

### **Major Planned Development Amendment Staff Report**

Date: December 4, 2025

**To:** Douglas County Planning Commission

From: Mike Pesicka, Principal Planner CW for MP

Curtis J. Weitkunat, AICP, Long Range Planning Manager CW

Steven E. Koster, AICP, Assistant Director of Planning Services

Subject: Pinery Planned Development, 34<sup>th</sup> Amendment – Major PD Amendment

Project File: ZR2025-010

Planning Commission Hearing: December 15, 2025 @ 6:00 p.m. Board of County Commissioners Hearing: December 16, 2025 @ 2:30 p.m.

### I. EXECUTIVE SUMMARY

The request is for approval of a Major Amendment to the Pinery Planned Development (Pinery PD). The amendment proposes to reclassify four undeveloped school tracts within the Pinery PD from their current planning areas to the Parks and Open Space Planning Area in the Pinery PD.

### II. APPLICATION INFORMATION

### A. Applicant

Douglas County Board of County Commissioners 100 Third Street Castle Rock, CO 80104

### **B.** Applicant's Representative

Dan Avery, Special Projects Manager Douglas County Administration 100 Third Street Castle Rock, CO 80104

### C. Request

The request is for a Major Amendment to the Pinery PD to reclassify four tracts of land held for public purposes from their current planning area designations to the Parks Open Space Planning Area. The request is intended to clarify the future use of the sites in the event the tracts are not used for school purposes. The proposed amendment will not affect the ability of the Douglas County School District to construct school facilities on the parcels.

#### D. Process

A Major PD Amendment is processed pursuant to Sections 1519 through 1523 of the DCZR. Per Section 1522.06 of the DCZR, "The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with conditions, table for further study, or deny the amendment request. The Planning Commission's comments shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies and other guidelines."

### E. Location

The four tracts of land associated with the 34<sup>th</sup> Amendment are generally located east of Betts Ranch Road and E. Sunridge Hollow Road (Tract 1, The Pinery Filing #6), south of S. Pinery Parkway and Democrat Road (Tract A, Pinery Filing 26A), southwest of N. Pinery Parkway and Hillside Way (Part of Tract 14, Pinery Filing 3), and southeast of Pradera Parkway and Bayou Gulch Road (Tract F, Pinery West Filing 1E), all within the Pinery PD. The attached maps highlight site location and existing conditions.

### F. Project Description

The four tracts were set aside for potential school sites when each subdivision was originally platted. Tract F, Pinery West Filing 1E is included in the Community Services Planning Area. Uses in this planning area include, but are not limited to the following:

Private recreational and park uses, clubs, tennis courts, pools, club support
facilities such as restaurants and tennis shops, parks, playgrounds, private and
common open space, neighborhood public service, health and education
facilities, libraries, schools and administrative facilities for elementary and
secondary education, nursey schools and day care centers, and public and
quasi-public buildings and structures.

The three remaining tracts do not fall under a specific Planning Area in the Pinery PD but were instead dedicated for school sites and public uses.

The proposed amendment places the four tracts in the Parks and Open Space Planning Area. Uses in this planning area include, but are not limited to the following:

- Parks, playgrounds and other recreational uses, baseball and softball diamonds, golf courses, soccer fields, volleyball and basketball courts, pools, recreation centers, and water wells are permitted by right.
- Uses permitted by Special Review include neighborhood public service, health and educational facilities, libraries, public and quasi-public buildings and structures, and police and fire stations.

Currently, the four tracts have not been developed with school or school-related facilities and are otherwise vacant.

### III. CONTEXT

### A. Background

The Pinery PD was rezoned from Agricultural One (A-1) to PD in 1974. Three of the four tracts in question were dedicated as school sites at the time of subdivision. The fourth was dedicated for general public uses at the time of subdivision.

Tract 14, Filing 3, was dedicated as a school site with the platting of The Pinery Filing No. 3 in 1970. The eastern portion was conveyed to DCSD in 1978 and is developed with the Mountain View Elementary School. The remaining part of the tract is still held by the Board.

Tract 1, Filing No. 6, was dedicated for public uses to the Board with the platting of The Pinery Filing No. 6 in 1972. Tract 1 was conveyed to the Douglas County School District (DCSD) in 2021.

Tract A, Filing 26A, was dedicated as a school site with the platting of The Pinery Filing 26A in 2004 and is held by the Board.

Tract F, Pinery West Filing 1E, was dedicated as a school site with the platting of Pinery West Filing 1E in 2002 and is held by the Board.

### B. Adjacent Land Uses and Zoning

All four tracts are within the Pinery PD. For the specific locations see the attached maps.

### Zoning and Land Use – Tract 1, The Pinery Filing No. 6

	, , ,		
Direction	Zoning	Land Use	
North	Pinery PD	Open space, bridle trail	
South	Pinery PD	Park, Residential	
East	Pinery PD	Residential	
West	Pinery PD	Residential	

### Zoning and Land Use – Tract A, Pinery Filing 26A

	, , ,		
Direction	Zoning	g Land Use	
North	Pinery PD	Open space, utility buildings	
South	Pinery PD	Residential	
East	Pinery PD	Residential	
West	Pinery PD	Residential	

### **Zoning and Land Use – Tract F, Pinery West Filing 1E**

Direction	Zoning	Land Use
North	Pinery PD	Residential
South	Pinery PD	Residential

Direction	Zoning	Land Use
East	Pinery PD	Residential
West	Pinery PD	Residential

### Zoning and Land Use - Part of Tract 14, Pinery Filing 3

Direction	Zoning	Land Use	
North	Pinery PD	Residential	
South	Pinery PD	Residential, school	
East	Pinery PD	Residential, school	
West	Pinery PD	Residential	

### IV. PHYSICAL SITE CHARACTERISTICS

### A. Site Characteristics and Constraints

All four tracts are undeveloped with the exception of Part of Tract 14, Filing No. 3 which has an existing concrete trail, and an access road for the adjacent Mountain View elementary school. All four tracts are relatively flat and generally consist of grasses and a few trees and shrubs except for Tract 1, Filing No. 6 which slopes relatively quickly from east to west and contains some more mature pine trees scattered throughout the site.

#### **B.** Access

All four tracts have access to adjacent public rights-of-way.

### C. Drainage and Erosion

There are no plans to develop the tracts at this time, but any future development will be required to meet all applicable engineering requirements for grading and drainage as part of future site development.

### D. Floodplain

No FEMA 100-year floodplain is present on any of the tracts except for Tract 1, Filing No. 6 which has a small area of floodplain in the far west area of the site.

#### E. Wildlife

The Douglas County Comprehensive Master Plan Wildlife Resources map identifies the tracts as having low to moderate habitat values. A response was not received from Colorado Parks and Wildlife.

### V. Provision of Services

#### A. Schools

The four tracts were conveyed to Douglas County to meet school dedication and open space requirements for the Pinery PD. The Douglas County School District requested in its referral response that the new planning area be limited to public uses, should specifically allow for "school and administrative facilities for elementary and

secondary education" and any proceeds from the sale of the properties be provided to the school district. DCSD also requested that Tract 1 of The Pinery Filing No. 6 be removed from the application as the County did not receive authorization from the district to include this property in the request. The applicant provided a response to the school district referral which is included in the attachments.

### **B.** Fire Protection

Fire protection is provided by South Metro Fire Rescue (South Metro) and Franktown Fire Protection District (FFPD). South Metro Fire serves Tract 1, Filing No.6, Tract A, Filing 26A, and Part of Tract 14, Filing 3. In a letter dated November 14, 2025, South Metro stated they have no objection to the proposed PD amendment. FFPD provides fire protection to Tract F, Filing 1E and did not provide a response to the referral request.

### C. Sheriff Services

The Douglas County Sheriff's Office (DCSO) provides police protection services to the project area. The Office of Emergency Management stated that they have no comments on the application. No response was received from the DCSO.

### D. Water

Water service is provided by the Pinery Water and Wastewater District (PWWD). No response was received from PWWD.

### E. Sanitation

Sanitation service is provided by the Pinery Water and Wastewater District (PWWD). No response was received from PWWD.

### F. Utilities

Utility service providers are AT&T, Black Hills Energy, CenturyLink (telephone), Comcast (cable), CORE Electric (electric) and Xcel Energy (gas). AT&T indicated that there should be no conflicts with AT&T Long Line facilities in the area. Black Hills Energy and CenturyLink did not respond to the referral request. CORE Electric and Xcel Energy stated that they have no comments or apparent conflicts with the request.

### G. Parks, Trails, and Open Space

Open space has been provided in The Pinery PD and additional land is not required.

### VI. PUBLIC NOTICE AND INPUT

Notifications of an application in process were mailed to the owners of all properties abutting the boundaries of the proposed 34<sup>th</sup> Amendment area. DCZR Section 1523 requires mailed, published, and posted notice of the public hearings.

Of the homeowner's associations (HOA) notified during the process, the Misty Pines HOA and The Pinery HOA responded and indicated they have no comments or concerns. Staff received no written comments from abutting and nearby property owners.

All referral agency comments are outlined in the Referral Agency Response Report attached to this staff report.

### VII. STAFF ANALYSIS

Section 1520 of the DCZR establishes criteria to be considered in the review of a Major PD Amendment application.

