

Mountain Shadows Community Association's
January 17, 2021 Assessment of
Hillside Development Guidelines Manual, reprinted 2000
<https://coloradosprings.gov/sites/default/files/planning/dab/hillside.pdf>
and Hillside Overlay
<https://coloradosprings.gov/planning-and-development/page/hillside-overlay>
Regarding
2424 Garden of the Gods
Project Statement, Revised November 2020
with
Proposed Concept Plan, Zone Change, and Master Plan Amendment



The above image is from Flying W. Ranch Rd. looking south across the parking lot that is proposed to be developed. The community provided artist rendering represents high-density, multi-family, residential units as defined in the Project Statement. The Project Statement proposes a maximum height of 45 ft. Street level at this location is 6,496, the berm/hill is at 6,504 or 8 feet above street level. The height of this building is approximately 22 feet. These measurements are verified in Google Earth Pro.

Summary:

Mountain Shadows Community Association (MSCA) is opposed to the proposed Concept Plan, Zone Change, and Master Plan Amendment because the proposed plan will not comply with stipulations in the Hillside Development Guidelines Manual.

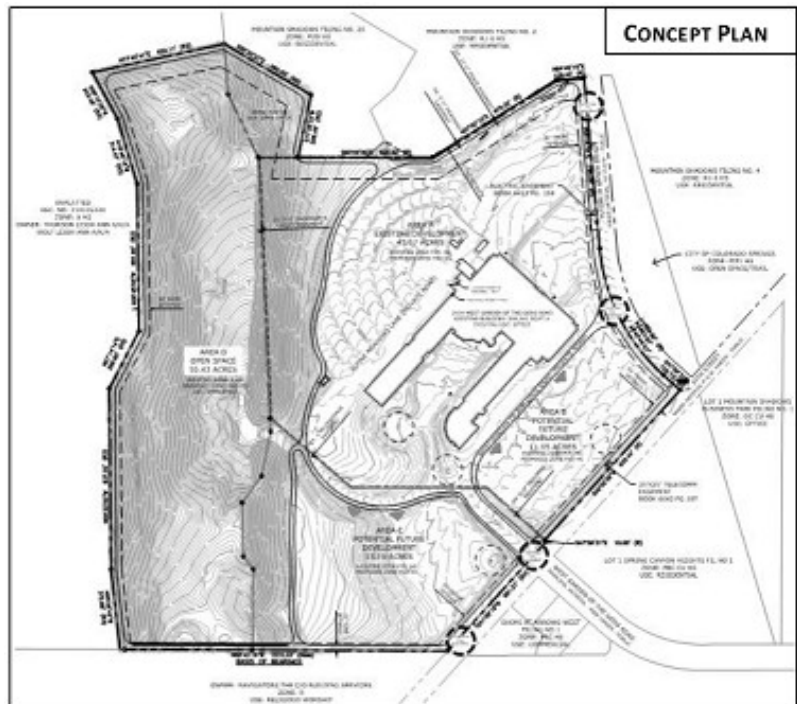
Currently, the property at 2424 Garden of the Gods Rd. is appropriately zoned and fits in with the surrounding neighborhoods and community infrastructure. The current property is maximized with regard to the Hillside Development Guidelines Manual (see details below). Furthermore, it is maximized according to the Governor's Executive Order to protect iconic **wildlife**, including bighorn sheep. And, it is maximized according to the "Colorado Bighorn Sheep Management Plan". The "Bighorn Sheep, Mountain Shadows Testimony" is an additional document that substantiates the position of wildlife on the proposed development site. The Hillside Development Guideline Manual "...applies to lands within the **hillside areas** {and} **wildlife habitat...**".

More importantly, as demonstrated in this document, the developer **NEVER** addressed Hillside Overlay (HS) or explained how the proposed development project would meet the requirements in the Hillside Development Guidelines Manual (HDGM). The property is currently zoned PIP1 (Planned

Industrial Park), PUD (Planned Unit Development), and A (Agricultural), **all with a Hillside Overlay**. A zone change to Planned Unit Development (PUD) **with Hillside Overlay** (PUD/HS) is requested **for the entire 125-acre property**.

The Zone Change proposes 450 multifamily residential units with a maximum height of 45 feet with 50-foot front setback, a 30-foot side setback, a 50-foot rear setback and a 100-foot setback when adjacent to residential. The Concept Plan proposes to develop in the area between the current facility and N. 30th St. {and implies along Flying W. Ranch Rd.}.

As demonstrated in this document, using Google Earth Pro, to measure ground elevations, building heights, and placing representative polygons and/or artist renditions of buildings with the same dimensions, all within the boundaries of the proposed development sites as described in the Zone Change and Concept Plan, this Project Plan **fails to meet the guidelines** as defined in the Hillside Development Guidelines Manual.



