

Mountain Shadows Community Association

Planning Commission Hearing
Response to Development Proposal for
2424 Garden Of The Gods
January 21, 2021



Topics

- MSCA: Position Statement
- PUD/HS Zoning Disconnect: Multi-family Residential Land Use in existing Area A development
- Bighorn Sheep: Governor's Executive Order, CO Management Plan, CPW, Testimony
- Hillside Overlay Ordinance: Height of any new 2424GOTG Development
- PlanCOS Majestic Landscapes: Encroachment on our National Natural Landmark
- Parkland Dedication Ordinance: SLA 2.0/5.5, Impossible catch-up plan
- PlanCOS OEM & Wildfire Safety: Hazard Mitigation Plan Vulnerability Analysis
- Traffic Study: 1) Valid GOTG Park survey data, and 2) Bicycle Safety considerations
- Petition: Public opinion on this major Mountain Shadows Master Plan Amendment & Rezoning
- City Notification: Master Plan, Covid-19 Notification Process
- Summary of Concerns

MSCA Position

- Mountain Shadows Community Association (MSCA) sees no need to alter the look and feel of our 40 year old single family housing neighborhood.
- The Master Plan encompasses ~ 1,760 Acres
 - ~ 1950 Dwelling Units
 - ~ Approx. 4,800 residents
- It is unfortunate that the developer purchased the 2424 GOG property expecting to change the Master Plan and Zoning. That is a risk that the investor took. (Reference 2017 brochure Appendix A)
- MSCA is opposed to high-density, multi-family residential units.
- MSCA is also opposed to the Mountain Shadows Master Plan amendment, Zone Change, and Concept Plan. Details are in the following presentation.



Credit: KKTV

MSCA Position

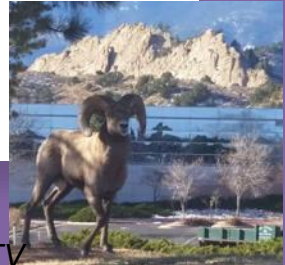
Proposed Mountain Shadows Master Plan Amendment specifically **EXCLUDES** High-density Multifamily Residential apartments from Area A (existing 44 acre development)

Amendment Area Land Use			
Land Use:	Area A	Area B	Area C
Office	X	X	
Community Commercial	X	X	
Neighborhood Commercial	X	X	
Public/Institutional	X	X	
Residential 16-18 DU/AC		X	
Open Space/Trial			X

The “PUD proposes to Cap” the number of multi family residential units at 450 on 26 acres of the new Area B & C development at 18 du/acre and a maximum height above ground level of 45 feet.

However, the corresponding PUD/HS rezoning request specifically INCLUDES the Multi-family Dwelling Residential Use Type across the entire 125 acres (including the unbuildable 55 acres of open space and the existing 44 acre Area A development) = the possibility of building out the other 44 acres with another ~1000 multi-family units.

Either specifically **EXCLUDE** all multi-family residential use type from the Rezoning application for the existing 44 acre Area A development –or– find a different zoning type that specifically eliminates this inconsistency, precluding residential use type from Area A



Credit: KKTU

Bighorn Sheep

1) The Environmental section of the Project Statement is incorrect. Nov. 2020 "This is not habitat area for the Big Horn Sheep"

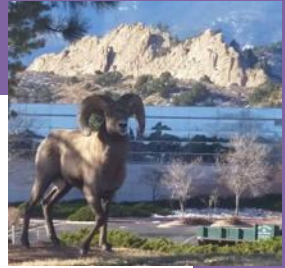
2) The CPW position statement is incorrect. Dec. 28 2020 "...there have been no observations of the sheep being on or using the proposed project area."

3) The Community submitted the 50 page "Bighorn Sheep, Testimony" document for this hearing. Photos from KKTv and the residents show bighorn sheep frequent the proposed development area and the entire 125 acres.

4) The "Colorado Bighorn Sheep Management Plan" warns (among other things):

- "walking with dogs, and activity near lambing areas may be most detrimental"

- "sheep have habituated to human activity in areas where the activity is somewhat predictable, temporally, and spatially." The current Zoning provides these conditions.



