

EL PASO  **COUNTY**
COLORADO

COMMISSIONERS:
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Nina Ruiz, Planning Manager
Steve Kuehster, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: SF-19-010
Project Name: Mayberry, Colorado Springs Filing No. 2
Parcel No.: 34000-00-440

OWNER:	REPRESENTATIVE:
Colorado Springs Mayberry, LLC 32823 Temecula Pkwy Temecula, CA 92592	NES, Inc. 619 N. Cascade Ave, Suite 200 Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	12/3/2020
Board of County Commissioners Hearing Date	12/22/2020

EXECUTIVE SUMMARY

A request by Colorado Springs Mayberry, LLC. for approval of a final plat to create three (3) commercial lots. The 38.89-acre property is zoned CS (Commercial Service) and is located south of Highway 94, approximately 1.3 miles west of the Highway 94 and North Ellicott Highway intersection. The request also includes approval of a finding of sufficiency for water quality, quantity, and dependability.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Colorado Springs Mayberry, LLC, for approval of a final plat to create three (3) commercial lots.

Waiver(s)/Deviation(s): The applicant is not requesting any waivers or deviations.

Authorization to Sign: There are no items requiring signature associated with this request.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- 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 that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];

- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

D. LOCATION

North: A-35 (Agricultural)/RR-5 (Residential Rural)	Agricultural
South: PUD (Planned Unit Development)	Agricultural
East: PUD (Planned Unit Development)	Agricultural
West: PUD (Planned Unit Development)/A-35 (Agricultural)	Agricultural

E. BACKGROUND

The Board of County Commissioners approved the Ellicott Town Center Phase 1 PUD on May 11, 2006 (PUD-05-021). The PUD includes a total of 477 acres of residential use area, 46.6 acres of mixed-use area, 24.53 acres of open space, and 27 acres of civic space (school, fire station, library, etc.). The PUD includes a site-specific PUD for the anticipated first filing, which consists of urban residential lots, as well as a zoning concept plan. The zoning concept plan depicted the subject 38.89acre parcel as multi-dwelling residential and a portion of the area as “permitted industrial use.”

The Board of County Commissioners approved an amendment to the Service Plan on June 14, 2014. The amendment authorized District No. 1 to become the primary provider for water and sewer facilities and services to the service area and to additional communities outside the District's boundaries instead of those services being provided by the Sunset Metropolitan District, as was originally proposed. The amendment anticipated that District No. 1 would take ownership of the existing water and sanitary sewer facilities from the Ellicott Utilities Company, and would operate, maintain, repair and replace the facilities for the project. Currently, the Ellicott Utilities Company provides water services to the Antelope Park Ranchettes and the Viewpoint Estates developments, both of which are located to the northwest. Ongoing services to these two developments will continue to be provided by District No. 1 on an extraterritorial basis.

The developer revised the build out projections for the project and requested material modifications to the original Service Plan, which included changing the name of the District to Mayberry, Colorado Springs. The applicant proposed the existing District be separated into two Districts. District No. 1 includes the residential use portion of the overall development, and District No. 2 includes the commercial and industrial use portions of the overall development. The amendment to the Mayberry Metropolitan District was approved by the Board of County Commissioners on July 23, 2019.

The applicant requested to expand the allowed uses within the "permitted industrial use" to include retail, wholesale, light manufacturing, and other commercial services. The zoning concept plan process is no longer included within the El Paso County Land Development Code (2019). For this reason, an amendment to the zoning concept plan was not possible under the current regulations. Instead the applicant requested a map amendment (rezone) from the PUD to CS (Commercial Services). The map amendment (rezoning) was approved by the Board of County Commissioners on June 23, 2020 (PCD File No. CS-19-002).

The parcels are currently configured as metes and bounds parcels. On April 12, 2007, the Board of County Commissioners approved the Ellicott Town Center Filing No. 1 final plat (SF-06-012). This first filing has not been recorded to date, but the applicant has received approval of an extension of the final plat approval until December 12, 2020. Staff anticipates the first filing being recorded prior to the expiration as there are no outstanding issues or comments associated with the first filing. The applicant has renamed this filing as Mayberry, Colorado Springs. The subject parcels are included in the pending final plat as "Tract L". The applicant

requests approval of a vacation and replat of “Tract L” into three (3) commercial lots and a remainder tract for future development.

