

Date: May 21st, 2014

To: Colorado Springs City Council

Subject: Appeal of a City Planning Commission Decision of May 15th

CITY CLERK'S OFFICE

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We wish to appeal the City Planning Commission decision to approve the project represented by Items 7A and 7B, discussed at the subject meeting and described in filings CPC CP 08-00078-A1MJ13 and CPC CU 13-00116, known as Creekside at Rockrimmon. This appeal is based specifically on the Planning Commission's failure to address adequately the following issues.

A. **The project's failure to meet the provisions of City Code 7.5.501** concerning the purposes of the review of a project's Concept Plan regarding community safety and compatibility:

1. To ensure use to use compatibility between the proposed land uses, zone district with the surrounding area;
2. To minimize potential hazardous, adverse or objectionable effects of the proposal;

By insisting on strict adherence to the goals of the City's Comprehensive Plan regarding infilling to maximize use of existing infrastructure, and building high-density housing at every opportunity, the commissioners ignored several critical, overriding safety issues, including:

- The safety of several thousand residents in the surrounding Wildland Urban Interface area with only three exits, which has yet to feel the impact of the new Encore apartments located at the same intersection. The commission missed the point of the risk to a boxed-in community, and failed to address how adding an additional thousand persons and autos would not add to evacuation risks (beyond saying a lot has been learned; the Commission's belief is that planning will remedy it).
- The safety risks of added traffic congestion, both daily and in the event of another wildfire evacuation.

We believe the Comprehensive Plan's goals should be revisited, and tempered by the new, hard-won knowledge of fire risks, before making decisions like approval of Creekside.

- B. **The inherent problems of the land.** While it may be possible to build on the intended space with enough engineering and soil remediation, the surrounding area has several issues that have been well documented for decades. These include unstable soil, and instances of "hot" soil caused by combusting coal seams, that have caused personal and property injury, and that would represent a safety risk for Creekside's residents.
- C. **Drainage issues.** The developer's claim that the Creekside project's drainage plan causes no impact to drainage in the major intersection of four existing streets and I-25 is doubtful. We believe this is impossible, even though the Commissioners accepted the explanation. Paving and building on an area will obviously reduce soil permeability on land located uphill from that intersection, which already experiences high water and flash-flooding during heavy rains.
- D. **Housing usage restrictions.** The commission's attorney warned them that an attempt by the city or the developer to restrict occupancy to any group, such as students, would run afoul of the Fair Housing Act. This leaves open several questions, including the accurate representation of the project.

On behalf of residents in the area from Peregrine and Woodmen to S. Rockrimmon Blvd who have submitted more than 220 emails and signatures to date echoing our concerns, we request an opportunity to present these concerns formally to City Council.

Sincerely,



Edmond (Buddy) Van Doren, Vice-President, Golden Hills Rockrimmon HOA, 719-598-2992

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