

Reasons to Vote NO on the Baptist Road Wal-Mart Rezoning

July 15, 2004

Reasons to Vote NO on the Baptist Road Rezoning

Overview

- Massive Store is Too Big for the Site John Heiser
- PIC - Taxation Without Representation
- Traffic is Unsafe Now Janice Horne & Deborah Shannon
- Would Focus Added Traffic on Baptist Road. Dale Turner
- Marketplace is Building Most of the Significant Baptist Road Improvements
- Better Ways to Get Jackson Creek Pkwy Built
- Would "Kill" the Interchange, Endangering Lives
- Zoning is a Far Cry from What is Needed Steve Sery
- A \$3-4 Million Gift to the World's Largest Corp.
- Not Consistent with Master Plans, Covenants 2

Reasons to Vote NO on the Baptist Road Rezoning

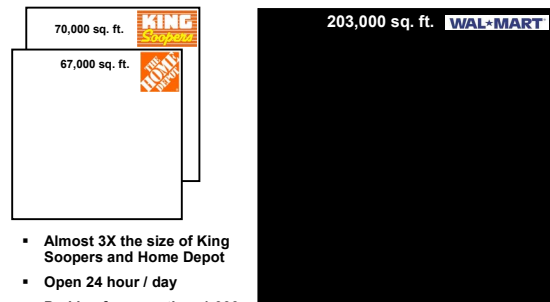
Overview

- Marketplace is a Far Better Site Jim Kendrick
- Monument Did Not Say No to Wal-Mart
- Negative Impact on Town of Monument
- Degrades Neighborhood Quality of Life Janet Turner
- Reduces Nearby Property Values Sue Cioppa
- Less Property Tax Than Properly Zoned Sites Ken Valdez
- Hurts Emergency Response Tim Hibbs
- Potential Environmental Damage Bill Carroll
- Residents Have Made A Big Investment Emily Warner
- The Bottom Line Sue Wiegopolan

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Reasons to Vote NO on the Baptist Road Rezoning

It is a Massive Store Too Big for the Site

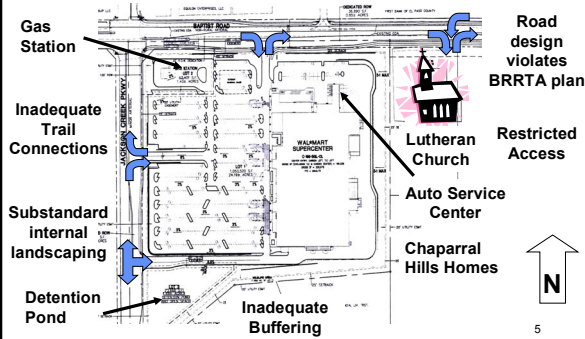


- Almost 3X the size of King Soopers and Home Depot
- Open 24 hour / day
- Parking for more than 1,000 cars on 19 acres of parking lot!

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Reasons to Vote NO on the Baptist Road Rezoning

Shoehorned into 27 Sloped Acres



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Reasons to Vote NO on the Baptist Road Rezoning

Inadequate Church Access

- Many activities – 7 days a week
 - Three congregations
 - Day care
 - Exercise classes
- Proposed plan suggests those exiting church and homes make a U-Turn at Leather Chaps to go west on Baptist Road!
- Approving proposed plan would **forever preclude** alternative access and elimination of driveways on Baptist Road
- Proposed plan violates trails, grades, and access design of BRRTA's \$158,000 concept plan

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The PIC Taxation Without Representation



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PIC Not Accountable to Voters

- Shoppers would pay 3% “retail sales fee” to **Public Improvement Corporation (PIC)**
- Growth should pay its own way. This fee amounts to a **taxpayer subsidy to the world’s largest corporation**
- After 3-5 years, the PIC fee would be cut to 1.5% (vs. 3% Monument sales tax) => **Wal-Mart gets 1.5% pricing advantage**
- PIC would be a private corporation
 - Directors appointed, not elected - No accountability to voters
 - No public meetings, no public records
 - Private corporation receives “tax” revenue, Taxation without representation, TABOR violations

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PIC Board Sets “Tax” and Controls the Roadwork

- Draft PIC Operating Agreement
 - “The [PIC] Board shall give notice to and consult with [Triview] Board and [Wal-Mart] representatives prior to altering the PIF Rate, **but the decision of the [PIC] shall be conclusive and final**”
- PIC board selects contractors, sets schedule, and controls what roadwork is done and in what order
 - Could intentionally disadvantage competitors, e.g., right-in, right-out access to Foxworth-Galbraith

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Commitments Can Be “Rolled Back”!

