

CITY OF COLORADO SPRINGS
INTEROFFICE MEMO

DATE: February 22, 2023
TO: Peter Wysocki, Director of Planning
FROM: Sarah Johnson, City Clerk
SUBJECT: Notice of Appeal

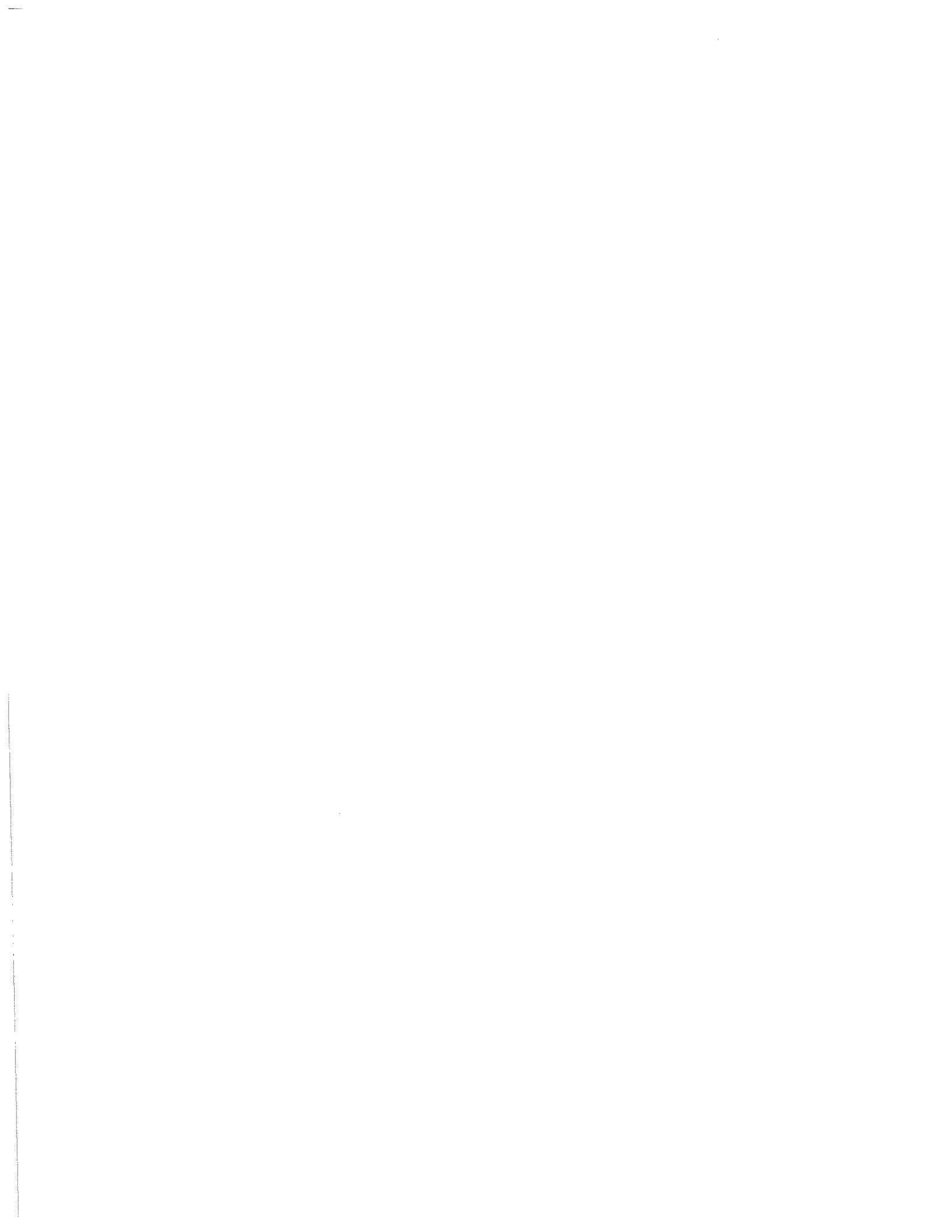
ITEMS NO. 7.C PUDZ-22-0005; 7.D PUDC-22-0003

An appeal has been filed by Bill Wysong regarding the Planning Commission action of February 08, 2023.

I am scheduling the public hearing on this appeal for the City Council meeting of March 14, 2023. Please provide me a vicinity map.

CC: Candy Fontecchio
Daniel Sexton

Bill Wysong
Bill.Wysong@comcast.net





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** ^{CITY CLERK'S OFFICE} decision to City Council.

2023 FEB 17 A 11:52

APPELLANT CONTACT INFORMATION:

Appellants Name: Bill Wysonq - President MSCA Telephone: 719 338-0140
Address: 2650 ROSSMERE ST CO 80919 City COLORADO SPRINGS
State: CO Zip Code: 80919 E-mail: Bill.Wysonq@Comcast.net
Bill.Fortress@homeinspections@gmail.com

PROJECT INFORMATION:

Project Name: 2424 GOTGLIC
Site Address: 2424 GARDEN OF THE GODS Rd
Type of Application being appealed: RE-ZONING / CONCEPT PLAN
Include all file numbers associated with application: PUDZ-22-0005^{7C} PUDC-22-0003^{7D}
Project Planner's Name: Daniel Sexton
Hearing Date: 2/28/23 Item Number on Agenda: UNKNOWN AT THIS TIME

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.