F. ANALYSIS

1. Land Development Code Compliance

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

2. Zoning Compliance

The CS (Commercial Service) zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The density and dimensional standards for the CS (Commercial Service) zoning district are as follows:

- Minimum district area – two (2) acres
- Minimum lot size – no minimum lot size
- Setbacks – front 25 feet, sides 25 feet, and rear 25 feet. The minimum setback is 25 feet from the perimeter boundary of the zoning district, but no minimum setback is required from any internal side or rear lot line within the same zoning district.
- Maximum building height – 45 feet
- Maximum lot coverage – no maximum lot coverage

A site development plan will be required prior to building permit authorization for each lot within the proposed final plat in order to ensure that all proposed structures will comply with the dimensional standards of the CS zoning district as well as the General Development Standards in Chapter 6 of the Code and requirements of the Engineering Criteria Manual.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. A finding of consistency with the El Paso County Policy Plan was previously made by the Board of County Commissioners with approval of Mayberry, Colorado Springs Filing No. 1 final plat (PCD file no. SF-06-012), the amendments to the Special District, and a map amendment (rezone) from PUD (Planned Unit Development) to CS (Commercial Services) (PCD file no. CS-19-

002). The proposed final plat application is consistent with the findings of each of those prior approvals.

4. Small Area Plan Analysis

The property is located within the boundaries of the Ellicott Valley Comprehensive Plan (1989). A finding of consistency with the Plan was previously made by the Board of County Commissioners with approval of Mayberry, Colorado Springs Filing No. 1 (PCD file no. SF-06-012), the amendments to the Special District, and a map amendment (rezone) from PUD (Planned Unit Development) to CS (Commercial Services) (PCD file no. CS-19-002). The proposed final plat application is consistent with the findings of each of those prior approvals.

5. 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. A finding of consistency with the Plan was previously made by the Board of County Commissioners with approval of Mayberry, Colorado Springs Filing No. 1 (PCD file no. SF-06-012), the amendments to the Special District, and a map amendment (rezone) from PUD (Planned Unit Development) to CS (Commercial Services) (PCD file no. CS-19-002). The proposed final plat application is consistent with the findings of each of those prior approvals.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The El Paso County Community Services Department, Environmental Division, was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the final plat.

2. Wildlife

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

3. Floodplain

The subdivision is located within flood zone X, area of minimal flood hazard and determined to be outside the 500-year floodplain, per FEMA's Flood Insurance Rate Map number 08041C0810G, which has an effective date of December 7, 2018.

4. Drainage and Erosion

The subdivision is located within Ellicott Consolidated Drainage Basin (CHBS1200). This drainage basin does not have a drainage or bridge fee requirement. The site generally drains to the southeast.

Stormwater runoff from the site will be collected by a storm sewer system and will be directed into an extended detention pond being constructed with Filing No. 1. The detention pond identified as Pond C2.8 will provide water quality and flood control detention. These detention facilities will be private and maintained by the Mayberry Colorado Springs Metropolitan District. A temporary pond is to be constructed with the Mayberry, Colorado Springs Filing No. 1 (previously known as Ellicott Town Center) final plat application for the interim development areas until a permanent detention pond is constructed.

Approved grading and erosion control plans identify best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

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 Springs Road at State Highway 94. This access is also the east access of Mayberry, Colorado Springs Filing No. 1. Per the submitted traffic study, Springs Road is proposed to be a right-in/right-out access at State Highway 94. Springs Road is classified as an urban non-residential collector roadway. Secondary access to this commercial area will be

via proposed internal public roadways within the Mayberry, Colorado Springs development. Recommended on-site and off-site improvements have been provided in Table 12 of the submitted traffic study with Mayberry, Colorado Springs Filing No. 2 final plat application. To summarize construction of:

- Springs Road from Highway 94 south to Cattleman Run (an urban non-residential collector) and
- Cattlemen Run west (a local street) to Springs Run into the site.
- Additionally, a deviation was processed with Filing 1 that requires Village Main Street to be paved if average daily traffic (ADT) exceeds 200.

Construction drawings are currently under review for this work.

Colorado Department of Transportation (CDOT) previously issued an access permit for access to State Highway 94, but the access permit has since expired. The applicant will submit the appropriate access permit application to CDOT and receive approval for this proposed commercial development prior to site development plan approval.

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

H. SERVICES

1. Water

Sufficiency: **To be provided at hearing.**

Quality:

Quantity:

Dependability:

Attorney's summary:

2. Sanitation

Wastewater service is proposed to be provided by the Mayberry Metropolitan District. The District has provided a commitment indicating there is adequate capacity to serve.

3. Emergency Services

The property is within the Ellicott Fire Protection District. The District was sent a referral and responded with comments pertaining to expectations at the time of building permitting (see attached comments).

4. Utilities

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the development.

5. Metropolitan Districts

The subject parcels are included within the boundaries of the Mayberry, Colorado Springs Metropolitan District as well as the Ellicott Metropolitan District. The Ellicott Metropolitan District was formed in 1995 (PCD File No. ID95003). The Ellicott Metropolitan District provides recreational services and facilities to residents of the District. The District does not collect a mill levy but instead is financially supported with Colorado Lottery funds.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a commercial final plat. The El Paso County Parks Master Plan (2013) identifies a proposed secondary regional trail adjacent to Highway 94. A 25 foot wide trail easement adjacent to Highway 94 is being dedicated to El Paso County with the final plat.

