

December 8, 2024

Mr. Bryan Bagley  
7070 Silver Ponds Hts.  
Colorado Springs, CO 80908

Re: Schmidt Parcel Rezoning Application P248, specifically the Schmidt RM-12 portion

Dear El Paso County Planning Commission and Board of County Commissioners,

We are writing to urge you to reject the application for a rezoning of this property from RR-5 to RM-12.

We believe this parcel is inappropriate for rezoning due to the following reasons:

1. The proposed land use is NOT compatible with the existing and permitted land uses and zone districts in all directions. In fact, it is not compatible in 3 out of 4 compass directions.

North: The Silver Ponds Neighborhood Immediately North of the this proposed rezoning effort is RR-2.5. Everything North of the proposed Marksheffel road East of Black Forest and West of Vollmer is RR 2.4 or 5. The only exception to this is the RS-6000 Holiday Hills area. And in my opinion this area is currently a great example of rezoning overreach. I base my opinion on that there are no funded plans to upgrade the current water and sewer infrastructure to support this dense the planned development on this parcel.

South: RM-12 zoning is not compatible with the RS-5000 zoning of Trails of Forest Meadows. The best evidence of this is the developers own rezoning request for land closer to the Trails of Forest Meadows to be re-zoned RS-5000.

West: The lot immediately West of the rezoning request is RR-5, and the land further West, across Black Forest road is RS-5000 on both the North and South of Research Boulevard.

East: There is an approved RM-30 area. This rezoning was just recently approved at the request of the same developer in 2023. To use one recently approved not even developed area as justification for "compatibility" is an overreach.

The developer claims the RM-12 request is to serve as a "buffer." Wouldn't a "buffer" between RS-5000 to the south and the RR-2.5 and greater on the North be RR-1 or at least RS-5000.

2. El Paso County Master Plan: The plan for this area is to be “suburban residential.” Page 31 of the plan indicates development should be “supportive of and compatible” (pg 31) with the overall development. This area is zoned for lower density housing on all sides to included single-family residences on 2.5 acres to the north. In this area, the only exception is the RM-30 location that you just recently approved.
3. Rezoning to multi-family housing (RM-12) is incompatible with current development. Rezoning to RR-2.5, RR-1, RR-0.5, RS-20000, RS-6000 or even RS-5000 would be more compatible.
  - a. Rezoning as proposed would not “maintain County character” (pg 60) which is described as detached housing in suburban residential areas.
  - b. Rezoning as proposed would violate the idea of “seamless transitions” (pg 60) as it would inappropriately place multi-family high density residences in the midst of existing single-family dwellings.

Zoning change	Housing Density increase
RR-5 to RR-2.5	2X
RR-5 to RR-1	5X
RR-5 to RR-.5	10X
RR-5 to RM-12	120X*

\* Assumes apartment complex of only 2 families per dwelling

Chapter 5 of the Land Development Code (5.2.5 Rezoning). This rezoning is NOT in general conformance or consistency with the County’s Master Plan. There is no error or oversight in the original zoning of the property. This requested zone change is not necessary for the general health, safety or welfare of the community. The material change in the character of the area surrounding this parcel does NOT justify a rezoning to this density level (120 times more dense than currently zoned).

- c. Criteria for Approval (B, page 147) indicates a rezoning requires the following findings to be made: general conformance with the El Paso County Master Plan OR substantial change in the character of the neighborhood. The requested zoning change is NOT in conformance with the El Paso County Master Plan though there has been a change in the character of the neighborhood. The change in the neighborhood to higher density single family homes does NOT justify rezoning the Schmidt parcel to RM-12.
- d. The rezoning may be in compliance with all applicable statutory provisions, but it is NOT compatible with the existing and permitted land uses and zone districts in ALL directions. (pg 148).

4. Rezoning this parcel (which abuts the Silver Ponds community) violates the El Paso County Silver Ponds General Development Guide (Book 6917, pages 38-53). This El Paso County document has never been revoked or rescinded. This re-zoning request violates the guidelines and principles set forth in this development guide; examples: the community/development should “maximize the unique physical features of the site to strengthen the feeling of a mountain community” (page 3). This document also specifies that all lots are at least 2.5 acres and residential buildings are limited to 30 feet in height and the one commercial building is limited to 35 feet. This guide shows how an RM-12 area is not compatible with existing neighborhoods.
  
5. In summary, we urge you to reject the application for rezoning the Schmidt parcel from RR-5 to RM-12 (over a 120X increase in density). If considering approval of rezoning to a density greater than RR-1, we request the proposed rezoning be resubmitted for public comment, with defined mitigations to protect the Silver Ponds community from this proposed 120X increase in density right next to our 2.5-acre single family homes.

Our final comment: we are concerned this hearing will be similar to the one we attended on March 2, 2023. We were given a chance to submit comments and briefly speak however, we felt the deals were already made between the planning commissioners and the developers. As suspected, the outcome was 7 yea votes and 1 nay vote by the planning commissioners to approve the rezoning that abuts our Silver Ponds community. Every indication is that this public hearing is similar and is just an exercise to follow the prescribed process and community inputs will not have an effect on how you vote on this matter. So, can we at least get your commitment for a sound and sight barrier on the north side of the Marksheffel extension? We request this sight and sound barrier be at least along the length of the road extension where it abuts rural residential housing in the Silver Ponds subdivision.

Sincerely,

Bryan Bagley  
Homeowners within 100 yards of this proposed dramatic housing density increase  
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