



Architects & Planners Inc.

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4949 S. Syracuse St | Suite 320 | Denver Colorado 80237 | P: 303.649.9880 | [www.pwnarchitects.com](http://www.pwnarchitects.com)

November 24, 2020

El Paso County  
Planning and Community Development Department  
2880 International Circle  
Colorado Springs, CO 80910

**RE: Letter of Intent - Proposed Rezoning of 12740 Black Forest Rd., Parcel #5207000004  
El Paso County, Colorado**

Owner/Applicant and Consultant Representative:

Rob Haddock - Owner  
Black Forest, LLC  
8655 Table Butte Road  
Colorado Springs, CO 80908  
719-325-0382

Planning Firm - Applicant  
PWN Architects and Planners, Inc.  
4949 S Syracuse St., Suite 320  
Denver, CO 80237  
Patrick Nook 303.649.9880, ext. 109, [pnook@pwnarchitects.com](mailto:pnook@pwnarchitects.com)  
Tom Davis 303.649.9880, ext. 106, [tdavis@pwnarchitects.com](mailto:tdavis@pwnarchitects.com)

Site Location, Size and Zoning

- 4.77 Acres
- 12740 Black Forest Road, Colorado Springs, CO 80237
- Current Zoning: A-5 Agricultural
- Vegetation – this area was formerly forested but was burned in the 2013 Black Forest Fire. Burned trees have been removed, and the land surface has native herbaceous vegetation.

Request

Request to Rezone A-5 to CC (Community Commercial)

Proposed Use of Site

The Owner proposes to rezone the property to CC- Community Commercial consistent with expected commercial uses within the Black Forest Road/Shoup Road Commercial Node identified in the local Small Area Plan, the *Black Forest Preservation Plan*.

Prior to the 2013 Black Forest Fire, when the heavily forested property and building burned, the site was occupied under A-5 zoning by a commercial special use Veterinary Hospital with both large and small animal practices. The Veterinary Hospital was completely destroyed by the fire, and the site was heavily littered with a few standing and many downed burned trees. The burned trees were removed by the current Owner, and the land is now a recovering meadow. A gambrel barn with overhangs was permitted this year under the existing A-5 zoning. The barn was designed for goat gestation and birthing until zoning change permits commercial use. Finishes are natural stone, stucco and metal.

The Owner now proposes to develop a single-story 4,400-square-foot office building with a full, walk-out basement of equal size and repurpose the 3,250-square-foot (barn) to a studio/shop building on the 4.77 acres. The office building will house the Owner's corporate functions for Metal Roof Innovations, Ltd. (strategic planning, accounting, sales/marketing management). Outside visitors to the office will be rare and by appointment only.

Construction of the existing barn that was permitted under the A-5 zoning (Permit M78797) began in the spring of 2020 and is being completed. The future plan is for the barn to be re-purposed in use as a studio/shop to support the corporate functions of the company under Community Commercial zoning, including product video production for the company's roof specialties. No manufacturing, warehousing, shipping, or wholesale sales will take place at this project site. All such functions of the company are and will continue to be located out of state.

#### Scale of Development

Attached is a preliminary site development plan showing the physical design of the proposed development. The size and scale standards used for the proposed building(s) are the same as single-family primary residential within the County. Also attached are preliminary building elevations showing the proposed architecture and scale of the building(s), which are fashioned after a residence. The use of stone and stucco with natural colors and Corten metal accents on the office building provide rustic elements, preserving internal cohesion and harmony with the surrounding area. The roofline of the barn is traditional gambrel, and the office is traditional gable with an offset ridge. The building entry accent is a native log supporting structure. Similar accent is also under consideration for the driveway entrance.

The Owner has no plans or intent to subdivide the property or expand the uses beyond those outlined on the preliminary site development plan.

#### Occupant Load

The average daily occupant load for this facility will be 8-12 people. Within that number, six are residents of Black Forest. (The company is a family-business, and the family is four generations of Black Forest inhabitants.) Beyond the foregoing, 4 to 6 others will also "report" to this office, although they are rarely physically present due to extensive business-travelling.

At quarterly intervals of the year, the company has corporate staff meetings for a duration of one work week from Monday noon through Friday noon. At those times, 6 to 8 remote staff members visit for corporate meetings, orientation and collaboration. These individuals reside and work in different states and carpool from/to the airport and area hotels or B&Bs for these quarterly meetings.

