



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.

APPELLANT CONTACT INFORMATION:

Appellants Name: SANDEA K. FUSS Telephone: 719-282-2258
Address: 8275 CHIFTON DRIVE City: COLORADO SPRINGS
State: CO Zip Code: 80920 E-mail: SWEET5PEAS@GMAIL.COM

PROJECT INFORMATION:

Project Name: LITTLE MONKEY'S TREE HOUSE LARGE DAYCARE
Site Address: 8265 CHIFTON DRIVE
Type of Application being appealed: CONDITIONAL USE
Include all file numbers associated with application: CPC CU 21-00196
Project Planner's Name: TAMARA BAXTER
Hearing Date: APRIL 21, 2022 Item Number on Agenda: ONE

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.

Sandra K. Fuss
Signature of Appellant

APRIL 26, 2022
Date

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: _____

Planning and Development Department Appeal To City Council
Re: CPC CU 21-00196
City Clerk's Office
30 S. Nevada, Suite 101
Colorado Springs, CO 80903

Thank you for the opportunity to appeal the City Planning Commission's decision regarding the approval of a large day care in a neighborhood where the operation of such is prohibited by covenants.

I want to first say I am a retired Special Education teacher (I hold a Master's Degree) and I love children. I certainly know the difference between children's voices at play and an unreasonable amount of heightened noise on a continuing basis.

I felt the hearing was unfair and the decision should be reconsidered for the following reasons:

The initial notice for CPC CU 21-00196 had a deadline for response of December 31, 2021. The planner was Andrew Bowen.

I placed two telephone calls and sent an email to Andrew Bowen and never received any return calls. In addition to emailing my objection, I also mailed via USPS my letter to Mr. Bowen on December 22, 2021. Neither my email nor my mailed letter was included in the correspondence section.

On the day of the hearing, April 21, 2022, text messages opposing the operation could not be pulled up and the objections against a daycare operation heard by the Planning Commission board.

Email objections against the daycare operation were not heard.

Inconsistent with local zoning. This property is zoned R1-6/AO Single Family Residence.

The presence of a daycare operation harms and adversely impacts our neighborhood by devaluing neighborhood property, creates increased noise and increased traffic, increases safety issues, has caused destruction of private property, and affects our quality of life. There are no benefits to our neighborhood; only negative. There is no positive distribution. The impact upon our neighborhood and myself is negative. The burden outweighs any benefit per the above stated reasons.

Jesus Perez was granted a rebuttal after my statement (different from my delivered statement to Tamara Baxter on April 20, 2022) where he stated false information, as well as hearsay evidence. Mr. Perez was allowed to make unfounded, untrue, derogatory comments about me personally. No opportunity was given for me to correct his false information and inaccurate statements. This issue was about the expansion of a daycare operation that is located in a neighborhood governed by covenants that prohibit such daycare/business operations. Personal comments against me were uncalled for; should not have been allowed and should have been stopped.

I will address his false statements relative to me personally:

Re: the daycare parent's vehicle blocking my driveway. Mr. Perez was not outside or anywhere near my driveway. I don't even know if he was at home. Mr. Perez' comment was hearsay that the parents' car only blocked 6" of my driveway. I did not even think of it at the time; but now realize I should have taken a picture for evidence. The daycare parent's car

certainly was blocking far more of my driveway than what Mr. Perez said and did prevent my being able to get out. This was another example of daycare parents taking extended time to pick up their child/children.

Mr. Perez' comment re: police involvement re: snow issues. For several years Anna and Jesus shoveled snow from their two driveways onto my property; despite my repeated requests for them not to do so and killing several of my plants. I asked them many times over the years to stop. They ignored my requests. I finally went to the Stetson Hill Police Department and asked to speak with someone. I explained to Officer Abeyta that I did not know what to do or how to solve the situation. I do know that after my conversation with Officer Abeyta he went to the Perez/Johnson house on two occasions (possibly three) and informed them they were to stop shoveling their snow onto my property. They did not stop.

Mr. Perez stated at the hearing there had been no objections to a daycare. This, also, was not true. I, myself, had voiced objections to them several time and repeated that the covenants prohibited any daycare/business operations. There was no notice given to any neighbor that a daycare permit had been originally submitted, which was legally required and not done. Previous request CPC CU 16-00063 was denied. The neighborhood overwhelmingly responded with emails against the granting of any daycare operation. I was in their house once when Anna set it up for daycare and wanted to show me. I told her it looked nice but that it was against the covenants to have a daycare. I have not been in their home since.

Mr. Perez also commented a plastic fence was put up on his property. It was not; the small plastic fence was on my property. My husband and I purchased this lot and had our home built at 8275 Clifton Drive in 1999. I know where the lot boundary lines are located.

