

February 27, 2023

Mr. & Mrs. Bryan Bagley
7070 Silver Ponds Hts.
Colorado Springs, CO 80908

Re: Schmidt Parcel Rezoning Application P2222

Dear El Paso County Planning Commission and Board of County Commissioners,

We are writing to urge you to reject the application for a rezoning of this property from RR-5 to RM-30.

We believe this parcel is inappropriate for rezoning due to the following reasons:

1. El Paso County Master Plan: The plan appears to be for this area to be “suburban residential.” Page 31 of the plan indicates development should be “supportive of and compatible” (pg 31) with the overall development. This area has higher density single family residences on the south and single-family residences on 2.5 acres to the north. Rezoning to multi-family housing (RM-30) is incompatible with current development. RR-2.5, RR-1 or even RR-0.5 would be more compatible.
 - a. Rezoning as proposed would not “maintain County character” (pg 60) which focuses detached housing in suburban residential areas.
 - b. Rezoning as proposed would violate the idea of “seamless transitions” (pg 60) as it would inappropriately place multi-family high density residences in the midst of existing single family dwellings.

Zoning change	# Single family homes or home-units	% increase
RR-5 to RR-2.5	~6 to 13 single family homes	117%
RR-5 to RR-1	~6 to 33 single family homes	450%
RR-5 to RR-.5	~6 to ~66 single family homes	1,000%
RR-5 to RM-30	From ~6 single family homes to ~990 home-units (30 home-units/acre)	16,400% increase in number of home-units*

* Assumes apartment complex of 30 dwellings per acre are built on all 33.44 acres (public notice did not specify how many apartment buildings on this 33.44-acre parcel are planned)

2. Chapter 5 of the Land Development Code (5.2.5 Rezoning). This rezoning is NOT in general conformance or consistency with the County’s Master Plan. There is no error or oversight in the original zoning of the property. This requested zone change is not necessary for the general health, safety or welfare of the community. The material

change in the character of the area surrounding this parcel does NOT justify a rezoning to this density level.

- a. Criteria for Approval (B, page 147) indicates a rezoning requires the following findings to be made: general conformance with the El Paso County Master Plan OR substantial change in the character of the neighborhood. The requested zoning change is NOT in conformance with the El Paso County Master Plan though there has been a change in the character of the neighborhood. The change in the neighborhood to single family homes does NOT justify rezoning the Schmidt parcel to RM-30.
 - b. The rezoning may be in compliance with all applicable statutory provisions, but it is NOT compatible with the existing and permitted land uses and zone districts in ALL directions. (pg 148).
3. Rezoning this parcel (which abuts the Silver Ponds community) violates the El Paso County Silver Ponds General Development Guide (Book 6917, pages 38-53). This El Paso County document has never been revoked or rescinded. This re-zoning request violates the guidelines and principles set forth in this development guide; examples: the community/development should “maximize the unique physical features of the site to strengthen the feeling of a mountain community” (page 3). This document also specifies that all lots are at least 2.5 acres and residential buildings are limited to 30 feet in height and the one commercial building is limited to 35 feet.
4. In addition, the county has not met their obligation to fully disclose the “Schmidt Multi-Dwelling Rezone Plan” because of conflicting information.
- a. Letter/notice mailed on Feb 9, 2023 provided the wrong link “to view the Staff Report and all other documents related to this hearing item”. The link provided in the notice (<https://epcdevplanreview.com/Public/projectdetails/178314>) was for a hearing on a different parcel and different issue.
 - b. Information from the county, in the month of February 2023, shows different areas on the map for this rezoning parcel. The map provided on the county website ([Project Details - EDARP \(epcdevplanreview.com\)](#); titled “Zoning Map” dated Feb 7, 2023) shows a much smaller area to be re-zoned as compared to the map provided on the notification letter (mailed on Feb 9th) that was mailed to us. The PC Staff Report (dated Feb 23, 2023) includes a map showing a smaller parcel than the one in the notification mailed to us on Feb 9th. So, the people are left wondering exactly what acreage is being considered for rezoning?
 - c. Not all Silver Ponds residents received the Feb 9, 2023 notice of this public hearing. Since we are adjacent to the parcel requesting a dramatic rezoning, every homeowner should have received a notice of this hearing.

If the re-zoning request is for a higher density than RR-1, the Silver Ponds community requests that the existing berm be left in place (or a similar sound and sight barrier be erected) so that our compliance with the El Paso master plan be somewhat protected from this planned “Schmidt Multi-Dwelling Rezone” community that does not comply with the rural feel of the

adjacent neighborhoods (that are in compliance with the master plan). The PC (Planning Commission) Staff Report (dated Feb 23, 2023) states that the “design and construction of Marksheffel Road will be a developer requirement.” This implies that if the commissioners approve this rezoning request (a huge density increase), they will be paid in return by the developer putting in a needed roadway. This PC Staff Report also states “A minimum 15-foot zone district buffer is required between the existing single-family residential development to the south and the proposed rezone area.” The Silver Ponds community (located to the north of this proposed rezone area) requests that the berm between our community and the Marksheffel Road extension be left in place. This should be acceptable to the developer since they are also responsible for the Marksheffel road extension and have apparently already agreed to protect the single-family homes to the south of this proposed rezone area.

In summary, we urge you to reject the application for rezoning the Schmidt parcel from RR-5 to RM-30 (over a 16,000% increase in density). If considering approval of rezoning to a density greater than RR-1, we request the proposed rezoning be resubmitted for public comment, with defined mitigations to protect the Silver Ponds community from this proposed 1,000% to 16,400% increase in density right next to our single family homes.

Sincerely,



Bryan and Wendy Bagley

Homeowners within 100 yards of this proposed apartment complex

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