



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: Harbor Pines HOA Telephone: 719 339 3146
Address: 5820 Harbor Pines Pt. City Colorado Springs
State: CO Zip Code: 80919 E-mail: mthomson51@gmail.com

PROJECT INFORMATION:

Project Name: Flying W Ranch
Site Address: 3320 Chuckwagon Road
Type of Application being appealed: Temporary Permit Extension
Include all file numbers associated with application: _____
Project Planner's Name: Maggan Herington
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. — Attached 2 pages + 2 pictures

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.


Signature of Appellant

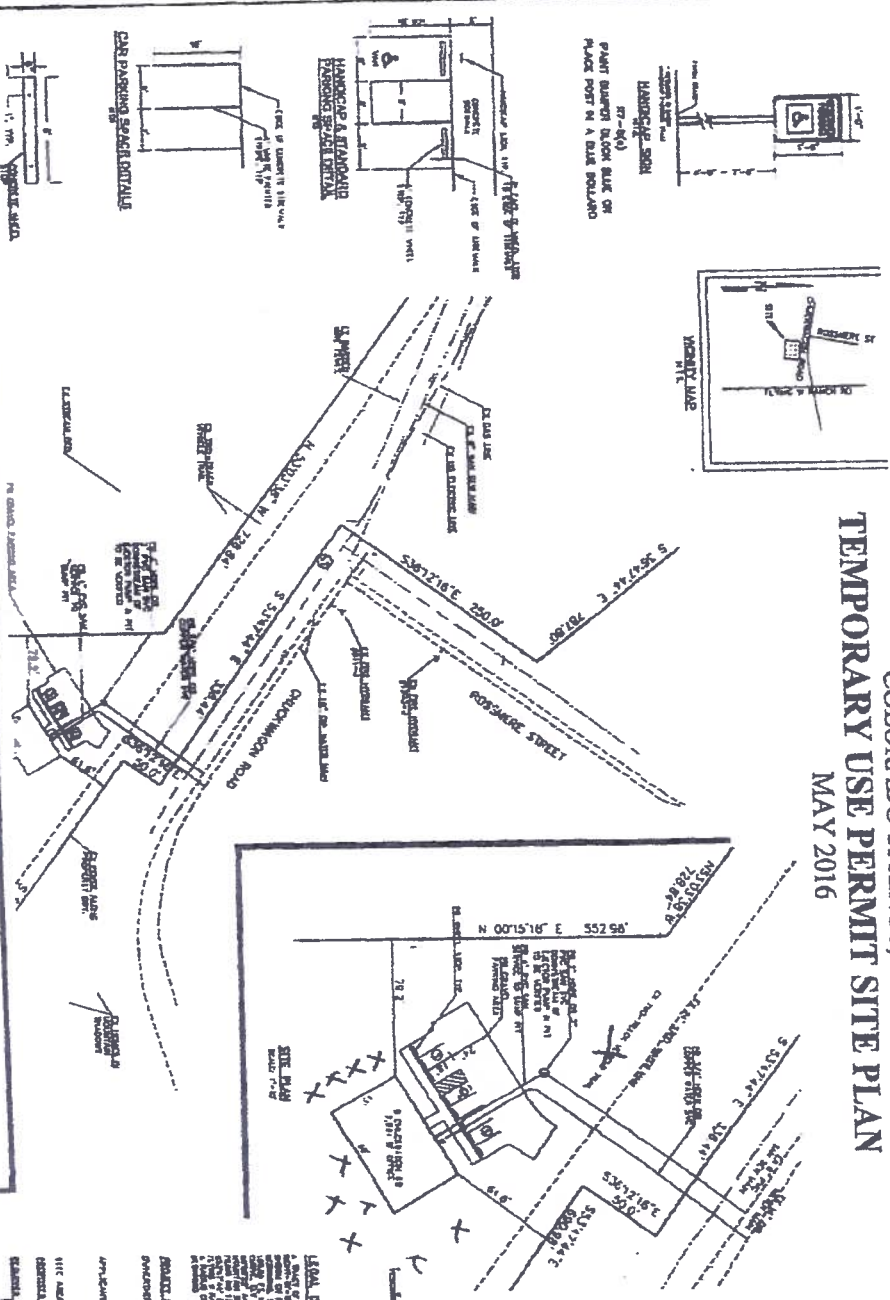
Last Modified: 5/31/2018

Date 3/22/2020

CULOKADU SPRINGS, CU

TEMPORARY USE PERMIT SITE PLAN

MAY 2016



- Endor W Ranch Temporary Use Permit Renewal
1. Temporary use for the office expires February 28, 2021.
 2. Any use of the office structure after this date will require the submittal and approval of a permanent use type of application (variance or rezone as current examples) to the City Land Use Review Division, per City Code Section 7.5.403, TEMPORARY USE PERMIT REVIEW CRITERIA, only one extension of a long term facility shall be granted.
 3. Core staff operational hours are 7am - 5pm. Management during evening hours may utilize the office out traffic to the office via the back entrance.
 4. In periods of dry weather and/or when dusty conditions arise, the office shall maintain the perimeter of the site at all times. Road to the office shall be maintained by watering or other means in order to limit fugitive dust.
 5. No heavy equipment or truck storage within the temporary parking area as designated on the plan.
 6. ADA parking spaces are illustrated per quarter.
 7. Limit to one large all-staff meeting per quarter.
 8. X on the plan marks existing trees that are required for screening and buffering. If any of the trees should die, they are required to be replaced.
 9. The office includes one conference room space. The use of the conference space should be limited to smaller groups with large all-staff meetings limited to one meeting per quarter.

LEGAL DESCRIPTION

That certain 1.16-acre parcel of land, located in Culokadu Springs, CU, and more particularly described as follows: ...

PROJECT DETAILS

OWNER: FLYING W RANCH

PROJECT: TEMPORARY USE PERMIT RENEWAL

DATE: MAY 2016

SCALE: AS SHOWN

PREPARED BY: [Name]

DATE: [Date]

APPROVED

03/12/2020 3:27:27 PM

CULOKADU SPRINGS

City Development Review

FIGURE 2

Appeal Statement

Re: Flying W Ranch – Temporary Building Permit Extension.

This appeal is premised upon the fact that Flying W Ranch, Gerald (Jerry) Thurston, Leigh Ann Wolfe (developer, owner herein after the Applicant), have intentionally and knowingly constructed a permanent structure on land not zoned for such a structure. The Applicant has skirted zoning issues by lying about the true long term intent and use of the structure by calling it “temporary” when clearly it is not. In a meeting on 8/27/2019 with HOA members and before the most recent extension application was submitted, Gerald Thurston stated that they have “no intent of removing the building”. Gerald also stated that they had spent far too much money on the building to make it look nice and intended for it to stay, permanently. This is clearly, by itself, a violation of the original application and the most certainly is 100% contradictory to the recent extension application and continued issuance of a “Temporary” permit. The three witnesses to Gerald’s statements are Malcolm Thomson, Steve Janes and Lloyd Burton who have all confirmed these statements in emails.