NOTE: While the Project Plan specifies residential units with a maximum height of 45 feet, this document demonstrates that 25 foot buildings will not satisfy the guidelines in the Hillside Development Guidelines Manual.

Furthermore, this very unique land mass is a natural northerly extension of the City’s Crown Jewel, The Garden of the Gods and the beautiful hillside property owned by the Navigators. It currently fits the criteria in the Hillside Development Guidelines Manual under “How to Use Manual”. “This manual applies to lands within the hillside areas of the City of Colorado Springs that are characterized by significant natural features that include ridgelines, bluffs, rock outcroppings, vegetation, natural drainage ways, wildlife habitat, geologic conditions, and slopes that contribute to the attractiveness of the community.”

With regards to section “E. ENVIRONMENTAL”, the Project Statement, Revised November 2020, made an unsubstantiated assertion “**This is not habitat area for the Big Horn Sheep**” prior to an official statement made by Colorado Parks and Wildlife (CPW), which was made one month later, on December 17, 2020 to Katelynn Wintz, Sr. Planner. The Mountain Shadows Community Association (MSCA) performed extensive research and created a document “Bighorn Sheep, Mountain Shadows Testimony”. This document clearly rebuts the CPW position statement “**...there have been no observations of the sheep being on or using the proposed project area.**” which was made in their December 17, 2020 response to the Sr. Planner.

Further stating in section “E. ENVIRONMENTAL”:

“The areas proposed ... {for} development are contained in the parts of the site that are currently used as parking and an area of abandoned overflow parking. These areas are already developed/disturbed. ... As noted above, any new development will be focused on the areas of the property that have already been disturbed by the development of parking lots. **This is not habitat area for the Big Horn Sheep.**”

The misunderstanding of wildlife behavior and unsubstantiated assertion that bighorn sheep will not be impacted by developing 450 high-density multi-family residential units on parking areas that have already been disturbed is contrary to the Colorado Bighorn Sheep Management Plan (Management Plan).

In the Management Plan, “Human Disturbance: Wild sheep have habituated to human activity in many areas where the activity is somewhat predictable temporally and spatially ...”. The current facility has maintained predictable, temporally, and spatially conditions since it was built circa 1991. People that work in this office facility, park their cars and go directly into the building. When they leave, they return to their cars and drive away. This behavior is predictable, temporally, and spatially. And, more importantly, is not threatening behavior toward the bighorn sheep.

When adding 450 multi-family, high-density, residential units, with an estimated 1,100 people in the initial phase, into this relatively small proposed development area, circumstances change dramatically. The Management Plan states;

1. “... walking with dogs, and activity near lambing areas may be most detrimental...”.
2. “...studied bighorns in relation to the development of a ski area, and found that bighorns were displaced by human activity.”
3. “... bighorn sheep moved in response to the presence of sheep researchers: ... at 440 m {1,443 ft.} sheep fled the area.”

In addition to the nearby lambing area, 1,427 feet from the development sits, that could easily be jeopardized, as disclosed in the “Bighorn Sheep, Mountain Shadows Testimony”, this entire Rampart Range bighorn sheep herd could have their habit displaced.

The Governor's Executive Order to protect iconic wildlife, including bighorn sheep, and their habitat should also be considered in the Environmental section of the Project Statement.

Hillside Development Guidelines Manual (summary):

(Relevant excerpts are underlined and/or **bold** with **yellow highlight** for emphasis.)

How to Use Manual

This manual applies to lands within the hillside areas of the City of Colorado Springs that are characterized by significant natural features that include ridgelines, bluffs, rock outcroppings, vegetation, natural drainage ways, wildlife habitat, geologic conditions, and slopes that contribute to the attractiveness of the community.

Design Guidelines

OVERVIEW: LIVING AND BUILDING HOMES IN THE HILLSIDES

... The hills are where you can actually feel like you have moved to the Colorado mountains. ...

... Because the foothills are such a special area, there are a set of **rules that apply to everyone** who chooses to live there. Whether building a new home **or you are in a house that has been around for 20 years**, there are **strictly enforced guidelines that regulate how you may treat your lot.** ...

Homes in prominent locations must be sited and designed with the following in mind:

- Dwellings should be placed far enough apart to **reveal views of the Front Range and other significant ridgelines FROM THE STREET AND FROM THE HOUSES DOWNHILL.**

The right to live in the City's hillside areas goes hand in hand with the responsibility to build in a environmentally sensitive manner. **If the street you have chosen had a woodsy feel when you selected the site, it is your obligation to see that this feel still exists when you are finished. The house will need to appear as if it was designed for the site when viewed from all sides, but particularly so from the street.**

BUILDING MULTI-FAMILY, OFFICE, INDUSTRIAL AND COMMERCIAL PROJECTS IN THE HILLSIDES

Single-Family homes are not the only projects built in the Hillside areas. Multi-family, commercial, office and industrial projects can also be appropriate **if care is taken** in the design of these projects to **insure that important hillside characteristics are maintained.**

