



## 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

Sandie Gilliam

831-596-8038

Name of Appellant

Phone Number

5797 Wellfleet Street, Colorado Springs, CO 80906

Address (Include City, State, ZIP)

sandie.gilliam@comcast.net

Email

#### Project Information

Fishers Canyon Open Space Master and Management Plan

Project Name

Wellfleet Street, Colorado Springs

Site Address (TSN if not yet addressed)

Parks, Recreation and Cultural Services Advisory Board Decision

Type of Application Being Appealed

Quasi-Judicial Approval of the Fishers Canyon Master Plan

All File Numbers Associated with the Application

David Deitemeyer

May 8 2025

Action Item 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.

*Sandie Gilliam*

Signature of Appellant

May 18, 2025

Date



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#### 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**

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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.

**APPEAL OF A CITY PLANNING COMMISSION DECISION TO CITY COUNCIL:**

*Please note that - while this is an appeal of a decision made by the Parks Board, for the record we would like to state that we were instructed to use this form – which is intended specifically for the appeal of a City Planning Commission decision.*

**1. The specific provisions of the UDC that are the basis of this appeal are:**

The UDC at 7.1.103 PURPOSE calls for

- A. “Promoting health, safety and the general welfare of the public” and
- B. “Protecting private property from adjacent nuisances.”

At 7.4.403. 3 provides the maximum length of a cul-de-sac to be allowed for effective fire protection is up to 750 feet in length.

At 4.4.101 the Park and Recreational Master Plan is the land use and operational plan for the Citywide park and recreation system.

At 4.4.101 Stewardship is the provision of services that protect, maintain and enhance the condition, longevity and overall well-being of facilities and elements of the built environment and the health and vitality of the natural environment.

At 4.1.104 G the Parks and Recreation Advisory Board (the “Board”) is to “decide all development activities for Park Master Plans for parks, trails, or open spaces.”

At 4.6.101 F “Conservation of new open space lands shall be related to resource management, including ...preservation enhancements (fences, wetlands and wildlife habitat improvements...”

At 4.6.101 G “To manage, patrol, improve and maintain all new open space lands and trails acquired with revenues generated by a sales and use tax ...”

At 4.6.101H “To improve new park lands acquired with revenues generated by a sales and use tax...”

At 4.6.101L. Open space lands shall serve one or more of the following functions:

- 2. Preservation of fragile ecosystems, natural areas... wildlife habitats and corridors
- 5. Conservation of natural ...resources, including, ...forest lands...

At 4.6.103 the Citizens Advisory Committee is to make recommendations to the City Council regarding disbursements of funds on lands acquired, maintained, developed or preserved and to establish priorities therefor.

7.5.409 General Criteria for Approval under the UDC include compliance with standards in the UDC, other applicable regulations, engineering standards and utilities including sewer, drainage, emergency/fire protection established under federal, state, county, service district, City of Colorado Springs Utilities and other regulatory authorities and any other prior approvals.

At 4.1.105, The Board is to coordinate with the Colorado Springs Planning Commission. Furthermore, the Board's approval of all Park Master Plans are subject to appeal to the City Council in accordance with the City Comprehensive Plan and Zoning Code.

**2. The criteria for reversal or modification of the decision applicable to this appeal** are that the decision is (a) contrary to the express language of this UDC; (b) the decision is erroneous; and (c) the decision is clearly contrary to the law.

**3. The criteria for the relevant application have not been met.**

This is a brief discussion of the failures to meet the above criteria. More will be presented at the hearing or by supplementing this submittal.

This Parks Master Plan fails to be an "operational" plan that sets funding priorities and commitments to assure actions within and without of the Park to protect the adjacent neighborhood in the event of forest fires and other nuisances created by users of the Park.

Funding is neither budgeted nor assured for the installation of fire hydrants or related infrastructure within the Park near the parking lot and lower elevations closest to the adjacent neighborhoods. Such infrastructure is intended to minimize the response time, distance and travel time needed to refill the firefighting apparatus and help protect the adjacent neighborhoods.

