



# 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: JAMES BERDON Telephone: 719.445.9255 or 719.593.7572  
Address: 6315 WILSON RD City COLORADO SPRINGS  
State: CO Zip Code: 80919 E-mail: JDB@PROPERKEY.COM

### PROJECT INFORMATION:

Project Name: FLYING W RANCH - WILDLIFE FENCE  
Site Address: 2830 BROGANS BLUFF DR COLORADO SPRINGS CO 80919  
Type of Application being appealed: FENCE OVER 6 FEET TALL  
Include all file numbers associated with application: Site Plan Plantrack# 117003  
Project Planner's Name: Meagan Herrington  
Hearing Date: scheduled for June 20 Item Number on Agenda: TBD

### YOUR APPEAL SUBMITTAL SHOULD INCLUDE:

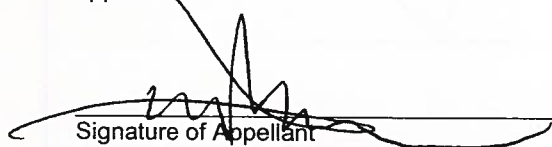
- 1. Completed Application
- 2. \$176 check payable to the City of Colorado Springs
- 3. Appeal Statement.
  - See page 2 for appeal statement requirements.

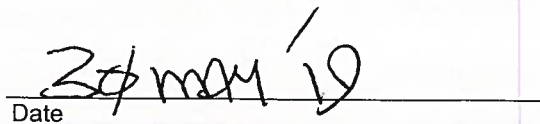
Submit **all** 3 items above to the **Land Use Review office (30 S Nevada, Suite 105, Colorado Springs, CO 80903)**. Appeals are accepted for 10 days after a decision has been made. Submittals must be received no later than 5pm on the due date of the appeal. Incomplete submittals and / or submittals 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 need additional assistance with this application please call the Land Use Review front desk at (719) 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

  
Date

## The Flying W Ranch Wildlife Barrier

I respectfully appeal the approval of a permit to build the proposed Wildlife Barrier. I understand the Flying W Ranch is in the process of rebuilding the Chuckwagon entertainment complex after its loss from the Waldo Canyon Fire of 2012. The rebuild effort encompasses multiple parcels with different corporate entities listed as the owner. Mountain Shadows residents are concerned about the impact and intrusion of the Wildlife Barrier bordering parcels 7315200006 (Flying W LLC, 2870 Chuckwagon Rd) and 7315300015 (Rattlesnake Bush LLC, 2830 Brogans Bluff Dr).

### 1.) Utility Easement Encroachment

The placement of the Wildlife Barrier indicated on the Site Plan places it within the utility easement along the east side of both parcels. This is in conflict with 7.3.105.1.c

### 2.) Assignment of Front, Side, and Rear Setbacks

The Wildlife Barrier crosses multiple parcels with irregular boundary shapes. The vastness of the Wildlife Barrier (more than 10,400 feet in length) requires careful consideration in designating the front-, side-, and rear-setback. Assigning a single segment of one "lot" as the front setback is not the express language nor intent of the definitions (7.1.102) for something of this scope.

### 3.) HS Overlay (7.3.504)

Guidelines in the Hillside Overlay Manual are not applied to the Wildlife Barrier. Among other issues, the proposed location runs along ridgelines and is planned as one long straight section along the two parcels.

Furthermore, I appeal the decision that exempts the requirement for a grading and erosion plan 7.4.312-314 for the project.

### 4.) Height of More than 8 feet

According to Development Assistance Bulletin 304 and <https://coloradosprings.gov/planning-and-development/page/fences>, the maximum fence height is 8 feet for Agriculture and PUD zones.

### 5.) Incomplete Site Plan

The site plan lacks detail with respect to gate(s) to ensure CSU and Fire access.

The site plan lacks a grading and erosion control plan (as mentioned previously).

The site plan lacks details where the proposed Wildlife Barrier meets transition points with bordering properties.

### 6.) Existing Fence repair and/or replacement

In the past, the Flying W has utilized the parcels for grazing cattle; and residents want to see the cattle return. For six decades the cattle were contained by 4-foot tall "T" posts with 4-strand barbed wire. This fence (and gates) survived the fire (albeit, in need of repair) and is more than 100 feet from the parcel boundaries along Mountain Shadows. Since the Flying W has operated without the Wildlife Barrier for so long, there appears no need for it to be so close to the neighbors.



