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Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 05/09/24
RE: CS234 Map Amendment (Rezoning) and VR2323 Mayberry Filing No. 2A

Project Description

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) of 1 acre from PUD (Planned Unit Development) to CS (Commercial Service) and a Vacation Replat creating three (3) commercial lots. Approval of the Map Amendment (Rezoning) shall be considered prior to consideration of the Vacation Replat. The property is located on the south side of Colorado State Highway 94, approximately two (2) miles east of the intersection of Highway 94 and Peyton Highway.

Notation

Please see the Planning Commission Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Trowbridge moved / Offner seconded to recommend approval for the Map Amendment (Rezoning), utilizing the resolution attached to the staff report with two (2) conditions and two (2) notations, and that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (7-0)**. The item was heard as a consent agenda item.

Schuettpelz moved / Brittian Jack seconded to recommend approval for the Final Plat, utilizing the resolution attached to the staff report with seven (7) conditions and two (2) notations, and a recommended finding of sufficiency with regard to water quality, quantity, and dependability, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (7-0)**. The item was heard as a consent agenda item.

Discussion

Both items were heard as consent agenda items at the April 18, 2024, Planning Commission hearing and were unanimously recommended for approval with a vote of 7-0.

Attachments

1. Planning Commission Minutes from 04/18/24.
2. Signed Planning Commission Resolutions.
3. Planning Commission Staff Report.
4. Draft BOCC Resolutions.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, April 18, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, KARA OFFNER, BRYCE SCHUETTEL, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: THOMAS BAILEY, JIM BYERS, JEFFREY MARKEWICH, ERIC MORAES, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, JOE LETKE, RYAN HOWSER, ASHLYN MATHY, DANIEL TORRES, ED SCHOENHET, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: RICHARD SMITH, JEFF PARR, LORNA BENNETT, PHILLIP DREW, MICHAEL HITE, KELLY PARR, AND ROGER LUND.

1. REPORT ITEMS (NONE)

The next PC Hearing is Thursday, May 2, 2024, at 9:00 A.M.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held March 21, 2024.

Mr. Whitney disclosed that he requested one revision, which was incorporated.

PC ACTION: THE MINUTES WERE APPROVED WITH ONE REVISION BY UNANIMOUS CONSENT (8-0).

B. VR2316

MATHY

**VACATION AND REPLAT
BENT GRASS REPLAT**

A request by Virgil Sanchez for approval of a 1.46-acre Vacation and Replat creating 2 commercial lots. The property is zoned CS (Commercial Service) and is located at 8035 Meridian Park Drive, south of the intersection of Bent Grass Meadows Drive and Meridian Park Drive. (Parcel No. 5301104002) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. TROWBRIDGE MOVED / MS. BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2316 FOR A VACATION AND REPLAT, BENT GRASS REPLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

C. CS241

HAAS

**MAP AMENDMENT (REZONING)
7125 N MERIDIAN ROAD REZONE**

A request by CAP Storage Falcon, LLC for approval of a Map Amendment (Rezoning) of 2.13 acres from CR (Commercial Regional) to CS (Commercial Service). The property is located approximately one-quarter mile south of East Woodmen Road on the northwest corner of Old Meridian Road and McLaughlin Road. (Parcel No. 5312114004) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked for an explanation of the difference between CR and CS zoning districts.

Ms. Mathy, who was assigned the project following Mr. Haas' resignation, explained that the applicant is requesting a rezoning to CS (Commercial Service) so they can proceed with the establishment of a mini-warehouse storage facility. The process would be more difficult under its current zoning of CR (Commercial Regional).

Mr. Carlson asked for the definitions of each zoning type.

Mr. Kilgore stated he put the definitions in the Staff Report packet, found on page 4.

Ms. Mathy explained that CR (Commercial Regional) is for regional centers and should ease use of pedestrian and vehicular circulation, serve as a convenience to the public, and should be an esthetic enhancement to the community and region. CS (Commercial Service) is meant to accommodate retail, wholesale, and services of commercial use to the public. Overall, the CS zoning is more suitable to the applicant's intention to establish a mini-warehouse.

PC ACTION: MS. FULLER MOVED / MR. SCHUETTEL SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER CS241 FOR A MAP AMENDMENT (REZONING), 7125 N MERIDIAN ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ONE (1) CONDITION AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

BOCC Report Packet

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D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. WHITNEY.

E. SF2324

BAGLEY

**FINAL PLAT
HAY CREEK VALLEY SUBDIVISION**

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. WHITNEY.

F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MS. MERRIAM.

G. CS234

LETKE

**MAP AMENDMENT (REZONING)
MAYBERRY FILING NO. 2A CS REZONE**

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) of 1 acre from PUD (Planned Unit Development) to CS (Commercial Service). A concurrent Vacation and Replat is also being requested (VR2323). The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414201031 and 3414201030) (Commissioner District No. 4)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked if the two Mayberry files (CS234 & VR2323) had a combined staff report. She further asked if they would be voted on individually.

Mr. Trowbridge explained that they are related but considered individually.

Mr. Carlson further explained that the Rezoning request must be considered before the Final Plat.

PC ACTION: MR. TROWBRIDGE MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3G, FILE NUMBER CS234 FOR A MAP AMENDMENT (REZONING), MAYBERRY FILING NO. 2A CS REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

H. VR2323

LETKE

**VACATION AND REPLAT
MAYBERRY FILING NO. 2A**

A request by Mayberry Communities, LLC for approval of a Vacation and Replat to reconfigure the properties of 1 tract, 3 lots, and dedication of right-of-way on approximately 3.5 acres. The proposal does not increase the number of lots or tracts on the property. Approval of the Map Amendment (Rezoning) CS234 shall be considered prior to consideration of the Vacation and Replat. The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414101001 3414101002 3414201028, and 3414201031) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. SCHUETTPELZ MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3H, FILE NUMBER VR2323 FOR A VACATION AND REPLAT, MAYBERRY FILING NO. 2A, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

I. PUDSP235

HOWSER

**PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN
ROLLING HILLS RANCH NORTH**

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. CARLSON.

4. CALLED-UP CONSENT ITEMS

3D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-

half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney asked if Ms. Bagley could further explain the area's location and the relationship between placetype and zoning district during her presentation.

Mr. Trowbridge asked if Ms. Bagley could cover any impacts or encumbrances that the applicant will encounter from the non-conformance.

Ms. Merriam stated that her questions are associated with rezoning RR-5 to CS in the area.

Mr. Whitney added that he's unsure if the conditions within the Staff Report were fully captured in the drafted resolution. Ms. Bagley's presentation then began.

Ms. Bagley described the surrounding zoning types and uses in relation to the subject property to address Ms. Merriam's earlier question. The property west is zoned RR-5 (Residential Rural) but is used as a substation for Mountain View Electric Association (MVEA). The property north is zoned I-2 (Industrial) and is used for outside storage. Further north, the property within the Town of Monument is used for industrial and commercial services. The vacant property south is zoned A-35 (Agricultural). To address Mr. Trowbridge and Mr. Whitney's questions, she explained that the existing duplex on the property would not be allowed-by-right in the CS zoning district. She further explained that the LDC requires that duplexes be served by central services, but the existing building is served by well and septic. If the duplex is allowed to remain on the property after rezoning to CS, it would create a legal non-conformity.

Mr. Whitney asked if the County would typically authorize a zoning change when it would knowingly create a legal non-conformity.

Ms. Bagley answered that it is not typical. The County normally requests that existing uses should cease (if no longer allowed) once rezoning occurs. She further explained that this is the reason the third condition of approval in the Staff Report states that the duplex will only be allowed to remain until commercial development begins.

Mr. Whitney asked for clarification on whether the condition is phrased as once commercial development begins or for one year, whichever happens first.

Ms. Bagley read the proposed condition of approval number 3. "The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property. Development includes, but is not limited to, any construction, placement, reconstruction, alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in use of land or a structure and the clearing or grading of land as an adjunct of construction." She clarified that the definition was pulled from the LDC.

Ms. Merriam asked for additional clarification. She asked if parking RVs, trailers, etc. on the property for outdoor storage constitutes commercial development.

Ms. Bagley confirmed that would be a change in use of the land and would be considered commercial development.

Ms. Fuller asked if the duplex could be allowed to remain after commercial development if it served on-site management.

Ms. Bagley answered that if the applicant were requesting the duplex serve as a caretaker's quarters, a different application would be needed with that request. She is unsure if a duplex would be allowed for that purpose.

Ms. Herington explained that converting the duplex to serve as a caretaker's quarters would be part of a new use on the property and would be incorporated into a Site Development Plan, which is required for outdoor storage or contractor's equipment yards. An on-site residence would need to be included as part of the overall use and be formalized in the Site Development Plan.

Ms. Fuller asked if the duplex not being on central services would be an issue at that point.

Ms. Herington responded that once the building is converted to a caretaker's quarters, it would no longer be considered two rentals. If the applicant went through the Site Development Plan process with the existing well and showed sufficient utility service to keep a caretaker's residence in their overall commercial development, there shouldn't be a problem. Utilities and infrastructure would be evaluated with any Site Development Plan for any commercial use on the site.

Ms. Bagley then addressed Mr. Whitney's earlier question regarding placetype. She explained that while the proposed rezone doesn't align with the Master Plan placetype of Rural, it does match the surrounding established neighborhood and existing land uses.

Mr. Whitney remarked that he finds it interesting how placetype trumped zoning on a past project and it's the other way around for this project.

The presentation then continued. There were no questions for Engineering. Ms. Nina Ruiz, with Vertex Consulting Services, then began her presentation for the applicant. There were no questions for the applicant.

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MR. WHITNEY SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3D, FILE NUMBER CS235 FOR A MAP AMENDMENT (REZONING), 16050 OLD DENVER ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

3E. SF2324

BAGLEY

FINAL PLAT HAY CREEK VALLEY SUBDIVISION

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification of the location. She stated combining then subdividing the 6 existing parcels seemed awkward. She also mentioned the traction of the roads. She expressed concern regarding its nearness to USAFA property and asked if air quality would be affected.

Mr. Whitney added that he is concerned about this project's relationship to the nearby military installation. The subject property is right off Jacks Valley where artillery training takes place. He understands that the County doesn't have the jurisdiction to deter development close to military property, but he wanted the record to show, "this is nuts". He believes there *should* be interplay between military installations and land-use proposals, even if it's not part of the LDC criteria. He referenced the presentation given to the Planning Commission on March 21, 2024, by the Defense Mission Task Force. He stated, "this is scary". Plat notes may be effective for the first sale, but he worries about property owners in the future that may have no idea what they bought and where it's located. He stated that because the military is not allowed to complain, they may make a mild comment or remark which can be interpreted as them standing on a desk and shrieking. He then asked if the Air Force Academy (USAFA) submitted a review comment for the project.

Ms. Bagley replied that they did submit a comment with the past Preliminary Plan, which has since been approved by the BoCC. They requested a plat note and suggested that advisory language should be included in the HOA covenants so that future owners are aware of the proximity to a military installation and shooting range. They were also present at the EA meeting.

After a break for technical difficulties, the presentation began.

Ms. Bagley presented a GIS map to further explain the vicinity per Ms. Merriam's earlier request.

Ms. Merriam asked about potential emergency evacuation on the single existing road in the event of a grassfire from a small plane crash, for example.

Ms. Bagley referenced the GIS map to show the nearby roads. A 60-foot-wide private road will service the proposed lots. That road would connect to Hay Creek Road through an access easement that goes through an adjacent property. In a larger context, she zoomed out to show that Hay Creek Road serves multiple lots to the west. The LDC states dead-end roads should not serve more than 25 lots and a second access should be available, but Hay Creek Road does not meet that section of the Code. The fire department was notified of the proposal.

Ms. Fuller asked for clarification regarding ownership of the property per the Assessor's Office and who was listed as the applicant on the Staff Report.

Ms. Bagley deferred to the applicant to explain if ownership had changed because she would have entered the name listed on the application into her Staff Report.

Mr. Jason Alwine, with Matrix Design Group, spoke online representing the applicant. He suggested it may be a clerical error.

Mr. Tim Buschar, with COLA, LLC, spoke representing the applicant. He explained that Mr. Fitzgerald previously owned the property, but Mr. O'Leary is the current owner and applicant.

Ms. Fuller stressed the importance of having the correct applicant information.

Ms. Bagley ensured that the application will be checked and if the current owner's signature is needed, it will be obtained prior to the BoCC hearing. The applicant's presentation then began. There were no questions for the applicant.

PUBLIC COMMENTS

Mr. Richard Smith spoke in opposition. He read verbatim from a printed letter which was handed to the Planning Commission during the hearing and has been uploaded as part of the record. Titled "Public Comment - Multiple Neighbors, read at the hearing - Received 4-18-2024. MB" in EDARP.

Mr. Jeff Parr spoke in opposition. He continued reading verbatim from the letter.

Ms. Lorna Bennett spoke in opposition. She continued reading verbatim from the letter.

Mr. Phillip Drew spoke in opposition. He discussed encroachment on military installations. He then read verbatim from the remainder of the letter. He doesn't believe analysis of the proposal has been complete regarding encroachment on the military training location or the potential fire risk to existing residents.

Mr. Michael Hite spoke in opposition. He stated that there were only 12 houses in his subdivision on Hay Creek Road in 1981. He was not advised of a waiver being obtained for the 25-house limit on a dead-end road. He discussed his experience during a past fire in the area. He is very concerned about all existing residents needing to evacuate from the valley at the same time.

Ms. Kelly Parr spoke in opposition. She referenced the GIS image on the screen and pointed out the location of the military firing range in relation to the proposed subdivision. She discussed the potential noise and danger to future residents.

DISCUSSION

Ms. Brittain Jack remarked that while she has toured USAFA and hears the encroachment concerns from the public, which she is also concerned about, the people opposing the current subdivision live in that same area and bought land close to the military installation.

Mr. Whitney asked about the fire department's response to review comments.

Ms. Bagley read the fire district's review comment, which is part of the record on EDARP.

Ms. Herington reminded the Chair that the applicant should be given time for rebuttal after the public comments were made.

Mr. Whitney asked for clarification regarding the public's assertion in the letter that there has been no waiver granted to exceed 25 properties on a dead-end road.

Ms. Bagley answered that the waiver was approved with the Preliminary Plan by the BoCC.

Mr. Whitney asked for verification from Ms. Seago. If a waiver is approved at the Preliminary Plan stage, would that carry over to the Final Plat stage?

Ms. Seago confirmed that would be correct.

Ms. Bagley explained that 2 waivers were requested and approved. One was a modification to allow private roads instead of public roads. The second was a waiver from LDC 6.3.3.C, which would allow one access point where two are required. She stated the fire district was agreeable to the waiver.

Mr. Carlson asked if the waivers were for Hay Creek Road.

Ms. Bagley replied that the waivers only apply to the proposed subdivision being added to Hay Creek Road.

Mr. Carlson then stated that the entire area doesn't meet the criteria anyway.

Ms. Bagley continued to explain that the proposed subdivision would increase the number of lots that access Hay Creek Road.

Mr. Carlson clarified that the private road wouldn't need that waiver because they're adding less than 25 lots on a dead-end road.

Ms. Bagley agreed, but further clarified that the waiver would only apply to the proposed subdivision adding more lots, not additional subdivisions off Hay Creek in the future. Any future subdivision request would also need to pursue those waivers. The approved waiver is not a blanket waiver for all development on Hay Creek Road.

Ms. Fuller clarified that the land is zoned RR-5 and they are proposing to split it into 5-acre lots or greater, which is allowed-by-right. She's not concerned about that aspect. She then asked what protection current residents have from this road greatly exceeding the number of lots allowed on a dead-end road. She mentioned the safety concern in case of fire for the residents further west. From previous discussion, it seems like the waiver didn't deal with Hay Creek Road.

Ms. Bagley explained that the waiver does deal with Hay Creek Road with regard to the proposed subdivision adding lots onto the dead-end road. It is not a blanket waiver for all of Hay Creek Road that would allow lots to be added anywhere, it is specifically allowing the proposed subdivision.

Ms. Fuller understood and further asked if other larger parcels along the road would need to pursue the same waiver if they were to propose subdivisions.

Ms. Bagley confirmed. They would need to request a waiver, which would be considered by the Planning Commission (PC) and receive final determination by the Board of County Commissioners (BoCC). She confirmed that the Planning Department did express concerns about adding parcels onto Hay Creek Road, however, the waiver has already been approved for the proposed subdivision.

Mr. Carlson reiterated that while concerning, the waiver has already been approved.

Ms. Bagley clarified that the discussion from an EA meeting that was read into the record by the public (in the provided letter) was regarding a different property further along Hay Creek Road.

Mr. Whitney asked how they continue to get waivers if the road is already out of compliance?

Ms. Bagley stated she is unsure if waivers were requested for the previously subdivided lots.

Mr. Whitney clarified that he's worried each project is being evaluated on its own when the overall area is out of compliance.

