
MAYBERRY PHASE 1 (ELLICOTT TOWN CENTER)

PUD DEVELOPMENT PLAN/PRELIMINARY PLAN AMENDMENT

LETTER OF INTENT

MAY 2021

REVISED OCTOBER 2021

OWNER/APPLICANT:

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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

Same comment as on PUD plan: add utility easements

This modification is not listed on the PUD plan

	LDC/ECM Section	Category	Standard	Modification	Justification
1	LDC Chapter 8.4.5.G.4b	Drainage 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.

include deviation for mid block crossing if you will be requesting to omit the crossing.

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NES RESPONSE:

Additional section and requested deviations added.

Additional deviation criteria and justifications added as appendix to document

modification of a
criteria Manual (ECM).
enhances the urban
safe access in urban
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.

Please address the deviation criteria indicated in ECM 5.8.6 and 5.8.7. Provide bullet points and justification (copy from the deviation request submitted). I have attached an example below of Estates at Rolling Hills Ranch PUDSP197 of how this was done in the NES letter of intent for that project.

PROJECT HISTORY

The site is part of Phase 1 of the Ellicott Town Center Overlaid 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

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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 PUD modification to remove the need for a midblock crossing is consistent with the following considerations identified in Section 4.2.6.F.2.h of the Land Development Code:*

- Provision of a more efficient pedestrian system – pedestrian circulation within Meridian Ranch is focused on the provided trail system, which connects the residential areas to the parks and open space. The project is designed to encourage the use of the trail system, rather than the sidewalks, where possible. On the streets where mid-block crossings are not provided, there are no pedestrian destinations or trails that would necessitate a midblock crossing to connect to amenities.*
- Provision of additional open space – by encouraging the residents to use the trail system, the project provides better access to the open space in the development.*
- The deviation would eliminate the requirement for mid-block pedestrian crossings to be spaced no greater than 600 feet apart on Palmer Peak Lane. However, a single mid-block pedestrian crossing will be located near Station 18+75.*

There are no Federal ADA maximum distances allowed between pedestrian crossing along street that would necessitate midblock pedestrian ramps.

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.~~

The Ellicott Town
pedestrian friendl

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 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 approve 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 opens 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 provided easy access to goods and parks and open spaces.

Objective CFI3-5: 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 address the new development intent and the Districts ability to serve such.

Objective CFI3-9: 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 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 District's 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 300-year 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.