

Tamara Baxter

From: Shauna Boren <skboren@gmail.com>
Sent: Sunday, January 25, 2026 10:17 PM
To: Tamara Baxter
Subject: LDS temple in Northgate

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Ms. Baxter,

I'm a member of the Church of Jesus Christ of Latter-Day Saints and am eagerly anticipating the construction of the temple to be built in the Flying Horse area. Thank you so much for helping to move that project forward.

I'm a leader of youth for our congregation and I accompany groups of youth regularly to the temple in the Denver area, which is our closest one. Inside the temple, youth and adults of our faith experience God's love for them in a way that can be deeper and more powerful than in other contexts. We continue to make the drive to the Denver temple every month so that these youth can be reminded of how profoundly they are loved and seen by their Father in Heaven, and so they can be reminded of the incredible good they are capable of doing for others because they are God's children.

Our plan is to continue to make that drive every month regardless of how long it takes for the new temple to be built. It's a long drive, and unpredictable due to traffic and weather, but the sacrifice of time and effort are so worthwhile, because in the temple we are reminded that our purpose is not to live for ourselves, but to serve others, and the more frequently we visit the temple, the better people we become.

I'm grateful to you and to the City Council for all you are doing to move this project forward, and for hearing the varying concerns of the community surrounding it. The many members of our faith in this area will be so profoundly grateful to have a temple closer to home, whatever form it eventually takes.

Shauna Boren

Tamara Baxter

From: april kubik <aprilkubik@yahoo.com>
Sent: Monday, January 26, 2026 7:46 AM
To: Tamara Baxter
Subject: LDSTemple

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I would like to add my support and affirmation for the LDS Temple development near Flying Horse Club Drive and Barossa Valley Road. I feel that this beautiful structure would be a good addition to our city. Please allow for it to be approved. Thank you, April Kubik.

[Yahoo Mail: Search, Organize, Conquer](#)

Tamara Baxter

From: James McMurray <jbmcmurray@gmail.com>
Sent: Monday, December 8, 2025 6:04 PM
To: Tamara Baxter; Kevin Walker
Subject: Colorado Springs Temple

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Greetings,

I am writing to voice my support of the administrative approval of the Colorado Springs Temple. After reviewing the appeal letter and staff report, it is clear that staff has done a typically thorough and professional job addressing the arguments made by the appellant. Were I still a member of the Planning Commission (becoming a CPC alum in 2024), I would have had no reservations in upholding this administrative approval - this would have been among the more straightforward appeal cases I would have seen during my time of service, despite its uniqueness.

Much thanks to all of you, including our city planning staff who work tirelessly for our community, as well as our dedicated volunteers who serve on the planning commission.

Kind regards,
James McMurray
COS CPC member, 2018-2024

Tamara Baxter

From: W. West Allen <wwa@h2law.com>
Sent: Tuesday, December 9, 2025 4:06 PM
To: Tamara Baxter
Cc: Trevor D Gloss
Subject: RE: Colorado Springs Temple Appeal

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Ms. Baxter,

Thank you for your updates regarding the Colorado Springs Temple (DEPN-25-0056).

The appeal filed by Mr. and Mrs. Kuhn (12640 Woodruff Drive) appears to be based, principally, on their opposition to the planned height of the proposed temple spire. They assert that the spire will be “too tall” because it violates applicable government restrictions (*i.e.*, “development standards”). Setting aside the issue of whether any homeowner so distant from the actual temple site with no view of the religious structure in question has legal standing to assert this concern, I can speak as a homeowner whose property is directly affected by the proposed religious building. In fact, our current unobstructed mountain view to the west from Penfold Drive will be directly impacted by the location of the Colorado Springs Temple and its spire.

Our family, in addition to many of our neighbors who are most directly affected by the new temple structure, **fully support the proper decision by the Planning Department to allow the prompt construction of the Colorado Springs Temple as proposed by The Church of Jesus Christ of Latter-day Saints.** Indeed, the architectural design and religious purpose of a temple spire are critical to the very concept of why temples are built by people of faith throughout the world.

Importantly, the legal protection of spires on “templed hills” in America is guaranteed by current U.S. federal civil rights law that safeguards such religious exercise in architectural design. (See, pages 2-4 of the “Response to Public Comment” dated November 6, 2025). Local municipalities and state governments are required to follow this law or face legal liability for failing to do so. Consequently, when it comes to the interests of any single homeowner, or even the interests of many homeowners as expressed by their municipalities enforcing applicable zoning standards, these interests must yield to the inalienable rights protected by the First Amendment.

