


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Nina Ruiz, Planning Manager
Jack Patton, Engineer I
Craig Dossey, Executive Director

RE: Project File #: CC-20-001
Project Name: Haddock Metal Roof Rezone
Parcel No.: 52070-00-004

OWNER:	REPRESENTATIVE:
Black Forest, LLC 8655 Table Butte Road, Colorado Springs, CO, 80908	PWN Architects and Planners 4949 South Syracuse Street, Denver, CO, 80237

Commissioner District: 1

Planning Commission Hearing Date:	12/17/2020
Board of County Commissioners Hearing Date:	1/26/2021

EXECUTIVE SUMMARY

A request by Black Forest, LLC, for approval of a map amendment (rezoning) from A-5 (Agricultural) to CC (Commercial Community). The 4.77 acre property is located on the west side of Black Forest Road, approximately 980 feet north of the Shoup Road and Black Forest Road intersection and within Section 7, Township 12 South, Range 65 West of the 6th P.M. The property is located within the Black Forest Preservation Plan (1987).



A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Black Forest, LLC, for approval of a map amendment (rezoning) of 4.77 acres from A-5 (Agricultural) to CC (Commercial Community).

Waiver(s)/Deviation(s): A waiver has been requested for the screening requirements under Section 6.2.2.D.2.c, Opaque Fencing or Wall Required, of the Land Development Code. Instead of constructing a fence or wall, the applicant is proposing to replant the property with various native pines. The pines are intended to create a buffer between the proposed CC-zoned property and the adjacent residential uses.

Section 6.2.2.D.2.c, Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses, of the Code states:

“Opaque Fencing or Wall Required. An opaque fence or wall with a minimum height of 6 feet is required along the lot, parcel, or tract line except where the adjacent single-family or duplex residential zoning district or use abuts a required roadway landscaping area.”

This Section requires a solid privacy fence along the perimeter of a commercially used parcel when adjacent to a residential parcel.

The applicant intends to utilize approximately 29 percent of the overall 4.77 acre property, therefore, an opaque fence along the perimeter would be visually obtrusive given the distances shown on the submitted site development plan from the proposed commercial activity to the adjacent residential parcels. Additionally, none of the nearby properties, even those utilized for commercial purposes, have a solid privacy fence along the property line. Compliance with this criteria would cause the commercial use to stand out and not be aesthetically compatible with the surrounding developed properties, which is the intent of the landscaping provisions of the Code.

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular item at the December 17, 2020 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: Approval

Vote: 9 to 1

Vote Rationale: Nay Vote: Mr. Moraes – I was opposed due to future possible uses versus what was proposed. I would rather see a variance in A-5 instead of the rezone to CC

Summary of Hearing: The applicant was represented at the hearing. Planning Commission minutes are attached.

Legal Notice: Advertised in Shopper’s Press on January 6, 2021.

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019):

- 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 since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

D. LOCATION

North:	RR-5 (Residential Rural)	Residential
South:	RR-5 (Residential Rural)	Residential
East:	RR-5 (Residential Rural)/ CC (Commercial Community)	Residential/Religious Institution
West:	RR-5 (Residential Rural)	Residential

E. BACKGROUND

The subject parcel was initially zoned A-4 (Agricultural) on September 20, 1965 when that portion of El Paso County was first zoned. In 1984, the property was rezoned from A-4 (Agricultural) to A-2 (Agricultural) (PCD File No. P84046Z). Over the years, the nomenclature of the Code has changed, and the A-2 zoning district was renamed as the A-5 (Agricultural) zoning district. The parcel was created by warrantee deed on January 1, 1970 (Warrantee Deed No. 706863) prior to El Paso County’s adoption of subdivision regulations on July 17, 1972, therefore, the parcel is the result of a legal division of land.

A special use was approved on the parcel by the Board of County Commissioners for an animal hospital on February 28, 1985 (AL-84-037Z). The animal hospital building burned in the Black Forest Fire and the use was never reestablished. There is a 3,250 square foot barn that was legally permitted on the 4.77-acre parcel (ADD-20-095). Barns utilized for agricultural or residential purposes are permitted as principle structures within the A-5 zoning district. The barn is currently being permitted as a commercial building with the Pikes Peak Regional Building Department (PPRBD).

A site development plan has been submitted and is under concurrent review to allow for a second, two story, 8,800 square foot (4,400 square foot footprint) office building and for the existing barn structure to be repurposed into auxiliary office space. The applicant's site development plan depicts 22 parking spaces where 43 parking spaces would be required for a general office per Table 6-2, Minimum Parking Requirements by Use, of the Code. The number of employees that will work at this site is approximately half of what is predicted within the Code for an office use of this size. An alternative parking plan may be approved by the PCD Director with approval of the site development plan pursuant to Section 6.2.5.(D)(vi) of the Code.

Section 6.2.5.C.2.b of the Code requires all parking lots with five (5) or more spaces include parking lot lighting. The applicant is requesting administrative approval of an alternative lighting plan in association with the site development plan in order to reduce the number and lighting levels on the property. The applicant states that this is an effort to help make the site more harmonious with adjacent residential properties. Alternative lighting plans may be approved by the PCD Director during the site development plan phase of the project pursuant to Section 6.2.3.(E) of the Code. The associated site development plan will be reviewed for compliance with all of the other applicable criteria of Chapter 6 the Code.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing a map amendment (rezone) of the 4.77-acre parcel from A-5 (Agricultural) to CC (Commercial Community). The parcel is surrounded by single family dwellings immediately to the north, east, south and west. Northwest of the property is located a PUD (Planned Unit Development) zoned development that allows for single family dwellings. Adjacent to the property, southeast, across Black Forest Road, is a parcel currently zoned CC (Commercial Community). The CC-zoned parcel contains several different businesses including an animal hospital, offices, and a retail shop. There is a small commercial node located approximately 980 feet to the south. The commercial node includes five (5) parcels zoned CR (Commercial Regional), two

(2) parcels zoned C-2 (Obsolete Commercial), and one (1) parcel zoned CC (Community Commercial). There are also two (2) churches zoned RR-5 (Residential Rural) within the commercial node. The entire commercial node, including those commercial uses within the RR-5 zoning district, comprises approximately 37 acres and includes a gas station, several restaurants, a school, a wedding venue, an animal hospital, a lawncare business, an antique shop, a feed store, two churches, a fire station, the Black Forest Community Center, and the Black Forest Pavilion.

Section 3.2 of the Code states the following as the intent of the CC zoning district:

“[T]o accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.”

The CC zoning district includes many uses which would not be limited to serving only the clientele in the neighborhood but any public who requires or desires the services, such as a bar, restaurant, business event center, or gas station. The CC zoning district is the least intensive commercial district in the Code. The CC zoning district also permits general offices as a permitted principle use. Staff recommended the applicant pursue rezoning to the CC zoning district during the early assistance meeting in order to establish the least intensive commercial zoning district that also allowed for the applicant’s proposed use, which includes the service of mounting a variety of products onto different surfaces such as roofs, and because there is an adjacent CC zoning district to the southeast. The CC zoning district is a logical transition between the existing commercial development included within the commercial node and the adjacent residentially zoned areas.

Should the rezone application be approved, the applicant will also be required to receive administrative approval of a site development plan by demonstrating compliance with the dimensional standards of the CC zoning district as well as the development standards included in Chapter 6 of the Code. These requirements include landscaping, lighting, signage, and parking standards; and are in place to ensure that the potential offsite impacts associated with new uses can be adequately mitigated. The applicant’s elevation drawings included in the associated site development plan depict that the proposed structure will resemble the adjacent single-family dwellings and will have minimal visual impact to the area. The applicant has proposed in their letter of intent that they will put in

place a restrictive covenant that will require all owners to maintain the residential character even if the property is sold and redeveloped by others in the future.

The Code requires specific buffering and landscaping areas along rights-of-way and between differing land uses. The development standards are in place to help limit potential impacts to adjacent property owners and to promote proper buffering and transitions from use to use. A waiver has been requested for the screening requirement under Section 6.2.2(D)(2)(c), Opaque Fencing or Wall Required, of the Land Development Code. This Section requires a solid privacy fence along the perimeter of a commercially used parcel when adjacent to a residential parcel. Instead of constructing a fence or wall, the applicant is proposing to replant the property with various pines. The pines are intended to create a buffer between the proposed commercial use and the adjacent residential uses.

2. Zoning Compliance

The applicant is requesting to rezone the 4.77 acre parcel to the CC (Commercial Community) zoning district. The CC (Commercial Community) zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods. The density and dimensional standards for the CC (Commercial Community) zoning district are as follows:

- Minimum lot size – 1 acre
- Setbacks - 25 feet from the front, rear, and sides.
- Maximum height - 40 feet

The applicant's associated site development plan will be required to demonstrate compliance with the applicable dimensional standards of the Code.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

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

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.

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 uses.

Policy 6.2.1 - Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

Policy 6.4.6 - Allow for the accommodation of necessary supporting commercial uses within or in proximity to rural residential areas in a manner that preserves the rural character of these areas.

Policy 10.2.2 - Carefully consider the availability of water and wastewater services prior to approving new development.

The parcel proposed in this map amendment (rezone) application is immediately surrounded by residential properties. As such, it is imperative that the applicant mitigate potential visual, noise, and traffic impacts so that the commercial parcel may be functionally integrated into the area. The applicant has made a substantial effort through siting, landscaping, lighting, parking, exterior design, and grading to mitigate potential visual and noise impacts. Please see the Transportation section below for an analysis of the anticipated transportation impacts. As discussed in the Land Development Code Analysis section above, the parcel will be designed in a way that the rural residential character will be preserved. The elevation of the land upon which the larger of the two structures is located will be lowered approximately 10 feet, and the building will be built into the hillside allowing for a lower profile and overall height and should result in much of the structure being screened by the natural environment. The larger structure being proposed will have timber beams on the east side facing the road and the overall appearance will blend in with the area. The existing, smaller structure has been designed as a barn which fits into the rural residential character of the adjoining properties.

Should the rezone application be approved, the applicant will be required to receive approval of a site development plan demonstrating compliance with the dimensional standards as well as the development standards included in Chapter 6 of the Code. These requirements include landscaping, lighting, signage, and parking standards; and are in place to ensure that the potential offsite impacts associated with new uses can be mitigated as well as to ensure the commercial

development is functionally and aesthetically integrated within the context of adjoining properties and uses.

Water supply to the parcel will be provided via a commercial well (Permit No. 168912-A). The well permit allows for indoor water usage only and does not allow for exterior irrigation. The applicant has proposed that the xeriscape be irrigated utilizing water stored in an onsite cistern. The cistern is proposed to be filled with water purchased off site. The applicant is also proposing an onsite wastewater treatment system (OWTS) to serve the property.

4. Small Area Plan Analysis

The property is located within the Black Forest Preservation Plan (1987), specifically the community commercial node within the Timbered Area of the Visual Unit boundaries as depicted on Map 11.

The Timbered Area is described on page 89, in the Land Use Scenario section of the Black Forest Preservation Plan, as “an area with uses to be limited to low density residential or open space from the ‘community center.’”

Page 51 of the Plan states:

“All commercially zoned property associated with either center is located within one quarter mile of the respective intersections.”

The community center is identified as being within one-quarter of a mile (1320 feet) from the intersection of Shoup Road and Black Forest Road. The subject parcel is located approximately 980 feet from the intersection. Therefore, the proposed rezoning request is within the commercial node of the Plan.

Relevant goals and policies are as follows:

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

Policy 1.7 - Enhance the function of the area near the intersection of Black Forest and Shoup Roads as the “community center” of the planning area.

Goal 4.A - Allow for a limited commercial development which supports and enhances the Black Forest Planning Area.

Policy 4.1 - *Restrict new commercial uses within the forested and low-density residential areas to existing or proposed commercial nodes as defined in the approved Land Use Scenario and Concept Plan. Within these areas infill should be encouraged rather than expansion. Strip commercial development is not desired.*

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

Policy 8.1 - *Preserve and enhance the natural environment and wildlife of the planning area.*

Policy 10.1 - *Encourage new developments to use innovative siting and design techniques to enhance prime visual features such as the Front Range, the Timbered Area edge, relict prairie meadows, the grasslands and farm structures.*

The proposed map amendment (rezoning) is within one-quarter (1/4) of a mile of the commercial node identified within the Black Forest Preservation Plan located at the intersection of Black Forest Road and Shoup Road. Additionally, the applicant is requesting to rezone the parcel to the CC (Commercial Community) zoning district, which is intended to accommodate commercial developments that primarily serve adjoining neighborhoods.

The proposed building facades, as designed, are generally consistent with structures on the surrounding parcels. The plans submitted to the County depict careful consideration in siting the structures so that they blend in with adjacent properties and appear residential in nature. Alternative lighting, screening, and parking plans have also been requested to further blend into adjacent land uses and mitigate potential impacts. The applicant has already begun replanting trees on the burned parcel to attempt to bring the property back to its pre-fire condition. Additionally, the grade of the property will be substantially lowered to further reduce visual impacts. The proposed development is consistent with those goals and policies pertaining to enhancing the natural environment and preserving views.

The Black Forest Land Use Committee was sent a referral for the rezoning request and the concurrently submitted site development plan. They responded with the following statement:

“The Black Forest Land Use Committee recommends approval of this rezone. The parcel is within the quarter mile of the Shoup Road/Black Forest Road intersection that is specified in the Preservation Plan as the area for commercial development.”

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Policy 6.0.2 - Encourage development to incorporate water efficiency principals.

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.

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

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

The site has made an adequate attempt at incorporating water efficiency principals through xeriscaping, cistern usage, and a return flow (augmentation plan) wastewater system. The applicant has submitted a copy of their commercial well permit that shows where the water is coming from and the allowed acre-feet per year.

The Plan identifies the current demands for Region 2 to be 7,332 AFY (Figure 5.1) with the projected need at build-out in 2060 at 13,254 AFY (Figure 5.3). Region 2 currently has 13,607 AFY in supplies, which means by 2060 there is anticipated to be a surplus of 353 AFY (Table 5-2).

The applicant is proposing a xeriscape design, which is supported by Policies 6.1.2.2 and 6.1.3.1 of the County's Water Master Plan.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services, Environmental Division, was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcel. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There are no hazards identified on the property that would preclude development.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential

3. Floodplain

The property is not impacted by a designated floodplain (Zone X) as indicated by FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0315G, which has an effective date of December 7, 2018.

4. Drainage and Erosion

The development is located within the Kettle Creek drainage basin (FOMO3000), which is studied and has associated drainage fees but no bridge fees. Drainage fees are not collected with a rezone. The applicant has submitted a final drainage report and grading and erosion control plan with the concurrent site development plan review (PCD File No. PPR-20-023). The development will implement Full Spectrum Detention utilizing an Extended Detention Basin (EDB) to capture and treat runoff prior to discharge downstream.

5. Transportation

Access to the development is by an existing permitted driveway on Black Forest Road, classified as a minor arterial in the 2016 Major Transportation Corridor Plan (MTCP). There are no improvements in the immediate vicinity of the development identified in the 2016 Major Transportation Corridor Plan (MTCP). A traffic impact study was not required as the proposed development is not expected to generate 100 daily vehicle trips. Should the property be repurposed in the future with a more intensive use, a traffic study and roadway improvements may be required. The development is subject to the El Paso County Road Impact Fee program (Resolution No. 18-471.)

H. SERVICES

1. Water

Water supply service is proposed to be provided by a commercial well (Permit No. 168912-A).

2. Sanitation

Wastewater service is proposed to be provided by an onsite wastewater treatment system which is currently in review by El Paso County Public Health.

3. Emergency Services

The property is within the Black Forest Fire Protection District. The District was sent a referral and has outstanding comments that will need to be addressed during the site development plan phase of this project. The comments are as follows:

“Will the existing building and proposed office have an engineered fire suppression system and/or a FACP with smoke detectors and combination horn/strobe devices? Parking lot and driveway dimensions for Fire Apparatus. If I'm reading this correctly, during quarterly meetings there could be a maximum of 22 people in the office?”

4. Utilities

Mountain View Electric Association will provide electrical service and natural gas service will be provided by Black Hills Energy.

5. Metropolitan Districts

The subject parcel is not within a Metropolitan District.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication is not required for a map amendment (rezoning) application. The Parks Master Plan (2013) identifies a regional trail along Shoup Road to the south as well as the LaForet Trail to the north of the property. El Paso County Community Services Department, Parks Division, has been sent a referral and has no outstanding comments.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

1. APPLICABLE RESOLUTIONS

See attached Resolution.

I. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations.

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CC (Commercial Community) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. Any new or change of use that will generate more traffic than the proposed use may be required to submit a traffic study to the County to determine if roadway improvements are necessary.

2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight (8) adjoining property owners on November 30, 2020, for the Board of County Commissioners' meeting. Responses received to date are attached; others may be provided at the hearing.

L. ATTACHMENTS

Vicinity Map
Letter of Intent
Preliminary Site Development Plan
Rezone Map
Well Permit
Adjacent Property Owner Responses
Planning Commission Minutes
Planning Commission Resolution
Board of County Commissioners' Resolution

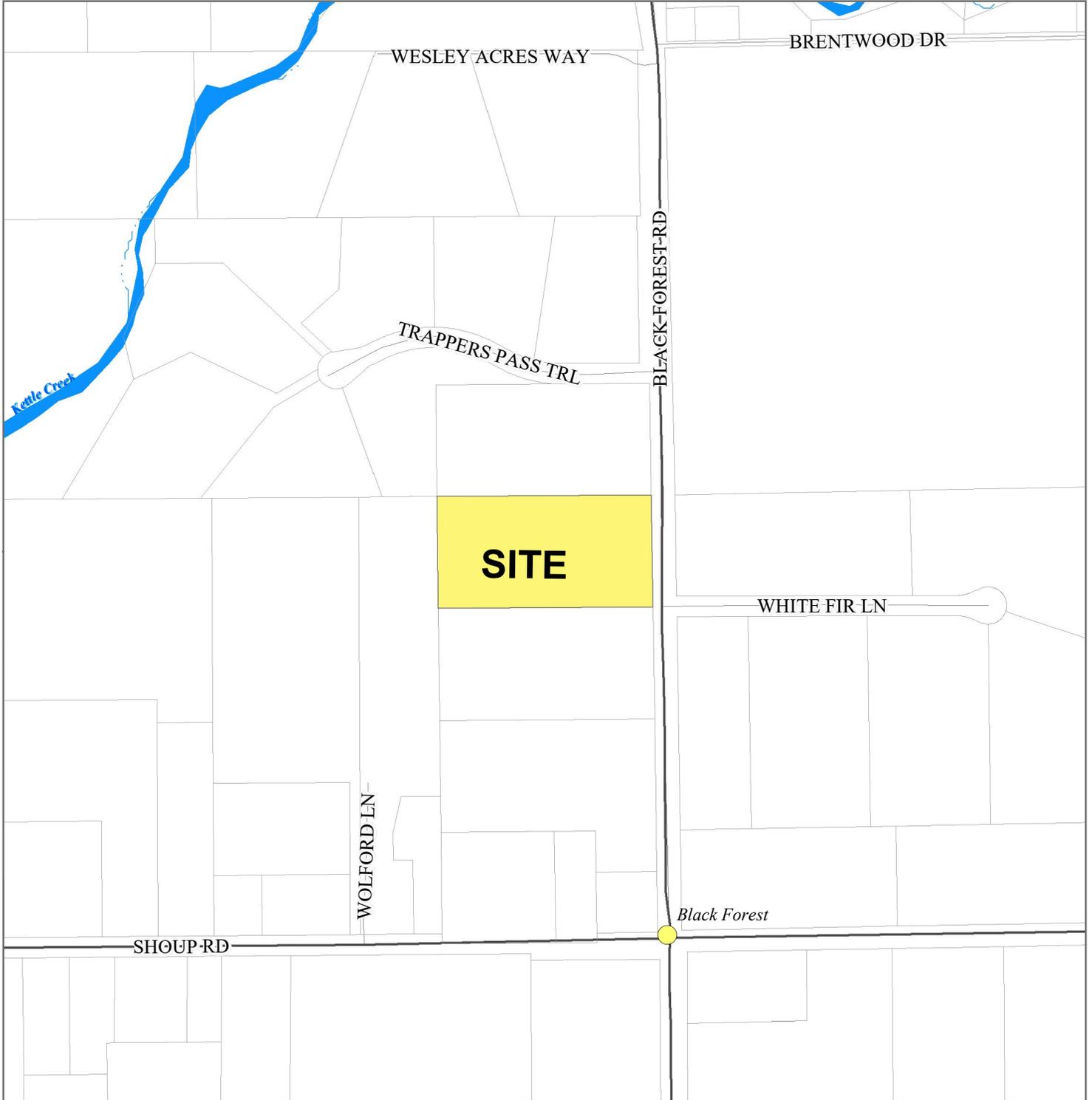
El Paso County Parcel Information

File Name: CC-20-001

PARCEL	NAME
5207000004	BLACK FOREST LLC

Zone Map No. --

Date: November 25, 2020



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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Architects & Planners Inc.

4949 S. Syracuse St | Suite 320 | Denver Colorado 80237 | P: 303.649.9880 | 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
Tom Davis 303.649.9880, ext. 106, 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 x 8.8 GPD x 250 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) 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.

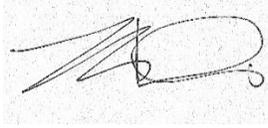
Perhaps the greatest benefit and service to the local community is that this project going forward presents a tasteful use and improvement of this land, while at the same time precludes a much less desirable land use such as a Kum & Go or similar impact business from ever being built on this site instead. 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 or 303.649.9880 extension 106.

Letter of Intent
Rezoning-12740 Black Forest Road
November 24, 2020
Page 13 of 13

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Davis', is centered below the closing. The signature is fluid and cursive, with a large initial 'T' and 'D'.

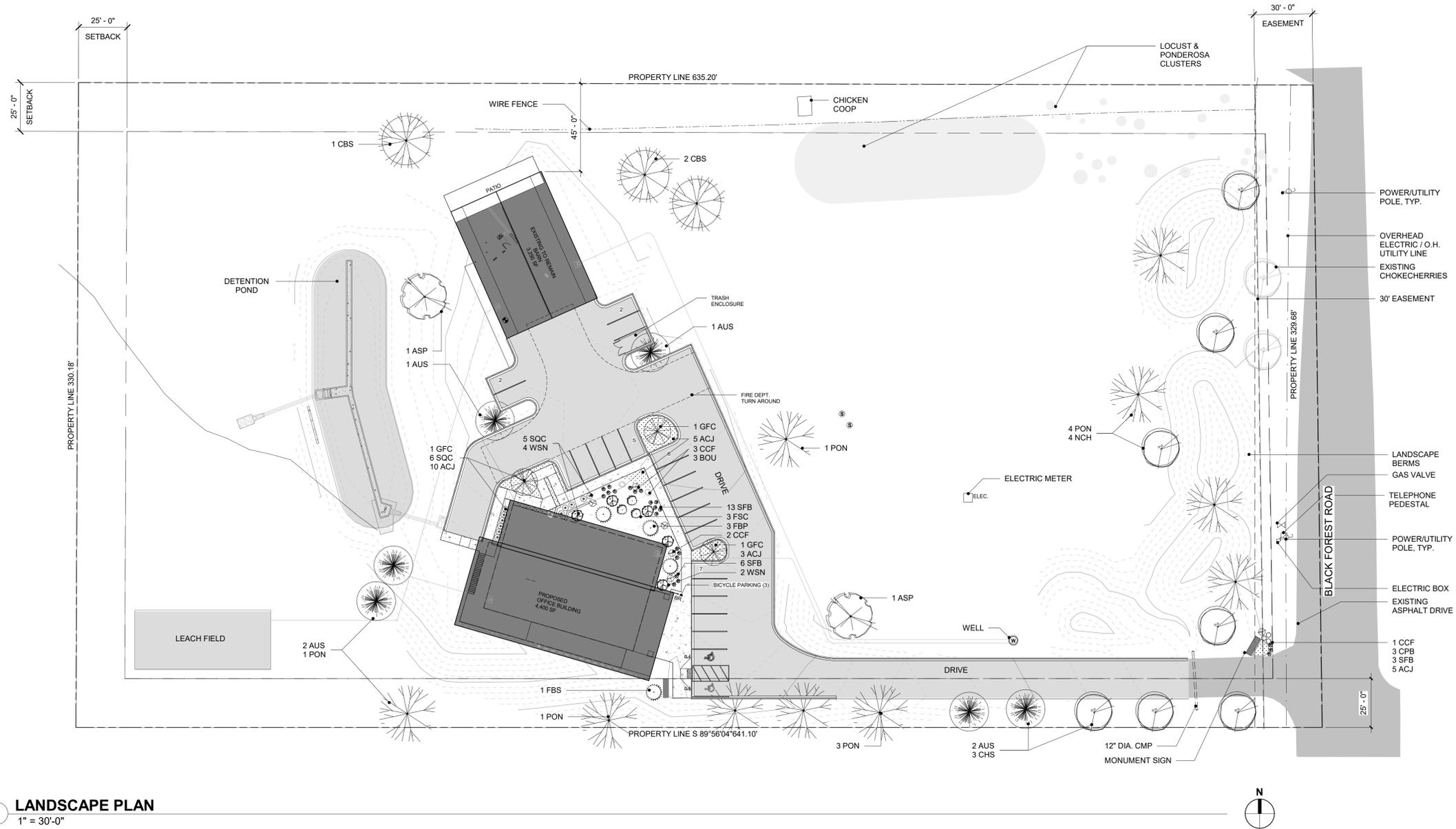
Tom Davis, AIA, NCARB, LEED AP
Senior Associate Architect
PWN Architects and Planners

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

SITE DEVELOPMENT PLAN

BLACK FOREST OFFICE

N1/2 NE1/4 SE1/4 SE1/4 OF SECTION 07, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF
THE 6TH P.M., EL PASO COUNTY, COLORADO
4.77 ACRES



PLANT SCHEDULE					
SYMBOL	BOTANICAL NAME	QTY	SIZE	SPACING	NOTES
	PINE, PONDEROSA <i>Pinus ponderosa</i>	10	2"BB	40-60"H BY 25-30"W O.C.	[PON]
	PINE, AUSTRIAN <i>Pinus nigra</i>	6	2"BB	40-50"H BY 20"W O.C.	[AUS]
	SPRUCE, COLORADO <i>Picea pungens</i>	3	2"BB	40-60"H BY 25"W O.C.	[CBS]
	ASPEN, QUAKING <i>Populus tremuloides</i>	2	2"BB	35"H BY 15"W O.C.	[ASP] SINGLE - STEM
	MAPLE, GINNALA FLAME <i>Acer ginnala 'Flame'</i>	3	2"BB	20"H BY 20"W O.C.	[GFC] SINGLE - STEM
	CHOKECHERRY, NATIVE <i>Prunus virginiana</i>	7	#5	25"H BY 20"W O.C.	[CHS]
	CHOKECHERRY, SCHUBERT <i>Prunus virginiana 'Schubert'</i>	3	#5	25"H BY 20"W O.C.	[CHS]
	PINE, FOXTAIL 'SHERWOOD COMPACT' <i>Pinus aristata 'Sherwood Compact'</i>	3	# 10	10"H BY 4"W O.C.	[FSC] 6" H - MINIMUM
	SPRUCE, FASTIGIATE BLUE <i>Picea pungens 'Fastigiata'</i>	4	1.5"BB	25"H BY 6"W O.C.	[FSP] 6" H - MINIMUM
	SNOWBERRY, WESTERN <i>Symphoricarpos occidentalis</i>	6	# 5	5"H BY 5"W O.C.	[WSN]
	CURRANT, SQUAW/WAX <i>Ribes cereum</i>	11	# 5	4"H BY 4"W O.C.	[SQC] DWARF
	CUTLEAF CONEFLOWER <i>Rudbeckia laciniata</i>	6	# 1	4"H BY 4"W O.C.	[CCF]
	SPREADING FLEABANE <i>Erigeron divergens</i>	22	# 1	12"H BY 12-15"W O.C.	[SFB]
	BARBERRY, CRIMSON PYGMY <i>Berberis thunbergii 'Atropurpurea Nana'</i>	3	# 3	8"H BY 3-4"W O.C.	[CPB]
	JUNIPER, ALPINE CARPET <i>Juniperus communis 'Mondap'</i> PLANTED	22	# 1	8" H BY 4"W O.C.	[ACJ]
	BOULDER TBD	03	#--	12"-48" W	[BOU] N/A

ABBREVIATIONS : BB = BALLED & BURLAPPED | # 00 = GAL. SIZE | 0" = CALIPER (CALIPER MEASURED 6" ABOVE GROUND)

1 LANDSCAPE PLAN
1" = 30'-0"



LANDSCAPE PLAN

SHEET
2 OF 10

PROJECT NUMBER: SP0000-00
DATE PREPARED: 09-15-2020
PLANS PREPARED FOR:
BLACK FOREST, LLC
12740 BLACK FOREST RD.
COLORADO SPRINGS, CO 80908

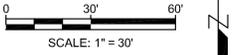


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SITE DEVELOPMENT PLAN

BLACK FOREST OFFICE

N1/2 NE1/4 SE1/4 SE1/4 OF SECTION 07, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF
THE 6TH P.M., EL PASO COUNTY, COLORADO
4.77 ACRES

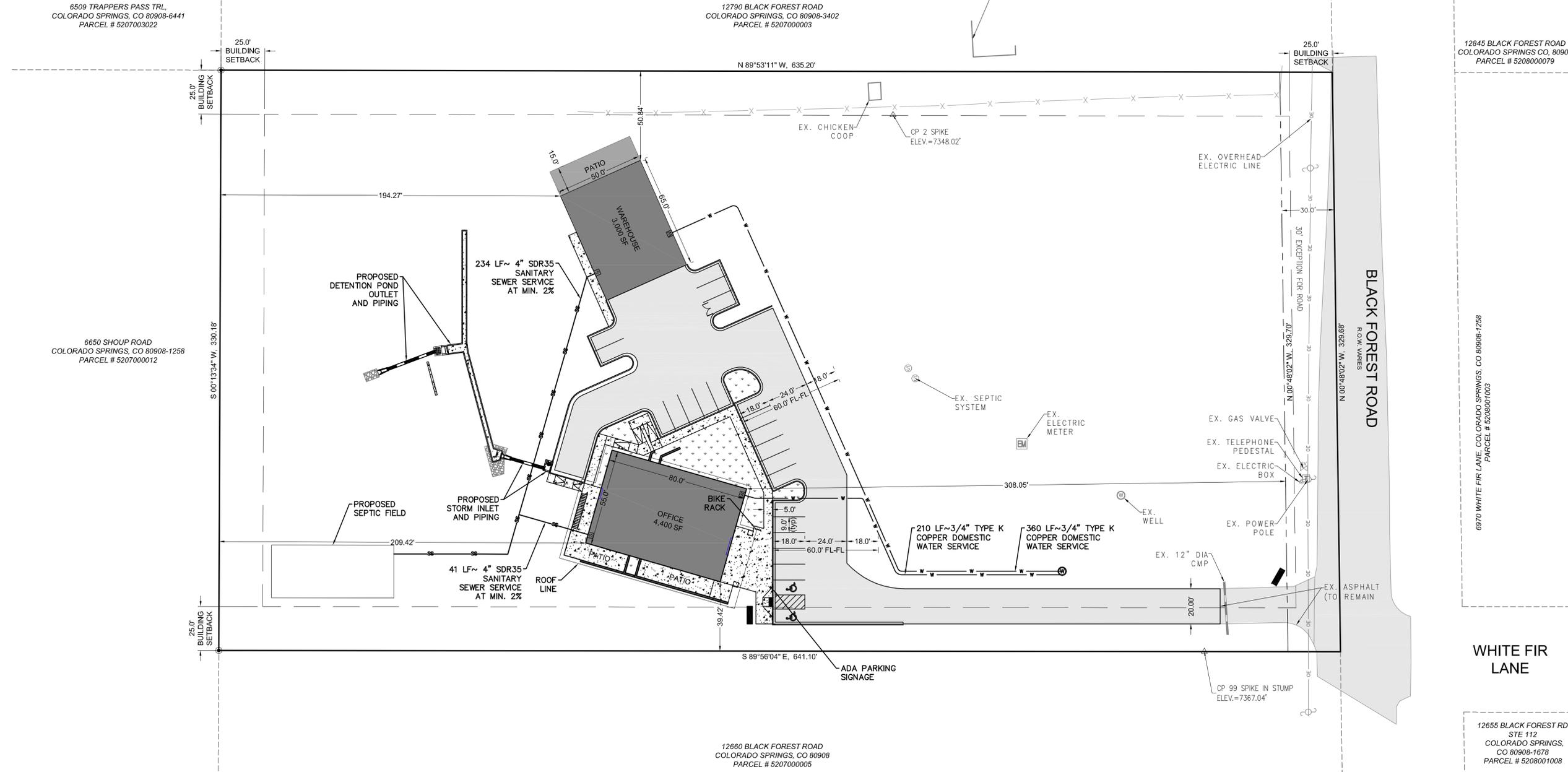


MATERIAL LEGEND

	EXISTING ASPHALT
	PROPOSED CONCRETE
	PROPOSED ASPHALT
	PROPOSED GRAVEL
	PROPOSED BUILDING
	PROPOSED LANDSCAPE ELEMENTS

LEGEND

	PROPERTY BOUNDARY
	EXISTING EASEMENT
	EXISTING SIGN
	EXISTING CURB & GUTTER
	EXISTING HYDRANT
	BUILDING SETBACK
	PROPOSED EASEMENT
	PROPOSED CURB AND GUTTER (CATCH)
	PROPOSED CURB AND GUTTER (SPILL)
	PROPOSED FENCE
	PROPOSED SIGN
	PROPOSED FIRE HYDRANT
	SURVEY CONTROL POINT
	FOUND PROPERTY CORNER



DETAILED DRAINAGE CONSTRUCTION PLANS AND SPECIFICATIONS ENGINEER'S STATEMENT:

THESE DETAILED PLANS AND SPECIFICATIONS WERE PREPARED UNDER MY DIRECTION AND SUPERVISION. SAID DETAILED PLANS AND SPECIFICATIONS HAVE BEEN PREPARED ACCORDING TO THE CRITERIA ESTABLISHED BY THE CITY/COUNTY FOR DETAILED DRAINAGE PLANS AND SPECIFICATIONS, AND SAID DETAILED PLANS AND SPECIFICATIONS ARE IN CONFORMITY WITH THE MASTER PLAN OF THE DRAINAGE BASIN. SAID DETAILED DRAINAGE PLANS AND SPECIFICATIONS MEET THE PURPOSES FOR WHICH THE PARTICULAR DRAINAGE FACILITY(S) IS DESIGNED. I ACCEPT RESPONSIBILITY FOR ANY LIABILITY CAUSED BY ANY NEGLIGENT ACTS, ERRORS OR OMISSIONS ON MY PART IN PREPARATION OF THE DETAILED DRAINAGE PLANS AND SPECIFICATIONS.

EL PASO COUNTY PLAN REVIEW IS PROVIDED ONLY FOR GENERAL CONFORMANCE WITH COUNTY DESIGN CRITERIA. EL PASO COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, AND/OR ELEVATIONS WHICH SHALL BE CONFIRMED AT THE JOB SITE. EL PASO COUNTY THROUGH THE APPROVAL OF THIS DOCUMENT ASSUMES NO RESPONSIBILITY FOR COMPLETENESS AND/OR ACCURACY OF THIS DOCUMENT.

CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.



BENCHMARK

SURVEY CONTROL POINTS AS SHOWN HEREON. ALL ELEVATIONS ARE BASED UPON NAVD88 VERTICAL DATUM.

