

Planning Commission, Jan 10th

Available Witnesses

- **Steve Parrish** - PCVA Resident within 1000 feet, former Emergency Manager
- **Eddie Lawrence** - PCVA Resident, D20 resident 12 years, grew up in CS, 2 students in D20
- **Holly Lawrence** - PVCA Resident, landlord to several apartment units. D20 resident 11 years, grew up in CS, 2 students in D20
- **Omar Wyman** - New PCVA Resident since 2022, lives directly off Royal Pine
- **Brooke Dobbins** - New PCVA Resident since 2022, lives directly off Royal Pine
- **Dr. Cristy Fisher** - PVCA Resident & Veterinarian and owner of Pine Creek Veterinary Hospital
- **Lexie Borg** - PVCA Resident & lived in D20 for 12.5 years, 5 kids in D20, kids in middle and highschool currently. Spoke at Neighborhood Meeting - Will speak about D20 comments on city planning

Talking Points

D20 Schools (Lexie Borg)

- Students walking to bus stops (2 are on Royal Pine) and driving to school will have to deal with increased traffic & likely overflow parking.
- School buses will have to navigate through increased traffic delays.
- The schools will have to accommodate more students, in an already over-crowded, under-staffed school district.
- Speak to misleading comments by the Planning Department on how D20 participates in development.
 - Time-stamp 44:55 - Ms. Wintz speaks about their D20 contact's ability to assess capacity at the LOCAL school and at the district level
 - Time-stamp 45:27 - Ms. Wintz says, "What the school district has told us, is that they have capacity."
 - Email from Don Smith (D20 contact): The only comment provided to City Planning regarding the subdivision request for The Market at Pine Creek was that the district is requesting fees in lieu of land dedication per the City Code and it is attached.
 - Fees district asks for - **\$368/unit.**
- PC & MVE are already overcrowded - District aims for 85% of architectural capacity (numbers below are for building not including portable classrooms, which do not increase space in hallway width, gym, auditorium, parking, etc.
- Pine Creek High School: Architectural Capacity: **1,871** (85% would be 1,590)
- 2023: **1,925** students as of August PTP meeting – per Tracie Cormany – 504 Freshman, 506 Sophomores, 487 Juniors, 432 Seniors – Notes from PTP Secretary, Kari Tandberg
- Mountain View Elementary: Architectural Capacity: **600** (85% would be 510)
- Enrollment 5/18/2023: **594**

Facility	Capacity	2023-2024	2022-2023	2021-2022	2020-2021	2018-2019
Pine Creek	1871	1925 (102%)	1776 (95%)	1808 (97%)	1644 (88%)	1641 (88%)
MVE	600	590+ (98%+)	594 (99%)	558 (93%)	599 (100%)	620 (103%)

- There are great schools in the other areas of town that would greatly benefit from the revitalization of a new apartment complex. This will also increase
- the traffic going through the neighborhood on the way to school and place children at increased risk walking to school. The walk from the proposed apartments to the middle school and high school would be approximately 35 minutes at a steady pace...would this also then create the need for a bus for these apartments.
- (Refer to the footage on the submitted thumb drive of Pine Creek High School at the end of the school day over crowded traffic congestion.)
- Picture that I took taking my daughter to school of a morning car accident this year in front of Pine Creek High School.



Community mis-led by Planning Dept

- Specifically about the ability for school districts to impact the development process.
 - They have no say in whether a development can be built or not, yet the Planning Dept. claimed they do
 - Link: <https://www.preservepinecreekvillage.com/so/4aOeM1H2G?languageTag=en&status=Draft&cid=00000000-0000-0000-0000-000000000000>
 - Timepoint (45 min mark): <https://www.youtube.com/watch?v=cnpLV4p9gug&t=2674s>
- Additionally, Katelynn Wintz misrepresented the same information at the Ovation development, enough so that a comment was recorded on the Planning Documents:

43	1	Kate Wintz : Planning	The maximum density noted is 8.3du but sheet 2 Phase 2 development notes that the maximum is 8du. Please correct as appropriate.
34	1	Don Smith : School Districts	Academy District 20 is in receipt of File# MAPN-23-0005 for approval of the Ovation Land Use Plan. The District is requesting fees in lieu of land dedication per the existing City Code. Please note in your Public Comment Response the exact comment returned by the District. The District DID NOT COMMENT school capacity and any reference to such comment should be removed. If you need additional information, please contact me. Don Smith Planning Consultant

- Developer “meetings” were chaotic by design and didn’t allow community to hear consistent answers:
 - <https://springstaxpayersunited.com/developer-and-colorado-springs-city-staff-hold-chaotic-meeting-for-controversial-low-income-housing/>
- City does not have a written policy about what developers must answer from citizen comments. Numerous questions from citizens were unanswered and the Planning Dept. cannot point to what a “general answer to comments” means when multiple Planning Dept emails said the developer is required to answer ALL questions.

