

CSU WILSON TANK HEIGHT INCREASE

Planning Commission October 11, 2023

Staff Report by Case Planner: William Gray, Senior Planner



Quick Facts

Applicant

Colorado Springs Utilities

Property Owner

City of Colorado Springs

Developer

Colorado Springs Utilities

Address / Location

6560 Alabaster Way

TSN(s)

7315210006

Zoning and Overlays

Zone: PF (Public Facilities)

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

Land Area

3.63 acres

Land Use

Utility, Major (Water Tank)

Applicable Code

Unified Development Code

Project Summary

The project includes an application for a major modification to a previously approved development plan (AR DP-21-00526) that proposed to increase the established maximum height of a water storage tank from 45 feet to 60 feet.

File Number	Application Type	Decision Type
DEPN-23-0157	Major Modification	Quasi-Judicial

Staff Recommendations

Approve the CSU Wilson Tank Height Increase Development Plan Major Modification based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.516.D.1, with conditions.



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Background

Prior Land-Use History and Applicable Actions

Action	Name	Date
Annexation	Flying W Addition #1	March 1, 1971
Subdivision	Wilson Tank Site	May 2, 2023
Master Plan	Mountain Shadows	March 9, 2021
Current Enforcement Action	Notice of Violation and Order to Abate	August 30, 2023

Site History

The City of Colorado Springs acquired the parcel associated with this Application in 1960 from DH Wilson and the existing 5-million-gallon (MG) water tank was constructed in 1966. This site location was originally selected by the City because it provided the necessary elevation for the gravity flow of water to the adjacent water distribution system existing at the time.

The site was zoned PF (Public Facilities) from A (Agricultural) in 1993 by Ordinance No. 93-25 (see "Ordinance No. 93-25" attachment). This change of zoning coincided with the planning and construction of the pump station that is located at the site. The development plan for the pump station was approved in February 1993 (see "Wilson Reservoir and Pump Station Development Plan" attachment). The development plan showed that the parcel was originally sized for two 5 MG water storage tanks. Colorado Springs Utilities Water Master Plan maintains the location for the water tank and pump station and the Mountain Shadows Master Plan, originally approved in 1996, labeled the site as Government Facility (see "Mountain Shadows Master Plan" attachment).

In July 2021, City Planning was contacted by Kimley-Horn regarding a new 5-MG water storage tank (see "Pre-Application Summary" attachment). The application for a new water storage tank and subdivision final plat was submitted in July 2021. The main goal of the project was replacement of the existing tank due to age and current condition. The existing tank is 60-plus years old, so it is at the end of its life cycle. Important design considerations included for the new water storage tank were to minimize site grading, erosion and sediment control, revegetation of old tank site, new tank impacts and wildfire risk reduction. The focus of the initial development plan review was to reduce visual contrast and soften the appearance of the tank to nearby and adjacent residence. This was to be accomplished through tank color and landscaping. The visual impact of the new water tank was also the major theme of public comment that was received during initial review. A maximum height of 45 feet was established with the development plan through the review process. It is also important to note that the development plan for the new water tank was reviewed under previously adopted Chapter 7. In the PF (Public Facilities) zone district there are no established dimensional standards. Further, it is stated that dimensional standards are to be established with the development plan. It is the reason the development plan set a maximum height. The other reason was that final engineering of the tank design was only preliminary when the development plan was reviewed. The original development plan and final plat were approved on June 21, 2022 (see "Approved Development Plan" and "Approved Final Plat" attachments).