7. Schools

Fees in lieu of school land dedication are not required for commercial final plats.

I. APPLICABLE RESOLUTIONS

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J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

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

CONDITIONS

1. Mayberry Colorado Springs Filing No. 1 shall be recorded prior to Mayberry Colorado Springs Filing No. 2.

2. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
3. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
4. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
5. The Applicant shall submit the Mylar to Enumerations for addressing.
6. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
7. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
8. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.
9. Collateral sufficient to ensure that the public improvements as listed in the approved financial assurance estimate shall be provided when the final plat is recorded.
10. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), or any

amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified three (3) adjoining property owners on November 16, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter (To be provided at hearing)
El Paso County Public Health Recommendation Letter

El Paso County Parcel Information

File Name: SF-19-010

PARCEL	NAME
3400000440	COLORADO SPRINGS MAYBERRY LLC

Zone Map No. --

Date: November 12, 2020



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
12 (719) 520-6600



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ELLICOTT TOWN CENTER FILING NO 2 ZONE CHANGE AND FINAL PLAT

LETTER OF INTENT

MARCH 2019, REVISED AUGUST 2019

OWNER/APPLICANT:

Colorado Springs Mayberry, LLC
32823 Temecula Parkway
Temecula, CA 92592

CONSULTANT:

N.E.S. Inc.
619 North Cascade Avenue
Colorado Springs, Colorado 80903

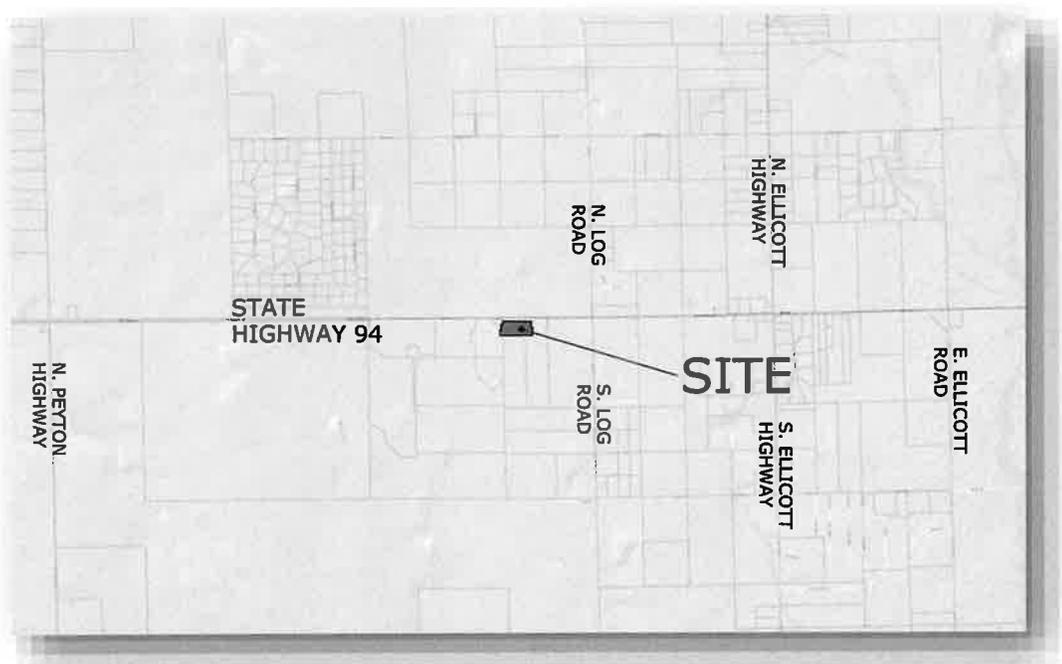
REQUEST

Colorado Springs Mayberry, LLC requests the approval of a:

1. Zone Change of 9.5 acres from Planned Unit Development (PUD) to Commercial Services (CS).
2. A Final Plat for Ellicott Town Center Filing No. 2 for 3 lots and 4 tracts on 84.78 Acres.

