

**TOWN OF MONUMENT
RESOLUTION NO. 41-2024**

**RESOLUTION OF THE TOWN OF MONUMENT
PROTESTING THE REZONING OF MONUMENT RIDGE EAST
IN EL PASO COUNTY, CO**

WHEREAS, Vertex Consulting Services (the "Applicant"), on behalf of Monument Ridge East, LLC (the "Developer"), is seeking County of El Paso (the "County") approval of Monument Ridge East (the "Development") for the development of the 59.48-acre property (the "Property") southeast of the Interstate 25 and County Line Road interchange in unincorporated El Paso County; and

WHEREAS, the Property is currently undeveloped, vacant, heavily wooded property, located adjacent to Douglas County, and in close proximity to Town of Monument ("Town") (**Exhibit A - Location Map**); and

WHEREAS, the Developer is requesting County approval of a map amendment (rezoning) for the southern 40.51 acres to RM-12 Residential Multi-Dwelling, and for the northern 18.97 acres to RS-6000 Residential zoning; and

WHEREAS, the Development under consideration by the County consists of 342 attached and detached dwelling units with minimal to no passive or active open space (**Exhibit B – Monument Ridge East Grading Exhibit, dated 3/7/2024**); and

WHEREAS, the County Master Plan states "Future Development should plan for annexation wherever appropriate, especially in established enclaves that would benefit from municipal services" (**Exhibit C – County Master Plan: Annexation**); and

WHEREAS, the County Master Plan Core Land Use & Development Principals & Goals establish that it is a County priority to manage growth to ensure a variety of compatible land uses that preserve all character of the County (**Exhibit D – County Master Plan: Core Principals & Goals**); and

WHEREAS, the County Community & Facility & Infrastructure Principals & Goals establishes that the County continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services; and

WHEREAS, The Development will cause the clear-cutting of a significant mature tree strand and related environ, an action that contradicts the County's Master Plan's 9th Core Principle prioritizing consideration of development impacts environmental impacts to natural resources and environs (**Exhibit E – Photograph of Existing Mature Tree Stand**); and

WHEREAS, The Development is incompatible with the adjacent properties and will be detrimental to the preservation of the natural and rural character of the area; and

WHEREAS, the requested rezoning/map amendment does not meet the criteria established by Section 5.3.5 (A) of the County Land Development Code requiring that proposed map amendments/rezoning be in general conformance with the County's Master Plan, resulted from material change in the character of the area since the current zoning was established, resolves an error or oversight in the original zoning of the property, or is necessary for the

general, safety, or welfare of the community (**EXHIBIT F – Section 5.3 (A) of the County Land Development Code**); and

WHEREAS, the property owner purchase of the Property with the expectation of having the ability to rezone the property does not constitute a property owner right or hardship justifying the Developer's request as proposed; and

WHEREAS, The requested rezoning/map amendment required by the Development does not meet the findings established by Section 5.3.5 (B) of the County Land Development code in that the rezoning does not conform with the El Paso County Master Plan including applicable Small Area Plans, does not comply with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116, and is not compatible with the existing land uses and zoning districts in all directions (**EXHIBIT G – Section 5.3 (B) of the County Land Development Code**); and

WHEREAS, the Development is within the Town Comprehensive plan establishes future land used expectations for properties within the Town and with the three-mile planning area outside of the Town's existing municipal boundaries; and

WHEREAS, the proposed Development is inconsistent with the Town Comprehensive Plan, which prioritizes the preservation of natural features; and

WHEREAS, The Development is not consistent with the mixed-use future land use designation established in the Town Comprehensive Plan, a designation promoting a mixture of non-residential, residential development, having convenience goods, services and employment opportunities for area residents, and usable open lands, parks, trails, and open space (**Exhibit H – Mixed Use Designation, Town Comprehensive Plan**); and