Ms. Bagley replied that when the Preliminary Plan was reviewed, the whole area, including Hay Creek Road, was evaluated. The applicant went forward with a request for the waiver. The PC recommended approval and the BoCC approved the waiver.

Ms. Fuller asked if more development can be approved with additional waivers in the future. She asked what is protecting the existing residents from that happening. She asked for an explanation of the process the residents would need to go through to advocate for themselves (contacting PCD staff or their county representatives, etc.).

Ms. Bagley explained that the LDC outlines what requirements need to be met. Sections of chapters 6, 7, and 8 can be waived via approval by the BoCC. If people are opposed to waiving those sections of the Code, they should send an email to the project manager (planner) during the

application review period. The planner's contact info is on the "Notice of Application" letter mailed to all property owners within 500 feet. Additional mailed notices are sent and posters are placed on the property to notify neighbors of a scheduled public hearing.

Mr. Carlson reiterated that if people opposed the waiver that was granted, they should have contacted the Planning Department or spoken at the public hearing for the Preliminary Plan.

Ms. Bagley confirmed.

Ms. Herington added that Planning Department staff does not advocate for a project, they advocate for the public process from notification through public hearing. Staff will ask an applicant to hold a neighborhood meeting if there is known opposition. Moving forward, potential applicants in the area will be asked to hold a neighborhood meeting.

Ms. Fuller asked if there was opposition present for the Preliminary Plan.

Ms. Bagley answered that she was not the project manager for that application, but she was at the meeting and she remembers there was one person in opposition.

Mr. Trowbridge asked for the criteria of approval to be presented. He asked for staff or the applicant to address how the proposal meets: "The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;". He mentioned the traffic load for the entire Hay Creek Road. He stated he finds it hard to believe the waiver they were granted is sufficient.

Ms. Seago recommended that the applicant answer that question. She also reminded the Chair that the applicant should be allowed to speak in rebuttal.

Mr. Alwine reiterated that the proposal is for a Final Plat to enact what was already approved. He can't speak to traffic concerns caused by other projects. He stated the applicant has done several things to meet the fire protection criteria, including meeting with the fire district. He stated they are meeting the fire district's criteria regarding the type, size, and location of a fire suppression cistern. They had a fire mitigation report reviewed and approved prior to the Preliminary Plan that holds the applicant to certain criteria at the time of building permits. The fire district reviewed the proposal and provided letters of no concern. A traffic report was submitted to El Paso County as part of the Preliminary Plan process and there were no concerns other than the design of the Hay Creek intersection. He mentioned that the applicant will have to pay PID impact fees. He stated that while the proposal is for 20 lots, there are already 6 in existence, so it's a net increase of 14 homes. Because they have an approved fire protection report, he believes they've done their due diligence to provide responses and meet the criteria and waiver requirements. He stated that they met with USAFA and have an avigation easement recorded. The applicant is required to disclose that USAFA and Jacks Valley are present.

Mr. Buschar added that the applicant has met with USAFA. The new avigation easement recorded with the Preliminary Plan is geared towards Jacks Valley to address fumes, pyrotechnics, the shooting range, etc. That information will also be in a plat note, in the CC&Rs, recorded on the title work, and in an addendum to the future purchase agreements. Regarding the conservation easement purchased with DOD funds that was mentioned, a meeting was held. They did not request a buffer, nor did they request to purchase the property. He stated helicopters, not airplanes, fly over the subject property between June and July. Thunderbird flyovers happen occasionally. He stated that some existing residents enjoy the noise and proximity to the military installation. When learning that the applicant has proposed less lots than they could have with the

existing RR-5 zoning, USAFA was pleased. He stated since the beginning of this process, they knew impacts from fire were going to be an issue and they've been working with the Fire Chief. What was requested, and what the applicant is providing, is a 33,000-gallon cistern for the valley. It was also mentioned that the fire district, USAFA, and the National Forest Service would respond in case of a fire. The recommended fire mitigation has already been completed on-site by removing mistletoe from 1.6 acres. When people/builders select home sites, they will be responsible for fire mitigation for their properties before building permits are released.

Mr. Carlson asked for an explanation of fire evacuation issues related to Hay Creek Road.

Mr. Alwine reiterated that the applicant has submitted a fire protection report and a traffic study. He does not recall direct comments with evacuation concerns coming up.

Mr. Buschar added that the fire department was happy a water source would be brought in. He stated many of the homes may remain vacant for parts of the year as the buyer market often has multiple homes. He also clarified that the application was submitted by View Homes and has Mr. O'Leary's signature.

Ms. Bagley stated she was checking if there were any outstanding comments on the fire report.

Mr. Carlson asked if evacuation was addressed in LDC chapter 6.

Ms. Bagley answered that the chapter says emergency access should be granted for evacuation.

Ms. Fuller stated the discussion touched on the criteria of approval, "Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision...". The PC is asking about the subdivision's access to Hay Creek Road. She asked if off-site impacts (adding net 14 lots to an already overburdened road) had been addressed by the applicant or in the application.

Mr. Carlson stated they were given a waiver.

Mr. Buschar stated the applicant is not responsible for making any improvement to Hay Creek Road other than the intersection. There are no other improvements required from the applicant as the road has the capacity for increased traffic.

Mr. Whitney asked for more information about the discussion with the conservation group regarding a buffer zone.

Mr. Buschar answered that it took place during the Preliminary Plan stage. They came down, discussed options, but never made an offer to the applicant for a buffer. He thinks that when they saw the final subdivision would only consist of 20 lots as opposed to the 40 allowed by zoning, they were less concerned. No buffer was requested. His understanding of how the process works is that a conservation easement would have been requested as a buffer zone and the applicant would have been compensated by the conservation fund for setting that land aside. The applicant is proposing smaller, 5-acre lots on the northern side of the subdivision and has larger lots on the side adjacent to USAFA. The topography would not allow houses close to the southern boundary, so that area is designated as a no-build area anyway.

PC ACTION: MS. BRITAIN JACK MOVED / MR. SCHUETTELPELZ SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3E, FILE NUMBER SF2324 FOR A FINAL PLAT, HAY CREEK VALLEY SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, THAT THIS ITEM BE FORWARDED TO

THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL FAILED BY A VOTE OF 3-5, RESULTING IN A RECOMMENDATION TO DENY.

IN FAVOR: MS. BRITTAIN JACK, MR. CARLSON, AND MR. SCHUETTPELZ.

IN OPPOSITION: MS. FULLER, MS. OFFNER, MR. TROWBRIDGE, MR. WHITNEY, AND MS. MERRIAM.

COMMENTS:

Ms. Merriam thinks the aspect of safety should be revisited because Hay Creek Road does not meet current standards.

Ms. Fuller concurred, adding that “this is a bad situation” and it may not be the current applicant’s responsibility to fix the entire area, but this proposal would make a bad situation worse. She doesn’t think the proposal fully meets the approval criteria regarding fire and off-site impacts.

Mr. Whitney agreed with previous comments and further mentioned fire safety with ingress and egress. He doesn’t understand how a situation out of compliance can be allowed to continue and grow.

Ms. Brittain Jack explained that the applicant will provide a water cistern that the existing residents don’t currently have, so she does believe the fire impacts have been addressed.

Mr. Schuettpelz explained that the military property must stop somewhere. If USAFA had wanted the buffer and purchased the property, the line would just be adjacent to other houses. The applicant has mitigated future issues by advising of the property’s proximity to USAFA in multiple places. While not having secondary access is concerning, he agrees that it’s not this applicant’s responsibility to fix the whole neighborhood which has existed for some time. He reiterated that exceeding the residence limit on a dead-end road was acceptable for the residents who currently live there and spoke in opposition. He believes the applicant has done everything they can to make the situation better (with the cistern) and perhaps there could be secondary access in the future.

Mr. Carlson recognized the safety issue and concerns for the neighborhood. He urged the public to pay attention to notifications sent by PCD. He stated the time to oppose the project was at Preliminary Plan stage. He doesn’t recall evacuation concerns being raised during that time. He voted to recommend approval because of the waivers that were previously approved.

***FOLLOWING CALLED-UP ITEM 3E, MR. TROWBRIDGE WAS EXCUSED FROM THE HEARING. THERE WERE SEVEN (7) VOTING MEMBERS MOVING FORWARD.**

3F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam stated that she would like more information about drainage. She mentioned there were drainage concerns for past projects in the same area.

Mr. Daniel Torres, with DPW Engineering, explained that the subject property is within 4 different drainage basins, so the topography is challenging. The applicant is proposing 6 detention ponds across the site, which will be maintained by their metro district. He referred to an image on the slideshow for pond locations.

Ms. Merriam asked for a vicinity map that showed the proposed development with its drainage in relation to the surrounding area.

Mr. Torres deferred to the applicant.

Ms. Barlow, with N.E.S., referred to a slideshow image to explain that there is a ridgeline on the east side of the property. She explained that the drainage ponds are located where they are to capture the water before it continues to Apex Ranch.

Ms. Merriam clarified that the 6 ponds from the image are all for the proposed subdivision. She stated that she is asking how this drainage proposal fits in with development around it.

Ms. Barlow stated that there is no development to the north or east. The Reata subdivision is to the south. It is an older development and has no detention pond.

Mr. Kofford, with Kimley-Horn, further explained that there is no detention system in the Reata subdivision. Water flows in 4 different directions on the subject property. The proposal is maintaining historic patterns. The Apex Ranch subdivision (west) has a full-spectrum detention basin that will be downstream from 2 of the proposed ponds.

Ms. Merriam asked for a map. (Mr. Torres presented one.) She then asked if rains from the last few years washed out one of the roads in the area.

Mr. Torres replied that he is not aware.

Ms. Marriam asked if 6 ponds were necessary because it's on a ridge.

Mr. Torres answered that the number of ponds depends on the increase in flow.

Mr. Carlson asked for information regarding a proposed parking lot.

Ms. Bagley suggested a full presentation which would answer questions. (Presentation began.)

PUBLIC COMMENTS

Mr. Roger Lund spoke in opposition. He mentioned that the proposed development will be three times larger than Apex Ranch. Many of his concerns were already addressed in the presentation. He asked if the water finding would be delayed until Final Plat. He walked the site with Mr. Desjardin and Mr. Kofford to discuss existing flooding issues in the area. He suggested that one of the drainage ponds should be relocated below the confluence near his property.

Ms. Barlow responded. The finding of water sufficiency is being requested during this phase; they are not deferring that finding to the Final Plat stage. They anticipate the Final Plat being administratively approved for that reason. During the Preliminary Plan stage, final locations of detention ponds are not exact. She pulled up a map of the area. The development of a detention pond will address the flooding issues that Mr. Lund currently faces. The Final Plat process will include more detailed design and construction details regarding the pond.

Mr. Carlson asked if relocation of the pond is possible after walking the property with Mr. Lund.

Mr. Desjardin, with ProTerra Properties, replied that he's not convinced. Currently, they have proposed the pond adjacent to the public right-of-way. This will make maintenance access easier. It will be in an existing field, so not as many trees will need to be removed. The terrain is steeper

where Mr. Lund is requesting it be relocated. The pond is currently proposed on one of two forks. Further evaluation will take place during the Final Plat stage.

NO FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3F, FILE NUMBER SP238 FOR A PRELIMINARY PLAN, OVERLOOK AT HOMESTEAD PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-0).

***FOLLOWING CALLED-UP ITEM 3F, MS. BRITTAIN JACK WAS EXCUSED FROM THE HEARING. THERE WERE SIX (6) VOTING MEMBERS MOVING FORWARD.**

31. PUDSP235

HOWSER

PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN ROLLING HILLS RANCH NORTH

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification regarding the Placetype.

Mr. Carlson asked about the transition and buffer with surrounding development.

Mr. Howser explained that the subject property is located within the Large Lot Residential Placetype, as is the Estates filing to the west. The rest of Meridian Ranch is in the Suburban Residential Placetype. He referenced imagery on his slideshow. He stated that while the proposal is not consistent with Large Lot Residential, it is consistent with the surrounding area. He further mentioned that the applicant received BoCC approval for a Sketch Plan Amendment that allows up to 4 units per acre in the subject area. That approval predated the Master Plan, which was taken into consideration.

Ms. Merriam asked when the Sketch Plan Amendment was approved.

Mr. Howser answered that the approval was complete in August 2021. While the Master Plan was adopted in May 2021, the application was received under a previous Master Plan, so it was reviewed using the previous standards.

Mr. Carlson clarified that the applicant could propose up to 4 units per acre per the Sketch Plan.

Mr. Howser confirmed. He then discussed the proposed buffer area. He referenced the zoning map to show that the proposed buffer to the north is greater than previous filings. He stated that it is PCD Staff's opinion that the increased density could be compatible with the additional buffer that the applicant is proposing. He added that The Sanctuary at Meridian Ranch, south or the

subject property, was approved with 4.5 units per acre. The current proposal is consistent with previous filings southwest of the subject area.

Ms. Barlow, with N.E.S., completed the applicant's presentation. There were no questions.

NO PUBLIC COMMENTS

DISCUSSION

Mr. Whitney clarified that the Sketch Plan Amendment was approved using the previous Master Plan criteria for reference, which designated the area as appropriate for suburban density.

PC ACTION: MS. FULLER MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3I, FILE NUMBER PUDSP235 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, ROLLING HILLS RANCH NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, FIVE (5) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).

5. REGULAR ITEMS (NONE)

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 12:03 P.M.

Minutes Prepared By: Miranda Benson

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Mr. Trowbridge moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS234

MAYBERRY FILING NO. 2A CS REZONE

WHEREAS, Mayberry Communities, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by this Commission on April 18, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. That proper posting, publication, and public notice was provided as required by law for the hearing before the Planning Commission;
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted, and that all interested persons and the general public were heard at that hearing;
4. That all exhibits were received into evidence;
5. That the proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. That all data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. That for the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Map Amendment (Rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B of the El Paso County Land Development Code (as amended):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
2. Specific uses of the site shall be limited to those included in the traffic impact study provided with the Map Amendment (Rezoning) and Final Plat applications (PCD File Nos. CS2324 & VR2323). The applicant shall be required to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Ms. Offner seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / <u>absent</u>
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Kara Offner	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpeiz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

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

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

EL PASO COUNTY PLANNING COMMISSION

By: 
~~Thomas Bailey, Chair~~
Jay Carlson, Vice-Chair

CS234

EXHIBIT A

A Tract of land for the purpose of rezoning, being part of Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North-Half of said Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian in the County of El Paso, State of Colorado, the plat of said subdivision recorded _____ in the Office of the Clerk of El Paso County, Colorado as Reception Number _____, said Tract more particularly described as follows:

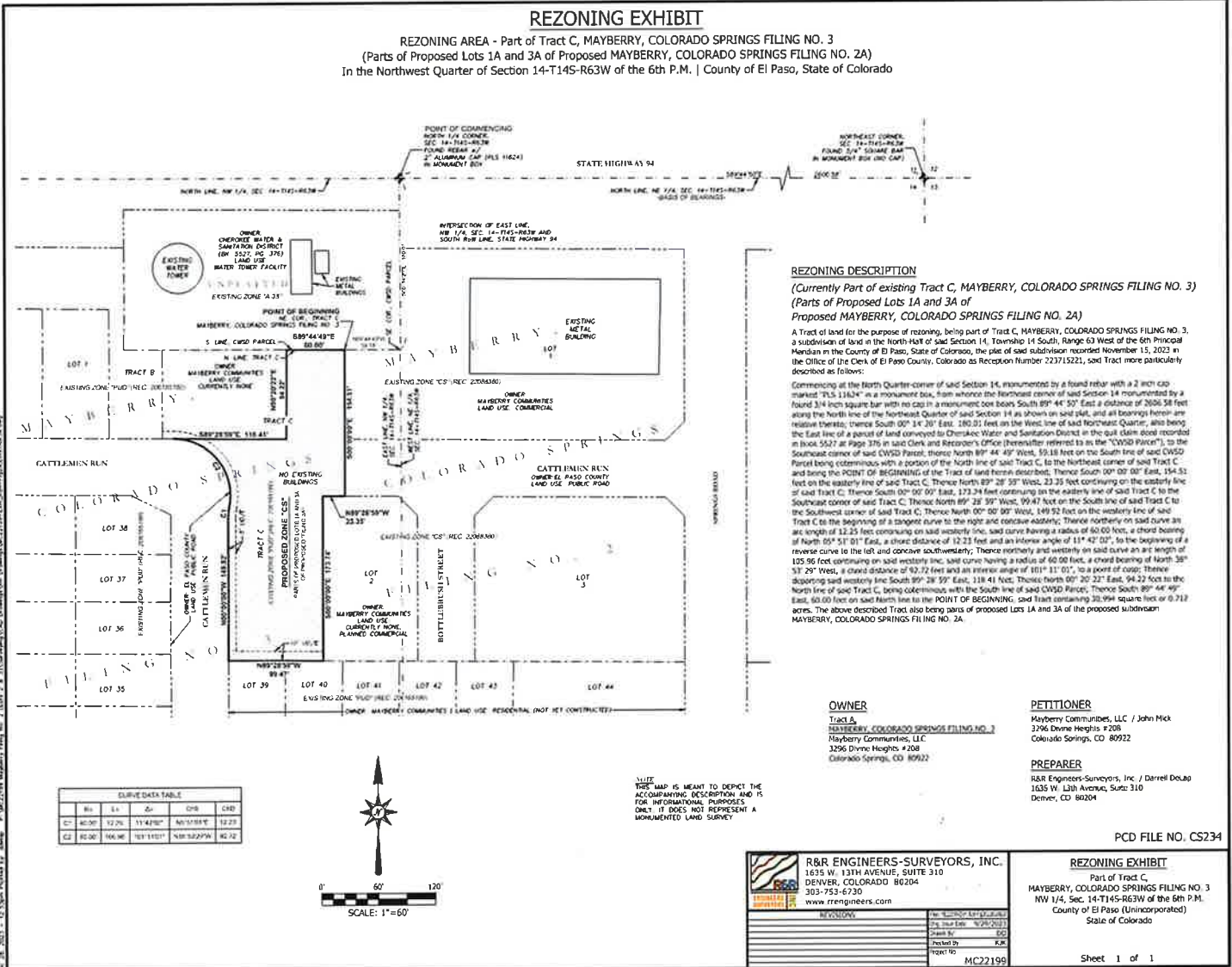
Commencing at the North Quarter-corner of said Section 14, monumented by a found rebar with a 2 inch cap marked "PLS 11624" in a monument box, from whence the Northeast corner of said Section 14 monumented by a found 3/4 inch square bar with no cap in a monument box bears South 89° 44' 50" East a distance of 2606.58 feet along the North line of the Northeast Quarter of said Section 14 as shown on said plat, and all bearings herein are relative thereto; thence South 00° 14' 20" East 180.01 feet on the West line of said Northeast Quarter, also being the East line of a parcel of land conveyed to Cherokee Water and Sanitation District in the quit claim deed recorded in Book 5527 at Page 376 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"), to the Southeast corner of said CWSD Parcel; thence North 89° 44' 49" West, 59.18 feet on the South line of said CWSD Parcel being coterminous with a portion of the North line of said Tract C, to the Northeast corner of said Tract C and being the POINT OF BEGINNING of the Tract of land herein described; Thence South 00° 00' 00" East, 154.51 feet on the easterly line of said Tract C; Thence North 89° 28' 59" West, 23.35 feet continuing on the easterly line of said Tract C; Thence South 00° 00' 00" East, 173.74 feet continuing on the easterly line of said Tract C to the Southeast corner of said Tract C; Thence North 89° 28' 59" West, 99.47 feet on the South line of said Tract C to the Southwest corner of said Tract C; Thence North 00° 00' 00" West, 149.92 feet on the westerly line of said Tract C to the beginning of a tangent curve to the right and concave easterly; Thence northerly on said curve an arc length of 12.25 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 05° 51' 01" East, a chord distance of 12.23 feet and an interior angle of 11° 42' 02", to the beginning of a reverse curve to the left and concave southwesterly; Thence northerly and westerly on said curve an arc length of 105.96 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 38°53'29" West, a chord distance of 92.72 feet and an interior angle of 101° 11' 01", to a point of cusp; Thence departing said westerly line South 89° 28' 59" East, 118.41 feet; Thence North 00° 20' 22" East, 94.22 feet to the North line of said Tract C, being coterminous with the South line of said CWSD Parcel; Thence South 89° 44' 49" East, 60.00 feet on said North line to the POINT OF BEGINNING, said Tract containing 30,994 square feet or 0.712 acres.

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

EXHIBIT B

REZONING EXHIBIT

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



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

A Tract of land for the purpose of rezoning, being part of Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North 1/4 of said Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian in the County of El Paso, State of Colorado, the plat of said subdivision recorded November 15, 2002 in the Office of the Clerk of El Paso County, Colorado as Reception Number 223715221, said Tract more particularly described as follows:

Commencing at the North Quarter-corner of said Section 14, monumented by a found rebar with a 2 inch cap marked "R.S. 11624" in a monument box, from which the northeast corner of said Section 14 monumented by a found 3/4 inch square bar with no cap in a monument box bears South 89° 44' 50" East a distance of 2636.58 feet along the north line of the northeast Quarter of said Section 14 as shown on said plat, and all bearings herein are relative thereto; thence South 00° 14' 20" East 280.31 feet on the West line of said Northeast Quarter, also being the East line of a parcel of land conveyed to Cherokee Water and Sanitation District on the plat claim book recorded in Book 5527 at page 376 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"), to the Southeast corner of said CWSD Parcel, thence North 89° 44' 49" West, 59.18 feet on the South line of said CWSD Parcel being coterminal with a portion of the North line of said Tract C, to the Northeast corner of said Tract C, and being the POINT OF BEGINNING of the Tract of land herein described; thence South 00° 00' 00" East, 154.51 feet on the easterly line of said Tract C, thence North 89° 28' 59" West, 23.25 feet continuing on the easterly line of said Tract C, thence South 00° 00' 00" East, 173.24 feet continuing on the easterly line of said Tract C, to the Southeast corner of said Tract C, thence North 89° 28' 59" West, 99.47 feet on the South line of said Tract C, to the Southwest corner of said Tract C, thence North 00° 00' 00" West, 149.52 feet on the westerly line of said Tract C to the beginning of a tangent curve to the right and concave easterly; thence northerly on said curve an arc length of 12.25 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 55° 51' 01" East, a chord distance of 12.25 feet and an interior angle of 11° 42' 02"; to the beginning of a reverse curve to the left and concave southeasterly; thence northerly and westerly on said curve an arc length of 105.96 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 38° 51' 29" West, a chord distance of 60.72 feet and an interior angle of 101° 11' 01"; to a point of curve; thence departing said westerly line South 89° 28' 59" East, 118.41 feet; thence North 00° 20' 22" East, 94.22 feet to the north line of said Tract C, being coterminal with the South line of said CWSD Parcel, thence South 89° 44' 49" East, 60.50 feet on said North line to the POINT OF BEGINNING; and land containing 38,996 square feet or 0.9122 acres. The above described Tract also being parts of proposed Lots 1A and 3A of the proposed subdivision MAYBERRY, COLORADO SPRINGS FILING NO. 2A.

OWNER
Tract C,
MAYBERRY, COLORADO SPRINGS FILING NO. 3
Mayberry Communities, LLC
3296 Divine Heights, #208
Colorado Springs, CO 80922

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

PREPARER
R&R Engineers-Surveyors, Inc. / Darrell DeJong
1635 W. 13th Avenue, Suite 310
Denver, CO 80204

PCD FILE NO. CS234

R&R ENGINEERS-SURVEYORS, INC. 1635 W. 13TH AVENUE, SUITE 310 DENVER, COLORADO 80204 303-752-6730 www.rrengineers.com		REZONING EXHIBIT Part of Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3 NW 1/4, Sec. 14-T14S-R63W of the 6th P.M. County of El Paso (Unincorporated) State of Colorado	
PREPARED BY: DATE: CHECKED BY: TITLE:	FILE NO.: SHEET NO.: TOTAL SHEETS:	PROJECT NO.: DATE:	SHEET 1 OF 1

VACATION AND REPLAT (RECOMMEND APPROVAL)

Mr. Schvettpelz moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR2323

MAYBERRY FILING NO. 2A

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

WHEREAS, a public hearing was held by this Commission on April 18, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County subdivision regulations; and
7. For the above-stated and other reasons, the proposed Vacation and Replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

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

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Mayberry Communities, LLC for approval of a Vacation and Replat to allow creation of three (3) commercial lots within the PUD (Planned Unit Development) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes

applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County-owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

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

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Ms. Brittain Jack seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / <u>absent</u>
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Kara Offner	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

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

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

EL PASO COUNTY PLANNING COMMISSION

By: 
~~Thomas Bailey, Chair~~
Jay Carlson, Vice-Chair

EXHIBIT A

A tract of land being all of Lots 1, 2 and 3, MAYBERRY, COLORADO SPRINGS FILING NO. 2, a subdivision of land in the North Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, the plat of said subdivision recorded March 10, 2021 as Reception Number 221714698 in the Office of the Clerk and Recorder of El Paso County, Colorado,

AND

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

AND

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

All together more particularly described as follows:

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

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

EXHIBIT B

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

MEMORANDUM FOR THE RECORD
The Board of Directors of the Colorado Springs Housing Authority, Colorado Springs, Colorado, hereby certifies that the following is a true and correct copy of the Final Plan of Mayberry, Colorado Springs Filing No. 2A, as filed with the Colorado Department of Public Safety, Division of Motor Vehicles, on the 15th day of May, 2023, and that the same has been duly recorded in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140, and that the same has been duly filed in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140.

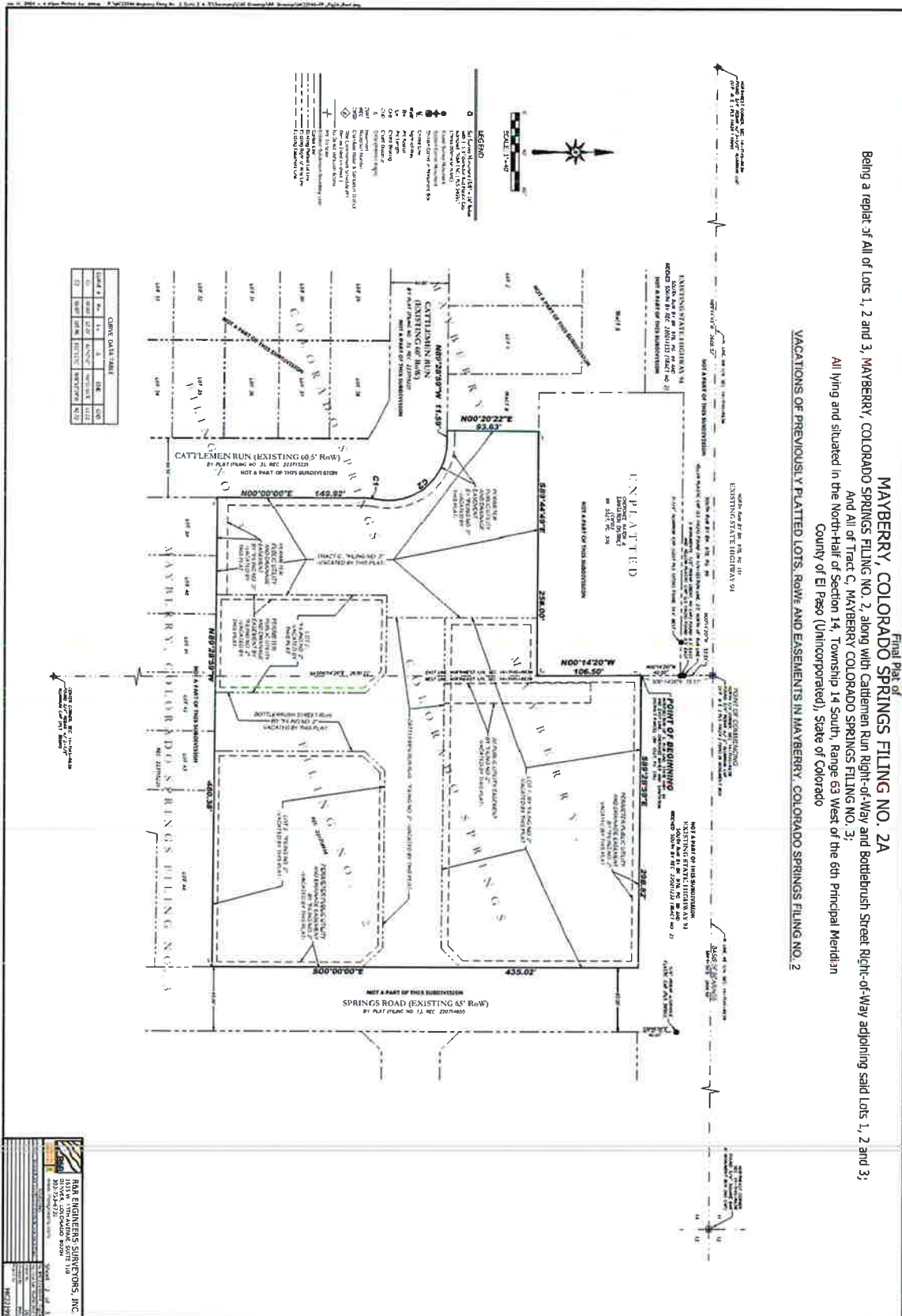
OWNERS CERTIFICATE
The undersigned hereby certifies that the above is a true and correct copy of the Final Plan of Mayberry, Colorado Springs Filing No. 2A, as filed with the Colorado Department of Public Safety, Division of Motor Vehicles, on the 15th day of May, 2023, and that the same has been duly recorded in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140, and that the same has been duly filed in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140.

ADDITIONAL NOTES FOR THE RECORD
The undersigned hereby certifies that the above is a true and correct copy of the Final Plan of Mayberry, Colorado Springs Filing No. 2A, as filed with the Colorado Department of Public Safety, Division of Motor Vehicles, on the 15th day of May, 2023, and that the same has been duly recorded in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140, and that the same has been duly filed in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140.

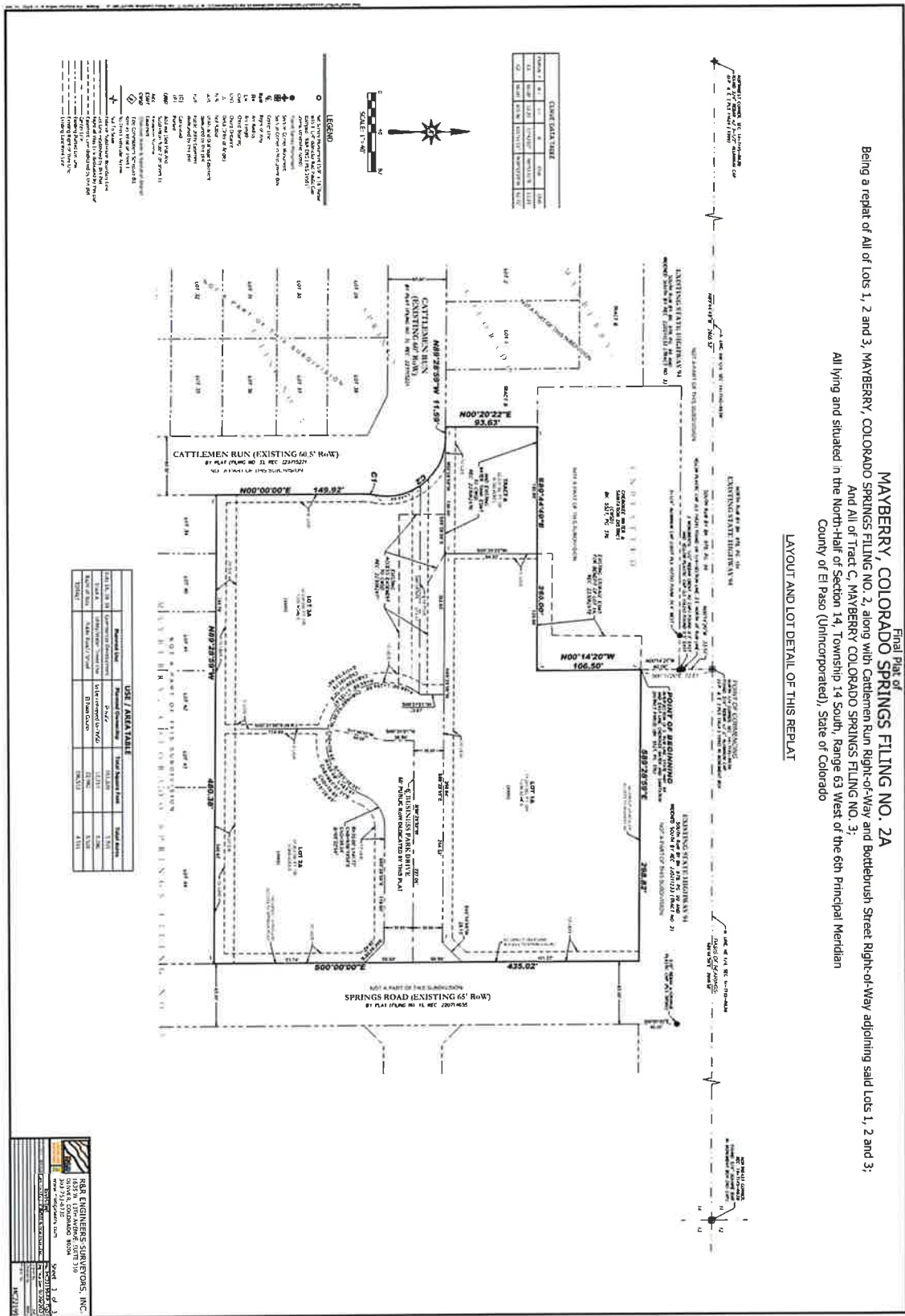
OWNER'S CERTIFICATE
The undersigned hereby certifies that the above is a true and correct copy of the Final Plan of Mayberry, Colorado Springs Filing No. 2A, as filed with the Colorado Department of Public Safety, Division of Motor Vehicles, on the 15th day of May, 2023, and that the same has been duly recorded in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140, and that the same has been duly filed in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140.