[Signature]
Signature of Appellant on Behalf of MSCA Date 2/16/2023



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.

X **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.

SEE ATTACHED

AND

7.5.603.B.1 - THIS ACTION WILL BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVICTION, OR GENERAL WELFARE

7.5.603.B.2 - THIS PROPOSAL IS NOT CONSISTENT WITH THE COMPREHENSIVE PLAN

§ STATE STATUTE 29-20-104(1)(C) protect significant wildlife habitat
(9) Regulate Based on the Impact to the Community

COLORADO EXECUTIVE ORDER D-2019-011 protect iconic wildlife habitat: migration corridors

DISTRICT COURT: 106 Appeal Denied by Judge Prince w/ 25 CONCERNS THAT WERE UPHOLD

HILLSIDE OVERLAY ORDINANCE - 7.3.504.F.2 Height shall be determined AT TIME OF RE ZONING AND BASED ON VISUAL ANALYSIS

7.5.501.E #1 THIS ACTION WILL HAVE A DETRIMENTAL EFFECT UPON GENERAL HEALTH, WELFARE! SAFETY...

CITY AUTHORIZATION:

Payment: \$ _____

Date Application Accepted: _____

Receipt No: _____

Appeal Statement: _____

Intake Staff: _____

Completed Form: _____

Assigned to: _____



The PUD Zone Change Does NOT Comply

STATE STATUTE: Powers of Local Governments (as advised by the CO AG) (Doc04)

- §29-20-104(1)(b) protect significant wildlife habitat
- §29-20-104(1)(g) regulate based on the impact to the community

COLORADO 2015 STATE WILDLIFE ACTION PLAN: Prevent bighorn sheep from endangered listing status.

COLORADO EXECUTIVE ORDER:

- D-2019-011 Protect iconic wildlife habitat and migration corridors

DISTRICT COURT: Order Following Rule, "DENIED, DONE and ORDERED May 20, 2022

- At least 25 concerns were upheld by Judge Prince.

CITY CODE: REZONE REQUIREMENTS

- 7.5.603.B.1 The action WILL NOT be detrimental to the public interest, health, safety, convenience, or general welfare.
- 7.5.603.B.2 The proposal IS CONSISTENT with the Comprehensive Plan.

CITY CODE: Hillside Area Overlay (Meets the spirit and intent of the hillside design manual.)

<https://codelibrary.amlegal.com/codes/coloradospingsco/latest/coloradospingsco/0-0-0-8797>
"applicants are strongly encouraged and requested to meet the spirit and intent of the hillside design manual"

- 7.3.504.A.3.g. To preserve wildlife habitat
- 7.3.504.B.1. Predominant development is single-family detached housing.
- 7.3.504.C.4.b(3) Analysis shall show wildlife habitat and migration corridors. < - - Provided by the neighborhood.
- 7.3.504.D.2.d(2)(D) Yard setbacks should be sufficiently varied to avoid a repetitious appearance
- 7.3.504.D.3. a. Does the plan meet the spirit and intent of the hillside design manual?
- ** 7.3.504.F.2. Height shall be determined at the time of zoning and based on visual analysis < - - Provided by the neighborhood.
- 7.3.504.H. Lot grading will be evaluated for consistency with the spirit and intent of the hillside design manual.
- 7.3.504.H.d. Have visual impacts upon off site areas been avoided or reasonably mitigated?
- 7.3.504.H.d(1) Has the structure been sited so that there is a mountain or hillside backdrop?
- 7.3.504.H.d(2) Has the structure been sited away from the ridge line?





CITY OF COLORADO SPRINGS

OFFICE OF THE CITY CLERK
30 S. NEVADA AVE., SUITE 101
COLORADO SPRINGS, CO 80903
719-385-5901

RECEIPT

DATE: 2/17/2023

Receipt #: 90300

License Type: _PER_SUB_TYPE

Payment Type: Business Check

Reference #: 8997

LICENSE NO: 10FDD-00000-#0001

Post Date: 2/17/2023

Receipt Total: \$176.00

PAYEE:

William Wysong
2650 Rossmere Street
Colorado Springs, CO 80919

For the Licensed Premises at:

Comments: Appeal of 2424 GOTGLLC re-zoning / concept plan (PUDZ-22-0005; PUDC-22-0003)

PAYMENT DETAILS:

Description	Quantity	Amount
Planning Appeal Fee	1	\$176.00

DORIAN C LEE
WILLIAM G WYSONG JR.
2650 ROSSMERE ST.
COLORADO SPRINGS, CO 80919

8997

82-7000/3070
34

2/16/23

Date

CHECK ARMOR
FRAUD PROTECTION

Pay to the
Order of

City of Colorado Springs

\$ 176 -

Overhead Smith Six A

100/100

Dollars



Photo
Safe
Deposit
Details on back



Ent • P.O. Box 15819 • Colorado Springs, CO 80935-5819
(719)574-1100 • 800-525-9623 • Ent.com



For

Appral PUD 2/c 22-0005 0033

⑆ 307070005⑆ 1006222783104⑈08997

Herland Clarke