WHEREAS, The Town is sensitive to Douglas County's expressed significant concerns regarding the high-density uses adjacent to the Douglas County rural and open space areas (**Exhibit I – Douglas County Statement, dated 03/25/2024**); and

WHEREAS, the project proposes 342 residential units, which, with the area average of 2.78 persons per household, would add an additional population of 978 persons to a mostly rural area; and

WHEREAS, the Development density (units per acre) proposed will place an undue burden on the Town Police Department in its efforts to serve the Town proper and the surround lands per the established Inter-Agency Cooperation Agreement between the County and the Town (**Exhibit J – Memorandum from Town Police Chief, dated 4/23/2024**); and

WHEREAS, the Development entertains the elimination of Monument Hill Road, a local collector street, a change that will cause the redirection of local traffic and will be eliminated, redirecting all traffic, including visitors of the neighboring campground, through residential area; and

WHEREAS, the Development is within and adjacent to a sensitive wetlands zone that drains into a 36,000-acre conservation easement, posing risks to this vital ecological area; and

WHEREAS, the Development will receive water service resourced via rapidly depleting groundwater aquifers, with no renewable water source available; and

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TOWN PROTESTING THE REZONING OF MONUMENT RIDGE EAST**

WHEREAS, the Town of Monument previously rejected an annexation of this area during a Town Council public hearing, due to the destruction of natural features and densities being incompatible with the surrounding area; and

WHEREAS, the Town of Monument has received dozens of signed petitions from adjacent neighbors protesting this project, demonstrating significant community opposition; and

WHEREAS, dozens of residents attended a public hearing to voice their objections to the proposed rezoning, and hundreds more participated in a neighborhood meeting to protest the project, during which the property owner failed to address the valid concerns of the residents; and

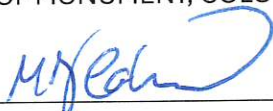
WHEREAS, the proposed straight zoning district does not adequately address the beauty and character of this part of El Paso County; and

WHEREAS, given the unique natural features found on the property, a Planned Unit Development (PUD) designation would better manage the densities, preserve neighborhood character, and protect natural features, assuring a public benefit for the residents of the Development, adjacent County and the Town; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Monument strongly protests the rezoning of Monument Ridge East for the reasons outlined above and urges the El Paso County Planning Commission and Board of County Commissioners to reconsider this proposal in favor of a Planned Unit Development (PUD) to ensure sustainable, compatible, and community-focused growth.

PASSED AND RESOLVED by the Town Council of the Town of Monument, El Paso County, Colorado, this 2nd day of July 2024 by a vote of 1 for and 0 against.

TOWN OF MONUMENT, COLORADO

By: 
Mitch LaKind, Mayor

Attest:


Tina Erickson, Town Clerk



Exhibit A - Location Map

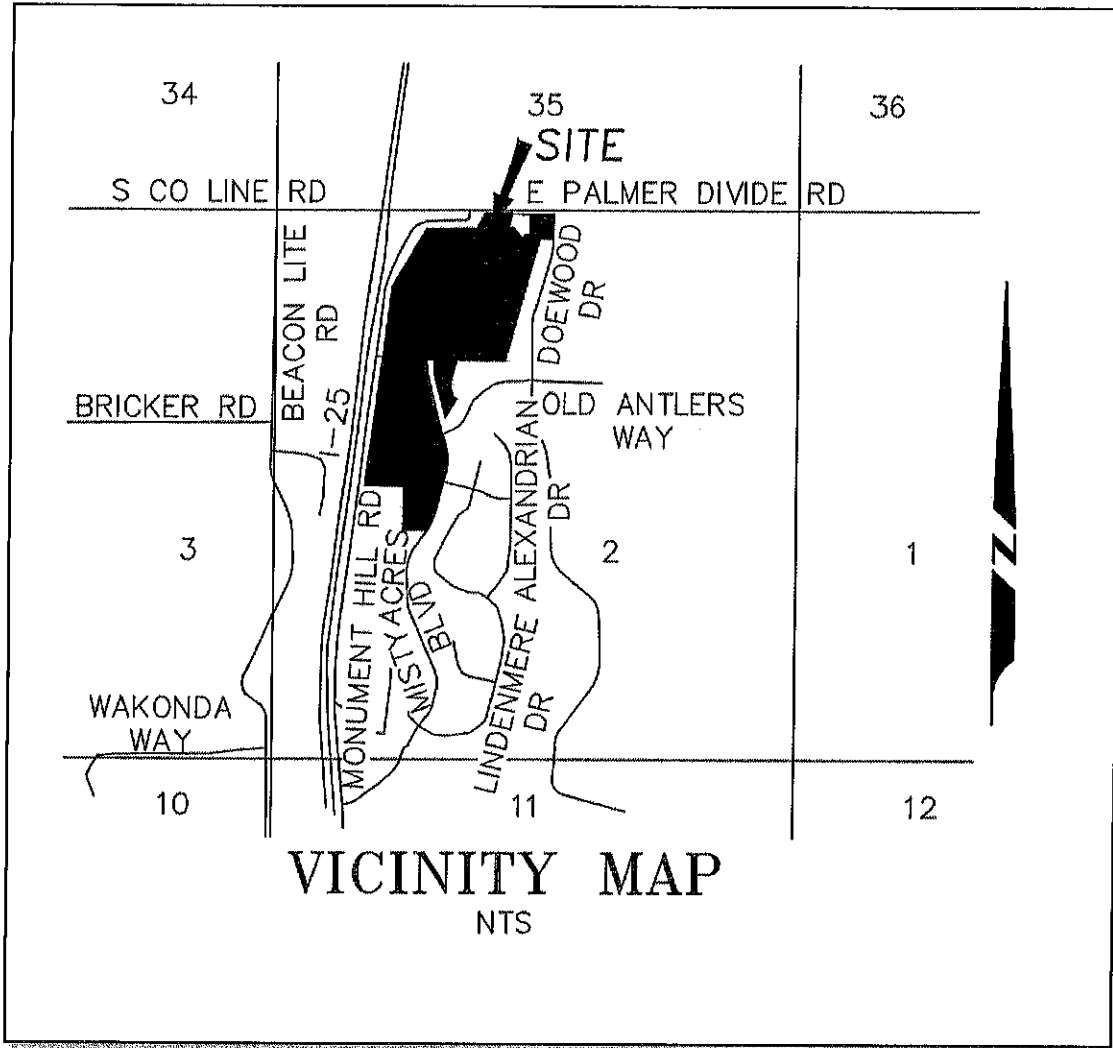
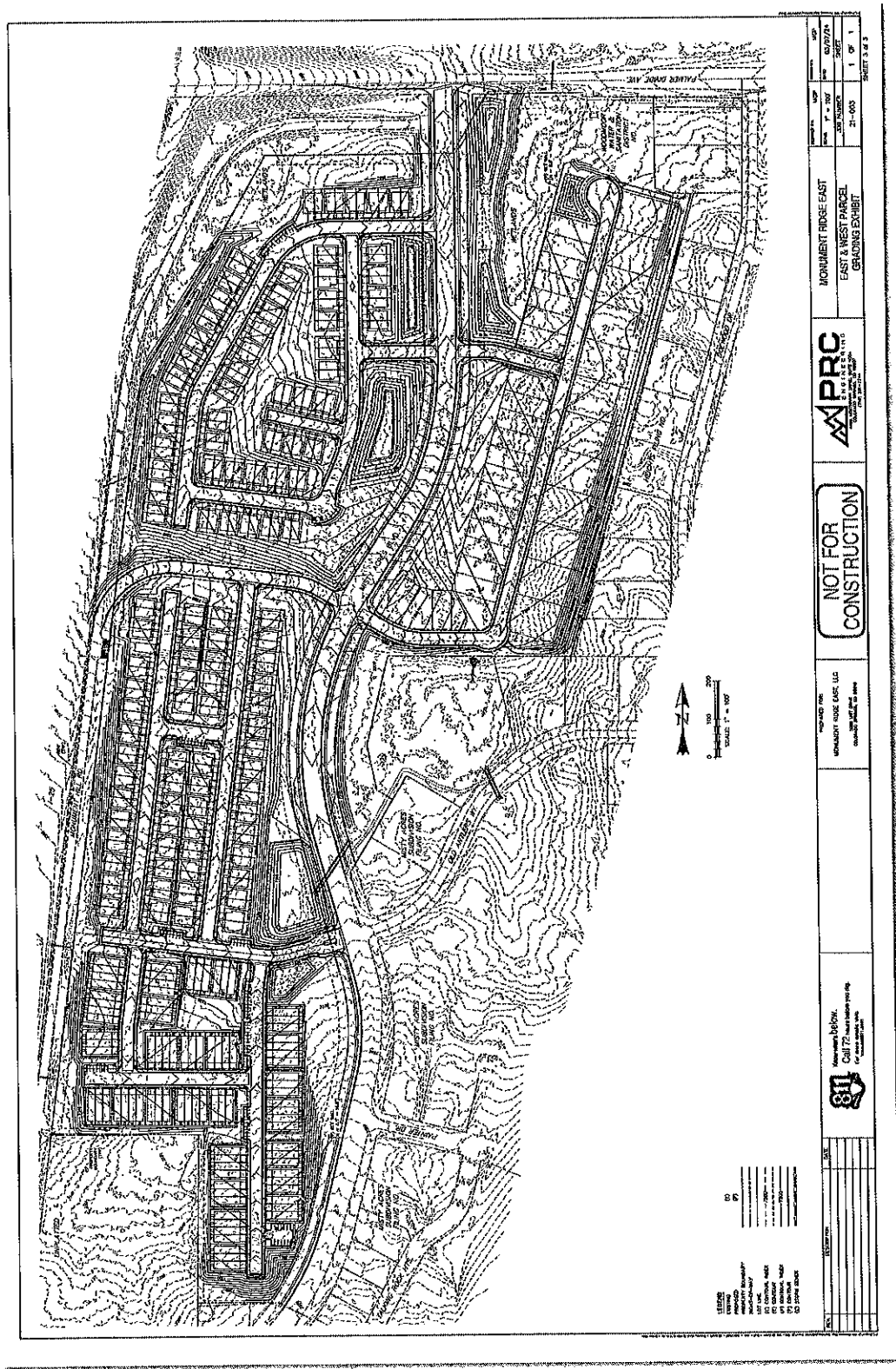


