

**PUBLIC COMMENT**

CSU Wilson Tank Major Modification  
6560 Alabaster Way  
DEPN-23-0157

1. **Angus Foster**

August 22, 2023

Hi Mr Gray:

I read the article in the Gazette and I think it's a little one-sided.

I live in Mountain Shadows and I've seen the existing tank up on Wilson many times. It doesn't seem like an eyesore to me, it seems like necessary infrastructure. I know a water tank has to be up high, inevitably visible from far away.

The tank in process is indeed larger, and it's visible from the Flying W Ranch, as a minor detail on the horizon. I don't see that it's a problem for their customers. But to complain about inevitable urban growth is just NIMBY. I doubt in this market that any properties are losing value. We who lived through the Waldo Canyon Fire should be pleased to see a big water tank up there. I'm sure the construction is disturbing to nearby residents, but it's temporary. If Ms Wolfe wanted her horizon to be forever unchanged she shouldn't have sold it years ago.

You might want to communicate why you want a higher dome on it. But don't think that all residents are against this project.

Thanks,

Angus Foster

2. **Phil Kiemel**

August 21, 2023

Having read the Gazette article, I am appalled the city is not immediately requiring CSU to remove that tank in the flying w neighborhood. The bullies that run the utility construction should be fired and apologies should be made to every person who has had to look at that monstrosity.

If allowed to continue at its present wrong elevation, it will be just another symptom of one hand washing the other in the dirty city politics. Infuriating.

Sincerely, Philip Kiemel

3. **Tony Woloch**

Dear Mr. Gray,

Hope you are doing well.

The proposed development plan amendment should be denied unless this dispute can be worked out and mutually agreed to by Mountain Shadows residents who were apparently deceived about the finished maximum height (i.e., 45 feet vs. 60 feet) of this new water tank being built by Colorado Springs Utilities.

Lying to the public - and not following the process - is unfair and unacceptable.

Sincerely,

Anthony N. Woloch

4. **Thad Zylka**

August 11, 2023

William,

Thanks for calling me back. Sorry we have not connected.

I was at the Colorado Utilities meeting last night. From my view this is a railroad job!

This Water tank is illegal and should be torn down and built to the specifications we were told as local home owners that it was going to be.

I am at 6230 Wilson, about 5 houses down from the tank and it can be clearly seen.

What is appalling is that there is no processes of checks and balances!

When did Utilities know this tank was being built wrong? As neighbors we saw the issues! Or did utilities just figure hey, let's jam it through? Hey let's build it, jam it through nobody will vote against this at city council and only a handful of us see it?!

I Still cannot get a straight answer how a 40 foot aka were told the size of this tank would be the same as the other tower turned into 60 feet! What a screw up? Who is losing their job?! Or was this intended all along! Seems like there would be cost overruns!

Just seems we are going through the motions!

Thanks for listening!

There needs to be a complete investigation because we need to know the entire truth! All I see is this being Jammed through! As someone said at the meeting this is either intentional or complete incompetence what has been going on with this Water Tank!

Thanks

Thad

5. **Susie Braun**

August 14, 2023

Hello,

After we returned from vacation August 6, we found a green "notification of a potential development project near your property" piece in the mail. Send stamped JUL 24 2023. It states "Development Plan Major Modification to increase height of water tank to 60' and revise landscaping."

The bottom of the letter has a comment "A DECISION HAS NOT BEEN MADE ON THIS DEVELOPMENT."

When we left on vacation July 28<sup>th</sup>, the water tank was mostly built – I was surprised at its size.

If the height (as the green piece of mail states) is to be increased, I AM AGAINST IT.

If the tank was built taller than originally planned, I HOPE IT WILL BE RECTIFIED. After Waldo canyon, houses had to follow certain rules to be rebuilt (not too tall, not too small square footage, etc), which were followed. One would think CSU, as well, should follow the plans that were discussed and agreed upon when building such a large structure. How were they allowed to build a larger structure than planned?

Thank you for your time,  
Susi Braun

6. **Kristine Lang**

August 14, 2023

Mr. Gray,

Please find attached the comments from my husband, Theodore Vaida, and myself in regard to the major modification of the Wilson Tank Replacement project (Record number DEPN-23-0157).

I would appreciate you letting me know that you received these comments. If another electronic format would be helpful to you, I would be happy to send that as well.

Thank you,  
Kristine Lang

7. **Katherine Hall**

August 14, 2023

Dear Mr. Gray,

I am a resident of Mountain Shadows and often walk along Wilson Road where a new water tank has recently been erected to replace the existing structure.

It is my understanding that the initial plans for the newly erected water tank were created to minimize the new tank height and overall impact to the neighborhood in light of the prolonged recovery from the devastation of the Waldo Canyon fire. Colorado Springs Utilities agreed to add additional landscaping and choose a color that blended in with "...the dominant landscape... the foothills to the west of project". The plan of record (POR) for construction (AR DP 21-00526) was approved in June of 2022 and work started in November 2022. However, it

became apparent that the original plans were not followed as the height of the new water tank is significantly higher than the original approved design, the result of a major uncommunicated change in the plans for the height of the tank. Due to the height of the new tank, it can no longer be effectively blocked by any landscaping or colorization. Currently it is an unsightly silver behemoth structure that completely overshadows the existing tank and which obstructs any view towards the hills from the homes in the immediate vicinity. The impact to the neighbors in the immediate vicinity is devastating, affecting the enjoyment of the property purchased with a view of foothills and vegetation as well as likely significant decline in property values. The new egregiously high tank can be seen from most vantage points in the city.

I wonder, Mr. Gray, if you have personally seen the new structure at close range and considered whether or not you personally would sit idly by while this unconscionable action by CSU is passed if you were the owner of these properties or lived in the nearby area. It is political sleight of hand and a deplorable action by the Colorado Springs City Planning Department.

To be clear, I oppose the approval of the "Major Modification, Increase Water Tank Height to 60'" proposal, Record Number: DEPN-23-00157.

Please include my comments in the public record.

Sincerely,

Katherine Hall

8. **Scott Trapp**

August 14, 2023

I am a resident of Mountain Shadows and have concerns about the height of the new water tower construction on Wilson Road.