- **The Triview Experience** – After the PIC was authorized, the retail sales fee Triview was offered was just a fraction of what was originally proposed:
 - Triview support for the Wal-Mart was based on Triview’s portion being **1.5% on all purchases** until the PIC bonds are paid off then **3% on all purchases**
 - May 28, 2003: The written agreement presented by Goldberg’s Grant Nelson as take it or leave it: Triview to receive **0.75% on taxable items** until bonds are paid off then **1.5% on taxable items**. Amazingly, the Triview board took it!

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Commitments Can Be “Rolled Back”!

- **The Struthers Ranch experience**
 - **Jan. 18, 2001:** BOCC approved (5-0) plan with 125 units with a condition: *No building permits on north side until Struthers Rd. constructed or financing proven*
 - **Jan. 2, 2003:** BOCC approved (3-2, Huffman and Howells opposed) revised plan with 180 units. Developer said they needed 55 more units because the county was requiring them to participate in the cost of constructing 3/4 mi. of Jackson Creek Parkway-Struthers Road. **One of the principals estimated off-site costs at \$3 million**
 - **July 24, 2003:** BOCC approved (3-0, Bensberg and Huffman absent) PUD rezoning with 173 units with condition: *No building permits on north side until Struthers Rd. constructed or financing proven*

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Commitments Can Be “Rolled Back”!

- **The Struthers Ranch experience (cont.)**
 - **Latest approved development agreement:** Developer to construct 4-lane box culvert and 4-lane road on the culvert and to their south property boundary. Developer to be **reimbursed by the county taxpayers** for other roadwork necessary to connect to existing Struthers (frontage) Road. Estimated cost of developer’s roadwork:
 - **\$300,000. 1/10 of their original estimate!**
 - **May 27, 2004:** BOCC voted (3-0, Howells and Huffman absent) to **remove the condition** on building permits relieving the Struthers Ranch developer of further responsibility for completion of Struthers Road/Jackson Creek Parkway

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Reasons to Vote NO on the Baptist Road Rezoning

Want to Enforce Agreements With Wal-Mart? Get In Line

- Wal-Mart has over **9,000 lawsuits** pending against it – *USA Today*
- Over **4,000 suits** are filed against Wal-Mart each year – *USA Today*



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Reasons to Vote NO on the Baptist Road Rezoning

Traffic Horror Stories Abound!



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Reasons to Vote NO on the Baptist Road Rezoning

Significant Traffic Impact Focused on Baptist Road

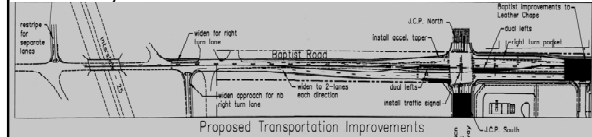
- Would double the traffic at Jackson Creek Parkway and Baptist Road
- Delays at many intersections would more than double
- Baptist Road design not complete and culvert is undersized => **Much of the proposed roadwork will be "throwaway"**
- How will the additional right-of-way for Jackson Creek Parkway be obtained (condemnation?) and who will pay for it (taxpayers?)?