Credit: KKTv



Credit: KKTv

Flying W Ranch Road

Bighorn Sheep

5) This thriving herd is used to repopulate declining herds in other parts of Colorado. If this herd is threatened, they could jeopardize other herds.

6) Aug. 2019, Governor Polis recognized the importance of our iconic wildlife, including bighorn sheep, and issued an Executive Order to protect their habitat.

7) Zoning that allows high-density housing will be detrimental to their habitat. Especially when the estimated 1,100 new residents discover the birthing area.



Credit: KKTV

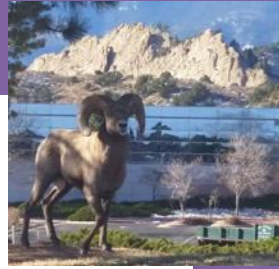


Credit: KKTV

Flying W Ranch Road

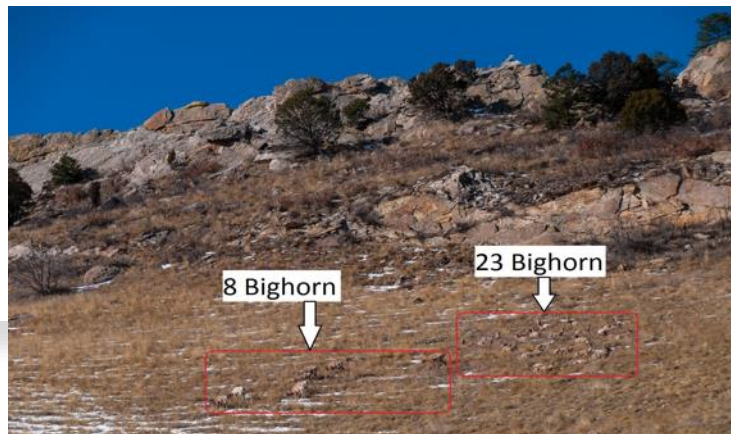
Bighorn Sheep

Response to CPW “no bighorn sheep ?”



Credit: KKTV

1. A bighorn sheep on the opposite side of the 2424 GOG property next to Flying W. Ranch Rd. Many more examples are in the “Bighorn Sheep, Mountain Shadows Testimony” appendix A.
2. Bighorn sheep will flee the area when trained researchers are within 1,443 feet. The birthing area is especially vulnerable and is within 1,427 feet. The birthing area will be threatened with an estimated 1,100 people moving into this proposed high-density residential housing area. See details in the Testimony.
3. There are 31 bighorn at the base of the hogback on the 2424 GOG property. This is the area planned for development and will be **detrimental to the health, safety and stability of this herd.**



COS Hillside Overlay Ordinance

“The City has recognized that areas which are characterized by **ridgelines, bluffs, view corridors, foothills, mountain backdrop,** excessive slope, unique vegetation, natural drainage, rock outcroppings, geologic conditions, wildlife habitats, & other physical factors, **are significant natural features worthy of preservation.**”

Site Plans and Development Plans: The **predominant development type in hillside areas is single family detached housing**...developing within the Hillside Overlay zone district requires an **environmental sensitivity above and beyond** that applied to general property within the City limits. Development within the Hillside Overlay zone **requires additional attention** to slopes, grading, vegetation and **building height**.

Proposed 2424GOTG Zone change: PUD/HS for entire 125-acre property including multi-family residential land use type with a building height up to **45 feet above ground level for the zone**. Built on top of existing berm along 30th Street, building height above street level will be **~70 feet**.



<https://coloradosprings.gov/planning-and-development/page/hillside-overlay>

<https://coloradosprings.gov/sites/default/files/planning/dab/hillside.pdf>

COS Hillside Overlay Ordinance

Hillside Overlay Ordinance Development Design Objectives:

- To **enhance the quality of life of existing and future residents** by the Preservation & Protection of the City's most significant natural features. [Gateway to Garden of the Gods]
- To preserve and protect the unique and special **natural features and aesthetic qualities of the hillside areas.**
- To **respect the existing views to the mountains and foothills** and privacy of adjacent homes.
- To **recognize community concerns related to development and its impact upon visually significant hillsides, ridgelines, bluffs, and landforms.**

Multi-family Hillside Overlay Design Standards: **The roofline based on maximum permitted height should not extend above the line-of-sight between the ridgeline and any public right-of-way**

The proposed 2424GOTG high-rise development **Fails to Meet Design Objectives & Standards** of the Hillside Overlay Ordinance, is **Detrimental** to the Public Interest, and is **Inconsistent** with PlanCOS stated goals and policies to Preserve and Protect our Majestic Landscapes.

