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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Lekishia Bellamy, Planner I
Carlos Hernandez, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File #: P-23-001
Project Name: 1825 Summit Drive
Parcel No.: 62040-01-018

OWNER:	REPRESENTATIVE:
Steven and Jennifer Liebowitz 1825 Summit Drive Colorado Springs, CO, 80921	M.V.E., Inc. 1903 Lelaray St., Suite 200 Colorado Springs, CO 80909

Commissioner District: 1

Planning Commission Hearing Date:	3/16/2023
Board of County Commissioners Hearing Date:	4/18/2023

EXECUTIVE SUMMARY

A request by Steven J. Liebowitz and Jennifer F. Liebowitz for approval to rezone Lot 14 of Overlook Estates from RR-5 (Rural Residential) to RR-2.5 (Rural Residential). The rezone would allow the owners to apply for a minor plat to subdivide the existing 5.23± acre lot into two 2.5-acre lots to accommodate the construction of a single-family residence on the newly created lot in addition to the existing residence located at 1825 Summit Drive.



A. WAIVERS/DEVIATIONS/ AUTHORIZATION

Waiver(s)/Deviation(s): There are no waivers/deviations associated with this application.

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

B. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Planning Commission and 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 (2022):

1. 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;
2. 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;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. 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.

C. LOCATION

North:	RR-5 (Residential Rural)	Single-family detached residential
South:	RR-5 (Residential Rural)	Single-family detached residential
East:	RR-5 (Residential Rural)	Single-family detached residential
West:	RR-5 (Residential Rural)	Single-family detached residential

D. BACKGROUND

The property was initially zoned RR-5 on January 4, 1955 (BoCC Resolution No. 94669). 1825 Summit drive is located in an area that primarily consists of properties 4.45 acres or more; however, .17 miles southwest is The Flying Horse Ranch development, which consists of lots less than an acre, and is in the City of Colorado Springs. The property is located within the Large-Lot Residential place type. If the rezoning application is



approved, the applicant must submit a final plat application before the conveyance of any parcel of land within the subject area.

E. ANALYSIS

1. Land Development Code Analysis

The applicant is requesting approval of a map amendment (rezoning) of 5.23-acre zoned RR-5 (Residential Rural) to RR-2.5 (Residential Rural). Section 3.2.2 of the Code states the following as the intent of the RR-2.5 zoning district:

“The RR-2.5 zoning district is a 2.5-acre district intended to accommodate low-density, rural, single-family residential development.”

The applicant intends to apply for a minor plat request to subdivide the existing 5.23-acre lot into two 2.5-acre lots to construct a new single-family residence in addition to the current residence at 1825 Summit Drive.

2. Zoning Compliance

The subject parcel is proposed to be rezoned to the RR-2.5 (Residential Rural) zoning district. The RR-2.5 zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-2.5 (Residential Rural) zoning district are as follows:

Minimum lot size: 2.5

Minimum width at front setback line: 200 ft

Minimum setback requirement: front: 25 feet, side: 15 feet, Rear: 25 feet *

Maximum lot coverage: none

Maximum height: 30 feet

*Agricultural stands shall be setback a minimum of 35 feet from all property lines.

In order to initiate any uses on the property, the applicant will need to obtain site development plan approval for residential structures. The subdivision and site development plan will be reviewed to ensure that all proposed structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.



F. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. **Placetype:** Large-Lot Residential

Placetype Character:

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between Rural and Suburban Residential areas. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more and are generally large and dispersed throughout the area to preserve a rural aesthetic.

Large-Lot Residential placetypes generally support accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas.

Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and wastewater utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.



Recommended Land Uses:

Primary:

- Single-family Detached Residential (typically 2.5 – acres lots or larger)

Supporting:

- Parks/Open Space
- Commercial Retail (Limited)
- Commercial Service (Limited)
- Agriculture



Figure G.1: Placetype Map

Analysis:

The Large-Lot Residential Placetype supports the rural character of the County while providing unique and desirable neighborhoods. Relevant goals and objectives are as follows:

Objective LU3-1 – Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.

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PLNWEB@ELPASOCO.COM

Objective HC2-6 – Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.

2. 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 4.1.3 –Support enhanced monitoring of sources of surface and tributary groundwater in the County.

Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible

Findings of sufficiency with respect to water quality, quantity, and dependability are not required with map amendment (rezone) approvals but will need to be made with subsequent final plat approvals for development within map amendment area.

3. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies floodplain deposits in the subject parcels. The applicant prepared a mineral rights certification indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the map amendment.



2. Floodplain

Per FEMA Flood Insurance Rate Map panel number 08041CO764G, the proposed rezone portion of the subject property is not located within a regulatory floodplain.

3. Drainage and Erosion

This rezone application did not require a Drainage Report and Grading and Erosion Control Plan. These documents are typically not required or reviewed at this stage. The parcel anticipates subdividing into two 2.5-acre lots. At the time of subdivision, a drainage report will be required per county criteria to provide additional analysis of the drainage impacts.

The parcel is in the Monument Branch drainage basin. This is a studied basin with associated development fees. The parcel will be assessed drainage basin fees at the time of the final plat corresponding with Appendix L from the El Paso County Engineering Criteria Manual (ECM) and approved resolutions.

4. Transportation

Summit Drive and Silverton Road border the parcel; both are county-maintained local roadways. The surface conditions for Summit Drive and Silverton Road are gravel and pavement accordingly. Access to the parcel is currently obtained through an existing driveway from Summit Drive. The El Paso County Engineering Criteria Manual allows driveway access to parcels from local roadways.

The rezoning of the parcel from RR-5 to RR-2.5 will generate an increase of 10 average daily trips or a total of 19 average daily trips for both lots. The increase in traffic is minimal and does not meet county criteria for the submission of a traffic impact study.

Roadway improvements are not required with this rezone application nor anticipated with the future subdivision. The total number lots obtaining access to Summit Drive is 4, and 5 with the future subdivision. The total average daily traffic expected is 50 daily trips for lots accessing Summit Drive, which is below the 200 daily trip threshold to require paving of Summit Drive.

The future parcel will be required to obtain a driveway access permit for future driveways. The Road Impact Fee as approved by Resolution 19-471 will be assessed



at the last land-use approval or when the applicant applies for a building permit whichever is last.

H. SERVICES

1. Water

A finding of water sufficiency is not required with a map amendment (rezone) request. A finding of water sufficiency for water quantity, quality, and dependability is required with any subsequent final plat(s) application.

2. Sanitation

Property has an onsite wastewater treatment system.

3. Emergency Services

The property is within the Donald Wescott Fire Department District. The District was sent a referral and has no outstanding comments.

4. Utilities

This area is within Mountain View Electric Association, Inc. certificated area. The Association currently serves this parcel according to the Line Extension Policy. Black Hills Energy will provide Natural Gas Distribution service.

5. Metropolitan Districts

The property is not located within a metropolitan district service area.

6. Parks/Trails

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

7. Schools

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

I. APPLICABLE RESOLUTIONS

See attached resolution.



J. STATUS OF MAJOR ISSUES

There are no major issues with this map amendment request.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and 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 (2022), 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 RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. 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.
2. 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.



