



THE PLANNING & DEVELOPMENT DEPARTMENT APPEAL TO CITY PLANNING COMMISSION

Complete this form if you are appealing an **Administrative** decision to City Planning Commission.

APPELLANT CONTACT INFORMATION:

Appellants Name: Karen Raymond Telephone: 719 963 4459
Address: 1619 Cheyenne Blvd. City: Colorado Springs
State: CO Zip Code: 80906 E-mail: meandroot@gmail.com

PROJECT INFORMATION:

Project Name: T5N List. 7435109009
Site Address: 3 Lake Circle (north east of Lake Circle and mesa Avenue)
Type of Application being appealed: _____
Include all file numbers associated with application: CPC DP 03-00259-A10 MJ19, AR R19-00877
Project Planner's Name: The Broadmoor Hotel, w/ rep. NES Inc. * AR NV 19-0000
Hearing Date: _____ 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.

Submit **all** 3 items above to the **Land Use Review office (30 S Nevada, Suite 105, 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 and / or 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 or would like to speak with the neighborhood development outreach specialist, contact Katie Sunderlin at sunderka@springsgov.com (719) 385-5773.

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.

Karen Raymond _____ Date Feb 25, 2019
Signature of Appellant
Last Modified: 5/31/2018

THE APPEAL STATEMENT SHOULD INCLUDE THE FOLLOWING

- If you are appealing a decision made Administratively 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.

Chapter 7, Article 4, Part 2

<u>CITY AUTHORIZATION:</u>	
Payment: \$ <u>176.⁰⁰</u>	Date Application Accepted: _____
Receipt No: <u>33048</u>	Appeal Statement: _____
Intake Staff: <u>Kayla Battles</u>	Completed Form: _____
Assigned to: _____	

THE APPEAL STATEMENT SHOULD INCLUDE THE FOLLOWING

- If you are appealing a decision made Administratively 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.

Appeal Statement - Verbiage that includes justification of City Code 7.5.906.A.4

as defined in 7.5.906: A.2.a.(2) "Articles 2, 3, and 4 of this chapter, and this article (zoning):".

Ordinance Provision in Dispute:

Chapter 7, Planning, Development and Building, Article 4: Site Development Standards, Part 2, Off Street Parking Standards, Section 7.4.2.04: Alternate Parking Options and Ord. 91-30

"7.4.201: PURPOSE:  

The purposes of this part are to ensure the provision, location and design of off street parking areas that accommodate motor vehicles, while supporting the objectives and policies of the Comprehensive Plan, including balancing the needs of pedestrian and transit users with use of the automobile. Parking areas are secondary to the primary land uses on a site. (Ord. 86-124; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 03-157)"

The Administrative Decision is Incorrect Because of the Following:

It is unreasonable:

The impact on the North and West neighborhoods for Alternate Parking Options, outlined in the Event Hall Traffic Analysis, included in the comprehensive plan files, does not meet the requirements of Ordinance No. 91-30. More detail is required to do due diligence as described below.

Ord. 91-30 requires a Comprehensive Plan (see page 3, first para.) to include the following. "A. In order to promote the public health, safety and general welfare to improve the physical environment of the City as a setting for human activities: to evaluate the social and economic effects of land development; to effect the formularization, determination and implantation of community values, policies, standards and objectives; to consider the effect on community financial capabilities, public and private investments and to consider the effect on the environment when making land development decisions, the City Council hereby finds, determines and declares that it is in the public interest that there be a Comprehensive Plan. (Ord. 83-262)"

Ord. 91-30 and the Code requires the use of a Comprehensive Plan, which includes requirements to define the Off Street Parking Standards, which allows for:

“1. Conditions For Reduction: If the applicant demonstrates one or more of the following conditions, the Manager may reduce the minimum number of off street parking spaces required for a particular use in section [7.4.203](#) of this part for a new or amended development plan submittal:

a.... b....c..... (see codifiers website for this section)

d. That parking requirements for the use(s) are satisfied by a shared parking arrangement, subject to the following:

(1) The shared parking arrangement must be memorialized in a written agreement that provides for shared parking and access and the writing is recorded in the office of the county clerk and recorder.”

More detail is required.