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Reasons to Vote NO on the Baptist Road Rezoning

Additional Roadwork is Far Less Than \$3.8M

- Monument Marketplace is already committed to making most of the significant improvements to Baptist Road by the end of 2004



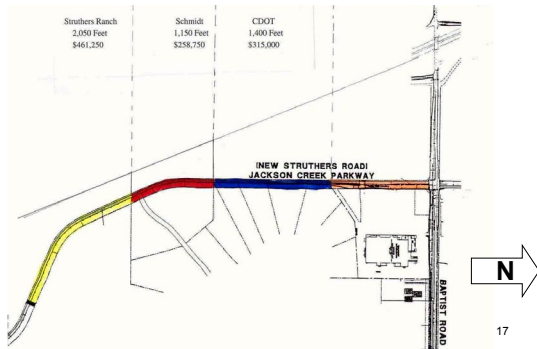
- Cost for the 2-lane extension of Jackson Creek Parkway south of Baptist to Struthers Ranch is \$500K to \$1 million. Right lane on Baptist is less than \$350K. **Hardly the \$3.8 million Wal-Mart claims**

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Reasons to Vote NO on the Baptist Road Rezoning

Roadwork Can Be Funded without Wal-Mart Participation

Struthers Ranch	Schmidt	CDOT
2,050 Feet	1,150 Feet	1,400 Feet
\$461,250	\$238,750	\$315,000



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Reasons to Vote NO on the Baptist Road Rezoning

Baptist Road / I-25 Interchange Already Unsafe

- Interchange has serious traffic volume, congestion, and sight distance problems
- Additional traffic makes intersection function at service level "F" (during peak hours) - **the worst rating possible**
- Money for future improvement will likely not be available for many years

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Reasons to Vote NO on the Baptist Road Rezoning

When Interchange is Upgraded, CDOT will Improve Parkway and Baptist Rd.



Reasons to Vote NO on the Baptist Road Rezoning

Baptist Road / I-25 Interchange Already Unsafe

- **“No matter how much Wal-Mart contributes to Baptist Road improvements, the day it goes in, it would kill the interchange”** Carl Schueler, Manager of County Planning - NEPCO meeting, June 1, 2002
- **“The highest level folks at the county favor approving projects so the pressure gets so great on that interchange that it will have to be fixed”** Carl Schueler, Manager of County Planning - NEPCO meeting, May 8, 2004
- **Playing chicken with CDOT over unfunded interchange improvements endangers lives!**

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Reasons to Vote NO on the Baptist Road Rezoning

Current Zoning a Far Cry from What Would Be Required

- **Current zone: R-4**
 - Multi-family residential with small scale commercial (e.g., convenience store)
- **Requested zone: PUD**
 - Planned Unit Development
 - Provides flexibility for innovative approaches
 - **Requires consistency with master plan**
- **Proper zone for a “Big Box” store: PBC**
 - Planned Business Center
 - Regional commercial - The most intense commercial zoning in the county

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Reasons to Vote NO on the Baptist Road Rezoning

PUD is the Wrong Zoning

- Of 16 purposes, requirements, processes and standards pertaining to application and PUD Zone District, 8 apply, 7 do not apply and 1 possibly applies
- Of the eight that do apply, the proposal does not meet six:
 - #2: A “Big Box” store is not the type of commercial development that needs to be convenient to residential housing
 - #5: No innovative ideas here that would not fit PBC
 - #6: No flexibility in design is requested, fits PBC
 - #8: No variety of principal or accessory uses proposed, fits PBC.
 - #12: Instead of lessening traffic burden it more than doubles trips with no improvement of main bottleneck at I-25
 - # 15: No open space, recreation areas, bike paths, trail connections are proposed.
- **Bottom Line: Proposal is a textbook PBC, Planned Business Center, a two step more intense zone than currently exists. PUD is the wrong zoning for this use**

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Reasons to Vote NO on the Baptist Road Rezoning

Corporate Welfare: The “Gift of Rezoning”

- **Rezoning = Corporate Welfare Gift to Wal-Mart, the largest corporation in the World**
- **Proposed Baptist Road site is \$3 million to \$4 million less than properly zoned / planned site at Monument Marketplace**
 - Marketplace is zoned and planned regional commercial
 - Marketplace plan (already approved by Monument) includes a 200,000 sq ft commercial pad

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Reasons to Vote NO on the Baptist Road Rezoning