UTILITY PLAN

SHEET
3 of 10

PROJECT NUMBER: SP0000-00
DATE PREPARED: 09-15-2020
PLANS PREPARED FOR:
BLACK FOREST, LLC
12740 BLACK FOREST RD.
COLORADO SPRINGS, CO 80908

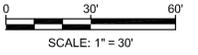
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voice.303.649.9880 fax.303.649.9870
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SITE DEVELOPMENT PLAN

BLACK FOREST OFFICE

N1/2 NE1/4 SE1/4 SE1/4 OF SECTION 07, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF
THE 6TH P.M., EL PASO COUNTY, COLORADO
4.77 ACRES



6509 TRAPPERS PASS TRL.
COLORADO SPRINGS, CO 80908-6441
PARCEL # 5207003022

12790 BLACK FOREST ROAD
COLORADO SPRINGS, CO 80908-3402
PARCEL # 5207000003

12845 BLACK FOREST ROAD
COLORADO SPRINGS CO, 80908
PARCEL # 5208000079

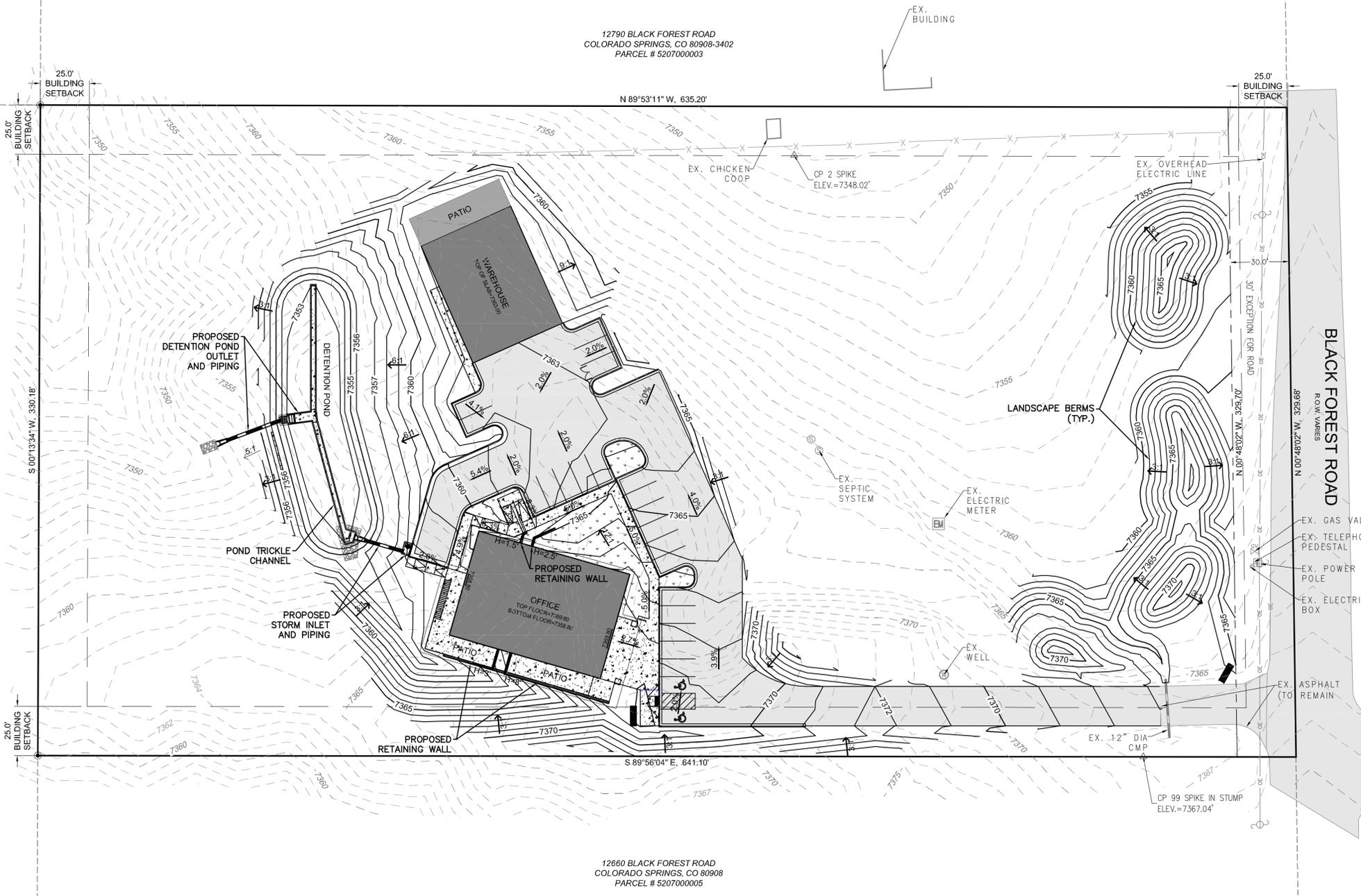
6650 SHOUP ROAD
COLORADO SPRINGS, CO 80908-1258
PARCEL # 5207000012

12660 BLACK FOREST ROAD
COLORADO SPRINGS, CO 80908
PARCEL # 5207000005

6970 WHITE FIR LANE, COLORADO SPRINGS, CO 80908-1258
PARCEL # 5208001003

WHITE FIR LANE

12655 BLACK FOREST RD
STE 112
COLORADO SPRINGS,
CO 80908-1678
PARCEL # 5208001008



MATERIAL LEGEND

	EXISTING ASPHALT
	PROPOSED CONCRETE
	PROPOSED ASPHALT
	PROPOSED GRAVEL
	PROPOSED BUILDING
	PROPOSED LANDSCAPE ELEMENTS

LEGEND

	PROPERTY BOUNDARY
	EXISTING EASEMENT
	EXISTING SIGN
	EXISTING CURB & GUTTER
	EXISTING HYDRANT
	BUILDING SETBACK
	PROPOSED EASEMENT
	PROPOSED CURB AND GUTTER (CATCH)
	PROPOSED CURB AND GUTTER (SPILL)
	PROPOSED FENCE
	PROPOSED SIGN
	PROPOSED FIRE HYDRANT
	SURVEY CONTROL POINT
	FOUND PROPERTY CORNER

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Know what's below.
Call before you dig.

BENCHMARK

SURVEY CONTROL POINTS AS SHOWN HEREON. ALL ELEVATIONS ARE BASED UPON NAVD88 VERTICAL DATUM.

GRADING AND DRAINAGE PLAN

PROJECT NUMBER: SP0000-00
DATE PREPARED: 09-15-2020
PLANS PREPARED FOR:

BLACK FOREST, LLC

12740 BLACK FOREST RD.
COLORADO SPRINGS, CO 80908

SHEET
4 of 10



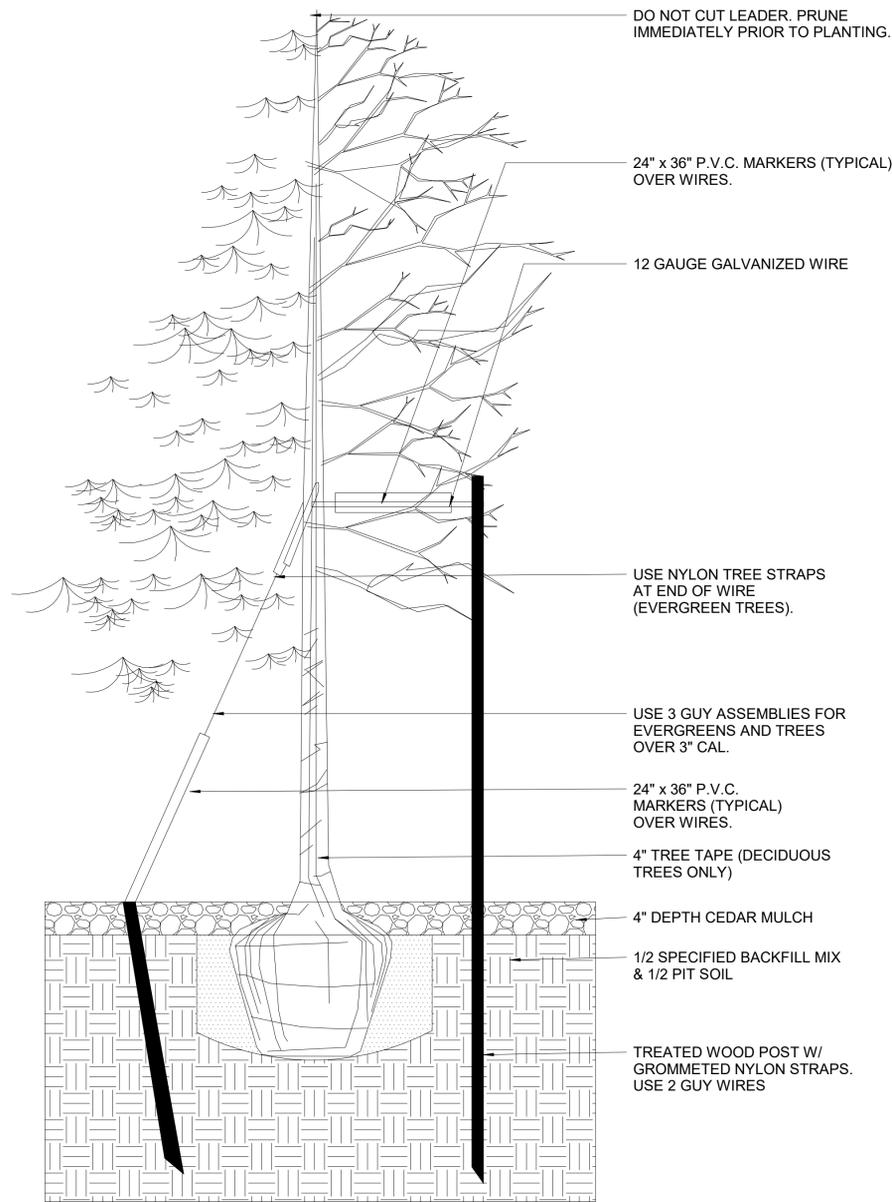
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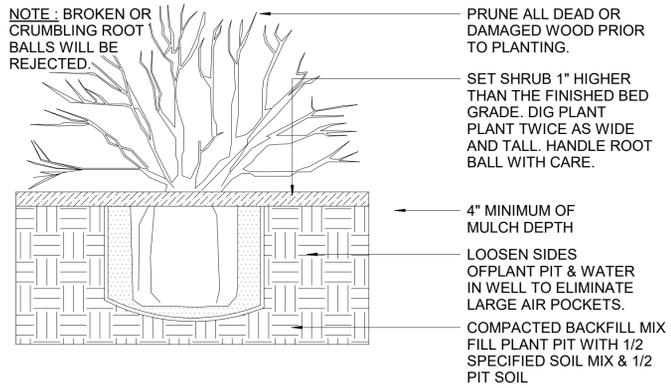
SITE DEVELOPMENT PLAN

BLACK FOREST OFFICE

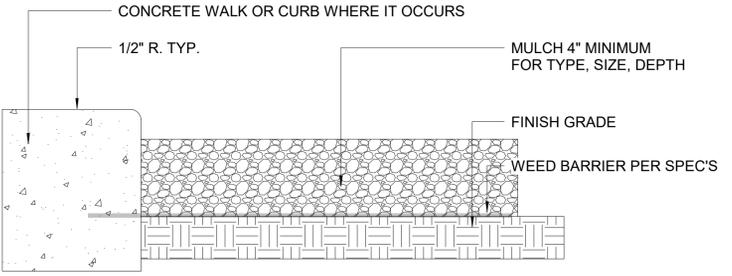
N1/2 NE1/4 SE1/4 SE1/4 OF SECTION 07, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO
4.77 ACRES



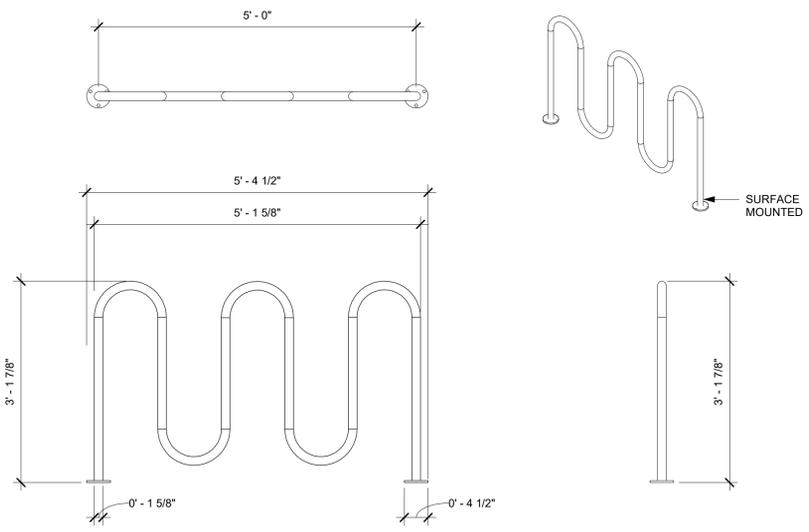
1 TREE DETAIL
1" = 1'-0"



2 SHRUB DETAIL
1" = 1'-0"



3 MULCH DETAIL
1/8" = 1'-0"



4 BIKE RACK
3/4" = 1'-0"

LANDSCAPE NOTES:

1. THIS LANDSCAPE ARCHITECTURAL SITE PLAN IS TO BE USED IN CONJUNCTION WITH THE EXISTING CIVIL, MECHANICAL, ELECTRICAL, ARCHITECTURAL, AND IRRIGATION AS-BUILT SITE PLANS TO FORM COMPLETE INFORMATION REGARDING THIS SITE.
2. ALL NEW LANDSCAPE AREAS SHALL BE ROTOTILLED WITH CLASS 1 ORGANIC COMPOST AT A RATE OF 4 CUBIC YARDS PER 1,000 SQUARE FEET. THIS PREPARATION SHALL BE THOROUGHLY INCORPORATED INTO THE TOP 6" ALL DECIDUOUS TREES ARE TO BE APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. ANY PLANT NOT MEETING THE LANDSCAPE PROFESSIONAL'S APPROVAL WILL BE REJECTED AT ANY TIME PRIOR TO FINAL ACCEPTANCE.
3. ALL TREES TO BE STAKED OR GUYED AS PER PLANT LIST AND DETAILS.
4. ALL TREE AND SHRUB BED LOCATIONS ARE TO BE STAKED OUT ON SITE FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
5. ALL SHRUB / ORNAMENTAL GRASS BEDS SHALL BE MULCHED WITH 4" DEPTH 3/4" CRUSHED GRANITE ROCK MULCH OVER SPECIFIED FILTER FABRIC.
6. ALL MULCH AREAS ADJACENT TO THE BUILDING AND SCREEN WALLS SHALL BE MULCHED WITH 4" DEPTH 3/4" CRUSHED GRANITE ROCK MULCH OVER SPECIFIED FILTER FABRIC.
7. ALL PERENNIAL BEDS SHALL BE MULCHED WITH 4" DEPTH SPECIFIED WESTERN RED CEDAR MULCH. DO NOT PLACE FILTER FABRIC UNDER WOOD MULCH.
8. ALL NEW SHRUB BEDS AND MULCH AREA ARE TO BE CONTAINED WITH SPECIFIED ROLL TOP STEEL EDGER (NOT REQUIRED AT CURB, WALKS OR BUILDING). PLACE STEEL EDGER BETWEEN ALL ROCK AND WOOD MULCH BEDS. COLOR OF EDGER TO BE STAINLESS STEEL.
9. CONTRACTOR SHALL VERIFY LOCATION OF ALL UNDERGROUND UTILITIES, LINES AND STRUCTURES PRIOR TO EXCAVATION OR TRENCHING. DAMAGE TO THESE UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT NO COST TO THE OWNER OR LANDSCAPE PROFESSIONAL.
10. ALL TREE AND SHRUB LOCATIONS SHALL BE STAKED BY THE CONTRACTOR AND APPROVED BY THE LANDSCAPE PROFESSIONAL.
11. PLANT SUBSTITUTIONS WILL NOT BE PERMITTED WITHOUT APPROVAL BY LANDSCAPE PROFESSIONAL.
12. PLANTING PITS SHALL BE EXCAVATED TO A MINIMUM OF TWO TIMES THE WIDTH OF THE ROOTBALL. DO NOT DISTURB SOIL AT THE BOTTOM OF PIT BUT SCARIFY SIDES TO PREVENT GLAZING.
13. LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR ONE YEAR FROM DATE OF FINAL INSPECTION.
14. RESTORE ANY DAMAGED AREAS BACK TO ORIGINAL CONDITION AT CONTRACTOR'S EXPENSE.
15. LANDSCAPE WARRANTY PERIOD ONE YEAR. ALL MAINTENANCE SHALL BE AT CONTRACTOR'S EXPENSE INCLUDING PROPER PRUNING, WEEDING, PLANT REPLACEMENT, SUPPLEMENTAL MULCHING, TRASH REMOVAL AND WATERING UNTIL SUBSTANTIAL COMPLETION ACCEPTANCE.
16. ALL NEW LANDSCAPE AREAS WILL BE WATERED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. ALL TURF AREAS LESS THAN 15' IN WIDTH SHALL HAVE LOW ANGLE SPRAY NOZZLES DESIGNED FOR THE SPECIFIED WIDTH. ALL TURF AREAS GREATER THAN 15' SHALL BE IRRIGATED WITH GEAR-DRIVEN ROTORS WITH LOW HEAD DRAINAGE. ALL SHRUB/ORNAMENTAL GRASS / VINE BEDS SHALL BE IRRIGATED WITH SEPARATELY ZONED DRIP SYSTEM PROVIDING FULL COVERAGE TO EACH PLANT. A RAIN SENSOR SYSTEM SHALL BE A COMPONENT TO THE IRRIGATION SYSTEM AND SUBMITTALS FOR APPROVAL BY THE LANDSCAPE PROFESSIONAL PRIOR TO INSTALLATION.
17. THIS PLAN HAS BEEN COMPLETED BY A LANDSCAPE DESIGNER AND SIGNED OFF BY THE PROJECT ARCHITECT. LANDSCAPE IS DESIGNED TO PROVIDE A SUSTAINABLE APPROACH TO ENSURE REVEGETATION OF THE DISTURBED SITE, AND TO IMPROVE AESTHETICS OF THE BUILT FACILITIES IN A SUSTAINABLE MANNER UPON COMPLETION OF A NEW DEVELOPMENT.

LANDSCAPE SOIL NOTES

1. ALL LANDSCAPING SHALL BE IN CONFORMANCE WITH EL PASO COUNTY CH.6 LDC REGULATIONS AND THE LANDSCAPE AND WATER CONSERVATION MANUAL.
2. LANDSCAPING SHALL BE PLANTED AND MAINTAINED IN A LIVING CONDITION BY THE OWNER. ALL LANDSCAPE IMPROVEMENTS/MATERIALS MUST HAVE A 100% ONGOING SURVIVAL RATE. ANY DEAD OR DAMAGED PLANT MATERIAL (AS DETERMINED BY THE COUNTY), SHALL BE REPLACED WITHIN 6 MONTHS OF NOTIFICATION BY THE COUNTY. ALL LANDSCAPE IMPROVEMENTS/MATERIALS MUST BE MAINTAINED AS REQUIRED BY THE LANDSCAPE REGULATIONS AND THIS SITE PLAN AMENDMENT.
3. SOIL REPARATION FOR ALL NON-HARDSCAPE AREAS SHALL INCLUDE TOPSOIL AND/OR ORGANIC MATTER (COMPOST OR AGED GROUND MANURE) AND SHALL BE ADDED AT A RATE OF FIVE (5) CUBIC YARDS PER ONE THOUSAND (1,000) SQUARE FEET AND TILLED 6" DEPTH INTO THE SOIL. ORGANIC MATERIAL TO HAVE THE FOLLOWING CHARACTERISTICS:
ORGANIC MATTER: 25% OR GREATER
SALT CONTENT: 3.0 MMHOS/CM MAX.
PH: 6.5 MAXIMUM
CARBON TO NITROGEN RATIO: 10:1 TO 25:1
SPREAD RATE: @ 5 CY/1,000 SF
4. AN INSPECTION AND AFFIDAVIT REGARDING SOIL PREPARATION WILL BE REQUIRED.
5. NO TREE OR SHRUB WILL BE PLANTED WITHIN 5' OF A FIRE HYDRANT.
6. SEED SHALL BE INSTALLED WHEN AT LEAST 3 MONTHS REMAIN IN THE GROWING SEASON. IF LESS THAN 3 MONTHS REMAIN IN THE GROWING SEASON AT THE TIME OF SEEDING, THE LANDSCAPE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE PROFESSIONAL AND OWNER. ALL SEED APPLICATIONS SHALL BE DRILL SEEDING, WITH HYDROMULCH APPLIED OVER THE SEED BED AFTER SEEDING.
- 7.

NATIVE GRASS SEED MIX			
COMMON NAME	% OF TOTAL	PLS PER ACRE	HEIGHT/IN.
EPHRAIM CRESTED WHEATGRASS	30%	20-25	12"
IDAHO FESCUE	25%	20-25	8-12"
PERENNIAL RYE	20%	6-10	12-18"
CHEWINGS FESCUE	15%	20-25	12-24"
CANADA BLUEGRASS	10%	2.5	8-12"

SEED SHALL BE INSTALLED WHEN AT LEAST 3 MONTHS REMAIN IN THE GROWING SEASON. IF LESS THAN 3 MONTHS REMAIN IN THE GROWING SEASON AT THE TIME OF SEEDING, THE LANDSCAPE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE PROFESSIONAL AND OWNER. ALL SEED APPLICATIONS SHALL BE DRILL SEEDING, WITH HYDROMULCH APPLIED OVER THE SEED BED AFTER SEEDING.

HYDROMULCH MIX PERCENTAGE	% OF TOTAL
WOOD FIBER MULCH	85%
15-15-15 ORGANIC FERTILIZER	10%
ORGANIC BINDER/ TACKIFIER	05%

LANDSCAPE DETAILS

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DATE PREPARED: 09-15-2020
PLANS PREPARED FOR:
BLACK FOREST, LLC
12740 BLACK FOREST RD.
COLORADO SPRINGS, CO 80908

SHEET
5 OF 10

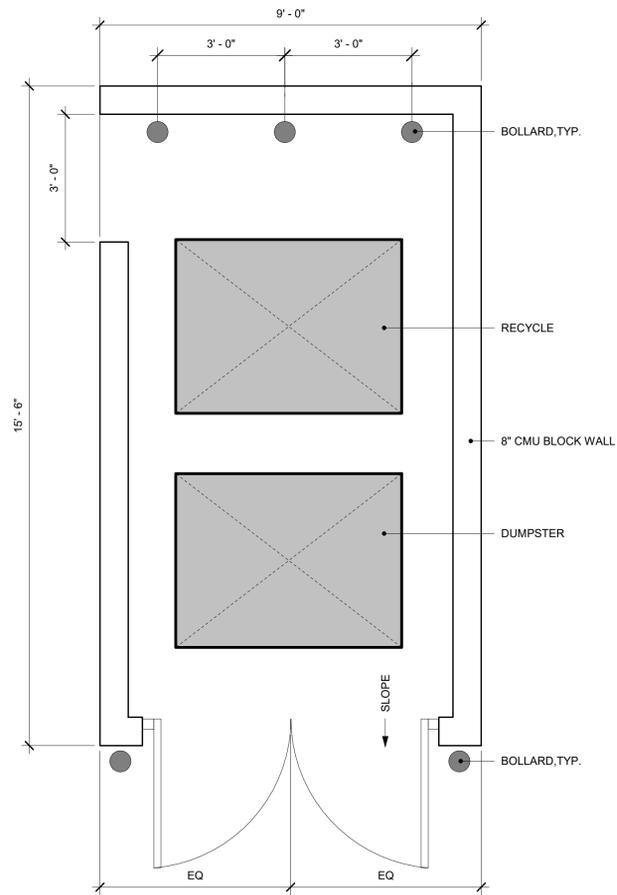


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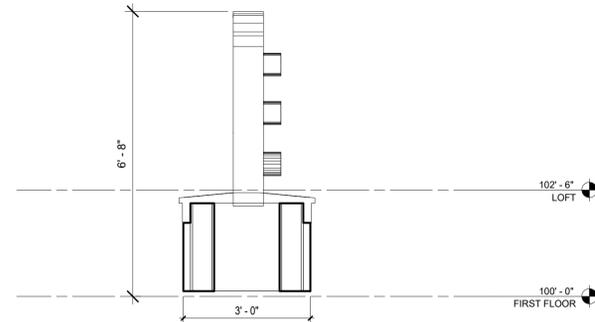
SITE DEVELOPMENT PLAN

BLACK FOREST OFFICE

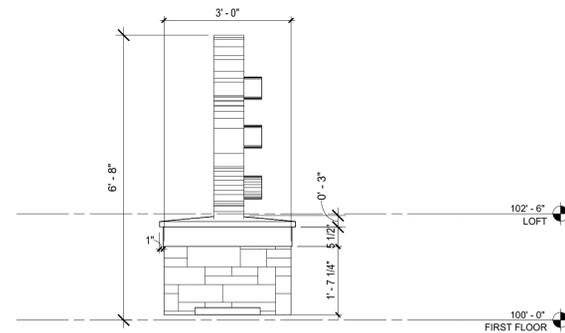
N1/2 NE1/4 SE1/4 SE1/4 OF SECTION 07, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF
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4.77 ACRES



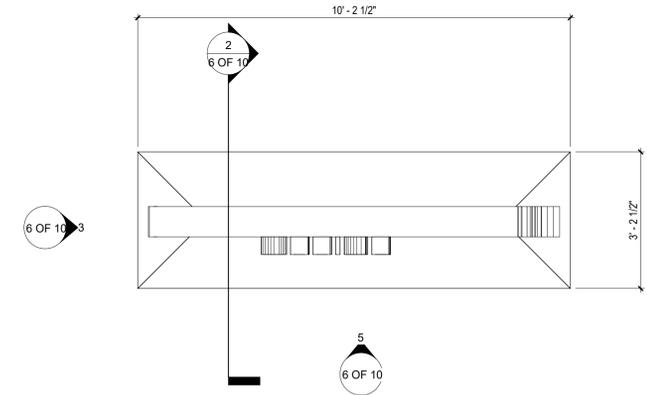
1 TRASH ENCLOSURE
1/2" = 1'-0"



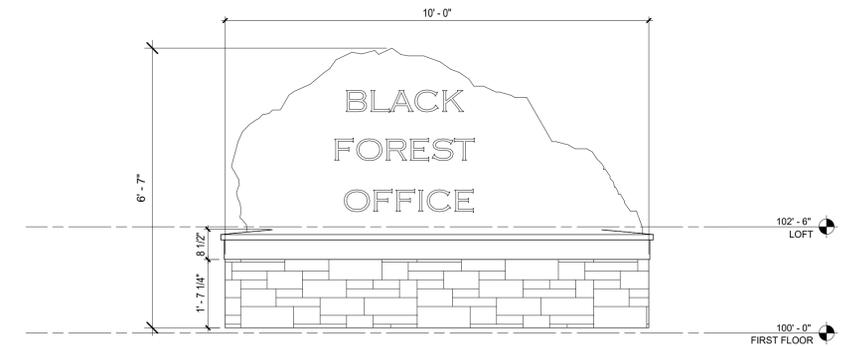
2 MONUMENT SIGN - SECTION 1
1/2" = 1'-0"



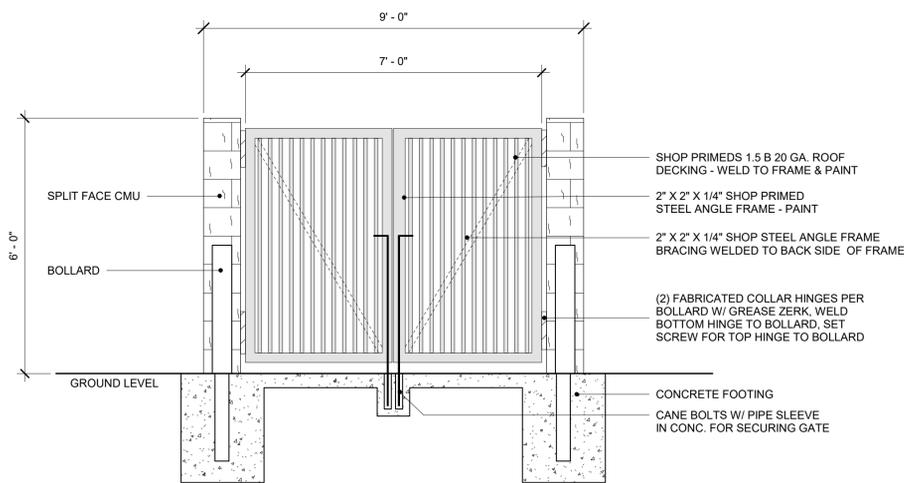
3 MONUMENT SIGN - ELEVATION 2
1/2" = 1'-0"



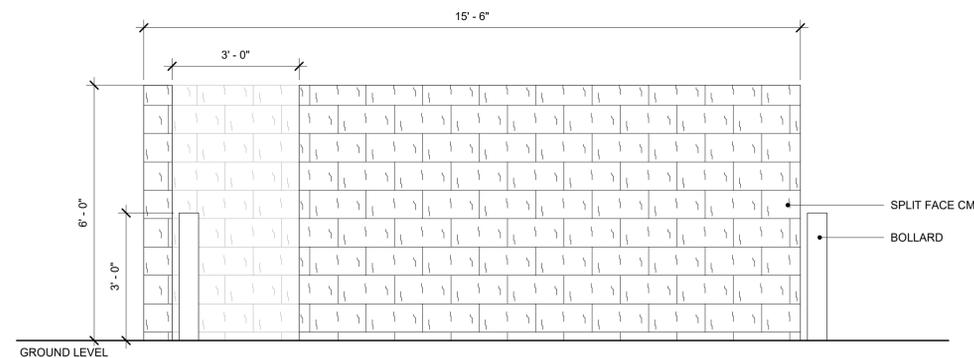
4 MONUMENT SIGN
1/2" = 1'-0"



5 MONUMENT SIGN - ELEVATION 1 - CD
1/2" = 1'-0"



6 TRASH ENCLOSURE FRONT ELEVATION
1/2" = 1'-0"



7 TRASH ENCLOSURE SIDE ELEVATION
1/2" = 1'-0"

SITE DETAILS

SHEET
6 OF 10



PROJECT NUMBER: SP0000-00
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BLACK FOREST, LLC
12740 BLACK FOREST RD.
COLORADO SPRINGS, CO 80908

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SITE DEVELOPMENT PLAN

BLACK FOREST OFFICE

N1/2 NE1/4 SE1/4 SE1/4 OF SECTION 07, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF
THE 6TH P.M., EL PASO COUNTY, COLORADO

4.77 ACRES



2 NORTH ELEVATION
3/16" = 1'-0"



1 EAST ELEVATION
3/16" = 1'-0"

BUILDING ELEVATIONS

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COLORADO SPRINGS, CO 80908

SHEET
7 OF 10



**Architects &
Planners, Inc.**

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pwnarchitects.com

SITE DEVELOPMENT PLAN

BLACK FOREST OFFICE

N1/2 NE1/4 SE1/4 SE1/4 OF SECTION 07, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

4.77 ACRES



1 SOUTH ELEVATION
3/16" = 1'-0"



2 WEST ELEVATION
3/16" = 1'-0"

BUILDING ELEVATIONS

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SHEET
8 OF 10

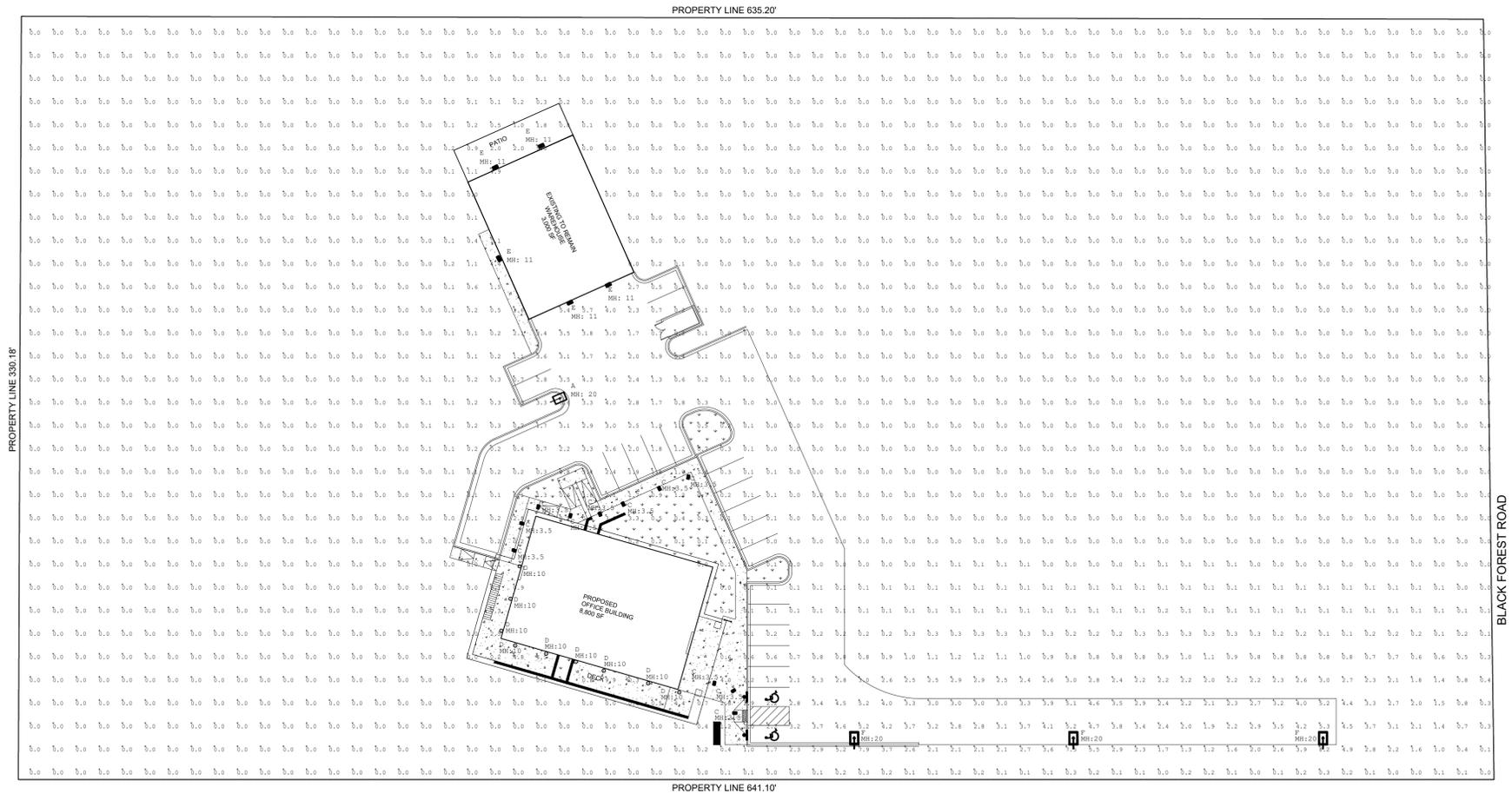


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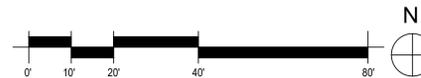
SITE DEVELOPMENT PLAN

BLACK FOREST OFFICE

N1/2 NE1/4 SE 1/4 SE 1/4 OF SECTION 07, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF
THE 6TH P.M., EL PASO COUNTY, COLORADO
4.77 ACRES



1 PHOTOMETRIC SITE PLAN
1/32" = 1'-0"



Symbol	Qty	Label	Lum. Watts	Lum. Lumens	LLF	Description
A	1	A	166	18459	0.900	GLEON-AP-03-LED-E1-T4W
C	11	C	28.9	557	0.900	7000BSYH428CUNV830Z
D	9	D	20	1256	0.900	PC610-120V-LRD4K-1200-SL-WFL-D
E	5	E	12.2	1418	0.900	XTOR1B
F	3	F	166	15881	0.900	GLEON-AP-03-LED-E1-SL3-HSS

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
SITE	Illuminance	Fc	0.33	9.9	0.0	N.A.	N.A.
Deck under overhang	Illuminance	Fc	2.26	9.9	0.2	11.30	49.50
parking and drive 1	Illuminance	Fc	1.94	5.7	0.0	N.A.	N.A.

PHOTOMETRIC
PLAN

SHEET
9 OF 10

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SITE DEVELOPMENT PLAN

BLACK FOREST OFFICE

N1/2 NE1/4 SE 1/4 SE 1/4 OF SECTION 07, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO
4.77 ACRES

FIXTURE TYPE "A & F"

McGraw-Edison

DESCRIPTION
The GLEON™ LED luminaire delivers exceptional performance in a highly visible, low-profile design. Patented, high-efficiency AccuLED Optics™ system provides uniform and energy-conscious illumination to address parking lots, walkways, building entry and security lighting applications. IP65 rated and UL94V-0 Listed for wet locations.