1520.01: Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.

Staff Comment: The proposed amendment remains consistent with the overall intent of the Pinery PD. There are no changes to development standards or commitments of The Pinery PD.

1520.02: Whether the amendment is consistent with the intent, efficient development and preservation of the entire planned development.

Staff Comment: The amendment preserves open space and maintains the existing tracts set aside for school and public uses.

1520.03: Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land.

Staff Comment: The amendment maintains existing opportunities for schools and other public uses on the tracts.

1520.04: Whether the sole purpose of the amendment is to confer a special benefit upon an individual.

Staff Comment: The amendment does not as its sole purpose confer a benefit upon an individual as schools and public uses continue to be allowed on the four tracts.

1520.05: For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, whether the amendment is consistent with the water supply standards in Section 18A, Water Supply Overlay District, of this Resolution. Staff Comment: The amendment does not increase the intensity of allowed land uses, so this criterion is not applicable.

1520.06: Whether the public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.

Staff Comment: The amendment does not impact levels-of-service. CORE Electric and Xcel Energy will provide utility service to the project area. PWWD provides water and sanitary

service. South Metro and FFPD will provide emergency and firefighting service to the project area. The Douglas County Sheriff's Office will serve the proposed development.

1520.07: Whether the roadway capacity necessary to maintain the adopted roadway level of service for the proposed development will be available concurrently with the impacts of such development.

Staff Comment: The proposed PD Amendment does not significantly change allowed uses on the four tracts. Schools continue to be allowed on all four tracts. Future development will be required to address traffic and roadway impacts in the area.

### VIII. STAFF ASSESSMENT

Staff has evaluated the Major PD Amendment request in accordance with Section 15 of the DCZR. Should the Planning Commission find that the approval standards for the Major PD Amendment are met; the following condition may be considered for inclusion in its recommendation to the Board of County Commissioners:

1. Prior to recordation, all technical corrections to the Pinery Planned Development 34<sup>th</sup> Amendment document shall be made to the satisfaction of Douglas County.

ATTACHMENTS		
Douglas County Land Use Application	8	
Project Narrative	9	
CMP Vicinity Map	11	
Zoning Map	12	
Aerial Map		
Referral Agency Response Report		
Referral Agency Response Letters	24	
Applicant Response to Referral Comments	45	
PD Man Exhibit	46	



www.douglas.co.us

### LAND USE APPLICATION

Please complete, sign, and date this application. Return it with the required items listed on the Submittal Checklist to <u>planningsubmittals@douglas.co.us</u>. Submittals may also be mailed or submitted in person to Planning Services. NOTE: The Planning Commission or the Board of County Commissioners should not be contacted regarding an open application.

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PROJECT TITLE: The Pinery Planned Development, 34th Amendment
PROJECT NUMBER: ZR2025-010
PROJECT TYPE: County Initiated Rezoning (Pinery PD)
MARKETING NAME: $\mathcal{N}\mathcal{A}$
PRESUBMITTAL REVIEW PROJECT NUMBER:
PROJECT SITE:
Address: No Addresses
State Parcel Number(s): 234707301005, 234718305001, 234916407001, 2
Subdivision/Block#/Lot# (if platted): Tract 1 Pinery #6, Tract A Pinery Fly 26A, Pt Tract F Rivery West Fly IE
PROPERTY OWNER(S):
Name(s): Daglas County Usuglas County Subst Dist
Address: 100 That Short 620 Wikes Street
Phone: Castle Rock, CO 80104 Castle Rek CO 80104
Email:
AUTHORIZED REPRESENTATIVE: (Notarized Letter of Authorization is required from the property owner, unless the owner is acting as the representative)
Name: Not applicable to coming
Address: 100 Third Street Castle Rock J
Phone: 303-814-4332
Email:
To the best of my knowledge, the information contained on this application is true and correct. I have received the County's information sheet regarding the <i>Preble's Meadow Jumping Mouse</i> .
Jul Hy 8/19/25
In behalf of the Bocc

100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460



### **Project Summary**

In accordance with Section 1519 of the Douglas County Zoning Resolution, the Board of County Commissioners has directed staff to initiate a PD amendment for undeveloped school lands within the Pinery Planned Development.

The purpose of this request is to change land use categories in the Pinery PD for four undeveloped school and school-adjacent sites from their current zoning designations to "Parks, Open Space and Recreation Facilities Planning Area" under the Pinery PD. This proposed amendment will not affect the ability of the Douglas County School District to construct school facilities on the parcels as provided in case law (Hygiene Fire Protection District v. Boulder County Board of County Commissioners), but will provide clarity to adjacent landowners and the public regarding intended use of the sites in the event the parcels are not used for school purposes.

Uses permitted in the Parks, Open Space, and Recreational Facilities Planning Area include parks and playgrounds, passive recreational uses, active recreational uses, and other similar uses as described in Article V. Section I of the Pinery Planned Development.

### **Affected Parcels**

Description	1	Acreage	Owner
Account #:	R0350950	12.352 Acres	Douglas County
SPN:	<u>234707301005</u>		School Dist.
Legal Desc:	TRACT 1 THE PINERY #6		
Account #:	R0459086	10.321 Acres	Douglas County
SPN:	<u>234718305001</u>		
Legal Desc:	TRACT A PINERY FLG 26A		
Account #:	<u>R0441754</u>	10.011 Acres	Douglas County
SPN:	<u>234916407001</u>		
Legal Desc:	TRACT F PINERY WEST FLG 1E		
Account #:	R0350964	6.071 Acres	Douglas County
SPN:	<u>234912303053</u>		
Legal Desc:	PT OF TRACT 14 PINERY FLG. 3		

### **Approval Criteria**

Staff anticipates that the request will be processed as an amendment to the Pinery Planned Development. Below is a summary of approval standards applicable thereto:

1520.01 Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.

<u>Staff Comment</u>: This request is intended to clarify for adjacent landowners and the public that school sites within the Pinery will be used for the limited uses described in the "Parks, Open Space and Recreation Facilities Planning Area" if they are not developed as school

sites. As proposed, the affected parcels would be subject to the development standards of the Parks, Open Space and Recreation Facilities Planning Area.

### 1520.02 Whether the amendment is consistent with the intent, efficient development and preservation of the entire planned development.

<u>Staff Comment</u>: This request would ensure that if not used for school sites, the affected parcels would remain available for public benefit, including parks and playgrounds, passive recreational uses, active recreational uses, and other similar uses.

### 1520.03 Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land.

<u>Staff Comment</u>: As proposed, land within the Pinery that was dedicated for School use but not used for school purposes would remain either undeveloped, or could be developed with parks and playgrounds, passive recreational uses and active recreational uses that would provide benefit to adjacent lands.

### 1520.04 Whether the sole purpose of the amendment is to confer a special benefit upon an individual.

<u>Staff Comment</u>: This amendment is not intended to provide benefit to any individual. In the event that the affected parcels are not used for school sites, use of the land would remain either undeveloped or recreational in nature for the benefit of surrounding landowners.

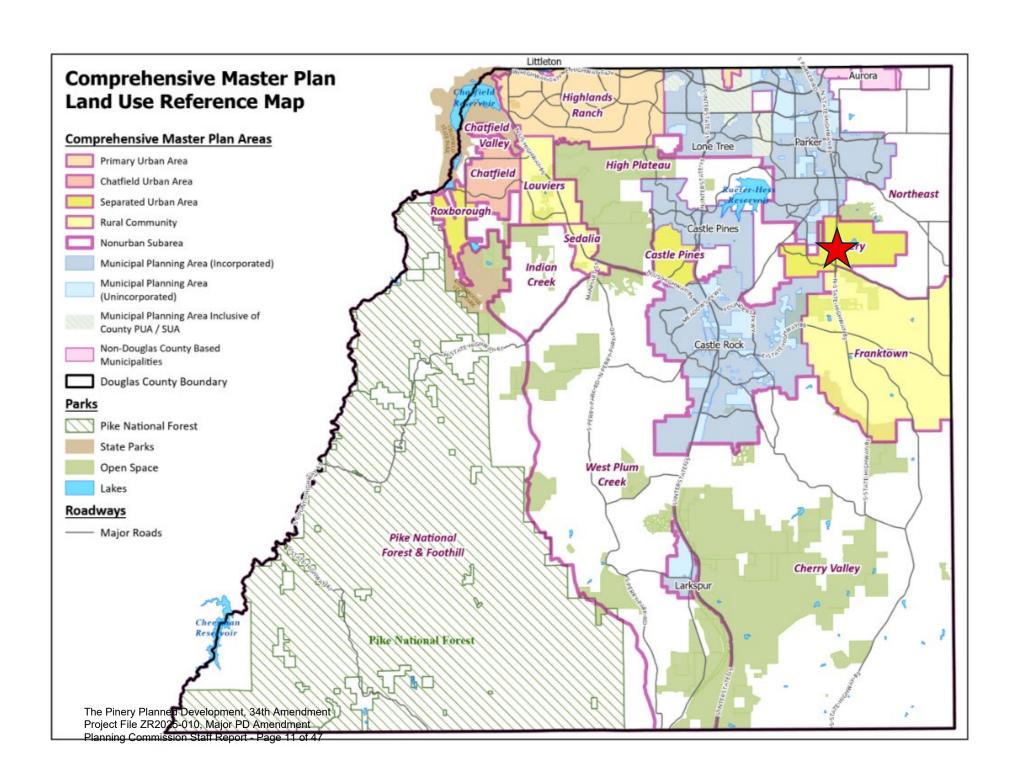
1520.05 For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, whether the amendment is consistent with the water supply standards in Section 18A, Water Supply Overlay District, of this Resolution. Staff Comment: Not applicable.