#### Site Utility

The site is located in Water Division 2, Water District 10, of the Basin Map in the El Paso County Water Master Plan and will be served by a commercial well.

The commercial water well (#168912-A) is currently permitted for 108,600 GPY (gallons per year) from the Dawson aquifer. Total water consumption for (a higher-than-average occupant load of) 15 office employees is 33,000 GPY ( $15 \times 8.8 \text{ GPD} \times 250 \text{ days}$ ) and well below the permitted volume of 108,600. According to the El Paso County Water Master Plan, a residential lot would require a demand of 0.64 AF/year = 208,545 GPY. Hence, the commercial office use proposed would require about 84% less calculated water than a residence (which is consistent with current zoning). The well allows use for indoor water only. Water for Irrigation will be provided via cistern and water imported for the limited volume necessary to sustain the xeriscaping proposed. (See "Landscaping" below).

The site is situated in Region 2 (Water Master Plan Basin Map) and is served primarily by Denver Basin aquifers (Dawson). Per the El Paso County Water Authority Water Report, development of low-density large acreage rural lots in this area of the County will have little impact to the 300-year water supply requirements of the County (100-year by state statutes) served by this basin and impacts to water quality. We also comply with the goal of returning water resources via use of a private sewage system, which is a condition of the well permit that reads "*Return flow from use must be through individual waste water disposal system of non-evaporative type where the water is returned to the same stream system in which the well is located.*"

Examples of conformance with specific goals and policies within the water master plan.

*Policy 6.0.2 – Encourage developments to incorporate water efficiency principles.*

We are using low-flow toilets and lavatory faucet plumbing fixtures. We are designing the landscaping to be Xeriscaping fed from an external water source, a cistern storage tank stocked by off-site water.

*Policy 6.0.10 – Encourage land use proposals to expressly declare water source, quality, quantity and sustainability in terms of years and number of single-family equivalents.*

We have acquired a well permit with the state for the use intended, which does not have an expiration date and does not exceed the permitted maximum flow rate of 15 GPM as outlined in Chapter 5.5.

*Policy 6.1.2.1 – Follow best management practices to maximize aquifer recharge ...avoidance of large amounts of impervious cover.*

Our project has 26,062 square feet of impervious area, which is 13% of the site area of 4.77 acres. The building footprint is 4,400 sf, and we have requested less paved parking area than what the zoning code requires, subject to County Planning approval for the use intended.

*Policy 6.1.2.2 – Encourage and accommodate water conservation practices for existing and new developments.*

By use of low-flow plumbing fixtures and off-site water sourced Xeriscaping, our project will conserve use of water. The office use of the site will use 65% less water than a typical residence, which would conserve water usage in lieu of the present zoning.

*Policy 6.1.2.4 – Review and revise, as appropriate, the standards of the various zoning districts to ensure they are consistent with promoting water efficient development.*

By allowing this site to be zoned CC – Community Commercial, which is characterized by small development uses such as ours, the water demand and usage is 84% less than the current zoning for residential uses.

*Policy 6.1.2.12 – Support proposed developments that incorporate water efficiency measures for open space and lawns.*

Our development is proposing limited use of landscaping that requires low maintenance and watering to the minimum required by the zoning code adjacent to the building and parking. The drip sprinkler irrigation system for the building xeriscaping is fed from an off-site sourced water cistern. The majority of the site will remain as native grasses not requiring sprinkling.

*Policy 6.1.3.1 – Encourage new developments that incorporate water conservation techniques such as xeric landscaping.*

Our landscape design implements xeric scaping to the largest extent allowed by the zoning code. We have also requested less parking than the zoning code requires thus reducing impervious area. The LDC and Manual landscape standards promote water conservation goals, including the use of drought-resistant and drought-tolerant plants, and promote the opportunity for decreased development and maintenance costs. Reforestation (transplanted trees) and any landscape will be watered with imported water by contract only until established; thereafter no watering is required.

The Water Master Plan promotes the conservation and efficiency per the Guidebook Practices for Municipal Water Conservation in Colorado that should be applied throughout El Paso County.

Our proposed development implements the methods in this guidebook in the following ways:

- Using low-water flow faucets for commercial uses.
- Importing off-site sourced water to cistern for landscape sprinkling.
- Promoting more effective irrigation/sprinkler systems for commercial properties by using water-wise fixtures and moisture sensing to minimize sprinkling when not needed.
- The guidebook recommends that water audits be implemented to help the user be more water-wise and to detect possible leaks in the irrigation system. As required in our water permit, we will track water usage via a meter for State verification of the limit of water usage.

