
SUN MOUNTAIN TOWNHOMES ZONE CHANGE AND DEVELOPMENT PLAN

PROJECT STATEMENT 2ND SUBMITTAL

AUGUST 2024

Comments on Project Statement 2nd Submittal ---Kelly Hiller ----September 21, 2024

Gabe Sevigny and applicant,

I have embedded my comments in red below. I will say that in addition to my specific comments,

I am disappointed that the applicant's Project Statement is full of content that pertains to a

completely separate (formally withdrawn) application. Each application should be judged on it's own merits.

Yet, for example, the applicant below is responding to neighbor concerns from an unrelated application. The neighbors' concerns from a different applications are irrelevant to the neighbors' concerns about the current application. When it comes to the current applications, my questions and concerns about the current active applications (as well as others' questions and concerns) have remained unread, unanswered, and unacknowledged.

Another example is that the applicant (in the following Project Statement) ignores the most recent 2024 Geohazard Study in favor of information from an old withdrawn application. A new Geohazard Study was performed in 2024 because the applicant wanted to move buildings closer to adjacent neighbors. It has not been sent to the CGS for review. There is disturbing data in there that shows that the proposal would destabilize the building to the north of the site in 100% of the modeled scenarios. Yet, the applicant has chosen not to include any of that relevant information in the document below. And it should be mentioned that the applicant has not responded to my questions/concerns as it relates to this certain destabilization of my home that their data proves. It has been radio silence from them. I have however, let my insurance know what is afoot and a paper trail has been started.

I am also concerned that mistakes from their Project Statement 1st Submittal have carried over onto this 2nd submittal. I am not talking about anything subjective here. I am talking about straight up inaccuracies that need to be corrected. I feel that there should be no incorrect information in the Project Statement because if/when it moves forward, how are they to know the truth? Please have them correct the mistakes and inaccuracies. It benefits no one to let these mistakes remain.

-Kelly Hiller

REQUEST

N.E.S. Inc., on behalf of E6 Development LLC, requests approval of a zone change from R-2 (Two-family Residential) to R-flex Medium and a Development Plan for the Sun Mountain Townhomes.

Surrounding Land Uses: The surrounding land uses includes ~~medium~~**LOW**-density residential townhomes to the north, single-family and high-density multi-family uses to the east across N 20th St, and multi-family and single-family uses to the south across W Uintah St. An analysis of surrounding densities **All adjacent parcels on the block are zoned R-2. Every adjacent property is zoned R-2 or in an existing low density PUD. The densities in the adjacent area range from 4.6 du/acre to 9.5 du/acre.**

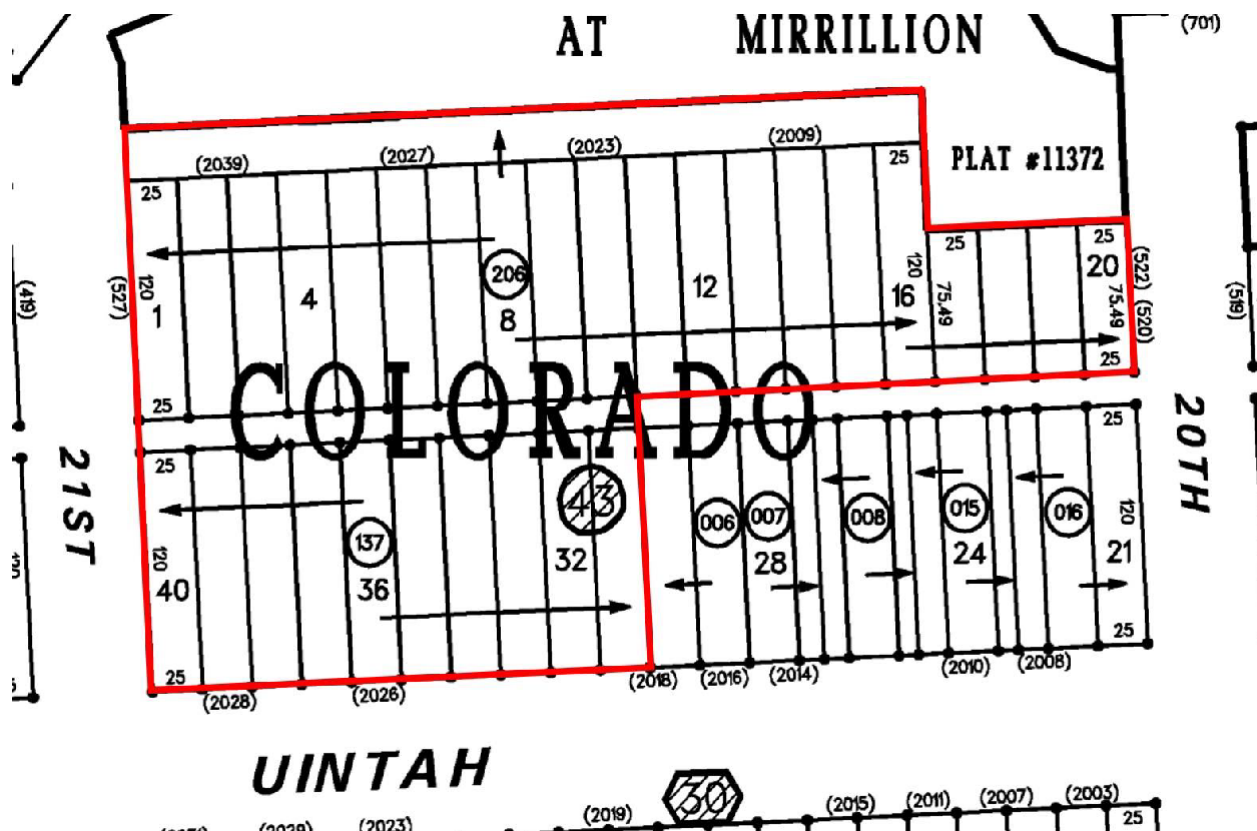


1. Mirrillion Heights – North of project site – 18 units on ~~1.75 acre~~ **1.82 acres** – ~~10.2 du/acre~~ **9.8 du/acre**
2. Stepping Stones Condos – North of project site – 130 units on 9.72 acres –13 du/acre
3. **EAST (not allowed)** - Townhomes (1983) - East at N. 20th St. & Henderson 5 units on 0.17 ac = 29.4 units/acre
4. **EAST (not allowed)** - Henderson Apartments - East of project site – 14 units on .28 acres – 50 du/acre
5. **EAST (not allowed)** - 1915 – 1927 Henderson – 16 units on .55 acres (4 parcels) – 29 du/acre
6. 2031 – 2039 W Uintah – 4 units on .41 acres – 9.75 du/acre

Note: The Westside Plan has recommendations for this specific block that are relevant to the picture and information above. They cannot look east for comparable properties. From The Westside Plan in reference to this specific site: “any future land use changes should be subject to a review process that concentrates on compatible development as it relates to the less intense existing development to the north, west, and south.” – Westside Plan

The east was left out for a reason. The east had the more intense existing developments and The Westside Plan did not want them encroaching. Therefore, the east was not to be looked at when considering future developments. So, looking north, west, and south of the parcels at the time The Westside Plan was adopted by Ordinance 80-3, we see: vacant land to the north / R-2 to the west / R-2 to the south

Site History: The project site was originally part of the West Colorado Springs Addition No. 2 subdivision and was comprised of 30 platted lots. In 1977, a portion of Henderson Street directly adjacent to the northern parcel of the project site was vacated and distributed to the adjacent property owners. **This right-of-way vacation eliminated direct road access for 19 of the platted, R-2 lots. Henderson Street never existed. What was vacated was a right-of-way that was never built and was never used. Ever. It was never used for "direct road/street access". One cannot eliminate access from a road that never provided such access. Henderson was never an actual functioning street that provided direct road access.**



PROJECT DESCRIPTION

The Sun Mountain Townhomes Development Plan encompasses 2.220 acres and proposes 26 new residential townhome units. The units will be dispersed among seven separate buildings, six buildings with 4 units and one building with 2 units. The buildings are proposed to be 3 stories and 32' in height. All required parking will be accommodated on-site.

ACCESS AND TRAFFIC

Access: There are 4 access points proposed to serve the site. One access point will utilize an existing access directly onto W Uintah St on the southeast side of the ~~lot~~ **project site**. This access will only serve

the two-unit building's personal garage stalls. An additional full movement access is proposed on the northwest corner of the site directly off N 21st St which will serve one of the 4-unit buildings and additional guest parking stalls. The east/west alley that splits the site will remain unobstructed and provide access to the remaining units **(This is not permitted by City Code as the alley does not touch Uintah Street)** and guest parking stalls.

City Code supports utilization of the alley as an access point for the townhome project. **The applicant has not provided evidence (like a City Code citation) that this is true for front access/frontage. There are major front access and front lot line issues with the applicant's proposal. In fact, many of their units are missing legal front lot lines all together. The development plan is for single-family attached housing and not multi-family. They envision that each unit will have their own lot (after replatting). Therefore, they will each need their own front lot lines and legal front access.**

The proposed layout and design of the site complies with the purpose of the subdivision standards set forth in City Code 7.4.3 as it promotes design flexibility, ensures safe and effective emergency response, and provides for adequate vehicular access to all adjacent properties. **The proposed layout and design of the site DOES NOT COMPLY with the purpose of the subdivision standards set forth in City Code. For the purpose of subdivision standards, an alley is not a street (7.6.301). The applicant's proposal uses an alley for subdivision. The proposal also uses an alley for fire apparatus access. That is not permitted for a development plan for a single-family attached housing development.**

In addition to meeting the purpose of the City's subdivision code, the site was impacted by the land use decision to vacate Henderson Street in 1977 which eliminated direct street access (IT DID NOT) to the 19 platted lots that comprise the northern parcel of the project. The proposed layout will grant access to a comparable number of units that were historically platted, while meeting the standards of adequate access as set forth in the Engineering criteria. **The proposal DOES NOT MEET THE STANDARDS of adequate front access as set forth in the Engineering criteria.**

Henderson Street never existed. What was vacated was a right-of-way that was never built and was never used. Ever. It was never used for "direct road/street access". One cannot eliminate access from a road that never provided such access. Henderson was never an actual functioning street that provided direct road access. They are not owed any type of reparations because of the vacating of Henderson Street. That is ridiculous.

Traffic: A Traffic study was conducted and is submitted as part of the development applications. The study estimates that there will be a total of 187 trips per day with 12 total trips during the morning peak hour and 15 total trips during the afternoon peak hour. This equates to about 1 trip every 5 minutes in the morning and 1 trip for every 4 minutes in the afternoon peak hour dispersed among 4 different access points. The busiest anticipated turning movement is a right-turn to exit the site from the alley onto N 20th St. This movement is expected to occur 4 times during the morning peak hour and 3 in the afternoon peak hour. Additionally, the original plat had 10 lots with direct access onto W Uintah St where the current plan only shows 2 units with direct access. Overall, this is a better layout than what may have previously been allowed. There are also multi-modal transportation opportunities in the immediate vicinity including 2 different bus routes and bike routes.

ARCHITECTURE

The proposed architectural style and materials are intended to match the character, bulk, and scale of the surrounding neighborhood. Building materials include stone, cement siding, and shingles. The maximum height of the structures is 32' with some variation in rooflines.





LANDSCAPE AND BUFFERING – I object to the “Alternative Landscape Adjustment Request” found on the Final Landscape Plan. The City should require the applicant to meet minimum landscape requirements for green space and landscape buffers.

This project is directly adjacent to townhomes to the north. The townhome development to the north is the same use as the proposed project and does not require a landscape buffer between the two sites.

Incorrect. A type 2 buffer is required along the rear lot line with any adjacent attached single-family dwelling, in this case Mirrillion (neighbor to the north).

Where the property abuts both N 21st St and N 20th St, which are both considered Residential streets, a 10' landscape setback applies. Where the site abuts single-family homes, which is on a portion of the eastern property boundary and across the alley from the southern property boundary, a 15' landscape buffer and privacy fence is required along these property boundaries. The southernmost property boundary of the site is adjacent to W Uintah St. W Uintah is considered a Minor Arterial and requires a 20' landscape setback.

The project also requires internal landscaping requirements which is demonstrated as being met on the final landscape plan. The active green space on site will total 11% where 10% is required. **Actually, the development plans shows active green space as being only 3.4% where 10% is required. That is non-compliant.**

RESPONSE TO NEIGHBORHOOD CONCERNS -

Below are the applicant's responses to neighborhood concerns from a previous withdrawn application from years ago, not the current application (ZONE 24-0014 / DEPN 24-0111). The current application (ZONE 24-0014 / DEPN 24-0111) are the only ones on the table. There is no reason to bring up any old applications in this Project Statement. All old applications that were formally withdrawn are irrelevant to the current applications.

Four applications were submitted to the City in 2022 that have since been formally withdrawn, including

a Rezone, Concept Plan, Subdivision Plat, and an Alley Right-of-Way Vacation. The previous submittals proposed a rezone from R-2 to R-5 to accommodate 56 units of apartments dispersed among three, 45'-35' tall buildings on the site. A neighborhood meeting was held, and the primary concerns expressed included the proposed apartment land use, density, traffic, height, slope stability, and restricted access to the East/West alley adjacent to the site.

The applicant WAS NEVER APPROVED for 56 apartments. The fact that he is now trying to make the case that he is cutting the units he never had in half is laughable, especially since he is currently able to redevelop these 2 non-contiguous parcels with up to 8x the density he actually started with under the current R-2 zone. Appropriate R-2 infill development is already permitted and possible today on these parcels.

These concerns **(from a different application entirely)** have been considered and addressed in the new design of the project as follows:

Land Use: The previous project proposed 56-units of apartments between three buildings. **(The applicant WAS NEVER APPROVED for these 56 apartments.)** The new proposal is for 26 fee-simple townhomes. The townhome units are dispersed among seven buildings; six buildings with 4 units and one building with 2 units. The newly proposed layout is a similar configuration to the townhomes directly north of the site which are also arranged in 2 to 4-unit clusters.

Density: The proposed density was reduced by 50% from 24.2 dwelling units per acre to 11.7 dwelling units per acre. **(The applicant WAS NEVER APPROVED for a density of 24.2 dwelling units per acre).** The new density is compatible with the medium and high-densities of existing developments in the surrounding **(not adjacent)** area. The densities in the area range from 9.75 du/acre to 50 du/acre. **Note: The densities in the adjacent area range from 4.6 du/acre to 9.5 du/acre.**

Traffic: Due to the reduction in proposed units from 56 to 26 units, the anticipated impact to traffic will be significantly reduced from the previous proposal. The previous trip generation study anticipated 377 daily trips; the current proposal would reduce the total daily estimate by 50% with an expected trip generation of 187 trips per day. The morning and afternoon peak estimates were also substantially reduced. The morning peak hour trip generation was previously estimated to be 22 trips, the new proposal estimates a 45% reduction to only 12 trips. The afternoon peak hour trip generation was previously estimated to be 29 trips, the new proposal estimates a 48% reduction to only 15 trips. The traffic to and from the site will also be dispersed among 4 different access points where only 3 were previously proposed, and only 2 individual lots will be accessed directly off Uintah Street. The City deemed the previous proposal acceptable in terms of the traffic impacts on surrounding roads, and the reduced number of trips proposed with this new plan will have a negligible impact.

Height: The height of the proposed townhomes will be significantly less than the height of the previously proposed apartments. The max height for the R-5 zone district is 45' and the original concept anticipated maximizing this zoning height allowance. **(The applicant WAS NEVER APPROVED for a height allowance of 45')** The new proposal to rezone to R-flex Medium also allows a maximum height of 45', however, the proposed townhome buildings will have a maximum height of 32'.

Slope Stability: A geological hazard study was submitted with the previous concept plan and zone change requests. Colorado Geological Survey (CGS) did not have any objections to the previous applications but provided comments and suggestions to ensure sound construction of the proposed buildings. The Geological Hazard Report submitted with the application addresses the previous comments from CGS. The original layout called for multiple large retaining walls throughout the site to accommodate the new apartment buildings. The revised layout reduces the number and height of the proposed retaining walls on site and aims to integrate the buildings into the existing grade to minimize land disturbance throughout the process. **This is only referring to the Study from the old application. A new study was performed in 2024 and remains unreferenced. There is disturbing data in there that proves that the adjacent building to the north of the site will be destabilized in 100% of modeled scenarios.**

Alley Access: There is currently an east/west public alley splitting the project site **(as well as the rest of block)**. The previous proposal included a request for right-of-way vacation to vacate the alley along the portion that splits the two parcels. The proposal to vacate the alley raised concern over neighborhood connectivity and traffic. **(The applicant WAS NEVER APPROVED to vacate the alley).** The revised proposal **(this is not a revised proposal)** no longer includes a request to vacate the alley and will retain

and enhance public access by platting an additional 10' tract intended for improvements that will widen the alley. **The applicant cannot speak for the alley as he does not own it. Not only is it City property, half of the adjacent homeowners abut that alley. The applicant does not own both sides of the alley he is attempting to alter. It is just as much the other abutting homeowners' as it is his and the 5 homeowners who abut the alley are in opposition to any modification of the alley. Also, he cannot plat an additional 10' tract and add it to the alley. That is against city code 7.4.403 B.2**

As described above, the neighborhood concerns **(from a totally different since withdrawn application)** were taken into consideration and informed the new design of the project. **(The applicant WAS NEVER APPROVED for the original project)** The current proposal for a rezone to R-flex Medium and development plan for 26 new townhome units is consistent with the surrounding area and will further the City's goals by contributing to a variety of housing options.

All of the City's Goals and Strategies can be met without granting a zone change.

The applicant is talking about neighbor concerns from a different application. We have different concerns about our alley as it related to the current applications that have yet to be addressed. This proposal is not a revision of a previous one. It is a brand new one and we have different concerns.

PROJECT JUSTIFICATION

CONFORMANCE WITH ZONE MAP AMENDMENT CRITERIA (CODE SECTION 7.5.704.D)

- 1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).**

PlanCOS Compliance:

The proposed rezoning will occur in the Old Colorado City neighborhood, an Established Historic neighborhood as established by the *Vibrant Neighborhoods Framework*.

The neighborhood typologies in PlanCOS are intended to be “considered in context to the surrounding land uses, land use transitions, and overall character.” Additionally, the plan states that “Most Established Neighborhoods within the city should expect some degree of infill and redevelopment.” Finally, PlanCOS identifies that “Historic Neighborhoods have an especially high value for preserving the legacy of existing design and architecture, although they may have to experience some amount of change especially in areas of transition with less historic uses.”

Above, the applicant has merely given the reader a description of the relevant Neighborhood and corresponding typology from PlanCOS. That is not sufficient justification for a zone change on these two specific parcels. I would also add that appropriate R-2 infill development is already permitted and possible today on his parcels.

Strategy VN-2.A-3: *Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.*

The proposed rezoning is a key step in allowing for these vacant residential parcels to be redeveloped into 26 new townhome units. **The applicant made these parcels vacant on purpose. Both single-family houses (one on each parcel) were occupied when the applicant entered into an agreement to purchase the two parcels. The occupant of House #1 died on October 23, 2021. The applicant chose to kick out the renter who was occupying House #2 and that renter moved out on October 16th, 2022. The houses only became empty once the applicant got his hands on them. After the houses became unoccupied, the applicant abandoned them. Code Enforcement had to board up House #1 on his behalf and sent him the bill. He chose to destroy House #1 to the point of being condemned and then tore it down. He also chose to not to get a new renter for House #2 and tore that one down as well.**

The surrounding area is largely comprised of 1 and 2- family dwellings with a variety of higher-density developments throughout (**not adjacent**). The proposed medium- density townhome development, with only 11.71 du/acre, will provide housing variety in this established neighborhood while maximizing upon existing public infrastructure and services. The proposed

density, layout and overall design will also be in keeping with the surrounding **(not adjacent)** neighborhood. **The applicant continuously use the word “surrounding” instead of “adjacent” throughout the application in order to make the reader think that the adjacent properties are of a higher density than they really are. Here are the facts: All adjacent parcels on the block are zoned R-2. Every adjacent property is zoned R-2 or low density PUD. The densities in the adjacent area range from 4.6 du/acre to 9.5 du/acre.**

The project site is identified as being right on the edge of the Uintah Gardens Community Activity Center typology in the *Unique Places Framework*. Community Center recommendations include “Diversify housing types and densities adjacent to commercial areas.” **The applicant’s parcels are not in a ‘Community Activity Center’ area, nor adjacent to one as this implies. They are solidly in a ‘Neighborhood Center’ area. Any recommendations for the Typology ‘Community Activity Center’ is not a justification for a zone change.**

Strategy UP-2.A-4: *Actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment.* **Appropriate R-2 infill development is already permitted and possible today on the applicant’s parcels. He can increase the density of the parcels he bought by up to 8x already at the current R-2 zone.**

This project proposes to redevelop 2 underutilized parcels near **(not adjacent to)** a community activity center. The proposed infill project will contribute to housing variety in an area near **(not adjacent to)** established commercial services. **The applicant’s two non-contiguous parcels are not adjacent to nor in a ‘Community Activity Center’ area. They are solidly in a ‘Neighborhood Center’ area. Any recommendations for the Typology ‘Community Activity Center’ is not a justification for a zone change.**

The project site is identified as being within the Old Colorado City Experience Economy activity center in the *Thriving Economy Framework*. **The PlanCOS ‘Experience Economy’ typology and ‘Thriving Economy Framework’ is in reference to employment and industry typologies within the circle on the map, not the residential. It refers to the commercial activity inside a zone only. These industries—sports medicine and related health services; professional, scientific and technical services; and aviation and specialty manufacturing—are embedded and highlighted in the typologies within the ‘Thriving Economy Framework’. There is nothing here to justify a residential zone change from R-2 to R-flex Medium on the applicant’s two parcels.**

Strategy TE-4.A-2: Ensure land use regulations allow for increased density in areas identified for this, including Downtown, activity centers, and urban corridors. Appropriate R-2 infill development is already permitted and possible today on the applicant’s parcels. He can increase the density of the parcels he bought by up to 8x already at the current R-2 zone.

The project site is within the ‘Experience Economy’ typology which is considered an activity center and is correlated with the Old Colorado City urban corridor typology in Chapter 3 of PlanCOS. . **The PlanCOS ‘Experience Economy’ typology and ‘Thriving Economy Framework’ is in reference to employment and industry typologies within the circle on the map, not residential. It refers to the commercial activity inside a zone only. The examples PlanCOS gives us of properties that are part of the ‘Experience Economy’ typology are: The U.S. Olympic Museum and Colorado Springs Olympic Training Center, Pioneers Museum, The Fine Arts Center, The Money Museum, Pikes Peak Center for the Performing Arts, Cottonwood Center for the Arts, ENT Center for the Performing Arts at University of Colorado-Colorado Springs, Garden of the Gods, Manitou Incline, the Olympic Velodrome, and resort and convention destinations such as the Broadmoor, Cheyenne Mountain Resort, and Great Wolf Lodge. There is nothing here to justify a residential zone change from R-2 to R-flex Medium on the applicant’s two parcels.**

The proposed project would modestly increase density in this area while remaining in keeping with the character of the surrounding neighborhood. This infill project will capitalize on existing infrastructure in the area and contribute to the established arts and culture industry in the vicinity. **(There is no established arts and culture industry in the vicinity of the site)**

Westside Plan Compliance:

The Westside Master Plan is not codified **(yes it is)** and is intended to be used as a development guideline. Approved **(by Ordinance 80-3)** in 1980. Insofar as it is still relevant today, the guidelines in the Westside Plan are completely in support of **(are in opposition to)** the proposed plan.

As you will see below, the applicant wants the reader to think that the Westside Plan wanted a trend toward higher density (rather than more single-family housing) on this specific block. It actually recommends the exact opposite. The Westside Plan’s specific recommendations for this specific block do not support the applicant’s proposal. The specific recommendation from The Westside Plan for the specific block in question is as follows:

“any future land use changes should be subject to a review process that concentrates on compatible development as it relates to the less intense existing development to the north, west, and south.”

As has already been established, the east was left out for a reason. The east had the more intense existing developments and *The Westside Plan* did not want them encroaching. Therefore, east was not to be looked at when considering future developments. So looking north, west, and south of the applicant’s parcels (at the time *The Westside Plan* was written), we see the following adjacent properties:

vacant land to the north / R-2 to the west / R-2 to the south

The applicant’s proposal is clearly out of step with *The Westside Plan* (which supports maintaining the existing R-2 zoning). What would be consistent with *The Westside Plan* would be to keep the current R-2 zoning and deny the zone change request. *The Westside Plan* clearly recommends sticking with the pre-existing single-family houses in the context of future land use changes for the applicant’s specific two parcels.

This development is within the Westside Plan boundaries and is identified on the Generalized Land Use map as straddling the *Medium-density Residential (5-16 du/ac’* and *Residential/Office* land uses. It is also identified as being within the *North Bluff* subarea.

The *Medium-density Residential (5-16 du/acre)* land use designation encompasses majority of the project site. The intent of this land use recommendation is to encourage development flexibility without detracting from the single-family character of the area. Recommendations for the Medium Density land use includes a density range of 5-16 du/acre, a height limit of 35’, a mix of detached, semi-detached, attached and multi-family product types, and site plan review process to evaluate compatibility with the surrounding area.

The remaining portion of the site is within the *Residential/Office* land use designation which is only on a small portion of the map and spans between N 20th St and N 21st St on the north and south side of W Uintah. The intent of this land use designation is to encourage future uses on this block to function as a buffer between the commercial uses to the east and the low-density residential uses to the west. Recommendations for the *Residential/Office* land use includes the intent to permit all residential use types, recommends a maximum height of 35’, and suggests the need for a plan review process that considers how future development is compatible with the surrounding area.

The land use recommendations for the *North Bluff subarea* encourages higher density residential to accommodate a variety of housing options in the area, maximize land utilization, and to capitalize on existing public investments in the area.

Additional recommendations in the subarea acknowledges that the land use trend along W Uintah between 19th and 21st is toward higher density residential uses. **Yes, development east of the site (not adjacent) had the more intense existing developments and *The Westside Plan* did not want**

them encroaching west into the block where the applicant's two parcels are. Thus, the specific recommendations for this specific block written above.

Finally, the subarea recommendations state that any redevelopment or

land use changes should be subject to a review process focused on compatibility with the surrounding area.

The proposed project is in conformance with the intent and recommendations of the Westside Plan. The proposed medium density residential townhome development is located directly adjacent to multiple minor arterial streets which maximizes the use of existing infrastructure in the area as intended. With the proposed density of 11.71 du/acre, the impact to existing traffic patterns will be minimal as detailed in the traffic study.

Additionally, as noted in the Westside Plan, the trend for this area is largely toward higher density residential uses rather than toward more single-family housing. **This is incorrect. See above for the site-specific recommendations from The Westside Plan.**

This project proposes what the plan identifies as medium-density residential, which is compatible with the *Medium Density Residential (5-16 du/acre)* and *Residential/office* land use designations. It is also compatible with the existing and recommended land uses in the surrounding area. This project will serve as a buffer between the commercial uses to the east and the low-density residences to the west and will integrate into the surrounding neighborhood with minimal impact to the character and traffic in the immediate area.

2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.

The proposed rezone will not be detrimental to public interest, health, safety, convenience or general welfare.

The applicant's Geohazard Study has provided evidence that poking at the hill under my home destabilizes the structure in 100% of the modeled scenarios. That is a direct threat to mine and my neighbors safety, interest, health, and welfare. The applicant has refused to acknowledge this fact, let alone mitigate the danger.

An alley is not permitted to be used as a fire apparatus road, yet the applicant is proposing to do just that. That is a threat to public safety.

There is currently a 25' setback requirement behind my home that the applicant must obey in his current R-2 zone. If you were to grant this zone change, the setback requirement would change to 10'. The development proposal shows that the applicant intends to build a building 10' from my home. Building a wall 10 feet from my house will block out the light and cut off air circulation. I don't have windows on the other side of my home. That is not in my interest as well as being a threat to my welfare.

The applicant's parcels are already zoned R-2. That zoning was not a mistake. The conditions of the neighborhood have not changed in a way that would warrant a zone change. The development plan envisions single-family attached housing. The applicant's two parcels are

already zoned for single-family attached housing (R-2). Apartments are not compatible, yet a rezone to R-Flex Medium would make apartments a use-by-right on his parcels. Once apartments are a use-by-right on his parcels, it would be very easy to convince City Council to change his development plan to apartments at his request since it would be a use-by-right. Don't fall for this tactic. The applicant has presented an unnecessary and unwarranted request for a zone change that has future implications that are detrimental to the adjacent neighbors.

The R-flex medium zone district accommodates a mix of residential uses with a density range of 5-16 du/acre. The surrounding neighborhood is comprised of a mix of zone districts and land uses that are compatible with the proposed rezone. **The proposed rezone is not compatible with the adjacent neighborhood. All adjacent parcels on the block are zoned R-2. Every adjacent property is zoned R-2 or low density PUD. The densities in the adjacent area range from 4.6 du/acre to 9.5 du/acre.**

3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).

The location of the land in question is not appropriate for the requested R-Flex Medium zone for many reasons. For example:

-It proposes higher density in a place where the Westside Plan says not to.

-The location of this land has pre-existing access problems. Many units on the development plan have no front lot lines.

-Using an alley as a fire apparatus access road is not permitted.

-The location of this land is geologically inappropriate for the requested zone change. Because of the soil, it is unknown if buildings of the size they are proposing are even possible on this specific land (See Geohazard Report).

The purpose of the R-flex Medium zone district, as stated in City code section 7.2.209.A, is to *"accommodate a mix of detached and attached low- to medium-density housing up to a maximum residential density of five (5) to sixteen (16) dwelling units per acre. A mix of dwelling and/or lot types, building forms and architecture, and design is strongly encouraged to break up monotony and provide a variety of housing options."*

The surrounding neighborhood is comprised of low, medium, and high-density residential uses as well as some higher-intensity commercial uses. **The applicant wants the reader to think the adjacent properties are of a higher density than they really are by using the word "surrounding" instead of "adjacent". Here are the facts: All adjacent parcels on the block are zoned R-2. Every adjacent property is zoned R-2 or low density PUD. The densities in the adjacent area range from 4.6 du/acre to 9.5 du/acre.**

The proposed re-zone would allow for infill development that promotes greater flexibility in housing types while maintaining the density and character of the surrounding neighborhood. **Appropriate R-2 infill development is already permitted and possible today on the applicant's parcels.**

- 4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height, density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.**

The proposed medium-density townhome development is compatible with development in the surrounding area. The project site is directly south of an existing ~~medium~~ **LOW**-density townhome development with similar bulk and scale to what is being proposed. However, due to the grade of the site and the integration of the units into the slope, the peak of the proposed townhomes will sit below the existing development to the North. Additionally, there is a robust network of multi-modal transportation opportunities in the immediate vicinity of the site. The site is within 2 blocks of 2 different bus stops and directly adjacent to a marked, shared lane bike-route and within 2 blocks of other established bike routes.

This zone change IS NOT compatible with development in the surrounding area. Of the 10 adjacent neighbors, 5 of them are small single-family houses.

The existing townhome development (Mirrillion) to the north they are referring to is low-density as defined in The Westside Plan, not medium-density.

The applicant is attempting to use an alley as frontage (which is not permitted). If allowed, this would turn a currently used multimodal alley into a car-centric alley. There would be negative multimodal traffic impacts to the surrounding development.

- 5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.**

The proposed application includes 2 parcels that total 2.22 acres of land. These 2 parcels previously had 1 single-family home on each. Both single-family homes have been vacant since 2022 and were demolished in early 2023. The original platting configuration that makes up the 2 parcels included 31 residential lots. These lots would not be developable under the current zoning due to past City decisions, current utility constraints, and setback requirements that are not consistent with the surrounding area. The proposed rezone would allow for the large, underutilized parcels to be developed with a similar density to what is allowed under the current zoning but with greater flexibility in the overall design. This rezone will capitalize on existing public infrastructure and services in the area and contribute to a variety of housing types in the city.

The applicant has not explained how “any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.” especially in light of the fact that all of the City’s Goals and

Strategies can be met without granting a zone change and appropriate R-2 infill development is already permitted and possible today on the applicant's parcels.

6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria).

This rezone request is submitted with a Development Plan application which details how all relevant development standards are being met. **The applicant has not detailed how all relevant development standards are met.**

7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.

There are no concept plans relevant to this site.

8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section [7.2.607D.4 \(Decision\)](#) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.

This application will not create an ADS-O zone district.

9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.

This application is not a rezone to a PDZ zone district.

10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).

This site is not within an overlay-district. City Code section 7.2.209.C outlines the additional standards for the zone district. These additional standards include:

1. *Each Development Plan or Phasing Plan based off the approved Land Use Plan shall meet the established density of the district.*
2. *Each development shall comply with all applicable standards relating to Compact Lots in this UDC. See below.*
3. *Reference Part 7.3.3 for additional use-specific standards*

The Development Plan accompanying this rezone request demonstrates a gross density of 11.71 du/acre, which is well within the allowed density of 5-16 du/acre. This development plan also demonstrates how the compact lot requirements are met. **The applicant's development plan DOES NOT COMPLY with the standards for compact lots. Many depicted lots are not street-oriented lots, nor greenway-oriented lots. Many of them are not legal lots at all. The applicant has not shown that each lot complies with all applicable standards relating to Compact Lots in the UDC.**

There are no use-specific standards related to multi-family in the R-flex medium zone district

CONFORMANCE WITH DEVELOPMENT PLAN CRITERIA (CODE SECTION 7.5.515 D.)

The decision-making body shall review the Development Plan application or amendment and approve, approve with conditions, or deny the application based on the following criteria:

A. The decision-making criteria in Section [7.5.409](#) (General Criteria for Approval) apply unless modified by this Subsection 4;

1. Compliance with this UDC: The proposed use and development shall comply with all applicable standards in this UDC, unless the standard is lawfully modified or varied.

The property is proposed to be rezoned to R-flex medium zone district and at 11.7 dwelling units per acre, the project sits well within the density range of 5-16 du/acre allowed by the zone district. All other development standards are met. **The applicant HAS NOT SHOWN that their plan is compliant with the UDC and that all other development standards are met.**

2. Compliance with Other Applicable Regulations: The proposed use and development shall comply with all other City regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property. This includes, but is not limited to, floodplain, water quality, erosion control, and wastewater regulations.

The project meets all city, state, and federal regulations. The property is not in a floodplain. Stormwater is managed by an on-site detention pond on the southeast corner of the site. A drainage plan is also included in the application submittal. Wastewater for the site will be accommodated by a new sanitary sewer line that will run through the existing alley. A geologic hazard report has also been submitted as part of this application and will be reviewed by CGS. **The Geologic Hazard Report has not been reviewed by CGS as of today.**

3. Compliance with Engineering Standards and Utilities: The proposed use and development shall comply with standards for roadway design and construction, access, drainage, water, sewer, emergency/fire protection, and others established by federal, state, county, service district, City, Colorado Springs Utilities, and other regulatory authorities. Utility services must be connected as required by this UDC.

The project meets all engineering standards. **The applicant HAS NOT SHOWN that the development plan meets “all engineering standards”.**

There are no new roads proposed with this development and the existing alley will be paved to meet City Engineering standards. Drainage and erosion control will comply with applicable engineering standards, as provided in the drainage report included with this submittal. A new sanitary sewer is proposed to serve this development and is proposed to run through the existing alley. Electric service will be used for on-site lighting and to serve the new residences.

The site is designed to accommodate emergency vehicles and apparatus. **The development plan envisions single-family attached housing and not multi-family. Each unit has it's own lot. The development plan DOES NOT COMPLY with the standards for access and emergency/fire protection for each individual lot.**

- 4. Compliance with Prior Approvals: The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any Annexation Agreement, Land Use Plan, or approved phasing plan for development and installation of public improvements and amenities. (Ord. 23-03)**

There are no previously approved land use approvals related to this site. The site was originally platted into 30 lots that were later consolidated into two large parcels. These parcels previously had one single-family home on each. **Pre-1904, the site was platted into 30 lots. They were later consolidated into four parcels. The two parcels on W Uintah Street were consolidated into one parcel by James Jarvis and Spencer Simco. The remaining 2 parcels were combined into one by Susan Hrdlichka. Then, the applicant purchased the two non-contiguous parcels. The four parcels previously had one single-family home on each of the parcels. Four houses total. These days there are none. The applicant chose to kick out the renter and tear down the two remaining houses that were there when he purchased them.**

A new development plan, zone change, and final plat will be submitted and will become the guiding documents for this project.

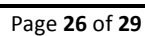
- B. The application complies with all applicable Use-specific standards in Part 7.3.3 related to the proposed use(s);**

The use specific standards for multi-family are not relevant as they only apply to properties zoned OR (office/residential) or MX-N (Mixed-use Neighborhood Scale). The R-flex medium zone district has a density range of 5- 16 du/acre, this development will be compliant with this requirement with a density proposal of just under 12 du/acre.

- C. The details of the site design, building location, orientation, and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings, and uses, including not-yet-developed uses identified in approved Development Plans;**

The layout of the site conforms well with the existing neighborhood. The proposed 4-unit buildings are situated to the north side of the site which is adjacent to an existing ~~medium~~**LOW**-density townhome development developed in comparable 4-unit clusters with ~~32' maximum~~ **29.11' (30' maximum)** height. **This proposal DOES NOT conform well with the existing neighborhood. Of the 10 adjacent neighbors, 5 of them (50%) are small single-family houses. Also, the existing townhome development (Mirrillion) to the north is low-density as defined in The Westside Plan, not medium-density. Speaking of Mirrillion, the layout is not comparable to the townhomes to the north at all. All of those townhomes have front access off of a 33' wide private road. Using an alley (or nothing at all in some instances) like the applicant is doing in their plan does not conform well the neighborhood.**

The below drawing DOES NOT accurately represent the building on the left (Mirrillion)



The proposed architectural style and materials are intended to match the character of the neighborhood. Building materials include stone, cement siding, and cement shingles. The proposed height of the structures is 32’.

D. Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable;

Off-site impacts with this development will be minimal. The proposed design and layout of the project considers the context of the neighborhood with the proposed density, architecture, and layout. Traffic generated from the site will be very low and will not require any off-site roadway improvements.

E. The Development Plan substantially complies with any City-adopted plans that are applicable to the site, such as Land Use Plans, approved master plans for a specific development, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals;

As discussed above in Zone Change criteria #1, the plan is consistent with PlanCOS and the Westside Plan. **As discussed above in Zone Change criteria #1, the plan IS NOT consistent with PlanCOS and the Westside Plan.**

F. The project meets dimensional standards applicable to the zone district, or any applicable requirement in an FBZ or PDZ district;

All dimensional standards within the R-flex Medium zone district are met with the proposed plan. This includes setback, height, and lot coverage standards. No variances or relief requests are being sought with this development plan. **There are many requests and variances for administrative relief actually. For example, look at their Final Landscaping Plan and you will see that they are asking for at least two exceptions to City Code. It is written at the bottom and they call it an “Alternative Landscape Adjustment Request”.**

G. The project grading, drainage, flood protection, stormwater quality, and stormwater mitigation comply with the City's Engineering Criteria, the drainage report prepared for the project on file with the Stormwater Enterprise Manager, and other federal, state, and City regulations;

The grading, drainage, stormwater quality and mitigation comply with the City’s Engineering Criteria, and state and federal standards. The property is not in a floodplain.

H. The project complies with all the development standards of Article 7.4 (Development Standards and Incentives), including access and connectivity requirements in Part 7.4.4 (Access and Connectivity), the landscaping and green space requirements in Part 7.4.9 (Landscaping and Green Space), and the parking and loading requirements in Part 7.4.10 (Parking and Loading);

The development meets the standards of Article 7.4 as applicable. This includes compliance with the landscape and green space, access and connectivity, and parking and loading requirements. **The**

development plan DOES NOT meet the standards Part 7.4.4 (Access and Connectivity). For example, alleys must match the other alleys on adjacent blocks. The one on the applicant's plan does not match.

- I. **The project complies with all applicable requirements of any Overlay District in which the property is located, as listed in Part 7.2.6 (Overlay Districts);**

This site is not within any overlay districts so standards set forth in UDC part 7.2.6 do not apply.

J. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site;

A geologic hazard report is submitted with the development plan application and will be reviewed by City Engineering and Colorado Geological Survey. The report finds that the proposed development of the site is appropriate if mitigation of fill and slope conditions are addressed. **The 2024 Geologic Hazard report does not say that the “proposed development of the site is appropriate if mitigation of fill and slope conditions are addressed.” The main message from the 2024 Geologic Hazard Report is that they are not sure that your development plan is even possible as proposed. The 2024 Geologic Hazard Report has not been reviewed by CGS as of today.**

K. The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties; and

The property is served by municipal utilities adjacent to the site. New lines, including a sanitary sewer line and storm drain, will be extended through the east/west alley that runs through the middle of the project site to accommodate the new development. Other existing utilities in the area can support the capacity of the development.

L. If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic, pedestrians, and emergency vehicles in accordance with the Engineering Criteria, public safety needs for ingress and egress, and a City accepted traffic impact study, if required, prepared for the project.

There are no new roads proposed with this development. The alleyway running through the middle of the site will be paved to meet City Engineering and City Fire standards. A sidewalk along N 20th and N 21st St will also be constructed with this application.

SUN MOUNTAIN TOWNHOMES ZONE CHANGE

RESPONSE TO NEIGHBOR COMMENTS

AUGUST 2024

Comments on Response to Neighbor Comments ---Kelly Hiller ----September 21, 2024

Gabe Sevigny,

This document does not address my previously submitted questions and concerns about this application. Those remain unread, unanswered, and unacknowledged.

I have also added a few comments below in red.

-Kelly Hiller

City Planning staff provided a compiled list of all the written correspondence related to the Sun Mountain Townhomes Zone Change and Development Plan. This list includes written comments from 14 unique households and 1 HOA. The primary concerns raised in the comments are related to the following topics:

- Westside Plan
- Traffic
- Double Frontage
- Alley Access
- Historic Character and Building Height
- Geologic Hazards
- Administrative Relief
- Special Treatment Rezoning

Many of the above-mentioned topics were addressed at the neighborhood meeting **(there has been no neighborhood meeting since the application was submitted)** or in the project statement and a response has also been provided below:

WESTSIDE PLAN

As described in the project statement, the project does comply with the Westside Plan. The site is within both the 'Medium Density Residential (5-16 du/acre)' and the 'Residential/Office' land use types. Each of these land use types allow for medium density residential uses and recommend that new projects be evaluated for compatibility with the surrounding uses through site plan review. The Sun Mountain Townhomes project sits well within the intended density at 11.7 du/acre, limits the bulk and scale of the buildings, and provides adequate setbacks. The Development Plan that was submitted with the zone change request demonstrates that the site is compatible with the surrounding area and guarantees

transparency of outcome for neighbors and decision-making bodies. **From The Westside Plan in reference to this specific site: “any future land use changes should be subject to a review process that concentrates on compatible development as it relates to the less intense existing development to the north, west, and south.” – Westside Plan**

The east was left out for a reason. The east had the more intense existing developments and The Westside Plan did not want them encroaching. Therefore, the east was not to be looked at when considering future developments. So, looking north, west, and south of the parcels at the time The Westside Plan was adopted by Ordinance 80-3, we see: vacant land to the north / R-2 to the west / R-2 to the south

The applicant refuses to acknowledge that they cannot look east when attempting to justify compatibility.

TRAFFIC

A Traffic study was conducted and is submitted as part of the development applications. The study estimates that there will be a total of 187 trips per day with 12 total trips during the morning peak hour and 15 total trips during the afternoon peak hour. This equates to about 1 trip every 5 minutes in the morning and 1 trip for every 4 minutes in the afternoon peak hour dispersed among 4 different access points. The busiest anticipated turning movement is a right-turn to exit the site from the alley onto N 20th St. This movement is expected to occur 4 times during the morning peak hour and 3 in the afternoon peak hour. The traffic generated by this development will have a minimal impact on existing conditions.

DOUBLE FRONTAGE

The city has accepted that the existing alley will remain an alley. Improvements to the alley will be required by the developer which will include paving the alley to meet city engineering standards which will improve drainage conditions and vehicular access. Double frontage lots will not be created with this project because the alley will not become a street. **If the applicant envisions using the alley as frontage for their lots, for a fire apparatus road, etc, they are creating double frontage lots. They are not allowed by code to use the alley as fire apparatus access nor front/primary access for their lots. So, the way to prevent double-frontage lots here is by not allowing them to go against the code to create them in an alley in the first place.**

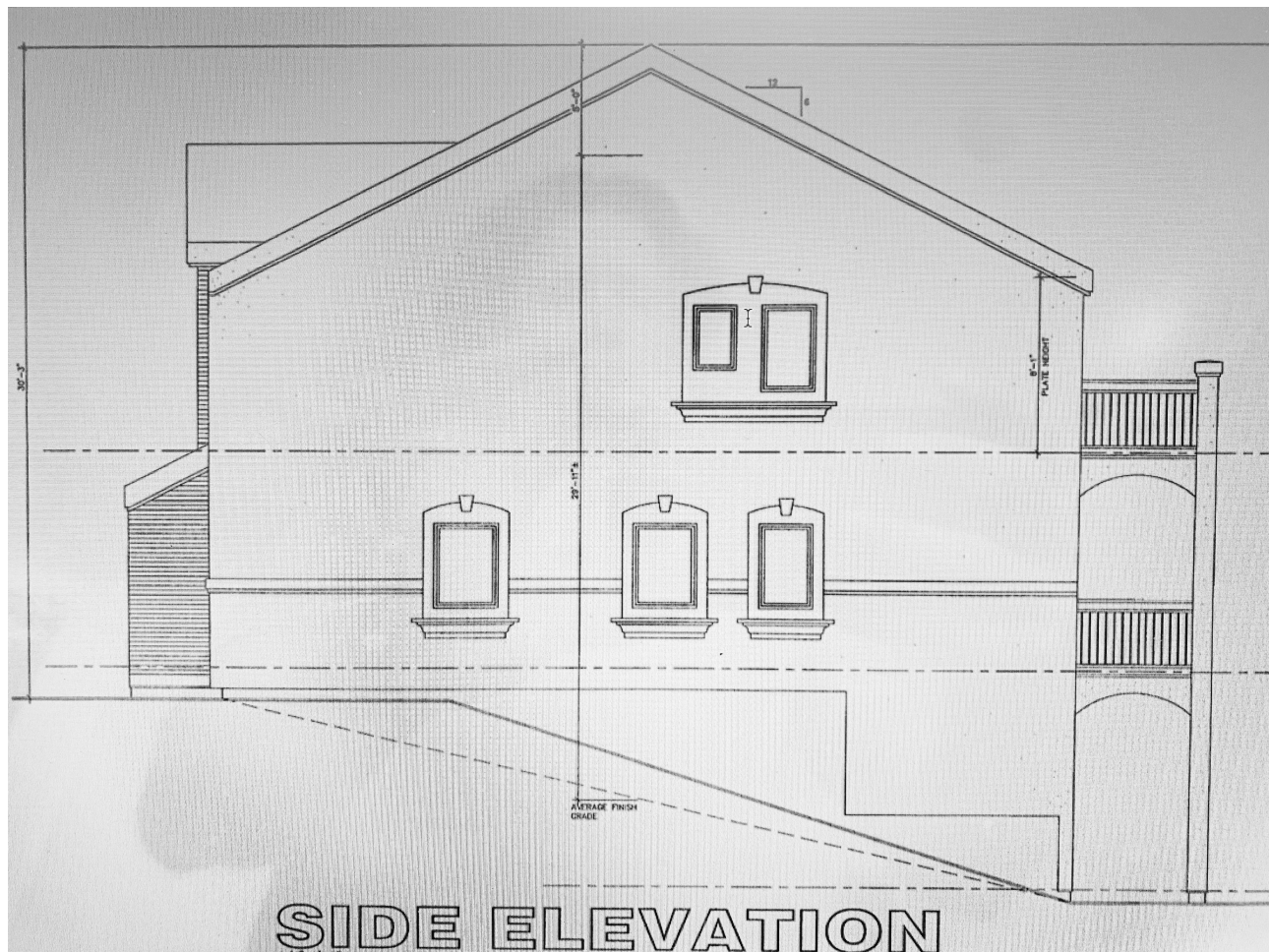
ALLEY ACCESS

The alley will provide necessary access to the lots in this development which was removed when Henderson Street was vacated. **The applicant's lots never had access from Henderson Street. Henderson Street never existed nor provided access to anyone.**

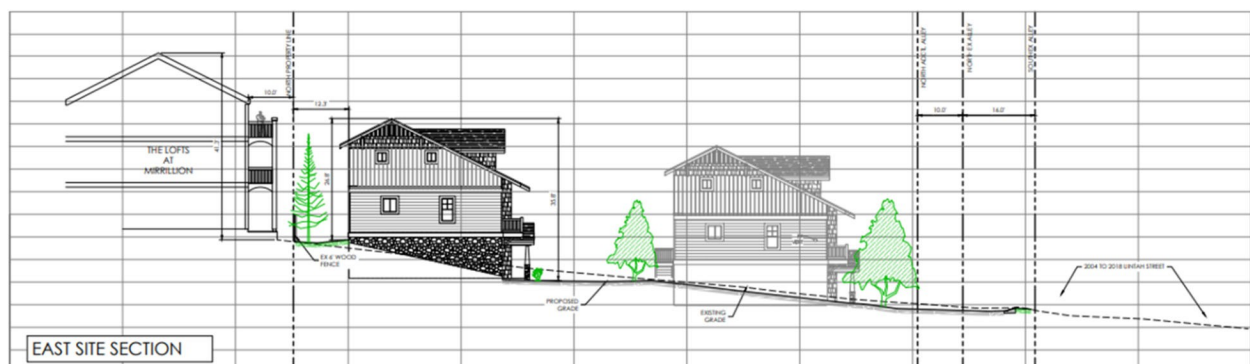
While alleys are not typically intended for primary access **(they are NEVER intended for or permitted to be primary access for single-family attached housing)**, there are provisions in the code that allow for it to be primary access when adjacent to arterial roads such as Uintah Street. **(This is not permitted by City Code as the alley does not touch Uintah Street and the proposed project is single-family attached housing, not multi-family)**

HISTORIC CHARACTER AND BUILDING HEIGHT

The proposed architectural style and materials are intended to match the character, bulk, and scale of the surrounding neighborhood. Building materials include stone, cement siding, and shingles. The maximum height of the structures is 32' with some variation in rooflines. At approximately 32' in height, the proposed townhomes are ~~shorter~~ **taller** than the existing townhomes north of the project which sit at the approximately ~~41' tall~~ **29.11' tall (see Mirrillion elevation below)**



The proposed townhomes sit at a lower grade than the townhomes to the north making them appear less imposing. Other buildings in the area are similar in height such as the apartments directly east that are 2-3 stories in height and built into the slope. R-2 allows a maximum height of 35' which is greater than what is proposed for this project.



GEOLOGIC HAZARDS

A geological hazard study was submitted with the previous concept plan and zone change requests. Colorado Geological Survey (CGS) did not have any objections to the previous applications but provided comments and suggestions to ensure sound construction of the proposed buildings. The Geological Hazard Report submitted with the current applications addresses the previous comments from CGS and

a includes new report based on the new layout. The proposed project aims to minimize the number and height of necessary retaining walls and to integrate the buildings into the existing grade to minimize land disturbance throughout the process. **A new Geohazard Study was performed in 2024 because the applicant wanted to move buildings closer to adjacent neighbors. It has not been sent to the CGS for review. There is disturbing data in there that shows that the proposal would destabilize the building to the north of the site in 100% of the modeled scenarios.**

ADMINISTRATIVE RELIEF

The proposed project complies with all UDC and Engineering standards and requirements for the propose R-flex Medium zone. No relief requests are being sought with these applications.

SPECIAL TREATMENT REZONING

City code defines the purpose of the rezoning applications as, *“to establish standards and provide a mechanism for the City to review and decide on an application to rezone property within the City's jurisdiction, where the City has determined that rezoning of those areas is appropriate.”* Any rezone request must be reviewed against the rezone review criteria. An analysis of how these criteria have been met was provided in the project statement. Additionally, rezone requests typically require either a Land Use Plan or Development Plan to accompany the request. This request includes a Development Plan, the more specific document of the two, to ensure transparency of outcome for the neighbors and the decision-making bodies. Any major changes to the Development Plan would need to be reviewed and approved by City Council. **This would be an easy sell once the property is rezoned. Unlike R-2, multi-family is a use-by-right in R-Flex Medium. Apartments would be a use-by-right where now it is not permitted. All one would have to do is tell Council that apartments are a use-by-right and they would amend the development plan without a problem.**

Sevigny, Gabe G

From: Scott Hiller <scott.hiller@riptidegeo.com>
Sent: Wednesday, September 25, 2024 9:09 AM
To: Sevigny, Gabe G
Subject: Sun Mountain Townhome Landscape Plan Deficiencies and Objections

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!

DEPN-24-0111/ZONE-24-0014

Gabe,

I object to the alternative landscape adjustment requests that are found on the applicant's "Final Landscape Plan", Sheet L-1 (11 of 18). I do expect that the city requires this applicant to meet the minimum landscape requirements to ensure that any future development is compliant with the purpose, and greenspace/buffer requirements in the Landscape Code (7.4.901).

The applicant is non-compliant in three specific ways that are contrary to regulations found in the Landscape code. The applicant has requested relief from two and does not mention the third.

1. On the southern boundary of the property, east half, they are required to provide a 15' landscape buffer, they have provided a ZERO foot buffer. They are required to provide 13 trees and 7 evergreen trees but ZERO are provided. They are seeking relief from this requirement in the form of an alternative landscape adjustment request. I object and hope the city does not allow a development with NO landscape buffer. Please deny this request. (7.4.906) This relief is sought, so the applicant knows he's non-compliant.

2. On the northern boundary, on the property line shared with Mirrillion Hts. This line is a rear lot line and is required to have a 15ft landscape buffer, they have provided only 10ft. Please require this applicant to provide the full, "Buffer 2" landscape buffer that is required by code. They do not request an alternative for this, so the drawing is simply non-compliant and should be rejected. Their application is considered Multi-family by the city and therefore they are bound by requirements found in Table 7.4.9-C. (7.4.906)

3. The applicant has requested a variance in the required percentage of active greenspace. It appears that the applicant is wanting to use required green space for units. There is ample room to remove units and bring the total area of usable active greenspace into compliance. Please reject the Alternative Landscape Request for providing ONLY 3.4% greenspace which is completely inappropriate and non-compliant. The applicant falsely states in his project statement that they are providing 11% active green space. The submitted plan depicts and itemizes on 3.4% green space. This false statement must be rectified before going to Planning Commission. (7.4.908-B-1). This relief is sought, so the applicant knows he's non-compliant.

The applicant has stated "No relief requests are being sought with these applications," and "No variances or reliefs or relief requests are being sought with this development plan." - They are requesting two specific items of relief in the landscape plan, AND they are non-compliant with the Buffer 2 between the Mirrillion Townhomes and their northern (rear) lot line.

Please include these objections in the public record. The applicant needs to comply with the city's landscape regulations.

Scott Hiller

Sevigny, Gabe G

From: JOHN ASHMORE <johnashmore2102@comcast.net>
Sent: Friday, October 11, 2024 2:48 PM
To: Sevigny, Gabe G
Subject: Re: Uintah Townhomes

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!

Hi Gabe,
Thank you for the info;

I will contest 26 units vehemently; the thought is a disgrace to planning and to current single family residence.

Sincerely,
John

On 10/11/2024 2:33 PM MDT Sevigny, Gabe G <gabe.sevigny@coloradosprings.gov> wrote:

Hello,

As a neighbor that has previously provided comments for this project, this email is to let you know that another submittal has been made. It is currently under review with a deadline for staff's comment letter of October 25, 2024. You can review the project at this link, <https://aca-prod.accela.com/COSPRINGS/Cap/CapHome.aspx?module=Planning&TabName=Home>.

You can search by using the following project numbers:

- ZONE-24-0014
- DEPN-24-0111

When you enter the project number in the 'Record' search box, the next screen will have a drop down arrow for 'Record Info'. Click on the 'Attachments' tab to review documents (see below).

Home Police Records **Planning** Public Works

Search Applications

Record ANEX-23-0022:

Annexation

Record Status: In Review

Record Info ▾

Record Details

Processing Status

Related Records

Attachments

Inspections

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0903

If you have additional comments you can send to me, they will still be a part of the public record and forwarded to the applicant for them to review and address or acknowledge. This application is not currently being scheduled for public hearing. Another email along with future postcards and posters will be required prior to scheduling a public hearing with Planning Commission and/or City Council.



Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

Links:

[Planning & Community Development Home](#)

 *Please consider the environment before printing this e-mail.*

Sevigny, Gabe G

From: JOHN ASHMORE <johnashmore2102@comcast.net>
Sent: Friday, October 11, 2024 3:01 PM
To: Sevigny, Gabe G
Subject: Re: Uintah Townhomes

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!

Hey Gabe,

why can't builder just put in a bunch of SFR's ?-- I wouldn't fight that.

Thank you again for all your e-mails.

Sincerely,
John

On 10/11/2024 2:33 PM MDT Sevigny, Gabe G <gabe.sevigny@coloradosprings.gov> wrote:

Hello,

As a neighbor that has previously provided comments for this project, this email is to let you know that another submittal has been made. It is currently under review with a deadline for staff's comment letter of October 25, 2024. You can review the project at this link, <https://aca-prod.accela.com/COSPRINGS/Cap/CapHome.aspx?module=Planning&TabName=Home>.

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Record ANEX-23-0022:

Annexation

Record Status: In Review

- Record Info ▾
- Record Details
- Processing Status
- Related Records
- Attachments
- Inspections

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Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

Links:

[Planning & Community Development Home](#)

 *Please consider the environment before printing this e-mail.*

Sevigny, Gabe G

From: Anita Marie Conkling <megamoa@gmail.com>
Sent: Thursday, October 17, 2024 1:18 PM
To: Sevigny, Gabe G
Subject: E6 Development - proposed Zoning Change clarification

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RE: ZONE 24-0014 / DEPN 24-0111

In an earlier discussion about this proposed project, you informed me that "the density if kept at 28 would meet the Westside plan, and therefore the applicant would have to express and show how the application meets the criteria of zone change in UDC." Can you elaborate on what area makes up the 28, please?

It appears to be two separate lots: 2026 W Uintah St and 520 N Twentieth St. - these do not appear to be replatted into one lot and, I presume, must be considered as two two separate lots. Is this correct?

(1) Property Information Schedule Number 7411124137 District FBC
Property Address 2026 W UINTAH ST
Description: LOTS 31-40 INC BLK 43 WEST COLO SPGS ADD NO 2

(2) Property Information: Schedule Number 7411124206 District FBC
Property Address: 520 N TWENTIETH ST
Description: LOTS 1-16 INC, S2 VAC HENDERSON ST BLK 43 WEST COLO SPGS ADD NO 2 TOG W/ SLY 80 FT OF LOT 17 THRU 20 INC BLK 43 ADD 2 WEST COLO SPGS

My concern is that development of these two lots will affect the neighborhood in different ways and I would like to understand what the current zoning and development ordinances allow and what evidence the developer may have or need to request a significant change to the Residential R-2 status.

Thank you for your kind consideration.

Anita Conkling
2008 W Uinrah St
(303) 507-6740

On Tue, May 28, 2024 at 7:50 AM Anita Marie Conkling <megamoa@gmail.com> wrote:

Dear Mr Sevigny,

Here are some important questions and concerns from the immediate neighbors to the proposed **Uintah Townhomes** development: I am one of the FIVE houses that will border the proposed development to the South.

My address is 2008 W Uintah St. Newly renovated.

(1) **Entrance and Exit locations** are a primary concern for the immediate neighbors - have these been identified on the Site Plan for the proposed development?

- Immediate neighbors are highly opposed to vacating the alley for private use for this proposed development or or increased traffic - Is there sufficient traffic access within the current lot lines and set-backs for the lot(s) without encroaching on the public alley?
- The lot(s) is narrow for traffic created by 26 townhomes and parking will be an issue if each unit is not built on top of a garage - Is garage parking under each unit planned? What is the plan for guest parking?
- Utility poles are, currently, within 11 feet of my kitchen wall - Is there a plan to move or remove the existing utility poles that border the alley?
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Thank you for your kind consideration and support.

Anita Conkling
2008 W Uintah St
(303) 507-6740

Sevigny, Gabe G

From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Friday, October 18, 2024 9:37 AM
To: Sevigny, Gabe G
Subject: ZONE-24-0014 / DEPN-24-0111 Pre Application Comments 5-29-24
Attachments: Pre Application Comments 5-29-24.pdf

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Good Morning Gabe,

Attached is the letter I wrote after the pre-application meeting on 5/29/24. It is titled "Pre Application Comments 5-29-24.pdf" and is one page long. I would like it included in the record as the applicant references this meeting in their documents and it appears there may not be another one.

Thank you.

Kelly Hiller

Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Friday, October 18, 2024 10:23 AM
To: Anita Marie Conkling
Subject: RE: E6 Development - proposed Zoning Change clarification

Good Morning,
See responses highlighted below. Let me know if I can be of further assistance.

In an earlier discussion about this proposed project, you informed me that "the density if kept at 28 would meet the Westside plan, and therefore the applicant would have to express and show how the application meets the criteria of zone change in UDC." Can you elaborate on what area makes up the 28, please? The proposed unit count is 26 and the site is 2.22 acres that would have a density of 11.71 units per acre. The Westside Plan suggests that the area be Residential Medium Density at 5-16 dwelling units per acre.

It appears to be two separate lots: 2026 W Uintah St and 520 N Twentieth St. - these do not appear to be replatted into one lot and, I presume, must be considered as two two separate lots. Is this correct? This is correct, the legal description for the zone change shows the first lot, and then 'together with' for the other lot. If the application is approved, a future final plat to replat the configuration of the lot lines would be required.

(1) Property Information Schedule Number 7411124137 District FBC
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(2) Property Information: Schedule Number 7411124206 District FBC
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Description: LOTS 1-16 INC, S2 VAC HENDERSON ST BLK 43 WEST COLO SPGS ADD NO 2 TOG W/ SLY 80 FT OF LOT 17 THRU 20 INC BLK 43 ADD 2 WEST COLO SPGS

My concern is that development of these two lots will affect the neighborhood in different ways and I would like to understand what the current zoning and development ordinances allow and what evidence the developer may have or need to request a significant change to the Residential R-2 status. Current zoning could allow for single-family detached or duplexes, a single-family detached could have an additional dwelling unit. Since the lots are legally platted, we would not be able to prevent someone from building on each historically platted lot. With that, the density of the area could be 24 single family detached units with 24 additional dwelling units (one on each lot) having a total of 48 units. This could happen but there would also be issues with site constraints etc that would have to be fully vetted by the property owner if it were to be feasible.

Let me know if I can be of further assistance.



Gabe Sevigny
Planning Supervisor
Land Use Review Division
City of Colorado Springs
Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

Links:

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From: Anita Marie Conkling <megamoa@gmail.com>
Sent: Thursday, October 17, 2024 1:18 PM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: E6 Development - proposed Zoning Change clarification

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RE: ZONE 24-0014 / DEPN 24-0111

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Thank you for your kind consideration.
Anita Conkling
2008 W Uinrah St
(303) 507-6740

On Tue, May 28, 2024 at 7:50 AM Anita Marie Conkling <megamoa@gmail.com> wrote:

Dear Mr Sevigny,

Here are some important questions and concerns from the immediate neighbors to the proposed **Uintah Townhomes** development: I am one of the FIVE houses that will border the proposed development to the South.

My address is 2008 W Uintah St. Newly renovated.

(1) **Entrance and Exit locations** are a primary concern for the immediate neighbors - have these been identified on the Site Plan for the proposed development?

- Immediate neighbors are highly opposed to vacating the alley for private use for this proposed development or or increased traffic - Is there sufficient traffic access within the current lot lines and set-backs for the lot(s) without encroaching on the public alley?
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Thank you for your kind consideration and support.

Anita Conkling
2008 W Uintah St
(303) 507-6740

Sevigny, Gabe G

From: Anita Marie Conkling <megamoa@gmail.com>
Sent: Friday, October 18, 2024 10:31 AM
To: Sevigny, Gabe G
Subject: Re: E6 Development - proposed Zoning Change clarification

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Thank you so much. My two biggest concerns is a "skyscraper" on the corner of Uintah and 21st, and a replat that would take away the alley.

Sincerely
Anita Conkling

On Fri, Oct 18, 2024 at 9:22 AM Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov> wrote:

Good Morning,

See responses highlighted below. Let me know if I can be of further assistance.

In an earlier discussion about this proposed project, you informed me that "the density if kept at 28 would meet the Westside plan, and therefore the applicant would have to express and show how the application meets the criteria of zone change in UDC." Can you elaborate on what area makes up the 28, please? The proposed unit count is 26 and the site is 2.22 acres that would have a density of 11.71 units per acre. The Westside Plan suggests that the area be Residential Medium Density at 5-16 dwelling units per acre.

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Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

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Thank you for your kind consideration and support.

Anita Conkling

2008 W Uintah St

(303) 507-6740

Sevigny, Gabe G

From: Anita Marie Conkling <megamoa@gmail.com>
Sent: Friday, October 18, 2024 10:40 AM
To: Sevigny, Gabe G
Subject: Uintah Townhomes - PLEASE DENY ZONING CHANGE

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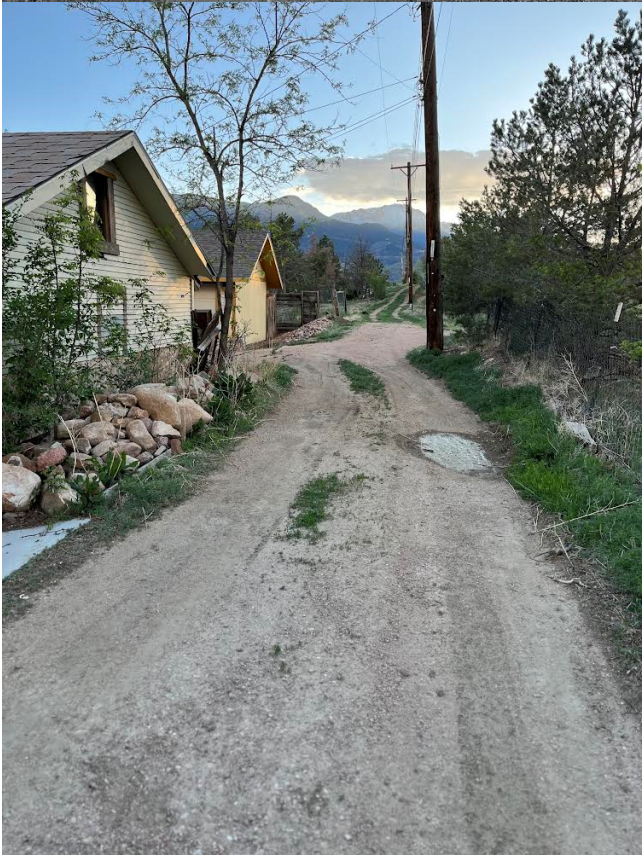
Record ID ZONE-24-0014 Record Type Zone Change
Record Name Uintah Townhomes - Zoning Map Amendment to R-Flex Medium
Record Description A zoning map amendment from R-2 (Two-Family) to R-Flex Med (R-Flex Medium Scale) consisting of 2.21 acres and a development plan consisting of 2.52 acres. If approved it would allow for the future development of a total of 26 units in 6 4-plexes and 1 dup

PUBLIC COMMENT: PLEASE DENY THIS ZONING CHANGE REQUEST

1. The request is made as if two lots are one, but a public alley runs between these lots. The current residents, residing along the alley, do NOT wish to vacate this alley for a replat into a single lot.
 - a. Each lot has a very different effect on the neighborhood. The lot along Uintah Street (2026 W Uintah St) should fit with the residential style and height of the other single-family homes that border the East and West of this lot.
 - b. The lot to the North of the public alley (known as 520 N 20th St) has many geological and severe drainage concerns that engineer's will consider, but the number of units should be limited to diminish damage and encroachment on the existing homes on the South side of the alley, most of which were built prior to an understanding of current safety guidelines for foundation and setbacks.
2. There is not enough demand for luxury townhomes in this neighborhood to increase the residential density above what is feasible to safely build for the size of these lots (regardless of the maximum code allowance); therefore, the change is unnecessary.
 - a. A multi-unit development, one block away, on 19th St is nearly completed and meets the need for providing low-income housing in the area.
3. We, the current homeowners, DEPEND on our City leaders to protect our properties by maintaining Zoning Regulations that preserve our home values. We TRUST that changes to existing regulations will be for the betterment of all, and not just one developer.
4. Maintaining the R-2 Zoning will ensure that the land can be developed and profitable to the developer without damaging the "neighborhood gentrification" that is currently happening with nearly every residence along Uintah Street. Front yard landscaping, Neighborhood Watch areas, and especially the improvements in the Thorndale Park and the very regular use by families, youth groups, and tennis / pickleball leagues are evidence of the safe and quiet enjoyment of the neighborhood that is furthered by promoting home "ownership and residency" in the area. The unforeseen consequences of allowing a zoning map amendment from R-2 (Two-Family) to R-Flex Med (R-Flex Medium Scale) will likely be devastating.

Thank you for your integrity, consideration, and kind support,
Anita Conkling
2008 W Uintah St, Colorado Springs CO 80904
(303) 507-6740

FYI:
*** My house, originally built in 1955, sits on the alley and only 11 feet from the utility pole on the southern property line of 520 N 20th St, These are existing homes along the alley. You can see why we would fight vacation of the public alley between the 2 lots in question.





Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Friday, October 18, 2024 10:45 AM
To: Scott Hiller
Subject: RE: CGS Review Letter for Zone-24-0014

Hello Scott,
My Wednesday afternoon is open for a discussion on the below questions.



Gabe Sevigny
Planning Supervisor
Land Use Review Division
City of Colorado Springs
Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

Links:

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From: Scott Hiller <scott.hiller@riptidegeo.com>
Sent: Thursday, October 17, 2024 5:02 PM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: Re: CGS Review Letter for Zone-24-0014

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Hi Gabe,

If Wednesday is more convenient that would work too. What about Wednesday afternoon?

I got a response from Joel and that was just what I was looking for, thank you.

A few (but not all) significant items are:

-Further clarification on Multifamily vs Single family attached, specifically in regard to landscaping requirements. Understood the city considers their proposed project MF because it is 26 units on 2 parcels. But, we at Mirrillion are already built. By the UDC Mirrillion must be SFA, right? We have separate lots, each lot is owned individually, and we are not multiple units on single lots. All divisions are vertical, so no condos. It seems very significant to state that the rear, northern, boundary of their site borders four (4) single family attached lots.

-What determines if a project is compliant with the Landscaping UDC? Is it regulatory, or are they suggestions?

-Their continued inaccuracies with their own proposed building heights. Even when referenced to average finished grade, the drawings contradict the project statement.

-Real ambiguity on the Alley dedication process and their claimed project boundaries. It seems they count the alley in the project site sometimes, sometimes not. I would like to understand what happens when someone dedicates land to the city for an alley. Is the city obligated to improve it? Is the city obligated to maintain and assume liability on the dedication as all other ROWs? There are very few details in the project statement.

-The Planning Commission process, especially as it relates to our ability to speak. This is not an appeal, and as I read it, there is no opportunity for appealing these decisions. So, what is the process for our comments, cases, pleads, etc. when we get to the PC?

Thank you for your continued assistance.

Best Regards,

Scott

On 2024-10-17 12:43, Sevigny, Gabe G wrote:

Hello Scott,

Next Tuesday is City Council so I am not sure what availability I would have. It would be later in the day if any. If you could provide what is needed as part of the discussion I may be able to assist prior to the meeting. If it is in regards to the geo-hazard study that would be with Joel as that report is submitted directly to Engineering. The file number is STM-REV24-0906 and according to Joel's last few comments is that it has been reviewed by him and CGS. Not sure who you would speaking to at that State Department, but I would wait for Joel to return and he can respond. I will also let him know that you are trying to reach him.



Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

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From: Scott Hiller <scott.hiller@riptidegeo.com>

Sent: Thursday, October 17, 2024 11:20 AM

To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>

Subject: CGS Review Letter for Zone-24-0014

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Zone-24-0014/DEPN-24-0111

Hi Gabe,

Are you available any time next Tuesday (October 22) for a meeting? Afternoon is better for me, but please let me know what times are convenient for you.

The latest submittal from the applicant says that their new geohazard report from 2024 was reviewed by CGS. I've reached out to Joel Dagnillo and the CGS to find out if there was a review letter issued for the Uintah townhomes zone change/ development plan. I have not had luck getting a response.

I was also unable to get the CGS to even confirm to me whether or not they had received it, or even knew what I was talking about. I have not heard back from Joel but I did get an out of office reply.

Do you know if the new geohazard report was submitted to the CGS for review and if so, can I get a copy of the review letter?

Or, when there is a CGS review letter will it be posted to accelera?

Best Regards,

Scott Hiller

Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Friday, October 18, 2024 10:55 AM
To: Kelly Hiller
Subject: RE: ZONE-24-0014 / DEPN-24-0111 Pre Application Comments 5-29-24

Thank you Kelly,
I will add this one at the conclusion of this review cycle but will forward to the applicant now if they choose to respond now, or at a later time.



Gabe Sevigny
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Land Use Review Division
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Thank you.

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Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Friday, October 18, 2024 10:59 AM
To: Anita Marie Conkling
Subject: RE: E6 Development - proposed Zoning Change clarification

Hello,

There is a maximum building height of 45 feet within the proposed zone, the applicant is proposing 34.3 feet from average finish grade. If the development plan is approved by City Council, any future amendment to change building height would have to go back to City Council for approval and it would not be administrative. The alley is not being vacated with the proposal, there is an additional 8 feet proposed to widen the alley.



Gabe Sevigny
Planning Supervisor
Land Use Review Division
City of Colorado Springs
Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

Links:

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 *Please consider the environment before printing this e-mail.*

From: Anita Marie Conkling <megamoa@gmail.com>
Sent: Friday, October 18, 2024 10:31 AM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: Re: E6 Development - proposed Zoning Change clarification

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Thank you so much. My two biggest concerns is a "skyscraper" on the corner of Uintah and 21st, and a replat that would take away the alley.

Sincerely
Anita Conkling

On Fri, Oct 18, 2024 at 9:22 AM Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov> wrote:

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Property Address 2026 W UINTAH ST
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Anita Conkling

2008 W Uinrah St

(303) 507-6740

On Tue, May 28, 2024 at 7:50 AM Anita Marie Conkling <megamoa@gmail.com> wrote:

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My address is 2008 W Uintah St. Newly renovated.

(1) **Entrance and Exit locations** are a primary concern for the immediate neighbors - have these been identified on the Site Plan for the proposed development?

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- Utility poles are, currently, within 11 feet of my kitchen wall - Is there a plan to move or remove the existing utility poles that border the alley?
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water away from the foundation, but it would be quite insufficient if most of the rainwater isn't being absorbed by the open field or redirected with pipes.

- My house sits **4 feet below the grade** of the alley and the water from the roof(s) of the proposed development would pool directly against my foundation and upper kitchen wall if significant measures are not taken to redirect drainage.
- Retaining walls to the South of the proposed development (North of the alley) would greatly improve the potential for a successful drainage plan, as well as to create sufficient separation for private enjoyment of each residential area -- are there retaining walls / border walls planned for the proposed development?

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Please understand that I am not opposed to a development on this lot(s). It is a prime location and a residential development would help to relocate the homeless population that tend to overnight on the church grounds at 20th & Henderson. However, a large multi-unit development of 26 townhomes may have a far greater negative impact on the quiet enjoyment of the neighborhood for existing residents than one with fewer units. A smaller complex may also allow the developer to contain all the infrastructure within the lot lines of the property that he/she already own with little disruption to existing residences.

Thank you for your kind consideration and support.

Anita Conkling

2008 W Uintah St

(303) 507-6740

Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Friday, October 18, 2024 11:01 AM
To: Anita Marie Conkling
Subject: RE: Uintah Townhomes - PLEASE DENY ZONING CHANGE

Thank you for the email, it will be a part of public record and forwarded to Planning Commission and City Council at time of public hearing.



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Subject: Uintah Townhomes - PLEASE DENY ZONING CHANGE

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Record ID ZONE-24-0014 Record Type Zone Change
Record Name Uintah Townhomes - Zoning Map Amendment to R-Flex Medium
Record Description A zoning map amendment from R-2 (Two-Family) to R-Flex Med (R-Flex Medium Scale) consisting of 2.21 acres and a development plan consisting of 2.52 acres. If approved it would allow for the future development of a total of 26 units in 6 4-plexes and 1 dup

PUBLIC COMMENT: **PLEASE DENY THIS ZONING CHANGE REQUEST**

1. The request is made as if two lots are one, but a public alley runs between these lots. The current residents, residing along the alley, do NOT wish to vacate this alley for a replat into a single lot.
 - a. Each lot has a very different effect on the neighborhood. The lot along Uintah Street (2026 W Uintah St) should fit with the residential style and height of the other single-family homes that border the East and West of this lot.
 - b. The lot to the North of the public alley (known as 520 N 20th St) has many geological and severe drainage concerns that engineer's will consider, but the number of units should be limited to diminish damage and encroachment on the existing homes on the South side of the alley, most of which were built prior to an understanding of current safety guidelines for foundation and setbacks.

2. There is not enough demand for luxury townhomes in this neighborhood to increase the residential density above what is feasible to safely build for the size of these lots (regardless of the maximum code allowance); therefore, the change is unnecessary.
 - a. A multi-unit development, one block away, on 19th St is nearly completed and meets the need for providing low-income housing in the area.
3. We, the current homeowners, **DEPEND** on our City leaders to protect our properties by maintaining Zoning Regulations that preserve our home values. We **TRUST** that changes to existing regulations will be for the betterment of all, and not just one developer.
4. Maintaining the R-2 Zoning will ensure that the land can be developed and profitable to the developer without damaging the “neighborhood gentrification” that is currently happening with nearly every residence along Uintah Street. Front yard landscaping, Neighborhood Watch areas, and especially the improvements in the Thorndale Park and the very regular use by families, youth groups, and tennis / pickleball leagues are evidence of the safe and quiet enjoyment of the neighborhood that is furthered by promoting home “ownership and residency” in the area. The unforeseen consequences of allowing a *zoning map amendment from R-2 (Two-Family) to R-Flex Med (R-Flex Medium Scale)* will likely be devastating.

Thank you for your integrity, consideration, and kind support,
Anita Conkling
2008 W Uintah St, Colorado Springs CO 80904
(303) 507-6740

FYI:
*** *My house, originally built in 1955, sits on the alley and only 11 feet from the utility pole on the southern property line of 520 N 20th St. These are existing homes along the alley. You can see why we would fight vacation of the public alley between the 2 lots in question.*





Sevigny, Gabe G

From: Anita Marie Conkling <megamoa@gmail.com>
Sent: Friday, October 18, 2024 12:58 PM
To: Sevigny, Gabe G
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Oh that is good news. Thank you so much. However, I am still concerned about what will be built on the corner of Uintah & 21st. I couldn't find the plans online to see if that is proposed to be a 2-, 4-, or 6- plex building. Where it is placed, given the slope, is critical to the cohesive look of the street. All of these concerns can be considered as long as the properties remain separate. More developed plans can always be approved by Variance, but a blanket Zone Change sets a dangerous precedent that can destroy this street as a neighborhood.

Your kindness is greatly appreciated!
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From: Sevigny, Gabe G
Sent: Friday, October 18, 2024 1:25 PM
To: Kelly Hiller
Subject: Response to Neighbor Comments - Uintah Townhomes

Hello Kelly,

A response letter was received to the latest comments sent to the applicant. Let me know if you have any questions.



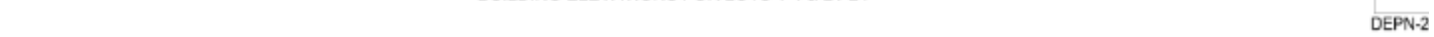
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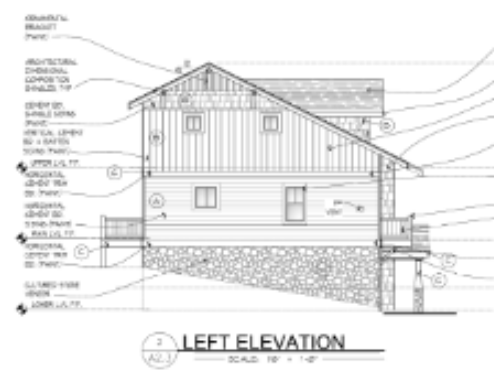
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Below is a screenshot of the development, it is only one small image to the development plan submittal. But to show you what it would look like at the corner. There are also some elevations for reference. Let me know if I can be of further assistance.





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(2) Property Information: Schedule Number 7411124206 District FBC

Property Address: 520 N TWENTIETH ST
Description: LOTS 1-16 INC, S2 VAC HENDERSON ST BLK 43 WEST COLO SPGS ADD NO 2 TOG W/ SLY
80 FT OF LOT 17 THRU 20 INC BLK 43 ADD 2 WEST COLO SPGS

My concern is that development of these two lots will affect the neighborhood in different ways and I would like to understand what the current zoning and development ordinances allow and what evidence the developer may have or need to request a significant change to the Residential R-2 status.

Thank you for your kind consideration.

Anita Conkling

2008 W Uinrah St

On Tue, May 28, 2024 at 7:50 AM Anita Marie Conkling <megamoa@gmail.com> wrote:

Dear Mr Sevigny,

Here are some important questions and concerns from the immediate neighbors to the proposed **Uintah Townhomes** development: I am one of the FIVE houses that will border the proposed development to the South.

My address is 2008 W Uintah St. Newly renovated.

(1) **Entrance and Exit locations** are a primary concern for the immediate neighbors - have these been identified on the Site Plan for the proposed development?

- Immediate neighbors are highly opposed to vacating the alley for private use for this proposed development or or increased traffic - Is there sufficient traffic access within the current lot lines and set-backs for the lot(s) without encroaching on the public alley?
- The lot(s) is narrow for traffic created by 26 townhomes and parking will be an issue if each unit is not built on top of a garage - Is garage parking under each unit planned? What is the plan for guest parking?

- Utility poles are, currently, within 11 feet of my kitchen wall - Is there a plan to move or remove the existing utility poles that border the alley?
- 3 of 5 houses use the alley to enter/exit their property due to safety challenges entering directly onto the single lane on Uintah, and the alley is the only handicap-accessible entry into my house (2008 W Uintah) - Is there consideration for paving or improving the alley?
- The alley is used daily by pedestrians and neighborhood children to reach the park without walking along Uintah St. Increased traffic in this small area would cause new safety concerns for residents - Are there any sidewalks planned to surround the proposed development?
- 21st St is not a Thru Street which will encourage traffic within the proposed complex to use the 20th St exits, which empties into a single lane on Uintah and right at a bus stop - has there been consideration to how local traffic will alternatively gain access to Uintah St from the proposed development?

(2.) **Drainage** is a big problem in this area (and my house is directly downhill from the proposed development). -- Is there a Drainage Plan for redirecting water around the houses along the alley to appropriate drains along 20th and 21st Streets?

- The open field absorbs much of the water, but we still have deep puddles directly behind my house after a rain and for many days after. I added roadbase behind my house to help direct the water away from the foundation, but it would be quite insufficient if most of the rainwater isn't being absorbed by the open field or redirected with pipes.
- My house sits **4 feet below the grade** of the alley and the water from the roof(s) of the proposed development would pool directly against my foundation and upper kitchen wall if significant measures are not taken to redirect drainage.
- Retaining walls to the South of the proposed development (North of the alley) would greatly improve the potential for a successful drainage plan, as well as to create sufficient separation for private enjoyment of each residential area -- are there retaining walls / border walls planned for the proposed development?

(3) **Residential Density** is a goal for new downtown residential development but not specifically for this neighborhood. The new Youth Housing facility under construction at 19th and Dale St will already have an impact on density for City services, buses, schools, traffic, etc. - Has there been a Feasibility Study conducted, with consideration of recent and approved developments in the neighborhood, to determine the impact of this proposed development?

- I believe a multi-unit residential development on this lot(s) was proposed in association with a separate project a year ago and many changes have occurred since that project was denied - has the developer conducted new research for how this version of the proposed project will impact the neighborhood?

Please understand that I am not opposed to a development on this lot(s). It is a prime location and a residential development would help to relocate the homeless population that tend to overnight on the church grounds at 20th & Henderson. However, a large multi-unit development of 26 townhomes may have a far greater negative impact on the quiet enjoyment of the neighborhood for existing residents than one with fewer units. A smaller complex may also allow the developer to contain all the infrastructure within the lot lines of the property that he/she already own with little disruption to existing residences.

Thank you for your kind consideration and support.

Anita Conkling

2008 W Uintah St

(303) 507-6740

Sevigny, Gabe G

From: Scott Hiller <scott.hiller@riptidegeo.com>
Sent: Friday, October 18, 2024 3:18 PM
To: Sevigny, Gabe G
Subject: Re: CGS Review Letter for Zone-24-0014

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Thanks, Gabe. I'll be in touch early next week about a time.

Have a great weekend.

On Oct 18, 2024, at 10:45 AM, Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov> wrote:

Hello Scott,
My Wednesday afternoon is open for a discussion on the below questions.

<image001.png>

Gabe Sevigny
Planning Supervisor
Land Use Review Division
City of Colorado Springs
Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

Links:

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 *Please consider the environment before printing this e-mail.*

From: Scott Hiller <scott.hiller@riptidegeo.com>
Sent: Thursday, October 17, 2024 5:02 PM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: Re: CGS Review Letter for Zone-24-0014

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Hi Gabe,

If Wednesday is more convenient that would work too. What about Wednesday afternoon?

I got a response from Joel and that was just what I was looking for, thank you.

A few (but not all) significant items are:

-Further clarification on Multifamily vs Single family attached, specifically in regard to landscaping requirements. Understood the city considers their proposed project MF because it is 26 units on 2 parcels. But, we at Mirrillion are already built. By the UDC Mirrillion must be SFA, right? We have separate lots, each lot is owned individually, and we are not multiple units on single lots. All divisions are vertical, so no condos. It seems very significant to state that the rear, northern, boundary of their site borders four (4) single family attached lots.

-What determines if a project is compliant with the Landscaping UDC? Is it regulatory, or are they suggestions?

-Their continued inaccuracies with their own proposed building heights. Even when referenced to average finished grade, the drawings contradict the project statement.

-Real ambiguity on the Alley dedication process and their claimed project boundaries. It seems they count the alley in the project site sometimes, sometimes not. I would like to understand what happens when someone dedicates land to the city for an alley. Is the city obligated to improve it? Is the city obligated to maintain and assume liability on the dedication as all other ROWs? There are very few details in the project statement.

-The Planning Commission process, especially as it relates to our ability to speak. This is not an appeal, and as I read it, there is no opportunity for appealing these decisions. So, what is the process for our comments, cases, pleads, etc. when we get to the PC?

Thank you for your continued assistance.

Best Regards,

Scott

On 2024-10-17 12:43, Sevigny, Gabe G wrote:

Hello Scott,

Next Tuesday is City Council so I am not sure what availability I would have. It would be later in the day if any. If you could provide what is needed as part of the discussion I may be able to assist prior to the meeting. If it is in regards to the geo-hazard study that would be with Joel as that report is submitted directly to Engineering. The file number is STM-REV24-0906 and according to Joel's last few comments is that it has been reviewed by him and CGS. Not sure who you would speaking to at that State Department, but I would wait for Joel to return and he can respond. I will also let him know that you are trying to reach him.

<image001.png>

Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

Links:

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 *Please consider the environment before printing this e-mail.*

From: Scott Hiller <scott.hiller@riptidegeo.com>
Sent: Thursday, October 17, 2024 11:20 AM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: CGS Review Letter for Zone-24-0014

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Zone-24-0014/DEPN-24-0111

Hi Gabe,

Are you available any time next Tuesday (October 22) for a meeting? Afternoon is better for me, but please let me know what times are convenient for you.

The latest submittal from the applicant says that their new geohazard report from 2024 was reviewed by CGS. I've reached out to Joel Dagnillo and the CGS to find out if there was a review letter issued for the Uintah townhomes zone change/ development plan. I have not had luck getting a response.

I was also unable to get the CGS to even confirm to me whether or not they had received it, or even knew what I was talking about. I have not heard back from Joel but I did get an out of office reply.

Do you know if the new geohazard report was submitted to the CGS for review and if so, can I get a copy of the review letter?

Or, when there is a CGS review letter will it be posted to accelera?

Best Regards,

Sevigny, Gabe G

From: Anita Marie Conkling <megamoa@gmail.com>
Sent: Friday, October 18, 2024 5:44 PM
To: Sevigny, Gabe G
Subject: Re: E6 Development - proposed Zoning Change clarification

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This is very helpful! Thank you. Is there more online? I will try to access again but I am very grateful for this drawing and will share with anxious neighbors.

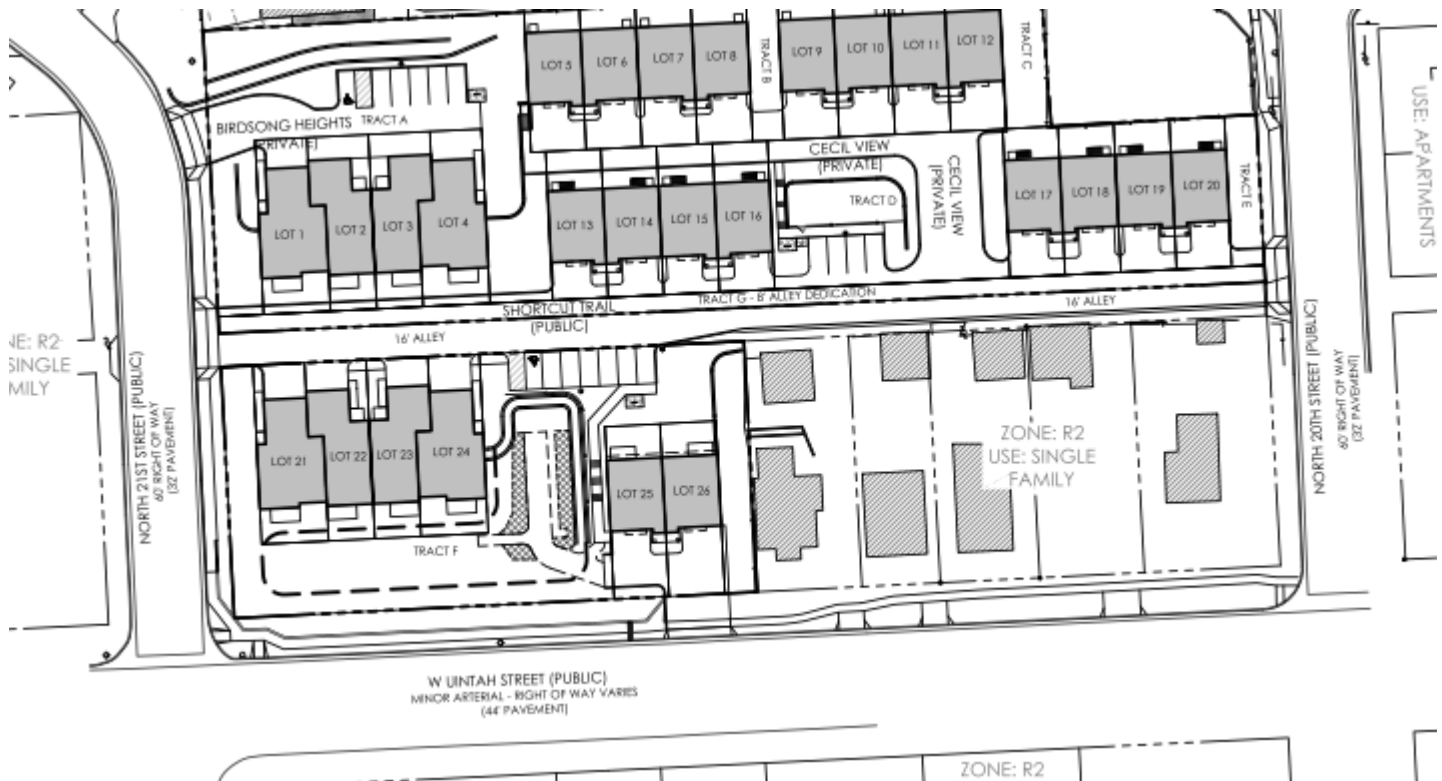
Have a nice weekend

Anita

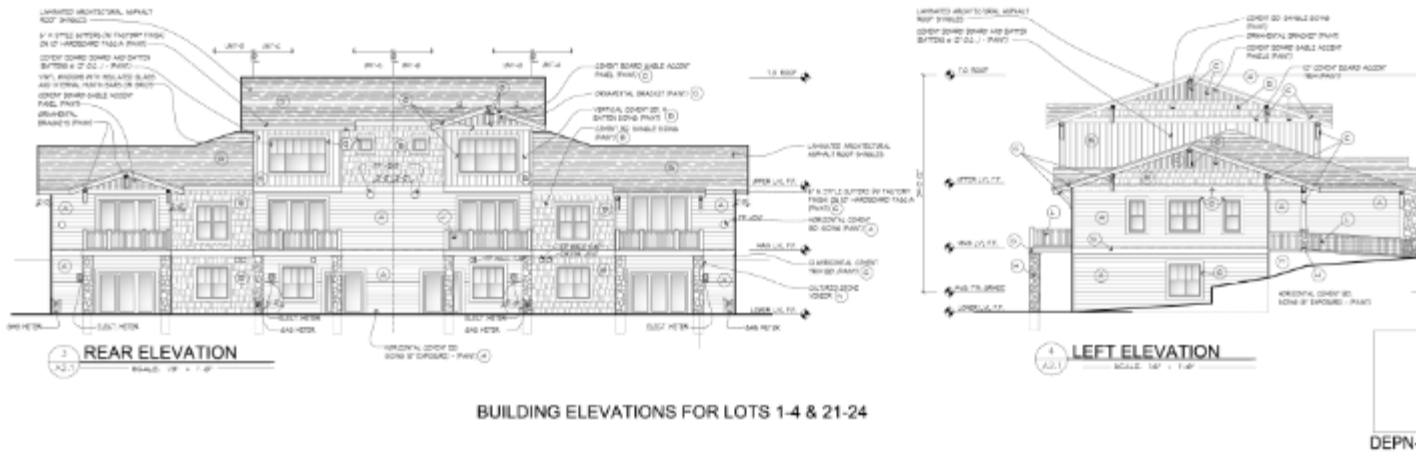
On Fri, Oct 18, 2024 at 12:39 PM Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov> wrote:

Hello,

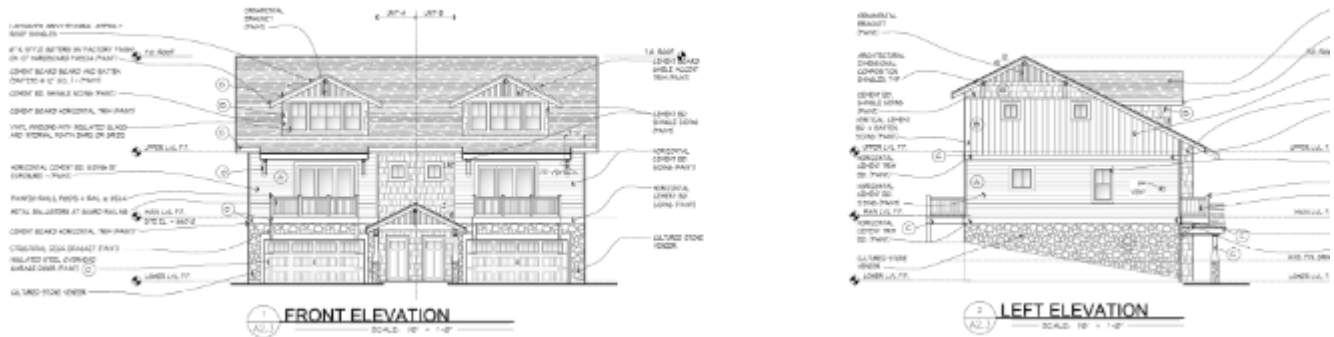
Below is a screenshot of the development, it is only one small image to the development plan submittal. But to show you what it would look like at the corner. There are also some elevations for reference. Let me know if I can be of further assistance.



Below is for the four-plex:



Below is for the Duplex:



Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

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 *Please consider the environment before printing this e-mail.*

From: Anita Marie Conkling <megamoa@gmail.com>
Sent: Friday, October 18, 2024 12:58 PM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: Re: E6 Development - proposed Zoning Change clarification

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Oh that is good news. Thank you so much. However, I am still concerned about what will be built on the corner of Uintah & 21st. I couldn't find the plans online to see if that is proposed to be a 2-, 4-, or 6- plex building. Where it is placed, given the slope, is critical to the cohesive look of the street. All of these concerns can be considered as long as the properties remain separate. More developed plans can always be approved by Variance, but a blanket Zone Change sets a dangerous precedent that can destroy this street as a neighborhood.

Your kindness is greatly appreciated!

Anita Conkling

On Fri, Oct 18, 2024 at 9:58 AM Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov> wrote:

Hello,

There is a maximum building height of 45 feet within the proposed zone, the applicant is proposing 34.3 feet from average finish grade. If the development plan is approved by City Council, any future amendment to change building height would have to go back to City Council for approval and it would not be administrative. The alley is not being vacated with the proposal, there is an additional 8 feet proposed to widen the alley.



Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

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 *Please consider the environment before printing this e-mail.*

From: Anita Marie Conkling <megamoa@gmail.com>

Sent: Friday, October 18, 2024 10:31 AM

To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>

Subject: Re: E6 Development - proposed Zoning Change clarification

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Thank you so much. My two biggest concerns is a "skyscraper" on the corner of Uintah and 21st, and a replat that would take away the alley.

Sincerely

Anita Conkling

On Fri, Oct 18, 2024 at 9:22 AM Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov> wrote:

Good Morning,

See responses highlighted below. Let me know if I can be of further assistance.

In an earlier discussion about this proposed project, you informed me that "the density if kept at 28 would meet the Westside plan, and therefore the applicant would have to express and show how the application meets the criteria of zone change in UDC." Can you elaborate on what area makes up the 28, please? The proposed unit count is 26 and the site is 2.22 acres that would have a density of 11.71 units per acre. The Westside Plan suggests that the area be Residential Medium Density at 5-16 dwelling units per acre.

It appears to be two separate lots: 2026 W Uintah St and 520 N Twentieth St. - these do not appear to be replatted into one lot and, I presume, must be considered as two two separate lots. Is this correct? This is correct, the legal description for the zone change shows the first lot, and then 'together with' for the other lot. If the application is approved, a future final plat to replat the configuration of the lot lines would be required.

(1) Property Information Schedule Number 7411124137 District FBC
Property Address 2026 W UINTAH ST
Description: LOTS 31-40 INC BLK 43 WEST COLO SPGS ADD NO 2

(2) Property Information: Schedule Number 7411124206 District FBC

Property Address: 520 N TWENTIETH ST
Description: LOTS 1-16 INC, S2 VAC HENDERSON ST BLK 43 WEST COLO SPGS ADD NO 2 TOG W/
SLY 80 FT OF LOT 17 THRU 20 INC BLK 43 ADD 2 WEST COLO SPGS

My concern is that development of these two lots will affect the neighborhood in different ways and I would like to understand what the current zoning and development ordinances allow and what evidence the developer may have or need to request a significant change to the Residential R-2 status. Current zoning could allow for single-family detached or duplexes, a single-family detached could have an additional dwelling unit. Since the lots are legally platted, we would not be able to prevent someone from building on each historically platted lot. With that, the density of the area could be 24 single family detached units with 24 additional dwelling units (one on each lot) having a total of 48 units. This could happen but there would also be issues with site constraints etc that would have to be fully vetted by the property owner if it were to be feasible.

Let me know if I can be of further assistance.



Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

Links:

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From: Anita Marie Conkling <megamoa@gmail.com>
Sent: Thursday, October 17, 2024 1:18 PM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: E6 Development - proposed Zoning Change clarification

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RE: ZONE 24-0014 / DEPN 24-0111

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2008 W Uinrah St

(303) 507-6740

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- Immediate neighbors are highly opposed to vacating the alley for private use for this proposed development or or increased traffic - Is there sufficient traffic access within the current lot lines and set-backs for the lot(s) without encroaching on the public alley?
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- I believe a multi-unit residential development on this lot(s) was proposed in association with a separate project a year ago and many changes have occurred since that project was denied - has the developer conducted new research for how this version of the proposed project will impact the neighborhood?

Please understand that I am not opposed to a development on this lot(s). It is a prime location and a residential development would help to relocate the homeless population that tend to overnight on the church grounds at 20th & Henderson. However, a large multi-unit development of 26 townhomes may have a far greater negative impact on the quiet enjoyment of the neighborhood for existing residents than one with fewer units. A smaller complex may also allow the developer to contain all the infrastructure within the lot lines of the property that he/she already own with little disruption to existing residences.

Thank you for your kind consideration and support.

Anita Conkling

2008 W Uintah St



(303) 507-6740

Sevigny, Gabe G

From: Javier Villarreal <laytonjavier@gmail.com>
Sent: Tuesday, October 22, 2024 12:25 AM
To: Sevigny, Gabe G
Subject: Uintah Townhomes Development Objections

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October 22, 2024
ZONE-24-0014 / DEPN-24-0111

Gabe Sevigny,

As a reminder, We are the applicant's five adjacent neighbors on his southern border. After the 3rd Submittal from the applicant, we wanted to write in to say that:

1. Our stance remains the same (We still OPPOSE the zone change and development plan)
2. We OBJECT to the "Alternative Landscape Adjustment Request" found on the Final Landscape Plan.
3. We are now confused by what we are seeing on the development plan concerning our currently- used alley. In the pre-application Neighborhood Meeting, the applicant said: "We're not gonna touch the alley" and "It will be maintained as an alley." Yet, the drawings show that the alley will be changed (not just improved). The drawings show that the alley is to be widened and changed into a car-centric road named Shortcut Trail. The alley runs behind our houses. All alleys do. They want to now use it for primary and front access for townhouses? Please have them explain how all of this "doesn't touch the alley". It looks like they want to change the alley into a street but they don't want to say so. It is concerning that a developer is trying to sneak this under the rug and has required normal citizens to take the time out of their day to catch a blatant violation of City code related to double frontage.

Thank you for your time and consideration.

Sincerely,

Javier Villarreal – 2018 W Uintah St
Herb Schroeder – 2016 W Uintah St
Amy Abbott – 2012 W Uinah St
Anita Conkling – 2008 W Uintah St
James Pesavento – 2004 W Uintah St

Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Tuesday, October 22, 2024 9:00 AM
To: Javier Villarreal
Subject: RE: Uintah Townhomes Development Objections

Thank you for the email, it will be a part of the public record and forwarded to the applicant. Please note that UDC does allow for access to an alley but would have to meet specific requirements for width for Fire Apparatus and other Engineering Criteria. In this case the applicant would be required to widen and construct and improve to City Standards in order to utilize. Let me know if you have any additional questions.



Gabe Sevigny
Planning Supervisor
Land Use Review Division
City of Colorado Springs
Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

Links:

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From: Javier Villarreal <laytonjavier@gmail.com>
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October 22, 2024
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Herb Schroeder – 2016 W Uintah St
Amy Abbott – 2012 W Uinah St
Anita Conkling – 2008 W Uintah St
James Pesavento – 2004 W Uintah St

Sevigny, Gabe G

From: Mirrillion THOA <mirrillion@gmail.com>
Sent: Tuesday, October 22, 2024 6:03 PM
To: Sevigny, Gabe G
Subject: ZONE-24-0014 / DEPN-24-0111 - Opinion Letter From Mirrillion THOA

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October 22, 2024^{11:11}
Gabe Sevigny , Colorado Springs City Planner
ZONE-24-0014 / DEPN-24-0111

Mr. Sevigny,

After the applicant's 3rd submittal, we wanted to reiterate the formal opinion of the Mirrillion Townhome Homeowners Association (THOA), with consent of all members of its board. We object to and oppose the rezoning request and corresponding development plan filed with the city as ZONE-24-0014 / DEPN-24-0111.

To date, the applicant has continued to ignore our concerns. The only difference between their submittals is that they have labeled things differently (green space, road names). They have not altered their plan in any way.

It is very concerning that they have not moved or eliminated the units on Lots #9-12 even though their own Geologic Hazard Report shows that they must in order to mitigate a certain hazard to our (Mirrillion) property. They have not even acknowledged that there is a problem. That is unacceptable. We would also like them to look at the area next to our parking lot/retaining wall/mailboxes because we suspect there are hazards yet to be discovered there as well.

We are also writing you today to formally object to the "Alternative Landscape Adjustment Request" that the applicant is seeking. In addition, we insist that the correct and legal landscaping buffer be added in between their northern and Mirrillion's southern boundary. Right now the applicant has no landscaping buffer there at all.

We wanted to remind the City and the applicant that if the plan were to be approved, 22% of our residents would be completely blocked from south facing sun. These homeowners would be subject to a serious degradation of quality of life including restricted airflow and dramatically reduced natural sunlight. They mostly only have windows on the southern side of their homes.

We also wanted to say that we oppose what the applicant wants to do with the public alley. The applicant wants to essentially convert a heavily used alley that our residents use to walk and bike (multiple times per day) into a car-centric road named Shortcut Trail. Right now, the alley is a safe, multi-modal alternative to Uinath Street with a direct path to Thorndale Park to the west and the Uintah Gardens shopping area a few blocks east. Approving this zone change and development plan would allow the applicant to change the alley's use from secondary access into vehicular primary access for twenty! of their units. Not only is this a threat to public safety, but it is not allowed by Code. Three frontage roads are provided on this Project Site so allowing the alley to be used for primary access is not permitted by Code 7.6.301.

Because the proposed zoning change and proposed development will have a detrimental effect on all of our homeowners and residents, we strongly still object. While some will be affected more than others, the proposed project will be detrimental to everyone's well-being, convenience, health, safety and general welfare.

We urge you to keep the current zoning intact and deny application ZONE-24-0014 and application DEPN-24-0111.

Thank you for the consideration of these facts as you weigh this decision.

Sincerely,

Mirrillion Townhome Owners' Association

1347 Mirrillion Heights^{SEP}
Colorado Springs, CO 80904

Sevigny, Gabe G

From: Jeff Langr <jeff@langrsoft.com>
Sent: Tuesday, October 22, 2024 6:15 PM
To: Sevigny, Gabe G
Cc: bucketlangr@yahoo.com; Scott Hiller; hillertexas@yahoo.com
Subject: Uintah Townhomes

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Hi Gabe,

We are immediate neighbors to the proposed rezoning and development plan known as "Uintah Townhomes," residing in the townhomes to the immediate north of the property in question.

Here is our response to the latest set of submissions. We don't note anything of real difference, so we gather the developer is just planning on pushing his agenda and ignoring any objections at this point.

We're not happy about having to continue to look at these documents, as well, to see what's been changed (only to find that very has changed). It seems like **there should be an easy way to note differences between submissions**, without having to wade through a significant pile of documents, but **there isn't**.

- We vehemently object to the "Alternative Landscape Adjustment Request" on the Final Landscape Plan. Administrative relief is unnecessary and unwarranted. Also: we live in a single-family attached home, and as such, a **type 2 buffer is required** between my property and the proposed development. **This plan should never be allowed to be built with the developer's insufficient proposed buffer.**

- The developer states in the application "[D]ue to the grade of the site, these buildings will sit at a much lower elevation than the existing townhomes to the North making them feel less prominent." It's still going to be a 32+ foot building that obscures most of our sunlight from the south (in our primary living space), which is a serious problem for us. It's still going to violate our expectations, established via the city of Colorado Springs, that our neighbor was limited to a lower height per the restrictions of R2 zoning. This was an expectation made in 2017 when we purchased our unit, that the zone wouldn't change unless there was a compelling municipal reason.

Approving a spot zoning to ensure a developer makes profit off their speculative investment isn't so compelling. It abuses the public trust--our trust--in the city. We understand the city's interest in infill, densification, and lower-cost housing, but to approve the building of market-priced housing that nominally increases density seems capricious. There are plenty of other available lots already zoned for that purpose. Why should this developer be given preferential treatment on this residential lot? What's to stop us from doing the same in fancier neighborhoods such as upper skyway, where the ex-mayor lives? Is rampant rezoning within long-standing, historic residential neighborhoods what the city wants for Colorado Springs?

A reminder: Material available (at least in 2022) on the city's own website says:

*"The buildings and their settings are a major part of the Westside's character and its uniqueness. Their richness and variety of its design make an important contribution to the quality of life in the neighborhood and in the city as a whole. In this respect **the Westside is an important cultural resource of Colorado Springs**. If destroyed, it will be gone forever. From this perspective, the buildings of the Westside can be seen as a **non-renewable resource** and appropriate care should be taken for their preservation."* -- **The Westside**, by Deborah Edge Abele:

Large lots are also part of the intentional diversity in Old Colorado City: Just as we have well-to-do voters living aside voters with modest means, we also have tiny lots next to large lots. There aren't many large lots, however. Having respite throughout OCC for wildlife, and having economic / physical diversity, are part of the history and charm of OCC. The large lots will likely quickly disappear permanently if this spot zoning is approved as a poor precedent for the future shaping of OCC. They too are a "non-renewable resource."

- **There are risks to our townhomes due to the excavation process.** Those risks, identified in the most recent Geohazard report, were **not addressed or mitigated**. There is a definite potential that excavation will destabilize my home.

The developer would need to eliminate the units on lots 9 through 12 (or potentially move them, significantly farther away) in order to allay our concerns.

Approving this rezoning would ignore the potential geological risks, which could be considered negligent. That would open the city to being liable for approving this rezone + development project. Negligence provides an exception to the city's presumed sovereign immunity. The negligence would be **exacerbated if the city chooses to ignore its own development rules by allowing development with an insufficient buffer**, as proposed here--i.e. closer to our foundation. The developer, in any case, would absolutely be potentially liable. If approved, we will be contacting an engineering firm prior to the outset of development to assess current state.

We found this quote on the city's site two years ago when this rezoning attempt began: "No part of the proposed Zone Change will be **detrimental to the public interest, health, safety, convenience or general welfare**." We've already entered our comments on why this zone change and development project will be detrimental on all fronts. The developer's generic letter to his neighbors demonstrated near-complete lack of concern for the impact on us. A zoning approval for this developer indicates that the city's statement about public interests have no weight whatsoever.

We remain 100% opposed to the rezoning, and strongly suggest that the developer build within the zone he purchased.

Jeff and Kathleen Langr
1355 Mirrillion Hts

Sevigny, Gabe G

From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Friday, October 25, 2024 10:52 AM
To: Sevigny, Gabe G
Subject: Response to Submittal 3 - Kelly Hiller
Attachments: Response to Submittal 3 - Kelly Hiller - Oct 2024.pdf

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Good morning, Gabe.

Attached is my response to the applicant's 3rd Submittal. It is titled "Response to Submittal 3 - Kelly Hiller - Oct 2024" and is 3 pages long.

Thank you. Have a great weekend!

Kelly

Sevigny, Gabe G

From: Scott Hiller <scott.hiller@riptidegeo.com>
Sent: Friday, October 25, 2024 11:03 AM
To: Sevigny, Gabe G
Subject: Fwd: Post Pre-Application Meeting Comments 6/3/24 from Scott Hiller

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Hi Gabe,

Below is the letter I sent regarding the Pre-Application meeting back in June. There wasn't an application to reference at the time so it probably just got lost in that shuffle. I'm sending again to make sure it gets included in the comments for the actual applications Zone-24-0014 and DEPN-24-0111.

Best Regards,

Scott

----- Original Message -----

Subject:Post Pre-Application Meeting Comments 6/3/24 from Scott Hiller

Date:2024-06-03 18:40

From:Scott Hiller <scott.hiller@riptidegeo.com>

To:"Sevigny, Gabe G" <Gabe.Sevigny@coloradosprings.gov>

Post Pre-Application Meeting Comments 6/3/24
Parcel #7411124137 (2026 W Uintah St) Parcel Size: .69 acre
Parcel #7411124206 (527 N Twenty First St) Parcel Size: 1.52 acres
Previous applications in relation to these parcels with the current applicant:
CPC ZC 22-00117, CPC CP 22-00118, SUBD 23-0018

Gabe Sevigny,

After the "pre-application meeting" held on May 29, 2024, I wanted to be sure to put in writing some of the things that happened and were said.

The Alley's Future

The applicant's consultant (Andrea Barlow) said the following:

"It will be maintained as an alley."

"We are not going to vacate the right-of-way in between our two parcels. We heard you."

"We're not gonna touch the alley."

"It will be a public alley."

Well, I saw the applicant's drawings at the meeting. I don't know what crazy hybrid streetalley the applicant's consultant thinks they can create, but in this town there are streets and there are alleys. Each has different

requirements and limitations. An alley is a type of "minor street" that only provides secondary access by definition (7.6.301). And, for the purpose of subdivision standards, an alley is not a street (7.6.301).

They cannot use/count an alley as frontage/primary access for their units. It would have to actually be a street. Yet, the drawing they presented at the meeting showed about half of their units as having the alley provide primary access. That is not permitted (7.6.301).

Some of the applicant's proposed units would have no front lot line. That is not permitted. (7.6.301)

Their development drawing shown at the meeting revealed a new alley that did not match the alleys in the adjacent blocks. That is not permitted (7.4.403 B.2).

The applicant's proposal would create "double frontage lots" out of the five pre-existing single-family houses that are on the alley. The applicant does not own the land on both sides of the alley he is eyeballing. The applicant proposes creating double frontage lots for other homeowners who are not asking for them. In fact, those homeowners are in united opposition to any modification of the pre-existing and used alley. And regardless, double frontage lots are not permitted except for corner lots (7.4.302 E.4.).

An alley is designed to provide access to abutting property at rear lot lines. That is its' Function. The Access Conditions of an alley are that it is to provide access to abutting properties at the rear of lots. The drawing shown at the 5/29/24 meeting showed the alley providing front access to many units. That is not permitted (Traffic Criteria Manual -page 37).

There is no getting around the fact that our alley would need to become an actual street, not "maintained as an alley" to accommodate their proposal and even then, may not be legal. And in my opinion, turning that alley into a street and making the adjacent single-family homes double frontage lots would blow up the established grid system in the neighborhood. And, that would be the antithesis to good city planning.

They Don't "Need" A Zone Change – So Says Them

According to both the applicant's consultant (Andrea Barlow) and his engineer, they absolutely do not need a zone change to develop this site. The consultant said so multiple times. She even said: "And if we can't get the zone change, we are ready to go in R-2".

At the 5/29/24 meeting, the following was said:

"We can do it in an R-2." -consultant

"We could do this with R-2." -consultant

"We need the zone change. We can't do it in R-2" -engineer

"But she just said you could" -citizen

"Ok, we could do it (in an R-2) but it would be more expensive." – engineer

"Thank you. So it is just about money. You can do it in your current zone, but it is too expensive." -citizen

"You kept saying that you could do it in your zone, you just don't want to for financial reasons" -citizen

The applicant's consultant was crystal clear: their proposal is cheaper in the R-Flex zone and more expensive in the current R-2 zone. The reason for the request for a zone change is for financial reasons only. Both the consultant and the engineer admitted it.

So The Applicant Never Wanted Apartments?

The applicant told a very strange story at the 5/29/24 meeting. The story was that he never really wanted apartments at all! Even back then, he knew "we would hate it". It was all because his partner, Steve Shuttleworth, made him do it. Now, Steve's name was not on the application, mind you. Rene Mondejar's name was. So, Rene would have us believe that he put in an application for something he really didn't want? He fought tooth and nail to try and get this thing he didn't want? He said on 5/29/24 that it was "such a bad idea" last time. But, at the time, he told the city and us that he not only wanted, but needed those apartments. Is he claiming now that he was being forced to say those things by Steve? Is he in the habit of putting in applications and justifications that are for things he really doesn't want and knows are bad ideas?

They Don't Get to Rewrite History

The applicant and his consultant presented an incorrect timeline of what happened when it comes to the applicant's last attempt at rezoning his 2 parcels. They made it seem like the applicant put in an application for a rezone to R-5/Concept Plan for apartments. Then, he was so moved by the letters and feedback from the neighbors, that the applicant (in his benevolence) told his partner "No, we cannot do this. I am pulling the application." And now he is back doing us a favor. He is cutting the density from his fantasy number in half! The 56 apartments he never had is now cut down to 26 units. We should be thankful, you see. Because he is now asking for a smaller number of things: fewer things he is not permitted for.

Well, that is not how things happened. This applicant fought tooth and nail, both officially and behind-the-scenes to force the original zone change application through. They refused to engage with the neighbors, even when asked to by City Staff. When they submitted their second submittal during Review Cycle 2 (yes, they had more than one), it was no different than their first one. Back then, they even claimed that they had to have the rezone (to R-5) to accommodate apartments or they just couldn't make the money work (Just like they said at the 5/29/24 meeting about R-Flex Medium). Nope, couldn't do it without a zone change to R-5 they said.

Last time, City Staff said: *"Planning staff at this time does not support the application as proposed. The applicant may move forward with this application with a recommendation of denial to Planning Commission, after all pending comments have been addressed, or the applicant can make changes to the proposal in order to be more consistent with the recommendations of the Westside Plan and re-submit for a subsequent review."*

That is the point when the applicant decided to withdraw his application. When presented with the choice of going forward with a "DENIAL" or changing his proposal, the applicant chose to withdraw. That would have been a good opportunity to tell us they heard us and resubmit with less density and height at that time. But that is not what happened. In fact, the letter that accompanied the applicant's withdraw request mentioned nothing about the fanciful story that was told at the most recent pre-application meeting. So I do not appreciate the applicant's new consultant attempting to rewrite history. We were all there but her.

Lies and Misrepresentations Are Not OK

I would hope that the applicant's consultant realizes that when an actual application is turned in, the applicant (or their representative) must attest to the following: *"I am fully aware that any misrepresentation of any information on this application may be grounds for denial of this application."*

The neighbors and myself do not appreciate the tactics employed by the consultant at the 5/29/24 meeting. And, while she is free to lie and mislead in a pre-application meeting, any lie or misrepresentation made on the actual application will be reported as grounds for a request for denial of the application.

The Alley Obstruction

Finally, I want to memorialize the fact that I told the applicant once again in the 5/29/24 meeting that he is still obstructing the alley (in violation of City Code 9.6.304 (c)). His landscaping rocks, bushes, and trees are still there. I have reported this issue to the police and told the applicant many times to rectify the situation. As of today, he has not done so and is seemingly ignoring the issue all together.

Thank you for your time. Please hold onto this letter so that it can be added to the legislative record if the applicant submits his proposal.

Scott Hiller

The applicant has still not answered all of my original questions nor acknowledged my concerns from the first round. The applicant's revised letter to the neighbors is insufficient just like their original letter to the neighbors was insufficient.

Most concerning for me is that the applicant's 2024 Geohazard Study has provided evidence that excavation for Lots 9-12 on the Development Plan would destabilize my home in 100% of the modeled scenarios. That is a direct threat to my safety, interest, health, and welfare. The applicant has refused to acknowledge this fact and the Plan has not mitigated the danger. Avoidance is a type of mitigation.

With that being said, the following document is a supplement to address some compliance issues with the Development Plan. It does not reflect a comprehensive list of my concerns with the application as a whole.

Finally, before beginning, I wanted to remind you about City Code 7.1.107: CONFLICTING PROVISIONS that says "*If two (2) or more of the regulations in this UDC conflict with each other, or conflict with other applicable laws or regulations of the City, or conflict with applicable state or federal law, **the stricter provision shall apply***".

Thank you for your time.

DEVELOPMENT PLAN and PROJECT STATEMENT – MISMATCH

Height of Buildings

In the Project Statement, the applicant says "*The buildings are proposed to be 3 stories and 32' in height.*" And "*The maximum height of the structures is 32'.*" And "*the proposed townhome buildings will have a maximum height of 32'.*" But, the drawings on sheet 8 of the development plan show that 8 of the 26 units are over 34 feet tall. And the cover sheet of the development plan shows the proposed height is 34.3'.

Track G

The drawings contradict the Project Statement concerning Track G. The applicant must elaborate and explain Track G. The drawings show Track G as a "dedication". But, the Project Statement doesn't even mention this dedication at all nor does the document ask to dedicate anything. The word "dedicate" or "dedication" are not found in the Project Statement. The Project Statement talks about Track G as "*platting an additional 10' tract intended for improvements that will widen the alley.*" Note: If the applicant wants Track G to be a dedication, the City would be put in the position where it would have to violate Code 7.4.403 B.2. That is not permitted. The City may deny acceptance of this dedication. Regardless, the applicant must explicitly describe their intentions and requests concerning Track G.

New Roads

In the Project Statement, the applicant says: "*There are no new roads proposed with this development.*" The drawings show that the applicant is proposing to add 3 new roads: (1) Cecil View, (2) Birdsong Heights, and (3) Shortcut Trail.

Administrative Relief

In the Project Statement, the applicant says: "*No variances or relief requests are being sought with this development plan*". The drawings show that the applicant is asking for an "Alternative Landscape Adjustment" (which I object to).

SUBDIVISION STANDARDS (7.4.3) – NOT COMPLIANT

Plan is NOT COMPLIANT with 7.4.302 E.4: “Double frontage lots, other than corner lots, are not permitted”. The development plan depicts many double frontage lots and even some triple-frontage lots

Plan is NOT COMPLIANT with 7.4.3 / 7.6.301: “For the purpose of Part 7.4.3 (Subdivision Standards), an alley is not considered to be a street or a fire apparatus access road.” The development plan uses an alley for subdivision.

EMERGENCY/FIRE PROTECTION ACCESS – NOT COMPLIANT

There is neither adequate nor legal emergency access on the Development Plan. Their exhibit shows that a fire truck cannot get to several of the lots. When I asked the applicant how a truck ladder would get to Lot 7 if needed, they responded by telling me that fire hoses are really long. So, the answer is that a truck ladder cannot get to Lot 7 (among others). That is alarming. We all know that fire trucks are used in Colorado Springs for emergencies other than fire emergencies.

Plan is NOT COMPLIANT with 7.4.3 / 7.6.301: “For the purpose of Part 7.4.3 (Subdivision Standards), an alley is not considered to be a street or a fire apparatus access road.” The development plan uses an alley as a fire apparatus access road.

ACCESS AND CONNECTIVITY (7.4.4) – NOT COMPLIANT

Plan is NOT COMPLIANT with 7.4.403 B.2: The Development Plan envisions widening the alley as to not match the other alleys on adjacent blocks. That is not permitted.

LANDSCAPING AND GREENSPACE (7.4.9) – NOT COMPLIANT

Plan is NOT COMPLIANT with 7.4.908 B.1.a(1) / 7.6.301: 10% active green space requirements are not met. A detention basin does not count as active green space.

Plan is NOT COMPLIANT with 7.4.906: Property Edge Landscape Buffer requirements are not met in the Development Plan on the northern and southern boundaries.

Objection to Alternative Landscape Adjustment Request: I OBJECT to the “Alternative Landscape Adjustment Request” found on the Final Landscape Plan. The City should require the applicant to meet minimum landscape requirements for all required landscape buffers. They are fully capable of meeting the minimum landscape buffer requirements. Landscaping can certainly be accommodated. They simply must move or eliminate units.

House Miscount: The applicant said “*Aside from the renovated home at 2008 W Uintah Street, the other 2 single-family homes adjacent to this property line have existing outbuildings that provide a buffer along the alley.*” The applicant has undercounted the adjacent single-family homes on the southern boundary. Please correct.

PURPOSE OF THE UDC (7.1.1) - NOT COMPLIANT

Plan is NOT COMPLIANT with 7.1.103 B: “The purpose of this UDC is to Protect private property from adjacent nuisances such as incompatible uses and noise.” As depicted, Lots 9-12 would block all natural light and constrain air-flow to the adjacent private properties. We know the nuisance is incompatible because it is currently not permitted.

CECIL VIEW – NOT LEGAL

As depicted, Cecil View doesn't look like a legal private street for Lots 5-8. Per 7.6.301, *"A private street may be identified as a tract or access easement. If shown as an easement on a lot, the private street area may not be used to satisfy any minimum lot area requirements of the UDC."* The applicant must clarify.

SHORTCUT TRAIL (ALLEY) – ALLEY USE AND VISION IS NOT COMPLIANT

The applicant is proposing to use an alley for things that alleys are not permitted for. The Development Plan is depicting it as being used for frontage and front/primary access for units, widening it as to not match adjacent alleys, using it for fire apparatus access, and naming it Shortcut Trail.

Alley would NOT BE COMPLIANT with Traffic Criteria Manual Page 37: *"An alley is designed to provide access to abutting property at rear lot lines. That is its' Function. The Access Conditions of an alley are that it is to provide access to abutting properties at the rear of lots."*

Alley would NOT BE COMPLIANT with 7.4.3 / 7.6.301: *"For the purpose of Part 7.4.3 (Subdivision Standards), an alley is not considered to be a street or a fire apparatus access road."* The development plan uses an alley as a fire apparatus access road.

Alley would NOT BE COMPLIANT with City Code 7.4.403 B.2: *"The street system shall be designed to align with and continue existing or proposed streets in adjacent lands, where the adjoining lands are developed and have rights-of-way dedicated or reserved for such connections, or where proposed roads to the adjacent lands are included on a Land Use Plan, the Colorado Springs Comprehensive Plan, or another plan approved by City Council. All such streets shall be of equal width in right-of-way and in street section with the existing or planned streets on the adjacent lands with which they align."*

The development plan envisions widening the alley as to not match adjacent alleys. The existing alley is currently of equal width in right-of-way matching the adjacent alleys.

Furthermore, per 7.4.304 H.5.d: *"the public street names Court, Place, Circle, Way, Terrace, Lane, Loop, Trail, or Path: Shall be reserved for streets with no continuity."* The naming of the alley to Shortcut Trail reinforces that development plan would change an alley that currently has continuity with adjacent alleys and change it into a street with no continuity (Shortcut Trail).

Pre-Application Meeting 5/29/24
Parcel #7411124137 (2026 W Uintah St) Parcel Size: .69 acre
Parcel #7411124206 (527 N Twenty First St) Parcel Size: 1.52 acres
These two parcels are non-contiguous.
Previous applications in relation to these parcels with the current applicant:
CPC ZC 22-00117, CPC CP 22-00118, SUBD 23-0018

Gabe Sevigny,

I will be brief since there is no submitted application at this point in time. I would oppose any request for a zone change. I also oppose any request that would alter or vacate the (16' wide) well-used public right-of-way that is part of our already zoned and gridded Block. They have already tried to take the alley from the neighbors (by force) in the past. These guys have done nothing but lie and misrepresent the facts to the City since they bought these two R2 parcels (off market) in 2022. They have never met the criteria for a zone change or alley vacation and, in my opinion, have not demonstrated that they should be given any special treatment or administrative relief either. They purchased these parcels with the full knowledge of what their permitted use was.

As a reminder, here are just a few lies/misrepresentations that came from the applicant last time:

- * *"The vacation (of the public right-of-way) disposes of an unused city right-of-way."* (lie)
- * *"The right-of-way is not a proper thoroughfare for pedestrians or bicyclists."* (lie)
- * *"Said alley has access to 20th street on the east and terminates at a dead end in the middle of the block."* (lie)
- * *"The terrain and topographic conditions coupled with the available access provisions for the site are not conducive to single family or duplex development."* (lie)

I will have more comments when an actual application is submitted. My overall opinion on the matter is that it is not unreasonable to insist that the applicant build within the zone they are already in. They bought R2 land. They paid R2 prices for it. If they wanted to build apartments or townhouses, they should have bought land that was zoned for it. It is also reasonable to insist that they keep their hands off of the alley. That is not their land to rezone, count towards their square footage, or do anything else with.

Thank you for your time,

Kelly Hiller

P.S. To the applicant: You are still illegally encroaching on the public right-of-way that runs in between your two parcels. Your landscaping rocks, bushes, and trees are still there. We have told you multiple times to clear it out and you have not done so. You are still in violation of City Code 9.6.304 (c). That alley is 16' wide all the way from east to west. And once again, I am asking you to remedy this situation.

SUN MOUNTAIN TOWNHOMES ZONE CHANGE

RESPONSE TO NEIGHBOR COMMENTS – 3RD SUBMITTAL

AUGUST 2024; REVISED OCTOBER 2024

City Planning staff provided a compiled list of all the written correspondence related to the Sun Mountain Townhomes Zone Change and Development Plan. This list includes written comments from 14 unique households and 1 HOA. The primary concerns raised in the comments are related to the following topics:

- Westside Plan
- Traffic
- Double Frontage
- Alley Access
- Historic Character and Building Height
- Geologic Hazards
- Administrative Relief
- Special Treatment Rezoning

Many of the above-mentioned topics were addressed at the neighborhood meeting that was held on May 29, 2024, prior to the first submittal of the Development Plan and Rezone requests. This meeting had approximately 23 attendees representing 20 unique households. As covered by many of the topics above, concerns raised at this meeting included the prospect of the existing alley turning into a through road, desire for a guarantee that the proposed development represents what will actually be built, concerns over the development potential of R-flex Medium versus what is already allowed in R-2, and desire for more information on the city approval process. A response to the primary concerns raised at the meeting have been addressed in the responses below or in the project statement.

WESTSIDE PLAN

As described in the project statement, the project does comply with the Westside Plan. The site is within both the 'Medium Density Residential (5-16 du/acre)' and the 'Residential/Office' land use types. Each of these land use types allow for medium density residential uses and recommend that new projects be evaluated for compatibility with the surrounding uses through site plan review. The Sun Mountain Townhomes project sits well within the intended density at 11.7 du/acre, limits the bulk and scale of the buildings, and provides adequate setbacks. The Development Plan that was submitted with the zone change request demonstrates that the site is compatible with the surrounding area and guarantees transparency of outcome for neighbors and decision-making bodies. Additional details in the 'Residential/Office' land use category describes this land use category as follows, "Primarily considered as a transition between commercial and low-density residential, the residential/office zone is only found on the Generalized Land Use Map along a short portion of Uintah." This segment of Residential/Office described along Uintah coincides with the portion of the development south of the alley. Additionally, the Medium-Density land use category describes the intent of this category as, "Selection of this site is based on the concept of providing areas of medium density development close to downtown and alternative housing types for future Westside residents." The portion of the project site north of the alley is within with medium-density residential land use category. The site was intentionally designated

as a location where transitional uses and densities should be expected in the long term. The project also complies with the recommendations of these two land use categories which in summary recommend that the maximum height for the site should be 35', a density range of 5-16 du/acre is permitted, any residential product type would be permitted, and site plan review to ensure compatibility with surrounding residential uses should be required. This project fully complies with these recommendations.

TRAFFIC

A Traffic study was conducted and is submitted as part of the development applications. The study estimates that there will be a total of 187 trips per day with 12 total trips during the morning peak hour and 15 total trips during the afternoon peak hour. This equates to about 1 trip every 5 minutes in the morning and 1 trip for every 4 minutes in the afternoon peak hour dispersed among 4 different access points. The busiest anticipated turning movement is a right-turn to exit the site from the alley onto N 20th St. This movement is expected to occur 4 times during the morning peak hour and 3 in the afternoon peak hour. The traffic generated by this development will have a minimal impact on existing conditions.

DOUBLE FRONTAGE

The city has accepted that the existing alley will remain an alley. Improvements to the alley will be required by the developer which will include paving the alley to meet city engineering standards which will improve drainage conditions and vehicular access. Double frontage lots will not be created with this project because the alley will not become a street. The City's subdivision code states that the intent is to promote design flexibility, ensures safe and effective emergency response, and provides for adequate vehicular access to all adjacent properties. City Traffic Engineering, Engineering Development Review, Fire, and Planning have all reviewed the proposed access for compliance with the respective codes and policies and provided no objections to this design. Further, when a property cannot meet every standard of access, City engineering staff may designate access points based on traffic safety, operational needs, economic development, and conformance to as many of these standards as possible. Access from an alley is not strictly prohibited by any City codes or policies.

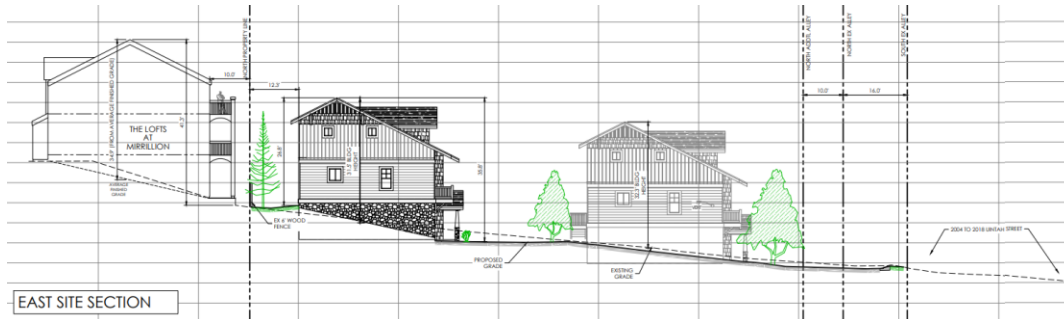
ALLEY ACCESS

The alley will provide necessary access to the lots in this development which was removed when Henderson Street was vacated. While Henderson Street was never constructed, the right-of-way vacation eliminated the potential for direct road access to 19 platted, R-2 lots. While alleys are not typically intended for primary access, there are provisions in the code that allow for it to be primary access when adjacent to arterial roads such as Uintah Street.

HISTORIC CHARACTER AND BUILDING HEIGHT

The proposed architectural style and materials are intended to match the character, bulk, and scale of the surrounding neighborhood. Building materials include stone, cement siding, and shingles. The maximum height of the structures is 32' with some variation in rooflines. At approximately 32' in height, the proposed townhomes are shorter than the existing townhomes north of the project which sit at the approximately 41' tall. The proposed townhomes sit at a lower grade than the townhomes to the north making them appear less imposing. Other buildings in the area are similar in height such as the apartments directly east that are 2-3 stories in height and built into the slope. R-2 allows a maximum height of 35' which is greater than what is proposed for this project. As shown in the update cross

section exhibit below, the Mirrillion Heights townhomes to the north are 34'11", measured from average finished grade to the peak of the roof, as is required by the UDC. The proposed Sun Mountain Townhomes are approximately 31'4" measured in the same manner.



GEOLOGIC HAZARDS

A geological hazard study was submitted with the previous concept plan and zone change requests. Colorado Geological Survey (CGS) did not have any objections to the previous applications but provided comments and suggestions to ensure sound construction of the proposed buildings. The Geological Hazard Report submitted with the current applications addresses the previous comments from CGS and includes a new report based on the new layout. The proposed project aims to minimize the number and height of necessary retaining walls and to integrate the buildings into the existing grade to minimize land disturbance throughout the process. **CGS has reviewed the new report and provided comments back to the applicant. The applicant has since reviewed the comments from CGS and provided a response. The report concludes that development of the site is possible if mitigation and engineering techniques are employed to address the site constraints.**

ADMINISTRATIVE RELIEF

An Alternative Landscape Adjustment is requested for the landscape requirements along the South property line adjacent to the alley. The request is to allow a 0' buffer where 15' is required. More than 15' from this property line to the buildings has been maintained however, landscaping cannot be accommodated as the alley is intended to provide access to the new residences and guest parking stalls. Additional trees and shrubs have been provided throughout the site to compensate for lack of buffering in this area.

SPECIAL TREATMENT REZONING

City code defines the purpose of the rezoning applications as, *"to establish standards and provide a mechanism for the City to review and decide on an application to rezone property within the City's jurisdiction, where the City has determined that rezoning of those areas is appropriate."* Any rezone request must be reviewed against the rezone review criteria. An analysis of how these criteria have been met was provided in the project statement. Additionally, rezone requests typically require either a Land Use Plan or Development Plan to accompany the request. This request includes a Development Plan, the more specific document of the two, to ensure transparency of outcome for the neighbors and the decision-making bodies. Any major changes to the Development Plan will need to be reviewed and approved by City Council.

\\nes02\projects\l&s development\21st street townhomes\admin\submittals\l& dp\2nd submittal\sun mountain townhomes - response to neighbors.docx

Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Friday, November 15, 2024 1:54 PM
Subject: Uintah Townhomes

Hello,

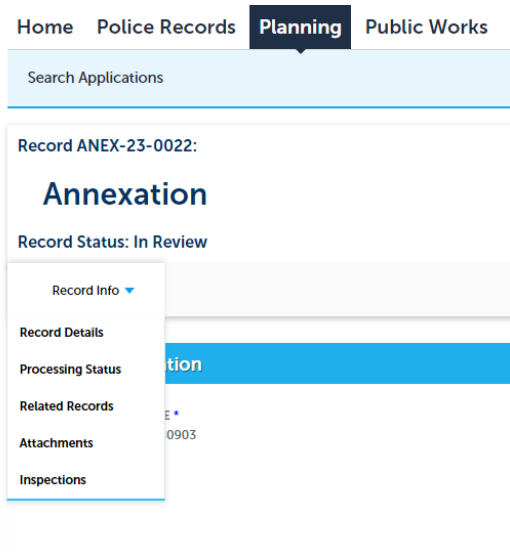
As a neighbor that has previously provided comments for this project, this email is to let you know that another submittal has been made. It is currently under review with a deadline for staff's comment letter of November 27, 2024.

You can review the project at this link, <https://aca-prod.accela.com/COSPRINGS/Cap/CapHome.aspx?module=Planning&TabName=Home>.

You can search by using the following project numbers:

- ZONE-24-0014
- DEPN-24-0111

When you enter the project number in the 'Record' search box, the next screen will have a drop down arrow for 'Record Info'. Click on the 'Attachments' tab to review documents (see below).



If you have additional comments you can send to me, they will still be a part of the public record and forwarded to the applicant for them to review and address or acknowledge.



Gabe Sevigny
Planning Supervisor
Land Use Review Division
City of Colorado Springs
Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

Links:

[Planning & Community Development Home](#)

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Sevigny, Gabe G

From: Sherwyn Morreale <smorreal@uccs.edu>
Sent: Friday, November 15, 2024 4:13 PM
To: Sevigny, Gabe G
Subject: Re: [EXTERNAL] Uintah Townhomes

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!

Hi Gabe and thanks for the message about this project. Is it possible for you to send me a direct link to the attachments that only requires entering one piece of information; I logged onto the link and wasn't sure where to put the zone number or the DEPN number nor did I know type of project, etc. In order to facilitate providing feedback, ease of access would be greatly appreciated. I understand if not possible. With appreciation,
Dr. Sherwyn Morreale

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From: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Sent: Friday, November 15, 2024 1:54:15 PM
Subject: [EXTERNAL] Uintah Townhomes

Hello,

As a neighbor that has previously provided comments for this project, this email is to let you know that another submittal has been made. It is currently under review with a deadline for staff's comment letter of November 27, 2024. You can review the project at this link, <https://aca-prod.accela.com/COSPRINGS/Cap/CapHome.aspx?module=Planning&TabName=Home>.

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When you enter the project number in the 'Record' search box, the next screen will have a drop down arrow for 'Record Info'. Click on the 'Attachments' tab to review documents (see below).

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Record ANEX-23-0022:

Annexation

Record Status: In Review

Record Info ▾

Record Details

Processing Status

Related Records

Attachments

Inspections

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If you have additional comments you can send to me, they will still be a part of the public record and forwarded to the applicant for them to review and address or acknowledge.



Gabe Sevigny
Planning Supervisor
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 Office: (719) 385-5088
 Email: Gabe.Sevigny@coloradosprings.gov

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 Please consider the environment before printing this e-mail.

Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Monday, November 18, 2024 9:25 AM
To: Sherwyn Morreale
Subject: RE: [EXTERNAL] Uintah Townhomes

Hello,

We can try to see if this link works, <https://aca-prod.accela.com/COSPRINGS/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=REC24&capID2=00000&capID3=0024G&agencyCode=COSPRINGS&IsToShowInspection=>. If not then unfortunately you will need to follow the process outline below. Let me know if I can be of further assistance.



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Links:

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From: Sherwyn Morreale <smorreal@uccs.edu>
Sent: Friday, November 15, 2024 4:13 PM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: Re: [EXTERNAL] Uintah Townhomes

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Dr. Sherwyn Morreale

Get [Outlook for iOS](#)

From: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Sent: Friday, November 15, 2024 1:54:15 PM
Subject: [EXTERNAL] Uintah Townhomes

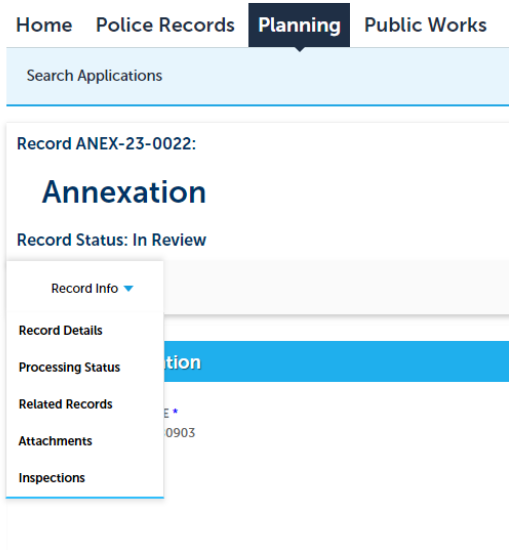
Hello,

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If you have additional comments you can send to me, they will still be a part of the public record and forwarded to the applicant for them to review and address or acknowledge.



Gabe Sevigny
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Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

Links:

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 Please consider the environment before printing this e-mail.

Sevigny, Gabe G

From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Tuesday, November 19, 2024 10:25 AM
To: Stachon, Gregory
Cc: Sevigny, Gabe G
Subject: Re: contact information request - landscaping

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Hi Greg.

Yes, I was wondering:

1. Have you received the many objections to the "Alternative Landscape Request" from myself and the neighbors?
2. Per Code 7.4.913A, *"The Manager may approve alternative types or designs of landscaping, buffering, and screening requirements, unless specifically prohibited for that type of property, building, or use in this UDC, if the Manager determines that the alternative provide at least equivalent quality, visual appeal, screening, effectiveness, durability, hardiness, and performance to the specific requirements of this Part 7.4.9 the proposed alternatives and/or adjustments are consistent with requirements and guidance and requirements listed in the Landscape Policy Manual."*

The applicant says *"Additional trees and shrubs have been provided throughout the site to compensate for lack of buffering in this area."* As it relates to the applicant's request, has the Manager determined that this alternative provides at least equivalent quality, visual appeal, screening, effectiveness, durability, hardiness, and performance?

3. The applicant is using a detention basin for the majority of the required 10% active green space.

The definition of "Green Space, Active" from the Landscape and Code Policy Manual is:

"Green Space, Active: Private common areas inclusive of grass, trees, or other vegetation set aside for recreational purposes. This can include, but is not limited to, dog parks, outdoor swimming pools, playgrounds, athletic fields and courts, trail systems and seating areas along trail systems, and plazas."

The detention basin/Playfield on the development plan is not "set aside for recreational purposes" and detention basins are unsafe to play in. Are you allowing the applicant to consider the detention basin as active green space?

4. The City is considering the development plan as Multi-Family per City Code. However, that ability to consider a development plan as Multi-Family refers to the parcels involved with the application only. The City cannot consider adjacent properties as anything other than what they are.

The property use adjacent to the development plan on the north is Single-Family Attached, not Multi-Family. I have confirmed with the county that the property to the north is Single-Family Attached and not Multi-Family. It was replatted as such on 2/13/03 (Reception No. 203032968). The use-to-use on the northern boundary of the development plan is Multi-Family to Single-Family. Therefore, the development plan must provide a 15' landscape buffer on it's northern border.

Can you explain why you are not insisting on the required landscape buffer on the northern boundary of the development plan?

Thank you for your time and assistance,

Kelly Hiller, neighbor to the north

On Tuesday, November 19, 2024 at 09:34:44 AM MST, Stachon, Gregory <gregory.stachon@coloradosprings.gov> wrote:

Hello Kelly, are there any questions I can help with on this one?

Greg Stachon

Senior Landscape Architect

Planning + Neighborhood Services Department

City of Colorado Springs

Phone: 719-385-5613

Email: Gregory.Stachon@coloradosprings.gov

From: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Sent: Tuesday, November 19, 2024 8:55 AM
To: Stachon, Gregory <Gregory.Stachon@coloradosprings.gov>
Subject: FW: contact information request - landscaping

Hey Greg,

Can you reach out to Kelly and let her know you are the Landscape Architect reviewing Uintah Townhomes?



Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

Links:

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From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Tuesday, November 19, 2024 8:34 AM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: contact information request - landscaping

Good morning, Gabe.

Could you please provide me with the contact information for the planner that is reviewing the landscaping compliance for DEPN-24-0111 / ZONE-24-0014? I would like to ask him/her some questions.

Thank you.

Kelly Hiller

Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Tuesday, November 19, 2024 10:48 AM
To: Kelly Hiller; Stachon, Gregory
Subject: RE: contact information request - landscaping

Hello Kelly,

I will answer the question about the use to the north as the project manager. That use is multi-family, the county does not have jurisdiction to determine a use in City limits. Your development was deemed multi-family at the time of development as there is a 15 foot landscape setback because at the time it would have been multi-family to R-2. Now the proposal is multi-family to multi-family, therefore no buffer is required. Let me know if I can be of further assistance.



Gabe Sevigny
Planning Supervisor
Land Use Review Division
City of Colorado Springs
Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

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Sent: Tuesday, November 19, 2024 10:25 AM
To: Stachon, Gregory <Gregory.Stachon@coloradosprings.gov>
Cc: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
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Kelly Hiller, neighbor to the north

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To: Stachon, Gregory <Gregory.Stachon@coloradosprings.gov>
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Hey Greg,

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Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

Links:

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From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Tuesday, November 19, 2024 8:34 AM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
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Good morning, Gabe.

Could you please provide me with the contact information for the planner that is reviewing the landscaping compliance for DEPN-24-0111 / ZONE-24-0014? I would like to ask him/her some questions.

Thank you.

Kelly Hiller

Sevigny, Gabe G

From: Scott Hiller <scott.hiller@riptidegeo.com>
Sent: Thursday, November 21, 2024 3:57 PM
To: Sevigny, Gabe G
Subject: Re: Uintah Townhomes
Attachments: image001.png; image002.png

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ZONE-24-0014

DEPN-24-0111

Hi Gabe,

After a cursory review of the new development plan I have some preliminary questions and comments. Most importantly, with this new submittal I believe that at least 8 of these lots and maybe more DO NOT meet the minimum lot size standards of the UDC. The reported square footage of the lots is incorrect and misleading.

Lots 5-12 are not compliant with the minimum lot requirements of the UDC. R-Flex medium is required to be 1,500 square feet Per city code 7.4.201B. These lots, when the access easement is removed are only about 1,300 square feet. Access easements are not allowed to count toward the minimum lot requirements in the UDC. As Cecil view is a private street shown as an easement on a lot, the private street area may not be used to satisfy ANY minimum lot area requirements of the UDC. The lot areas shown on the development plan are incorrect and lots 5-12 are non-compliant with the required minimum UDC area. The lot areas reported on the DP are inclusive of the easement and this is not permitted.

From 7.6.301

PRIVATE STREET: A street that is not constructed within dedicated public right-of-way and that provides primary access to two (2) or more lots. A private street may be identified as a tract or access easement. If shown as an easement on a lot, the private street area may not be used to satisfy any minimum lot area requirements of the UDC

The DP is unclear about who will maintain the Cecil View Easement. An insufficient note has been added. The note does not say privately owned areas of Cecil view will be maintained by the owners, only that they will figure it out in the future.

Please let me know your thoughts on the minimum lot sizes now that Cecil has been established as an easement on these lots.

Additionally, the driveways of lots 13-16 still have non-compliant driveway lengths.

Best Regards,

Scott Hiller

On 2024-11-15 14:54, Sevigny, Gabe G wrote:

Hello,

As a neighbor that has previously provided comments for this project, this email is to let you know that another submittal has been made. It is currently under review with a deadline for staff's comment letter of November 27, 2024. You can review the project at this link, <https://aca-prod.accela.com/COSPRINGS/Cap/CapHome.aspx?module=Planning&TabName=Home>.

You can search by using the following project numbers:

- ZONE-24-0014
- DEPN-24-0111

Sevigny, Gabe G

From: Scott Hiller <scott.hiller@riptidegeo.com>
Sent: Sunday, November 24, 2024 9:05 PM
To: Dagnillo, Joel
Cc: Sevigny, Gabe G
Subject: Re: FW: Colorado Springs Land Use Geologic Hazard Review

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Hi Joel,

I hope this finds you well. I was able to CORA request the correspondence documents and review Entech's subsequent submittals. Thank you for your review comments, and for engaging the CGS too. The attention to this matter is very much appreciated by myself and the other adjacent property owners.

My biggest remaining concern is that Entech has not modeled any safety factors immediately after the proposed excavation; that is, while the cuts are open. I don't doubt the SF values reported in the post-construction exhibits but no analysis nor examples are provided for when the site is most at risk.

Because of the specific situation of proposing such deep cuts on a slope consisting of very weak soil, directly abutting existing residential structures, I do believe this information should be provided by Entech based on the COS Engineering Criteria Manual - Subdivision Manual, Chapter 3, Section 3.8, paragraph 6.

Stating (in part):

"b. Proposed cuts:

1. Prediction of what materials and structural features will be encountered

2. Prediction of stability based on geologic factors

3. Problems of excavation (e.g., unusually hard or massive rock, excessive flow of ground water)

4. Recommendations for reorientation or repositioning of cuts, reduction of cut slopes, development of compound cut slopes, special stripping above daylight lines, buttressing, protection against erosion, handling of seepage water, setbacks for structures above cuts, etc."

Thank you again for your continued attention to this matter. As a property owner whose house abuts these proposed cuts I really appreciate your time. I understand this report is still under review, and you may not be able to provide feedback to my comments. That is not a problem, but I wanted to make you aware that I still object to the report being accepted as complete until the deficiencies in safety factor modeling regarding the proposed cuts are corrected.

Best Regards,

Scott Hiller

On 2024-10-17 13:46, Dagnillo, Joel wrote:

Hi Scott,

Thank you for your questions. Our stance with the City is that until we have made a decision on the geological hazard report, all correspondence regarding the report between CGS, the applicant and the City is not public information. A CORA request would have to be placed in order to see the correspondence during the report review period. When the report is ultimately accepted by the City, it will be posted to Accela and our Subdivision Document Viewer.

As far as the project in question, I can state that the initial report was submitted, CGS reviewed it and returned comments, then the applicant revised the report accordingly. It's currently back with CGS for 2nd review and comments are due back to the City early next week. Let me know if you have any other questions at this time.

Thanks,

Joel Dagnillo, P.E.

Engineer III

Engineering Development Review

City of Colorado Springs

(719)385-5412

Joel.dagnillo@coloradosprings.gov

From: Scott Hiller <scott.hiller@riptidegeo.com>

Sent: Tuesday, October 15, 2024 12:29 PM

To: Jonathan Lovekin <jlovekin@mines.edu>

Cc: Dagnillo, Joel <Joel.Dagnillo@coloradosprings.gov>; Sandy, Tyra <Tyra.Sandy@coloradosprings.gov>

Subject: Re: FW: Colorado Springs Land Use Geologic Hazard Review

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!

Hi Jonathan and Joel,

Thank you for your reply. I do understand that your roll is limited and advisory, no problem there. The CGS has been extremely helpful with a variety of projects I have within Colorado. I am confident that your review process is beneficial to our State, and that is the reason for my reaching out.

For this particular report, I was told that the city sent it to the CGS for review, but I have not been able to confirm it. The report is available on the city's website but your review letter is not. Would you be able to simply confirm whether or not this report was sent to you for review?

Hi Joel, if this has been reviewed by CGS, can I please get a copy of their review letter? There is no record of it in Accela, yet. Zone-24-0014 and DEPN-24-0111.

Thank you and Best Regards,

Scott

On 2024-10-15 12:17, Jonathan Lovekin wrote:

Hello Scott,

I hope you're doing well. Thank you for your engagement and insights regarding this land-use application and the Colorado Geological Survey's (CGS) independent review. Your interest in our work is appreciated.

I want to assure you that CGS is confident in the integrity of our review process. Our team's extensive experience, particularly in Colorado Springs, supports our systematic approach. We're committed to providing thorough evaluations, though ultimately, our role is advisory.

The final decision on the application rests with the City of Colorado Springs, which is not legally bound to follow our recommendations. Please direct any further input or questions to Joel Dagnillo (cc'd).

I appreciate your understanding.

Best regards,

< > < > < > < > < > < > < > < > < > < >

Jonathan R. Lovekin, P.G.

Geologic Hazards and Emergency Response Programs Manager

Senior Engineering Geologist | [Colorado Geological Survey](#)

1801 Moly Road

Golden, CO 80401

phone: 303.384.2654 email: jlovekin@mines.edu



COLORADO SCHOOL OF MINES

Earth and Society Programs

From: Scott Hiller <scott.hiller@riptidegeo.com>

Sent: Thursday, October 10, 2024 5:30 PM

To: Jonathan Lovekin <jlovekin@mines.edu>

Subject: [EXTERNAL] Colorado Springs Land Use Geologic Hazard Review

CAUTION: This email originated from outside of the Colorado School of Mines organization. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Johnathan,

I hope this finds you well. Thank you for your past assistance concerning geologic hazard studies in the city of Colorado Springs.

Currently there is a proposal for a zone change and development plan within the Land Slide Susceptibility zone. In particular, what is proposed is that new, over-excavated, foundations will be dug <20ft downhill from the foundations of existing residential structures, 100ft from a known landslide, and in "Very Weak" soil. I believe this is a potential hazard to existing residential structures and wanted to call your attention to it.

The plan is for the "Sun Mountain Town Homes" located on Uintah Street in Colorado Springs. The numbers associated with this proposal are DEPN-24-0111 and ZONE-24-0014. The city says that they sent this report to you sometime in the last two weeks.

Please look closely at figure E-12 (p.47) on the submitted Report. It is a profile demonstrating safety factors along failure surfaces. Cutting 18-20ft into the side of a hill, inside the landslide susceptibility zone, 100ft from a mapped landslide, on top of "VERY WEAK" soils is a danger to the properties above. I hope the state agrees that these buildings depicted need to move south, out of the failure lenses. There is no valid reason to take this chance.

The provided SF on the modeled figures are demonstrated to be sufficient only AFTER all construction is complete. However, the implication is that they will cut through all modeled slip surfaces! No SF is provided for this, no mitigation provided for this, and the very idea appears to be out of sorts with general

practices (near vertical slope cut in class B soil, etc.). The 12ft deep cuts required for drilled piers were not modeled, nor included as a figure. I believe SF must be modeled for all planned scenarios and intermediate conditions, a clear violation of requirements.

There are a few other examples of worrisome plans included in this report. It seems to me that the proper mitigation would be avoidance of that slope especially considering that the units proposed can simply be moved forward about 30ft and completely avoid all modeled failure curves. There are a large number of units on the property but only 8 of them have the potential to agitate an existing hazard.

I believe that this report is insufficient based on the requirements of our city code, and I also believe that "avoidance" is the proper mitigation for 8 of the 26 total units. Requiring the developer to move these units away from the slope and foundations of the current structures is necessary to properly mitigate this hazard.

Please let me know if you have received this report from the city, and I would greatly appreciate knowing when you have completed your review. I do recall that the city has to request that you review it, it is attached just in case. The file attached is available on the city's LDRS website. Also, feel free to reach out if you need any additional information.

Best Regards,

Scott Hiller, P.G.

(314) 753-3261

Sevigny, Gabe G

From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Sunday, November 24, 2024 9:32 PM
To: Sevigny, Gabe G; Stachon, Gregory; Rivera, Sara
Subject: Re: contact information request - landscaping

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Hi, Greg. I hope you had a great weekend. I have looped in Sara Rivera from City Stormwater.

Hi, Sara. I have added you in because I would like your input on the detention basin's slope steepness as well as the plan's proposed use of a detention basin (the sides and bottom) as active green space. Greg and I have been discussing this for a bit, and he mentioned you were involved in reviewing it, so I was hoping you could weigh in. This is for Development Plan DEPN-24-0111. Even though I am most interested in your thoughts about those two items, feel free to weigh in on anything else.

Thank you both for your time. My newest comments are in purple. - Kelly Hiller

NEW COMMENT

First, I have a new comment. It appears that the sloped sides of the detention basin on the development plan are too steep to be compliant with the Drainage Criteria Manual (SEE BELOW)

CODE CITATION – DRAINAGE CRITERIA MANUAL: *"All excavated or embankment slopes from the pond bottom to the 100-year water surface elevation should be no steeper than 4 feet horizontally to 1 foot vertically (4H:1V) for stability when soils are saturated, ease of maintenance and access, especially within the WQCV and EURV. Steeper slopes, up to 3H:1V, may be allowed when the site is constrained. Excavated slopes above the 100-year water surface elevation and the slope on the downstream side of embankments must be 3H:1V or flatter. Embankments shall be provided with a top width of at least 10 feet for regional and sub-regional ponds and 8 feet for on- site ponds for maintenance access."* Volume 1 Chapter 13 Section 5.4 Excavated and Embankment Slopes (Page 13-12)

The sloped sides of the detention basin should be 3H:1V or flatter and the slope shown on the development plan is 2.3H:1V

CONTINUATION OF OLD COMMENTS – ACTIVE GREEN SPACE

Kelly: Finally, I understand that the applicant is considering the detention basin as active green space, but are you?

Greg: Yes, my interpretation is that the turf area could be used for active green space.

Kelly: The detention basin on the development plan is a basin. On the drawing, you can see the tiered edges of the basin and that they drop down 3-4 feet into a bowl. The bottom of the basin is what you are calling "turf". It is unsafe to play in a detention basin.

Key reasons why detention basins are unsafe for play:

- Playing in a detention basin is not recommended because they are primarily designed to manage stormwater runoff, meaning they can quickly fill with water after rain, have uneven surfaces and steep drop-offs, and may contain debris, all posing a safety hazard
- Playing in a detention basin is strongly discouraged due to potential contamination from pollutants like chemicals, bacteria, and sediment collected from stormwater runoff, which can pose a health risk to anyone who comes into contact with the water; essentially, playing in a detention basin exposes one to potentially harmful contaminants collected from the surrounding environment.

Not only is it unsafe to play in a detention basin (even when it is not full of water), it is not compliant with City Code. In order to be compliant with the Landscape and Code Policy Manual, this "turf" must be "set aside for recreational purposes". The "turf" on the development plan has been set aside for the purpose of a detention basin.

Greg: It is possible to satisfy both purposes. City Stormwater group has oversight on vegetation in detention ponds and is reviewing the proposed turf.

Kelly: The development plan depicts the entire detention basin as active green space (upland, bottom, and sloped sides). It is my understanding that the Drainage Criteria Manual only allows the upland (or top) of a detention basin to be used as active green space, a walking track/path around the top of the basin for example. The Manual says that the bottom of the detention basin can be counted as passive green space only due to the usage conflicts that result from periodic inundation. (SEE BELOW) I cannot find anywhere that states that the sloped sides of the detention basin are permitted to be used as either active or passive green space.

CODE CITATION - DRAINAGE CRITERIA MANUAL: *“The integration of detention facilities and site landscaping requirements is important for making facilities more aesthetically acceptable, consistent with adjacent land uses and compatible with overall stormwater management goals. The type and quantity of landscaping materials should be considered to ensure that the capacity of the pond is maintained and that maintenance activities can be performed with minimal disruption of vegetated areas. Recommendations for pond grading and landscaping include:*
*4. Multi-purpose detention facilities are encouraged that incorporate recreational features such as **passive open space areas and pedestrian paths.** **Active recreational facilities should be located in upland areas to avoid usage conflicts resulting from periodic inundation.**”* Volume 1 Chapter 13 Section 5.14 Landscaping (Page 13-19)

My reading of the above citation is that the detention basin on the development plan is permitted to be used as follows:

TOP RING – ACTIVE green space
BOTTOM – PASSIVE green space only
SLOPED SIDES - ???

I do not see how it is compliant to allow the sides and bottom of the detention basin to “satisfy both purposes” like you stated. If you could point me to where you are getting that impression, I would be very thankful because as far as I can see, the sides and the bottom of the detention basin should not be counted as active green space on the development plan.

CONTINUATION OF OLD COMMENTS – ALLEY SETBACKS

Kelly: The issue with the Alternative Landscape Request is not the amount of trees and shrubs. Per 7.4.905, the required landscape setback required here is 10' along the entire public right-of-way. The applicant is providing no landscape setback at all along the adjacent public right-of-way that is being used as street frontage for 8 lots. Setbacks have not been provided for 12 of their lots in total. Given that they have provided no landscape setback along the adjacent right-of-way and that none of the exceptions in 7.4.905B.1.b. apply, has the Manager determined that their alternative provides at least equivalent quality, visual appeal, screening, effectiveness, durability, hardiness, and performance?

Greg: The applicant is showing all necessary landscape setbacks including: North 20th street, 21st street, and Uintah. Are we referring to the 15' landscape buffer on the SE side? If so, the buffer could not be provided because of the existing alley.

Kelly: Yes, I am referring to the existing alley. The alley is shown in the development plan as being used for the frontage for 12 individual lots. An alley is a non-arterial street. A 10' landscaping setback and 1 tree per 30 linear feet is required per 7.4.905 “along the front and corner street frontage”. The alley is not a private street. It is a city owned right-of-way. Therefore, 7.4.905 applies. Any right-of way used as frontage is required to have this setback. The applicant is fully capable of providing the required setbacks. They must simply move or eliminate townhouses on the plan. Can you point me to where you are getting the impression that an existing alley (non-arterial street) is exempt from the requirements in 7.4.905?

Greg: A landscape setback is shown on the northside of the alley.

Kelly: I assume you are referring to the “15' landscape buffer setback.” Please note that there is a mistake on the development plan in reference to this buffer that needs to be corrected on their next submittal. If you look at the buffer in front of Lot 17, Lot 18, Lot 19, and Lot 20 on the Final Landscape Plan, you will see that the “15' landscape buffer setback” is not measured from the correct spot. It should be measured from the lot lines, but the plan is showing it as being measured from the alley dedication (part of the public right-of-way). This must be corrected to be compliant with 7.6.205A. (SEE BELOW)

CODE CITATION – 7.6.205 SETBACKS: *“A setback is a line within a lot that is parallel to and measured from a corresponding property or lot line, forming the boundary of a required yard and establishing the minimum distance that a structure, landscaping, parking, or other designated item must be from that lot line. A. Front Yard Setback: The area from the side property line to side property line starting at the front property line and ending at the minimum front yard setback point as prescribed by the zone district or Development Plan.”*

The setback on the development plan should start at the lot lines beyond the alley dedication and not in the middle of the alley dedication. As a reminder, the alley is being used for frontage, NOT servicing the rear of Lot 17, Lot 18, Lot 19, and Lot 20.

Greg: Trees and shrubs are shown along the alley where possible considering utilities and driveways to access the rear of the units.

Kelly: This applicant has insisted on submitting a development plan that uses the alley for frontage. I think this is where the misunderstanding is happening. If you look at the architectural drawings, you will see that the garages are on the front of the townhouses, not the back. I know alleys are only supposed to be used to service the rear of units but the development plan depicts the alley as being used as frontage for the townhouses on Lot 13, Lot 14, Lot 15, Lot 16, Lot 17, Lot 18, Lot 19, Lot 20, Lot 21, Lot 22, Lot 23 and Lot 24.

Any right-of way used as frontage is required to have a 10' landscaping setback and 1 tree per 30 linear feet as required per 7.4.905 "along the front and corner street frontage". Can you point me to where you are getting the impression that an existing alley (non-arterial street) being used for frontage is exempt from the requirements in 7.4.905?

OLD COMMENTS SINCE RESOLVED

Did you receive the many objections to the "Alternative Landscape Request" from myself and the neighbors?

I have not.

I am very sad to learn that you did not receive the many formal objections to the "Alternative Landscape Adjustment Request". They were all turned into the city. Please know that all of the adjacent and affected neighbors including myself and the Mirrillion HOA formally objected to the applicant's "Alternative Landscape Adjustment Request." So there are 23 objections in the record. I can find some of them for you but they are with the public comments.

Kelly, thanks for letting me know. I have read them and discussed with the project planner.

Thank you for resolving this.

On Thursday, November 21, 2024 at 04:23:57 PM MST, Stachon, Gregory <gregory.stachon@coloradosprings.gov> wrote:

Kelly, see responses in orange.

Greg

From: Kelly Hiller <kelly.colorado@yahoo.com>

Sent: Wednesday, November 20, 2024 5:48 PM

To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>; Stachon, Gregory <Gregory.Stachon@coloradosprings.gov>

Subject: Re: contact information request - landscaping

Hi Greg, thank you for the response. My response to you is in green.

Did you receive the many objections to the "Alternative Landscape Request" from myself and the neighbors?

I have not.

I am very sad to learn that you did not receive the many formal objections to the "Alternative Landscape Adjustment Request". They were all turned into the city. Please know that all of the adjacent and affected neighbors including myself and the Mirrillion HOA formally objected to the applicant's "Alternative Landscape Adjustment Request." So there are 23 objections in the record. I can find some of them for you but they are with the public comments.

Kelly, thanks for letting me know. I have read them and discussed with the project planner.

The issue with the Alternative Landscape Request is not the amount of trees and shrubs. Per 7.4.905, the required landscape setback required here is 10' along the entire public right-of-way. The applicant is providing no landscape setback at all along the adjacent public right-of-way that is being used as street frontage for 8 lots. Setbacks have not been provided for 12 of their lots in total. Given that they have provided no landscape setback along the adjacent right-of-way and that none of the exceptions in 7.4.905B.1.b. apply, has

the Manager determined that their alternative provides at least equivalent quality, visual appeal, screening, effectiveness, durability, hardiness, and performance?

The applicant is showing all necessary landscape setbacks including: North 20th street, 21st street, and Uintah. Are we referring to the 15' landscape buffer on the SE side? If so, the buffer could not be provided because of the existing alley.

Yes, I am referring to the existing alley. The alley is shown in the development plan as being used for the frontage for 12 individual lots. An alley is a non-arterial street. A 10' landscaping setback and 1 tree per 30 linear feet is required per 7.4.905 "along the front and corner street frontage". The alley is not a private street. It is a city owned right-of-way. Therefore, 7.4.905 applies. Any right-of way used as frontage is required to have this setback. The applicant is fully capable of providing the required setbacks. They must simply move or eliminate townhouses on the plan. Can you point me to where you are getting the impression that an existing alley (non-arterial street) is exempt from the requirements in 7.4.905?

A landscape setback is shown on the northside of the alley. Trees and shrubs are shown along the alley where possible considering utilities and driveways to access the rear of the units.

Finally, I understand that the applicant is considering the detention basin as active green space, but are you?

Yes, my interpretation is that the turf area could be used for active green space.

The detention basin on the development plan is a basin. On the drawing, you can see the tiered edges of the basin and that they drop down 3-4 feet into a bowl. The bottom of the basin is what you are calling "turf". It is unsafe to play in a detention basin.

Key reasons why detention basins are unsafe for play:

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- Playing in a detention basin is strongly discouraged due to potential contamination from pollutants like chemicals, bacteria, and sediment collected from stormwater runoff, which can pose a health risk to anyone who comes into contact with the water; essentially, playing in a detention basin exposes one to potentially harmful contaminants collected from the surrounding environment.

Not only is it unsafe to play in a detention basin (even when it is not full of water), it is not compliant with City Code.

In order to be compliant with the Landscape and Code Policy Manual, this "turf" must be "set aside for recreational purposes". The "turf" on the development plan has been set aside for the purpose of a detention basin.

It is possible to satisfy both purposes. City Stormwater group has oversight on vegetation in detention ponds and is reviewing the proposed turf.

Thank you for the clarification

Kelly Hiller

On Tuesday, November 19, 2024 at 01:18:41 PM MST, Stachon, Gregory <gregory.stachon@coloradosprings.gov> wrote:

Kelly;

Yes, the applicant is counting the turf area within the planned infiltration area as active green space. Regarding the additional trees and shrubs, the plan shows 60 internal trees provided where normally 30 is required. There are a couple of other areas where landscape standards are exceeded including 3 extra setback trees along Uintah and 10% non-active green space provided where only 5% is required.

Greg Stachon

Senior Landscape Architect

Planning + Neighborhood Services Department

City of Colorado Springs

Phone: 719-385-5613

Email: Gregory.Stachon@coloradosprings.gov

From: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>

Sent: Tuesday, November 19, 2024 10:48 AM

To: Kelly Hiller <kelly.colorado@yahoo.com>; Stachon, Gregory <Gregory.Stachon@coloradosprings.gov>

Subject: RE: contact information request - landscaping

Hello Kelly,

I will answer the question about the use to the north as the project manager. That use is multi-family, the county does not have jurisdiction to determine a use in City limits. Your development was deemed multi-family at the time of development as there is a 15 foot landscape setback because at the time it would have been multi-family to R-2. Now the proposal is multi-family to multi-family, therefore no buffer is required. Let me know if I can be of further assistance.



Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

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From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Tuesday, November 19, 2024 10:25 AM
To: Stachon, Gregory <Gregory.Stachon@coloradosprings.gov>
Cc: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: Re: contact information request - landscaping

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Hi Greg.

Yes, I was wondering:

1. Have you received the many objections to the “Alternative Landscape Request” from myself and the neighbors?
2. Per Code 7.4.913A, “*The Manager may approve alternative types or designs of landscaping, buffering, and screening requirements, unless specifically prohibited for that type of property, building, or use in this UDC, if the Manager determines that the alternative provide at least equivalent quality, visual appeal, screening, effectiveness, durability,*

hardiness, and performance to the specific requirements of this Part 7.4.9 the proposed alternatives and/or adjustments are consistent with requirements and guidance and requirements listed in the Landscape Policy Manual.”

The applicant says “*Additional trees and shrubs have been provided throughout the site to compensate for lack of buffering in this area.*” As it relates to the applicant’s request, has the Manager determined that this alternative provides at least equivalent quality, visual appeal, screening, effectiveness, durability, hardiness, and performance?

3. The applicant is using a detention basin for the majority of the required 10% active green space.

The definition of “Green Space, Active” from the Landscape and Code Policy Manual is:

“Green Space, Active: Private common areas inclusive of grass, trees, or other vegetation set aside for recreational purposes. This can include, but is not limited to, dog parks, outdoor swimming pools, playgrounds, athletic fields and courts, trail systems and seating areas along trail systems, and plazas.”

The detention basin/Playfield on the development plan is not “set aside for recreational purposes” and detention basins are unsafe to play in. Are you allowing the applicant to consider the detention basin as active green space?

4. The City is considering the development plan as Multi-Family per City Code. However, that ability to consider a development plan as Multi-Family refers to the parcels involved with the application only. The City cannot consider adjacent properties as anything other than what they are.

The property use adjacent to the development plan on the north is Single-Family Attached, not Multi-Family. I have confirmed with the county that the property to the north is Single-Family Attached and not Multi-Family. It was replatted as such on 2/13/03 (Reception No. 203032968). The use-to-use on the northern boundary of the development plan is Multi-Family to Single-Family. Therefore, the development plan must provide a 15’ landscape buffer on it’s northern border.

Can you explain why you are not insisting on the required landscape buffer on the northern boundary of the development plan?

Thank you for your time and assistance,

Kelly Hiller, neighbor to the north

On Tuesday, November 19, 2024 at 09:34:44 AM MST, Stachon, Gregory <gregory.stachon@coloradosprings.gov> wrote:

Hello Kelly, are there any questions I can help with on this one?

Greg Stachon

Senior Landscape Architect

Planning + Neighborhood Services Department

City of Colorado Springs

Phone: 719-385-5613

Email: Gregory.Stachon@coloradosprings.gov

From: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Sent: Tuesday, November 19, 2024 8:55 AM
To: Stachon, Gregory <Gregory.Stachon@coloradosprings.gov>
Subject: FW: contact information request - landscaping

Hey Greg,

Can you reach out to Kelly and let her know you are the Landscape Architect reviewing Uintah Townhomes?



Gabe Sevigny

Planning Supervisor

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5088

Email: Gabe.Sevigny@coloradosprings.gov

Links:

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From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Tuesday, November 19, 2024 8:34 AM
To: Sevigny, Gabe G <Gabe.Sevigny@coloradosprings.gov>
Subject: contact information request - landscaping

Good morning, Gabe.

Could you please provide me with the contact information for the planner that is reviewing the landscaping compliance for DEPN-24-01111 / ZONE-24-0014? I would like to ask him/her some questions.

Thank you.

Kelly Hiller

Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Monday, December 16, 2024 11:45 AM
Subject: Uintah Townhomes

Hello,

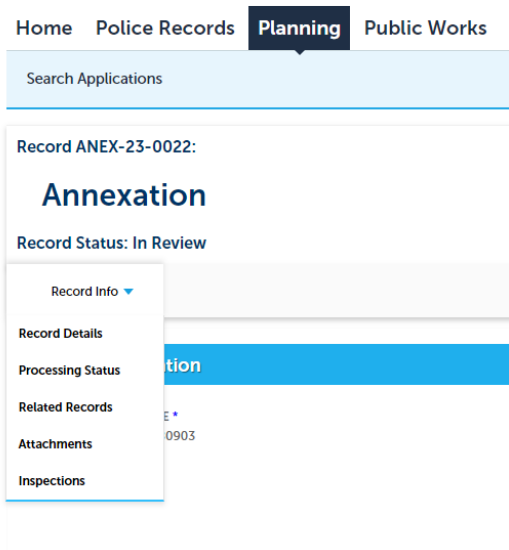
As a neighbor that has previously provided comments for this project, this email is to let you know that another submittal has been made. This is the last review prior to scheduling with Planning Commission. Please note that another postcard and posters will be required for the Planning Commission Hearing. This item will be scheduled to be heard at the January 8, 2025 public hearing. Any comments received will still be added to the public record for the Planning Commission to review.

You can review the project at this link, <https://aca-prod.accela.com/COSPRINGS/Cap/CapHome.aspx?module=Planning&TabName=Home>.

You can search by using the following project numbers:

- ZONE-24-0014
- DEPN-24-0111

When you enter the project number in the 'Record' search box, the next screen will have a drop down arrow for 'Record Info'. Click on the 'Attachments' tab to review documents (see below).



Gabe Sevigny
Planning Supervisor
Land Use Review Division

City of Colorado Springs
Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

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Sevigny, Gabe G

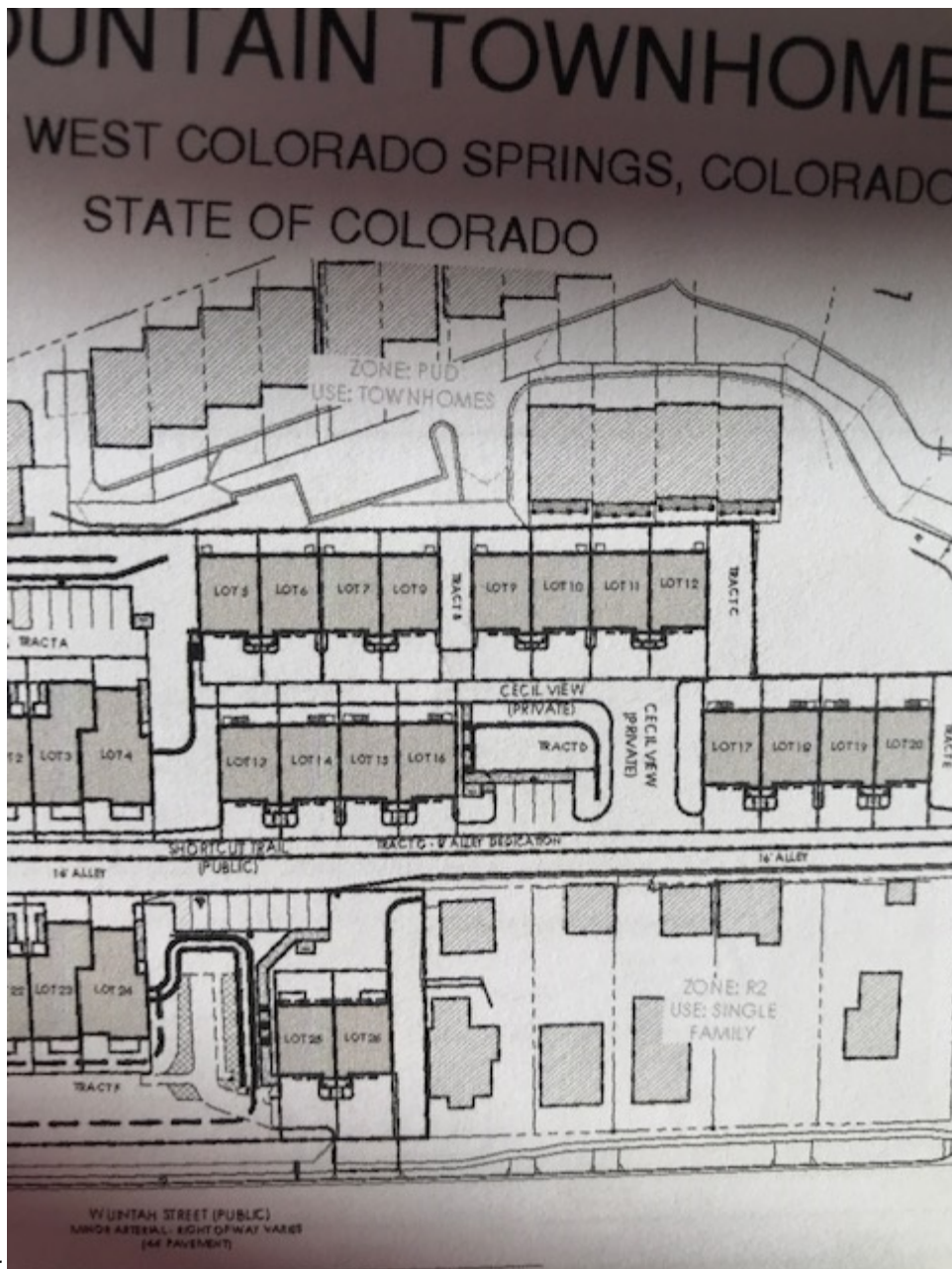
From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Monday, December 16, 2024 1:08 PM
To: Sevigny, Gabe G
Subject: Re: Uintah Townhomes

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Besides the problem with minimum lot sizes, Cecil View also still does not go all the way to Lot 5. This was supposed to be corrected and yet it still shows it as stopping in front of Tract B.

Here is the code that says they cannot use the easement to satisfy minimum lot size requirements:
Per 7.6.301, "A private street may be identified as a tract or access easement. If shown as an easement on a lot, the private street area may not be used to satisfy any minimum lot area requirements of the UDC."

Many lots on the development plan are mislabeled and are actually only approx 1300 square feet where the minimum required is 1500.



Kelly Hiller

Sent from my iPhone

On Dec 16, 2024, at 12:47 PM, Kelly Hiller <kelly.colorado@yahoo.com> wrote:

Hi Gabe. I notice that the applicant is counting Cecil View toward his minimum lot size and that is not permitted. How can we be moving forward when the development plan does not meet the standards for minimum lot sizes?

Kelly Hiller

Sent from my iPhone

On Dec 16, 2024, at 11:44 AM, Sevigny, Gabe G
<Gabe.Sevigny@coloradosprings.gov> wrote:

Hello,

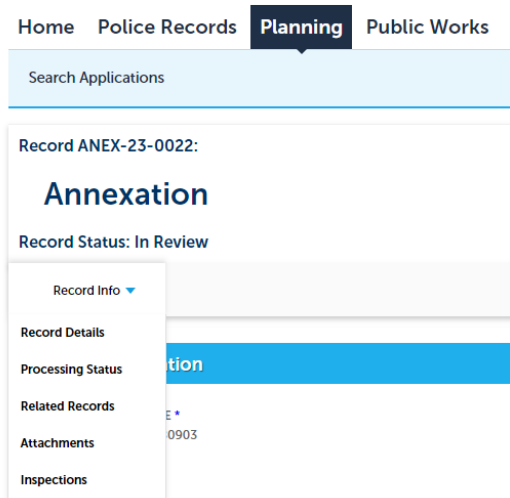
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Email: Gabe.Sevigny@coloradosprings.gov

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Sevigny, Gabe G

From: Kelly Hiller <kelly.colorado@yahoo.com>
Sent: Monday, December 16, 2024 2:43 PM
To: Sevigny, Gabe G
Subject: Re: Uintah Townhomes

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I also wanted to mention that the applicant has ignored your previous comments about the garage and driveway lengths of 4 of the units. The development plan is still showing the garage door as being 16 feet from the right-of-way when it is supposed to be right at 10 feet or more than 20 feet. This development is not legal in many ways including garage and driveway lengths. You told them to fix this and they have not.

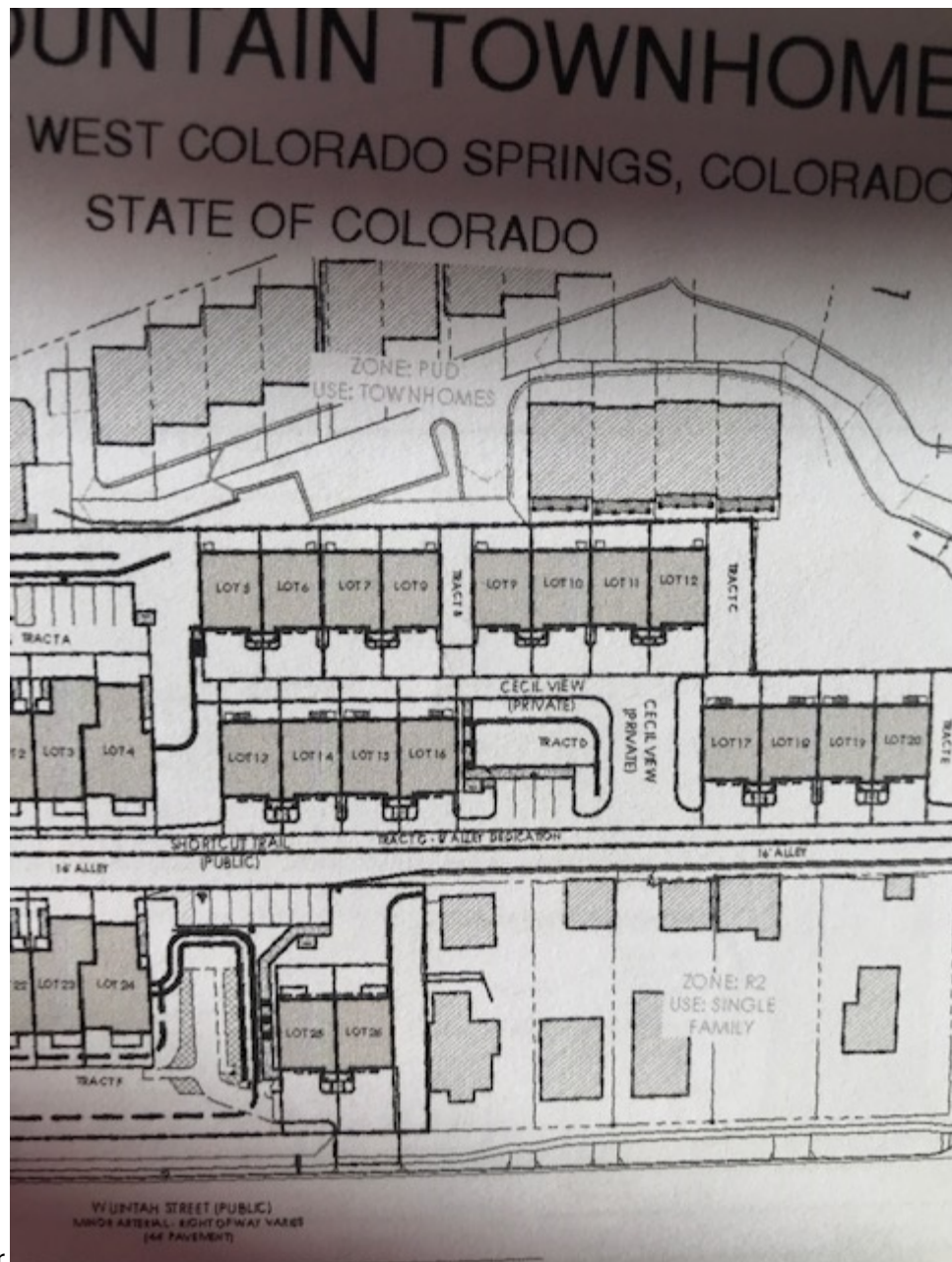
Sent from my iPhone

On Dec 16, 2024, at 1:08 PM, Kelly Hiller <kelly.colorado@yahoo.com> wrote:

Besides the problem with minimum lot sizes, Cecil View also still does not go all the way to Lot 5. This was supposed to be corrected and yet it still shows it as stopping in front of Tract B.

Here is the code that says they cannot use the easement to satisfy minimum lot size requirements: Per 7.6.301, "A private street may be identified as a tract or access easement. If shown as an easement on a lot, the private street area may not be used to satisfy any minimum lot area requirements of the UDC."

Many lots on the development plan are mislabeled and are actually only approx 1300 square feet where the minimum required is 1500.



Kelly Hiller

Sent from my iPhone

On Dec 16, 2024, at 12:47 PM, Kelly Hiller <kelly.colorado@yahoo.com> wrote:

Hi Gabe. I notice that the applicant is counting Cecil View toward his minimum lot size and that is not permitted. How can we be moving forward when the development plan does not meet the standards for minimum lot sizes?

Kelly Hiller

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On Dec 16, 2024, at 11:44 AM, Sevigny, Gabe G
<Gabe.Sevigny@coloradosprings.gov> wrote:

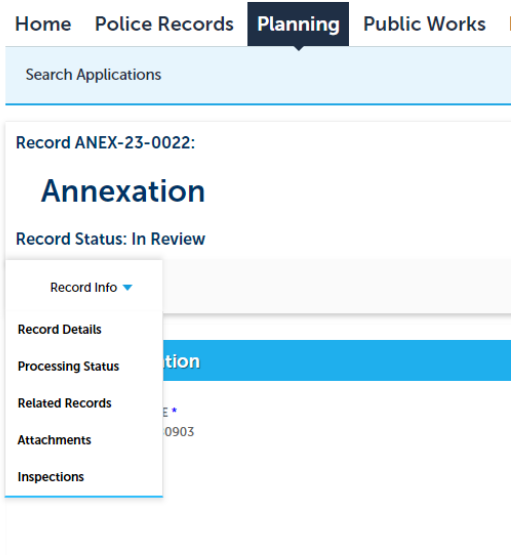
Hello,
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Gabe Sevigny
Planning Supervisor
Land Use Review Division

City of Colorado Springs
Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

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Sevigny, Gabe G

From: Sevigny, Gabe G
Sent: Tuesday, December 17, 2024 8:49 AM
To: Kelly Hiller
Subject: RE: Uintah Townhomes

Hello Kelly,

The standard you are referencing is not a minimum 'lot size', it is a minimum 'lot area' per unit. The application meets this requirement with not counting the access easements. The total area is 96,704 square feet minus the access easement which is 15,265 square feet leaving the area to be counted for minimum 'lot area' as 81,439 square feet. This allows for such developments to be platted around individual units as is the case for your development as long as the 'lot area' per unit is met with the common development. Let me know if I can be of further assistance.



Gabe Sevigny
Planning Supervisor
Land Use Review Division
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Office: (719) 385-5088
Email: Gabe.Sevigny@coloradosprings.gov

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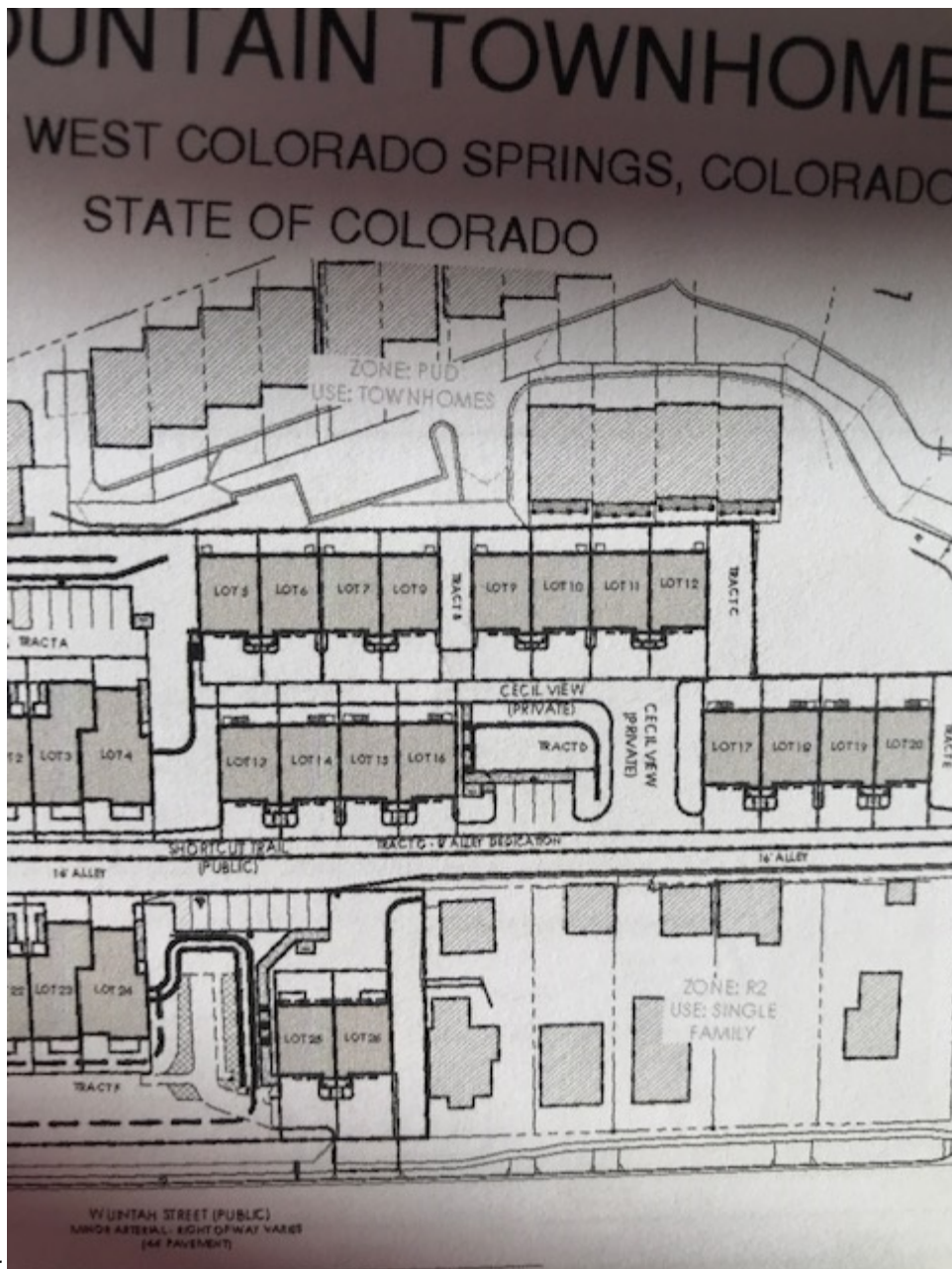
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Sent from my iPhone

On Dec 16, 2024, at 12:47 PM, Kelly Hiller <kelly.colorado@yahoo.com> wrote:

Hi Gabe. I notice that the applicant is counting Cecil View toward his minimum lot size and that is not permitted. How can we be moving forward when the development plan does not meet the standards for minimum lot sizes?

Kelly Hiller

Sent from my iPhone

On Dec 16, 2024, at 11:44 AM, Sevigny, Gabe G
<Gabe.Sevigny@coloradosprings.gov> wrote:

Hello,

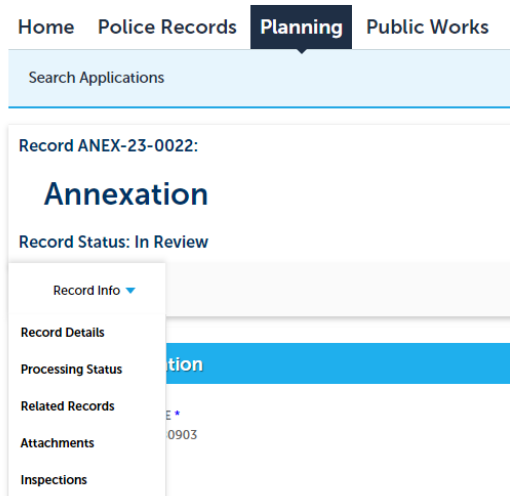
As a neighbor that has previously provided comments for this project, this email is to let you know that another submittal has been made. This is the last review prior to scheduling with Planning Commission. Please note that another postcard and posters will be required for the Planning Commission Hearing. This item will be scheduled to be heard at the January 8, 2025 public hearing. Any comments received will still be added to the public record for the Planning Commission to review.

You can review the project at this link, <https://aca-prod.accela.com/COSPRINGS/Cap/CapHome.aspx?module=Planning&TabName=Home>.

You can search by using the following project numbers:

1. ZONE-24-0014
2. DEPN-24-0111

When you enter the project number in the 'Record' search box, the next screen will have a drop down arrow for 'Record Info'. Click on the 'Attachments' tab to review documents (see below).



Gabe Sevigny
Planning Supervisor
Land Use Review Division
City of Colorado Springs
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Links:

[Planning & Community Development Home](#)

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