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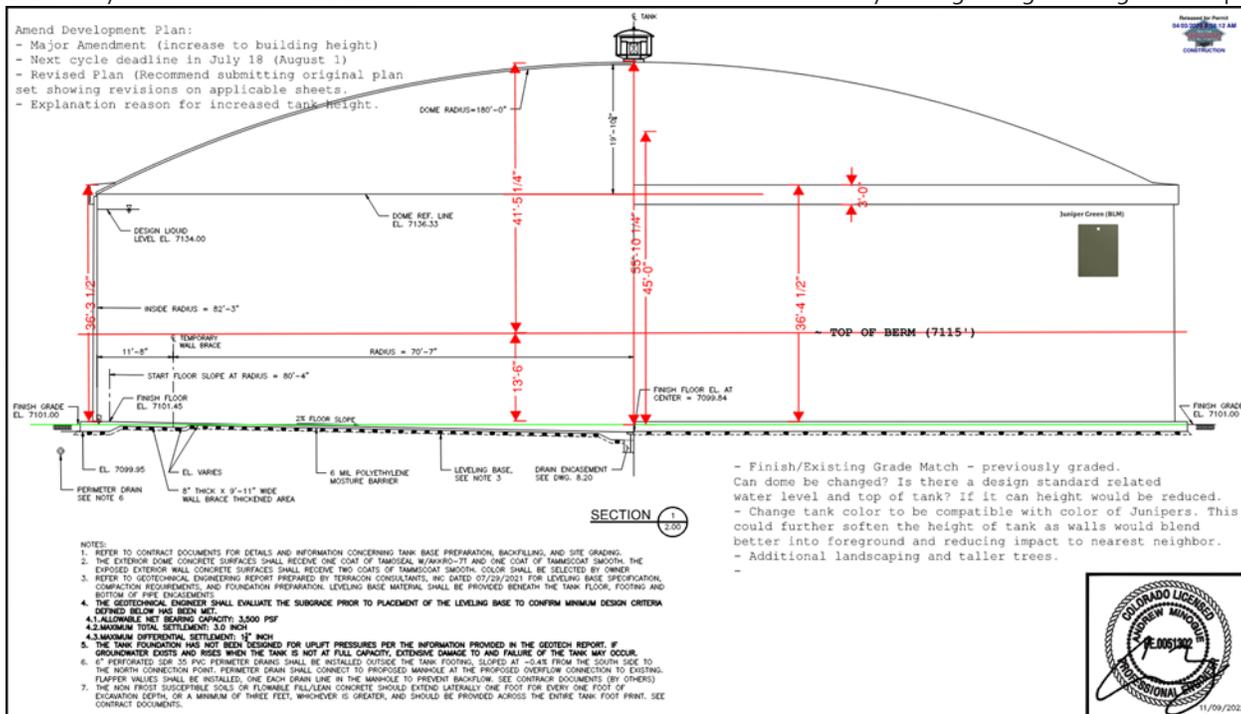
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The building permit for the new water storage tank was issued on May 5, 2023. As part of the issuance of the building permit it was reviewed and approved by City Planning. City Planning’s approval of the permit was also on May 5, 2023. A comment included along with City Planning’s approval was that the “project was required to be completed in compliance with the approved Development Plan (AR DP 21-00526). Approved tank color is adobe per email dated 2/15/23” (see figure below).

Departme	Sta	Log Date	Reviewer	Comments
AR Springs	A	5/05/2023 09:20	WGRAY	Approved by WGRAY. Project is to be completed in compliance with the approved Development Plan (AR DP 21-00526). Approved tank color is adobe per email dated 2/15/23. (see full review)
Zonings	/	5/03/2023 08:52	WGRAY	In Current Review by WGRAY
Submital	/	5/03/2023 08:48	SIERRA	Submital #3

With the issuance of the building permit tank construction commenced. Around June 13, 2023, the tank height was questioned by a neighboring property owner. It was at this time that City Planning learned of the discrepancy between the tank height of the approved development plan and the tank as built. As stated previously the approved development plan established a maximum height of 45’ and the elevations drawing indicated an approximate tank height of 40’ because the structural design of the tank was not complete at the time of development plan review. The as-built height of the tank is 55 feet with a five (5) feet dome vent (total height is 60 feet). Upon discovery of the discrepancy City Staff reviewed the approved plans in the building permit. In this secondary review the sheet titled “Tank Section and Elevation” was further analyzed regarding the height discrepancy (see figure



above). This analysis did reveal that the tank section/elevation drawing included in the building permit was in fact 60 feet tall. A clear oversight in the review of the structural plans for the water tank was made by City Planning. A condition of the building permit approval was that the project had to be completed in compliance with the approved development plan and this was not intended for only landscaping and tank color but also height of the tank and other associate site improvements. Included in any approval letter for a development plan is the statement that “if any changes to the approved site or building design become necessary prior to, or during construction, an amended development plan will be needed to be submitted for City Planning review...” (see “Approval Letter” attachment). Certainly, City Planning was a part of this error, but to presume that a 60 feet tall tank complied with the development plan simply because sheet 12 of 12 stated “elevations were estimations and would be finalized during structural



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design phase” did not mean that the tank could be as tall as necessary based on final structural design. A definitive maximum tank height was established for this development plan and that height was 45 feet. In retrospect, while conducting this analysis of the water tank height associated with the building permit tank height was not a primary focus. The reason, a five (5) MG water storage tank is going to always be a huge structure in width, height, and depth. It was City Planning’s position on this project was that tank color and landscaping would best achieve blending the tank into the landscape and softening its size to the nearest neighbors.

