

MAYBERRY FILING 1

FILING 1 REPLAT

LETTER OF INTENT

NOVEMBER 2021

OWNER/APPLICANT:

Colorado Springs Mayberry, LLC
32823 Temecula Parkway
Temecula, CA 92592
719.426.7810

CONSULTANT:

N.E.S. Inc.
619 North Cascade Avenue
Colorado Springs, Colorado 80903
719.471.0073

Please make sure this letter reflects comments made on the final plat regarding naming conventions. The plat that was recorded was "Ellicott Town Center Filing No. 1" and this will be "Mayberry Filing No. 1."

NES RESPONSE: Naming is correct. Mayberry Filing 1 was previously recorded.

LOCATION

The Mayberry development is located southwest of the intersection of Highway 94 and S. Log Road, west of Ellicott in El Paso County, Colorado. The phase 1 site comprises of approximately 71.39 acres and is zoned PUD. The proposed Final Plat is a part of this Phase 1 PUD Area.

(TSN: 3400000362, 3400000437, 3400000438, 3400000441, 3400000440, 3400000442 & 3400000444)



REQUEST

Colorado Springs Mayberry Inc. is requesting approval of the following applications:

1. A replat of Filing 1

PROJECT HISTORY

This site is part of Phase 1 Overall PUD Plan and Sketch Plan(PUD 05-022 & 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. The past approved Phase 1 PUD/Preliminary Plan includes the noted Filing 1 and future Filing 4. Current amendments are being processed which also address the current replat application and look to a revised development name moving forward called Mayberry.

TABLE 1

| Date | Approved |
|-------------------|--|
| January 12, 2006 | Ellicott Town Center Overall PUD Plan |
| May 11, 2006 | Phase 1 PUD/Preliminary Plan |
| April 12, 2007 | Ellicott Town Center Filing No. 1 Final Plat |
| December 22, 2020 | Mayberry Filing No. 2 Final Plat |
| December 23, 2020 | Mayberry Filing No. 1 Final Plat Recorded |

NES RESPONSE: Added to chart as requested

Ellicott Town Center?

NES RESPONSE: Naming is correct. Mayberry Filing 1 was previously recorded.

The Mayberry PUD is a proposed urban-density subdivision 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 past Ellicott Valley Comprehensive Plan and more recently approved County Master Plan. The proposed Filing 1 Replat further supports the recent Phase 1 PUD Amendments addressing a revised product shift for conventional lots identified in the original Filing 1 Plat.

The amendment specifically revises the southern 38 lot configurations for the past alley loaded lots to conventional from Filing 1's initial 98 lot plat. No additional lots are being proposed in Filing 1 from past approvals. Local street alignments have been slightly revised in this area to address the new conventional lot direction.

PROJECT JUSTIFICATION

a. Consistency with Approved Sketch Plan

The proposed Filing 1 Replat consists of 38 lots on within the larger Filing 1 228 acres. This proposal as noted does not seek to make changes to the proposed density and only seeks to address a revised lot type. The Phase 1 portion of development consisted of two initial Filings as noted in the recent PUD Amendment and identified development of 240 lots which represents a density of 3.78 dwellings per

acre. The net density, excluding the tracts and right-of-way is 7.68 dwellings per acre. The proposed replat is, therefore, in accordance with the approved PUD Amendment and Sketch Plan which notes a density range of 5-12du.

b. County Master Plan Compliance

Mayberry is identified in the County Master Plan Place-Based approach as a Suburban Residential Placetype. Suburban residential place types look to detached single-family land uses as primary land uses. Supportive land uses in this place type acknowledge attached single family, multi-family, commercial retail, commercial service, parks and open space and institutional uses.

Mayberry, consistent with the past approvals (Ellicott Town Center), intends to incorporate a mixed-use development that focuses on single family attached uses with supportive commercial retail and parks and open space. The development intent is focused around smart growth principles to create a vibrant and attractive community. The pedestrian friendly focus of the design is intended to allow for residents to live, work, and play within reasonable walking distance. The community will have residential, retail, civic, and park features that will enhance the quality of life for the residents as well as surrounding community.

