

November 15, 2024

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

Re: Schmidt Parcel Rezoning Application P249, 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. 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. 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

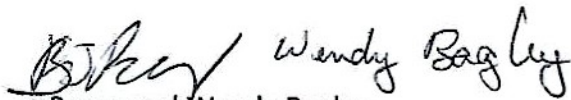
Chapter 5 of the Land Development Code (5.2.5 Rezoning). This rezoning is NOT in general conformance or consistency with the County's Master Plan. There is no error or oversight in the original zoning of the property. This requested zone change is not necessary for the general health, safety or welfare 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).
 2. 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.
 3. If the re-zoning request is for a higher density than RR-1, the Silver Ponds community requests that the existing berm be left in place (or a similar sound and sight barrier be erected) so that our compliance with the El Paso master plan be somewhat protected from this planned "Schmidt Multi-Dwelling Rezone" community that does not comply with the rural feel of the adjacent neighborhoods (that are in compliance with the master plan). The PC (Planning Commission) Staff Report (dated Feb 23, 2023) states that the "design and construction of Marksheffel Road will be a developer requirement." This implies that if the commissioners approve this rezoning request (a huge density increase), they will be paid in return by the developer putting in a needed roadway. This PC Staff Report also states "A minimum 15-foot zone district buffer is required between the existing single-family residential development to the south and the proposed rezone area." The Silver Ponds community (located to the north of this proposed rezone area) requests that the berm between our community and the Marksheffel Road extension be left in place. This should be acceptable to the developer since they are also responsible for the Marksheffel road extension and have apparently already agreed to protect the single-family homes to the south of this proposed rezone area (The Silver Ponds subdivision (zoned RR-2.5) should be given the same quality buffer (if not a larger buffer area) than what is already planned to protect the housing units in the area zoned as RS-5000).
 4. 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 and Wendy Bagley

Homeowners within 100 yards of this proposed dramatic housing density increase

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