Funding is neither budgeted nor assured to enable rapid response or wayfinding systems for the evacuation of the visitors to the Park and the neighborhood. The Master Plan does not specify improvements necessary for the prompt and effective evacuation of the parking lot and neighborhoods.

Using the Wellfleet Street cul-de-sac easement for access violates the city's own 750-foot limit for a cul-de-sac that risks trapping traffic exiting the area while fire trucks seek access.

There is no alternative access point defined for fire protection vehicles. No city official (Fire Marshal, City Engineer and/or City Utilities) approval of this roughly 2,000-foot-long cul-de-sac is shown as required by the city for dead-end streets longer than 750 feet.

While the evacuation study acknowledges the egress routes are already “at capacity,” it does not address added delay times resulting from the improvements or the impact on level of service from the Phase 2 parking lot, which we understand will be significant.

This Master Plan fails to be an “operational” plan that incorporates other City Departments and entities necessary to its implementation, and this specifically fails to list the Fire Marshal’s recommendations.

The Master Plan completely omits addressing several issues raised by the homeowners:

- Impact of this Park on homeowners’ insurance

- Limiting park hours

- Insufficient park ranger presence and enforcement authority.

Additional omissions include:

Failure to address the impact on large wildlife, including for example, bears, mountain lions and turkeys along with their prevalence in the adjacent neighborhoods. More study is needed of the migration corridors through the proposed improvements such as physical barriers in the habitat where wildlife is likely to gain access to the nearby neighborhood.

Failure to address stormwater runoff from the acres of proposed impervious surface area and its impact on adjacent waterways likely to risk flooding private property in the adjacent neighborhood.

Additional neighborhood issues would have been raised at the May 8, 2025 public hearing by those seeking to attend by phone, but the phone number listed by the city for such purpose was in error. As a result of the posting by the city of a “dead” call-in number, only one member of the public was ever permitted to speak. As this is a quasi-judicial hearing, and virtually no remote public input was permitted, this omission justifies a new hearing, alone.

The Master Plan acknowledges many issues but does not resolve them as the action items needed to be in an operational plan with a priority list of implementation steps.

These include the creation of a fire mitigation plan near the adjacent neighborhoods, fire evacuation plans, and installation of fire hydrants and related infrastructure prior to the construction of the parking lot and trail systems.

Further operational steps include visitation management and the installation of No Trespassing signs adjacent to homeowner property lines to discourage ingress by park users not using the Wellfleet Street and parking lot. In addition, No Parking signs and a parking management plan along streets and driveways near Wellfleet Street are necessary to prevent overflow crowds causing nuisance conditions to the neighborhood. Park Ranger enforcement of free-ranging bicycle and other users who believe they are entitled to do what they want also need addressing.

In conclusion, significant additional steps omitted in the plan are needed to address the neighborhood concerns and protect the adjacent neighbors should first be taken before proceeding with physical improvements such as the installation of dead-end roadways, parking lots and trails.

That is, any implementation of the Recreational Master Plan (RMP) in its current form will be grossly premature, and will result in dire consequences impacting safety and general welfare not only of the immediate residential neighborhoods but also the public at large.

- TOPS and the Park Board's approval of the RMP was premature, and the decisions should be deemed void. Unless and until the community's safety concerns are fully and comprehensively addressed in a revised RMP, no development should proceed.



## City of Colorado Springs

30 S Nevada  
Suite 204  
Colorado Springs, CO

Ph: 719-385-2367

Receipt # 155169  
Date Issued: 5/19/2025

### Receipt

#### Record Information

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

**Record Type:**

**Project Name**

**Site Address**

**Payor**

SANDRA GILLIAM AND  
LARRY GILLIAM

#### Fee Information

Fee Item	Notes	Amount
Planning Appeal Fee	Fishers Canyon Open Space Appeal.	\$ 176.00
<b>Total Fee Amount:</b>		<b>\$ 176.00</b>

#### Payment Information

Method	Reference No	Comments	Transaction Amount
Check	209	PARKS FISHERS CANYON OPEN SPACE MASTER AND MANAGEMENT PLAN APPEAL ACTION ITEM A	\$ 176.00
<b>Total Amount Paid:</b>			<b>\$ 176.00</b>