L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twenty (20) adjoining property owners on February 24, 2023, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Rezone Map

Opposition Letters

Draft Planning Commission Resolution

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WWW.ELPASOCO.COM

El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

ADDRESS



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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January 6, 2023

PCD File No.:

LETTER OF INTENT

**1825 SUMMIT DRIVE
(Lot 14, Overlook Estates)
REZONE**

Owners:

Steven J. Liebowitz, Jennifer F. Liebowitz
1825 Summit Dr.
Colorado Springs, CO 80921
(719) 339-0415
jennyliebowitz@msn.com, stevenliebowitz@msn.com

Consultant:

M.V.E., Inc.
1903 Lelaray St., Suite 200
Colorado Springs, CO 80909
(719) 635-5736
David Gorman
daveg@mvecivil.com

Site Location, Size, and Zoning:

Lot 14, Overlook Estates as recorded under Reception No. 159801 in the records of El Paso County is the site of the proposed Rezone application. Said Lot 14 is located in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 4 and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 5, Township 12 South, Range 66 west of the 6th principal meridian in El Paso County, Colorado. The site is 5.23 \pm acres in area and has El Paso County Tax Schedule No. 62040-01-018 and address of 1825 Summit Drive, Colorado Springs, Colorado 80921. The site is situated at the southwest corner of Silverton Road and Summit Drive, approximately 500 feet north of Old North Gate Road and west of Roller Coaster Road. The site contains an existing single family residence, barn, private driveway, well and onsite wastewater treatment system, all located in the northeastern portion of the property. This parcel is currently zoned RR-5 (Rural Residential-5 acres) with no applicable overlay zones.

Request and Justification:

The request is for approval of the rezone of Lot 14, Overlook Estates from RR-5 to RR-2.5 (Rural Residential-2.5 acres). The rezone would allow the owners to apply for a Minor Plat request in the future to subdivide the existing 5.23 \pm acre lot into two 2.5 acre lots and allow the construction of a new single family residence on the property in addition to the existing residence located at 1825 Summit Drive.

Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
Fax 719-635-5450 • e-mail mve@mvecivil.com

This property is able to meet all the dimensional requirements for the proposed RR-2.5 zone with respect to the existing residence as well as a potential new residence on the site including minimum lot size, minimum width at setback of 200 feet, and building setback requirements. The setbacks for the RR-2.5 zone for the front, side, & rear are 25 feet, 15 feet, and 25 feet respectively. With 2.5 acres per lot, there is adequate space within the property to locate a new residence, access drive, well and septic facilities and optional accessory structures while observing all required setbacks. The existing 30' wide road easement located along the west boundary of Lot 14 shall remain in accordance with the original Overlook Estates subdivision plat.

Zone Changes are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. This application is presented with intent to demonstrate the proposed rezone request meets the submittal and approval criteria for Map Amendments (rezoning) found in the **El Paso County Land Development Code (2021) Sections 5.3.5(B)** as discussed below.

1. *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.* This application was examined in light of the current El Paso County Master Plan. **“Your El Paso Master Plan” (2021)** is a comprehensive document communicating a vision for many factors that influence the quality of El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County. This masterplan also replaces all Small Area Plans previously in effect in the county.

The site is not located in the Forested Area or any of the other designated Key Areas of the county according the master plan's Key Areas map. However, the site is located just north of the the City of Colorado Springs boundary line at Old North Gate Road. The area south of Old North Gate Road contains an existing Academy School District 20 campus and residential development that is zoned PUD (city) containing one-third to one-half acre lots within 600 feet of the subject property.

The site is located in an area of Minimal Change: Developed as shown on the Areas of Change map in the master plan. The request for rezone to RR-2.5 does not represent a significant change is use or density for the area. RR-2.5 is still both rural residential and large-lot rural residential in nature.

The site is designated Large-Lot Residential Placetype. The Primary Land Use of this place-type is Single Family Detached housing. Agriculture, Commercial Retail, Commercial Service and Parks and Open Space are Supporting Land Uses. The site location, existing infrastructure, along with the characteristics of existing surrounding development make the single-family residential use the only suitable use. Large-Lot Residential is defined by the master plan to be lots 2.5 acres or larger. Although the site is adjacent to 5 acre lots, the location is suitable for rezone and subdivision into 2.5 acre lots, maintaining the rural residential character of the area while creating a transition from the more dense development to south and expanse of 5 acre lots to the north. Goal LU3: *“Encourage a range of development types to support a variety of land uses”* includes the specific strategy: *“The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.”*. Rezoning and subdividing this RR-5 lot into two RR-2.5 lots maintains the character of the Rural Residential zoning and Large Lot placetype. The proposed rezone and future replat would meet El

Paso County Master Plan's goal to “Align with Placetypes” which encourages “appropriate densities and transitions between different placetypes”. This site is located adjacent to the incorporated areas, potential annexation place-types, and large lot residential. The rezone and subdivision would be beneficial to meet the transition goal between the large lot residential and the higher density incorporated place-types. The rezone is appropriate given the amenable terrain and location on both existing and potential future improvements on the site. The proposed density will not overburden the existing roadway infrastructure or capacity of the land to support the water and wastewater needs of the development. The proposed zone change will not create the need for additional roadways or public facilities. The owner has adjudicated the water rights for the new lot and can demonstrate adequate water resources in accordance with the El Paso Land Development Code. Goal HC1: “*Promote development of a mix of housing types in identified areas.*” includes the specific strategy: “*Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*” The proposed rezone will provide needed additional housing capacity and opportunity in the area with no need to extend infrastructure or services while maintaining the rural residential character of the area.

- The proposed zone change is in compliance with the **2040 Major Transportation Corridors Plan (MTCP)**. The site is located on a rural residential local roadway with all necessary right-of-way dedications already made..
 - The proposed zone change is in compliance with the **Parks Master Plan**, which does not call for trails or parks in the site. Any required Park Fees will be paid at the time of future replating. The proposed zone change is also in compliance with the Master Plan for Mineral Extraction. There are no severed mineral right owners.
 - The proposed zone change is in compliance with the **El Paso County Water Master Plan (2018)**. The District Court has already decreed certain water rights and approved a plan for augmentation as necessary to allow drilling of a new well on the property which will provide an adequate water supply. The appropriate Water Resources Report and supporting documentation will be presented at the time of any future replating request. Some of the policies of the Water Master Plan that are supported by the proposed development are: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County.* The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible.* Both the existing residence and the new single-family residences on the proposed lots will utilize onsite wastewater treatment systems which will provide “Return Flows” to the environment as a condition of the groundwater findings and order and the well permit.
2. *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 rezone is sought in compliance with Colorado Revised Statutes and the provisions of the El Paso County Land Development Code. The authority to determine the results of the rezone request ultimately rests with the Board of County Commissioners.

3. *The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.* The proposed zone change from RR-5 to RR-2.5 will allow the replatting of the existing lot into two lots and the construction of one more one single-family residence on the 5.23± acre site. The area of the proposed lot is large enough to be considered Rural Residential in nature. Such 2.5 acres lots are an appropriate transition between the higher density city development on the south and the existing 5 acre rural residential lots on the north.
4. *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.* This tract meets the dimensional requirements of the RR-2.5 zone which includes: the minimum lot size of 108,900 sf (2.5 acres), a minimum width of 200 feet at setback line, and minimum setbacks of 25 ft, 25 ft, 15ft for front, rear, side, respectively. The proposed future residence will comply with all setbacks and the 30 ft maximum building height.

Total Number Of Residential Units And Densities:

The gross area of Lot 14 is 5.23 +/- acres and the site is to contain one existing and one proposed single-family residential units. Therefore, the gross density of the site is 0.38 units per acre.

Existing and Proposed Facilities:

The existing lot has existing on-site improvements which include a single-family residence, detached garage, well & septic, and fencing for livestock. This lot is already served with electric and gas utilities on-site and Service Commitment Letters from Black Hills Corporation for natural gas and Mountain View Electric have been received for service for the proposed lot.

