

Miranda Benson2

From: Lekishia Bellamy
Sent: Wednesday, March 15, 2023 2:45 PM
To: PCD Hearings
Subject: FW: Opposition to P-231

Lekishia Bellamy
Planner I
E.P.C. Planning & Community Development
2880 International Circle
Colorado Springs, CO. 80910
719.520.7943
<https://planningdevelopment.elpasoco.com/>

To review all El Paso County projects in EDARP go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code (2022) go to:
https://library.municode.com/co/el_paso_county/codes/land_development_code

PERSONAL WORK SCHEDULE

Monday - Friday, 7:30 am to 4:00 pm

DEPARTMENT HOURS

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

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

From: jaholst <jaholst@access4less.net>
Sent: Wednesday, March 15, 2023 1:25 PM
To: Lekishia Bellamy <LekishiaBellamy@elpasoco.com>
Cc: Holly Williams <HollyWilliams@elpasoco.com>
Subject: Opposition to P-231

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.

I wish to register my **STRONG** Objections to the rezone request made by by Steven and Jennifer Liebowitz---to change their zoning from RR-5 to RR-2.5.

The Ponderosa Breaks sub-area lies west of hiway 83 and north of Old North Gate Rd. and consists of rural 5 acre lots with single family residence. A unique, quiet area with abundant wildlife and a pure rural atmosphere. Due to County transportation planning, Roller Coaster Rd. is no longer a "rural" road, but other than that we can generally enjoy the amenities for which the land was originally purchased. In 2013 and 2014, my neighbor Greg Wolff attempted to do the same rezone on his 13 acres, (from R-5 to R-2.5) This request was denied by the Planning Commission twice, unanimously the first time and by an 8-1 vote the second time. It was unanimously denied by the BOCC. I would strongly urge a review of those attempts at rezone in the Ponderosa sub-area (P-14-005) The same objections proffered at that time are still salient and valid, and are well expressed by the other objectors. The Liebowitzs have not offered any examples

of any change in the neighborhood since they purchased their property in 2017 which would warrant a zone change. None!

However, THIS REZONE REQUEST IS A REQUEST FOR "SPOT ZONING" WHICH IS NOT PERMISSIBLE IN THE STATE OF COLORADO. Any such action will be void.

If the rezone is approved, the subject property would be surrounded on all sides by RR-5 zoning. The property would be an island in the middle of an ocean, one of the foremost indices of an impermissible "spot zoning". Clark v. City of Boulder 362 P2d 160 (1961.)

There has been no showing of any change in condition of the neighborhood which would warrant such spot zoning. There is no transition issue, although planners spend pages regurgitating word salad on the subject. That matter was disposed of when Flying horse was annexed to the City of Colorado Springs,. Ponderosa Breaks Area residents were promised that North Gate Rd.(now old North Gate Rd.) and the open strip south of that rd. would be a "buffer Zone" negating the cry for "transition .

Also an indicator is the fact of the Wolff Rezone attempt in 2014 and 2016. That rezone request was identical in the same local area. It is a well settled principle that if a similar zone change request has been made in the area (the Wolff request was identical) and denied, the applicant must show there has been changed conditions in the area. No such changes have been made or offered. Holly Development ,Inc. v Board of County Com's 342 P2d 1032 (1959)

It is quite obvious that the purpose for the zone request is economic. A further indicator of spot zoning. Any zoning amendment must be for the "public good", not merely for the economic benefit of the owner. Hoskinson v Arvada (1957) 136 Colo. 450, 319 P.2d1090.

As to the other matters the objectors have put forth such as water depletion, I join in their objections. As a parting word I offer the following quotes from the case of Holly Development Inc, v. Board of County Com'rs, 342P.2d 1032(1959)

"Amendment to zoning ordinances should be made with caution and only when changing conditions clearly require amendment."

"When a general zoning ordinance is passed, those who buy property in zoned districts have the right to rely upon the rule of law that the classification made in the ordinance will not be changed unless the change will be required for the public good. "

I submit that the "public good" for all of the residents of Ponderosa Breaks will best be served by the denial of the zone change and that the zone change should not be made for the economic benefit of one individual.

Jack A.Holst
14165 Roller Coaster Rd.
Colorado Springs, CO80921
719-351-3489