



# THE PLANNING & DEVELOPMENT DEPARTMENT APPEAL TO CITY COUNCIL

Complete this form if you are appealing ~~City Planning Commission's~~ **Downtown Review Board's** or the **Historic Preservation Board's** decision to City Council.

2022 DEC 22 P 3:09

## APPELLANT CONTACT INFORMATION:

Appellants Name: Michael Ford Telephone: 562-453-8716  
Address: 1707 Redbank Dr. City: Colorado Springs  
State: CO Zip Code: 80921 E-mail: ma.ford@yahoo.com

## PROJECT INFORMATION:

Project Name: 1756 Silversmith Rd. Apartments  
Site Address: 1756 Silversmith Rd.  
Type of Application being appealed: Administrative Approval for Apartment Complex  
Include all file numbers associated with application: AR PUD 19-00162-AMT22  
Project Planner's Name: Katehna A. Wintz  
Hearing Date: 12/14/22 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. Your appeal statement should include the criteria listed under "Option 1" or "Option 2".

Submit all 3 items above to the **City Clerk's office (30 S Nevada, Suite 101, 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, 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 offices 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.

Michael Ford Signature of Appellant Date: 12/21/22

**THE APPEAL STATEMENT SHOULD INCLUDE THE FOLLOWING**

- ☐ **OPTION 1:** If you are appealing a decision made by City Planning Commission, Downtown Review Board, or the Historic Preservation Board that was **originally** an administrative decision 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.
- ☐ **OPTION 2:** If the appeal is an appeal of a City Planning Commission, Form Based Zoning Downtown Review Board, or Historic Preservation Board decision that was **not made administratively initially**, the appeal statement must identify the explicit ordinance provision(s) which are in dispute and provide justification to indicate how these sections were not met, see City Code 7.5.906.B. For example if this is an appeal of a development plan, the development plan review criteria must be reviewed.

**CITY AUTHORIZATION:**

Payment: \$ \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Appeal Statement: \_\_\_\_\_

Intake Staff: \_\_\_\_\_

Completed Form: \_\_\_\_\_

Assigned to: \_\_\_\_\_

Appeal to City Council  
RE: AR PUD 19-00162-A1MJ22E  
1765 Silversmith Rd. Apartments

I am reaching out to appeal the approval of the plan for Flying Horse No. 22 at 1765 Silversmith Rd.

The impact of the new project places building 7 structure within 30 yards of my master bedroom and bath. This proposed project violates the intent and purpose of Colorado Springs zoning code and will destroy the sanctity of our beloved neighborhood.

7.2.102: INTENT AND PURPOSE OF ZONING CODE:

This Zoning Code is designed to ensure the most appropriate use of land throughout the City; to ensure a logical growth of the various physical elements of the City; to lessen congestion in the streets and to facilitate the adequate provision of transportation; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to improve housing standards; to conserve property values; to facilitate adequate provision of utilities, schools, parks and other public infrastructure services; to protect against flood conditions and poor geologic and topographic conditions; and in general to promote health, safety and general welfare. The regulations within this Zoning Code have been made with reasonable consideration to the character of each zone district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout the City.

It is the intent and purpose of this Zoning Code to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions. (1968 Code; Ord. 80-131; Ord. 81-149; Ord. 91-30; Ord. 94-107; Ord. 01-42)

The proposed project is in violation of the City of Colorado Springs zoning code nature, as copied above.

- My property value will be significantly injured with the building of apartments adjacent to my property.
- My views will be significantly injured with the construction of a three story structure adjacent to my property. There will be a significant visual obstruction with the proposed and the current plan.
- My property will be subject to adjacent nuisances including noise, light and excessive traffic.
- My neighborhood will not be preserved, but violated with the introduction of a massive structure directly across the street.
- There are no other structures that are more than two stories above grade. The proposed plan puts three story balconies hovering over my property directly across the street from my home - looking down in to my bedroom, my shower, and my back yard. I would lose all privacy.
- The current plan for a retirement home does not place a structure directly adjacent to my home or property. The new plan violates the adjacency items of the code.

Thank you for your consideration.