The site will also be served by an existing private sewerage system per County regulations. The existing septic system and leach field (currently fire-damaged) will be abandoned, and a new septic system and leach field will be constructed in the southwest corner of the site to meet the demands of this development (per Health Department regulations). Tandem to water consumption, the sewerage system will have significantly less demand than a single-family residence.

Electric power will be supplied by Mountain View Electric and natural gas by Black Hills Energy.

#### Landscaping

Landscaping will be provided as required by the El Paso County Land Development Code (LDC) and the

recommendations within the *Black Forest Preservation Plan*. Xeriscaping will be used to the greatest extent possible to conserve water usage. Landscaping irrigation will be provided from off-site sourced water to a subterranean cistern. The Owner plans to reforest the site adding numerous trees, which will both reduce the visual impact of the buildings proposed and accelerate restoration of the lost forest-nature. The Owner also plans some berms for screening, water conservation, vegetation and wildlife habitat.

#### Drainage

A Drainage Plan will be prepared to meet the County and State requirements to only release storm drainage at historic rates from the site per LDC and ECM requirements. A detention pond will be developed to detain flows to meet historic storm water runoff criteria per Code. There is no FEMA floodplain located within this site.

#### Traffic

The Early Assistance Meeting Notes from staff stated that a traffic study would not be required based on the traffic impact anticipated for the proposed use. It is expected this project would anticipate a trip generation less than 100 trips/day and less than 10 trips during the peak hour, which is consistent with the Master Plan. It should also be noted that the anticipated daily trips generated from the proposed use would be substantially fewer than the veterinary hospital previously in operation on the site.

#### Schedule of Development

The anticipated schedule is to begin construction of the office building in the Spring of 2021 after rezoning and site development plan approval and building permit approval by Pikes Peak Regional Building Department. Construction will be completed by the end of 2021.

#### **Conformance to Master Plan: *Black Forest Preservation Plan and County Policy Plan.***

##### County Policy Plan:

The following items of the current El Paso County Policy Plan (1998) are relevant to the intent of this rezone request:

##### **Goal 5.1 Maintain a land-use environment, which encourages quality economic development compatible with surrounding land uses.**

The land proposed to be rezoned is in the Black Forest Road/Shoup Road Commercial Node of the Black Forest Preservation Plan. Community commercial is a complimentary zoning for commercial business development. The proposed use of a small corporate office in a residential sized building supports both strong local economic growth and is compatible with residential and smaller-scale commercial buildings. It is also a specifically approved use within the code (see Table 5-1).

Nearby land uses are both residential and commercial, such as dining, take-outs, bar, convenience/filling station, liquor store, churches, real estate offices, the Black Forest Community Center and farmers' market. As concerns this, the proposed use compliments all of these, as this site is closed on weekends, whereas trade and traffic to most others is central to weekends.

The proposed building architecture intentionally looks much more like a residence than a commercial building. Moreover, exterior finishes combine stone, stucco, metal roof and log features that reflect traditional Black Forest construction motifs. Traffic impact will be minimal,

lower than the prior use of this site, and much lower than other CC businesses in the area.

**Policy 5.1.1 Encourage economic development that enhances a sense of community, provides vigor to the economy and considers the environment, while contributing to the overall health of the County.**

The project rezoning request is from a 48-year resident of Black Forest, representing seven families/households spanning four generations in Black Forest. Six of the average on-site staff are residents of Black Forest. The others are all Northern El Paso County residents. The Owner and his company are active in the BF community, providing financial contributions to multiple charitable causes in Black Forest. The Owner is also a member of "Friends of Black Forest." (please see "Summary").

With respect to the environment, the Owner has already transferred 8'-16' trees (40 in total) to a site that was totally barren and burned completely, restoring habitat, improving vista and ecology. Another 20-30 will be transferred post-construction, in addition to numerous seedlings. Re-seeding of meadow areas and all disturbed soils will be completed with grass seed mixes native to the area and specially formulated for reclamation of Black Forest burn scarring. This work as already been done on areas that are not subject to further disturbance.