In late June City Staff met with CSU to discuss the height difference between the development plan and the building permit. At this meeting, steps to address the problem were outlined to CSU. This included modifying the existing tank to bring it into compliance with the maximum allowed height to amending the development plan to increase the height to 60 feet. We also discussed the importance on acting quickly to address the situation because tank construction was for all practical purposes complete. For example, if structurally modifying the tank was an option it needed to be acted upon earlier rather than later because the contractor was still on-site doing work, or having an amendment reviewed with a decision before any final inspection could be completed. At this meeting, as it related to the amendment option that a better tank color and additional landscaping (i.e., taller trees) needed to be included with any application. The Applicant elected to pursue the major modification to the height of the water tank and submitted the request on July 17, 2023.

Shortly after public notice was made on the proposed major modification City Planning received a significant amount of public comment regarding the proposed amendment. Further, the amendment application garnered a high level of media coverage. It was these factors that directly led to the water tank amendment being referred to the Planning Commission. More plainly, it was a project that needed its evaluation and decision to be made at public forum. At the same time, City Planning had demands that a violation of the development plan had occurred and that a notice of that violation was needed and necessary under the UDC (see “Stop Work Demand” attachment). A Notice of Violation and Order to Abated was issued to the Applicant on the August 30, 2023 (see “Notice and Order” attachment). Subsequently, CSU submitted an appeal to the notice of violation primarily on the grounds of estoppel. That is to say that the building permit approval was the determination of compliance with all applicable requirements. So, once that occurred City Planning has no right to claim the building permit is invalid.

Applicable Code

All references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	A (Agricultural)	Agricultural – open land, grazing	Privately managed land, part of Flying W Addition #1 Annexation (1971)
West	A (Agricultural)	Agricultural – open land, grazing	Privately managed land, part of Flying W Addition #1 Annexation (1971)

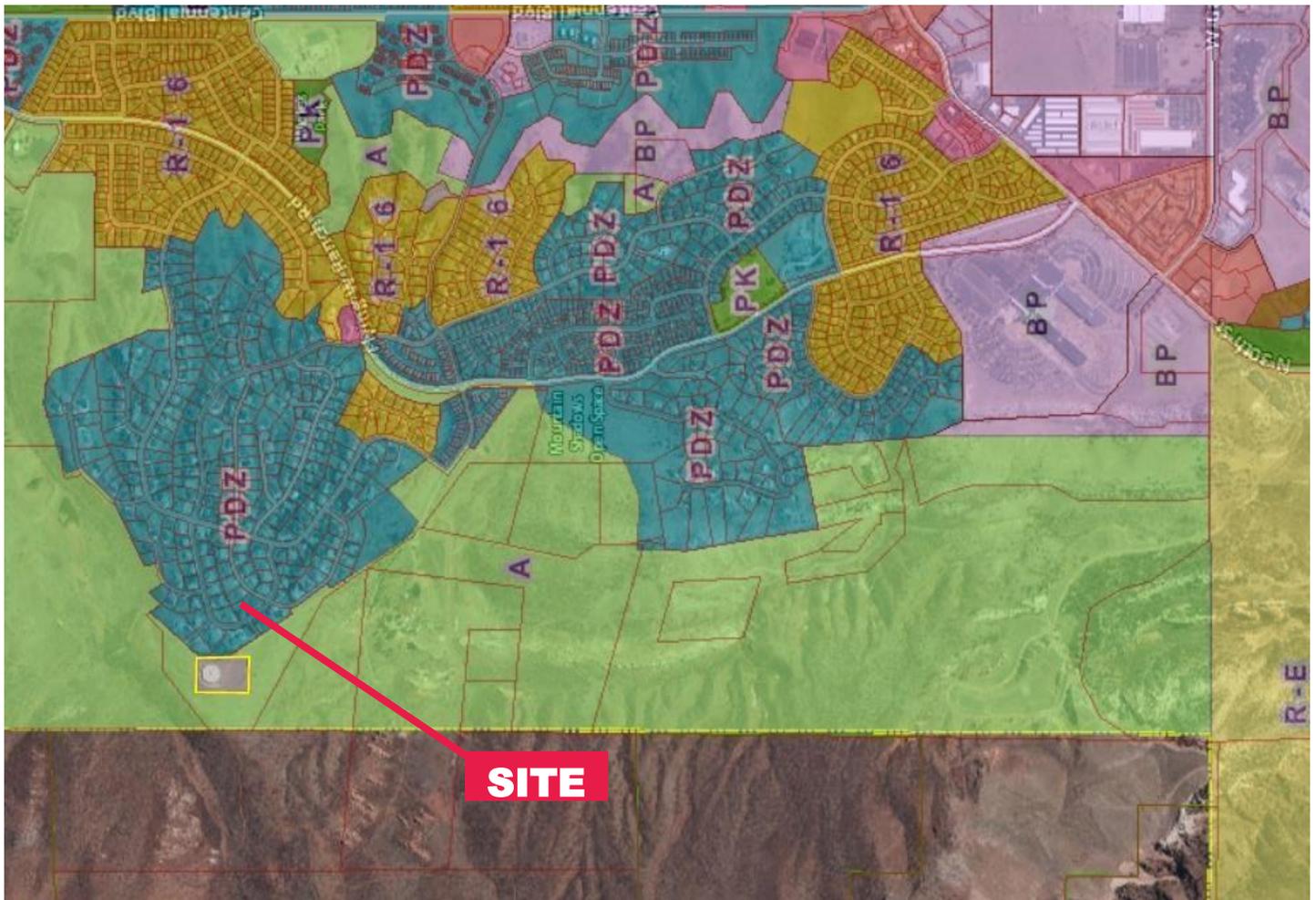
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South	A (Agricultural)	Agricultural – open land, grazing	Privately managed land, part of Flying Addition #1 Annexation (1971)
East	PDZ (Planned Development Zone)	Single-family residential	Mountain Shadows Filing No. 22, part of Flying W Addition #1 Annexation (1971) and Mountain Shadows Master Plan (1996)