Original documents called for a shorter and landscaped water tower. It can be clearly seen now and is taller than expected.

I want the water tower to be built to the original specs.

9. **Ann Buckwalter**

August 14, 2023

Dear Mr. Gray,

I would like to ask you to take action regarding the Water Tank in Mountain Shadows. I live on Alabaster Way and can see the tank out of my window.

Months ago, I got post card about the replacement of the tank.

When I asked about the details, I was told "we will build the same tank, next to the old one...it will be the same size...nothing will change other than the neighborhood will get lots of construction workers on the street for the few next months.."

I actually responded: Great! just to find out couple weeks ago, that I was lied to.

CSU never told us that the tank would be higher. Actually the mistake was caught by one of my neighbors.

Sir I understand, that adjustments need to be made because we have more people living in COS but at the same time we were promised the same size tank. I know all the people in those high positions make very good paychecks to plan those things. The planning team should have sit down and review what will be build. It could have been planned differently, as most tanks in COS and in Denver have been. They were either put in lower, some even underground...here nobody did anything. When we asked why? at the community meeting we were told, because they had to stay within the budget?!?! But at the same time CSU also admitted several times in the meetings, that they made a mistake and they didn't realize until it was build that it would be about 40% higher than planned.

Sir we have been lied to, also at the same time the tank is 40% higher, it is visible from everywhere in town. It is not too late to have them take it apart and redesign it so it won't affect the Hillside landscape but at the same time it will serve its purpose.

Additionally they filed for the amendment after it was already build? How does that make sense? Do I build a house and then ask for a permit? The city has been very strict on anything is being build on the Hillside, why are they exception and why can they get away with something that was done wrong? I really ask for you action! I could have name here at least another 20 reason why it was wrong, but I know you got lots of emails already... So I will not rewrite what you probably did already read, but I pray you will do the right thing.

Sincerely,  
Anna Buckwalter

10. **Sharon de Halas**

August 14, 2023

I owe you an apology. I dug deeper after getting the correct record number, read all the documents and from what I could decipher, CSU didn't give you the new plans for the water tower. If this is true, then I do sincerely apologize.

I still am upset that the record number on the sign was wrong so I could not do the due diligence research. That part is an error that has happened again and again from the planning department. Sign and green card errors happen way too often.

No matter what, I am against this project going on as is. It needs to be what was approved. No administrative paths, fast tracking or whatever. It needs to be made right. It now looks like a big pimple on our few remaining hill lines. Not to be crude, but some tourists over at GOG visitor center yesterday were wondering why the city would put a nipple on the hills. The jokes were crude but were said. Some trees will not cover up this tower. As you know, the reason tourists visit Colorado Springs is for scenery, certainly not the Olympic stuff. We are losing our scenery, hill sides and views as fast as blinking eyes. Exceedingly tall buildings, acres of multifamily and strip malls have covered beautiful hillsides. Millions of years of water shaped gullys and rock formations have been bulldozed in the name of forward thinking. This truly needs to stop. We have already lost too much. I think planners should plan and not rubber stamp.

Vote No on this project. CSU needs to fix their mistakes and not on our tax dollars.

Sharon de Halas

So please mark down that I am against this proceeding forward as is. We need CSU, developers and contractors need to build to the "approved and passed" drawings.

11. **Les and Peggy Anderson**

August 12, 2023

Re: Record Number DEPN-23-0157 – Wilson Tank Replacement Amendment

Dear Mr. Gray and Mr. Wysocki,

We are writing to you regarding the notification of a development proposal postcard we received in the mail for the "Proposed Modification to the Wilson Tank Replacement".

Our address will indicate that we in fact have been and will continue to be impacted by this project. You have not heard from us before because the initial proposal to replace the current water tank was packaged and presented as a "replacement" that closely matched the existing tank. We had casual neighborhood discussions and reassured each other that although the location would be slightly different, we were accustomed to the tank all these years and trusted that the height, footprint, etc. would not bring much new impact to the neighborhood.

Once construction began, we started to get concerned as construction traffic, noise and more and more development appeared to tell a very different story than the original plan showed. We started to see a visual monstrosity take shape and the project just got bigger and bigger. It became very concerning to us and other neighbors. Once the walls of this tank started to appear we became alarmed at the impact this has on the overall appeal and desirability of this well-established community.

As a real estate professional, Peggy has seen the impact of these types of infrastructure projects that steer buyers away from investing in certain areas or specific properties. Monstrous structures like this carry a stigma with them. Homeowners don't want to live near an oversized water tank, overhead power lines, transfer stations, quarries, or waste facilities. While it is true that many homeowners do live near these projects, most of the property values are negatively impacted on these homes and incoming consumers offer much less on these properties when purchasing.

The Notification postcard indicates that "A DECISION HAS NOT BEEN MADE ON THIS DEVELOPMENT. ANY AFFECTED PARTY HAS THE RIGHT TO APPEAL THE DECISION". It also uses the phrase "We are letting you know about a "potential development project near property you own."

This is tragically laughable as the "Potential project" in question is in fact ALREADY HERE!

The City of Colorado Springs as well as its Utility company have already made the modifications and in fact already built the project that is supposedly being reviewed and awaiting approval. The City and its utility company have been egregiously dishonest and deceptive on this project. This is absolutely an example of a pre-meditated "ask forgiveness later instead of permission" situation. We have attended the last-minute neighborhood "damage control" meetings where your project managers have tried to smooth things over by getting our input on the color of all things! Really? Your project leads gave us so many excuses such as "We could have done better with our communication." "We just didn't know how large the contractor would really build the tank, until now." "We can't change what has been done and so we just need to move forward from here with letting you, as the people who live next to this tank, pick the color and influence how the landscaping plan could look."

All of these were ridiculous comments by the representatives at the meeting and insulting to the neighbors that are impacted both by diminished enjoyment of their properties as well as potentially stigmatized real estate values perceived by future homebuyers.

We left these meetings feeling like the City and their representatives really do not care about our complaints. It was mentioned that “only a few people expressed concern or filed letters to the city”. Our answer to that argument is that we trusted the City and CSU to build what they originally proposed.

