

June 14, 2022

Ryan Howser, AICP, Planner II
El Paso County Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910

**RE: Proposed Electronic Message Display (EMD) Billboard at 7440 Templeton Gap
EPC File No. AL-21-009**

Dear Mr. Howser,

We write on behalf of my client, Saxon Partners, who own the 10.95-acre property immediately west of 7440 Templeton Gap under the name SPCO Tutt Boulevard, LLC (Parcel ID No. 5307000114). The property has the benefit of a recent City approval for The Marek, a 320-unit multifamily residential community and development will be commencing shortly.

Our client only became owner of the property in December 2021, so did not receive the notification of the initial submittal for the above referenced Billboard that was mailed in May 2021. The first they heard of the proposed Billboard was the recent notification received in connection with the proposed public hearings.

Our client has concerns regarding the impact of the proposed Billboard on the comfort and wellbeing of its future residents. This letter sets out their objection to the proposed Billboard on the following grounds:

1. Regulations relating Off-Premises Signs (aka Billboards) are set out in Chapter 6.2.9. of the Land Development Code (LDC). The purposes of this Section include limiting the impact of billboards on the community and ensuring compatibility between billboards and adjacent land uses, especially residential uses. To this end, the recommended spacing standards for a proposed billboard indicate that “no billboard shall be placed within 500 feet of any residential zoning district. The 500 foot distance shall be measured as a radius from the proposed billboard location to the nearest boundary of the residential zoning district.”

Our client’s property is zoned PBC (Planned Business Center) in the City’s Zoning Code. While this is primarily a commercial zoning district, as can be seen from the extract from the Zoning Code on page 2, all residential uses are allowed as a Conditional Use, subject to review and approval by City Planning Commission. The Conditional Use, associated Conditional Use Development Plan and Final Plat, were approved by City Planning Commission on June 17, 2021. Copies of the approved Development Plan (Exhibit A) and Record of Decision (Exhibit B) are included with this letter. An extract from the approved Site Plan is on page 2 with approximate

measurements from the proposed billboard which show that (a) the billboard is currently proposed to be located approximately 290 feet from the nearest point of the proposed residential building and (b) the 500 foot spacing standard reaches the center of the proposed residential building.

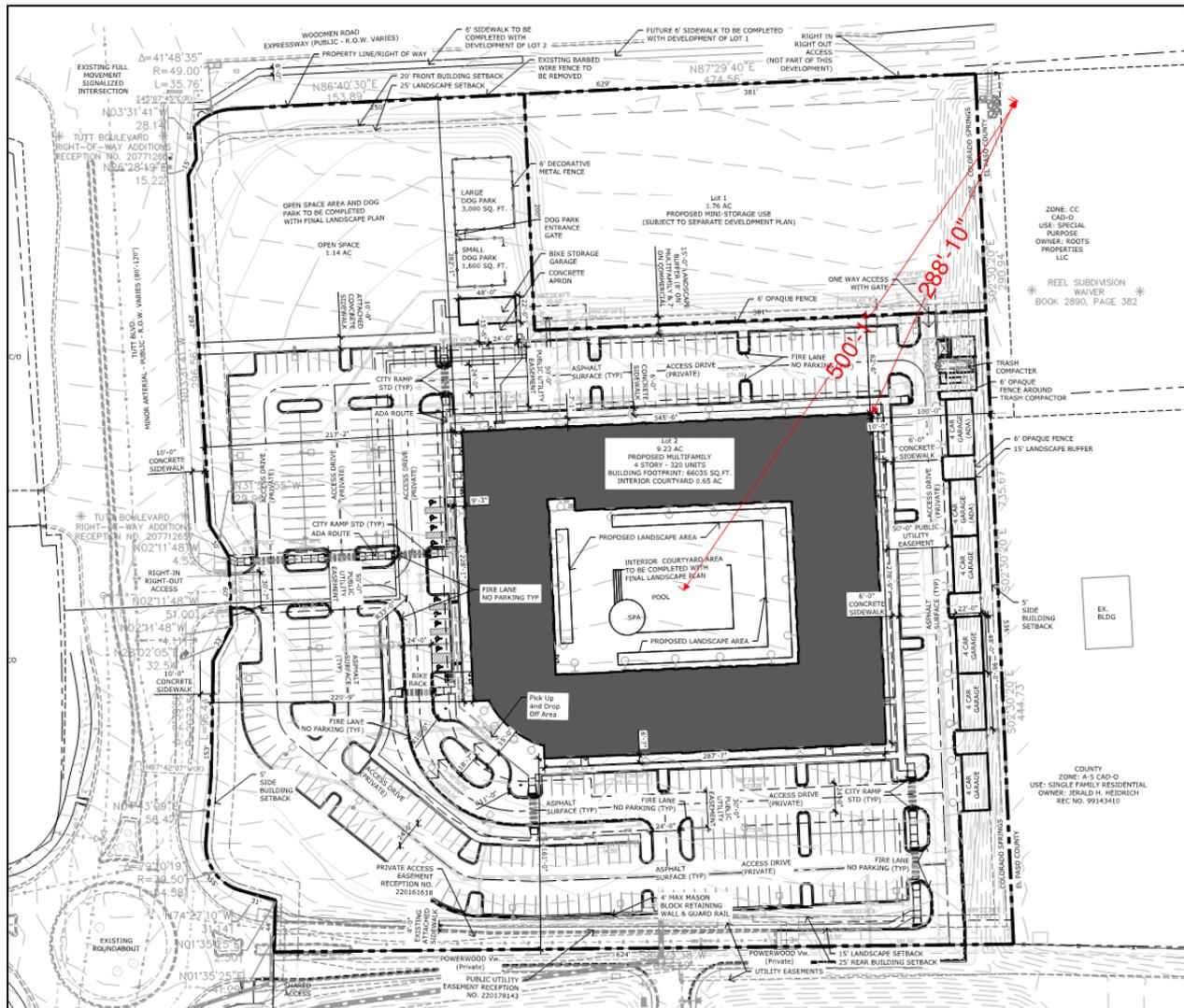
For these reasons, my client contends that the proposed billboard location does not meet the spacing standards set out in Chapter 6.2.9, which are intended to achieve the stated purpose of the billboard regulations to limit the impact of billboards on the community and ensure compatibility between billboards and adjacent residential land uses.

