

September 15, 2021

Planning Commission
City of Colorado Springs
30 S Nevada Ave., Suite 701
Colorado Springs, CO 80903

RE: Public Comment on Planning Commission Agenda Item 6.F-I (Creekwalk Commercial)

To the Honorable Members of the Planning Commission,

This letter is submitted as comment on behalf of Protect Colorado Springs, a group of neighbors, residents, and workers, who have concerns about the proposed Creekwalk North development. Below are a few of our concerns as it relates to items 6F through 6I on your agenda.

Amendments to the Planning Documents to Accommodate a Rezoning is Improper

The applicant is requesting amendments to the city's planning documents, specifically, the Ivywild Master Plan and the Creekwalk North Concept Plan. Making ad hoc changes to long-range planning documents in order to accommodate zoning changes is disfavored, because it undermines the purpose of long-range planning. Most specifically, it undercuts the predictability of these documents and undermines their usefulness.

This relates back to the appropriateness of rezoning a portion of the property. Rezoning of one parcel of property to accommodate a single project, without conforming the rezoning to meet the objectives of a comprehensive plan, can constitute spot zoning and is disfavored. The City amended the Ivywild plan as recently as 2018, without showing any intent to fully designate the proposed project site for C5 zoning, and in fact reaffirmed the plan's designation of a portion of the property for residential use; this was clearly part of the comprehensive plan for the area.

To the contrary, the master plan calls for a blend of uses, to serve the goals and increased and *networked* walkability and pedestrian forms of transit (like bicycles). Redesignating a portion of the site, specifically to allow for a larger auto-focused development, is not in furtherance of a comprehensive plan.

The Plan Amendments Do Not Meet Ordinance Requirements

As noted in the staff documents, amendments to the master plan must meet a variety of standards found in Section 7.5.408 of the municipal code, including land use relationships, public facilities, conformance with the Comprehensive Plan, transportation, the environment, and fiscal considerations. The proposed amendments do not meet the standards found in the code.

As discussed above, the project does not meet the land use relationships and conformity with the comprehensive plan elements of the ordinance requirements for a master plan amendment. In particular, the project applicant's traffic study cannot rely on assumptions found in the master plan and comprehensive plan, due to changes in the designated land uses in those documents. The increase in traffic to the area will decrease levels of service in the area beyond acceptable limits, and therefore a finding that this standard is satisfied is inappropriate and the proposed project does not meet the ordinance requirements.

Stormwater Runoff Need to Include Particulate Discharge

The applicant makes claims regarding the adequacy of the stormwater management based on "improvements" to the Creek and stormwater retention facilities being proposed. However, there is inadequate--meaning, non-existence--specific analysis about the impact on the creek of discharge of particulate matter as a result of the addition of significant amounts of *auto-centered* impervious surfaces.

Adding parking and internal circulation roads as impervious surfaces so close to a waterway means that significant toxic particulate matter will be discharged from the impervious surface into the creek. This includes the typical benzene emissions, but also coolant, which is highly toxic, and transmission and brake fluid. Even if these are not discharged in significant quantities, on top of these particulates are those associated with road salt, which is distributed somewhat liberally between November and March. Road salt is a major form of particulate pollution that, given the proximity to the creek, will be discharged into the water regularly and predictability. The impact of this discharge was not adequately addressed, making a finding of regarding the environmental impact of the master plan amendment improper.

Because the amendments to the master plan are improper, the rezoning of a single parcel to C5. in order to accommodate the proposed project, would constitute an impermissible zoning change. We therefore request that the Planning Commission either refer the project back to the applicant for further study, or reject the project as currently proposed, as it does not meet the ordinance requirements.

We have other concerns about the overall scope and scale of the project and the impacts that it will have on traffic, emergency response times, public safety, air/water quality and existing businesses and jobs, but we will hold those comments for another time as we wanted to be respectful of your time and responsive to the specific items on the agenda today.

Sincerely,

Robert and Susan Smith
Protect Colorado Springs
Colorado Springs, CO