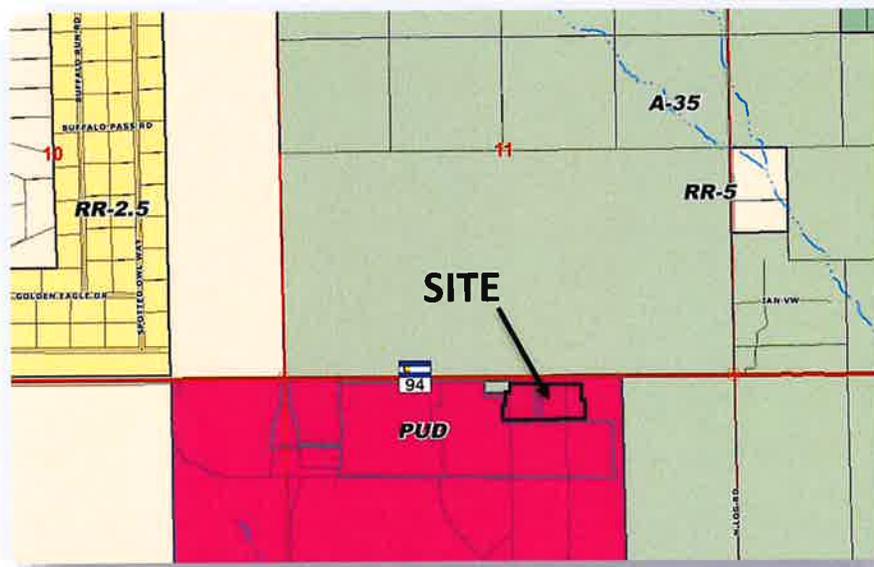
SITE CONTEXT

The site is located south of State Highway 94 and approximately ½ mile west of Log Road in eastern El Paso County. The site topography is gently rolling with grades of 3 to 5 percent. The dominant ground cover is a mix of native grasses. The site is currently zoned PUD and a part of the proposed Ellicott Town Center Overall PUD Plan approved on January 12, 2006. Of the 550 AC of the original PUD 540.5 AC will remain PUD. Existing PUD commitments for the remaining 540.5 acres of PUD area will be honored. Existing uses on site include a warehouse and outside storage, with the remainder used for livestock



grazing. Previous uses on the site at the time of the original PUD approval included a concrete batch plant and mini-storage units.

A majority of the site is surrounded to the south, east and west by vacant PUD parcels, currently undeveloped and used for livestock grazing. Beyond the overall PUD parcel to the east is a ranch with a large agricultural barn on an 80-acre agricultural parcel. A portion of the site is bounded on the west by a parcel owned by the Cherokee Water and Sanitation District, zoned A-35, with an existing water tank. To the north, on the opposite side of State Highway 94, is a parcel zoned A-35, which is primarily used for livestock grazing. The town of Ellicott further to the east has a mix of uses including churches, banks, junk car storage, mobile home storage, mobile home parks, and single family residential.



PROJECT HISTORY

The site is part of phase 3 of the Ellicott Town Center Overall PUD Plan (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.

TABLE 1

Date	Approved
January 12, 2006	Ellicott Town Center Overall PUD Plan
May 11, 2006	Phase 1 Preliminary Plan
April 12, 2007	Ellicott Town Center Filing No. 1 Final Plat

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 Ellicott Valley Comprehensive Plan and El Paso County Master Plan. The approved overall PUD plan identifies the subject site for the commercial uses existing at that time, including a concrete batch plant and mini-storage.

PROJECT DESCRIPTION

Colorado Springs Mayberry, LLC is proposing to initiate recording of the final plat for Filing No. 1 of Ellicott Town Center and commence construction of residential development. The proposed zone change to CS for the 9.5-acre site and replat for Filing No. 2. will facilitate a manufacturing building to be used for panelized framing in the home-building operations associated with the development of Filing No. 1. The proposed zone change to CS will also extend the permitted commercial uses to include a variety of retail, wholesale or service commercial uses that serve the general public. This will better support the existing and proposed residential communities in Ellicott than the proposed uses in this part of the approved Overall PUD Plan, which were limited to the existing industrial uses on the site (a concrete batch plant and mini-storage/outside storage). All future development on the subject site will need to be in compliance with the CS zoning district regulations.

PROJECT JUSTIFICATION

The proposed Zone change to CS will amend the approved PUD zoning. Colorado Revised Statutes §24-67-106(1) gives a County the authority to enforce those provisions of a PUD plan related to use. Colorado Revised Statutes §24-67-106(3)(b) allows a County to modify, remove or release those provisions, provided that the modification, removal, or release meet the following criteria:

1. Is consistent with the efficient development and preservation of the entire PUD

The subject site is part of a broader PUD zoning that included residential development and an area for industrial use, consistent with the then existing uses on site including a concrete batch plant and mini-storage/outside storage. The zone change to CS of the industrial portion of the original PUD will not impact the development of the remaining area for residential development. The commercial uses allowed in the CS zone include a wider range of community-serving uses that will be more beneficial to and compatible with existing and proposed adjacent residential uses than the industrial uses previously proposed.

2. Does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD or the public interest

The zone change will provide commercial services to the surrounding existing and proposed residential communities in the Ellicott area. The CS zone is separated and buffered from the

undeveloped property to the north by Highway 94. Appropriate buffers will be included within the proposed commercial development to the future residential development within the rest of Ellicott Town Center in accordance with the County landscape code.

