



APPL-23-0007, WILSON TANK HEIGHT INCREASE APPEAL

CITY COUNCIL

November 14, 2023



APPL-23-0007

CONTEXT



QUICK FACTS

Address:

6560 Alabaster Way

Location:

Immediately east and adjacent to Mountain Shadows neighborhood

Zoning and Overlays

Zone: PF (Public Facilities)

Overlay(s): HS-O (Hillside Overlay) and WUI-O (Wildland Urban Interface Overlay)

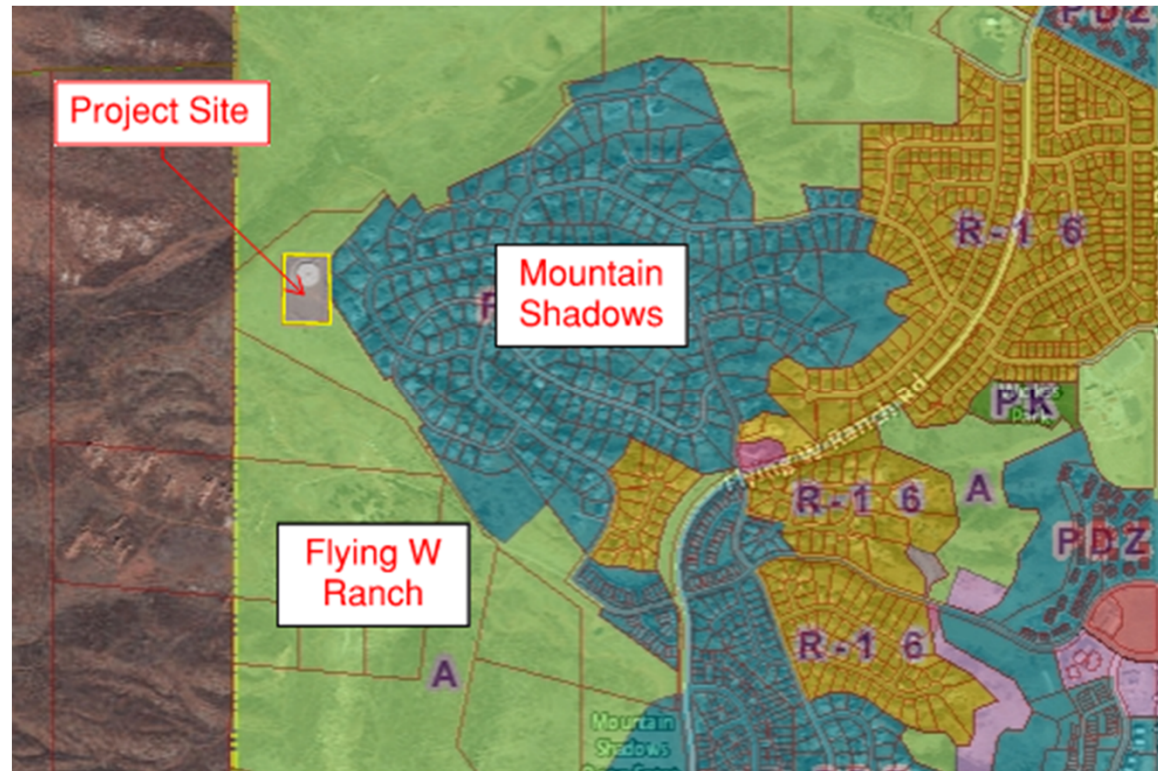
Site Area

3.63 Acres

Land Use

Water Storage and Pump Station

VICINITY MAP



APPL-23-0007

PROJECT DESCRIPTION



PROJECT SUMMARY

WATER STORAGE TANK – HEIGHT INCREASE COMPARISON

File #(s):