PERMITTED, CONDITIONAL AND ACCESSORY USES

OFFICE, COMMERCIAL, INDUSTRIAL, TRADITIONAL NEIGHBORHOOD DEVELOPMENT, SPECIAL PURPOSE AND FORM BASED ZONE DISTRICTS^{1,3,5}

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Multi-family dwelling	C	P	C	P	C			C						P
Retirement home		P	C	P	C			C						P
Rooming or boarding house		P	C	P	P			C	C			P		P
Single-family detached dwelling on individual lot	P	P	C	P	C			C						P
Manufactured home	P	P	C	P	C			C						P
Two-family dwelling on an individual lot	P	P	C	P	C			C						P

Extract from City Zoning Code Land Use Table (Chapter 7.3.203)



The proposed Billboard is an Electronic Message Display (EMD) sign and Chapter 6.2.9. indicates that “any use of EMD shall require approval of a special use permit.” The Special Use criteria are set out in Chapter 5.3.2 of the Land Development Code, and our client argues that the proposed EMD billboard sign does not meet the following special use review criteria:

a. *The Special Use is generally consistent with the applicable Master Plan*

Your El Paso Master Plan identifies the site as lying within the urban residential placetype, which consists of “established neighborhoods immediately adjacent to equally dense or more dense urban neighborhoods in incorporated areas, as well as new, largely residential neighborhoods in previously undeveloped areas where centralized utility services are available.” The Urban Residential placetype provides for a mix of development densities and housing types within a neighborhood and allows commercial as supporting land use, which should be located along main or perimeter streets. The Master Plan indicates that the function of the supporting commercial land uses is to cater to the residents as well as any visitors drawn to the area by the uses themselves and should be small in scale to maintain pedestrian focus and accessibility.

The proposed EMD billboard is not consistent with the primarily residential characteristics of the urban residential placetype. While the commercial tree farm use is appropriately located on a main, perimeter road, and is zoned for commercial use, the proposed EMD Billboard is not small-scale as it will be 35 feet high and the Applicant intends to use existing billboard credits to construct a larger double-sided billboard that is 378 square feet for each side. Furthermore, the nature of a billboard sign is for general advertising that is not geared toward catering to residents in the area or visitors to the tree farm.

b. *The Special Use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area*

The Staff Report does not include an analysis of this review criteria. In response to this review criteria, the Applicant’s Letter of Intent states that “the Property is surrounded mostly by vacant land and low-intensity uses.” Attached to this objection letter is a map that identifies the existing and proposed/allowable land uses surrounding the location of the proposed EMD Billboard (Exhibit C). This shows that there are residential uses on all sides of the proposed EMD Billboard sign, either existing, under construction, or proposed and that these uses are not “low-intensity”. In addition to my client’s 320-unit apartment community directly to the west of the billboard site, there is the 123-unit Avanterra single-family rental community to the east of the tree farm, which was approved conceptually in January 2022, with full entitlement approval in May 2022. The 360-unit Watermark at Tutt apartment community is also located on the site just south of my client’s apartment community. Further large-scale multifamily developments are located on the north side of Woodmen Road.

The Applicants Letter of Intent indicates that “while residential development may be constructed on the property to the west, at the time Lamar applied for the Proposed

Billboard, the property was—and continues to be—vacant. Based on the property’s commercial zoning designation, it was not anticipated, nor is it intended, for residential uses to occupy the property.” The first part of this statement is correct, as the property was vacant at the time of the initial application (May 5, 2021) for the Billboard and is still vacant today as development has not yet commenced. However, the second part of the statement is incorrect and misleading, as the Master Plan and Concept Plan amendments that changed the proposed land use of the property from commercial to residential were approved by the City on February 23, 2021. Furthermore, the Letter of Intent is dated March 25, 2022, so at the time it was prepared the Conditional Use Development Plan and Final Plat for The Marek had been approved nine months prior.

The Letter of Intent also states that “Lamar intends to be a good neighbor and will take measures to mitigate any impacts on the residential development. The Proposed Billboard will utilize a “V shape” and will be faced away from the residential units to minimize glare and lighting.” As noted above, the proposed billboard has a proposed height of 35 feet will be 378 square feet (10’6” high x 36’ wide). My client’s apartment building will be 4-stories and 48 feet high. The 10’6” height of the sign portion itself is equivalent to a single residential story. Despite the Applicant’s efforts to angle the billboard away from the residential use and reduced nighttime brightness levels, the height, size and illumination of the sign will generate 24-hour light and glare at the same level of the windows of the apartment units.

In summary, our client considers that the proposed EMD Billboard does not meet the LDC spacing standards for billboards, is not consistent with the Urban Residential Placetype designation in the Master Plan and is inappropriate for the proposed location given the primarily residential character of the surrounding area. The proposed height, size and Electronic Messaging Display aspect of the proposed billboard will adversely impact the comfort and wellbeing of future residents adjacent to this site. For these reasons we ask the that the County Planning Commission and/or the Board of County Commissioners deny the Special Use Permit request for the proposed EMD billboard at 7440 Templeton Gap.

Sincerely,

N.E.S. Inc.