



Alamo Corporate Center  
102 South Tejon Street, Suite 900  
Colorado Springs, Colorado 80903-2238  
Telephone (719) 635-8750  
Facsimile (719) 635-8706  
  
www.mullikenlaw.com

Steven K. Mulliken  
Murray I. Weiner  
Caroleen F. Jolivet  
Karl A. Berg, Jr.  
Trevor J. Young  
Sara M. Frear  
Dominic J. Ricotta  
Erin M. Leach  
Hilary A. Roland  
Olivia M. Urso  
Elizabeth A. Ary

Of Counsel:  
Janet K. Williams

mweiner@mullikenlaw.com

August 1, 2023

*Via Email and First-Class Mail*

[William.Gray@coloradosprings.gov](mailto:William.Gray@coloradosprings.gov)

Mr. William Gray  
Senior Planner  
City of Colorado Springs  
30 S. Nevada Ave., Suite 701  
Colorado Springs, CO 80903

Re: CSU Wilson Tank Site / #DEPN-23-0157 Amendment / Objection to Proposed Height Adjustment

Dear Mr. Gray:

We represent the Flying W Ranch. Our client is concerned with the height of the replacement Wilson Water Tank Colorado Springs Utilities is constructing at 6560 Alabaster Way, Colorado Springs, CO 80901.

According to the building plans on record with Pikes Peak Regional Building, the previous tank was 39ft tall. The new replacement tank, being built next to the old tank, was approved for a maximum height of 45ft. However, the tank is over 60ft tall. Colorado Springs Utilities has filed for an amendment to their development plan to accommodate for this increased height. We are writing this letter to object to the approval of such a modification and request that City Planning deny the amendment.

Our client's property, as well as other neighboring properties, are negatively affected by the increased height. Flying W Ranch relied on the plans, including the 45ft height limitation as originally submitted, and did not object to the construction of the tank as proposed and approved. However, the tank as built is **not** the tank approved by the City. If the City pushes this amendment through, without considering the negative impact this project has on its neighbors, we can only assume it is doing so because the City is both the owner of the project and the reviewing authority. If this were a private project and the approved building plans were not followed, the City would

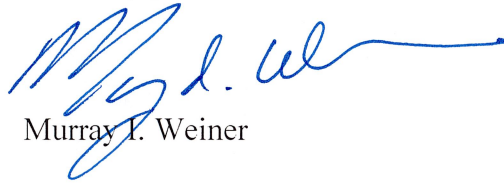
# Mulliken Weiner Berg & Jolivet P.C.

Mr. William Gray  
August 1, 2023  
Page 2

undoubtedly follow a more rigorous review as to why the plans were not followed as submitted. We expect the same rigorous review in this situation.

Our client has no objection to the original 45ft height in the development plan. However, there is no basis for an increase from the 45ft limitation. Construction on the site is out of compliance with the building plans. If the City does not stop construction and comply with the original building plans, we plan to appeal to the City Planning Commission and seek declaratory and injunctive relief from the El Paso County District Court, if necessary.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "M. I. Weiner", with a long horizontal flourish extending to the right.

Murray I. Weiner

MIW:llb

Cc: Wynetta Massey, Esq.  
Ms. Leigh Ann Wolfe  
Mr. Travas Deal  
Elizabeth Ary, Esq.