Property Value Impact, Apartment Overbuilding, and Crime (Omar Wyman)

- Crime:
 - 5 officers
 - COS crime data: <https://policedata.coloradosprings.gov/Crime/Colorado-Springs-Crime-Map/ar6u-b83m>
 -
- The assessment of DBG's full dataset revealed that 70% of ZIP Codes with a DBG development experienced a decline in annual home value relative to their respective cities, with an average annual decrease of 0.03% and a total average reduction of 3.80% since the introduction of a DBG development. For comparable ZIP Codes to 80920, 80% of ZIP Codes saw a 5x faster decline in yearly home values as compared to the city that ZIP Code is in, resulting in an average total reduction in home value of 7.33% since the establishment of a DBG development.
- Developer has not provided any data in developer-submitted documents to LDRS to indicate that proposed apartments would not negatively impact neighborhood property values. **In fact, he provided a spreadsheet that showed property values actually decreased during a time when the housing market was in a boom and rising faster than at any time in history. This was in his virtual meeting with residents.**
 - For some backing research, it's clear that impact to property values is highly regionally dependent:
 - In California, LIHTC-funded housing reduces home prices by almost 10%.
 - Link: <https://www.csus.edu/college/social-sciences-interdisciplinary-studies/public-policy-administration/internal/documents/thesis-bank/thesis-bank-2018-wahid.pdf>
 - In South Africa, property values were negatively impacted for 9 years and it took an additional 6 years for them to recover from subsidized housing.
 - Link: <https://www.ajol.info/index.php/actas/article/view/208206>
 - In Charlotte, NC, LIHTC-funded negatively impacted the property values for middle and high income neighborhoods. In high-income neighborhoods larger developments had even greater negative impact.
 - Link: <https://journals.sagepub.com/doi/10.1177/0042098015593448>
 - https://www.nber.org/system/files/working_papers/w22204/w22204.pdf
 - <https://www.gsb.stanford.edu/insights/affordable-housing-good-neighborhood>
 -
- There is an abundance of apartments being built in Colorado Springs, yet no increases in infrastructure capacity.
- We have an overbuilt apartment market:
 - Quote: "The overall Colorado Springs vacancy rate, which includes new construction, was 13 percent in the first quarter of 2023. "That's a very high number," Rathbun says. "That's up 342 basis points [from 9.6 percent] year over year, and it's the highest it has ever been in the 16 years of our survey."
 - Currently 12,000 apartments are under construction, with 8,100 not broken ground yet. This is a 40% (20,000) increase in just two years.
 - Link: https://www.csbj.com/news/colorado-springs-apartment-market-likely-to-be-overbuilt/article_2d377372-f346-11ed-924d-abb6039b19e8.html

Density and Crime Rates:

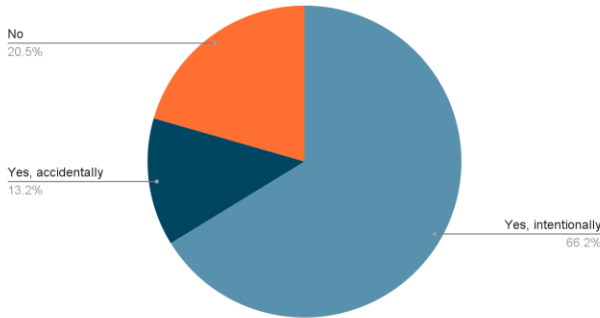
- <https://nycdatascience.com/blog/student-works/data-study-on-high-population-densities-and-increase-crime/>
- <https://newsinfo.iu.edu/news/page/normal/13030.html>
- <https://www.vox.com/2016/5/2/11568262/low-income-housing-impact>

Evacuation Safety (Steve Parrish/Brooke Dobbins (citizen comments))

