

**From:** Thomas Swaim <swaimtp@msn.com>  
**Sent:** Tuesday, April 23, 2024 6:25 PM  
**To:** Kylie Bagley  
**Subject:** PCD P242 Rezone 35.47 Ac from A-35, Agricultural to CC, Commercial Community

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Re: PCD 242 16888 Elbert Rd

Kylie,

Commercial Community zoned property at the proposed location is incompatible with the EPC Master Plan.

Additionally reference is made to Apex Village as a large lot place type— this does not seem to fit the definition.

“The property is to be reassigned as a Large-Lots Placetype, similar to the Apex Ranch Subdivision PUD directly east”.

I do not see how a Commercial Community/ Mixed Use Residential development can be compared to the existing zoning/ development.

What is being proposed also does not fit the intent of the EPC Master Plan. Review of the County Master Plan does not suggest that a Commercial Community Zoned parcel is compatible with the rural nature of this area.

This project would be more suitable for the US 24 corridor or the EPC Master Plan designated development priority areas generally South of Murphy Road. According to the Master Plan, emphasis on development of commercial and higher density residential and mixed use development in the County is designed to fall in corridors or zones with existing, developing or planned infrastructure.

There are serious concerns about the actual density of Residential housing based on references in the proposal to small square footage land requirements for dwelling development, and density of 1.5 dwelling units per acre, which could mean around 55 residential units on 37 acres.

The application states:

“By adding Mixed-Use Family Residential Units (Special Uses in Table 5.1 of LDC), the Apex Village becomes self-sustaining. The dwelling unit (du) density to not exceed 1.5 du/ac. “

According to Wikipedia, “Mixed use is a type of **urban development**, urban design, urban planning and/or a zoning classification that blends multiple uses, such as residential, commercial, cultural, institutional, or entertainment, into one space, where those functions are to some degree physically and functionally integrated, ...”

This project is clearly not matched to rural, or large-lot place type; rather more suited to urban areas. The densities are clearly not a fit for a rural or large lot residential area.

The placement of an assisted living facility that is suggested for the development is not a rational plan—emergency services are not optimal for this remote location, again supporting other locations preferred in the Master Plan.

The scope of potential businesses to be included in this development is almost without limits, which is concerning. Given the lack of water and sewer infrastructure it is questionable that an OWTS can safely handle loads from the suggested car wash, commercial laundry, medical and assisted living facilities and food preparation without high risk to the underlying groundwater. The geology of this area can be problematic for even simple rural large lot residential OWTS. Given the high density of residential as well as high risk commercial waste, this commercial community in an area without the appropriate infrastructure would present unacceptable risks to our health and the environment. Given the nature of adjacent properties it is not conceivable that any sort of centralized treatment system could be affordably supported, even long term.

The size of the area to be zoned CC does not make sense in the context of zoning of surrounding properties. Development of 37 acres into a commercial and high density residential zone without potential to fit into a larger integrated business district will likely not be sustainable. Again the reason for the Master Plan prioritizing certain areas for commercial and mixed use is to create sustainable and responsible development.

Would the Planning Department provide a survey of similarly CC zoned developments in the County, with size and location for a better public perspective on this?

We are further concerned about the risk that this development brings for Wildland Fires. Increased vehicle traffic, residential and business activity concentrated in a relatively small area surrounded with grassland fuels, subjected to high and persistent winds, and well removed from fire fighting assets poses unacceptable risk. Commercial development needs to be in areas with sufficient fire protection infrastructure- ie fire stations nearby, fire hydrants and water supply.

Signage for the multitude of proposed businesses, and uncontrolled generation of trash likely to be blown over the countryside will create visual blight. Light and noise pollution

generated by activities and added traffic will disrupt the peaceful rural environment that we currently enjoy.

This development will adversely affect Wildlife in the area - the presence of food service operations and human generated trash will attract undesirable animals and promote scavengers, rodents, insects that will lead to disease and consequences to wildlife native to the area.

Apex Ranch Estates allows horses and chickens, and there are at least three adjacent lots to the proposed project with horses and/or chickens. This emphasizes the incompatibility of use between existing and proposed development. As a result, conflict between residents, businesses and patrons is inevitable due to nuisance. A nuisance is created when a person repeatedly allows the escape of noxious things onto someone else's property. Smells, sounds, insects, animals, and many other things can be nuisances if their presence interferes with the reasonable use or enjoyment of another's property. Nuisances are likely to be mutual. Responsible zoning is intended to prevent these situations.

There have been multiple attempts to have this land rezoned for purposes inconsistent with this location and against desires of local residents. The planned development is unrealistic and profit motivated, and not supported by evidence that such development has a strong business case or financial backing to be successful or sustainable. The result of failure could be a serious blight on our community and detrimental to our County. Development on CC zoned property calls for experienced and well-financed development companies and their responsible placement within the framework of the County Master plan

I appreciate your attention to these concerns.

Thanks

Tom Swaim  
15020 Apex Ranch Rd

Sent from my iPhone