

Mayberry Filing No. 2A
Final Plat
Letter of Intent January 31, 2024

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

MAYBERRY COMMUNITIES, LLC
428 GARDEN PARK AVENUE,
MAYBERRY, CO 80808
scottsouders@mayberrycoloradosprings.com
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:

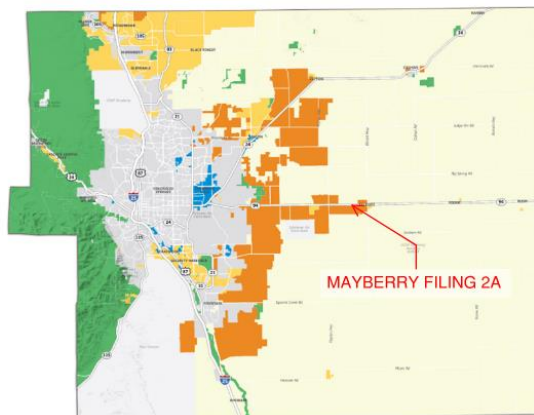


Key Areas

- | | | |
|---|--|---|
|  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 |  Bicammon 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

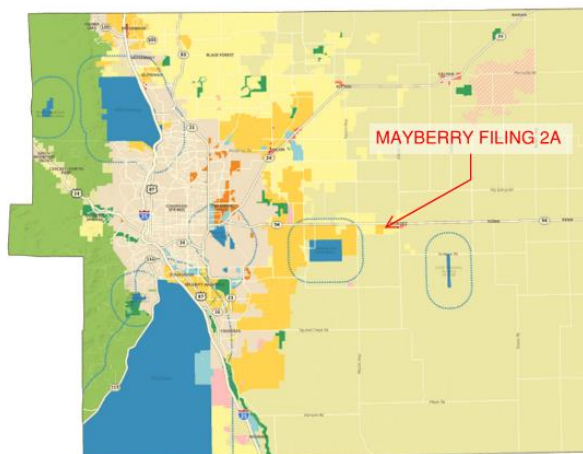
- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

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 Service	Tourism/Commercial	Entertainment and Arts	Office	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility	
Rural	●	●	○																	○	
Large-Lot 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.



Placetypes



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.

Incorrect approval criteria for this type of subdivision action.

The appropriate criteria in LDC Section 7.2.3.C.4

- **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) Approval Criteria for Vacation of a Plat with No Rights-of-Way**

- Vacation of the recorded plat will not leave any lots or parcels without adequate utility or drainage easements;
 - All lots established and proposed will have adequate utility/drainage easements.
- Vacation of the recorded plat will not vacate road rights-of-way or access easements needed to access other property;
 - ROW will be provided to access all established and proposed lots and tracts.
- Vacation of the recorded plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code;
 - All parcels will have adequate services provided from public facilities with the vacation of this plat
- Vacation of the recorded plat is consistent with the Master Plan;
 - The vacation of the plat is consistent with Your El Paso County Master Plan
- Vacation of the recorded plat will not adversely affect the public health, safety, and welfare;
 - 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 vacation of the plat 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.

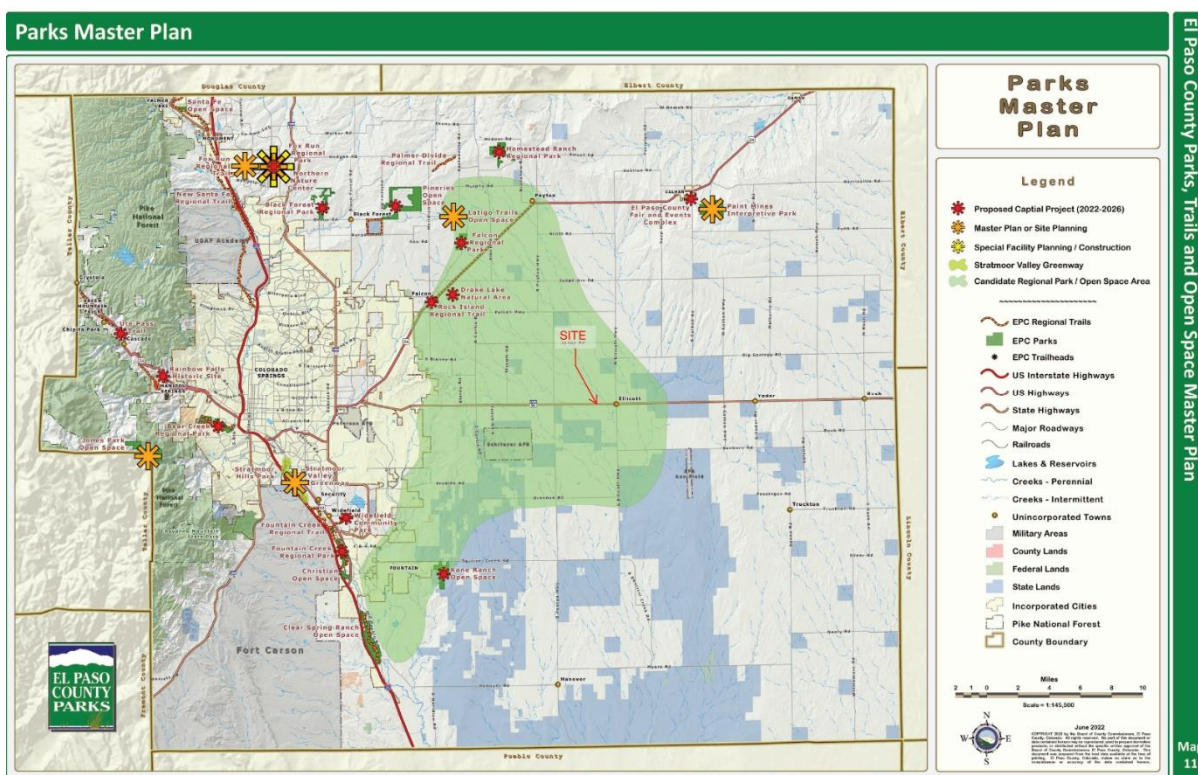
- **Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;**

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).