

# INFILL

## Development of Vacant Property

*“Property owners have the right to develop their property.”* -  
Mayor Suthers, 3/10/21, Richard Randall Show

ZONING?

COVENANTS?

Rezoning is not guaranteed!

Developers have to do their Due Diligence.

## Major Concerns

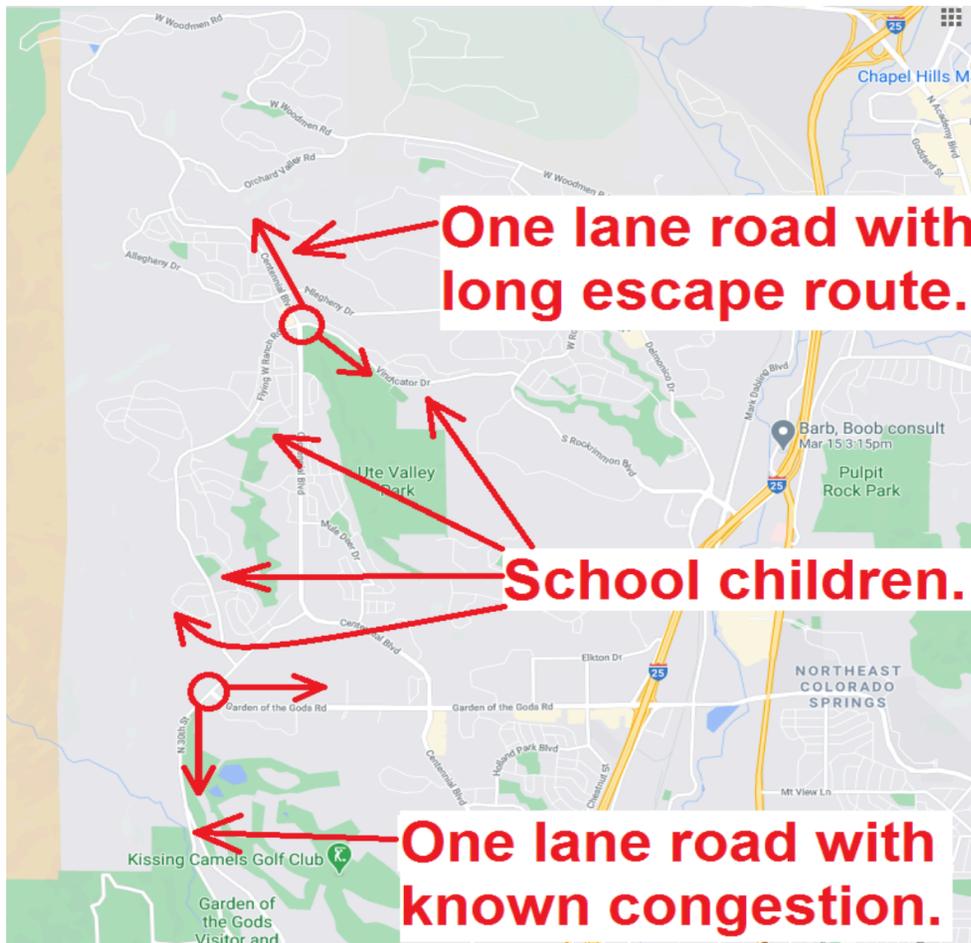
Safety and Emergency  
Evacuation

Hillside Overlay Ordinance

Disregard to the Local  
Community

Staff Report Inconsistencies /  
Omissions

# Increased Traffic Congestion Threatens NW Neighborhoods



**June 2012 Waldo Canyon Fire: 32,000 residents had to be evacuated.**

**Only 4 egress points to exit the west side of I-25.**

**The 4 egress roads are:**

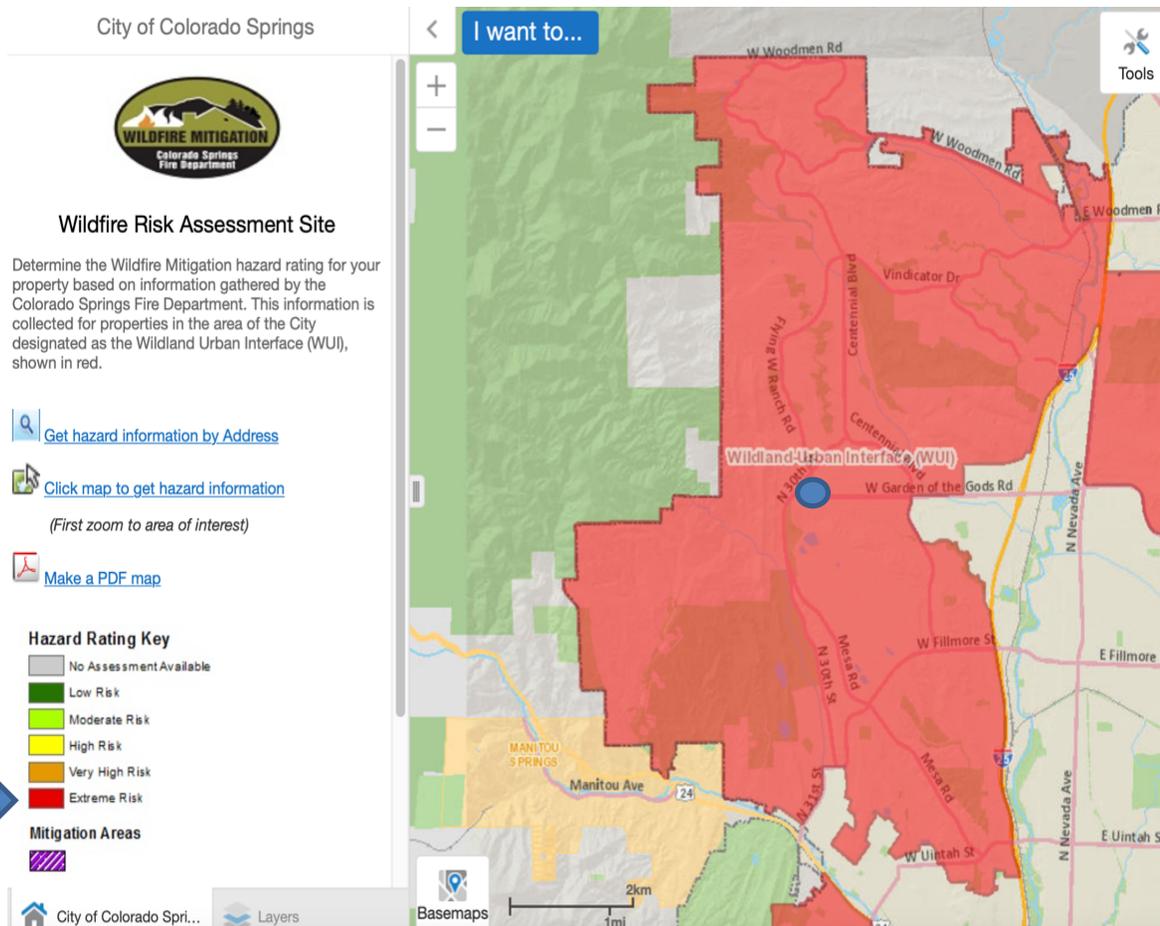
Woodmen Road\*  
Rockrimmon Boulevard  
Garden of the Gods Road\*  
Fillmore Street

**\* Congested corridors per COS Traffic Engineer**

# Increased Traffic Congestion Threatens NW Neighborhoods

NW part of the city is in an Extreme Risk Wildfire Category

There is a huge danger in adding units and residents into an area that has minimal escape routes.



# Colorado Wildfire Summit

February 18, 2021

Congressman Joe Neguse (sponsor)

Governor Jared Polis

Senator Michael Bennet

Senator John Hickenlooper

Stan Hilkey, Exec. Dir., Colo. Dep't of Public Safety

**“Infill” in the Wildland Urban Interface threatens public welfare and safety.**



Photo Denver Post



# 2424 GOTG Fails the Test



## ➤ PlanCOS:

- *Goal ML-4: Protect Viewsheds*
- *Majestic Landscapes Topo #3 Garden of the Gods: Limit Development Encroachment*