It is erroneous:

The Traffic Analysis contains inconsistent information. See page 4, which states employees park off site, riding four, 15 passenger vans every 30 minutes, which equals eight vans per hour. Volunteers will park off site, riding four, 15 passenger vans, every 20 minutes. That equates to 20, 15 passenger vans every hour from off-site parking at Norris Penrose Equestrian Center (NPEC). Table 1. on page 5, shows 8 passenger vans instead of 15 passenger vans, over the course of 24 hours, which is not reflective of events like the Space Symposium or an Event Center type event. Also the table refers to “Peak Hour” singular. That would indicate the peak AM and PM time includes one hour each. There is no mention, which hour “peak” is, more detail is required.

What is expected during the other hours. Additionally, no indications in the plan reveal a time of year when the event center is not expected to have large events similar to the Space Symposium. Without any restrictions on event sizes, this level of traffic can only be expected to possibly occur year round.

There is no reference to how this will impact the school zones along the proposed shuttle route which was requested in public comment and addressed “minimize impacts” but not how.

There is no reference to the current year round Seven Falls shuttle buses, utilizing the same off street parking and route, equating to more than ten shuttle buses, each way, per hour in the same school zone on Cheyenne Blvd, of similar size and similar times (8AM to after 9PM) have been accounted for.

Additionally, the Zoo, which is South West of the resort utilizes the Cresta and Cheyenne Blvd, year round, when lots are full, to provide alternative, off street parking from Southgate Shopping area or the High school.

The Traffic Analysis further fails to address the fact that the school district does not provide a bus service, therefore, the influx of automobiles in the seemingly, same peak AM and peak PM hour would reflect an enormous surge in drop off and pick up traffic on Cheyenne Blvd, Cheyenne Rd, Cresta and the general vicinity due to the many schools in the neighborhoods.

Benefits and Adverse Impacts Created by the Decision:

The Traffic Analysis fails to recognize the option for employee and volunteer off-site parking shuttles could use the more appropriate commercial traffic and shuttle bus routes from NPEC of 8th St, to I-25, to Lake Ave or alternatively, 8th St, to I-25, to Nevada Ave, to Lake Ave to access the site. See Table 1: below and Figures 1, 2, & 3 (Google Maps Details).

TABLE 1 ROUTE COMPARISONS WITH TIMES AND MILES DURING AFTERNOON SEEMINGLY PEAK TIME (SEE FIGURE 1-3 BELOW TABLE FOR GOOGLE MAPS ROUTES)

Shuttle Bus Route	Time	Distance	Schools
Figure 1: NPEC via 8 th St to Cresta	8 mins	3.2 miles	2 schools, plus two city bus stops that stop traffic due to inadequate space for bus stop
Figure 2: NPEC via 8 th St to I-25 to Nevada to Lake Ave	13 mins	5.6 miles	0
Figure 3: NPEC via 8 th St to I-25 to Lake Ave	14 mins	7.7 miles	0

The Traffic Analysis attempts to disperse the traffic, to reduce “parking within the neighborhood” which only transfers the problem to another neighborhood, to the North and West along with an addition to environmental impact and traffic impact that did not exist previously when hosting events like the Space Symposium in past years.

Additionally, the Traffic Analysis neglects to mention the observations and changes required by the Seven Falls shuttles to not use diesel busses due to the geographic nature and hills of the area and mature tree canopies which cause exhaust fumes to collect and negatively impact the environment and health of the residents.

Finally, the Traffic Analysis fails to address the safety of the 60+ residents on the portion of Cheyenne Blvd and 20+ residents on Cresta, utilized by the shuttles, that access their only driveway and parking for their residents via these streets which is negligible compared to the less than 20 driveways accessing the more suitable, and recommended Lake Ave route.

Additionally, Cheyenne Blvd, changes at O’Malley Rd, to a less than suitable arterial for buses since the center lane is no longer present, shortly after the shuttle turns onto Cheyenne Blvd, and prior to the start of the school zone. The part of Cresta for the shuttle route presents the same unsuitable transition, just West of the Cresta and Cheyenne Blvd intersection that the shuttle utilizes. The parts of both streets that the shuttle is not using are more suitable for buses, but not these sections, as evidenced when the city bus stops at O’Malley and the corners of Cresta and Cheyenne Rd require the city bus to stop traffic in order for any pickup and drop off of bus riders to occur. See Figures 4, 5 & 6 for road satellite views and bus stop and school locations.

Not to mention, the land use restriction, on the Norris Penrose Event Center property, contained in the deed, states activities held at NPEC are restricted to three areas — recreational, equestrian and/or open space activities. Parking is not an activity, especially for an unaffiliated commercial property, more than 1.5 miles away. Additionally, the gravel lot that was used for employee parking had on-site, to have a variance to be unpaved. Why is the NPEC remaining unpaved for alternate off-site parking plans when the lighting is inadequate and the dust and erosion is even more concerning due to the nature of the soil on that specific site location?