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

[Return to Fee Calculator](#)

<u>Application</u>	<u>Department</u>	<u>Amount</u>	<u>Applicant</u>	<u>AnnexDisc</u>
Appeal of Administrative Decision	Land Use Review	\$176.00		
<b>Total Fees</b>		<b>\$176.00</b>		

<b>Intake Staff:</b>	Cody Webb
<b>Date:</b>	5/30/2019
<b>Planner:</b>	Meggan Herington
<b>Receipt Number:</b>	33932
<b>Check Number:</b>	6333
<b>Amount:</b>	\$176.00
<b>Received From:</b>	James D Berdon - Fence for Brogans Bluff

**COMMERCIAL**



2017 PPRBC

Resubmittals: 1st \_\_\_\_\_ 2nd \_\_\_\_\_ 3rd \_\_\_\_\_

Address: <sup>2830 Brokens Bluff</sup> 3330 CHUCKWAGON RD, COLORADO SPRINGS

Parcel: 7300000059

Plan Track #: 117003 Received: 15-May-2019 (RITA)

**Description:**

**FENCE OVER 6' IN HEIGHT**

**Required PPRBD Departments (7)**

Contractor: \_\_\_\_\_  
 Permit # \_\_\_\_\_ Zone: A COLORADO SPRINGS  
 APPROVED FOR CONSTRUCTION  
 Date \_\_\_\_\_ By \_\_\_\_\_  
 Plan-check Fee: \$14.00 (0)  
 Code ISIRC  
 Occupancy Class U  
 Type of Construction VB  
 Floor or # of stories \_\_\_\_\_  
 Occupancy Load \_\_\_\_\_  
 Fire Sprinkled for:  
 ( ) Area ( ) Height ( ) Bsmt  
 ( ) 1-Hr Sub ( ) Occ/Use ( ) Other ( ) N/A  
 Mixed Use: ( ) Acc. ( ) Separate ( ) N/Separate  
 ( ) N/A ( ) Combined  
 Fire Wall ( ) Yes ( ) No Largest Area \_\_\_\_\_  
 Horizontal Assembly: ( ) Structure ( ) Drop Clg ( ) N/A  
 Alt. Fire Hazm/HP \_\_\_\_\_  
 Fire: \_\_\_\_\_

Enumeration	App	Dis	N/A	By	
Enumeration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MS 5/16/19
Floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MS 5/16/19
Construction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MS 5/16/19
Elevators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MS 5/16/19
Electrical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MS 5/16/19
Mechanical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MS 5/16/19
Plumbing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MS 5/16/19

**Required Outside Departments (8)**

CSU Contract Admin.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNP 5/16/19
CO Springs DRE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SRP 5/16/19
CO Springs Fire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPS 5/24/19
Hazmat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RTPS 2/28/19
City Engr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	RM 5/23/19
Gas/Elec. Utils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MS 22 MAY 19
Water Division	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MS 22 MAY 19
Waste Water Div	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MS 22 MAY 19

Release of this plan does not preclude compliance with all applicable codes, ordinances and other pertinent regulations. This plan set must be present on the job site for every inspection.

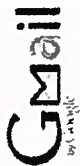
PPRBD accessibility review per ICC/ANSI A117.1 is limited to building elements and site arrival points within 5 feet of accessible building entrances, as applicable

NO FIRE FINAL REQUIREMENTS **FIGURE 2**

*Just to Kirby know padlock installed*

5/14/2019

Flying W Ranch Mail - FW: Flying W Ranch Wildlife Fence - Setback



Aaron Winter <aaron@flyingw.com>

**FW: Flying W Ranch Wildlife Fence - Setback**

3 messages

Herrington, Meggan <Meggan.Herrington@coloradosprings.gov> **Mon, May 13, 2019 at 10:35 AM**  
To: "aaron@flyingw.com" <aaron@flyingw.com>

**From:** Herrington, Meggan  
**Sent:** Monday, May 13, 2019 10:35 AM  
**To:** 'Aaron Winter (flyingwcolorado@gmail.com)'  
**Cc:** Wysocki, Peter; Sunderlin, Katie  
**Subject:** Flying W Ranch Wildlife Fence - Setback

Aaron,

I was asked to look into the development plan and the application of setbacks as they apply to a "ranch" or similar agricultural use within our very urban and suburban-centric zoning code.

The strict interpretation of the Code indicates that an individual "lot" has setbacks related to its orientation. Specifically, the front setback of an individual buildable site is taken from the property address or frontage along a public street. However, the planning staff did approve a development plan for the Flying W Ranch on July 20, 2018.

Page two of the approved development plan illustrates the approval of a 10 foot side setback along Chuckwagon and the Mountain Shadows development. Approval of the development plan established the front, side and rear setbacks for property covered by the development plan for re-construction of the Chuckwagon and associated site improvements. With that approval, it is reasonable to carry that 10 foot setback for the cumulative property. That would include the 10 foot setback being extended along the Mountain Shadows neighborhood adjacency to the Colorado Springs Utility site and beyond.