ADDITIONAL NOTES FOR THE RECORD
The undersigned hereby certifies that the above is a true and correct copy of the Final Plan of Mayberry, Colorado Springs Filing No. 2A, as filed with the Colorado Department of Public Safety, Division of Motor Vehicles, on the 15th day of May, 2023, and that the same has been duly recorded in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140, and that the same has been duly filed in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140.

OWNER'S CERTIFICATE
The undersigned hereby certifies that the above is a true and correct copy of the Final Plan of Mayberry, Colorado Springs Filing No. 2A, as filed with the Colorado Department of Public Safety, Division of Motor Vehicles, on the 15th day of May, 2023, and that the same has been duly recorded in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140, and that the same has been duly filed in the Office of the County Clerk and Ex-Officio Recorder of El Paso County, Colorado, on the 15th day of May, 2023, in Book No. 23, Page No. 140.



VR2323



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

LAYOUT AND LOT DETAIL OF THIS REPLAT

COMMISSIONERS:
CAMI BREMER (CHAIR)
CARRIE GEITNER (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

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

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

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

Commissioner District: 4

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

EXECUTIVE SUMMARY

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) of 1 acre from PUD (Planned Unit Development) to CS (Commercial Service) and a Vacation Replat creating three (3) commercial lots. Approval of the Map Amendment (Rezoning) shall be considered prior to consideration of the Vacation Replat. The property is located on the south side of Colorado State Highway 94, approximately two (2) miles east of the intersection of Highway 94 and Peyton Highway.

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COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM



A. WAIVERS AND AUTHORIZATION

Waiver(s):

There are no waivers associated with this request.

Authorization to Sign: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

In approving a Map Amendment (Rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning) of the El Paso County Land Development Code (As Amended):

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

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- The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Code, for the intended zone district.

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

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

C. LOCATION

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

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D. BACKGROUND

Mayberry (formerly known as Ellicott Town Center) is a proposed urban-density subdivision designed to create a functional and pedestrian-friendly development in the Ellicott community. The development is intended to serve as a community center in support of the goals and visions for the future of Ellicott as envisioned in the past Ellicott Valley Comprehensive Plan (1989) and the recently adopted Your El Paso Master Plan (2021). A full history of the development and active entitlements follows.

The subject property was zoned A-35 (Agricultural) on March 24, 1999, when zoning was first initiated for this portion of El Paso County (Resolution No. 99-101). The property was rezoned from A-35 to PUD (Planned Unit Development) as part of the Viewpoint Village Subdivision PUD Development Plan (PCD File No. PUD-01-003) on March 14, 2002 (Resolution No. 02-97).

The property is subject to the Ellicott Town Center Sketch Plan (PCD File No. SKP-05-005), which was approved by the BoCC on January 12, 2006 (Resolution No. 06-18). The property was subsequently rezoned from the Viewpoint Village PUD to the Ellicott Town Center PUD (PCD File No. PUD-05-021) on May 11, 2006 (Resolution No. 06-161). The Ellicott Town Center Sketch Plan and PUD incorporate a diverse variety of uses, including residential, commercial, industrial, and institutional uses; however, the Ellicott Town Center PUD was established as a conceptual PUD (referred to at the time as an Overall PUD) and did not establish dimensional standards.

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

E. ANALYSIS

1. Land Development Code and Zoning Compliance

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

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

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Suburban Residential

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

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

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

Recommended Land Uses:

Primary

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

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Supporting

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*

Analysis:

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. Relevant goals and objectives are as follows:

Goal LU3 – *Encourage a range of development types to support a variety of land uses.*

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Goal HC3 Specific Strategy – *Encourage expansion of the Rural Center in Ellicott to support the daily commercial needs of residents near Schriever Air Force Base.*

Objective ED3-6 – *Prioritize commercial use as development opportunities arise in order to support the growing residential base in the rural areas.*

Goal ED3 Priority – *Work to expand the Ellicott Rural Center with additional commercial uses to help support the surrounding growing residential including a larger grocery store, additional restaurants, coffee shops, and service businesses.*

Goal ED3 Specific Strategy – *New residential uses in the Ellicott community would further support expansion of the Ellicott Rural Center area, which could help provide areas to the east with better access to goods and services.*

The property is located in an area deemed appropriate for commercial development as a supporting land use. The property is located adjacent to CS-zoned property and is located along Colorado State Highway 94, which is identified as a suitable location



for commercial uses. The property is not located within the Ellicott Rural Center; however, the proximity to the Rural Center may influence development along the Highway 94 corridor and the Master Plan identifies several goals and strategies encouraging the expansion of the Rural Center.

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

Analysis:

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

Goal LU3 Specific Strategy Priority – *The New Development areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area should be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.*

The level of change proposed with the Map Amendment (Rezoning) and Final Plat is consistent with the level of change identified in the Area of Change, as the character of the area is expected to be transformed. The subject property is located within an area that is in the process of building out, which aligns with the level of change expected in the New Development Area of Change.

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

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

2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; to better understand present conditions of water supply and demand; identify efficiencies



that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

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

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

Goal 1.2 – *Integrate water and land use planning.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at buildout in 2060 for Region 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

A finding of water sufficiency is not required with a Map Amendment (Rezoning). However, it is required for a Vacation and Replat; water sufficiency was analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality. Please see the Water section below for a summary of the water findings and recommendations for the proposed subdivision.



3. Other Master Plan Elements

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

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

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

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

2. Floodplain

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

3. Drainage and Erosion

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

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

4. Transportation

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

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



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

G. SERVICES

1. Water

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

2. Wastewater

Wastewater is provided by Ellicott Utilities Company, LLC. The applicant has submitted a Wastewater Treatment Report that indicates that Ellicott Utilities Company, LLC has adequate wastewater capacity to provide service to the proposed development.

3. Emergency Services

The property is within the Ellicott Fire Protection District.

4. Utilities

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

5. Metropolitan Districts

The subject property is located within the boundaries of the Mayberry, Colorado Springs Metropolitan District No. 1. It is anticipated that the water and wastewater infrastructure will be transferred from the Ellicott Utilities Company to the Mayberry, Colorado Springs Metropolitan District. The responsibilities of the Mayberry, Colorado Springs Metropolitan District include:

- 1) street improvements and safety protection;
- 2) design, construction, and maintenance of drainage facilities;
- 3) design, land acquisition, construction, and maintenance of recreation facilities;
- 4) mosquito control;



- 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities;
- 6) covenant enforcement,
- 7) security services,
- 8) solid waste disposal, and
- 9) financing, design, permitting, construction, and installation of public water and sanitation systems.

6. Parks/Trails

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

7. Schools

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

H. APPLICABLE RESOLUTIONS

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

I. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning) of the El Paso County Land Development Code (as amended), staff recommends the following conditions and notations:

CONDITIONS

1. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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2. Specific uses of the site shall be limited to those included in the traffic impact study provided with the Map Amendment (Rezoning) and Final Plat applications (PCD File Nos. CS2324 & VR2323). The applicant shall be required to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

Should the Planning Commission and Board of County Commissioners find that the Final Plat request meets the criteria for approval outlined in Section 7.2.3 (Replat) of the El Paso County Land Development Code (as amended) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording

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the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County-owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

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

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K. PUBLIC COMMENT AND NOTICE

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

L. ATTACHMENTS

Map Series

Map Amendment (Rezoning) Letter of Intent

Rezone Map

Draft Amendment (Rezoning) Resolution

Vacation and Replat Letter of Intent

Plat Drawing

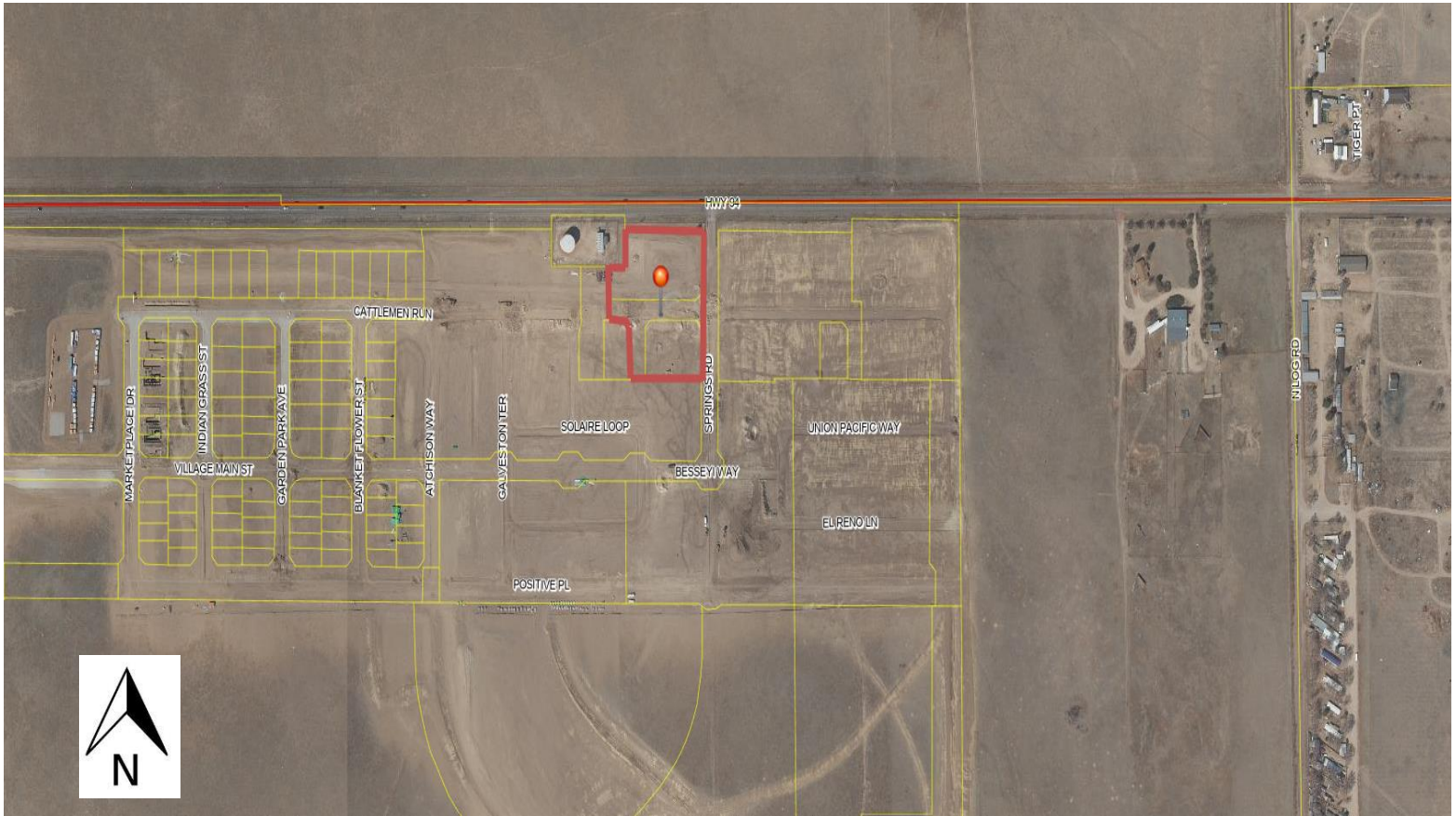
Draft Vacation and Replat Resolution

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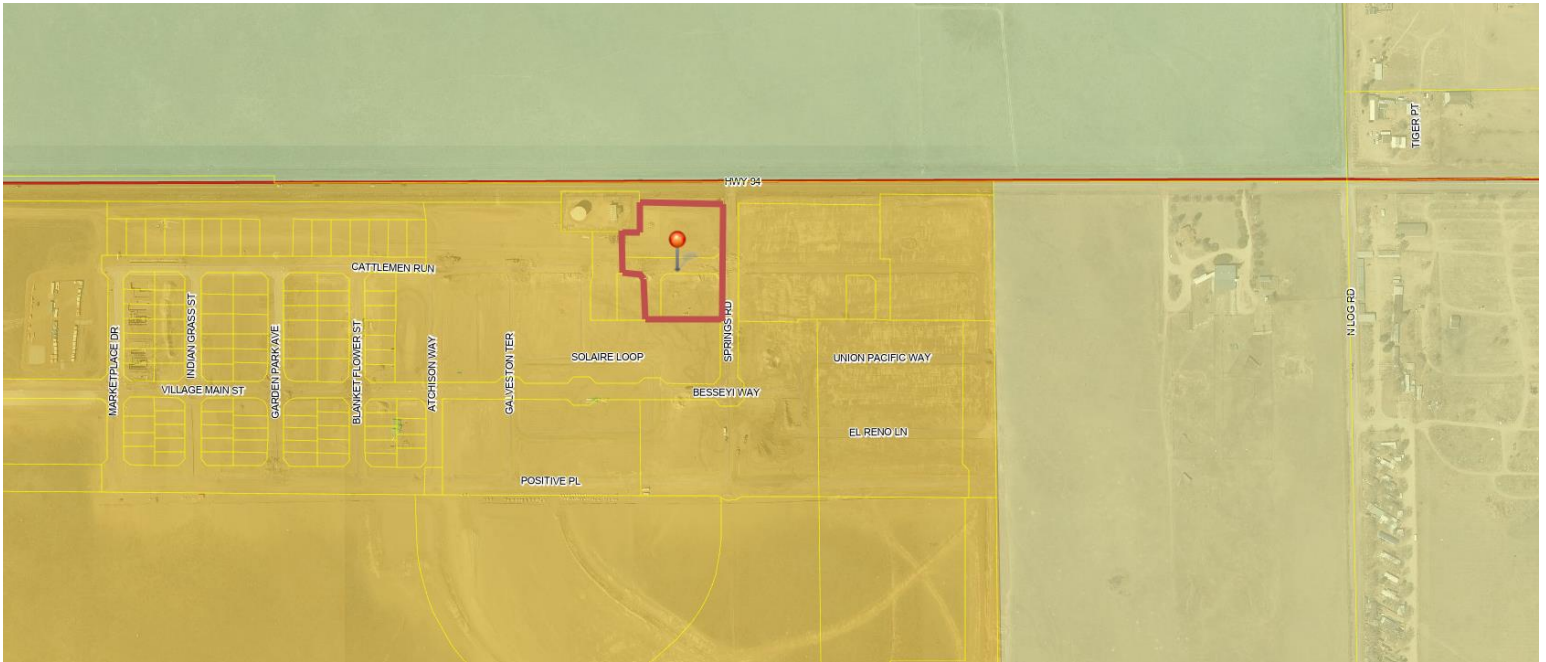


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











Map Exhibit #1: Context



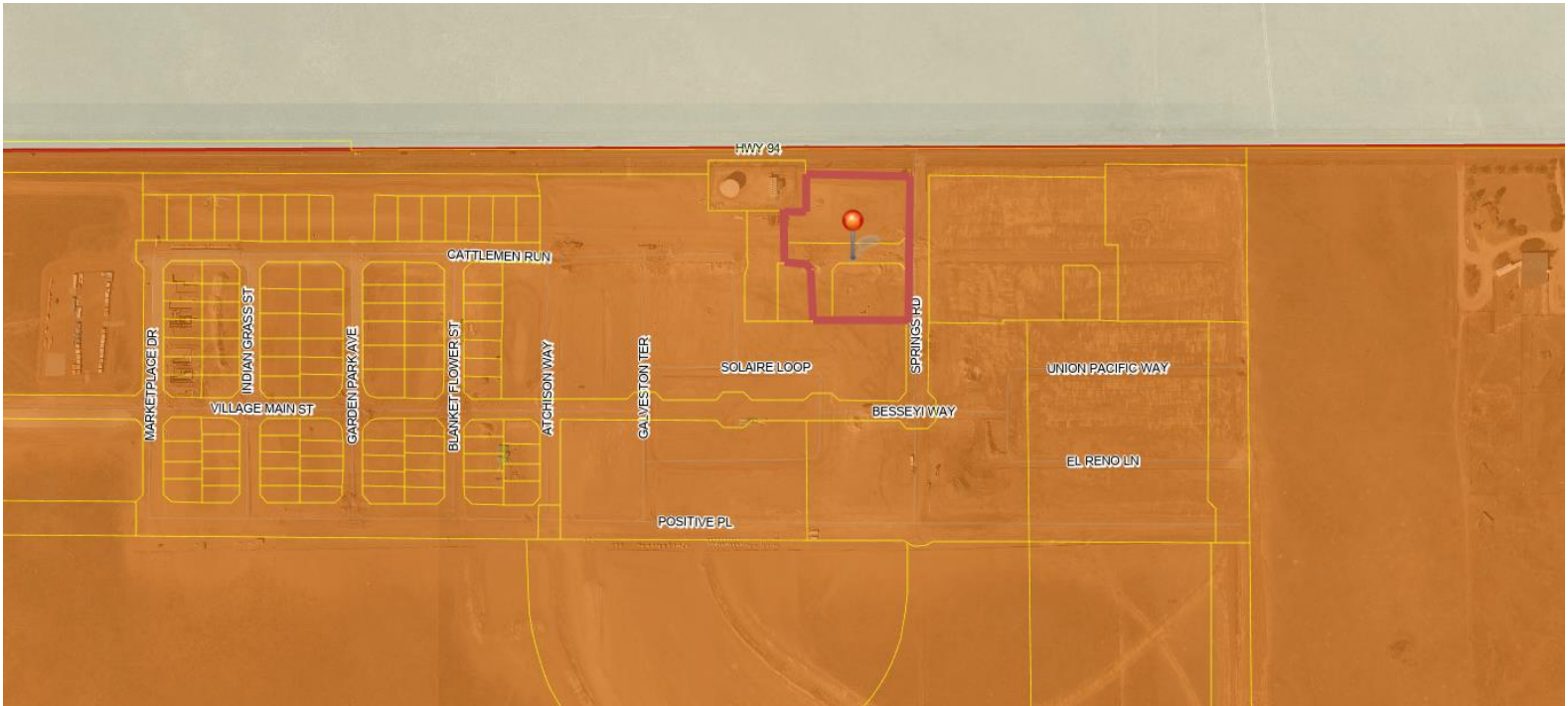
Map Exhibit #2: Placetype



Legend

 Rural	 Employment Center
 Large-Lot Residential	 Regional Open Space
 Suburban Residential	 Mountain Interface
 Urban Residential	 Military
 Rural Center	 Utility
 Regional Center	 Incorporated Area

