

**From:** [Matt Jakubowski](#)  
**To:** ["Jim Sanderson"](#)  
**Subject:** RE: Special Review for an Event Center US2021-003  
**Date:** Monday, July 11, 2022 4:08:00 PM

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Good Afternoon,

Thank you for your comments on the 8635 S. State Highway 83 application (project number US2021-003). Your comments will be included in the public file and provided to the applicant for their response. The Planning Commission (PC) and Board of County Commissioners (BCC) will review these comments at upcoming public hearings – PC is July 18, 2022 at 6:00 p.m., and the BCC is August 9, 2022 at 2:30 p.m. Both hearings will occur in the Commissioners' hearing room in the Phillip S. Miller Building (100 Third Street, Castle Rock). You will also have an opportunity to provide comment during the public testimony portion of these hearings.

For review of documents within the public file go to the following link, search under project number US2021-003, and click on the documents tab in the middle of page:

<https://apps.douglas.co.us/planning/projects/Default.aspx?PossePresentation=UseBySpecialReviewJob&PosseObjectId=73371338>

If you have any questions about the proposal or the hearing process, I am available to discuss anytime.

Regards,

Matt

**Matt Jakubowski, AICP** | Chief Planner  
**Douglas County Department of Community Development**  
**Planning Services Division**  
**Address** | 100 Third St., Castle Rock, CO 80104  
**Phone** | 303-660-7460  
**Email** | [mjakubow@douglas.co.us](mailto:mjakubow@douglas.co.us)

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**From:** Jim Sanderson <jgs15063@gmail.com>  
**Sent:** Monday, July 11, 2022 2:07 PM  
**To:** Matt Jakubowski <mjakubow@douglas.co.us>  
**Subject:** Special Review for an Event Center US2021-003

July 11, 2022

To: Planning Commission and Board of County Commissioners  
From: Neighboring Landowners  
Re: File Number/Name: US2021-003, Use by Special Review for an Event Center

We are writing to ask that you deny the request for a Use by Special Review for an Event Center (US2021-003) as it is not in harmony and compatible with the character of the surrounding areas and neighborhood, which is a required approval standard.

It is the concern of the neighboring landowners that:

- The applicant's proposed use as an event center and the resulting business, traffic, and noise is incompatible with the harmony and character of the existing neighborhood and its A-1 zoning.
- Current allowed agricultural uses under A-1 zoning are incompatible with the applicant's proposed use.
- Multiple and conflicting management plans have been published by the applicant.
- Traffic data used to support implementation of an event center is outdated and does not accurately represent the traffic risk.
- If an event center is added to the neighborhood, residents could be restricted from their rights of use, thus putting the wishes of one land owner above the rights of all neighboring land owners.
- If the Use by Special Review is approved, there is no way in which to enforce adherence to the management plan as it is a stated intent and not binding. Neighboring landowners would lose the ability to preserve the character of their neighborhood.

The purpose of zoning is to create harmony and preserve the character of the neighborhood. The neighborhood consists of large acre rural residential properties along with larger tracts of land used for ranching and farming. The current zoning of A-1 (Agricultural One) allows for intense farming and ranching, which fits with the character of the neighborhood and the expectations for use by the residents. The applicant's proposed use as an event center and the resulting business, traffic, and noise is incompatible with the harmony and character of the existing neighborhood and its A-1 zoning. Furthermore, current allowed agricultural uses would be incompatible with the applicant's proposed use.

Many agricultural uses, which are allowed in A-1 zoning, are not compatible with a commercial event center that could host up to 350 guests along with the traffic created by buses and 37+ vehicles. Odor, dust, noise, large machinery and equipment, along with large herds of animals and manure management practices, would not contribute to the enjoyment and safety of event center guests. If an event center is added to the neighborhood, residents could be restricted from their rights of use, thus putting the wishes of one landowner above the rights of all neighboring land owners.

The conclusion published as item 2102.4 in the Use by Special Review Staff Report that states the event center “will be in harmony and compatible” was drawn without discussion with neighboring land owners. While item VI notes that “No comments were received from adjacent property owners or members of the public through the review process.” – the fact is that none of the neighborhood land owners were aware of the application and the review process. The sign for the public hearing was posted on the property on the last required date. Only the adjacent land owners and one land owner directly across the road received notice by mail. This notice did not include a phone number or email address to contact the applicant. Thus, while the minimum requirements for notice were met, the applicant did not engage the neighborhood to discuss the impact of their request.

Once the applicant posted the Notice of the Public Hearing Before the Planning Commission and Board of County Commissioners, the neighborhood became aware of the request and reviewed the available materials. These materials consisted of multiple and conflicting management plans that have been published. Currently, the management plan states that the typical event size would be approximately 150 people; however, the staff report that up to 350 guests can be accommodated. The parking lot plan calls for 37 sited parking spots; however, neighbors have viewed cars parked on the grass pasture, which could accommodate many more vehicles.

The traffic study used by Turn Key Consulting, LLC uses data that is four years old and no longer relevant due to recent population growth. The miles per hour used in support of the event center is 45 mph and the current speed limit of Highway 83 is 65 mph. There were no traffic deaths reported in the analysis; however, that was due to limiting the time frame of the data used. There has been at least one fatality recently within a mile of the proposed event center location. With more time, data from emergency responders could be collected from the neighborhood to provide an accurate safety analysis that takes into account frequent traffic accidents along Highway 83 between Russellville Road and Gillian Road.

If the Use by Special Review is approved, there is no way in which to enforce adherence to the management plan as it is a stated intent and not binding. There would be no way in which to prevent expansion and detrimental impact to the community; thus, neighboring landowners would lose the ability to preserve the character of their neighborhood. Concerts, drone races, bike rallies, etc. would be allowed under the Use by Special Review and these types of uses would increase noise pollution, environmental degradation, and traffic. A change in the management plan could negatively impact the harmony of the community and

change its character.

We greatly appreciate your consideration of preserving the character of our neighborhood, our safety and security, and rural heritage by denying the request for a Use by Special Review for an Event Center (US2021-003).

It is not in harmony and compatible with the character of the surrounding areas and neighborhood and would negatively impact those who live in the community.

**Jim Sanderson**

Theresa Sanderson  
10563 Lucas Ave.

Tom Johanns  
Connie Johanns  
10610 Lucas Ave.

Ray Wagester  
Jennifer Wagester  
10505 Lucas Ave.

Carol Bradley  
7505 SE Cherry Creek Rd.

Bonnie Bell  
7715 S Highway 83

John Bell  
3486 S Lake Gulch Rd.

Doug Wilson  
Cathy Wilson  
10515 Lucas Ave.

**From:** [Matt Jakubowski](#)  
**To:** [dgw249@gmail.com](mailto:dgw249@gmail.com)  
**Subject:** Zoning Map & CMP Link  
**Date:** Thursday, July 14, 2022 9:32:00 AM  
**Attachments:** [1955-ZoningDC.pdf](#)

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Good Morning Doug,

See attached zoning map and below link to the County Comprehensive Plan. The proposed event center, your property, and this stretch of Highway 83 are located in the Cherry Valley Subarea of the Comp Plan.

