

## 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.

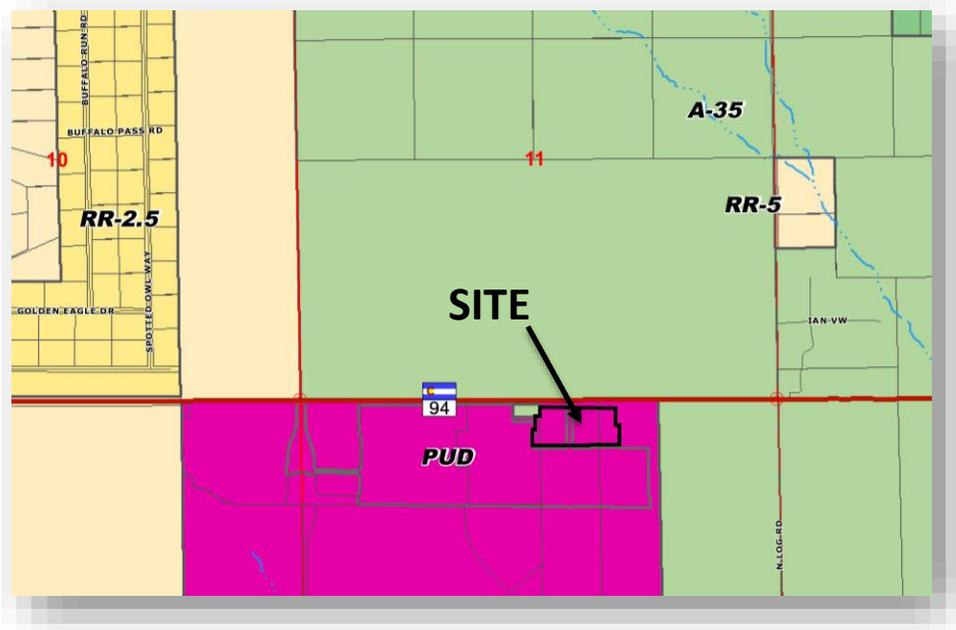
### SITE CONTEXT

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.