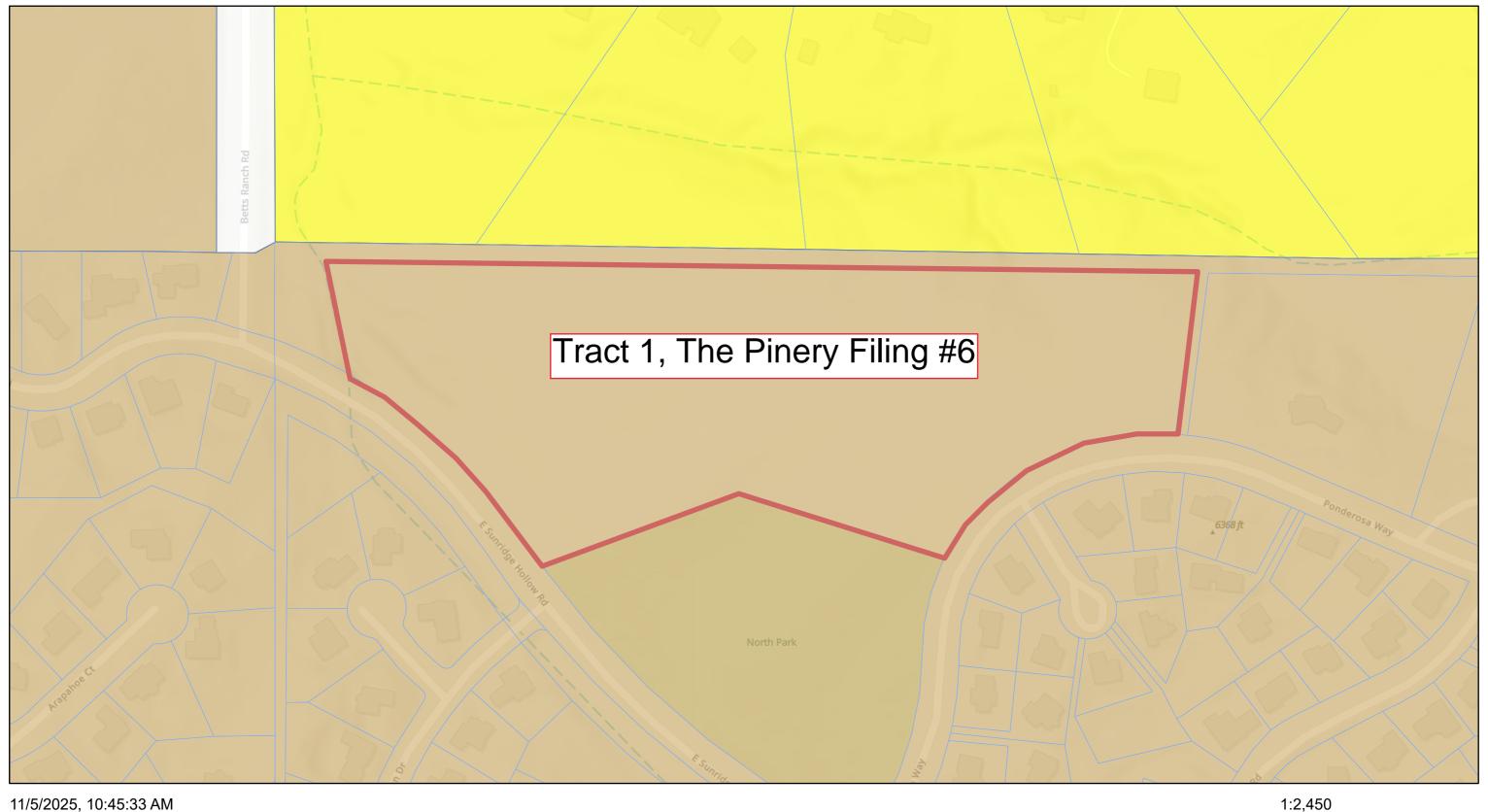
1520.06 Whether the public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.

<u>Staff Comment</u>: No additional public facilities or services would be needed in the event that the affected parcels are not used for school sites.

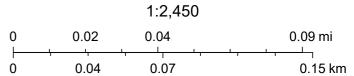
1520.07 Whether the roadway capacity necessary to maintain the adopted roadway level of service for the proposed development will be available concurrently with the impacts of such development.

<u>Staff Comment</u>: No additional roadway capacity would be needed in the event that the affected parcels are not used for school sites.

