

June 22, 2022

Douglas County Department of Community Development  
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Project number ZR2022-010, Pinery Planned Development 29th - Major Amendment.

The Pinery Homeowners' Association appreciates the opportunity to comment on the proposed rezoning of Tract 1 Filing 6 within the Pinery Planned Development, 29<sup>th</sup> Amendment. The PHA does not support the rezoning of this land for residential use. This proposed development does not bring any benefit to The Pinery and surrounding communities, rather a degradation of the area.

On December 14, 1977, Terracor Inc. (The Pinery's initial developer) did a quit claim deed (attached) to Douglas County of several parcels in The Pinery. Parcel 201, designated as 'school property' was one of these parcels. The deed regarding all these properties said "*The above described parcels are given for use **solely for public purposes**, and in the event that any or all of said parcels shall ever be used for other than public purposes, title thereto shall automatically revert to and revest in party of the first.*" County Assessor records indicate that "*DC Board of Commissioners*" was the "owner" of the parcel since 1977. It is known that Open Space, as well as utilities and road easements are shown as "*DC Board of Commissioners*" on the Assessor's website.

The HOA would like to see Tract 1, Filing 6 designated as Douglas County Open Space, which it has essentially been for years. A "*DC Open Space*" signage is on this parcel. While it is understood that a sign isn't a legal document, the parcel was identified as such to our residents for 35 plus years. The topography alone of this property does not lend to a school nor any site development. The impact of all infrastructure needed to support any construction on this parcel will have many adverse impacts to PHA property and community.

This space is home to deer, Prong horns, wild turkey, coyotes, fox and the Preble's Meadow Jumping Mouse. In Colorado the U.S. Fish and Wildlife Service listed the mouse as Threatened, Tier 1, Species of Greatest Conservation Need. We have seen an increase in wildlife in our community due to the building going on in the area. Any development on this property will push the deer further into existing neighborhoods resulting in increased issues with wildlife and human interaction. The Colorado Department of Wildlife would like to see contiguous property provided for wildlife survival and to reduce deer and human conflict. By designating this as Douglas County open space, combined with The Pinery's North Park property we would maintain almost 18 acres for wildlife. North Park is a lightly developed Park with a small play area, walking exercise trail, and open space.

The HOA understood that this parcel was originally dedicated to Douglas County School District (DCSD) in 1977. At that time, land developers would dedicate land to the district. Often the lands were viewed as excess or unbuildable for residential development. Over the past 30 years, DCSD has established planning standards and processes that ensure the lands dedicated by a developer to the district are viable and meet the requirements of a school site.

In Feb of 2021, the DC assessor's website shows a quit claim deed transferred the property from DC Board of Commissioners to the DC School District. We understand that there were 4 properties in Douglas County that were recently identified as surplus by the school district. Two (2) are to be turned into parks and two to be sold. What was the criteria used to determine which ones became parks? It would seem that Douglas County should notify all adjoining landowners that this transfer occurred. Additionally, outreach from the school district, sharing their intent to sell the property, should include The Pinery HOA.

We have been communicating with the developer, with regard to their proposed development and the potential role of the PHA. Miller United (developer) has approached The Pinery HOA about having this property in our HOA. Since the parcel falls within filing 6, The Pinery HOA's area of responsibility, the Executive Board and Architectural Review Board would expect any development on this parcel to be part of The Pinery HOA and be held to our covenants, by laws/policies and architectural standards.

Any construction on this parcel brings up the following issues:

- Traffic concerns - We have grave concerns with any traffic dumping onto Ponderosa Way. While the traffic study tends to focus on car trips generated, the problems added to an area with already hazardous traffic issues are not properly addressed. Ponderosa Way is the main access for 700 plus homes of The Pinery. The road geometry does not meet today's design standards. Given the incline, curve and camber of the road, it is treacherous along Ponderosa Way due to limited sight distance and narrow street without sidewalks. This makes it difficult to accommodate pedestrians or bicycles. Residents who live on Ponderosa Way, across from this parcel have difficulty backing out of their driveway safely. The proposed access may be logical on paper, but the real world is a very different situation. The additional access will exacerbate an already hazardous situation. Pictures and details of the relevant areas are attached.
- Mountain views protected. While the increase in value can vary it is undeniable that an unobstructed mountain view adds significant value to a home. Any development on this parcel will negatively impact surrounding home views and value.
- No Over-lot grading – This parcel is on a hill. In general, the Pinery is a hilly area; existing homes are built to compliment the landscape vs. destroy it. The grading needed to support the proposed development would destroy the character and environment of this site. Additionally, the impacts to the North Park have not been taken into consideration with this proposal.
- Lot size and configuration:
  - The proposed residential sites are long and narrow, which is not consistent with properties north of Ponderosa Way. All properties along the northern Pinery boundary with Hidden Village are 2+ acres in size, most Hidden Village lots are 4+ acres in size. To be consistent with the surrounding area these should be 2 and a half to 3 acres lots.
  - 30' ft setbacks, not 25' – The parcel falls within Filing #6, and per The Pinery Covenants, side yard setbacks for all houses require a minimum of 10' from foundation to the lot line, and the front and back yard both have setback of 30' from foundation to lot line for lots less than 2 acres. The lots that are 2+ acres have a 50' front set back. Additionally, no side of any house should be closer than 25' to a side street. This current proposal notes only 25' for front and back setback.

- Custom Homes Construction – The surrounding communities (The Pinery, Northwoods Glenn, Hidden Village) are comprised of all custom homes and tract homes are not in keeping with the current aesthetic.

The PHA struggles to see how this proposal meets approval criteria for a major amendment per Douglas County Zoning Resolution (DCZR). The proposed amendment is not consistent with the development standards, commitments, and overall intent of the planned development, as required per DCZR 1520.01. The proposed amendment is not consistent with the intent, efficient development and preservation of the entire planned development, as required per DCZR 1520.02. Additionally, the proposed amendment will most certainly adversely affect the public interest and enjoyment of the adjacent land, as considered in DCZR 1520.03. Finally, from the perspective of the PHA and adjacent property owners, it seems that this proposed amendment would serve for *the sole purpose to confer a special benefit upon an individual* (the developer).

In summary, this parcel was deeded to the County solely for public purposes. Please consider that adjacent homeowners purchased their property with the understanding that they would be next to open space, not a tract home development. Allowing this property to be developed sets a dangerous precedent when it comes to 1) using County properties as they were intended, and 2) protecting our open space and the wildlife that call those areas home. Maintaining this property as open space helps to ensure that surrounding properties continue to hold their value and protects our wildlife, mountain views and natural aesthetic that we all value. For all the reasons outlined herein, the PHA believes this proposal fails to meet the approval criteria for a Major Amendment and should therefore be denied.

It is the desire of the PHA to pursue methods/open conversations as needed to keep the area designated as Open Space.

Respectfully,

Sonia Eyre  
Executive Board President  
The Pinery Homeowner's Association