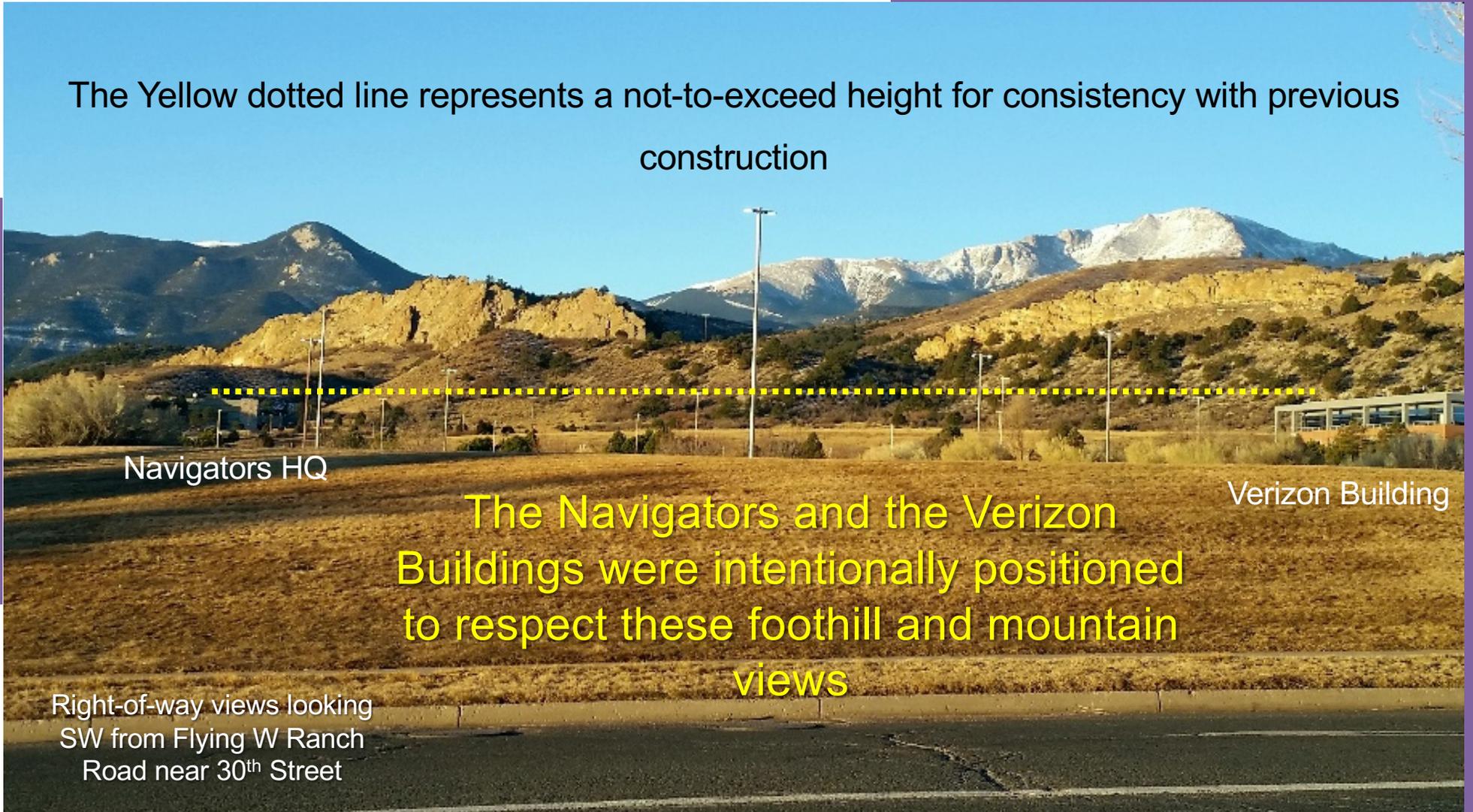
## ➤ City Ordinances:

- *96-80 14.1-2-504: Visual analysis required at Re-Zoning*
- *Code 7.3.504 HS – Hillside Area Overlay: Avoid visual impacts*

## ➤ Hillside Design Manual:

- *Objectives: Respect the existing views, recognize community concerns, preserve and protect aesthetic qualities, and enhance the quality life.*
- *Standards: Retain significant views from public rights-of-way*

The Yellow dotted line represents a not-to-exceed height for consistency with previous construction



Navigators HQ

Verizon Building

The Navigators and the Verizon Buildings were intentionally positioned to respect these foothill and mountain views