In addition:

Flying W Ranch has operated a for profit business, Markit! Forestry Management LLC, out of the “temporary” construction office for over a year and continue to have the Markit! trucks onsite. The Markit! website, as of 3/22/2019, still shows the temporary office address as their mailing office. In a presentation given to the Harbor Pines HOA, dated 7/17/2019, Flying W Ranch (Gerald) boasted:

Markit! Forestry has completed dozens of forestry projects across Colorado, including multiple projects for the City of Colorado Springs, and projects for the cities of Denver, Glenwood Springs and Ouray.

Markit! Forestry has expanded across the southwest United States and has completed forestry projects in Arizona, California, Nevada, Utah and Wyoming.

Markit! Forestry has opened an office in Utah and is currently opening an office in Arizona.

Markit! Forestry now has over 150 pieces of capital equipment and over 50 employees.

The Temporary permit prohibits a for profit business operation which is therefore in clear violation of the temporary permit. Based upon the original application for the temporary permit by the Applicant, the permit was issued on the basis of an office to house construction documents and manage the operations of the reconstruction of the Flying W Ranch. Again Flying W has misled the City as to the use of the temporary structure. This violation and Markit! business has led to a significant increase in traffic and noise around the neighborhood.

A minor issue but to further show the abuse of the temporary permit and neighborhood, the area indicated for parking spaces on the temporary permit is full almost every day except weekends causing cars are trucks are parked in non-designated parking areas on the entrance road. A picture, taken a just a few days ago, shows a typical day of parked vehicles.

We believe the City of Colorado Springs, the surrounding neighborhood and its residents have been intentionally and willfully lied to about the temporary nature of the building and it’s use. Myself and my realtor were lied to about by staff in the Flying W office. We were told the building was temporary and it would be removed. I would not have purchased my property if I had known that Flying W fully intended to keep the structure, permanently. See my living room view and you’ll understand why.

Although the building in question is “modular”, it is constructed on permanent concrete foundations, indicating their intent from the beginning. This is not the typical “modular” or trailer type construction we are all familiar with on construction sites. We understand the need for a temporary construction office to support the rebuilding of the Flying W Ranch, however the disregard of the zoning on the land in question is a huge concern to the neighborhood. Why, because the Applicant will use this building to open the door to building behind our properties on land not suited nor zoned for structures, including this one so called temporary structure. Clearly this destroys the natural beauty and views that many of us appreciated, and paid for, when we purchased our properties. Leaving this structure on land which is not zoned for it, or adding other structures, can and will significantly reduce property values.

In summary,

The Harbor Pines HOA believes the Applicant has expressly violated zoning ordinances by building permanent structure under the guise of a temporary building on land that is not zoned for a permanent structure.