Zoning Map



Stakeholder Involvement



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Public Notice

Public Notice Occurrences (Poster / Postcards)	2, Administrative Review and Planning Commission
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	53
Number of Comments Received	28 comments received

Public Engagement

Colorado Springs Utilities (“CSU”) held a community outreach meeting on the August 10, 2023. City Planning Staff did not attend this meeting. Information received from CSU indicated that some neighbors preferred the darker color over “Adobe.” “Adobe” is the tank color that is required with the approved development plan. Adobe was mainly selected because it has been used on other water storage tanks and it was found to be acceptable to an adjacent property owner that provided public comment during the review of the original development plan. CSU’s customer relations specialist at the time worked directly with the neighbor on tank color selection. It is City Staff’s opinion that the color was acceptable in combination with the required landscaping. No other information from this community outreach meeting. The color of the tank has always been an important issue with the Wilson Water Tank. City Staff has always thought that the tank should be a color that blends well with the dominant color of the landscape.

Public engagement for this application was done through public notice as required by the UDC. The application also got a lot of media attention from local television channels and The Gazette. Public comment received was not directly in opposition to the project but anger and frustration over the fact that the new water tank was constructed taller than allowed by the approved development plan. Many of the comments used the word “misled” and the sentiment of the comments can be characterized as a question, how did this happen? As like the review with the approved development plan many are concerned with the visual impacts of the water tank. There was one (1) comment that viewed the project as necessary infrastructure and an eyesore, but better communication about the water tank height was needed (see “Public Comment” and Planning and Public Comment Response” attachments).

Agency Review

Traffic Engineering

No comments received.

Fire

No comments received.

SWENT

No comments received.

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No comments received.

Engineering Development Review

No comments received on the proposed major modification. The approved development plan did provide a Geologic Hazard Study ("GHS") as required because the property is in the HS-O (Hillside Overlay). The GHS review was for a five (5) MG water storage tank and was reviewed Engineering Development Review ("EDR") and Colorado Geologic Survey ("CGS"). Both EDR and CGS found the findings of the GHS to be valid. EDR accepted the GHS on April 1, 2021, in accord with City Code (see "Geologic Hazard Study attachment").