Map Exhibit #3: Area of Change



Legend

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

Mayberry Filing No. 2A

Zone Change

Letter of Intent February 28, 2024

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

MAYBERRY COMMUNITIES, LLC
428 GARDEN PARK AVENUE,
MAYBERRY, CO 80808
scottsouders@mayberrycoloradosprings.com
719-922-2181

PLANNING SUPPORT

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

ENGINEERING/SURVEYING

R&R ENGINEERING AND SURVEYORS, INC.
1635 WEST 13TH AVENUE, SUITE 310
DENVER, CO 80204
cdayton@rrengineers.com
720-390-5513

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) includes Parcel No. 3414201031 and a portion of Parcel No. 3414201030. The proposed rezoning is located near the southwest corner of the intersection of State Highway 94 and future Springs Road (see vicinity map insert and map exhibit for details). The total acreage of the proposed rezone is ±1.0. (Currently Zoned: Planned Unit Development [PUD]).



REQUEST

The application is to Rezone approximately 1.0 acres from the PUD zone to the Commercial Services zoning district (CS). The application includes the following request:

- Approval to rezone Parcel No. 3414201031 and a portion of Parcel No. 3414201030 to CS to match adjacent Parcels 3414201028, 3414101002 and 3414101001, located east of said parcel.
- The Rezone process is projected to run concurrently with the final plat of all three parcels for the purpose of being replatted for a total of three (3) commercial lots and one 1 public facility tract.
- The rezone will be for commercial use. Conditions of approval are guaranteed upon approval of the final plat, the traffic report shall be amended if alternative or more intensive uses are proposed.

JUSTIFICATION

The applicant requests approval of the rezoning based on findings of compliance with the following Goals:

- Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.
- Goal 1.3 - Encourage a range of development types to support a variety of land uses.

The proposed Rezone from the PUD district to the CS district provides an opportunity for the developer to include additional commercial uses in this area, designating a CS zoned district creates a buffer from the residential use PUD development to the south from the State Highway 94 corridor, which is located to the north. The proposed CS district and future plans to subdivide the parcels into three (3) commercial lots allow the developer to maintain compliance with the previously approved Ellicott Town Center (SKP-05-005), soon to be amended to the proposed "Mayberry Communities Sketch Plan" (SKP236).

In addition, the subject parcels directly abut State Highway 94, which is a busy corridor with vehicles traveling at high rates of speed creating above average noise. Providing commercial development directly adjacent to this expressway will act as a transition from this corridor into the Mayberry development. Furthermore, this commercial development, with any buffering and code compliant landscaping, will buffer future and planned residential developments in the surrounding area that are located within the Suburban and Rural placetypes to the east, west, and south.

KEY AREAS:

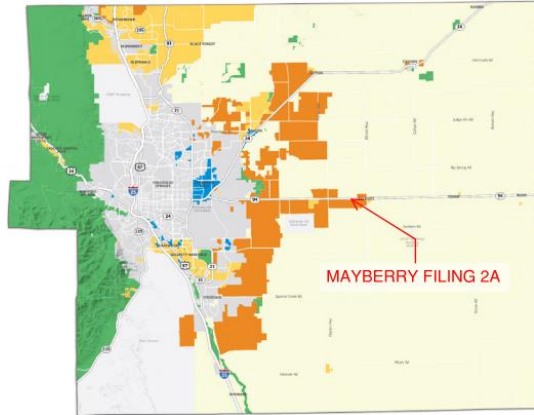


Key Areas

- | | | |
|---|--|---|
| Military Installations and 2-Mile Notification Zone | Small Town & Rural Communities | Tri-Lakes Area |
| Potential Area For Annexation | Forested Area | Colorado Springs Airport/ Peterson Air Force Base |
| Enclaves or Near Enclaves | Fountain Creek Watershed Flood Control & Greenway District | Uncommon Natural Resources |
| Pikes Peak Influence Area | | |

The property is not located within the ten (10) classifications of key areas. However, it is adjacent to the Small Town & Rural Communities Key Area. This Key Area includes both incorporated and unincorporated communities in El Paso County. The unincorporated areas include the adjacent town of Ellicott other communities. Regardless of municipal status, all of these places function as a community that supports the needs of a significant portion of the County’s rural population. To better serve this population, additional commercial development should be prioritized in the unincorporated places, or where appropriate, additional commercial development should be annexed by the municipalities. Additional commercial uses within these communities improves access to necessary goods and services such as grocery stores and gas stations.

AREAS OF CHANGE:



Areas of Change

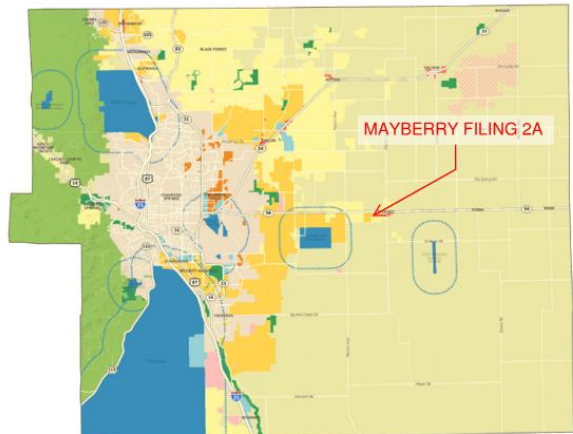


- **Mayberry Filing No 2A Final Plat is located in an area expected for “New Development”.** These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of said adjacent development or to a different supporting or otherwise
- **complementary one; such as an employment hub or business park adjacent to an urban neighborhood.**

PLACETYPES:

PLACETYPES	LAND USES																					
	Agriculture	Family/Homesite	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Tourism	Commercial Service	Commercial	Office	Light Industrial/Business Park	Heavy Industrial	Military Operations	Parks and Open Space	Natural and Historical	Institutional	Utility		
Rural	●	●	●																		●	○
Large-Lot Residential	○																					
Suburban				●	○	○			○	○												○
Urban Residential				●	●	○	○		○	○			○									○
Rural Center				●	○	○		●	●	●												●
Regional Center				○	●	○	●	●	●	●		●	○									○
Employment Center								○	○	○			●	●	●							
Regional Open Space																	●	●				
Mountain Interface			○					○	○	○	○						●	●			○	
Military				○	○	●		○	○	○	○	○	○	○	○	○	○	○			○	○
Utility																					○	●

● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype
 ○ Supporting Land Use: Less prevalent and serve to support the primary land use.



- Mayberry Filing No. 2A is located within the Suburban Residential placetype. This land use is designated for Suburban Residential and/or Traditional Residential neighborhoods with supporting commercial uses at key intersections. The Suburban place type generally supports the proposed development pattern and the support of limited accessory dwelling units as well.**

- The rezone would be consistent with this placetype.
 - The rezone and the code would protect the intent of the Placetype, by the procedures and standards intended to promote safe and orderly development.
 - The proposal would provide for the land uses in relation to existing and predicted patterns of growth in the area.
 - The proposal is consistent with available and necessary services.
 - The rezone would have no impact on any currently approved sketch plans.

SEC. 5.3.5.B MAP AMENDMENT (REZONING)

(B) Criteria for Approval. In approving a Map Amendment, the following findings shall be made:

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

- **The site, and zone change are in conformance with the El Paso County Master Plan.**

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

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

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

- **The proposed land use of CS is adjacent to existing CS zones and is in compliance with the existing and permitted land uses as directed by Your El Paso County Master Pan.**

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

- **The site is suitable for intended use of the CS zone and shall meet all dimensional standards per Table 5-5 of the El Paso County Land Development Code.**

WATER MASTER PLAN:

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

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

Wastewater systems:

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

Electric

- Electric service will be provided through Mountain View Electric.

Gas

- Gas service will be provided through Black Hills Energy.

NATURAL OR PHYSICAL SITE FEATURES:

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

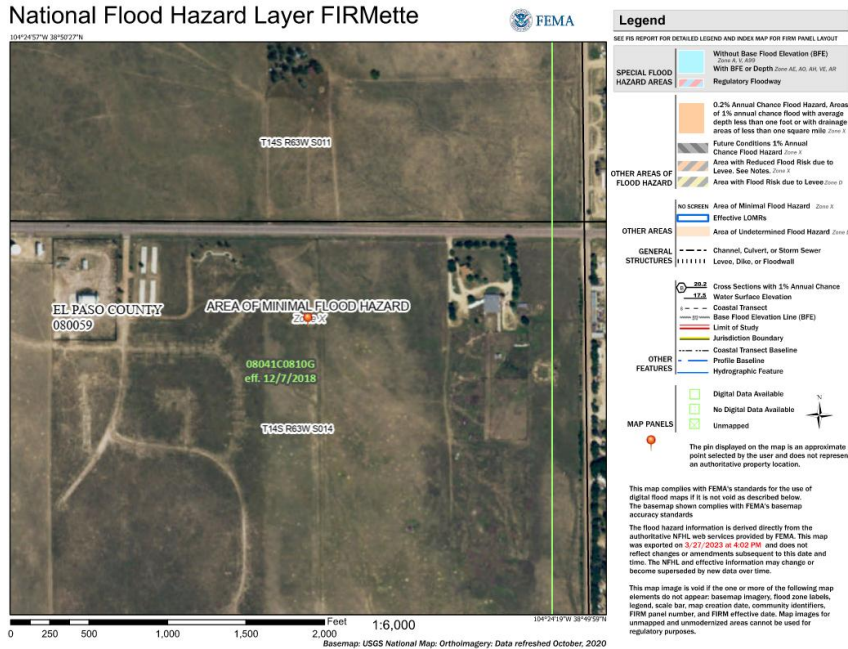
SITE NATURAL FEATURES:

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

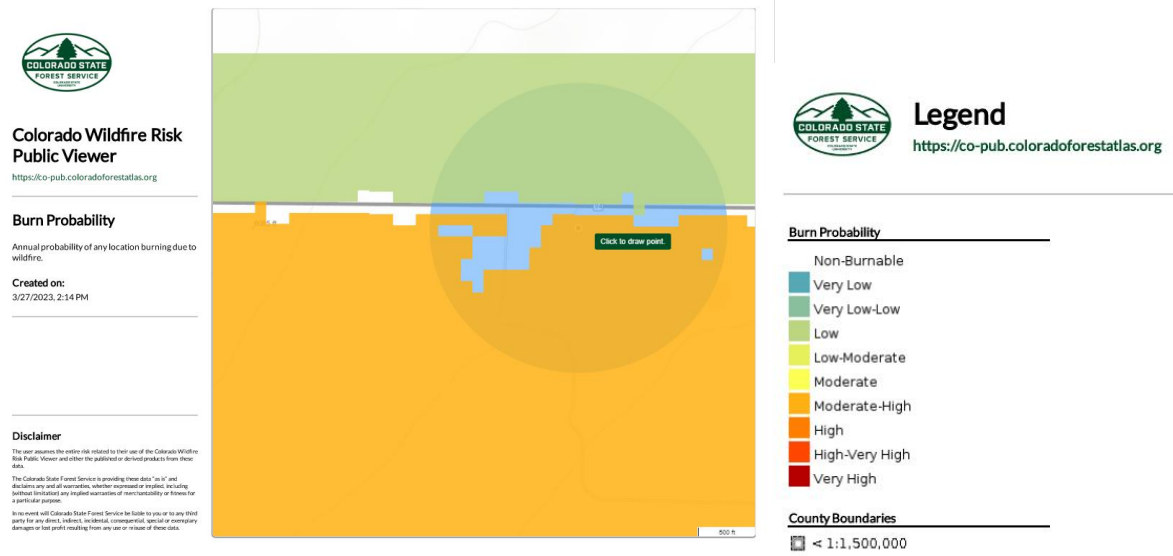


- The topography of the site includes rolling hills with one drainage way, extending from north to south through the property. The existing drainage ways are wide and without a defined flow path; no erosion is anticipated.

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



- Said Site is mapped as low to moderate-high per the wildfire risk public viewer.



Wildlife:

- Impacts are expected to be very low.

Community Outreach:

Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.

- **Adjacent owner notification letters were sent out 3/24/2023 informing neighbors that a rezone and replat of said property will be completed. No comments have been received at this time.**
- **No additional community outreach has been conducted on the zone change to date.**

A Summary of anticipated traffic generation and access:

A traffic study has been completed by HDR Engineering, Inc.

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

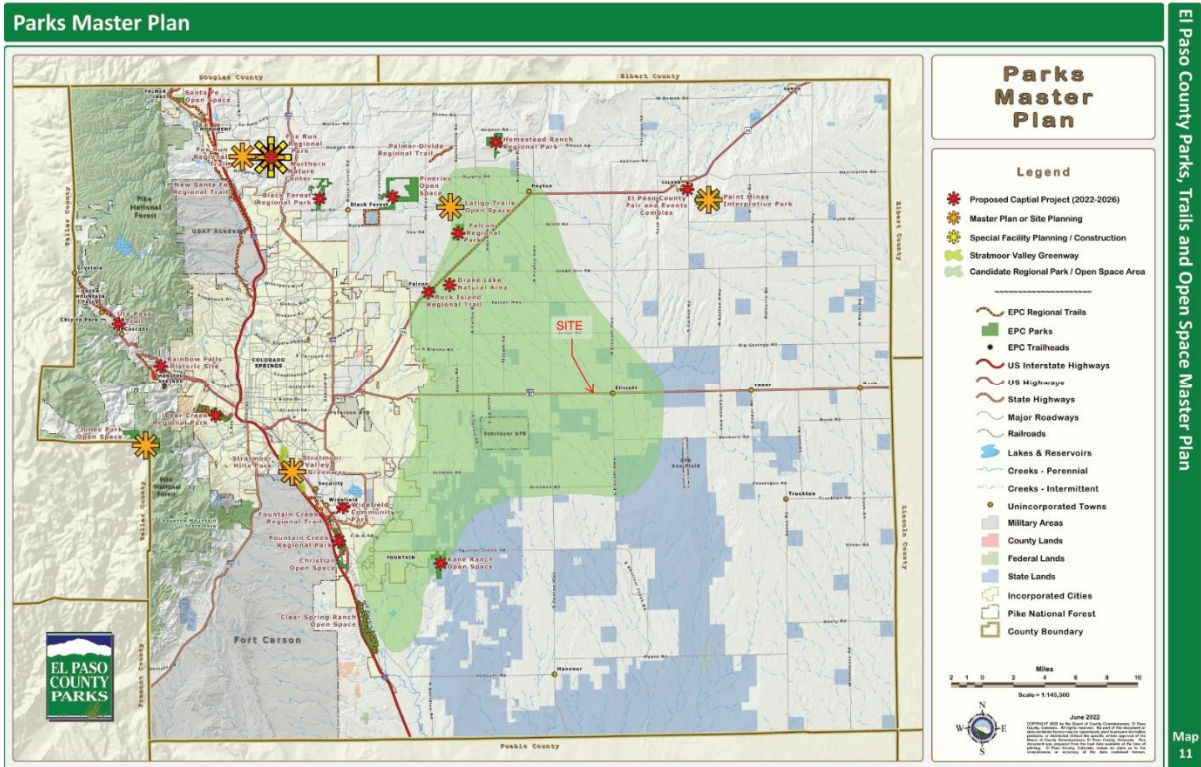
Table 1: Trip Generation Estimate from March 31, 2020 Report