Community Outreach:

Letters to adjacent neighbors were sent out as part of the El Paso County development review requirements. Many of the neighbors were also personally contacted by the applicants. There are no mineral rights owners impacted by the proposal.

Traffic Impact and Traffic Impact Fees:

Access to the existing residence will remain on Summit Drive. Access for a new residence could be constructed from either Summit Drive or Silverton Road, depending on the final lot layout and orientation of the the new residence. Driveway Permits will be obtained for the existing and proposed driveways as required. There are no topographical or alignment challenges limiting safety of the existing or proposed driveway access to the proposed lots.

The one new single family rural residential lot, together with the existing residence will access the existing public roadways with two private driveways as described above. The development is expected to generate a total of 19 trips per day (Average weekday trips ends) and 2 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trip during the peak hour. Therefore, a full Transportation Impact Study (TIS) is not

required for the project. Summit Drive, an existing gravel cul-de-sac road, currently serves 4 residences. Adding one more brings the total lots served to 5. The resulting Average Weekday Trip Ends for the Summit Drive is 47 with 5 trips in the peak hour. This amount is less than the 200 trips per day requiring the paving of a road. Therefore paving of Summit Drive will not be required. El Paso County also limits the number of residences on a cul-de-sac road to 25. The rezone will not cause the number of lots to exceed the limit. New development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners will elect to not be included in a Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

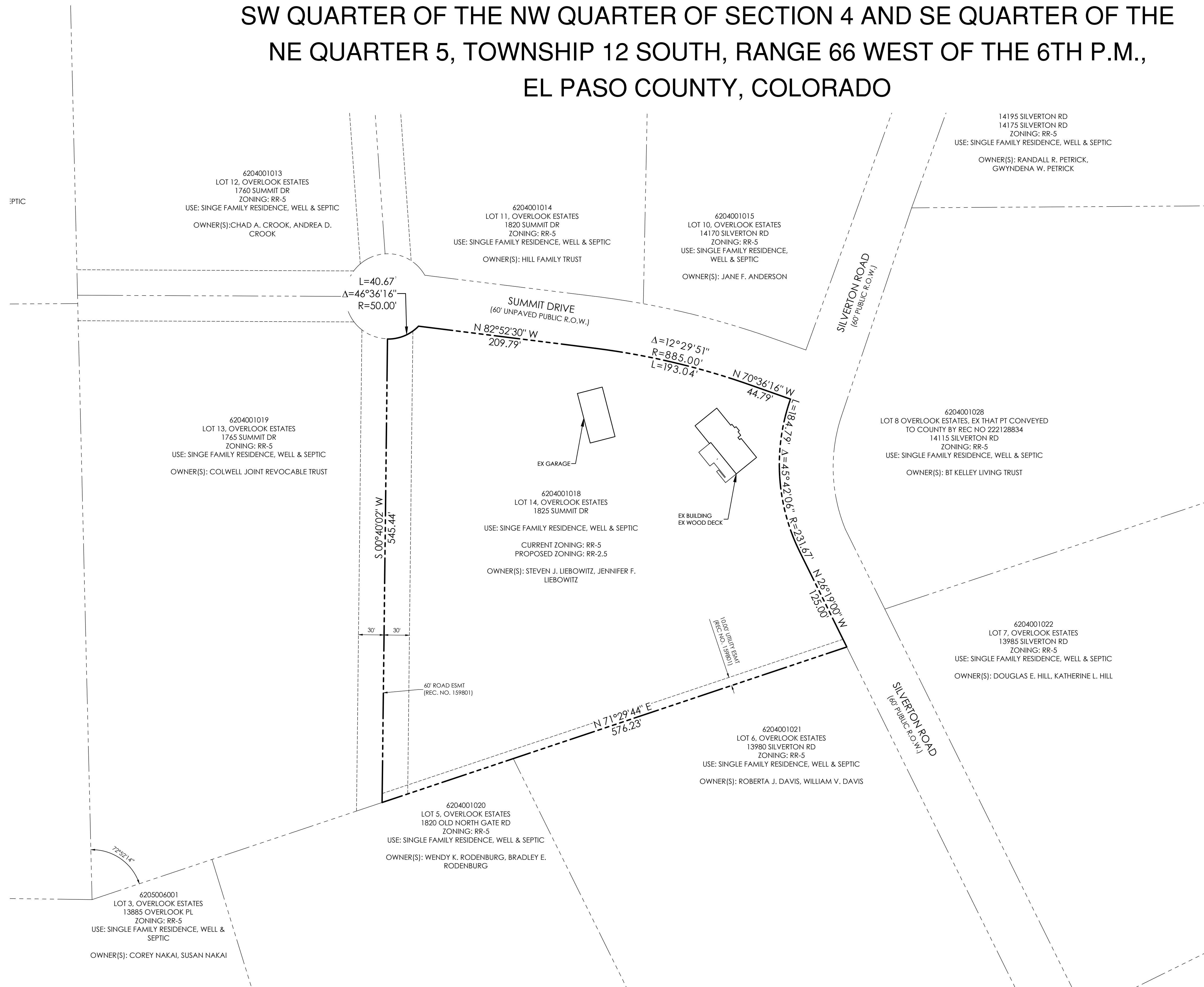
Based on the current conditions of the adjacent roadways and the low traffic volumes to be generated by the site, no new improvements to Summit Drive, Silverton Road or nearby area roadways are required to serve this development. All rights-of-way for the existing roadways have been previously dedicated from the subject property with the previous plat. No new rights-of-way are required to be dedicated with the approval of the rezone or future minor plat.

Z:\61191\Documents\Letter of Intent\61191-LetterOfIntent-Rezone.odt

1825 SUMMIT DR- ZONING EXHIBIT

FOR LOT 14, OVERLOOK ESTATES

SW QUARTER OF THE NW QUARTER OF SECTION 4 AND SE QUARTER OF THE NE QUARTER 5, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



SITE DATA

OWNERS

STEVEN J. LIEBOWITZ
JENNIFER F. LIEBOWITZ
1825 SUMMIT DR.
COLORADO SPRINGS, CO 80921

CONSULTANT

M.V.E., INC.
DAVID GORMAN, P.E.
1903 LELARAY STREET
COLORADO SPRINGS CO 80909
Ph (719) 635-5736
Fax (719) 635-5450
DAVEG@MVE CIVIL.COM

TAX SCHEDULE NO.

62040-01-018

CURRENT ADDRESS

1825 SUMMIT DR

LAND USE

CURRENT & PROPOSED:
SINGLE FAMILY RESIDENTIAL,
WELL & SEPTIC

ACREAGE

5.23 ± ACRES

ZONING

CURRENT ZONING: RR-5

PROPOSED ZONING: RR-2.5

RR-5 DIMENSIONAL STDS.

RR-5 SETBACKS (CURRENT)

FRONT - 25' SETBACK
SIDE - 25' SETBACK
REAR - 25' SETBACK

MAX LOT COVERAGE

25%

MAX BUILDING HEIGHT

30'

RR-2.5 DIMENSIONAL STDS.

RR-2.5 SETBACKS (PROPOSED)

FRONT - 25' SETBACK
SIDE - 15' SETBACK
REAR - 25' SETBACK

MAX BUILDING HEIGHT

30'

MAX LOT COVERAGE

NONE

LEGAL DESCRIPTION

LOT 14 OVERLOOK ESTATES, EL PASO COUNTY, COLORADO AS RECORDED UNDER RECEPTION NO. 159801 IN THE RECORDS OF EL PASO COUNTY, COLORADO.