The site plan that you have prepared shows the property line for the ranch and the 10 foot setback for the construction of the fence. This site plan should be submitted with a building permit. I will be sure to add these notes to the Regional Building database so that other planning and review staff understand how the setback is applied.

Thank you, Meggan



**Meggan L. Herrington, AICP**  
*Assistant Director of Planning*

Phone (719) 385-5083

Email: mherrington@springsgov.com

City of Colorado Springs

30 South Nevada Avenue, Suite 105

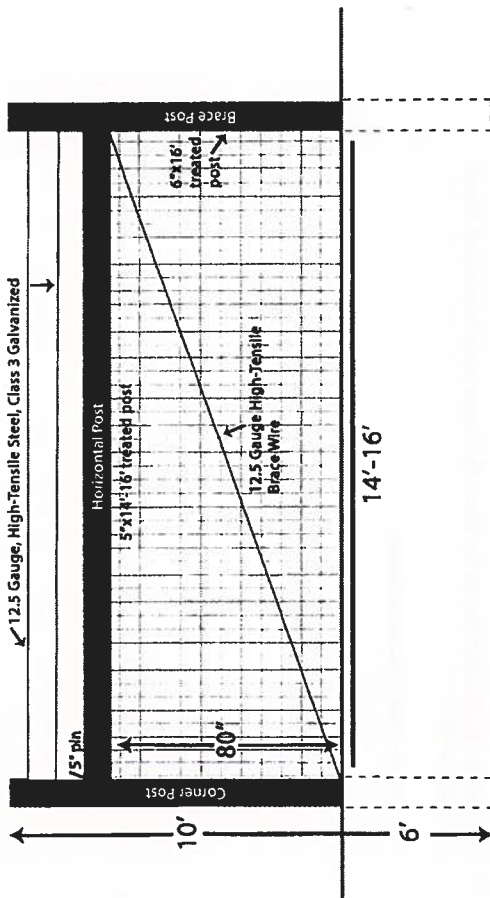
Colorado Springs, CO 80901



**Links:** [Planning & Community Development Home](#) | [Look At Applications Online](#) | [FAQ](#)  
[Meeting Request](#) | [Applications and Checklists](#) | [Historic Preservation](#)

**FIGURE 2**

Corner and Brace Assembly



130 mph Vult Min.  
 No concrete footings -  
 direct burial of  
 posts in compacted  
 dirt.

RELEASED FOR PERMIT  
 MAY 16 2019  
 S&D  
 R&D CONSTRUCTION

*Timothy R. Mitros*  
 4/22/19

Timothy R. Mitros  
 5760 Regal View Road  
 Colorado Springs, CO 80919  
 Tim819@icloud.com  
 719-271-0709

FIGURE 2

**Flying W Ranch**

**Wildlife Fence**

~~3339 Chuckwagon Road~~ 2830 Begons Bluff

Colorado Springs, CO 80919

719-598-4000

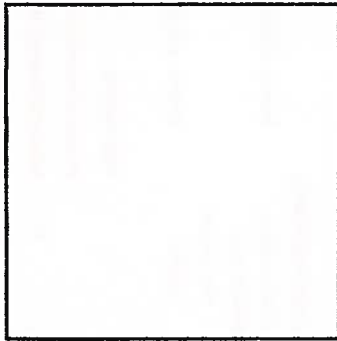
Aaron M. Winter, General Manager

719-499-2324 Cellular

[aaron@flyingw.com](mailto:aaron@flyingw.com)

**CODE STUDY FORM**  
SECTION 3.0

Colorado Licensed Design



Professional Stamp

As the design professional of record, I certify this information is correct to the best of my knowledge. I further acknowledge my stamp pertains to Sections 1.0 and 2.0 only.

<u>Name</u>	<u>Date</u>
Was a Pre-Submittal Consultation performed for this project?	YES NO
With whom: _____	

Is this project designated as official RAPID RESPONSE? YES NO  
If so, please attach the RAPID RESPONSE CERTIFICATE to this form prior to submittal