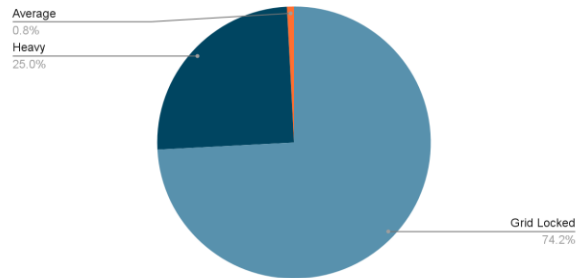
- Pine Creek Village has 4 exits (Old Ranch/Powers-NE; Royal Pine/Union-SE; Pine Manor/Briargate-S; Chapel Hills/Briargate-SW). A wildfire moving west to east would force all residents to use the NE and SE exits. Of the 1,424 homes, roughly half would go NE and the other SE. A wildfire moving north to south would force residents to use exits at Pine Manor and Briargate and Royal Pine and Union. Adding 232 new apartments, the neighborhood estimates approximately 6,000 vehicles will try to escape (3,000 NE and 3,000 SE).
- On 19 December 2023, the neighborhood conducted a study to determine if traffic congestion during an emergency would result in traffic delays. They determined the delays were far greater than what the developer claims.
 - Using a sample of only 5% (150) of vehicles attempting to escape from an eastward moving fire and approaching the single lane roundabout from four points of egress (Proposed Site; Purple Plum; Royal Pine; Pine Manor), traffic gridlocked at 1 minute, 5 seconds, and it took 30 minutes to move all 150 cars through the light at Union/Royal Pine. At this rate, it would take 8-10 hours to evacuate all vehicles.
 - Conditions were clear, people were courteous, there were no breakdowns or accidents, and fear of death was not a factor.
 - All participants who filled out a post study survey report they view the evacuation conditions as **'Dangerous'** or **'Concerning'**. Many left additional comments that could be used to prove this is a general sentiment of the neighborhood. [See complete results here.](#)
 - Additional details are in the [Evacuation Study Powerpoint.](#)
- A wildfire moving at 55 mph could sweep through Pine Creek in approximately 5-10 minutes.
- See video/pics of the study and overlay with pictures of Paradise, Boulder, Black Forest, Maui, and Waldo Canyon fire, burned out cars, and burned down homes/businesses.



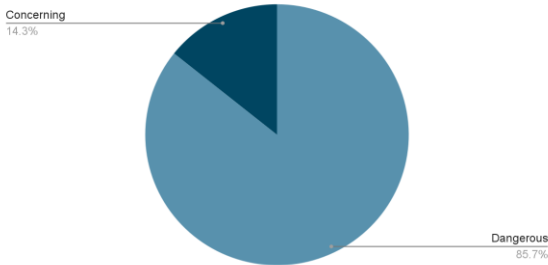
Q1. Did you participate in the traffic study?



Q2. If you participated, how would you describe the traffic you encountered during the traffic study from 9:30am to 10:00am?



Q3. After the traffic study, what is your opinion about the safety of adding the Royal Pine Apartments in regards to evacuation?



Traffic Congestion

- Without the additional apartments, traffic in/around Pine Creek is congested, especially near Pine Creek High School, where 2x/day traffic gridlocks.
- With 630+ new residents using a single lane roundabout the congestion demonstrated in the evac study would be a daily occurrence, especially at high traffic times, again proving the developer wrong on queueing estimates.
- The two-lane roads and single lane roundabouts did not account for additional residents using the street infrastructure and La Plata did not plan the development for this.
- Accident rates in Pine Creek are higher than in other neighborhoods likely due to street size and speeds. As more drivers use the roads, accidents will likely increase.
- A neighbor in Pine Creek owns several apartment units in the U.S. and sees typically 2-3 cars/unit. This development is only providing 339 parking spots for 232 units. The U.S. national average for car ownership is 1.8 cars/person, so even if there is only 1 person renting each apartment unit you would need ~420 parking spots. The overflow will utilize the commercial business parking and flow into the neighborhood. Who is going to police the # of cars each unit has?
 - Ref: Holly Lawrence

Traffic Study Inaccuracies/Issues (Eddie Lawrence)

