



COLORADO SPRINGS PLANNING

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

Sarah Knowley, Noah Haney

719-776-0100

Name of Appellant

Phone Number

3970 Mountain View Drive, Colorado Springs, CO 80908

Address (Include City, State, ZIP)

sknowley@aol.com

Email

Project Information

Kettle Creek North PUD Development Plan and Final Plat Application

Project Name

6200000698

Site Address (TSN if not yet addressed)

City Planning Commission

Type of Application Being Appealed

AR PUD 20-00538 and AR FP 20-00539

All File Numbers Associated with the Application

Katelynn Wintz, AICP

06/14/23

7.A and 7.B

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


Date



COLORADO SPRINGS PLANNING

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.



COLORADO SPRINGS PLANNING

Land Use Review

Appeal of a City Planning Commission Decision to City Council

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 Statement

June 23, 2023

Appellants Sarah Knowley and Noah Haney

Appeal of the Approval of Kettle Creek North PUD Development Plan and Final Plat Application on June 14th, 2023

File Number: AR PUD 20-00538 and AR FP 20-00539

Appeal Request:

Sarah Knowley and Noah Haney, landowner and county residents of a house within 1,000 feet of aforementioned subject lot, submits this appeal against the City Planning Commission's decision to approve the Kettle Creek North PUD Development Plan (and Final Plat Application) at the hearing on June 14th, 2023.

1. UDC 7.5.415.A.2 (Notice of Appeal):

We ask the City Council to modify the current Kettle Creek North development plan to include the following conditions of approval: (1) there must be a north or west traffic/emergency evacuation egress, (2) There is no access to Howells Road.

2. Criteria for Reversal and Modification of the Decision:

(a) Contrary to the Express Language of this UDC

The decision of the City Planning Committee to approve this plan is contrary to the express language of the UDC per UDC 7.1.107 (A), which states that if any UDC regulation, applicable law, or regulation of the city conflicts with each other, then the stricter provision shall apply.

The Briargate Master Plan clearly states that there is "no access" to Howells Road. There have not been any amendment requests to remove this provision, and neither the City Code section 7.5.402.B., the city code definition of an "implemented" plan, or the PlanCOS Annual Report state that "An implemented master plan ceases having regulatory power", nor explains how that legislative switch of the development from operative to implemented "opens" Howells road.

- Because all of these codes are "silent" on whether or not changing an implemented master plan requires an amendment, then the Briargate Master Plan (the stricter provision) must apply and be upheld. To change this would require the City Council to approve an amendment request to remove the "no access to Howells Road" provision. The interpretation of the codes by the city planners and developer are erroneous and contrary to the express language of the UDC.

(b) The decision is erroneous

The City Planning Commission's vote to approve the current development plan is also erroneous due to the developer's lack of due diligence in providing information/statistics that represents all of the effects that the development plan will have on the immediate surrounding county neighborhoods.

All information and studies completed by the developer and their representatives, had the sole focus of showing traffic and safety concerns for the Kettle Creek North and North Fork residents, as well as the citizens who attend the elementary and high school within the development.

Not one traffic study, report, or recommendation from the City Fire Department (which are the foundation of the development plan) specifically addressed or answered questions about the safety of the neighboring county residents who will be affected by this plan. Nor did the developer provide any evidence that opening the only evacuation routes for county residents (which are Howells Rd, Arrowhead Rd, Milam, and Old Ranch Rd) to the more than 900 Kettle Creek and North Fork homes will not negatively impact the county residents' safety during evacuation.

3. Conclusion

The provision of the Briargate Master Plan that denies the Kettle Creek residents' access to Howells Road is a reasonable and purposeful provision that protects the safety of thousands of Colorado Springs county residents, their properties, animals, and possessions.

We need all committees involved in this development plan to uphold the purpose of the UDC, uphold the Briargate Master Plan, and approve development that promotes health, safety, the general welfare of the public, and protects private property from adjacent nuisances creating unsafe, incompatible uses.

We submit this appeal with the request of the City Council to require that the Kettle Creek North PUD Development Plan implement a north or west egress and deny all access to Howells Road.

Thank you for your consideration,
Sarah Knowley and Noah Haney

Sarah Knowley
Noah C Haney



CITY OF COLORADO SPRINGS

OFFICE OF THE CITY CLERK
30 S. NEVADA AVE., SUITE 101
COLORADO SPRINGS, CO 80903
719-385-5901

RECEIPT

DATE: 6/23/2023

Receipt #: 99426

License Type: _PER_SUB_TYPE

Payment Type: Business Check

Reference #: 1216

LICENSE NO: 10FDD-00000-#0001

Post Date: 6/23/2023

Receipt Total: \$176.00

PAYEE:

Sarah Knowley and Noah Haney

For the Licensed Premises at:

Comments: FOR KETTLE CREEK NORTH PUD DEVELOPMENT PLAN AND FINAL PLAT APPLICATION APPEAL
AR PUD 20-00538 & AR FP 20-00539
SKNOWLEY@AOL.COM

PAYMENT DETAILS:

Description

Quantity

Amount

Planning Appeal Fee

1

\$176.00