ORDERING

Configuration	8' Pole	10' Pole
GLEON-AF-01	7' Arm (Standard)	7' Arm (Standard)
GLEON-AF-02	7' Arm (Standard)	7' Arm (Standard)
GLEON-AF-03	7' Arm (Standard)	7' Arm (Standard)
GLEON-AF-04	7' Arm (Standard)	7' Arm (Standard)
GLEON-AF-05	7' Arm (Standard)	7' Arm (Standard)
GLEON-AF-06	7' Arm (Standard)	7' Arm (Standard)
GLEON-AF-07	7' Arm (Standard)	7' Arm (Standard)
GLEON-AF-08	7' Arm (Standard)	7' Arm (Standard)
GLEON-AF-09	7' Arm (Standard)	7' Arm (Standard)
GLEON-AF-10	7' Arm (Standard)	7' Arm (Standard)

PHOTOMETRIC DATA

Beam Spread	Beam Diameter	Beam Area	Beam Length	Beam Volume
14°	1.14m	1.27m²	1.14m	1.27m³
24°	2.14m	4.57m²	2.14m	4.57m³
34°	3.14m	9.86m²	3.14m	9.86m³
44°	4.14m	17.14m²	4.14m	17.14m³
54°	5.14m	26.43m²	5.14m	26.43m³
64°	6.14m	37.71m²	6.14m	37.71m³
74°	7.14m	50.99m²	7.14m	50.99m³
84°	8.14m	66.27m²	8.14m	66.27m³
94°	9.14m	83.55m²	9.14m	83.55m³
104°	10.14m	102.83m²	10.14m	102.83m³

ENERGY DATA

Power Factor	THD	THD-C	THD-F
0.99	15%	12%	10%
0.99	15%	12%	10%
0.99	15%	12%	10%
0.99	15%	12%	10%

COOPER

FIXTURE TYPE "A & F"

ARM MOUNTING REQUIREMENTS

STANDARD WALL MOUNT

MAST ARM MOUNT

QUICK MOUNT ARM (INCLUDES FIXTURE ADAPTER)

OFF SHOOT ARM (Standard)

OFF SHOOT ARM (Standard)

PHOTOMETRY

ENERGY DATA

COOPER

FIXTURE TYPE "C"

SYNTRA BOLLARD

TECH LIGHTING

Exhibiting a modern, Zen-like design approach, the Syntra outdoor bollard light blends seamlessly into contemporary architecture and landscapes. The symmetric down-lighting provides abundant outdoor illumination and the clean, angular aesthetic maintains an understated elegance.

High quality LM88-based LEDs
for consistent long-life performance and color.

Outstanding protection against the elements:

- Powder coat finishes
- Stainless Steel mounting hardware
- Impact-resistant, UV stabilized frosted acrylic lensing

SPECIFICATIONS

DESIGNATED LUMENS	578
WATTS	28.9
VOLTAGE	Universal (120-277V with integral transformer) / 277V (no transformer needed)
SECONDARY SURGE PROTECTION	10kA
DIMENSIONS	Ø 110 x 110
LED DISTRIBUTION	Downward
MOUNTING OPTION(S)	Wall
PERFORMANCE OPTIONS	Recessed / In-Line / Pole

PHOTOMETRICS*

PROJECT INFO

COOPER

FIXTURE TYPE "C"

SYNTRA BOLLARD

TECH LIGHTING

PHOTOMETRICS*

PROJECT INFO

COOPER

ELECTRICAL SITE NOTES:

- CONTRACTOR SHALL BE HELD RESPONSIBLE FOR LOCATING, VERIFYING, AND AVOIDING ANY EXISTING UNDERGROUND SERVICES, OR UTILITIES AND NEW SERVICES OR UTILITIES BEING INSTALLED.
- FOR LIGHT FIXTURE CONCRETE BASE, ALL CONCRETE AND REINFORCEMENT SHALL BE ENGINEERED BY SOIL ENGINEER AND SHALL BE DONE BY GENERAL CONTRACTOR.
- FOR LIGHT FIXTURE CONCRETE BASE, DEPTH SHALL BE AND DIAMETER SHALL VERIFIED AND COORDINATED WITH SOIL ENGINEER PRIOR TO DIGGING.
- ELECTRICAL CONTRACTOR SHALL PROVIDE MANUFACTURE INFORMATION FOR INSTALLATION OF ANCHOR BOLTS WITH GENERAL CONTRACTOR PRIOR TO POURING OF CONCRETE.
- CONTRACTOR SHALL BE ENSURE ALL UTILITY SERVICES OR SPECIAL SYSTEM CABLING ARE LOCATED AND MARKED WITHIN THE NEW CONSTRUCTION AREA, ALL CAUTION SHALL BE TAKEN TO ENSURE UTILITY SERVICES OR SPECIAL SYSTEM CABLING WILL NOT BE DISTURBED. IF SERVICES HAVE BEEN DAMAGED, CONTACT APPROPRIATE DIVISION AND REPAIR CABLING AS REQUIRED FOR A FULLY OPERATIONAL SYSTEM.
- COORDINATE ROUTING OF ALL CONDUITS WITH ENVIRONMENTAL CONTRACTOR AND ARCHITECT. ELECTRICAL CONTRACTOR IS TO ROUTE ELECTRICAL SYSTEMS THROUGH TRENCHES PROVIDED BY ENVIRONMENTAL CONTRACTORS. ELECTRICAL CONTRACTOR TO PROVIDE ADDITIONAL TRENCHING IN IMMEDIATE AREAS TO PROVIDE A COMPLETE SYSTEM.
- UPON COMPLETION OF NEW UTILITY SERVICES INSTALLATION, THE APPROPRIATE CONTRACTOR SHALL REPAIR OR REPLACE THE DAMAGED SITE AREA TO THE ORIGINAL CONDITIONS THAT WAS AFFECTED FOR THE INSTALLATION OF THE NEW UTILITY SERVICE OR AS DIRECTED BY THE ARCHITECT.
- FOR TELEPHONE COMPANY AND CABLE COMPANY USE: PROVIDE AND INSTALL SCHEDULE 80 CONDUITS WITH PULL WIRE AND WARNING TAPE. EXTEND CONDUIT 6" 5'-0" FROM EXTERIOR OF THE BUILDING UNLESS OTHERWISE DIRECT BY UTILITY COMPANIES OR GENERAL CONTRACTOR. CAP AND STAKE EXTERIOR END OF THE CONDUIT TO BE LOCATE FOR FUTURE USE. COORDINATE EXACT TERMINATION POINT LOCATION, SIZE OF CONDUITS, NUMBER OF CONDUITS AND ADDITIONAL REQUIREMENTS WITH APPROPRIATE UTILITY COMPANIES AND GENERAL CONTRACTOR PRIOR TO TRENCHING AND INSTALLATION.
- INTERCEPT AND EXTEND TELEPHONE/CABLE CONDUITS TO THE MAIN TELEPHONE ROOM. PRIOR TO STUBBING CONDUIT INTO THE MAIN TELEPHONE ROOM, CONNECT GRC CONDUIT TO THE DIRECT BURIED SCHEDULE 80 PVC CONDUIT AS REQUIRED AND STUB GRC CONDUIT INTO THE MAIN TELEPHONE AND BUSH. THE SCHEDULE 80 PVC CONDUIT WILL NOT BE EXPOSED INSIDE THE BUILDING STRUCTURE. COORDINATE EXACT ROUTING AND TERMINATION POINTS WITH GENERAL CONTRACTOR PRIOR TO COMMENCING OF WORK.
- FURNISH AND INSTALL LIGHTING FIXTURES COMPLETE WITH LAMPS, BALLAST(S), AND REQUIRED MOUNTING HARDWARE. ELECTRICAL CONTRACTOR SHALL SUBMIT FIXTURE CUT SHEETS TO OWNER AND ARCHITECT FOR THEIR FINAL APPROVAL PRIOR TO ORDERING THE FIXTURES. ELECTRICAL CONTRACTOR SHALL ALSO VERIFY QUANTITIES, MOUNTING REQUIREMENTS, FINISHES, FIXTURE AVAILABILITY AND LEAD TIME FOR DELIVERY TO SITE.
- SUBSCRIPT LOWERCASE LETTER ADJACENT TO FIXTURE INDICATES THE CHANNEL IN WHICH THE FIXTURES SHALL BE CONTROLLED AND WIRED THROUGH THE LCPH CHANNEL AUTOMATION SCHEDULE WITH PHOTOCELL "ON" PER INDIVIDUAL POLE LIGHT FIXTURE HEAD. REFER TO FIRST FLOOR LIGHTING PLAN, E1.0 FOR ADDITIONAL INFORMATION.
- DASHED LINE WEIGHT INDICATES UNDERGROUND WIRING. REFER TO ELECTRICAL BUILDING OUTLINE SPECIFICATIONS FOR ADDITIONAL INFORMATION.
- ENSURE VOLTAGE DROP IS CALCULATED FOR FINAL CIRCUITRY ROUTING PRIOR TO TRENCHING. ADJUST CONDUIT AND WIRE SIZE PER THE CALCULATIONS.
- FOR LIGHT FIXTURE CONCRETE BASE, ALL CONCRETE AND REINFORCEMENT SHALL BE ENGINEERED BY SOIL ENGINEER AND SHALL BE DONE BY GENERAL CONTRACTOR.
- ANY PROPOSED LIGHT FIXTURES INSTALLED ON PRIVATE PROPERTY, ADJACENT TO THE PUBLIC RIGHT-OF-WAY, SHALL BE ORDERED IN SUCH A MANNER OR LIMITED IN LUMEN OUTPUT TO PREVENT GLARE PROBLEMS AND SHALL NOT EXCEED NATIONAL I.E.S. LIGHTING STANDARDS FOR DISABILITY GLARE.
- CONTRACTOR SHALL POTHOLE AND VERIFY LOCATION OF THE EXISTING IRRIGATION MAINLINE AND COORDINATE WITH OWNER'S REF. PRIOR TO INSTALLATION OF THE NEW LIGHT POLE BASE OR CONDUIT RUNS.
- ALL SITE LIGHTING OR EXTERIOR LIGHTING FIXTURES SHALL BE FULL CUT-OFF OR SHIELD TO PREVENT LIGHT SPILLAGE ONTO ADJACENT PROPERTIES AND ROADWAYS.

FIXTURE TYPE "D"

FC LIGHTING

FC610

PHOTOMETRY

ENERGY DATA

COOPER

FIXTURE TYPE "D"

FC LIGHTING

PHOTOMETRY

ENERGY DATA

COOPER

FIXTURE TYPE "E"

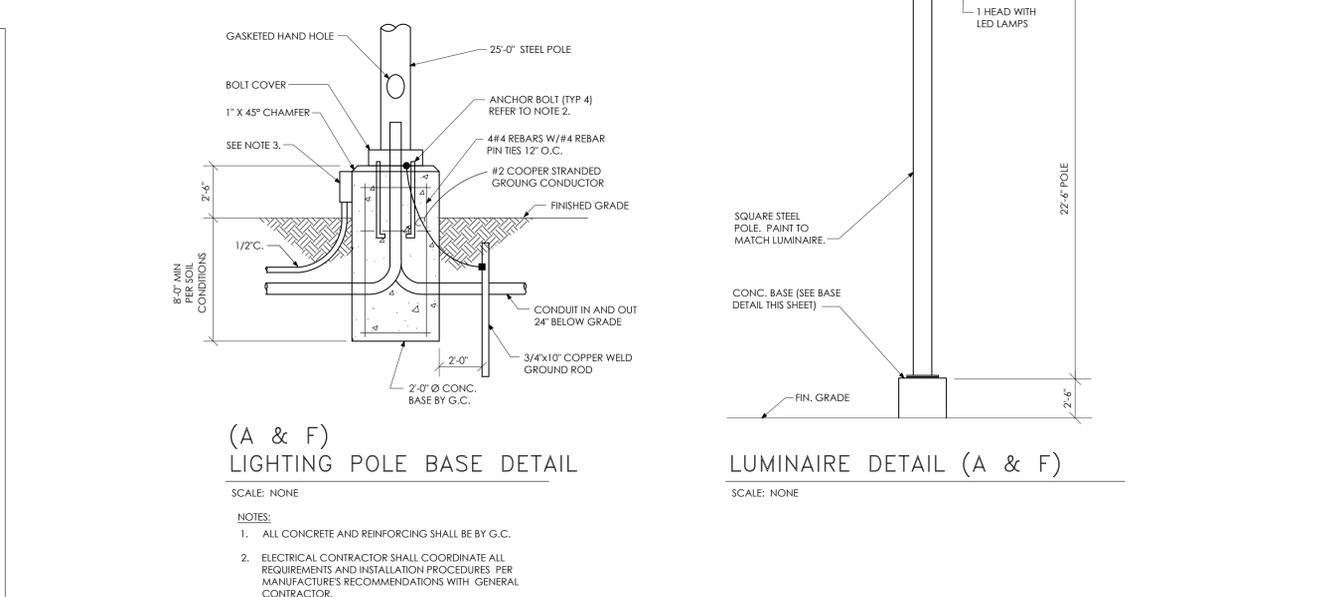
Lumark

XTOR CROSSTOUR LED

PHOTOMETRY

ENERGY DATA

COOPER



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SHEET 10 OF 10

PHOTOMETRIC CUT SHEETS

PROJECT NUMBER: SP0000-00
DATE PREPARED: 09-15-2020
PLANS PREPARED FOR:
BLACK FOREST, LLC
12740 BLACK FOREST RD.
COLORADO SPRINGS, CO 80908

PWN
Architects & Planners, Inc.

4949 S. Syracuse St. | Suite 320
Denver, CO 80237
voice.303.649.9880 fax.303.649.9870
pwnarchitects.com

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Property
proposing rezone

WHITE FIR LN

QUAKER FOREST RD

WOLF CREEK LN

SHOUP RD

39

A-5

CC

PUD

C-2

CR



ORIGINAL PERMIT APPLICANT(S)

BLACK FOREST LLC

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
 Designated Basin: N/A
 Management District: N/A
 County: EL PASO
 Parcel Name: N/A
 Physical Address: 12740 BLACK FOREST ROAD COLORADO
 SPRINGS, CO 80908

SE 1/4 SE 1/4 Section 7 Township 12.0 S Range 65.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 525861.7 Northing: 4318597.5

PERMIT TO REPLACE EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(c) for the relocation of an existing well, permit no. 168912. The old well must be plugged in accordance with Rule 16 of the Water Well Construction Rules within ninety-one (91) days of completion of the new well. The enclosed Well Abandonment Report form must be completed and submitted to affirm that the old well was plugged.
- 4) Approved as the only well on a tract of land of 4.77 acres described as the N 1/2 of the NE 1/4 of the SE 1/4 of the SE 1/4 of Sec. 7, Twp. 12 S, Rng. 65 W, Sixth P.M., El Paso County.
- 5) The use of ground water from this well is limited to drinking and sanitary facilities as described in CRS 37-92-602(1)(c), for a commercial business. Water from this well shall not be used for lawn/landscape/greenhouse irrigation, domestic animal/livestock watering, or for any other purpose outside the business building structure(s).
- 6) The pumping rate of this well shall not exceed 15 GPM.
- 7) The annual amount of ground water to be withdrawn by this well shall not exceed 1/3 acre-foot (108,600 gallons).
- 8) The total depth of the well shall not exceed 690 feet, which corresponds to the base of the Dawson aquifer. At a minimum, plain casing shall be installed and grouted through all unconsolidated materials and shall extend a minimum of ten feet into the bedrock formation to prevent production from other zones.
- 9) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 10) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 11) This well shall be constructed not more than 200 feet from the location specified on this permit.

NOTE: At the proposed well location, the Dawson aquifer is located at or near the ground surface and extends to a depth of approximately 690 feet. Wells completed in the Dawson aquifer must be constructed in accordance with Well Construction Rule 10.4.6 (2 CCR 402-2) for a Type II aquifer.

NOTE: This permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Yield Estimate Report (GWS-31) must be submitted to the Division of Water Resources to verify the well has been constructed. An extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: <http://www.water.state.co.us>

WELL PERMIT NUMBER 168912--A

RECEIPT NUMBER 3695886



Date Issued: 12/23/2019

Expiration Date: 12/23/2021

Issued By SHANNON PORTER

Rad Dickson

From: Terry Stokka <tastokka@gmail.com>
Sent: Tuesday, December 8, 2020 2:33 PM
To: Rad Dickson
Subject: Haddock Office Building

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Rad,

I would like to write more from the Land Use Committee regarding the proposal for a rezoning of the Haddock lot from agricultural to commercial. Please include this in the package for the planning commission and county commissioners.

Input from Black Forest Land Use Committee regarding Haddock Office Building

1. The Black Forest Preservation Plan states that commercial should be limited to a quarter mile surrounding the two commercial nodes, one at Black Forest Road and Shoup Road and the second at Black Forest Road and Burgess Road. The Haddock property lies within a quarter mile circle of the first intersection.
2. We acknowledge that the Preservation Plan states that commercial enterprises should be limited to those which accommodate the needs of local residents. While this does not meet that criteria the same as the Black Forest Store or Buckin B Feed Store, there are other factors to be considered. In any proposal that comes before the Land Use Committee we always ask the question of IMPACT. Whether residential or commercial, we ask what the impact will be if that proposal is approved. Criteria for IMPACT include size, design, noise, traffic, bright lights, affect on neighbors, affects to trees and natural features, and others.
 - a. The Haddock property will hardly impact local residents more than a residential property would have. Traffic will be minimal, lighting will be strictly limited, noise affects will be insignificant and Mr. Haddock is already planting trees to replace the ones burned in the fire.
 - b. Given the "accommodate the needs of local residents," a Kum-n-Go gas station and convenience store would match that criteria much more than the Haddock office building. I am quite sure that those who oppose this proposal would be appalled if a Kum-n-Go were to be built there and if such a proposal became reality one of their significant arguments against this would be removed.
 - c. The Black Forest has many examples of barns, storage buildings and sheds that are either poorly built or do not fit into the area. Mr. Haddock's barn/studio building has natural stone and earthtone colors that make it blend nicely into the area. One has only to drive a quarter mile further north to see a bright red barn standing all alone on a lot, starkly standing out.
 - d. The office building will be cut into the hill and the hill will actually be cut down more than it exists today. This will mask the size of the building. It is worthy of note that the footprint of the office building is 4400 sq ft, which is no larger than some of the homes being built in the Black Forest. For the opponents to say this is 12,300 sq ft of commercial space is misleading. The impact is no more than a high-end home with a large storage shed.

With these considerations in mind, the Black Forest Land Use Committee recommends approval of the rezone of this property for Mr. Haddock's office building.

Rad Dickson

From: Jeff Brock <jeff.brock.music@gmail.com>
Sent: Sunday, October 25, 2020 9:06 PM
To: Rad Dickson
Subject: Rezoning Opposition - White Fir Owners Assn
Attachments: Rezoning Opposition - White Fir Owners Assn 10-25-20.pdf

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Hi Rad,

RE: 12740 Black Forest Rd.

Here is the White Fir Estates Owners Association opposition letter to the rezoning of this property, signed by every person. All of the men except me are military Colonels, or retired Colonels. Our houses all overlook the property in question. This is just the tip of the iceberg, as I've personally seen at least 500-600 signatures, so far, on other's opposition letters, which I'm sure you'll see soon. Plus, a concerted education effort has started which will reach most residents of Black Forest within the next 3 weeks.

Everyone I've talked to has a great reason this should not be recommended to the Commission, but the strongest argument is county code 3.2.5. stipulating that CC zoning is for retail businesses which serve the community, not wholesale as Haddock's business is.

You asked me to send the 6-page letter that Rob Haddock sent to 12 neighbors who completely surround this property on all sides. I would be happy to do that if you can assure me that you or any other planner will not share the fact that you have it with Haddock. Please let me know Monday and I can send that before I head out of town Tuesday. The good news for us is that he sabotages his own efforts with this letter.

Best,

Jeff Brock
6955 White Fir Ln
Colorado Springs CO 80908

Rad Dickson

From: Nina Ruiz
Sent: Monday, July 27, 2020 1:59 PM
To: Rad Dickson
Subject: FW: Concern over rezoning request

Follow Up Flag: Follow up
Flag Status: Flagged

Send onto applicant, upload to EDARP (admin can), encourage applicant to reach out to the neighbors and do a neighborhood meeting.

From: Craig Dossey <craigdossey@elpasoco.com>
Sent: Monday, July 27, 2020 1:42 PM
To: Nina Ruiz <NinaRuiz@elpasoco.com>
Subject: FW: Concern over rezoning request

Please have assigned planner reach out. Thanks.

Craig Dossey

Executive Director
El Paso County Planning and Community Development Department
80 International Circle, Suite 110
Colorado Springs, CO 80910
719-520-7941
craigdossey@elpasoco.com



WE NEED YOUR INPUT: The County is in the process of drafting a new Master Plan for the long term future of our community and are seeking your input regarding the proposed placetypes via a questionnaire. Placetypes are used to help define different areas of the County based on development type, shared neighborhood character, and other natural features. Please watch the short educational video on the draft Placetypes and fill out the questionnaire which can be found here: <https://elpaso.hiplanning.com/pages/placetypes-outreach--el-paso>

From: Holly Williams <HollyWilliams@elpasoco.com>
Sent: Monday, July 27, 2020 12:56 PM
To: 'Jeffrey Zink' <jeffrey@v2ls.com>; Craig Dossey <craigdossey@elpasoco.com>
Cc: Katharine My Darling <katharine@dancingsage.com>
Subject: RE: Concern over rezoning request

It does have to go through the zoning process. The information meeting is encouraged by our planning staff (I believe). I have forwarded your e-mail to the Planning Department and they can answer your detailed

questions. Because it is a quasi-judicial matter, I am not allowed to comment until it comes in front of the County Commissioners.

Commissioner Holly Williams

El Paso County Colorado
200 South Cascade, Suite 100
Colorado Springs, CO 80903-2202
(719) 374-0856 (mobile)
(719) 520-6411 (office)

From: Jeffrey Zink <jeffrey@v2ls.com>
Sent: Thursday, July 23, 2020 9:32 PM
To: Holly Williams <HollyWilliams@elpasoco.com>
Cc: Katharine My Darling <katharine@dancingsage.com>
Subject: Concern over rezoning request

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Dear Commissioner Williams,

We are two of your constituents living on White Fir Lane, just north of the Shoup/Black Forest intersection. We received a certified letter today announcing a proposal to rezone the property across Black Forest Road from us (12740 Black Forest Road) from A-5 to CC, with plans for building a two-story office building on the property. The owner has already constructed a warehouse on the property, I guess under the assumption that the rezoning is a done deal.

For obvious reasons, we are opposed to the rezoning. As you well know, we and many of our neighbors lost our houses and trees in the 2013 fire. We are still in the process of recovering our quiet lives in the "forest." To have another commercial property in our vicinity feels as if our way of life is being once again taken from us.

Commissioner, can you let us know if we have any recourse to object to this plan? The architects who sent the letter announced an informational meeting to discuss it, but that seems like a mere formality. We would certainly appreciate your help in preserving the way of life of your constituents.

Sincerely,

Jeffrey and Katharine Zink
6970 White Fir Lane
719-532-9392

Rad Dickson

From: Nina Ruiz
Sent: Monday, July 27, 2020 1:59 PM
To: Rad Dickson
Subject: FW: Building being erected on Black Forest Road

Follow Up Flag: Follow up
Flag Status: Flagged

Send onto applicant, upload to EDARP (admin can), encourage applicant to reach out to the neighbors and do a neighborhood meeting.

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

From: Craig Dossey <craigdossey@elpasoco.com>
Sent: Monday, July 27, 2020 1:43 PM
To: Nina Ruiz <NinaRuiz@elpasoco.com>
Subject: FW: Building being erected on Black Forest Road

Same property? Have planner reach out to this person too. Thanks.

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 INPUT: The County is in the process of drafting a new Master Plan for the long term future of our community and are seeking your input regarding the proposed placetypes via a questionnaire. Placetypes are used to help define different areas of the County based on development type, shared neighborhood character, and other natural features. Please watch the short educational video on the draft Placetypes and fill out the questionnaire which can be found here: <https://elpaso.hplanning.com/pages/placetypes-outreach--el-paso>

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

From: Holly Williams <HollyWilliams@elpasoco.com>
Sent: Monday, July 27, 2020 1:11 PM
To: Craig Dossey <craigdossey@elpasoco.com>
Subject: FW: Building being erected on Black Forest Road

Commissioner Holly Williams
El Paso County Colorado
100 South Cascade, Suite 100
Colorado Springs, CO 80903-2202
(719) 374-0856 (mobile)

(719) 520-6411 (office)

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

From: Sharon White <shar1875@hotmail.com>
Sent: Friday, July 24, 2020 9:20 PM
To: Holly Williams <HollyWilliams@elpasoco.com>
Subject: Building being erected on Black Forest Road

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Dear Ms. Williams,

I'm writing to you in regards to the building being erected on Black Forest Road just north of Shoup. We live in the neighborhood right across the street on White Fir Ln. The building in the forest, as you know, is excessive and out of control. Now, these folks want to turn our quiet forest neighborhood into a retail center to add to all the construction and new home traffic. We beg you to help us stop it. There are so many places in the vast city of Colorado Springs they can build a retail center. Please help us keep this tiny bit of sanctuary free from being taken over by it all

I appreciate your time and help.

Sincerely,
Sharon White
7090 White Fir Ln
615-347-2633

nt from my iPhone

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
or email to radickson@elpasoco.com (direct # 719-520-6447)



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) **THE LEGAL BASIS.** 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 Land Development Code stipulates that CC (Commercial Community) 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."* Approval of this zoning change would be the result of making an exception to the law for the benefit of an individual, to the exclusion of the desires of the Black Forest community-at-large.
- 2) **THE BLACK FOREST PRESERVATION PLAN,** part of the El Paso County Master Plan, lists these restrictions: section 4.1 *"Restrict new commercial uses within the forested (also defined as small and large meadows) and low density residential areas to existing or proposed commercial nodes as defined in the approved Land Use Scenario and Concept Plan"*, 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 to existing uses."* Since there are at least 3 lots zoned RR-5 between the historic Community Center node and this property, **it is not contiguous to any commercial node**, nor does it pass the litmus test of *"retail sales and service establishments that serve adjoining neighborhoods"*.
- 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 BRAVADO?** In the letter mentioned above Haddock states (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 bravado, not a promise made to him.
- 5) **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 26 of Oct 2020

Sincerely,
Barry Baird, Sue Baird
Name(s)
12875 Rusk Lane 80908
Address

Phone (optional)

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
or email to radickson@elpasoco.com (direct # 719-520-6447)



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Dated this day the 28 of Oct 2020

Sincerely,

Cameron LORENK

Name(s)

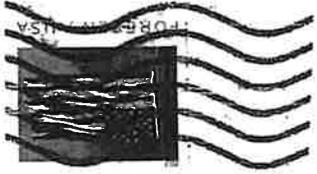
12665 Holmes Rd
Address Colo Spg, CO 80908

(719) 594-9607
Phone (optional)



80910-610799

Mr. Rod Dickson
El Paso City Planning & Community Development
2880 International Cir, #110
Colorado Springs, CO 80910



25 NOV 2020 PM 8 L

DENVER CO 802

Letter M

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

RECEIVED
NOV 30 2020

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) **THE LEGAL BASIS.** 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 Land Development Code stipulates that CC (Commercial Community) 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.**" Approval of this zoning change would be the result of making an exception to the law for the benefit of an individual, to the exclusion of the desires of the Black Forest community-at-large.
- 2) **THE BLACK FOREST PRESERVATION PLAN**, part of the El Paso County Master Plan, lists these restrictions: section 4.1 "Restrict new commercial uses within the forested (also defined as small and large meadows) and low density residential areas to existing or proposed commercial nodes as defined in the approved Land Use Scenario and Concept Plan", 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 to existing uses**" (Webster def: "sharing a common border; touching"). Since there are at least 3 lots zoned RR-5 between the historic Community Center node and this property, it is not **contiguous to any commercial node**, nor does it pass the test of "**retail sales and service establishments that serve adjoining neighborhoods**".
- 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 BRAVADO?** In the letter mentioned above Haddock states (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 bravado, not 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 supply.
- 6) **BLACK FOREST VETERINARY** cannot be used as a reason for rezoning to CC-5. It was granted a special zoning permit based on the fact that one of its main focuses at the time was farm animals, fitting in with the A-5 zoning that the property had then, and still has.
- 7) **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 24th of Nov. 2020

Name(s) _____

6955 White Fir Ln. 80908

Address _____
51

Rad Dickson

From: D. Taylor <DITAY@msn.com>
Sent: Wednesday, December 2, 2020 1:08 PM
To: Rad Dickson
Subject: 12740 Black Forest Road

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Hi Rad,

We oppose the commercial building and office space at the location listed above.

Our objection is the business is a self serving business and is not in service to the community. Adding large businesses not in service to the Black Forest community could have been placed in many other areas in Colorado Springs.

The fact that the owner built the "goat barn" while the plan was always been for it to be an audio visual studio is alarming since the property owner was not forthcoming from the beginning permit process. Are there more surprises for the neighbors? In listening to his community/adjacent resident phone call, Mr. Haddock even said if he had to, he would bring goats to the property. It just seemed unnecessary and confrontational remark when the surrounding residents were voicing their concern.

This goat barn/audio visual, sales presentation building and the additional 8000 sf building to be built will bring day
iters of potential clients from outside our area for a business with manufacturing in Texas. This extra traffic of people, cars and semi truck or large truck deliveries will be detrimental to roads that are heavily used by cars and nature. We already have too many deer and other animals losing their lives due to traffic and drawing more non-residents to the mix is not in keeping with a residential area.

The property owner's buildings with parking areas, parking lot lights, and traffic plus the water and zoning are not incongruence with current residential area for which many neighbors based their home buying decision. This change negatively impacts neighbors rights to quiet enjoyment in a residential, forested area. This minimum requirement is typical of tenant leases and should be granted to adjacent and community owners in this residential, forested community. Most likely this project will negatively impact surrounding home values.

Previously, the parcel was used as a veterinary office and pet grooming which was in service to the community. It was unassuming building and blended with the surrounding community.

The property in question has a residential homes in all four directions as neighbors which makes this commercial venture out of character for the neighborhood.

Regards,
Diana and Mike Taylor

Rad Dickson

From: Ben Pearman <ben.pearman@gmail.com>
Sent: Monday, December 7, 2020 1:54 PM
To: Rad Dickson
Subject: Opposition to the rezoning of 12740 Black Forest road

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This is hereby my official opposition to the proposed rezoning of 12740 Black Forest Road.

Appreciate what they are saying and trying to do, but this is a residential strong area and commercial egress at the rate it has been occurring is unacceptable.

Let me know if you need anything else, I imagine your inbox is going to have some interesting letters soon if not already...

Ben

Rad Dickson

From: brucebrian@aol.com
Sent: Monday, December 7, 2020 2:12 PM
To: Rad Dickson
Subject: Rezoning of 12740 Black Forest Rd from Agricultural (A-5) to Commercial

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I oppose the rezoning of 12740 Black Forest Rd from Agricultural (A-5) to Commercial (CC-5) via potential waiver of the law by the El Paso County Commission. I live and own 7515 Shoup Road and this would affect traffic at Shoup and Black Forest intersection. This is out of character for this community. Please deny the application. Thanks, Bruce Brian

Rad Dickson

From: D. Taylor <DITAY@msn.com>
Sent: Monday, December 7, 2020 11:29 AM
To: Rad Dickson
Subject: Re: 12740 Black Forest Road

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Not attachment It is body of email below

Sent from my iPad

On Dec 7, 2020, at 10:26 AM, Rad Dickson <RadDickson@elpasoco.com> wrote:

I did not receive an attachment.

From: D. Taylor <DITAY@msn.com>
Sent: Wednesday, December 2, 2020 4:53 PM
To: Rad Dickson <RadDickson@elpasoco.com>
Subject: RE: 12740 Black Forest Road

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Hi Rad. Please use this version and throw away the previous version. I saw a typo from the one we sent which changed context.
Thank you

From: Rad Dickson [<mailto:RadDickson@elpasoco.com>]
Sent: Wednesday, December 2, 2020 3:24 PM
To: 'D. Taylor' <DITAY@msn.com>
Subject: RE: 12740 Black Forest Road

I will add this email to the opposition file on EDARP unless instructed otherwise. Thank you.

From: D. Taylor <DITAY@msn.com>
Sent: Wednesday, December 2, 2020 1:08 PM
To: Rad Dickson <RadDickson@elpasoco.com>
Subject: 12740 Black Forest Road

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Hi Rad,

We oppose the commercial building and office space at the location listed above.

Our objection is the business is a self serving business and is not in service to the community. Adding large businesses not in service to the Black Forest community could have been placed in many other areas in Colorado Springs.

The fact that the owner built the "goat barn" while the plan was always been for it to be an audio visual studio is alarming since the property owner was not forthcoming from the beginning permit process. Are there more surprises for the neighbors? In listening to his community/adjacent resident phone call, Mr. Haddock even said if he had to, he would bring goats to the property. It just seemed unnecessary and confrontational remark when the surrounding residents were voicing their concern.

This goat barn/audio visual, sales presentation building and the additional 8000 sf building to be built will bring day visitors of potential clients from outside our area for a business with manufacturing in Texas. This extra traffic of people, cars and semi truck or large truck deliveries will be detrimental to roads that are heavily used by cars and nature. We already have too many deer and other animals losing their lives due to traffic and drawing more non-residents to the mix is not in keeping with a residential area.

The property owner's buildings with parking areas, parking lot lights, and traffic plus the water and zoning are not congruent with current residential area for which many neighbors based their home buying decision. This change negatively impacts neighbors rights to quiet enjoyment in a residential, forested area. This minimum requirement is typical of tenant leases and should be granted to adjacent and community owners in this residential, forested community. Most likely this project will negatively impact surrounding home values.

Previously, the parcel was used as a veterinary office and pet grooming which was in service to the community. It was unassuming building and blended with the surrounding community.

The property in question has a residential homes in all four directions as neighbors which makes this commercial venture out of character for the neighborhood.

Regards,
Diana and Mike Taylor

Rad Dickson

From: Annette Biggs <annette.biggs04@gmail.com>
Sent: Thursday, December 10, 2020 9:02 PM
To: Rad Dickson
Cc: bbfirestop@aol.com
Subject: Rezoning-12740 Black Forest Rd.

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Mr. Rad Dickerson,

I'm writing you opposing the rezoning of 12740 Black Forest Rd.

This new commercial company would be the beginning of the flood gates opening to more companies wanting to move in this area.

We moved here to Black Forest to get away from the busy city life! As you have already allowed developers to move as far up to the tree line on Black Forest. The future impact of this unprecedented rezoning would be enormous on our community.

This S-5 company is a company that sells wholesale nationwide. It brings no benefits to our small community! The owner Rob Haddock needs to look for M-1 zoning in Colorado Springs or elsewhere. Mr. Haddock knew what the zoning of the property was before he purchased it.

As far as the old business (veterinarian) it was there to help out the community with their small animals. It was a Rural Community establishment not really a Commercial Community.

Therefore with all considerations how on earth, can you allow a company to rezone a property for CC zoning when it does not help out the community.

This is another attempt to overcome our small community with more traffic and taxation.

Once again I am opposing the rezoning of said property.

Please put yourself in the position of the owners that this business would impact.

Take a deep breath and think about it..

Would you like a company to try and force its way into your backyard?

Thank you,

Rodney & Annette Biggs
719.243.6911

Rad Dickson

From: GAIL Westmoreland <doobelly@hotmail.com>
Sent: Thursday, December 10, 2020 7:37 PM
To: Rad Dickson
Subject: Opposed to rezoning in Black Forest

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Dear Sir,

As a 20+ year resident of Black Forest, rebuilding after the fire took our home, we rebuilt here on the same property because BF and the community are so important to us. I don't want this rezoning to happen. We Black Foresters have worked very hard for decades now to preserve our quiet sanctuary and peaceful way of life. The potential rippling effects of waiving this law would ruin Black Forest. Please vote no!! Thank you!

--

Gail

Rad Dickson

From: Bob <Bob@BobMcCall.net>
Sent: Thursday, December 10, 2020 9:36 PM
To: Rad Dickson
Subject: Do Not Rezone

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Hello -

Please do not set the injurious precedent of rezoning 12740 Black Forest Rd. to CC-5. We live just over a half mile south and have many arguments against this bad change. Just a few are ...

... The thousand of us who moved to Black Forest did so to get AWAY from commercial properties; not have them follow us here.

... Even though the Commissioners have not helped us adhere to the Friends of Black Forest Preservation Plan, it would be nice if this time the Plan carried the day.

. That over 10,000 square foot building will stand out even more than most, as the land was burned bare by the 2013 a. Yuck! What a negative visual impact such a building would be.

Please keep Black Forest clean and calm for us. Reject the rezone request on 12740 Black Forest Rd.