There are Much More Appropriate Uses for This Site



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Reasons to Vote NO on the Baptist Road Rezoning

Inconsistent with County Comprehensive Plans

EL PASO COUNTY, COLORADO
POLICY PLAN
A Land Use Guide for the Future
Adopted January 20, 1998

EL PASO COUNTY, COLORADO
2000 TRI-LAKES
Comprehensive Plan - Executive Summary
Adopted October 19, 1999

Reasons to Vote NO on the Baptist Road Rezoning

“Big Box” is Not Consistent with Master Plans

- County-wide Policy Plan
- Tri-Lakes Comprehensive Plan
- Gleneagle/Academy View Sub-Area
- **PUD rezoning requires a finding of consistency with the Master Plan** – *Per Cole Emmons, Assistant County Attorney, 6/15/2004*
- Not consistent with other planning documents
 - Monument Comprehensive Plan
 - Chaparral Hills Covenants

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Reasons to Vote NO on the Baptist Road Rezoning

Not Consistent with Countywide Policy Plan

- **Not consistent with at least 8 plan goals and policies**
 - Policy 2.1.9
 - Policy 5.1.6
 - Policy 6.1.3
 - Policy 6.1.8
 - Policy 6.1.10
 - Policy 14.3.1
 - Goal 12.1
 - Goal 14.3

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Reasons to Vote NO on the Baptist Road Rezoning

Not Consistent with Tri-Lakes Comprehensive Plan

- **Not consistent with at least 7 areas**
 - Proposed actions 4.2.4 and “I-25-12”
 - Goal 7.1.4
 - Objectives 7.1.2, 7.1.10, and 7.1.15
 - Guiding Principle “I-25-3”
- **Not consistent with any of five applicable sections of Gleneagle / Academy View Sub-Area Plan**
- ***With this many violations of the Master Plan, there cannot be a finding of consistency and proposal cannot be approved***

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Reasons to Vote NO on the Baptist Road Rezoning

Not consistent with 2003 Monument Comprehensive Plan

Marketplace
Regional Commercial

Proposed Wal-Mart Site
Community Commercial

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Reasons to Vote NO on the Baptist Road Rezoning

Not Consistent with Monument Comprehensive Plan

- Approved by Monument Planning Commission August 13, 2003 after 3 years of work and numerous well-attended public meetings and workshops
- Proposed site is designated **Community Commercial (CC)**
- Proposed store requires **Regional Commercial (RC)**

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Violates Chaparral Hills Covenants

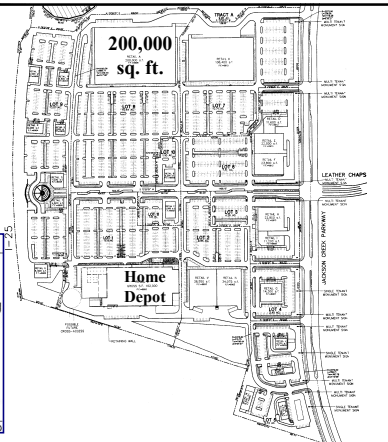
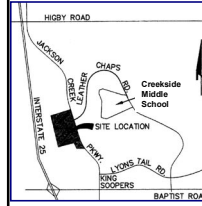
- Purchasers of lots agree to commercial development of this 27 acres ***“in a manner compatible with maintaining the property values of Chaparral Hills”*** **
- Purchasers depended on comprehensive plans and covenants

** Covenants authored by Ken Barber, one of the owners of the proposed Baptist Road Wal-Mart parcel

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Monument Marketplace: A Better Alternative

Approved by
Monument in 2003

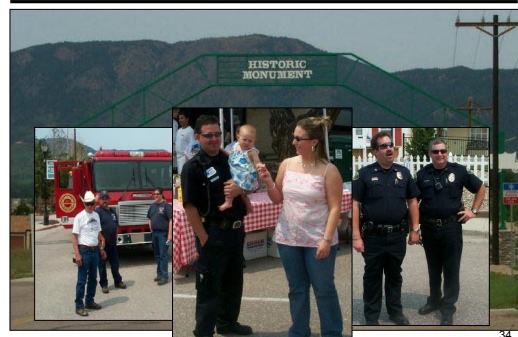


Monument Did Not Say No

- 1999 - Wal-Mart approached Monument with proposal to build a 184,403 sq ft Supercenter on Baptist Road
- 2000 - Rather than resolve road improvement issues raised by the Monument Public Works Committee, Wal-Mart elected to put the proposal on hold in mid-2000
- ***The Monument Planning Commission and the Board of Trustees never voted on it***

