

Rad Dickson, Planner in Charge
c/o El Paso County Planning and Community Development and County Commissioners
2880 International Cir, Suite 110
Colorado Springs CO 80910

Dear Honorable County Commissioners and Planners,

I (we) the undersigned object to rezoning 12740 Black Forest Rd from A-5 to CC-5 for these reasons:

- 1) **LEGALITY.** The owner proposes 2 office buildings totaling 12,300 SF to accommodate his wholesale business on a lot that is surrounded on all sides by residences. Section 3.2.5 of the County Land Development Code stipulates that CC zoning is *"intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods."* Re-zoning would be the result of making an exception to the law for the benefit of a single individual, and to the detriment and exclusion of the desires of the community-at-large.
- 2) **THE BLACK FOREST PRESERVATION PLAN,** part of the El Paso County Master Plan, lists these guidelines: section 4.1 *"Restrict new commercial uses within the forested (also defined as small and large meadows) and low density residential areas"*, 4.3 *"Limit commercial activities within the forested and low density residential planning units to those which accommodate the needs of local residents"*, and 4.5 *"Discourage commercial uses if they are incompatible with existing or planned residential development."* The plan specifically cites that commercial zoning should be in the form of *"neighborhood commercial facilities"* specializing in **retail sales and services, not wholesale businesses** which do not benefit the public at large. Its Land Use Scenario Section 1 pp4 states *"The community and commercial centers" (the nodes at Black Forest and Shoup Roads, and Black Forest and Burgess Roads) "should not significantly expand. New commercial and community uses within these centers should be CONTIGUOUS (Websters definition: "touching, sharing a common border, immediately adjacent") to existing nodes.* There are 3 lots zoned RR-5 between the historic Community Center node and this property, so **it is not contiguous** to a commercial node, nor does it pass the test of *"retail sales and service establishments that serve adjoining neighborhoods"*. In addition the ¼ mile distance point cited by some does not apply here because the property's future use does not meet the other criteria in the plan, nor in county code.
- 3) **WHOLESALE BUSINESS.** In a 6-page letter addressed to "Black Forest Residents", but apparently sent only to the 12 properties that completely surround this lot on its north, south, east, and west borders Rob Haddock, the property's owner, admits on page 3 pp3 (quote) *"you should be proud as peacocks to have our corporate HQ in your neighborhood"*, and on page 3 pp5 (quote) *"we sell nothing from this location. We have NO walk-in or retail business traffic."* Sources inside Haddock's company, S-5! Metal Roof Innovations, have also confirmed that **it sells only to its distributors** in 34 countries. This company's "wholesale" status disqualifies the rezoning.
- 4) **FACT OR THREAT?** In the letter mentioned above Haddock asserts (quote) *"It has been pre-destined by that authority (County Planning) 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. The only thing really at question is whether a quiet and tasteful facility that looks like a residence and fits into the landscape and persona of its surrounds get built there or a 'Kum-an-Go' (sic) instead."* Hopefully, this is not based on a **promise made to him.**
- 5) **WELL PERMIT.** At this point the property has only a "Commercial Exempt" well permit which does not allow exterior use of water for any reason, yet at least 25 grown trees have just been planted. Even if a residential permit were granted, this property is near the shallowest part of the aquifer, further diminishing the scarce supply.
- 6) **BLACK FOREST VETERINARY** cannot be used as a reason for rezoning to CC-5. It was granted a special A-5 zoning permit based on the fact that one of its focuses at the time was farm animals.
- 7) **CROSS INTERSECTION.** Constant traffic in and out of the retail strip at 12655 Black Forest Rd has already led to serious accidents at White Fir Ln. The new driveway created on this property directly across from White Fir Ln will create a much more dangerous situation, effectively making this a cross intersection.
- 8) **OUR SANCTUARIES.** Allowing this or any other Black Forest property to be improperly rezoned infringes on the sensibilities of every Black Forest resident and goes against the understanding of and reliance on the very nature of Black Forest when we, or our ancestors, bought or rebuilt our sanctuaries here.

Dated this day the 11th of December 2020

Sharon White

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Address