**Policy 5.1.9 Encourage appropriate economic development in rural areas of the County as a means of providing local employment opportunities, increasing community tax base, and reducing long commutes.**

The proposed facility will promote both temporary and permanent employment of diverse functions. Aside the maintenance and upkeep functions of building and site which will offer part-time or contractual employment to locals, when the company does have occasional staff openings, local residents will be strongly preferred. As stated previously, half the average daily on-site staff is resident to Black Forest. The proposed business use will support the county with a vibrant, locally sourced business and expanded tax base. It will also provide increased trade with area residents and other businesses in the Black Forest community (please see "Summary").

#### Black Forest Preservation Plan Update – December 1987

It is the intent of the proposed development to conform to the intents of the *Black Forest Preservation Plan*.

Two Commercial Nodes along Black Forest Road, one at Burgess Road and the other at Shoup Road, were identified in the *Black Forest Preservation Plan*. These commercial use areas were in existence even before the original 1974 *Black Forest Preservation Plan*. The 1987 update recommended commercial zoning be located within ¼ mile of each intersection in the Executive Summary Concept Map, providing a total of four miles of possible commercial-lot frontage along minor arterial roads in the Black Forest. This concept is being carried over into the new 2020 El Paso County Master plan as Rural Center Place types in the same locations.

The quarter-section line for T12S R65 W Sec 7 is ¼ mile north of Shoup Road. The quarter section line is the north boundary line of this rezone request. It is within the recommended Shoup Road Commercial Node in the Black Forest Preservation Plan and is located diagonally across Black Forest Road from Black Forest Square, a commercial project with CC zoning, which was built in 2006.

Please find a summary of conformance by point from the *Black Forest Preservation Plan*:

- Chapter 2 – Area Profile and Trend Analysis - Page 50
- Commercial Land Use
- Existing and Proposed Uses

*Two commercial nodes, which are presently operating within the planning area, were well-established prior to 1974. These are the "Community Center" located at the intersection of Black Forest and Shoup Roads and "Glover's Corner," which is situated one mile south of the community center. Each has undergone some expansion, but they have managed to maintain much of their rural residential character. The 1987 Plan stipulated that new commercial uses in this portion of the planning area only be located in proximity to these two intersections....All commercially zoned property associated within either center is located within one quarter mile of the respective intersections.*

The proposed site for the CC commercial rezone lies in an area defined by the *Preservation Plan* as being within an identified Node for commercial expansion.

## COMMERCIAL ZONING

### Chapter 3 – The Plan

#### LAND USE GOALS, POLICIES AND PROPOSED ACTIONS

##### Goals

*1.B Uphold the adopted Land Use Scenario and Concept Plan, which identifies areas to be used for agricultural and range lands, low and higher-density residential development, commercial and industrial uses and mixed recreational, open space and semi-public uses (refer to the approved Land Use Concept in the Executive Summary).*

##### Policies

*1.1 Retain the Black Forest Planning Area as primarily a rural-residential community with limited supporting commercial and industrial development.*

*1.2 Allow nodes of higher density residential, commercial and industrial development only in those areas specifically designated on the Concept Plan and described in the Land Use Scenario.*

##### Proposed Actions

*1.c All land use items concerning the Black Forest Planning Area should be forwarded to the Black Forest Land Use Committee or other appropriate citizens' group for review and comment prior to public hearing. This procedure may be formalized through a revision of the Land Development Code. (This was done in late June of 2020 with Mr. Terry Stokka who voiced approval)*

## COMMERCIAL

##### Goals

*1.A Allow for limited commercial development, which supports and enhances the Black Forest Planning Area.*

## Policies

*4.4 Maintain the scale of new commercial uses so that it is in balance with existing uses.*

*4.6 Encourage all new commercial development within the planning area to be compatible with the visual character of existing uses (refer to Visual Analysis in Chapter I I).*

## PROPOSED ACTIONS

*4.b New commercial uses should be encouraged to compliment the predominant rustic design theme (refer to Visual Analysis in Chapter I I).*

*4.c Within the existing and proposed commercial nodes appropriate landscaping should be introduced for the purposes of unifying design and defining vehicle and pedestrian movements.*

## **Neighborhood Involvement**

The Owner conducted a neighborhood virtual meeting on Tuesday, August 4, 2020 @ 7pm with the adjoining 500' property owners. This meeting was also open to anyone within the Black Forest area. Twenty-plus were in attendance. Actual attendance was organized and advocated by opposition as many in attendance were not adjacent property owners. The Owner presented his intent to rezone the property and showed his development plans for the site. He and his design team fielded questions and surveyed opinions on the site, building design, drainage retention, lighting, water use and landscaping.