This project and how it is being handled has been very disturbing. We feel that the City needs to be held accountable for its lack of honesty and transparency on this as well as other projects. Operating in this manner opens the City up for litigation and we suspect this has already been initiated.

Personal property owners are held to City planning, building, and zoning code regulations. All major plans require review, approval, and inspections. City Code Enforcement can issue fines and make corrections on personal property. CSU has the authority to dictate when and how we water our grass and can impose fines or issue penalties to private residents that do not adhere to restrictions. Apparently, we are being shown that these planning requirements and restrictions do not apply to the City or City-owned entities.

As property owners that live right across the street from this EXISTING/PROPOSED water tank, we are perplexed at the lack of solutions available to us. Who has the ability to hold the City and CSU accountable for building something that has supposedly not been approved? The City would require a private developer to make the necessary corrections and rebuild to meet the approved plans regardless of the cost.

In our opinion the answer is NOT an approval for a “Modification”. What needs to happen is that the EXISTING structure that was NOT built to match the original plan be modified to match the original plan. It would be the right thing to do. Yes, it would cost money for the City and CSU to bring this project into normal conformance. Truly over the life span of the tank and the revenue generated from it, it would be extremely affordable to make the necessary corrections. The alternative is that we as homeowners in the neighborhood now have diminished enjoyment of our property and we personally will be experiencing penalizing financial losses when it comes time to sell our homes in the future. Is the City prepared to compensate the homeowners in Mountain Shadows for both types of losses that carry strong legal positions?

We want to assure you that the impact is greater than the few homes closest to the tank. These impacts trickle down the hill to every homeowner in this neighborhood. You are hearing from only a few of us now, but if this project is not addressed properly and corrections are not made, you will be hearing from many more residents in the future.

We urge you and your review team to come up to our neighborhood, stand in our front and back yards and see for yourself this immense structure towering over our homes and visible for miles. Compare it in person to the other water tank that has been here for decades. The previous tank was constructed before the area was developed. Residents and their home builders made strategic decisions on how to position their homes and have made significant investments in landscaping to minimize the tanks' visible impact on their properties. Keep in mind, this was before and after the devastating fire. The new tank and its height are impossible to overcome!

We humbly ask for each of you and your planning review committee to take a fair and neutral look at all the information and history on this project. Visit the actual site. See the old tank next to the new tank. Set aside the fact that you are the developer and owner of the project and see it as a citizen. What would you think if this was in your backyard?

Thank you for your consideration,  
Les and Peggy Anderson

12. **Don and Marsha Smith**

August 14, 2023

Mr. Gray,

I am writing to show my support for the residents affected by the Wilson Tank Replacement Project. The true size of the tank was not made clear to the residents and the process for allowing timely input about the size did not work. I am hoping you will be able to have constructive discussions with the residents that will result in a mutually acceptable outcome.

Thank you for your consideration,  
Don & Marsha Smith

13. **Katharine Heffner**

August 13, 2023

Mr. Gray,

I have attached a letter outlining the concerns my husband and I have regarding the Wilson Water Tank Project.

Thank you,

Katharine Heffner

14. **Hank Scarangella**

August 13, 2023

Mr. Gray,

The information I have says that CSU has built a structure it knew violated the height restriction in the approved development plan. Now CSU asks for a modification to allow the as-built structure to remain.

Why it was built to a different standard than in the approved plan is unknown to me, and I think the citizens need to know.

Knowingly building something that clearly violates the approved design, and then asking the design be amended to conform to what was built makes a mockery of the city's planning process.

In my opinion the modification should be rejected, and the existing tank removed and rebuilt according to the current plan. I realize rate payers will bear this burden, but the integrity of the system is more important.

Thanks for listening.  
Hank Scarangella

15. **Ellen and Berry Steele**

August 13, 2023



Dear Mr. Gray,

We respectfully request you 1) visit the building site and 2) deny approval of the proposed Major Modification of the Wilson Tank Replacement project (Record Number DEPN-23-0157).

The new tank, as built, is significantly taller than what was shown in the 6/2022 approved plans. At over 60 feet, it cannot blend into the surrounding environment no matter what color or enhanced landscaping is planned. Being in the Waldo Canyon burn scar makes it virtually impossible to screen it from adjacent properties (and the community as a whole). As such, it is going to have a significant negative impact on the home values of residences throughout our Mountain Shadow neighborhood(s).

We believe there is a major conflict of interest occurring given that the City is both the owner of the project and the reviewing entity. If this were a private project and the approved building plans were not being followed as submitted, the City would almost surely have stopped construction and done a proper review. Where is the accountability? And why has no one been meeting with the residents of the neighborhood?

Sincerely,

Ellen and Barry Steele

16. **Kris Rose**

August 13, 2023

We live with the side of our house facing west on Flying W Ranch Road. The new space ship style water tank is so very intrusive and can be spotted by all of my neighbors driving up Flying W rd. Sure seems like this is a case of "easier to get forgiveness than permission" since it's 20 feet higher than what the plan of record was approved for. What good are restrictions if they're just ignored?!? And what happened to landscaping and blended coloring to minimize the impact? I guess if it's not in your view, those don't matter. This neighborhood has already paid our dues with the Waldo Canyon fire and the fight to keep this area not be overrun with multi-family units blocking the hills, the reason we built here in the first place. How about you stand by what was approved, and what the citizens expect from you.

17. **Mike Hanratty**

August 13, 2023

One of my neighbors tells me that the replacement water tower being built at the end of Wilson Road (80919) is 20 feet higher than the old one and that it was supposed to be the same size.

Can you please check into the matter and stop the building if they are violating their permit(s)?

Thanks,  
Mike Hanratty

18. **Donald and Sandra Jones**

August 13, 2023

Mr. Gray,

Building this water tank significantly larger in cubic footage, and 60 feet taller than was originally planned is nothing short of outrageous to all of us in Mountain Shadows! It creates an eyesore that will affect our property values, and ruin our landscape view. This is particularly evident to all of us that live on and around the top of Wilson Road!!

Why weren't we advised of the plans to increase the size before the construction started so that we could provide our input and comments? It is fundamentally wrong to do this, and I suspect illegal, and then advise us afterwards of what was being done.

We want it removed and replaced with the original tank size that the plans called for it to be.

