

PROJECT FILE NUMBER P242, APEX VILLAGE  
SUBMITTED BY ROGER AND JOANN LUND, TRUSTEES OF THE LUND FAMILY  
REVOCABLE LIVING TRUST, OWNERS OF APEX RANCH ESTATES LOTS 15 AND 16  
SUBMITTED MAY 7, 2024

We are submitting these comments regarding the above-named proposal and request that they be entered into the record as opposing the request for rezoning from the current A35 to Community Commercial/Mixed Residential Use.

- 1) The applicant in its Letter of Intent has misrepresented the character of the recent rezoning of the Overlook at Homestead project on the east side of Elbert Road as allowing 2.5 and 5 acre parcels. This is absolutely incorrect; the El Paso County Board of County Commissioners at their January 11, 2024 meeting approved a rezoning from A35 to RR5, not the 2.5 as applicant alleges. This is a matter of public record and should have been easily ascertainable. The applicant relies heavily on the argument of smaller lot sizes for adjoining properties for its request, so this is a material misstatement of fact.
- 2) We heartily disagree with the applicant's statement in their Letter of Intent that their proposed project would provide a "gradual transition" from the surrounding existing rural residential zoning to their proposed commercial and mixed residential usage.

First, lot sizes initially proposed for residential (7,000 sq ft for the first 2 units, 2,500 sq ft for additional units) is a drastic densification compared to the surrounding properties, most of which are A35 or RR5, or in the case of Apex Ranch Estates PUD, approximately 4 to 5 acres). Again, see #1 above, no 2.5 acre parcels as applicant asserts.

Second, the conversion to Community Commercial is an abrupt and unwelcome change in the character of the area from rural residential to inclusion of the very type of activity and congestion that those of us who have chosen to live here have done so to avoid. The applicant's reference to "needed commercial services" that we currently have to travel 12 miles to Falcon to obtain is a gross assumption on their part; again, having chosen a rural lifestyle means that we're willing to accept the fact that we need to travel into town for such services instead of having them placed next door to us with the attendant traffic, noise, and congestion.

- 3) We feel that the Traffic Plan submitted needs a crucial review by the County Traffic Engineer. The proposed density and certain increase in vehicle traffic entering and exiting the sole entrance off Elbert Road will likely result in crashes at this intersection. We base this on the following:
  - a) The proposed point of entry will be across Elbert Road from the "dirt road" applicant describes in his proposal (the "unnamed access road" in the Traffic Impact Study), which will place it at the top of a hill and on a curve in the road. While we do not dispute that this is the logical place for the access point, it is sufficient to accommodate the current level of residential traffic of the Holmes property, but certainly not the increased usage by the proposed activity if rezoned.
  - b) The Traffic Plan may or may not take into account the increased usage which will occur with the development of the Overlook at Homestead which has been approved by the County and will begin soon. Particularly, traffic at the intersection of Apex

- Ranch Road and Elbert Road will significantly increase once this happens, as Apex Ranch Road will be one of two access points to the new Overlook development, besides being the sole access point to the 19 residences in Apex Ranch Estates.
- c) Another point for the County Engineer to consider in reviewing the Traffic Plans for both Apex Village and Overlook: In the 14 years that we have lived in Apex Ranch Estates, there have been 2 separate fatal accidents on Elbert Road just in the stretch from Apex Ranch Road north to the “dirt road” that the applicant references in his proposal. A house on Lot 7 of Apex Ranch Estates directly across from the Holmes property was struck and suffered major damage from a southbound car failing to negotiate the curve near the “dirt road” and leaving Elbert Road before striking the house. This portion of Elbert Road was also temporarily blocked for a Flight for Life Helicopter to land on it to transport a person severely injured in a traffic accident on this roadway. This is not to mention the multiple times a vehicle has driven off the road and onto our HOA-owned tract paralleling Elbert Road, causing property damage.
  - 4) We heartily agree with the comments on this proposed development submitted to you by Tom Swaim, a fellow resident of Apex Ranch Estates, and have been entered into the record. He has very concisely presented the case that the Apex Village project is incongruent with the El Paso County Master Plan, so we will not belabor the point other than to say that the points he raises are valid and require that the Planning Commission and Board of County Commissioners fulfill their obligation to honor the letter and spirit of the Master Plan in denying this application for rezoning.

In conclusion, the applicant has been less than forthcoming in his presentation of his ultimate plans for the uses of the property if rezoned. His May 2024 Letter of Intent posted on the County website now only has vague references to “higher residential density development” and “needed commercial services”; previous iterations of his plans for a learning center, business event center, convenience store, bed and breakfast facilities on 2500 to 7000 square foot lots, car washes, ad infinitum have been removed. Only upon reading the April 2024 Traffic Impact Study does one find more detailed reference to the business event center and bed and breakfast facility. Even then, such ambiguous phrases as “at such time as new uses are proposed and defined” (page 1), a “concept plan...for illustrative purposes only” (page 1), “Figure updated pursuant to latest available plan provided by owner” (page 3), “the conceptual nature of the current development application” (page 5) in this document affirm that his intentions are unclear and fluid at best. If applicant wants a rezone, the appropriate choice would be for RR5, which incidentally could bring the current use (3 homes on A35/single family residential) into compliance.