Thank you,

Bob & Stephanie McCall
7275 Juniper Dr.
Colorado Springs, CO 80908
719-648-0910

Rad Dickson

From: GAIL Westmoreland <doobelly@hotmail.com>
Sent: Thursday, December 10, 2020 7:37 PM
To: Rad Dickson
Subject: Opposed to rezoning in Black Forest

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Dear Sir,

As a 20+ year resident of Black Forest, rebuilding after the fire took our home, we rebuilt here on the same property because BF and the community are so important to us. I don't want this rezoning to happen. We Black Foresters have worked very hard for decades now to preserve our quiet sanctuary and peaceful way of life. The potential rippling effects of waiving this law would ruin Black Forest. Please vote no!! Thank you!

--
Gail

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 Developer 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 rezon.
- 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

Bruce White
Name(s)

1090 White Fir Lane, Colorado Springs, CO 80908
Address

Rad Dickson

From: Maria Wilson <maria@day-off.net>
Sent: Thursday, December 10, 2020 2:20 PM
To: Rad Dickson
Subject: Re: Haddock project

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Yes please... thank you so much

On Thu, Dec 10, 2020, 1:45 PM Rad Dickson <RadDickson@elpasoco.com> wrote:

Would you like me to post this to EDARP as well?

From: Maria Wilson <maria@day-off.net>
Sent: Thursday, December 10, 2020 12:52 PM
To: Rad Dickson <RadDickson@elpasoco.com>
Subject: Haddock project

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Dear Mr. Dickson,

I'd like to take this opportunity to rebut Mr. Stokka and the LUC's input regarding the Haddock project, dated Dec 8th, 2020 and filed with the County. I have counter argued each point he makes in his analysis. Please be sure to forward to the Planners and Commissioners. Thank you.

1) The Black Forest Preservation Plan does NOT state that "commercial SHOULD be limited to a quarter mile surrounding the two commercial nodes". It simply recognizes that they do, there is no mandate anywhere in the Black Forest Preservation Plan. Under "Estimated Commercial Demand", page 51, last paragraph, it states "All commercially zoned property associated with either center IS located within one quarter mile of the respective intersections". The is no "shall be" "must be" "will be" in the BFP.

2)...

A) none of it is true if they fill the buildings with employees. One must take into account the space accommodation, not the word of a man who builds a total of 12,300 sq ft of structures and claims there will be an average of 20-25 employees at any given time but also said the barn like structure would be "a fancy goat barn". Mr. Haddock has not been forthcoming and truthful so far and I have no reason to trust anything he says.

B) The forest residents would never allow a Kum n Go in our forest and actually, the only way possible for a Kum n Go to enter the forest would be if Mr. Haddock gets his rezoning approved then turns around and sells it to them. No CC zoning for Mr. Haddock, no possibility of a Kum n Go here. Will Mr. Haddock guarantee he will NEVER sell that property to Kum n Go or any other company who may fill the buildings with employees? Doubtful...

C) Mr. Stokka's reference to the barn being "all alone on a lot, starkly standing out" is not only incorrect but it conjures up concern for Mr. Stokka's eyes and their inability to see the house sitting right next to the barn.

D) Mr. Stokka's comment about the footprint of the building being 4400 sq ft is wildly misleading. I don't think the people of the forest care to know the square footage of a box with a view from above. What they want to know is usable finished space and that happens to be 8800 sq.ft. That building can easily fit 60 people and that's not even taking the 3500 sq ft structure into account. Both buildings amount to 12,300 sq ft.. That's a lot of bodies. Bodies that will cause traffic and interruptions to our way of life.

With these considerations in mind, I can't imagine what it is that has stricken Mr. Stokka with not just approval but downright enthusiasm for a project that as "keeper of the forest", knows well does not belong here.

Rad Dickson

From: Randy Pierce <randy@ssymbol.net>
Sent: Friday, December 11, 2020 9:14 AM
To: Rad Dickson
Subject: re-zoning

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Absolutely no on re-zoning Black Forest. We have our small support businesses in place and absolutely need no warehousing or anything other than our small businesses which are in place currently.

Randy Pierce

Rad Dickson

From: Joe Trechter <joetrecht@aol.com>
Sent: Friday, December 11, 2020 6:48 PM
To: Rad Dickson
Subject: Rezoning of 12740 Black Forest Rd

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Dear Honorable County Commissioner,

It has just come to my attention that there is an upcoming hearing to rezone 12470 Black Forest Road from A-5 to CC-5. I was first informed of this by a friend who is a resident near the said property. I have heard both sides of the argument, and I tend to object to this rezoning.

While allowing this wholesale business may seem harmless, what happens when this property is sold in the future? I am extremely troubled by all of the rezoning in the areas leading up to the forest. My family and I moved to Black Forest because of the rural nature, less traffic and population, and a respect for the land and wildlife. This way of life is being infringed upon with all of the rezoning of agricultural, rural land to commercial. We need to preserve the forest and it's surroundings not only for our own appeal but for generations to come. Is there a way to allow Mr. Haddock's business to operate without rezoning or to guarantee that future business conducted at subject property would abide by the Black Forest Preservation Plan?

Residents near the subject property have expressed safety concerns in making a cross intersection at this area, and these are viable concerns that should be noted and addressed. Will there be additional traffic at the subject property with this wholesale business? If so, then we residents should have a right to object.

I trust that you will give equal consideration to both sides of this rezoning issue, but I ask that you give much consideration to the residents who are objecting to this rezoning because of the impacts to our way of life. Please work to uphold the sanctuaries of the Black Forest and preserve the land we cherish here.

Sincerely,
Lori Trechter
5345 Piedra Vista
80908

Rad Dickson

From: RENO HEUPEL <RTHEUPEL@msn.com>
Sent: Sunday, December 13, 2020 1:23 PM
To: Rad Dickson
Subject: Rezoning of Black Forest

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Dear Mr Dickson,

This letter is to oppose the application to rezone 12740 Black Forest Road, Parcel #5207000004, El Paso County, Colorado. This site is currently zoned as A-5 which is intended to conserve agricultural resources and ranching operations and accommodate limited residential use. As a small community, residents of Black Forest have a strong interest in retaining agricultural areas to maintain our important forest and meadow ecosystems, but also to preserve the look and feel of the community we love. In short, the agricultural and residential nature of this area is something we are committed to protecting and preserving.

The applicant is requesting that this agricultural site be rezoned to CC -Commercial Community District which is "intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods". The proposed metal wholesale business operations of this site do not work to serve the Black Forest community. The application for this rezoning request indicates that this business will create less traffic flow in the area than the previous occupant, a veterinary hospital. The applicant, however, fails to recognise that the veterinary hospital provided a direct service and benefit to the Black Forest community, something his metal roofing business will not. In effect, this zoning change only benefits the applicant and as such does not uphold the intent of the CC zoning which states businesses operating in this zone should primarily serve the adjoining neighborhoods. There is no apparent benefit to adjoining neighborhoods, which we believe is strong grounds for opposition of the rezoning and rejection of this request by El Paso County.

Based on the desire to maintain the look, feel and integrity of our community and the failure of this business to provide direct benefit to our community we strongly oppose this rezoning request. As residents of Black Forest we ask that you please reject this application.

Thank you for your time and consideration.
Reno and Tillie Heupel

Rad Dickson

From: ntraini@aol.com
Sent: Saturday, December 12, 2020 5:50 PM
To: Rad Dickson
Subject: Haddock takeover

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

We are very much against Rob Haddock moving his business down to Black Forest Road.

Mr. Haddock owns 10 acres up in Northern Black Forest (Table Butte Road) where he has been running his business for nigh on 20 years. The question should be: Why does he want to destroy all of our home values??? This building off of Black Forest Road would not benefit our community in any way. If Mr. Haddock wants to bring a larger wholesale operation to Colorado Springs, tell him to use his own properties instead of destroying all of ours or to go into town where buildings are already industrial approved.

Steve and Nancy Traini
7375 Juniper Drive
Colorado Springs CO 80908

Sent from my T-Mobile 4G LTE device

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 7th of December 2020

Name(s)

Address

Katharine Zink Katharine M Zink
6970 White Fir Lane, Col Spgs, CO 80908

Rad Dickson

From: Lindsey B <msldbrian@yahoo.com>
Sent: Sunday, December 13, 2020 4:01 PM
To: Rad Dickson
Subject: Black Forest

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Hello Mr. Dickson,

I wanted to share my opposition for the building being proposed for the Black Forest and Shoup area. I live on Shoup Rd and moved here to get away from the city and big buildings. We do not need a big business out in the forest, especially one that was bought as an agricultural lot and the owner has now decided he wants commercial instead.

I attended his virtual meeting and Mr. Haddock misrepresented his intentions from the start. He stated that when he originally got the permit for the barn it was with the intention of a goat barn. He later in the meeting stated he never really intended the barn for goats but always for the business he planned to put there. He sets precedence for his true intentions for his property to not be exactly truthful. Black Forest does not need a business that is not for the people of the forest but for Mr. Haddock and his family alone. He stated in the virtual meeting that he feels this business is for the Forest but when asked how it would benefit the residents he basically said it wouldn't, just his family that lives in the forest. That's not for the Forest that's for him and his family alone. We do not need additional business traffic that is not for the Forest businesses and community. If Mr. Haddock wanted a business property he should have bought a property that was zoned for business and not agricultural with a plan to change.

I am opposed to the zoning change which could in the future bring even more big businesses to the area and ruin the forest's community environment.

Sincerely,
Lindsey Brian

Sent from Yahoo Mail on Android

Rad Dickson

From: Brian 114 <bwlittle8@msn.com>
Sent: Monday, December 14, 2020 7:38 AM
To: Rad Dickson
Subject: thoughts about rezoning request.

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Rad Dickson

I understand a decision will soon be made regarding a 12740 Black Forest Road rezoning request. My wife and I are opposed to this and wanted to share our reasons. We realize this may be a difficult decision; we are grateful for you hearing our views. We are neighbors to the property being discussed so hoped our thoughts may have value since we will be directly impacted.

1. At a zoom call several months ago hosted by Rob Haddock, he told us that he “knowing lied on his application (said he was raising goats), fully expecting the county to grant him his request in spite of his blatant deception.” To us this is wrong. As a business owner, if I knowingly lied on a form, I’d be looking at punishment... maybe even jail. We firmly believe it is wrong for the county to reward someone who knowingly submits a deceptive application.
2. To grant an exception to the current code opens up the possibility of future requests from businesses to expect equivalent consideration for commercial enterprises. That would be in opposition to the lifestyle in this unique area of the Front Range.
3. My wife and I moved to the Forest 14 years ago. We looked at the different areas and chose where we live now based in part on what was around us. We lost everything in the forest fire of 2013. Again, we looked at the area and decided to rebuild in the same location. To have such a dramatic change in the use of a neighboring property is very disturbing. The way the property was zoned, Community sales and service, is fine; to run a manufacturing business to sell around the world is quite different —not what was expected when we rebuilt.
4. Another concern my wife and I have is what happens in the future.

- 2

4 hour operation to get more product made...with associated lights, traffic, noise, and disruption to families bordering the business?

- property

sold in 3 years and “who knows what” comes in causing even more disruption?

5. On the zoom call, Rob said he was convinced that his manufacturing business would “greatly increase our property values.” I am not convinced. A large barn filling the view from my front door; unknown traffic, noise, lights....these are features that normally don't raise property values and degrade the life style of the current occupant.
6. Does this rezoning, if approved, encourage people to deceive the county and request other rezoning requests “because this one was successful.”

The rezoning decision will not be easy. Lots of considerations for sure. Hopefully our thoughts will give you a different perspective from a neighboring property owner.

Wish you a safe year and a merry Christmas.

Brian & Sherri Little
6308 Trappers Pass Trail

December 13, 2020

Rad Dickson
Planner in Charge
El Paso County Planning and Community Development and County Commissioners
2880 International Cir. Ste 110
Colorado Springs, CO 80910

Dear Honorable County Commissioners and Planners:

As a resident of Black Forest, I am writing to express my concern regarding the planned re-zoning of 12740 Black Forest Rd. owned by Mr. Rob Haddock from A-5 to CC-5. The addition of a large commercial warehouse is an unwelcome intrusion in a primarily residential area and would set a precedence for other large commercial operations moving into Black Forest.

Mr. Haddock's business S-5 Metal Roofing Innovations is not comparable to the other small commercial buildings in the area in space, size, nor in its services or customer base. As posted on the company's website "**We have a 58,000-square-foot manufacturing facility in North Texas serving international markets in Canada, Australia, Central America, South America, Europe and Asia, with our attachments utilized on 2 million metal roofs worldwide, including the world headquarters of IBM, Google, Apple and NATO**". This business is not comparable to the locally owned small businesses already residing in Black Forest who rely primarily on a customer base within the local community *and* provide a necessary service to members of the community who would otherwise need to travel a distance for these services.

In addition, Mr. Haddock has directly stated that no retail sales will take place at this location and a commercial wholesale warehouse is in violation of The Black Forest Preservation Plan and well as Section 3.2.5 of the County Land Development Code which states that CC zoning is "**intended to accommodate retail sales and service establishments that primarily serve the adjoining neighborhoods.**"

I hope the residents' wishes and the community's infrastructure will also be considered when a decision is made regarding this property including the fact that residents of Black Forest rely on domestic wells for their water supplies and the addition of office space totaling 12,300 square feet, that could now or in the future employ as many as 70 employees, is concerning.

Thank you for allowing our voices to be heard.

Sincerely,
Kimberly Rosa

Rad Dickson

From: paulfaline@aol.com
Sent: Monday, December 14, 2020 10:55 AM
To: Rad Dickson
Subject: Rezoning of 12740 Black Forest Road

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To whom it may concern:

We are opposed to the rezoning of 12740 Black Forest Road.

We purchased our home in March of 2020. Had we known that there was going to be a commercial operation in direct view from the front of our house, we wouldn't have purchased the home.

We are very concerned with the commercial aspect of this rezoning being forced upon us. It has totally changed how we use the front area of our home. Having that structure about 150 yards from our front door is frustrating and disturbing. We no longer spend time on our front porch because of the view and sounds from this building.

This rezoning opens the door to similar structures being built in our neighborhood.

Also, it has a definite negative impact on our property value.

We are concerned about increased traffic and light pollution. The traffic and construction noise from this project has been obnoxious.

The large size of the current building is out of harmony with the area. We moved to Black Forest for the rural style neighborhood and this commercial building has already negatively affected that.

If this rezoning is allowed to change our neighborhood, we are very concerned about similar future projects in this area.

We are sorry to say we regret our choice of Black Forest as our home given the changes that are happening so close to us.

PLEASE DENY THE REZONING OF THE PROPERTY AT 12740 BLACK FOREST ROAD.

Paul Harrison
Faline Harrison
Christella Parrish

6610 Trappers Pass Trail
Colorado Springs, CO 80908

Rad Dickson

From: Janet FORTNER <JANETFORTNER28@msn.com>
Sent: Monday, December 14, 2020 3:44 PM
To: Rad Dickson
Subject: I'm opposed

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This note is in opposition of the rezoning change from agricultural to commercial zoning status for the property located at 12740 Black Forest Rd.

Thanks,
Janet Fortner
8435 Bar X Terrace
Colorado Springs, CO 80908
719-660-4910

Rad Dickson

From: Joanne P <joprzew@gmail.com>
Sent: Monday, December 14, 2020 11:52 AM
To: Rad Dickson
Subject: 12740 Black Forest Road

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December 14th, 2020

To whom it may concern

RE: 12740 Black Forest Road rezoning

I am opposed to the rezoning of 12740 Black Forest Road, Colorado Springs, CO 80908. I am opposed to this for many reasons but I will limit this to what I see most damaging to the community.

1. **Water usage:** I am concerned about the water usage of two buildings totaling over 12000 sq. Our current commercial properties have smaller sq footage and making a two building commercial property will generate large amounts of water usage. This could affect the aquifer as well as causing a drawdown effect in neighboring properties wells. This could cause surrounding properties to have a dry well. This situation could get even worse if this property is rezoned and then sold.
2. **Business does not serve the community:** This business only benefits the owner and does nothing to offer services to our community. As per County code, Commercial Community development should be "retail sales and service establishments that serve the adjoining neighborhoods".
3. **Creating a precedent:** If rezoning of this property is allowed, what stops others from rezoning property to commercial. Black Forest is a small community that cherish nature, wildlife, and horses/livestock. Allowing this rezoning could create commercial properties popping up throughout the forest.
4. **Historical area:** There are many historical structures in that vicinity such as the Black Forest Community Hall. Placing the largest individual commercial structure near there will destroy the historic feel of that area.

Thank you for your time. Please deny this rezoning.

Joanne P, Black Forest resident

Rad Dickson

From: Gale Goodman-Floyd <nursgale@aol.com>
Sent: Tuesday, December 15, 2020 12:00 AM
To: Rad Dickson
Subject: Resining of 12740 Black Forest Rd

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Sir, This email is written in the most fervent protest to the preposterous idea of rezoning of Colorado's agriculture zoning (A-5) to commercial CC-5 on Black Forest Road.

Was necessary climate surveys conducted to determine whether such an atrocity would even work in the tranquil and treasured agricultural spaces of Black Forest. This precious community's citizens own the right to determine what industry enters our sanctuary.

There is zero, none, not any excuse to ever consider the singular customer, who do not reside in our space, and does not fit our tranquil community.

IN NO UNCERTAIN TERMS, NO TO THIS PROPOSITION TO REZONE ANY PROPERTY IN BLACK FOREST, FOR ANY BUSINESS THAT DOES NOT FIT THE RUSTIC AND RURAL NATURE OF OUR SURROUNDINGS. We may form a Black Forest Committee who will gather consensus and decide.

Do not continue to ruin the state of COLORADO. Have a conscience.

GALE FLOYD
Black Forest Resident
210-441-8085

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

Rad Dickson

From: Lauren Schoepp <laurenmarieemt@yahoo.com>
Sent: Monday, December 14, 2020 5:01 PM
To: Rad Dickson
Subject: Rezoning Black Forest Rd.

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To all concerned parties:

It has come to my attention that 12740 Black Forest Rd. has requested a rezoning from agricultural to commercial.

My husband is a disabled veteran. When looking to buy our permanent home for life after the military, we bought in Black Forest with the assurance that we are zoned agricultural and each house was on a 5 acre plot of land, allowing for the sanctity, peace and space we desire.

In the past two years I have seen many variances requested for things that would allow large apartment complexes and now to commercialize agricultural land.

There is an abundance of commercial property space available in Colorado Springs, Monument and Denver but very little rural space available left in the springs.

We purchased agricultural properties as we didn't desire to live in the shadow of a strip mall. Please take a drive out here and explore this area. Drive Black Forest Rd. all the way to County Line. This beautiful serene community would be absolutely destroyed by multiple commercial variances and frankly the continued insistence on building multi family housing units here. Approving one variance will surely open the floodgates for many more and our "small town" in the big city will be no more.

Please respect the position of people who live in this area and do not allow this rezoning to be approved.

Respectfully,

The Schoepp family of Black Forest,CO

[Sent from Yahoo Mail for iPhone](#)

Open Letter to Black Forest Residents
from Rob Haddock
(owner of the former vet clinic property at 12740 Black Forest Road)

It seems a lot of folks have a lot of concern about a building project near Shoup and Black Forest roads intersection. I have heard of hate-filled commentary some of which even borders on suggesting conspiracy and deception about a person they don't even know and a situation surrounded by hearsay. It has always amazed me how so many people tend to believe things without fact-checking just because, "so and so told me". You have only to tune in to the evening news to witness how much strife, division, hatred and even violence results from being embroiled in this kind of thing.

I am that person who is being demonized by select individuals who based upon inadequate and inaccurate information, seem to be inciting and perpetuating mean-spirited diatribe-- So allow me to introduce myself and present some **factual** information for your knowledge and careful consideration:

My name is Rob Haddock. I am a Colorado native. (Born in Ft. Collins 1954). I graduated from Wm Mitchell High School (CSC) and attended CSU for pre-vet medicine for a brief time following high school. I have lived in Black Forest for going on 50 years now. Off Shoup (near Volmer) for some years; now further North. I used to ride my horse down to the Black Forest store in the 70's and visit with Elenore when she ran the store, the post office, and the fuel pump. Before I even lived here (c. 1972) I rodeoed at Pine Cone Ranch back when it was actually a ranch. Forest Lewis was the ranch foreman and we were good friends. In those days I had a steel erection business, operated from home on Linwood Ln, doing work all over the U.S. and occasionally rented the Community Center for our Christmas party and other events. I also went there to see and buy arts and crafts from Black Forest artists. (I have always loved art)

Back then, I rode horseback from my place off Shoup Rd up to Hodgen without ever encountering a fence and rarely had to ride on a road (almost all gravel then). I used to hunt coyotes on the Bar X ranch before it was Highland Estates and various other subdivisions. I used to cut beetle wood for Tom Collier on what is now Table Rock Ranch subdivision. When I acquired the land and built the home where I am now back in '86, it was surrounded by undeveloped ranch land and at night was the only light that could be seen for several miles in any direction. I used to help Dave Higby (just north) with his cattle gathering and was good friends with the Hollingworth's, the Smiths, Beardsley and other ranches in the neighborhood.

I have been both angered and grieved the changes, growth and development I have seen in Black Forest over those 5 decades and wish to God it could have stayed the way it was back then. But that is simply not reality and I have learned over time (in the words of Robert Shuler) to have the serenity to accept the things I cannot change; the courage to change the things I can; and the wisdom to know the difference. (Read on.)

I am a guy who believes in maintaining and preserving relationships with my friends, my neighbors, my family and my business associates. I have had the same banker for 50 years, the same accountant for 45 and attended the same church for 35. I still have numerous friends I have had since childhood and young adulthood. I treat them all like family. I am also a guy who respects his neighbors and their perspectives, even if I don't agree with them. I value my personal integrity above all else with the exception of my God and Savior. Pursuant to all that, I have also been described by many who know me as being "transparent as glass". Accusations of being a "deceiver" are completely baseless, cruel, unjustifiable and hurtful to me personally.

My (now adult) children were raised here in Black Forest from birth. Most of my family lives here too. Four generations worth. Both my sons live here—and their children. My dad lives here. My step-mom is buried here. Two of three sisters live here. Thirteen of Haddock descendants if I didn't miscount. A number of them work for the family business that will be housed in this facility. A few others who are not related like the Chief Operating Officer live here and work for the company. My construction manager for the barn currently being built also lives here in Black Forest. The electrician lives here as does the plumber.

You can learn more about me personally and professionally by simply googling my name and visiting my company's website. I think someone commented that Calandra Vargas be contacted about this building project. That is an excellent suggestion. Cally has known and been a neighbor of mine since she was knee-high to a grasshopper. I supported her for public office. When she visits home, she rides her horse across my place at will and usually stops by my back door to visit and raid my pickle supply. A terrific young lady and- we both LOVE pickles and horses. So, if you know Cally, give her a call and ask her who and what I am.

On a more personal level and outside of business, my gift and calling in this life is "giving", so that is a big deal to me. I have established a family foundation for the purpose of supporting humanitarian outreach charities. These are organizations that benefit orphans and widows, veterans, cancer patients and treatment, abortion alternatives and the like. Some examples are Hope Hollow, The Gary Sinise Foundation, What Matters (Casa Angelina), Grace House Ministries, Fresh Start Surgical, Talk About Curing Autism (TACA), Roever Foundation.

I also have a business continuation plan in place so that when I am promoted from this life to reside with my Maker, my three adult children (who are all work for the family business) will take over the reins and perpetuate both it and the family foundation in my absence.

Now, about my business:

I own a company called S-5! (S-5.com). It was founded from my barn office (in Black Forest) in 1992 based on some technologies I invented in '91. Today our products are in use on over 2 million buildings all over the world, including the World Headquarters of IBM, Google, NATO, NREL and Apple. These products are used on every Costco store ever built in the world (there are a lot of them). These technologies are primarily related to metal roofing. They are used to mount all kinds of things to metal roofs, many of which are used in life/public safety applications.

Without exception, these small parts are manufactured in our own world class plant located in Iowa Park, TX. (and currently being expanded). All our stuff is made only in the U.S.A. at that factory. From that location they are shipped all over the U.S. and the rest of the world. Our plant has won multiple safety awards from our industry and is the “talk of the town” of Iowa Park. All that talk is only full of praise and flattery for what we have added to the community. We have also won “Business of the Year” awards from the city.

The building (when we acquired it) was an old (early 1980’s) vacated Walmart store. Some of you may know what they looked like back then—not exactly eye candy. You can see what it looks like now by visiting our website and some of the blogs and videos on there. Most people would not expend the kind of funds that we did to make a factory look pretty on the outside, but we are not “most people” and we care about how we look to the community.

Our facility in TX is state-of-art and we support other local businesses and residents. We employ people in the local neighborhood. And by the way, we are always happy to welcome visitors, so you are hereby invited to stop in if ever in that neighborhood and find out why you should be proud as peacocks to have our corporate HQ in your neighborhood. Just announce that you are from Black Forest and you will be welcomed with red carpet and open arms to see first-hand how it is done. We are just real people.

Our company slogan and mantra is doing things “*the right way*®” and this is reflected in everything we do, from products to physical buildings to customer and vendor relationships to relationships in both professional organizations and local communities. We have even trademark-registered that slogan. We live up to it every day. You can learn more about all that with a visit to the company website www.S-5.com. Now on to some of the hearsay, misinformation and the plain truths about our proposed facility here in Black Forest.

First, what our Black Forest Office is not:

Contrary to some public postings, we sell nothing from this location. We have NO walk-in or retail business traffic. Prior to my purchasing this property there was a veterinary clinic located there with traffic in and out all day every day. No such traffic will be doing that going forward. Not to say a Fed-X or UPS delivery will not show up—they will. But our staff (most days 9-12 people) will come in the morning and leave at night. Some may go up to the R&R or Subway for lunch, supporting other Black Forest businesses. They will probably walk to the Fire House BBQ. Others will bring their lunch and prepare in the kitchen within the facility. (Many of us like to cook—and are health nuts.)

Also contrary to public postings, we are NOT in the roofing business or the roofing supply business, the roofing wholesale business or anything of the sort. Further, we will NOT manufacture or warehouse anything at this location and have no plan of EVER doing so. It would be foolish for us economically, logistically and in other ways to ever do so. We are VERY content for more reasons than I can count performing those functions in Iowa Park, TX.

You may have been disenchanted as you drive by the site lately and seen mountains of dirt piled up, at the barn which is currently under construction. I can only guess what you were thinking. So, FYI, the mountain of dirt isn't staying there. We are giving it away at no charge to area residents who need fill dirt. And with the current proposal there will be more. You see, we are actually carving the crest of that hill DOWN by 10' or more to lower the profile of the site and future building in respect of others to preserve their view of the mountains and minimize the building profile.

Contrary also to public postings, we are not designing a "two-story" office building. The proposed building is a one story with a walk out basement (to the west). There will be much more excavation for that reason. This design is in respect of keeping a low profile with the interior space we need. Having space underground is the best solution for that. From the East (Black Forest Rd) a single story with low profile is what you see. From the West, the basement is "walk-out" -- like most of the homes in Black Forest that are built into West-facing slopes. So, the architecture minimizes the impact as seen from the road, while maximizing the views from the West. This was all planned the same way you might plan your personal residence.

The plan also reflects a wrap-around deck to the South and West to avail the beautiful view of the Front Range. Also, very typical of homes built in the neighborhood. The actual footprint of this office is 4400 sq ft. (not 8800 as commented)— and similar to a mid-to-larger residence in the area. In fact, it will look just like a residence, not a commercial building.

This building is a one-owner, one-occupant facility. There will be no "office space for rent" or other tenancy. Nor is this plan, site and architecture suitable to ever be changed from that kind of use.

And now, what our Black Forest Office is (or will be):

Although our manufacturing is all located out of state, our administrative functions have always been here in Colorado. Keep in mind that this company began in my barn office at my residence and morphed and grew over 28 years. All key company leaders are Coloradans and the owner (me) and heirs (my children) and their families live and grew up in Black Forest.

As the business has grown organically, we have been working primarily from our residences. With the growth we have experienced over the last five years that has become cumbersome to say the least. None of us want to diminish the character of the Forest—it is our home. But we do need a location to all be together to work more effectively.

The proposed office will house administrative staff members and related functions. Those functions are financial planning and accounting, operational strategy; marketing and sales coordination, development and strategy; engineering, product design and innovation. Things like that. The reach of our products and business has become international. The hub of how things happen—the "think tank" if you will, is here. Relative to the overall size and reach of the company, it is a pretty small hub. Our Sales Director, Marketing Director, R&D Director, IT &

Web Development Director, Chief Operating Officer, Controller, Engineering Director are part of that hub.

We do a growing amount of video work to explain our products and demonstrate their installation procedures. We used to farm that work out, but we are doing so much of it now that we have recently added in-house filming capability. (After the office is built, the barn will be repurposed into a film studio where this can be done.) As stated earlier, there will normally be from 9 to 12 people physically at this office at any given time. There are about 18 who will "report" there (have a workspace there), but rare that they would all be there at the same time. Because so many of our business relationships are spread over 15-plus countries, about a third of these people are usually gone somewhere and still others who will continue to work from home at given times. This combined team (pre-Covid) traveled about 500,000 air-miles each year, so their "workplace" is as much out of the office as in it.

Outside the above, when things "normalize" (if that ever happens) 4 or 5 times per year we will have other people from around the country visit for a 4-day week of sales training, teambuilding, strategizing and so on. When we do that, the peak occupant load will be closer to 25 or so for those 4 days. In the past we have done this at a nearby hotel. We coordinate air travel so that they ride share, so the parking load only increases by about 5 or 6 vehicles. We bring food in during these kinds of meetings, so the traffic during those events is pretty limited to AM-in; PM-out. Going forward, these events will bring business to existing Black Forest enterprises, food vendors and bed-and-breakfast establishments.

As to parking- The *preliminary* site plan and other documents that were sent out to adjacent landowners were circulated to many more people. We goofed with the parking shown on the site plan. It was not current at the time it was sent. The actual parking proposed is only that which shows adjacent to the building. The rest will be grass.

The landscape at this facility will restore some of what the fire destroyed. We will plant Ponderosa sprinkled with spruce and other evergreens (20-30 of them), and of course seed the whole site for grass. There will be no big signs or anything like that. They would be of no use to us as we are not looking for "walk-in" or any other retail traffic. There will be a small back-lit sign couched in landscape shrubs and low to the ground that simply says "S-5" at the driveway entry.

The finishes of the building exterior will be natural stone, stucco and metal accents with standing seam metal roof, like most of the more tasteful homes that are built here. (The finishes of the barn are the same)

The address of the proposed project is 12740 Black Forest Rd. It is titled to "Black Forest LLC", an entity wholly owned by me. It is free and clear of any encumbrances. It is the site where the vet's place was until the 2013 fire burned it down. When I bought the place in 2016 it was littered with burned timber, which is now gone. It is within ¼ mile of the intersection of Shoup and Black Forest Roads. Zoning at that address falls under the jurisprudence of County Planning

and the Black Forest Preservation Plan. 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. 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 gets built there, or a “Kum-an-Go” instead.

I could clearly and legally build this exact building as currently designed on this site within current A-5 zoning as a residence with no need of approval from anyone. The only real difference might be traffic going in and out of the driveway as people come and go from work at 8 and 5. I will point out that his parcel was previously a business—a veterinary clinic, with traffic in and out all day long. So, from that perspective it is actually a reduction in traffic.

As I see it, I am proposing to preserve the atmosphere of the Forest with this project that by all means looks like a tasteful home and which will prevent the future potential Kum-n-Go or some similar less desirable land use from ever being built there. That strongly favors the whole Black Forest community. And by the way, I am debt adverse and debt free. So, the possibility of me going broke and having a bank repo and a change in use is pretty remote. Even if such a thing did happen, to put a less desirable use in place would not be economically feasible for any prudent owner as it would require bulldozing everything and starting over. It seems to me that this project proceeding pretty much guarantees that a much less desirable thing can ever be built on this site for at least the next 50 years.

Our every intent is to preserve and improve the aesthetic of the area and to be good neighbors. It’s compliant with the BF Preservation Plan and it’s our home too. Thank you for the opportunity to introduce myself and our company, and I hope you’ve come away with a better understanding of our plans and dedication to the community. If anyone has further questions, please don’t hesitate to reach out to me directly rather than listen to speculative hearsay.

Sincerely,
Rob Haddock



④ OFFICE PERSPECTIVE



⑤ OFFICE PERSPECTIVE 2

12-15-20 To County Planning c/o Rad Dickson. Please enter this into the official documents
From Jeffrey Brock, 6955 White Fir Ln, Colorado Springs CO 80908

.E: Rebuttal of Terry Stokka Letter which supports rezoning 12740 Black Forest Rd. Please read thoroughly.

Having talked to many Black Forest residents about this issue in the past eight months, and based on their volunteered statements to me about Terry Stokka as well as Judy Von Ahlefeldt, I believe there's a whole lot more going on here than is evident in Mr Stokka's letter of support for this rezoning (see his letter following this for quick reference). Though Stokka is highly thought of by some and has a degree of influence in Black Forest, I can assure you that he is in the vast minority on this rezoning issue and does not represent the viewpoint of most Black Forest residents I've talked to.

1) Yes, those two people do have loyal fans. I've never met either one, as we're new to the area. Many told me that they worked with them in attempts to win several unwinnable issues, in my estimation, that the Land Use Committee has had with the county over the past several years. All of them made a point to tell me that Mr Stokka is tired of being on the losing side of issues like the county's addition of turn lanes at Black Forest and Burgess as well as the greenhouse lawsuit, and that he's just tired in general at this stage of his life. Personally, I don't believe those were battles that should've been fought, as the law was clearly on the side of the county in the cases I reviewed. It's possible that Mr Stokka is supporting this rezoning effort to salvage his reputation and/or to curry favor with the county, or possibly with Rob Haddock, so that the next fight turns out better for him. Another possibility for his turning tail and running is in my third section below.

2) I'm aware that the BF Preservation Plan is a set of great guidelines, not the law. Mr Stokka cites the only provision of the Plan which, technically, Rob Haddock is in compliance with. I say "technically" because in reality it's no compliance at all if the other guidelines in the Plan aren't met. If one is going to have a book of rules, then the entirety of it has to be used for it to be relied upon. Some may base their theological practices on the Bible verses which mention people handling snakes. As a purposeful complete document, is the Bible just about snakes? For any set of codes or guidelines to be usable and effective, the document as a whole can't be cherry-picked just for the parts one agrees with. Stokka acknowledges that the business should "accommodate the needs of local residents", which is important here, but he fails to mention main sections of the Plan that clearly state that any commercial business in Black Forest should be in the form of small "retail" businesses, not "wholesale" and that it is to be "contiguous" (Websters: adjacent to, touching, sharing a common border) with a commercial node. There are no other "factors to be considered", as he asserts, that can be taken into consideration if the document is to serve the purpose for which it was written.

3) Stokka brings up "Kum and Go". I had thought the only place "Kum and Go" was ever mentioned in relation to this was Haddock's threat about that in his arrogant 6-page letter written to the 12 residences that surround his property on all sides. Obviously then, he made this threat to others including Stokka. On page 6 ¶1 of the letter Haddock states (quote) "*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 gets built there or a 'Kum-an-Go' (sic) instead,*" a statement I view as intimidation. I greatly suspect that, in the interest of placating this bully, Stokka decided it would, indeed, be better to go along with Haddock's plan than to risk Haddock's putting a national chain store in that location. What he hasn't considered is that, if the BF Preservation Plan that he incorrectly uses is to be taken into consideration, even a national chain store would not meet its criteria.

4) The important things that Stokka doesn't mention are that: 1) county code 3.2.5. does not allow a wholesale-only business on that lot, 2) it is surrounded on all sides by residences, 3) the driveway is directly across from White Fir Ln and will turn an already dangerous and accident-prone 3-way intersection into a cross-intersection, and 4) based on Haddock's minimum 9-12 employees assertion and his vast amount of new full-size plantings, this business will be using at least 4X the amount of water as the surrounding residences, drawn from a badly-depleted aquifer, all the while with Haddock claiming in this letter that these buildings will be just like (quote) "a tasteful home." Except that no home and finished "barn" in Black Forest has anywhere near 12,300 sf, the hideous dutch "barn" is a completely different style from the plans for the office building, and there are no residences that look like a 3-story 29' tall vaulted-roof commercial building.

Rad,

I would like to submit this email from the Land Use Committee regarding the proposal for a rezoning of the Haddock lot from agricultural to commercial. Please include this in the package for the planning commission and county commissioners.

Input from Black Forest Land Use Committee regarding Haddock Office Building

1. The Black Forest Preservation Plan states that commercial should be limited to a quarter mile surrounding the two commercial nodes, one at Black Forest Road and Shoup Road and the second at Black Forest Road and Burgess Road. The Haddock property lies within a quarter mile circle of the first intersection.