- Traffic study has no documentation on impact to evacuation.
 - City of Colorado Springs' Engineering Criteria Manual for traffic impact does not have any guidelines for evacuation.
 - Traffic Study merely states that several exits are available from the neighborhood, yet does not mention each "exit" has multiple intersections within the Pine Creek neighborhood. Additionally, these intersections' right-of-way do not belong to the residential roads, so all residents would have to wait and burn in fire evacuation.
- Developer has provided gross inaccuracies with traffic count and knowledge of roads.
 - Initial traffic "study" was conducted without school traffic, and was estimated to "increase" traffic by 10% to "account" for the school traffic.
 - Subsequent traffic "study"
 - Developer lists the speed on Pine Manor as 25 mph, but it is posted as 30 mph - they did not conduct a study and only estimated counts to fit their narrative. If they can't get a posted speed limit correct, how can their "study" be trusted.
- City provided city-captured traffic data, how was this allowed for a for-profit developer?
 - Additionally, city/developer's traffic engineer omitted that significant road repavement was happening on Old Ranch and Pine Manor, reducing traffic thru Royal Pine during the time that the city's traffic study was conducted.
- Pine Creek neighbors put up cameras and counted cars from August 19 - Sept 17, 2023.
 - Traffic study grossly underestimates background traffic count as 4,378 cars/day when we recorded an average of 7,327 cars/day when road work was not present and without the additional 400+ vehicles from the apartments. Traffic drop is able to be seen in the daily vehicle count when road work occurred.
- Traffic Engineers underestimate the amount of traffic created by the businesses ([Trip Generated by Businesses - 1JAN2024.xlsx](#))
 - Traffic Engineer assuming 664 trips generated every weekday by businesses when business-provided data show weekday average as 751.
 - This data only shows client-side visits and only one business provided information on employees to determine employee trip generation.

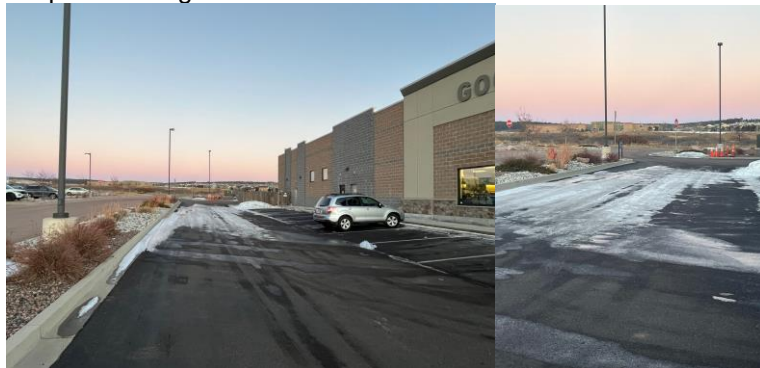
Business	Weekday Employee Generated Trips	Avg. Trip Generated Per Weekday by Clients	Weekday Total Trips Generated
North Springs OB/Gyn	34	238.3578947	272.3578947
Vet Clinic		260	260
Classic Dental		102.6315789	102.6315789
Alligator Allrgy		116.0421053	116.0421053
Totals	34	717.0315789	751.0315789
Assuming			
All visits consist of 2 trips, ingress and egress			
Assuming 21 business days/month on average (range is 20-22)			

- Traffic Impact Study incorrectly cites 25 MPH for the posted speed.

Inconvenience/Safety

- Nuisance
 - 630+ new residents will create additional noise, light, and air pollution and will create a nuisance to those living nearby and impact the wildlife that depend on the habitat area for their survival.
 - For those with PTSD, the additional noise and traffic congestion will increase their stress and greatly affect their mental health.
- Schools
 - Students will have to navigate increased traffic and parked cars blocking visibility as they make their way to bus stops and as student drivers are getting to/from school.
 - School buses will have to navigate through increased traffic delays.
 - The schools will have to accommodate more students, in an already over-crowded, under-staffed school district.

