


EL PASO COUNTY
COLORADO

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

TO: El Paso County Board of County Commissioners
 Mark Waller, Chair

FROM: Nina Ruiz, Planning Manager
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director

RE: Project File #: CS-19-002
 Project Name: Ellicott Town Center Commercial Rezone
 Parcel Nos.: 34000-00-259, 34000-00-260, and 34000-00-350

| | |
|--|---|
| OWNER: | REPRESENTATIVE: |
| Colorado Springs Mayberry, LLC 32823 Temecula Parkway Temecula, CA 92592 | NES, Inc. 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO 80903 |

Commissioner District: 4

| | |
|---|-----------|
| Planning Commission Hearing Date: | 6/2/2020 |
| Board of County Commissioners Hearing Date: | 6/23/2020 |

EXECUTIVE SUMMARY

A request by Colorado Springs Mayberry, LLC, for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to CS (Commercial Service). The three parcels, totaling 9.5 acres, are located south of Highway 94, approximately 1.3 miles west of the Highway 94 and North Ellicott Highway intersection and are within Section 14, Township 14 South, Range 63 West of the 6th P.M. The parcels are located within the Ellicott Valley Comprehensive Plan (1989).

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



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

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Colorado Springs Mayberry, LLC, for approval of a map amendment (rezoning) of 9.5 acres from PUD (Planned Unit Development) to CS (Commercial Service).

Waiver(s)/Deviation(s): There are no waivers associated with the map amendment (rezone) request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. Planning Commission Summary

Request Heard: As a Consent item at the June 2, 2020 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 5 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: Advertised in Shopper’s Press on June 3, 2020.

C. 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 (2019):

- 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 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 Land Development Code, for the intended zone district.

D. LOCATION

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

East: PUD (Planned Unit Development) Agricultural
West: PUD (Planned Unit Development)/A-35 (Agricultural) Agricultural

E. BACKGROUND

The Board of County Commissioners approved the Ellicott Town Center Phase 1 PUD on May 11, 2006 (PUD-05-021). The PUD includes a total of 477 acres of residential use area, 46.6 acres of mixed-use area, 24.53 acres of open space, and 27 acres of civic space (school, fire station, library, etc.). The PUD includes a site-specific PUD for the anticipated first filing, which consists of urban residential lots, as well as a zoning concept plan. The zoning concept plan allows for multi-dwelling residential for the subject 9.5-acre parcel and a portion of the area was also designated as “permitted industrial use.” The “permitted industrial use” was limited to indoor/outdoor mini-storage and warehousing as well as the existing concrete batch plant.

The applicant requested to expand the allowed uses within the “permitted industrial use” to include retail, wholesale, light manufacturing, and other commercial services. The zoning concept plan process is no longer included within the El Paso County Land Development Code (2019). For this reason, an amendment to the zoning concept plan is not possible under the current regulations. Instead the applicant has requested a map amendment (rezone) from the PUD, which allowed for the development of multi-family residential as well as “permitted industrial uses” to CS (Commercial Services).

The parcels are currently configured as metes and bounds parcels. On April 12, 2007, the Board of County Commissioners approved the Ellicott Town Center Filing No. 1 final plat (SF-06-012). This first filing has not been recorded to date, but the applicant has received approval of an extension of the final plat approval until December 12, 2020. The applicant has renamed this filing as Mayberry, Colorado Springs. The subject parcels are included in the pending final plat as “Tract L”. A concurrent application is under review for approval of a vacation and replat of “Tract L” into three (3) commercial lots and a remainder tract for future development.

The Ellicott Town Center Metropolitan District No. 1 (District No. 1) was formed and approved by the Board of County Commissioners on June 29, 2006, which allowed for a maximum combined mill levy of 60 mills. District No. 1 was created for the financing, construction, installation, operation, and maintenance of public infrastructure to support the needs of the 550-acre Ellicott Town Center residential development.

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

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

The proposed map amendment (rezoning) was accounted for in the applicant's supporting financial report for the service plan amendment. The commercial portion of the metropolitan district is a necessary component in ensuring the financial success of the district in the future.

F. ANALYSIS

1. Land Development Code Analysis

The Board of County Commissioners approved the Ellicott Town Center Phase 1 PUD on May 11, 2006 (PUD-05-021). This PUD includes a total of 477 acres of residential use area, 46.6 acres of mixed-use area, 24.53 acres of open space, and 27 acres of civic space (school, fire station, library, etc.). The PUD included a site-specific PUD for the anticipated first filing as well as a zoning concept plan. The zoning concept plan depicted the subject parcel primarily as multi-dwelling residential. A portion of the area was designated as "permitted industrial uses" which was limited to indoor/outdoor mini-storage and warehousing as well as the existing concrete batch plant.

The applicant has requested to expand the allowed uses to include retail, wholesale, light manufacturing, and other commercial services. The zoning

concept plan application process is no longer included within the El Paso County Land Development Code (2019). For this reason, an amendment to the zoning concept plan is not possible under the current regulations. Instead, the applicant has requested a map amendment (rezone) to CS (Commercial Services).