2. We acknowledge that the Preservation Plan states that commercial enterprises should be limited to those which accommodate the needs of local residents. While this does not meet that criteria the same as the Black Forest Store or Rockin B Feed Store, there are other factors to be considered. In any proposal that comes before the Land Use Committee we always ask the question of IMPACT. Whether residential or commercial, we ask what the impact will be if that proposal is approved. Criteria for IMPACT include size, design, noise, traffic, bright lights, affect on neighbors, affects to trees and natural features, and others.

a. The Haddock property will hardly impact local residents more than a residential property would have. Traffic will be minimal, lighting will be strictly limited, noise affects will be insignificant and Mr. Haddock is already planting trees to replace the ones burned in the fire.

b. Given the "accommodate the needs of local residents," a Kum-n-Go gas station and convenience store would match that criteria much more than the Haddock office building. I am quite sure that those who oppose this proposal would be appalled if a Kum-n-Go were to be built there and if such a proposal became reality one of their significant arguments against this would be removed.

c. The Black Forest has many examples of barns, storage buildings and sheds that are either poorly built or do not fit into the area. Mr. Haddocks barn/studio building has natural stone and earthtone colors that make it blend nicely into the area. One has only to drive a quarter mile further north to see a bright red barn standing all alone on a lot, starkly standing out. Drive over on Lakeview Drive and see a monstrous blue metal building that certainly does not fit into the neighborhood.

d. The office building will be cut into the hill and the hill will actually be cut down more than it exists today. This will mask the size of the building. It is worthy of note that the footprint of the office building is 4400 sq ft, which is no larger than some of the homes being built in the Black Forest. For the opponents to say this is 12,300 sq ft of commercial space is misleading. The impact is no more than a high-end home with a large storage shed.

With these considerations in mind, the Black Forest Land Use Committee recommends approval of the rezone of this property for Mr. Haddock's office building.

Terry Stokka - Chairman, Black Forest Land Use Committee

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.**

Rad Dickson

From: Audrey Cassibry <audreycassibry@yahoo.com>
Sent: Tuesday, December 15, 2020 3:04 PM
To: Rad Dickson
Cc: Holly Williams
Subject: Rezoning of 12740 Black Forest Road

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Dear Mr. Dickson,

We are Tim and Audrey Cassibry and are landowners at 6410 Trappers Pass Trail in Black Forest. We would like to express our opinion of the rezoning request by Rob Haddock for 12740 Black Forest Road.

I (Audrey) participated in the Zoom meeting that he had with the concerned neighbors of this property. At this meeting, Mr. Haddock told us that the huge barn structure was for goats, which is laughable given the strength of construction, height, and size. The permits that he and Seeger Homes pulled state that the structure is a barn with a residence above. As he discussed his plan it became evident that this building was indeed for a commercial venture.

I asked him point-blank if he (and Seeger Homes) lied to obtain the permit for the barn and residence. He admitted that it was a lie and that there was NEVER any intent to have a residence there. Then I asked him if he felt that telling that lie meant that he was trying to deceive the neighbors and county. He stated that he pulled a residential permit knowing that it would be approved since that is the current zoning and that he saw no problem with pulling residential zoning permits under false pretenses knowing he would then petition to change zoning. I don't know what kind of crime lying on a permit application is but it should be one. I feel sure that Mr. Haddock (and maybe Seeger Homes) decided to obtain permits for a residence, build the structures, and then claim financial hardship if the county doesn't want to change the zoning. The relevant point is that Mr. Haddock intentionally lied to obtain permits for something other than the intended purpose. He admitted it and that admission was recorded and witnessed by over 30 meeting attendees who would be more than willing to testify via affidavit or in court. Additionally, while there is commercially zoned property nearby, his property is completely surrounded by other residential property and does not border or connect to any other commercial property.

The county should not reward this kind of behavior. If Mr. Haddock is willing to lie on a building permit application then what other kind of lies is he telling? I do not know if Seeger Homes was party to this lie, but it should have quickly become evident to them that this construction was not residential. I would think by now that the construction inspectors know the truth as well.

Mr. Haddock also stated that the barn would not be a manufacturing site, nor storage for his roofing business. Given his propensity to be less than honest, I don't believe that to be true. That building has the strength to support quite a lot of weight, more than ever needed for office space and mock-ups of his roofing systems which is what he told us would be in there.

Furthermore is the adverse impact it has on the neighboring property owners who bought their properties to be away from the commercial life. Many neighbors can see this giant monstrosity of a building. Because Mr. Haddock is less than honest, no one really knows what will happen there and how much it will impact daily life with traffic, noise, lights, etc. When the homeowner next door at 2790 Black Forest Rd complained that his huge "barn" entirely blocked her view of Pikes Peak, Mr. Haddock had the audacity to tell that she shouldn't be upset because his business next door will certainly increase the value of her property! How in the world can you remove a clear view of America's Mountain and the value go up? He did not care at all about her complaint. Again, he built this building under false pretenses. He doesn't have to live there so does not care about the neighbors.

If El Paso County ignores the fact that Mr. Haddock has been caught in a lie and awards him a zoning change or exemption then all other business owners will think that it is acceptable and the county will have lost all control over zoning. The rule of law should apply here even though Mr. Haddock has already sunk quite a bit of money into this project. The appropriate redress is not only to deny any application for commercial rezoning, but also to direct that the building be torn down as it was constructed under false pretenses. Failure on the part of the commission and the county to properly address this breach, particularly now that they have been notified makes the county culpable in this endeavor. Again, this Zoom meeting was recorded by Mr. Haddock's representative and there were over 30 witnesses to this admission of deception.

Please do right by the residents of Black Forest and all of El Paso County and disapprove of Mr. Haddock's rezoning request.

Sincerely,

.m and Audrey Cassibry
6410 Trappers Pass Trail
719-331-0339
719-331-0379

Rad Dickson

From: Mcans <mcans@aol.com>
Sent: Tuesday, December 15, 2020 6:08 PM
To: Rad Dickson
Subject: RezoningHaddock Metal Roof Parcel 52070-00-004

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Mr. Dickson,

I appreciate you taking time out of your day to read the reasons why we are against rezoning 12740 Black Forest Rd from A-5 (Agriculture) to CC (Community commercial).

1. This corporate office building does not support the community in any way. It will bring down the property values in the area. What will happen if his business fails and he has to sell the land and buildings? Any commercial entity could purchase it and degrade the area even more.
2. It is just a few hundred feet from our community center and historical school. These office buildings together are over 12,000 square feet. They have already ruined our land and views with the construction of the concrete/metal barn.
3. Mr. Haddock lied to all of us and the county. He said that he initially purchased the land for his goats. That is why he was able to build that awful barn before the rezoning. He never had any intention to have his goats there.
4. We all moved to Black Forest for the following reasons: We wanted land to build on, our privacy, to live away from the city, and low traffic. We don't want to live next to an office building.
5. The county has done enough damage to Black Forest and our roads. The traffic on our roads has increased 1000% because of the neighborhoods and apartments built all down Vollmer. I spoke with the sheriff's office and he said that at this point he writes tickets for 20 MPH over the speed limit all day. This business plans to employ at least 20 people who will all be entering his office complex and leaving it at the beginning and ending of each business day. More traffic in a location where there are no turn lanes! No thank you.
6. I am very confused with what Mr. Haddock's reason is for building an office complex in the heart of Black Forest. He owns 2 lots that equal over 10.5 acres on Table Butte Road in Black Forest. He already has the Business S-5! Metal Roof Innovations on 70 acres on 8750 Walker Rd. in Black Forest. If you want to contact Metal Roof Innovations you have to send it to Metal Roof Innovations 500 W. Highway St. Iowa Park, Texas 76367. Texas? Why can't he use any of these properties for his business?
7. He said that he wants this office complex in the heart of Black Forest because that is where all of his employees live. He wouldn't tell us how far away they live. We don't believe this excuse either. He even stated that most of his business is in Texas.

Thanks again for listening,

Mike and Camla Schultz
6409 Trappers Pass Tr
80908
719-200-6584

Rad Dickson

From: Jane Shirley <mjaneshirley@yahoo.com>
Sent: Tuesday, December 15, 2020 8:03 PM
To: Rad Dickson; Tracey Garcia
Cc: mjane Shirley
Subject: ATTACHMENTS TO BLACK FOREST RESIDENTS OPPOSITION TO REZONING PARCEL# 5207000004

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ATTACHMENT 1

Code 5.1.7:

- (A) Accessory Use to Conform to Zoning District Standards: Unless otherwise indicated within this Code, accessory structures or uses shall conform to the development standards specified in the zoning district in which the building or use is located. The area of the accessory structure shall be included in the lot coverage calculation.
- (C) Building Permit Required: Any accessory structure exceeding 200 square feet shall obtain a building permit. All accessory structures shall comply with the Building Code.
- (F) Principal Structure Required: No building permit for construction of an accessory structure, where a building permit is required, shall be authorized prior to construction of the principal structure except in the A-35 zoning district.
- (H) Accessory Uses to Meet Development Standards: Accessory uses shall meet all applicable development standards in Chapter 5 and Chapter 6.
- (J) Structures or Uses Not Considered Accessory Uses is a Violation Any building, structure or use that does not qualify as an accessory structure or use and that is not identified as an allowed use, approved as a special use, or granted a use variance is a violation of this Code and subject to zoning enforcement.
- (K) Square Footage of Accessory Structure and Use Limited The building footprint of accessory structures and accessory uses in all residential zoning districts shall not exceed the building footprint of the primary use (residence) to which they are subordinate, with the following exceptions: ☐ When the lot or parcel is 2.5 acres or greater the accessory structure building footprint may not exceed two (2) times the size of the building footprint of the primary use (residence). ☐ Structures and accessory uses classified as agricultural are exempt from the square footage limitation. ☐ Accessory structures on lots or parcels 35 acres or greater are exempt from the square footage limitation.
- (J) Structures or Uses Not Considered Accessory Uses is a Violation Any building, structure or use that does not qualify as an accessory structure or use and that is not identified as an allowed use, approved as a special use, or granted a use variance is a violation of this Code and subject to zoning enforcement. (K) Square Footage of Accessory Structure and Use Limited The building footprint of accessory structures and accessory uses in all residential zoning districts shall not exceed the building footprint of the primary use (residence) to which they are subordinate, with the following

exceptions: ☐ When the lot or parcel is 2.5 acres or greater the accessory structure building footprint may not exceed two (2) times the size of the building footprint of the primary use (residence). ☐ Structures and accessory uses classified

..1.7. No Permission to Violate Codes:

(A) Oversight or Error: No oversight or error on the part of the PCD Director or any official or employee of the County shall legalize, authorize, or excuse the violation of any of the provisions of this Code.

(B) Issuance of Permit or Approval: The issuance or granting of any development permit or construction permit or any permit, plan, specifications, computations, or inspection approval does not constitute a permit for, or an approval of, any violation of any of the provisions of this Code. Development permits, construction permits, or inspections presuming to give authority to violate or cancel the provisions of this Code or other County regulations or ordinances are invalid.

(C) Errors in Approved Plans: The issuance of a development permit or construction permit based on plans, specifications, and other data does not prevent the PCD Director from subsequently requiring the correction of errors in the plans, specifications, and other data or from stopping building operations that are in violation of this Code or any other applicable law.

(D) Falsified or Misrepresented Information: The issuance of a development permit or construction permit based on falsified or intentionally misrepresented information does not prevent the PCD Director from subsequently requiring the correction of errors in the plans, specifications, and other data or from stopping building operations that are in violation of this Code or any other applicable law.

ATTACHMENT 2 Denver Basin Description:

The Denver Basin is a unique geologic formation along the Front Range reaching generally from Greeley on the north to Colorado Springs on the south, and from the Foothills on the west to Limon on the east. The Denver Basin is composed of bedrock aquifers, or water bearing formations, that lie one on top of the other in layers. The aquifers in the Denver Basin are called, progressing from top to bottom, the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers. Northern portions of the Dawson and Arapahoe aquifers are differentiated into Upper and Lower aquifers. Between each aquifer there is a confining layer that isolates the individual aquifers from each other. Because of the nature of the confining layers and because of the limited connection between these aquifers and surface water, the groundwater in the aquifers is not renewable. When the groundwater is used, it is being "mined" or used up without any replacement.

Well Permitting:

The State Engineer is tasked with maximizing the beneficial use of the limited water in the state and promoting reliable water supplies. Groundwater, withdrawn through wells, is an integral part of Colorado's water supply. In order to administer the thousands of wells in Colorado, the State Engineer issues and maintains permits that limit the use of each well pursuant to the Colorado Revised Statutes.

By law, every new or replacement well in the state that diverts groundwater must have a well permit. To obtain a permit, a person must file an application with the State Engineer; these applications are evaluated pursuant to statutory guidelines.

Rad Dickson

From: Jane Shirley <mjaneshirley@yahoo.com>
Sent: Tuesday, December 15, 2020 7:50 PM
To: Rad Dickson; Tracey Garcia
Cc: mjane Shirley
Subject: THE BLACK FOREST RESIDENTS OPPOSITION TO REZONING 12740 BLACK FOREST RD. PARCEL #5207000004

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OPPOSITION TO REZONING 12740 BLACK FOREST ROAD A-5 TO CC FROM BLACK FOREST RESIDENTS HADDOCK S-5!
METAL ROOF INNOVATIONS, LTD PARCEL # 5207000004 FILE# CC201

Compiled by: M. Jane Shirley
6290 Old Ranch Rd. (aka Saddle Club Trail) Colorado Springs, CO 80908
ph: (719) 495-3295

Note: Several documents were used in justifying this opposition. Originals are available upon request.

The Black Forest Opposition committee bases its argument against rezoning on the following codes: 3.2.1 A, 3.2.5, 5.1.2, 5.1.7 (A,E,F,H,J,K), 11.1.7 (A,B,C,D), 11.1.8 and 11.3.1.

Mr. Haddock owns S-5! Metal Roof Innovations. This is a global wholesale distributor of metal roofing parts. It does business with companies in 33 states, one of which is Colorado, and 29 foreign companies. (Reference: Online information).

Formally opposing: 288 petition signatures, 129 online petition signatures and 100 members of "The Opposition to Rezoning" Facebook page. Total: 517 people. Petitions were cross-referenced and duplications were eliminated.

1. Feb. 28, 2020, 10:45am, Mr. Haddock submitted a plot and description plan to EPC Planning and Development. This plan showed only a 3500 sq. ft. "barn". Because the land was zoned Agricultural, a building permit was not required. "Any approval given by El Paso County does not obviate the need to comply with applicable Federal, State, or Local laws and/or regulation". (The Opposition believes the barn should have been permitted. Barns built on 35 agricultural acres do not require a permit. (Code 3.2.1 A)

2. Barn construction began shortly thereafter. The framework was built.

3. On Mar. 7, 2020, a violation was issued due to non-compliance. On Apr. 1, 2020 construction was re-approved (Plan: R125629). And then, On Apr. 11, 2020, permit #M78797 was issued... AFTER construction had begun. (Code 5.1.2) The Project Code was 436 (Residential Garages and Carports); Project name was Barn with Living Space. (The Opposition has proven construction on the 'barn' began before a permit was obtained. It's shape is a traditional gambrel barn.)

4. On July 17, 2020, homeowners adjacent to the construction received a certified letter from PWN (Mr. Haddock's architects) notifying them of his intent to build an 8800 sq. ft. office and a 3500 sq. ft. studio/shop. He will repurpose the barn to an AV studio. Site plan was enclosed. Adjacent homeowners were invited to take part in a Virtual

Community Meeting on August 4, 2020, 7:00-8:30 pm. Included in this letter was: "This property is currently zoned A-5, agricultural, and the owner proposes to rezone the property to CC- Community Commercial consistent with adjacent land." (The opposition will attest to ALL ADJACENT LAND IS RESIDENTIAL.) Now, the proposal includes two buildings. Code 5.1.2 speaks to primary and accessory structures. (Opposition is confused. There is no primary structure. Also if the intent was to repurpose the barn to an audio-visual building, why was this not mentioned before "barn" construction began.)

5. A Black Forest resident took minutes of the August 4th "Go-To" meeting. Mr. Haddock answered the bulk of questions asked. His responses included: "there are a lot of barns like that in Black Forest"; (The Opposition could only find one barn similar in size within a 5 mile radius of 12740 BF Road.) "Don't worry, it won't look like a barn" (The design structure is that of a gambrel barn); "I can't bring goats right now, there's nothing for them to eat"; (throughout this timeline the structure has been referred to as a barn, fancy goat barn, barn with living space, studio/shop, warehouse, storage, and audio-visual studio) "I was told by county commissioners the land was good for rezoning"; (The Opposition would like to know the commissioners who made this statement.)

6. A well permit, #168912-A, was issued (date unknown). The permit states pumping shall not exceed 15gpm and water shall not be used for lawn/landscape/irrigation/domestic animal-livestock watering/or for any other purpose outside the business building(s) structure. (The Opposition would like the planners to take into consideration "the well is drilled into the Dawson aquifer." ALL AQUIFERS IN THE DENVER BASIN ARE NON-RENEWABLE WATER SOURCES according to the Feb. 2019 EPC Water Master Plan. Also defined in this Master Plan is the 300 year plan referenced in the 8/20/2020 Letter of Intent. (The Opposition will clarify water use. PLEASE NOTE, when using water from an aquifer, the water actually comes from groundwater reservoirs along the aquifer, (Attachment 2). That groundwater is very limited especially during times of drought. Those reservoirs can potentially 'dry up' at anytime (<100 years). The EPC Water Master Plan is focusing on ways to preserve groundwater surrounding these aquifers. Additionally, a fire suppression system for 12,300 sq. ft. is required. The standard pumping rate for such a system generally requires 1500 gpm. Water availability is a major concern for BF residents.)

7. There is no evidence of an actual Black Forest Land Use Committee. The Opposition cannot locate minutes, meeting dates, or member lists. The letter submitted to EDARP on 12/14/2020, 8:58 am, includes a paragraph stating the Black Forest Land Use Committee approves the project. (M. Jane Shirley, compiling this document, was a member of the Land Use Committee in the early '90's. The committee met on Howells Road in Black Forest but dissolved by the early '00's due to having little to no impact on projects effecting Black Forest residents.

8. The proposed project does not comply with 3.2.5 zoning code. It does not, nor ever will, support the needs of Black Forest residents. It will not a business that serves the community.

9. Code 5.1.7 defines Accessory Use and Structure Standards. Code 3.2.1 A also applies. This particular project has frequently shown a lack of appreciation for the policies and laws in place. For an example, Code states an Accessory Structure cannot be built on acreage less than 35 acres or unless a primary building is established. (The Opposition believes sub-codes A, E, F, H, J, K show non-compliance to Code. We believe mistakes were made by the PPRBD at the application level due to misrepresentation by owner. See summary of violations of A, E, F, H, J, K in attachment 1.)

10. Code 11.1.7 (A, B, C, D), based on the Opposition's interpretation of this code and all sub-codes, have provided ample proof this project was misrepresented early on in the process. We have provided proof of mistakes made. Because of this, WE OPPOSE THE REZONING OF PARCEL 5207000004. (See summary of A,B,C,D sub-codes in attachment 1).

11. The Opposition also objects to rezoning because of Code 11.3.1: misrepresentation of project. This code speaks for itself. The Opposition believes, because this project was misrepresented from the beginning, mistakes made by PCDD could, most likely, never have occurred.

12. In support of our argument to disallow rezoning, the Opposition will speak to the Black Forest Preservation Plan (1987 rev):

a. Page 50, paragraph 1&2: Since the 1974 Preservation Plan (PP) was adopted, only limited commercial development had taken place in the planning area. Area residents continue to rely on commercial centers located outside of the (BF) planning area. The two commercial nodes present today were well established before 1974.

b. Page 51: Floor to area ratio (FAR) was used to calculate commercial land at the 2 nodes. The total was two-tenths of a percent (.20) and equals about 22 acres of commercial land. It must be noted numerous residents prefer to travel for major needs.

This sentiment combined with the calculated commercial needs shown above and the 25 commercial acres more or less contiguous at the "Glover's Corner" node (BF and Burgess Roads), will be sufficient for future commercial needs. The only reference to ¼ mile is: "All community zoned properties at both nodes are located within ¼ mile of the intersections.

13. The Opposition would like to point out this project is located amidst RR-5 homes. Before the fire (2013) the Black Forest Animal Clinic existed on the property. In 1985 the clinic focused on equine health. Tony Woodward, DVM purchased the property which was a 2000 sq. ft. living space. It appears to have been zoned rural. (Actual 1985 zoning records could not be found to confirm.) However, it was listed by RealtyTrac when purchased by Dr. Woodward, who then applied to EPCPD for a Special Use Permit (AL8407Z) for the equine vet clinic. Over the years the Clinic emerged into a small animal practice. A picture of his Clinic is attached. As seen, it looks much like a home.

14. The "rendered pictures" Mr. Haddock intends to use in his presentation do not, at all, show the total scale of the project. The arial view distorts the actual size. Notice the home to the south. It is dwarfed by this business. The home to the north is just outside the indicated area. This is a one-story log home. The residents can see nothing but the 'barn' when looking out their south and west windows.

15. Throughout the Aug. 20, 2020, Letter of Intent to Rezone, several misrepresentations can be found. One example is water. Well Permit 168912-A is a permit with restrictions. It is referred to as a commercial well permit. S-5! references water use and shows this corporation's water use will be far less than what is used in a primary residence. The majority of residences in BF does not exceed 6 occupants. S-5! will have anywhere from 10-25 occupants. Also, most existing septic systems are built to recycle groundwater.

Rad Dickson

From: Jeffrey Zink <jeffrey@v2ls.com>
Sent: Monday, December 7, 2020 8:28 PM
To: Tracey Garcia
Cc: Rad Dickson
Subject: Letter in opposition to rezoning, CC-20-001
Attachments: planning letter.pdf

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Dear Mr. Dickson and Ms. Garcia,

I am attaching a letter expressing my strong opposition to the proposed rezoning of Parcel No. 52070-00-004. I live across Black Forest Road, directly east of the property in question. Therefore I will be immediately and negatively affected by the rezoning and the multi-storey office building.

As a result of the Black Forest Fire, we have suffered the loss of our house and all of the trees on our property that shielded us from the outside world. It would feel like an additional injustice to have our property further impacted by the proposed structure and resulting traffic. I humbly ask you not to let this happen.

Sincerely,

Jeffrey Zink
6970 White Fir Lane
Black Forest, CO 80908
719-532-9392

Rad Dickson

From: Robert Melanson <rmelanhead@gmail.com>
Sent: Monday, December 7, 2020 9:01 PM
To: Rad Dickson
Subject: Don't Rezone Black Forest!!

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Dear Rad Dickson.

I am concerned of the consequences rezoning Black Forest will create, as many of us live here to escape the city. Allowing commercial business will eradicate the rural agricultural and farm lifestyles already established. There are plenty of commercial opportunities not far away which are already zoned for such. The added traffic will destroy roads, create problems for residents, raise our taxes and multiple other concerns. Please notify me of any meetings or public hearings regarding this matter.

Thank you for your time and consideration.

Robert Melanson
Black Forest resident, 3 miles away from requester's location.

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
Name(s) 7090 White Fir Ln, Colorado Springs, CO 80908
Address

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

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Dated this day the 9 of DEC 2020

John and Jane Taylor Jane Taylor
Name(s)
7075 White Fir Ln C. Springs CO 80908
Address

Rad Dickson

From: Maria Wilson <maria@day-off.net>
Sent: Thursday, December 10, 2020 12:01 PM
To: Rad Dickson
Subject: Haddock Project

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Dear Mr. Dickson,

My name is Maria Wilson and I live right next door to the above referenced project. I am very much opposed to this project for the following reasons:

- 1) "The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serves adjoining neighborhoods." The proposed business is not a retail sales and it certainly will not serve the community in any way shape or form. 2 structures totalling 12,300 sq ft is not a small center type building. As a matter of fact, it would be the largest structures in the forest's allotted commercial area.
- 2) The precedent that business will set is of most concern. If Mr. Haddock gets his request approved, who's to stop other businesses from constructing their office buildings in our allotted commercial nodes. Who wants office buildings residing right next to our historical structures? Office buildings do not belong in the forest.
- 3) For all intents and purposes, this is a spot zoning in the making. When the county allows for an office building to be constructed where none exist and the structure will be surrounded by homes, that is a spot zoning. There is no place for spot zoning in the forest, it's not right or just.
- 4) Private nuisance: The construction alone will be a great nuisance as I'm right next door. I'm legally disabled and I moved here for peace and quiet. It will cause substantial interference with the use and enjoyment of my property with the noise and traffic it will create. The construction is not my only concern. Mr. Haddock has not been exactly forthcoming or truthful so far so I find myself taking his words with a grain of salt. He says there will be 20-25 people in the buildings at any given time. Who builds 12,300 sq ft for 20-25 people? I did the sq footage per employee formula. The 8800 sq ft structure alone can house 70 employees. The traffic and disruption they will cause will not be minimal by any means.
- 5) This office building is going to reduce not just my property's value but all the homeowners in its immediate vicinity will too. I've heard comments to the contrary and that may be true in the city but not in the forest.
- 6) These buildings are not in scale and scope to its surrounding structures. All of its surrounding structures are homes (zoned RR, including the historical Community Center at the end of the street), with the exception of one. The building across the street is a 6,000 sq ft bldg that houses several businesses. Businesses that all serve the community. All of the forest businesses are small mom and pops that serve our community, we want to keep it that way. How can one reconcile 12,300 sq ft for one business vs 6,000 sq ft for several businesses? It makes no sense. There is nothing in scale or scope about it.
- 7) The Spirit house, Casteel Cabin, BF Comm Hall, BF school, BF church, BF store and Burrow's Cabin, all historical structures that reside within a quarter mile of the commercial node. No one wants an office building among our historical structures and Ms. Eflin from the Historic Preservation Alliance of Colorado Springs has stated this project will negatively impact the historical nature of the heart of the Black Forest. A stone's throw from the project site.
- 8) In page 51 of the BF Preservation Plan, under "Estimated Commercial Demand" the plan does mention that all commercially zoned property associated with either center is located within one quarter mile of the respective intersections" but it also says "however, it bears noting that many residents in the planning area have repeatedly voiced a preference for traveling outside the rural residential sections of their area to obtain most major purchases and services" operative word "repeatedly".

Will Mr. Haddock guarantee that he will never sell, rent space or otherwise fill the 12,300 sq ft to maximum capacity with bodies? Seriously doubt it and 12,300 sq ft full of bodies will create more congestion that we don't need.

Please be sure to forward this opposition letter to the Planners and Commissioners, thank you.

The Board of Trustees is scheduled to hold one meeting in December, on Dec. 10 at 6 p.m. at Town Hall, 42 Valley Crescent. Meetings are normally held on the second and fourth Thursdays of the month. Information: 481-2953.

*James Howald can be reached at
jameshowald@ocn.me.*

*Jackie Burhans can be reached at
jackieburhans@ocn.me.*

A proposed rezoning that should be of concern to all Black Forest and Tri-Lakes Residents

The owner of 12740 Black Forest Rd has requested rezoning from Agricultural (A-5) to Commercial (CC-5) to accommodate 12,300 sq. ft. of office buildings built specifically for a wholesale-only commercial business. This rezoning is not about "mixed use development." It would create a dangerous precedent and potentially open a floodgate of commercial rezoning requests.

If that happens, the next step could be annexation of Black Forest by the City of Colorado Springs enticed by the prospect of higher commercial property tax revenues. You might think annexation couldn't happen, but Colorado Springs has already taken much of the land bordering Black Forest and has studied annexing Black Forest many times.

The more voices of opposition, the stronger the case against rezoning. Voice your opposition NOW. This zoning change is already in review and county planners will be making their recommendation to the Planning Commission in the coming weeks.

Email county planner Rad Dickson at raddickson@elpasoco.com or send to Rad Dickson, c/o El Paso County Planning and Community Development, 2880 International Cir, Suite 110, Colorado Springs CO 80910.

Open Letter to Black Forest Residents
from Rob Haddock
(owner of the former vet clinic property at 12740 Black Forest Road)

It seems a lot of folks have a lot of concern about a building project near Shoup and Black Forest roads intersection. I have heard of hate-filled commentary some of which even borders on suggesting conspiracy and deception about a person they don't even know and a situation surrounded by hearsay. It has always amazed me how so many people tend to believe things without fact-checking just because, "so and so told me". You have only to tune in to the evening news to witness how much strife, division, hatred and even violence results from being embroiled in this kind of thing.

I am that person who is being demonized by select individuals who based upon inadequate and inaccurate information, seem to be inciting and perpetuating mean-spirited diatribe-- So allow me to introduce myself and present some **factual** information for your knowledge and careful consideration:

My name is Rob Haddock. I am a Colorado native. (Born in Ft. Collins 1954). I graduated from Wm Mitchell High School (CSC) and attended CSU for pre-vet medicine for a brief time following high school. I have lived in Black Forest for going on 50 years now. Off Shoup (near Volmer) for some years; now further North. I used to ride my horse down to the Black Forest store in the 70's and visit with Elenore when she ran the store, the post office, and the fuel pump. Before I even lived here (c. 1972) I rodeoed at Pine Cone Ranch back when it was actually a ranch. Forest Lewis was the ranch foreman and we were good friends. In those days I had a steel erection business, operated from home on Linwood Ln, doing work all over the U.S. and occasionally rented the Community Center for our Christmas party and other events. I also went there to see and buy arts and crafts from Black Forest artists. (I have always loved art)

Back then, I rode horseback from my place off Shoup Rd up to Hodgen without ever encountering a fence and rarely had to ride on a road (almost all gravel then). I used to hunt coyotes on the Bar X ranch before it was Highland Estates and various other subdivisions. I used to cut beetle wood for Tom Collier on what is now Table Rock Ranch subdivision. When I acquired the land and built the home where I am now back in '86, it was surrounded by undeveloped ranch land and at night was the only light that could be seen for several miles in any direction. I used to help Dave Higby (just north) with his cattle gathering and was good friends with the Hollingworth's, the Smiths, Beardsley and other ranches in the neighborhood.

I have been both angered and grieved the changes, growth and development I have seen in Black Forest over those 5 decades and wish to God it could have stayed the way it was back then. But that is simply not reality and I have learned over time (in the words of Robert Shuler) to have the serenity to accept the things I cannot change; the courage to change the things I can; and the wisdom to know the difference. (Read on.)

I am a guy who believes in maintaining and preserving relationships with my friends, my neighbors, my family and my business associates. I have had the same banker for 50 years, the same accountant for 45 and attended the same church for 35. I still have numerous friends I have had since childhood and young adulthood. I treat them all like family. I am also a guy who respects his neighbors and their perspectives, even if I don't agree with them. I value my personal integrity above all else with the exception of my God and Savior. Pursuant to all that, I have also been described by many who know me as being "transparent as glass". Accusations of being a "deceiver" are completely baseless, cruel, unjustifiable and hurtful to me personally.

My (now adult) children were raised here in Black Forest from birth. Most of my family lives here too. Four generations worth. Both my sons live here—and their children. My dad lives here. My step-mom is buried here. Two of three sisters live here. Thirteen of Haddock descendants if I didn't miscount. A number of them work for the family business that will be housed in this facility. A few others who are not related like the Chief Operating Officer live here and work for the company. My construction manager for the barn currently being built also lives here in Black Forest. The electrician lives here as does the plumber.

You can learn more about me personally and professionally by simply googling my name and visiting my company's website. I think someone commented that Calandra Vargas be contacted about this building project. That is an excellent suggestion. Cally has known and been a neighbor of mine since she was knee-high to a grasshopper. I supported her for public office. When she visits home, she rides her horse across my place at will and usually stops by my back door to visit and raid my pickle supply. A terrific young lady and- we both LOVE pickles and horses. So, if you know Cally, give her a call and ask her who and what I am.

On a more personal level and outside of business, my gift and calling in this life is "giving", so that is a big deal to me. I have established a family foundation for the purpose of supporting humanitarian outreach charities. These are organizations that benefit orphans and widows, veterans, cancer patients and treatment, abortion alternatives and the like. Some examples are Hope Hollow, The Gary Sinise Foundation, What Matters (Casa Angelina), Grace House Ministries, Fresh Start Surgical, Talk About Curing Autism (TACA), Roever Foundation.

I also have a business continuation plan in place so that when I am promoted from this life to reside with my Maker, my three adult children (who are all work for the family business) will take over the reins and perpetuate both it and the family foundation in my absence.

Now, about my business:

I own a company called S-5! (S-5.com). It was founded from my barn office (in Black Forest) in 1992 based on some technologies I invented in '91. Today our products are in use on over 2 million buildings all over the world, including the World Headquarters of IBM, Google, NATO, NREL and Apple. These products are used on every Costco store ever built in the world (there are a lot of them). These technologies are primarily related to metal roofing. They are used to mount all kinds of things to metal roofs, many of which are used in life/public safety applications.

Without exception, these small parts are manufactured in our own world class plant located in Iowa Park, TX. (and currently being expanded). All our stuff is made only in the U.S.A. at that factory. From that location they are shipped all over the U.S. and the rest of the world. Our plant has won multiple safety awards from our industry and is the “talk of the town” of Iowa Park. All that talk is only full of praise and flattery for what we have added to the community. We have also won “Business of the Year” awards from the city.

The building (when we acquired it) was an old (early 1980’s) vacated Walmart store. Some of you may know what they looked like back then—not exactly eye candy. You can see what it looks like now by visiting our website and some of the blogs and videos on there. Most people would not expend the kind of funds that we did to make a factory look pretty on the outside, but we are not “most people” and we care about how we look to the community.

Our facility in TX is state-of-art and we support other local businesses and residents. We employ people in the local neighborhood. And by the way, we are always happy to welcome visitors, so you are hereby invited to stop in if ever in that neighborhood and find out why you should be proud as peacocks to have our corporate HQ in your neighborhood. Just announce that you are from Black Forest and you will be welcomed with red carpet and open arms to see first-hand how it is done. We are just real people.

Our company slogan and mantra is doing things “*the right way*®” and this is reflected in everything we do, from products to physical buildings to customer and vendor relationships to relationships in both professional organizations and local communities. We have even trademark-registered that slogan. We live up to it every day. You can learn more about all that with a visit to the company website www.S-5.com. Now on to some of the hearsay, misinformation and the plain truths about our proposed facility here in Black Forest.

First, what our Black Forest Office is not:

Contrary to some public postings, we sell nothing from this location. We have NO walk-in or retail business traffic. Prior to my purchasing this property there was a veterinary clinic located there with traffic in and out all day every day. No such traffic will be doing that going forward. Not to say a Fed-X or UPS delivery will not show up—they will. But our staff (most days 9-12 people) will come in the morning and leave at night. Some may go up to the R&R or Subway for lunch, supporting other Black Forest businesses. They will probably walk to the Fire House BBQ. Others will bring their lunch and prepare in the kitchen within the facility. (Many of us like to cook—and are health nuts.)

Also contrary to public postings, we are NOT in the roofing business or the roofing supply business, the roofing wholesale business or anything of the sort. Further, we will NOT manufacture or warehouse anything at this location and have no plan of EVER doing so. It would be foolish for us economically, logistically and in other ways to ever do so. We are VERY content for more reasons than I can count performing those functions in Iowa Park, TX.

You may have been disenchanted as you drive by the site lately and seen mountains of dirt piled up, at the barn which is currently under construction. I can only guess what you were thinking. So, FYI, the mountain of dirt isn't staying there. We are giving it away at no charge to area residents who need fill dirt. And with the current proposal there will be more. You see, we are actually carving the crest of that hill DOWN by 10' or more to lower the profile of the site and future building in respect of others to preserve their view of the mountains and minimize the building profile.

Contrary also to public postings, we are not designing a "two-story" office building. The proposed building is a one story with a walk out basement (to the west). There will be much more excavation for that reason. This design is in respect of keeping a low profile with the interior space we need. Having space underground is the best solution for that. From the East (Black Forest Rd) a single story with low profile is what you see. From the West, the basement is "walk-out" -- like most of the homes in Black Forest that are built into West-facing slopes. So, the architecture minimizes the impact as seen from the road, while maximizing the views from the West. This was all planned the same way you might plan your personal residence.

The plan also reflects a wrap-around deck to the South and West to avail the beautiful view of the Front Range. Also, very typical of homes built in the neighborhood. The actual footprint of this office is 4400 sq ft. (not 8800 as commented)— and similar to a mid-to-larger residence in the area. In fact, it will look just like a residence, not a commercial building.

This building is a one-owner, one-occupant facility. There will be no "office space for rent" or other tenancy. Nor is this plan, site and architecture suitable to ever be changed from that kind of use.

