

June 8, 2026

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



Re: Letter of Intent Milka/Smith Replat Application EA 2592, Lots 1, 2 & 3, Block 3, Pine Hills Sub

Property Addresses: 17290 Mitchell Ave; 17220 Mitchell Ave; 17150 Mitchell Ave

Owners: Nancy D. Milka Trust; Nancy D. Milka; James S. Smith

Contact information: Debra Fortenberry, Fortenberry Law Group P.C.
debra@fortenberrylawgroup.com; (719) 576-4030

Dear Planning and Community Development Department,

This firm is submitting the replat application for the applicants Nancy D. Milka Trust, Nancy D. Milka, and James S. Smith, the three owners of the lots subject to the replat application. The following information is submitted in support of the replat application:

Surveyor: Spencer Barron, Nate Maestas
Professional Land Surveyors
Barron Land, LLC
2790 N. Academy Blvd., Suite 311
Colorado Springs, CO 80917
P: 719.360.6827
spencer@barronland.com

Site Location and current uses:

17290 Mitchell Ave (Lot 1); 17220 Mitchell Ave (Lot 2); 17150 Mitchell Ave (Lot 3), Monument, CO 80132

Legal description: Lots 1, 2 & 3, Block 3, Pine Hills Sub, County of El Paso

Tax parcel id numbers: 71220-02-093; 71220-02-095 and 71220-02-096

Lot 1 has a single family 1-story ranch house, appr above-grade square footage 720SF, zoned RR-5; estimated area is 5.4 acres. Existing driveway access is Mitchell Avenue.

Lot 2 has no residence, no permits are pending, zoned RR-5; estimated area is 5.0 acres; structures that support Lot 3 uses encroach onto Lot 2.

Site Location and current uses (cont.):

Lot 3 has a single-family 2-story home, 2 barns and landscaping that encroach upon Lot 2; barns do not meet the 25' side yard setback; estimated area is 5.0 acres. Existing driveway access is Mitchell Avenue.

Zoning: RR-5; no zoning change is requested. In the proposed replat, all 3 lots will remain 5 acres+.

Purpose of Request:

During most of the construction of Lot 3 improvements, including barn, fencing, and landscaping, the owners were a married couple and, to a limited extent, used portions of the southernmost area of Lot 2 for the benefit of the Lot 3 improvements. Those uses resulted in minor encroachments onto Lot 2 by the Lot 3 improvements. In the property settlement agreement between Ms. Milka and Mr. Smith, the parties agreed to replat the three lots so that the additional area platted into Lot 1 that exceeds the 5-acre minimum acreage, which is approximately 5.4 acres, would be added to Lot 3. The parties also agreed that Ms. Milka would own Lot 2 following the parties' divorce.

The survey work confirmed the encroachments from Lot 3 onto Lot 2. The configuration of the replat increases the area size of Lot 3 to approximately 5.4 acres and resolves the encroachment issues between Lot 2 and Lot 3.

No new construction or other land disturbance is proposed. Existing infrastructure including utilities will not be modified or affected by the proposed replat.

The uses are currently existing and compatible with the residential character of the neighboring properties. No annexation is sought. There will be no added burden or modification to public services, water resources, or roads.

Approval Criteria:

The minor modification to the lot configurations provides for continuing conformity with the Master Plan and the Land Use Code. No zoning modification is requested or required. Use shall continue to be consistent with the allowed uses in the RR-5 zoning designation. The

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requested modification is consistent with Land Use Code criteria that encourages the development of sound, economical, stable neighborhoods and a healthy environment for present and future inhabitants of El Paso County, Colorado.

Thank you for your time and consideration.

Sincerely,

FORTENBERRY LAW GROUP P.C.

Debra L. Fortenberry

DLF

Cc

N. Milka and J. Smith