<https://www.douglas.co.us/planning/master-plans/comprehensive-master-plan/>

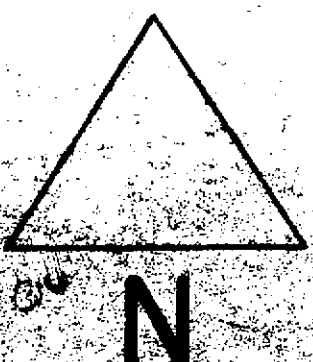
Matt

**Matt Jakubowski, AICP** | Chief Planner  
**Douglas County Department of Community Development**  
**Planning Services Division**  
**Address** | 100 Third St., Castle Rock, CO 80104  
**Phone** | 303-660-7460  
**Email** | [mjakubow@douglas.co.us](mailto:mjakubow@douglas.co.us)



# PLAN OF DOUGLAS COUNTY COLORADO

SCALE  
MILES



S.R. DEBOER & CO.  
COUNTY PLANNING CONSULTANTS  
DENVER, COLO.  
SEPT. 1954

## ZONING DISTRICT MAP

### LEGEND

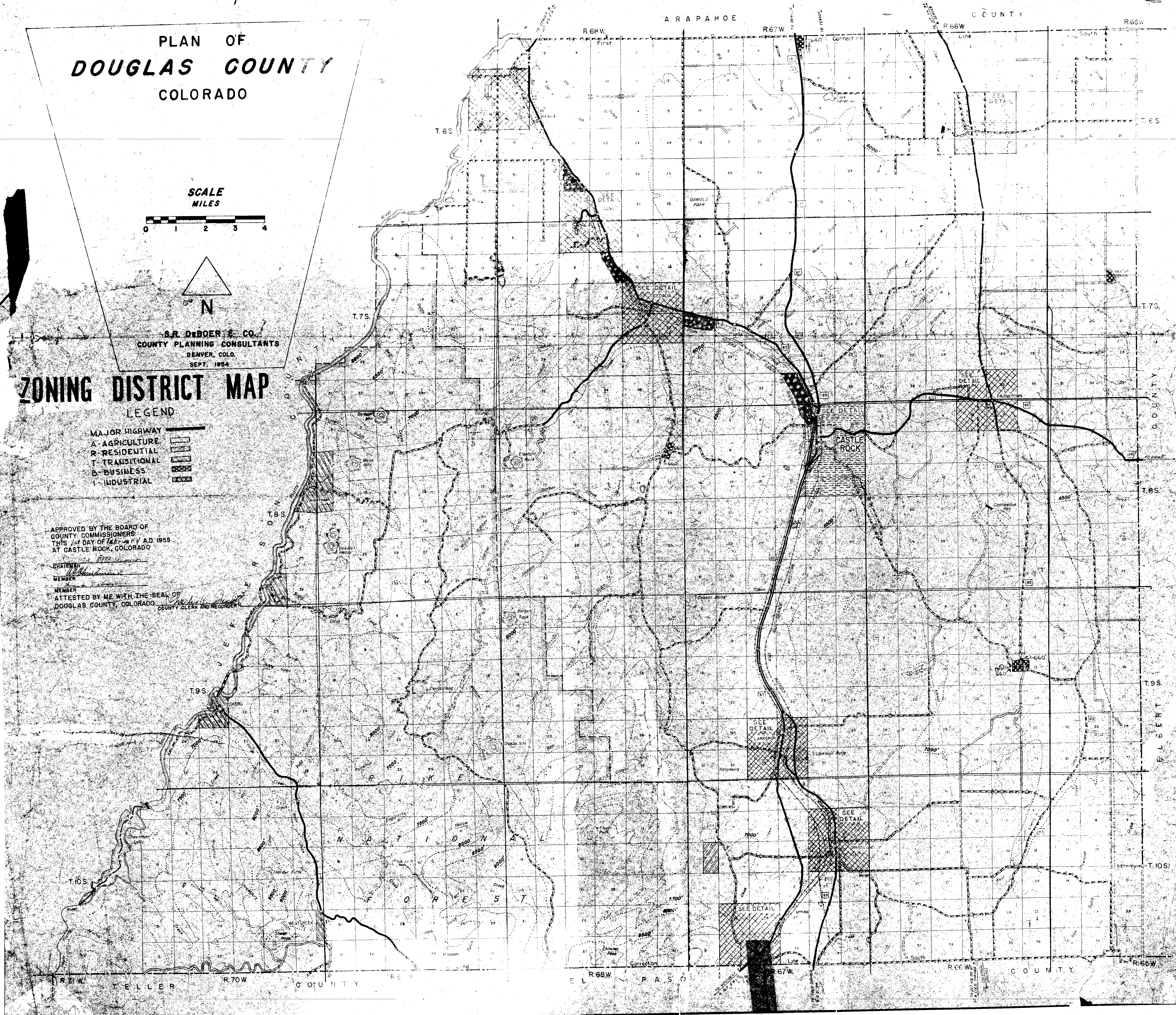
- MAJOR HIGHWAY
- A - AGRICULTURE
  - R - RESIDENTIAL
  - T - TRANSITIONAL
  - B - BUSINESS
  - I - INDUSTRIAL