Exhibit B – Monument Ridge East Grading Exhibit, dated 3/7/2024



 PRC PROFESSIONAL REGISTERED CIVIL ENGINEERS 1000 W. 10th Street, Suite 100 Lincoln, NE 68502 Phone: (402) 441-1111 Fax: (402) 441-1112 Email: info@prcne.com		MONUMENT RIDGE EAST EAST & WEST PARCEL GRADING EXHIBIT		SHEET 3 OF 3
NOT FOR CONSTRUCTION		MONUMENT RIDGE EAST, LLC 1000 W. 10th Street, Suite 100 Lincoln, NE 68502 Phone: (402) 441-1111 Fax: (402) 441-1112 Email: info@prcne.com		DATE: 3/7/2024 SCALE: 1" = 100' DRAWN BY: [Name] CHECKED BY: [Name]

Exhibit C – County Master Plan: Annexation

Annexation

Under the 1965 Municipal Annexation Act, annexation can occur in three ways: 1) land-owner petitions, 2) annexation election, and 3) unilateral annexation of an enclave or municipally owned land. The first is most common and requires more than 50 percent of landowners to vote to approve annexation. The second allows registered electors to vote toward incorporation. The third can occur when a specific area is surrounded by or solely owned by the annexing municipality. For any of the options to be eligible, a one-sixth boundary contiguity must exist, meaning at least one-sixth of the annexation area must touch the existing municipal boundary. However, if a property is solely owned by the annexing municipality, the property does not have to touch any part of the existing municipal boundary to be annexed.