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

Table 2: Updated Trip Generation and Difference

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

PARKS MASTER PLAN



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

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

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

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

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

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

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

Focus are One: system and management:

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

Focus area Two: Parks

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

Focus area Three: Trails

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

Focus area Four: Open Space

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

Focus area Five: Recreation and Cultural Services Programs and Facilities

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

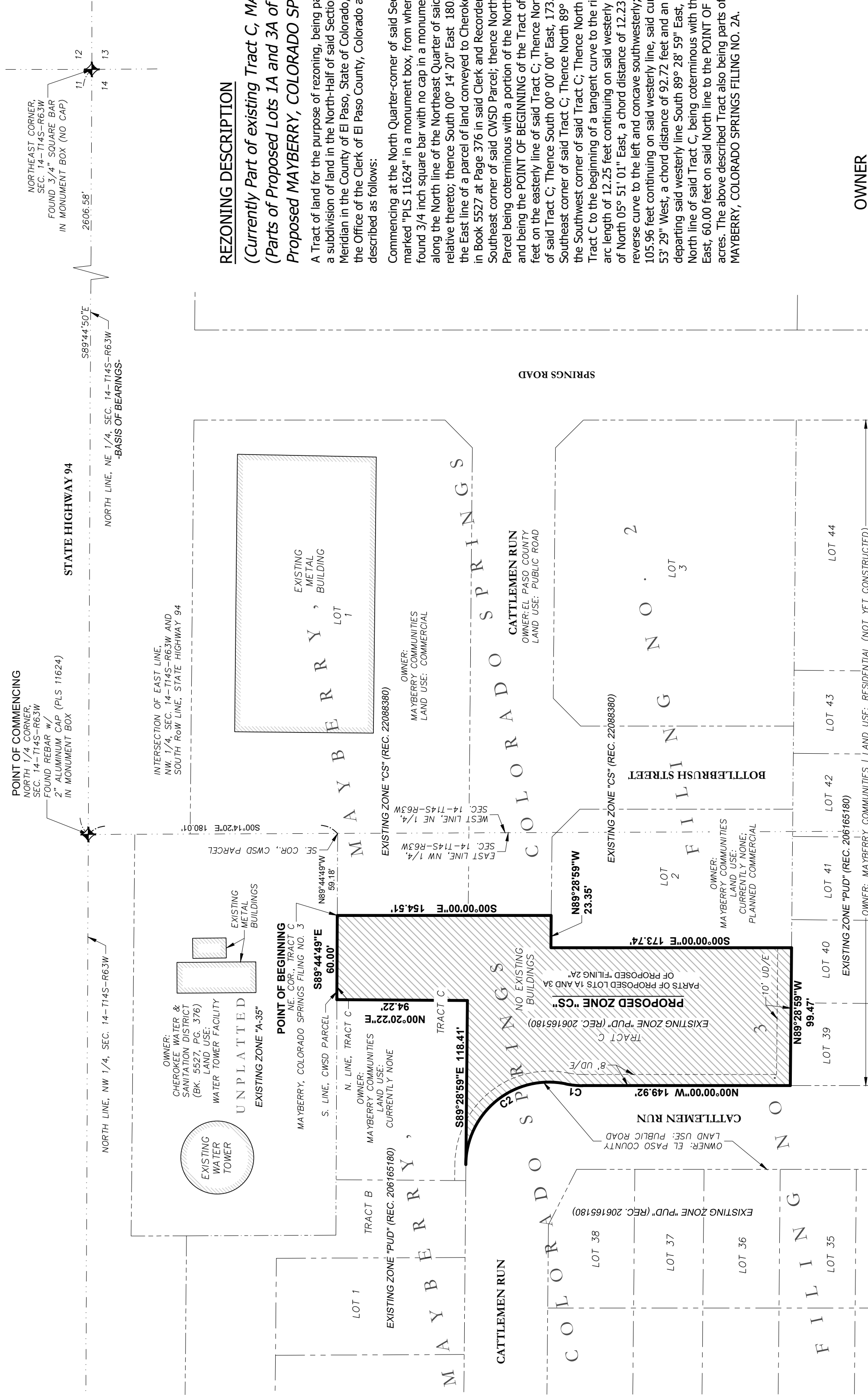
Focus area Six: Implementation and Funding

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

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

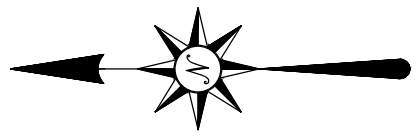
REZONING EXHIBIT

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



CURVE DATA TABLE

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



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

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

A Tract of land for the purpose of rezoning, being part of Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North-Half of said Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian in the County of El Paso, State of Colorado, the plat of said subdivision recorded November 15, 2023 in the Office of the Clerk of El Paso County, Colorado as Reception Number 223715221, said Tract more particularly described as follows:
Commencing at the North Quarter-corner of said Section 14, monumented by a found rebar with a 2 inch cap marked "PLS 11624" in a monument box, from whence the Northeast corner of said Section 14 monumented by a found 3/4 inch square bar with no cap in a monument box bears South 89° 44' 50" East a distance of 2606.58 feet along the North line of the Northeast Quarter of said Section 14 as shown on said plat, and all bearings herein are relative thereto; thence South 00° 14' 20" East 180.01 feet on the West line of said Northeast Quarter, also being the East line of a parcel of land conveyed to Cherokee Water and Sanitation District in the quit claim deed recorded in Book 5527 at Page 376 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"), to the Southeast corner of said CWSD Parcel; thence North 89° 44' 49" West, 59.18 feet on the South line of said CWSD Parcel being coterminous with a portion of the North line of said Tract C; to the Northeast corner of said Tract C and being the POINT OF BEGINNING of the Tract of land herein described; Thence South 00° 00' 00" East, 154.51 feet on the easterly line of said Tract C; Thence North 89° 28' 59" West, 23.35 feet continuing on the easterly line of said Tract C; Thence South 00° 00' 00" East, 173.74 feet continuing on the easterly line of said Tract C to the Southeast corner of said Tract C; Thence North 89° 28' 59" West, 99.47 feet on the South line of said Tract C to the Southwest corner of said Tract C; Thence North 00° 00' 00" West, 149.92 feet on the westerly line of said Tract C to the beginning of a tangent curve to the right and concave easterly; Thence northerly on said curve an arc length of 12.25 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 05° 51' 01" East, a chord distance of 12.23 feet and an interior angle of 11° 42' 02", to the beginning of a reverse curve to the left and concave southwesterly; Thence northerly and westerly on said curve an arc length of 105.96 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 38° 53' 29" West, a chord distance of 92.72 feet and an interior angle of 101° 11' 01", to a point of cusp; Thence departing said westerly line South 89° 28' 59" East, 118.41 feet; Thence North 00° 20' 22" East, 94.22 feet to the North line of said Tract C, being coterminous with the South line of said CWSD Parcel; Thence South 89° 44' 49" East, 60.00 feet on said North line to the POINT OF BEGINNING, said Tract containing 30,994 square feet or 0.712 acres. The above described Tract also being parts of proposed Lots 1A and 3A of the proposed subdivision MAYBERRY, COLORADO SPRINGS FILING NO. 2A.

OWNER
Tract A,
MAYBERRY, COLORADO SPRINGS FILING NO. 3
Mayberry Communities, LLC
3296 Divine Heights #208
Colorado Springs, CO 80922

PREPARER
R&R Engineers-Surveyors, Inc. / Darrell Delap
1635 W. 13th Avenue, Suite 310
Denver, CO 80204

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

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

REVISIONS

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

PCD FILE NO. CS234

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

Mayberry Filing No. 2A

Final Plat

Letter of Intent March 4, 2024

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

MAYBERRY COMMUNITIES, LLC
428 GARDEN PARK AVENUE,
MAYBERRY, CO 80808
scottsouders@mayberrycoloradosprings.com
719-922-2181

PLANNING SUPPORT

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

ENGINEERING/SURVEYING

R&R ENGINEERING AND SURVEYORS, INC.
1635 WEST 13TH AVENUE, SUITE 310
DENVER, CO 80204
cdayton@rrengineers.com
720-390-5513

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a Final Plat. Said application will be processed at the same time of the rezoning of parcel no. 3414201031 and a portion of Parcel No. 3414201030. Overall Site includes Parcel No(s). 3414101002, 3414201028, 3414201031 and 3414101001, as depicted below. The proposed rezoning is located west of the southwest corner of intersections of State Highway 94 (SH 94) and Proposed Springs Road (see vicinity map insert and map exhibit for details). The total acreage of the proposed rezone is ±1.0 acres. (Currently Zoned: Planned Unit Development [PUD]).



REQUEST

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

The application to Rezone approximately 1.0 acres from the PUD zone to the Commercial Services zoning district (CS) will be processed concurrently with this process. The application includes the following request:

- Approval to rezone Parcel No. 3414201031 and a portion of Parcel No. 3414201030 to CS to match adjacent Parcels, 3414101002, 3414201028 and 3414101001.
- Approval of subdivision and replating of parcels, 3414101002, 3414201028 and 3414101001.

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

Associated with the application the transportation improvements including public and private roadway improvement, pedestrian facilities and utility infrastructure. The public subdivision improvements are to be owned/maintained by Mayberry Metropolitan District No. 2 and Mayberry Metropolitan District No. 3 in partnership with Ellicott Utilities Company for water and wastewater services.

ZONE DISTRICT COMPLIANCE

The final plat shall be in compliance with the CS zone. Future development of Right of Way will conform to the engineering criteria requirements. Conformance with zoning requirements will be largely demonstrated in phases of development for Lots and Tracts within this final plat area. All proposed Lots are designed to meet the bulk, density, and dimensional requirements of the respective underlying zones. They shall meet the required landscaping, buffering and screening requirements for the proposed uses, and buffering and screening against adjacent and differing uses per Section 6.2.2 of the Code.

REVIEW/APPROVAL CRITERIA & JUSTIFICATION

- ***The proposed subdivision is in conformance with the goals, objectives, and policies of the Master Plan; (see treatment of review criterion below)***

The applicant requests approval of the rezoning based on findings of compliance with the following Goals:

- Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.
- Goal 1.3 - Encourage a range of development types to support a variety of land uses.

The proposed Rezone from the PUD district to the CS district provides an opportunity for the developer to include additional commercial uses in this area; designating a CS zoned district creates a buffer from the residential use PUD development to the south from the State Highway 94 corridor to the north.

The proposed CS district and future plans to subdivide the parcels into three (3) commercial lots allow the developer to maintain compliance with the previously approved Ellicott Town Center (SKP-05-005), soon to be amended to the proposed "Mayberry Communities Sketch Plan Amendment".

In addition, the subject parcels directly abut State Highway 94, which is a busy corridor with vehicles traveling at high rates of speed creating above average noise. Providing commercial development directly adjacent to this expressway will act as a transition from this corridor into the Mayberry residential development.

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

KEY AREAS:

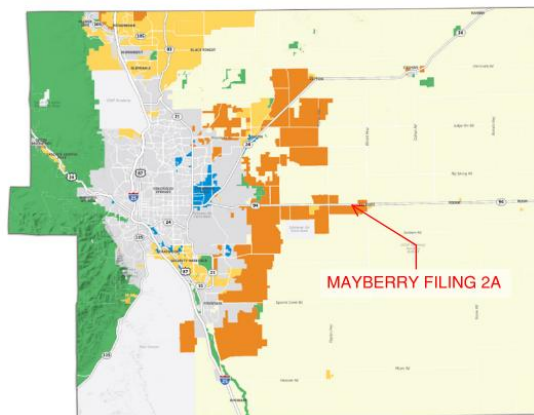


Key Areas

- | | | |
|---|--|---|
|  Military Installations and 2-Mile Notification Zone |  Small Town & Rural Communities |  Tri-Lakes Area |
|  Potential Area For Annexation |  Forested Area |  Colorado Springs Airport/ Peterson Air Force Base |
|  Enclaves or Near Enclaves |  Fountain Creek Watershed Flood Control & Greenway District |  Uncommon Natural Resources |
|  Pikes Peak Influence Area | | |

The property is not located within the ten (10) identified classifications of the “key areas”. However, it is adjacent to the Small Town & Rural Communities Key Area. This Key Area includes both incorporated and unincorporated communities in El Paso County. The unincorporated areas include the adjacent town of Ellicott other communities. Regardless of municipal status, all of these places function as a community that supports the needs of a significant portion of the County’s rural population. To better serve this population, additional commercial development should be prioritized in the unincorporated places, or where appropriate, additional commercial development should be annexed by the municipalities. Additional commercial uses within these communities improves access to necessary goods and services such as grocery stores and gas stations.

AREAS OF CHANGE:



Areas of Change

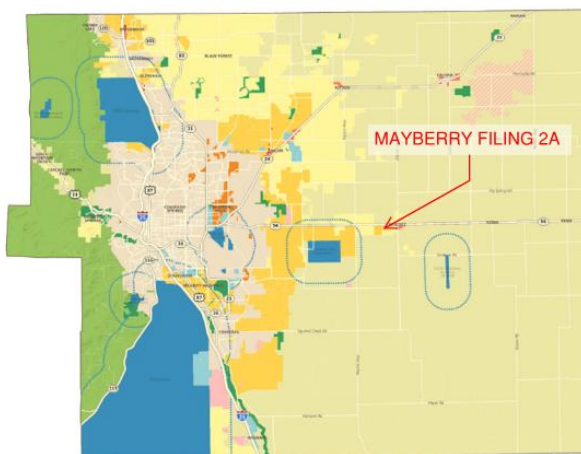
- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

Mayberry Filing No 2A Final Plat is located in an area expected for “New Development”. These areas will be significantly transformed as new development takes place on lands currently and largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of said adjacent development or to a different supporting or otherwise complementary one; such as an employment hub or business park adjacent to an urban neighborhood.

PLACETYPES:

PLACETYPES	LAND USES																				
	Agriculture	Farm/Nonresidential	Esstate	Single Family Detached	Single Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Retail	Tourism/Service	Entertainment/Arts	Office	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility	
Rural	●	●	○																		○
Large-Lot	○	●	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Suburban			●	○	○			○	○												○
Urban Residential			●	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Rural Center			●	○	○			●	●	●											●
Regional Center				○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Employment Center							○	○	○				●	●	●						
Regional Open Space																	●	●			
Mountain Interface			○					○	○	○	○						●	●			○
Military			○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Utility																				○	●

● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype
 ○ Supporting Land Use: Less prevalent and serve to support the primary land use.



Placetypes

Military	Urban Residential	Regional Open Space
Rural	Rural Center	Mountain Interface
Large-Lot Residential	Regional Center	Utility
Suburban Residential	Employment Center	Incorporated Area

Mayberry Filing No. 2A is located within the Suburban Residential placetype. This land use is designated for Suburban Residential and/or Traditional Residential neighborhoods with supporting commercial uses at key intersections. The Suburban place type generally supports the proposed development pattern and the support of limited accessory dwelling units as well.

The subdivision is in substantial conformance with the approved Final Plat-

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

7.2.3(C)4 Approval Criteria for Replat

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

WATER MASTER PLAN CONFORMANCE:

The development area is in REGION 4c as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Ellicott Utilities Company (EUC) Service Area. Water supplies in Region 4c, and specifically from EUC, should be sufficient to meet the current development demand; however, additional resources will be required to meet the full projected development demand within the Region by the 2060 target build out date. Additional water resources are planned through regional collaboration with partner and/or neighboring water providers.

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

YOUR EL PASO MASTER PLAN CONFORMANCE:

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

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

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

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

Urban services provided include, but are not necessarily limited to, water, wastewater, electric service, natural gas service, fire protection, roadway and transportation, and drainage and stormwater management services are currently available.

Water/sewer services will be provided by Ellicott Utilities Company. Private stormwater facilities will be provided by the developer and managed by the Mayberry Metropolitan District No. 1, public offsite and regional facilities and management by El Paso County Road/Bridge respectively; Electric will be provided by Mountain View Electric Company and natural gas service will be provided by Black Hills Energy. Fire protection will be provided by the Ellicott Fire Protection District. Police and related public safety services will be provided by the El Paso County Sheriff.

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

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

The existing plans and previous approved final plats will implement the planned mixed commercial, single, and multifamily residential uses defined with the Mayberry Communities Sketch Plan and uses defined within the adjacent PUD district.

- ***Goal 1.4 – Continue to encourage policies that ensure “development pays for itself”.***

The developer is bearing the costs of providing necessary improvements to support the proposed development. These applications continue to provide complete financial assurance estimate for required improvements and construction activities and will be bound by the terms and conditions of a Subdivision Improvements Agreement. The developer will also be responsible for the payment of all subdivision exactions and road impact fees.

- **Goal 2.3 – Locate attainable housing that provides convenient access to goods, services, and employment.**

The existing and approved land use mix within proposal area and approved Sketch Plan includes residential single-family attached, single-family detached, and multifamily uses, together with commercial services and retail uses, and provide a transition to light and heavy industrial land uses along State Highway 94. The proposed commercial and retail uses will help meet and expand the desired mixed uses to serve the local community residents.