Representative street-level
ridgeline & hillside
"viewscape"
impairment



PlanCOS Majestic Landscapes



PlanCOS “Majestic Landscapes” Vision

Values our natural and man-made outdoor spaces and celebrates our location at the base of America's Mountain by designing a city oriented around our iconic landmarks.

Importance of Landscapes

Our citizens and City government place a high priority on the natural environment—protecting natural features,...these designated areas, including riparian areas, foothills, bluffs and mesas, and mature vegetation, provide a regional asset on which people and wildlife depend.

Value Our Scenery and Environment

PlanCOS Goal ML-4: Provide stewardship for our majestic natural landscapes through improved preservation, resource conservation, air quality, and protection of our viewsheds.

PlanCOS Majestic Landscapes

Topology #3 Garden of the Gods

Annually an estimated six million visitors per year from all 50 states & more than 60 countries discover the beauty and history of Garden of the Gods Park, now designated as a National Natural Landmark.



Topology #3 Natural Resources & Regional Recreation Recommendations include:

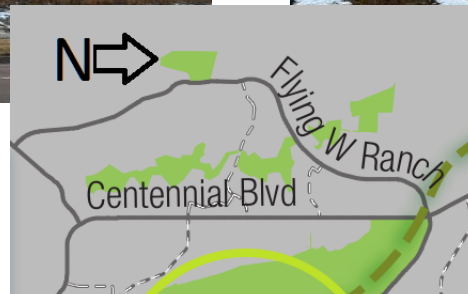
- Protect Regional Environmental Resources and Important Habitats
- Preserve Important Ecological, Historic, Cultural & Archaeological Features in their Natural State
- Include natural buffers between Development and Key Landscapes
- Limit Development Encroachment that threatens the integrity of the Natural Landscape

Proposed high-density multi-story apartments at the gateway intersection to Garden of the Gods:

- Significantly diminishes this outstanding foothills first impression to millions of Park visitors
- Is Inconsistent with stated goals/recommendations of preserving PlanCOS Majestic Landscapes
- Is Detrimental to the Public Interest & the General Welfare of the Mountain Shadows community

PlanCOS & Hillside Overlay

What good is a plan if it is not enforced?