- Quality of Life
 - The area has a poor walking score and the closest shopping location is a 15-minute walk across six lanes of heavy traffic.
 - The single city bus line (38) in the area has a stop almost ½ mile away, and only runs on Union BLVD, whereby riders must transfer to other buses to reach any destination, taking significant time.
- Privacy
 - The great height of these apartments (50+ feet) will create privacy issues for the medical offices and residences adjacent to it. The developer states he will plant vegetation to block the apartments, yet no vegetation will block 3- and 4-story buildings or prevent their residents from being able to look directly into doctor's offices while they care for patients or into the backyards of those near these buildings.
- Parking
 - Inadequate parking for this development will mean that apartment residents will take up spaces at the five businesses, along Purple Plum Drive, and down onto Pine Manor.
 - Vue 21 apartments (across Powers next to Target) do not have adequate parking similar to the plans of the Pine Creek Apartments. As a result, there are cars parked outside of the apartments along every connecting road. In our case, that would happen within our neighborhood and the adjacent businesses.
- Common Area Maintenance and Liability.
 - The Pine Creek Village Association pays for maintenance (vegetation, irrigation, and snow removal) of several common areas, to include the sidewalks on Royal Pine, Union, and Briargate. It also pays for dog waste station maintenance throughout the neighborhood and a private park. PCVA's insurance rates have already increased.
 - The developer claims the development has access to Pirate's Cove Park, within ½ mile of the apartments. However, this park is a private PCVA park, not open to the public or these residents considering PCVA residents pay monthly dues to maintain this park and provide insurance for it.
 - When asked to help cover the costs of common area maintenance, the developer dismissed PCV resident concerns and said he would NOT support equal proportional costs.
- Snow
 - The 50+ building adjacent to the road within the proposed site will create icy conditions for most of the winter season due to shading. This increases safety concerns for those using the road and sidewalks and if the apartment maintenance includes chemically treating the road, that will runoff into the wildlife habitat area.
 - Here is an example of shading and icing (taken 2JAN2023 at the Monument Goodwill, 15821 Jackson Creek Pkwy, Monument, CO 80132). Due to shading, icy conditions exist for weeks after the last snow (~24DEC2023, 2.4 inches).
 - No secondary building exits and icy conditions due to sun shading - same outcome would happen with proposed high-rise apartments on the road between buildings and along the Power off-ramp, that will now be shaded by the two U-shaped buildings.



Environment.

- Increased traffic will increase risks to the animals from the Wildlife Habitat Area as they try to cross the road.
- The several endangered species living here will suffer additional displacement, as the city continues to use up and dissect every available plot of land.
- The chemicals the apartments will use to maintain vegetation and remove ice/snow will runoff into the wildlife area, placing all of the animals there at risk of disease and death, and flow into the Monument Creek watershed. The developer acknowledges this with their own design which makes 90% of the land impervious. The claim that they will reduce water quality control by 30% contradicts their own plans. The City's management of homeless camps, illegal drugs, crime, vandalism, and trash within our park system warrants concern about their effectiveness as a steward of such a fragile habitat.
- City Planning's decision to further this project fails to protect the unique and fragile ecosystems of the Pinecreek Wildlife Preserve which provides an important habitat for the Preble's Meadow Jumping Mouse, lynx, bobcat, bear, and other wildlife large and small that require a safe, undisturbed habitat.
- La Plata withdrew from its 25 year commitment to maintain the habitat by donating the land to the City. Prior to this, the preserve was under the management of US Fish and Wildlife Service and had a trained wildlife field agent overseeing it.
- City Planning never conducted a wildlife impact study - especially prior to the parcel being rezoned to high-density residential.
- City Planning did not have US Fish and Wildlife review the plans - especially drainage considerations and impact on the Preserve area- again there are regulations not being followed.
- High-density housing with reduced parking developed next to a wildlife refuge is reckless and unsafe for humans and wildlife.
- This development is receiving funding from a federal agency and must comply with federal regulations.
 - Federal Wildlife that mandates a wild life study for any federal funded project <https://cpw.state.co.us/learn/Pages/LivingwithWildlifeDeveloping.aspx>
 - In December 2023 someone authorized the habitat area to be bulldozed and cleared. This is a potential violation of the transfer agreement from the Federal government. Who authorized this clearing of vegetation and for what purpose? During this process, endangered and threatened species may have been harmed.
 - According to the USFWS (U.S. Fish & Wildlife Service) environmental review process, potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.
 - Areas of Influence (AOI) includes areas outside of the species range if the species could be indirectly affected by activities in that area because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.
 - "Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from either the Regulatory Review section in IPaC or from the local field office directly."

Compatibility.

- This proposed development does not support the Briargate Plan or resident expectations when purchasing their properties. The residents of Pine Creek Village and businesses reasonably

believed this land was for commercial uses (PBC- planned business complex), supported by a large sign on the property that reads, "Coming Soon, 45,000 ft square Medical Office Building."