As such it is in accords with the foundational alignment of the Master for Placetypes and Core Principles and Goals of the County Master Plan for Housing and Communities Priority Development Areas to meet the housing needs of existing and new residents with a diversity and variety of housing type, size, and location.

The proposed residential subdivision also satisfies the following policies of the County Master Plan:

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

The Mayberry Development is consistent with the Master Plans intent for suburban placetypes which incorporate single family detached uses as a primary use with supporting mixes of commercial, attached single family and parks and open space.

Objective LU3-3: The Suburban Residential placetype should be characterized by predominantly residential areas with mostly single-family detached housing.

The proposed Filing 1 replat seeks to implement the initial 98 lots of the 240 single family home approvals and is supportive of the primary land use noted for suburban residential placetypes. The proposed development in addition supports the overall Sketch Plan intent and approved densities.

Objective HC1-4: In Suburban Residential areas, clustered development should be encouraged to increase density while also preserving open space and such development should consist of a mix of single-family detached, single-family attached, and multifamily units.

Mayberry Phase 1 Amendment and specific Filing 1 is consistent with the past Ellicott Town Center Sketch Plan and PUD that promotes a mixed-use approach that provides a variety of housing densities and supportive services that are easily accessible. Incorporation of open space, parks and trail is consistent with the overall past approvals which incorporate a mix of housing densities and supportive services.

Objective HC4-1: Denser housing development should occur in Suburban Residential, Urban Residential, Rural Center, and Regional Center placetypes.

A mixed use of housing densities is provided in the approved Overall PUD consistent with the approved Sketch Plan.

Objective TM1-4: Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.

The larger Mayberry development (Ellicott Town Center) is a mixed-use development that promotes connected open spaces and parks and incorporates increased access to services within the mixed-use development.

Objective TM2-1: Transportation improvements should prioritize active modes of transportation and connections to local destinations over vehicular travel and regional trips.

Increased services for the overall development will reduce trips and travel by providing easy access to goods and parks and open spaces.

Objective CFI3-5: Continue to improve coordination with fire districts, developers, and other groups to ensure that new development provides appropriate fire suppression water supplies and infrastructure.

Proper Service Commitments with the Ellicott Fire Protection District have been provided to address the new development intent and the District's ability to serve such.

Objective CFI3-9: Ensure wastewater treatment systems will be properly operated and maintained and that they will not exceed the maximum treatment capacity if future growth is planned.

Wastewater Service Commitments have been provided to address the capacity to serve the initial phase 1 development.

Objective E2-2: All future water planning efforts should reference the Water Master Plan to ensure alignment with its key policies and recommendations.

Proper County Water Master Plan compliance shown below.

The proposed residential subdivision satisfies the following policies of the County Water Master Plan:

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.

The proposed subdivision is located within the Ellicott Utilities Co. service area and a supportive Will Serve Letter noting the Districts ability to serve the proposed development in an efficient manner with the current infrastructure has been provided.

Policy 5.5.1 – Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central water supply system when the economies of scale to do so can be achieved.

The proposed development is located within the Ellicott Utilities CO service area and is proposed to connect to the existing central water and wastewater. Will Serve Letters have been provided for the proposed development.

Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.

An appropriate Will Serve Letter has been provided noting the Ellicott Utilities ability to serve the noted subdivision adequately and noting their current capacities to serve.

The first water source immediately available to serve the development, Mayberry, Colorado Springs and support the PUD Amendment is the Denver basin water decreed through Determination No. 598-BD. Determination No. 598-BD allows for a total water supply of 161-acre feet per year over a 100-year period from the Laramie-Fox Hills aquifer. The Laramie-Fox Hills groundwater supply translates to an available supply of 53.67-acre feet per year under a 300year rule. The 300-year requirement is based upon paragraph 8.4.7(B)(9)(a)(iii) of the El Paso County Land Development Code. The Laramie-Fox Hills groundwater will be withdrawn from two existing wells under the assumption the wells can be re-equipped to produce the required amount of water annually. It is also assumed there will be a 5 percent loss of water from the wells through treatment/storage/distribution, leaving a balance of 50.98-acre feet of water available annually. The allocation of the 50.98 AFY is shown in the below table.

