

May 3, 2021

NEPCO
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Reference: Cathedral Rock Commons Rezone to RM-30

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. This application does not appear ready to be adjudicated as indicated by our comments below. In the alternative, if it does proceed through land use application processing as is, we think the application does not meet the EPC Land Development Code criteria for approval of a map amendment (rezoning) under Section 5.3.5.(B).
2. Zoning Map. Although the map does list owners of adjacent property, the zoning map does not appear to depict adjacent zoning. In addition, the zoning map shows a development north of Spanish Bit Dr. that does not exist as far as we know. These errors could be confusing to any decision-maker or members of the public who are reviewing this application.
3. The EDARP site for this application lists 3 parcels that are presumably being considered for rezoning; yet the only parcel which is relevant is parcel #7136001045. Why are parcel #7136002035 (to the north of Spanish Bit Dr.) and #7136301013 (south of Cathedral Rock Commons) listed?
4. It was brought to our attention by the Chaparral Hills RA that there apparently is a 1971 covenant that runs with the land for Tracts 1-56 of the Chaparral Hills Subdivision, located in No. 823913, Book 2431, Page 92. This covenant states in relevant part, that purchasers of lots in Chaparral Hills agree to the commercial development of the approximately 20 acres of property located southwest of Chaparral Hills and adjoining Tracts 26, 27, and 28, **in a manner compatible with maintaining property values of Chaparral Hills** (emphasis added). The rezoning of this property to shoehorn in a 120-unit, multi-dwelling development of 40-foot-high apartments and a day care center will not maintain property values in Chaparral Hills. If the developer disagrees with this assessment, it is incumbent upon the developer to prove it by conducting an objective analysis of the economics of this idea prior to a decision regarding rezoning.

5. Land Development Code Criteria. We agree that the current zoning for this property (R-4: Planned Development) is obsolete, but the Letter of Intent only pays lip service to the Code when its analysis consists of, “We feel that this project is harmonious with adjacent land uses and will serve community with a useful amenity for the area. This project would provide a transition from the regional road and commercial area to the single-family homes to the east.”

a. Under LDC 5.3.5.(B), in approving a Map Amendment, the following findings (among others) shall be made:

The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned; and

The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.

1. In our view, the application is not in conformance with the local Small Area Plan (Tri-Lakes Comprehensive Plan, Sub Area 10 Gleneagle-Academy View). Under that Plan, “Commercial and non-residential type land uses should be located in areas designated as mixed use and should be designed in a manner that is sensitive to the existing residential uses.” Apartment buildings adjacent to single-family homes does not provide that sensitivity.
2. In addition, the Plan also cautions that, “All development that occurs within the I-25 corridor should be coordinated with the I-25 Visual Overlay and be consistent with the goals and objectives outlined in that Section.” (This section encourages well-organized and thoughtful development that complements the natural landscape and preserves the unique character and viewsheds of the corridor to the Front Range and eastern plains.) Rezoning this property to RM-30 would itself drastically change the character of this area (40’-tall apartments buildings adjacent to single-family homes on 5-acre lots and other single-family homes on smaller ~9,000 sq ft lots). Likewise, 40’-high apartment buildings do not complement the natural landscape, and only serve to restrict the viewsheds of nearby landowners to the Front Range, and drivers along I-25 to the eastern plains.
3. Finally, plopping an RM-30 zone between RR-2.5 (containing mostly 5-acre lots), PUD, and Commercial Community zones is not compatible in all directions. This is especially so as one of the nearby PUD zones is currently undeveloped and the establishment of a toehold of apartments north of it might serve to inspire the owner of that property to seek more dense development – or even a further rezone to RM-30! This would not further the unique character of this area or protect surrounding viewsheds.

b. Just before posting this review, we noted that PCD gave the developer the option to comply with the small area plan OR the new Master Plan (which is not yet approved, but presumably eliminates all small area plans). If that is the case, please consider the following:

1. Page 19 of the Draft Master Plan: “Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent

communities of Monument, Palmer Lake, and Woodmoor” (emphasis added). As noted above in paragraph 5.a.2., rezoning this property to RM-30 would itself drastically change the character of this area (40’-tall apartments buildings adjacent to single-family homes on 5-acre lots and other single-family homes on smaller ~9,000 sq ft lots).

2. Page 26 of the Draft Master Plan: The placetype for Chaparral Hills appears to be Large-Lot Residential since the primary character consists of single-family detached residences located on 5-acre lots (that are zoned RR-2.5). Supporting land uses would include Parks/Open Space, Commercial Retail (Limited), Commercial Service (Limited), or Agriculture. This does NOT include multi-family residential.

The bottom line is that under either land use plan, this rezoning and subsequent development is not suited for this 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. Thank you.

//SIGNED//

Paul Pirog

Vice Chairman

NEPCO Land Use & Transportation Committee

//SIGNED//

Greg Lynd

President, NEPCO