One of the other frustrating issues I have had to deal with is the placing of their drain pipe to go into my yard. Anna's father Harold sat in a lawn chair and watched me dig out all the muck and mud. It took many days to clean out. I would put their pipe back onto their property and the next day, it would be back draining into my yard. This went on for weeks.

There are multiple more examples of the Perez/Johnson residence not respecting my property rights and good neighbor policies. These have been issues that should have been able to be resolved between neighbors. I have tried and have been rebuffed time after time.

I do not believe I am considered by any neighbor on our block to be a crabby old lady. I give you permission to speak to any neighbor living on the 8200 block of Clifton Drive for their opinions.

It is frustrating to have to deal with these same issues over and over - increased noise, increased traffic, cars blocking sidewalks and driveways, safety issues, personal property being destroyed, violation of zoning regulations, and operating against neighborhood covenants that prohibit daycare/business operations. This situation is out of control and very upsetting health-wise.

Jesus and Anna have violated city codes more than once. Anna and Jesus' repeated violations of city codes indicates disrespect and an unwillingness to obey lawful city codes, rules, and regulations. Anna and Jesus' record of code violations is relevant to this issue. I (again) request the Stetson Hill Police Department be contacted re: city code violations at 8265 Clifton Drive.

In addition, the residence at 8265 Clifton Drive only has two approved driveways, not the three Mr. Perez stated; again, false information. The daycare parents consistently take far more time dropping off and/or picking up their child/children than Anna has indicated.

By any reasonable person's standards, this hearing was unfair, improperly conducted, and did not allow for full objections to the issue at hand. The decision was made based on incorrect and incomplete information.

To have large numbers of people hear untrue and false statements publicly aired regarding me personally, with no recourse offered me to refute the claims, was totally unacceptable, humiliating, and totally out of line.

Tamara Baxter, Senior Planner, has been responsive and helpful when I have contacted her for assistance.

I am writing this appeal/response with the understanding the entire contents (as well as other residents' emails and comments) will be shared with the City Council and all the City Planning Commission members.



Sincerely yours, Sandra Foss



CITY OF COLORADO SPRINGS

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

RECEIPT

DATE: 4/29/2022

Receipt #: 70408

License Type: PER_SUB_TYPE

Payment Type: Personal Check

Reference #: 4048

LICENSE NO: 10FDD-00000-#0001

Post Date: 4/29/2022

Receipt Total: \$176.00

PAYEE:
SANDRA FOSS

For the Licensed Premises at:

Comments: Planning Commission Appeal

PAYMENT DETAILS:

Description
Planning Appeal Fee

Quantity	Amount
1	\$176.00

7.A.**CPC CU**
21-00196

A conditional use development plan for a licensed large daycare home with attendance of seven (7) to twelve (12) children and infants. The site is zoned R1-6/ AO (Single-Family with Airport Overlay, is 0.19 acres in size, and located at 8265 Clifton Drive.
(Quasi-Judicial)

Presenter:

Tamara Baxter, Senior Planner, Planning & Community Development

Attachments: [CPC Staff Report Little Monkey Treehouse](#)

[Conditional Use Development Plan](#)

[Project Statement](#)

[PlanCOS Vision Map](#)

[Public Comment](#)

[Public Comment Response](#)

[Context Map](#)

[7.5.704 Conditional Use Review](#)

[7.5.502.E Development Plan Review](#)

STR Appeal - 15 N Corona St

7.B. **CPC AP**
22-00038

An appeal of the administrative denial of the Short Term Rental permit applications for 15 North Corona Street due to an existing short term rental located within 500', pursuant to City Code Sections 7.5.1704.C.

(Quasi-Judicial)

Presenter:

Carli Hiben, Program Coordinator, Planning and Community Development

Attachments: [15 N Corona St Appeal Submittal](#)

[Staff Report - 15 N Corona St](#)

[15 N Corona Street - 500' Buffer 8.5x11](#)

[PlanCOS Vision Map](#)

[7.5.1704.C ShortTermRentalPermitReviewCriteria](#)

[7.5.906 \(A\)\(4\) Administrative Appeal](#)

STR Appeal - 214 N 20th St

CITY OF COLORADO SPRINGS

INTEROFFICE MEMORANDUM

DATE: May 2, 2022
TO: Peter Wysocki, Director of Planning
FROM: Sarah Johnson, City Clerk
SUBJECT: Notice of Appeal

ITEM NO. 7.A CPC CU 21-00196

An appeal has been filed by Sandra K Foss in regard to the Planning Commission meeting that took place on April 21, 2022.

I am scheduling the public hearing on this appeal for the City Council meeting of May 24, 2022.

Please send the vicinity map.

cc: Tamara Baxter
Elana Lobato

Sandra Foss
8275 Clifton Drive
Colorado Springs, CO 80920
SWEET5PEA3@GMAIL.COM