Requiring a religious organization to meet design and screening requirements for a temple’s steeple, especially when accommodations already have been made proactively by the religious organization, violates federal law (*e.g.*, Religious Land Use and Institutionalized Persons Act) and imposes a “substantial burden” on the free exercise of religious beliefs. Limitations on religious architecture do not merely pose an inconvenience or additional cost, they directly regulate religious worship (including symbolic speech) and thus cannot survive strict Constitutional scrutiny.

Here, the proposed Colorado Springs Temple steeple height and lighting do not implicate public health or safety. Any attempt to regulate these by government, as appellants contend, would therefore violate RLUIPA and subject our City to legal liability. Quite simply, as correctly noted by counsel for the Applicant, ad hoc restrictions on religious architecture by government as recommended by the appellants would violate the First Amendment’s Free Exercise Clause.

We hope the Planning Department will take the opportunity at the public hearing tomorrow to express, teach, and explain these important legal principles to any who oppose the Colorado Springs Temple Project. This may help avoid undue delays or further proceedings that are without legal merit.

Kind regards,

W. West Allen

12960 Penfold Dr.
Colorado Springs, CO 80921
m: (702) 370-3199

Howard & Howard | **W. West Allen**
law for business® Attorney at Law

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From: Tamara Baxter <Tamara.Baxter@coloradosprings.gov>
Sent: Wednesday, November 12, 2025 1:48 PM
To: Tamara Baxter <Tamara.Baxter@coloradosprings.gov>
Subject: Colorado Springs Temple Appeal

CAUTION: EXTERNAL EMAIL

Hi there,

You are receiving this email as you have expressed interest with the Colorado Springs Temple project.

The City Planning Department has obtained an appeal of the administrative decision of the COS Temple Development Plan.

The appeal file number is [APPL-25-0008](#). I have attached steps to view all documents related to the appeal.

The appeal of the administrative decision will be heard at the December 10th City Planning Commission (CPC) meeting, which is a public hearing.

You can find CPC meeting information here: <https://coloradosprings.gov/planning-development/boards-commissions/planning-commission>

Documents (ie staff report and support attachments) for the public hearing will not be uploaded to Legistar until the beginning of December.

If you have any questions, please let me know.



Tamara Baxter

Planning Supervisor

Planning Department – Development Review Enterprise

City of Colorado Springs

Direct: (719) 385-5621

Email: tamara.baxter@coloradosprings.gov

Links:

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[Look at Applications Online](#) [after August 8, 2022] | [ACA Guide](#)

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

Tamara Baxter

From: Rachel Smith <ralee31@gmail.com>
Sent: Monday, December 1, 2025 2:48 PM
To: Tamara Baxter
Subject: APPL-25-0008

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Hello Ms. Baxter,

We would like to formally request an appeal of the administrative approval for the Colorado Springs Temple Development Plan based on the incredible traffic burden that will occur as a result of the planned size/parking of the temple. The space will significantly affect the current community homeowners rights to live in peace and safety. The increased traffic will create more noise pollution, decrease the safety of the streets by the sheer number of additional vehicles and traffic from on street parking that may flow over during services. This will create public danger when trying to cross the streets surrounding the temple. We would ask you to reconsider approval for a temple of this size and parking requirements.

Thank you for your consideration.

Rachel & Hunter Smith

--

Rachel L. Smith
(702) 506-1577

Tamara Baxter

From: Dale Zschoche <dalezschoche@hotmail.com>
Sent: Wednesday, December 3, 2025 1:58 PM
To: Tamara Baxter
Subject: Mormon Temple Appeal

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Ms. Baxter:

Thank you for the mailing about the appeal hearing for the Mormon Temple. We reside in the Sonoma Village just north of Flying Horse Club Drive. Please know that we are in full support for the Temple's construction, even though we are not Mormons. It will be a good addition to the community and city.

Respectfully,

Dale

Dale Zschoche
719.238.7510

Tamara Baxter

From: W. West Allen <wwa@h2law.com>
Sent: Tuesday, January 27, 2026 4:01 PM
To: Yemi Mobolade; All Council - DL
Cc: City Attorney Main - SMB; Marc Smith; Sara Brewen; Trevor D Gloss; Tamara Baxter; Tom Bailey
Subject: Correspondence To Colorado Springs City Council re APPL-25-0010, APPL-25-0011, and DEPN-25-0056 | Colorado Springs Temple Project
Attachments: Correspondence to Colorado Springs City Council re RLUIPA for APPL-25-0010 and APPL-25-0011 dated 27 January 2026 4920-4123-2011 v.1.pdf

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The Honorable Yemi Mobolade, Mayor
Members of the Colorado Springs City Council
City of Colorado Springs
107 N. Nevada Avenue
Colorado Springs, CO 80903

RE: City File No. DEPN-25-0056, APPL-25-0010, and APPL-25-0011 | February 10, 2026 City Council Meeting

Dear Mayor Mobolade and City Council Members,

Please see the attached correspondence in preparation for the upcoming public City Council meeting scheduled for February 10, 2026.