APPROVED BY THE BOARD OF  
COUNTY COMMISSIONERS  
THIS 11 DAY OF SEPTEMBER A.D. 1955  
AT CASTLE ROCK, COLORADO

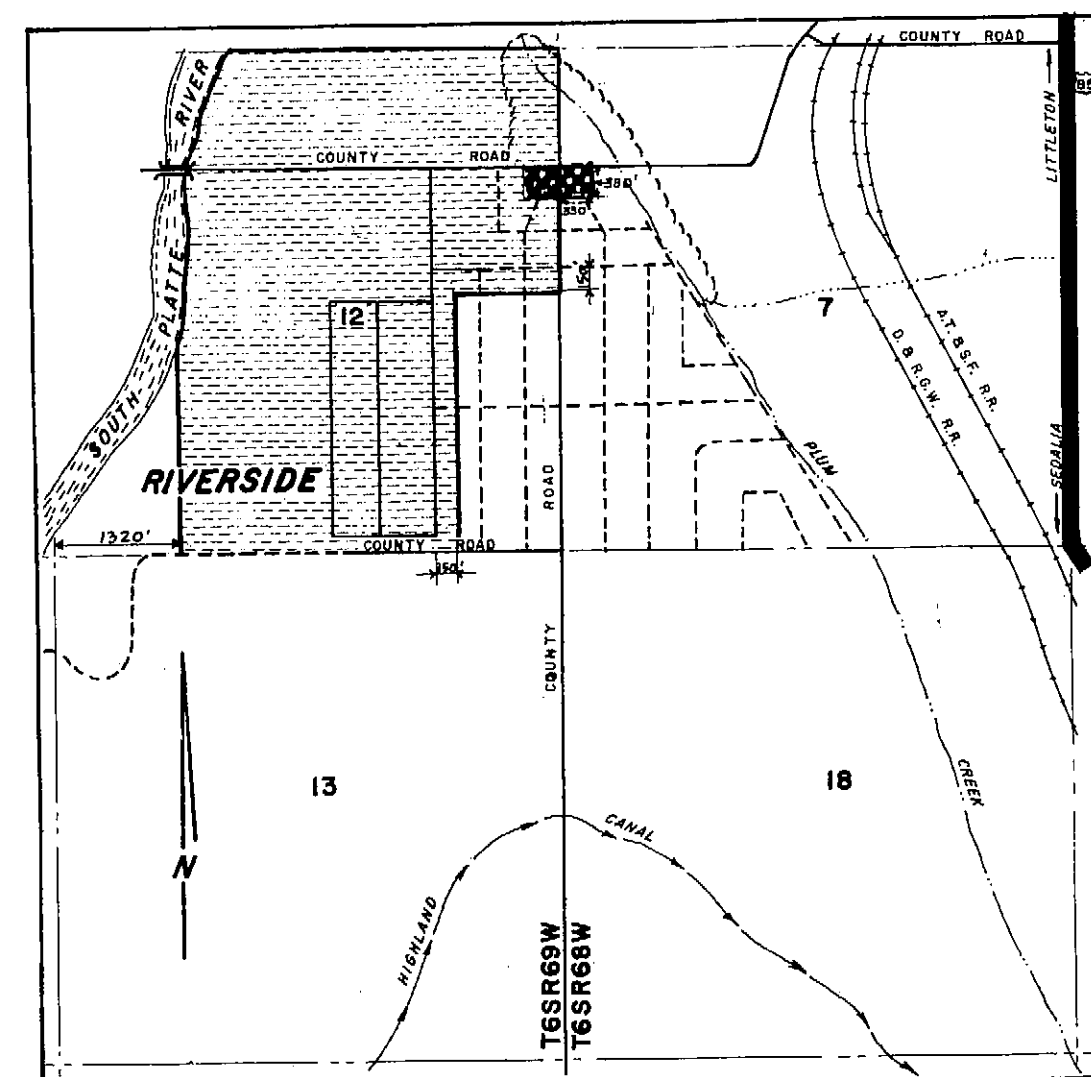
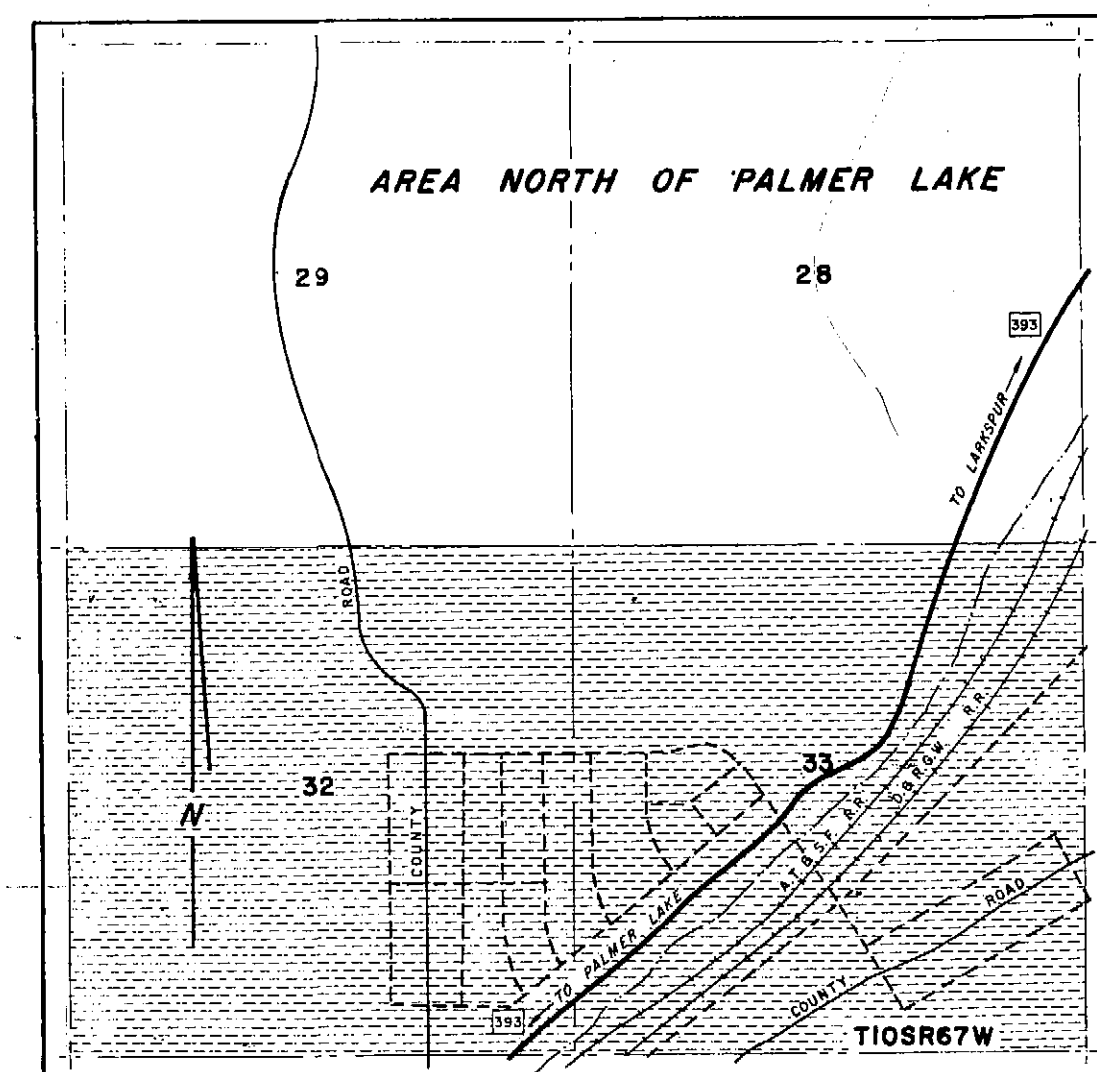
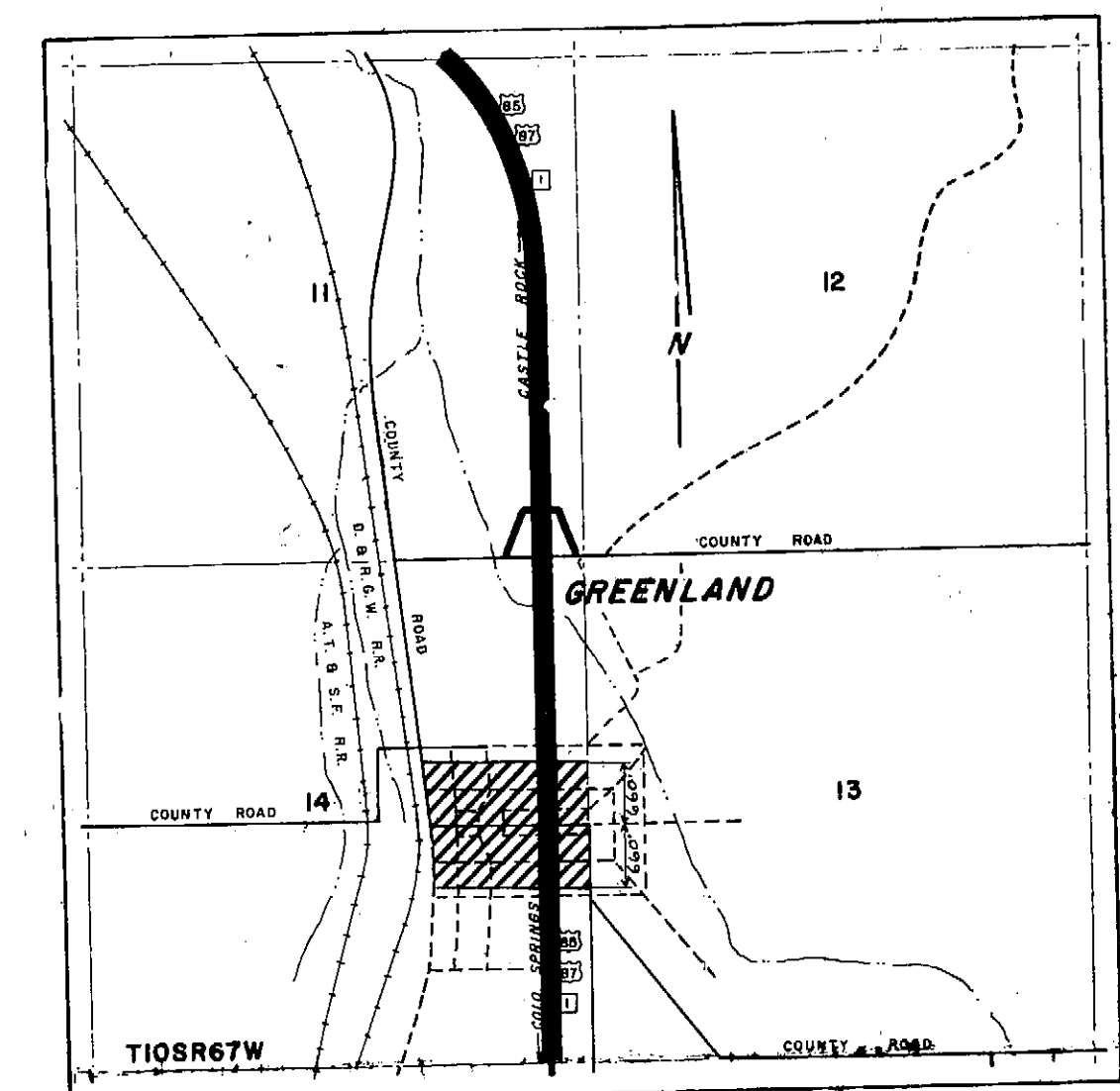
