



# 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: Michael Ford Telephone: 562-453-8716  
Address: 1707 Redbank Drive City Colorado Springs  
State: CO Zip Code: 80921 E-mail: mefjord@yahoo.com

### PROJECT INFORMATION:

Project Name: 1756 Silversmith Rd. Apartments  
Site Address: 1756 Silversmith Rd. Colorado Springs, CO 80921  
Type of Application being appealed: Administrative approval for Apartments  
Include all file numbers associated with application: AR PUD 19-00162-A1M122 (PEAV-22-000)  
Project Planner's Name: Katolynn A. Wintz  
Hearing Date: November 7, 2022 Item Number on Agenda: Administrative - no known

### 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 please contact the Land Use Review office 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.

Michael Ford Signature of Appellant 17 November 2022 Date

**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.

**CITY AUTHORIZATION:**

Payment: \$ \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Appeal Statement: \_\_\_\_\_

Intake Staff: \_\_\_\_\_

Completed Form: \_\_\_\_\_

Assigned to: \_\_\_\_\_



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
Land Use Review Division

November 7, 2022

AIMCO  
Attn: Alex Ong  
4582 S. Ulster Street, Suite 1450  
Denver, Colorado 80237

RE: Approval Letter for 1756 Silversmith Apartments (Flying Horse No. 22 Filing 4 – Apartments)  
File Number: AR PUD 19-00162-A1MJ22 (DEPN-22-0045)

Dear Alex

The City's Land Use Review Division administratively approved the above-mentioned major development plan amendment for the 1756 Silversmith Apartments **modifying the site layout for a previously approved apartment development to include 95 total units** on November 7, 2022. The plat for this project is Flying Horse No. 22 Filing 4. 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. School district and parkland dedication fees are due per the City PLDO for this site. The fee is determined as of the date of approval of this plan and is subject to increase. These fees are due to be paid prior to building permit approval. To calculate the required fees per unit, please coordinate with Candy Fontecchio. To pay the fees please bring a check to 2880 International Circle Suite 200-7 or to pay by credit card call 719-385-5982.
6. 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.
7. Final grading plans are included in the approved development plan set. Per note 17 on the cover sheet, any grading changes greater than 12-inches require a development plan amendment.
8. A sign permit through Development Review Enterprise is required for all signage, prior to installation.

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.

If you have any questions regarding the above sections, please contact me at [Katelynn.wintz@coloradosprings.gov](mailto:Katelynn.wintz@coloradosprings.gov) or by phone at 719-385-5192.

Sincerely,

A handwritten signature in cursive script that reads "Katelynn Wintz".

Katelynn Wintz, AICP  
Planning Supervisor

Appeal to City Planning Commission  
RE: AR PUD 19-00162-A1MJ22E  
1765 Silversmith Rd. Apartments

I am reaching out to appeal the approval of the plan for Flying Horse No. 22 at 1765 Silversmith Rd.

The impact to the neighborhood would be devastating if a three story 45 foot apartment building was built in the middle of our quiet neighborhood. This building would literally shadow my home and the design would have balconies from which tenants could easily peer in to my master bathroom and bedroom, not to mention my back yard which would be right across the street.

An apartment building is simply out of place and would not in any way meld in to the current community of homes. There are no other three story structures within miles of this site.

The community concerns on Flying Horse plan at 1765 Silversmith include:

- Air pollution
- Noise Pollution
- Eye Sore and blocked views
- The requested plan is not compatible with the land use surrounding the site. This planned apartment complex site is in the middle of a golf course and adjacent to an assisted living community. The plan would divide the golf course in half and present a visual distraction for members of the golf resort. The introduction of a three story apartment building to the middle of the golf resort would injure the membership to The Club at Flying Horse and injure the business at The Lodge at Flying Horse.
- The value and qualities of the neighborhood surrounding the site will be substantially injured. The site will block mountain views of multi-million dollar homes and is adjacent / across the street from homes that will suffer privacy issues from view angles from taller buildings. All homes are not buffered from the site by the golf course as the Project Statement indicates, but are directly across the street on two sides and partially on a third side.
- On street parking will flood the existing neighborhood and choke the very much used (not limited use road as cited in the Project Statement) access that passes by the Assisted Living facility and continues through the neighborhood. This road needs to remain free of hazards and parking to allow access of emergency vehicles to the Assisted living complex.
- The site is very close to school crossings and will introduce traffic hazards to the neighborhood children walking to school
- The site is in a school district (less than one mile from Discovery Canyon Campus) that has no additional capacity for the children that would be introduced to the area. This would be added on top of the already under construction apartment complex that number in the hundreds less than two miles from this planned site in the Bass Pro Shop corridor.
- The area use was advertised by Classic Homes and zoned as "Medical" and was "supposed" to have one story businesses much like the existing Flying Horse Medical Center that is currently built.

The original zoning was for "medical" that would promote public health, safety, and general welfare of the community. The community expected more facilities with architecture like the Flying Horse Medical Center. A general high density apartment complex would introduce

crime, parking issues, and traffic to a quiet neighborhood, which is the opposite of the original low density zoning.

This proposed project violates the intent and purpose of Colorado Springs zoning code and will destroy the sanctity of our beloved neighborhood.

7.2.102: INTENT AND PURPOSE OF ZONING CODE:

This Zoning Code is designed to ensure the most appropriate use of land throughout the City; to ensure a logical growth of the various physical elements of the City; to lessen congestion in the streets and to facilitate the adequate provision of transportation; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to improve housing standards; to conserve property values; to facilitate adequate provision of utilities, schools, parks and other public infrastructure services; to protect against flood conditions and poor geologic and topographic conditions; and in general to promote health, safety and general welfare. The regulations within this Zoning Code have been made with reasonable consideration to the character of each zone district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout the City.

It is the intent and purpose of this Zoning Code to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions. (1968 Code; Ord. 80-131; Ord. 81-149; Ord. 91-30; Ord. 94-107; Ord. 01-42)

The proposed project, and indeed, the currently "approved" plan is in violation of the City of Colorado Springs zoning code nature, as copied above. An apartment and townhome complex situated adjacent to these single family homes is inappropriate and simply not what we signed up for. The residents of Flying Horse have significant investment in our homes and this project will serve to damage our neighborhood beyond repair. An apartment complex on this building site will simply put, be a sore thumb, cause traffic congestion, and ruin a quiet neighborhood. I understand and embrace mixed use, but also want to preserve the quality of our life established in Flying Horse. This proposed plan will do nothing except damage the Flying Horse residents' comfort, happiness, and standard of living.

- My property value will be significantly injured with the building of apartments adjacent to my property.
- My views will be significantly injured with the construction of a three story structure adjacent to my property. There will be a significant visual obstruction with the proposed and the current plan.
- My property will be subject to adjacent nuisances including noise, light and excessive traffic.
- My neighborhood will not be preserved, but violated with the introduction of a massive, three story structure that simply does not fit in with the architecture of the surrounding multi-million dollar homes.
- There are no other structures that are more than two stories above grade. The proposed plan puts three story balconies hovering over my property directly across the street from my home - looking down in to my bedroom, my shower, and my back yard. I would lose all privacy.

Please reconsider this project and let's work together to find a more suitable use for this land - perhaps with what it was zoned for in the Flying Horse Master plan presented to us when we purchased our home, or homes with architecture that fit the adjacent properties.

The neighborhood would be better served with housing or businesses with structures and architecture like the homes and business near the site. These plans as is, would interrupt the current neighborhood and be an eye sore standing two stories above any surrounding structure. Traffic and parking would be a nuisance, and the school less than one mile away would be strained beyond capacity, and already is. The site is within the walking area of students to the school and the current plans would add a dangerous flow of vehicles to the area.

Thank you for your consideration.