First Amendment principles and federal civil rights law are applicable given the Planning Commission's action on December 10, 2025, including the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. §§ 2000cc et seq. This U.S. law protects people and religious institutions from unduly burdensome, arbitrary, or discriminatory zoning and other land use regulations that result in discretionary obstruction. While often overlooked or misunderstood by elected government officials, its violation results in legal liability to municipalities.

This correspondence may be incorporated into the City's formal record and is intended to assist the City Council and City Attorney's Office in its preparation for its February 10 public meeting. I write this letter in my personal capacity as a Flying Horse Community homeowner and a Constitutional lawyer. I will attend the City Council's February 10 meeting and provide further testimony as may be helpful.

Kind regards,

West

Howard & Howard | W. West Allen
law for business® Attorney at Law

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W. West Allen, Esq.

wwa@h2law.com

January 27, 2026

VIA U.S. MAIL AND EMAIL

The Honorable Yemi Mobolade, Mayor
Members of the Colorado Springs City Council
City of Colorado Springs
107 N. Nevada Avenue
Colorado Springs, CO 80903
yemi.mobolade@coloradosprings.gov
AllCouncil@coloradosprings.gov

Re: Colorado Springs RLUIPA Violation | Appeal Nos. APPL-25-0008, APPL-25-0010 and APPL-25-0011 | City Council Meeting February 10, 2026

Dear Mayor Mobolade and Members of the Colorado Springs City Council:

I write in my personal capacity as a former National President of the Federal Bar Association, a Constitutional lawyer, and homeowner of 12960 Penfold Drive, located *directly* across the street from the proposed Colorado Springs Temple (City File No. DEPN-25-0056 “Project”). I am familiar with federal civil rights laws concerning religious free exercise protected under the First Amendment as enforced by the Department of Justice Civil Rights Division (“DOJ”) and the DOJ’s legal notice sent to State, County, and Municipal Officials on March 19, 2024, regarding applicable federal civil rights law in local land use decisions.

Based on the action taken by the Colorado Springs Planning Commission on December 10, 2025, **I respectfully urge the City Council to: (1) affirm the administrative approval already issued** by the City Planning Department for the Temple Project proposed by The Church of Jesus Christ of Latter-day Saints (the “Church”); and **(2) sustain the Church’s appeal** of the Planning Commission’s December 10, 2025 decision, which decision imposed new, unwritten conditions to the Church Project (APPL-25-0011) in violation of federal law.

These steps are necessary to avoid foreseeable legal liability to the City of Colorado Springs.

I. Confirmed Code Compliance and Administrative Approval

On November 6, 2025, the Planning Department approved the Church’s Temple Project Plan after confirming the Church’s full compliance with all applicable codes and land-use requirements. Thereafter, a single appeal was filed by a Flying Horse Community resident whose property is not

adjacent to the Church’s site but instead lies across a planned Colorado Highway (“Powers Boulevard Extension”), over a hill, and with no direct sightline view of the Project.

At the December 10 hearing, Planning Department staff and Church legal counsel repeatedly confirmed on the record that the proposed Temple Project met every required criterion, including:

- Alignment with the PlanCOS Comprehensive Plan;
- Compliance with all zoning provisions, *including* the Project’s design to minimize visibility;
- Satisfaction of each Planning Department review standard, *including* its site lighting; and
- Full conformity with the Unified Development Code.

The Planning Commission overwhelmingly denied the resident’s appeal (7-1). However, it went further and—without legal basis—added two new conditions: (1) the steeple must use a non-reflective matte finish, and (2) the “top tier” of the steeple may not be illuminated except for lighting required by the FAA. **These arbitrary requirements are not grounded in ordinance and serve no compelling government interest. Therefore, they cannot lawfully be imposed upon the Church under applicable federal civil rights law.**

II. Arbitrary and Unequal Treatment

The Planning Commission’s decision represents the precise type of ad-hoc, individualized, and standardless decision-making that federal civil rights law prohibits when religious institutions seek to construct places of worship. Municipal liability arises when local authorities:

- Create new standards after compliance is established;
- Apply criteria not imposed on comparable secular projects; or
- Rely on unwritten or subjective requirements.

Such government action creates a “substantial burden” under federal law requiring Constitutional strict scrutiny. It also may constitute expressly prohibited unequal treatment. When the action is directed at religious land use, it triggers federal civil rights protections and municipal legal liability.