And now, what our Black Forest Office is (or will be):

Although our manufacturing is all located out of state, our administrative functions have always been here in Colorado. Keep in mind that this company began in my barn office at my residence and morphed and grew over 28 years. All key company leaders are Coloradans and the owner (me) and heirs (my children) and their families live and grew up in Black Forest.

As the business has grown organically, we have been working primarily from our residences. With the growth we have experienced over the last five years that has become cumbersome to say the least. None of us want to diminish the character of the Forest—it is our home. But we do need a location to all be together to work more effectively.

The proposed office will house administrative staff members and related functions. Those functions are financial planning and accounting, operational strategy; marketing and sales coordination, development and strategy; engineering, product design and innovation. Things like that. The reach of our products and business has become international. The hub of how things happen—the "think tank" if you will, is here. Relative to the overall size and reach of the company, it is a pretty small hub. Our Sales Director, Marketing Director, R&D Director, IT &

Web Development Director, Chief Operating Officer, Controller, Engineering Director are part of that hub.

We do a growing amount of video work to explain our products and demonstrate their installation procedures. We used to farm that work out, but we are doing so much of it now that we have recently added in-house filming capability. (After the office is built, the barn will be repurposed into a film studio where this can be done.) As stated earlier, there will normally be from 9 to 12 people physically at this office at any given time. There are about 18 who will "report" there (have a workspace there), but rare that they would all be there at the same time. Because so many of our business relationships are spread over 15-plus countries, about a third of these people are usually gone somewhere and still others who will continue to work from home at given times. This combined team (pre-Covid) traveled about 500,000 air-miles each year, so their "workplace" is as much out of the office as in it.

Outside the above, when things "normalize" (if that ever happens) 4 or 5 times per year we will have other people from around the country visit for a 4-day week of sales training, teambuilding, strategizing and so on. When we do that, the peak occupant load will be closer to 25 or so for those 4 days. In the past we have done this at a nearby hotel. We coordinate air travel so that they ride share, so the parking load only increases by about 5 or 6 vehicles. We bring food in during these kinds of meetings, so the traffic during those events is pretty limited to AM-in; PM-out. Going forward, these events will bring business to existing Black Forest enterprises, food vendors and bed-and-breakfast establishments.

As to parking- The *preliminary* site plan and other documents that were sent out to adjacent landowners were circulated to many more people. We goofed with the parking shown on the site plan. It was not current at the time it was sent. The actual parking proposed is only that which shows adjacent to the building. The rest will be grass.

The landscape at this facility will restore some of what the fire destroyed. We will plant Ponderosa sprinkled with spruce and other evergreens (20-30 of them), and of course seed the whole site for grass. There will be no big signs or anything like that. They would be of no use to us as we are not looking for "walk-in" or any other retail traffic. There will be a small back-lit sign couched in landscape shrubs and low to the ground that simply says "S-5" at the driveway entry.

The finishes of the building exterior will be natural stone, stucco and metal accents with standing seam metal roof, like most of the more tasteful homes that are built here. (The finishes of the barn are the same)

The address of the proposed project is 12740 Black Forest Rd. It is titled to "Black Forest LLC", an entity wholly owned by me. It is free and clear of any encumbrances. It is the site where the vet's place was until the 2013 fire burned it down. When I bought the place in 2016 it was littered with burned timber, which is now gone. It is within ¼ mile of the intersection of Shoup and Black Forest Roads. Zoning at that address falls under the jurisprudence of County Planning

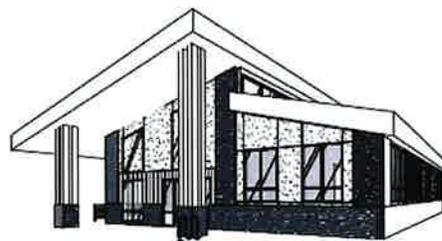
and the Black Forest Preservation Plan. It has been pre-destined by that authority many years ago for re-zoning to select commercial use. This is not a “maybe”—it is well-established and allowable. So commercial use seems rather imminent. The only thing really at question is whether a quiet and tasteful facility that looks like a residence and fits into the landscape and persona of its surrounds gets built there, or a “Kum-an-Go” instead.

I could clearly and legally build this exact building as currently designed on this site within current A-5 zoning as a residence with no need of approval from anyone. The only real difference might be traffic going in and out of the driveway as people come and go from work at 8 and 5. I will point out that his parcel was previously a business—a veterinary clinic, with traffic in and out all day long. So, from that perspective it is actually a reduction in traffic.

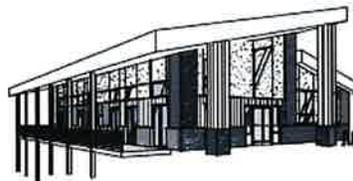
As I see it, I am proposing to preserve the atmosphere of the Forest with this project that by all means looks like a tasteful home and which will prevent the future potential Kum-n-Go or some similar less desirable land use from ever being built there. That strongly favors the whole Black Forest community. And by the way, I am debt adverse and debt free. So, the possibility of me going broke and having a bank repo and a change in use is pretty remote. Even if such a thing did happen, to put a less desirable use in place would not be economically feasible for any prudent owner as it would require bulldozing everything and starting over. It seems to me that this project proceeding pretty much guarantees that a much less desirable thing can ever be built on this site for at least the next 50 years.

Our every intent is to preserve and improve the aesthetic of the area and to be good neighbors. It’s compliant with the BF Preservation Plan and it’s our home too. Thank you for the opportunity to introduce myself and our company, and I hope you’ve come away with a better understanding of our plans and dedication to the community. If anyone has further questions, please don’t hesitate to reach out to me directly rather than listen to speculative hearsay.

Sincerely,
Rob Haddock



④ OFFICE PERSPECTIVE



⑤ OFFICE PERSPECTIVE 2

James and Noelle Botkin
6509 Trappers Pass Trail
Colorado Springs, CO 80908
12/1/2020

Rad Dickson
El Paso County Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910

RE: Proposed Rezoning of 12740 Black Forest Road

Hello Rad,

We are writing to add our voices to the opposition of the proposed rezoning of the lot located at 12740 Black Forest Road from A-5 to CC. We believe that the nature of the business to be conducted at this location by S-5! Metal Roof Innovations is inconsistent with the definition of a CC zone and will be detrimental to the rural character of the Black Forest area.

The definition of a Commercial Community zone is as follows: *The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.*

S-5! Metal Roof Innovations designs and manufactures metal roof attachment systems. Their customers are typically builders and operators of commercial structures with metal roofs. Listed prominently on the s-5.com home page is several of S-5!'s customers: Walmart, Toys "R" Us, Phoenix Sky Harbor International Airport, etc. These are clearly not retail customers and S-5! is clearly not a retail sales business. The people who live in the adjoining neighborhoods are not going to shop at the proposed 8,800 ft² office building.

There are many businesses within the immediate vicinity of the intersections of Black Forest and Shoup, and Black Forest and Burgess. These are primarily smaller commercial operations that provide goods or services directly to the people living in Black Forest. There is a stark contrast between the nature of these businesses and that of S-5! in both the target customer and the size of the buildings themselves (8,800 ft² office building plus 3,500 ft² studio/shop).

Additionally, the adjacent lots are currently zoned as residential rural. Rezoning 12740 Black Forest Road to commercial community would create an inconsistency between the lots, placing a commercial lot between residential lots. It makes sense for commercial lots, with businesses that serve the community, to extend out in the immediate vicinity of a major intersection within a rural

Rad Dickson

12/1/2020

Page 2

area. However, once the neighborhood begins with the first residential lot, it only makes sense to keep the congruity of that neighborhood by not inserting commercial property in the middle of residential properties.

Inserting a commercial lot within the heart of rural Black Forest with a business that does not serve the immediate community changes the character of the area. Even if S-5! Intends to have a low impact on the area by typically having 10-15 employees onsite, there is no guarantee that S-5! will continue to be the owner of the facility and that commercial operations at the site will remain unimpactful. For example, due to the large size of the office building and low number of expected employees onsite, S-5! may choose to lease office space to other businesses, therefore increasing the negative impact to the nature of the community. If S-5! were to sell the property to another business, that other business may choose to use the property in a manner that would have a much larger negative impact to the area. The argument would be that because S-5! was allowed to operate a commercial interest in a manner inconsistent with the definition of a CC zone, why would the next owner not be allowed to also violate the nature of a CC zone.

Please pass along this information to those individuals responsible for approving rezoning requests.

Sincerely,

James and Noelle Botkin

719-495-3295
M. Jane Shirley

Tracey Garcia

m: Jane Shirley <mjaneshirley@yahoo.com>
Sent: Tuesday, December 15, 2020 8:03 PM
To: Rad Dickson; Tracey Garcia
Cc: mjane Shirley
Subject: ATTACHMENTS TO BLACK FOREST RESIDENTS OPPOSITION TO REZONING PARCEL# 5207000004

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ATTACHMENT 1

Code 5.1.7:

- (A) **Accessory Use to Conform to Zoning District Standards:** Unless otherwise indicated within this Code, accessory structures or uses shall conform to the development standards specified in the zoning district in which the building or use is located. The area of the accessory structure shall be included in the lot coverage calculation.
- (E) **Building Permit Required:** Any accessory structure exceeding 200 square feet shall obtain a building permit. All accessory structures shall comply with the Building Code.
- (F) **Principal Structure Required:** No building permit for construction of an accessory structure, where a building permit is required, shall be authorized prior to construction of the principal structure except in the A-35 zoning district.
- (H) **Accessory Uses to Meet Development Standards:** Accessory uses shall meet all applicable development standards in Chapter 5 and Chapter 6.
- (J) **Structures or Uses Not Considered Accessory Uses is a Violation** Any building, structure or use that does not qualify as an accessory structure or use and that is not identified as an allowed use, approved as a special use, or granted a use variance is a violation of this Code and subject to zoning enforcement.
- (K) **Square Footage of Accessory Structure and Use Limited** The building footprint of accessory structures and accessory uses in all residential zoning districts shall not exceed the building footprint of the primary use (residence) to which they are subordinate, with the following exceptions: When the lot or parcel is 2.5 acres or greater the accessory structure building footprint may not exceed two (2) times the size of the building footprint of the primary use (residence). Structures and accessory uses classified as agricultural are exempt from the square footage limitation. Accessory structures on lots or parcels 35 acres or greater are exempt from the square footage limitation.

(J) Structures or Uses Not Considered Accessory Uses a Violation Any building, structure or use that does not qualify as an accessory structure or use and that is not identified as an allowed use, approved as a special use, or granted a use variance is a violation of this Code and subject to zoning enforcement. (K) Square Footage of Accessory Structure and Use Limited The building footprint of accessory structures and accessory uses in all residential zoning districts shall not exceed the building footprint of the primary use (residence) to which they are subordinate, with the following exceptions: When the lot or parcel is 2.5 acres or greater the accessory structure building footprint may not exceed two (2) times the size of the building footprint of the primary use (residence). Structures and accessory uses classified

11.1.7. No Permission to Violate Codes:

(A) Oversight or Error: No oversight or error on the part of the PCD Director or any official or employee of the County shall legalize, authorize, or excuse the violation of any of the provisions of this Code.

(B) Issuance of Permit or Approval: The issuance or granting of any development permit or construction permit or any permit, plan, specifications, computations, or inspection approval does not constitute a permit for, or an approval of, any violation of any of the provisions of this Code. Development permits, construction permits, or inspections presuming to give authority to violate or cancel the provisions of this Code or other County regulations or ordinances are invalid.

(C) Errors in Approved Plans: The issuance of a development permit or construction permit based on plans, specifications, and other data does not prevent the PCD Director from subsequently requiring the correction of errors in the plans, specifications, and other data or from stopping building operations that are in violation of this Code or any other applicable law.

(D) Falsified or Misrepresented Information: The issuance of a development permit or construction permit based on falsified or intentionally misrepresented information does not prevent the PCD Director from subsequently requiring the correction of errors in the plans, specifications, and other data or from stopping building operations that are in violation of this Code or any other applicable law.

ATTACHMENT 2 Denver Basin Description:

The Denver Basin is a unique geologic formation along the Front Range reaching generally from Greeley on the north to Colorado Springs on the south, and from the Foothills on the west to Limon on the east. The Denver Basin is composed of bedrock aquifers, or water bearing formations, that lie one on top of the other in layers. The aquifers in the Denver Basin are called, progressing from top to bottom, the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers. Northern portions of the Dawson and Arapahoe aquifers are differentiated into Upper and Lower aquifers. Between each aquifer there is a confining layer that isolates the individual aquifers from each other. Because of the nature of the confining layers and because of the limited connection between these aquifers and surface water, the groundwater in the aquifers is not renewable. When the groundwater is used, it is being "mined" or used up without any replacement.

Well Permitting:

The State Engineer is tasked with maximizing the beneficial use of the limited water in the state and promoting reliable water supplies. Groundwater, withdrawn through wells, is an integral part of Colorado's water supply. In order to administer the thousands of wells in Colorado, the State

Engineer issues and maintains permits that limit the use of each well pursuant to the Colorado Revised Statutes.

law, every new or replacement well in the state that diverts groundwater must have a well permit. To obtain a permit, a person must file an application with the State Engineer; these applications are evaluated pursuant to statutory guidelines.

Tracey Garcia

m: Jane Shirley <mjaneshirley@yahoo.com>
Sent: Tuesday, December 15, 2020 7:50 PM
To: Rad Dickson; Tracey Garcia
Cc: mjane Shirley
Subject: THE BLACK FOREST RESIDENTS OPPOSITION TO REZONING 12740 BLACK FOREST RD.
PARCEL #5207000004

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OPPOSITION TO REZONING 12740 BLACK FOREST ROAD A-5 TO CC FROM BLACK FOREST
RESIDENTS HADDOCK S-5! METAL ROOF INNOVATIONS, LTD PARCEL #
5207000004 FILE# CC201

Compiled by: M. Jane Shirley
6290 Old Ranch Rd. (aka Saddle Club Trail) Colorado Springs, CO 80908
ph: (719) 495-3295

Note: Several documents were used in justifying this opposition. Originals are available upon request.

The Black Forest Opposition committee bases its argument against rezoning on the following codes: 3.2.1 A, 3.2.5, 5.1.2, 5.1.7 (A,E,F,H,J,K), 11.1.7 (A,B,C,D), 11.1.8 and 11.3.1.

Mr. Haddock owns S-5! Metal Roof Innovations. This is a global wholesale distributor of metal roofing parts. It does business with companies in 33 states, one of which is Colorado, and 29 foreign companies. (Reference: Online information).

Formally opposing: 288 petition signatures, 129 online petition signatures and 100 members of "The Opposition to Rezoning" Facebook page. Total: 517 people. Petitions were cross-referenced and duplications were eliminated.

1. Feb. 28, 2020, 10:45am, Mr. Haddock submitted a plot and description plan to EPC Planning and Development. This plan showed only a 3500 sq. ft. "barn". Because the land was zoned Agricultural, a building permit was not required. "Any approval given by El Paso County does not obviate the need to comply with applicable Federal, State, or Local laws and/or regulation". (The Opposition believes the barn should have been permitted. Barns built on 35 agricultural acres do not require a permit. (Code 3.2.1 A)

2. Barn construction began shortly thereafter. The framework was built.

3. On Mar. 7, 2020, a violation was issued due to non-compliance. On Apr. 1, 2020 construction was re-approved (Plan: R125629). And then, On Apr. 11, 2020, permit #M78797 was issued... AFTER construction had begun. (Code 5.1.2) The Project Code was 436 (Residential Garages and

Carports); Project name was Barn with Living Space. (The Opposition has proven construction on the 'barn' began before a permit was obtained. It's shape is a traditional gambrel barn.)

On July 17, 2020, homeowners adjacent to the construction received a certified letter from PWN (Mr. Haddock's architects) notifying them of his intent to build an 8800 sq. ft. office and a 3500 sq. ft. studio/shop. He will repurpose the barn to an AV studio. Site plan was enclosed. Adjacent homeowners were invited to take part in a Virtual Community Meeting on August 4, 2020, 7:00-8:30 pm. Included in this letter was: "This property is currently zoned A-5, agricultural, and the owner proposes to rezone the property to CC- Community Commercial consistent with adjacent land." (The opposition will attest to ALL ADJACENT LAND IS RESIDENTIAL.) Now, the proposal includes two buildings. Code 5.1.2 speaks to primary and accessory structures. (Opposition is confused. There is no primary structure. Also if the intent was to repurpose the barn to an audio-visual building, why was this not mentioned before "barn" construction began.)

5. A Black Forest resident took minutes of the August 4th "Go-To" meeting. Mr. Haddock answered the bulk of questions asked. His responses included: "there are a lot of barns like that in Black Forest"; (The Opposition could only find one barn similar in size within a 5 mile radius of 12740 BF Road.) "Don't worry, it won't look like a barn" (The design structure is that of a gambrel barn); "I can't bring goats right now, there's nothing for them to eat"; (throughout this timeline the structure has been referred to as a barn, fancy goat barn, barn with living space, studio/shop, warehouse, storage, and audio-visual studio) "I was told by county commissioners the land was good for rezoning"; (The Opposition would like to know the commissioners who made this statement.)

6. A well permit, #168912-A, was issued (date unknown). The permit states pumping shall not exceed 15gpm and water shall not be used for lawn/landscape/irrigation/domestic animal-livestock watering/or for any other purpose outside the business building(s) structure. (The Opposition would like the planners to take into consideration "the well is drilled into the Dawson aquifer." ALL AQUIFERS IN THE DENVER BASIN ARE NON-RENEWABLE WATER SOURCES according to the Feb. 2019 EPC Water Master Plan. Also defined in this Master Plan is the 300 year plan referenced in the 8/20/2020 Letter of Intent. (The Opposition will clarify water use. PLEASE NOTE, when using water from an aquifer, the water actually comes from groundwater reservoirs along the aquifer, (Attachment 2). That groundwater is very limited especially during times of drought. Those reservoirs can potentially 'dry up' at anytime (<100 years). The EPC Water Master Plan is focusing on ways to preserve groundwater surrounding these aquifers. Additionally, a fire suppression system for 12,300 sq. ft. is required. The standard pumping rate for such a system generally requires 1500 gpm. Water availability is a major concern for BF residents.)

7. There is no evidence of an actual Black Forest Land Use Committee. The Opposition cannot locate minutes, meeting dates, or member lists. The letter submitted to EDARP on 12/14/2020, 8:58 am, includes a paragraph stating the Black Forest Land Use Committee approves the project. (M. Jane Shirley, compiling this document, was a member of the Land Use Committee in the early '90's. The committee met on Howells Road in Black Forest but dissolved by the early '00's due to having little to no impact on projects effecting Black Forest residents.

8. The proposed project does not comply with 3.2.5 zoning code. It does not, nor ever will, support the needs of Black Forest residents. It will not a business that serves the community.

Code 5.1.7 defines Accessory Use and Structure Standards. Code 3.2.1 A also applies. This particular project has frequently shown a lack of appreciation for the policies and laws in place. For an example, Code states an Accessory Structure cannot be built on acreage less than 35 acres or unless a primary building is established. (The Opposition believes sub-codes A, E, F, H, J, K show

non-compliance to Code. We believe mistakes were made by the PPRBD at the application level due to misrepresentation by owner. See summary of violations of A, E, F, H, J, K in attachment 1.)

Code 11.1.7 (A, B, C, D), based on the Opposition's interpretation of this code and all sub-codes, have provided ample proof this project was misrepresented early on in the process. We have provided proof of mistakes made. Because of this, WE OPPOSE THE REZONING OF PARCEL 5207000004. (See summary of A,B,C,D sub-codes in attachment 1).

11. The Opposition also objects to rezoning because of Code 11.3.1: misrepresentation of project. This code speaks for itself. The Opposition believes, because this project was misrepresented from the beginning, mistakes made by PCD would, most likely, never have occurred.

12. In support of our argument to disallow rezoning, the Opposition will speak to the Black Forest Preservation Plan (1987 rev):

a. Page 50, paragraph 1&2: Since the 1974 Preservation Plan (PP) was adopted, only limited commercial development had taken place in the planning area. Area residents continue to rely on commercial centers located outside of the (BF) planning area. The two commercial nodes present today were well established before 1974.

b. Page 51: Floor to area ratio (FAR) was used to calculate commercial land at the 2 nodes. The total was two-tenths of a percent (.20) and equals about 22 acres of commercial land. It must be noted numerous residents prefer to travel for major needs. This sentiment combined with the calculated commercial needs shown above and the 25 commercial acres more or less contiguous at the "Glover's Corner" node (BF and Burgess Roads), will be sufficient for future commercial needs. The only reference to ¼ mile is: "All community zoned properties at both nodes are located within ¼ mile of the intersections."

13. The Opposition would like to point out this project is located amidst RR-5 homes. Before the fire (2013) the Black Forest Animal Clinic existed on the property. In 1985 the clinic focused on equine health. Tony Woodward, DVM purchased the property which was a 2000 sq. ft. living space. It appears to have been zoned rural. (Actual 1985 zoning records could not be found to confirm.) However, it was listed by RealtyTrac when purchased by Dr. Woodward, who then applied to EPCPD for a Special Use Permit (AL8407Z) for the equine vet clinic. Over the years the Clinic emerged into a small animal practice. A picture of his Clinic is attached. As seen, it looks much like a home.

14. The "rendered pictures" Mr. Haddock intends to use in his presentation do not, at all, show the total scale of the project. The arial view distorts the actual size. Notice the home to the south. It is dwarfed by this business. The home to the north is just outside the indicated area. This is a one-story log home. The residents can see nothing but the 'barn' when looking out their south and west windows.

15. Throughout the Aug. 20, 2020, Letter of Intent to Rezone, several misrepresentations can be found. One example is water. Well Permit 168912-A is a permit with restrictions. It is referred to as a commercial well permit. S-5! references water use and shows this corporation's water use will be far less than what is used in a primary residence. The majority of residences in BF does not exceed 6 occupants. S-5! will have anywhere from 10-25 occupants. Also, most existing septic systems are built to recycle groundwater.

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From "Jane Shirley" <mjaneshirley@yahoo.com>

To raddickson@elpasoco.com, maria@day-off.net, traceygarcia@elpasoco.com +

Cc

Bcc mjaneshirley@yahoo.com

Subject Opposition petitions for the Haddock Project #527000004, 12740 Black Fo Attach Files

Hi Rad. Attached are copies of petitions. They are divided because we feel the Planning and County Commissioners should peruse the comments included on the online petition. The 'in-person' signatures are provided for proof. The list of 106 Opposition Committee members and the Opposition's argument will be emailed separately.

Thanks, Jane.

Send Save Cancel

See results in an average of 4-6 months.

SEE RESULTS

smile
DIRECT CLUB

To oppose the rezoning effort for the land located at 12740 Black Forest Rd.

135 people have signed this petition.

#	Name	City	Email address	Email confirmed	Comment	Date
1.	Amy Geraci	Colorado Springs	ajhuch0605@comcast.net	Yes		2020-08-07
2.	Marissa Rollo	Colorado Springs	info@marissarollo.com	Yes		2020-08-07
3.	Lisa Maulden	Colorado Springs	lisa.maulden@gmail.com	Yes	There's no reason for a commercial building of that size in the Forest.	2020-08-07
4.	Candy Gardner	Black Forest	cg4414@gmail.com	Yes		2020-08-07
5.	Karrin Hopper	Colorado Springs	k_k_hopper@hotmail.com	Yes		2020-08-07
6.	Corey Boston	Black Forest	nitrotwin@gmail.com	Yes		2020-08-07
7.	Emily Nelson	Colorado Springs	ladyemgold@gmail.com	Yes	Community support	2020-08-07
8.	Deborah Steffen	Colorado Springs	debsteffen0927@gmail.com	Yes	I'm signing because I oppose commercial building in Black Forest.	2020-08-07
9.	Pamela Matzke	Colorado Springs	psmatzke@gmail.com	Yes	I'm signing because I want to preserve the rural nature of Black Forest.	2020-08-07
10.	Jen Cordero	Black Forest	jen@thecorderos.com	Yes		2020-08-07
11.	Joanne Przeworski	Colorado Springs	joprzew@gmail.com	Yes		2020-08-07
12.	Cheryl Sistare	Colorado Springs	tcandtheboys@msn.com	Yes	This does not fit with the character of Black Forest. Large multi-story buildings would replace what was a one level with walk out horse stall area vet clinic. It's too much.	2020-08-07
13.	Stanley A Matzke	Colorado Springs	allenmatzke@gmail.com	Yes	I want to preserve the rural nurture of Black Forest.	2020-08-07

#	Name	City	Email address	Email confirmed	Comment	Date
14.	Allen Cohen	Black Forest	ayess195202@aol.com	Yes	This is against everything Black Forest is about. Money and greed will Not change the our way of life.	2020-08-07
15.	Michele McLaughlin	Colorado Spgs	michelemclaughlin902@gmail.com	Yes		2020-08-07
16.	Dinah Kress	Black Forest	dinah.kress@gmail.com	Yes		2020-08-07
17.	Brian Lee	Black Forest	blee6248@aol.com	Yes	It is wrong that a person/developer begins construction prior to obtaining proper zoning and approvals for what is planned. EPC needs to manage the development process, and not allow developers to blatantly manipulate the process without an effective penalty. If the current EPC Commissioners cannot fix this, I expect the voting process will.	2020-08-07
18.	Bronwen Gluckman	Black forest	agilitybum@yahoo.com	Yes		2020-08-07
19.	Annette Biggs	Colorado Springs	annette.biggs04@gmail.com	Yes	The lies are evident!	2020-08-07
20.	Sidonya Fulton	COLORADO SPGS	sidonyasuleiman@gmail.com	Yes		2020-08-07
21.	Christina LaCroix	elbert	christieylacroix@aol.com	Yes	I do not want to see commercial development in the forest	2020-08-07
22.	Katharine Zink	Colorado Springs	katharine@dancingsage.com	Yes	I live across the street from this proposed project and am not in favor of rezoning the property.	2020-08-07
23.	Rebekah Todd	Mound, MN	rebekahtodd@yahoo.com	Yes		2020-08-07
24.	Tracey Coppock	Black Forest	tlcoppock@gmail.com	Yes		2020-08-07

# Name	City	Email address	Email confirmed	Comment	Date
25. David Hale	Colorado Springs	davidhale777@gmail.com	Yes	I don't want a commercial building in this neighborhood. Also, sounds like they are trying to deceive good people/neighbors for very selfish reasons, not the good of the neighborhood.	2020-08-07
26. Cheryl Murdock	Colorado Springs	cheryl_murdock@yahoo.com	Yes	I'm a lifetime resident since 1964, and we do not want the city ways our here EVER!	2020-08-07
27. Kenda Cowan	Colorado Springs	kendacowan@gmail.com	Yes	*Black Forest preservation plan. *The wishy wash nature of the owner of this project. *Traffic, noise, eyesore, light pollution *Overall sneaky nature of the rezoning of this project and lack of communication to other nearby residents. Keep Black Forest Rural (4th generation Native)	2020-08-07
28. Robert Winters	Colorado Springs	bob1winters@msn.com	Yes		2020-08-07
29. Martin Levy	Colorado Springs	mlevy6659@gmail.com	Yes		2020-08-07
30. Nelson Spires	Colorado Springs	spirespeak@q.com	Yes		2020-08-07
31. Leroy Inman	Black Forest	lee@iqed.net	Yes		2020-08-07
32. Carly Griffen	Ormond	carlygriffen@yahoo.com.au	Yes		2020-08-07

#	Name	City	Email address	Email confirmed	Comment	Date
33.	Leah Droubie	St. Paul	leah.chuck@gmail.com	Yes	I am opposed to turning a pristine 5 acre agricultural area with a quaint, community-based town center into what sounds like an industrial and commercial eyesore. People moved to the Black Forest area because they wished to live in an agricultural setting.	2020-08-07
34.	Tamara Wineland	Black Forest	comom2bugs@yahoo.com	Yes	I'm tired of the shortsightedness of the planning committees without regard for protecting our forest community. There is commercial space available on Vollmer Rd. if they want to open a large business. Let's leave the designations the way they are for the way they were intended.	2020-08-07
35.	Deanne Ladefoged	Colorado Springs	ladefour@msn.com	Yes	This structure does not fit in with the surrounding area and does not fall within the Black Forest Preservation Plan.	2020-08-08

# Name	City	Email address	Email confirmed	Comment	Date
36. Nancy Traini	Colorado Springs	ntraini@aol.com	Yes	I'm signing because this family laid me off for standing up to his son. Plus I dislike seeing a huge ugly building built...and after having worked for the Haddocks you can bet it will be an ugly metal building. But most important to me Haddock is not a good man.	2020-08-08
37. Steven Traini	Black Forest	steven.traini@reagan.com	Yes		2020-08-08
38. Laura Jarvela	Colorado Springs	laurajarvela@aol.com	Yes	I'm signing this because I'm a long time resident and I'm heartbroken with the new houses And apartments that now surround the forest. The barn is an eyesore and its presence ruins the rural feel of the forest that residents love so much. Why would someone want to build a business in an area where surrounding residents are angry and resentful of their presence.	2020-08-08
39. DeAnne Zamora	Colorado Springs	ddzwings@yahoo.com	Yes	I don't want a 2 Story office building & all the traffic it will bring in the Black Forest. Also concerned about water usage As well as sewage they will be producing.	2020-08-08

#	Name	City	Email address	Email confirmed	Comment	Date
40.	Karen Dunlap-Boone	Black Forest	kdunlapboone@gmail.com	Yes		2020-08-08
41.	Nancy Smith	El Paso County	nancyjillo54@gmail.com	Yes	Black Forest zoning must be protected for the small quaint area that it is. Big modern office buildings in the center of the town proper. NO! No reasoning to accommodate this person who obviously has not the interest of keeping the neighborly small town feel of Black Forest.	2020-08-08
42.	Maria Wilson	Colorado Springs	maria@day-off.net	Yes	I'm signing because the office building will not serve the community in any way, shape or form	2020-08-08
43.	Jody Londhair	Colorado Springs	jodyclaire7@gmail.com	Yes		2020-08-08
44.	SANDRA WANG	BLACK FOREST	wangco@msn.com	Yes		2020-08-08
45.	Cynthia Wehlage	Black Forest, CO	cindy.diane@rocketmail.com	Yes		2020-08-08
46.	Lyle Attebury	Colorado Springs	ldajrr@gmail.com	Yes		2020-08-08
47.	Audra Hofstadter	Colorado Springs	aahofstadter@gmail.com	Yes		2020-08-08
48.	Heather Bechert	Elbert	3newfmom@gmail.com	Yes		2020-08-08
49.	Shawn Buck	Colorado Springs	shawnbuck3669@hotmail.com	Yes		2020-08-08
50.	deanna cox	Colorado Springs	legendkees@centurylink.net	Yes	I do NOT want any more commercial buildings here in Black Forest. The county Commissioner has destroyed enough of this beautiful land.	2020-08-08

#	Name	City	Email address	Email confirmed	Comment	Date
51.	Shirley Brooks	Black Forest	sbgee@iqed.net	Yes	I oppose rezoning in Black Forest that goes away from rural residential. Water and infrastructure do not support other zoning.	2020-08-08
52.	Georgette Saydak	Colorado Springs	georgiepmcs@gmail.com	Yes	I see a need to keep this rural residential. Water table issues are important.	2020-08-08
53.	Theda Stone	Colorado Springs	twinjes6@gmail.com	Yes		2020-08-08
54.	Katrina Lange	Colorado Springs	kobrien17@yahoo.com	Yes		2020-08-08
55.	Kris Babcock	Black Forest	kris0070@gmail.com	Yes	I am against rezoning in the Black Forest area without approval of the citizens in the area.	2020-08-08
56.	Nile Blackburn	14959 Bear Gulch St. Colorado Springs, CO	nile.blackburn@gmail.com	Yes		2020-08-09
57.	Kay Hayes	Black forest	hayes911@msn.com	Yes		2020-08-09
58.	Lucy Spreter	Black Forest	lucy.spreter@gmail.com	Yes		2020-08-09
59.	Marcia Hall	Colorado Springs	marcia.hall1958@gmail.com	Yes	I'm signing because I oppose rezoning this land to community commercial. We live in Black Forest because we like the quiet life.	2020-08-09
60.	Jordan Ramirez	Colorado Springs	jenandjord@gmail.com	Yes		2020-08-09
61.	Gabie Soto	Black Forest	gabie.soto.1@gmail.com	Yes		2020-08-09
62.	Mary Sue Powers	Colorado Springs	marysuecm@hotmail.com	Yes	Black Forest needs to remain rural	2020-08-10
63.	Sandra Dawson	Black Forest	gardaws@sbcglobal.net	Yes		2020-08-10

#	Name	City	Email address	Email confirmed	Comment	Date
64.	Megan Miller	Colorado Springs	meganwmiller1975@gmail.com	Yes	This project provides no value to the residents of this community and opens the door for the Forest to be ravaged by commercial development. HARD NO.	2020-08-10
65.	John Dally	Colorado Springs	jwdally2@msn.com	Yes	The Forest is quickly moving away from its natural.	2020-08-10
66.	William W. Holcombe	Colorado Springs	holcombe@q.com	Yes	Too much construction...too little concern, conservation, and consideration for the folks who've lived here for decades...the quiet lifestyle and privacy we cherish are being eviscerated in the name of "progress" or "growth"....it isn't organic, well planned growth...it's massive urban sprawl driven by greed and power...	2020-08-10
67.	Elizabeth Sombric	Colorado springs	sombricfamily@gmail.com	Yes		2020-08-10
68.	Laura Hoff	Colorado Springs	suueee@hotmail.com	Yes		2020-08-10
69.	Nicola Natale	Peyton	nicolan72@yahoo.com	Yes		2020-08-10
70.	Randy Redus	Black Forest	rediranch@yahoo.com	Yes	We do not need office buildings in Black Forest, they do not belong here.	2020-08-10
71.	Lindsey Brian	Colorado Springs	invisible_much@yahoo.com	Yes		2020-08-10
72.	Joan Vairin	Colorado Springs	jvairin@msn.com	Yes		2020-08-10
73.	Gretchen Venema	Black Forest	gv5788a@student.american.edu	Yes		2020-08-10

# Name	City	Email address	Email confirmed	Comment	Date
74. Linda Rozak	Black Forest	rozak@q.com	Yes	I feel this is only the beginning, once 1 person does this other will try to follow. Didn't buy our property to have bright lights and noise around us.	2020-08-11
75. Wade Vickers	Colorado Springs	vickerswade@gmail.com	Yes		2020-08-11
76. Frederick Wehlage	Black Forest, CO	poorfred@msn.com	Yes		2020-08-11
77. Evan Hofstadter	Black forest	ehofstadter@gmail.com	Yes		2020-08-12
78. Patricia Mikuska	Colorado Springs	mrsmikus@msn.com	Yes	I do not agree with the Rez onions of properties on Black Forest Road. save our community	2020-08-13
79. Stacie Nelson	Colorado Springs	nestacie@yahoo.com	Yes	I'm signing because I am concerned that since the fire new building is unchecked and the rezoning options would take away from the beauty that is left in the forest.	2020-08-13
80. Debbie Thompson	Black Forest	thompdeb@hotmail.com	Yes	I oppose the rezoning for a commercial building in Black Forest	2020-08-13
81. Jennifer Kline	Black Forest	jenklinephoto@gmail.com	Yes		2020-08-14
82. Cassie Medina	COLO SPRINGS	jenniferfeller@aol.com	Yes		2020-08-14
83. DeAnn Karr	Colorado Springs	dee_karr@yahoo.com	Yes	I can see this building from my backyard. It's very large, so I'm worried and wondering about the noise level. We would rather keep this area to residential.	2020-08-14
84. Donald Sims	Colorado springs	donald@simsclan.us	Yes		2020-08-15

# Name	City	Email address	Email confirmed	Comment	Date
85. Holly Quinn	Colorado Springs	hkquinn45@gmail.com	Yes	I oppose the rezoning effort for the land located at 12740 Black Forest Rd	2020-08-15
86. Karen Donovan	Colorado Springs COLORADO	bforestd@q.com	Yes	Lived in the Black Forest for over 40 years. The developers have userped every open space available for apts or houses too close together. We used to have to have five acre lots, now there are approved smaller lots which means more houses, cars, and water usage which is making the lowering of our water levels. Roads were not made for this much use. More businesses are not going to add to the beauty of our once peaceful, serene beautiful Forest we call home. Especially when it is a monstasity that sticks out like a sore thumb. No on rezoning.	2020-08-15
87. Lara Stern	Colorado Springs	schatzilstern@aol.com	Yes		2020-08-15