Given the impacts municipal development can have on unincorporated areas and the importance of infrastructure in the success of development, annexation is a key factor for growth accommodation in the region. Utilities, infrastructure, and public facilities are easier to manage, maintain, and access in a municipality. While growth in unincorporated areas is necessary, areas with annexation potential should be considered. Future development should plan for annexation wherever appropriate, especially in established enclaves that would benefit from municipal services.

Exhibit D – County Master Plan: Core Principals & Goal

Core Principles & Goals				
<p>1. Land Use & Development Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.</p> <p>Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.</p> <p>Goal 1.2 - Coordinate context-sensitive annexation and growth strategies with municipalities.</p> <p>Goal 1.3 - Encourage a range of development types to support a variety of land uses.</p> <p>Goal 1.4 - Continue to encourage policies that encourage development "pay for itself".</p>	<p>2. Housing & Communities Core Principle: Preserve and develop neighborhoods with a mix of housing types.</p> <p>Goal 2.1 - Promote development of a mix of housing types in identified areas.</p> <p>Goal 2.2 - Preserve the character of rural and environmentally sensitive areas.</p> <p>Goal 2.3 - Locate attainable housing that provides convenient access to goods, services, and employment.</p> <p>Goal 2.4 - Support aging-in-place housing options to meet residents' needs through all stages of life.</p>	<p>3. Economic Development Core Principle: Strengthen the economy with a skilled workforce and targeted investment.</p> <p>Goal 3.1 - Recruit new businesses and spur the development of growing sectors.</p> <p>Goal 3.2 - Support efforts to recruit, train, and retain a skilled workforce.</p> <p>Goal 3.3 - Encourage the development of commercial districts in underserved areas.</p> <p>Goal 3.4 - Utilize economic opportunity zones to support new business development.</p> <p>Goal 3.5 - Coordinate with military installations to foster new development that is compatible with installations and create new jobs.</p>	<p>4. Transportation & Mobility Core Principle: Connect all areas of the County with a safe and efficient, multimodal transportation system.</p> <p>Goal 4.1 - Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel.</p> <p>Goal 4.2 - Promote walkability and bicyclability where multimodal transportation systems are feasible.</p> <p>Goal 4.3 - Foster transit-supportive development and coordinate to expand public transportation options.</p> <p>Goal 4.4 - Develop a sustainable funding mechanism for transportation infrastructure and maintenance.</p>	<p>5. Community Facilities & Infrastructure Core Principle: Continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services.</p> <p>Goal 5.1 - Coordinate with agencies to provide high-quality community facilities, services, and infrastructure to enhance quality of life.</p> <p>Goal 5.2 - Improve the effectiveness of public safety through coordination, funding, and planning.</p> <p>Goal 5.3 - Ensure adequate provision of utilities to manage growth and development.</p> <p>Goal 5.4 - Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.</p>



