

## Matthew Fitzsimmons

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**From:** Kari Parsons  
**Sent:** Tuesday, August 16, 2022 3:52 PM  
**To:** fergusonfr@aol.com; Matthew Fitzsimmons  
**Cc:** spencer@greshamlaw.net; Andrea Barlow  
**Subject:** RE: Requested rezone at Judge Orr Rd and Eastonville Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir,

Mathew Fitzsimmons is processing the rezone request, and subsequent entitlement processes. I have copied him on the response so that he may correspond with you and upload your email into the rezone file.



Kari Parsons  
Senior Planner  
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719.520.6306 719.373.8562  
<https://planningdevelopment.elpasoco.com/>

To review all El Paso County projects in EDARP go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code (2021) go to:  
[https://library.municode.com/co/el\\_paso\\_county/codes/land\\_development\\_code](https://library.municode.com/co/el_paso_county/codes/land_development_code)

### PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

### DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

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**From:** fergusonfr@aol.com <fergusonfr@aol.com>  
**Sent:** Tuesday, August 16, 2022 3:49 PM  
**To:** Kari Parsons <kariparsons@elpasoco.com>  
**Cc:** spencer@greshamlaw.net  
**Subject:** Requested rezone at Judge Orr Rd and Eastonville Rd

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Kari,

As an adjacent property owner I recently received a notice from NES regarding an upcoming rezoning request by DHI Communities to rezone 31.3 acres at the corner of Judge Orr and Eastonville from RR-5 to Residential multi-dwelling up to 12 DU/AC. They listed you as a POC for questions.

It's my understanding, based on materials sent to me during the development of Woodmen Hills and conversations with the developer, that this 31.3 acres was the southern portion of a 56 acre piece of Woodmen Hills. Woodmen Hills was, broadly speaking, an 1100 acre development with an 1100 unit residential cap, if I recall correctly. Rusty Green aka Falcon Properties aka Woodmen Hills negotiated a certain amount of commercial rezoning as part of the project and spread the 1100 units across their remaining residential footprint. At the time, the 56 acre parcel across Eastonville and North of Judge Orr was deemed by Rusty to be unattractive (financially speaking) to run services to for only 56 rather isolated units, and he then parceled that triangle into 3 parcels of vacant land.

I'm assuming he distributed most of the those 56 dwelling units into the larger Woodmen Hills density, leaving each of the 3 parcels with perhaps only a modest number of DU per parcel. I'd be very surprised if he left a large portion of the 56 DU of his 1100 DU cap just laying on the table when he created those 3 parcels? If he did, should not that 31 acres still be encumbered by the original Woodmen Hills cap of 1100 units on 1100 acres, and would in no way be eligible for 372 DU vice the original density of 1 DU/AC.

Since this entire 56 acre parcel has already been part of a larger rezoning agreement wrt DUs and commercial potential negotiated away in the mid 1990s, is there really a basis 25 years later to justify this rezoning request as though the previous negotiations did not exist?

Thanks for the guidance as I consider how I should respond in the future.

Regards,  
Daniel Ferguson  
13202 Judge Orr Rd  
Falcon, CO 80831