The Benefits for the Appellant (Broadmoor Resort) Outweigh the Benefits Accrued by the North West Neighborhoods and Community

The public meeting presented that on-site parking, within the footprint of the Broadmoor is “cost prohibitive”. The cost to the North and West neighborhoods to accommodate new requirements for off-site employee and volunteer parking

with associated shuttles through the neighborhood is also cost prohibitive to the traditional established neighborhoods, defined in the PlanCOS plan, Chapter 3: Unique Places and the Neighborhood Typologies describing Typology 1: Established Neighborhoods to maintain the character and nature of these areas.

This is an environmental, health and serious safety issue, due to the school children riding bikes and walking to school, with inadequate infrastructure (pre 1950s construction), and the surges of traffic created during the school year. Additionally, the neighborhood may need to utilize school buses in future neighborhood modernization projects and will be presented with the dilemma of catering to for a single neighbor, a single commercial need vs. the needs of the school district and residents within the neighborhood.

Public Comments were made requesting the routes from NPEC utilize 8th St to I-25 to Lake Ave or alternatively, 8th St to Nevada to Lake Ave. This would alleviate any additional traffic impact on the neighboring North West neighborhoods while allowing the already constrained neighborhoods options to modernize in the future. Any employee traffic using these routes are year round and not reduced by shuttles. Not all employee traffic comes from the North West and the Traffic Analysis makes all of it come through the neighborhoods, taking on more risk of all associated and previously identified potential issues.

Additionally, the plan does not appear to address how to influence navigation technology and signage to avoid this extra traffic. Past introductions to new shuttle traffic has still not been required to update signs per the code and influence navigation and social media used more often than signs, to prevent unnecessary trips routed through any adjacent neighborhoods as intended.

The Traffic Analysis further declares to reduce the traffic by utilizing buses. If Space Symposium buses are transporting guests from the airport or other hotels, to attend, volunteer or work at the event center, they would be coming from Hotel Elegante, Cheyenne Mtn Resort, or the Airport and Airport hotels or downtown. All of these locations would be accessing the hotel via I-25 or Nevada to Lake Ave. So any buses routed thru the neighborhoods are creating more traffic in the North West neighborhoods than would naturally occur and or have occurred in the past.

Additionally, the Seven Falls shuttles, were advertised as temporary during the Senior Open, and are now imposed on the neighborhoods on the same route for the event center shuttles as permanent. The neighborhood was accommodating and open-minded and taken advantage of. The Strawberry Fields Stables will have shuttles as well, events and development to accommodate 100s people and workers. Each year the Broadmoor expansions asks for just a little more and insist there is no impact. The community cannot afford to accommodate any additional shuttles for the sole benefit of one occupant. The neighborhoods are in high demand due to the unique characteristics of the areas that not only make it appealing to live in and raise a family, but also make it an ideal location for a mountain retreat like the Broadmoor resort. Both the community and the Broadmoor have to respect and sustain the character of the area and one another and live with the few constraints that outweigh the qualities of the area.

Furthermore, the current Highway 24 and 21st St left turn lane traffic congestion cannot accommodate any additional, unnecessary congestion.

In summary, the neighbors would like any shuttles from NPEC to simply use routes that are most appropriate for buses not creating traffic patterns that did not exist in the past via 8th St to I-25. Provide detail that is realistic and enforceable and accountable in any Alternate Parking Options and associated plans.

Past space symposium events have not been created a significant traffic impact on the North and West neighbors because shuttle buses were not utilized and few guests and volunteers would choose such a non-direct route through neighborhoods.

The I-25 route and alternative Nevada route all meet the requirements for the shuttle frequencies and greatly reduce the traffic impact to the North West neighborhoods proposed by the plan, between HW 24 the North West side of the Broadmoor Event Hall.

Utilizing the routes requested are socially and environmentally responsible and the neighborly way to maintain safety and harmony in the community, while allowing the city to plan for many future competing priorities of the existing and future neighborhoods and meet the intent of Ord 91-30 defining a Comprehensive Plan.