Development Plan Major Modification

Summary of Application

The site is located at 6560 Alabaster Way immediately east of Mountain Shadows Filing No. 22, and it is 3.63 acres in size. The property is zoned PF (Public Facilities) with HS-O (Hillside Overlay) and WUI-O (Wildland Urban Interface Overlay). The purpose of the PF zone district is the following:

"The PF zone district is provided for land that is, for example, used or being reserved for a governmental, utility, or telecommunication purpose by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government, a public utility, a telecommunications provider, or a private provider of a traditional government function. Generally, the existing or proposed use is a unique governmental or utility service or a governmental function. Uses allowed in the PF zone district generally include governmental functions or utility services provided by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government, or a public utility and to private facilities that perform traditional government functions such as jails and halfway houses."

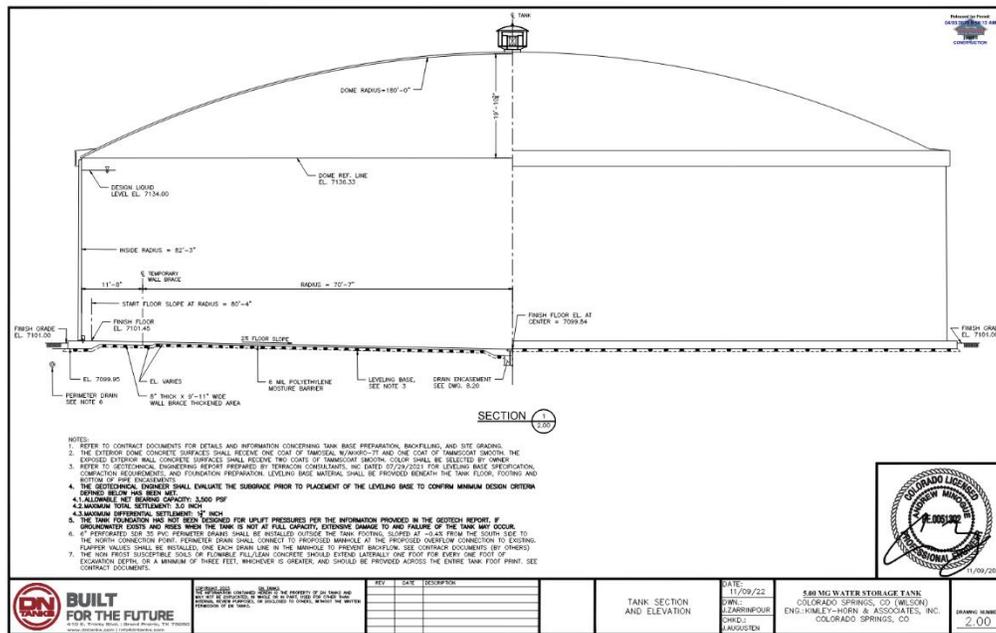
Current use of the site is for a CSU water storage tank, pump station and ancillary uses. The current use is a permitted use in the zone district. Dimensional standards such as lot size, setback, and building height are determined at the time of Development Plan review process.

There is currently an approved development plan for the property (see "Approved Development Plan" attachment). The approved development plan established that the maximum height allowed with this development is 45 feet. There is also an approved building permit that was issued on May 5, 2023, for the water storage tank. A discrepancy between the development plan and building permit was discovered in June of this year. The discrepancy is between the established 45 feet maximum building height and the building permit tank height of 60 feet. The figure at the top of Page 8 is the elevation drawing included in the building permit for the new water storage tank. This drawing is what caused City Planning to include the comment with our approval of the building permit that the "Project is to be completed in compliance with the approved Development Plan (AR DP 21-00526)." As a result of this discrepancy CSU knew that steps or actions to address were necessary. CSU did let City Planning know of this issue and both parties met to discuss options to correct the identified problem. In addition, City Planning ultimately issued CSU a Notice of Violation and Order to Abate on August 30, 2023.