Your attention to this critical issue will be gratefully appreciated.

Donald and Sandra Jones

19. **Ward and Lori Gatza**

August 12, 2023

Dear Mr. Gray,

Please read our attached letter regarding our concerns about the major modification of the Wilson water tank and proper procedures that were missed up to this point.

Thank you.

Regards, Ward and Lori Gatza.

20. **Barbara Valenti and Jim Mellon**

August 12, 2023

Dear Mr. Gray

We are residents of Mountain Shadows (6305 Sandray Ct., COS 80919). We are writing in regard to the new Wilson Water Tank off of Sceptor Way. The original plan called for a replacement water tank to be the same height as the one being replaced, 40-foot. Then, the plan became modified and built to a 56-foot tank! That represents a 40% increase in height from the old tank; a major change in the plan without any kind of approval. We seriously object to this major modification to the tank height.

I believe that Colorado Springs Utilities (CSU) acted in bad faith by building something they knew was wrong. I believe they acted with deception, as they apparently felt that their error and bad faith would be excused, because it was cost-effective to just continue building the water tank. I surmise they felt approval of the modification by the city was a given. This deception should not be allowed nor condoned, and this modification, a 56-foot water tank, should not be approved.

The actual new water tank, which is already physically built, is a monstrosity to those of us living within Mountain Shadows. CSU had several alternatives offered to them to keep the new water tank similar to the original one, or less obtrusive. For example, additional land on Flying W was offered which would have allowed the tank to be located further from existing homes or employ a sunken water tank (like those done in Denver) to reduce the overwhelming physical appearance of the new tank. Apparently, it was easier and did not require much thought to just do what they did. In the future, we can only hope this project can be used to make CSU think a little more about what they are doing when they stick a huge water tank in a beautiful area that

wants to enjoy the beauty of Colorado Springs. There is no way that anyone would want that tank sitting behind their house.

The Planning Committee and City Council should disapprove this monstrosity, before it is finalized. Stop condoning CSU deception and disregard for approved plans. If you won't allow citizens to deviate from approved plans, why let CSU.

Barbara Valenti and Jim Mellon

21. **Julia Owens**

August 12, 2023

Re: increase of water tank height, Record# - DEPN-23-0157 or DEPN-23-00157  
(Record numbers reflect the two different numbers publicized: one on the green cards mailed out; and the other on the posted sign at the project)

I oppose this significant height increase. There was insufficient notice, the excessive height is not compatible with the environment; the record numbers (on the postcard notice and the green card mailed) do not match. Our foothills need protected, including esthetics, and environmental concerns. People on social media are stating that this is already under construction. If this is true, then whoever is responsible for allowing that, prior to this review, needs to be held accountable.

Thank you for your consideration,

Julia Owens  
Colorado Springs

22. **Sharon de Halas**

August 12, 2023

How in the world did this happen? Please explain this to residents of this city. Did you lie to us?

I watched the LaunchPad city council meeting and was horrified that you, and the city planning department, didn't fully evaluate the soils engineering report. We all know that area shifts. Didn't it occur to the department that the city engineer worked to CTL Thompson? We are getting tired of scratching each other's back. As for this water tower, Dan Sexton in a meeting with Mtn Shadows on another project, informed us if a developer or builder doesn't follow plans the city does nothing. Why do we have ReToolCOS? Why do we have building codes? Why do you have a job? Why is Peter Wysocki sitting in his kingdom?

I believe the city needs to explain what happened and make it right. If not, then you, your supervisor and his supervisor need to go. Yes, I am mad. Beyond mad.

Sharon de Halas

23. **Jeff Merten**

August 12, 2023

Dear Mr. Gray:

My name is Jeff Merten, and my wife and I live at 2755 Brogans Bluff Drive. Our street is across from the land on which the new Wilson Road Water Tank is being built. We are fervently opposed to the proposed major modification to increase the height of the water tank to 60 feet.

1. We were told the new water tank would be the same basic size as the tank being replaced. It is not. It is about 40% taller than the old tank.
2. Since the new tank is dramatically taller than the old tank, it is blocking our views of the mountains far more than the old tank. This detracts from the enjoyment of our properties and will reduce the values of our homes. It also detracts from the experience at Flying W Ranch, which entertains thousands of guests each year. This new tank is far more visible from the Flying W property and takes away from the “old west feel” of the ranch.
3. The sign near the tank on which you requested our feedback on this modification says “A decision on this development proposal has not been made.”
  - a. It appears to me that Colorado Springs Utilities went ahead and built this new tank at a dramatically higher height than the original plans proposed without seeking Colorado Springs Planning Department approval or soliciting ANY community feedback prior to building it! This is wrong. There is a process that should have been followed and it was not.
  - b. You cannot ask for approval after the fact when the structure is already built. If I submit home plans to the city for approval and they are approved, I cannot unilaterally change material dimensions on the plans and just go forward and build the house without seeking city approval of the changes. Colorado Springs Utilities should not be able to do this either.
4. Other communities around Denver have built water tanks that are partially underground to minimize the height and negative visual impact of the tanks. This option was not even discussed. It’s as if this tank was being built in the middle of an industrial complex where size and appearance does not matter. It is not. It is being built in a residential neighborhood where many residents bought their homes due to the views of the mountains. Options are available to keep the height down.

It is our strong view that the proposed modification to the tank plans requesting that the height be increased to 60 feet be denied and that Colorado Springs Utilities be held to the lower height outlined in the original plans that were approved.

Sincerely,

Jeff Merten

24. **Lawrence Starr**

August 9, 2023

Dear Mr Gray,

Attached, please find two .pdf files. One contains our comments and concerns with the proposed Major Modification to the development plan of the Wilson Tank Replacement Amendment (Record Number DEP-23-157). The second one contains our concerns with the approval track that has been assigned this matter. Please share this with Director Wysocki as we believe it is important to be discussed and considered by both staff and leadership.

We would appreciate confirmation at your earliest convenience via email, that both files have been successfully received.

Best Regards

Lawrence Starr

25. **Eugene and Jacqueline Gunn**

August 8, 2023

Dear Mr. Gray,

Please find the attached request.