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- Found an old advertisement to sell the land as commercial:
[TheMarketAtPineCreek_LandAdvertisement_Zall.pdf](#)
- Kristen Wintz acknowledged this "reasonable expectation" in an interview with FOX 21 News Channel.
- Many purchased their homes to get away from the pollution and traffic associated with other parts of the city that have incorporated high-density housing.
- The proposed design of the development is outside of the scope of what is acceptable in Pine Creek, especially considering the businesses and homeowners are beholden to specific styles and colors.
- The height of the planned buildings is twice what is currently in Pine Creek. Oversized buildings will be unsightly.
- The hard-working and diverse group of taxpayers of Pine Creek should not have to carry the financial burden of an unplanned development.
- See Declaration and CCRs and Community Guidelines.

Business Concerns (Cristy Fisher)

- This is a fundamental change to our covenant agreement with LaPlata and the city. We, the dental office, the medical office and my veterinary hospital, all purchased our land and built our family owned small businesses in this area because of the covenant guarantee of it being commercial only. Residential use, much less high density residential use, is NOT what we signed up for. We have been paying city taxes for years and have been serving this city for years!
- The sheer volume of residential units and subsequent vehicles (reference Holly and Eddie Lawrence's concerns above) planned for this very small area is going to create extreme parking overflow onto our business parking lots and therein cause a daily hindrance to our clients and staff. During the traffic study alone within 20 minutes 15 of my clients could not access medical care because of the backlog and volume of vehicles in the one lane round-a-bout!
- Intermixing medical offices with residential units, especially the volume of residents, is never going to be a sound development plan. We all have significant safety concerns for our businesses. The volume of "desirable" drugs (Fentanyl) we have on premises, if compromised, will lead to serious safety concerns for the community and city. We already have homeless individuals sleeping at our front door which has set off our alarm systems, requiring the Colorado

Springs police department to be called. Their response time was over 45 minutes because of the lack of first responders in the community.

- The increased number of pets in such a small area will significantly increase the risk of zoonotic disease spread among all residents of the low income housing, the business's clients and to my patients as they walk the grounds to "do their business" before they enter the building. Such diseases as but not limited to Leptospirosis (40% mortality rate, 60 % morbidity rate in humans), Roundworm, Hookworm, and Whipworm.
- The road between the OB/GYN and Dental office will become an ice sheet as the 50 ft+ high x 300 ft long building will shade it all winter. They'll need to clear it every snow.
- Since the community center entrance is across from the OB/GYN clinic and the parking is behind the community center, residents will park on that road to run in and get their mail, even with signs that state "no parking."
- The four story building next to the Dental Office is going to contrast significantly with the existing structure and create a privacy issue.
- Foot traffic in/around the apartment buildings will increase risk to pedestrians and business patrons. More cars and people equals a higher chance for accidents.

Pine Creek HOA Impacts

- The Royal Pine Apartments have deliberately ignored the HOA's requests to financially support their impact on our managed spaces.
- The staff analysis lists the PCVA Park, our private park funded by the HOA and not public property, as an amenity for the apartment residents within walking distance. It's referred to as "Pirate's Cove Park" on page 5 in [Staff Report Royal Pine PPCV Comments.pdf](#).
 - Open Street Maps: [PCVA Park Labeled as Pirate's Cove Park](#)
- Considering they're marketing this as a walkable area, it is safe to discern they would use our sidewalks, dog bins, and landscaping. Due to them using our amenities, including the park, the Royal Pine Apartments should assist with the financial impact of their residents the same as the other apartment adjacent to our community.
 - Stagebrook, with 314 units, is slated to pay \$74,105 to the PCVA in 2024 which makes it roughly \$236 per unit.
 - The Royal Pine Apartments, for 232 units, would be responsible for roughly \$54,752 in future years depending on the rising costs of maintenance due to inflation.
- In the last two years, HOA dues for the core part of PCVA have risen by an average of 11% each year due to additional use and maintenance costs. The financial burden of the residents of the Royal Pine Apartments could cause that increase to double once the apartments are at full capacity.

Personal Letters

- [From Eddie Lawrence](#)
- [From Holly Lawrence](#)
- [From Brooke Dobbins](#)