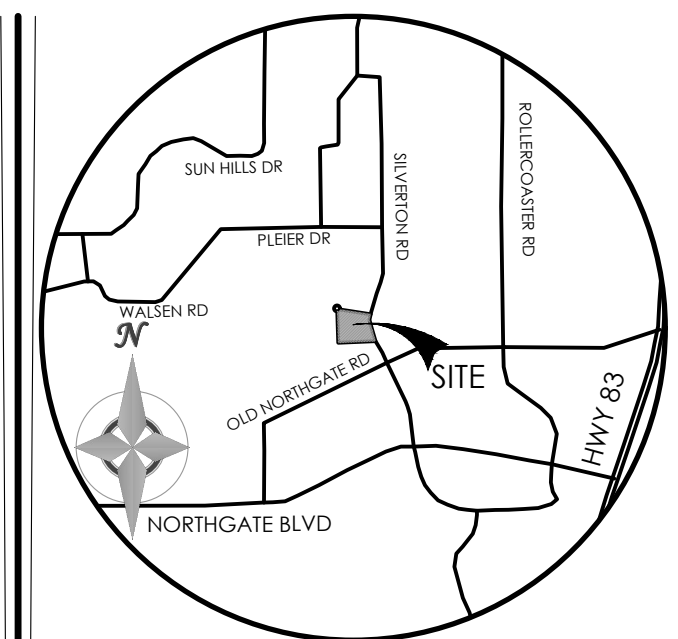
FLOODPLAIN STATEMENT

THIS PROPERTY IS LOCATED WITHIN FEMA DESIGNATED ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS INDICATED ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR EL PASO COUNTY, COLORADO AND INCORPORATED AREAS - MAP NUMBER 08041C0295G, EFFECTIVE DECEMBER 7, 2018.

MINERAL RIGHTS OWNERS

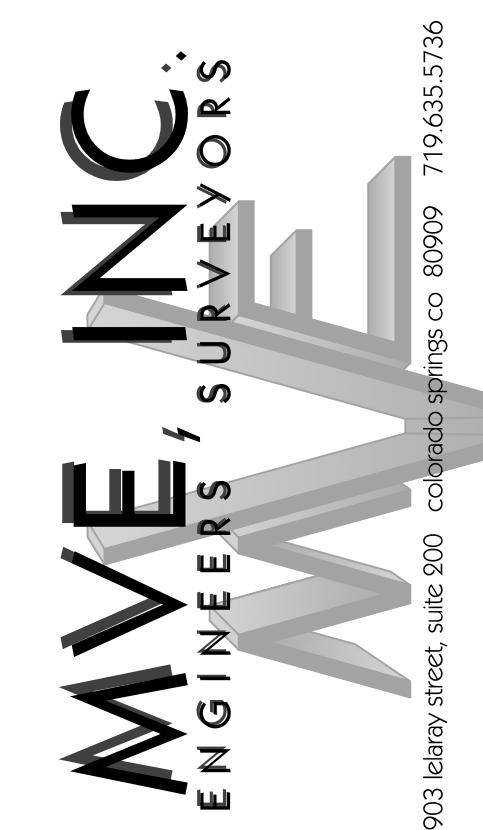
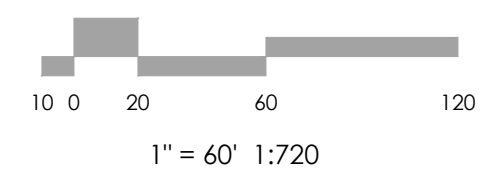
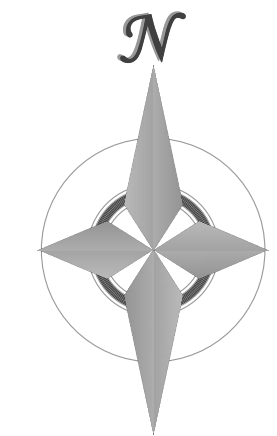
NO MINERAL RIGHTS OWNERS IDENTIFIED

ZONING DIMENSIONAL STANDARDS			
		RR-5 (CURRENT)	RR-2.5 (PROPOSED)
SETBACKS	FRONT	25 FT	25 FT
	REAR	25 FT	25 FT
	SIDE	25 FT	15 FT
MAX BUILDING HEIGHT		30 FT	30 FT
MAX LOT COVERAGE		25 %	NONE



VICINITY MAP
NOT TO SCALE

BENCHMARK



REVISIONS

DESIGNED BY _____
DRAWN BY _____
CHECKED BY _____
AS-BUILTS BY _____
CHECKED BY _____

1825 SUMMIT DR.
REZONE / MINOR PLAT

ZONING MAP

MVE PROJECT 61174
MVE DRAWING REZONE

MARCH 7, 2023
SHEET 1 OF 1

Lekishia Bellamy

From: Mary Bruning <mfbruning@msn.com>
Sent: Monday, March 06, 2023 7:34 PM
To: Justin Kilgore; Kari Parsons; Ryan Howser; Kylie Bagley; Ashlyn Mathy; Christian Haas; Lekishia Bellamy; Cristel Madden2; Holly Williams
Subject: Opposition to 1825 Summit Drive Rezone; File Number P231

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March 6, 2023

RE: File number P231
Project Name: 1825 Summit Drive – Rezone
Description: Rezone RR-5 to RR-2.5

To: Justin Kilgore, Kari Parsons, Ryan Howser, Kylie Bagley, Ashlyn Mathy, Christian Haas, Cristel Madden, Holly Williams CC: Lekishia Bellamy, project manager

The petition filed by Steven and Jennifer Liebowitz to rezone their 5.23 acre property located at 1825 Summit Drive to RR2.5 is not without precedent. In 2013, our neighborhood opposed a similar effort to rezone a property at the corner of Roller Coaster and Old Northgate Road from RR-5 to RR2.5. On September 13, 2013 that application was heard by the Planning Commission and rejected by a vote of 7-2. It was heard on September 24, 2013 by the Board of County Commissioners and rejected unanimously 5-0.

Sixteen months later, the property owner tried again and presented essentially the same petition to the Planning Commission. This time, it was defeated 8-1 and the property owner did not take his efforts further.

Nothing has changed that should make the Planning Commission consider a different outcome on the request currently before you. Surrounding neighbors continue to have strong opposition to rezoning. If approved, a dangerous precedent is set. More property owners will potentially be incited to try to divide their parcels into the smallest possible lots for maximum monetary benefit. How will the Planning Commission and the Board of County Commissioners defend future denials to rezone if this one is approved?

I live on a five-acre lot within walking distance of 1825 Summit Drive. I have lived here for almost thirty years. I do not want to see my neighborhood become a mish-mash patchwork of homes on subdivided lots. Please do not approve this rezoning request. Preserve the resources, the character, and the quality of life that our RR-5 zoning continues to provide and that the residents who purchased homes in this area have a right to see maintained.

Primary Concerns:

- Preserving the character of the neighborhood
- Protecting the interests and rights of residents who purchased five-acre lots expecting the area to remain RR-5
- Preserving the integrity of our wells and water

Sincerely,

Mary Fox Bruning

Lekishia Bellamy

From: Michael Bullock <michael@neotreks.com>
Sent: Wednesday, March 01, 2023 2:23 PM
To: Justin Kilgore; Kari Parsons; Ryan Howser; Kylie Bagley; Ashlyn Mathy; Christian Haas; Lekishia Bellamy; Cristel Madden2
Subject: Zoning Change Request - 1825 Summit Drive. Public Hearing 3/16/23

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Dear Planning Committee Members:

We have been advised of a rezone request by Steven and Jennifer Liebowitz for 1825 Summit Drive, Colorado Springs, CO 80921. The request is scheduled for the Planning Commission Hearing on Thursday March 16th, 2023. This is a request to subdivide the existing 5.23 acres into two approximately 2.5 acres lots to allow for the construction of a new single-family residence. The Board of County Commissioners hearing on this matter is scheduled for Tuesday April 18th, 2023.