The following is a list of design standards and guidelines which should be addressed in siting multi-family, commercial, office or industrial projects within Hillside Areas:

- Multi-family buildings should be designed in such a manner to provide the greatest degree of privacy possible for the individual structures as well as to adjacent properties.
- For building sites in proximity to ridgelines, additional height restrictions may be necessary to **insure that rooflines will be located below the natural ridgeline.**
- Building sites should be selected so that **construction occurs below the ridgeline.**
- The roof-line, based upon maximum permitted height, should not extend above the line of sight between a ridgeline and any public right-of-way,
- **Significant views of the natural ridge silhouette from public rights-of-way and other public spaces should be retained.**

Developer's Project Statement, Project Description

Zone Change:

The PUD also proposes to cap the number of any proposed multifamily residential units at 450 units, with a maximum density across the two potential redevelopment areas (Areas B and C on Concept Plan) of 18 units per acre. The PUD imposes a maximum height for the zone of 45 feet, which is consistent with the existing PIP1 zone and the substantial existing buildings, which are 45 feet tall. The maximum lot coverage for the site will be 40% and the setbacks will remain as they are for the current PIP1 zoning, which is a 50-foot front setback, a 30-foot side setback, a 50-foot rear setback and a 100-foot setback when adjacent to residential, which is the case for the north boundary of the property.

Master Plan Amendment:

The maximum residential density for the 26 acres of Office/Commercial/Civic/Residential is 18 dwelling units per acre to facilitate multifamily units. ...

Concept Plan:

The Concept Plan for the 125-acre ... shows the existing buildings to remain in place The plan also identifies two areas with future development ... (Areas B and C), The former overflow parking area and vacant land to the west of the main Garden of the Gods Road entrance ... has the greatest potential for redevelopment. This area has good access and visibility to the 30th Street and Garden of the Gods Road intersection It is buffered ... to the west by the proposed open space. The second area with future development potential is the portion of the existing parking lot that fronts 30th Street. It is also buffered from the neighborhood to the north by the existing buildings. The Concept Plan shows the entire western portion of the site as open space due to the steep topography, which makes it unsuitable for development.

E. ENVIRONMENTAL:

1. THE LAND USE MASTER PLAN PRESERVES SIGNIFICANT NATURAL SITE FEATURES AND VIEW CORRIDORS. THE COLORADO SPRINGS OPEN SPACE PLAN SHALL BE CONSULTED IN IDENTIFYING THESE FEATURES.

The areas proposed ... development are contained in the parts of the site that are currently used as parking and an area of abandoned overflow parking. These areas are already developed/disturbed. The proposed PUD limits the height of any new buildings to 45-feet, which is the same as the current PIP1 zoning and consistent with the height of the substantial existing buildings on the property. Any new development will be of a similar scale to the existing buildings and will be set against the back drop of those buildings or the preserved 55 acres of open space. Accordingly, there will be minimal impact on the view corridor of the foothills and no impact on the views and separated by a substantial ridge, property owned by Flying W Ranch, and The Navigators property.

Concerns have been expressed by neighbors about the impact on Big Horn Sheep habitat. As noted above, any new development will be focused on the areas of the property that have already been disturbed by the development of parking lots. This is not habitat area for the Big Horn Sheep. The Big Horn Sheep habitat is situated on the adjacent Navigators property and Forest Service land, which is 0.6 miles to the west of the western edge of the proposed development area and separated from it by a substantial ridge and property owned by Flying W Ranch.

MSCA Rebuttel of the Project Statement as it pertains to the Hillside Development Guidelines Manual: NOTE: The examples presented are of 25 ft. tall buildings. The PROPOSAL is 45 ft.

Excerpts from the Hillside Development Guidelines Manual (HDGM):

1. **reveal views of the Front Range and other significant ridgelines FROM THE STREET AND FROM THE HOUSES DOWNHILL**
2. **If the street you have chosen had a woodsy feel when you selected the site, it is your obligation to see that this feel still exists when you are finished.**
3. **The house will need to appear as if it was designed for the site when viewed from all sides, but particularly so from the street.**
4. **insure that important hillside characteristics are maintained**
5. **provide the greatest degree of privacy ... as well as to adjacent properties**
6. **insure that rooflines will be located below the natural ridgeline.**
7. **The roof-line ... should not extend above the line of sight between a ridgeline and any public right-of-way**
8. **Significant views of the natural ridge silhouette from public rights-of-way and other public spaces should be retained**

From street view, the current facility at 2424 Garden of the Gods Rd. is in compliance with the HDGM since it retains the views of the natural ridgeline. The two images are model examples of compliant hillside development.



The height of the existing facility is 46 feet tall as demonstrated in Google Earth Pro. This is the southeast corner of the existing facility.