2. Zoning Compliance

The applicant is requesting to rezone 9.5 acres to CS (Commercial Service). The CS (Commercial Service) zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public. The density and dimensional standards for the CS (Commercial Service) zoning district are as follows:

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

The area included in the map amendment (rezone) request is comprised of 9.5 acres, which exceeds the two (2) acre minimum lot size requirement of the CS zoning district. A concurrent application is under review for approval of a vacation and replat of “Tract L” into three (3) commercial lots and a remainder tract for future development. A site development plan will be required prior to building permit authorization for each lot in order to ensure that all proposed structures will comply with the dimensional standards of the CS zoning district as well as the General Development Standards in Chapter 6 of the Code and requirements of the Engineering Criteria Manual.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Goal 5.1 -- Maintain a land use environment, which encourages quality economic development that is compatible with surrounding land uses.

Policy 6.1.6 – Direct development towards areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.

Policy 6.1.8 – Encourage incorporation of buffers or transitions between areas of varying use or density where possible.

Policy 6.1.11 - Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

The Board of County Commissioners approved the amendments to the Mayberry, Colorado Springs Metropolitan District on July 23, 2019. The purpose of the District will be to provide urban-level services within the District boundaries. Supporting facilities and services, such as parks and open space, will be developed as the project continues.

The subject parcels are presently located within a largely rural and agricultural area of the County. However, the parcel is located adjacent to the Ellicott Town Center PUD, and urban development, to the east, west, and south. The Ellicott Town Center PUD includes a total of 477 acres of residential use area, 46.6 acres of mixed-use area, 24.53 acres of open space, and 27 acres of civic space (school, fire station, library, etc.). The map amendment is a logical extension of the approved development as it could allow for the continued extension of urban services, further justifying the development of commercial uses in the area.

The land immediately adjacent to the north and across from Highway 94 is zoned A-35 (Agricultural). The proposed map amendment (rezone) could be considered incompatible with agriculturally zoned land. However, the 140-foot-wide Highway 94 right-of-way serves as a manmade buffer and may also provide for an effective use-to-use transition. A 25 foot-wide trail easement is being platted adjacent to the Highway 94 right-of-way, which will function so as to further increase the Highway 94 buffer width. Additionally, Chapter 6 of the Land Development Code requires a landscape setback and buffer of no less than 25 feet. The result is a 190-foot buffer from the nearest A-35 zoned property located north of Highway 94.

Should the map amendment and concurrently submitted vacation and replat be approved, a site development plan or plans, will be required prior to building permit authorization. The purpose of the site development plan review is to

ensure the commercial development is functionally and aesthetically integrated within the context of adjoining properties and uses through proper planning techniques and utilization of appropriate site-specific screening and buffering mechanisms as required by the Land Development Code.

4. Small Area Plan Analysis

The property is located within the boundaries of the Ellicott Valley Comprehensive Plan (1989). The Plan does not have any mapped land use scenarios or area specific policies. Rather, it recommends the demonstration of compatibility with existing surrounding land use in terms of general use, building heights, scale, and density.

The Plan contains language such as:

“In the Ellicott Valley, a mix of urban density satellite communities and rural residential developments should be promoted. Because the planning area has such a large amount of vacant land potentially available for development, it is unrealistic to fully predict where the areas of initial growth focus will or should be. For this reason, decisions regarding specific location and land use mix of future development should be largely left up to the private market.”

The following goals have been used in the review of the applicant’s request:

Goal 1.A Promote the Ellicott Valley Planning Area as a desirable place to live and work.

Goal 1.B Support the development of the Ellicott Valley as a self-sustaining satellite community which compliments the Colorado Springs metropolitan area.

Policy 1.1 Encourage the development of “growth clusters” as described in the Overall Growth Scenarios.

Policy 1.5 Approach urban density development proposals with the philosophy that they will largely proceed independently, and that they should therefore be internally responsible for most urban services and impacts.

Policy 2.B Encourage the development of an economically independent growth center in the Ellicott area by allowing for a full range of employment and residential uses.

Policy 4.1 Encourage new commercial uses to locate either in association with existing commercial areas or within planned urban density projects.

The Plan is generally permissive and, as stated, contains no land use map and relies upon the private market to dictate where appropriate development may be located. The Plan recommends that new commercial uses be located in association with existing commercial or urban development. As discussed in the above sections, the map amendment area is 9.5 acres of the 550 acre overall PUD Ellicott Town Center conceptual PUD. The map amendment (rezone) area is surrounded by the Ellicott Town Center PUD to the east, west, and south. The Ellicott Town Center PUD is an approved urban development, which includes a total of 477 acres of residential use area, 46.6 acres of mixed-use area, 24.53 acres of open space area, and 27 acres of civic space. In association with those residential uses permitted within the Ellicott Town Center PUD, the proposed map amendment could further supplement the overall Ellicott Town Center PUD in establishing the Ellicott Valley Planning area as a viable and “desirable place to live and work.”

Consistency with Goals 1.A, 1.B, and Policy 4.1 could ultimately be based upon the previously approved land use scenario in the Ellicott Town Center PUD. It may have been challenging to make a finding of general Master Plan conformance when the Board of County Commissioners approved the Ellicott Town Center PUD had it not been for the guidance included within the Plan which encourages “growth clusters” as well as satellite communities.