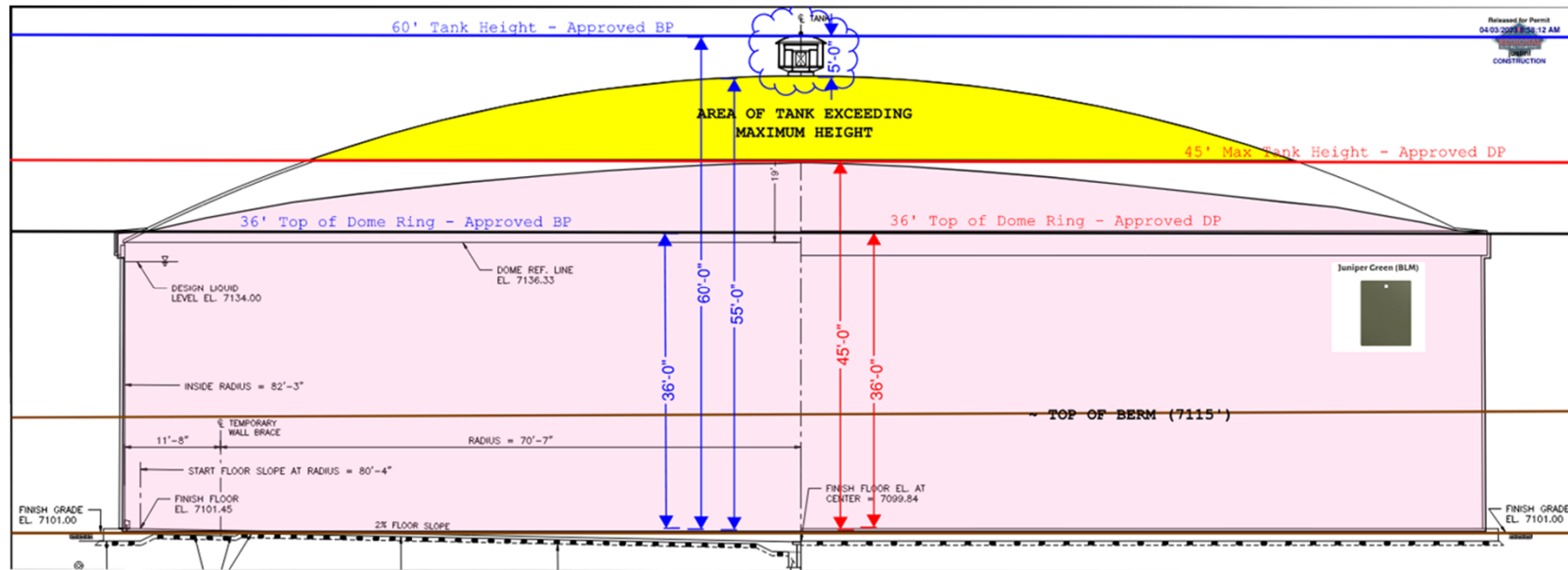
DEPN-23-0157

Project Proposal:

Increase maximum height of water storage tank from 45-feet to 60-feet

Applications:

Development Plan Major Modification



APPL-23-0007

APPROVAL CRITERIA



DEVELOPMENT PLAN MAJOR MODIFICATION (UDC SEC. 7.5.516.D.1)

- a. Complies with the provisions of this UDC and all applicable City regulations; and
- b. Is consistent with any conditions in the approval or permit proposed to be modified, unless the decision-making body that imposed that condition modifies that condition; and
- c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified; and
- d. Is consistent with the Colorado Springs Comprehensive Plan, other plans adopted by City Council, and the intent of the zone district in which the property is located.

PLANNING COMMISSION DECISION

City Planning Commission denied the Wilson Tank Height Increase Development Plan Major Modification and determined that the application did not meet the applicable review criteria:

- Created more adverse impacts on surrounding properties than the approved development plan be required, such as a screen wall and robust shrub planting.
- Not consistent with PlanCOS, specifically citing the Majestic Landscape Framework.

APPL-23-0007

APPEAL CRITERIA



APPEALS (UDC SECTION 7.5.415)

1. An application for appeal may be reversed or modified if it determined that one (1) or more of the applicable review criteria are met:
 - (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;

2. The basis of this appeal is that the Planning Commission's decision is contrary to the express language of the UDC, erroneous, and contrary to law.

Proposed Motions:

1. Affirm the decision of the Planning Commission and deny the appeal; or
2. Reverse the decision of the Planning Commission and approve the appeal; or
3. Modify the decision of the Planning Commission and approve the appeal; or
4. Remand the matter back to the Planning Commission for further consideration.

APPL-23-0007 PROPOSED MOTIONS



Should the City Council wish to affirm the Planning Commission decision for the development plan major modification application, the following motion is suggested:

Deny the appeal and uphold the Planning Commission decision on the Wilson Tank Height Increase, based upon the findings that review criteria for deciding on a major modification as set forth in City Code Section 7.5.516.D.1 are not met as decided by the Planning Commission.

APPL-23-0007

PROPOSED MOTIONS



Should the City Council wish to reverse the Planning Commission decision for the development plan major modification application, the following motion is suggested.

Approve the appeal and reverse the Planning Commission decision on the Wilson Tank Height Increase, based upon the finding that the review criteria for deciding on a major modification as set forth in City Code Section 7.5.516.D.1 are met with the following conditions:

1. The size range of 25' – 35' listed for the larger Ponderosa Pine or Colorado Blue Spruce trees in the Plant Schedule under the Botanical/Common Name column that is contained on the Landscape Plan is revised to 25' HGT. MIN. to match the Size/Cal. column.
2. The designer of record for the Landscape Plan must be present at the nursery at the time the larger, 25 feet minimum height Ponderosa Pine or Colorado Blue Spruce trees are selected to document that the trees meet the minimum required height as specified by the Landscape Plan. This is to be documented by a photographic verification and written affidavit showing that each selected tree meets the minimum height before being planted.
3. A height survey verification for the water storage tank is required to be provided from a licensed professional surveyor in the State of Colorado prior to any zoning final inspection.
4. Financial Assurance shall be put in place for the Landscape Plan and Irrigation Plan improvements prior to any zoning final inspection.
5. The water tank color is revised to Juniper Green.
6. The landscape plan is revised to include six (6) additional 25 feet minimum height Ponderosa Pine or Colorado Blue Spring in the southwest corner of the site (see illustration on Page 11, City Planning Commission Staff Report).

APPL-23-0007 PROPOSED MOTIONS



Should the City Council wish to modify the Planning Commission decision for the development plan major modification application, the following motion is suggested.

Approve the appeal and modify the Planning Commission decision on the Wilson Tank Height Increase, based upon the finding that the review criteria for deciding on a major modification as set forth in City Code Section 7.5.516.D.1 are met with amendment or revisions to the recommended conditions (refer to recommended conditions in the motion above), the addition of conditions or the deletion of conditions.

Should the City Council wish to remand the matter back to the City Planning Commission for further consideration, the following motion is suggested.

Remand the matter back to the City Planning Commission for further consideration of the development plan major modification to the applicable review criteria for deciding on a major modification as set forth in City Code Section 7.5.516.D.1.



Questions?