## **Neighborhood Questions and Concerns Discussed:**

**USE OF PROPERTY** – The Owner discussed his intended use of the property and stated that the office building will house the Owner's corporate offices for his (S-5!) Metal Roof Innovations, Ltd. company. The studio/shop building (barn) will be used for research and development functions, as well as product video demonstrations for the company's roof specialties. No manufacturing, warehousing, wholesaling or shipping will take place at this facility. The Owner proposes to operate at traditional office hours from 7am to 5pm.

**TRAFFIC** – It was pointed out that the primary use of the site was for corporate office functions and that very little visitor traffic would be generated. Employees here are solely the company's core people-- department heads and their immediate right-hands; the "think-tank" as it were. There would be no manufacturing, warehousing, shipping or distribution functions at this facility. The typical trips generated by this development would be morning and end of workday trips to/from work and occasional lunch outside the office. The design of the office includes an employee breakroom/ lunchroom as most staff will eat lunch at the office. It was pointed out that this office use would generate less traffic than the veterinary hospital, which previously operated on the site prior to the fire.

**LANDSCAPING** – Trees would be planted along Black Forest Road and around the buildings to soften the impact of the buildings to surrounding properties. Landscaping would be planted per the requirements of the Land Development Code, and Xeriscaping would be used as much as possible to conserve water. Landscaping irrigation will be provided by off-site sourced water to a subterranean cistern. Reseeding bare areas of the burn scar with native grasses will help revegetate the property. The Owner offered to plant other trees at reasonable neighbor requests and asked to be contacted if they have specific requests. (No such requests have been received.)



**BUILDING SCALE AND DESIGN** – The general consensus of opposition was that the office building was too tall. Attendees repeatedly referred to the structure as “two-story.” A clarification was communicated that this building is a one-story structure with a walk out basement to the west, not a two-story building. The building footprint is 4,400 square feet with a walkout basement beneath of equal size. It was noted that the building design as presented is permissible in a single-family residential zone within the County. Nonetheless, the Owner has since redesigned the building shown to the neighbors at the time per the attached. The revisions reduced the building height by 7’ and also eliminated much of the visually exposed basement wall by additional earth berming on both north and south elevations. The majority of the building elevations on three sides and the entry elevation now have appearances of one-story and the basement on the west elevation is walk-out with significant height reduction.

The terrain of the pre-existing site constitutes a hill that slopes within the site gradually to the north and east and more severely to the west. It is of significant note that the Owner is actually *reducing* the profile of that hill crest by 10 feet and thereby lowering the finished overall site profile. Thus, the net horizon profile (height difference) at the eave line of the proposed finished roof is only 2 feet above the pre-existing natural grade profile and the highest point of the roof apex adds 13’- 8” to the pre-existing grade profile. (The north roof projection is lower still.)

The barn architecture was also discussed, and it was noted that the same building materials proposed for the office building would be those used on the barn (stucco, stone and standing seam metal roofing). The visible sidewalls of the barn would be 10.5’ and the bulk of the building would be a gambrel roof typical of barn architecture in the surrounding area. Many objected to the height of the “big, ugly” barn; however, at the time of this meeting only the frame was visible with no exterior walls, roof or finishes on the building. Now, with roof and wall finishes complete, we have unsolicited comments from many other Black Forest citizens who, have apologized for the deleterious comments of this small group of residents via social media and organized petition set-ups. They have commended that it is “very attractive” and the “classiest” barn in Black Forest. The size of the barn is 3,250 square feet—about average in Black Forest and there are *many* much larger than this, not to mention indoor arenas of four to six times this size.

**BARN PURPOSE AND INITIAL INTENT** – Some adjacent neighbors questioned the Owner’s intent of building the barn prior to the rezoning of this site (with implication of something nefarious). It was explained that it was intended and permitted by the County as a livestock / feed barn and would later be repurposed if the rezoning were to be approved. If not, the Owner would use the barn to house his bred goats and store feed as the site would not produce enough feed for his livestock. The permit applied for was “Barn with Loft”. Apparently, there was some confusion on the part of Pikes Peak Regional Building Department and the permit issued was erroneously entitled “Barn with Living Quarters.” It was also explained that residential occupancy is an allowed use of any barn within the allowed uses, but residential occupancy use is not intended or anticipated by the Owner. When a “concerned citizen” lodged a complaint follow this meeting, ELP/PPRB staff corrected their error and reissued the permit correctly.