Right-of-way views looking SW from Flying W Ranch Road near 30<sup>th</sup> Street

# 2424 GOTG Fails the Test (cont'd)

## Zoning Approval Criteria NOT MET:

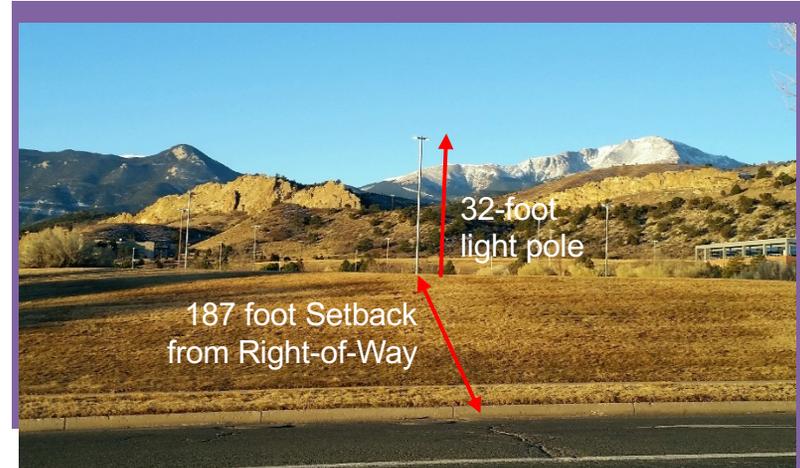
- **B.1** – Public Interest and General Welfare
- **B.2** – PlanCOS Consistency

## Master Plan Approval Criteria NOT MET

- **B.2** – Benefit to the Surrounding Neighborhood
- **E.1.** – Preserve Significant Natural Site Features and View Corridors

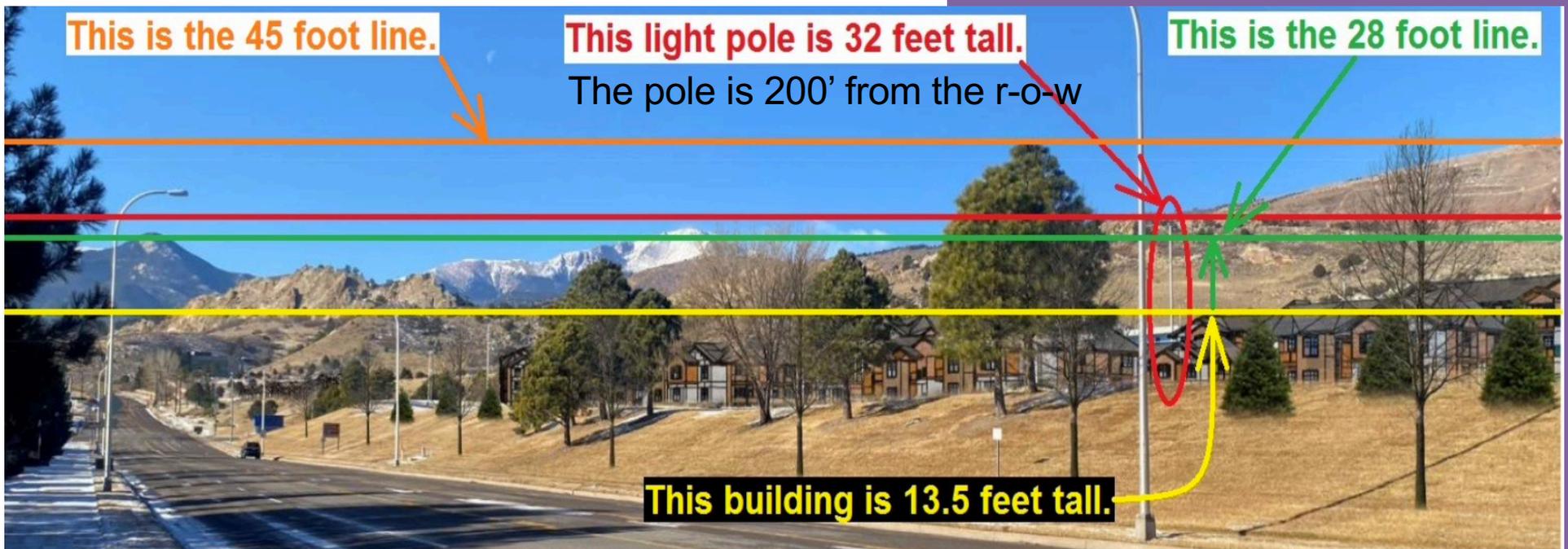
## City Code Criteria NOT MET:

- **Code 7.3.504** – Compliance with Hillside Overlay Ordinance (Ord. 96-80 14.1-2-504)
- **HSO Design Manual** – Applications must meet the Spirit & Intent of the Code



# 2424 GOTG Fails the Test (cont'd)

Building Heights are not correctly represented

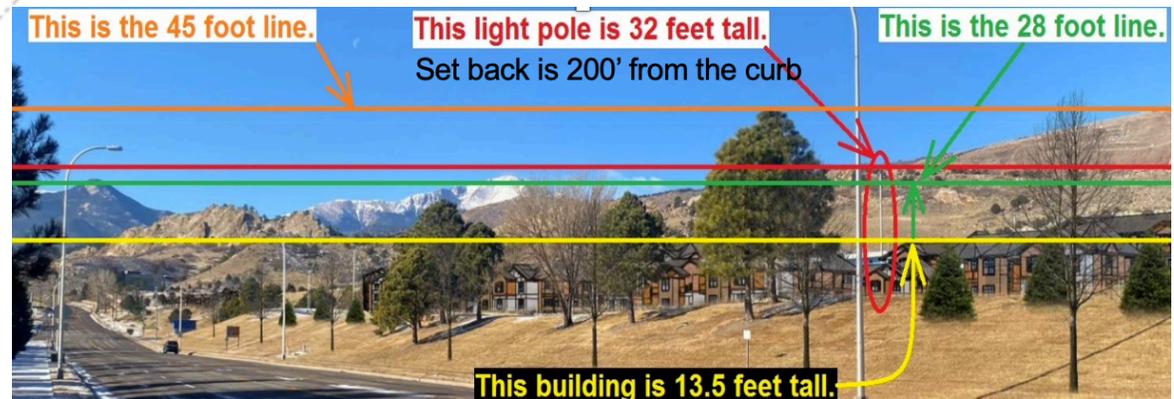
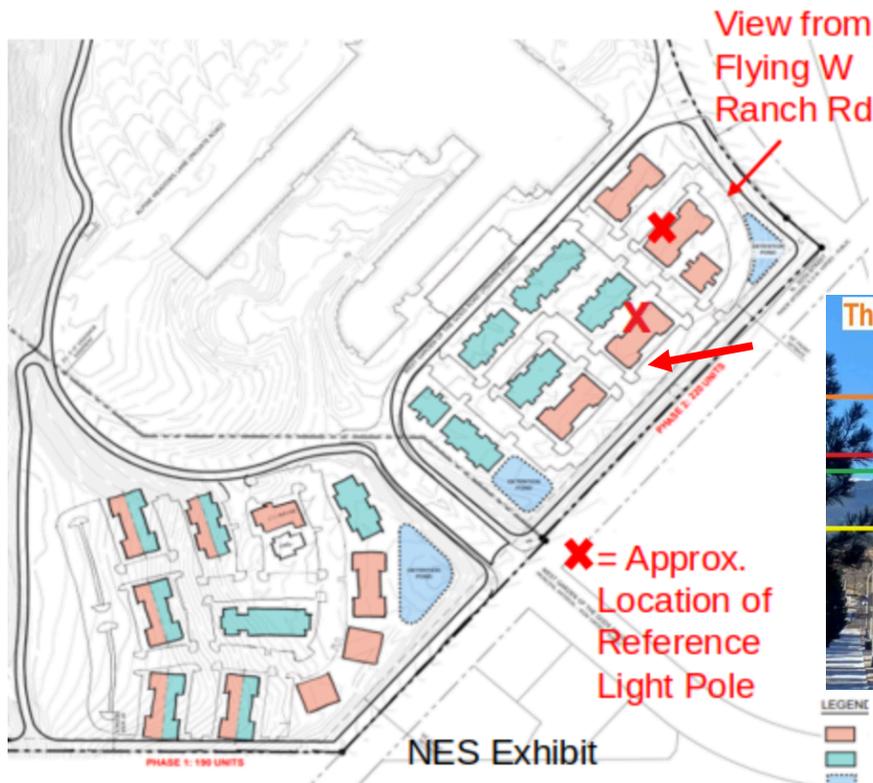