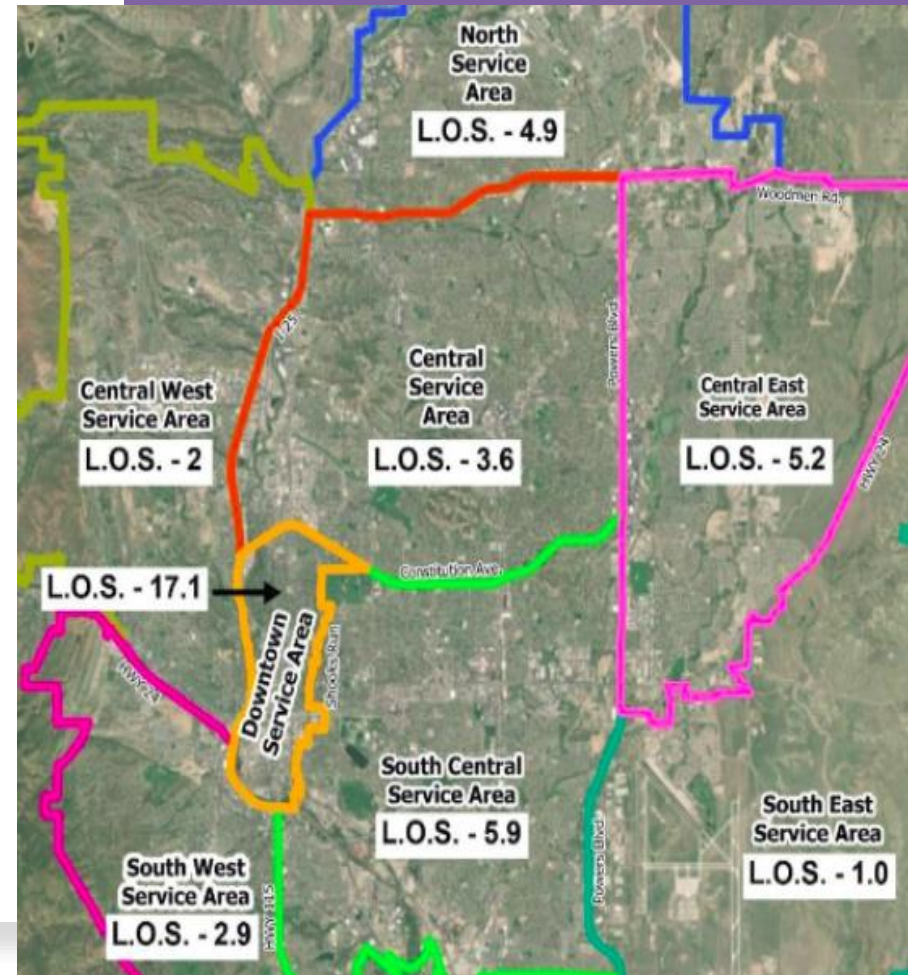


“Majestic Landscapes”
LOST FOREVER
Quality of Life and home
values will be reduced at Piñon
Valley and Morning Star



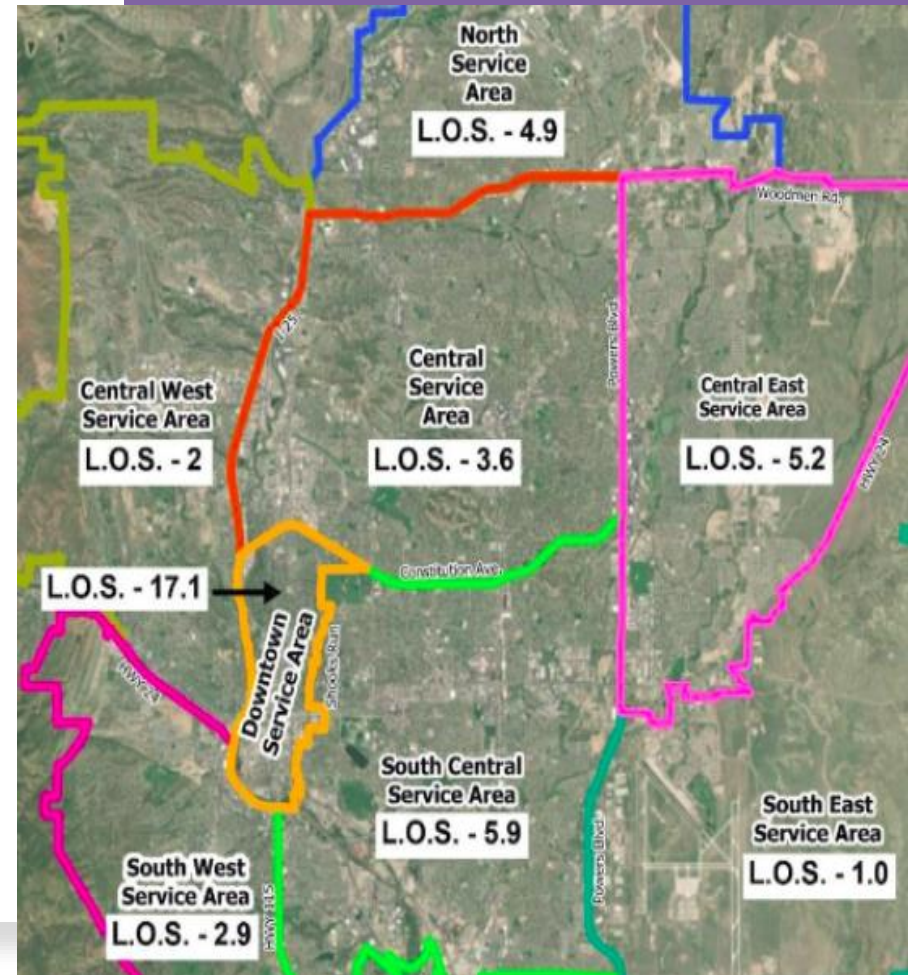
Parkland Dedication Ordinance (PLDO)