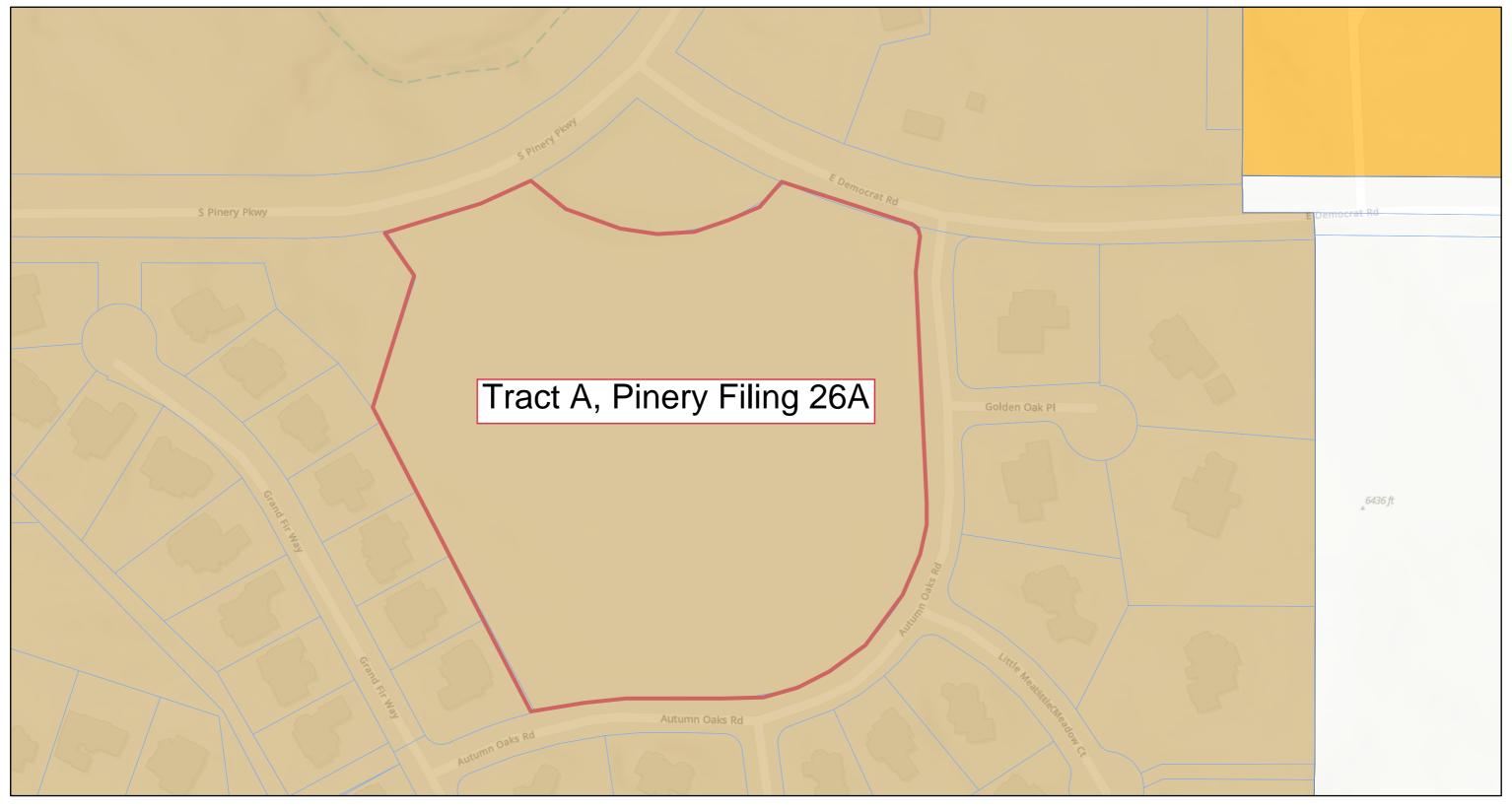




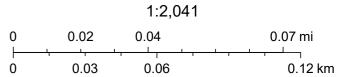




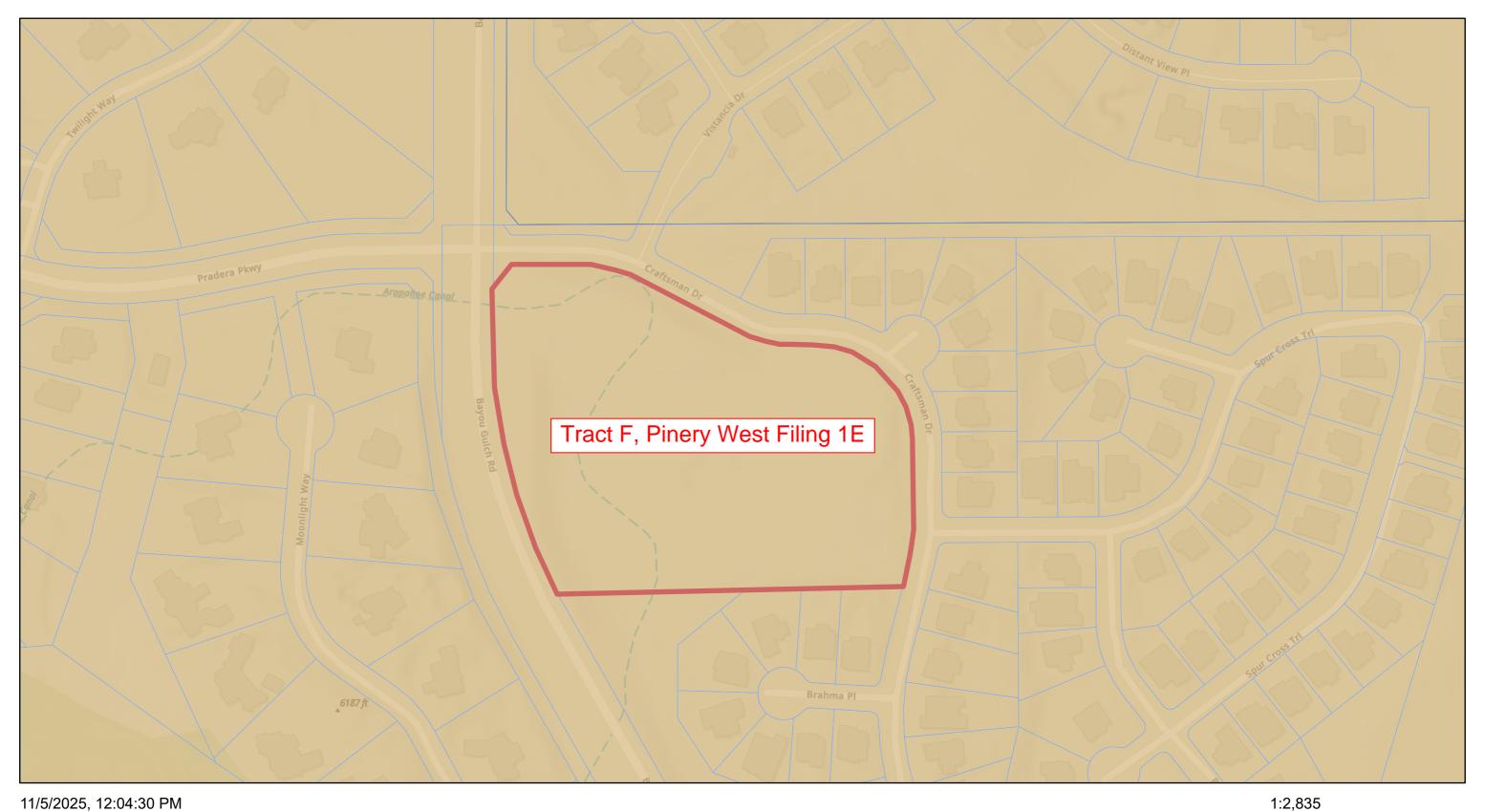






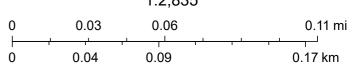




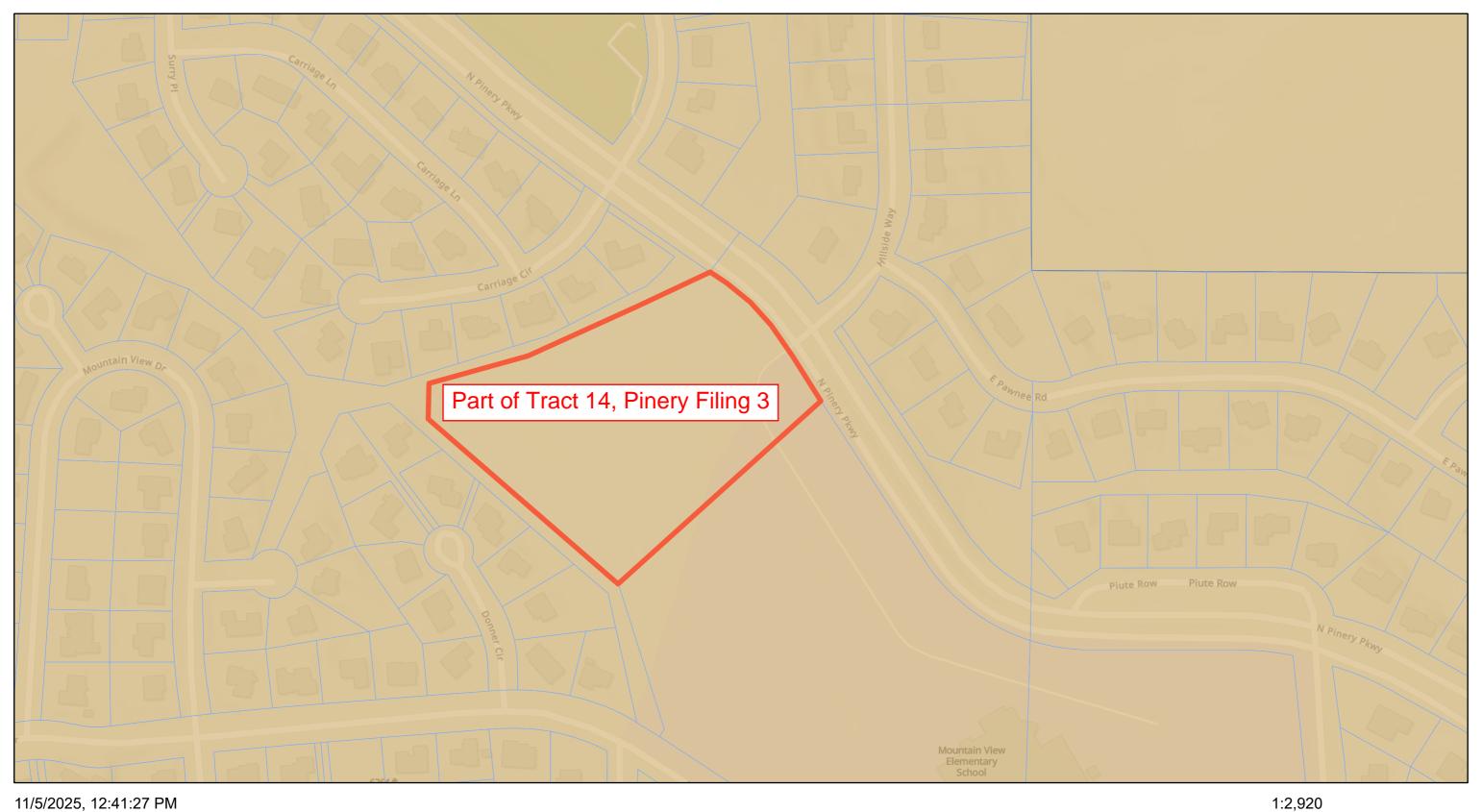


Parcels Zoning

PD - PLANNED DEVELOPMENT World\_Hillshade







Parcels
Zoning
PD - PLANNED DEVELOPMENT
World\_Hillshade

0 0.03 0.06 0.11 mi 0 0.04 0.09 0.17 km





### LEGEND

Roads

Major Roads

Parcels - PARCELS



The Pinery Planned Development, 34th Amendment
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COLORADO