The Plan recommends that urban development occur in a cluster, disconnected from the greater Colorado Springs metropolitan area and that it is surrounded by land uses which may otherwise be considered incompatible with urban development. Page 85 of the Plan describes the “Growth Cluster Concept” by stating the following:

“It is anticipated that what will naturally develop in the planning area is a pattern made up of fairly unique growth centers which are likely to be separated or surrounded by considerable expanses of agricultural and grazing land. It is further anticipated that once the development of a given cluster is successfully initiated, there will often be a tendency for additional comparable uses to be attracted to the same general location.”

The proposed map amendment (rezone) is in general conformance with the Ellicott Valley Comprehensive as it will further those goals and policies related to the promotion of “cluster development” and the formation of satellite communities. The map amendment also serves as a logical extension of the development already allowed within the Ellicott Town Center PUD.

5. Water Master Plan Analysis

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

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.

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

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

The map amendment area is located within Region 4C. The Expected Growth Area map, Figure 5.5, does not identify any estimated areas of development within the general vicinity of the map amendment area. The Ellicott Utilities Company currently provides water services to this area of the County. However, the Ellicott Utilities Company does not have adequate capacity to serve the Ellicott Town Center PUD or the proposed map amendment area. The Mayberry, Colorado Springs Metropolitan District will assume the duty of providing water services to those consumers previously served by the Ellicott Utility Company and will also provide water supply service to the parcels included within the map amendment (rezone) request, which will allow for shared infrastructure costs.

6. Other Master Plan Elements

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

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

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

Staff did not identify any inconsistencies with the 2016 Major Transportation Corridor Plan (MTCP). Consistency with the MTCP related to right-of-way dedication and roadway improvements will be analyzed with the proposed future subdivision action.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the proposed map amendment (rezone).

2. Wildlife

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

3. Floodplain

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

4. Drainage and Erosion

The site is located within the Ellicott Consolidated (CHBS1200) drainage basin, which is unstudied with no associated drainage or bridge fees. The site generally drains to the southeast. Stormwater runoff will be conveyed via curb and gutter and interim drainage ditches to a temporary full spectrum detention pond located south of the site at the northwest corner of Springs Road and Village Main Street. The temporary pond is to be constructed with the Mayberry, Colorado Springs Filing No. 1 (previously known as Ellicott Town Center) final plat application for the interim development areas until a permanent detention pond is constructed during future development. A final drainage report and grading and erosion control plan are currently under review with the Filing No. 2 final plat application.

5. Transportation

The site is located southwest of the intersection of State Highway 94 and Log Road. The primary access to the site will be via Springs Road at State Highway 94. This access is also the east access of Mayberry, Colorado Springs Filing No. 1. Per the submitted traffic study, Springs Road is proposed to be a right-in/right-out access at State Highway 94. Springs Road is classified as an urban non-residential collector roadway. Secondary access to this commercial area will be via proposed internal public roadways within the Mayberry, Colorado Springs development. Recommended on-site and off-site improvements have been provided in Table 12 of the submitted traffic study. Construction drawings are currently under review with the Mayberry, Colorado Springs Filing No. 2 final plat application which includes three (3) of the nine (9) lots proposed to be created by future subdivision of the map amendment (rezoning) area.

Colorado Department of Transportation (CDOT) previously issued an access permit for access to State Highway 94, but the access permit has since expired. The applicant will submit the appropriate access permit application to CDOT for this proposed commercial zoned area.

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

H. SERVICES

1. Water

Water is provided by the Mayberry Metropolitan District.

2. Sanitation

Wastewater is provided by the Mayberry Metropolitan District.

3. Emergency Services

The property is within the Ellicott Fire Protection District. The District was sent a referral and responded with no objections to the zoning change as described.

4. Utilities

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the parcels included with the map amendment (rezone) request.

5. Metropolitan Districts

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

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application. The El Paso County Parks Master Plan (2013) identifies a proposed secondary regional trail adjacent to Highway 94. A trail easement adjacent to Highway 94 is proposed to be dedicated to El Paso County with the concurrently reviewed final plat.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

I. APPLICABLE RESOLUTIONS

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should 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 (2019), staff recommends the following conditions and notations.

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

2. 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.
3. The applicant shall receive approval of a Colorado Department of Transportation (CDOT) access permit prior to scheduling a pre-construction meeting with the El Paso County Planning and Community Development Department Inspections Division.

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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified four (4) adjoining property owners on May 14, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Planning Commission Resolution
Board of County Commissioners Resolution