Sincerely,  
Eugene and Jacqueline Gunn

26. **Flying W Ranch**

August 1, 2023

Dear Mr. Gray,

Attached please find correspondence from Mr. Murray Weiner, Esq., counsel for the Flying W Ranch regarding the above-referenced matter.

Thank you.

Linsey Baldwin  
Legal Assistant  
102 S. Tejon Street, Suite 900  
Colorado Springs, CO 80903

Direct: 719.559.6031  
Main: 719.635.8750 ext. 116

[lbaldwin@mullikenlaw.com](mailto:lbaldwin@mullikenlaw.com)

[www.mullikenlaw.com](http://www.mullikenlaw.com)

27. **Renee Sidman**

August 5, 2023

I took this photo yesterday, August 4<sup>th</sup>. It leads one to believe that there will be an opportunity for public comment, before a behemoth eyesore is erected, but, lo and behold, it's already constructed. This is arrogant and disrespectful to the citizens of Colorado Springs. Clearly, it is too late to relocate the site. It should have been shorter of further back. Now all that is left is mitigation. It is incumbent on the city to, at least, plant dozens of trees around the perimeter and water them.

Further, the process needs to be reviewed so this doesn't happen again. I've lived here over 40 years and been disappointed in numerous Planning Commission decisions, but I am ever hopeful that citizens will be given the voice they deserve.

28. **Lawrence Starr**

August 22, 2023

Good Morning Bill,

I hope this finds you well.

In reviewing the posted attachments in accelera for DEPN-23-0157, I did not see our letter dated August 22, 2023 to city planning. I just realized you were not copied on it as it was sent directly to Director Wysocki on 8/22/23. This was an oversight on our part. We should have copied you as it was still during the window of time open for public comment. I have attached a .pdf of the letter requesting the stoppage of work. I believe this should be part of the public record.

Can you please confirm your reception and approval to include it in the public record section of DEPN-23-0157?

My Best Regards,  
Lawrence Starr

August 9, 2023

William Gray  
City Planner  
Planning and Community Development Land Use Review Division  
30 South Nevada, Suite 701  
Colorado Springs, Colorado 80901-1575

RE: DEPN-23-0157

Dear Mr. Gray,

We respectfully request you deny approval of the proposed Major Modification of the Wilson Tank Replacement project (Record number DEPN-23-0157).

The new tank, as-built, is significantly taller than what was shown in the 6/2022 approved plans. Our property value, curb appeal and overall neighborhood quality have been negatively impacted by the decision to build a tank of this height in the Waldo Canyon burn scar. At over 60 feet, it cannot blend into the surrounding environment no matter what color or enhanced landscaping is planned. Colorado Springs Utilities and their sub-contractors misled the neighborhood about the height of the tank. We consider this to be highly deceptive and an egregious abuse of their and the cities' power. It is not appropriate to continue construction of a project that is so significantly damaging to adjacent property owners home values while disregarding the conditions of approval agreed upon in the final decision letter, dated June 1, 2022 and the adopted unified development code (UDC).

Sincerely,

Eugene and Jacqueline Gunn  
6305 Wilson Road  
Colorado Springs, Colorado 80919



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



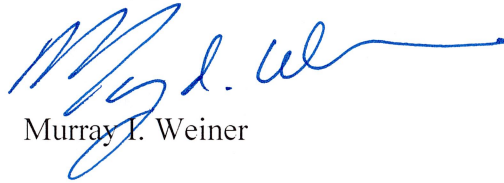
# Mulliken Weiner Berg & Jolivet P.C.

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.

August 13, 2023  
William Gray  
City Planner  
Planning and Community Development Land Use Review Division  
30 South Nevada, Suite 701  
Colorado Springs, Colorado 80901-1575

RE: DEPN-23-0157 Amendment / CSU Wilson Tank Site

Dear Mr. Gray,

We writing to express our concerns and objection to the proposed Major Modification of the Wilson Tank Replacement. The proposed increase to over 60 feet adversely impacts the surrounding neighborhood, especially homes that are directly by the water tank site such as ours. As it stands today, the water tank is so large that it can quite literally be seen from across town. Given the size of the surrounding structure, it will be difficult and arguably impossible to blend the tank into the surrounding landscape.

As Mountain Shadows residents we certainly acknowledge and understand the need for a reliable and clean water source. We fully support the replacement of the water tank and updating water infrastructure; however, we ask that updates proceed in a conscientious way that takes into account the impact on surrounding lands, wildlife, and property. Our home is on the lot immediately south of the water tower. We can attest to the fact that the additional 15+ feet above the initial plan has a notable impact on the surrounding property.

Sincerely,  
Katharine Heffner and John Jardel  
6335 Wilson Road  
Colorado Springs, Colorado 80919

Kristine Lang and Theodore Vaida  
6320 Wilson Road  
Colorado Springs, CO 80919  
303-775-9066

William Gray  
City Planner  
Colorado Springs, Colorado

Mr. Gray,

We write about the Colorado Springs Utilities (CSU) Wilson Tank Project at 6560 Alabaster Way. We live just across the street from this project. As a neighbor to the new tank, we have quite a number of concerns that we enumerate in this letter. **Given these concerns, we request that you deny the major modification to the Wilson Tank Replacement project (Record number DEPN-23-0157).**

The revised development plan asks you to approve a tank 60 feet high. This is problematic because:

- The currently approved plan height of 40ft was already in excess of the zoning height limit of 35ft that all lots in proximity to the site are subject to, and as such CSU has already exceeded the character of the neighborhood even if the tank was constructed to the approved plan. Furthermore, the site was also subject to Code part 7.2.610 'Hillside Overlay', which requires 'visual impacts upon offsite areas [to be] reduced or mitigated'. Given this, a final construction height of 60 feet is well beyond any previously approved structure in the neighborhood, cannot be mitigated by any proposed mechanism, and cannot reasonably be construed to comply with the Hillside Overlay.
- At 60 feet, the tank towers over neighboring houses, is visible from miles across the city, and is both an embarrassment for our city as a whole and a serious blight on our neighborhood. Frankly, it looks like a UFO landed in our neighbor's yard. **Please see Figure 1 in the attached pdf to see how the massive structure looks from the street.**
- The process leading to the height change arose from incompetence and/or duplicity on the part of CSU, and they should not be allowed to operate from such practices.
  - The process by which the tank was built too high became clear in two meetings with CSU on 7/26/2023 and 8/10/2023. We have extensive notes from those meetings that we would be happy to share with you.
  - From those meetings, here is how this structure came to be so high without a permit. Estimates were submitted to the City and approved for the 40 foot height. CSU then contracted for technical plans from a tank architect. Those plans called for a tank 60 feet high. However, CSU either did not notice the changed height or noticed, but did not notify the neighbors. This is either incompetence or duplicity respectively on the part of CSU.
  - When the first tank wall went up in mid-June 2023, our neighbor Larry Starr contacted CSU about the tank height. Only six weeks after that time did CSU call a meeting of the neighbors. The first meeting with neighbors occurred on 7/26/2023.
  - Despite knowing that the tank was too high and exceeded their permit, CSU did not stop construction at any point, have a meeting with neighbors, or obtain the proper permits. Construction continues outside our home today and the tank is almost complete at the 60 foot non-permitted height.

- **The tank has a serious negative impact on property values for dozens of houses in many blocks around the tank.** This is essentially taking the cost of CSU's flawed and illegal process and placing that cost on those of us who own homes around the tank.

One other item that we'd like to draw your attention to. At the 8/10/2023 meeting, CSU brought renderings of proposed paint and trees aiming to shield the tank from neighborhood view. We include both a photograph of the actual tank and a photograph of the renderings.

**Looking at Figures 1 and 2, the renderings show the tank at the originally specified 40 foot height, not at the 60 foot height at which it has been built.** You can clearly see this by comparing the roof line of the house to the height of the tank- in the photograph the tank towers over the house and in the rendering the tank is much shorter than the house. As the renderings show, the 40 foot tank can be hidden by trees and paint and blends reasonably into the background, while the 60 foot tank towers over the house and neighborhood.

At the 8/10/23 meeting CSU proposed to plant 30 foot tall trees next to the 60 foot tall water tower, so the trees would be half the height of the tower. At that same meeting, CSU presented a rendering shown here in Figure 3. In this rendering, the trees look taller than the water tower. That means that this rendering is also of the 40 foot tower (and even then it must years in the future for the 30 foot trees to exceed the tower height).

**Presenting renderings at the 8/10/23 meeting of a smaller tower than the one currently already built is more either duplicity or incompetence from CSU. In addition, viewing these renderings clearly shows why the proposed 40 foot tower was acceptable, but the new 60 foot tank height is so objectionable to us and harmful to our neighborhood and property values.**

Our reading of the law indicates that you could issue a stop work order pursuant to Subsection 7.5.904C. Such an order would allow issues above to be discussed and addressed without ongoing construction continuing to move the 60 foot tower toward completion. At the 8/10/23 meeting, CSU was asked whether they planned to stop work until the review process was complete and they said they would not. When asked what they planned to do if the modification was not approved, they indicated that they had no plan. It seems unlikely to us that any private developer or homeowner would be allowed to continue work on a project with such an egregious violation of their permit. CSU should be subject to the same standards.

In conclusion, we request that you deny the major modification to the Wilson Tank Replacement project (Record number DEPN-23-0157) for all the reasons enumerated above and issue a stop work order for this project.

Sincerely,

Kristine Lang and Theodore Vaida

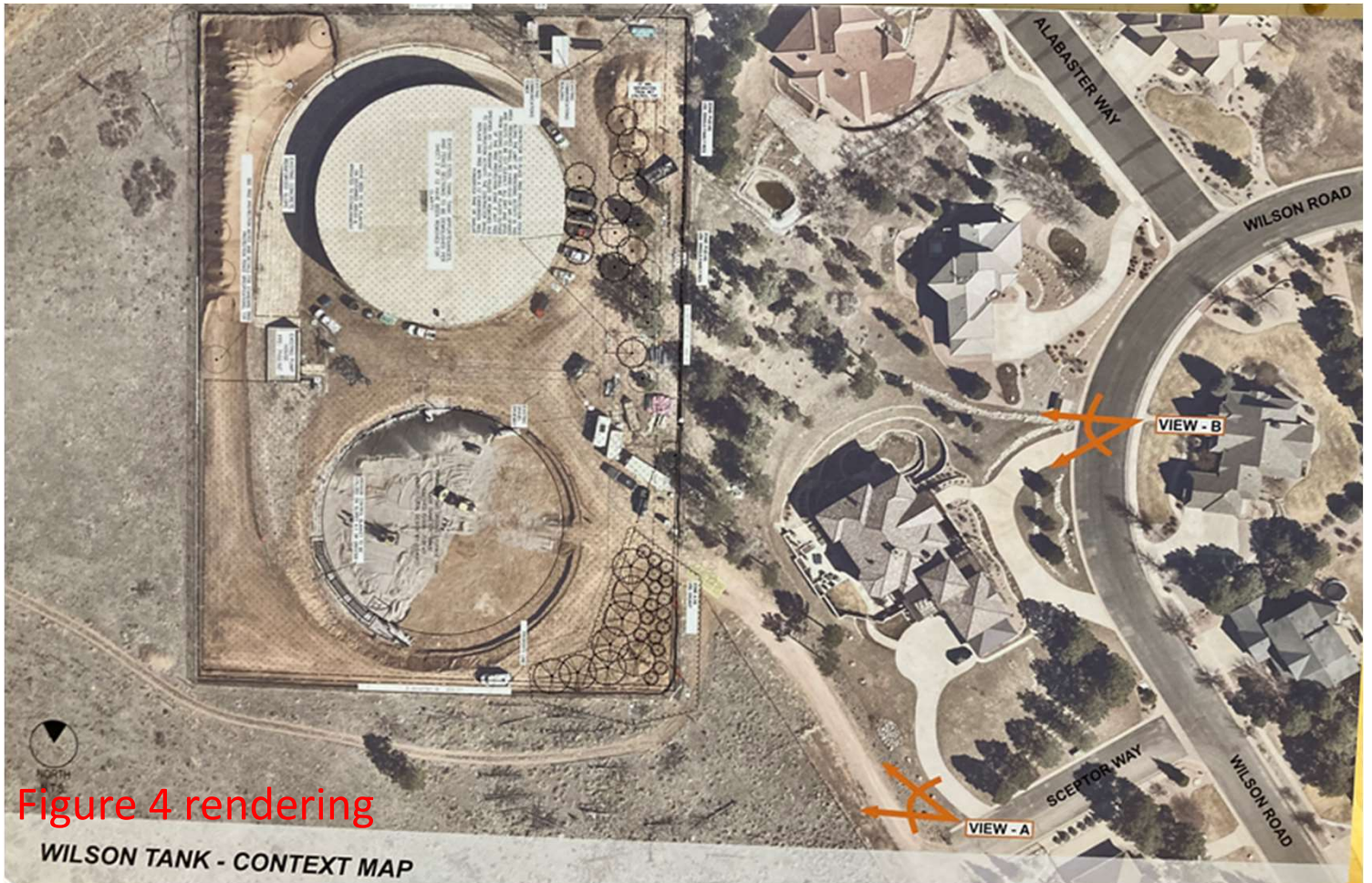
6320 Wilson Road  
Colorado Springs, CO 80919  
303-775-9066