(REVISED CONCEPT FOR 220 UNITS IN PHASE 2; 420 TOTAL UNITS)

## 2.2 PHASE 2 CONCEPT B

NES Exhibit showing building in Area "B"

# Reference Location of 32-foot Tall Light Pole on Proposed 2424GOTG Development Diagram



- LEGEND
- 33-foot tall 2-story apartments
  - 42-foot tall 3-story apartments

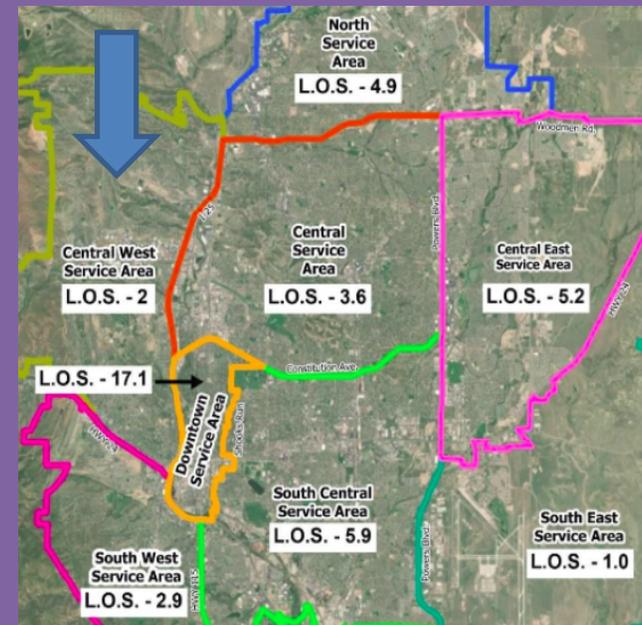
# Parkland Dedication Ordinance (PLDO)

A plan that doesn't work for Mature Service Areas:

- *Current LOS is just 2.0*
- *Increasing LOS a priority*
- *But In-Lieu Fees and additional high-density housing will further reduce the LOS*

The application fails to meet the test. Master Plan Approval Criteria NOT MET:

- *Code Section 7.5.408(C)(2) – siting and sizing of Public Facilities for Recreation*
- *Code Section 7.5.603(B)(1) -- public health, safety, and welfare.*



# Bighorn Sheep

CPW Referral Comments are flawed, in that they contradict:

1. *Testimony and photos from Mountain Shadows residents*
2. *Rampart Herd Bighorn Sheep Game Management Plan*
3. *Colorado Bighorn Sheep Management Plan*
4. *Exec. Order D-2019-011, which includes the following directives:*
  1. *Conserve Colorado's big game winter range and wildlife migration corridors*
  2. *Ensure the ongoing conservation of big game habitat and migration corridors.*
  3. *work with private landowners, local governments, public landholders, and tribes ... to sustain migration corridors.*



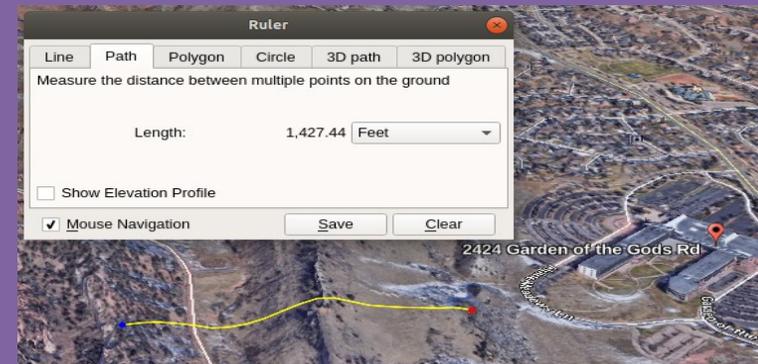
Photo by: Phyllis Gius

From Flying W w/2424 in background

Exec  
Seal



GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this 21st day  
of August, 2019,  
Jared Polis  
Governor



Birthing Area

# Bighorn Sheep

## Zone Change and PlanCOS

“Our continuing mission is the same as [General Palmer’s] was, to create a city that matches our scenery, a shining city at the foot of a great mountain.” City of Colorado Springs Gov.” FB page: Mayor Suthers

**ZC 7.5.603.B, 1.** The action will not be detrimental to the public interest. Over 6,000 people from around the world signed a Petition to protect the bighorn sheep. This action is **DETRIMENTAL** to the public **INTEREST**.