3. Is not granted solely to confer a special benefit upon any person.

Granting a zone change to CS for the subject site will not confer a special benefit upon any person. The zone change to CS will provide a greater diversity of potential commercial services for the surrounding existing and proposed residential communities in the Ellicott area.

Chapter 5.2.5.B: Map Amendment (Rezoning) Criteria

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;

County Policy Plan

The proposed zone change is consistent with the following policies of the El Paso County Policy Plan.

Policy 5.1.5

Promote quality and diverse economic development that is consistent with adopted plans, emphasizing both the creation and retention of jobs that meet the needs of citizens of the County at all skill levels.

Policy 5.1.9

Encourage appropriate economic development in rural areas of the County as a means of providing local employment opportunities, increasing community tax base, and reducing long commutes.

Policy 6.1.1

Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

Policy 6.1.3

Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.3.6

Where feasible, when compatible and service level issues have been addressed; smaller commercial, office and institutional uses should be allowed to locate within, or convenient to, the residential neighborhoods they serve or complement.

The zone change to CS will offer commercial services that support existing and future residential land uses.

Ellicott Valley Comprehensive Plan

The Ellicott Valley Comprehensive Plan was prepared in 1989 to provide an element of consistency to growth and planning in the Ellicott area. The plan acknowledges the dynamic nature of the Ellicott Valley and wide range of potential alternatives for future development, including commercial services. The proposed change of zone to CS supports the following policies from the Ellicott Valley Comprehensive Plan.

Policy 1.3

Encourage the phased development of urban facilities and services so that urban density projects are able to maintain an adequate cash flow during their early stages

Policy 2.1

Support the development of infrastructure which will be necessary to support economic development in the Ellicott Valley.

Policy 4.1

Encourage new commercial uses to locate either in association with existing commercial areas or within planned urban density projects.

The zone change to CS fits into the overall residential and commercial development for the area as envisioned in the Ellicott Valley Comprehensive Plan and supports the Ellicott Town Center as a planned urban density project. The zone change to CS will support the need and trend toward increasing commercial space in the area to support growing residential needs as outlined in the Ellicott Valley Comprehensive Plan.

El Paso County Water Master Plan

Section 6 of the Water Master Plan sets out goals and policies for stewarding the future use of water. Goal 6.0 requires adequate water availability for proposed development and Policy 6.07 specifically encourages the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process, in collaboration with the water provider. The Water Master Plan encourages development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures (Policy 6.0.8) and indicates that the County should continue to limit urban level development to those areas served by centralized utilities (Policy 6.0.11).

The subject site is consistent with these policies of the Water Master Plan as it supports the Ellicott Valley Comprehensive Plan and a mix of uses in the overall PUD in an appropriate location that can be served by centralized facilities. Water service for the subject site will be provided by Ellicott Utilities Company, LLC. The Ellicott Utilities Company Service Area has a sufficient available and contingent supply to serve the long-term needs of the subject site. This is addressed in the Water Resources and Wastewater Report prepared by JPS Engineering.

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

The zone change is in compliance with all applicable statutory provisions.

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

The subject site was identified for commercial uses on the 2006 Overall PUD Plan, consistent with the then existing commercial uses on site. The zone change will provide commercial services to the surrounding existing and proposed residential communities in the Ellicott area. The CS zone is separated and buffered from the undeveloped property to the north by Highway 94. Appropriate buffers will be included within the proposed commercial development to the future residential development within the rest of Ellicott Town Center in accordance with the County landscape code.

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

The intended use is suitable for the site as it is consistent with previous commercial uses on the property and the intent for these to remain in the 2006 Overall PUD Plan. Future Site Development Plans for the proposed commercial development will address the specific zone standards, buffering requirements and other development standards of the Land Development Code.

7.2.1.D.3.f. Final Plat Criteria of Approval

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;

Conformance with the goals, objectives and policies of the Master Plan is addressed above.

2. The subdivision is in substantial conformance with the approved preliminary plan;

This is a replat of Ellicott Town Center Filing No. 1, which is in substantial conformance with the approved preliminary plan for Phase 1 and the Overall PUD Plan.

3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;

Filing No. 2 of the Ellicott Town Center is consistent with the subdivision design standards and regulations. Supporting materials for the Final Plat meet El Paso County planning, engineering and surveying requirements.

4. 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;

Filing No. 2 of the Ellicott Town Center will connect to the existing central water system owned and operated by Ellicott Utilities Company, LLC and Ellicott Town Center Metropolitan District. The

details of this commitment are outlined in the Water and Wastewater Report prepared by JPS Engineering and the Service Commitment Letter from Ellicott Utilities Company, LLC that is part of this submittal.