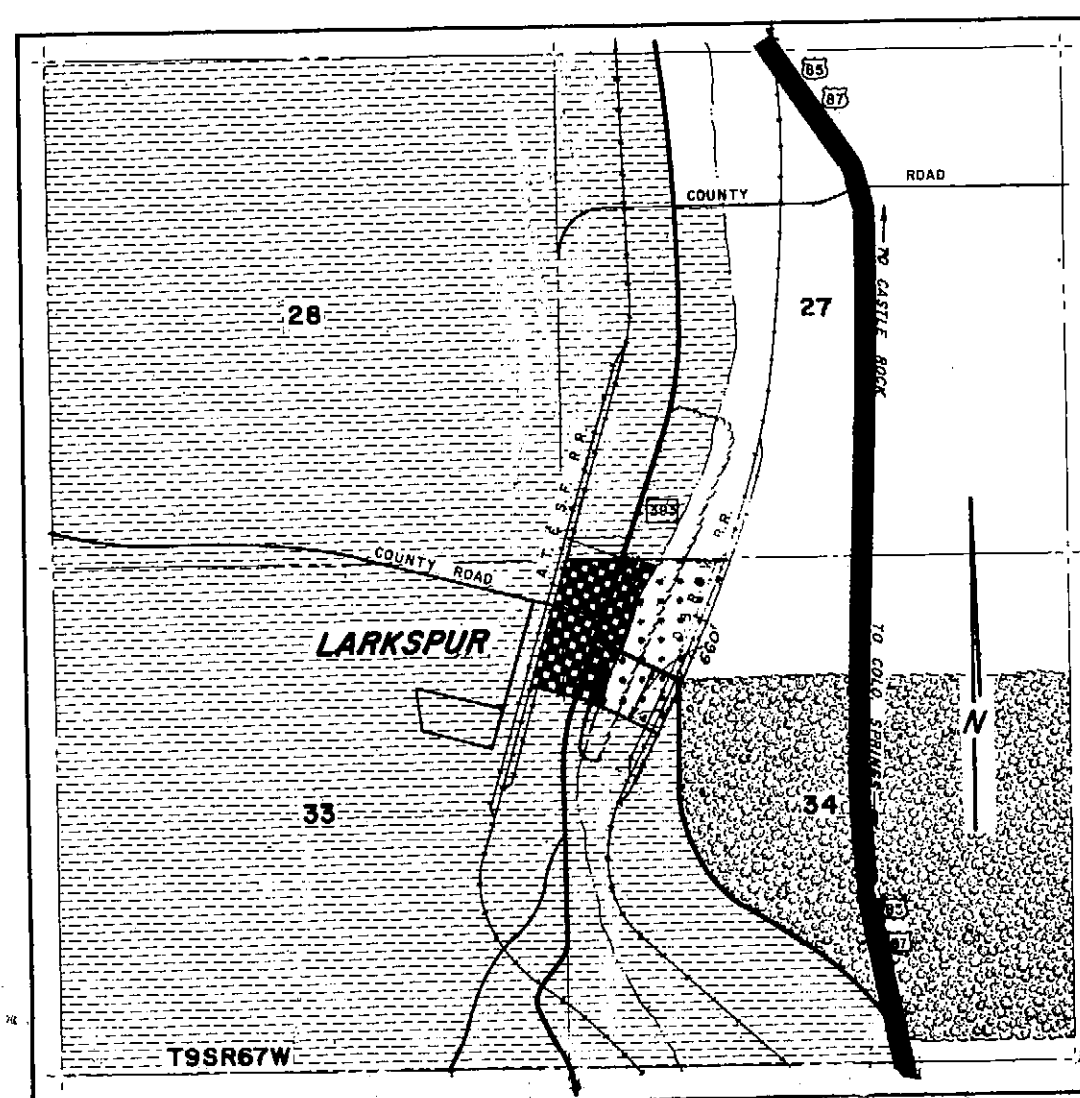
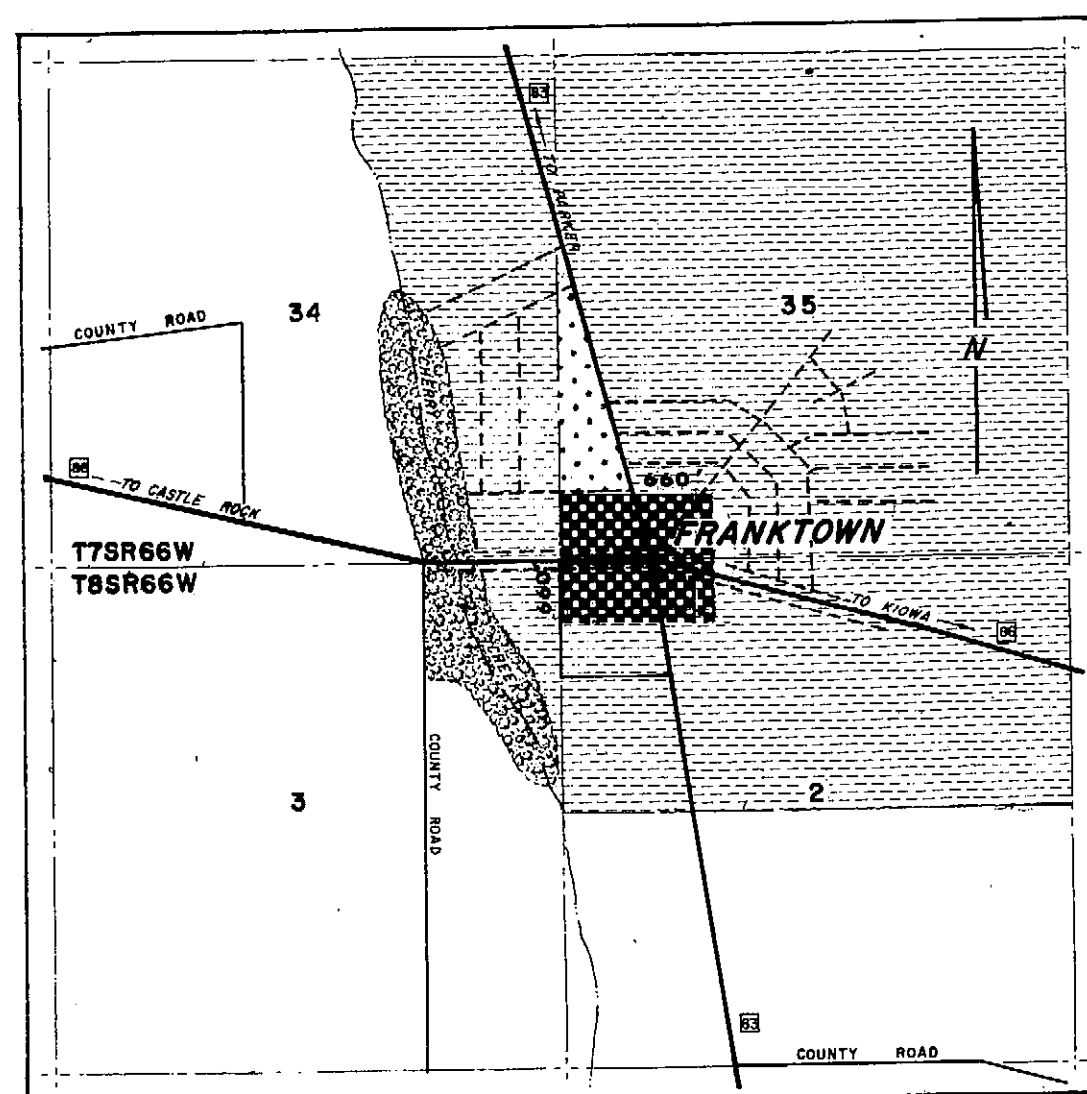
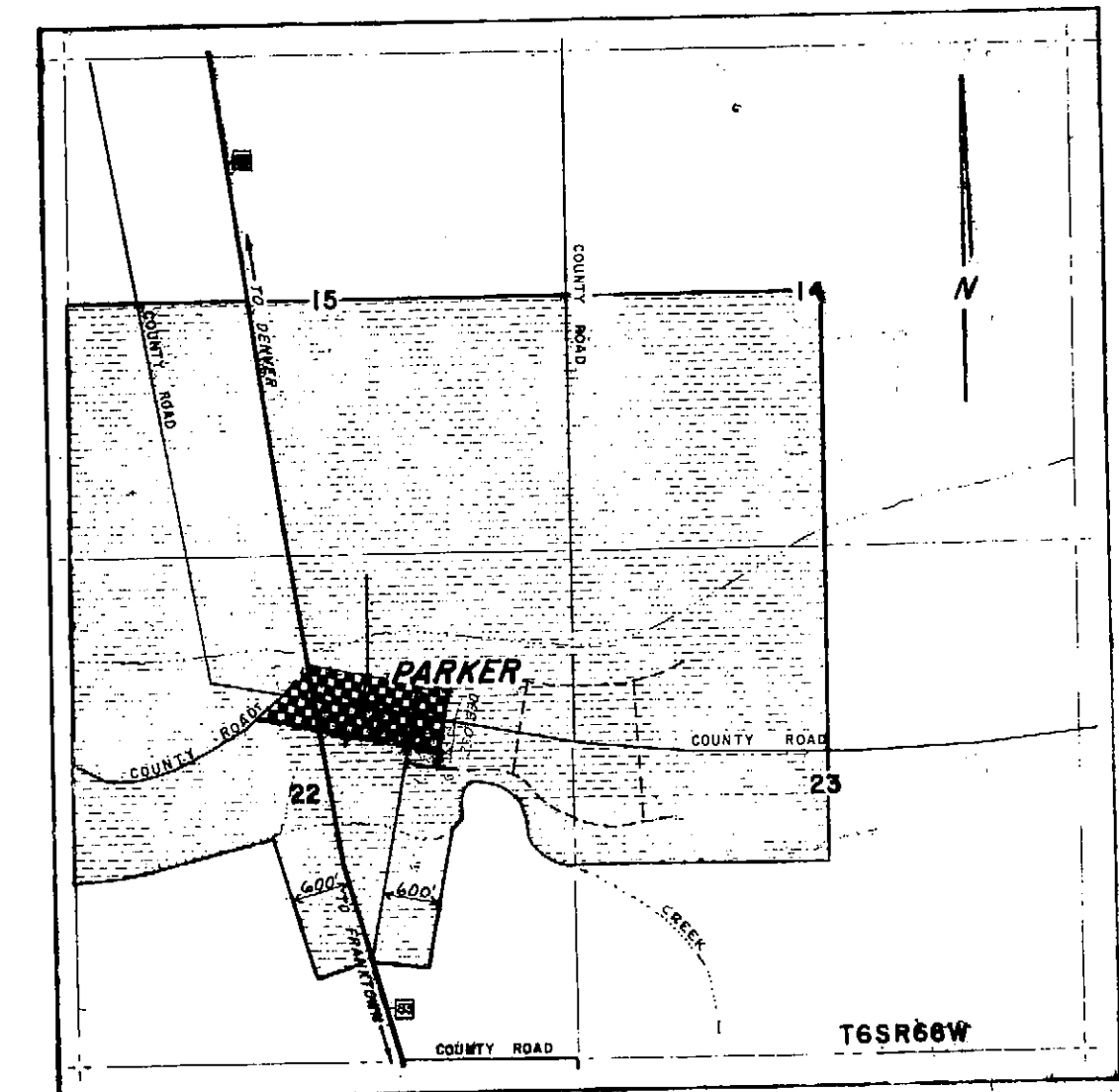
