

January 27, 2020

NEPCO
P.O. Box 714
Monument, CO 80132-0714

Nina Ruiz
EL Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

Reference: Monument Academy Site Development Plan

NEPCO is providing the collective input from its membership that includes 9,500 homeowners, 45 HOAs, and 20,000 registered voters within and around Monument. The purpose of NEPCO, a volunteer coalition of Homeowner Associations in northern El Paso County, is to promote a community environment in which a high quality of life can be sustained for constituent associations, their members and families in northern El Paso County. We collectively address growth and land use issues with El Paso County Planners and the Town of Monument, as well as addressing HOA issues of common interest among the members. NEPCO achieves this by taking necessary steps to protect the property rights of the members, encouraging the beautification and planned development and maintenance of northern El Paso County.

1. General Comments:

- a. **Although we are happy to once again comment on this rushed development application for the Monument Academy, we question whether anything substantial has changed since our last review of September 2, 2019. Therefore, this current review is very similar to the September review (we have bolded our changes). Again, we strongly recommend that you mandate tracked changes (or at least an executive summary) for what has changed between applications.**
- b. We note, and agree with the developer, that since only half the lot appears to be involved in the school development, this application is limited to the Site Development Plan (SDP) for the school site, and any future development will need to go through the standard County Planning review process. We therefore expect that nothing contained in this application will be relied upon or used for the future development, to include the fact of approval of any document contained in this SDP. **See, for instance, the Parking Spaces table on the Site Development Plan for “future health club and pool parking.” Approval of this SDP, therefore, does not approve these parking spaces.**
- c. Have adjacent property owners been notified of this application for an SDP? **We see none of the typical notification documents in the file.**
- d. The lot is zoned RR-5. We agree with the developer that there is a requirement to process a separate Special Use Permit according to the EPC Land Development Code, Table 5-1, since a “community building” (i.e., **a school**) is a “special use” which may be subject to approval and special requirements, different from those usual requirements for the zoning district in which the special use is located.

- i. NEPCO notes that a “parking lot” is not a permitted use within an area zoned RR-5, though it seems logical for a school. There may be special permission needed for that as well, to include another Special Use Permit for parking for the potential future YMCA in this zoning district.
2. Why does this Site Development Plan appear to be the only application required for this development? According to the EPC Land Development Code, Section 1.15, definition of Site Development Plan, the Planning & Community Development Director may use this, “and other information that may be reasonably required, for the PCD Director to determine compliance with the requirements of this Code, and subsequently authorize issuance of a building or development permit.”
 - a. It appears that upon approval just by the PCD Director, 83 Walker LLC can start building the school. The problem with EPC’s current review plan is that it does not address, in any useful manner for review, water, utilities, wildfire mitigation, noxious weeds, and community input, or if it does, these reports have not been included in the application. Waiting until a subdivision application is submitted still allows construction of the school without any of the above issues being addressed (until, quite frankly, it is too late). The Planning Commission should therefore require a lot more information like the above, containing the sort of information normally required for a final plat approved by the BoCC (see Land Development Code section 1.13.3), in order to properly review this application. **In this vein, please see the comments about the Traffic Impact Study below.**
 - b. The athletic field (football, soccer, lacrosse, perhaps rugby) is just up the hill from the existing Walden Wastewater Treatment Facility and pond. They did place the school building farther to the SSW, but the fields are painfully close. Although we agree that proximity to central wastewater service is a critical infrastructure requirement for school facilities, perhaps the Colorado Department of Public Health and Environment should be asked to weigh-in on this issue of proximity.
 - c. The Lighting plan (**which seems to have disappeared from the files**) indicated that cross-boundary lighting will exceed the 0.1 lumens limitation required of Dark Sky compliant lighting practices. This is essentially a commercial application in a rural setting...**and Dark Sky compliance** should be required as a good neighbor policy. In addition, the developer should know that putting light only where it is needed (i.e., not wasting it by letting it fall in unneeded areas) is the best and safest lighting plan appropriate for a school site!
 - d. Landscaping waiver requests in the Letter of Intent. We recommend that you look closely at these requests. It seems to us that concerns about snow plowing and snow stacking are reasonable considering our climate. **However, waivers based on non-relevant concerns such as the “nature of the site use”, “no immediate plans for development of the adjoining property”, or “adequately meets the functional needs of the school” may carry less weight than the purpose for the landscaping plans, i.e., to provide uniform standards; decrease the scale of parking lots; provide shade; reduce heat, glare, and noise; separate circulation systems; soften and reduce the mass of buildings; screen and buffer lower intensity uses from higher intensity uses; protect residential privacy; and to create an overall pleasant and attractive surrounding. See LDC 6.2.2.(A)(1). In addition, waivers based on the developer’s standard that their alternative landscaping plan “provides appropriate aesthetic landscaping” or “an appropriate program of landscape plantings” should be a non-starter. The relevant Land Development Code section was designed to serve the purposes mentioned above. To allow a developer to substitute his/her standard of “appropriateness” may set an inconsistent and wildly fluctuating precedent for the future. Finally, we also note that the argument that Monument Academy has limited resources is disingenuous -- we all have limited resources. If one is going to build and run a school, many economic decisions will have to be made, and one of them is complying with community standards. Perhaps the administrators’ offices can be furnished in a lesser grade of tile or style of**