As residents in this area, Catherine and I are very opposed to this request. This area consists of lots of at least 5 acres, which is what makes it unique and a special place to live. Permitting a subdivision into 2.5 acre lots would set an unwanted precedent. This would open the door for investors and developers to buy up other homes in our community, with the sole purpose of subdividing for their financial gain without the consideration of the impact to other residents.

Owners of property in this area knew all along that these lots were developed with a lot size of at least 5 acres, making it unique. If they wish to build homes on 2.5 acre lots, there are plenty of other options in the County. They should not seek to change existing zoning that has been in place for many years.

As El Paso County residents of this area of town, specifically the Sun Hills subdivision, we urge you to deny this rezoning request.

Best regards,

Michael & Catherine Bullock
14965 Raton Rd, Colorado Springs, CO 80921
(719) 332-1161

Lekishia Bellamy

From: The Denistons <denistons@gmail.com>
Sent: Thursday, March 02, 2023 8:52 PM
To: Justin Kilgore; Kari Parsons; Ryan Howser; Kylie Bagley; Ashlyn Mathy; Christian Haas; Lekishia Bellamy; Cristel Madden2
Subject: Zoning Change Request - P231 - 1825 Summit Drive - Planning Commission Public Hearing 3/16/23

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Re:

File Number P231
Project Name 1825 Summit Dr - Rezone
Description Rezone - RR-5 to RR-2.5
Parcels 6204001018
Applicant Steven and Jennifer Liebowitz
EA Number EA22112
Project Manager Lekishia Bellamy

Dear Planning Commission Members:

We live 2,300 ft from this proposed rezone from RR-5 to RR-2.5. There are at least 200 RR-5 lots within four miles of the subject property.

We purchased an RR-5 lot here and built our house here long before the current Northgate, Flying Horse Ranch, and other high density housing developments occurred. In spite of the nearby development pressure, our neighborhood has retained its rural, horse-oriented character over time.

We oppose this rezoning action because we believe that it would set a precedent that would result in damage and harm to the surrounding community of RR-5 lots.

Were this rezoning action to be approved, there would be nothing to stop developers, builders, and investors from buying up the surrounding properties with the sole objective of subdividing the lots for their financial gain, adversely impacting existing residents. This cascading effect would sweep through this large lot enclave overnight and destroy the character of the neighborhood.

For this reason, please reject the "transition" RR-2.5 zoning request.

Thank you for considering our views in your deliberations. Please contact us if you have any questions.

Sincerely,

Patricia and Dale Deniston
1345 Walsen Road

Colorado Springs, CO 80921
denistons@gmail.com

Lekishia Bellamy

From: Travis Hamann <travis.hamann@yahoo.com>
Sent: Tuesday, March 07, 2023 9:37 AM
To: Kari Parsons; Ryan Howser; Kylie Bagley; Ashlyn Mathy; Christian Haas; Lekishia Bellamy; Cristel Madden2; Holly Williams; Justin Kilgore
Subject: Opposition to Rezone of 1825 Summit Drive P-231

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Hello County Planning Members,

I strongly oppose the rezoning of the property located at 1825 Summit Drive. This would set a dangerous precedent allowing adjacent properties to do the same. I have had to drill a new well on my property due to the decreasing water levels in the aquifer, additional dwellings would increase the consumption on the aquifer. There simply isn't enough water for a more dense zoning. Greed is the driver in these type of sub division and it does not align with the master plan for this area. Allowing flying horse to be annexed into Colorado Springs was the first step and drilling deeper wells for the golf course was a detriment to the existing water supply. The voters who moved to this area did so for the additional space, voting for this zoning change would result in us voting you out in the next election.

Regards,
Travis

Travis Hamann
2520 Old North Gate Rd
Colorado Springs, CO 80921

Lekishia Bellamy

From: Kari Parsons
Sent: Friday, March 03, 2023 8:20 AM
To: Lekishia Bellamy
Subject: Re: Submit Drive rezoning request

Kari Parsons
Senior Planner
Planning & Community Development
2880 International Circle
Colorado Springs, CO. 80910
719.520.6306 719.373.8562
<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 (2021) go to: https://library.municode.com/co/el_paso_county/codes/land_development_code

PERSONAL WORK SCHEDULE

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

DEPARTMENT HOURS

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

From: Richard Harrington <rahpost@gmail.com>
Sent: Thursday, March 2, 2023 9:22:37 PM
To: Kari Parsons <kariparsons@elpasoco.com>
Subject: Submit Drive rezoning request

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I am a member of the immediate neighborhood, and am opposed to the rezoning request submitted for 1825 Summit Drive requesting a zoning change from 5.23 acres into two 2.5 acre lots in order to build an additional free standing residence on this lot.

This would set a precedent allowing for the bifurcation of any and all lots in the area, destroying the covenant of the neighborhood.

The low density housing is the defining characteristic of this area. There are already plenty of medium to high density areas in the immediate vicinity, either built or approved to be built.

Please allow this area to retain it's defining characteristics. There is no need for this change.

Regards,

Richard Harrington

Brief Counter Points to [MVE's Letter of Intent Dated January 6, 2023](#)
On Behalf of Sun Hills Homeowners Association

Information from **El Paso Land Development Code (2021) section 5.3.5 (B), El Paso Master Plan** and [MVE's Letter of Intent](#)

- [MVE's Letter of Intent Item # 1. "The request for rezone to RR-2.5 does not represent a significant change in use or density for the area."](#)
 - The requested change DOES REPRESENT A SIGNIFICANT CHANGE. It potentially DOUBLES the number of residential units in the area.

- **Per El Paso County's Master Plan Goal LU3 "...Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained."**
 - The requested change WOULD dramatically increase (double) the intensity and degrade the overall character of the area.

- [MVE's Letter of Intent Item # 1. "The rezone and subdivision would be beneficial to meet the transition goal between the large lot residential and the higher density incorporated place-types."](#)
 - There is no incremental benefit to be gained, and no need to double the number of houses in the area. The existing 5-acre lot requirements already provide for an adequate transition zone.

- [Comments from MVE's Letter of Intent regarding 2040 Major Transportation Corridors Plan, El Paso County Water Master Plan, Traffic Impact and Traffic Impact Fees:](#)
 - If rezoning is allowed to occur, the precedent set could allow for upwards of over 200+ more rezoning requests which would dramatically impact major transportation corridors, water well issues and associated waste water (septic system) issues resulting in a detrimental impact to the Dawson aquifer.

Other Rezoning Criteria Considered

- **"If inconsistent with the Master Plan, a material change in the character of the area since the date of the current zoning is demonstrated;"**
 - There has been no material change in the character of the area. In fact, we desire that there are NO material changes in character made.
- **"When there was an error or oversight in the original zoning of the property;"**
 - There have been no errors or oversights in the original zoning.
- **"The zone change is necessary for the general health, safety, or welfare of the community".**
 - There is no change necessary for the health safety or welfare of the community.

Lekishia Bellamy

From: Gerald McLaughlin <jfactor1560@gmail.com>
Sent: Wednesday, March 01, 2023 1:06 PM
To: Justin Kilgore; Kari Parsons; Ryan Howser; Kylie Bagley; Ashlyn Mathy; Christian Haas; Lekishia Bellamy; Cristel Madden2
Cc: Gerald McLaughlin; JappR; David Todd; Nancy Spalding
Subject: Zoning Change Request - 1825 Summit Drive. Public Hearing 3/16/23

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Dear Planning Committee Members:

Please see below letter that has just been sent to Ms. Williams regarding the upcoming public hearing on behalf of Sun Hills HOA. Sun Hills HOA (roughly 150 households) is located directly north of the affected property (1825 Summit Drive).

