



SpencerFane®

RUSSELL DYKSTRA
DIRECT DIAL: 303-839-3845
RDykstra@spencerfane.com

February 14, 2022

**City of Colorado Springs
Planning & Community Development
Mr. Ryan Tefertiller, Planning Manager
30 S. Nevada Ave. #701
Colorado Springs, CO 80903**

Re: Appeal of Creekwalk North Development Plan – Request for Continuance

Dear Mr. Tefertiller,

This office represents the Creekwalk Marketplace Business Improvement District. The District has been made aware of the appeal filed on January 31, 2022 regarding the Creekwalk North Development Plan and Plat Numbers: AR DP 21-00551 and AR FP 21-00552. The District is also aware of a request to delay the March 17, 2022 Planning Commission meeting at which such appeal is scheduled to be heard.

As you are aware, the District has actively participated in the planning, funding and construction of the public improvements within the District's boundaries. This includes an existing underground detention facility of the same design as that which is being appealed. The District continues to incur significant expense related to construction of the remaining public improvements in order to facilitate the completion of this critical urban renewal project and to support the businesses and taxpayers within the District.

The businesses within the District require that these public improvements (including the drainage facility) be completed as soon as possible in order to facilitate their pending openings. The District strongly opposes the filed appeal. The request for a delay in the timely hearing of such appeal as scheduled will cause significant delay and hardship related to contracting and completion of the improvements and may impair the opening of the businesses in the District. The District's taxpayers will very likely suffer significant financial damages if the appeal hearing is delayed. As expressed at the City Council hearing on this matter, the appellant's assertion that somehow the District and its taxpayers are being surprised or otherwise unknowingly burdened by the construction of this facility is patently false. The District itself is paying for the construction of this facility. The facility is integral to providing adequate parking and access to the businesses in the District and the District's operational costs have been fully disclosed to every business and taxpayer in the District. The appellant nor any of his purported clients are not taxpayers in the District and no inquiry has been made of the District related to the anticipated costs of maintaining the drainage system or the impact on the District.

The appellant has presented circumstances related to his own inconvenience or unavailability, something that he was fully aware of prior to filing the appeal and for which the appellant has had ample time to arrange alternatives to address. Instead, he is requesting that critical infrastructure projects be delayed to address an appeal, the topic of which was thoroughly discussed and dismissed at the City Council hearing on this matter.

The District appreciates the consideration of the commission and respectfully requests that the request for a delay in the hearing on this matter be denied.

Best regards,

/s/ Russell W. Dykstra

Russell W. Dykstra