Strategy ML-4.A-3: Support adaptive plans for protection of significant wildlife habitat in coordination with development proposals and plans.

Policy ML-4.A: Emphasize preservation of undeveloped land and natural areas that result in the preservation of the most environmentally and culturally significant areas and incorporate low-impact recreation (and occupation).

Strategy ML-3.A-4: Educate citizens on the impact of development on wildlife and encourage the preservation of significant wildlife corridors and contiguous open lands through regulation.

12  
Bighorn  
Sheep



Bighorn  
Traverse  
all 125  
acres



Bighorn on  
Flying W  
2,900' on  
opposite side of  
2424 GOG  
property.



# Petition Against the Project Statement

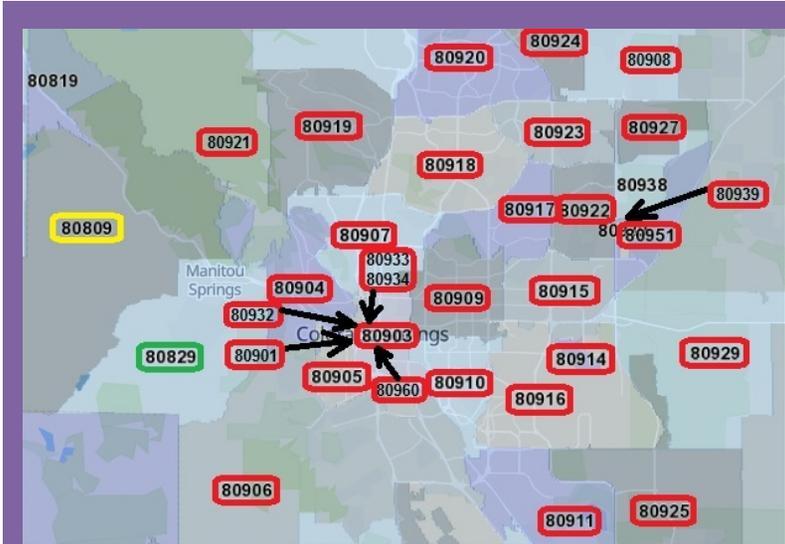
People & Tourists from All Over that Oppose the Project

As of March 14, 2021

- 6,124** Petition Responses Opposed to the MP, ZC, & CP
- 255** Green notices sent by City Planning for 1,950 property owners
- 1,363** Emails responses sent to the City Planner Opposing the Project
- 1,539** Petition comments Opposing the Project
- 2,902** Total Emails and Petition comments Opposing the Project
- 2,084** People asked to be updated via email
- 1,188** Zip Codes from around the world
- 41** Different Zip Code areas in Colorado Springs
- 1,546** People in Zip Code 80919
- 863** Cities from the U.S. and around the world
- 51** U.S. States including D.C.
- 7** International Countries
- 25** Subdivisions in COS responded to one post on NextDoor

**ZC 7.5.603.B, 1.** The action will not be detrimental to the public interest, health, safety, convenience or general welfare.

Over 6,000 people from all over the world indicated this development proposal IS DETRIMENTAL to their INTEREST, CONVENIENCE, and GENERAL WELFARE.



