

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