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Negative Impact on Monument



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Negative Impact on Monument

- 84% of Wal-Mart sales are taken from existing businesses **Source: PBS Store Wars**
- Monument's sales tax revenue (King Soopers, Safeway, etc.) is about \$1.5 million of total general fund budget of \$2.5 million
- Monument's sales tax revenue would decline **\$500,000-\$1 million** (assuming a 33-66% reduction in sales at Monument stores)
- El Paso County took 4% across the board cut in 2004 ... **Picture a 20% to 40% cut!**
- **Result: Seven or more town employees would be let go (probably half police officers)**

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Negative Impact on Monument

- By signaling their willingness to entertain Wal-Mart's jurisdictional shopping, ***the county has placed the town in a very bad situation***
- Wal-Mart representatives told the County Planning Commission that they were not opposed to annexation... but, the mayor says ***“Wal-Mart has not been cooperative”***
- If Wal-Mart is serious about being annexed to the town, they should immediately withdraw this proposal and proceed through the town's land use process
- **Equal protection demands that all applicants be treated equally. Wal-Mart should not be given special treatment by the town or the county**

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Reasons to Vote NO on the Baptist Road Rezoning

Degraded Neighborhood Quality of Life




How about this view out your bedroom window?



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Reasons to Vote NO on the Baptist Road Rezoning

How About This View?



0.2 mile from the North Academy Wal-Mart

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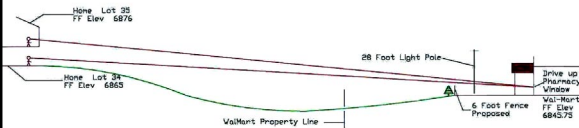
Degraded Neighborhood Quality of Life

- **Blowing trash**
 - Common practice to leave surplus equipment and trash behind the store
- **Noise and light pollution**
 - Buffer from residential area wouldn't meet minimum requirements for most cities
- **Declining property values**

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Reasons to Vote NO on the Baptist Road Rezoning

Wal-Mart Sight Lines



- 203,000 sq ft store – **Three times the size of Home Depot**
- 19 acres of parking lot
- **28' light poles... 8' taller than King Soopers' poles**

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Reasons to Vote NO on the Baptist Road Rezoning

Declining Property Values

- **Sue Cioppa** - 20% house price decline
- **Ken Valdez** – \$20K to \$30K decline
- **Deb Grandia's home appraisal**
 - "...the typical buyer would consider the proximity of the Wal-Mart less than a desirable condition and would explore other residences..."
 - "The subject's estimated value is...below the estimated cost value due to concern about possible external obsolescence created by the proposed construction of a Wal-Mart"

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Reasons to Vote NO on the Baptist Road Rezoning

Property Tax Losses

- If Wal-Mart gets a \$3-4 million break on land cost compared to properly zoned and planned sites... yearly property tax revenues decline to all jurisdictions (including the county)
 - **School District** -> tax revenue cut **\$56,000**
 - **Triview Metro District** -> tax revenue cut **\$27,500**
 - **Town of Monument** -> tax revenue cut **\$13,200**
 - **County** -> property tax revenue cut **\$8,700**
 - **Fire District** -> tax revenue cut **\$7,700**
 - **Library District** -> tax revenue cut **\$3,800**
 - Total lost property tax revenue per year: \$116,800**
- Over typical 15 year life of a big box store: **\$1.75 million in lost property tax revenue**

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Crime and Emergency Response Times



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Crime and Emergency Response Times