When placing a 25 foot tall building on top of the 23 foot hill, in the proposed development areas, the views of the natural ridgeline will be blocked. The elevations and setbacks are substantiated in the Google Earth images below.



The “white” line in the following image, demonstrates the views of the natural ridgeline will be eliminated.



BEFORE: Southeast corner along N. 30th Street. AFTER: Southeast corner along N. 30th Street. AFTER: Southeast corner along N. 30th Street.

The “black” line is approximately 12 feet above the hill. This demonstrates that motor vehicles (cars, SUV’s, pickup trucks, etc.) that are half the height of the “black” line (approximately 6 feet) begin to block the views of the natural ridgeline.

The Concept Plan identifies “The former overflow parking area and vacant land to the west of the main Garden of the Gods Road entrance {and} the existing parking lot that fronts 30th Street” for the development areas.

On the right side of the image above, this represents a building approximately 48 feet tall as seen from street level. 48 feet is the approximate height of a 5-story building. There are no other buildings along N. 30th St. or Garden of the Gods Rd that project 48 feet above street level.

The developers position from a Neighborhood meeting with City Planning: (paraphrased) The parking lots are already developed, therefore, any additional development should not be a concern. (MSCA position) With respect to the Hillside Development Guidelines Manual, by placing vehicles on the existing parking lots, the height of the vehicles begins to exceed the maximum height of the guidelines with reference to blocking the view of the natural ridgeline.

In the pictures below are the Artemis at Spring Canyon apartments. These buildings are 26 feet tall. When seen from street level they also appear to be 26 feet tall.



The following is an image of the Artemis at Spring Canyon apartments. They are 25 feet tall and are located in a position that does not **block the view of the natural ridgeline.**



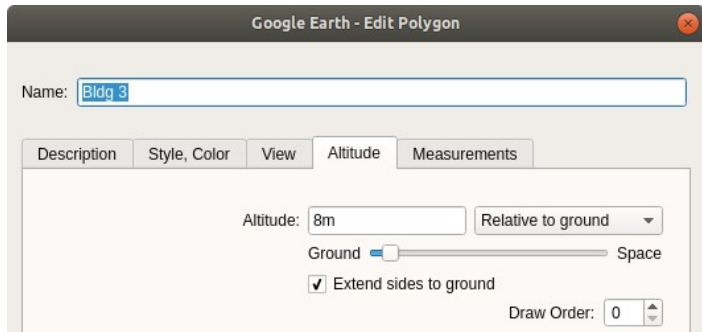
The following is an image of the Willowstone Antique Marketplace located at 2150 Garden of the Gods Rd. The 20 foot tall building as seen from street view is on the right and does not **block the view of the natural ridgeline.**



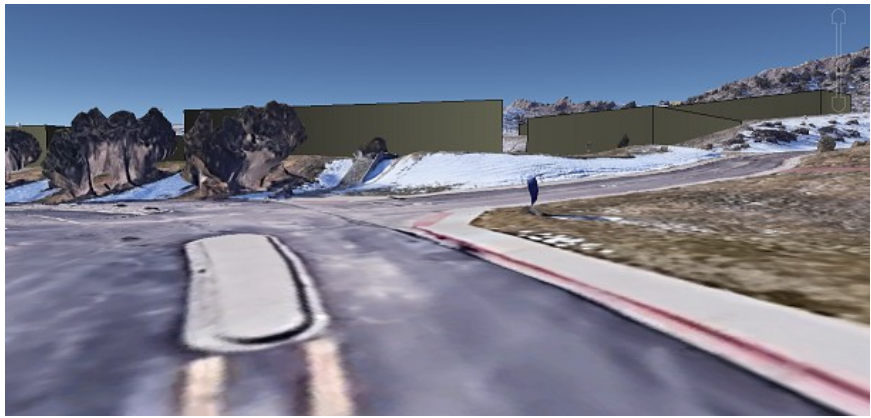
The renderings presented above are of 20 to 25 foot structures which clearly demonstrate that they do **NOT block the view of the natural ridgeline.**

While the proposed maximum building height is 45 feet, a building that is 25 feet tall will block the views of the natural ridgeline and will NOT fit in with the design of this community.

To further validate the previous artist renditions and Google Earth Pro measurements, polygon structures were defined in Google Earth Pro with the parameter of 8 meters (26 ft.) and relative to ground. The maximum height of the building are specified at 26 feet which means, if there is an uphill side to the building, that side will be lower than 26 feet.



Even with the structures defined to be 26 feet tall, they substantially **block the view of the natural ridgeline**. The image below contains the Google Earth polygon structures and is oriented facing southwest. The view is between the parking lot adjacent to N. 30th St. and the southeast side of the current facility.



Will Colorado Springs look like this someday?

Thank you for reviewing this document.