5. 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;

Wastewater and sewer for Filing No. 2 of the Ellicott Town Center will be provided by the Ellicott Utilities Company, LLC and Ellicott Town Center Metropolitan District. The details of this commitment are outlined in the Water and Wastewater Report prepared by JPS Engineering and the Service Commitment Letter from Ellicott Utilities Company, LLC that is part of this submittal.

6. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];

A geotechnical investigation report for the parcel conducted by CTL Thompson in February of 2019 identified the presence of suspect quality fill in various areas. This existing suspect quality fill is not suitable to underlie new foundations and the materials will be reconstructed as moisture conditioned and densely compacted fill in accordance with the report's recommendations.

7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;

The proposed commercial development will generate an increase in undetained developed run-off from the site, which will be mitigated through on-site stormwater detention facilities. These detention facilities will be designed to El Paso County engineering standards. The proposed drainage patterns will remain consistent with historic conditions and the new drainage facilities will safely convey runoff to adequate outfalls. Further details are provided in the Final Drainage Report prepared by JPS Engineering.

8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

Legal and physical access is provided from State Highway 94 and the following proposed streets: Springs Road, Cattlemen Run and Bottlebrush Street. All public rights-of-way will be designed and constructed in compliance with the El Paso County Code and the Engineering Criteria Manual.

9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

The Ellicott Fire Protection District is a local volunteer fire district supported by property taxes and provides fire protection to Filing No. 2 of the Ellicott Town Center. The Ellicott Fire Protection District also provides emergency ambulance services and fire station 2 is located in close proximity to the site. St Mary's Hospital also provides air evacuation when needed. Law enforcement to the site is the combined responsibility of the Colorado State Patrol and El Paso County Sheriff's Office.

The Overall PUD for the Ellicott Town Center identifies an anticipated 24.53 AC for park areas and a network of gravel trails to provide recreation opportunities for the Ellicott community.

10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

A Fire Protection Report is provided. The site is within a low impact area for wildfire surrounded by native grasses that range in height from 4"-8". The site will have paved roads and landscaped areas. Any grass fires would be inhibited by the developed streets within the development, and the irrigated and maintained open space.

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

A Traffic Impact Study dated March 25, 2019 was completed by LSC Transportation Consultants Inc. This identifies the off-site road improvements required to support the development. A noise analysis was completed by LSC Transportation Consultants, Inc. on December 2, 2005 and updated with on January 11, 2019. The noise analysis determines that no noise mediation will be needed for the site.

12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;

All required public facilities or infrastructure will be constructed with this development as detailed in the submitted construction drawings.

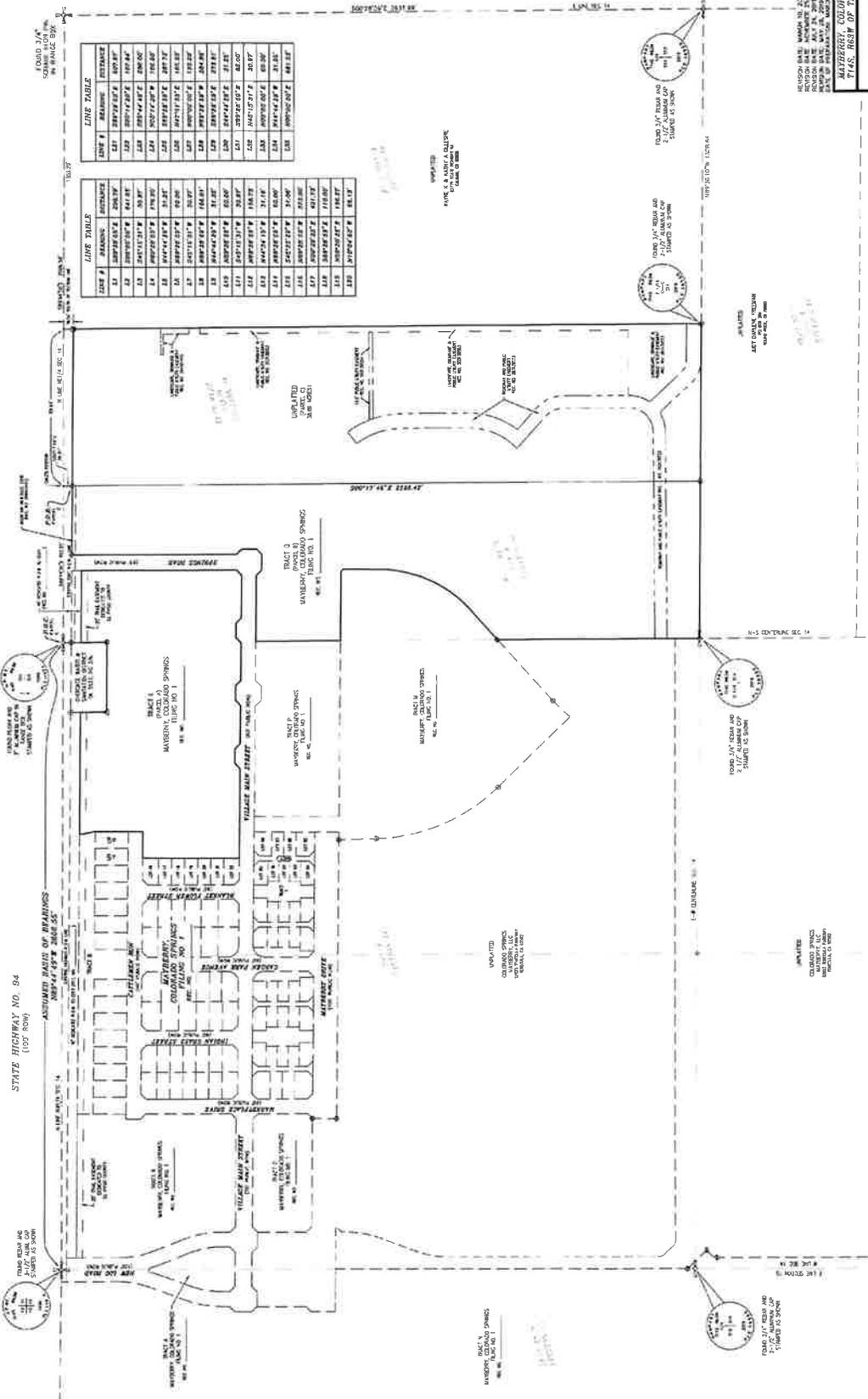
13. The subdivision meets other applicable sections of Chapter 6 and 8; and El Paso County, Colorado Land Development Code Rules Governing Divisions of Land – Chapter 7-Page 10 Effective 05/2016