### LEGEND

Roads

Major Roads

Parcels - PARCELS



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COLORADO

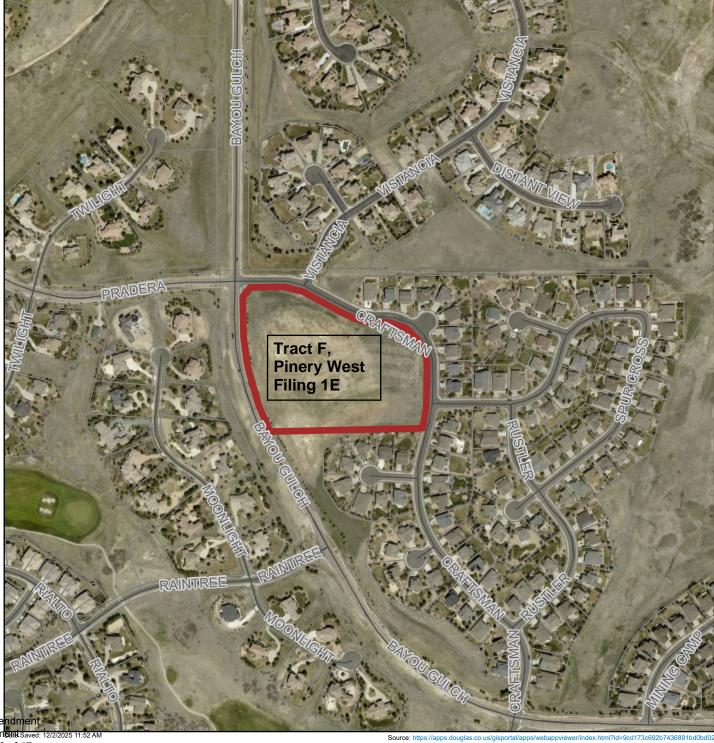


### LEGEND

Roads

Major Roads

Parcels - PARCELS



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COLORADO



### LEGEND

Roads

Major Roads

Parcels - PARCELS



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COLORADO

**Project Name:** Pinery Planned Development, 34th Amendment

Project File #: ZR2025-010

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	11/13/2025	No Comment:	No Response Required.
AT&T Long Distance - ROW	11/20/2025	Received. Verbatim: This is in response to your eReferral with a utility map showing any buried AT&T Long Line/Core Fiber Optics near Pinery Development, Parker, CO 80134 (Project # ZR2025-010). The Earth map shows the project area in red. Based on the address and/or map you provided, there should be NO conflicts with the AT&T Long Lines, as we do not have facilities in that area.	
Black Hills Energy		No Response Received:	No Response Required.
Building Services	11/20/2025	No Comment:	No Response Required.
CenturyLink		No Response Received:	No Response Required.
Cherry Creek Basin Water Quality Authority	11/13/2025	Received: The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for ZR2025-010, Pinery Planned Development, 34th Amendment have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post- construction requirements. The Authority will defer to Douglas County's review and ultimate determination that the proposed development plans comply with Regulation 72.	No Response Required.
Comcast		No Response Received:	No Response Required.
CORE Electric Cooperative	12/03/2025	No Comment:	No Response Required.

**Project Name:** Pinery Planned Development, 34th Amendment

Project File #: ZR2025-010

**Date Sent:** 11/12/2025 **Date Due:** 12/03/2025

Agency	Date Received	Agency Response	Response Resolution
Douglas County Health Department	11/13/2025	Received: Thank you for the opportunity to review and comment on the referenced Pinery Planned Development Rezoning project. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations. After reviewing the application, DCHD has no comments.	No Response Required.
Douglas County School District RE 1	12/03/2025	Received: Following is a summary of comments received from DCSD. For details please review their response letter Dated 12/3/2025The District had comments related to the initial platting and uses of the four tractsThe District requested in its referral response that the new planning area be limited to public uses, should specifically allow for "school and administrative facilities for elementary and secondary education" and any proceeds from the sale of the properties be provided to the school district. DCSD also requested that Tract 1 of The Pinery Filing No. 6 be removed from the application as the County did not receive authorization from the district to include this property in the request.	The applicant provided a written response to the DCSD comments. The response is summarized below.  1. Douglas County does not object to this request and authorizes Planning Division staff to amend the proposed Planned Development text as needed to implement this change.  2. Douglas County will comply with the referenced statutes and any other applicable statutory requirements in the event that the County Owned sites are conveyed in the future.
Engineering Services		No Response Received:	No Response Required.
Evans Ranch Association		No Response Received:	No Response Required.
Franktown Citizens Coalition II Inc		No Response Received:	No Response Required.
Franktown FD		No Response Received:	No Response Required.
Hidden Village POA		No Response Received:	No Response Required.
High Prairie Farms HOA		No Response Received:	No Response Required.
High Prairie Farms Metro District		No Response Received:	No Response Required.

**Project Name:** Pinery Planned Development, 34th Amendment

Project File #: ZR2025-010

**Date Sent:** 11/12/2025 **Date Due:** 12/03/2025

Agency	Date Received	Agency Response	Response Resolution
Hills At Bayou Gulch HOA (F001)		No Response Received:	No Response Required.
Hills At Bayou Gulch HOA (F001)		No Response Received:	No Response Required.
Mile High Flood District		No Response Received:	No Response Required.
Misty Pines HOA	11/17/2025	No Comment:	No Response Required.
Office of Emergency Management	11/13/2025	No Comment:	No Response Required.
Pinery Water and Wastewater District		No Response Received:	No Response Required.
Pinery West Metro District 2-3		No Response Received:	No Response Required.
Pradera Homeowners' Association		No Response Received:	No Response Required.
Sheriff's Office		No Response Received:	No Response Required.
South Metro Fire Rescue	11/14/2025	Received: South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed major PD amendment.	No Response Required.
Sterling Tree Farm HOA		No Response Received:	No Response Required.
Stone Creek Metropolitan District		No Response Received:	No Response Required.
The Pinery HOA	12/01/2025	Received: The Pinery Homeowners' Association does not have any objection to the proposed rezoning of the four undeveloped school and school-adjacent sites within the Pinery Planned Development. We shared this proposed rezoning with our community via email, and we have received a very positive response. Please see the attached email sent out to residents and some examples of the supportive comments we have received. We appreciate the opportunity to provide input on this matter and look forward to continued collaboration as the project moves forward.	No Response Required.
Timbers At The Pinery Filing 23A HOA		No Response Received:	No Response Required.

**Project Name:** Pinery Planned Development, 34th Amendment

Project File #: ZR2025-010

Agency	Date Received	Agency Response	Response Resolution
Timbers At The Pinery Filing 23B HOA		No Response Received:	No Response Required.
Town of Castle Rock		No Response Received:	No Response Required.
Town of Parker Development Review		No Response Received:	No Response Required.
Town of Parker Public Works	11/12/2025	No Comment:	No Response Required.
Wildfire Mitigation		Received: Douglas County Wildfire Mitigation has reviewed the submitted materials. Based on the minimal presence of vegetative fuels and the low associated fire hazard, wildfire mitigation has no recommendations at this time.	No Response Required.
Xcel Energy-Right of Way & Permits	12/01/2025	Received: Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the above-mentioned application and currently has no apparent conflict	No Response Required.

From: <u>James Peabody</u>

To: Michael Pesicka; duanew cwc64.com; jt cwc64.com; LANA S.; LENNY V.

Subject: Re: Douglas County eReferral (Project Number ZR2025-010) Is Ready For Review

**Date:** Thursday, November 20, 2025 2:05:50 PM

**Caution:** This email originated outside the organization. Be cautious with links and attachments.

Mike,

This is in response to your eReferral with a utility map showing any buried AT&T Long Line/Core Fiber Optics near *Pinery Development*, *Parker*, *CO 80134 (Project # ZR2025-010)*. The Earth map shows the project area in red. Based on the address and/or map you provided, there should be NO conflicts with the AT&T Long Lines, as we do not have facilities in that area.

Please feel free to contact us with any questions or concerns.

\*\*\* Map disclaimer: The attached google earth maps are intended to show approximate locations of the buried AT&T long line fiber optic cable. The maps are provided for informational purposes only. In no way should the maps be used for anything other than general guidelines as to where the fiber is or is not and any other use of these maps is strictly prohibited. \*\*\*

Thank you,

James Peabody

Clearwater Consulting Group, Inc. 120 9th Ave. South, Suite #140 Nampa, ID 83651

C: (951) 201-1279

E: jamesp@cwc64.com

\*\*\* This message and any attachments are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender immediately and delete the message from your system. \*\*\*

From: annb cwc64.com <annb@cwc64.com>

**Sent:** Thursday, November 20, 2025 12:50 PM **To:** James Peabody <jamesp@cwc64.com>

Subject: FW: Douglas County eReferral (Project Number ZR2025-010) Is Ready For Review

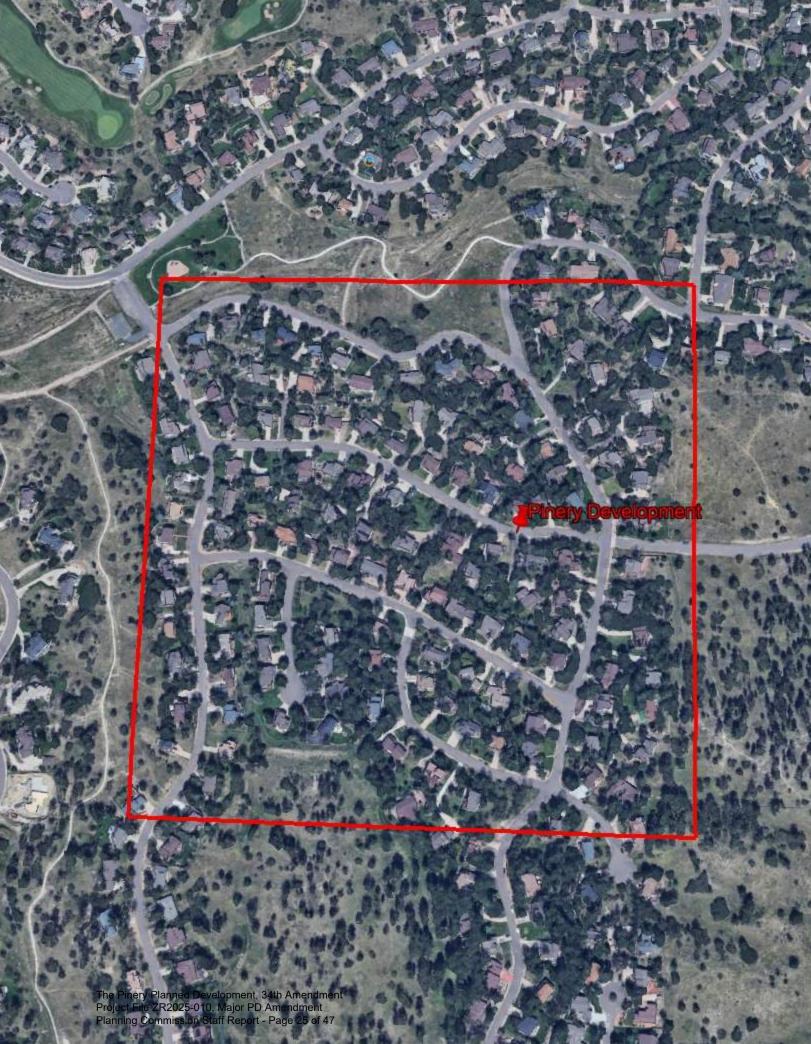
Ann

----Original Message----

From: mpesicka@douglas.co.us <mpesicka@douglas.co.us>

Sent: Wednesday, November 12, 2025 1:34 PM

The Pinery Planned Development, 34th Amendment Project File ZR2025-010, Major PD Amendment Planning Commission Staff Report - Page 24 of 47





