



Steven M. Nagy
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December 17, 2021

Colorado Springs City Council
107 N. Nevada Ave.
Ste. 300
Colorado Springs, CO 80903

Re: File No. CPC PUD 20-00109 - Supplement to City Council Appeal Regarding the Creekside at Rockrimmon Project (the “Project”)

Dear Councilmembers:

Our firm represents Bruce and Mary Taylor (the “Taylors”), who own the property located at 420 Ocelot Dr., Colorado Springs, CO 80919, and David Ingle, who owns the property located at 410 Ocelot Dr., Colorado Springs, CO 80919 (collective, the “Appellants”). Appellants live in the long-established Saddle Ridge neighborhood, immediately west of the Project. For the reasons discussed below, the Appellants request that City Council modify the Planning Commission’s approval of the Project by: (1) requiring that lots 18 and 19 become “Preservation Area” on which no residences, structures, or improvements may be constructed and (2) requiring Goa Way, one of the two access roads for the Project, to intersect South Rockrimmon Boulevard further east from the currently planned location.

1. Preliminary Statement

Neighborhood protection is at the heart of this appeal.

Neighborhoods are fundamental to our city’s identity and development. Each of us deserves a great neighborhood. Great neighborhoods are more than simply places we live – they bring us together at schools, workplaces, parks, coffee shops, and on sidewalks. Neighborhoods create a sense of identity around a shared built environment and shared experiences on the human scale.

Colorado Springs, PlanCOS, at p. 24 (2019).

New development should create great neighborhoods while maintaining, to the fullest extent possible, the greatness of existing surrounding neighborhoods. As proposed, the Project destroys fundamental elements of what makes the adjacent Saddle Ridge neighborhood great. The impact of the Project on Saddle Ridge residents, discussed below, is contrary to central tenants of PlanCOS, Colorado Spring's comprehensive plan, and fails to satisfy the review criteria for PUD development plans. See generally Colo. Springs, Colo. City Code § 7.3.606.

City Council has the authority to mitigate the negative impact of the Project on Saddle Ridge residents by (1) requiring lots 18 and 19 to become "Preservation Area" on which no residences, structures, or improvements may be constructed and (2) requiring Goa Way, one of the two access roads for the Project, to intersect South Rockrimmon Boulevard further east. These proposed changes are necessary to attain the City's twin goals of creating great neighborhoods while maintaining the greatness of existing neighborhoods.

2. Background

Pueblo Bank & Trust Company (the owner of the Project site), Premier Homes, Inc. (the Project developer), and Drexel Barrell & Company (the Project consultant) (collectively, the "Applicants") submitted their application for a PUD development plan to the Planning Commission on July 9, 2020 (the "Application"). See Letter from Tim D. McConnel, P.E., to Gabby Serrano, Colo. Springs Planner II, at p. 1 (July 9, 2021). The Applicants seek to develop 17.47 acres of vacant land located at 252 Heavy Stone View, Colorado Springs, CO 80919 (the "Project Site"). The Project Site is known as Creekside at Rockrimmon. Id.

The Applicants originally requested approval of 45 single-family residential lots. Id. Because the proposed Project is located on wetlands, the Army Corps of Engineers required the

original application to be amended. Kerri Schott, City Planning Commission Agenda, at p. 4 (Nov. 18, 2021). As a result, the Applicants amended the Application by shortening Cherry Faith Court, eliminating two lots, reducing the size of ten lots, and relocating the stormwater detention pond (“Amended Application”). Id.

After the Application was amended, the public submitted 22 comments in opposition to the Project. Id., at p. 3. Opposition to the Project focused on (1) the impact of the Project on wetlands, (2) traffic impacts, (3) geologic hazards, (4) trail connectivity to North Rockrimmon Open Space, (5) impact on wildlife, and (6) property values. See Public Comments, attached hereto as Exhibit 1. On November 18, 2021, the Planning Commission approved the Amended Application. As approved, the Project allows single-family detached residential development of 43 proposed lots with public and private street improvements. Kerri Schott, City Planning Commission Agenda, at p. 2 (Nov. 18, 2021).

3. Standard of Review

City Council may review the Application *de novo* or limit its review to matters specifically appealed. Colo. Springs, Colo. City Code § 7.5.906(B)(4). When considering an appeal, City Council may refer the matter back to the Planning Commission, affirm, reverse, or modify the Planning Commission’s determination. Id. The City Council’s decision is an appealable “final agency decision.” Id., at § 7.5.906(B)(5). In other words, City Council may analyze the entire record to determine whether the Application satisfies the review criteria for a PUD development plan, and the City Council’s decision is immediately appealable.

4. Discussion

Colorado Springs City Code sets out standards for determining whether a PUD Development Plan should be approved. “A PUD development plan for land within a PUD Zone shall be approved *if it substantially conforms* to . . . the PUD development plan review criteria listed below.” Colo. Springs, Colo. City Code § 7.3.606 (emphasis added). The relevant review criteria include:

- consistency with city plans;
- consistency with Zoning Code;
- compatibility of the site design with the surrounding area;
- traffic circulation;
- overburdening of public facilities;
- privacy;
- pedestrian circulation;
- landscaping; and
- open space

Id. (collectively, “Review Criteria”).

1. City Council should require lots 18 and 19 to become “Preservation Area” on which no residences, structures, or improvements may be constructed.

As it stands, the Project provides no buffer between the Project and the Saddle Ridge neighborhood to the west in violation of several of the Review Criteria. See Exhibit 2. When considering whether a PUD development application is compatible with the surrounding area, the Planning Commission is to consider whether “landscaping and fences/walls [are] provided to buffer adjoining properties from undesirable negative influences that may be created” by the Project. Colo. Springs, Colo. City Code § 7.3.606. Furthermore, “the provision of open space shall be required to provide light, air, and privacy; to buffer adjacent properties; and to provide active and passive recreation opportunities.” Id.

In this case, no buffer exists between the Project and the Saddle Ridge neighborhood. In fact, the Taylors' property line is approximately 40 feet from the Corley Place cul-de-sac (the "Cul-De-Sac"), and all Appellants' properties abut lots 18 and 19. It is worth noting that a significant buffer was provided by the Applicants between the Project and "The Retreat." The Retreat is a private and gated community to the north of the Project Site. The Application excludes "Tract A" (approximately 4.6 acres) from being developed. Furthermore, the Application designates the northeast corner of the Project Site as a "Preservation Area." Kerri Schott, City Planning Commission Agenda, at p. 7 (Nov. 18, 2021). These buffer zones are to the sole benefit of The Retreat. Houses in The Retreat community that are located north of Tract A are over 127 feet from the nearest lot proposed by the Applicants. See Exhibit 2. The Saddle Ridge neighborhood – neither private nor gated – enjoys no such buffer.

City Council can remedy this discrepancy by requiring lots 18 and 19 to be designated "preservation area." First, this allows the Project to comply with the Review Criteria by providing an adequate buffer for all surrounding neighborhoods, not just the wealthiest neighborhoods. Such a buffer is crucial here because the Project would box in the Saddle Ridge neighborhood and fundamentally change the character of Appellants' properties. Requirements for neighborhood protection must be applied fairly, with due consideration given for all owners that abut a proposed development.

Second, requiring lots 18 and 19 to stay vacant would allow an easement providing Saddle Ridge residents access to Corley Place, thus providing access to North Rockrimmon Open Space. Again, the Project provides open space access for the benefit of The Retreat, but none for Saddle Ridge. See Exhibit 2. For decades, Appellants and other Saddle Ridge residents have used an

informal trail across the Project site to access the North Rockrimmon Open Space. Without provisions for maintaining this connection through the Project, long-standing access to public open space would be lost. Although not directly at issue in this appeal, Appellants believe that they can establish a prescriptive easement for access to the North Rockrimmon Open Space by open, adverse, and continuous use for a period in excess of 18 years. Appellants are willing to consider the solutions proposed in this appeal as an alternative to litigation.