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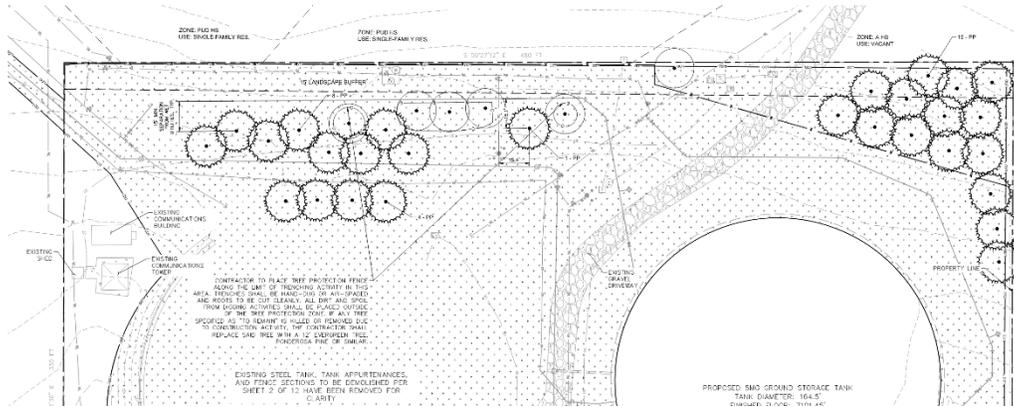
To address the circumstance, the Applicant has applied for a Development Plan Major Modification to increase the established maximum building height of the approved development plan from 45 feet to 60 feet. The nature of the proposed change also led to revisions of the approved landscape plan and color of the tank (see "Project Statement", "Planning Comment Response", "Planning and Public Response", "DP Major Modification", and "Wilson Tank Renderings" attachments). A major modification is required for any application that increases maximum building heights in the development approval or permit, except those that could have been approved by the Manager at the time of original development approval.

The currently approved landscape plan added new trees to the northeast and southeast of the new tank (see "Approved Development Plan" attachment). It also required the protection of existing trees. The purpose of the new landscaping was to screen and soften the bulk and mass of the water tank from the adjacent residents east of the site. The plan required a 27, six (6) feet Ponderosa Pines as is shown in the figure at the top of Page. In addition, the approved development required the color of the tank to be an environmental color. The selected color at time of building permit was "adobe". An example of the color adobe is also shown with the figure at the top of Page 9.

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The application for the major modification includes enhanced landscaping and a new color to address its impacts on surrounding properties. For City Planning the focus for addressing impacts was tank color, landscaping and minimizing grading. Tank color is important to reduce visual contrast and blend with the dominant color of the landscape. Landscaping is a design technique used for screening and softening the bulk and mass of structures. Minimizing grading is a focus to prevent further impact to the hillside and ensure that requirements of the HS-O (Hillside Overlay) addressed. The purpose of the HS-O is to ensure that hillside areas retain their unique character. The impacts to the hillside character of this site were altered in the 1960's with the construction of the existing water tank and in the 1990's with the construction of the pump station. With this application, and more so with the approved development plan, the goal was to limit further change to this hillside area. This is or has been accomplished by maintaining existing grades, preservation of existing landscaping, new landscaping, and revegetation of all disturbed areas with native seed mix. A noticeable site feature missing from the impacts list is building height. A previously stated building height was not a significant issue identified with this proposed water tank. The structure is a large, five (5) MG water storage tank. It is going to be an enormous structure no matter if it is 40 feet tall or 60 feet tall. In an evaluation wall height, this height was going to be between 32 feet to 36 feet. The evaluation used the existing tank, approved tank and building permit tank (see Sheet 12 of "DP Major Modification" attachment). City Planning felt that the vertical wall of the tank was where the impact was the greatest, and not necessarily at the top of the dome or top of dome vent. This is because they were sloping tops or small appurtenances that did not make up the true bulk and mass. This is the reason the focus has been on tank color and landscaping as described above at the beginning of this paragraph.

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The new landscaping proposed with the amendment propose additional trees and increased tree sizes. Tree quantity increases to 35, types on trees provided include both Ponderosa Pines and Blue Spruce, and tree size is increased. The image below is the plant schedule for the proposed landscape plan.

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CONT. SIZE	SIZE/CAL.	WIDTH	HEIGHT
	EXIS	6	EXISTING PINE TREE TO REMAIN PINUS PONDEROSA AND PINUS EDULIS. ALL EXISTING TREES TO REMAIN ARE MINIMUM 6' HEIGHT.	-			
EVERGREEN TREES	CODE	QTY	BOTANICAL / COMMON NAME	CONT. SIZE	SIZE/CAL.	WIDTH	HEIGHT
	BS20	14	PICEA PUNGENS OR PINUS PONDEROSA - 20' / COLORADO BLUE SPRUCE OR PONDEROSA PINE NO CULTIVARS PERMITTED. TREES ARE TO BE SOURCED BY GESCO NURSERY IN FRANKTOWN, CO. (303) 770-9400	SPADE	20' HGT. MIN.	20'-30'	40'-80'
	PP10	13	PINUS PONDEROSA - 10' / PONDEROSA PINE	B & B	10' HGT.	30'-40'	60'+
	PP35	8	PICEA PUNGENS OR PINUS PONDEROSA - 25'-35' / PONDEROSA PINE OR COLORADO BLUE SPRUCE NO CULTIVARS PERMITTED. TREES ARE TO BE SOURCED BY GESCO NURSERY IN FRANKTOWN, CO. (303) 770-9400. TREES WILL BE HAND SELECTED TO PROVIDE THE TALLEST TREES POSSIBLE THAT ARE ABLE TO BE TRANSPLANTED.	SPADE	25' HGT. MIN.	30'-40'	60'+