November 13th, 2025

Mike Pesicka 100 Third St. Castle Rock, CO 80104

RE: ZR2025-010

Dear Mr. Pesicka,

Thank you for the opportunity to review and comment on the referenced Pinery Planned Development Rezoning project. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations. After reviewing the application, DCHD has no comments.

Please feel free to contact me at 720-643-2490 or cthompson@douglas.co.us if you have any questions about our comments.

Sincerely,

Caden Thompson
Environmental Health Specialist I
Douglas County Health Department



620 Wilcox Street Castle Rock, Colorado 80104

December 3, 2025

Mike Pesicka, Principal Planner Planning Services 100 Third Street Castle Rock, CO 80104 <u>mpesicka@douglas.co.us</u> 303-660-7460

RE: Pinery Planned Development, 34th Amendment-PD Major Amendment (ZR2025-010) (the "Application")

Dear Mr. Pesicka,

Thank you for the opportunity to respond to the above referenced application. It is our understanding that the Douglas County Board of County Commissioners ("BOCC") has directed the Douglas County Planning Department ("Planning Department") to initiate a downzoning of four separate school sites in the Pinery "from their current zoning designations to 'Parks, Open Space and Recreation Facilities Planning Area' under the Pinery PD," a planning area that does not permit schools as a use by right (the "Amendment"). One of these school sites, The Pinery Filing 6, Tract 1, is owned by Douglas County School District ("School District") (the "School District Property") and the other three sites are owned by the BOCC and held in trust for the benefit of the School District under C.R.S. § 30-28-133(4.3) (the "County Owned Sites") (together, the School District Property and County Owned Sites are the "School Sites"). The School District is generally amenable to the Amendment with respect to the County Owned Sites, but requests certain changes to the Application to ensure that the original intent behind the planned development remains with respect to the County Owned Sites; specifically, that the County Owned Sites maintain their public use and that the School District's taxpayers receive the benefit promised in the original planned development documents. The School District objects, however, to the Amendment with respect to the School District Property and therefore requests that the Planning Department amend the Application to remove the School District Property.

At the outset, it is important to understand that growth does not pay its own way when it comes to building schools to accommodate growth. Developers are required by law to provide land for school sites. Some developers in Douglas County also contribute a voluntary "capital fee" for every unit that they build. These fees are used to cover smaller growth-related expenses, such as mobile classrooms to increase capacity, but they fall far short of the amount necessary to fund new school construction which is currently estimated at 60 million for an

elementary school and 100 million for a joint middle/high school. This means that school districts in Colorado have to pass taxpayer bond initiatives to fund new schools. The School District's tax for these bond initiatives was 15.43 mills in 2014 and is 5.2 mills today. Since 2014, taxpayers have seen a 10-mill tax *decrease* from the School District bond initiatives, and the School District's ability to maintain capital infrastructure and fund growth has greatly diminished. It is through this lens that the School District must review this, and all other land use applications within the County to ensure that its students and Douglas County's taxpayers are protected.

### I. The School Sites

a. The Pinery Filing 6, Tract 1 (the "School District Property")

The Pinery Filing 6 was approved and recorded in August 1972. Tract 1 is identified in the final plat as a 12.352 acre tract to be dedicated to Douglas County "for use under the provisions of par. 3.5 of the County Subdivision Regulations adopted November 9, 1971." Tract 1 was designated as an "Elementary School" in the original 1984 Pinery Master Plan and has not been adjusted or amended in subsequent amendments to the Pinery Planned Development Guide Summary ("Planned Development Guide"):

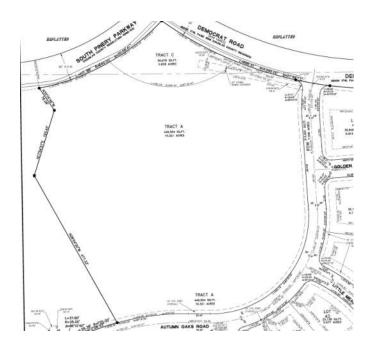


This site is not specifically identified or labeled within a planning area in the applicable governing Planned Development Guide and related maps. However, Douglas County Planning staff has stated that this tract was dedicated specifically for school or public sites within its subdivision.

Tract 1 was conveyed from Terracor Inc. to Douglas County in December 1977 via quitclaim deed. It was later conveyed from the BOCC to the Douglas County School District in February 2021 via a quitclaim deed.

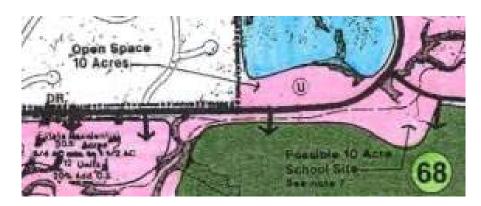
### b. The Pinery Filing 26A, Tract A

The Pinery Filing 26A was approved and recorded in August 2004. Tract A is identified in the final plat as a 10.321-acre tract:



According to the dedication and ownership certificate and Note 11 on page 2 of the plat, "Tract A is dedicated to Douglas County for a school site."

The Pinery Filing 26A-Tract A site is identified as a "Possible 10 Acre School Site" on the Twenty-Second Amendment Map which depicts the Fifth Amendment area in pink:

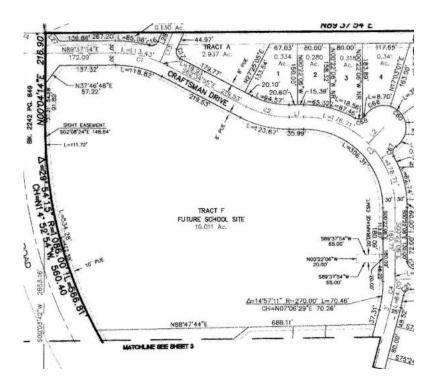


We agree with Douglas County Planning staff that this tract was dedicated specifically for school or public sites within its subdivision.

Tract A was conveyed from Pinery Joint Ventures to the BOCC in November 2004 via a special warranty deed. We note that there is also a September 2006 guitclaim deed purportedly conveying the site from the Pinery Filing No. 26 Homeowners Association, Inc. to the High Prairie Farms Metropolitan District. The Douglas County Assessor's office lists the BOCC as the current owner of this property.

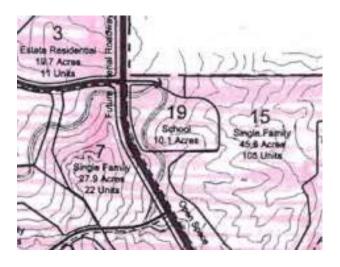
c. The Pinery West Filing 1E, Tract F (Planning Area 19)

The Pinery West Filing 1E was approved and recorded in December 2002. Tract F is identified in the final plat as a 10.011-acre "future school site": The Pinery Planned Development, 34th Amendment Project File ZR2025-010, Major PD Amendment



According to Note 10 on page 2 of the plat, "[t]ract F is for a future school site and will be conveyed to Douglas County by separate instrument."

The Tract F school site is identified as Planning Area 19 on the Pinery PD Eleventh Amendment Map:



Article I(B)(2) of the Planned Development Guide states that "The final configuration, as shown on the Eleventh Amended PD Plan, and transfer of school sites to the Douglas County School District will occur with the platting of adjacent residential developments." The adjacent residential developments were platted; however, this transfer never occurred.

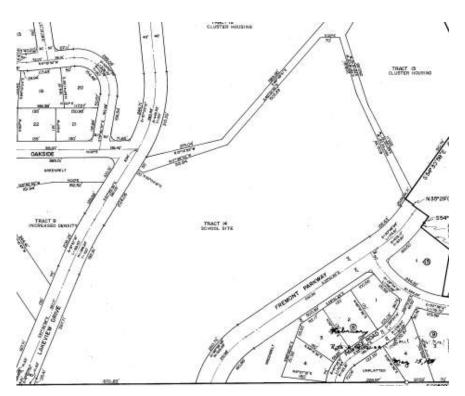
Since it is identified as a school site, Planning Area 19 is in the "Community Services Planning Area" according to Article V(H) of the Planned Development Guide, which allows the

following use permitted by right: "Neighborhood public service, health and education facilities such as community centers, libraries and museums. Schools and administrative facilities for elementary and secondary and secondary [sic] education." Planned Development Guide Article V(H)(2)(f). The intent of this planning area is to "provide for a full range of community support facilities."

