.P.&E. PLS 116_4 1999", FROM WHICH THE NORTH ONE-QUARTER CORNER OF SAID SECTION 14, AS MONUMENTED BY A REBAR AND 2" ALUMINUM CAP IN A RANGE BOX STAMPED "U.P.&E. PLS 11624 1999", BEARS S89°44'49"E, A DISTANCE OF 2606.55 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

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THENCE S89°28'59"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF NEW LOG ROAD AS SHOWN ON THE PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 220714655 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THAT CDOT RIGHT-OF-WAY DESCRIBED AS TRACT NO. 1, AS RECORDED UNDER RECEPTION NO. 220211233 OF SAID COUNTY RECORDS AND THE NORTHWEST CORNER OF TRACT K, OF SAID MAYBERRY, COLORADO SPRINGS FILING NO. 1;

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3.) THENCE S21°29'20"E, A DISTANCE OF 134.47 FEET TO A POINT OF CURVATURE;
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THENCE S00°21'12"E ALONG SAID EAST LINE, A DISTANCE OF 648.81 FEET;

THENCE N89°28'59"W, A DISTANCE OF 937.75 FEET;

THENCE ALONG THE ARC OF A 65.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 79°26'05", AN ARC LENGTH OF 90.12 FEET (THE LONG CHORD OF WHICH BEARS N89°28'59"W, A LONG CHORD DISTANCE OF 83.07 FEET);

THENCE N89°28'59"W, A DISTANCE OF 2271.94 FEET TO THE SOUTHWESTERLY POINT OF TERMINUS OF MAYBERRY DRIVE AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE N00°31'01"E ALONG THE WESTERLY LINE OF SAID MAYBERRY DRIVE, A DISTANCE OF 100.00 FEET TO A POINT ON THE SOUTHERLY LINE OF TRACT O, AS SHOWN ON SAID PLAT OF MAYBERRY, COLORADO SPRINGS FILING NO. 1;

THENCE ALONG THE SOUTHERLY, EASTERLY, AND NORTHERLY LINES OF SAID TRACT O, THE FOLLOWING FIVE (5) COURSES;

1.) THENCE N45°15'31"E, A DISTANCE OF 30.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID MARKETPLACE DRIVE;

2.) THENCE N00°00'00"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 201.01 FEET;

3.) THENCE N44°44'29"W, A DISTANCE OF 31.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VILLAGE MAIN STREET;

4.) THENCE N89°28'59"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 448.42 FEET;

5.) THENCE S45°15'31"W, A DISTANCE OF 30.97 FEET;

THENCE CONTINUING ALONG THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINES OF SAID VILLAGE MAIN STREET, THE FOLLOWING SEVEN (7) COURSES;

1.) THENCE N89°28'59"W, A DISTANCE OF 62.00 FEET;

2.) THENCE N44°44'29"W, A DISTANCE OF 31.25 FEET;

3.) THENCE N89°28'59"W, A DISTANCE OF 142.00 FEET;

4.) THENCE S45°15'31"W, A DISTANCE OF 30.97 FEET;

5.) THENCE N89°28'59"W, A DISTANCE OF 62.00 FEET;

6.) THENCE N44°44'29"W, A DISTANCE OF 31.25 FEET;

7.) THENCE N00°00'00"E, A DISTANCE OF 70.00 FEET;

THENCE N45°15'31"E, A DISTANCE OF 30.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID NEW LOG ROAD;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FIVE (5) COURSES;

1.) THENCE N00°00'00"E, A DISTANCE OF 31.13 FEET TO A POINT OF CURVATURE;

2.) THENCE ALONG THE ARC OF A 435.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 19°58'22", AN ARC LENGTH OF 151.64 FEET (THE LONG CHORD OF WHICH BEARS N09°59'11"E, A LONG CHORD DISTANCE OF 150.87 FEET) TO A POINT OF TANGENCY;

3.) THENCE N19°58'22"E, A DISTANCE OF 166.93 FEET TO A POINT OF CURVATURE;

4.) THENCE ALONG THE ARC OF A 365.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°57'13", AN ARC LENGTH OF 127.11 FEET (THE LONG CHORD OF WHICH BEARS N09°59'45"E, A LONG CHORD DISTANCE OF 126.47 FEET) TO A POINT OF TANGENCY;

5.) THENCE N00°01'09"E, A DISTANCE OF 174.24 FEET;

THENCE S89°07'06"E, A DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 71.39 ACRES OF LAND, MORE OR LESS.