



THE PLANNING & DEVELOPMENT DEPARTMENT APPEAL TO CITY PLANNING COMMISSION

Complete this form if you are appealing an **Administrative** decision to City Planning Commission.

APPELLANT CONTACT INFORMATION:

Appellants Name: Southwest Equity Associates LLP Telephone: 719 659-1758
Address: 1450 Old Northgate Rd. City Colorado Springs
State: CO Zip Code: 80921 E-mail: fherman@inferential.com

PROJECT INFORMATION:

Project Name: Market at Interquest Filing No. 20 AR PUD 19-00491, CPC PUD 05-00098-A2MJ09-MM03 AR FP 19-00492
Site Address: NW from New Allegiance Drive and Interquest Parkway, Colorado Springs, CO 80921
Type of Application being appealed: PUD Final Plat
Include all file numbers associated with application: AR FP 19-00492; AR PUD 19-00491CPC PUD 05-00098-A2MJ09-MM03
Project Planner's Name: Hannah Van Nimwegen
Hearing Date: _____ Item Number on Agenda: _____

YOUR APPEAL SUBMITTAL SHOULD INCLUDE:

1. Completed Application
2. \$176 check payable to the City of Colorado Springs
3. Appeal Statement.
 - See page 2 for appeal statement requirements.

Submit **all** 3 items above to the **Land Use Review office (30 S Nevada, Suite 105, Colorado Springs, CO 80903)**. Appeals are accepted for 10 days after a decision has been made. Submittals must be received no later than 5pm on the due date of the appeal. Incomplete submittals and / or submittals received after 5pm or outside of the 10 day window will not be accepted. If the due date for the submittal falls on a weekend or federal holiday, the deadline is extended to the following business day.

If you would like additional assistance with this application or would like to speak with the neighborhood development outreach specialist, contact Katie Sunderlin at sunderka@springsgov.com (719) 385-5773.

APPELLANT AUTHORIZATION:

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I(we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

Signature of Appellant
Last Modified: 5/31/2018

10/31/19
Date

THE APPEAL STATEMENT SHOULD INCLUDE THE FOLLOWING

- If you are appealing a decision made Administratively the following should be included in your appeal statement:
 - 1. Verbiage that includes justification of City Code 7.5.906.A.4
 - i. Identify the explicit ordinance provisions which are in dispute.
 - ii. Show that the administrative decision is incorrect because of one or more of the following:
 - 1. It was against the express language of this zoning ordinance, or
 - 2. It was against the express intent of this zoning ordinance, or
 - 3. It is unreasonable, or
 - 4. It is erroneous, or
 - 5. It is clearly contrary to law.
 - iii. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

CITY AUTHORIZATION:

Payment: \$ 175.00

Date Application Accepted: 10/31/19

Receipt No: 35308

Appeal Statement: _____

Intake Staff: Gary Serrano

Completed Form: _____

Assigned to: _____

Appeal Statement

Project: Market at Interquest Filing No. 20AR PUD 19-00491, CPC PUD 05-00098-A2Mj09-MM03 AR FP 19-00492

Site Address: NW from New Allegiance Drive and Interquest Parkway, Colorado Springs, CO 80921

a. Identify the explicit ordinance provisions which are in dispute.

Two administrative actions are in dispute both dated October 22, 2019.

1. Marketplace at Interquest Filing No. 20 – Approval
AR PUD 19-00491, CPC PUD 05-00098-A2MJ09-MM03
2. Marketplace at Interquest Filing No. 20 – Approval
File Number: AR FP 19-00492

The primary issue is that the plan does not provide well-planned access to the adjacent parcel to the west (the “Southwest Equity” parcel). Such well-planned access has been indicated in prior approvals and the present plan fails to comply with such prior approvals.

b. The administrative decision is incorrect because of one or more of the following:

(1) It was against the express language of this zoning ordinance:

It fails to comply with the following requirements (emphasis added in bold):

- Ensure **compatibility with adjacent land uses** and eliminate excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences. (7.3.201 A. 3)
- **Minimize traffic congestion** and the overloading of utilities. (7.3.201 A. 4)
- A. To implement the Comprehensive Plan of the City of Colorado Springs by promoting development that is characterized by a variety of **mutually supportive** and integrated residential and nonresidential land uses. (7.3.601 A.)
- K. Does the PUD concept plan include a logical hierarchy of perimeter and internal arterial, collector and local streets that **will disperse development generated vehicular traffic to a variety of access points and ways**, reduce through traffic in adjacent residential neighborhoods and improve resident access to jobs, transit, shopping and recreation? (7.3.601 K.)
- Does the PUD concept plan provide safe and convenient vehicle and pedestrian **connections between uses located within the zone district, and to uses located adjacent to the zone district or development?** (7.3.601 M)
- A PUD development plan for land within a PUD Zone shall be approved if it **substantially conforms to the approved PUD concept plan** and the PUD development plan review criteria listed below. (7.3.606)
- Compatibility Of The Site Design With The Surrounding Area (7.3.606 C)
- Is the circulation system designed to be safe and functional and encourage both on and off site connectivity? (7.3.606 D.1)

Appeal Statement

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(2) It was against the express intent of this zoning ordinance.

The PUD Plan is inconsistent with the approved PUD Concept Plan. The zoning ordinance requires that that PUD Development Plan substantially conforms to the approved PUD concept plan. This PUD Development Plan does not conform to the approved PUD Concept Plan.

- The traffic circulation system is not designed to be safe and functional and fails to encourage both on and off site connectivity. (7.3.606 D.1.)

(3) It is unreasonable.

- The proposal fails to provide access from the east to the larger parcel immediately to the west, the Southwest Equity parcel.

(4) It is erroneous. The PUD Development Plan erroneously blocks decent access from the east to the larger parcel to the west.

(5) It is clearly contrary to law.

The Southwest Equity parcel was annexed to the City along with the abandonment of Stout Allen Road, a County road. Prior to annexation, Stout Allen Road provided the parcel direct access to public roads and highways. In connection with the abandonment of Stout Allen Road and annexation of the Southwest Equity parcel, the City promised that the Stout Allen Parcel would have access to a "private road." That access was embodied in the approved PUD Plan that the City approved in 2007. That PUD Plan was consistent with the PUD Concept Plan approved for the subject parcel. Both showed two access points from the subject parcel to the Southwest Equity parcel. Therefore the PUD Plan recently administratively approved is clearly contrary to the law as specifically embodied in the annexation.

b. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

The benefits of the PUD Development Plan are that it provides a much more intense development of the site than envisioned in the PUD Concept Plan.

The adverse impacts are that it severely limits access to the adjacent landlocked Southwest Equity parcel. That parcel is bounded on the west by the US Air Force Academy and I-25, on the south by Interquest Parkway, to which no access is possible. There is some access for the Southwest Equity parcel from the driveway on the north edge.

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The 2.3 acre hotel parcel is configured in manner that interferes with adequate access to the Southwest Equity's 5.4 acre parcel. The current access provided is through a parking drive aisles in which multiple turns are required to negotiate the route. The Southwest Equity Associates parcel, due to size and development potential, is worthy of similar adequate access as that provided to the SUMMIT ENTERTAINMENT CENTERS LLC 5 acre parcel located within Interquest Marketplace and located just to the northeast. The Summit site has three direct access points on a main road. There is no parking aisle interference on multiple reverse turns required. Furthermore, it shared access road (along the south property line) is not a parking aisle, but clear of any parking. And its shared access on the north is also configured as a roadway, not a parking aisle, with no parking and no complex curves to maneuver through.

Likewise, the access road to Great Wolf Lodge along the south edge of that property is configured as a road, not a parking aisle, with no complex turns and no parking. That is so even though that parcel has two other roads providing direct access.

The 2- acre Colorado Mountain Brewery parcel, immediately to the north of the Southwest Equity parcel, is already built out. The drive on the south side of that parcel is not a full road, but a parking aisle, with parking along most of its extent. Even so, that parcel is provided direct access without any complex double turns.

The 3.8 acre Drury Inn parcel has three clear access points directly from the road. Two each run the full length of shared property lines and have no parking and require no complex turns. The 2.3 acre Cheddars parcel has two access points directly on the road. The easterly one is configured as a shared access road with no parking. Neither requires complex turns. The 1.5 acre Jersey Mike's parcel has two access points directly onto the road, with no parking and no complex turns. The access driveway along the east is shared along the property line and the adjacent parcel has no parking along this access drive. The 9.4 acre Albert Vein Institute parcel has 4 access points, all from full roadways with no parking and none requiring complex double curves.

The 3.2 acre Xledger parcel has two access points along a road with no parking and no complex double curves required to enter the parcel.

The 5.5 acre GPOIF CO Springs LLC parcel has two access points from a full road, with no parking and no complex double curves required to enter. Both points access drives along shared property lines that have no parking along them.

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The 9.1 acre GPIF CO Springs 1 LLC parcel at 9945 Federal Dr. has two full access points from a full road with no parking along it. One access point gives access to a shared property line drive with no parking along it.

In fact, I could find no other parcel whose access was entirely off a parking aisle or driveway with parking, or had its access through a complex reverse curve. , let alone a parcel of comparable 5 acre size, in Interquest Marketplace that had its only access point(s) on parking aisles or driveways with parking. Nor could I find any parcel whose access required a complex double turn. Such access is simply not in conformity with the City's standards, nor with Norwood's own standards. It is not good planning.

The recently administratively approved PUD Development Plan and related Final Plat significantly diminish the potential development and marketability of the Southwest Equity parcel, by significantly limiting access and traffic flow.

The administratively approved PUD Development Plan and related Final Plat risk traffic collisions along the access route to the Southwest Equity parcel. Specifically, large vehicles attempting to navigate the double curves to access the Southwest Equity parcel are likely to find such navigation challenging, especially when there is perpendicular parking in the immediate area. Even smaller passenger vehicles are more likely to have accidents along this route. Vehicles backing out of perpendicular parking and pedestrians associated with that parking make the access road significantly less safe than a road with no parking and separate pedestrian sidewalks.