The proposed commercial lots are also conveniently located near a major transportation thoroughfare (SH 94), which can serve and connect local and regional residents to other employment centers, commercial/retail corridors and nodes throughout the El Paso County region.

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

The final drainage, grading and erosion control plan, water/wastewater resource reports, traffic impact analysis, and the Final Plat have been provided, which meet the applicable plan/report development requirements of the LDC, ECM, and DCM, subject to review and acceptance by the County. The application is consistent with the previously approved plans.

- **A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;**

A commitment to provide water service has been provided by Ellicott Utilities Company, which has adequate water resources to serve the proposed development. Findings of sufficiency were made along with quitclaim deed of water provided per recordation number 204053280. The district has also provided updated letters of commitment.

- **A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;**

The subdivision will connect into an existing public sewage disposal system that has been installed together with other public improvements associated with previously approved Ellicott Town Center (SKP-05-005), soon to be amended to the proposed “Mayberry Communities Sketch Plan Amendment” and its various associated development phases and filings. The existing system complies with state and local laws and regulations, statutory requirements, and the requirements of Chapter 8 of

the County Land Development Code.

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

The Geology/Soils report was prepared by CTL Thompson, and dated March 13, 2023. Based on the results of this investigation, the near surface materials are predominantly granular and will generally provide good support for spread footing foundations, slabs-on-grade, and pavements. In the event expansive clay soils or claystone bedrock are encountered following grading or are found to be present within 4 feet of proposed foundations and floor slabs, sub-excavation and reworking of these materials will likely be necessary.

All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed application is compatible with such conditions or will achieve compatibility through compliance with recommendations of corresponding reports and plans or by conditions of approval by the BOCC.

- **Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

Adequate drainage improvements have been provided by the subdivision design. These include, but are not limited to, stormwater, detention, and/or water quality control facilities, all of which meet stormwater requirements established by the state in addition to meeting the requirements of the County Code and ECM. Detention facilities will be designated within each Lot's Site Development Plan. Ownership and maintenance of all drainage facilities and improvements shall be provided by the Mayberry Metropolitan District No. 2 and Mayberry Metropolitan District No. 3.

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

Legal and physical access is and will be provided by planned public and private rights-of-way. The public road with the appropriate public access easement will be recorded with the final plat. The private road tract and improvements will be owned and maintained by their respective Mayberry Metropolitan Districts. All access planned is legal and in accordance with the provisions and allowances in the LDC and ECM.

Access to SH 94 is from connections to Springs Road located at the westernmost boundary of the property.

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

Necessary services, which include, police and fire protection, recreation, utilities, open space and transportation system, are presently available to serve the development as supported by the utility and public service commitments provided in support of the development application.

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

The subdivision provides evidence via commitment letters from Ellicott Fire Protection District for emergency and fire service and from Ellicott Utilities Districts for water for fire suppression. The site plan layout and design of access and utilities demonstrate also illustrate that the proposed methods for fire protection comply with Chapter 6 of the County Code.

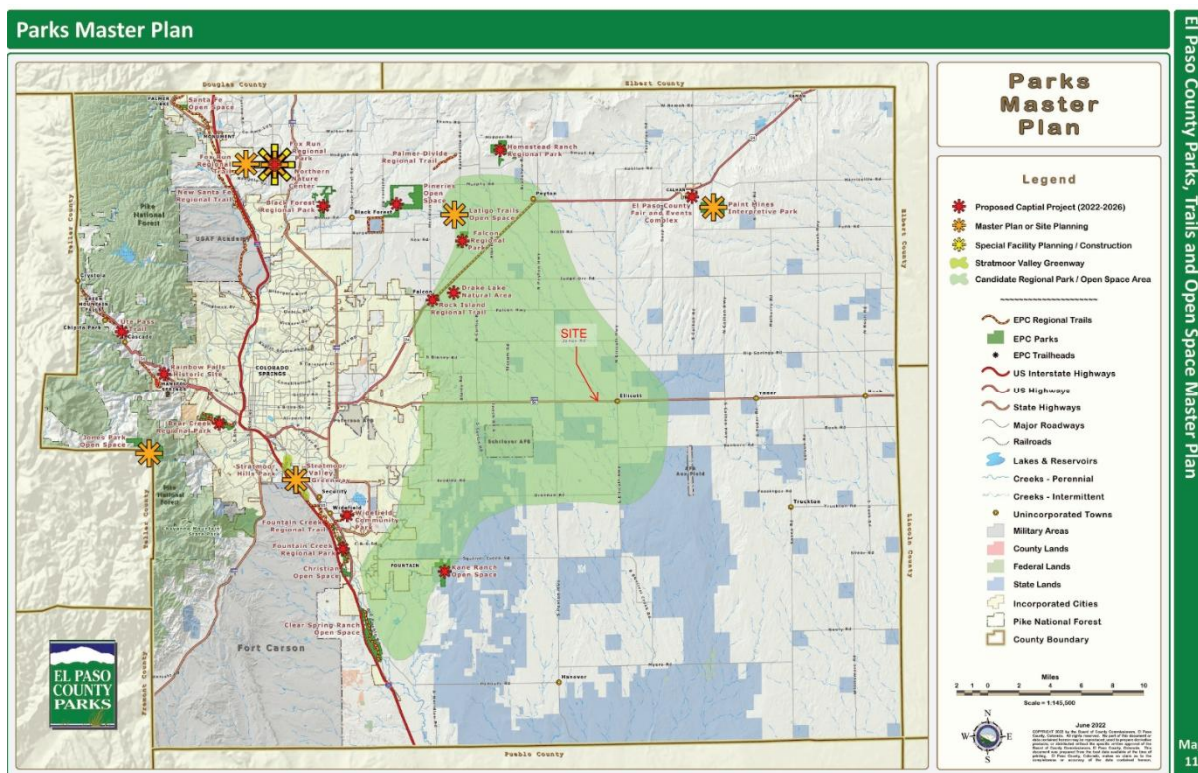
- **Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;**

Off-site improvements including improvements at the State Highway 94 and Springs Road intersection and the extension of Springs Road South adjacent to the property boundary and stormwater detention facilities have been included in the associated construction documents and financial assurances with Filing No. 4 and reflected in the previously reviewed applications.

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

Bridge, Drainage, Park, School, and Road Impact Fees will be paid at the time of plat recordation and building permit issuance (Road Impact only).

PARKS MASTER PLAN



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

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

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

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

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

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

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

Focus are One: system and management:

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

Focus area Two: Parks

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

Focus area Three: Trails

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

Focus area Four: Open Space

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

Focus area Five: Recreation and Cultural Services Programs and Facilities

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

Focus area Six: Implementation and Funding

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

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

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

SUBDIVISION BOUNDARY DESCRIPTION

A tract of land being all of Lots 1, 2 and 3, MAYBERRY, COLORADO SPRINGS FILING NO. 2, a subdivision of land in the North Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, the plat of said subdivision recorded March 10, 2021, as Reception Number 22174698 in the Office of the Clerk and Recorder of El Paso County, Colorado,

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

ALL together more particularly described as follows:
Commencing at the North Quarter-corner of said Section 14 monumented by a found 3/4 inch rebar with a 2 inch aluminum cap marked "U.P. & E. PLS 11624 1999" in a monument box, from whence a distance of 2606.58 feet on the North line of the Northeast Quarter of said Section 14, monumented by a found 3/4 inch square bar, bears South 89° 44' 50" East as shown on said plats, a distance of 2606.58 feet on the North line of the Northeast Quarter of said Section 14, being the basis of bearings of this description and all bearings hereon are relative thereto. Thence South 00° 14' 20" East, 73.51 feet on the East line of the Northeast Quarter of said Section 14, being coterminous with the East line of a parcel of land conveyed to Cherokee Water and Sanitation District by the quit claim deed recorded July 5, 1988 in book 5527 at Page 276 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"), to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591", set on the Northeast corner of said Lot 1, being coterminous with the South Right-of-Way line of State High 94 established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 2, bearing coterminous with the South Right-of-Way line of State High 94 established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 2, as Reception Number 220211233 in said Clerk and Recorder's Office, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Northeast corner of said Lot 1, said corner lying on the West Right-of-Way line of Springs Road established by the plat of MAYBERRY, COLORADO SPRINGS FILING NO. 1 recorded December 23, 2020 as Reception Number 22074655 in said Clerk and Recorder's Office; Thence North 00° 00' 00" East, 435.02 feet on said South Right-of-Way line, being coterminous with the East lines of said Lots 1 and 3 and the East end of said Cattlemen Run Right-of-Way, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southeast corner of said Lot 3; Thence North 89° 28' 59" West, 480.38 feet on the South lines of said Lots 2 and 3, said Tract C and the South Right-of-Way line of said Bottlebrush Street to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southwest corner of said Tract C, said corner also lying on the East Right-of-Way line of Cattlemen Run established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 3; Thence northerly and westerly on the westerly line of said Tract C, being coterminous with said Cattlemen Run Right-of-Way line, the following 5 courses and distances: 1) North 00° 00' 00" East, 149.92 feet to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the beginning of a tangent curve to the right and concave easterly; 2) Thence northerly on said curve an arc length of 122.29 feet, said curve having a radius of 60.00 feet, a chord bearing of 101° 11' 01" to the beginning of a westerly course to the left and concave easterly; 3) Thence westerly on said curve an arc length of 105.96 feet, said curve having a radius of 60.00 feet, a chord bearing of North 38° 52' 29" West, a chord distance of 92.72 feet and an interior angle of 101° 11' 01", to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the end of said curve at a point of tangency; 4) Thence North 89° 28' 59" West, 11.59 feet to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the most westerly Southwest corner of said Tract C and being common with the Southeast corner of Tract B, said MAYBERRY, COLORADO SPRINGS FILING NO. 3; 5) Thence North 00° 20' 22" East, 93.63 feet on the West line of said Tract C, being coterminous with the East line of said Tract B, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Northwest corner of said Tract C, being a point on the South line of said CWSD Parcel; Thence departing said westerly line of Tract C South 89° 44' 49" East, 230.00 feet on the South line of said CWSD Parcel, being coterminous with the North line of said Tract C, and an east/west segment of the westerly line of said Lot 1, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southeast corner of said CWSD Parcel, being common with a corner on said westerly line of said Lot 1; Thence North 00° 14' 20" West, 106.50 feet on the East line of said CWSD Parcel, being coterminous with the westerly line of said Lot 1, to the POINT OF BEGINNING, said tract containing 196,512 square feet or 4,511 acres.

OWNERS' CERTIFICATE

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust, and holders of other interests in the land described herein, have laid out, subdivided, and platted the above described land in accordance with the laws of the State of Colorado, and the plat of said subdivision is duly recorded in the public records of the County of El Paso, Colorado, and the plat of said subdivision is hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utility and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

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

Mayberry Communities, LLC, a Colorado limited liability company

ACKNOWLEDGEMENT

State of _____) SS
County of _____)

By: _____
This instrument was acknowledged before me this _____ day of _____, 20____ by R. Randy Goodson, as President of Mayberry Communities, a Colorado limited liability company.

Witness my hand and official seal

Notary Public
My commission expires _____

ACKNOWLEDGEMENT

State of _____) SS
County of _____)

By: _____
This instrument was acknowledged before me this _____ day of _____, 20____ by R. Randy Goodson, as _____ of Intellifab of Colorado, LLC, a Colorado limited liability company.

Witness my hand and official seal

Notary Public
My commission expires _____

ACKNOWLEDGEMENT

State of _____) SS
County of _____)

By: _____
This instrument was acknowledged before me this _____ day of _____, 20____ by Justin Levellie, as Vice President of Corundum Partners, Inc., a Minnesota corporation, Managing Member of Corundum Partners Investments, LLC, a Delaware limited liability company.

Witness my hand and official seal

Notary Public
My commission expires _____

14. Plat and subdivision Note 14 continued:

- 9. Bk. A, Pg. 78
- 10. Bk. 350, Pg. 274
- 11. Bk. 526, Pg. 436
- 12. Bk. 3647, Pg. 674
- 13. Bk. 3949, Pg. 449
- 14. Rec. 219955577
- 15. Rec. 219955577
- 16. Rec. 219955577
- 17. Rec. 219955577
- 18. Rec. 219955577
- 19. Rec. 219955577
- 20. Rec. 219955577
- 21. Rec. 219955577
- 22. Rec. 219955577
- 23. Rec. 219955577
- 24. Rec. 219955577
- 25. Rec. 203139553
- 26. Rec. 203139553
- 27. Rec. 203139553
- 28. Rec. 203139553
- 29. Rec. 203139553
- 30. Rec. 203139553
- 31. Rec. 203139553
- 32. Rec. 203139553
- 33. Rec. 203139553
- 34. Rec. 203139553
- 35. Rec. 203139553
- 36. Rec. 203139553
- 37. Rec. 203139553
- 38. Rec. 203139553
- 39. Rec. 203139553
- 40. Rec. 203139553
- 41. Rec. 203139553
- 42. Rec. 203139553
- 43. Rec. 203139553
- 44. Rec. 214038069
- 45. Rec. 21085463; Rec. 221085463;
- 46. Rec. 21085476; Rec. 221085476;
- 47. Rec. 21084568; Rec. 221084568;
- 48. Rec. 217150566; 217151050
- 49. Rec. 219085337; Rec. 219089771;
- 50. Rec. 219085337; Rec. 219097309
- 51. Rec. 219146540
- 52. Rec. 219146540
- 53. Rec. 219146540
- 54. Rec. 219146540
- 55. Rec. 219146540
- 56. Rec. 219146540
- 57. Rec. 219146540
- 58. Rec. 219146540
- 59. Rec. 219146540
- 60. Rec. 21085482; Rec. 221085482;
- 61. Rec. 21085476; Rec. 221085476;
- 62. Rec. 21084568; Rec. 221084568;
- 63. Rec. 217150566; 217151050
- 64. Rec. 219085337; Rec. 219089771;
- 65. Rec. 219085337; Rec. 219097309
- 66. Rec. 219146540
- 67. Rec. 219146540
- 68. Rec. 219146540
- 69. Rec. 219146540
- 70. Rec. 219146540
- 71. Rec. 219146540

GENERAL NOTES

- 1. NOTICE: Pursuant to Colorado Revised Statutes Title 13, Article 80, Section 105 (C.R.S. § 13-80-105) - You must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
- 2. Any person who knowingly removes, alters or defaces any public land survey monument or accessory monument or accessory commits a Class Two (2) misdemeanor pursuant to C.R.S. § 18-4-508.
- 3. Basis of Bearings (Record): Bearings are based on the North line of the Northeast Quarter of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian having a record bearing of South 89° 44' 50" East and a ground distance of 2606.58 feet as shown on the plat of MAYBERRY, COLORADO SPRINGS FILING NO. 2, recorded March 10, 2021, as Reception Number 22174698 in the Office of the Clerk and Recorder of El Paso County, Colorado; said measurements at each end as shown on said plats, a distance of 2606.58 feet on the North line of the Northeast Quarter of said Section 14, being the basis of bearings of this description and all bearings hereon are relative thereto. Thence South 00° 14' 20" East, 73.51 feet on the East line of the Northeast Quarter of said Section 14, being coterminous with the East line of a parcel of land conveyed to Cherokee Water and Sanitation District by the quit claim deed recorded July 5, 1988 in book 5527 at Page 276 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"), to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591", set on the Northeast corner of said Lot 1, being coterminous with the South Right-of-Way line of State High 94 established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 2, bearing coterminous with the South Right-of-Way line of State High 94 established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 2, as Reception Number 220211233 in said Clerk and Recorder's Office, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Northeast corner of said Lot 1, said corner lying on the West Right-of-Way line of Springs Road established by the plat of MAYBERRY, COLORADO SPRINGS FILING NO. 1 recorded December 23, 2020 as Reception Number 22074655 in said Clerk and Recorder's Office; Thence North 00° 00' 00" East, 435.02 feet on said South Right-of-Way line, being coterminous with the East lines of said Lots 1 and 3 and the East end of said Cattlemen Run Right-of-Way, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southeast corner of said Lot 3; Thence North 89° 28' 59" West, 480.38 feet on the South lines of said Lots 2 and 3, said Tract C and the South Right-of-Way line of said Bottlebrush Street to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southwest corner of said Tract C, said corner also lying on the East Right-of-Way line of Cattlemen Run established by the plat of said MAYBERRY, COLORADO SPRINGS FILING NO. 3; Thence northerly and westerly on the westerly line of said Tract C, being coterminous with said Cattlemen Run Right-of-Way line, the following 5 courses and distances: 1) North 00° 00' 00" East, 149.92 feet to a 5/8 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the beginning of a tangent curve to the right and concave easterly; 2) Thence northerly on said curve an arc length of 122.29 feet, said curve having a radius of 60.00 feet, a chord bearing of 101° 11' 01" to the beginning of a westerly course to the left and concave easterly; 3) Thence westerly on said curve an arc length of 105.96 feet, said curve having a radius of 60.00 feet, a chord bearing of North 38° 52' 29" West, a chord distance of 92.72 feet and an interior angle of 101° 11' 01", to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the end of said curve at a point of tangency; 4) Thence North 89° 28' 59" West, 11.59 feet to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the most westerly Southwest corner of said Tract C and being common with the Southeast corner of Tract B, said MAYBERRY, COLORADO SPRINGS FILING NO. 3; 5) Thence North 00° 20' 22" East, 93.63 feet on the West line of said Tract C, being coterminous with the East line of said Tract B, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Northwest corner of said Tract C, being a point on the South line of said CWSD Parcel; Thence departing said westerly line of Tract C South 89° 44' 49" East, 230.00 feet on the South line of said CWSD Parcel, being coterminous with the North line of said Tract C, and an east/west segment of the westerly line of said Lot 1, to a 5/8 inch rebar with 1-1/4 inch diameter red plastic cap stamped "R&R ENG | PLS 34591" set on the Southeast corner of said CWSD Parcel, being common with a corner on said westerly line of said Lot 1; Thence North 00° 14' 20" West, 106.50 feet on the East line of said CWSD Parcel, being coterminous with the westerly line of said Lot 1, to the POINT OF BEGINNING, said tract containing 196,512 square feet or 4,511 acres.
- 4. On the map sheets of this plat, references of FILING NO. "1" refer to the recorded plat of MAYBERRY, COLORADO SPRINGS FILING NO. 1 (Reception No. 220714655; reference of FILING NO. "2" refer to the recorded plat of MAYBERRY, COLORADO SPRINGS FILING NO. 2 (Reception No. 22174698); and references of FILING NO. "3" refer to the recorded plat of MAYBERRY, COLORADO SPRINGS FILING NO. 3 (Reception No. 223715221).
- 5. Dimension units shown are U.S. Survey Feet.
- 6. No offset monument (witness and/or reference monuments) along exterior boundary of this subdivision were set in conjunction with this plat.