El Paso County Parcel Information

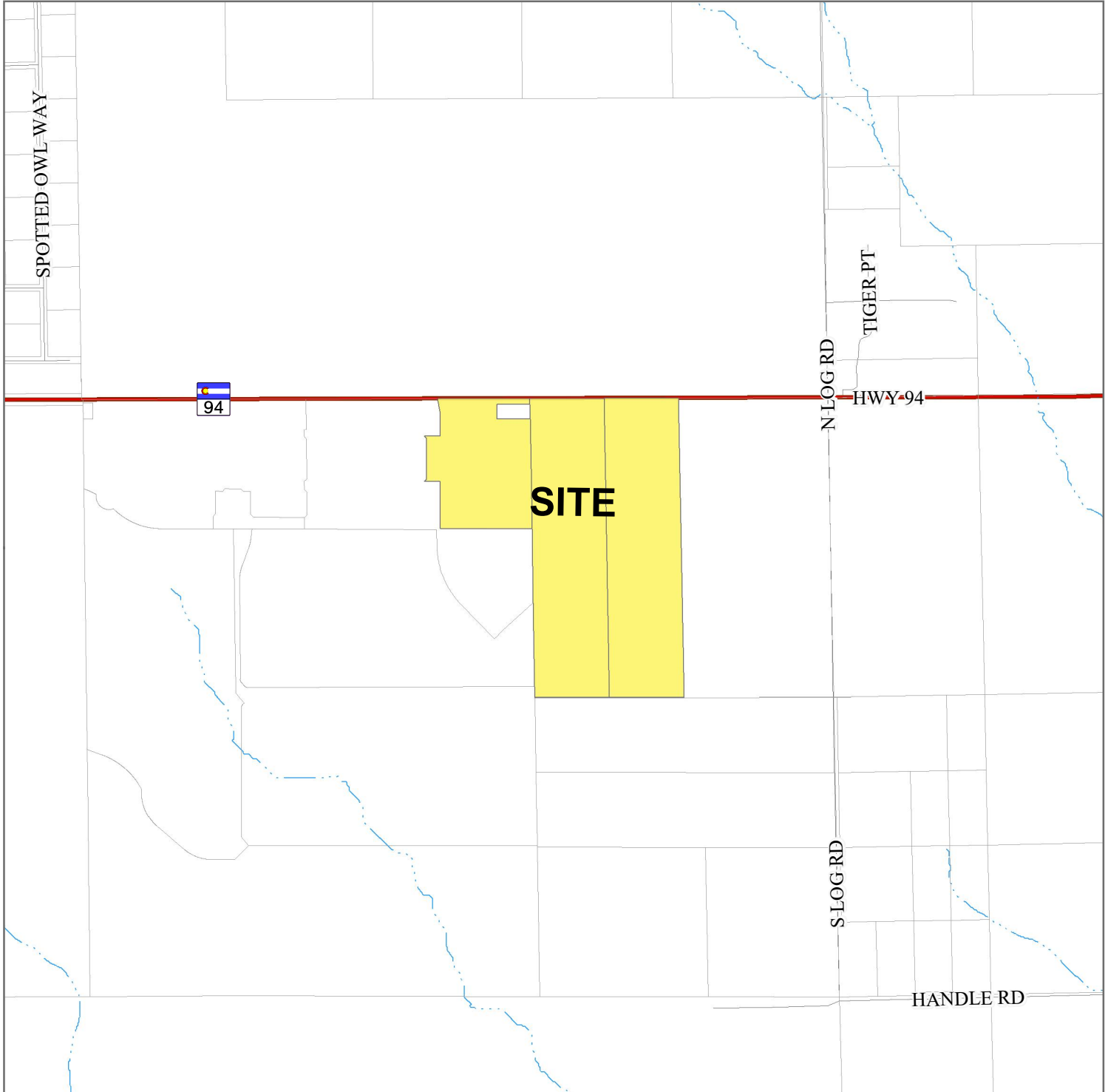
File Name: CS-19-002

Zone Map No. --

| PARCEL | NAME |
|------------|-------------------------------|
| 3400000260 | COLORADO SPRINGS MAYBERRY LLC |
| 3400000259 | COLORADO SPRINGS MAYBERRY LLC |
| 3400000350 | COLORADO SPRINGS MAYBERRY LLC |

Date: May 13, 2020

| ADDRESS | CITY | STATE | ZIP | ZIPLUS |
|---------------------|----------|-------|-------|--------|
| 32823 TEMECULA PKWY | TEMECULA | CA | 92592 | 8348 |
| 32823 TEMECULA PKWY | TEMECULA | CA | 92592 | 8348 |
| 32823 TEMECULA PKWY | TEMECULA | CA | 92592 | 8348 |



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 914 520-6600



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ELLICOTT TOWN CENTER FILING NO 2 ZONE CHANGE AND FINAL PLAT

LETTER OF INTENT

MARCH 2019, REVISED AUGUST 2019

OWNER/APPLICANT:

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

CONSULTANT:

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

REQUEST

Colorado Springs Mayberry, LLC requests the approval of a:

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

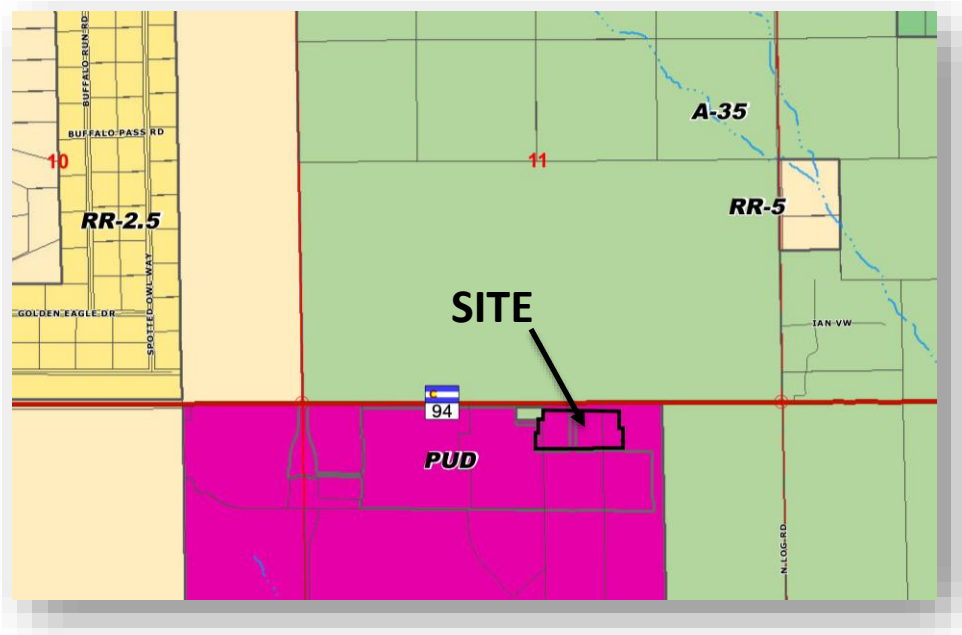
SITE CONTEXT

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



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

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



PROJECT HISTORY

The site is part of phase 3 of the Ellicott Town Center Overall PUD Plan (SKP 05-005); a 550-acre PUD west of Ellicott that was approved by the County Commissioners on January 12, 2006. The Phase 1 Preliminary Plan for the Ellicott Town Center was approved on May 11, 2006 and the Final Plat for the Ellicott Town Center Filing No. 1 was approved April 12, 2007. Ellicott Town Center Filing No. 1 consists of 98 residential lots on 228.0 acres, including several tracts for future development.

TABLE 1

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

The Ellicott Town Center is a proposed urban-density subdivision designed to create a functional and pedestrian friendly development that enhances the Ellicott area as a community. The development is intended to serve as a community center in support of the goals and visions for the future of Ellicott as envisioned in the Ellicott Valley Comprehensive Plan and El Paso County Master Plan. The approved overall PUD plan identifies the subject site for the commercial uses existing at that time, including a concrete batch plant and mini-storage.

PROJECT DESCRIPTION

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

PROJECT JUSTIFICATION

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

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

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

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

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

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

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

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

Chapter 5.2.5.B: Map Amendment (Rezoning) Criteria

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

County Policy Plan

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

Policy 5.1.5

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

Policy 5.1.9

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

Policy 6.1.1

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

Policy 6.1.3

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

Policy 6.3.6

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

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

Ellicott Valley Comprehensive Plan

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

Policy 1.3

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

Policy 2.1

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

Policy 4.1

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

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

El Paso County Water Master Plan

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

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

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

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

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

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

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

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

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

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

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

3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
Filing No. 2 of the Ellicott Town Center is consistent with the subdivision design standards and regulations. Supporting materials for the Final Plat meet El Paso County planning, engineering and surveying requirements.

4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
Filing No. 2 of the Ellicott Town Center will connect to the existing central water system owned and operated by Ellicott Utilities Company, LLC and Ellicott Town Center Metropolitan District. The

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

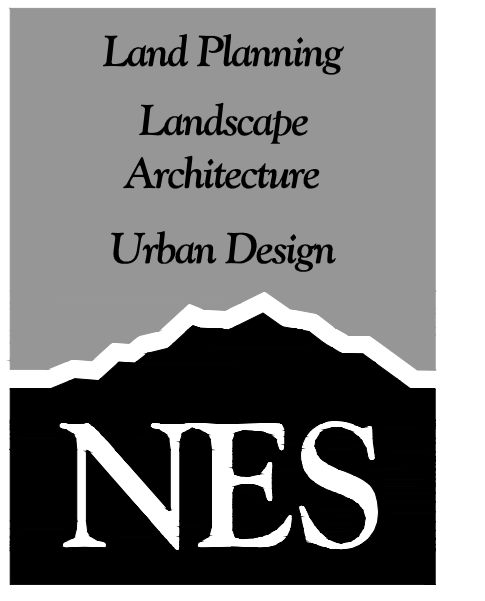
Per the Mineral Rights Certification, no commercial mining deposits exist for Filing No. 2 of the Ellicott Town Center.

ELLCOTT TOWN CENTER FILING NO.2

EL PASO COUNTY, COLORADO

THE WEST HALF OF THE NORTHEAST QUARTER AND THE WEST HALF OF SECTION 14. ALL IN T14S, R63W OF THE 6TH P.M.

ZONE CHANGE EXHIBIT



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
www.nescolorado.com
© 2012. All Rights Reserved.

OWNER/DEVELOPER:

COLORADO SPRINGS MAYBERRY LLC
32823 TEMECULA PKWY.
TEMECULA, CA 92592

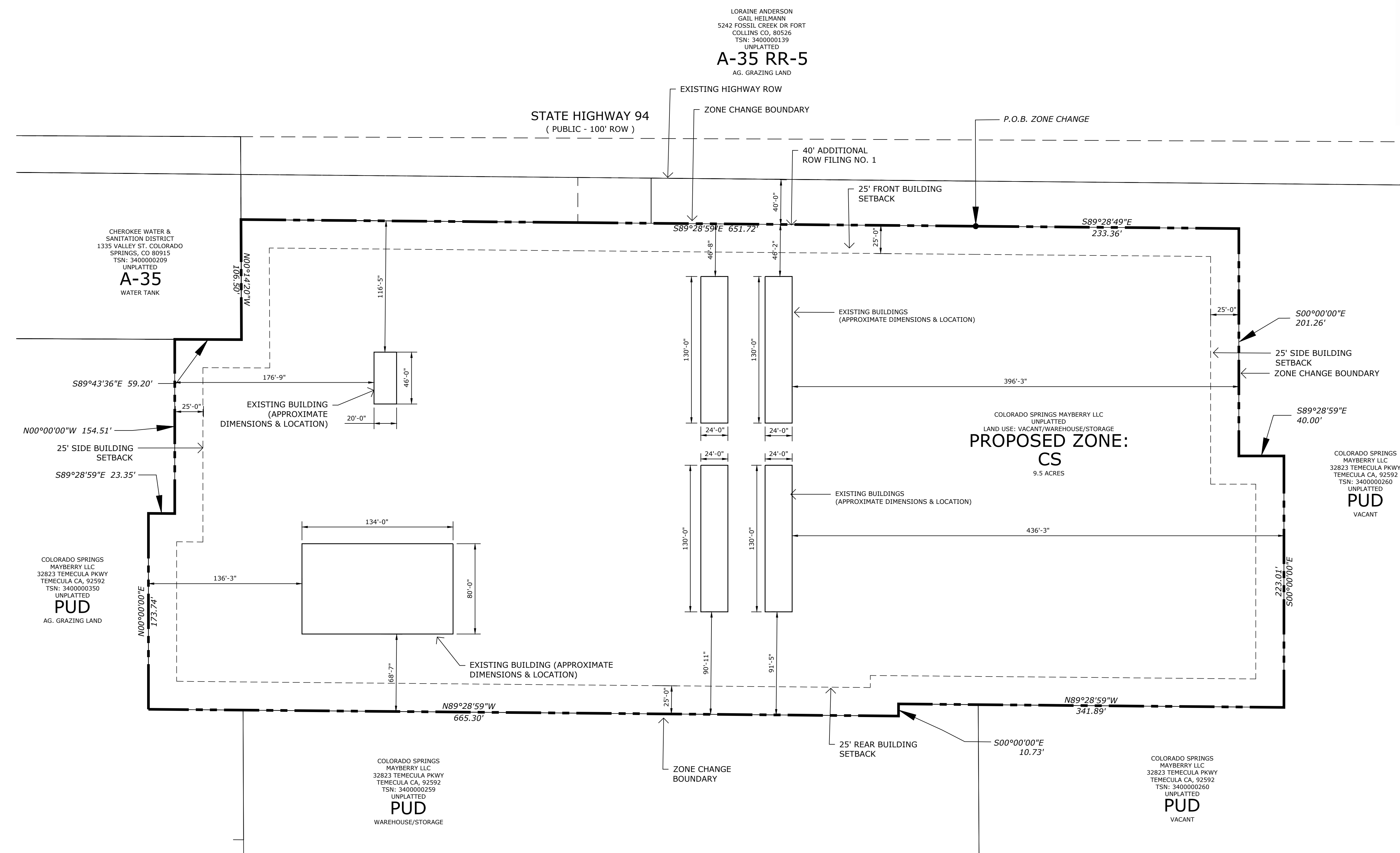
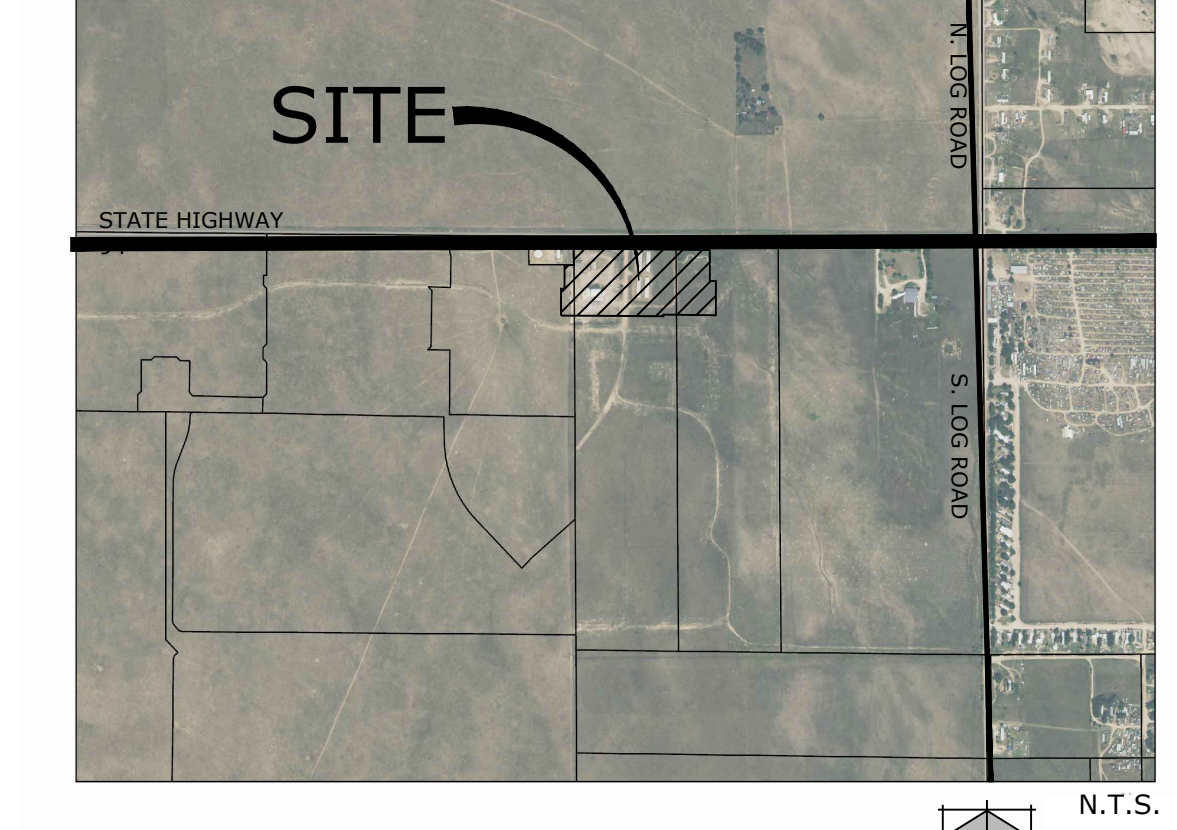
APPLICANT:

N.E.S. INC.
619 N. CASCADE AVENUE, SUITE 200
COLORADO SPRINGS, CO 80903

SITE DATA

Tax ID Number: 3400000259, 3400000260 & 3400000350
Lot Size: 9.5 AC
Current Zoning: PUD
Proposed Zoning: CS

VICINITY MAP



LEGAL DESCRIPTION: REZONE

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

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 14, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 14, AS MONUMENTED BY A REBAR AND 2" ALUMINUM CAP IN A RANGE BOX STAMPED "U.P.&E. PLS 11624 1999", FROM WHICH THE NORTHWEST CORNER OF SAID NW1/4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 15 OF SAID TOWNSHIP 14 SOUTH, RANGE 63 WEST, AS MONUMENTED BY A REBAR AND 3-1/2" ALUMINUM CAP STAMPED "U.P.&E. PLS 116.4 1999" BEARS N89°44'49"W, A DISTANCE OF 2606.55 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S89°44'50"E ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 14, A DISTANCE OF 651.61 FEET TO THE CALCULATED POSITION OF THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (E1/2 W1/2 NE1/4) OF SAID SECTION 14, SAID POINT ALSO BEING THE CALCULATED POSITION OF THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 W1/2 NE1/4) OF SAID SECTION 14; THENCE S00°17'46"E ALONG THE WESTERLY LINE OF SAID E1/2 W1/2 NE1/4, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID W1/2 W1/2 NE1/4, A DISTANCE OF 76.51 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S89°28'49"E, A DISTANCE OF 233.36 FEET;
THENCE S00°00'00"E, A DISTANCE OF 201.26 FEET;
THENCE S89°28'59"E, A DISTANCE OF 40.00 FEET;
THENCE S00°00'00"E, A DISTANCE OF 223.01 FEET;
THENCE N89°28'59"W, A DISTANCE OF 341.89 FEET;
THENCE S00°00'00"E, A DISTANCE OF 10.73 FEET;
THENCE N89°28'59"W, A DISTANCE OF 665.30 FEET;
THENCE N00°00'00"E, A DISTANCE OF 173.74 FEET;
THENCE S89°28'59"E, A DISTANCE OF 23.35 FEET;
THENCE N00°00'00"W, A DISTANCE OF 154.51 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 5527 AT PAGE 376 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;
THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID TRACT THE FOLLOWING TWO (2) COURSES;
1.) THENCE S89°44'49"E, A DISTANCE OF 59.20 FEET;
2.) THENCE N00°14'20"W, A DISTANCE OF 106.50 FEET;
THENCE S89°28'59"E, A DISTANCE OF 651.72 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 9.50 ACRES OF LAND, MORE OR LESS.

ELLCOTT TOWN CENTER

0 HIGHWAY 94

DATE: 03.06.19
PROJECT MGR: A. BARLOW
PREPARED BY: B. ITEN

| DATE | BY | DESCRIPTION |
|----------|----|------------------|
| 05.24.19 | BI | SECOND SUBMITTAL |
| 10.16.19 | BI | THIRD SUBMITTAL |

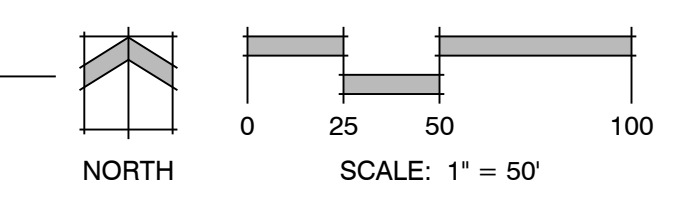
ZONE CHANGE EXHIBIT

1
1 OF 1

PCD # SF1910

I:\CS Mayberry\Ellicott Town Center\Drawings\Planning\Develop\Zone Change\Ellicott Town Center\Zone Change\Ellicott Town Center\Zone Change\Zone Change Exhibit.dwg [ETC REZONE SHEET 1 (3/6/2019) 3:40:19 PM] iten

A
1 PROPOSED ZONING



MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CS-19-002

Ellicott Town Center

WHEREAS, Colorado Springs Mayberry, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference 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 June 2, 2020; 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:

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. That the application was properly submitted for consideration by the Planning Commission;
2. That proper posting, publication and public notice were 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. The proposed map amendment (rezoning) is not in general conformance with the El Paso County Master Plan including applicable Small Area Plans.
5. The proposed land use or zone district is not compatible with existing and permitted land uses and zone districts in all directions.
6. 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
7. 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. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is not in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of HCD Properties, LLC, for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the C-2 (Commercial) zoning district to the CS (Commercial Service) zoning district be approved by the Board of County Commissioners: **See Exhibit A**

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

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. 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.
3. The applicant shall receive approval of a Colorado Department of Transportation (CDOT) access permit prior to scheduling a pre-construction meeting with the El Paso County Planning and Community Development Department Inspections Division.