As we discussed in the letter below, we are very much against this zoning change.

If you would like to gain more insight as to our position please contact me directly.

Many thanks for your attention to this critical matter, and I look forward to discussing the matter with you.

Gerald (Jerry) McLaughlin
Sun Hills HOA President
14840 Raton Rd
Colo Spgs, CO 80921
(719) 722-0212

Ms. Holly Williams
County Commissioner, District 1
2880 International Circle, Suite 110
Colorado Springs, CO 80910

March 1, 2023

RE: Map Amendment (Rezone) 1825 Summit Drive

Dear Commissioner Williams:

We have been advised of a rezone request by Steven and Jennifer Liebowitz for 1825 Summit Drive, Colorado Springs, CO 80921, (please see enclosed). The request is scheduled for the Planning Commission Hearing on

Thursday March 16th, 2023. This is a request to subdivide the existing 5.23 acres into two approximately 2.5 acres lots to allow for the construction of a new single-family residence. The Board of County Commissioners hearing on this matter is scheduled for Tuesday April 18th, 2023.

Members of the Sun Hills HOA (150+ households) are very opposed to this request and believe that approving this request will establish a very dangerous lot subdividing precedent resulting in damage and harm to our neighborhood.

As you are aware, this area of town is predominantly made up of at least five acre lots providing the residents with a unique country like environment while being located close to all the comforts and conveniences of living in the city. Allowing the subdivision of this 5.23-acre parcel will allow for further growth, congestion, potential damage to the value of our homes and potential damage to our well water supply.

Residents in this part of town have established our homes and families in this area because it provides us with a country like environment and allows us to enjoy the many benefits from this environment.

As a resident of this area of town, specifically the Sun Hills subdivision, I urge you to deny this rezoning request.

With deepest respect,

Gerald (Jerry) McLaughlin
President, Sun Hills HOA
14840 Raton Rd, Colorado Springs, CO 80921
(719) 722-0212

Lekishia Bellamy

From: Chris Odell <chris.l.odell@gmail.com>
Sent: Monday, March 06, 2023 9:28 AM
To: hollyforcolorado@gmail.com; Justin Kilgore; Kari Parsons; Ryan Howser; Kylie Bagley; Ashlyn Mathy; Christian Haas; Lekishia Bellamy; Cristel Madden2; Holly Williams
Cc: Odell, Molly
Subject: Request that you reject rezoning request for 1825 Summit Dr

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Dear Commissioner and Planning Commission Staff,

We request that the application to rezone Lot 14 of Overlook Estates (also referred to as 1825 Summit Drive) from RR-5 to RR-2.5 be summarily dismissed. Consideration for the harmful precedent this would set for our RR-5 zoned neighborhood should far outweigh the self interest of one property owner.

Respectfully,

Chris and Molly Odell
1985 Craig Dr, Colorado Springs, CO 80921

Lekishia Bellamy

From: RAY O MARA <raymund650@aol.com>
Sent: Monday, March 06, 2023 4:26 PM
To: Lekishia Bellamy
Subject: Zoning variance request

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Ms Bellamy,

We oppose the rezoning request submitted by owners of 1825 Summit Drive requesting a zoning change from 5.23 acres into two 2.5 acre lots in order to build an additional free standing residence on this lot. My wife and I purchased our 5 acre lot on Raton 23 years ago specifically to live in a low density area. I spent 31 years in the USAF where I was required to live in crowded neighborhoods for my full career and we moved to Colorado Springs to enjoy an uncrowded neighborhood with a good Colorado view.

If the owners of 1825 Summit Drive wish to live on 2.5 acres there are plenty of those neighborhoods in the Colorado Springs area to move to. I don't wish them to set a precedent which will likely spread to neighboring communities.

Sincerely yours,
Ray and Carole O'Mara

Lekishia Bellamy

From: Ross Schumer <ross.schumer@yahoo.com>
Sent: Monday, March 06, 2023 3:23 PM
To: Justin Kilgore; Kari Parsons; Ryan Howser; Kylie Bagley; Ashlyn Mathy; Christian Haas; Lekishia Bellamy; Cristel Madden2
Cc: Gerald McLaughlin
Subject: 1825 Summit Drive

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I am a resident of the Sun Hills neighborhood and am writing to provide my opinion on the rezoning request to subdivide the lot at 1825 Summit Drive. I have significant concerns about the precedent this would set in the area. Lots with acreage are a dying breed in the Colorado Springs area. My wife and I have been looking to move into this area since we first moved to Colorado Springs in 2009. Something finally became available 3 years ago and we jumped on it. After 12+ moves during our military careers, we could finally settle down and live in our "forever home." We could have selected other neighborhoods (i.e. - Flying Horse) with more amenities but waited on our dream lot/home.

You can't build land and once it is subdivided and built upon, you can't get it back. With all of the recent development in the area, there are very few opportunities to purchase a house/land with acreage unless you want to move far east. We should protect these homesites like any other nonrenewable natural resource or organism facing extinction because once they are gone, they are gone. There are many other issues you will hear about: water, traffic, etc., but those are mere inconveniences compared to the loss of land. You could argue that one home site is not going to make a big difference. However, you would be failing to see the big picture. The precedent this would set could create a chain of events we cannot predict. Who knows what other homeowners would be looking to turn a quick profit? There are several homes in the area with elderly residents. You could only imagine their heirs inheriting a home with 5+ acres where you have no desire to live. Any savvy person would look into the possibility of selling off the home and the land and almost doubling their profit. I strongly urge you to consider the will of the people in this situation where I am sure the bulk of the input you have received is against this land division.

Respectfully,

Ross Schumer
14750 Raton Rd.

Lekishia Bellamy

From: Justin Kilgore
Sent: Monday, March 06, 2023 2:13 PM
To: Lekishia Bellamy
Subject: FW: Map Amendment (Rezone) 1825 Summit Drive

FYI. Please add this as well.

JK

From: Nancy Spalding <nancy.spalding18@gmail.com>
Sent: Monday, March 6, 2023 11:32 AM
To: Justin Kilgore <JustinKilgore@elpasoco.com>; Kari Parsons <kariparsons@elpasoco.com>; Ryan Howser <RyanHowser@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Ashlyn Mathy <AshlynMathy2@elpasoco.com>; Christian Haas <ChristianHaas@elpasoco.com>; Cristel Madden2 <CristelMadden2@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Stan VanderWerf <StanVanderWerf@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Cami Bremer <CamiBremer@elpasoco.com>; Longinos Gonzalez, Jr <LonginosGonzalezJr@elpasoco.com>
Subject: Map Amendment (Rezone) 1825 Summit Drive

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Dear El Paso County Commissioners and Planning Commission Staff:

We have been advised of a rezone request by Steven and Jennifer Liebowitz for 1825 Summit Drive, Colorado Springs, CO 80921. The request is scheduled for the Planning Commission Hearing next week. This is a request to subdivide the existing 5.23 acres into two approximately 2.5 acres lots to allow for the construction of a new single-family residence. The Board of County Commissioners hearing on this matter is scheduled for Tuesday April 18th, 2023.

Members of the Sun Hills HOA are adamantly **opposed** to this request and believe that approving this request will establish a very dangerous "lot subdividing precedent" resulting in damage and harm to our neighborhood.