The current application for an extension to the original “Temporary” permit is invalid due to the fact that the Applicant stated to us, during a meeting on 8/27/2019, that their intent is to keep the structure, permanently. As such they are violating the current zoning ordinance for the land on which the structure sits. There were 3 witnesses to this conversation all of whom have made email statement to this effect and these email were provided to the building department.

We request that the temporary extension be denied and that Flying W has until September 2020 to remove the structure. They can then file for a variance, which of course, we will have to fight. This provided ample time to complete the construction of Flying W Ranch.

Attached:

Picture of parking of vehicles

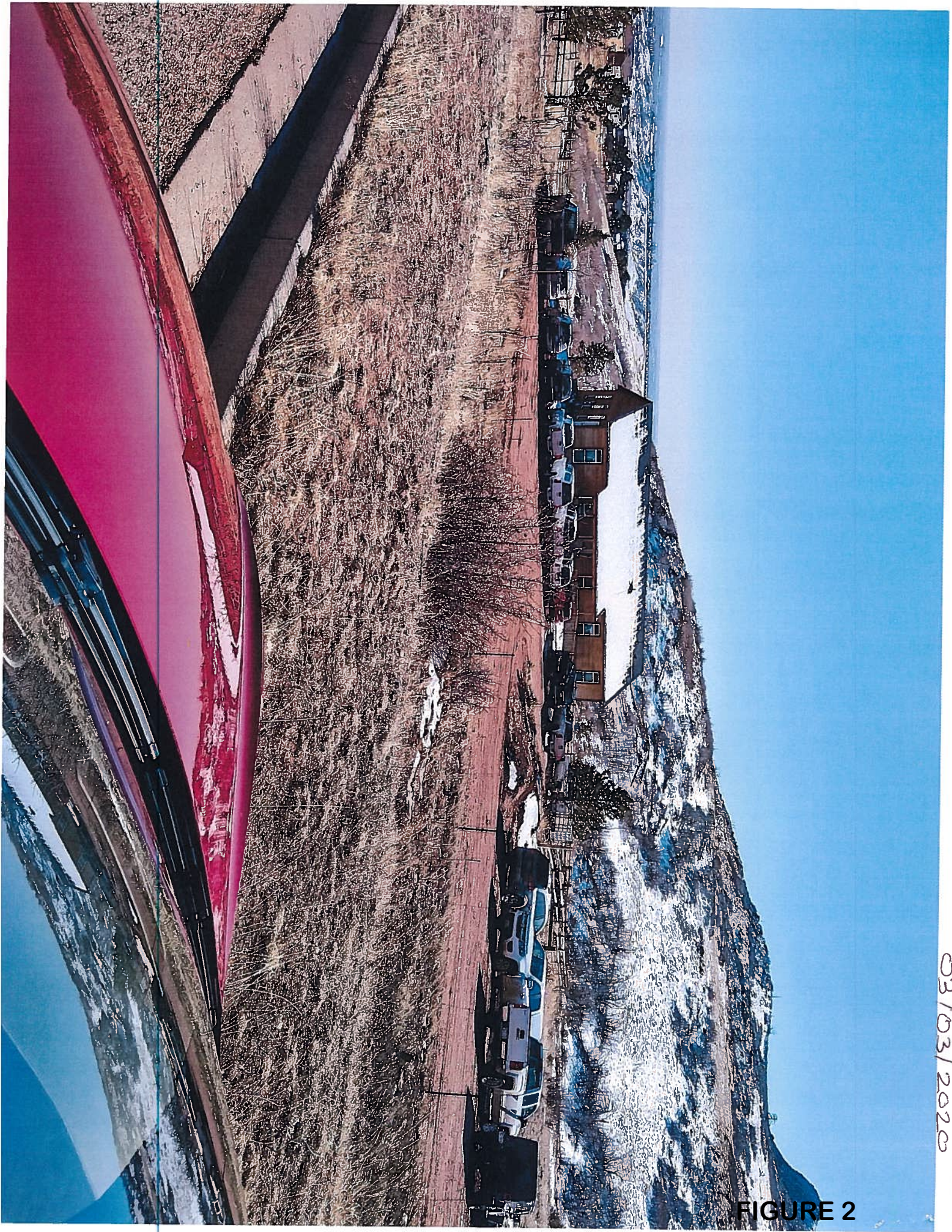
Picture the main living room view at 5810 Harbor Pines Point.

Malcolm Thomson
719 339 3146
Harbor Pines HOA



0767 17717

FIGURE 2



03/03/2020

FIGURE 2



[Return to Fee Calculator](#)

City of Colorado Springs Planning Department Fee Receipt

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

Intake Staff:	PicServer
Date:	3/23/2020
Planner:	Meggan Herington
Receipt Number:	36729
Check Number:	1013
Amount:	\$176.00
Received From:	Harbor Pines HOA