FIGURE 1: NPEC VIA 8TH ST AND CRESTA

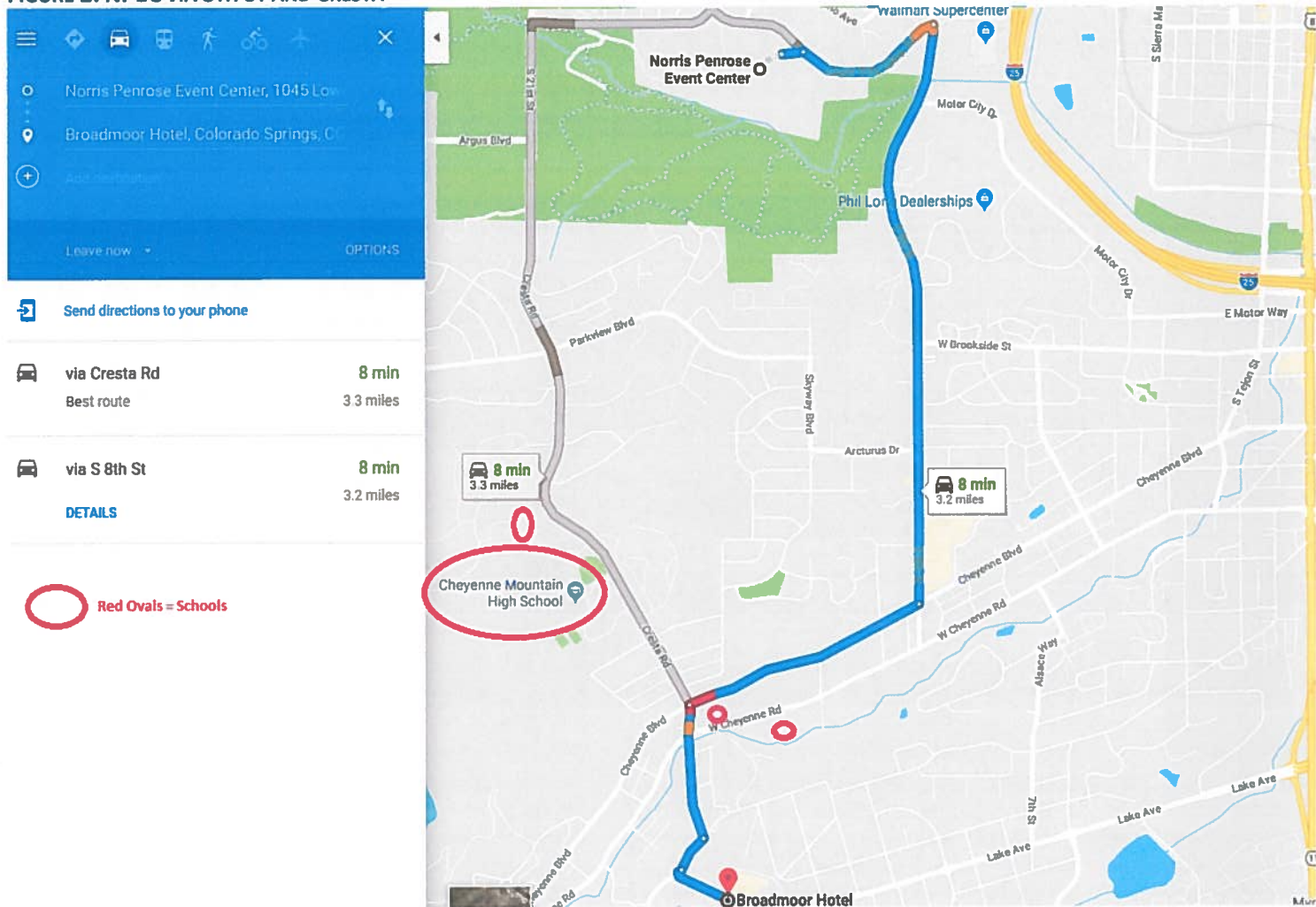


FIGURE 2 NPEC VIA 8TH ST TO I-25, TO NEVADA, TO LAKE AVE

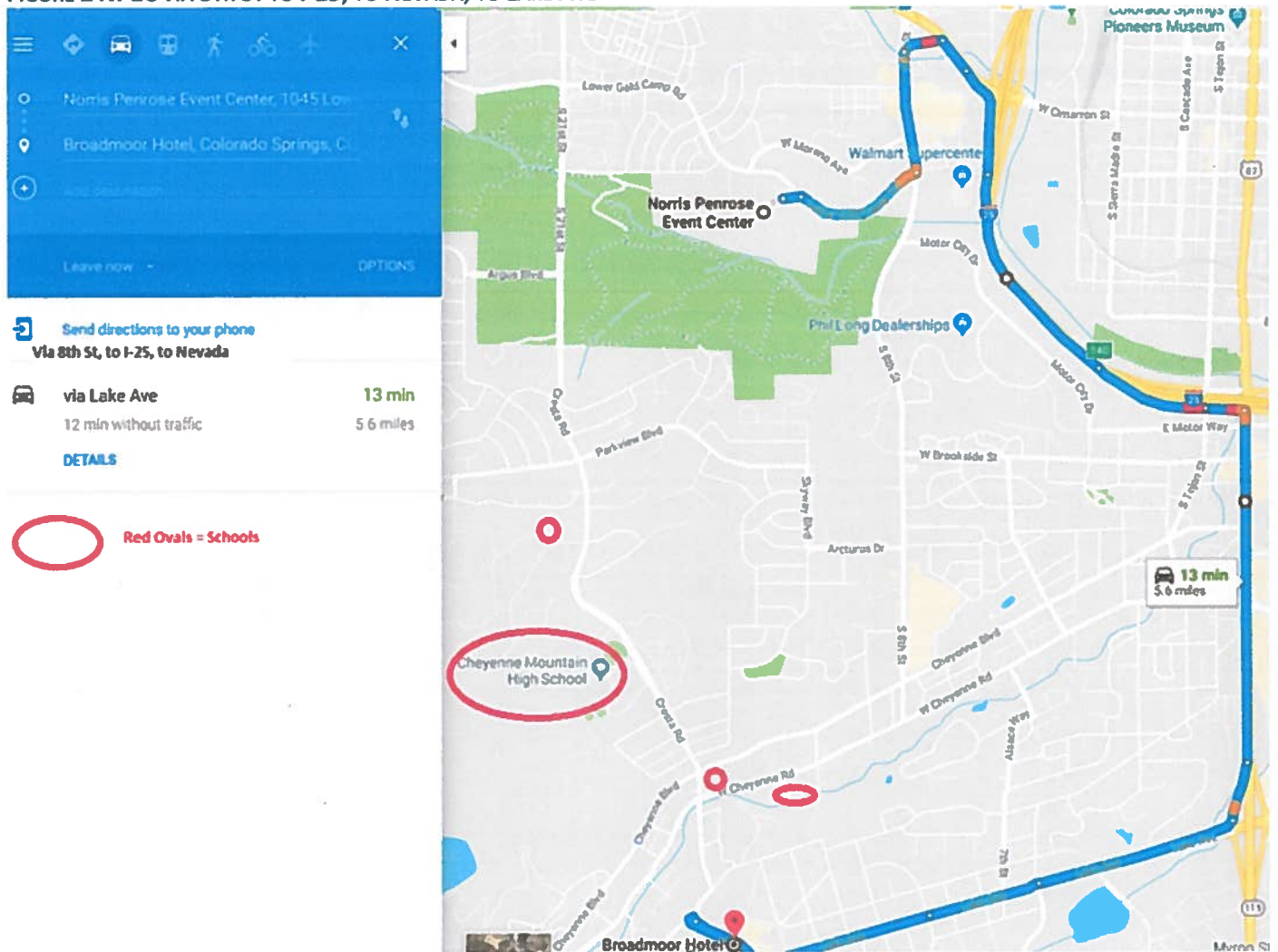


FIGURE 3 NPEC VIA 8TH ST TO I-25 TO LAKE AVE

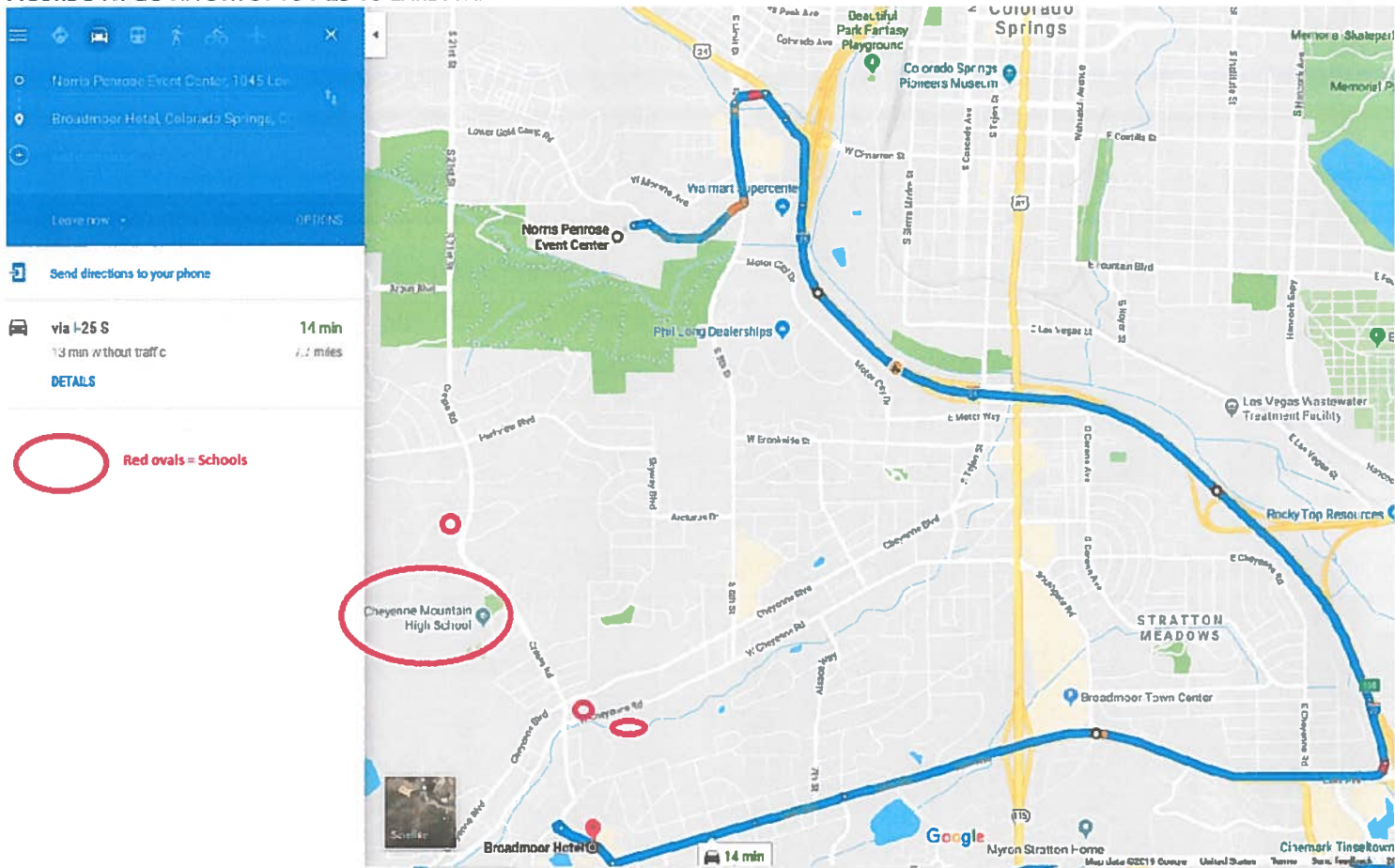


FIGURE 4 PORTION OF CHEYENNE BLVD FOR ROUTE IS NOT SUITABLE FOR BUSES LIKE THE REST OF THE BLVD



FIGURE 5 CRESTA RD FOR ROUTE - NOT SUITABLE FOR BUSES



FIGURE 6 CRESTA RD NOT SUITABLE FOR MORE SHUTTLES – THE CITY BUSES HAVE TO STOP TRAFFIC TO LOAD AND UNLOAD PASSENGERS



Skyway Estates Ad (See 2-page copy) text due to poor quality copy:

MOVE UP TO BETTER

MOVE UP TO SKYWAY ESTATES

Nine of Colorado Springs' **BETTER** custom Home builders have gone all-out to design and build outstanding creations for your approval. The very latest building methods, materials and ideas have been incorporated in these twelve show homes.

These custom builders are mighty proud of their finished products and you would certainly be proud to show and entertain your family and friends in any one of these masterpieces.

Partly due to the fame of Cheyenne Mountain Schools and the Breadmeor, **SKYWAY ESTATES** has always been . . . will always be the preferred "land of choice."

The gorgeous views of the mountains by day and the city lights at night are breath-taking. An architectural control committee and deed covenant restrictions protect your views and values forever.

These nine custom builders will assure you that the soil conditions are perfect in Skyway Estates for permanent home building. The addition of doubled water storage facilities and the new "cut-loop" city water line have given Skyway ideal water pressure at all times.