The second water source immediately available to serve the development, Mayberry Colorado Springs, and support the PUD Amendment is 30.96 AFY of the 82 AFY of Tipton Well Interest owned by EUC. The Tipton Well is an exportable well located inside the Upper Black Squirrel Basin and is supported through Colorado Ground Water Commission Case No. 91-GW-01 attached in Exhibit A of the attached report. This well is owned by Cherokee Water, LLC in which EUC holds an interest. Cherokee Metropolitan District is the manager of this LLC and further manages this well.

These two sources combined will satisfy the demand of 81.94 AFY that is created by the PUD Amendment containing 240 homes 3 industrial lots and the associated street and park landscaping. The projected balances of water from Viewpoint Estates/Antelope Park Ranchettes

and Sunset Village which were mentioned previously will not be relied upon for this PUD Amendment, but the change of location process will be started, and that water will be utilized for future construction at Mayberry.

c. Parks and Open Space Requirement

Identified in the Mayberry Phase 1 amendment, open space tracts approximately 8.5 acres in size including trail connections to the proposed trail and open space provisions were provided within the Phase 1 development. The proposed Open Space dedication for the Phase 1 project of 8.5 acres achieves a 12% dedication exceeding the 10% requirement as noted in the Land Development Code Section 4.2.6.F.8b.

As required by Section 8.5.3 of the Land Development Code, the fees in lieu of park land dedication are \$272 per subdivision lot for Urban Parks and \$430 per subdivision lot for Regional Parks. The required fees in lieu for this project are:

| | Mayberry Filing 1 |
|----------|-------------------|
| Urban | \$26,656 |
| Regional | \$42,120 |
| Total | \$68,796 |

Credit for the urban park fees will be requested through a Parks Land Agreement at the time of platting to offset the costs of construction the neighborhood park, landscaped open space and trail improvements referenced above.

d. PUD Modification

No PUD Modifications are proposed with this Amendment

e. Drainage

A Preliminary Drainage Report for the Mayberry Filing 1 Replat is submitted with this application package.

Should be final
drainage report

NES RESPONSE: Corrected as noted.

f. Traffic

A Traffic Report prepared by LSC is submitted in support of this application. Overall suggested improvements noted with the development can be found in the past approved report.

g. Geotechnical Report

A Geotechnical Report prepared by CTL Thompson is submitted in support of this application.

Specific development recommendations were noted within the Mayberry Phase 1 applications to the developer that were to include the following:

- Site-specific, design level Soils and Foundation Investigation to provide design criteria for foundations and floor systems for proposed residential buildings.
- Subgrade investigation and design after grading.
- Construction testing and observation during site development and residential building construction.
- Foundations drains should be anticipated for all basement areas.

h. Utilities

Ellicott Utilities Company will provide central water and sanitary sewer service to the project. Mountain View Electric Association, Inc. will supply electricity service and Black Hills Energy will supply natural gas.

i. Wildlife

Mayberry Filing 1 is in a developing areas where there is no significant impact to wildlife.

The property contains no significant concentration areas of endangered or threatened species of wildlife that is identified by the Colorado Parks and Wildlife. Proposed native corridors are to be provided with community open space improvement areas with the current application and future overall development improvements.