The final plat for Ellicott Town Center Filing No. 2 meets all applicable sections in Chapter 6, 7 and 8 of the El Paso County Code.

14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.]

Per the Mineral Rights Certification, no commercial mining deposits exist for Filing No. 2 of the Ellicott Town Center.

MAYBERRY, COLORADO SPRINGS FILING NO. 2
A REPLAT OF TRACT L & TRACT Q, MAYBERRY, COLORADO SPRINGS FILING NO. 1 AND THE
E1/2 OF THE W1/2 OF THE NE1/4 OF SECTION 14, ALL IN THE N1/2 OF SECTION 14
TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO



LINE TABLE

LINE #	BEARING	DISTANCE
121	S 89° 57' 30" E	100.00
122	S 89° 57' 30" E	100.00
123	S 89° 57' 30" E	100.00
124	S 89° 57' 30" E	100.00
125	S 89° 57' 30" E	100.00
126	S 89° 57' 30" E	100.00
127	S 89° 57' 30" E	100.00
128	S 89° 57' 30" E	100.00
129	S 89° 57' 30" E	100.00
130	S 89° 57' 30" E	100.00
131	S 89° 57' 30" E	100.00
132	S 89° 57' 30" E	100.00
133	S 89° 57' 30" E	100.00
134	S 89° 57' 30" E	100.00
135	S 89° 57' 30" E	100.00
136	S 89° 57' 30" E	100.00
137	S 89° 57' 30" E	100.00
138	S 89° 57' 30" E	100.00
139	S 89° 57' 30" E	100.00
140	S 89° 57' 30" E	100.00
141	S 89° 57' 30" E	100.00
142	S 89° 57' 30" E	100.00
143	S 89° 57' 30" E	100.00
144	S 89° 57' 30" E	100.00
145	S 89° 57' 30" E	100.00
146	S 89° 57' 30" E	100.00
147	S 89° 57' 30" E	100.00
148	S 89° 57' 30" E	100.00
149	S 89° 57' 30" E	100.00
150	S 89° 57' 30" E	100.00

LINE TABLE

LINE #	BEARING	DISTANCE
151	S 89° 57' 30" E	100.00
152	S 89° 57' 30" E	100.00
153	S 89° 57' 30" E	100.00
154	S 89° 57' 30" E	100.00
155	S 89° 57' 30" E	100.00
156	S 89° 57' 30" E	100.00
157	S 89° 57' 30" E	100.00
158	S 89° 57' 30" E	100.00
159	S 89° 57' 30" E	100.00
160	S 89° 57' 30" E	100.00
161	S 89° 57' 30" E	100.00
162	S 89° 57' 30" E	100.00
163	S 89° 57' 30" E	100.00
164	S 89° 57' 30" E	100.00
165	S 89° 57' 30" E	100.00
166	S 89° 57' 30" E	100.00
167	S 89° 57' 30" E	100.00
168	S 89° 57' 30" E	100.00
169	S 89° 57' 30" E	100.00
170	S 89° 57' 30" E	100.00