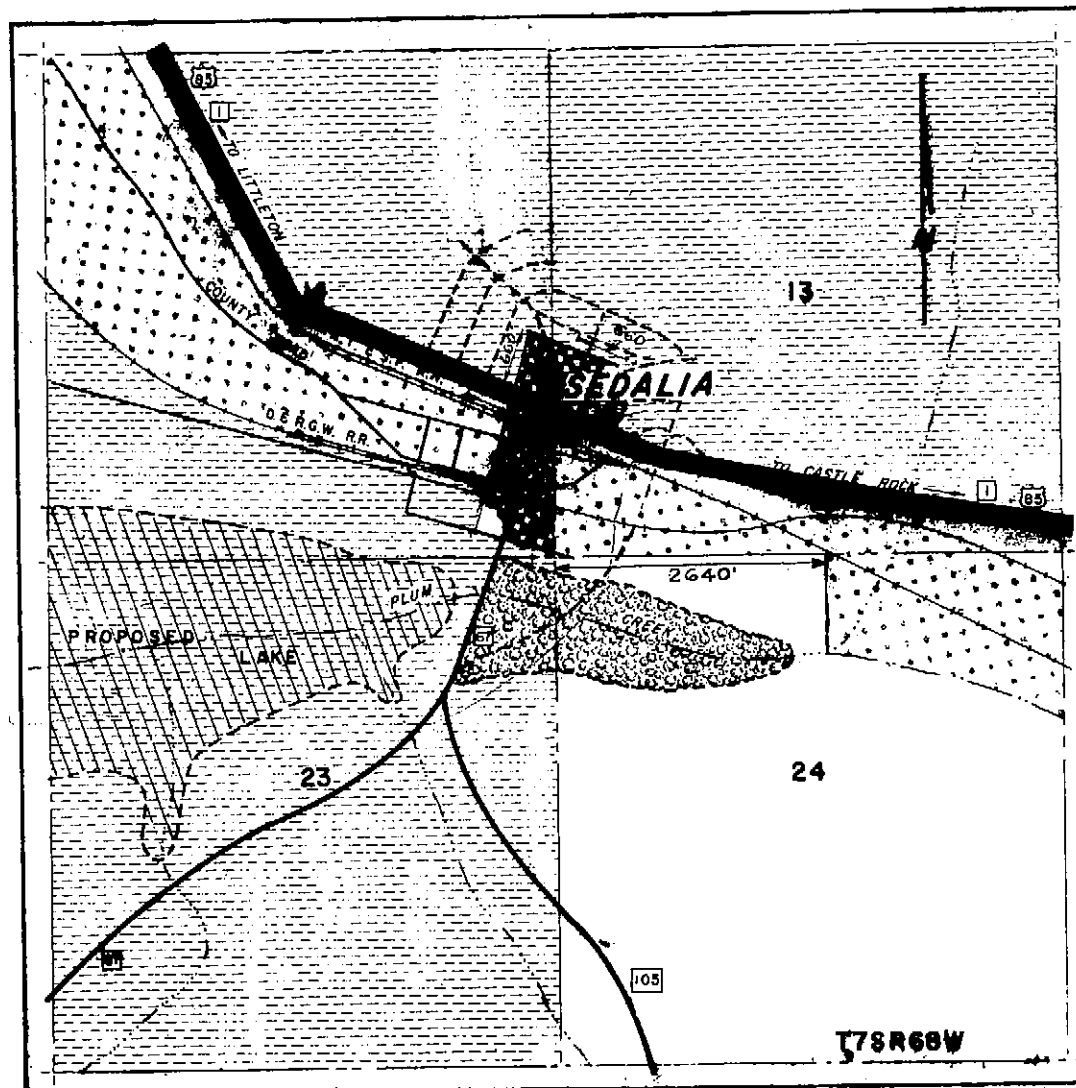
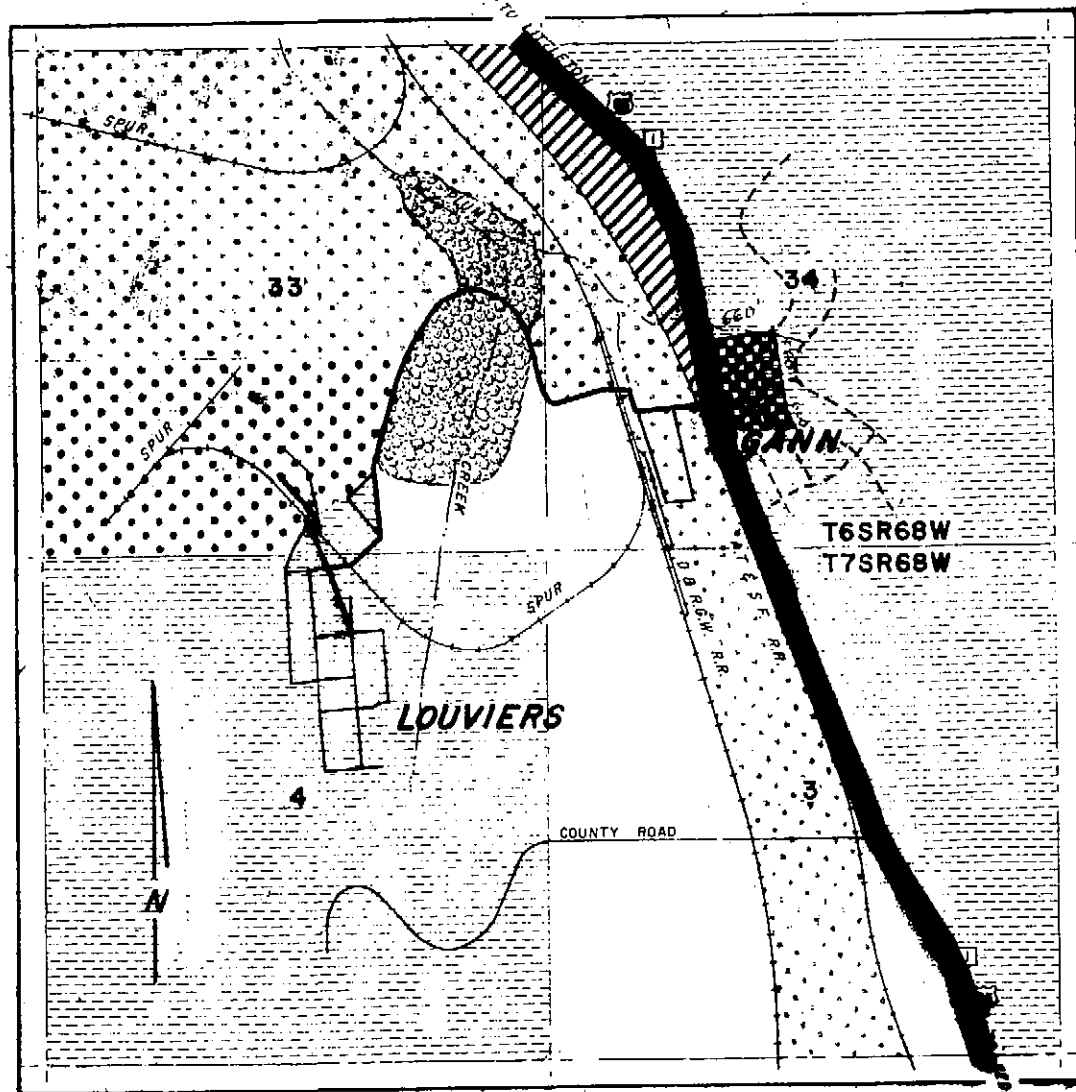
CHAIRMAN  
MEMBER

