

Ryan Howser

From: Kari Parsons
Sent: Tuesday, September 6, 2022 7:20 AM
To: Ryan Howser
Subject: FW: OBJECTION to the request to re-zone to heavy industrial - Curtis and Falcon highway.

From: Carrie Geitner <CarrieGeitner@elpasoco.com>
Sent: Sunday, September 4, 2022 11:20 AM
To: Adrian Reed <asreed@earthlink.net>
Cc: Kevin Mastin <KevinMastin@elpasoco.com>; Kari Parsons <kariparsons@elpasoco.com>
Subject: Re: OBJECTION to the request to re-zone to heavy industrial - Curtis and Falcon highway.

Thank you for your email regarding the rezoning request by Meadowlake Developments, LLC (the "Developer,") seeking to rezone a 254 acre parcel near Meadowlake airport.

As a rezoning request, the pending request is what is referred to as "quasi-judicial," which means that the Board of County Commissioners is hearing the application in a process similar to a judge hearing a court case. Considering the need for the decision-makers to remain impartial prior to the hearing, I am limited in my ability to discuss the substance of the application, as doing so could result in my becoming biased or creating an appearance of impropriety, either of which would result in my being unable to vote. Here is a link to a video in which I discussed quasi-judicial land use matters in more detail: <https://vimeo.com/744759771/345616d310>.

Without getting into the merits, I am able to share information on the process and criteria:

1. The Developer presented its re-zoning request to the El Paso County Planning Commission on August 18, 2022. Their request was recommended for approval by the Planning Commission and will be heard by the Board of County Commissioners at 1:00pm on September 6th, 2022 at the Board of County Commissioners ("BoCC") Land Use Meeting held in Centennial Hall, 200 S. Cascade Ave, Colorado Springs.
3. The Developer is requesting to rezone their 254 acre parcel (Southeast of Meadowlake airport) from Planned Unit Development (PUD) to the following:
 - 31 acres: Commercial Service
 - 51.3 acres: I-2 Limited Industrial
 - 172.4 acres: I-3 Heavy Industrial

The zones at issue (PUD, Commercial Service, Limited Industrial, and Heavy Industrial) are all described in detail in Land Development Code Chapters 3 and 4 of the El Paso County Land Development Code ("LDC," linked below). There are also detailed materials that will be posted by Friday afternoon at this link: <https://www.agendasuite.org/iip/elpaso>

4. If the BoCC grants the re-zone, this does *not* provide approval for any special use. Any special use of a re-zoned property would still need to go through the planning process, be considered by the Planning Commission, and approved by the Board of County Commissioners. Criteria and details can be found in LDC Section 5.3.2.
5. If the BoCC denies the re-zone, a subsequent industrial use could only be permitted by way of a variance; criteria for variances of use can be found in LDC, Section 5.3.4.
6. If the BoCC approves an industrial use through either process (rezone followed by special use – or – variance), an administrative site development plan, issued by County Planning and Community Development would be required before issuance of a building permit.

To summarize, the BoCC is considering the re-zone request on September 6, 2022 and *not* any specific use of the property. Here is a link to the LDC for criteria and details: https://library.municode.com/co/el_paso_county/codes/land_development_code.

I would also note that all Planning Commission and BoCC Land Use meetings reserve time for public comment, at which citizens can present their concerns for the record. If you are not able to attend in person, we have options to participate virtually. County staff will also ensure that this email chain included in the BoCC's record. If you would like to provide additional input, please do so via email or letter so they can be included in the public comment section of the master file for the project. For emails, please send them to:

dsdplanner@elpasoco.com. For written letters: El Paso County Planning & Community Development, 2880 International Circle, Suite 110, Colorado Springs, CO 80910 Please include "Meadowlake Developments, LLC" in the subject line.

You may have additional questions. I have copied Kari Parsons (Planner) and Kevin Mastin (Planning Director), who may be able to assist prior to the hearing. Thank you.

Regards,

Commissioner Carrie Geitner

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From: Adrian Reed <asreed@earthlink.net>

Sent: Thursday, September 1, 2022 11:05:52 PM

To: Carrie Geitner <CarrieGeitner@elpasoco.com>

Cc: Holly Williams <HollyWilliams@elpasoco.com>; Stan VanderWerf <StanVanderWerf@elpasoco.com>; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>

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You might recall that in 2019 Pete Lien attempted to change the 100 acres at the corner of Judge Or and Stapleton by applying for a variance. This property is in a residential neighborhood. The homes are on 5 or more acres and site built. The surrounding community wrote about 100 objection letters and were adamant about this type of industry in the neighborhood. The variance was voted down by the BOC. In no way did Pete Lien meet the various requirements for this type of industry. Unfortunately, the Planning Commission approved it and sent it for the BOC to approve. At that time the 'master plan' provided no space for heavy industrial and we all felt that there was an attempt to allow such requests to just be randomly placed.

This current request is quite different. Kevin O'Neil, who owns the land in this request wants to rezone – not a variance. This is also the same person who was adamantly opposed to the Pete Lien variance. Rezoning is permanent. Pete Lien was required to provide many studies on land use, environmental effect of such a business, road studies, traffic studies, etc. as part of that request. They also had to meet the various reasons for the request, which they failed to do – especially the part that did not allow a business to use the land/variance for personal gain (the whole intent was to reduce their overhead in doing business out here). Applying for a variance is specific to one company making the application. Rezoning leaves the door open for any company to request a permit for use. There are no major hurdles. Mr. Dossy, who is now consulting to Mr. O'Neil, has stated that this rezoning is not being done for a batch plant. That's quite a work-around to appease the community that opposes this and feels it's being done for just that purpose. In essence, it is.

Rezoning all that acreage leaves the door open for all sorts of undesirable businesses as noted in our county code and land planning materials. We are a growing semi-rural area out here with nice homes and roads that are still useable. The new master plan still does not provide for any heavy industrial use areas and once again it appears to be at the whim of the planning department to appease any business that requests to be here.

Industrial business is a 'dirty' business as all their activities are outside. There are no communities that have this type of zoning in their areas – Briargate, Claremont Ranch, Stetson Hills, Rockrimmon, etc. Consideration should be given to the decrease in value of the surrounding residential properties when such businesses are in their midst.

Let's not pollute our lovely community with the wrong type of business growth.

Regards,
Adrian



Adrian Reed

GRI, CRS, CDPE

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