- There are not enough parks in the Central West Service Area.
- The current Level Of Service (LOS) is 2.0 @ 7.2 acres per 1,000 people – The lowest in the City with the exception of the South East 1.0 LOS. But they have a huge amount of undeveloped land to catch-up.
- Continuing to add high-density housing WITHOUT a SIGNIFICANT increase in parkland WILL further reduce the already poor 2.0 LOS.



Parkland Dedication Ordinance (PLDO)

- Allowing the developer to buy their way out with "Park Fees in Lieu of Land Dedication" will reduce the 2.0 LOS even further.
- Not having a park/green space within the apartment complex, will encourage the residents to utilize the Open Space/ Bighorn Sheep Habitat to walk their dogs.
- This will result in a significant increase in trespassing on the Navigators and Flying W Ranch properties.



COS Hazard Mitigation Plan

Reference: 2012 Waldo Canyon Wildfire, 2 dead, 346 homes destroyed
2013 Black Forest Wildfire, 2 dead, 509 homes destroyed
Fall 2020, 5 local COS wildfires in 5 weeks



COS Comp Plan → now PlanCOS → **COS Hazard Plan** ← COS OEM Pre-Disaster Mitigation Plan



[PlanCOS Strategy ML-5,A-5:
"Update & Implement" HazPlan]

"Mitigation creates safer communities by reducing loss of life and property damage. Hazard Mitigation Planning is the process through which hazards that threaten communities are identified and profiled, likely impacts of those hazards are assessed [Vulnerability Analysis], and mitigation strategies to lessen those impacts are identified, prioritized, and implemented".

The MS is most Grateful to the CSFD and CSPD for what they Did and Continue to do for the community!

<https://coloradosprings.gov/pikes-peak-regional-emergency-management-colorado-springs/page/hazard>
<https://coloradosprings.gov/plancos/book/majestic-landscapes-goals-and-policies?mlid=43176>
https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-11825

COS Hazard Mitigation Plan



Hazard Mitigation Planning: Integration into local planning mechanisms

- Consider natural hazards info (past events, impacts & vulnerabilities)
- Identify hazard prone areas
- Identify inconsistencies, gaps and recommendations
- Add into plans like comprehensive plan [PlanCOS]
- Involve key community officials with authority to execute policies & programs
- Collaborate across departments, share knowledge, build relationships for successful implementation

“The 2016 Colorado Springs Hazard Mitigation Plan **demonstrates the City’s commitment to reducing risks from hazards** and **serves as a tool to help decision makers** direct and coordinate mitigation activities and resources, including local land use policies”.

However, OEM was NOT included in the City’s 2424GOTG formal ‘buck slip’ review process; and the required Vulnerability Analysis was not provided for 1100-3700 new high-density apartment residents at this critical neighborhood emergency evacuation chokepoint. This is **not Consistent with the goals and policies of PlanCOS** and is **Detrimental to the Health & Safety and General Welfare** of the residents of Mountain Shadows and the surrounding communities.

Safety – Traffic Study

Traffic Study did not account for Non-Residential Additional Sq. Ft

*Area A, B, C = 430,000 sq. ft.

