

To: The El Paso County Planning Commission 12-14-20
From: Joan Brock, 6955 White Fir Ln 80908

Please read carefully. I oppose the rezoning of 12740 Black Forest Rd from A-5 to CC-5 for these reasons:

1. **EL PASO COUNTY CODE 3.2.5.** requires that CC zoned properties be used for a “retail sales and service establishment that serves adjoining neighborhoods,” like the ones already in Black Forest. The business which will purportedly occupy the proposed buildings is wholesale-only, selling only to its distributors in 34 countries and, according to its owner in a 6-page letter to surrounding neighbors, will never act in a retail capacity. This law by itself disqualifies the rezoning effort.
2. **SCARCE AQUIFER WATER.** The owner has claimed that only 9-12 employees at a time will be on-premises, with spikes up to 30, but he cannot grow his business without periodically adding new employees. So I'm skeptical of his numbers as well as his downplay of the amount of water his business will consume. Even 9-12 people is more than double the number living in any of the surrounding residences, so the property will be using at least double the amount of water as those residences. Couple that with the fact that the owner has planted 35 expensive grown pine and spruce trees, which have the propensity in BF for drying out and dying without regular, heavy watering, as well as a completely seeded lot, then the water supply will be greatly depleted once a non-restrictive domestic well is permitted.
3. **VALUE DEPLETION.** My husband and I moved to Black Forest specifically for its restrictive zoning. We counted on those restrictions when we bought our house, the highest-priced property to sell in Black Forest in 2020, which is across the road from this property. In a “town hall” meeting the owner claimed that values of residences near these buildings will be enhanced. Being a savvy real estate investor, my husband says our value will definitely decrease should rezoning be approved. It's not beneficial to us or anyone else in Black Forest.
4. **RESIDENCES ON ALL SIDES.** The Black Forest Preservation Plan states that all new commercial and community uses within the commercial nodes should be “contiguous” (Webster's definition: “touching, sharing a common border, immediately adjacent”) to a commercial node. However, three residential-zoned lots sit between this property and Black Forest at Shoup roads. In fact this property is bounded on all sides, north, south, east, and west by nothing but residences, and those properties are additionally completely surrounded by residences. Face the facts; it is in the middle of a residential neighborhood. This same restriction of contiguity applies to retail businesses, including local as well as chain retail stores like a Kum & Go (see #8 below).
5. **BLACK FOREST PRESERVATION PLAN ¼ MILE LIMIT.** Though the Plan limits the distance required for rezoning to within ¼ mile of a commercial node, and this property is within that parameter, the limitation is moot in this case because of several Section 4 provisions in the Plan that cancel it out in this case: 4.3 “Limit commercial activities to those which accommodate the needs of local residents”, 4.5 “Discourage commercial uses if they are incompatible with existing or planned residential development” and in the Land Use Scenario Section 1: commercial zoning should be for “neighborhood commercial facilities” specializing in retail sales and services. The Plan says nothing about a CC wholesale-only business.
6. **MISREPRESENTATION.** After seeing the erected barn and the architect's plans for the other building, I can emphatically state that the owner's promise of blending into the neighborhood, size-wise and architecturally, is an untruth. In his letter to the 12 residences that surround his property he says the second building will be similar to the barn. That's frightening because the barn is atrocious-looking and does not blend in at all. It's a sore thumb and it's nothing similar, style-wise, to the plan for the other building. It's a dutch barn design and the other building is semi-contemporary. He downplays the total 12,300 SF as being “only a 4400 SF footprint” and claims that the second building is not a 2-story, which of course it is. Yes, straight-on from Black Forest Rd the building will appear as a one-story with a vaulted roof that doubles the height, but from any other angle or direction the building will look like the 29' tall 3-story commercial building that the plan shows. These buildings will absolutely not “blend in” with the neighborhood.
7. **DANGEROUS CROSS INTERSECTION.** The volume of cars into and out of the retail center at Black Forest Rd and White Fir Ln has caused many accidents at that 3-way intersection. This property's driveway, directly across from White Fir, will create a cross intersection which I expect will greatly increase accidents.
8. **PRE-DESTINED? TERRY STOKKA-BF LAND USE COMMITTEE.** I don't know Mr Stokka but people close to him told my husband that he is supporting the zoning change because he's afraid of the owner's threat of a “Kum & Go” if he doesn't get his way, made in his letter to the neighbors, in which he also makes this claim about County Planning: “It has been pre-destined by that authority many years ago for re-zoning to select commercial use. This is not a 'maybe' – it is well-established and allowable. So commercial use seems rather imminent.” **County Planning asserts that it makes every effort to be transparent. So before this is decided on I would like to know specifically and transparently if this claim is correct, and if those who oppose this action have just spent months of stress for no possibility of success.**