III. RLUIPA Violations

Congress enacted the **Religious Land Use and Institutionalized Persons Act** (“RLUIPA”), 42 U.S.C. §§ 2000cc et seq., to protect people and religious institutions from unduly burdensome, arbitrary, or discriminatory zoning and other land use regulations that result in discretionary obstruction. Under § 2000cc(a)(1) and (a)(2)(C), a city violates RLUIPA when it imposes substantial burdens through individualized assessments without a compelling governmental interest advanced by the least restrictive means. Under § 2000cc(b)(1), a city violates RLUIPA

when it imposes any land-use regulation against a religious institution in an unequal manner. The Planning Commission here, apparently, has done both.

Federal courts—including the Tenth Circuit—recognize that goalpost shifting, unwritten criteria, and arbitrary reversal after staff approval constitute substantial burdens and are the very essence of what RLUIPA expressly prohibits. Such burdens cannot be imposed without a **compelling** government interest. A compelling government interest is one of the “highest order” and necessary to protect public peace and safety, not mere aesthetics. There has been *no* such compelling interest asserted by the City or any appellant. Consequently, ***unless the City Council takes corrective measures, the Planning Commission’s December 10 action violates federal RLUIPA law and exposes the City to civil liability, injunctive relief, and attorneys’ fees.*** (See 42 U.S.C. § 1988(b)).

IV. First Amendment Concerns

In the context of Constitutional government land-use regulations, religious structures are not ordinary buildings. Their architecture, height, spires, grounds, and illumination express sincere religious belief and constitute protected symbolic speech and religious exercise under the First Amendment.

Local municipal restrictions on such features—without compelling justification—are not mere zoning refinements; they are constitutional burdens subject to strict scrutiny. Arbitrary limits on a temple’s spire height, construction finish, or lighting that lack a clearly identified **compelling** governmental interest contravene fundamental principles of our First Amendment. Congress further protects the free exercise of religion by granting private citizens a civil right of action when municipalities impose these limitations in violation of RLUIPA.

The purpose for this special land use treatment is clear: Freedom to practice religion according to the dictates of one’s conscience is among our greatest unalienable rights, written into our Constitution and protected by our laws. Under the First Amendment, temples, mosques, chapels, and synagogues are visible expressions of faith and legally protected places of peace, prayer, reflection, and worship. They are symbolic structures that strengthen communities, foster unity, and embody the fundamental principles at the heart of our nation and its commitment to religious freedom. Accordingly, when the aesthetic interests of one homeowner, or even many homeowners as interpreted by a Planning Commission, conflict with our citizens’ unalienable right to exercise their religion freely, the former must yield to the latter.

V. Civic Leadership and the Rule of Law

State and local governments do not merely tolerate religious institutions; our constitutional tradition calls upon governments and their leaders to **encourage and protect** religious land use investment and development within their jurisdictions. Local governments are to administer their entrusted land-use authority in accord with the rule of law, which necessarily includes enforcing federal RLUIPA civil rights protections and ensuring that every citizen receives due process.

With respect to the Church Temple Project, the City Planning Department completed a full technical and compliance review of the proposed site plan and issued its approval rooted in objective, written standards. This was not merely a casual recommendation; it was a formal finding on the record that the Project conforms to the City’s adopted land-use framework. The Planning Commission’s decision thereafter to impose new, arbitrary conditions on the Church is contrary to law and due process. The law requires that municipal discretion end where compliance begins.

VI. Requested City Council Action

The City will violate federal RLUIPA law, due process, and First Amendment principles if it imposes new, arbitrary conditions to the Church’s previously approved, code-compliant land use plan. Therefore, *I respectfully recommend* that the City Council at its February 10, 2026, meeting:

- (1) **Sustain** Appeal APPL-25-0011 filed by the Church, and **reject** Appeal APPL-25-0010;
- (2) **Affirm** the Planning Department’s approval of the Temple Project (DEPN 25-0056);
- (3) **Restore** neutral, objective application of the Unified Development Code; and
- (4) **Avoid** unnecessary exposure to litigation under RLUIPA and the First Amendment.

Conclusion

This letter is prepared out of a professional responsibility and sincere concern for the lawful administration of land use authority in accord with applicable federal civil rights law—including the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc, et seq. It is also written as a person of faith interested in the protection of religious liberty within our community.

This City Council has the opportunity to affirm both the rule of law and the highest ideals of religious freedom. I trust that it will choose wisely—for the benefit of the City, its residents, and the Constitutional values we are all sworn to uphold.

Sincerely,

HOWARD & HOWARD ATTORNEYS PLLC



W. West Allen

cc: Marc Smith, Colorado Springs Interim City Attorney
Trevor D. Gloss, Colorado Springs Deputy City Attorney
Sara Brewen, Colorado Springs Deputy City Attorney
Tamara Baxter, Senior Planner, City of Colorado Springs