This equals an additional 61% Build Out
NOT Accounted For in the Traffic Study

30/GofG

2022 LOS = C

2040 LOS = E

No accounting of future Build out of
neighborhood – i.e. Red Leg, Arrowswest
Apartments LLC

No hourly data 6/17

Tourist avoid peak traffic hours



* iii PUD Concept Plan

Safety – Traffic Study

Chuckwagon south was evacuated

Evacuation on 6/23/2012

- 8 hours to evac 840 homes - less than ½ of MS homes
- Approx. 1875 residents
- Approx. 1600 vehicles
- 15 CSPD Officers

Evacuation on 6/26/2012

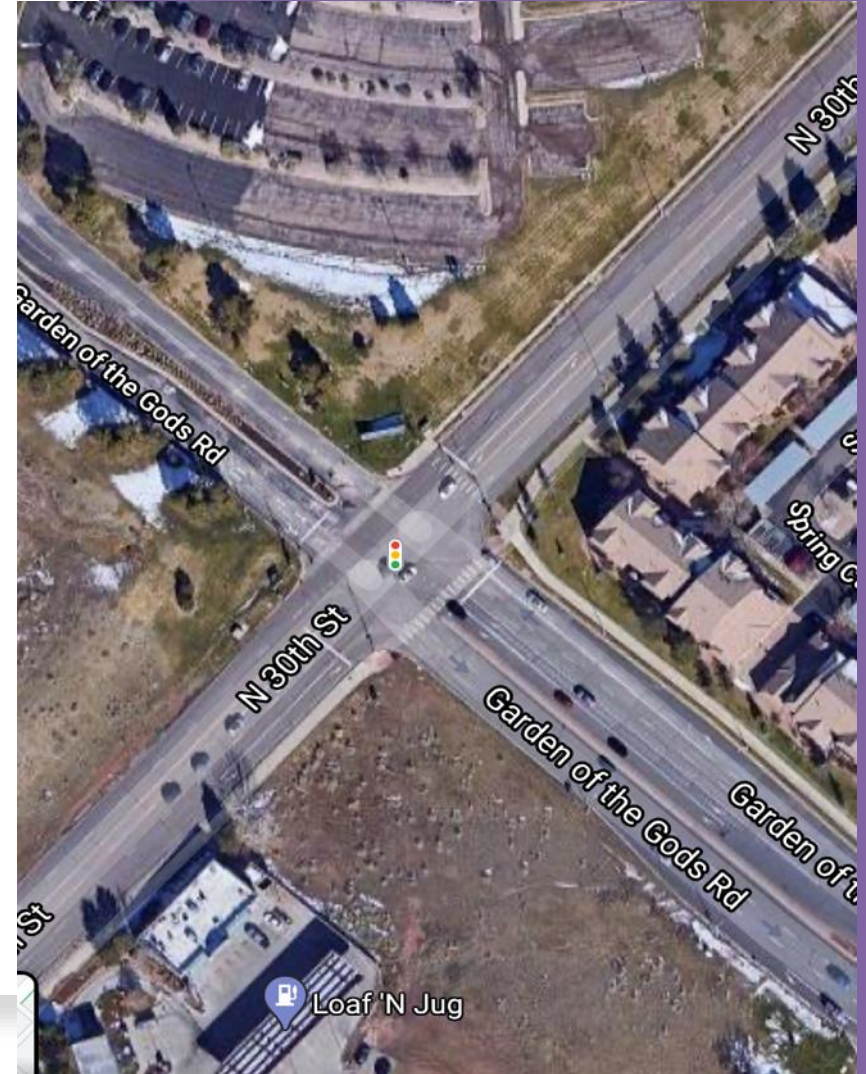
- Chaos starting at 4:21pm with Mayors Bach's mandatory evac
- 2 people died

Stopped Traffic heading South on Centennial



Safety – Bike

- No Bike Lanes on 30th street
- Olympic City USA is home to USA Cycling
- The West side of Colorado Springs is a training area for Cyclists – both amateurs and Olympic Athletes



Safety – Bike

Neither the developer nor the City provided a Bicycle Safety Report

- COS Bike Master Plan lists GOG & 30th as HIGH PRIORITY
- A “Bicycle Safety Report” is provided by a former member of the Governor’s Bicycle Advisory Board
- The Safety report identifies lack of safe infrastructure and hazardous trail continuity
- On Nov. 8, 2020 a resident of Mountain Shadows was hit and killed by a car near the HIGH PRIORITY area
- Sep. 15, 2020 before the fatal crash, citizens met with the City Bike Planner and pointed out the dangers at this intersection
- The addition of high-density residential housing will exacerbate the number of deaths, crashes, and near crashes in this area especially with the opening of Red Leg Brewing