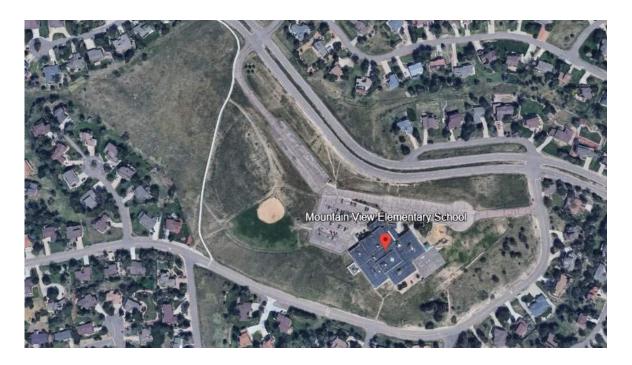
Tract F was conveyed from KDB Homes Inc. to the BOCC in January 2003 via special warranty deed. This tract is currently owned by the BOCC.

### d. The Pinery Filing 3, Part of Tract 14

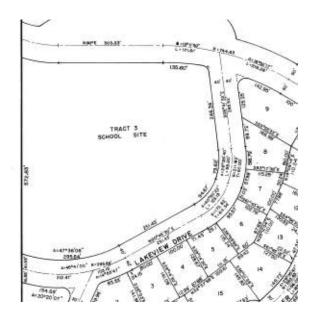
The Pinery Filing 3 was approved and recorded in November 1970. Tract 14 is identified on the plat as a future school site:



The plat does not mention the total acreage for Tract 14 or any land dedication or conveyance requirements. Tract 14 is currently partially occupied by the Mountain View Elementary School facility and sports fields:



The Mountain View Elementary School facility, playgrounds, and parking lot access are located in the Pinery Filing 4, Tract 3 which was approved and recorded in January 1971:



The Pinery Filing 4 final plat does not mention the total acreage or any dedication or conveyance requirements. The request to downzone this site is only for a portion of Filing 3, Tract 14 more accurately shown as the 6.071-acre parcel #2349-123-03-053, which unlike the remainder of the Mountain View Elementary School site, is owned by the BOCC. This property was conveyed from Terracor Inc. to the BOCC in 1977 via a quitclaim deed.

This site is not specifically identified or labeled within a planning area in the applicable governing Planned Development Guide and related maps. However, Douglas County Planning staff has stated that this tract was dedicated specifically for school or public sites within its subdivision.

### II. <u>Discussion</u>

As the above planned development documents make clear, all the School Sites were intended to be used for schools in order to serve and benefit the residents of the Pinery. As discussed further below, the Application needs a few adjustments in order to maintain this original intent in regards to the County Owned Sites.

There are significant problems, however, with respect to the Application's inclusion of the School District Property. For the reasons stated below, the Planning Department must amend the Application to remove the School District Property.

### a. The County Owned Sites

Colorado's Planned Unit Development Act, C.R.S. § 24-67-101, et seq., requires preservation of the integrity of the Planned Development Guide and therefore, all modifications to it must conform to the existing provisions. C.R.S. § 24-67-106(1) ("To further the mutual interest of the residents, occupants, and owners of a planned unit development and of the public in the preservation of the integrity of the plan, the provisions of the plan relating to the use of land and the location of common open space shall run in favor of the county or municipality and shall be enforceable at law or in equity by the county or municipality without limitation on any power or regulation otherwise granted by law" (emphasis added)); C.R.S. § 24-67-105(5.3)(c) (". . . a local government may adopt conforming amendments to any such planned unit development" (emphasis added)). Any "substantial modification, removal, or release of the provisions of the plan by the county or municipality" requires a public hearing and a showing "that the modification, removal, or release is consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person." C.R.S. § 24-67-106(3)(b). Further, all zoning changes must be for the purpose of furthering the County's overall zoning plan.

In order to preserve the School District's ability to serve this development and to conform with and preserve the integrity of the existing Planned Development Guide, the School District therefore requests the Planning Department amend the Application as specified below. This will ensure the County Owned Sites remain available for school sites, limited to public uses, and will provide the County a mechanism to sell the County Owned Sites and transfer the funds from any such sale to the School District, as provided for in C.R.S. § 30-28-133(4)(a)(II) and (4.3):

1. The uses permitted by right for the County Owned Sites should specifically include "school and administrative facilities for elementary and secondary education" and be limited to public and recreational uses only, which aligns with the County Owned Sites' current permitted use by right for schools.

2. If the School District ultimately does not opt to use the County Owned Sites for a school, any proceeds of any sale of the County Owned Sites should go to the School District as provided in C.R.S. § 30-28-133(4)(a)(II) and (4.3).

### b. The School District Property

At its core, through the Application, the Planning Department intends to rezone property that it does not own. This violates not only the County's code, but also the United States Constitution, Colorado Constitution, and Colorado statutory and common law. These serious violations and infringements include but are not limited to the following:

The Planning Department brings the Application under Douglas County Zoning Resolution ("DCZR") Section 25 which governs rezoning. In the Application, the Planning Department stated that "Staff anticipates that the request will be processed as an amendment to the Pinery Planned Development," which is governed under Section 1512 and 1519-23 of the DCZR. The Application does not include several critical items, so the Planning Department must amend the Application to remove the School District Property.

For both a rezoning application and a major amendment to a planned development, one of the "general submittal requirements" is "[a] notarized letter of authorization from the landowner permitting a representative to process the application, as necessary." DCZR 2505.04; 1521.04. The Planning Department did not obtain the School District's authorization to process the Application nor file a notarized letter. Therefore, the Application does not meet the submittal requirements imposed on rezoning and planned development major amendment applications under the DCZR.

Additionally, the Application does not comply with other submittal requirements for rezoning and major amendment applications, including DCZR 1521.06 ("Three (3) copies of the appropriate portions of the Development Plan retitled with all amendments including administrative amendments, numbered consecutively.") and DCZR 2505.06 ("Plan Exhibit."), and the written narrative does not address all items in DCZR 2506. Further, in addition to not complying with several submittal requirements for rezoning and planned development major amendment applications, the Application does not meet the standards for approval for rezoning applications (DCZR 2502) and approval criteria for major amendments (DCZR 1520). For example, the Application is not in compliance with all applicable statutory provisions as discussed further within (DCZR 2502.02) and the Application is not consistent with the development standards, commitments, and overall intent of the planned development (DCZR 1520.01) because schools are not a permitted use by right within the proposed planning area.

These critical violations of the County's code require the Planning Department to amend the Application to remove the School District Property.

Further, in addition to the Douglas County code violations, the School District, as owner of the School District Property, has certain property and other vested rights under and

protected by the Colorado Constitution, United States Constitution, and Colorado statutory and common law which prevent the County from seeking to unilaterally rezone the School District Property as set forth in the Application.

### III. Conclusion

The School District, like Douglas County, wants to ensure that there are adequate educational opportunities for Douglas County residents. In that vein, the School District understands that the Amendment intends to put precious land to use—the School District wishes to do the same thing and is in the process of identifying whether these sites are necessary for future schools. However, in its current form, the Amendment does not accomplish this goal. As stated above, with the above requested revisions, the Amendment will accomplish this goal while upholding the School District's right to use the School Sites for schools, which is the intended use of the sites under the Planned Development Guide and related documents. However, in regards to the School District Property, the Amendment does not accomplish this goal and violates the Douglas County code, the Colorado Constitution, the United States Constitution, and Colorado statutory and common law. The School District is willing to work with Douglas County to come to a reasonable solution to address the reasons behind the Amendment, but in its current form, the School District must oppose to protect its rights and the interests of its constituents.

Sincerely,
Shavon Caldwell
Planning Manager, DCSD Planning & Construction
scaldwell2@dcsdk12.org
303.387.0417

www.douglas.co.us

### REFERRAL RESPONSE REQUEST

Date sent: November 12	<u>2, 2025</u>	Comments due by December 3, 2025
Project Name:	Pinery Planned Deve Amendment	elopment 34 <sup>th</sup> Amendment – Major PD
Project File #:	ZR2025-010	
Project Summary:	The County has initiated an amendment to the permitted uses on four undeveloped school tracts within the Pinery PD. The four tracts will be downzoned from their current zoning designations to "Parks, Open Space and Recreational Facilities Planning Area" under the Pinery PD.	
Information on the identified development proposal located in Douglas County is enclosed Please review and comment in the space provided.		
☐ No Comment		
Please be advised of the following concerns:		
✓ See letter attached for detail.		
Agency: Pinery Homeowners' Association		Phone #: 303-841-8572
Your Name: Sonia Eyre		Your Signature: Sonia Cyre
(please print)		Date: December 1, 2025

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, will result in written comments being accepted for informational purposes only.

Sincerely,

Miks Pesicka

Mike Pesicka

Principal Planner, Planning Services 303-814-4367, <a href="mailto:mpesicka@douglas.co.us">mpesicka@douglas.co.us</a>

### December 1, 2025

Mike Pesicka, Principal Planner Planning Services

RE: Project ZR2025-010

Dear Mr. Pesicka,

Please see below the following comments regarding Project ZR2025-010:

The Pinery Homeowners' Association does not have any objection to the proposed rezoning of the four undeveloped school and school-adjacent sites within the Pinery Planned Development.

