



# PLANNING + NEIGHBORHOOD SERVICES

## Land Use Review

Appeal of a City Planning Commission Decision to City Council

### Appeal of a City Planning Commission Decision to City Council

Complete this form if you are appealing a **City Planning Commission, Historic Preservation Board or Downtown Review Board Decision** to City Council.

#### Appellant Contact Information

The Church of Jesus Christ of Latter-day Saints 303.223.1197

Name of Appellant

Phone Number

50 East North Temple St., 10th Floor, Salt Lake City, UT 84115

Address (Include City, State, ZIP)

cwhite@bhfs.com

Email

#### Project Information

## Colorado Springs Temple

Project Name

2396 Veneto Way

Site Address (TSN if not yet addressed)

Appeal of an Administrative Decision to City Planning Commission

Type of Application Being Appealed

DEPN-25-0056; APPL-25-0008

All File Numbers Associated with the Application

Tamara Baxter

12/10/25

8.A

Project Planner's Name

Hearing Date

Item Number on Agenda

#### 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

j.suthers@bhfs.com

12/22/2025

Date



## PLANNING + NEIGHBORHOOD SERVICES

### Land Use Review

Appeal of a City Planning Commission Decision to City Council

#### Appeal Submittal Should Include:

##### All Items Are Required

- Completed Appeal Form (this document).
- Evidence of "Affected Party" Status – check the box below and provide justification for the chosen box.
- Notice of Appeal Statement (see requirements on page 3 of this document).
- \$176 fee payable to the City of Colorado Springs.

Submit all 4 items above to into the City Clerk's Office at 30 South Nevada, Colorado Springs, Colorado. Appeals are accepted for 10 days after a decision has been made. Submittals must be received no later than 5pm MST 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 no later than 5 pm MST.

If you need additional assistance with this application, please call the Land Use Review front desk at (719) 385-5905.

#### Affected Party Status

Please indicate, per UDC Subsection 7.5.415.A(1)(a) (Right to Appeal), which of the definitions of "Affected Party" that applies to the Appellant.

- (1) The applicant for the decision being appealed;
- (2) The owner or tenant of a lot or parcel of land located within one thousand (1,000) feet of the subject lot; or
- (3) Any owner or tenant of a lot or parcel of land located within three (3) miles of the subject property who has preserved standing by:
  - (a) Testifying at the public hearing on the application;
  - (b) Submitting written comments prior to the public hearing on the application; or
  - (c) In the case of applications approved by the Manager or an administrative official, submitting written comments to the Manager or administrative official during the comment period before the Manager or administrative official's action.



## **PLANNING + NEIGHBORHOOD SERVICES**

### **Land Use Review**

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#### **Notice of Appeal**

##### **UDC 7.5.415.A.2 (Notice of Appeal):**

- (1) The specific provision(s) of this UDC that is the basis of the appeal;
- (2) Which of the following criteria for reversal or modification of the decision is applicable to the appeal:
  - (a) The decision is contrary to the express language of this UDC;
  - (b) The decision is erroneous; or
  - (c) The decision is clearly contrary to law; and
- (3) Describe how the criteria for the relevant application have or have not been met.

December 22, 2025

Carolynne C. White  
Attorney At Law  
303.223.1197 direct  
CWhite@BHFS.com

## VIA E-MAIL

Trevor D. Gloss  
Colorado Springs Deputy City Attorney  
30 S. Nevada Avenue, Suite 501  
Colorado Springs, CO 80903

Tamara Baxter  
Senior Planner, City of Colorado Springs  
30 S. Nevada Avenue, Suite 501  
Colorado Springs, CO 80903

Sara Brewen  
Colorado Springs Deputy City Attorney  
30 S. Nevada Avenue, Suite 501  
Colorado Springs, CO 80903

RE: Notice of Appeal of Planning Commission Decision for Application #APPL-25-0008

Dear Mr. Gloss, Ms. Brewen, and Ms. Baxter:

I write on behalf of my client, The Church of Jesus Christ of Latter-day Saints (the "Church") with respect to its proposal to build a Temple in the City of Colorado Springs.

Thank you for your work in reviewing the original application, and in guiding the Colorado Springs Temple, Application #APPL-25-0008, through its hearing before the Planning Commission when the Planning Director's approval was appealed. We are grateful for the time and attention the City has devoted to this project thus far, and we appreciate the Planning Commission's decision to deny Ms. Kuhn's appeal of the Planning Director's entirely correct and appropriate approval of the Site Development Plan.

We are filing this appeal because the Church feels it necessary to preserve its rights with respect to the conditions imposed by the Planning Commission's decision. The Planning Commission's decision to dismiss the appeal imposed two conditions on the project: (1) that the steeple use materials with a "non-reflective matte finish," and (2) that the "top tier" of the steeple not be illuminated, except for lighting required by the FAA. The Church specifically appeals the second condition imposed by the Planning Commission.

As noted at the Planning Commission hearing, because the Church strives to be a good neighbor to the community, the Church had already planned to use a non-reflective, matte finish on the steeple. The building plans which have been submitted to the City already reflect this fact.

However, the condition requiring that the "top tier" of the steeple must not be illuminated, without further clarification, is ambiguous and could be interpreted in a way that restricts the Church's practice of religion. The Church understood the condition to relate only to the top seventeen feet of the tower which is three inches in diameter. However, to the extent it is interpreted otherwise, we believe the City lacks the authority to impose such a restriction under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. §§ 2000cc, et seq. The architecture of the

Trevor D. Gloss  
Tamara Baxter  
December 22, 2025  
Page 2

Temple – including the steeple and the lighting thereof – is a critical part of the Church’s exercise of its religion protected under RLUIPA.

Restricting the lighting of the steeple would impose a substantial burden on the Church’s religious exercise, which is not justified by any compelling governmental interest. This condition does not seek to preserve public safety, peace, or order, but instead is purely aesthetic in nature. Such a decision would be the epitome of the type of arbitrary restrictions on religious freedom against which RLUIPA seeks to protect.

Because we have not been able to obtain clarification of this condition through other means, the Church feels it necessary to file this appeal to preserve the Church’s rights under RLUIPA and to clarify the extent to which the Church may illuminate the steeple.

We appreciate the work the City has undertaken in reviewing this application and collaborating with the project team to date. We look forward to continuing our work with the City to reach an appropriate resolution to this project review.

Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolynne C. White".

Carolynne C. White

CW



## City of Colorado Springs

30 S Nevada  
Suite 204  
Colorado Springs, CO

Ph: 719-385-2367

Receipt # 174704  
Date Issued: 12/22/2025

# Receipt

## Record Information

**Record ID:** 10FDD-00000-#0001

**Record Type:**

**Project Name**

**Site Address**

**Payor**

THE CHURCH OF JESUS  
CHRIST OF LATTER DAY  
SAINTS - JOHN W SUTHERS

## Fee Information

Fee Item	Notes	Amount
Planning Appeal Fee	COLORADO SPRINGS TEMPLE.	\$ 176.00
<b>Total Fee Amount:</b>		<b>\$ 176.00</b>

## Payment Information

Method	Reference No	Comments	Transaction Amount
Credit Card in-house	262356496	PLANNING APPEAL FOR COLORADO SPRINGS TEMPLE DEPN-25-0056; APL-25-0008	\$ 176.00
<b>Total Amount Paid:</b>			<b>\$ 176.00</b>