

Martha Brodzik
551 Highway 105, PO Box 446
Palmer Lake, CO 80133
719/439-9890

4 September 2021

El Paso County Administrator
Mr. Bret Waters
200 South Cascade, Suite 100
Colorado Springs, CO 80903-2208

Dear Mr. Waters,

I attended the Planning Commissioners Hearing regarding Red Rock Rezone, on 2 Sep 2021 and have the following comment regarding conduct during the hearing.

As instructed by the Chair, Mr. Brian Risley, when I got up to speak, I opened by requesting more than three minutes. I stated my reasons for needing more time were based on investing hundreds of hours researching and studying materials since January, only to be told by the County in April that the County could not require the Planning Commissioners to read the residents' letters of response, so I had several points to make verbally. Mr. Risley and the other Commissioners took offense to my statement; I was *not* accusing them of not reading our resident letters, but only *repeating* what I was told by the County in April. I apologized if they misunderstood my statement, and said that I was told this in April in an email from Mr. Dossey. (Refer to attached email thread.) While the Commissioners continued to express their offense, Mr. Dossey finally stood up and said, yes, he did state that he couldn't guarantee that all our letters would be read. But the damage was done.

Throughout the remaining hearing, various commissioners made comments saying that "as volunteers" they too had spent "hundreds of hours" reading every document, including all of our letters. This continued during closing comments. Commissioner Treese said she read everything and held up her package of materials, to show what she read for the hearing (~4 inches of pages) *relative to* (~0.5 inches of pages) what was required for the hearing. During Commissioner Fuller's summary, she stated that it wasn't a good idea to start off a testimony "accusing the commissioners of not reading" the residents' letters.

I felt these statements were attacks on me. I deserve an apology, in person, from Commissioner Risley and Mr. Dossey. They should have apologized publicly, during the hearing.

Furthermore, the Commissioners who voiced negativity toward me at the beginning of my presentation may have disregarded the substance of my testimony.

Respectfully,



Martha M. Brodzik

Atch: Email thread, 19 through 20 April 2021 between Ms. Brodzik and Mr. Dossey

cc: Mr. Kenny Hodges

Subject: Re: Letter of Objection - Project Name "Red Rock Acres", File Number P2010

From: Marty <marty@mmbrodzik.com>

Date: 4/20/2021, 10:05 PM

To: Craig Dossey <craigdossey@elpasoco.com>

CC: Nina Ruiz <NinaRuiz@elpasoco.com>, John Green <JohnGreen@elpasoco.com>

Dear Mr. Dossey,

Thank you for your email response. I sense we may be talking past each other. After spending a good amount of time researching and reading, and communicating with your staff (phone and emails), I understand the general process for a rezone application. What I am in search of are the underlying details--that is what the two inquires I posed in my letter are about.

There are three parties in this process--the Applicant, the Community, and the County. The Applicant documents his position/intent via required documents which are posted on the County's Project web page. The Community (both the Agencies and the public) are encouraged to submit comments in the form of letters/emails which are posted to the County Project web page. And the County summarizes the Applicant's application in the County's Staff Report, which, as far as I can see, is not posted to the County's Project web page--not made public prior to the Planning Commission Hearing.

Based on conversations (phone calls and emails with your staff), the above is how the preparation for the rezone has been communicated to me. Then the Planning Commission reads the four Application documents (Application form, property Title, applicant submitted Map of surrounding area, and applicant provided Letter of Intent), and the County's Staff Report. The Planning Commission can, if they choose, read the Community (Agencies' and public's) letters/emails, but are not required to do so.

Let me rephrase the questions I presented in my letter:

1. Traffic Impact Study - As an engineer, I completely understand the "back and forth" process of creating/drafting, reviewing, mitigating comments and issues, and then finalizing a technical document. I also understand that someone, somewhere, at some point in time uses the Traffic Impact Study for each County Project. My question is, during what phase of a County Project is the Traffic Impact Study used? Based on conversations with your staff, it sounds like the Traffic Impact Document does not get used during the rezone phase. If this is true, why then is it a "required" document for the rezone phase? If this is not true and it is used for the rezone phase, how is it used? The Planning Commission (not being engineers) is not required to read it, and your staff (not being engineers) is not required to read it, so they would not be including it in their Summary Report.

2. Community Comments (Letters/Emails) - The Applicant has a *platform* to communicate to everyone (the Planning Commission, the County Staff, and the Community) his "plan" via the (four) documents he is required to submit for the rezone phase, and the Planning Commission

and the County Staff are *required* to read. The County has a *platform* to communicate to the Planning Commission their unbiased summary and recommendation on the rezone application via their Staff Summary, and that the Planning Commission is *required* to read the Summary Report. My question is, what platform does the Community have to communicate with the Planning Commission, since the Planning Commission is not required to read the Community Comments, *and* the County staff is not required to include the Community Comments in their Summary Report? Reading between the lines in your email response below, I read that the County provides the Community comments (letters and emails) to the Planning Commission, but the Commissioners don't necessarily read them; I also read that the County, as a facilitator, does summarize the Applicant's information/position in the County's Summary Report, but may not summarize the Community comments in the County's Summary report.