Figure 1 photograph. The top of the tank is well above the roof line of the home (marked with red line).



Figure 2 rendering. The top of the tank is wrongly shown as well below the roof line of the home (marked with red line).



August 9, 2023

William Gray  
City Planner  
Planning and Community Development Land Use Review Division  
30 South Nevada, Suite 701  
Colorado Springs, Colorado 80901-1575

RE: DEPN-23-0157

Dear Mr. Gray,

We are writing to request a review of the decision to use the administrative approval process for the Colorado Springs Utilities' (CSU) Wilson Tank Project Major Modification, DEPN-23-0157. While it is clear why the original development plan, AR DP 21-00526, followed the administrative approval track, the Major Modification administrative review track is not. The Major Modification being proposed by CSU is requesting a structure height change from the established maximum approved code height of 45 feet (established at initial development approval process per UDC section 7.2.501.C and 7.4.201.D; and, clearly noted on CSU's approved engineering drawings). Our concern, however, is the height change exceeds the authority given to a manager per UDC 7.5.524.B.2.a and 7.5.524.B.2.b. Specifically, 1) dimensional change is greater than 15% and 2) exceeds the existing maximum condition.

From UDC 7.5.524.B.2.c the authority of this significant non-compliant dimensional change approval should be the Planning Commission per UDC 7.5.525.D.2

We respectfully request the decision to follow an administrative approval/appeal track be reconsidered.

Lawrence Starr  
James Berdon  
6315 Wilson RD, Colorado Springs, CO. 80919

Cc: Mr. Peter Wysocki  
Mr. Bill Wysong  
Harmon Zuckerman, Esq.  
Mr. JD Berdon

August 6, 2023

William Gray  
City Planner  
Planning and Community Development Land Use Review Division  
30 South Nevada, Suite 701  
Colorado Springs, Colorado 80901-1575

RE: DEPN-23-0157

Dear Mr. Gray,

We are writing to provide feedback on the proposed Major Modification of the Wilson Tank Replacement project (Record number DEPN-23-0157).

Correspondences and other documents on record for AR DP 21-00526 refer to minimizing the height of the replacement tank to be similar to the existing tank. The geological report lists the height of the existing tank as 32.5 feet (measured). An elevation (see Figure 1) from the approved plan has the replacement tank's height as 36-foot walls with a 4-foot dome for a total of 40 feet. Additionally, the approved engineering drawings has a maximum height "per code" of 45 feet (see Figure 2). The proposed modification (DEPN-23-0157) lists the height as approximately 60 feet. Currently, the tank is under construction and the height of 60 feet is now the as-built height. Depending on one's starting point, the as-built tank is between 48% and 82% higher than plan specifications and expectations. The fact the as-built tank is almost twice the height of the existing tank represents CSU's gross disregard for 1) the surrounding neighborhood and 2) Planning's procedures/processes. We consider constructing the as-built tank at its current height is unconscionable and cannot excuse the misinformation promulgated by CSU and their subcontractors.

For a Major Modification, UDC §7.5.516.C.1.f restricts any height increases and refers to UDC §7.5.524.B.2.a which limits the authority of the Manager/Staff to authorize a modification up to fifteen (15) percent. Furthermore, the four criteria for approval in UDC §7.5.516.D.1.a-d have NOT been satisfied:

- a. Height change violates UDC and City regulations,
- b. Inconsistent with original approval,
- c. Creates more adverse impacts on surrounding properties, and
- d. Inconsistent with Colorado Springs Comprehensive Plan and ignores the intent of the zone district.

After a careful review of the Major Modification Project Description and submitted attachments (total of 3), we propose the application/modification be rejected for the following reasons:



1. The information submitted for the major modification is a subset of what is required and is totally inadequate per code requirements. Colorado Springs UDC §7.5.516.B.2 states: *A Major Modification to the permit or approval may only be approved by the decision-making body that approved the original permit or approval, using the same procedure used for the original permit or approval.* The original approval required a comprehensive submittal and review of all engineering reports, drawings, and documents. The proposed modification is a major change and assumptions made in previously approved documents are not being (re)considered by the full Staff.

One concern is the Geologic Hazard Study and Geotechnical Engineering Report from the original Development Plan are based on the assumption of a 32.5 feet high tank, similar to the existing one. Any conclusions based on this misinformation is suspect. Page 16 of the Geotechnical Engineering Report states: *Our analysis and opinions are based upon our understanding of the project, the geotechnical conditions in the area and the data obtained from our site exploration.*

The as-built tank is almost twice the height Colorado Springs Utilities (CSU) and Kimley Horn (KH) told the geological companies it was planned to be. Whether this is of consequence should be left to the experts; however, it is not being resubmitted as CSU is not following the required procedures. Other critical oversites like this one may exist since CSU indicated to all parties up through the final decision, that the tank replacement height was to be similar to the existing one.

Another (incidental) concern is the amendment's proposed landscaping plan includes Juniper evergreens. CSFD's Firewise program strongly discourages the use of Junipers. Yet, no one at CSFD has had the opportunity to review the amendment to approve/deny it.