ATTESTED BY ME WITH THE SEAL OF  
DOUGLAS COUNTY, COLORADO

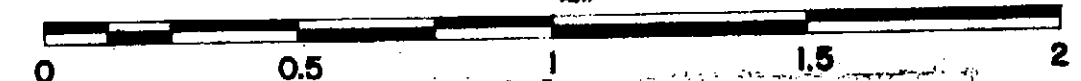
COUNTY CLERK AND RECORDER







# **ZONING DISTRICT MAP** **PLAN OF** **DOUGLAS COUNTY** **COLORADO** **GENERAL PLAN** **AND ZONING** **SCALE** **MILES**



AS PART OF RESOLUTION NO.201  
 ESTABLISHING LAND USE ZONING  
 DISTRICTS.

APPROVED BY THE BOARD OF  
 COUNTY COMMISSIONERS  
 THIS 14 DAY OF JULY, A.D. 1955  
 AT CASTLE ROCK, COLORADO

CHAIRMAN  
 MEMBER  
 MEMBER  
 ATTESTED BY ME WITH THE SEAL OF  
 DOUGLAS COUNTY, COLORADO  
 COUNTY CLERK AND RECORDER

## **LEGEND**

- MAJOR HIGHWAY
- A AGRICULTURE
- R RESIDENTIAL
- B BUSINESS
- I INDUSTRIAL
- PARK AREA
- T TRANSITIONAL
- PROPOSED STREETS, PARKS, AND  
 LAKES ARE SUGGESTED ONLY  
 AND DO NOT CONSTITUTE LEGAL  
 LINES.

**From:** [Matt Jakubowski](#)  
**To:** [dgw249@gmail.com](mailto:dgw249@gmail.com)  
**Subject:** Confirmation - Signature Letter  
**Date:** Friday, July 15, 2022 9:43:00 AM  
**Attachments:** [NeighborSignatureLetter-7-15-22.pdf](#)

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Doug,

This is to confirm that Kristy Mann provided me the letter you dropped off this morning with neighbor signatures. I have attached here for reference. I will provide this letter to the applicant, include in the project file, and will provide to the Planning Commissioners today for their packets. I will also include this within the upcoming Board staff report for the August 9<sup>th</sup> Board hearing.

Regards,

Matt

**Matt Jakubowski, AICP** | Chief Planner  
**Douglas County Department of Community Development**  
**Planning Services Division**  
**Address** | 100 Third St., Castle Rock, CO 80104  
**Phone** | 303-660-7460  
**Email** | [mjakubow@douglas.co.us](mailto:mjakubow@douglas.co.us)



Re: File Number/Name: US2021-003, Use by Special Review for an Event Center:

8635 South State Highway 83, Franktown, Colorado 80116



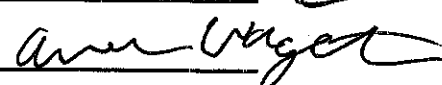
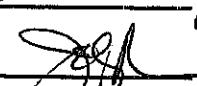
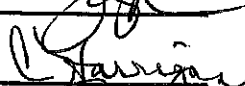
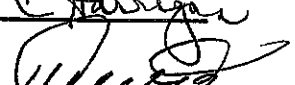
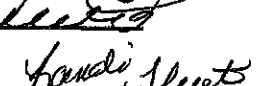
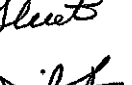

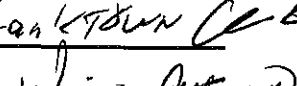
I/We by signing below, join our neighbors in opposition to this proposed commercial project being inserted into our long standing rural and A-1 zoned community. I/We concur with the reasons set forth in our neighbors' letter of July 11, 2022 including:

- The applicant's proposed use as an event center and the resulting business, traffic, and noise is incompatible with the harmony and character of the existing neighborhood and its A-1 zoning.
- Current allowed agricultural uses under A-1 zoning are incompatible with the applicant's proposed use.
- Multiple and conflicting management plans have been published by the applicant.
- Traffic data used to support implementation of an event center is outdated and does not accurately represent the traffic risk.
- If an event center is added to the neighborhood, residents could be restricted from their rights of use, thus putting the wishes of one land owner above the rights of all neighboring land owners.
- If the Use by Special Review is approved, there is no way in which to enforce adherence to the management plan as it is a stated intent and not binding. Neighboring landowners would lose the ability to preserve the character of their neighborhood.

Name (Printed)

Address

Signature

Denise Lake	11708 S Hwy 83 Franktown, CO 80116	
Alan M. Bissett	11060 S. State Hwy 83 Franktown CO 80116	
Anna Wagenter	10505 Lucas Ave, Franktown, CO	
John Redmon	8050 SE Cherry Creek Rd, Franktown, CO	
Cathy Harrigan	3912 Ute Mtn Trl. Castle Rock CO	
Karen Aetray	8470 SE Cherry Creek Rd, Franktown, CO	
Kandi Fluet	8060 SE Cherry Creek Rd Franktown	
April Altman	8060 SE Cherry Creek Rd Franktown	
Chris Fluet	8060 SE Cherry Creek Rd Franktown	
Winnie Altman	8060 SE Cherry Creek Rd Franktown	

Re: File Number/Name: US2021-003, Use by Special Review for an Event Center:

8635 South State Highway 83, Franktown, Colorado 80116

I/We by signing below, join our neighbors in opposition to this proposed commercial project being inserted into our long standing rural and A-1 zoned community. I/We concur with the reasons set forth in our neighbors' letter of July 11, 2022 including:

- The applicant's proposed use as an event center and the resulting business, traffic, and noise is incompatible with the harmony and character of the existing neighborhood and its A-1 zoning.
- Current allowed agricultural uses under A-1 zoning are incompatible with the applicant's proposed use.
- Multiple and conflicting management plans have been published by the applicant.
- Traffic data used to support implementation of an event center is outdated and does not accurately represent the traffic risk.
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Name (Printed)

Address

Signature

Carol Bradley	7505 SE Cherry Creek Rd Franktown CO 80116	Carol L. Bradley
David L. Queen	7520 SE Cherry Creek Rd Franktown, Co.	David L. Queen
Priscilla L. Queen	7520 SE Cherry Creek Rd Franktown, Co.	Priscilla L. Queen
Daniel P. Brown	11876 Cave Spring Rd.	Daniel P. Brown
NORMAN DORRISON	10550 S STATE Hwy 83 Fr	NORMAN DORRISON
Mary Ellen Miller	3500 Pleasant View Dr. Castle Rock, CO	Mary Ellen Miller
Chant Burnham	3500 Pleasant View Dr Castle Rock	Chant Burnham
Kitty Anderson	8921 SE cherry creek Rd - Franktown 80116	Kitty Anderson
DEAN ANDERSON	8921 S.E. cherry creek Rd. Franktown 80116	DEAN ANDERSON