Third, keeping lots 18 and 19 vacant minimizes the amount of grading necessary for the Project because the Cul-De-Sac can be moved east or completely removed. As planned, the Cul-De-Sac serves lots 18 and 19. See Exhibit 2. If these lots remain undeveloped, the Cul-De-Sac would only need to serve lot 20 (to the east). Id. Limiting the need to grade lots 18 and 19 is crucial. To begin, little to no grading on lots 18 and 19 protects the natural features on the Project Site. See Colo. Springs, Colo. City Code § 7.3.606(I)(1)(B) (“Significant and unique natural features, such as trees, drainage channels, *slopes*, and rock outcroppings, should be preserved and incorporated into the design of the open space.”). Further, Lot 18 has a substantial hill that must be graded to be developed for the Project. The challenges of building on Lot 18 present the real potential for damage to Appellants’ properties and potential trespass to their properties by undermining subjacent and lateral support. By requiring lot 18 to stay vacant, City Council would prevent the regrading of land that is mere feet from Appellants’ property and eliminate future conflict between the Project and its neighbors.

In short, lots 18 and 19, as proposed, fail to provide an adequate buffer between the Saddle Ridge neighborhood and the Project. Requiring these lots to stay vacant remedies this issue while ensuring all neighborhoods receive similar concessions regardless of socioeconomic status.

2. City Council should require Goa Way to intersect South Rockrimmon Boulevard further east than currently proposed.

The Project contains two access points. See Exhibit 2. One of the access points, Goa Way, is located at the far west side of the Project Site. Goa Way's current location is not compatible with the surrounding area. When determining whether a PUD plan is compatible with the surrounding area, the Planning Commission must consider if "the circulation plan minimize[s] traffic impact on the adjacent neighborhood" and whether "the design elements reduce the impact of the project's density/intensity." Colo. Springs, Colo. City Code § 7.3.606. Based on these guiding questions, Goa Way is clearly not compatible with the Saddle Ridge neighborhood.

To begin, Goa Way does not minimize the traffic impact on the Saddle Ridge neighborhood. The Project places Goa Way and Corley Place next to existing residences. Goa Way is approximately 90 feet from Saddle Ridge properties, and Corley Place is close approximately 40 feet from Saddle Ridge properties. Contrary to what is required by the Colorado Springs ordinance, Goa Way *maximizes* the Project's traffic impact on the Saddle Ridge neighborhood. This placement forces Saddle Ridge to bear the negative impacts of the Project's traffic while sparing the proposed lots from a similar impact. Furthermore, the placement of Goa Way makes Appellants' properties an enclave within a maze of streets. Prior to the Project, Appellants were near Ocelot Drive and South Rockrimmon Boulevard. Now, Appellants are surrounded by roads on all sides: Ocelot Drive, South Rockrimmon Boulevard, Goa Way, and Corley Place.

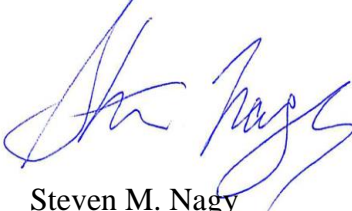
Moving Goa Way further east would alleviate the burden placed on Appellants and Saddle Ridge residents. Instead of surrounding any property with roads, Applicants could move Goa Way so that it impacts the Project's properties to the same extent but minimizes its impact on the Saddle Ridge neighborhood.

5. Conclusion

To ensure the Project complies with the Review Criteria, City Council should (1) require lots 18 and 19 to become “Preservation Area” on which no residences, structures, or improvements may be constructed and (2) require Goa Way to intersect South Rockrimmon Boulevard further east. Alternatively, the City Council should stay the Planning Commission’s approval of the Project and return this matter to the Planning Commission for further review and action to address the comments and concerns stated in this appeal.


Respectfully,

ALDERMAN BERNSTEIN LLC



Steven M. Nagy

ALDERMAN BERNSTEIN LLC



Joshua T. Mangiagli

Serrano, Ana G

From: Mold Remediation Inc <moldcs@gmail.com>
Sent: Friday, August 7, 2020 7:15 AM
To: Serrano, Ana G
Subject: CPC Pud 20-00109

CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!

Ana,
Thank you for sending the information to me regarding the proposed building in the open space behind my house. I am located at 6235 Ursa Ln and have lived here for 24 years. I have watched the land behind my house sink, shift, slide throughout the years. Two years ago my neighbor's backyard (8 feet from her foundation) slid down into the field. The size of the slide was 35' wide and slid 40' down. This was not mentioned on any report. Approximately 25 yards from marker or drill location #10 the land slid into the lower portion of (currently under water due to rains). That section was 50 feet long 20 deep. Again no mention in any report as to current or recent slides? The wetlands area behind my house (adjacent to Drill location # 5) is higher than the level of my backyard. Based on your report they hit water at 5'. What is their plan to mitigate the groundwater at that location?? When my house was built, there was only one other house next to mine on Ursa lane. When it rained the water runoff was four feet behind my sliding glass door. It would cut a trench through our yards. I paid the builder to use the excavated soil from the house to the South of mine to slope the land away to prevent washout. that was back in 97. The land behind my house holds water through the year due to ground water, rains, and snow. This is the proposed location of approximately 15 houses, road, and cul de sac. I contact Colorado Springs Utilities approximately every 3 years to come out to my house and raise my gas meter due to sinking soil. Please respond to me regarding updates or answers to neighbors concerns.

Thanks again.
Brian Sinchak

Charles H. Castle
6490 Perfect View
Colorado Springs, CO 80919
719.459.2981 CharlesCastle07@gmail.com

August 1, 2020

City of Colorado Springs
Planning & Community Development
Land Use Review Division
30 S. Nevada, Suite 701 P.O. Box 1575 MC715
Colorado Springs, CO 80901-1575
Attention: Gaby Serrano
719.385.5089 Ana.Serrano@coloradosprings.gov

Re: Development Proposal/Creekside at Rockrimmon
252 Heavy Stone View, Colorado Springs, CO 80919
File Number: CPC PUD 20-00109

Ms. Serrano,

My wife, Sherma, and I appreciate your department's interest in our concerns about the Creekside at Rockrimmon development proposal.

We are homeowners of the above address and have lived in the Retreat Point at Rockrimmon HOA since building our home in 2004. Pertinent to #3 of my points following, I served as a volunteer on the City's Parks, Recreation & Cultural Services Advisory Board from 2010-2017. I was part of the efforts to organize our HOA and other nearby neighborhoods to get the recently installed traffic light at South Rockrimmon and Fence Post.

Following are my concerns about the development plan:

1. The noise and dust from the construction for the period to build the 45 homes, streets and other amenities of Creekside will take some time. I believe Retreat Point at Rockrimmon HOA should be compensated for the dust and noise complications during the entire construction period. The compensation would be invested in our private street construction improvements.
2. There are steep slopes behind the homes bordering the property line of Creekside at Rockrimmon. I think retaining walls need to be installed to prevent erosion and sliding of foundations. The developer of our HOA was required and did install retaining walls behind the homes in the cul-de-sac of Perfect View.
3. Our neighbors petitioned and made an application to TOPS, an entity of the City's Parks, Recreation & Cultural Services Department in 2017 (after my Board term ended) to purchase the same 17 acres of property that Creekside at Rockrimmon is proposing their development. After the TOPS Committee opted not to purchase the property, Britt Haley with the Parks Department said that they would work with the buyer of the property to design a trail through it. This trail would connect Ute Valley Park and the Rockrimmon Open Space (behind our even-numbered homes in our HOA). There are several social trails through the property now. The trail/dirt road that is next to the open space in the cul-de-sac is used now by hikers to connect to other trails and Colorado Springs Utilities to access

their sewer caps. I believe the Parks Department and the developer can find middle ground for a trail.