# Name	City	Email address	Email confirmed	Comment	Date
88. Diana Pupich	Black Forest	djpup_68@yahoo.com	Yes	Black Forest Rd (two lane, no shoulders) is already over-taxed with traffic from new single family/multi housing being built. Homes built after fire should not have to have commercial building, traffic, parking as their next door neighbors.	2020-08-15
89. Connie Daily	Colorado Springs	constentena@gmail.com	Yes	I live in Black Forest because it doesn't have office buildings. It's bad enough high density housing is creeping in.	2020-08-15
90. Jaime Lujan	COLO SPRINGS	jaimelujan007@yahoo.com	Yes	I live down the road and don't want it changed.	2020-08-17
91. R Mourning	Colorado Springs	aspencountryhomes@gmail.com	Yes		2020-08-18
92. Lolly Johnson	Colorado Springs	dlhs1991@aol.com	Yes		2020-08-23
93. Eugene Pantano	Colorado Springs	truks1@msn.com	Yes	Black Forest is a Community of mainly folks who moved here to be out of the City limits and insane drivers. We do not need ANY City life AT ALL up here.	2020-08-24
94. Isaac Smith	Colorado Springs	missionmountaincamo@gmail.com	Yes	They lied about the building when they pulled permits. No one wants a commercial building there.	2020-08-28
95. Katheryn Shechet	Colorado Springs	ktmtta@gmail.com	Yes		2020-08-28
96. Michelle Bolitho	Colorado Springs	michelle_bolitho@yahoo.com	Yes		2020-08-28
97. Michael Ice	Elbert	michael@springsinspectionpro.com	Yes		2020-08-29

#	Name	City	Email address	Email confirmed	Comment	Date
98.	Leslie McKiernan	Black Forest	lesleinco@gmail.com	Yes	Black Forest is a residential community and should not be turn into a commercial center. If the business is here to support the residence who live here, like restaurants, stores or agricultural services, I would agree. This business does none of that. Think of it as building a manufacturing facility in the middle of Old North End in Colorado Springs. There are areas already zoned commercial in El Paso County where this business should be.	2020-08-29
99.	Jill Gebelt	Black Forest, CO	jillgebelt@hotmail.com	Yes	I live in Black Forest and strongly oppose this rezoning of agricultural to commercial.	2020-08-29
100.	Laura Balcerzak	Colorado Springs	emailer-online@usa.net	Yes	I don't want Black Forest businesses built right next to private homes, and I don't want the increased traffic from employees and customers that more businesses would bring	2020-08-29

# Name	City	Email address	Email confirmed	Comment	Date
101. Eric Olson	Colorado Springs	liveinthisnow@gmail.com	Yes	There is a massive amount of construction going on all around Black Forest. Large commercial and /or industrial structures like the ones proposed are the very essence of what Black Forest has always striven to avoid. This is a residential area and I want very passionately to keep it that way.	2020-08-29
102. Carolyn Durham	Colorado Springs	heartofgold1161@yahoo.com	Yes	I am opposed to rezoning 12740 Black Forest Rd and support my neighbors as this is ridiculous and an eye sore for our beautiful community. We did not move out to Black Forest because we want large buildings or businesses taking over the landscape.	2020-08-30
103. Alexandria Robar	Black Forest	alexandria.robar@gmail.com	Yes	My family loves living in the forest. The current growth around is enough to sustain the community and employment for said residents. This building already blocks views and is oversized in comparison to homes around it.	2020-08-31

#	Name	City	Email address	Email confirmed	Comment	Date
104.	JUAN CUELLAR	COLORADO SPRINGS	cuellarjj@yahoo.com	Yes	I'm signing because I oppose rezoning this land to community commercial.	2020-09-01
105.	Nolene Metzger	Colorado Springs	nroten@aol.com	Yes		2020-09-05
106.	Jean Shumaker	COLORADO SPRINGS	jean.shumaker@hushmail.com	Yes		2020-09-06
107.	Donine Buck	Colorado Springs	shawnbuck3669@gmail.com	Yes		2020-09-16
108.	Karen Page	Colorado Springs	karen.page@live.com	Yes		2020-10-18
109.	Holly Talbott	Colorado Springs	hrtalbott@gmail.com	Yes		2020-10-18
110.	Amanda Reed	Peyton	mandolinreed@gmail.com	Yes	I oppose large businesses in the forest that I frequent so often	2020-10-18
111.	Julie Davis	Elbert	dasgusorders@gmail.com	Yes	I vehemently oppose this rezoning. The black Forest community is supposed to be rural residential and the attempt to deceive the community in an effort to gain what isn't currently allowed is appalling.	2020-10-18
112.	Amy McClelland	Elbert	amy.mcclelland4501@gmail.com	Yes		2020-10-18
113.	Mark Orth	Black Forest	moracer46@msn.com	Yes	Should not have commercial spread in the forest	2020-10-18
114.	Kristen Sanderson	Colorado Springs	ksands2211@yahoo.com	Yes		2020-10-18
115.	Susan Chavez	Colorado Springs	susanchavez5@gmail.com	Yes	I am a resident of Black Forest and I want to keep it rural.	2020-10-18

# Name	City	Email address	Email confirmed	Comment	Date
116. Jennifer Mayeux	Colorado Springs	blue13@gmail.com	Yes	Black Forest is a rural community and should remain so. To commercialize in a residential area will detract from the quaint, rural feel of the town.	2020-10-18
117. Terri Ferrari	Colorado Springs	tm201307@gmail.com	Yes	I am signing this because I object to the increased building of large commercial businesses in my Black Forest neighborhood.	2020-10-18
118. Diana Taylor	Colorado Springs	ditay@msn.com	Yes		2020-10-19
119. Bridget Lund	Colorado Springs	bridgetlund2002@yahoo.com	Yes		2020-10-19
120. Colleen Nicholson	Calhan	jcn4jc@gmail.com	Yes	It's getting out of hand...we are going to dry up and the builders will not be held accountable.	2020-10-19
121. Jennifer Eisenhart	Black Forest	trichotomy18@hotmail.com	Yes	No rezoning!	2020-10-19
122. Katelyn Sheehan	Black forest	katelyn_and_patrick@hotmail.com	Yes		2020-10-19
123. Richard Bontrager	Elbert	chbansheeman33@gmail.com	Yes		2020-10-19
124. Amy Ponce	Colorado Springs	amyponce@hotmail.com	Yes	Residential plots are for residences! How would YOU like to be a neighbor to someone who wanted to rezone like this?	2020-10-19
125. Nicole Brotz	Elbert	nbrotz@gmail.com	Yes		2020-10-19
126. Skadi Middleton	Colorado Springs	skadilyn@gmail.com	Yes	Developers need to be stopped in Black Forest	2020-10-20

# Name	City	Email address	Email confirmed	Comment	Date
127. Paula Whitehead	Colorado Springs	petn@mac.com	Yes	Dishonest people should not be permitted to continue building under these false promises. I oppose reasoning of 12740 Black Forest Rd. It is Rural Residential and should not be changed. Metal Roof Innovations, Ltd. should be immediately be STOPPED and receive legal charges.	2020-10-20
128. Jaz Brock	Black Forest	majorgeneralbrock@gmail.com	Yes	THIS AFFECTS EVERY SINGLE RESIDENT OF BLACK FOREST, not just the ones surrounding this property. Rezoning of this property is specifically not allowed by El Paso code (the law) for a variety of reasons, nor by the Black Forest Preservation Plan, which is a part of the El Paso County Master Plan. If the county code is waived to accommodate this owner, then other commercial ventures can sprout up that would also be non-conforming, opening up the possibility of a proliferation of commercial businesses throughout Black Forest as well as the development of dense	2020-10-20

# Name	City	Email address	Email confirmed	Comment	Date
				residential subdivisions, small and large. Imagine Wolf Ranch next to your property. A result of this downward spiral of commercialism would surely lead to annexation of Black Forest by the city of Colorado Springs, bringing an end to the reasons we all live here, not to mention the additional property and sales taxes.	
129. Kelly Marchbank	Black Forest	jkpmarchbank@aol.com	Yes	It doesn't belong in the Forest - will set a horrible precedence - too many issues with this not fitting in with the Black Forest Preservation Plan	2020-10-20
130. Gerald Geiser	Colorado Springs	blackfoot95@msn.com	Yes	This is an obvious attempt to circumvent the zoning rules.	2020-10-20
131. Tiffany Coles	Colorado Springs	tiffanyacoles@gmail.com	Yes	I live in Black Forest and I do not agree with the proposed rezoning of agricultural to commercial.	2020-10-20
132. Ashley Miranda	Colorado Springs	ashleymiranda81@gmail.com	Yes	We moved out here to avoid large crowds of people and solitude if we wanted things close by we would have moved to the city.	2020-10-22

#	Name	City	Email address	Email confirmed	Comment	Date
133.	Melanie Schattschneider	Black Forest	meschatts@gmail.com	Yes	I live down the street from this site and drive past twice daily to and from the elementary school. We love the rural community of Black Forest and don't want to see office building of this size in the heart of our community.	2020-10-23
134.	Jane Haley	Colorado Springs	jandbhaley@yahoo.com	Yes		2020-10-25
135.	Bridget Jensen	Colorado springs	bridgetjensen@msn.com	Yes		2020-11-18

Rezoning Petition Form

El Paso County Colorado

Black Forest

7/30/2020

The purpose of this petition is to oppose rezoning of 12740 Black Forest Road, barn with living space, permit # M78797, parcel # 5207000004. After careful review of all documents, several discrepancies were noted.

The land is owned by Black Forest, LLC. The business is Metal Roof Innovations, Ltd. The company has submitted a PLOT AND DESC PLAN which was approved 2/28/2020. The plan shows one structure described as storage barn (3,500 sf) with concrete patio. A resident adjacent to property was told by a superintendent from Seeger Homes the structure was going to be a "fancy goat barn". The framework appears to be a barn that is located adjacent to the Black Forest Community Center. There has been no recent construction on the framework. Well permit #168912-A has been drilled and is limited to 15 GPM. The permit clearly states no livestock/landscaping can be watered.

Neighbors confirm they have not seen any El Paso County formal notices posted on this property.

The 13 residents around the proposed site were notified on 7/17/2020 which shows a site development plan that includes two structures: a two story 8800 sf office building and a 3500 sf studio and shop building now identified as a warehouse. Nowhere in the letter does it state "barn". THE 7/17/2020 LETTER TO SURROUNDING RESIDENCES WAS THE FIRST NOTIFICATION THAT THIS WILL BE A LANDSCAPED PARCEL WITH TWO BUILDINGS, AN 8800 SF OFFICE BUILDING AND A 3500 SF WAREHOUSE. DO WE WANT THAT IN THE CENTER OF BLACK FOREST?

The owners are seeking a zoning change from A-5 (agricultural 5 acres) to CC (Community Commercial). The letter also implies the adjacent land (Black Forest Community Center) is zoned CC. THE COMMUNITY CENTER IS ZONED RR-5 WHICH IS RURAL RESIDENTIAL.

Maria Wilson do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.

Maria Wilson
Signature of Person Collecting Names
12740 Black Forest Rd

Address Telephone Number Email

We the undersigned who live in or near the Black Forest community oppose the requested zoning change stated above.

Property Owner Signature	Printed Name	Address or Tax ID #
<i>Jeffrey Spector</i>	Jeffrey Spector	12740 W. WINDBURN RD
<i>Dan Flacker</i>	DAN FLACKER	8447 CLEA CARRIAGE CR

292
[Signature]

Property	Owner Signature	Printed Name	Address or Tax ID #
3.	<i>[Signature]</i>	AL DREMSIEDT	16092 Timber Meadows Dr
4.	<i>[Signature]</i>	Karin Dremsiedt	16092 Timber Meadows Dr
5.	<i>[Signature]</i>	Evelyn Halford	17730 Pioneer Crossing
6.	<i>[Signature]</i>	Spencer D Thomas	8615 Vanderwood Rd
7.	<i>[Signature]</i>	Elle Thomas	8615 Vanderwood Rd
8.	<i>[Signature]</i>	JEFF GIBBS	13250 ALTADENA RD
9.	<i>[Signature]</i>	Andrea Gibbs	13250 Altadena Rd
10.	<i>[Signature]</i>	Jamara Latham	13545 Homestead Rd
11.	<i>[Signature]</i>	Amanda Latham	13545 Homestead Rd
12.	<i>[Signature]</i>	KRYSTIN COLVIN	9874 Palisade Ridge
13.	<i>[Signature]</i>	Paul Bruckman	8101 Gilpin Pk Dr
14.	<i>[Signature]</i>	CATHERIE ERLER	7860 Bark Rd
15.	<i>[Signature]</i>	gutter la	9550 Strzegom Dr
16.	<i>[Signature]</i>	Robert C Erler	7860 Bark Rd MSC
17.	<i>[Signature]</i>	Janet L. Morse	10750 Chimney Hill Dr
18.	<i>[Signature]</i>	ROBERT E. MORSE	10750 Chimney Hill Dr
19.	<i>[Signature]</i>	NATALIE BAILLIE	9128 Oakhurst Rd
20.	<i>[Signature]</i>	SHIRLEY T. KELLER	9157 Oakhurst Rd
21.	<i>[Signature]</i>	Patricia VICTOR	7130 McFerson Rd B
22.	<i>[Signature]</i>	Diane Cooper	12612 Adams Rd BP
23.	<i>[Signature]</i>	FRANK GARD	17733 Sawm. II Rd
24.	<i>[Signature]</i>	Matt Thompson	7765 Lear Dr 807K
25.	<i>[Signature]</i>	Melissa Rogers	18150 Rogers Pk
26.	<i>[Signature]</i>	MARIE BRADY	2915 Hodges Ln
27.	<i>[Signature]</i>	ANTHONY CAROEL	8018 Bark x Rd
28.	<i>[Signature]</i>	Rachel Moran	1015 PRC Rayton
29.	<i>[Signature]</i>	Joy Davis	1013 Paine Ridge Pt Peyton
30.	<i>[Signature]</i>	Robin L. Smith	1315 Maxwell Hts
31.	<i>[Signature]</i>	Jeffrey S. Brock	6955 White Fir Ln
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10750 Chimney Hill Dr
 10750 Chimney Hill Dr
 9128 Oakhurst Rd
 9157 Oakhurst Rd
 7130 McFerson Rd B
 12612 Adams Rd BP
 17733 Sawm. II Rd
 7765 Lear Dr 807K
 18150 Rogers Pk
 2915 Hodges Ln
 8018 Bark x Rd
 1015 PRC Rayton
 1013 Paine Ridge Pt Peyton
 1315 Maxwell Hts
 6955 White Fir Ln

F-554

Additional Signatures for Opposition of Rezoning

Property Owner Signature	Printed Name	Address or Tax ID #
<i>Janna Flomka</i>	JANNA FLANKARI	4575 Bingers Rd 80908
<i>Jean Dieckhoff</i>	JEAN DIECKHOFF	4575 Bingers Rd 80908
<i>Elizabeth Galder</i>	ELIZABETH GALDER	8925 Vandorwood Rd 80901
<i>Melissa Kent</i>	Melissa Kent	7585 Paleo Way 80908
<i>Perquillo Rios</i>	Perquillo Rios	7352 Rockingham 80931
<i>12850 Rusky Ln</i>	12850 Rusky Ln	12850 Rusky Ln 80908
<i>12850 Rusky Ln</i>	12850 Rusky Ln	12850 Rusky Ln 80908
<i>Neil Weintraub</i>	NEIL WEINTRAUB	4534 Vandalwood Rd 80908
<i>Wade Villars</i>	WADE VILLARS	16125 Royal Crest Rd. 80908
<i>Harrison Honey</i>	HARRISON HONEY	3359 Long Dr. 80916
<i>Stephanie Elliott</i>	STEPHANIE ELLIOTT	4353 Wagon Mound Ct 80925
<i>Charles C. Winters</i>	CHARLES C. WINTERS	16145 Open Sky Way 80908
<i>Candlyn Kasal</i>	CANDLYN KASAL	2101 Shadybrook Ave 80909
<i>Stephanie Mastor</i>	STEPHANIE MASTOR	6575 Gun Club Tr 80909
<i>Shella Vanvliet</i>	SHELLA VANVLIET	6925 Ash Creek Hts 80922
<i>Perry Schlechter</i>	PERRY SCHLECHTER	795 Caribou Dr W 80132
<i>Althea Clary</i>	ALTHEA CLARY	8710 Pine Cone Rd. 80908
<i>Susan Levi</i>	SUSAN LEVI	17815 Walden Way 80908
<i>NOEL S. BOYCE</i>	NOEL S. BOYCE	12650 Thibault Lane 80908
<i>Amanda Boyce</i>	AMANDA BOYCE	12650 Thibault Ln 80908
<i>Kellie Good</i>	KELLIE GOOD	3915 Beard Dr 80918
<i>Shera Reed</i>	SHERA REED	3026 Purgatory Dr 80918
<i>Tanya L. Suarez</i>	TANYA L. SUAREZ	11030 Pine Meadows Rd 80908
<i>Mary Elshelbaum</i>	MARY ELSHELBAUM	11030 Pine Meadows Rd 80908
<i>Leisa Garcia-Culp</i>	LEISA GARCIA-CULP	10591 ARMINIA RANCH CT 80908
<i>Lisa Keller</i>	LISA KELLER	11550 N. Meridian Rd. 80908
<i>7405 Allison Dr</i>	7405 ALLISON DR	7405 Allison Dr 80916
<i>Tina Nottoli</i>	TINA NOTTOLI	7095 White Fir Lane 80908
<i>Vicki Thieme</i>	VICKI THIEME	1103 Cheyenne Blvd 80908
<i>NATHAN DOWDEN</i>	NATHAN DOWDEN	12850 Rusky Ln C/S CO 80908
<i>HILL & FLAGG</i>	HILL & FLAGG	16125 Shady R C/S CO 80908
<i>VERONICA PARRY</i>	VERONICA PARRY	1176 Tabulate Loop, C/S, Co 80927
<i>IRENE PITMAN</i>	IRENE PITMAN	5334 THIBAUT LANE W/CK 80908
<i>7471 Stonewall Dr</i>	7471 STONEWALL DR	7471 Stonewall Dr C/S 80922
<i>Sarah Cisseil</i>	SARAH CISSEIL	8735 2496th Way C/S 80918
<i>Jane Weber</i>	JANE WEBER	16357 Kildare Dr. Colorado Springs CO 80908
<i>Laura Helmsrich</i>	LAURA HELMSRICH	9545 Shady Ln, C/S 80908

37
c

Additional Signatures for Opposition of Rezoning

Property Owner Signature	Printed Name	Address or Tax ID #
<i>[Signature]</i>	CAROLE AGRIE	13375 Alameda Ave
<i>[Signature]</i>	Kathleen Miskovic	8850 Ascent Hill Ct
<i>[Signature]</i>	Margaret McFarver	7230 Wildridge Rd
<i>[Signature]</i>	DAVID JACKSON	7365 MEADOW PINE DR.
<i>[Signature]</i>	LYLE ATTIBURY	14865 CAMP ROBER CT
<i>[Signature]</i>	JANET ATTIBURY	" " " "
<i>[Signature]</i>	Emma Lee Louchman	7285 Thorn Blushway
<i>[Signature]</i>	WILLIAM DENETHAN, JR	8430 Sierra Road
<i>[Signature]</i>	Laura Hoff	9850 Hingya Lane 2002
<i>[Signature]</i>	William J Tyndall	15200 W Larchmont Dr
<i>[Signature]</i>	GIORGIA J. FRANKOVA	10840 Monte Pl
<i>[Signature]</i>	Jeanne Urbom	14665 E Ledchman Dr
<i>[Signature]</i>	BART W TIMM	14695 BLACK FOREST RD
<i>[Signature]</i>	Hiroko Tyndall	15200 W Ledchman Dr
<i>[Signature]</i>	Kim Rose	8750 Woodcrest Dr.
<i>[Signature]</i>	Jason Rose	8750 Woodcrest
<i>[Signature]</i>	C. J. El	6984 Red Fox Way
<i>[Signature]</i>	Lisa S. Lockwood	11325 Black Forest Rd
<i>[Signature]</i>	ROBERT METZGER	14165 NEVA LANE
<i>[Signature]</i>	LAUREL BROOZE	9455 SHILOH RD. #1908
<i>[Signature]</i>	DAVE SHAWOOD	16382 DANCING BEAR LN MOON
<i>[Signature]</i>	Timothy J Brotherton	1470 W Pine Glen Dr 80908 CC
<i>[Signature]</i>	Timothy Stepan	13225 Fernwood Cir 80908
<i>[Signature]</i>	ERIC A MARTIN	7555 SHUTTER 80908
<i>[Signature]</i>	Alexia Keens	71475 Wilderness Ln 80908
<i>[Signature]</i>	Sin P Skwarek	13195 Highline Dr CO 80908
<i>[Signature]</i>	Edward Butler	7830 Tannenbaum Rd. CO 80908
<i>[Signature]</i>	Jacqueline White	7830 Tannenbaum Rd CO 80908
<i>[Signature]</i>	JAMES BUTLER	7830 TANNENBAUM RD CO 80908
<i>[Signature]</i>	NANCY H. KAPPEL	8450 HODGEN RD CS 80908
<i>[Signature]</i>	EDWARD KAPPEL	8450 HODGEN RD CS 80908
<i>[Signature]</i>	DAVID MONAHAN	19145 STRAWBERRY LN 80132
<i>[Signature]</i>	Trisha Saulenas	11330 Pine Meadows Rd 80908
<i>[Signature]</i>	Sharon White	7090 White Fir Ln 80908
<i>[Signature]</i>	Edna C. L...	11155 Forest Edge Dr 80908
<i>[Signature]</i>	Peggy Cinderella	447 Red Cliff Rd 80904

(36) 2

Total
8/2-162

Rezoning Petition Form

El Paso County Colorado

Black Forest

7/30/2020

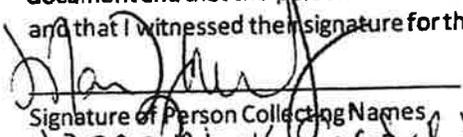
The purpose of this petition is to oppose rezoning of 12740 Black Forest Road, barn with living space, permit # M78797, parcel # 5207000004. After careful review of all documents, several discrepancies were noted.

The land is owned by Black Forest, LLC. The business is Metal Roof Innovations, Ltd. The company has submitted a PLOT AND DESC PLAN which was approved 2/28/2020. The plan shows one structure described as storage barn (3,500 sf) with concrete patio. A resident adjacent to property was told by a superintendent from Seeger Homes the structure was going to be a "fancy goat barn". The framework appears to be a barn that is located adjacent to the Black Forest Community Center. There has been no recent construction on the framework. Well permit #168912-A has been drilled and is limited to 15 GPM. The permit clearly states no livestock/landscaping can be watered.

Neighbors confirm they have not seen any El Paso County formal notices posted on this property.

The 13 residents around the proposed site were notified on 7/17/2020 which shows a site development plan that includes two structures: a two story 8800 sf office building and a 3500 sf studio and shop building now identified as a warehouse. Nowhere in the letter does it state "barn". THE 7/17/2020 LETTER TO SURROUNDING RESIDENCES WAS THE FIRST NOTIFICATION THAT THIS WILL BE A LANDSCAPED PARCEL WITH TWO BUILDINGS, AN 8800 SF OFFICE BUILDING AND A 3500 SF WAREHOUSE. DO WE WANT THAT IN THE CENTER OF BLACK FOREST? The owners are seeking a zoning change from A-5 (agricultural 5 acres) to CC (Community Commercial). The letter also implies the adjacent land (Black Forest Community Center) is zoned CC. THE COMMUNITY CENTER IS ZONED RR-5 WHICH IS RURAL RESIDENTIAL.

I, Marla Wilson, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.

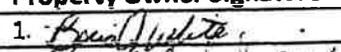
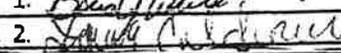
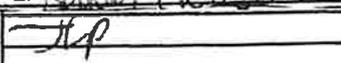

Signature of Person Collecting Names

12790 Black Forest Rd
Address

786-277-0514
Telephone Number

maria@day-off.net
Email

We the undersigned who live in or near the Black Forest community oppose the requested zoning change stated above.

Property Owner Signature	Printed Name	Address or Tax ID #
	Brian White	7090 White Fir Lane C. Spring CO 80902
	Lavonia Dean	13505 Highway 100 C. Spring CO 80902
	Robert Phillips	8156 Hwy 100 C. Spring CO 80902

Rezoning Petition Form

El Paso County Colorado

Black Forest

7/30/2020

The purpose of this petition is to oppose rezoning of 12740 Black Forest Road, barn with living space, permit # M78797, parcel # 5207000004. After careful review of all documents, several discrepancies were noted.

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Well permit #168912-A has been drilled and is limited to 15 GPM. The permit clearly states no livestock/landscaping can be watered.

Neighbors confirm they have not seen any El Paso County formal notices posted on this property.

The 13 residents around the proposed site were notified on 7/17/2020 which shows a site development plan that includes two structures: a two story 8800 sf office building and a 3500 sf studio and shop building now identified as a warehouse. Nowhere in the letter does it state "barn". THE 7/17/2020 LETTER TO SURROUNDING RESIDENCES WAS THE FIRST NOTIFICATION THAT THIS WILL BE A LANDSCAPED PARCEL WITH TWO BUILDINGS, AN 8800 SF OFFICE BUILDING AND A 3500 SF WAREHOUSE. DO WE WANT THAT IN THE CENTER OF BLACK FOREST?

The owners are seeking a zoning change from A-5 (agricultural 5 acres) to CC (Community Commercial). The letter also implies the adjacent land (Black Forest Community Center) is zoned CC. THE COMMUNITY CENTER IS ZONED RR-5 WHICH IS RURAL RESIDENTIAL.

I, STEFFANI M. KENT, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.

Steffani M. Kent
Signature of Person Collecting Names

6510 TRAPPERS PASS TRC (719) 433-2511

steffani.kent.13@gmail.com
Email

CSC, 80908
Address

Telephone Number

We the undersigned who live in or near the Black Forest community oppose the requested zoning change stated above.

Property Owner Signature	Printed Name	Address or Tax ID #
<u>Leslie Hall</u>	Leslie Hall	16172 Old Forest Pt Monument CO
<u>Maria E Lamb-Hall</u>	Maria E Lamb-Hall	14172 Old Forest Pt Monument

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Rezoning Petition Form

El Paso County Colorado

Black Forest

7/30/2020

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BRIAN O'NEILL, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.

Signature of Person Collecting Names

Address Telephone Number Email

We the undersigned who live in or near the Black Forest community oppose the requested zoning change stated above.

Property Owner Signature	Printed Name	Address or Tax ID #
1. <u>Brian O'Neill</u>	BRIAN O'NEILL	1490 Burrows Rd
2. <u>Curt Balczak</u>	Curt Balczak	8310 Tannenbaum Rd

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Property Owner Signature	Printed Name	Address or Tax ID #
	Victoria J. Gurich	13985 Meadow Glen Ln Coke Spg 80908
4.		
	John W. Taylor	7075 White Fir Lane
	Emily Watson	13710 Baldwin Rd
	Julie Fischer	7915 Lockwood Ave 80908
	Shaun Buch	13055 Meadow Glen 80908
	Susan Spence	8095 Burrass Rd 80908
	Robert M. Call	7275 Juniper Dr. 80908
	Deborah Clayton	17015 Court Court 80908
	Frances Nix	13530 N. 1st St. 80908
	Patricia Grialva	12125 Canyon 80908
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Rezoning Petition Form

El Paso County Colorado

Black Forest

7/30/2020

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Neighbors confirm they have not seen any El Paso County formal notices posted on this property.

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I, _____, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.

Signature of Person Collecting Names

Address Telephone Number Email

We the undersigned who live in or near the Black Forest community oppose the requested zoning change stated above.

Property Owner Signature	Printed Name	Address or Tax ID #
1. <i>Brandin Smith</i>	Brandyn Saville	11075 Black Forest Rd.
2. <i>Tyler Miller</i>	Tyler Miller	11075 Black Forest Rd.

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Rezoning Petition Form

El Paso County Colorado

Black Forest

7/30/2020

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I, M. Jane Shirley do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.


 Signature of Person Collecting Names

Address: 6240s Old Ranch Telephone Number: 719-498-3295 Email: mjane.shirley@psba.com

We the undersigned who live in or near the Black Forest community oppose the requested zoning change stated above.

Property Owner Signature	Printed Name	Address or Tax ID #
1. <u>M. Jane Shirley</u>	<u>M. Jane Shirley</u>	<u>Black Forest</u>
2.		

My property shares the east boundary with the land we are discussing today.

I was informed by people at the gate of the Black Forest Farmer's Market about the commercial project on this land that had been dormant since the Black Forest fire in 2013. They had a table set up to sign a petition and there were many others there who, like me, wanted to find out about it. To say the least, I was alarmed and concerned by what I was told.

I had recently purchased my land with plans to build a modest home near peaceful neighbors I had met and liked... and still do like. I was told the following about this commercial project:

- The person who purchased the land was a wealthy developer from out of state who didn't care about the community of Black Forest and that he would run possibly 3 businesses from the property.
- There would be 2 buildings on the property to run businesses from: one would be for metal building distribution and possibly manufacturing. The other building would be used for the development of technological security devices for ID recognition like retinal scans and hand printing (biometric authentication). I was given a name of a website (I did not write down and do not recall any longer) When I looked it up, the technology was affiliated with criminal justice and involved similar devices as the FBI uses.
- I was told there would be much traffic coming in and out of the property such as trucks transporting the metal buildings for distribution. The security technology employees would be on the premises in the office building for their full-time jobs.
- This commercial development could cause much disruption in the community and decrease land value.

I was a bit panicked by this and seriously considered selling my land since it was directly connected to the west boundary of this proposed commercial property.

Since that time, I have investigated this development plan further and realize it to be very different from the information shared with me back in the summer. I have learned that the owner and his family have, in fact been residents of Black Forest for almost 50 years, and have a family-owned small business-- not a disconnected out of state developer. I have seen first-hand how tastefully the owner is improving this property.

I now realize there will be no manufacturing or distribution of metal buildings or anything else, nor will there be any mysterious security device development for biometric authentication. I am relieved to know that traffic will actually be minimal, and the project is within Black Forest Preservation Guidelines.

As far as the concern of this development causing disruption and decrease in land value, I even expect it to increase the value of my lot. The covenant that will follow the land in potential future sales will protect this lot from becoming something of the nature I (and many others) were originally informed it would be. I fully support what Mr. Haddock is proposing and believe he will be a good neighbor.

Nikki Upchurch

From: [Jane Shirley](#)
To: [Rad Dickson](#); [Tracey Garcia](#)
Subject: MY PERSONAL LETTER TO OPPOSE THE REZONING OF 12740 BLACK FOREST RD. PARCEL #5207000004
Date: Wednesday, December 16, 2020 3:23:33 PM

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

TO: COUNTY PLANNERS AND COMMISSIONERS

Hello Mr. Dickson and Ms. Garcia:

I would like to go on record because I strongly object to the rezoning of this parcel. If rezoning is approved a precedent will be set for any large corporation to follow suit. This project does NOT belong in the heart and historical district of Black Forest. It has already had a negative impact on the adjacent RR-5 zoned residents as well as the visitors who come to this area of the Forest for rest and relaxation. When major activities are held at the Community Center, cars are parked along both sides of Black Forest Road in addition to filling the parking lot. All of us in the Forest look forward to community events.

While compiling the Forest's opposition to this rezoning, four 'unusual' things occurred. One may or may not have been related to this project. It occurred during the time I was assisting with gathering petition signatures. At the Farmer's Market in late July, a gentleman in a three piece suit with a loud abusive voice tried to intimidate me and another woman into ceasing our legal collection of signatures on the petition against rezoning. He did not visit the Market. After the tirade he got in his car and left. The following morning I received a phone call. The man repeatedly asked what my plans were for the rest day. The voice was quite suggestive. Coincidence or not?

On four different occasions, four different men at four different times made the statement: "Well, It's (the project) is better than a Kum & Go," I found that to be highly unusual.

On three different occasions, three different people at three different times made this statement: "Black Forest is going to become part of Colorado Springs in the very near future anyway. What's the big deal?" Again...this seemed odd. Residents in the Forest DO NOT want to be part of the large metropolis of Colorado Springs. We moved here to get away from that lifestyle. (I do possess emails with these two statements.)

Number four are emails I received from Mr. Stokka and then Mr. Haddock. A copy of both emails is attached. I frankly do not appreciate the biblical references made to me by Mr. Haddock.

Mr. Haddock owns a nice home on Table Butte Road in northern Black Forest. He also owns 69.5 acres at 8750 Walker Road. This acreage appears to be grassland. I could see no structures from the road. WHY, why couldn't the S-5! corporate offices be built there?

Thank you for your time and consideration. Parcel # 5207000004 should not be rezoned to Community Commercial.

Regards,

M. Jane Shirley

Haddock/Stokka email: By the way, Haddock is incorrect. No one would object to a home being built on this parcel.

Re: S-5! Metal Roofing
Nov 19 at 10:13 PM
PrintRaw message

Rob Haddock <rob@rmhaddock.com>

To: Terry Stokka <terry@friendsofblackforest.org>

Cc: Jane Shirley <mjaneshirley@yahoo.com>

Well said! Thanks, Terry. I wish more people would understand it as you do. Simple truth is that the (minority) opposition just does not want to see ANYTHING built on that site. (And of course that won't happen-- but they have been dialogued with gross exaggerations and untruths.) They have been incited by a small group of self-serving zealots.

I feel the pain of Paul and false teachers.

Thanks again and
Best,

--Rob Haddock
Home 719 495-4036

Cell 719 337-1238

Ofc 719 325-0382

On Thu, Nov 19, 2020 at 7:24 PM Terry Stokka <terry@friendsofblackforest.org> wrote:
Jane,

Here is the Land Use Committee position on the Haddock Office Building:

1. The Preservation Plan permits commercial within 1/4 mile of the Shoup/Black Forest intersection and this falls within that area. I acknowledge that the Preservation Plan states that commercial should support the BF community. While this does not support BF residents in the same way as the BF store or Rockin' B, it is a low impact use of the property that will bring minimal disturbance to the neighbors on all sides. The impact of commercial on that lot is a big issue to the Land Use Committee and we felt this low impact office would be a good use of the property that would not affect the neighbors with noise, lights, traffic and congestion. Think of it this way: that property could be developed into a Kum-n-Go with lights and traffic that would fit more into the "support BF residents" and yet I don't think anyone wants a Kum-n-Go on that lot. This Haddock Office Building will be almost the same as a big house as far as the neighbors are concerned and nothing more.
2. I know there are many people who signed the petitions against this. What were they told? What did the petitions say? We will support our neighbors in the Black Forest as long as we are not violating the Preservation Plan. I can't support a petition if it goes against the PPlan. We have fought hard over the years to get our leaders to uphold the Preservation Plan and I can't choose to violate it myself.
3. I am convinced that if this office building is built, it will not be an eyesore or a problem any more than if someone had built a large house on that lot.
4. In the past there was a Commercial Office zoning that would have fit this proposal very well, but it was eliminated and folded within the Community Commercial.
5. The Land Use Committee did not oppose this proposal in our response to the county. We felt it was proper to uphold the Preservation Plan and we feel that the impact of this project will not be nearly as significant as people might think at this point.

Terry

=====

On 11/19/2020 2:45 PM, Jane Shirley wrote:

Hi Terry. I saw your comments for approving the Haddock project at Shoup and Black Forest. FYI, we have over 350 people who are fighting the rezoning. This business is a global distributor and does not fit into CC zoning. It will not serve the BF community in any way. Your comments to the Zoning Commission seem to state approval. Perhaps I 'goofed' by not informing you of the large amount of people who oppose this. For that, I apologize. Any support from the groups you represent would be most helpful.

Sent from Yahoo Mail on Android

My property shares the east boundary with the land we are discussing today.

I was informed by people at the gate of the Black Forest Farmer's Market about the commercial project on this land that had been dormant since the Black Forest fire in 2013. They had a table set up to sign a petition and there were many others there who, like me, wanted to find out about it. To say the least, I was alarmed and concerned by what I was told.

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Nikki Upchurch

From: [Rad Dickson](#)
To: [Eric Moraes](#)
Cc: [Craig Dossey](#); [Tracey Garcia](#); [Lori Seago](#); [Brian Risley](#); [Nina Ruiz](#)
Subject: RE: PC 12/17/2020 Meeting CC-20-001 Questions
Date: Wednesday, December 16, 2020 2:21:20 PM
Attachments: [image001.png](#)

From: Rad Dickson
Sent: Wednesday, December 16, 2020 1:53 PM
To: Nina Ruiz <NinaRuiz@elpasoco.com>
Subject: FW: PC 12/17/2020 Meeting CC-20-001 Questions

[Mr. Moraes, please see answers below.](#)

Going through the package, I noticed the applicant's intent to put a restrictive covenant in place. Two questions. First, how legally binding and lasting is it? I.e., 100 years from now can a future owner get out of it somehow? Second, Is this something the County can "demand" a owner put in place as a condition of approval?

