

over the hill. As far as I'm concerned, they're a completely different neighborhood." He argued the rezoning would not affect their property rights as they would have "the same uses under the RR-5 today that they'll have tomorrow, that they'll have 10 years from now unless they rezone their property." Dossey had earlier highlighted the allowed uses under the RR-5 zoning that

the Liebowitzes would be giving up by rezoning, many of which he said would generate more traffic, noise, water use, etc. than one additional single-family lot. He questioned how the proposal could be called spot zoning when the county's master plan allowed for 2.5-acre lots with this placetype and remarked that Overlook Estates' covenants allowed for 1-acre lots.

Applicant Jennifer Liebowitz said to date they had spent \$25,000 on the application but had taken that risk because they were told by planners during the process that they were in accordance with everything that was required. She said that after the Planning Commission decision, they were told they had not shown substantial change in the area. Liebowitz said, "I really have to question that. We have the entire Flying Horse development that I look at every single day from my back deck. We have a school of 3,000 people that come and go every single day along with the traffic from Sun Hills coming past our property." She commented, "That is substantial change to me."

Steve Liebowitz told the commissioners that they had had three different project managers at the county during the application process and had gotten the water decree first after being advised that water would be the biggest challenge. He said they were led to believe that it was an objective process and were repeatedly reassured that there was nothing to worry about. Bellamy, their third project manager, said there were no issues and concerns but that there was some limited opposition.

Steve Liebowitz said that when the Planning Commission began to

hear public input, they repeatedly allowed issues that were not related to the review criteria such as precedence, land values, and water. He said it became obvious that several of the commissioners were preconvinced to rule against our request. He stated, "We were positive and optimistic that the process would be objective and fair. Since the Planning Commission meeting, we've been in total shock that the commissioners didn't follow their own master plan but listened to the misinformation campaign orchestrated by the Sun Hills Homeowners' Association." He added that he had received a phone call from Bellamy the day before the BOCC hearing and that during that conversation Bellamy related that we (I'm assuming she meant her department) were shocked that the Planning Commission had denied the rezone request, especially since we had met all the review criteria. Bellamy then stated she hoped the county commissioners would approve our request at today's meeting.

Commissioner Holly Williams commented, "I think that this application doesn't meet the criteria and I say that because I don't consider the substantial change in Flying Horse to be something that was under our control."

Geitner said, "I do believe this is in compliance with our master plan because it specifically says 2.5-acre lots are in that large lot residential, so I do disagree. It's in conformance with our master plan." She added that while she agreed the county did not make the changes at Flying Horse, the question was "had it changed?"

Commissioner Longinos Gonzalez Jr. said, "In this case all the changes that were noted were accessory dwelling



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