0' 200' 400'
 SCALE: 1" = 200'
 JOB NO.: 190111
 DATE: MARCH 18, 2019

RECORD THIS INSTRUMENT IN THE PUBLIC RECORDS OF EL PASO COUNTY, COLORADO, AT THE OFFICE OF THE COUNTY CLERK, 1000 WEST 14TH AVENUE, EL PASO, COLORADO 79902. (15) 190111-0000
 REGISTERED PROFESSIONAL SURVEYOR NO. 10000
RAMBERT SURVEYS, LLC
 1000 WEST 14TH AVENUE, SUITE 100, EL PASO, COLORADO 79902
 DRAWING: 190111P.DWG
 PAGE 2 OF 3

ONLY PLATTED OR DEEDED BEARINGS AND DISTANCES SHOWN



COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

May 30, 2019

Nina Ruiz
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Ellicott Town Center (Filing No. 2), Final Plat and Zone Change
Part of the N ½, Section 14, T14S, R63W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ms. Ruiz:

We have reviewed your April 19, 2019 submittal concerning the above referenced proposal for the development of 84.78 acres into 3 lots and 4 tracts and a zone change of 9.5 acres from Planned Unit Development to Commercial Services.

Water Supply Demand

According to the submitted Ellicott Town Center -Filing No. 1 & No. 2 Water Resources Report & Wastewater Treatment Report by JPS Engineering dated August 24, 2018 and revised March 27, 2019 (“Water Resources Report”), the total estimated water requirement for Filing No. 2 is 2.78 acre-feet/year.

Source of Water Supply

Ellicott Utilities Company, LLC (“Company”) is the proposed water supplier. The Company has provided a letter dated March 21, 2019 committing to serve the 3 commercial lots within the proposed Ellicott Town Center Filing No. 2 subdivision, at the estimated demand of 2.78 acre-feet per year, utilizing water rights from the Laramie-Fox Hills aquifer as determined in Determination of Water Right no. 598-BD. Determination of Water Right 598-BD allows for an average diversion of 161 acre-feet annually for a maximum of 100 years.

The Company’s source of water 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 are 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.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

“- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years.”



The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 161 acre-feet/year would be reduced to one-third of that amount, or 53.7 acre-feet/year. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

According to the Water Resources Report the Company has also committed to supply 37.87 acre-feet-year of water to the Ellicott Town Center Filing No. 1 from Determination of Water Right no. 598-BD.

The annual water supply of 53.7 acre-feet from Determination of Water Right no. 598-BD is more than the estimated annual demand of 37.78 acre-feet for Ellicott Town Center Filing No. 1 and 2.78 acre-feet for Ellicott Town Center Filing No. 2 (40.56 acre-feet total).

According to the Water Resources Report the Company is also committed to supplying water to Antelope Park Ranchettes and Viewpoint Estates subdivisions. Water to those subdivisions is provided by contract with Cherokee Metropolitan District for 50 acre-feet of water annually.

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 amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes 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(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.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,



Cc: Division 2
EllicottTownCenter_Filing 2.docx
Project no. 26480

Keith Vander Horst
Chief of Water Supply, Designated Basins



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

Ellicott Town Center (revised), SF-19-010

Please accept the comments from El Paso County Public Health (EPCPH) for Filing No. 1 and the changes in Filing No. 2 of the project referenced above:

- Ellicott Utilities Company, LLC (EUC) and eventually, Ellicott Town Center Metropolitan District (ETCMD) are planned for water and wastewater service to the site. There is a 21Mar2019 Letter of Commitment from EUC for both water and wastewater services. The Colorado Department of Public Health and Environment, Water Quality Control Division has issued PWSID #121245 the EUC. There is a finding for sufficiency in terms of water quality.
- EUC has provided an updated Water and Wastewater Service Commitment letter dated 21Aug2019 for the proposed 3 commercial lots in Filing No. 2.
- JPS Engineering has provided supporting documentation on the sufficiency of water and wastewater service in the Ellicott Town Center-Filing No. 1 and Filing No. 2, Water Resources Report and Wastewater Treatment Report, dated 24Aug2018 and revised 27Mar2019. The report includes reference to the future formation of the ETCMD.
- El Paso County Public Health encourages planned walk-ability of residential communities with sidewalks, walking paths, and bike trails to surrounding neighborhood parks, schools and commercial areas. Walk-ability features promote exercise, help reduce obesity and lower the risk of heart disease.
- 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>
- Radon resistant construction building techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.
- The water quality basin 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
mikemccarthy@elpasoco.com; 719-575-8602
01Jun2019; Revised 04Dec2019