- Colorado Springs Wal-Marts... average 1-3 calls per day
- Top category: Theft
 - Others include suspicious persons, medical emergencies, traffic accidents, and domestic disturbances
- Only **one sheriff's deputy** for the northern part of the county... Monument officers would have to respond
- **Result: Slower emergency response time for all residents**

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Environmental Impact



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Polluted Runoff

- Drainage from 25+ acres would flow into 1.7-acre detention area on southwest corner... then flow west into Jackson Creek and surrounding wetlands
- Pollutants washed by storm water into detention area
 - Parking lot de-icers
 - Fertilizers / pesticides from garden center
 - Petroleum product spills from cars and trucks on the lot, gas station, and service center
- No protection from runoff seepage into neighborhood wells. **Wal-Mart proposes standing water in the pond!**
- Detention pond does not comply with USAFA standards

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Wal-Mart Fined \$3.1 Million for Runoff

May 13, 2004 - Associated Press

- Clean Water Act violation at 24 construction sites in nine states
 - Colorado sites: Castle Rock & Colorado Springs
- Wal-Mart failed to get permits, did not institute runoff control plan, or install controls to prevent discharge
- In 2001... similar settlement included \$1 million penalty - EPA inspections of other sites arising from that case led to latest settlement

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Abandoned Stores



Abandoned Wal-Mart store on U.S. 50 in La Junta, Colorado has been vacant for four years

- Nationwide 361 abandoned Wal-Marts
- Currently four abandoned Wal-Marts in Colorado

Denver Post, July 4, 2004

- Wal-Mart has not offered to post a bond to pay for restoration of the site if they abandon it

"They came in and ravaged all the small businesses. And when it came to the point where they were not satisfied, they left." – Byran Lee, First National Bank of Nowata, OK 3/5/95

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Local Residents Have Made a Big Investment



Local Residents Have Made a Big Investment

- Wal-Mart likes to talk about how much they have invested in this proposal
- All the property owners in the area have made big investments in their homes. ***That investment would be damaged by this proposal***
- Hundreds of local residents including a retired USAF general, doctors, lawyers, the president of a development company, computer consultants, etc. have invested **5 years** and many thousands of hours worth **hundreds of thousands of dollars** fighting it
- All because Wal-Mart has persisted with a bad business decision made in 1998

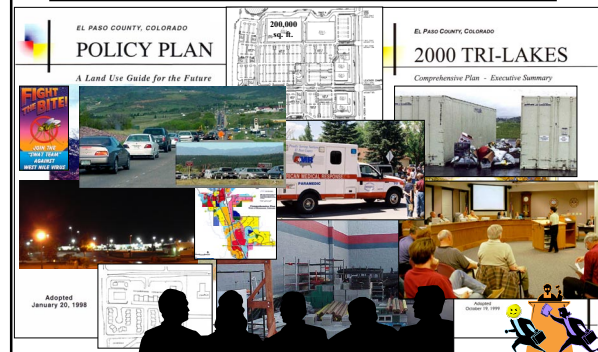
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Wal-Mart Has Made Little Effort to Address Community's Concerns

- Wal-Mart's Community meeting March 2, 2004 was typical
 - County planning asked Wal-Mart to notify all Chaparral Hills residents and everyone within 1,000' of site
 - Wal-Mart notified everyone within 1,000' of the center of the property. **A total of 12 property owners!**

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The Bottom Line



The Bottom Line

- Plan shoehorns a huge store onto improperly zoned 27-acre parcel
- Regional "big box" store would more than double traffic on Baptist Road... creating severe congestion and safety concerns
- Plan would "kill" I-25 / Baptist Road interchange which won't be reworked for years
- Plan requires most intense commercial zoning... far different from parcel's current R-4 multifamily zoning... There are much more appropriate uses for this parcel

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The Bottom Line

- PIC, a private corporation, would receive tax revenue... without public accountability
- Plan would inflict serious damage on residential property values and Monument's sales tax base
- Plan would degrade emergency response and endanger lives
- Precludes proper access to church and residences to the east on Baptist Road
- Would cut property tax revenues to county and other jurisdictions compared to properly zoned and planned alternate sites

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