4. With the onset in 2008 of the Great Recession that lasted for 3+ years, I saw many developments either tank and/or stall with unfinished construction of homes and commercial buildings all over the area. In the event our economy goes through a similar period again while the developer is building these 45 homes, are there some written assurances that would guarantee outcomes of unfinished/unsold/vacant homes?
5. Retreat Point at Rockrimmon HOA is under the scrutiny of the Colorado Springs Fire Department's Hillside Ordinance. I am concerned that the Creekside at Rockrimmon development could adversely affect our properties. Could a single-lane emergency exit road be built on the remaining vacant lot of our HOA? That property abuts the Creekside property in one of its corners.
6. The homes in our Retreat Point at Rockrimmon HOA are not permitted to have backyard fences, sheds or dog runs. I am interested in having those same kinds of regulations for the Creekside homes; for us it has helped keep our properties up in value.

Again, thank you for investing your time into my and our neighbors' concerns about the Creekside at Rockrimmon proposed development. I look to your responses and upcoming meetings to discuss Creekside's progress.

Sincerely,

Charles H. Castle

Serrano, Ana G

From: Roberts, Daniela E. <daniela.roberts@anthem.com>
Sent: Friday, August 7, 2020 8:21 AM
To: Serrano, Ana G
Subject: CreekSide at Rockrimmon - Proposed Development Comments/Appeal

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Hello,

As a resident & property owner/tax payer of the area proposed for the Creekside at Rockrimmon Development I have the following concerns/comments.

My Address is 6215 Ursa Lane, Colorado Springs, CO 80919; Contact Phone: 719-359-2345

My comments/appeal are in the following categories: 1) Environment/Wildlife 2) Current Situation COVID-19 3) Traffic 4) Drainage

- 1) COVID -19 has forced me and many of my neighbors to Work From Home, some indefinitely. The Noise, Dirt from the Development will severely impact my ability to work from home. The Dust and Dirt will impact those with Breathing Ailments, including Asthma, COPD. Those individuals are already at a much higher risk of contracting COVID-19 and this development will make those conditions worse. In addition to Working From Home, we also have Students (Elementary, Middle School, High School and University) that are currently studying from home, again, with no date for when they will return to class room Full Time. These students must be able to work on Laptops/PC's to complete their Classes and Studies. Our neighborhood sits next to a Gated Community that consists primarily of Seniors (over 55). This group of citizens is also at higher risk and may have existing Breathing Ailments that will be further exasperated by this construction. Again, the noise and dirt from the Project would impact their ability to complete their studies, which is already hampered by current situation. This proposed development poses a increased health risk to the current residents and property owners in the area. Overall it is not tenable to suggest a new development project when people, especially those at higher health risk, are being asked to "stay at home" and subjecting them to the all -day noise, and disruption (noise) from a major construction project.
- 2) Traffic: Due to recent development on this space, there has been a serious increase of traffic and resulted in traffic accidents. Additional traffic volume will be difficult to control and would further impact the current flow of traffic in this area. The traffic for construction will further impact the current over-load on Rockrimmon and cause delays. Our neighborhood just completed extensive Road Construction with caused issues and sometimes dangerous situations for drivers, bikers and pedestrians. I for one, had to replace a Flat Tire caused by construction debris last fall. This stretch of Rockrimmon is dangerous in the winter due to it's Downslope. Many cars struggle to get up or down Rockrimmon in the Winter due to snow and ice pack on the roads. Additional traffic will further endanger drivers on this road.
- 3) Drainage: This area is at high risk of Flooding, in part due to run off from Waldo Canyon Fire Scar. Most water from Rain, Run-off runs into the Site and to the Gully/Drain located on the site. Concerned that development (filling in) of the drains will increase risk of flooding for the existing

homes around the site. This may result in creating Flood Zones for existing Home Owners, and increasing our Insurance costs, and risk damage to our properties.

- 4) Environmentally I oppose this development as it reduces the amount of open space in Rockrimmon. Wildlife lives, feeds in this field. It is bad enough that the bottom half of the field has already been developed reducing the space for Wildlife including Birds, Deer, Coyote. The overall feel of the Rockrimmon has been negatively impacted by the overbuilding of our neighborhood.
- 5) Reducing property values of the homes bordering the new site. None of the homeowner will be able to sell their homes, or will face reduced value due to on-going construction.

Please feel free to contact me with questions.

Thank you for your consideration

Daniela E. Roberts
6125 Ursa Lane
Colorado Springs, CO 80919
719-359-2345 (cell)

Anthem, Inc.

Daniela E. Roberts, PMP, CSM, Technical Program Manager
POR Mandates Team
OPW – CO; Colorado Springs
M: (719) 424-8337
Daniela.Roberts@Anthem.com



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Serrano, Ana G

From: DAVID STATELER <david_stateler@comcast.net>
Sent: Wednesday, August 5, 2020 1:03 PM
To: Serrano, Ana G
Subject: Creekside at Rockrimmon

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Ms. Serrano,

We are saddened by the news of the proposed project planned for 45 homes near our property. We only purchased our home in March of 2020. The native plants and grasses are lovely to look at and provide food and hiding places for many different types of wildlife that we have been thrilled to watch. There is even a magnificent hawk that hunts over the open space.

Had we been aware we would lose our view we would not have purchased a home here. We will all lose the wildlife that makes this open space its home.

Thank you for your time.

David and Karen Stateler
6265 Retreat Point

Serrano, Ana G

From: DEBORAH SHORTER <debdesign1@comcast.net>
Sent: Friday, August 7, 2020 2:14 PM
To: Serrano, Ana G
Subject: Proposed Creekside at Rockrimmon Development
Attachments: Creekside Letter.pdf

Importance: High

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Good Afternoon Ms. Serrano,

I am attaching my letter of concern regarding the Creekside at Rockrimmon Development proposal. Please let me know you are in receipt and when we can proceed with further discussions and/or meetings?

Have a wonderful weekend!

Warm Regards,

Deborah Shorter-Barfield, GRI, ABR

Brookstone Homes and Windsor Ridge Homes

At Paint Brush Hills and

At The Farm

debdesign1@comcast.net

Deborah@BrookstoneColorado.com

719-494-5113

David F. Ingle
410 Ocelot Drive
Colorado Springs, CO 80919
719.352.2026 Dave.Ingle@ngc.com

August 5, 2020

City of Colorado Springs
Planning & Community Development
Land Use Review Division
30 S. Nevada, Suite 701 P.O. Box 1575 MC715
Colorado Springs, CO 80901-1575
Attention: Gaby Serrano
719.385.5089 Ana.Serrano@coloradosprings.gov

Re: Development Proposal/Creekside at Rockrimmon
252 Heavy Stone View, Colorado Springs, CO 80919
File Number: CPC PUD 20-00109

Ms. Serrano,

I am a homeowner of a property adjacent to the west end of the proposed development and have lived here since purchasing July 2019. I should mention through my work I have had experience as part of site survey teams identifying issues for Government installations. In full disclosure my discipline is Human Factors Engineering so my responsibilities were related to access and ergonomics of proposed facilities and equipment, but I have had the privilege of working alongside geologists and civil engineers in our team.

After a review of the development plan my concerns to date are:

1. The proposed development calls for extensive cuts and fill of the existing terrain, with one of the most significant cuts into the hillside on which my property rests. Based on my observations of developments in the area I believe it is a certainty that cutting into stabilized hillsides will introduce destabilized conditions in the adjacent neighborhoods, the only unknown will be how far the instability extends and to what degree. Additionally, instead of building on the existing low terrain, the plan calls for significant fill to level the site. The addition of many metric tons of fill will also contribute to instability of the surrounding property until a new `set` point is reached.
2. Related to point 1., the homes in the surrounding neighborhoods were required to be built on piers/pylons instead of slabs. I could see no indication in the plan where this design requirement is called out. However, I feel that to ensure that we live next to a neighborhood that is not subject to foundation issues, piers should be required for all lots.
3. The proposed Heavy Stone View access to Rockrimmon seems unnecessarily close to the intersection of Rockrimmon and Fence Post, where a traffic light has been just installed. A better/safer solution would seem to be to make the development Rockrimmon access a few hundred feet further East directly opposite of the next exit road of the Apartment complex across Rockrimmon, making this entrance a full intersection.
4. The geology report associate with the development plan identifies the pond at the center of the parcel as the result of storm water overflow. While storm water does contribute to

the water volume, an active spring on the west side of the parcel is undoubtedly present. In fact literature created by the local Trails and Open Spaces Coalition TOSC/TOPS identifies this Spring as a noted landmark to hikers. Aside from the loss of an important watershed and wildlife support area, the developer plans to level the hill/slope where the Spring emerges and use the soil to fill the pond and place roads and housing lots directly on that area. As an engineer, although admittedly not civil, I know enough that such a plan of placing homes and infrastructure on an active Spring site is asking for long term future issues. As `proof` of the non-wetland status the developer has provided a page from the online Wetland Mapper, which their own site states it should not be taken as a final determination of any area's wetland status.

5. Related to point 4., TOSC/TOPS considered purchasing this 17 acre parcel as part of the existing Rockrimmon Open Space. Even though they opted not to purchase TOSC/TOPS said that they would work with the buyer of the property to design a trail through it. This trail would be an essential connection of Ute Valley Park and the Rockrimmon Open Space. Currently there are several social trails through the property now. The trail/dirt roads in the open space is used now by hikers and wildlife in traversing the Open Space. I believe the Parks Department and the developer can find a solution that preserves the trails and Spring system that serves both the community and wildlife that is an essential part of living in Colorado.
6. As seen after the economic downturn of 2008 many development sites were halted mid-construction for a number of years. Current economic uncertainty could lead to a similar period of time. If this happens during the development of the 45 homes, what assurances do we, in established neighborhoods, have that this site would not be left in an abandoned incomplete state.
7. I have seen developments that state a `plan` for single family homes, but somehow, overnight, approval is granted for multi-family apartments/townhomes. What assurances do we have that the stated single family home development will be what is carried through.
8. Lastly, as a personal concern, I would welcome detailed plans on placement/setbacks of homes and their elevation that may block my view Eastward. This concern is exacerbated by the fact that significant fill is being placed under the homes planned to my East. I purchased a property that had elevation to maintain my views, so am concerned about plans that effectively remove my hilltop advantage.

I appreciate the opportunity for my neighbors and myself to voice are concerns about the Creekside at Rockrimmon proposed development. I look to your responses and upcoming meetings to discuss Creekside's progress.

Sincerely,

David F. Ingle

Serrano, Ana G

From: Connie Tate <connietate@comcast.net>
Sent: Friday, August 7, 2020 3:48 PM
To: Serrano, Ana G
Cc: 'Connie Tate'; 'jeff kaminski'
Subject: Resident response for CSC PUD 20-00109 - Creekside at Rockrimmon

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Greetings,

Thank you for asking Rockrimmon residents about the potential new development under consideration. Our house, built in 1988, has visibility to the current construction fill dirt mound of the proposed development. My husband and I have seen many changes over the years which have generally been welcomed. In recent years, however, the open space has dwindled rapidly and the traffic become tedious. The Tamarron area along with adjacent traffic corridors of Delmonico, South Rockrimmon Blvd, Garden of the Gods, Nevada, Centennial, Woodmen and multiple I-25 access routes is our world.

While we may not be excited about the new development, a single family residential proposal is much more appealing than any commercial plan. We miss the songs of the coyotes that used to come through here, but we are realistic that things change. The most concern we have about the proposed plan regards increased traffic. It is notable that the traffic study by Drexel, Barrell and Company was done February 13, 2020. That section of South Rockrimmon Blvd had been under construction to replace the entire road base, utilities, sidewalks etc. since late the previous summer. It has only recently been completed. There had been road closures and lane redirects on that stretch of road for 7 months – every possible type of obstruction while work was being done. Residents avoided that area like the plague! And the coronavirus was scaring every one into staying home. The traffic study is not a valid representation of today's typical traffic flow. And putting another stop light at Red Ash is really upsetting given the already congested intersection of I-25/ Delmonico/Rockrimmon which is just down the hill.

Please consider doing another traffic study under today's conditions. Appropriately evaluating such a critical piece of data as vehicle traffic is a key to quality of life for all us – new and old residents.

A response would be welcomed,

Jeff Kaminski and Connie Tate
6110 Poncha Court
719-465-2028

August 4, 2020

Larry Finkel & Joan Hofer
6550 Perfect View
Colorado Springs, CO 80919
Phone: (719) 203-6443
Email: lfinkel@comcast.net

City of Colorado Springs
Planning & Community Development Land Use Review Division

Attn: Gaby Serrano

Re: Development Proposal/Creekside at Rockrimmon
252 Heavy Stone View, Colorado Springs, CO 80919
File Number: CPC PUD 20-00109

Ms. Serrano,

As homeowners in the neighborhood adjacent to this potential development project, we appreciate the opportunity to comment.

First, we would obviously prefer that the area remain an “open space”, but since that appears to be unlikely, we are grateful that the proposal is for single family homes.

The questions related to the proposal that we would like to ensure are addressed are as follows:

- 1) Approximately one year ago, after speaking with a person with business interests related to this property, I was under the impression that we could expect that there would most likely be no more than approximately 15 single family homes built on the property for the following reasons:
 - a. The drainage/flood plain issues would likely not permit it.
 - b. There would likely be issues related to Hillside Overlay/Hillside Ordinance requirements.
 - c. Sections of the property would likely not pass some county building requirements.
- 2) A general concern that 45 new homes in this location would put unnecessary strain on the welfare, wellbeing, infrastructure, and quality of life of the community at large.

- 3) Enforcement of noise restriction rules during construction, specifically related to off-business hours, weekends, and holidays.
- 4) Dirt and debris from the project impacting our development.
- 5) Damage caused to property, roads, etc. in our development resulting from excavation, construction, new drainage/flood issues, etc.
- 6) Adequate protection that ensures the builder does not abandon the project prior to completion, leaving all or parts of the project unfinished.
- 7) Adequate access for the wildlife that currently uses this tract of land daily for water, food, shelter, and as ingress/egress to/from Rockrimmon Open Space and Ute Valley Park.

Again, we appreciate the opportunity to have our voices heard. We look forward to hearing your responses and attending any upcoming meetings related to this project.

Thank you,

Larry Finkel & Joan Hofer

Serrano, Ana G

From: Patrick Lawrence <lawpcsc@gmail.com>
Sent: Monday, August 3, 2020 12:15 PM
To: Serrano, Ana G; Charles H. Castle; christine lawrence
Subject: Proposed development comments

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Dear Ms. Serrano -

After reviewing the proposed development Creekside at Rockrimmon, we have the following comments:

The proposed development would be situated in a very active wildlife area. We walk through that area daily, and have observed deer, bears, coyotes, and bobcats in great numbers.

The proposed 45 homes and surrounding boundaries should be constructed without fences to allow wildlife migration.

The existing creek appears to be fed by an active spring. The existing creek should be preserved in its natural state, as it is a source of water for local wildlife. The proposed development is, after all, to be called Creekside.

Excavation for all homes, especially those along Rockrimmon Blvd., should be done with minimal impact to surrounding vegetation. Best practices for Hillside Overlay should be observed and enforced by your agency. Thanks in advance for your kind attention to these proposed guidelines.

Patrick and Chris Lawrence
6540 Perfect View
719-210-6584

Serrano, Ana G

From: Mari402 <mari402@aol.com>
Sent: Sunday, August 2, 2020 4:48 PM
To: Serrano, Ana G
Subject: Creekside at Rockrimmon Development Proposal

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To: Gaby Serrano, City Planner
In regards to: Creekside at Rockrimmon Development Proposal
File Number: CPC PUD 20-00109

From: Lorraine Larson
6505 Perfect View Colorado Springs CO 80919
(719) 262-0309
August 2 2020

My name is Lorraine Larson and I have been the owner of 6505 Perfect View since 2004. The back of my house is exposed to the proposed Creekside at Rockrimmon project, so I will be directly impacted. I am strongly opposed to this development plan. My biggest concern is the high density of this development. I cannot imagine 45 houses in such a small area. This terrain has unstable slopes and the amount of hillside grading that will be needed will be incredibly disruptive. Besides the noise, the grading will create copious amounts of dirt that developers do not remove. For example, the Lion Village student housing has left a huge pile of dirt from their construction that I have to look at everyday. I do not understand why the City of Colorado Springs allowed this enormous pile of dirt grow higher and higher with each passing year of construction. I believe the dirt poses a mudslide risk for the proposed Creekside at Rockrimmon project, as it is directly above the project. I can attest that this land is very unstable. I see the cracks in my house and the shifting of doors as proof of this. The City of Colorado Springs is aware of houses on Fencerail Hts that have backyards that turned into landslides. It is irresponsible of the developers to build a neighborhood of 45 houses on such unstable land. On a personal note, I am so incredibly sad about this potential development. I knew when I bought this house the land behind my home was not city land and could be sold. After 16 years I put this possibility aside, and enjoyed where I lived despite the structural issues with my home. I have enjoyed my views of open land with a view of Pike's Peak in the back. I have enjoyed the wildlife of deer coming up to my yard. I have enjoyed the peace and quiet. If the Creekside at Rockrimmon breaks ground all of this will be gone. My home will no longer be the same. I will have to listen to construction traffic for the next 5+ years. I do not want to move, but for homeowners that do I am sure this will also affect property values negatively and will make it difficult to sell homes that look out at construction.

Thank you for for your time,
Lorraine Larson

Serrano, Ana G

From: Meghan Jackson <meghanjenna@gmail.com>
Sent: Saturday, August 8, 2020 10:03 AM
To: Serrano, Ana G
Subject: AGAINST CPC PUD 20-00109

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Hello,

My name is Meghan Jackson. I live at 301 Tamarron Drive. I oppose CPC PUD 20-00109. There is already a lot of traffic already at the South Rockrimmon/Delmonico light. Houses are currently being built at that intersection and we don't yet know the full impact of that on the area.

Very Respectfully,
Meghan Jackson
303.653.8811

Serrano, Ana G

From: Phil and Lou Ann Sosalla <TOLAPSOS@msn.com>
Sent: Friday, August 7, 2020 8:17 AM
To: Serrano, Ana G
Subject: Development Proposal

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Reference Development Proposal:
Creekside at Rockrimmon
252 Heavy Stone View
Colorado Springs, CO 80919

File Number(s): CPC PUD 20-00109

We are concerned that the investigation of soil stability has actually identified serious risks to construction of this project. The combination of underground water sources and expansive soil have caused numerous problems with houses and apartments in this area. I do not believe the development committee should approve use of the area for buildings or other structures. Once the city approves such a project, it accepts the possibility of being found liable for property deterioration. Taxpayers will then need to pay for property buyouts as well as loss to individual buyers who were not given full disclosure of the risks. If approved the city must ensure that all engineering recommendations are followed (not just noted) and developers held accountable.

Sincerely,

Phillip and Lou Ann Sosalla
6220 Fencerail Hts
Colorado Springs, CO 80919

Sent from [Mail](#) for Windows 10

Serrano, Ana G

From: PAUL REED <paulsreed@msn.com>
Sent: Tuesday, August 4, 2020 9:20 PM
To: Serrano, Ana G
Subject: Fw: DEVELOPMENT PROPOSAL CREEKSIDE AT ROCKRIMMON

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PROPOSAL FOR CREEKSIDE AT ROCKRIMMON

From: PAUL REED
Sent: Tuesday, August 4, 2020 9:14 PM
To: Ana.Serano@coloradosprings.gov <Ana.Serano@coloradosprings.gov>
Subject: DEVELOPMENT PROPOSAL CREEKSIDE AT ROCKRIMMON

Ms. Serrano

Thank you and your department for your concern and interest in our feedback for the new upcoming proposal about the Creek at Rockrimmon development.

My wife Jane and I live at 6525 Perfect View down towards the end of the cul de sac and are concerned about a few areas of the construction proposal .

1. We are concerned about the steep slopes in our backyard bordering your property and wondering if a retaining wall or a more gradual slope going to the road is possible. Also could the road be moved a little south or curved more south so it's not right at our backyard.

2. We are greatly concerned about the dirt, dust, noise and visual pollution this development will make for who knows how long I'm thinking it could go on for years to get all the homes completed. We just spent a sizeable amount of money on our house and landscaping and spend quite a bit of time in our backyard and I wonder how the construction is going to affect that. I would expect quite a bit of blowing dirt and dust.

On this topic i would appeal to you as a homeowner that if this were your house How would you feel?? I would greatly appreciate any ideas or solutions to this

3. Our HOA does not have permits to have fences, sheds or dog runs and would hope that your development is considering similar regulations. It is such a nice area especially with the open concept.. Also, we have abundant wildlife in the area Deer, bobcat coyotes and occasional black bear wonder thru this area. Walking trails would be a nice touch to connect Ute Valley Park and the Rockrimmon Open Space

4. And last everyone who we talk to (not only members in our community) thinks that 45 homes are a

large amount of homes for this size area Any chance on shrinking that number. This would allow the road to be moved south a little bit.

My wife and I would personally like to thank you for taking the time to review some of our issues. And please again Look at this if you lived in our homes and how it would affect you and your life.

Sincerely

Paul and Jane Reed

FILE NUMBER CPC PUD20-00109

Rick and Julia Taves
6430 Perfect View
Colorado Springs, CO 80919

August 3, 2020

Attention: Gaby Serrano

City of Colorado Springs
Planning & Community Development
Land Use Review Division

Re: Development Proposal/Creekside at Rockrimmon
252 Heavy Stone View, Colorado Springs, CO 80919
File Number: CPC PUD 20-00109

Ms. Serrano,

My wife and I live in the neighborhood just north of the proposed development. I am also a board member of the Retreat Point at Rockrimmon HOA. We are pleased with the idea of single-family homes in that area.

We appreciate the opportunity to express some thoughts on the proposed Creekside at Rockrimmon development.

1. There is a steep slope behind the existing home bordering the property line just before the proposed cul-de-sac. I think a retaining wall should to be installed to prevent erosion and sliding of foundations or the proposed road/cul-de-sac be adjusted south to lessen the slope.
2. There is an existing trail on the south side of our cul-de-sac that leads from our HOA property to the open space north of our HOA property. We would like this access and trail to remain and be incorporated into the new development.

Again, thank you for investing your time into my and our neighbors' concerns about the Creekside at Rockrimmon proposed development. I look to your responses and upcoming meetings to discuss Creekside's progress.

Sincerely,

Rick and Julia Taves

719-761-7432

rjtaves@gmail.com

Serrano, Ana G

From: Timothy Denney <cerogil@gmail.com>
Sent: Friday, July 31, 2020 7:14 PM
To: Serrano, Ana G
Subject: Creekside at Rockrimmon CPC PUD 20-00109 Comments

CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!

Hello, I am a resident on Ocelot drive and was notified of the possible development of the Creekside of Rockrimmon.

I am concerned about this development for a few reasons.

This open area is the downslope/runoff from many houses in the area. It is a natural place for water to runoff to. The survey document (Geological Hazard Study - 131627) showed that water was found at multiple places, one as close as 5ft down. This study was done in the middle of June, during a dry period. In snow or rainy seasons, there can be a lot more water.

The ground around this area is still settling a lot. We have been told this is because of old mines that used to be in the area. This poses two possible concerns:

- Many of the houses have elevated levels of Radon because of this and have had to install radon mitigation systems
- The settling of the houses can cause damage to the houses. Many of the residents have had to get portions of their land lifted (through such things as concrete lifting)

Beyond the concerns these pose to the possible new houses, and development which is changing the landscape could cause additional stress or damage on the houses above which are already having issues. If this construction causes additional damage to the current houses, either in the near or far term, it would be the cities responsible to cover the damages if they allow this project to occur.

Beyond the concerns/dangers listed above, this area is a beautiful city connection between the Rockrimmon Open Space and Ute Valley Park. There is a lot of wildlife that use this space as well to connect between the natural areas, and the wildlife would likely go through more residential areas and streets if construction occurred.

For safety reasons, the water runoff, and natural city connection, I hope the city would reconsider this project.

Thanks,

Timothy Denney

Daniela E. Roberts

6215 Ursa Lane
Springs, CO 80919
Daniela.Roberts@comcast.net

Colorado
719-359-2345

City of Colorado Springs
& Community Development
Review Division
Nevada, Suite 701 P.O. Box 1575 MC715
Springs, CO 80901-1575

Planning
Land Use
30 S.
Colorado

Attention: Kerri Schott Phone: 719-385-5602 Kerri.schott@coloradosprings.gov

Re: Development Proposal/Creekside at Rockrimmon
252 Heavy Stone View, Colorado Springs, CO 80919
File Number: CPC PUD 20-00109

Ms. Schott,

I am a homeowner of a property adjacent to the west end of the proposed development and have lived here since purchasing July 2007. I have several concerns regarding the planned development of this site, which I have shared in past communication and the Builder has addressed insufficiently.

- 1) Health of the Neighbors in existing community: A great number of the current residents of Saddle Ridge are elderly some have underlying medical conditions that will be exasperated by the planned development. The Builder stated in his response that Dust/Dirt Mitigation would be addressed during development, however, did not provide any detail as to how this would be accomplished. We were living here during the last development effort and I can tell you that instances of Asthma increased due to the dust and dirt associated with that development. I expect this will increase with the new plan given its direct proximity to our properties. In addition the exhaust and fumes from Construction vehicles and equipment will impact my and neighbors health.
- 2) Impact Development on Work/Schooling due to COVID: As you are well aware, the COVID-19 Pandemic has impacted everyones Work, School and overall life. There are numerous homeowners in the neighborhood adjacent to the planned development that now Work from Home and many children who now attend school on-line. Given that the development plan shows that work will include extensive fill of the site in some cases no more than a few feet from the back of existing homes will disrupt our already very disrupted lives and further complicate the Work and Learning processes. For myself, I can say that we have not "return to office" date at this time, we may be working from home for another year, if not permanently and many companies have determined that the cost of maintaining office space is prohibitive is our current economy. The young people, ranging from Elementary School to College are struggling to keep up with Zoom Meetings and Tests. I offer that this development will cause additional disruption with noise, pollution in the immediate vicinity of our homes.

- 3) Refer to attached letter from Mr. Ingle, I agree that Insurance should extend to the existing neighborhood/home owners. What recourse will current home-owners have if there are issues with soil or water damage? This has not been explained.
- 4) Refer to attached letter from Mr. Ingle I agree that Wetlands needs to be considered as well as impact to wildlife. In his earlier response the Builder smugly pointed out that wildlife was impacted when our neighborhood was built, however, I would note that our builder did leave the 17 acres for migrating wild-life and wetlands “The geology report associate with the development plan identifies the pond at the center of the parcel as the result of storm water overflow. While storm water does contribute to the water volume, an active spring on the west side of the parcel is undoubtedly present. In fact literature created by the local Trails and Open Spaces Coalition TOSC/TOPS identifies this Spring as a noted landmark to hikers. Aside from the loss of an important watershed and wildlife support area, the developer plans to level the hill/slope where the Spring emerges and use the soil to fill the pond and place roads and housing lots directly on that area. As an engineer, although admittedly not civil, I know enough that such a plan of placing homes and infrastructure on an active Spring site is asking for long term future issues. As `proof` of the non-wetland status the developer has provided a page from the online Wetland Mapper, which their own site states it should not be taken as a final determination of any area’s wetland status”.
- 5) Property Value Impact: As mentioned in the attached Letter from Mr. Ingle, economic impact due to halted development or adjustment from Single Family to Multi-Family homes is a significant risk to the existing homeowners. As mentioned earlier, my families concern for our health, work and school environment may result in our having to sell the home we have lived in for almost 15 years, I do expect that the planned development, construction would impact my ability to sell and the value of my property. How will homeowners be compensated if this occurs?
- 6) And finally, I would like the builder to address the question of how they will mitigate damage to the existing properties from construction Removal of trees in proximity to our properties, the sand, dirt being moved and dumped will undoubtedly have an impact on our property improvements and landscaping. I would like to see some sort of barrier erected to protect all of the existing homes and landscaping.

I appreciate the opportunity for my neighbors and myself to voice our concerns about the Creekside at Rockrimmon proposed development. I look to your responses and please keep me apprised of any upcoming meetings to discuss Creekside’s progress.

Respectfully,

Daniela E. Roberts

6215 Ursa Lane; Colorado Springs, CO 80919

(719) 359-2345



Creekside%20at%20
Rockrimmon%20Ingle

David F. Ingle
410 Ocelot Drive
Colorado Springs, CO 80919
719.352.2026 Dave.Ingle@ngc.com

January 30, 2021

City of Colorado Springs
Planning & Community Development
Land Use Review Division
30 S. Nevada, Suite 701 P.O. Box 1575 MC715
Colorado Springs, CO 80901-1575
Attention: Kerri Schott Phone: 719-385-5602 Kerri.schott@coloradosprings.gov

Re: Development Proposal/Creekside at Rockrimmon
252 Heavy Stone View, Colorado Springs, CO 80919
File Number: CPC PUD 20-00109

Ms. Schott,

I am a homeowner of a property adjacent to the west end of the proposed development and have lived here since purchasing July 2019. I should mention through my work I have had experience as part of site survey teams identifying issues for Government installations. In full disclosure my discipline is Human Factors Engineering so my responsibilities were related to access and ergonomics of proposed facilities and equipment, but I have had the privilege of working alongside geologists and civil engineers in our team.

After a review of the development plan and the responses provided by the developer to earlier questions, my concerns are:

1. The proposed development calls for extensive cuts and fill of the existing terrain, with one of the most significant cuts into the hillside on which my property rests. The developer basically responded that there would be no problem cutting into my hillside and groundcover would be planted to prevent erosion/slippage. Based on my observations of developments in the area I still believe it is a certainty that cutting into stabilized hillsides will introduce destabilized conditions in the adjacent neighborhoods, the only unknown will be how far the instability extends and to what degree. Additionally, instead of building on the existing low terrain, the plan calls for significant fill to level the site. The addition of many metric tons of fill will also contribute to instability of the surrounding property until a new `set` point is reached. To support this concern the site geological report stated that even though subsidence of the site probably would not occur, they still recommended taking out an insurance policy that would cover this possibility. My request is twofold. The first is that the extreme cut planned by my property be bolstered by a retaining wall, something recommended by people I know in the construction field. Second, I would ask that the insurance policy recommended by the geologist, extend to properties surrounding the development, so homeowners who suffer soil issues related to the development have financial support.

2. Related to point 1., the homes in the surrounding neighborhoods were required to be built on piers/pylons instead of slabs. The indication in the development plan is that this design requirement is not called out. However, I still feel that to ensure that we live next to a neighborhood that is not subject to foundation issues, piers should be required for all lots.
3. The geology report associated with the development plan identifies the pond at the center of the parcel as the result of storm water overflow. While storm water does contribute to the water volume, an active spring on the west side of the parcel is undoubtedly present. In fact literature created by the local Trails and Open Spaces Coalition TOSC/TOPS identifies this Spring as a noted landmark to hikers. Aside from the loss of an important watershed and wildlife support area, the developer plans to level the hill/slope where the Spring emerges and use the soil to fill the pond and place roads and housing lots directly on that area. As an engineer, although admittedly not civil, I know enough that such a plan of placing homes and infrastructure on an active Spring site is asking for long term future issues. As `proof` of the non-wetland status the developer has provided a page from the online Wetland Mapper, which their own site states it should not be taken as a final determination of any area's wetland status.
4. As I sent you in a previous email the wetland status of the parcel is an issue. In any of the linked literature I can see no wetland mitigation plan or even a record of correspondence with the local authority on wetlands management. So I am asking you if your office or the developer has been in contact with the Southern Colorado Regulatory Office / Army Corp of Engineers to address proper planning/mitigation of wetlands impact. For the record, I have contacted the local representative and after a site inspection they do consider at least part of the parcel to be an active wetland. At my last correspondence they have not been contacted by anyone associated with the development. Please don't hesitate to reach out to me if you wish to discuss the matter.
5. Related to point 4., TOSC/TOPS considered purchasing this 17 acre parcel as part of the existing Rockrimmon Open Space. Even though they opted not to purchase TOSC/TOPS said that they would work with the buyer of the property to design a trail through it. This trail would be an essential connection of Ute Valley Park and the Rockrimmon Open Space. Currently there are several social trails through the property now. The trail/dirt roads in the open space is used now by hikers and wildlife in traversing the Open Space. I believe the Parks Department and the developer can find a solution that preserves the trails and Spring system that serves both the community and wildlife that is an essential part of living in Colorado.
6. While others who plan on sending letters are more versed on the topic of wildlife than myself, I would like to add my opinion on the importance of this parcel to the area's wildlife and habitat. This parcel has unique features and serves as the corridor connecting the Rockrimmon Open Space and the Ute Valley Park. As such it is an important feature in the continued health and safe support of local wildlife. The report provided by the developer stated there were no observed endangered species, however over the last decade the endangered Jumping Mouse has been frequently seen and I suspect the developers statement of `no endangered species` is by casual observation and not any organized/professional survey. Additionally, I have been informed that the parcel is the home of threatened plant life and I saw no reference to flora in the developer's report. As a personal note, I found the developer's statement that their development is no more intrusive to the area than our neighborhoods were at their construction to be irrelevant. This is the last parcel in the area supporting important habitat and access to other park

sites. Additionally, our neighborhoods were constructed without the invasive cuts and fills planned for this parcel.

7. As seen after the economic downturn of 2008 many development sites were halted mid-construction for a number of years. Current economic uncertainty could lead to a similar period of time. If this happens during the development of the 45 homes, what assurances do we, in established neighborhoods, have that this site would not be left in an abandoned incomplete state.
8. I have seen developments that state a `plan' for single family homes, but somehow, overnight, approval is granted for multi-family apartments/townhomes. What assurances do we have that the stated single family home development will be what is carried through.
9. Lastly, as a personal concern, I would welcome detailed plans on placement/setbacks of homes and their elevation that may block my view Eastward. This concern is exacerbated by the fact that significant fill is being placed under the homes planned to my East. I purchased a property that had elevation to maintain my views, so am concerned about plans that effectively remove my hilltop advantage.

I appreciate the opportunity for my neighbors and myself to voice are concerns about the Creekside at Rockrimmon proposed development. I look to your responses and upcoming meetings to discuss Creekside's progress.

Sincerely,

David F. Ingle

To: Joshua G. Carpenter
U.S. Army Corps of Engineers
Southern Colorado Regulatory Office
200 South Santa Fe Avenue, Suite 301
Pueblo, CO 81003-4270

From: Larry R. Franz
6225 Ursa Lane
Colorado Springs, CO 80919-3700

Date: August 15, 2009

RE: Permit Application SPA-2009-00013-SCO
Creekside at Rockrimmon in Colorado Springs

The purpose of this letter is to provide you with my input and comments concerning this permit application. I am interested in this project because it directly affects the back side of my property. I moved into this home in 2000 and have been observing the conditions of the open space that this application applies to. The most westerly cul-de-sac in the proposed single-family portion of the Creekside at Rockrimmon development is the part that I am most concerned about as it is directly behind my home. This proposed cul-de sac is circled on the attached map and the attached photographs were taken today at the proposed cul-de-sac site.

Photo #1

This view is looking towards South Rockrimmon Blvd. This wetland has developed large cattails in the past several years and is increasing in size.

Photo #2

This view is looking down towards the proposed Creekside at Rockrimmon space. The new growth of cattails in the foreground was not here before this summer. This is very near the highest altitude point in the proposed development.

Photo #3

This view shows watery ruts where a few trucks have driven through. It has rained very little here in the last week. The underground water at this spot is very close to the surface and it is always wet and muddy through the worst droughts and the driest periods of winter.

Photo #4

This is a slightly wider-angle view towards South Rockrimmon Blvd.

To give you an example of the drainage difficulties in this area:

When I purchased my home, I noticed that my property drained poorly. During heavy rainstorms the water backed-up to my foundation and there were deep erosion ruts out into the open space behind. There was a low wet spot in the backyard that the previous owner had installed a pre-formed garden pond in. If the water was low in the pond and heavy precipitation occurred, the entire pond with liner would float out of the hole. A sump pump was previously installed underneath the pond to relieve this problem. This is the only instance of an under-pond sump pump that I have ever heard of. This soil is expansive clay and does not readily absorb runoff.

I developed a plan to mitigate my drainage problem and followed through with it. I removed the pond and properly re-graded my land, by hand, to fix the drainage problems. I built a swale parallel to and behind my back property line into the open space. I planted twenty-nine trees in an area twenty-two feet wide behind my property line and covered the soil with landscape fabric and ten tons of pea gravel. This effort is successful because a minimal amount of water flows from my yard into the open space during the worst storms. Most of the trees are over thirty feet tall now.

I am not averse to development of some of the landowner's property in the open space, but the top westerly portion of this land presents many difficulties for all. If the wetlands are to be destroyed and re-established somewhere else, how will this occur and where? The drawings on the Army Corps of Engineers website are of poor resolution and the drawings from the developer do not show how the underground water will be diverted to the new wetlands location. The area of the circled cul-de-sac is the source of water for the wetlands below.

The highest altitude end of this development project makes me nervous. It would decrease the value of my home and possibly cause me more drainage problems than I had before. The trees might be removed by the developer or whoever the land is sold to. I am also thinking of potential home buyers that may end up with their homes built on wetlands. Where will the water go?

My suggestion:

The indicated westerly cul-de-sac site should be developed into a retention pond with surrounding wetlands as a proper destination for the lower wetlands to be relocated. This would also help mitigate some of the flooding risk to the new housing development. This scenario would also have a minimal impact on my property value and that of my closest neighbors.

Sincerely,

Larry R. Franz

CC: James Mayerl

4th Review Neighbor Comments (2):

David F. Ingle
410 Ocelot Drive
Colorado Springs, CO 80919
719.352.2026 Dave.Ingle@ngc.com

April 8, 2021

City of Colorado Springs
Planning & Community Development
Land Use Review Division
30 S. Nevada, Suite 701 P.O. Box 1575 MC715
Colorado Springs, CO 80901-1575
Attention: Kerri Schott Phone: 719-385-5602 Kerri.schott@coloradosprings.gov

Re: Development Proposal/Creekside at Rockrimmon
252 Heavy Stone View, Colorado Springs, CO 80919
File Number: CPC PUD 20-00109

Ms. Schott,

To repeat my background from my previous correspondence, I am a homeowner of a property adjacent to the west end of the proposed development and have lived here since purchasing July 2019. I should mention through my work I have had experience as part of site survey teams identifying issues for Government installations. In full disclosure my discipline is Human Factors Engineering so my responsibilities were related to access and ergonomics of proposed facilities and equipment, but I have had the privilege of working alongside geologists and civil engineers in our team.

After a review of the updated development plan and the responses provided by the developer to earlier questions, follow my new and remaining concerns:

- 1. Wetlands:** Drexel-Barrell's response to wetlands concerns has been noted. However, I would like to emphasize that I have been in contact with the local Army Corps of Engineers responsible agent for wetlands determination and he has determined that the parcel including the marsh plant populated, TOSC/TOPS recognized, spring head at the west end is a wetland and a mitigation plan will be required. Drexel-Barrell states if wetlands are found such a plan will be generated. The existence of wetlands is not in doubt so there should be no question as to the need for this plan. Additionally, I request your office share this plan, when generated, with myself and all owners of adjacent properties so we can access what 'mitigations' are proposed.
- 2. Construction Plan:** During last year's phone presentation held by your office with Drexel-Barrell and affected homeowners we were assured that the construction would consist entirely of single family homes and all written material supports this. However, we were told that once construction begins the project would be completed in just a few months. Given that Drexel-Barrell must also have plans that show the placement, elevation and general footprint of each 'home'. We adjacent homeowners request this plan for assurance that the single-family home plan is still in effect as well as to, especially in

my case, determine if home placement and height seriously affects existing views. We ask this so we can be on record early for reasonable accommodations to preserve property values and enjoyment of use of our homes.

- 3. Rockrimmon Open Space Access:** TOSC/TOPS considered purchasing this 17 acre parcel as part of the existing Rockrimmon Open Space. Even though they opted not to purchase TOSC/TOPS said that they would work with the buyer of the property to design a trail through it. This promise was made to all existing homes adjacent to the proposed development. Additionally, this trail would be an essential connection of Ute Valley Park and the Rockrimmon Open Space. Currently there are several social trails through the property now. The trail/dirt roads in the open space is used now by hikers and wildlife in traversing the Open Space. I believe the Parks Department and the developer can find a solution that preserves the trails and Spring system that serves both the community and wildlife that is an essential part of living in Colorado. Drexel-Barrell's response that "A trail will be provided from the end of Perfect View to connect to the Ute Valley Park and the Rockrimmon Open Space", leaves out the residents of Ursa Lane and Ocelot Drive, since we have no access to the Perfect View gated community. Additionally, Drexel-Barrell's response of access can be obtained by walking around by way of Rockrimmon does not satisfy the spirit of the promise made by the city to all of the existing residents for access to trails and parks and maintaining the corridor between Rockrimmon Open Space and Ute Park.
- 4. Flora/Fauna:** While others who plan on sending letters are more versed on the topic of wildlife than myself, I would like to add my opinion on the importance of this parcel to the area's wildlife and habitat. This parcel has unique features and serves as the corridor connecting the Rockrimmon Open Space and the Ute Valley Park. As such it is an important feature in the continued health and safe support of local wildlife. The report provided by the developer stated there were no observed endangered species, however over the last decade the endangered Jumping Mouse has been frequently seen and I suspect the developers statement of 'no endangered species' is by casual observation and not any organized/professional survey. Additionally, I have been informed that the parcel is the home of threatened plant life and I saw no reference to flora in the developer's report. As a personal note, I still find the developer's statement that their development is no more intrusive to the area than our neighborhoods were at their construction to be irrelevant. This is the last parcel in the area supporting important habitat and access to other park sites. Additionally, our neighborhoods were constructed without the invasive cuts and fills planned for this parcel.
- 5. Land fills and cuts:** The proposed development calls for extensive cuts and fill of the existing terrain, with one of the most significant cuts into the hillside on which my property rests. I am pleased that the developer stated a retaining wall now may be considered, although I would like more of a commitment to that plan since, for those of us that live here, we know soil subsidence is a very real issue. Supporting this concern the site geological report stated that even though subsidence of the site probably would not occur, they still recommended taking out an insurance policy that would cover this possibility. While the developer states "In the event of damage occurring, the contractor will return your property to its prior state at their own expense", I would like an explicit statement of liability from the developer/contractors or city that they would restore or financially make whole adjacent homeowners damaged by soil subsidence caused by their land cuts and/or fills. This liability should have a life well beyond the construction period since construction caused subsidence might not be triggered until subsequent freeze/thaw/rain cycles. Many

of us live on hill lots that stabilized over years, cutting in to these geologic structures holds a high possibility of adverse outcome.

6. **Street Lighting:** Since the proposed streets in the development back directly onto a number of our backyards, I request a plan of street light placement. Additionally, we existing homeowners request if street lights are planned the developer use the 'low light pollution' options and/or downward directed cones to keep light from light shining directly into our homes and yards.
7. **Street Name:** The west end road access off of Rockrimmon to the development is still named 'Goa Way'. I thought this was someone's temporary joke. However, given that the street still maintains this name on plans, I find the obvious take on the phrase 'Go Away' in poor taste and an unprofessional dismissal of the concerns of local homeowners who wish to preserve what is special about our community. This road needs to be renamed to something proper.
8. **Last Thoughts:** Ms Schott, I would like to conclude this with a last appeal for the city to champion a solution that maintains what makes our community unique to most of the country. That 'thing' is conscientious planning that integrates our growing community with the natural health and beauty that is the prime reason people come here, both to visit and live. I sincerely believe that a plan can be put forward that allows for living expansion and still maintains the wildlife corridor and the existing wetland features that are truly unique.



I appreciate the opportunity for my neighbors and myself to again voice are concerns about the Creekside at Rockrimmon proposed development. I look to your responses and upcoming meetings to discuss Creekside's progress.

Sincerely,

David F. Ingle

My opinion (which should be on record) has not changed with each proposal. I continue to find the proposal of this development behind my house deeply distressing. This is mostly due to the high density of the project, and the potential for these small houses to look cheap. I am assuming the project is getting rejected due to geologic concerns, and I hope this continues. There is also a real threat of grassfires in this area, as there was a grassfire on the property adjacent yesterday. My question is, how many times can this developer submit proposals before finally being rejected?

Thank you for your time,

Lorraine Larson 6505 Perfect Vw Colorado Springs CO 80919