If I've failed to communicate my questions, perhaps a face to face meeting is in order.

Again, thank you,
Martha Brodzik

On 4/19/2021 8:54 PM, Craig Dossey wrote:

Ms. Brodnik,

Thank you very much for your interest as a neighbor in the Red Rock Acres development. Please know that County staff is positioned through this process as a facilitator, not taking a side either in favor or in opposition to the development application. County staff is tasked with ensuring that all submittal requirements are complied with and with performing the technical review of each document needed to make a formal submittal to the County. One of those technical documents is a Traffic Impact Study, which is reviewed by our professional engineering staff. Following our staff's review of the Study we typically provide very detailed comments back to the applicant and his or her traffic engineer regarding issues that we found during the review of the Study. This back and forth process may occur multiple times until the applicant's consultant has adequately addressed our staff's comments. I say all of this in order to highlight the complex nature of these Traffic Impact Studies, which can prove to be challenging to understand for most non-engineers. Our role, then, as the staff responsible for supporting the Planning Commission and the Board of County Commissioners is to provide them with a summary and our analysis of the Study and to make recommendations for any roadway infrastructure improvements that may be needed in order to mitigate the impacts of the proposed development.

With regard to the neighbor responses, our staff makes every attempt to ensure that all responses received are included in the public hearing packet that is reviewed by the Planning Commission and the Board of County Commissioners ahead of the hearing or, in the case of responses received after the packet has gone out to the Planning Commission and BOCC for review, we provide those comments from the neighbors in hard copy at the public hearings. My role and the role of the County staff is to make sure the hearing bodies have those comments for their consideration, but we do not have the authority to physically force anyone, including a Planning Commission member, to read such responses. Having said that, our public hearing bodies take their roles very seriously, including reviewing the hearing materials and neighbor response. In addition, any member of the public may testify at either of the public hearings and highlight their support or opposition to the proposed development. Please work with Mr. Green, copied here, to

ensure you are made aware of the hearing dates and times on this application.

I sincerely hope I have addressed our questions and concerns regarding the land use review process. If not, please don't hesitate to follow up with me with any additional comments.

Sincerely,

Craig Dossey

Executive Director

El Paso County Planning and Community Development Department

2880 International Circle, Suite 110

Colorado Springs, CO 80910

719-520-7941

craigdossey@elpasoco.com

WE NEED YOUR HELP! The Planning and Community Development Department has been working on revising the Master Plan for El Paso County. Once adopted, this plan will help guide development for the next 20 years. The draft version of this plan is now available for public review and we are seeking public comments on the draft plan until April 9, 2021. You may do so here: <https://elpaso.hlpplanning.com/pages/draft-plan-outreach>. Thank you in advance for your feedback!

-----Original Message-----

From: Marty <marty@mmbrodzik.com>

Sent: Monday, April 19, 2021 7:16 PM

To: Craig Dossey <craigdossey@elpasoco.com>; PLNWEB <PLNWEB@elpasoco.com>

Cc: Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner

<CarrieGeitner@elpasoco.com>; Stan VanderWerf <StanVanderWerf@elpasoco.com>;

LoginosGonzalezJr@ElPasoCo.com; Cami Bremer <CamiBremer@elpasoco.com>; Nina Ruiz

<NinaRuiz@elpasoco.com>; John Green <JohnGreen@elpasoco.com>

Subject: Letter of Objection - Project Name "Red Rock Acres", File Number P2010

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Dear Mr. Dossey,

Please see my attached letter of objection for the proposed Red Rock Acre Rezone project, Tax Id No 7109000024.

I would appreciate a call or email back regarding my two questions.

Very respectfully,

Martha Brodzik

719/439-9890

PO Box 446
Palmer Lake, CO 80133
April 19, 2021

Mr. Craig Dossey, Executive Director
El Paso County Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Dear Mr. Dossey,

Earlier this year I opposed the JZs LLC's request for rezone of the 20-acre parcel (71090-00-024), otherwise known as Red Rock Acres Rezone. On Mar 30, 2021, I attended the JZs LLC virtual neighborhood meeting; I found it very controlling. Without an open microphone, all questions were written or texted in, and as a result were not necessarily answered. No one dialing or linking into the virtual meeting knew who was actually present. I remain firm in my opposition to the JZs LLC rezone request. Again, I request you consider my objections based on the rezoning criteria in the El Paso County Land Development Code (LDC).

