

INACCURACY REPORT

The following list contains factual inaccuracies and misleading statements made by Staff in the Staff Report dated 6/14/23 (see “CPC Staff Report_Launchpad Apartments Appeal.pdf” attachment)

1. **Subject of the Appeal**
2. **PlanCOS Typology**
3. **Unique Places Typology and Framework**
4. **HomeCOS**
5. **Uintah**
6. **Geology**
7. **Requested Zone Change**
8. **Policy VN-3.F**

1. Subject of the Appeal

Staff Claim: “Tom Strand, Tim Leigh, Scott Hiller, and Kelly Hiller (the “Appellant”) have appealed the administratively approved development plan for the Launchpad Apartments projects on the grounds that it does not comply with the intent and purpose of the zoning code, and it does not substantially comply with city adopted plans applicable to the site.” (Staff Report page 2)
This is incorrect.

Actual Subject of the Appeal: Tom Strand, Tim Leigh, Scott Hiller, and Kelly Hiller (the “Appellant”) have appealed an Administrative Decision made by Staff on the grounds that it was made incorrectly per the criteria in City Code 7.5.906 (see “**Appeal Statement**” attachment)

Why it Matters: The subject of the appeal is a decision. The question before the Planning Commission is whether or not Staff used the correct criteria and law when making that decision. The Appellant is not appealing the project as a whole at this time.

2. PlanCOS Typology

Staff Claim: Typology 1b Established Traditional Neighborhood (Staff Report page 6 and page 2)

Staff is incorrect.

Actual Answer: Typology 1a Established Historic Neighborhood

Why it Matters: Staff used the wrong criteria when making the administrative decision

3. Unique Places Typology and Framework

Staff Claim: “near an Entertainment and Commercial Center” with a definition of Entertainment and Commercial Center listed (Staff Report page 7)

This is misleading.

Actual Answer: Site is in Typology 1 (Neighborhood Centers) and that is defined as follows:

The goal of this place typology is to provide a focal point for community life and services at a neighborhood scale. These centers are smaller-scale limited impact places that fit into the neighborhood fabric and provide benefits and amenities for residents and other users from a local area. Strong and vital Neighborhood Centers incorporate a variety of uses and services available to local residents. They are designed for well-connected multimodal local access and are oriented to the pedestrian.

Why it Matters: Staff chose not to list nor define the correct location of the site but rather listed where it is “near” and defined that location instead

4. HomeCOS

Staff Claim: “City adopted plans applicable to this multi-family development include, The Westside Plan, PlanCOS, and HomeCOS.” (Staff Report page 4)

Staff is incorrect.

Actual Answer: City-adopted plans applicable to this site include The Westside Plan (Ord. 80-3) and PlanCOS (7.2.104)

Why it Matters: HomeCOS is NOT a city-adopted plan. Staff has not provided an ordinance that adopts it. It is merely a Planning Reference Document. Staff weighted HomeCOS incorrectly when making the administrative decision.

5. Uintah

Staff Claim: “The site is located on a minor arterial street, bus route, and bike route. It is proximate to Uintah (**Principal Arterial**) ... It is these factors that justify this site being considered for higher density” (Staff Report page 7)

Staff is incorrect.

Actual Answer: The site is proximate to Uintah (**Minor Arterial**)

Why it Matters: Staff has incorrectly identified the type of street Uintah is. There is a big difference between “Principal” and “Minor” Arterial streets. Staff used the wrong arterial street definition when making the administrative decision.

6. Geology

Staff Claim: “The steep slopes appear to have been created by previous excavation. Aerial photography and previous mapping confirm the steeper slopes were previously a much gentler gradient. (Staff Report page 2) Final grading, including retaining wall, erosion control measures, and landscaping (native seed and plant materials) to restore the steep slopes to a gentler descent as it existed prior to excavation. (Staff Report page 5) This plan to a small degree preserves natural features as it will stabilize/rehabilitate the hillside located behind or west of the multi-family building.” (Staff Report page 8)

Fact: The Geotech Report does not say that excavation was the cause of the steep slopes or the slope instability.

Why it Matters: Staff claims without evidence from the Geotech Report (or anywhere else) that the steep, unstable slopes were created by “excavation”. The assumption Staff erroneously makes that this was “excavation” is especially alarming because the site geology is particularly susceptible to slope instability and known landslide debris has been found 997 feet from the site. We also have a report from an uphill adjacent neighbor that speaks of ground movement on his property that is NOT related to excavation. Staff seems to have pulled this assumption out of thin air. The cause of the steep slopes or slope instability is unknown. For Staff to draw their own conclusions about the geology of the site when a Geotech Report was provided is more evidence that the administrative decision was made incorrectly. Unless Staff can produce evidence of said excavation, their unfounded speculation here is not only incorrect but potentially dangerous.

7. Requested Zone Change

Staff Claim: “The proposed use, density, building height, siting of the building, landscaping, access subzones are what contribute to making the requested zone change fit with surrounding zoning and land uses.” (Staff Report page 6)

Fact: There has been no requested zone change.

Why it matters: The Staff Report that contains mistakes was written by the person who made the administrative decision in question. When all mistakes are taken in sum, the odds are good that Staff could make an administrative decision incorrectly.

8. Policy VN-3.F

Staff Claim: “The Launchpad Apartments project is consistent with...

1. *Policy VN-3.F: Enhance mobility and connectivity between neighborhoods across Colorado Springs and with surrounding jurisdictions. Strategy VN-3.F-1: Increase transportation recreation choices for all neighborhoods by improving or adding bike lanes, sidewalks, off-street neighborhood trails, and greenways that connects to larger system trails...* “ (Staff Report page 6)

Actual Answer: The Development Plan shows no evidence of connecting neighborhoods across Colorado Springs and with surrounding jurisdictions. Concrete sidewalks are preexisting. 19th Street has no dedicated bike lanes and the Development Plan does not propose to add them. There are no off-street neighborhood trails, and greenways that connect to larger system trails and the Development Plan does not propose to add them.

Why it matters: There is an obvious discrepancy between the Development Plan and this Policy. Yet, Staff says there is not. Staff is incorrect.