SURVEYOR'S CERTIFICATE

I, Kevin J. Kucharczyk, a duly qualified Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on August 31, 2021, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

I attest the above this ___st day of _____, 20____.

Kevin J. Kucharczyk, P.L.S. Colorado Registered PLS# 34591
For and on behalf of R&R Engineers-Surveyors, Inc.

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

APPROVALS BOARD OF COUNTY COMMISSIONERS CERTIFICATE

This plat for MAYBERRY, COLORADO SPRINGS FILING NO. 2A was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____ day of _____, 20____, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (Cattlemen Run, Bottlebrush Street, public utility and drainage easements) are accepted, but the public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

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

Chair, Board of County Commissioners

Date

PCD Director

Date

RECORDING

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

OWNERS

Existing Lots 2 and 3, MAYBERRY, COLORADO SPRINGS FILING NO. 2 and Part of existing Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3 (being Lots 2A, 3A and Tract A of this plat) Mayberry Communities, LLC
3396 Divine Heights #208
Colorado Springs, CO 80922
By Reception No. 21140101 (Parcel H)

SURVEYOR AND ENGINEER

R&R Engineers-Surveyors, Inc.
1635 W. 13th Avenue, Suite 310
Denver, CO 80204
www.rrengineers.com
Ph: (303) 753-0790
Surveyor: Kevin J. Kucharczyk (P.L.S. 34591)
Engineer: Tim Stackhouse (P.E. 0061924)

El Paso County PCD File No. VR2323

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

REVISIONS
Date: 11/22/23
By: [Redacted]
Project No. [Redacted]

Sheet 1 of 3

File: MC221994FP-F162A

Drawn By: [Redacted]

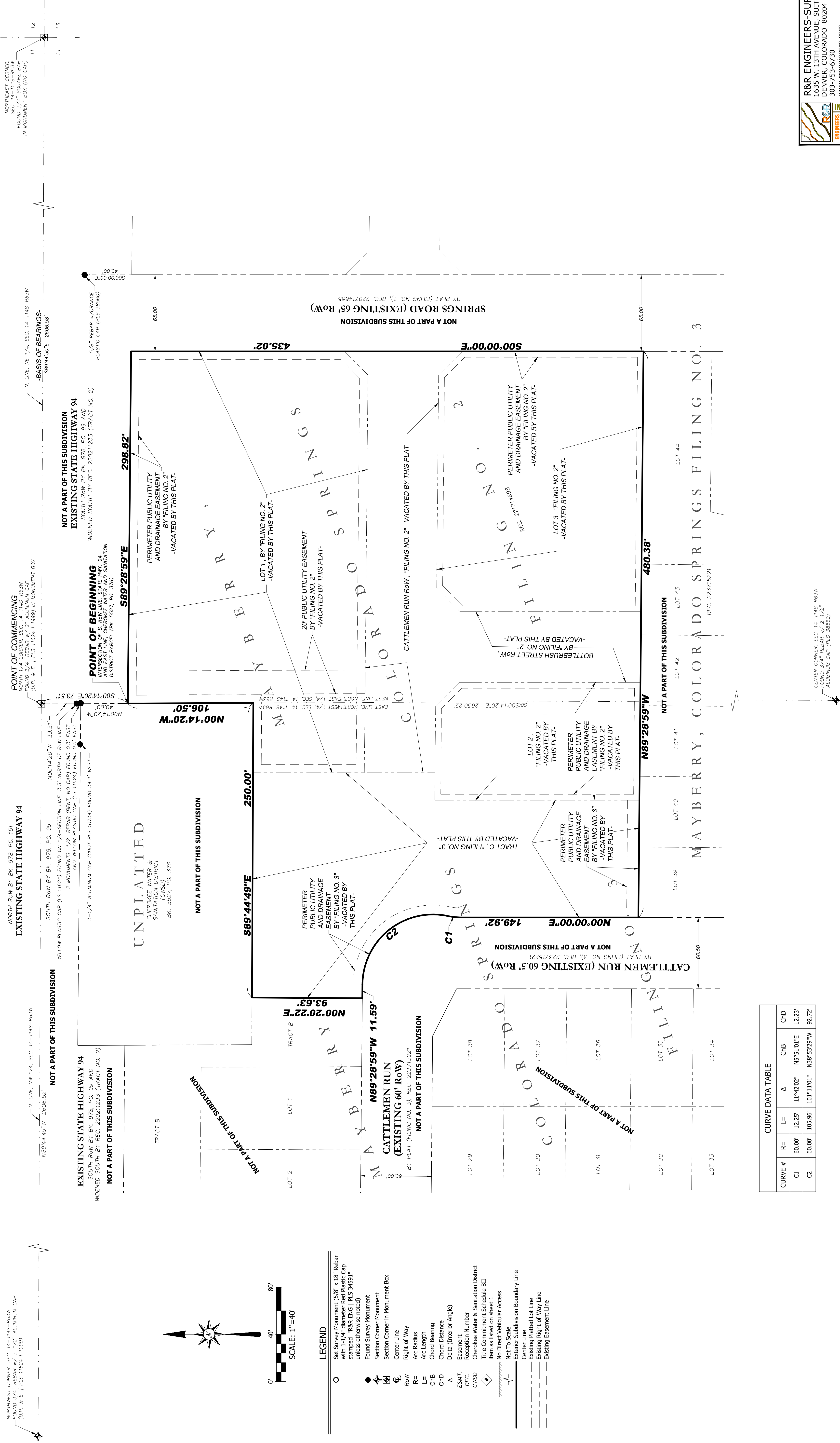
Project No. [Redacted]

MCS

MC22199

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

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



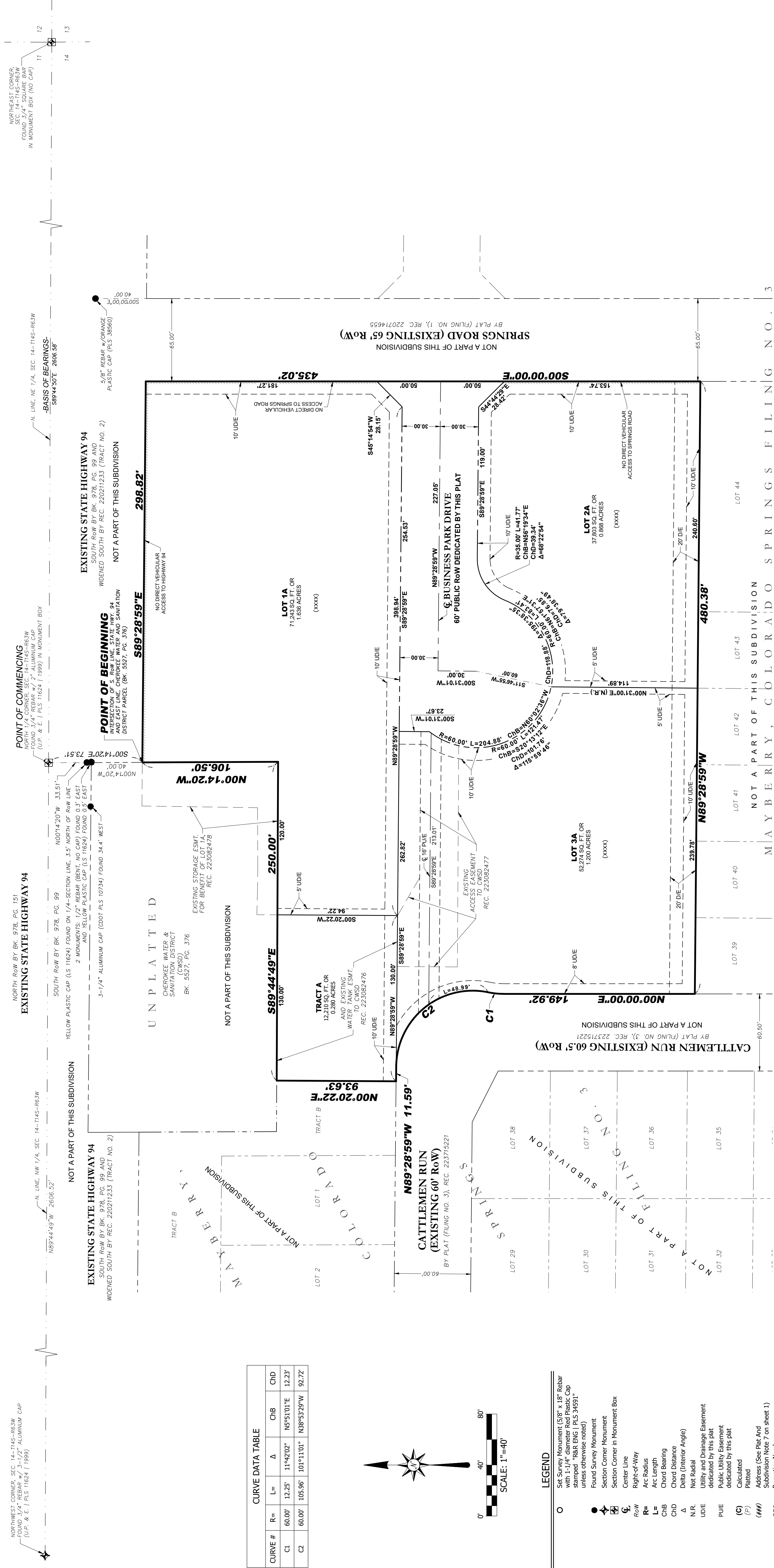
R&R ENGINEERS-SURVEYORS, INC.
 1635 W. 13TH AVENUE, SUITE 310
 DENVER, COLORADO 80204
 303-753-6730
 www.rrengineers.com

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

Sheet 2 of 3

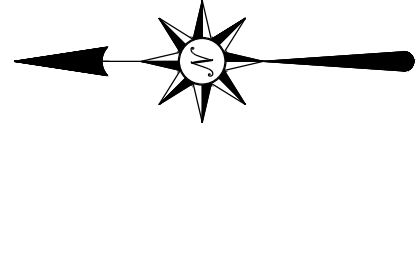
Final Plat of
MAYBERRY, COLORADO SPRINGS FILING NO. 2A
 Being a replat of All of Lots 1, 2 and 3, MAYBERRY, COLORADO SPRINGS FILING NO. 2, along with Cattleman Run Right-of-Way and Bottlebrush Street Right-of-Way adjoining said Lots 1, 2 and 3;
 And All of Tract C, MAYBERRY COLORADO SPRINGS FILING NO.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

LAYOUT AND LOT DETAIL OF THIS REPLAT



CURVE DATA TABLE

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



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

USE / AREA TABLE

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

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

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

Sheet 3 of 3

RESOLUTION NO. 24-

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

APPROVAL OF MAP AMENDMENT (REZONING) TO CS
MAYBERRY FILING NO. 2A (CS234)

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 for property located within the unincorporated area of the County, more particularly described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated by reference from the PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 18, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 9, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, 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. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
6. That the proposed land use will be compatible with existing and permitted land uses in the area.

7. That 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.
8. That changing conditions clearly require amendment to the Zoning Resolutions.
9. That for the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.5 of the El Paso County Land Development Code (as amended) in approving this amendment to the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following 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;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Mayberry Communities, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the PUD (Planned Unit Development) zoning district to the CS (Commercial Service) zoning district ;

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

CONDITIONS

1. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CS (Commercial Service) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
2. Specific uses of the site shall be limited to those included in the traffic impact study provided with the Map Amendment (Rezoning) and Final Plat applications (PCD File Nos. CS234 & VR2323).

The applicant shall be required to provide a revised traffic impact study to be submitted and approved prior to initiation of any uses beyond those included in the traffic impact study.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

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

DONE THIS 9th day of May 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A Tract of land for the purpose of rezoning, being part of Tract C, MAYBERRY, COLORADO SPRINGS FILING NO. 3, a subdivision of land in the North-Half of said Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian in the County of El Paso, State of Colorado, the plat of said subdivision recorded _____ in the Office of the Clerk of El Paso County, Colorado as Reception Number _____, said Tract more particularly described as follows:

Commencing at the North Quarter-corner of said Section 14, monumented by a found rebar with a 2 inch cap marked "PLS 11624" in a monument box, from whence the Northeast corner of said Section 14 monumented by a found 3/4 inch square bar with no cap in a monument box bears South 89° 44' 50" East a distance of 2606.58 feet along the North line of the Northeast Quarter of said Section 14 as shown on said plat, and all bearings herein are relative thereto; thence South 00° 14' 20" East 180.01 feet on the West line of said Northeast Quarter, also being the East line of a parcel of land conveyed to Cherokee Water and Sanitation District in the quit claim deed recorded in Book 5527 at Page 376 in said Clerk and Recorder's Office (hereinafter referred to as the "CWSD Parcel"), to the Southeast corner of said CWSD Parcel; thence North 89° 44' 49" West, 59.18 feet on the South line of said CWSD Parcel being coterminous with a portion of the North line of said Tract C, to the Northeast corner of said Tract C and being the POINT OF BEGINNING of the Tract of land herein described; Thence South 00° 00' 00" East, 154.51 feet on the easterly line of said Tract C; Thence North 89° 28' 59" West, 23.35 feet continuing on the easterly line of said Tract C; Thence South 00° 00' 00" East, 173.74 feet continuing on the easterly line of said Tract C to the Southeast corner of said Tract C; Thence North 89° 28' 59" West, 99.47 feet on the South line of said Tract C to the Southwest corner of said Tract C; Thence North 00° 00' 00" West, 149.92 feet on the westerly line of said Tract C to the beginning of a tangent curve to the right and concave easterly; Thence northerly on said curve an arc length of 12.25 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 05° 51' 01" East, a chord distance of 12.23 feet and an interior angle of 11° 42' 02", to the beginning of a reverse curve to the left and concave southwesterly; Thence northerly and westerly on said curve an arc length of 105.96 feet continuing on said westerly line, said curve having a radius of 60.00 feet, a chord bearing of North 38°53'29" West, a chord distance of 92.72 feet and an interior angle of 101° 11' 01", to a point of cusp; Thence departing said westerly line South 89° 28' 59" East, 118.41 feet; Thence North 00° 20' 22" East, 94.22 feet to the North line of said Tract C, being coterminous with the South line of said CWSD Parcel; Thence South 89° 44' 49" East, 60.00 feet on said North line to the POINT OF BEGINNING, said Tract containing 30,994 square feet or 0.712 acres.

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

RESOLUTION NO. 24-

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

APPROVE VACATION AND REPLAT OF
MAYBERRY FILLING NO. 2A (VR2323)

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

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 18, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the vacation and replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 9, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, 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 Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the 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. All exhibits were received into evidence.
5. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.

6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.
7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. 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.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the vacation and replat of Mayberry Filling No. 2A.

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County-owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

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

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 9th day of May, 2024, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A tract of land being all of Lots 1, 2 and 3, MAYBERRY, COLORADO SPRINGS FILING NO. 2, a subdivision of land in the North Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, the plat of said subdivision recorded March 10, 2021 as Reception Number 221714698 in the Office of the Clerk and Recorder of El Paso County, Colorado,

AND

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

AND

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

All together more particularly described as follows:

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

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