We shared this proposed rezoning with our community via email, and we have received a very positive response. Please see the attached email sent out to residents and some examples of the supportive comments we have received.

We appreciate the opportunity to provide input on this matter and look forward to continued collaboration as the project moves forward.

Respectfully,

Sonia Eyre Board President Pinery Homeowners' Association Dear Pinery Residents,

We want to inform you of a proposed zoning change affecting four undeveloped school and school-adjacent sites within the Pinery Planned Development (PD), specifically Tract 14 of Pinery Filing 3 near Mountain View Elementary School, as well as Tract 1 of Pinery Filing 6 by North Park. If you live nearby, you may have already received a notification by mail or noticed signs posted in the area over the past week. We wanted to send a quick email to explain what this means.

This referral seeks to downzone these tracts from their current zoning designations to "Parks, Open Space, and Recreation Facilities Planning Area." This change is intended to provide clarity to the community regarding the anticipated use of the sites should they not be developed for school purposes.

This proposed downzoning will not affect the Douglas County School District's ability to construct school facilities on these tracts. But with the proposed rezoning, they may be used for parks and playgrounds, passive recreational uses, active recreational uses, etc.

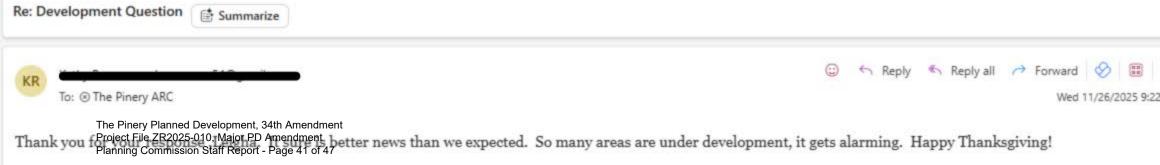
For more information and to explore this further, please review the attached project summary. This is good news for our community! If you have any additional questions, please don't hesitate to give us a call.

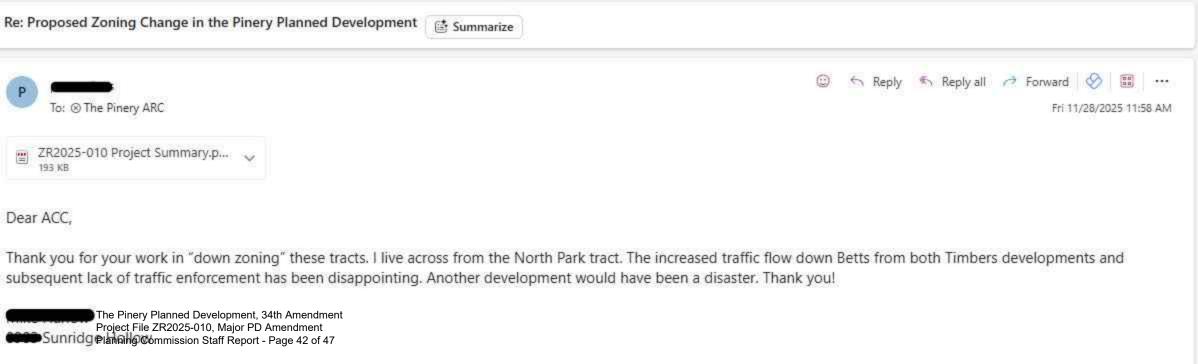
The Pinery Homeowners' Association Architectural Review Office 8170 Hillcrest Way Parker, CO 80134

303-841-5305 arc@pinery.org









## **SOUTH METRO FIRE RESCUE** FIRE MARSHAL'S OFFICE



Mike Pesicka, Principal Planner
Douglas County Department of Community Development, Planning Services
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Pinery Planned Development 34th Amendment – Major PD Amendment

Project File #: **ZR2025-010** S Metro Review # REFOTH25-00278

Review date: November 14, 2025

Plan reviewer: Aaron Miller

720.989.2246

aaron.miller@southmetro.org

**Project Summary**: The County has initiated an amendment to the permitted uses on four undeveloped

school tracts within the Pinery PD. The four tracts will be downzoned from their current zoning designations to "Parks, Open Space and Recreational Facilities Planning Area"

under the Pinery PD.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building

Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed major PD amendment.



### Right of Way & Permits

1123 West 3<sup>rd</sup> Avenue Denver, Colorado 80223 Telephone: 303.285.6612 violeta.ciocanu@xcelenergy.com

December 1, 2025

Douglas County Planning Services 100 Third Street Castle Rock, CO 80104

Attn: Mike Pesicka

Re: Pinery Planned Development, 34th Amendment, Case # ZR2025-010

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the above-mentioned application and currently has **no apparent conflict**.

Violeta Ciocanu (Chokanu) Right of Way and Permits Public Service Company of Colorado dba Xcel Energy

Office: 303-285-6612 - Email: violeta.ciocanu@xcelenergy.com



December 5, 2025

Mike Pesicka, Principal Planner Planning Services 100 Third Street Castle Rock, CO 80104

RE: ZR2025-010 - Pinery Planned Development, 34th Amendment-PD Major Amendment

Mr. Pesicka,

Thank you for providing referral comments associated with ZR2025-010. This letter is in response to the Douglas County School District's letter dated December 3, 2025. Douglas County is grateful for the time and effort the School District put into its referral response.

With regard to the County-Owned sites, the School District requests two clarifications:

- Request #1 seeks to clarify that school and administrative facilities for elementary and secondary education be identified as permitted uses and to further limit the potential other uses of the site to public and recreational uses only. Douglas County does not object to this request and authorizes Planning Division staff to amend the proposed Planned Development text as needed to implement this change.
- Stipulation #2 references existing statutory provisions related to the disposition of school land. Douglas County will comply with the referenced statutes and any other applicable statutory requirements in the event that the County Owned sites are conveyed in the future.

With regard to the School District Property, Douglas County believes that it is empowered to seek a County-initiated rezoning under Section 2511 of the Zoning Resolution, and has provided the certified mail notice required by that section of the DCZR to the School District. The County also believes it is authorized to propose a PD amendment as a landowner within the PD.

Thank you for the opportunity to respond to the School District's referral letter.

Since rely

Dan Avery

Douglas County Special Projects Manager

# THE PINERY PLANNED DEVELOPMENT, THIRTY-FOURTH AMENDMENT

AREA AMENDED: PARTS OF SECTIONS 7, 12, 16, AND 18, T 7 SOUTH, RANGE 65 AND 66 W OF THE 6TH P.M. DOUGLAS COUNTY, COLORADO 38.75 ACRES ZR2025-010 THIS AMENDMENT NO. 34 AFFECTS ONLY THOSE TRACTS LISTED ABOVE AND DESCRIBED IN CHAIR, BOARD OF DOUGLAS COUNTY COMMISSIONERS DATE DIRECTOR OF COMMUNITY DEVELOPMENT Vicinity Map 1"=4000" Filing No. 6 Filing No. 7 F.A. & R.A. Khalaf Open Space Open Space Single Family Douglas Co. Szymanski 129.1 Acres 1/3 AC min. to 11/2 AC Revocable A 2 Course 131 Units 100' No Build 69 10% Additional
Open Space The line ty/High Prairie Estate Res. 66.0 Acres 4 AC min. to 1 1/2 AC Approx. 6520 **70** The Pigery / High Prairie Farms Filing No. 3 39 Unite Misty Pines P.Z.H. Land Co. Filing No. 1A Donald J. Sass & 15% Add. Open Space Single Family Filing No.5 Eleanor E. Perry 66.4 Acres Open 1/3 AC min. to 11/2 AC 62 Units Single Family G.F. & J.A. 5% Additional Open Space Open Space 1/3 AC min, to 3/4 AC McNeish 10 Acres - 10% Add. O.S. DEMOCRAT Single Family 50.2 Acres 1/3 AC min. to 3/4 AC High Prairie Drive 17 Acres 3 lanes (including left turn dectats) Roadway Curve Improvements Open Park 67 Units 100' No Build Area -- Y 5% Additional Open Open Space Single Family 134.9 Acres Possible 10 Acre See Development Guide 27.2 AC School Site James F. & Jeanne L. Moore. 1/3 AC min. to 3/4 See note 7 Single Family 167.3 Acres 1/3 AC min. to 11/2 AC 191 Units Equestrian Estate Pinery Open Space Single Family = 34th Amendment Area 5% Additional PD Pinery Filing 8b Open Space /3 AC min. to 11/2 AC 107 Units Boundary of 15% Additional Open Space PD Amendment 100 Year Floodplain Douglas County Schools Recreation Facilities ON GUICH TIM 40.1 AC of a company of stages or a commercial stages of the company of Five Moore Partners Ltd. Hills at Bayou Gulch Texas Colorado Holdings Inc. PD PD | Maloney Westward Enterprises Ltd. Liab. & Welch Boundary of Proposed connection from High -PD Amendment Prairie Drive to Bayou Gulch Road. To be determined during R.T. Fisk The Pinery Planned Development, 34th Amendment Project File ZR2025-010, Major PD Amendment platting process.

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