Even the weather, in Skyway, seems to be just a little bit better than any other location happens to have. It's definitely cooler in summer with frequent showers and is protected from many of winter's blasts by the proximity of the mountains.

**YOU CAN REALLY-LIVE BETTER
IN SKYWAY ESTATES**



OFFICE 2013 PARKVIEW BLVD.

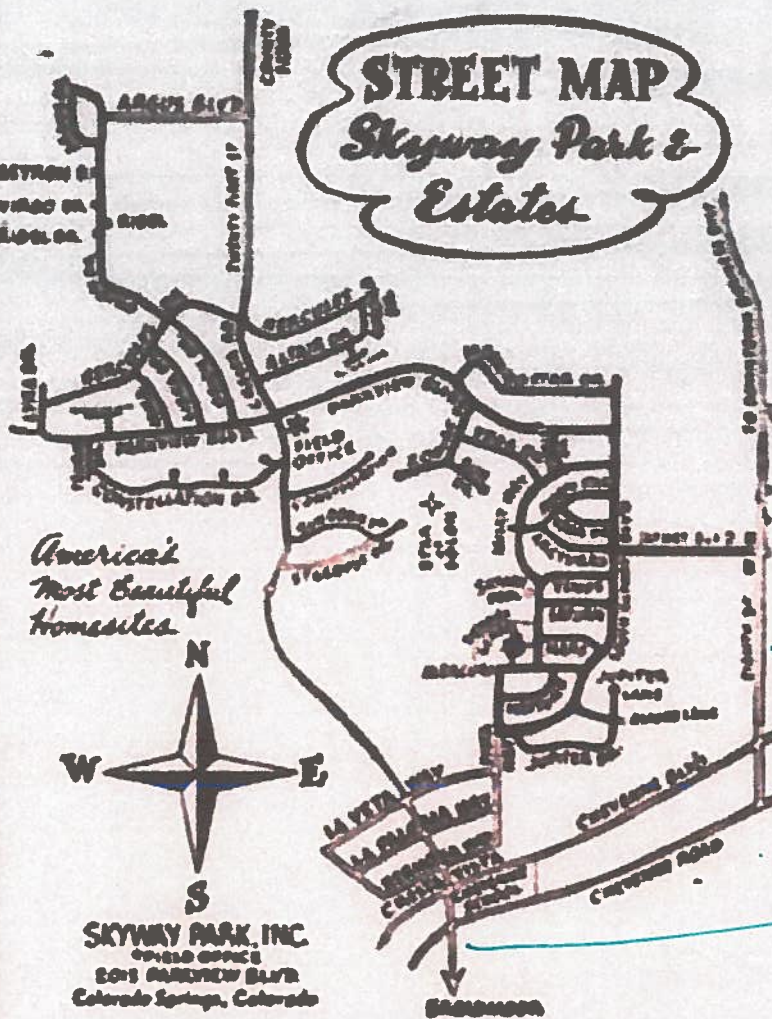
FIGURE 2

DISCOVER SKYWAY ESTATES

A recent customer drove 750 miles within the Metropolitan Colorado Springs area before finally finding Skyway Estates and the IDEAL location for a custom home.

Skyway Estates is where yards, value, social status, soil conditions, favorable financing, convenient restrictions and even the weather seems "just a little bit better than any other location happens to be."

To save you 750 miles of driving and hours of looking, here is a map to help you find Skyway Estates in a hurry.



Estate-size lots are priced from \$3,640 and may be purchased for investment or for future building on easy payment plans.

Homes available now \$21,500, \$35,750, \$37,900 and \$45,000

OPEN HOUSE TODAY
806 ORION DRIVE



Office Open Daily and Sunday
 2013 Parkview Blvd.

FIGURE 2

"MOVE UP TO BETTER

MOVE UP TO SKYWAY ESTATES

Nine of Colorado Springs' BETTER custom Home builders have gone all-out to design and build outstanding creation for your approval. The very latest building methods, materials and ideas have been incorporated in there twelve show homes.

These custom builders are mighty proud of their finished products and you would certainly be proud to show and entertain your family and friend in any one of these masterpieces.

Partly due to the fame of Cheyenne Mountain Schools and the Broadmoor, SKYWAY ESTATES has always been....will always be the preferred "and of

The gorgeous views of the mountains by day and the city lights at night are breath-taking. An architecturalcommittee and deed covenant restrictions protect your views and values forever "out-loop" city water line have given Skyway ideal water pressure at all times

Even the weather, in Skyway, seems to be just a little bit better than any other location happens to have. It's definitely cooler in the summer with frequent showers and is protected from many of winter's blasts by the proximity of the mountains.

