



City of Colorado Springs

Plaza of the Rockies
South Tower, 5th Floor
Blue River Board Room
121 S Tejon St, Colorado
Springs, CO 80901

Meeting Minutes - Draft Planning Commission

Thursday, November 18, 2021

8:30 AM

Hybrid Meeting - Open to Public
Call 720-617-3426 Conf ID: 815 137 01#

CREEKSIDE AT ROCKRIMMON

- 5.D. [CPC PUD
20-00109](#) An appeal of the Planning Commission's decision to approve a PUD development plan for Creekside at Rockrimmon, subdividing 17.47 acres into 43 single-family residential lots and open space areas, located at 252 Heavy Stone View.

(Quasi-Judicial)

Presenter:

Kerri Schott, Planner II, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Staff presentation:

Kerri Schott, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

Tim McConnel with Drexel Barrell, along with Paul Broussard with Premier Homes, presented a PowerPoint with the scope and intent of this project.

Additional speakers:

Joe Good, Entech Engineering

Julie Auckland, Auckland Environmental Consulting

Questions:

Commissioner Graham asked after the water is capped off, where does it go? What happens to it? How is it diverted? Commissioner Graham said he would just like to get an understanding of that. Mr. McConnell said there would not be any capping of any water and introduced Mr. Joe Good with Entech Engineering who would explain the valley drain that will be installed.

Mr. Good said they performed the geologic hazard study and preliminary geotechnical study for the property with respect to the question on water. There will be no capping. Instead, a valley drain will be installed, which is a gravel drain that will be wrapped and protected with fill over the top. The water will continue to flow and drain the way it is currently draining.

Mr. Broussard said the water will be redirected into the wetlands to sustain the wetlands, and the erosion control will limit the storm surges. The full detention pond will capture the storm flows and release them at a controlled rate while

also redirecting the continual water that is there into the wetlands and down the stream. Mr. McConnell noted that this development is downstream or downhill from all the existing developments, so any of the water that comes off the existing developments is being collected by this proposed development. This plan will not dump any new stormwater runoff onto the existing developments.

Commissioner Rickett asked if they were developing just the lots or if they were building the homes as well. Mr. Broussard said they are only doing the lots right now.

Commissioner Rickett asked if the builders would be required to notify the homebuyers that the homes sit on active expansive soils. Mr. Broussard said yes, it is a state law, and they are required to give them a booklet at the time of contract. It is also identified on the final plat for the property.

Commissioner Almy said it seemed the best experts have been consulted and have given a clean bill of health. He asked the applicants if they felt all the risks have been mitigated and if not, what ones were outstanding. Mr. Broussard said he believed every identified risk had been addressed. Mr. McConnell said there would be more risks or issues identified when it gets to the individual lot permitting and drilling, but for the overall development, the issues and risks have been addressed.

Commissioner Almy asked about the evacuation planning and said the two access point satisfied him that they have done as well as they could. Mr. McConnell said that the Colorado Spring Fire Department reviewed the plan package as well as City traffic and the comments were that this property is within the wildland interface. There were some notes on the development plan and final plat which are standard notes that must be covered and that has been addressed as best they can at this point. Mr. Broussard said with the city specs on building houses on the hillside overlay it makes them more resistant to fire spread.

Supporters:

N/A

Opponents:

David Ingle, resident to the west of the project

- The mitigation plan does not preserve the spring/wetland area that supports wildlife and the health of the community
- Capping the spring is asking for issues
 - There are properties in this community where capping has been done and are in constant repair
- The plan for the easternmost section is a lot of cut and fills
 - Mr. Ingle's residence lies on a hillside that has long been stabilized
 - There are extreme expansive soils at this location and the mitigation is to primarily have ground cover to prevent any kind of shift in the soil
 - The actions of the expansive soils are just asking for erosion of

properties

- Shearing off the hillside without proper mitigation for full retaining walls will mean the collapse of those properties on the westernmost portion of the project
- The report recommends subsidence insurance for the properties that are being developed but that doesn't address the already existing properties surrounding it