Re: File Number/Name: US2021-003, Use by Special Review for an Event Center:

8635 South State Highway 83, Franktown, Colorado 80116

I/We by signing below, join our neighbors in opposition to this proposed commercial project being inserted into our long standing rural and A-1 zoned community. I/We concur with the reasons set forth in our neighbors' letter of July 11, 2022 including:

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Name (Printed)

Address

Signature

Greg Boynton	8130 SE any creek rd	[Signature]
Chadron Boynton	" "	[Signature]
Stephen Vecchiarelli	12625 Crowfoot Springs Rd, Larkspur	[Signature]
Debra Vecchiarelli	12625 Crowfoot Springs Rd, Larkspur	[Signature]
Christi Hummel	11175 Cave Spring Rd, Franktown, CO	[Signature]
Kay Haider	8103 S. St. Hwy 83 Franktown, CO 80116	
Christopher Phillips	8103 S. St Hwy 83 Franktown, CO 80116	
Cameron Hummel	11175 Cave Spring Rd, Franktown CO 80116	

Pamela Solly and Louie Miller  
8635 S. Highway 83  
Franktown, CO 80116

July 14, 2022

Douglas County Department of Community Development  
Planning Services Division  
100 Third Street  
Castle Rock, CO 80104

Attention: Matt Jakubowski

**Re: Cherry Valley Event Venue – Use by Special Review  
Project Number 2021-003**

Matt,

Thank you for providing us with a copy of the email from the seven homeowners in our area expressing concerns regarding our proposed event venue. We respect the process and peoples' right to express their questions and concerns. When developing our project, traffic and noise mitigation, along with consideration for our neighbors were top priorities for us to address. We have taken extraordinary measures with respect to traffic to ensure the safety of our guests, our neighbors and drivers on SH-83. We've also addressed noise concerns that come with event venues. Finally, we have taken great care to ensure our venue and property align with the Douglas County Comprehensive Master Plan.

We recognize there are some concerns within the community about our proposed event venue and we will do our very best to answer questions and communicate with our neighbors. The intimidation and violence that have taken place on our property by a select few opposed to our project are unacceptable and disturbing. We don't believe these cowardly actions are representative of the people in our community and what we all stand for. We genuinely believe people are good, even if we disagree on certain matters. Louie and I can only control our own behavior and we assure you we plan to stay the course in a fair, respectful and lawful manner.

Although we acknowledge the concerns expressed in the email, we think it's only fair to point out that our closest and abutting neighbors (with the exception of two abutting neighbors on the east side of SH-83) have expressed their support for us as homeowners and have no objections to our project.

The questions and concerns raised by the seven homeowners in the email are generally around 1) harmony, 2) compatibility, 3) traffic and 4) noise.

Harmony and Compatibility

Like the seven homeowners who signed the email, we too love our property. We believe our property is a pristine treasure and we intend to keep it that way. We currently grow hay and lease part of our property to a neighbor who cuts and retains the hay. We yielded approximately 1,200 bales last season.



Last summer, this same neighbor also ran a small herd of his cattle on our property. It is our intent to maintain our Ag-1 zoning status and continue these practices.

Our property is rich in history and we are passionate about preserving that history. Our bank barn was built in 1911. It is an absolute gem that should be shared with the community. Douglas County is also rich in history and we want to do our part to contribute to that history.

We have been tenacious in planning every detail to ensure our venue and property not only align with the Douglas County Comprehensive Master Plan, but to also create a venue and property that is compatible within our community. We don't believe our property or barn venue will violate or impede the rights of other property owners or impact the peace and harmony we all currently enjoy.

### **Traffic**

We have been very thoughtful to develop a management plan to mitigate traffic from our proposed venue. It's important to note the following:

1. Installation of an 800-foot deceleration lane from the north
2. Left turns into the property from the south will be prohibited (maps to be provided to all guests)
3. Maximum of 37 vehicles allowed on the property for all events
4. Busing provided for events with +37 vehicles
5. Designated parking area
6. Video surveillance at the entrance of the property for every event to monitor traffic in and out of the property
7. Annual independent compliance report to be provided to Douglas County, which will include, among other things, number of events, patrons, vehicles entering the property, bus logs etc.
8. The intersection of SH-83 and Lucas Road is on CDOT's list for improvements along SH-83

The most recent traffic study from TurnKey Consulting is dated March 4<sup>th</sup> 2022. Every reference to the speed limit on SH-83 says 65 mph. A previous version of the study had one instance, of many, where the speed was shown as 45 mph. All traffic analysis and recommendations are based on 65 mph.

The traffic crash data used in the report meets the standard requirements and processing timeframes of CDOT. First, CDOT is typically 6-12 months behind in publishing statewide crash data for public use (i.e. crash data in 2022 wouldn't be available until 2023). Second, crash data evaluation is done over the most recent 3-yr period. Third, the limits of the crash data is typically one mile of highway, even though the focus of this evaluation is the crash history of one specific intersection. The traffic count data in the study was from MP 38-39 (one mile), and was from 7/1/16 to 6/30/20 (4 years), and was provided on 6/22/21. Per requirements of the Federal Highway Administration, there is a specific process for how crash data is collected, compiled, and published. Emergency responders provide their data to CDOT in accordance with this process and it would be inappropriate and unprofessional to use unprocessed data directly from first responders that doesn't have CDOT's stamp of approval. A crash within a mile of the access doesn't provide any information about the specific intersection being studied.

## Noise

The noise assessment/study was completed by Jeff Cerjan with Cerjan Consulting LLC who has over 22 years of acoustical consulting experience and has conducted numerous acoustical studies for music venues. The study demonstrates compliance with applicable noise regulations.

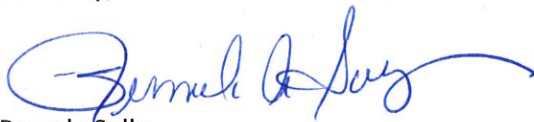
**Table 3 – Predicted Noise Levels and Assessment of Compliance with Mitigations**

Prediction Location	Barn Doors Closed	N Barn Door Open <sup>(1)</sup>	N & S Barn Doors Open <sup>(2)</sup>	Day Limit	Night Limit	In Compliance?
North Compliance (max)	29	30	27	40	35	Yes
South Compliance (max)	29	23	29	40	35	Yes
East Compliance (max)	34	35	35	40	35	Yes
West Compliance (max)	28	24	17	40	35	Yes

Louie and I have been residents of Douglas County for almost 30 years. We expect to develop our property and venue so that we, our children, our neighbors and Douglas County can be proud of it. We plan to preserve the history and protect this property for at least the next 50 years by eventually leaving our property to our children.

If our Use by Special Review permit is approved, we are committed maintaining our Ag-1 zoning status, operating a safe and friendly event venue, being good neighbors and good stewards of the environment.

Sincerely,



Pamela Solly

/pas