

CITY OF COLORADO SPRINGS

**INTEROFFICE MEMORANDUM**

DATE: August 31, 2020  
TO: Peter Wysocki, Director of Planning  
FROM: Sarah Johnson, City Clerk  
SUBJECT: Notice of Appeal

ITEM NO. 6.L.: CPC ZC 20-00032; ITEM NO. 6.M.: CPC CP 20-00033

An appeal has been filed by Aimee Twaddle and Springcrest Neighborhood Alliance regarding the Planning Commission's action of August 20, 2020.

I am scheduling the public hearing on this appeal for the City Council meeting of September 22, 2020. Please provide me a vicinity map.

CC: Katie Carleo  
Elena Lobato

Aimee Twaddle &  
Springcrest Neighborhood Alliance  
9790 Kit Carson Ln  
Colorado Springs, CO 80920



# 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.

CITY CLERK'S OFFICE  
2020 AUG 31 P 12:16

### APPELLANT CONTACT INFORMATION:

Appellants Name: Aimee Twaddle and Springcrest Neighborhood Alliance Telephone: 719-650-2749  
Address: 9790 1/2 Carson Ln City Colorado Springs  
State: CO Zip Code: 80920 E-mail: waskulywabut@gmail.com  
aimetwaddle@gmail.com

### PROJECT INFORMATION:

Project Name: Peak Center Annexation  
Site Address: 1785, 1775, 1865 Old Ranch Rd, Colorado Springs, CO 80920  
Type of Application being appealed: Peak Center Annexation  
Include all file numbers associated with application: CPC ZC 20-00032, CPC CP 20-00033  
Project Planner's Name: Katie Carleo  
Hearing Date: August 20, 2020 Item Number on Agenda: 6.L. CPC ZC 20-00032  
6.M. CPC CP 20-00033

### 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 of Appellant  
Aimee Twaddle

8/30/2020  
Date  
08/30/2020

**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 CLERK'S OFFICE  
2020 AUG 31 P 12:16

**CITY AUTHORIZATION:**

Payment: \$ 175

Date Application Accepted: 8/31/2020

Receipt No: 121216

Appeal Statement: -

Intake Staff: E. Wagner

Completed Form: ✓

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

Springcrest Neighborhood Appeal Letter

August 30, 2020

Springcrest Neighborhood Alliance  
Colorado Springs, CO 80920

Dear City Council Members:

The Springcrest Neighborhood Alliance is appealing the Peak Center Addition No. 1 Annexation proposal. Please see the Planning and Development Department Appeal to City Council Application.

1785, 1175 and 1865 Old Ranch Road  
Colorado Springs, CO 80920  
CPC ZC 20-00032, CPC CP 20-00033

The explicit ordinance provisions which are in dispute are:

- 7.5.501 A, E: Concept Plan
- 7.5.603 B: Findings
- 24-6-402.: Meetings--Open to Public: (2)(d)(I), (2)(d)(II)

This project has violated the following Concept Plan review criteria, according to Section 7.5.501 A, E:

- A1. To ensure use to use compatibility between the proposed land uses, zone district with the surrounding area;
- A2. To minimize potential hazardous, adverse or objectionable effects of the proposal;
- A7. To evaluate existing and proposed road systems, utilities, schools, parks and other public facilities to determine if they are adequate to serve the proposed project
- E1. Will the proposed development have a detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development?
- E3. Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off of the site?
- E5. Will the proposed development overburn the capacities of existing streets, utilities, parks, schools and other public facilities?
- E6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods?
- E7. Does the concept plan show how any potentially detrimental use to use relationship (e.g., commercial use adjacent to single/family homes) will be mitigated? Does the development provide a gradual transition between uses of differing intensities?
- E8. Is the proposed concept plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan? (Ord. 94-107; Ord. 01-42; Ord. 03-157; Ord. 09-78; Ord. 12-72)

## Springcrest Neighborhood Appeal Letter

The administrative decision is incorrect because it is against the express intent of this zoning ordinance and it is unreasonable.

- This project has violated the following Zone Change criteria, according to Section 7.5.603 B: Findings:
  - B1. The action will not be detrimental to the public interest, health, safety, convenience, or general welfare.
  - B2. The proposal is consistent with the goals and policies of the Comprehensive Plan

### 24-6-402 -Open to Public:

- (d) (I) Minutes of any meeting of a state public body shall be taken and promptly recorded, and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under subsection (3) of this section is held shall reflect the general topic of the discussion at the executive session.
- (II) Minutes of any meeting of a local public body at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur shall be taken and promptly recorded, and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under subsection (4) of this section is held shall reflect the general topic of the discussion at the executive session.

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 proposed re-zoning and concept plan would create an abrupt transition between commercial zoning and our rural residential zoning. Currently, Old Ranch Road serves as a strong boundary between city and county, commercial and rural residential. Currently all properties on the south of Old Ranch Rd. that border Springcrest are zoned agricultural and rural residential. The benefits to the applicant do not outweigh the damage to the Springcrest neighborhood.
- The proposed concept plan would create significant traffic impacts and make Old Ranch Road unsafe. Despite evidence presented by the neighborhood, no traffic study was done, and mitigation was not required. Without a traffic study and mitigation, the burdens to the neighborhood outweigh the benefits to the applicant.
- Financial impacts to the neighborhood outweigh benefits to the applicant and community.
- As of 08-30-20, the minutes from the 08-20-20 phone hearing have not been posted. The benefits to the applicant outweigh the damage to the appellant.

Thank you in advance for your time and we look forward to discussing these topics at the next hearing.

Regards,

Brian FASTERLING, Kelly FASTERLING, Karen Munch, Steve Luna, Nancy Wallace, Matt Dudden, Rafer Chambers, Aimee Twaddle and the Springcrest Neighborhood Alliance