Exhibit E – Aerial and Photographs of Property

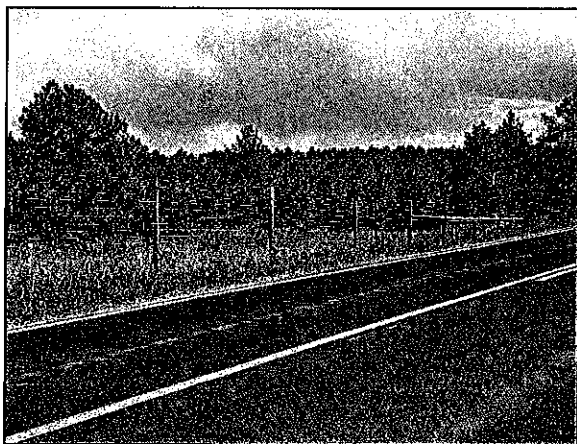


Exhibit F & G – Section 5.3 (B) of the County Land Development Code

5.3.5. Map Amendment (Rezoning)

F

(A) Purpose. The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. In addition to categorizing land by uses such as residential, commercial, and industrial, the LDC also specifies such details as building setback lines, the height and bulk of buildings, the size and location of open spaces, and the intensity to which the land may be developed. The zoning of parcels of land generally conforms to and promotes the County's Master Plan. Zoning protects the rights of property owners while promoting the general welfare of the community. By dividing land into categories according to use, and setting regulations for these categories, zoning governs private land use and segregates incompatible uses.

Generally, rezoning is justifiable under one of the following circumstances:

- When the requested rezoning is in general conformance or consistency with the County's Master Plan;
- If inconsistent with the Master Plan, a material change in the character of the area since the date of the current zoning is demonstrated;
- When there was an error or oversight in the original zoning of the property; or
- The zone change is necessary for the general health, safety, or welfare of the community.

G

(B) Criteria for Approval. In approving a Map Amendment, the following findings 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;
- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

(C) Conditions on Rezoning Authorized. Conditions of approval may be included in the resolution approving a rezoning request. Where any approved condition would impact the permitted uses or density and dimensional standards of the rezoned property, the existence of the conditions shall be noted on the Zoning Map. Any amendment to the conditions placed upon a rezoning is considered a new zoning action. Conditional zoning shall not be used to circumvent the intent or requirements of this Code, shall be exercised sparingly and in exceptional situations, and the burden of proof shall be upon the applicant to demonstrate the need.

(D) Updates of Maps. The PCD Director is responsible for producing all updates of the County Zoning map.

Exhibit H Town Comprehensive Plan



MIXED USE (MU)

TYPES:

- A mixture of non-residential and residential development that provides convenience goods, services, and employment opportunities for area residents
- Mixed use development may include residential development in the mix and should address the physical and functional integration of uses through careful site layout and the thoughtful design of buildings, pedestrian environments, and streets
- Mixed use development should promote work, live, and play, with residential use being subordinate to the non-residential uses
- Useable open lands and open space
- Live/work developments in the same building
- Professional office facilities that are not high traffic generators, including but not limited to architecture, real estate, financial, legal, and engineering services
- Personal services such as barber shops, beauty shops, and health spas
- Medical facilities including offices for doctors, dentists, and specialists as well as critical care facilities
- Groups of shops and services that share a single access point
- Lodging
- Convenience retail and restaurants
- Public facilities (schools, library, recreation)