Southwest on 30th Street



Centennial Blvd – South of GofG

Petition Against Rezoning

Total Petition Responses – 3,045
Opposed to the application

Number of zip codes – 491

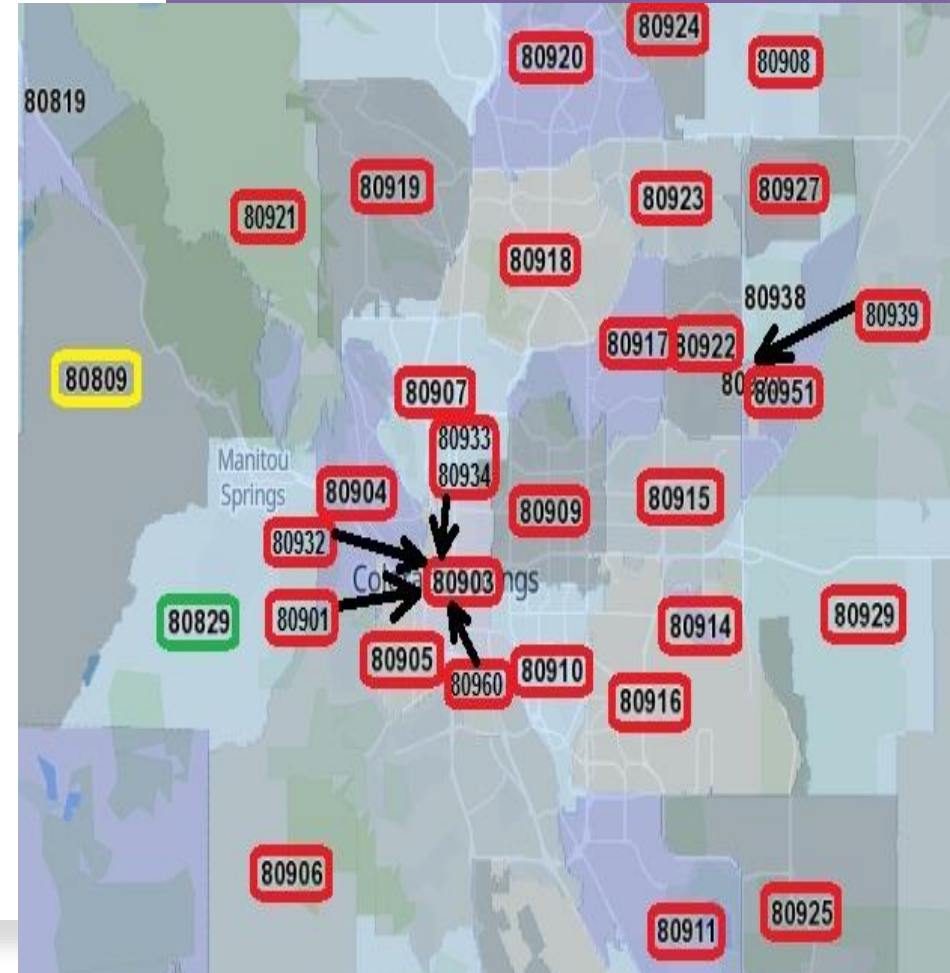
Number of zip codes in Colorado Springs - 35