[I'm not sue if I can answer this question because covenants are not something that the County enforces, covenants are enforced civilly. This may be more of a question for a land uses attorney or the applicant. I also do not think it is wise to condition, or demand them, as we do not have very much control over restrictive covenants.](#)

Big picture questions, does this project align with the Black Forest Preservation Plan Policy 4.3, "Limit commercial activity withing the forested [...] planning units to those which accommodate the needs of the local residents" and 4.5 "Discourage commercial uses if they are incompatible with existing or planned residential development"?

[It is of my opinion that the development aligns to a certain degree. It is within the commercial nodes and the business does employ residents of Black Forest. The location will also be able to sell the products that the business creates to the citizens of Black Forest, at a discounted rate, from this site. The proposed use does not seem very intensive in terms of traffic, visual aspects, noise, or lighting. This question is really more for the Board to consider and vote on rather than the Planners opinion. However, it is of my opinion that this use is not overly intense for the area.](#)

Next as it pertains to screening. I have read through everything and am just trying to sort things out. First, I understand the opaque wall issue not fitting in with the nature of the land. I get it. (Some may say that a commercial building of this size is not fitting in with the nature of the land either...and by the looks of EDARP this afternoon, that some may be many.)

[PCD recommended that the applicant not screen the property. Yes, many people in black forest are upset with this project, and that is typical of commercial projects within BF.](#)

The main issues I have with trees as screening are two fold and I am not sure of the right

solution. My first issue is that new trees take a long time to mature and fill out.

The applicant has already brought in many full grown trees from his forested BF property. I would recommend getting more answers straight from the horse's mouth during tomorrow's hearing.

In the meantime, they provide little screening. Just take a look at that area of Black Forest post fire. Trees take time and in the meantime, neighbors have to live with the view. Second, trees like the proposed Ponderosa pines may be great for screening up high, but do very little for screening down low. I say this as a resident of the Woodmoor area of northern El Paso County. I must have 50 Ponderosas as do my neighbors and I can clearly see their homes and beyond. (In fact, the Firewise people tell us to keep the lowest branches 6 - 10' off the ground surface and maintain 18' gaps between the canopies/crowns. This way a grass fire doesn't ignite the low hanging branches and there is some hope that the fire doesn't spread tree to tree. Therefore, if done properly, there would be no screening down low like a fence would. In the end, our code says 6' high fences between non-residential and residential for some reason. Why not just get rid of the requirement and say trees are all you need in every area of the county?

With the size and diversity of the County, I'm not sure that removing screening from all areas of the County is the best approach. Black forest is a unique, rustic area that is heavily forested and mostly residential. I believe the applicant is doing everything within reason to blend in. Also, with the construction techniques implemented, these buildings look better than typical commercial structures.

Again I am not sure what the 100% right answer is. At first I was going to say from the applicant's letter it seems like the 8' high locust shrubs that are along the northern boundary may be a better solution than pines at least along the sightlines of the neighbors' residences and the applicant's buildings and parking lot. However, thinking it through, the 8' high shrubs wouldn't screen the top of this building which may be more intrusive. I guess I am stuck for the right answer other than an opaque fence and tall pines, but then that leads me back to the first issue of why they want trees instead of a fence.

These are questions that are for the board to consider based upon review criteria. The applicant does have some very good renderings that will show the lay of that land and the landscaping to be implemented. Hopefully those renderings will help in making a recommendation towards approval or denial.

Rad Dickson

Planner

El Paso County Planning & Community Development Department

2880 International Circle, Suite 110

Main Office: 719-520-6300

Direct Line: 719-520-6447



[Click Here](#) to review all El Paso County projects (EDARP).

[Click Here](#) to review the El Paso County Land Development Code

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Covid-19 Update: Due to concerns regarding the Covid-19 virus we are limiting our face-to-face public interactions. In person services are available by appointment only on Tuesday and Thursday from 7:30 to 3:30.

PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

From: Eric Moraes <emoraes@yahoo.com>
Sent: Wednesday, December 16, 2020 1:35 PM
To: Rad Dickson <RadDickson@elpasoco.com>
Cc: Brian Risley <brian@crparchitects.com>
Subject: PC 12/17/2020 Meeting CC-20-001 Questions

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Rad -

Sorry I am getting these in last minute; work has been crazy busy.

Going through the package, I noticed the applicant's intent to put a restrictive covenant in place. Two questions. First, how legally binding and lasting is it? I.e., 100 years from now can a future owner get out of it somehow? Second, Is this something the County can "demand" a owner put in place as a condition of approval?

Big picture questions, does this project align with the Black Forest Preservation Plan Policy 4.3, "Limit commercial activity withing the forested [...] planning units to those which accommodate the needs of the local residents" and 4.5 "Discourage commercial uses if they are incompatible with existing or planned residential development"?

Next as it pertains to screening. I have read through everything and am just trying to sort things out. First, I understand the opaque wall issue not fitting in with the nature of the land. I get it. (Some may say that a commercial building of this size is not fitting in with the nature of the land either...and by the looks of EDARP this afternoon, that some may be many.)

The main issues I have with trees as screening are two fold and I am not sure of the right solution. My first issue is that new trees take a long time to mature an fill out. In the meantime, they provide little screening. Just take a look at that area of Black Forest post fire. Trees take time and in the meantime, neighbors have to live with the view. Second, trees like the proposed Ponderosa pines may be great for screening up high, but do very little for screening down low. I say this as a resident of the Woodmoor area of northern El Paso County. I must have 50 Ponderosas as do my neighbors and I can clearly see their homes and

beyond. (In fact, the Firewise people tell us to keep the lowest branches 6 - 10' off the ground surface and maintain 18' gaps between the canopies/crowns. This way a grass fire doesn't ignite the low hanging branches and there is some hope that the fire doesn't spread tree to tree. Therefore, if done properly, there would be no screening down low like a fence would. In the end, our code says 6' high fences between non-residential and residential for some reason. Why not just get rid of the requirement and say trees are all you need in every area of the county? Again I am not sure what the 100% right answer is. At first I was going to say from the applicant's letter it seems like the 8' high locust shrubs that are along the northern boundary may be a better solution than pines at least along the sightlines of the neighbors' residences and the applicant's buildings and parking lot. However, thinking it through, the 8' high shrubs wouldn't screen the top of this building which may be more intrusive. I guess I am stuck for the right answer other than an opaque fence and tall pines, but then that leads me back to the first issue of why they want trees instead of a fence.

Ok, that's it for now.

I'll hopefully see you virtually online tomorrow.

Respectfully -

Eric

COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, December 17, 2020
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING

1:00 p.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, SARAH BRITTAIN JACK, TIM TROWBRIDGE, BECKY FULLER, JAY CARLSON AND JOAN LUCIA-TREESE

PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA-NUNEZ, THOMAS GREER, AND ERIC MORAES

PRESENT AND NOT VOTING: NONE

ABSENT: NONE

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, RYAN HOWSER, LINDSAY DARDEN, RAD DICKSON (VIA REMOTE ACCESS), GILBERT LAFORCE, JACK PATTON (VIA REMOTE ACCESS), ELIZABETH NIJKAMP (VIA REMOTE ACCESS), AND EL PASO COUNTY ATTORNEY LORI SEAGO (VIA REMOTE ACCESS)

OTHERS SPEAKING AT THE HEARING: SARAH FREER, MIKE HARRIS, CASEY LOHRMEYER, TOM DAVIS, ROB HADDOCK, TERRY STOKKA, JAKE SKIFSTAD, GREG BELWINE, JUDY VON AHLEFELDT, M. JANE SHIRLEY, JEFF BROCK, JEFFREY ZINK, KATHARINE ZINK, MARIA WILSON, NIKKI UPCHURCH, TRIPP FALL, GALE GOODMAN FLOYD,

Report Items

- 1. A. Report Items -- Planning and Community Development Department – Mr. Dossey -- The following information was discussed:**

- a) The next scheduled Planning Commission meeting is for **Thursday, January 7, 2021 at 1:00 p.m.**
- b) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.
- c) **Mr. Dossey** gave a brief presentation of the EPC Engage industry-focused work session series that the PCD department will be implementing in 2021, with cooperation from other County departments. Learn more at <https://bit.ly.EPCengage.com>

B. Public Input on Items Not Listed on the Agenda - NONE

2. Pulled Consent Items to Regular

A. Approval of the Minutes – December 3, 2020

The minutes were unanimously approved as presented. (10-0)

B. SF-20-003

RUIZ

**FINAL PLAT
WINSOME FILING NO. 1**

A request by Winsome, LLC, for approval of a final plat to create 47 single-family residential lots. The 164.4 acre property is zoned RR-2.5 (Residential Rural) and is located at the northwest corner of the Hodgen Road and Meridian Road intersection and within Sections 13, 19, and 24, Township 11 South, Range 65 West of the 6th P.M. (Parcel No.51000-00-496) (Commissioner District No. 1)

Mr. Trowbridge – I’d like more information on the waiver and the Hodgen Road access as well as the requested deviation. **Mr. LaForce** – The deviation request includes a mailbox kiosk, and our criteria noted that type 3 boxes must be located within a ROW and pull-off area. They have submitted that it doesn’t have to be inside of a ROW but it will be inside a tract. People will be able to park and get out to get their mail safely. The parking is for the trailhead within their development. As far as the turn lane off Hodgen, the TIS shows the majority of traffic will go Winsome Way first, so a middle left-turn lane will be required. Site distance does meet the requirements.

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, SF-20-003, FOR A FINAL PLAT FOR WINSOME FILING NO. 1, UTILIZING RESOLUTION PAGE NO. 19, CITING 20-060 WITH TWELVE (12) CONDITIONS AND TWO (2) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER

QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (10-0).

C. CS-20-003

DARDEN

**MAP AMENDMENT (REZONE)
HIGHWAY 94 AND CURTIS ROAD**

A request by Land View, LLC, for approval of a map amendment (rezoning) of 35.11 acres of a larger 99.97 acre parcel from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at the southeast corner of the Highway 94 and Curtis Road intersection and within Section 15, Township 4 South, Range 64 West of the 6th P.M. (Parcel No. 44150-00-021) (Commissioner District No. 4)

PC ACTION: BAILEY MOVED/BRITTAIN JACK SECONDED APPROVAL OF CONSENT ITEM 2C, CS-20-003, FOR A MAP AMENDMENT (REZONE) FOR HIGHWAY 94 AND CURTIS ROAD UTILIZING RESOLUTION PAGE NO. 27, CITING 20-061, WITH THREE (3) CONDITIONS, AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (10-0).

Regular Items

3. AL-19-006

HOWSER

**SPECIAL USE
1425 BURNHAM ST. WORKZONE SPECIAL USE**

A request by Work Zone Traffic Control, Inc., for approval of a special use for a contractor's equipment yard. The 0.53-acre property is zoned CS (Commercial Service) and is located at the southeast corner of Welton Drive and Burnham Street, approximately 500 feet north of the intersection of South Academy Boulevard and Interstate 25 and within Section 10, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65102-14-001 and 65102-14-018) (Commissioner District No. 4)

Mr. Howser gave a brief overview of the project and asked **Ms. Seago** to go over the review criteria for a special use. **He then asked the applicants' representative, Ms. Sarah Freer, to give their presentation.**

Mr. Trowbridge – I see where the first complaint was filed two years ago. **Ms. Freer** – There was a lot of confusion and a misunderstanding that they were trying to build

something on the property. They really did attempt to work through this themselves. When they knew there was a hearing, they brought me into the process.

Mr. Risley – As far as site circulation and traffic flow, Welton does not continue to the west, is that correct? Typically, is traffic going to the south? The County staff may address this as well. **Mr. Mike Harris** – Most of the traffic exits towards I-25, Welton dead ends to the west but we take Hartford to I-25 South. We don't tie up any intersections. We don't park on Welton, we leave that area specifically for the residents.

Mr. Howser then gave his full presentation and answered questions from the Planning Commission.

Mr. Trowbridge – One letter of opposition talks about the traffic going through the neighborhood. Could you point out her property? **Mr. Howser** – She (person in opposition) is north of the location. It is not anticipated that there will be any additional impacts. **Mr. Trowbridge** – I don't see a direct access either.

Mr. Carlson – The complainant mentions trucks parked on Welton. **Mr. Harris** – The lady that complained was assuming that we were going to do some kind of construction and tear up her neighborhood. We explained to her that it wasn't the case. The trucks that she mentioned are on Hartford. Over the road truckers often park in the areas she mentions, but they are not our vehicles.

Mr. Carlson – The screening that is required is specifically in what location? What good is a fence if your building is located up gradient of that fence area? **Mr. Harris** – It is required on the side of our building adjacent to South Academy. The banners cover our chain link fence, but it will be a 6 ft wooden fence. The fence would shield the cones. Honestly, I think they will feel better that it's an actual fence. It's not ugly currently, but we will build at the grade where the building is and not at street grade.

Ms. Fuller – We had an applicant here a couple of weeks ago that did not comply with what they were supposed to do. Is the applicant ready and willing to comply to the requirements put forth today? **Mr. Harris** – Yes, we are very willing to comply. **Ms. Casey Lohrmeyer** – WE have been very confused. The issue came about from the violation we received. From that point, you go to the website [EDARP] with zero instructions. There's no link to the applications on the website. Then you go to their site and try to locate the applications. I basically just had to figure it out. Due to staff turnover we went through several different planners. Then they were wanting elevations, and we weren't building anything. Finally, we were told we needed a special use and we are where we are now. I struggled, and I'm computer savvy. It was not an easy process.

Mr. Bailey – I agree staff needs to work with the applicants to identify and address problems in the process. I'd like to address the fencing condition specifically. It says to install the fence along Welton Drive to screen the use from residential properties. Has it been articulated clearly to the applicants that this condition is what is required or is there something more? **Mr. Howser** – As the applicant indicated, this has changed hands several times. I can't speak to anyone who worked on this in the past, but I will make my best effort to communicate those requirements. It seems like the applicant thought a fence was required along two sides and not just on one side. **Mr. Dossey** – I understand this project has changed hands a few times with the turnover of staff, but at any point if they feel confused or uninformed, they can contact me. Some conditions are trickier than others, but these are pretty straight forward. When we write conditions, we try to impose the least restrictive things possible. Certainly, if you feel like an additional side needs to be screened, then you can add or revise that condition.

Mr. Carlson – There is fencing up high on the east side, and to the right is a retaining wall. Right now, it is written that the fence will be improved. **Mr. Howser** – The condition is written to require a fence on the north.

Mr. Trowbridge – The applicant said they store old barrels; is that what they are trying to screen? If they don't store the barrels there, is a fence still required? **Mr. Harris** – You can see some yellow material, some barrels. We could move that material.

Mr. Trowbridge – If the applicants move that material, do they still need a fence? **Mr. Howser** – In order to provide 100% screening as required by the Code, the fence guarantees that screening.

Mr. Bailey – Does it have to be a solid wood fence? **Mr. Dossey** – It does cost more, but it's more of a long-term solution. Slats in a chain link fence end up blowing away, and then it becomes a code enforcement issue down the road. They can do any type of solid fence- wooden, concrete, or other similar solid fence. **Mr. Bailey** – I think it's a good faith effort to have the fence and be a good neighbor to those few neighbors who might see some of the material.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION: NONE

**PC ACTION: FULLER MOVED/LUCIA-TREESE SECONDED FOR APPROVAL
REGULAR ITEM NUMBER 3, AL-19-006, FOR A SPECIAL USE FOR 1425
BURNHAM ST. WORKZONE, UTILIZING RESOLUTION PAGE NO. 39, CITING**

20-062, WITH THREE (3) CONDITIONS, THREE (3) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (10-0)

4. CC-20-001

DICKSON

**MAP AMENDMENT (REZONE)
HADDOCK METAL ROOF**

A request by Black Forest, LLC, for approval of a map amendment (rezoning) from A-5 (Agricultural) to CC (Commercial Community). The 4.77 acre property is located on the west side of Black Forest Road, approximately 980 feet north of Shoup Road and within Section 7, Township 12 South, Range 65 West of the 6th P.M. (Parcel No. 52070-00-004) (Commissioner District No. 1)

Mr. Dickson gave a brief overview of the project and asked **Ms. Seago** to go over the review criteria for a map amendment (rezone). He then asked the applicant and representative, **Mr. Tom Davis and Mr. Rob Haddock**, to give their presentation.

Mr. Trowbridge – What did you hear from neighbors at the community outreach meeting and what accommodations you’ve made relative to that meeting? **Mr. Haddock** -- It was mostly attended by adjacent property owners that were noticed. There were 23 people who attended. They voiced various concerns and we feel like we answered all their questions. The only request was that we should deconstruct the barn that we are building. We are well aware that this has been a very aggressive opposition movement. We are prepared to address all the concerns voiced by the opposition.

Mr. Carlson – Were the complaints mostly that they don’t want commercial use there? **Mr. Haddock** – All the above and much more. There was mention of depleting the aquifer, and many other things, but I think they just don’t want us there.

Mr. Dickson then gave his full presentation and answered questions from the Planning Commission.

IN FAVOR:

Mr. Terry Stokka – Black Forest Land Use Committee – (provided handout) We look at conformance with the preservation plan and impact. The Plan advocates for centralized commercial activity. The impact of this building will be minimal. There will only be 8-10 people working at any given time. We look at traffic, lighting, noise, and if there is appropriate screening. The buildings have natural earth tones and materials and will blend in nicely. This has met the criteria of conformance of the preservation plan, and has minimal impact, and we recommend you approve this rezone.

Ms. Fuller – Is the Black Forest Land Use Committee a volunteer committee or elected committee? How many people of the committee participated or were active in your review? **Mr. Stokka** – We are a volunteer committee and we consider ourselves guardians of the preservation plan and of the land. We have 20-25 members. I send out pictures and information to them and they give me feedback. We look at “Is it more than just I don’t like it, or do they have valid concerns?” We measure it against the plan and also the Land Development Code. I received responses from at least half of the members in order to present these findings.

Mr. Greg Belwine – I am in favor of this project. I believe they have met all zoning regulations for this project. This will provide area residents with a good service. Commercial property needs to develop according to the Black Forest Preservation Plan and this meets the requirements. It will support at least 6 families in the area. They are a strength and asset to the community. We have lived there for 7 years. Mr. Haddock grew up in this community and he would never do anything that would be a detriment to us. I can attest to his generosity to our community as well. I fully support this request.

Mr. Jake Skifstad – I am a resident of Black Forest. I am thankful to someone going above and beyond to what was there before visually. This is so superior to what was there. They is a nice looking barn with mature trees. Rob Haddock and his family are of high integrity and moral character. He has been called a liar among other things. This is not true. I am thankful they want to bring this to our community. I’m in great support of their application.

Ms. Judy Von Ahlefeldt – I am in favor of this proposal. I agree with Mr. Stokka. It is basically a request for a rezone and is in conformance with the Black Forest Preservation Plan. (Slides shown) This will not set a precedent and will not ruin the community. However, I think it’s unfortunate that there was nothing on EDARP until September. All the commotion started because people did not have access to the information. Had they been given the correct information; they might have come better informed and not opposed as strongly as they did.

Ms. Nikki Upchurch – (from emailed statement) My property shares the east boundary with the land we are discussing today. I was informed by people at the gate of the Black Forest Farmer's Market about the commercial project on this land that had been dormant since the Black Forest fire in 2013. They had a table set up to sign a petition and there were many others there who, like me, wanted to find out about it. To say the least, I was alarmed and concerned by what I was told. I had recently purchased my land with plans to build a modest home near peaceful neighbors I had met and liked... and still do like. I was told the following about this commercial project:

- The person who purchased the land was a wealthy developer from out of state who didn't care about the community of Black Forest and that he would run possibly 3 businesses from the property.
- There would be 2 buildings on the property to run businesses from: one would be for metal building distribution and possibly manufacturing. The other building would be used for the development of technological security devices for ID recognition like retinal scans and hand printing (biometric authentication). I was given a name of a website (I did not write down and do not recall any longer) When I looked it up, the technology was affiliated with criminal justice and involved similar devices as the FBI uses.
- I was told there would be much traffic coming in and out of the property such as trucks transporting the metal buildings for distribution. The security technology employees would be on the premises in the office building for their full-time jobs.
- This commercial development could cause much disruption in the community and decrease land value.

I was a bit panicked by this and seriously considered selling my land since it was directly connected to the west boundary of this proposed commercial property. Since that time, I have investigated this development plan further and realize it to be very different from the information shared with me back in the summer. I have learned that the owner and his family have, in fact been residents of Black Forest for almost 50 years and have a family-owned small business-- not a disconnected out of state developer. I have seen first-hand how tastefully the owner is improving this property. I now realize there will be no manufacturing or distribution of metal buildings or anything else, nor will there be any mysterious security device development for biometric authentication. I am relieved to know that traffic will actually be minimal, and the project is within Black Forest Preservation Guidelines. As far as the concern of this development causing disruption and decrease in land value, I even expect it to increase the value of my lot. The covenant that will follow the land in potential future sales will protect this lot from becoming something of the nature I (and many others) were originally informed it would be. I fully support what Mr. Haddock is proposing and believe he will be a good neighbor.

IN OPPOSITION:

Mr. Jeff Brock – I live across the road from this property. My property was the highest price property to close in 2020. I have followed this on every website devoted to this project. I have not heard anyone call Mr. Haddock a liar. There are 47 non-duplicated opposition letters and 517 non-duplicated petition signatures. There were only 3 letters supporting it. Planning seems to think it meets all the criteria, that is not accurate. The CC zone district, according to LDC Section 3.2.5, is intended to accommodate retail sales establishments that serves the adjoining and contiguous neighborhood. His business will not serve the community with his wholesale business. His driveway creates a cross-intersection at an already dangerous area.

Accidents will increase due to this intersection. Mr. Haddock downplays the 12,000 square foot building. It's 2.5 times larger than my home. These buildings will absolutely not blend in with the area. Due to the drought, we are drinking heavily sedimented water. We don't need more people using that water. The value of my home will decrease. I'm against this rezone.

Ms. Gayle Goodman Floyd – Since the barn is already built, what will it be used for since he mentioned it will be used for meetings. Will traffic increase because of this commercial use? Does it set a precedent for other zoning changes that would not be welcomed? This is not contributing to the Black Forest Community like we would like it to. I was not notified as a neighbor. This serves one person and not the community.

In Summary: (sent by email)

What is the barn used for, if the development use is simply used for "meetings" what is the barn for?

Worry about any precedent being set for future businesses wishing to develop Black Forest properties.

What tax implications will follow for Black Forest residents?

The business is single server, not providing any service to the community.

This is a special community, not a place for office space or wholesale production.

Once this happens it cannot be undone. It only opens the door to future problems.

Ms. M. Jane Shirley – (submitted petitions, letters of opposition. All part of permanent record). There are 517 signatures opposing this project. Mr. Haddock company does business with 39 states and 29 foreign companies. This is over 12,000 square feet of space. Construction started prior to permitting. The well permit has several restrictions. There are no covenants, minutes, hearing notices that we can locate. This impacts all the surrounding neighbors.

Email statement: I would like to go on record because I strongly object to the rezoning of this parcel. If rezoning is approved a precedent will be set for any large corporation to follow suit. This project does NOT belong in the heart and historical district of Black Forest. It has already had a negative impact on the adjacent RR-5 zoned residents as well as the visitors who come to this area of the Forest for rest and relaxation. When major activities are held at the Community Center, cars are parked along both sides of Black Forest Road in addition to filling the parking lot. All of us in the Forest look forward to community events.

While compiling the Forest's opposition to this rezoning, four 'unusual' things occurred. One may or may not have been related to this project. It occurred during the time I was assisting with gathering petition signatures. At the Farmer's Market in late July, a gentleman in a three-piece suit with a loud abusive voice tried to intimidate me and another woman into ceasing our legal collection of signatures on the petition against rezoning. He did not visit the Market. After the tirade he got in his car and left. The following morning, I received a phone call. The man repeatedly asked what my plans were for the rest day. The voice was quite suggestive. Coincidence or not? On four different occasions, four different men at four different times made the statement: "Well, It's (the project) is better than a Kum & Go," I found that to be highly unusual.

On three different occasions, three different people at three different times made this statement: "Black Forest is going to become part of Colorado Springs in the very near future anyway. What's the big deal?" Again...this seemed odd. Residents in the Forest DO NOT want to be part of the large metropolis of Colorado Springs. We moved here to get away from that lifestyle. (I do possess emails with these two statements.) Number four are emails I received from Mr. Stokka and then Mr. Haddock. A copy of both emails is attached. I frankly do not appreciate the biblical references made to me by Mr. Haddock.

Mr. Haddock owns a nice home on Table Butte Road in northern Black Forest. He also owns 69.5 acres at 8750 Walker Road. This acreage appears to be grassland. I could see no structures from the road. WHY, why couldn't the S-5! corporate offices be built there? Thank you for your time and consideration. Parcel # 5207000004 should not be rezoned to Community Commercial.

Ms. Maria Wilson – I live next door. The CC zoning does not accommodate retail sales. This is a corporate office building. The one that comes after is what worries me. This will set a precedent. I implore you to consider the repercussions. This is spot zoning. The Historical Society has indicated that this will negatively impact the area. It will reduce the value of my home. This project will cause extensive impact to the enjoyment of my property. There are over 500 opposing this project. It's beyond obvious that this is not acceptable. The biggest fear is the precedent that it will set. We don't want corporate office buildings. We moved here to be away from that.

Mr. Jeffrey Zink – My property is across from Black Forest Road. We have been here for 20 years. We lost our house and all our trees and took 3 ½ years to rebuild. To get a commercial building across the street is insult to injury. Please consider the emotional impact that it has on us and our surrounding community.

The applicant had an opportunity for rebuttal. **Mr. Haddock** – There have been many things posted on EDARP for this project. The opposition has been extremely

aggressive. Terry Stokka sent out information through the Black Forest Land Use Committee. The historical site comment is completely undocumented. The opposition was very well organized. However, there were misstatements, and those signatures were solicited with their side and no chance for rebuttal. There are 6500 households, so it's a very small number in opposition. Only 29% were affirmed Black Forest residents. Others were in Calhan and even out of state. The purpose and spirit of the rezone is total transparency. Opposition used social media to post statements.

Mr. Tripp Fall – (from email correspondence)

Re-addressing my concerns for the record:

1. It does not serve the community
2. Efforts were made to notify the entire community, not just the immediate neighbors.
3. Are the petitions and letters being properly weighed in the decision? Are they valid?
4. We, as a community, do not want the precedent set that would allow more businesses that would not serve the community.

DISCUSSION:

Mr. Trowbridge -- When I first reviewed this, it seemed like the entrance might not be ¼ mile away, and then I looked and saw it was a commercial use there before. I find it ironic that they oppose because it claims retail, but I think a true retail space would bring so much more traffic than what this is proposing. If you look at the zoning, he could have many more uses in the A-5 zone district. He could have a group home, or a contractor's equipment yard, or an inert materials disposal site. Barns are also permitted as a principal structure in A-5. I think he's done a lot to help the Forest with the effort of replanting trees and reshaping the land. The structure itself does not look much different than a high-end home. I will be supporting this.

Ms. Lucia-Treese – The presentation was done well. You are doing above and beyond what the Code requires, and the structure does look like a high-end modern home and the use is compatible in the CC zone district. I am in support.

Mr. Moraes – for the Attorney – The applicant says he will put a covenant in place requiring that the character of the building will not change in the future. How hard will that be for a future owner to change that covenant? **Ms. Seago** – Because the County cannot enforce covenants, I'm not sure how it could be removed in the future. The document that imposes the restriction will be specified in how it is worded and its intent.

Mr. Moraes – In the future, if the business is repurposed into another use that is allowed in the CC zoning district, like a retail nursery, a store, or a business events

center, which are all all in CC that requires larger parking and lighting for later evening business, can that be modified? My biggest concerns are for the future. If the property gets sold and used as an events center, there would be more traffic, more parking, etc. **Mr. Dickson** – A site development plan would be required for any change in use to address the proposed/future use(s). We look at the highest and best use of the property. **Mr. Moraes** – Right now there are 22 spots allocated to this project because of the proposed use. However, the use may intensify like a business event center or medical clinic, 22 spots is too few or there might be business hours later than the applicant proposes. Therefore, my concerns are not for this application. I am more concerned about the future. Once rezoned CC, all those uses that are allowed in LDC Table 5-1 are allowed. I want to look ahead to what a rezoning will do to that area. **Mr. Dossey** – When we look at commercial uses and the site-specific improvements that are required, we do it based on the proposed use and layout of the site. If the use changes, the new use must accommodate for the parking, lighting etc. that is relative to the Land Development Code. This is not a special use, so I think the applicant is prepared to do covenants vs. conditions of approval. However, the County does not enforce either. If a future owner comes in, we would look at the Land Use Table to see if it is allowed in CC zoning. We try to write staff the staff report not to the use at hand but look at every use that could be in a requesting zoning district. So that's the important thing to consider, the Planning Commission should be concerned about not only the use presented but also be concerned about the future, now. Those are the uses effectively being requested. While we are considering the applicants' intent today, the intent tends to change, **Mr. Moraes** - That is my concern, while it is A-5 today, a change to CC may present in the future all the issues that come with it like traffic and lighting and hours of operation. **Mr. Dossey** – Quite honestly, some uses allowed in CC by the LDC will never happen on this piece of land as the land is too valuable. **Ms. Brittain Jack** – There are three uses that he could use according to the Land Use Chart. I would assume that the impacts were taken into consideration with regard to the impacts such as traffic when those allowed uses were tabled as they are. Is that right? **Mr. Dossey** – That is correct. It's an extensive look at all the impacts. We look at traffic impacts, hours of operation, etc.

Mr. Bailey – I believe that the staff report highlights that the CC zoning district is the least impactful zoning districts that the applicant could have requested. The Black Forest Plan at least recognizes the potential for commercial nodes, and the applicant bought land in a commercial node and chose something that wasn't going to impact the neighbors in a negative way. **Mr. Dossey** – The CS zone district is more service oriented and will have more traffic; CR will be the big box retail. So yes, CC is definitely the appropriate, least impactful zone for the intended use.

Ms. Fuller – I echo what **Commissioner Trowbridge** was saying. This is in a pocket where commercial uses can go. For those testifying, we realize that land use, particularly commercial going into a neighborhood is very emotional. When you come

into a hearing, it's not helpful to talk about personalities or how honest someone is or is not. I would encourage going forward that those things are not brought up for either side. I will be in support of this, and I can appreciate the neighbors and the effort they put in, but the opposition didn't change my view. When you come to a hearing with over 500 signatures, it gets our attention.

Mr. Moraes – I am not against this project itself; I think it would be better suited as a variance of use vs. a rezone.

Mr. Risley – We are really bound to looking at the review criteria and making a case based purely on that. The only bullet point that can be called into question is “does the proposed land use compatible with the surrounding land and zones.” My opinion is that the applicant did a good job at being sensitive to the context and surrounding area and mitigated any impacts that it could have had to the surrounding area.

Mr. Carlson – With regard to blending in with adjacent properties, it means something that it falls within that commercial development node that was designated as such. I'm in support of this.

PC ACTION: BRITAIN JACK MOVED/LUCIA-TREESE SECONDED FOR APPROVAL REGULAR ITEM NUMBER 4, CC-20-001, FOR A MAP AMENDMENT (REZONE) FOR HADDOCK METAL ROOF, UTILIZING RESOLUTION PAGE NO. 27, CITING 20-063, WITH TWO (2) CONDITIONS, THREE (3) NOTATIONS, AND ONE (1) WAIVER, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-1). MORAES WAS A NAY VOTE.

Mr. Moraes – I was opposed due to future possible uses versus what was proposed. I would rather see a variance in A-5 instead of the rezone to CC

5. El Paso County Master Plan – Information Update – No Action Needed – No update was given at today's hearing.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Brittain Jack moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. CC-20-001

Haddock Metal Roof

WHEREAS, Black Forest, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference from the A-5 (Agricultural) zoning district to the CC (Commercial Community) zoning district; and

WHEREAS, a public hearing was held by this Commission on December 17, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing.
4. 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 since the land was last zoned.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

6. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district
7. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
8. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of John and Linda Jennings for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the A-5 (Agricultural) zoning district to the CC (Commercial Community) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison recommends the following conditions, notations, and waiver shall be placed upon this approval:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CC (Commercial Community) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. Any new or change of use that will generate more traffic than the proposed use may be required to submit a traffic study to the County to determine if roadway improvements are necessary.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the

Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

Waiver(s)/Deviation(s): A waiver has been requested for the screening requirements under Section 6.2.2.D.2.c, Opaque Fencing or Wall Required, of the Land Development Code. Instead of constructing a fence or wall, the applicant is proposing to replant the property with various native pines. The pines are intended to create a buffer between the proposed CC-zoned property and the adjacent residential uses.

Section 6.2.2.D.2.c, Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses, of the Code states:

“Opaque Fencing or Wall Required. An opaque fence or wall with a minimum height of 6 feet is required along the lot, parcel, or tract line except where the adjacent single-family or duplex residential zoning district or use abuts a required roadway landscaping area.”

This Section requires a solid privacy fence along the perimeter of a commercially used parcel when adjacent to a residential parcel.

The applicant intends to utilize approximately 29 percent of the overall 4.77 acre property, therefore, an opaque fence along the perimeter would be visually obtrusive given the distances shown on the submitted site development plan from the proposed commercial activity to the adjacent residential parcels. Additionally, none of the nearby properties, even those utilized for commercial purposes, have a solid privacy fence along the property line. Compliance with this criteria would cause the commercial use to stand out and not be aesthetically compatible with the surrounding developed properties, which is the intent of the landscaping provisions of the Code.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Trowbridge	aye
Commissioner Lucia-Treese	aye

20-063

Commissioner Fuller	aye
Commissioner Brittain Jack	aye
Commissioner Blea-Nunez	aye
Commissioner Carlson	aye
Commissioner Greer	aye
Commissioner Moraes	nay

The Resolution was adopted by a vote of 9 to 1 by the El Paso County Planning Commission, State of Colorado.

Dated: December 17, 2020

Brian Risley, Chair

EXHIBIT A

Legal Description of Property

N1/2 NE1/4 SE1/4 SE1/4 OF SECTION 7, TOWNSHIP 12, SOUTH RANGE 65 WEST OF
THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

RESOLUTION NO. 21-

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO**

**APPROVAL OF THE HADDOCK METAL ROOF MAP AMENDMENT
(REZONING) (CC-20-001)**

WHEREAS Black Forest, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the A-5 (Agricultural) zoning district to the CC (Commercial Community) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on December 17, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on January 26, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
7. For the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Black Forest, LLC, for Haddock Metal Roof, to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the A-5 (Agricultural) zoning district to the CC (Commercial Community) zoning district ;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the CC (Commercial Community) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. Any new or change of use that will generate more traffic than the proposed use may be required to submit a traffic study to the County to determine if roadway improvements are necessary.

2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

Waiver(s)/Deviation(s): A waiver has been requested for the screening requirements under Section 6.2.2.D.2.c, Opaque Fencing or Wall Required, of the Land Development Code. Instead of constructing a fence or wall, the applicant is proposing to replant the property with various native pines. The pines are intended to create a buffer between the proposed CC-zoned property and the adjacent residential uses.

Section 6.2.2.D.2.c, Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses, of the Code states:

“Opaque Fencing or Wall Required. An opaque fence or wall with a minimum height of 6 feet is required along the lot, parcel, or tract line except where the adjacent single-family or duplex residential zoning district or use abuts a required roadway landscaping area.”

This Section requires a solid privacy fence along the perimeter of a commercially used parcel when adjacent to a residential parcel.

The applicant intends to utilize approximately 29 percent of the overall 4.77 acre property, therefore, an opaque fence along the perimeter would be visually obtrusive given the distances shown on the submitted site development plan from the proposed commercial activity to the adjacent residential parcels. Additionally, none of the nearby properties, even those utilized for commercial purposes, have a solid privacy fence along the property line. Compliance with this criteria would cause the commercial use to stand out and not be aesthetically compatible with the surrounding developed properties, which is the intent of the landscaping provisions of the Code.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 26th day of January, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
County Clerk & Recorder

By: _____
Chair

EXHIBIT A

Legal Description of Property

N1/2 NE1/4 SE1/4 SE1/4 OF SECTION 7, TOWNSHIP 12, SOUTH RANGE 65
WEST OF THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO