



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: Eric Nicol & Jon Severson Telephone: 602 885-3506
Address: 1427 Avenue A Street City: Colorado Springs
State: CO Zip Code: 80905 E-mail: eric@loyalcoffee.co

PROJECT INFORMATION:

Project Name: Development Plan for the Kum and Go gas Station
Site Address: Southeast corner of 8th Street and W. Brookside street
Type of Application being appealed: Development Plan
Include all file numbers associated with application: ~~AR FP 21-00813~~ AR DP 21-00 813 -EN
Project Planner's Name: Matthew Alcaran
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 please contact the Land Use Review office at 385-5905.

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

5-31-2022

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: \$ _____

Date Application Accepted: _____

Receipt No: _____

Appeal Statement: _____

Intake Staff: _____

Completed Form: _____

Assigned to: _____

Eric and Anna Nicol
1427 Avenue A Street
Colorado Springs CO 80905

Jon T. O. Severson and Melinda K. Edwards
716 W. Brookside
Upper Level
Colorado Springs CO 80905

Project Name: Development Plan for the Kum and Go gas station, File Number: AR DP
21-00813

Site Address: Southeast corner of 8th Street and W. Brookside Street

APPEAL

We are submitting an appeal according to City Code 7.5.906.A.4 showing that the Kum and Go planned for the Southeast corner of 8th Street and W. Brookside Street is unreasonable and erroneous. The proposed plan does not improve the neighborhood and the people living in it for these reasons.

- Increased traffic on Brookside
 - Brookside is already a dangerous/busy street with no sidewalks. Kum and Go would increase traffic, including large delivery trucks, which would make turning out of our street on Avenue A more difficult than it already is.
 - The neighborhood is full of young families and increased traffic will only be dangerous as it increases risk of accidents to pedestrians and vehicles.
 - According to the development plan point #8 "Semi-trucks shall not travel east onto Brookside from the proposed site." This is great to help traffic, but it will not be enforceable by Kum and Go. We would like to see a better plan to enforce this traffic issue.
- Light and noise pollution.
 - There are at least 14 homes and an apartment complex whose windows look directly onto the proposed site. A 24-hour large gas station creates an immense amount of light and noise and will be a detriment to the privacy and quality of life of the neighbors. The main windows of our home, including bedrooms, overlook this property which would make it disruptive to sleep, quiet and privacy resulting in a reduced quality of life and increase to potential health risks. 24-hour noise due to customer traffic adds to the burden and disrupts sleep and privacy. Eric is a small business owner and employs 30 people within Loyal Coffee. His business and employees could suffer as a result of constant light, noise and lack of privacy affecting his rest.

- Increased crime.
 - 24 hour gas stations draw a transient population and people late into the night and early morning. There are young families within close proximity of this location which will be a detriment to their life, privacy and safety. Additionally, crime will result in increased noise pollution and loss of privacy.
- The Ivywild neighborhood is a historic neighborhood and has a great draw for people to visit. Kum and Go takes away from the charm and excitement of our neighborhood and increases risk to health and safety due to increased traffic with lack of sidewalks and appropriate turn lanes; crime and increased transient problems; and air, light and noise pollution. As one of many families that reside in this neighborhood, we believe it should be protected.
- Jon has his home and retail space for rent and potential renters have expressed concern about Kum & Go traffic and crime. A Kum and Go lowers value of rental significantly and is tough to gain renters due to the proposed Kum and Go, due to reasons above stated.
- Gas Station lowers property values significantly within a 1000 foot radius, and this Kum and Go is proposed to go right in a neighborhood.

Again the neighborhood feels it is unreasonable and erroneous to put this Gas Station in our neighborhood, based on the reasons above.

Also, the City Criteria stated: "To promote the health, safety, convenience, and general welfare of the citizens of the City." The Kum and Go Proposal does not meet this criteria to the neighborhood directly affected by it.

Thank you.

Eric and Anna Nicol

Jon T.O. Severson and Melinda K. Edwards

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CITY AUTHORIZATION:

Payment: \$ 176⁰⁰

Date Application Accepted: 5-31-2022

Receipt No: 41197

Appeal Statement: _____

Intake Staff: Cabe Seviguy

Completed Form: _____

Assigned to: Matt Alvaran