The Sun Hills development is made up of at least five acre lots. Allowing the subdivision of this 5.23-acre parcel will result in further congestion, water issues (lots have their own well and septic), and damage to the value of our homes. Our traffic has increased due to a shortcut through Sun Hills to Discovery Canyon Campus and the Flying Horse area. While we are happy to have a school close by, our quiet little neighborhood resembles a speedway during morning and afternoon school dropoffs/pickups. Those of us who walk or bike the neighborhood have to be exceedingly aware of parents and students racing through Sun Hills (via Sun Hills Drive to Granby to Pleier to Silverton) to get to school ontime. This used to be a rural area, and the growth in the past 10 years has been explosive. ***It doesn't have to include changes to Sun Hills.***

Residents in this part of town have established our homes and families in this area because it provides us with a country like environment and allows us to enjoy the peace and quiet of land and horse ownership.

I urge you to **deny** this rezoning request. The environmental impacts (particularly water issues and increased traffic) are already taxing the neighborhood.

Respectfully,

Nancy J. Spalding

Treasurer, Sun Hills HOA (and 30+ year resident of Sun Hills)

1685 Pleier Drive, Colorado Springs, CO 80921

(719) 661-5152

Lekishia Bellamy

From: Joe Squatrito <SquatritoJ@msn.com>
Sent: Monday, March 06, 2023 11:23 AM
To: Holly Williams; Lekishia Bellamy
Cc: Justin Kilgore; Kari Parsons; Ryan Howser; Kylie Bagley; Ashlyn Mathy; Christian Haas; Cristel Madden2; Jerry McLaughlin; Robin Squatrito
Subject: File Number P231 - Rezone Request for 1825 Summit Drive
Attachments: 2023 Mar_Rezoning Opposition Letter.pdf

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Ms. Holly Williams
March 6, 2023
Commissioner, District 1
2880 International Circle
Suite 110 Colorado Springs, CO 80910

RE: File Number P231 - Rezone Request for 1825 Summit Drive

Dear Commissioner Williams:

We are writing to strongly urge you to deny the request to rezone the rural property located at 1825 Summit Drive (Lot 14, Overlook Estates) from the existing RR-5 to RR-2.5 Zone.

The petition request for this rezone listed as File Number P231 is scheduled for the Planning Commission Hearing on Thursday, March 16th, 2023 and for the Board of County Commissioners hearing on Tuesday, April 18th, 2023.

This rezone request, if approved, establishes a very bad precedent with adverse impact to hundreds of property owners in this RR-5 zoned area within El Paso County.

Principal concerns include:

- Adverse impact on property values.
- Adverse impact on the Dawson Aquifer, placing existing water wells at risk due to increased number of new wells.
- Reduced quality of life from undesired increased population density in a RR-5 zoned county area.
- Unwanted increased traffic conditions on rural county roads.

The rezoning request should be denied by the El Paso County Board of County Commissioners.

Thank you for your leadership and attention to this important matter,

Regards,

Joe & Robin Squatrito
14895 Raton Rd, Colorado Springs, CO 80921

cc:
Lekishia Bellamy, EPC Project Manager

EPC Planning Commission Staff

Atch: pdf copy of Opposition Letter

Lekishia Bellamy

From: Justin Kilgore
Sent: Monday, March 06, 2023 2:05 PM
To: Lekishia Bellamy
Subject: FW: Feedback on Rezoning request
Attachments: Public Notice.pdf

FYI. Please add to the file.

JK

From: Mike Steppenbacker <MSteppenbacker@ent.com>
Sent: Monday, March 6, 2023 9:55 AM
To: Justin Kilgore <JustinKilgore@elpasoco.com>; Kari Parsons <kariparsons@elpasoco.com>; Ryan Howser <RyanHowser@elpasoco.com>; hwilliams@elpasoco.com; Meggan <Herington@elpasoco.com>
Subject: Feedback on Rezoning request

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To whom it may concern:

It has come to my attention that there is a rezoning request (please see attached Public Notice) submitted by owners of 1825 Summit Drive requesting a zoning change from 5.23 acres into two 2.5 acre lots in order to build an additional free standing residence on this lot. This request (although not part of the exact subdivision I am in, but on the edge of it), if approved, has the potential of creating a precedent allowing for more rezoning and further splitting of lots. I feel that a rezoning and the subsequent dividing of lots , or near, our neighborhood will lead to more crowding, more congestion, potential water well issues, potential decrease in property values and impinge on the overall quality of life in our area. I strongly urge you, as a resident of the Sun Hills subdivision, to not allow this rezoning of this lot.

Thank you for your consideration,

Mike Steppenbacker
14490 Sun Hills Drive
Colorado Springs, CO 80921
719-494-6887

#

Toman

Scott & Mary

14825 Raton Rd
Colorado Springs, CO 80921
(719) 331-2271
smtoman@yahoo.com

Dear Ms. Williams & Ms. Bellamy,

In response to the notice to rezone the parcel adjacent to Sun Hills Estates, please record our objection. Rezoning and the subsequent dividing of lots in this area has the high potential to lead to water issues, decrease in property values, and greatly reduces the quality of life we value. Please note the serious water issues this area would undergo, as we are not on city water, nor have the necessary infrastructure to be on city water. In addition, our neighborhood school, Discovery Canyon Campus, would also be impacted if rezoning were to occur over and over.

Sincerely,
Scott and Mary Toman

Re: Rezone of 1825 Summit Drive,
Colorado Springs, CO 80921

Lekishia Bellamy

From: Justin Kilgore
Sent: Thursday, March 02, 2023 10:50 AM
To: Lekishia Bellamy
Subject: FW: subdivision of 5 acre lot, opposition

Please add this to the EDARP file and network drive file.

JK

From: John Turner <john@turnercoloradohomes.com>
Sent: Thursday, March 2, 2023 10:37 AM
To: Justin Kilgore <JustinKilgore@elpasoco.com>
Subject: subdivision of 5 acre lot, opposition

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Dear Mr. Kilgore,

My name is John Turner and I live on a 5 acre lot in the subdivision immediately north of the property located at 1825 Summit Drive. The owner of the property at 1825 Summit Drive is trying to split the 5 acre lot he bought into two lots by appealing for a zoning change. I strongly urge you to deny this effort. I have lived here since 1987 and have been active in the Sun Hills community. I have watched various owners try to divide their lots at the expense of their neighbors. To date, we have managed to stop them. ...I am also the owner of Turner Associates real estate. A firm in business since 2001. I am intimately aware of what the subdivision of even one 5 acre lot in the Northgate/Gleneagle region could do. It would virtually instantly bring on challenges all over this very unique and highly sought after area.. It would also dramatically, as in overnight, drop the value of those of us who are sitting on the 5 acre lots we paid for assuming our zoning rights would be protected. We recently handled the sale of two 5 acre lots in this area. They both sold for approximately \$650,000. If you approve this re-zoning effort ALL the 5 acre property in this area will have to re-evaluate their properties value because any wise potential buyer would have to assume that the people surrounding the lot they are interested in could be re-zoned to 2.5 acres. In my professional opinion to approve this re-zone to 2.5 acres would immediately devalue all the 5 acre lots within a minimum of one mile by approximately 25%. Those two lots I sold would then be valued at \$475,000 instead of the \$650,000 I sold them for.

The neighbors up here bought their land/homes expecting to have their covenants and those of the surrounding properties protected by their HOA, the covenants and the El Paso County Planning Commission. Please deny the owners the right to infringe on the financial well being of their neighbors. Please pass this email along to everyone on your Planning staff as well as anyone else who may have input or an opinion on this effort.