Per the Map Amendment (Rezoning) approval criteria outlined in the El Paso LDC paragraph 5.3.5, my objections are as follows:

Criteria B.3: *"The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions."* The **proposed 1/2-acre zone district is not compatible with lots to the north and west**, zoned as 5-acre districts. Furthermore, JZs LLC's primary justification for the proposed rezone is based on the previously RR-1 (1-acre) zoned and originally developed lots to the **south and east**, which were **rezoned to RR-0.5 due to the County's county-wide obsolescence of the RR-1 zone district**. There is **no evidence** that property owners were aware of this County mandated rezoning.

Criteria B.1: *"The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood."* **JZs LLC's rezone request does not conform with policies** in the Master Plan; several examples and reasons are stated below.

Policy 6.1.3: *"Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access."* **No part of the area surrounding the 20-acre parcel is developed to smaller than 1-acre lots**, and the majority of the surrounding lots are much larger than 1-acre. **If not for for the County's rezone of the RR-1 zone district to RR-0.5, Mr. Jerome Merrick's 1-acre lot (71090-00-057) couldn't have subsequently been divided into two 0.56-acre lots (71090-14-001 and 71090-14-002) called Merrick Subdivision**; these two lots are now the **only** lots on Rockbrook Rd less than 1-acre.

Policy 6.1.7: *"Encourage infill incorporating buffers or transitions between areas of varying use or density where possible."* Per the JZs LLC site plan, the requested rezone for use as 1/2-acre lots has **no buffer to the north and west** (both 5-acre zoned districts), **and east** (rezoned from RR-1 to RR-0.5 as stated above, but developed to RR-1). **If not for Monument Creek bifurcating the 20-acre parcel, JZs LLC would likely not propose the RR-2.5 lots as a buffer to the south of the Creek**. This is evidenced by the **need for septic systems on the proposed R-2.5 lots**, since Monument Creek prevents access to the proposed use of Palmer Lake Sanitation District on the north side of the Creek.

Policy 6.1.9: *"Viable residential properties should be reasonably protected from adverse impacts"*

of major roadways and other potential incompatible land uses." The JZs LLC proposed site plan does not account for safety and noise with 1/2-acre lots immediately adjacent to State Highway 105, a non-rural principal highway with a posted speed limit of 50 mph, and Red Rock Ranch Rd, a rural major collector with a posted speed limit of 30 mph.

Policy 6.1.11: "*Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and land use.*" **None of the original subdivisions adjoining the 20-acre parcel are developed to less than 1-acre.** Property to the south and east is developed to 1-acre, and properties to the north and west are 5-acres or larger. **None of the surrounding area has urban attributes**, such as "curb and gutter," which are included in JZs LLC's revised Apr 7, 2021 Letter of Intent.

Policy 6.1.14: "*Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.*" The area surrounding this 20-acre parcel is rural, and as such, does not have urban attributes (e.g., "curb and gutter").

Policy 6.1.16: "*Allow for new and innovative concepts in land use, design and planning if it can be demonstrated that off-site impacts will not be increased and the health, safety and welfare of property owners and residents will be protected.*" Allowing a dense, urban development in the middle of a rural area would increase traffic, noise and safety concerns. The Tri-Lakes Comprehensive Plan 2000 states "this area has become congested and in some places unsafe due to traffic and roadway design." The difficulty of attempting to safely infill this rural area with an urban subdivision is further evidenced by the two [Traffic Impact Study] Deviation Requests submitted by JZs LLC for an "intersection spacing deviation," and a private road "access deviation."

Finally, I understand that **only five application documents** (Letter of Intent, Application, Title, Map of surrounding area, and Traffic Impact Study) **are required** for the rezone request phase, and that the **Planning Commissioners have to read all but the Traffic Impact Study**. I also understand that the **Planning Commissioners do not have to read the community letters and emails**. Questions:

1. Why is the **Traffic Impact Study required** for the rezone request phase if the **Planning Commission**, the entity that votes and makes a recommendation on the rezone request, **is not required to read the Traffic Impact Study** and take traffic impacts into account?
2. Why does the County **encourage the community to submit comments** in the form of letters and emails, if the **Planning Commission is not required to read them**? The Mar 30, 2021 neighborhood meeting held by JZs LLC gave the appearance of working with the community. Their subsequently revised Apr 7, 2021 Letter of Intent gives the impression that all concerns were addressed. I assure you, the neighborhood meeting *did not mitigate* the community's concerns. At a minimum, the County staff, in the Project Staff Report that Nina Ruiz's staff prepares for each project presented to the Planning Commission, should include a paragraph addressing the community letters/emails submitted, AND a summary of the issues presented. I request that you require the Planning Commissioners to read all of our letters/emails, those submitted prior to and after the neighborhood meeting.

Sincerely,



Martha Brodzik

cc: Holly Williams, Carrie Geitner, Stan VanderWerf, Longinos Gonzalez, Jr, Cami Bremer