CRITERIA FOR APPROVAL

- ***The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;***
Mayberry encourages suburban development consistent with the approach of placetypes noted within the County Master Plan that provides necessary and accessible services needed for such growth in this growing rural community. The proposal in addition is line with the goals of the plan to meet the housing needs of existing and new residents that provides necessary diversity for a balance of mixed uses for both urban rural densities. The proposed residential subdivision also satisfies the policies of the County Policy Plan & County Water Master Plan as noted above.
- ***The subdivision is in substantial conformance with the approved preliminary plan;***
This project is in keeping with the past Sketch Plan and Phase 1 PUD/Preliminary Plan and associated design standards. These approvals show the land use designation of the area now comprising the Mayberry Phase 1 PUD as MDR-12 (5-12 du/ac). The PUD Development/Preliminary Plan for Mayberry Phase 1 comprises 240 lots with 98 lots identified in Filing 1 on approximately 71 acres, which represents a density of 3.78 dwellings per acre. The net density, excluding the tracts and right-of-way is 7.68 dwellings per acre. The Filing 1 Plat is, therefore, in accordance with the recent Phase 1 PUD/Preliminary Plan and larger Sketch Plan.
- ***The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;***

The proposed application show consistency with past land use approvals for the Sketch Plan and the Phase 1 PUD/Preliminary Plan addressing all subdivisions design standards and regulations.

- ***Either 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, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;***

Ellicott Utilities Company will provide central water to the project. The District has a sufficient water supply and sufficiency shown in the recent Phase 1 PUD Amendment applications. An appropriate Will Serve Letter has been provided noting the Ellicott Utilities ability to serve the noted subdivision adequately and noting their current capacities to serve.

- ***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;***

Ellicott Utilities Company will provide sanitary sewer service to the project. Mayberry, Colorado Springs is planning to connect to the central water and wastewater system that is owned and operated by Ellicott Utilities Company, LLC. It is understood that improvements to the central system will need to be made and the developer has agreed to make these improvements and dedicate them to Ellicott Utilities Company. Ellicott Utilities Company has sufficient wastewater treatment capacity at the Ellicott Springs Wastewater Treatment Plant (formerly known as the "Sunset Wastewater Treatment Plant") to accept flow from the 240 homes and 3 industrial lots contained in this PUD Amendment.

- ***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)];***

The Geotechnical Report prepared by CTL Thompson in support of this application identifies little to no geologic constraints on construction, but nothing that would prevent the development of this site. Conditions we identified that may pose hazards or constraints to development include expansive soil lenses, potentially collapse prone soils, and existing undocumented fill. Regional geologic conditions that impact the site include and seismicity and radioactivity. We believe these conditions can be mitigated with engineering design and construction methods commonly employed in this area. These conditions are discussed in greater detail in the attached report.

- ***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;***

A Final Drainage Report for the Filing 1 plat is submitted with this application package. Proposed drainage improvements include an additional detention and water quality pond in the southeast corner of the project

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

Legal and physical access is provided to all lots by public rights-of-way.

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

Appropriate Will Serve Letters and Letters of Commitment have been provided addressing the ability to adequately serve the proposed subdivision. Provisions for all necessary services are provided in the attached PUD Development package are provided to serve the proposed subdivision.

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

An appropriate Fire Protection Report has been provided showing the ability of the Ellicott Fire Protection District (EFPD) ability to serve the proposed development. EFPD Will Serve Letter included in addition.

- ***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 Preliminary Drainage Report, Traffic Report and Geotechnical Report are submitted with this application package. The provision of adequate roads, utilities and public facilities is planned as part of the master planned community. New road connections are proposed with these filings which will implement the Phase 1 road networks as part of the project. An additional detention pond is also included with this development to properly mitigate all related impacts.

- ***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;***

A Preliminary Drainage Report, Traffic Report and Geotechnical Report are submitted with this application package. The provision of adequate roads, utilities and public facilities is planned as part of the master planned community. New road connections are proposed with these filings which will implement the Phase 1 road networks as part of the project. An additional detention pond is also included with this development to properly mitigate all related impacts.

- ***The subdivision meets other applicable sections of Chapter 6 and 8; and***

The proposed development meets all aspects of the Code and is conformance with past Sketch Plan and Overall PUD Plan Approvals.

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

No mineral right owners were identified on the site.