Jill Alvarado, resident in the area for 7 years

- What are the plans to help and support some of the environmental aspects around the wildlife that we protect and value on the west side?
- These are not sustainable plots of land as they are mining grounds
- Several of the residents in the area have had damage to their homes due to flooding and adding these homes is going to be a huge impact
- Why not develop in downtown where businesses are booming, and walkability is sought

Daniela Roberts, owns property directly west of the development

- Has lived directly west of the development for 17 years
- Others have tried this type of building out of that area and have failed
- As a homeowner that backs up to this development, she has rights to a quiet enjoyment of her property
- This development will interfere with her property rights as development will cause a lot of dust and noise
- Concerned about landscaping and direct impact to her property as far as damage from the machinery
- Flooding and drainage are a concern, as she has spent thousands of dollars on her property to enhance drainage to keep her property from flooding
- Concerned about insurance costs
- Concerned about the environmental impact to the wetlands and open spaces
- What about traffic and an evacuation plan?

Ashley Reed, owns property on the northwest side of the development

- Same concerns as the other speakers
 - Impact to wildlife
 - Expansive soil
 - Insurance
 - Flooding (has already dealt with flooding in the basement)

Jane Reed, property owner in the area

- Has had problems with expansive soil and had to do repairs to property
- Wanted to know if the 42 new homes will have open backyards to not interfere with wildlife

Mary Taylor, property backs up to the proposed development

- Has lived there for 23 years and has seen all the settling and issues with

expansive soils, with the mines, with the underwater tributaries, and the shifting that has occurred

- Concerned about cutting into the tributary in that waterway and not knowing what they are going to get into and then it will be too late
- Very concerned about the wildlife and wants to know what the developer will be doing about that
- There is too much overbuilding
- Concerned about the drainage

Questions of Staff:

N/A

Rebuttal:

Open Space and Wildlife:

Mr. McConnell said this development has less density than what was on the previously approved plan with the zoning for the property by almost 20 units. Additional open space and trail connectivity has been added, and an analysis was completed regarding threatening endangered species; none were identified by the Army Corp of Engineers. Mr. Broussard added they are aware of the wildlife that uses the stream as a corridor and that is why they have made most of the open space contiguous with that stream side and the adjacent Rockrimmon open space.

Fencing:

Mr. Broussard said the initial plan is for limited fencing; however, there might be some privacy fencing due to people having dogs or play sets. Mr. McConnell said the property was brought forth to the City TOPS program for potential purchase and they passed on that option to keep this as open space. This development proposal has less density and more open space than what was previously approved on the prior PUD.

Expansive Soil:

Mr. Good explained if you live on the west side you will be dealing with expansive soils in Colorado Spring. Individual houses are designed today to mitigate that whether it is an over excavation, drilled piers, or stiffer foundations. The homebuilder will be dealing with the expansive soil mitigation.

Subsidence:

Mr. Good said the entire Rockrimmon area is undermined and the main issues with undermining have been shafts; however, there are no shafts on this site. The recommendation for the insurance is there because of the subsidence, but not because it is going to happen, and it has nothing to do with expansive soils.

Slopes:

Mr. Good said the slopes on the site are generally 3 to 1 or flatter that will be graded. Mr. Broussard from Premier Homes said they preferred the 3 to 1 or flatter slopes because they are more stable than retaining walls and much more appealing with landscaping and grass.

Wetland:

Mr. Broussard said partly why the project has been delayed so many times was because of the wetlands. An environmental consultant, Julia Auckland, looked at all the flora, fauna, and animals. Ms. Auckland has been working nonstop with the Army Corp of Engineers to ensure the process was very thorough.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Slattery said normally she would be in favor of a developable piece of private land; however, understanding the area, the water and how valuable it is to the westside into Colorado Springs, she did not think this was the best use of the land or that it would be positive for the city.

Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve the Creekside at Rockrimmon PUD development plan based on the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502.E. The motion passed by a vote of 7:1:1:0

Aye: 7 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Graham, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

No: 1 - Commissioner Slattery

Absent: 1 - Commissioner Wilson