YOU CAN REALLY LIVE BETTER IN SKYWAY ESTATES"

References:

1. City Planning File Nus. CPC DP 03-000259-A10MJ19, AR R 19-00017 & AR NV 19-00028,
<https://eoc.springsgov.com/ldrs/rpt/index.htm>
 - a.
2. Sterling Codifiers, Chapter 7 – PLANNING, DEVELOPMENT AND BUILDING, Article 1: COMPREHENSIVE PLAN PROCEDURES, Sections 7.1.101-111
3. Skyway Estates Original Community Advertisements from ~1950s newspaper ads – to represent character and tradition of communities North and West of Broadmoor Event Hall project.



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Land Use Review Division

February 19, 2019

NES, Inc
Katie Whitford
619 N Cascade Ave, Suite 200
Colorado Springs, CO 80903

RE: **Broadmoor Event Center – Initial Review Comments**
CPC DP 03-00259-A10MJ19, AR R 19-00017 & AR NV 19-00028

Dear Ms. Whitford,

City Land Use Review administratively approved the above-mentioned major amendment to the development plan to add a 169,988 sf exhibit hall and associated parking, a nonuse variance to allow a 16' wall/fence in the front yard setback where 6' is allowed per code, and an administrative relief to allow 57.25' height where 50' is allowed per code for the Broadmoor Event Center on February 19, 2019. This approval is subject to the following conditions:

1. Development must conform completely to the approved development plan.
2. All site grading must substantially comply with the grading illustrated on the preliminary grading plan.
3. The building architecture must substantially comply with the elevation drawings.
4. Utility main and service locations on this plan are illustrative only, and are not approved with this development plan.
5. A Preliminary Landscape Plan is approved in this application. **A Final Landscape and Irrigation Plan are due at time of building permit per Code language.**
6. A sign permit through Development Review Enterprise is required for all signage, prior to installation.

The approved plans can be located at our LDRS site located here: <https://eoc.springsgov.com/ldr/rpt/index.htm>. An approved copy of the geologic hazard waiver is uploaded at the LDRS site. Please attach one copy of the approved development plan set to each set of construction drawings submitted to the Regional Building Department in conjunction with the building permit application. A Certificate of Occupancy will not be issued for the development until all private and public improvements shown on the plan are completed or financially secured.

This development plan approval will expire six (6) years from the approval date unless a building permit is issued for the construction of the project. If any changes to the approved site or building design become necessary prior to, or during construction, an amended development plan will need to be submitted for City Planning review and approval.

The City of Colorado Springs is committed to excellent customer service. We would like to hear your comments about the service you received during the review of this application and your interaction with our department. Please consider completing the survey through Speak UP COS located at <https://coloradosprings.granicusideas.com/surveys/planning-department-customer-service-survey>. Your response is completely confidential.

30 S. Nevada Ave., Suite 105 • Tel: 719-385-5905 • Fax: 719-385-5167 • www.coloradosprings.gov
Mailing Address: P.O. Box 1575, Mail Code 155 • Colorado Springs, CO 80901-1575

If you have any questions please contact me at 385-5383. If you have further questions please contact Katie Sunderlin, Neighborhood Outreach Specialist at sunderka@springsgov.com (719) 385-5773.

Sincerely,

Lonna Thelen

Lonna Thelen, AICP, LEED AP BD&C
Principal Planner

C: City Planning File Nos. CPC DP 03-00259-A10MJ19, AR R 19-00017, AR NV 19-00028
Development Review Enterprise – approval letter via email (cwebb@springsgov.com)
Engineering Development Review – approval letter via email (sapplegate@springsgov.com)
Fire Prevention – approval letter via email (sdsmith@springsgov.com)
Page Saulsbury - approval letter via email (csaulsbury@springsgov.com)



**City of Colorado Springs
Planning Department
Fee Receipt**

[Return to Fee Calculator](#)

Application	Department	Amount	Applicant	AnnexDisc
Appeal of Administrative Decision	Land Use Review	\$176.00		
Total Fees		\$176.00		

Intake Staff:	
Date:	2/25/2019
Planner:	Lonna Thelen
Receipt Number:	33048
Check Number:	4126
Amount:	\$176.00
Received From:	Karen Raymond - Broadmoor Event Center