**PARKING** - The amount of parking was discussed. The disseminated site plan showed parking in accordance with LDC and far in excess of actual needs. The Owner explained that he was going to request a waiver of the LDC parking standards to build paved-parking only as needed for this office building and not to the parking ratios in the LDC. This would amount to about half of what the code would require and accommodate a surplus of parking for employees and any visitors. He proposes to provide paved parking adjacent to the building only and not on both sides of the drive. An area for

overflow parking has been revised on the site plan.

*SITE LIGHTING* - The site lighting was discussed, and the Owner stated that he did not want to “light the sky” and would use low-intensity lighting, mostly to accentuate landscaping. He would need to provide minimum lighting levels at the walks and parking by code for safety reasons and would use low level, ground-directed, dark-sky friendly fixtures to shield the light source from neighboring properties. He also pointed out the lighting impact would be far less than a residence, as its only use is during business hours and only 5 days/week along with minimum motion-censored (as permissible) security lighting during evening hours.

#### **PROPOSED LAND USE AND ZONE USE/LAND DEVELOPMENT CODE**

The proposed Land Use and Zone District for the proposed project are in line with the *Black Forest Preservation Plan*, the recommended “community center” node located at the intersection of Black Forest and Shoup Roads. The proposed use and development of an office is a small-scale building on a 4.77-acre lot. A visual analysis of the adjacent land use in all directions yields similar density of site and building size. Community Commercial zoning intended for small business headquarters use will have minimal traffic consistent with use types in all directions.

The proposed rezone to Community Commercial is for an office use. Land Use Code Table 5-1; Principal Uses shows that for “Office, General” within CC zoning, **is an allowed use**.

Please see excerpt from LDC 5-1; Principal Uses attached as an exhibit to the Letter of Intent.

The Land use code table 5-5. Density and Dimensional Standards for Commercial Districts requires Community Commercial zone lot to be a minimum of once acre, setbacks of 25’ for front rear and side and maximum building height of 40’. The 4.77-acre-site well accommodates the land use requirements. The proposed height is 23’-10” AFF. Manipulation of site contours additionally represses the building height from the landscape.

#### **REQUIRED SCREENING**

The El Paso Land Development Code section 6.2.2.D.2 under Landscape requirements states that a buffer is required between Non-Residential and Single-Family users. Item C requires that a 6’-0” tall opaque fence or wall located at the lot line is required. The Owner will be seeking a waiver for this requirement. The waiver will be submitted with the Site Development Plan first resubmittal. Reasons a waiver is being sought are:

- Neighbors will strongly object to an opaque fence.
- Wildlife in area migrates through neighboring lots and a 6’-0” opaque fence would be detrimental to their migratory patterns.
- Given the topography of the site and adjacent sites, a six-foot tall screen wall or fence won’t have much of a screening impact to either site as grades and site circulation will be above the top of the fence line.
- The site is being reforested by the Owner, and landscaping trees are strategically placed to screen adjacent sites in lieu of fencing. Regarding the landscape plan, specifically, a tree screen has been designed between the driveway and the south neighbor. The north neighbor is screened by existing native locust shrubs approximately 8’ in height and 50’ in breadth along property line, in addition to spaded and strategically placed transplanted trees. Screening to the east is already accomplished via berms and 30 transplanted spade trees along Black Forest Road.

The western tree screening will be specific to property boundaries and building profiles post construction and include seedlings and saplings for re-forestation.

### **SITE LIGHTING**

The El Paso County Land Development Code outlines requirements for Site Lighting in 6.2.3 Lighting. Section (B) Design Standards and Requirements provide guidelines for design related to limitations of extent of lighting. Both the project owner and the community of Black Forest would prefer to use the least impactful lighting to the site development. The light levels around the parking lot and building are designed in strict accordance with building code required accessibility lighting to light an exit path away from the building and to include path to parking.

The project is seeking approval of an alternative lighting proposal for the illumination of the driveway as there is a provision under 6.2.3 (E) Alternative Lighting Proposal in the LDC. The alternative lighting plan proposal is to provide five lighting bollards same as the ones site lighting the entry, equally spaced along the south edge of the driveway. The design intent is to provide as minimal amount of light to the drive, well under 1 foot candle, while providing light markers approximately every thirty feet to guide vehicular traffic after dark.