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 Board of County Commissioners for its consideration.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

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

| | |
|----------------------------|-----|
| Commissioner Lucia-Treese | aye |
| Commissioner Risley | aye |
| Commissioner Bailey | aye |
| Commissioner Fuller | aye |
| Commissioner Brittain Jack | aye |

The Resolution was adopted by a vote of 5 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: June 2, 2020

Brian Risley, Chair

EXHIBIT A

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

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THENCE S89°44'50"E ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 14, A DISTANCE OF 651.61 FEET TO THE CALCULATED POSITION OF THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (E1/2 W1/2 NE1/4) OF SAID SECTION 14, SAID POINT ALSO BEING THE CALCULATED POSITION OF THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 W1/2 NE1/4) OF SAID SECTION 14; THENCE S00°17'46"E ALONG THE WESTERLY LINE OF SAID E1/2 W1/2 NE1/4, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID W1/2 W1/2 NE1/4, A DISTANCE OF 76.51 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S89°28'49"E, A DISTANCE OF 233.36 FEET;
THENCE S00°00'00"E, A DISTANCE OF 201.26 FEET;
THENCE S89°28'59"E, A DISTANCE OF 40.00 FEET;
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2.) THENCE N00°14'20"W, A DISTANCE OF 106.50 FEET;
THENCE S89°28'59"E, A DISTANCE OF 651.72 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 9.50 ACRES OF LAND, MORE OR LESS.

RESOLUTION NO. 20-

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

**APPROVAL OF THE ELLICOTT TOWN CENTER COMMERCIAL MAP
AMENDMENT (REZONING) TO CS (CS-19-002)**

WHEREAS Colorado Springs Mayberry, 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, which is 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 June 2, 2020, 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 this Board on June 23, 2020; and

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

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and 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. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. 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.
7. Changing conditions clearly require amendment to the Zoning Resolutions.
8. 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.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Colorado Springs Mayberry, 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. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. 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.
3. The applicant shall receive approval of a Colorado Department of Transportation (CDOT) access permit prior to scheduling a pre-construction meeting with the El Paso County Planning and Community Development Department Inspections Division.

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 23rd day of June, 2020, 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 LOCATED IN THE NORTH ONE-HALF OF THE NORTH ONE-HALF (N1/2 N1/2) OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 14, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 14, AS MONUMENTED BY A REBAR AND 2" ALUMINUM CAP IN A RANGE BOX STAMPED "U.P.&E. PLS 11624 1999", FROM WHICH THE NORTHWEST CORNER OF SAID NW1/4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 15 OF SAID TOWNSHIP 14 SOUTH, RANGE 63 WEST, AS MONUMENTED BY A REBAR AND 3-1/2" ALUMINUM CAP STAMPED "U.P.&E. PLS 116_4 1999" BEARS N89°44'49"W, A DISTANCE OF 2606.55 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S89°44'50"E ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 14, A DISTANCE OF 651.61 FEET TO THE CALCULATED POSITION OF THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (E1/2 W1/2 NE1/4) OF SAID SECTION 14, SAID POINT ALSO BEING THE CALCULATED POSITION OF THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 W1/2 NE1/4) OF SAID SECTION 14; THENCE S00°17'46"E ALONG THE WESTERLY LINE OF SAID E1/2 W1/2 NE1/4, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID W1/2 W1/2 NE1/4, A DISTANCE OF 76.51 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE S89°28'49"E, A DISTANCE OF 233.36 FEET;
THENCE S00°00'00"E, A DISTANCE OF 201.26 FEET;
THENCE S89°28'59"E, A DISTANCE OF 40.00 FEET;
THENCE S00°00'00"E, A DISTANCE OF 223.01 FEET;
THENCE N89°28'59"W, A DISTANCE OF 341.89 FEET;
THENCE S00°00'00"E, A DISTANCE OF 10.73 FEET;
THENCE N89°28'59"W, A DISTANCE OF 665.30 FEET;
THENCE N00°00'00"E, A DISTANCE OF 173.74 FEET;
THENCE S89°28'59"E, A DISTANCE OF 23.35 FEET;
THENCE N00°00'00"W, A DISTANCE OF 154.53 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 5527 AT PAGE 376 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;
THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID TRACT THE FOLLOWING TWO (2) COURSES;
1.) THENCE S89°43'36"E, A DISTANCE OF 59.20 FEET;
2.) THENCE N00°14'20"W, A DISTANCE OF 106.50 FEET;

THENCE S89°28'59"E, A DISTANCE OF 651.72 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 9.50 ACRES OF LAND, MORE OR LESS.