Number of Cities - 363

Number of States – 43

Number of Countries - 5

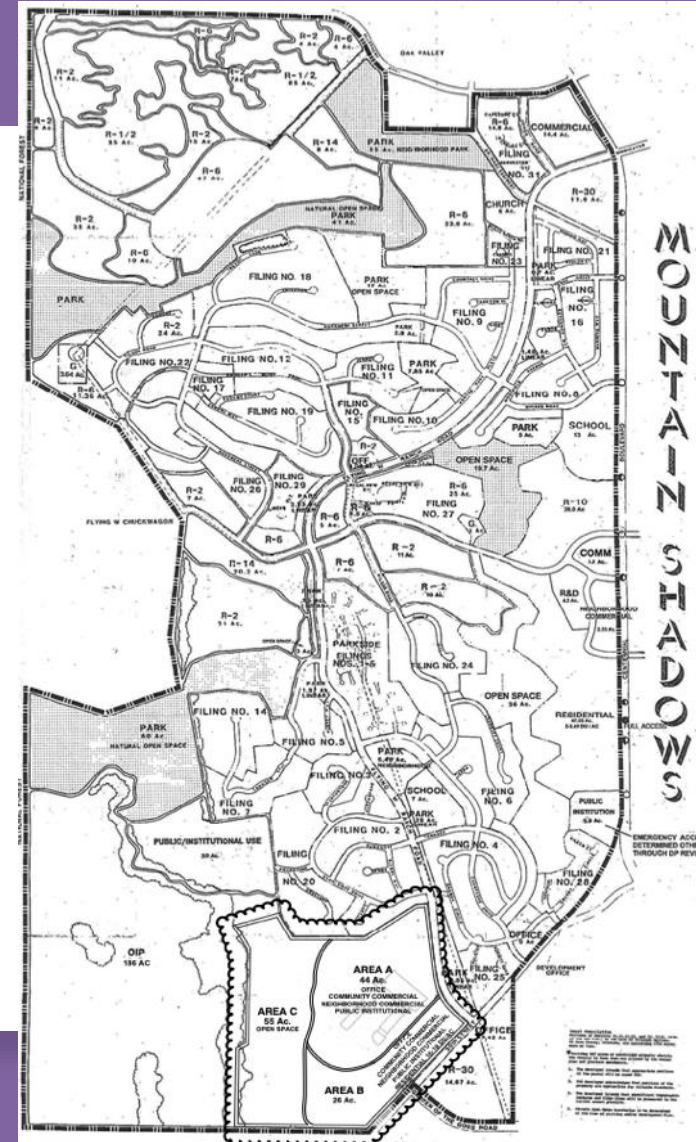
Total number of Comments – 826
(see Petition report)



City Notification Process

Why aren't all homeowners within the proposed Master Plan project boundaries not notified of a MP change?

- 2424 GOG is a “project” that proposes to amend the Master Plan. There are 1,950 property owners in Mountain Shadows. The City only sent 255 notices to property owners within 1,000 feet of the “development site”. Only 13% of MSMP Stakeholders!
- We expect the City to follow code as specified: “7.5.902: PUBLIC NOTICE:, 3. Mailed Public Notification:, (2) To property owners and associations directly adjacent to the proposed project”.
- The City has lost focus and excluded property owners that should have been notified.



City Notification Process

Covid-19 Process Excludes Public Input

- Pre-Covid-19
 - Planning meetings were at physical locations
 - Sign-in sheet for e-mail address was provided for people that wanted to be kept up-to-date
- Covid-19
 - People dial into WebEx meetings
 - There is no sign-in sheet. No way to convert a phone number to an e-mail address
 - People that dial-in are not kept up-to-date

Summary of Topics & Position

- PUD/HS Zoning Disconnect: Allow absolutely NO multifamily residential land use Rezoning of 2424GOTG Area A
- Bighorn Sheep: This proposed Development will do irreparable harm to our resident Bighorn population and their habitat
- Hillside Overlay Ordinance: Does Not Comply with Ordinance development design Objectives nor Multi-family standards
- PlanCOS Majestic Landscapes: Inconsistent with PlanCOS goals/recommendations; Detrimental to the Public Interest & General Welfare
- Parkland Dedication Ordinance: Does Not Comply with dedication requirements & Negatively Impacts the MS community
- PlanCOS OEM & Wildfire Safety: Inconsistent with PlanCOS goals/strategy; Detrimental to Public Interest, Health & Safety
- Traffic Study: Improper GOTG build out data; Bicycle safety not addressed; Detrimental to Public Interest, Health & Safety
- Petition: Universal Public Objection to this ill-conceived & incompatible Development at this significant geographic location
- City Notification: Urgent revision needed to Development Planning code for more inclusive Stakeholder participation
- MSCA Position: Our community respectfully requests that the Planning Commission REJECT the proposed project to amend the Mountain Shadows Master Plan, Zone Change, and Concept Plan based on the topics discussed.

Thank You
For Listening to our Concerns