The Applicant has stated that their preference for the larger trees is 35-feet. However, 35 feet evergreens cannot be guaranteed. A reason for this is the tree spade that is necessary to facilitate the transplant from nursery to site. The increase in quantity and height compared to the original development plan will have a much more immediate impact to screening and buffering for the adjacent neighbors. It is a better outcome than previously approved.

There is an additional area that City Planning would like to see addressed on the landscape plan. Addressing visual impacts are challenging, particularly when a structure can be viewed from many vantage points. City Planning has always evaluated the impacts of the project from the viewpoint of the most impacted properties. This is not said in a way to protect view, but more to ensure that the structure blends with the landscaping. It is obviously the residence immediately east of the site. The other is Flying W Ranch.



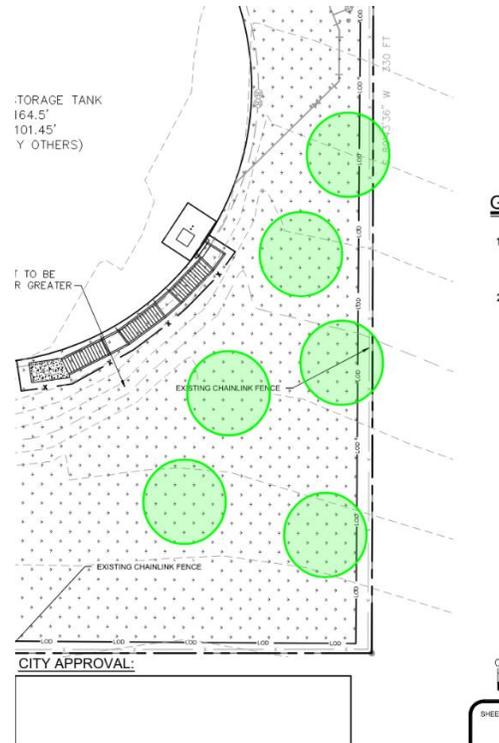
From Flying W Ranch headquarters the water tank skylines. This is particularly harder to address but should be treated in a similar manner as done with the properties to the east of the site. The picture above shows how the water tank skylines. Additional landscaping should be placed in southwest corner of the site to provide mitigation for the skyline effect. The recommended

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placement of the landscaping is shown below. These six (6) recommended trees need to be a minimum of 25 feet in height and can be either Ponderosa Pines or Colorado Blue Spruce.



The final element with the major modification is tank color. The Applicant is proposing the “Pewter” as the tank color. Pewter is a darker color, and it is better than “adobe”. Pewter is an alloy, so the color is grey to dark grey. So, it is very similar to the color of the new tank as it is finished currently. A reason that it is selected is that it is a standard color from the Euclid Tammscoat material. The coating material for the water tank. As indicated above a measure for reduce visual contrast of the water tank and to allow it to blend, the selected color needs to be the dominant color of the landscape. The dominant landscape for this site is the foothills to the west of the project. The dominant color of this landscape is green as shown in the photograph at the top of page 11 (see “Wilson Tank Renderings” attachment), and the preferred color for the tank is Standard Environmental Color “Juniper Green”.

Compliance with Relevant Code Sections and Review Criteria

UDC Section 7.5.516.C.1

A Major Modification may be approved if the applicable decision-making body determines that the request:

- a. Complies with the provisions of this UDC and all applicable City regulations.

The proposed major modification complies with the provisions of the UDC and all applicable regulations. The use on the property is permitted. In the case of this application the established maximum height is being changed to match the as-

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built height of the water tank. The PF (Public Facilities Zone District) sets dimensional standards with the development plan. The major modification has proposed a new maximum height of 60 feet.

- 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.

The proposed major modification is consistent with the approved development plan. The amendment revises the maximum building height of the structure. In the PF (Public Facilities Zone District) dimensional standard are set with the development plan. The proposal increases maximum building height from 45 feet to 60 feet to match the as-built height of the new water tank. The increase is accompanied by additional landscaping and a new tank color to mitigate its impacts.

