



19 E. Willamette Avenue
Colorado Springs, CO 80903
(719)-477-9429
www.jpsegr.com

April 30, 2019

El Paso County Planning and Community Development Department
Attn: Nina Ruiz, Project Manager
2880 International Circle
Colorado Springs, CO 80910

**SUBJECT: Monument Academy Site Development Plan
Response to NEPCO Comments
PPR-19-009**

Dear Nina:

In conjunction with our Site Development Plan re-submittal, this letter provides responses to the letter from the Northern El Paso County Coalition of Community Associations, Inc. (NEPCO) dated March 25, 2019. These comments are specifically addressed as follows **(Applicant responses are annotated in bold / red / parenthesis following each comment):**

General Concerns/Questions related to the Monument Academy Site Development Plan:

3. General Comments:

- a. The **Letter of Intent** and the **Construction Drawings** depict the parcel as 64.1 acres, yet the EPC tax assessor's office lists this parcel as 69.76 acres. Which is correct? **(The acreage stated in the submittal is based on survey and more precise than the assessor's listing)**

- b. **Construction Drawings**, Page 2: Only about half the lot appears to be involved in the school development, while the other half is called "future commercial." Is this lot being subdivided? Does approval for the school make a re-zone to future commercial (or residential—see below) a done deal? **(While sound engineering practice dictates consideration of potential future development patterns, this application is limited to the Site Development Plan for the school site, and any future development will need to go through the standard County Planning review process.)**

- i. The Final Drainage Report, Page 4, states “83 Walker LLC has future plans for development of the balance of the property with a mixture of commercial and residential land uses.” NEPCO wonders if nearby neighbors are aware of this?
 - c. NEPCE notes that 83 Walker LLC incorporated as an LLC only 19 days prior to purchasing this property from D-38 in November 2018. We admit we do not know much about financing to build a school, but it seems like D-38 sold their land to a developer so that the developer could construct the school AND make money on the property not dedicated to the school’s use. Therefore, it seems EPC should assume that it is dealing with a typical public developer and not the public-school district. Therefore, requests for waivers should be viewed in that context not as a public school.
 - i. Therefore, the **Letter of Intent** request on Page 3 to waive posting of financial assurances should be denied! Monument Academy no longer owns the property! **(As a condition of bond funding, Monument Academy will be the property owner prior to the start of construction)**
 - d. The lot is zoned RR-5. According to the EPC Land Development Code, Table 5-1, Principal Uses in an area zoned RR-5, a public school is an “allowed use.” However, a “community building” (i.e., the YMCA) 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. **(The requirement for processing of a Special Use Permit is noted on the revised Development Plan drawings)**
 - 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.
4. This Development Plan contains a typical homeowners Detention Basin Maintenance Agreement. The EPC County Attorney review comments stated: “With respect to the Detention Maintenance Agreement, please resubmit using the template for Owner-Developer. Because a subdivision is not being proposed at this time, the Owner-HOA template that appears to have been used is not applicable.” Based on what the Developer submitted NEPCO has the below questions:
 - a. Why is this agreement between Monument Academy and EPC instead of 83 Walker LLC and EPC? Since the agreement states that “Developer desires to plat and develop on the Property a subdivision to be known as MONUMENT ACADEMY SUBDIVISION;” it seems that the developer doing this is not Monument Academy who desires only a school!

- b. By the way, exactly what is the “Monument Academy Subdivision” and why does this detention basin agreement create a “covenant running with the land upon each and every lot in the Subdivision” when such subdivision does not exist and there is only one large lot owned by 83 Walker LLC?
- c. In addition, this Agreement alludes to the formation of a Monument Academy Subdivision Property Owners Association (whose President signs this agreement). Will the developer’s potential commercial entities be a part of this association too?

(Detention Basin Maintenance Agreement has been revised; subdivision will be a separate process at a future time)

- 5. 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 and YMCA! **(A Special Use Permit will be processed prior to YMCA use)**
 - b. The problem with this Plan is that it does not address, in any useful manner for review, traffic, water, utilities, wildfire mitigation, noxious weeds, and community input, or if it does, these reports have not been included in the application. **(A Subdivision application addressing standard County Planning requirements will be processed as a separate application.)**
 - c. The Planning Commission should require a lot more information like the above, and probably a final plat approved by the BoCC (see LDC 1.13.3), in order to properly review this application. **(A Subdivision application addressing standard County Planning requirements will be processed as a separate application.)**
 - d. The athletic field (football, soccer, lacrosse, perhaps rugby) is just up the hill from the settling pond. They did place the school building farther to the SSW, but the fields are painfully close. **(Proximity to central wastewater service is a critical infrastructure requirement for school facilities.)**
 - e. The Lighting plan indicates that cross-boundary lighting will exceed the 0.1 lumens limitation required of Dark Sky compliant lighting practices. This is a commercial application in a rural setting...Dark Sky should be required as a good neighbor policy. **(The proposed lighting plan is appropriate for a school site with associated safety considerations.)**

6. Traffic Impact Study:

- a. There was none included in either the agency review file or the public file. How did the Developer, School Board or who ever made the decision arrive at the Traffic Circle conclusion or the right-in/right-out on Hwy 83? DID CDOT sign-off on their plan? Are we heading for the same traffic challenges we have with Monument Academy on Highway 105? **(The Traffic Study has been included in the application materials and traffic issues have been reviewed in detail with County staff and CDOT.)**

NEPCO's Final Comments:

1. Bottom Line: It seems that approving this site development plan will not only avoid many land use planning standards and information that should reasonably be considered, but also potentially launch a lot more than creation of a school. I can see the developer using it to subdivide the property, create a property owners association, allow in commercial uses, and ultimately change the zoning, all based on approval of this Plan. **(A Subdivision application addressing standard County Planning requirements will be processed as a separate application. Any potential future rezoning will go through the standard County Planning review process.)**
2. A Land Developer proposing a school and a YMCA and also requesting commercial and residential lots seeking to receive initial approval as part of the package is sort of an apples and hub caps request. They cannot request waives as a school in areas that include non-school usages for the property. **(This application does not include any formal request for approval of future commercial and residential development surrounding the school site. A Subdivision application addressing standard County Planning requirements will be processed as a separate application. Any potential future rezoning will go through the standard County Planning review process.)**

Please call if you have any questions or need any additional information.

Sincerely,
JPS Engineering, Inc.

John P. Schwab, P.E.

cc: Brian Risley, CRP Architects