



**From:** Phil Shecter phil@shecterlaw.com

**Subject:** Flying Horse North

**Date:** March 28, 2023 at 11:24 AM

**To:** Meggan Herington MegganHerington@elpasoco.com, Justin Kilgore JustinKilgore@elpasoco.com

**Bcc:** Kristi Correa kristi.k.correa@cathedralpineshoa.org, Terry Stokka terry@friendsofblackforest.org, Terry & Artha Stokka tastokka@gmail.com, Joe Hall Jhall\_mdhco@yahoo.com, Matt Grubescic grubescic34@hotmail.com, Dan Masciullo househuntercolorado@gmail.com, Nancy Piasecki nancy.piasecki@cathedralpineshoa.org, Rebecca Noelani rebeccanoelani@gmail.com, Judith von Ahlefeldt blackforestnews@earthlink.net, Julie Chaffee jachaffee@msn.com, Kathleen Shecter katslovesdogs@gmail.com, Rick Stauch rmstauch@gmail.com

Dear Meggan and Justin,

I just was reviewing documents associated with the application filed to modify the existing Flying Horse North subdivision, seeking to replace creating an additional 202 large lot single family residents on the remaining approximate 900 acres with instead a 4-5 story luxury hotel resort complex including restaurant, bar, spa, pool, recreational facilities, a 44,600 square foot fitness center, some 50 residential units being called flats and an additional 846 single family homes, many clustered into what will become a typical tract home development.

The Letter of Intent filed September 22, 2022 listed as the owner of this property Flying Horse Development LLC. The reports making up the rest of the Sketch Plan named either Flying Horse Development or Flying Horse Development LLC as the apparent principle. When the planning department submitted a report it listed in a box entitled Owner, PRI #2, LLC c/o Elite Properties of America Flying Horse Country club. In the executive summary it indicates a request was made by PRI#2, LLC, c/o Elite Properties of America and Flying Horse Country Club LLC for approval of the sketch plan.

That statement however is false. The application was made as I have indicated by Flying Horse Development LLC which from all I have discovered has never owned these remaining 900 acres. How then did both your department and the BOCC hold a hearing regarding this property based upon a sketch plan application brought by a non interested party?

I am fully aware that the registered agent for PRI #2, LLC, as well as Elite Properties of America which by the way is a corporation and Flying Horse Country Club, LLC is Jeffrey B. Smith. Mr. Smith is apparently an owner and the registered agent of some approximate 30 entities. Nevertheless, the application brought before the County came from an entity without any ownership interest in the remaining acreage; thus under what authority could this non involved entity seek to modify a subdivision in which it had no involvement?

While I believe the Sketch Plan decision made on November 15, 2022 should be set aside for reasons of an appearance of impropriety which results in a failure of a quorum, this mis identified applicant alone should cause this entire matter to be set aside. I am requesting you do so. Given Kenny Hodges is the County Attorney I am sending him a copy of this email.

Looking forward to hearing from you at your earliest. Sincerely, Phil

Philip H. Shecter  
15291 Longwall Dr.  
Colorado Springs, CO 80908  
Cell (415) 264-2093