Thank You, John Turner, owner Turner Associates real estate and 35 year resident of Sun Hills. 719.200.6926

Lekishia Bellamy

From: Hants White <hantswhite@eeiconsulting.com>
Sent: Saturday, March 04, 2023 3:06 PM
To: Justin Kilgore; Kari Parsons; Ryan Howser; Kylie Bagley; Ashlyn Mathy; Christian Haas; Lekishia Bellamy; Cristel Madden2; Holly Williams
Cc: Caroline White
Subject: Rezoning request for 1825 Summit Drive

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To whom it may concern:

I recently learned of a rezoning request for 1825 Summit Drive.

My wife and I STRONGLY object to this request, and desire that it be firmly denied. Here are some of the considerations:

1. The area is fully developed already.
2. We do NOT want a precedent for subdividing lots – we do NOT want more density in our area.
3. Water rights are a challenge already.
4. It is against covenants of EVERY neighborhood/association in the area (Overlook is where this property is located, also Sun Hills and Pleasant View).

Building a 2nd home on the property is perfectly fine – there are provisions at the County/Zoning level for this, as well as at the neighborhood/association level. The process is relatively straightforward and well-traveled by other property owners in the area.

The rezoning request should be denied, and the owners encouraged to follow the established pattern for building a 2nd home on their property.

Thank you for your attention to this matter.

Regards,
Hants & Caroline White

Lekishia Bellamy

From: julie haverluk <julie.haverluk@gmail.com>
Sent: Tuesday, March 07, 2023 12:39 PM
To: Justin Kilgore; Holly Williams; Cristel Madden2; Christian Haas; Lekishia Bellamy; Ashlyn Mathy; Kylie Bagley; Kari Parsons; Ryan Howser
Subject: Opposition to 1825 Summit Drive rezoning 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.

Dear Members of the El Paso Board of County Commissioners,

I would like to add my opposition to the request to rezone property at 1825 Summit Drive. The owners of this property were aware of the 5 acre zoning when they purchased the property and it is not fair to neighbors when owners attempt to change the zoning of their properties for personal gain. Allowing a variance for this property opens the door for anyone in the area to do the same, though everyone originally moved here to be in a rural area. Most people in the area are on private wells which have had to be drilled deeper and deeper as the water levels drop due to depletion of the aquifer reserves, as well as changing regulations. We are also on septic systems which can contaminate the water table from which we draw.

I know from attendance at previous Planning Commission and County Commissioner meetings, that some of you prioritize individual rights over honoring responsibility to community quality of life protection. The latter is what zoning laws and even homeowner associations try to safeguard. I hope that you will vote to retain the zoning laws in this area as they are when faced by united opposition to rezoning from individuals who also have rights as neighbors of this property.

Sincerely,
Julie Haverluk

March 8, 2023

El Paso County Planners and Commissioners
Project File: P231
Rezone 1825 Summit Drive

Is it the plan and the intent of El Paso County to eventually rezone Overlook Estates, Sun Hills, and properties west to Glen Eagle/Northgate Blvd and east to Hwy 83 from RR5 to RR2.5? If this is true, the residents of the community should be informed of this intent so that appropriate decisions can be made.

Consider the site map and the following facts:



Rezone Lot 14 Overlook Estates

- This property (Lot 14) lies in the approximate center of Overlook Estates, surrounded by 8 other adjacent properties of Overlook Estates (Lots 5-8 and 10-13)
- The notification for rezone was sent to 20 surrounding properties all of which are 5 acres more or less
- There are even more 5 acre parcels beyond this periphery extending west to Northgate Blvd and east to Hwy 83
- Spot rezoning as the result of approval of this request begins the non-homogeneity of the neighborhood, a patchwork, permanently changing it
- Coverage area for RR5 is limited to 25% of lot size, while there is no restriction in the El Paso County Land Code for RR2.5 opening the possibility for a completely covered 5 acres (2x2.5) in the future that could include 2 primary residences, 2 guest houses, as well as arbitrary outbuildings
- Approval of the rezone sets a precedent for all property owners in the community the right to rezone their property. This leads to increased population density, increased demands on the aquifer, increasing traffic and an eventual requirement for street and road modifications that may require eminent domain proceedings by the county. Evolving spot rezoning establishes an inconsistent mixture of neighborhood character that is permanently changed.

- There are ample documentable cases where El Paso County routinely makes exceptions to its own rules as prescribed in the El Paso County Land Code and Master Plan

This rezone approval opens the door for builders and developers to acquire properties, rezone them for new development and profit at the expense of long term residents, resulting in construction for the remainder of our lives, completely disrupting quality of life and permanently changing the character of the community. This assertion together with the above facts, implies this initial spot rezoning is inconsistent with and contrary to the newly adopted El Paso County Master Plan, which provides for the protection of the character of established, built out neighborhoods.

Why would anyone risk the expense of an engineering representative, a water lawyer, and other fees as well as endure the process of the water court if assurances had not already been made that the request would be approved? The early assistance documents from July of last year seem to indicate the answer to this question. I suspect the decision for the rezone request has already been made and that the process of notifications, opportunity for comments, and subsequent hearings is simply a charade and a deception by the county in order to fulfill a meaningless rule or ordinance that is required by law.

This apparently for profit endeavor benefits one and takes from many.

I oppose this proposal for a spot rezone.

Ben Kelley
14115 Silverton Rd
Overlook Estates
719.339.7961

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-23-001
1825 SUMMIT DRIVE REZONE

WHEREAS, Steven and Jennifer Liebowitz 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 RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on March 16, 2023; 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 were 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 and the general public were heard at that hearing;
4. All exhibits were received into evidence;

5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. 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.

WHEREAS, when approving a map amendment, the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

1. 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;
2. 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;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of 1825 SUMMIT DRIVE for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district be approved by the Board of County Commissioners with 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 RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

- 1. 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.
- 2. 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.

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

_____ seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent

Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

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

DONE THIS 16th day of March 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
_____, Chair

DATED: March 16, 2023

EXHIBIT A

A PARCEL OF LAND, BEING A PORTION OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AT THE EAST END AND 3-1/4" ALUMINUM CAP STAMPED "LS 4842" AT THE WEST END, SAID LINE BEING ASSUMED TO BEAR S89°14'13"W.

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 32;

THENCE ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, S89°14'45"W A DISTANCE OF 203.15 FEET;

THENCE DEPARTING SAID SOUTH LINE THE FOLLOWING SEVEN (7) COURSES:

1. N00°45'04"W A DISTANCE OF 61.34 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 830.00 FEET, A CENTRAL ANGLE OF 28°50'34" AND AN ARC LENGTH OF 417.82 FEET, TO A POINT OF TANGENT;
3. N28°05'30"E A DISTANCE OF 210.86 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 545.00 FEET, A CENTRAL ANGLE OF 28°46'54" AND AN ARC LENGTH OF 273.77 FEET, TO A POINT OF TANGENT;
5. N00°41'24"W A DISTANCE OF 305.54 FEET;
6. N89°18'36"E A DISTANCE OF 393.21 FEET, TO A POINT OF CURVE;
7. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1253.50 FEET, A CENTRAL ANGLE OF 39°16'05" AND AN ARC LENGTH OF 859.09 FEET, TO A POINT OF NON-TANGENT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAHITI DRIVE AS PLATTED IN HOLIDAY HILLS NO. 1 RECORDED IN BOOK E-2 AT PAGE 12 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, S00°09'11"E A DISTANCE OF 302.60 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VOLLMER ROAD;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, S34°04'17"W A DISTANCE OF 764.06 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 32;

THENCE ON SAID SOUTH LINE, S89°14'13"W A DISTANCE OF 816.32 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,369,628 SQUARE FEET OR 31.4423 ACRES.