### **SUMMARY**

#### **Rezone is Consistent with Area Plans**

This rezoning request to CC – Community Commercial is consistent with the vision and implementation plan of the El Paso County Master Plan, *Black Forest Preservation Plan* and County Policy Plan. It is within the recommended "*community center*" node located at the intersection of Black Forest and Shoup Roads for commercial zoning within ¼ mile of the intersection and is compatible with the residential uses adjacent to the site, and the Community Commercial zoning across Black Forest Road.

The development as proposed is a low-impact land use and similar in scale and appearance to a residence that would be allowed within the existing A-5 zoning. The use would also be less impactful than the previously approved veterinary hospital use, and much less impactful than most other commercial uses. Water use would be 84% lower than a single-family use and would further the goals of the County to preserve water resources.

#### **Owner is sensitive to Black Forest Concerns and Ecology**

Ironically, this Owner has all the same concerns as his opposition. He has both been a Black Forest resident and involved with construction related genre his entire adult life (since 1973). Like so many others, he does not want to see inappropriate development of the Forest which is why he is proposing this small project in the form and spirit put forth herein.

People in Black Forest are understandably chagrined-- even emotional about the devastating losses from the fire and the transformation of landscape from forest to barren vistas. The Owner has been proactive in that regard with site re-habilitation and reclamation and will far exceed the landscape plan and minimum county mandates pertaining to this site. Buffering berms have already been constructed along Black Forest Road. He has already populated 40 desperately needed spaded Ponderosa and Spruce of substantial size in lieu of "ball trees" and reseeded disturbed soils. With completion of construction and as the site and its transplants become established, many more will be added, completely rehabilitating the burn scar on this site. This is to the benefit not only of the Owner and immediate neighbors, but to everyone who drives down Black Forest Road or views this property from any direction, which is a priority for the Owner.

### **Benefits to Community**

The further benefit to local community and supplemental benefit to other business owners seems evident. This site will engage and support local contractors in both the building's construction and ensuing internal and external building, grounds and landscape maintenance and upkeep for decades. Plumber, electrician, multiple ongoing grounds keeping functions, snow removal, fuel and food from the local shops, vehicular repairs, intermittent lodging from area B&Bs will all benefit existing locals. There is little existing opportunity for part or full-time office, clerical, accounting, marketing work or travelling employment for residents of the area. This facility would also provide (and prefer) extension of that opportunity to locals in coming years, in addition to the seven Black Forest households already supported by the company.

The Owner's company, S-5! ([www.s-5.com](http://www.s-5.com)) is the leading innovator of prudent technologies for the attachment of roof-mounted ancillaries to metal roofs. About 1/3 of the roofs in Black Forest are metal and that ratio is increasing in the wake of post-fire construction. Uses of S-5's products include solar PV (photovoltaics) and snow retention systems. The company is offering to all area residents cost-free design and engineering services for applications of snow guards, solar PV (and other roof-mounted appurtenances) to their roofs with no strings attached. Further, the company is offering factory-direct pricing of its goods to area residents (should a purchase be desired) and will also assist in contractor alignment or DIY guidance for installation of its products. These sales terms and services are extended to all Black Forest neighbors in perpetuity.

### **Community Service**

The Owner's company (S-5!) has a community service and charity minded ethos and record as evidenced by their many recognition awards from their industry and community, and their generous contributions to many 501c3 charities locally, nationally and globally.

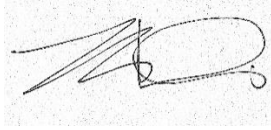
Perhaps the greatest benefit and service to the local community is that this project going forward presents a tasteful use and improvement of this land, while at the same time precludes a much less desirable land use such as a Kum & Go or similar impact business from ever being built on this site instead. Such a use/project would easily fit into a CC zoning and produce all the traffic, late night lighting and other detractors that no one in the area wants.

The owner has also stated his willingness and desire to voluntarily self-restrict this property via deed record or covenant to constrain lighting limits and land use to similar occupancy in the unlikely event it is ever sold.

If there is further information required or questions of the Owner or planning team, please do not hesitate to contact me at [tdavis@pwnarchitects.com](mailto:tdavis@pwnarchitects.com) or 303.649.9880 extension 106.

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Rezoning-12740 Black Forest Road  
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Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Davis', with a stylized flourish at the end.

Tom Davis, AIA, NCARB, LEED AP  
Senior Associate Architect  
PWN Architects and Planners

(Color Renderings of Building Elevations and Site have been provided under separate cover)