People from all over COS, US & the World

- 1 APO
- 2 Australia
- 1 Canada
- 3 England
- 1 France
- 2 Germany
- 1 Italy



# Staff Report Rebuttal

1. Recommended a Fire Evacuation Plan that OEM **does NOT** ensure **SAFE** evacuation of the residents, **school children**, and workers in an area with **NO westbound escape routes and proven track record of deaths during a fire.**
2. Admitted in the Informal Planning Commission meeting March 11 that only the Applicant's "Visual Impact Analysis" was considered in the Staff Report – totally disregarding MSCA.
3. Did NOT address the **builder "buy-out" vs land dedication impacts.** The Planning Commission verbally stated in their decision to reduce LOS from 7.5 to 5.5 that **west-side developers MUST dedicate land.**
4. Did NOT address negative aspects of ZC 7.5.603.B, 1. The action will not be detrimental to the **PUBLIC INTEREST**, health, **SAFETY**, **CONVENIENCE** or **GENERAL WELFARE**. Over **6,000** petition signers from all over the world, **1,400** emails to City Planning, > **3,000** homes & **7,300** residents, Mtn. Shadows & Peregrine **officially OPPOSE.**

## Staff Report:

1. Reference is made throughout the document of **15 – 16.99 DU/Ac**. This does not match the **Concept Plan of 16 DU/Ac**. **The Difference is 25.81 units**
2. The Hillside Dev. Design Manual is not Codified, however the manual states on p.5, the **Manual Incorporates CODE REQUIREMENTS, 14.1-2-504**

**It is also noteworthy for the Planning Commissioners to recognize that Staff DID NOT bother to assess and compare the MSCA Visual Impact Analysis**

## City Code 7.5.603.B Findings state:

B. A proposal for the establishment or Change Zone district boundaries may be approved by City Council only if the following findings are made:

B.1 The action will not be Detrimental to the Public Interest, Health, Safety, Convenience, or General Welfare.

B.2 The proposal is Consistent with the Goals and Policies of the Comprehensive Plan (PlanCOS)

NES Zone conformance position IAW their Project Statement

SILENT

- Emphasis on PlanCOS infill (Policy UP-2)
- Provides diverse housing choices/housing types (Strategy VN-2.A-3)
- ~~2424 GOTG property "is shown as a Critical Support Center"~~
  - Attract a skilled workforce (Strategy TE-1.C-2)
  - Ensure an adequate supply of attainable housing (TE-1.C-3)
- Encourage revitalization & Infill in underutilized urban places (TE-4.A-1)
- Allow for increased density in Downtown, activity centers, urban corridors (TE-4.A-2)

MSCA Zone conformance position:

- Confounds Emergency Evacuation (H&S)
- Obstructed Hillside & Mountain Views (PI)
- Added GOTG corridor/neighborhood Congestion (GW, C)
- Disruption of Bighorn Habitat (PI)
- No Dedicated Community Park Land (PI, GW, C)
- Flawed Hillside Overlay Visual Analysis (PI)
- Resulting Improper 'Infill' approach (ALL)

- Inconsistent with thoughtful & forward-thinking Infill (PlanCOS Goal UP-2)
- No Hazard Mitigation Planning for hazard prone area (Strategy ML-5.A-5)
- No protection of Viewscapes & View Corridors (Goal MP-4)
- No preservation & protection of wildlife hab/migration corridors (Goal ML-3)
- No new park land for high-density Unique Places (Strategies ML-2.C-5 & -6)
- No maintenance of Convenient neighborhood connections (Policy SC-1.D)

# Summary

COS Vision Statement: We will build a great city that matches our scenery.  
**(NOT COVER IT UP)**



Dotted Yellow Line is the Maximum Height that can be built to comply with the Hillside Ordinance, AS Precedent has been established.

Safety of it's citizens is the primary function of Government, approval of this Application is not in the best interest of the citizens

An **overwhelming response** from people in Colorado Springs (and around the world) indicate this development proposal **IS DETRIMENTAL** to their **INTEREST**.

This application is in violation of many City Codes

PlanCOS: ML-4, MLTopo #3, Zoning Criteria B.2, MP Approval Criteria B.2.)

Hillside Ordinance: Code 7.3.504:

PLDO: MP 7.5.408, C

ZC 7.5.603.B, 1. The action **will not be detrimental to the public interest**, health, **safety, convenience or general welfare**.

**MSCA Formally Requests That This Application be DENIED**

**Safety and Emergency Evacuation.**

2 of 4 egress routes are termed Congested by the City Traffic Engineer.

**Hillside Overlay Ordinance**

Any building that breaks the plane from the roof top of the Verizon Building and the Navigators Can Not Be Built.

**Complete Disregard to the Local Community**

More Development / No Additional Parks.

Local Communities are AGAINST this development.