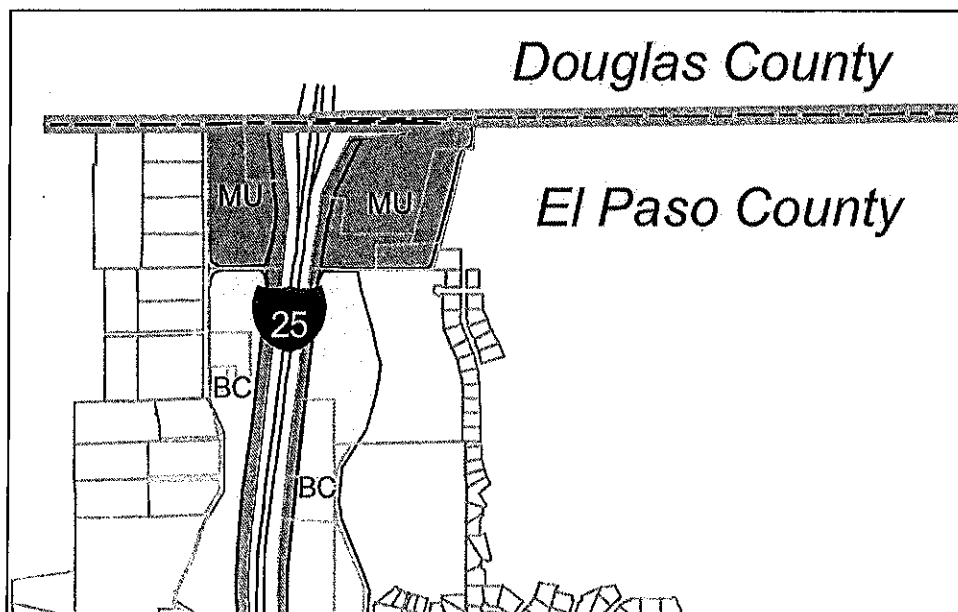
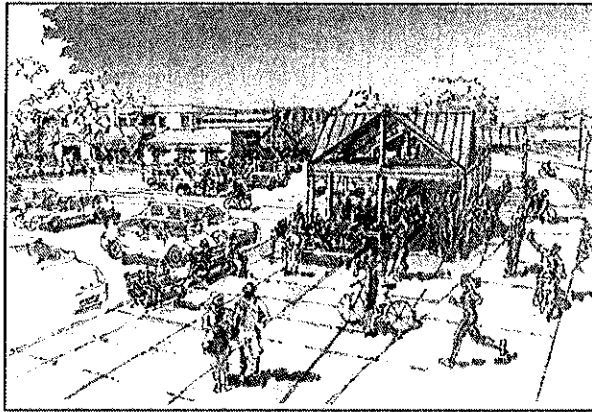


Exhibit I – Douglas County Statement, dated 3/25/2024



Department of Community Development

www.douglas.co.us

Project Name: Monument Ridge East, Rezoning (RM12)

Project Number: P245 / RE2024-031
Date Received: 03/25/2024

Jurisdiction: El Paso County
Due Date: 04/15/2024

Addressing Comments:
No Comments

Engineering Comments:
No Comments

Planner Comments:
As mentioned previously, Douglas County Planning has concerns with isolated urban-level multifamily development adjacent to rural and open space areas. The proposed zoning would allow approximately 500 multifamily dwellings in an area that is better suited to less intense development such as the proposed adjacent suburban residential zoning. While the narrative states the need for multifamily development in El Paso County, it does not discuss the appropriateness of this isolated location relative to services and facilities for the approximately 1,000 future residents. Such density is better suited to municipalities that provide public services and facilities within a reasonable distance.

Exhibit J - Memorandum from Town Police Chief, dates 4/23/2024

From: [John Lupton](#)
To: [Dan Unoedakder](#)
Cc: [Mike Foreman](#); [Patrick Regan](#)
Subject: Unincorporated Housing Development Discussions -MPD Perspective
Date: Tuesday, April 23, 2024 8:45:32 AM

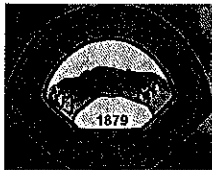
Dan,

Monument Police Department is responsible for covering all emergency related calls in the town limits of Monument. In addition, officers from MPD help to cover emergent responses and serve as first responders to calls that occur in the surrounding unincorporated areas of El Paso County, in support of the El Paso County Sheriff's Office (District 1 and 2), CO State Patrol, and Palmer Lake PD. In 2023 officers from MPD responded to these types of calls outside of MPD's incorporated areas accounted for over 663 manpower hours in support of other agency's calls in unincorporated El Paso County. The relationship between all these agencies is very collaborative.

We are often the nearest responding agency due to our location in northern El Paso County. It should be noted that any additional any housing developments in the surrounding area not falling within the town limits, without a tax base supporting MPD and The Town of Monument have the potential to further increase the number of calls and services we will need to provide. MPD is committed to ensure the safety of the public and emergency calls wherever they occur, when requested by our partners. Just as EPSO returns that same type of support by not charging the Town of Monument for our dispatch services through their dispatch center.

Respectfully,

John



John Lupton

Commander, Monument Police Department
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[Monument Police Department](#)