**CONTACT INFORMATION:**

Project Contact Name

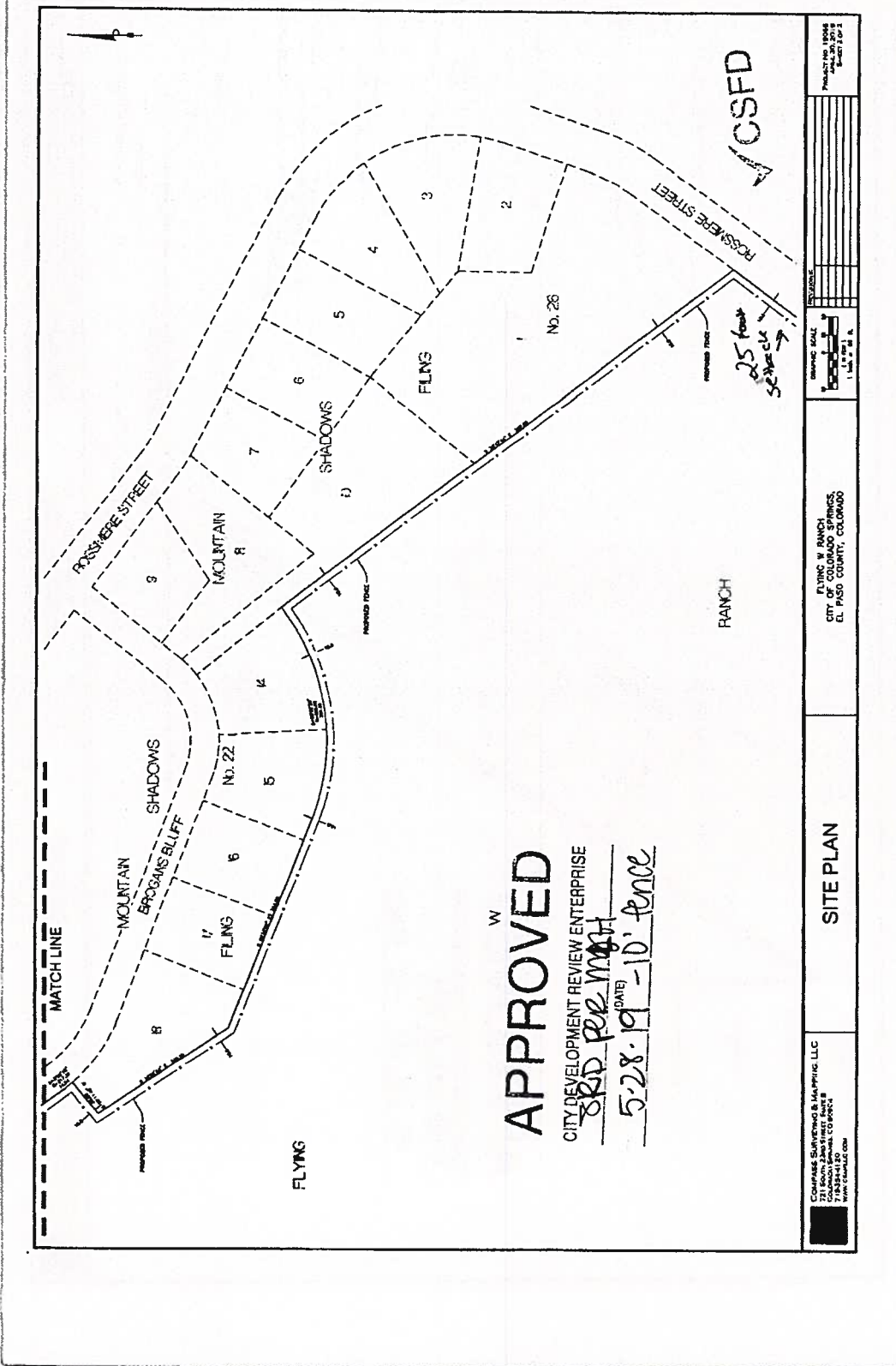
Project address:

Phone Number:

Fax Number:

RELEASED FOR PERMIT  
MAY 16 2009  
01/5/09  
RBD/CO/NS/RS/CT/CT





<p> <b>COMPILED BY:</b> [Redacted]  <b>DATE:</b> 5-28-19  <b>PROJECT NO.:</b> 19006  <b>DATE:</b> 5-28-19  <b>SHEET:</b> 1 OF 1         </p>	<p> <b>OWNER:</b> FLYING W RANCH  <b>CITY:</b> CITY OF COLORADO SPRINGS  <b>COUNTY:</b> EL PASO COUNTY, COLORADO         </p>	<p> <b>TITLE:</b> SITE PLAN         </p>	<p> <b>SCALE:</b> 1" = 40'         </p>
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FIGURE 2

Flying W Ranch - Wildlife Fence: Approx. 10,452 Feet



1: 8,600

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1,600.0 Feet  
0 800.00 Feet  
NAD\_1983\_StatePlane\_Colorado\_Central\_FIPS\_5002\_Feet  
© Lulluude Geographics Group Ltd.

FIGURE 2