desk which would allow for additional trees to be purchased or an extra landscaper to be employed to trim bushes and trees. **In the final analysis, a waiver should only be granted if there is an equivalent benefit to the community and environment as would otherwise be achieved by meeting the specific requirements of the code (LDC 6.2.2.(A)(4)).**

3. Traffic Impact Study (TIS): **Below, although we again repeat our comments on the TIS from our September review, we are amazed that the August 16, 2019 TIS was deleted from the file! Instead, the DSD Director apparently agreed that the TIS will be reviewed under the “CDR” process (construction drawing process?), and is not a part of the SDP submittal. We find this highly irregular, non-transparent, and indicative of a rush to construction, especially in light of the concerns about the traffic study mentioned by EPC and CDOT in the project reviews. In addition, these agencies also apparently required the developer to address enrollment limitations because of traffic on Walker Road in the Development Agreement. We see no such limitation in that document.**
- a. We note that much of this study is based upon “planned” construction by CDOT (page 2 and 5); potential phasing of traffic controls (page 10 and 13); 3 different phasing plans for the Shannon Road connection to Walker Road “should issues arise,” including realignment and/or closure of Shannon Road (page 15); substantial changes to posted speed limits near the school (page 3); adequate sight distance to approaching traffic that is less than required based upon the approaching vehicle’s “slower turning speed” since it will just have turned (page 4); a handful of deviation requests (page 17); and analyzed under the most favorable future scenarios (no re-zoning of residential density and no commercial development nearby to the west or north), yet it still produces a plethora of LOS E and F results at various intersections (pages 25, 96, 100, 102, 106, 144, 184, 186, etc.)! And with the future addition of many new high school-aged drivers, this entire area is an accident waiting to happen and should be granted few, if any, deviations from the El Paso County Engineering Criteria. In addition, the area should be monitored closely throughout the next 5-10 years for continuous safety improvements!
- b. We also note that the traffic counts for the intersection of Highway 83 and Hodgen Road were taken on 6/21/2017 for AM and PM traffic. Not only is this more than 2 years old, but it was taken during the summer when school is out and presumably less traffic present on the roads to drive children to school (pages 75-78). Are the counts valid?

NEPCO’s Final Comments:

We recommend that you review this site development plan with the same thoroughness and standards that you review all land use applications. In this vein, we strongly suggest that the Planning Commission request a public hearing in accordance with Section 5.3.3.(G)(3) of the EPC Land Development Code to ensure all voices are heard and all issues discussed and resolved.

Thank you for the opportunity to review this important development which may ultimately change the character of this formerly rural area. NEPCO requests that our organization be informed of subsequent actions related to this development and be a participant in the review and coordination process.

//SIGNED//

Paul E. Pirog
Vice Chairman
NEPCO Land Use & Transportation Committee

//SIGNED//

Greg Lynd
President, NEPCO