- c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified.

The proposed major modification does not create more adverse impacts on surrounding properties than the development approval proposed to be modified. The application has proposed a higher quantity and size of trees and an improved tank color as measures to address its impacts. The new Tank color is important to reduce visual contrast and aid in the tank blending with the dominant color of the landscape. The added landscaping improves the screening and softening of the bulk and mass of structure.

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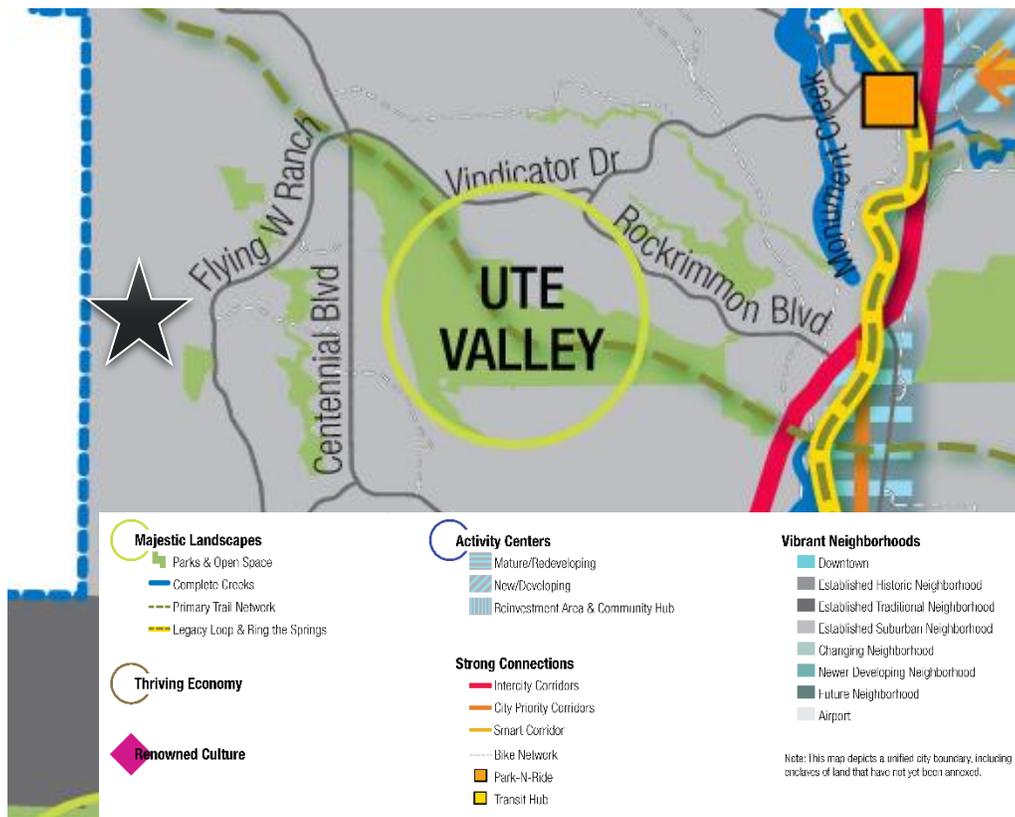
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- d. Is consistent with the Colorado Springs Comprehensive Plan, other plans adopted by the City Council, and the intent of the zone district in which it is located.

The major modification is consistent with PlanCOS and Mountain Shadows Master Plan (see "Mountain Shadows Master Plan" attachment).

Compliance with PlanCOS

PlanCOS Vision



Staff has evaluated the proposed application for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS Vision Map (above), the project site, identified by a star in the above illustration is identified as an "Established Suburban Neighborhood". The goal of this neighborhood is to recognize, support, and enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation. New development and/or redevelopment should incorporate elements of existing neighborhoods. The new water storage tank supports ongoing investment and improved adaptation in adjacent and nearby neighborhoods by replacing an existing water tank that is at the end of useful life to meet domestic water demands, fire flows and water pressure within the city. Replacing and maintaining the City's infrastructure is important maintain, protect, enhance, or revitalize the neighborhoods that comprise out city. Staff finds the new water storage tank is consistent with the goals, policies, and strategies within PlanCOS.



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Recommendation

DEPN-23-0157

Recommend approval the CSU Wilson Tank Height Increase Development Plan Major Modification based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.516.D, 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).