These are only two examples, and we are concerned others may be in conflict in previously reviewed/approved plans.

**Requested Action:** Require CSU to follow UDC procedure 7.5.516.B.2 and resubmit the entire plan for the required review.

2. The project description and reason for the major modification is misleading. It is written in a way that suggests CSU's request is simply to administratively reconcile the as-built tank height with the previous approved construction documents and drawings. The description states: *The approved development plan sheet 12 of 12 indicates estimated tank heights to be finalized during structural design.* While the note does exist (see Figure 1), it is absurd to take the word "estimate", (which means "not exact") to justify this egregious and negatively impactful height change. Also, the note directly contradicts what is stated on many other pages of the approved plan, which state the tank height to be 40 feet with a maximum per PF/HS zoning code set during the original review of 45 feet maximum. (Note: both the retired Chapter 7 [active during the original review] and the

current UDC §7.2.501.C states: *Dimensional Standards: Development standards such as lot size, setbacks, and maximum height are determined at the time of Development Plan review.* This was clearly done as it was so noted on page 1 of 12 of the final approved plan [see Figure 2].)

**Requested Action:** Require CSU to adhere to the 45 feet maximum height as defined at the time of the Development Plan review.

3. CSU has not followed and continues to not follow the required code procedures. The original approval given in the Final Record of Decision (AR DP 21-00526) dated June 21, 2022, states the following:

*The approval is subject to the following 6 conditions:*

1. ***Development must conform completely to the approved development plan.***
2. *All site grading must substantially comply with the grading illustrated on the preliminary grading plan.*
3. ***The building architecture must substantially comply with the elevation drawings.***
4. *Utility main and service locations on this plan are illustrative only and are not approved with this development plan.*
5. *All landscaping must comply with the details of the approved Final Landscape and Irrigation Plans in this application. No further Landscape or Irrigation Plan applications are necessary unless significant changes to the approved plans occur prior to Certificate of Occupancy.*
6. *A sign permit through Development Review Enterprise is required for all signage, prior to installation.*

CSU/sub-contractor(s) failed to meet conditions 1 and 3.

Later in the letter the following statement appears:

***If any changes to the approved site or building design become necessary prior to, or during construction, an amended development plan will need to be submitted for City Planning review and approval.***

The required action, to submit for City Planning review, was not taken in November 2022 when the plans containing the structural detail were completed nor when later submitted to Pikes Peak Regional Building Department for a permit. The major height change was known at that time. As recently as mid-June 2023 (a mere 6 weeks ago), a CSU public relations representative and a KH representatives continued to say the height of the tank would be similar to the existing one. This mindset changed after the tank walls and roof outline became apparent when the scaffolding was erected and, most

obviously, when the first wall panel was raised into place. A call to code enforcement was required to trigger full acknowledgement.

**Requested Actions:** Revoke approval and require CSU to follow UDC procedures outlined in §7.5.516.B.2 and resubmit the entire plan for the required review.

4. UDC §7.5.402.B states that *a neighborhood meeting may be required for development plans*. It refers to table 7.5.1-A which shows that a neighborhood meeting prior to submission is a Manager's decision but is an important process step of the approval flow (see Figure 3). However, a major project with the significant impact as this one begs to make it a requirement to hold a meeting; perhaps the current predicament could have been avoided. CSU has not had any neighborhood meeting focused on the Wilson Tank Replacement. The first application was made under the retired Chapter 7 (and during the COVID pandemic) and any neighborhood meeting appears to have been optional. The proposed Modification, covered under the current UDC, should require a meeting (see Figure 3). Although CSU conducted a meeting on 7/26/23, the agenda focused on landscaping and colors options for the tank. Another meeting is planned for 8/10/23 to continue this discussion. There have been no meetings with the neighborhood to discuss the amendment although the amendment was submitted on 7/18/23.

**Requested Action:** Revoke approval of AR DP 21-00526 and require CSU to follow UDC procedure 7.5.516.B.2 and resubmit the entire plan for the required review.

5. The Wilson tank is being built in a zone covered by the Hillside Area Overlay (HS). This is written on the zoning map as well as several places in the approved plans/documents. The height limits for a PF-zoned lot, while not constrained to the same height as residential lots, is determined during the Development Approval (45 feet maximum per code, see Figure 1). The tank is now visible from most points of the city, violating the very letter and intent of the HS (7.2.610.H.3) and general tenets of PlanCOS.

**Requested Action:** Deny the Modification and adhere to the maximum height as determined during Development Plan review or rezone the parcel to remove the HS requirements.

6. The major modification submittal does not include a revised Development Plan, Conditional Use and Use Variance Submittal Checklist. Per 7.5.516.B.2 All major modifications are required to go through the same review process as the original. This is mentioned because items 1 and 13 of the Development Plan Review Criteria are now in conflict to the answers given on the original application. This egregious uncommunicated

height change has resulted in significant offsite impact to the immediate neighbors and the Mountain Shadows neighborhood. Being in the Waldo canyon burn scar is a significant issue as the vegetation is fragile or non-existent. The major change of height makes it now all but impossible to screen it from adjacent properties as was part of the original plan. The tank now rises above the highest adjacent homes; significantly impacting the entire Mountain Shadows community.

**Requested Actions:** Deny the Modification and adhere to the maximum height as determined during Development Plan review.

Many other instances exist beyond this Major Modification application and lack of conformance to the original approved development plan conditions. CSU and its sub-contractors have repeatedly provided misinformation to the public and have failed to follow approved plans and processes (e.g., equipment and supplies storage, parking, hours of operation, dust and flying object mitigation, noise, and vibration – to name a few beyond usual and customary practices of construction).

Failure to follow the procedures and processes outlined in the UDC and the approved plans has resulted in significant injury and damage to, not only adjacent properties, but to the entire Mountain Shadows neighborhood and Colorado Springs. Therefore, we ask you deny the request for modification and submit the plans to the Planning Commission.

Respectively,

Lawrence E. Starr  
James Berdon  
6315 Wilson RD, Colorado Springs, CO 80919

Cc: Harmon Zuckerman, Esq.  
Mr. Bill Wysong

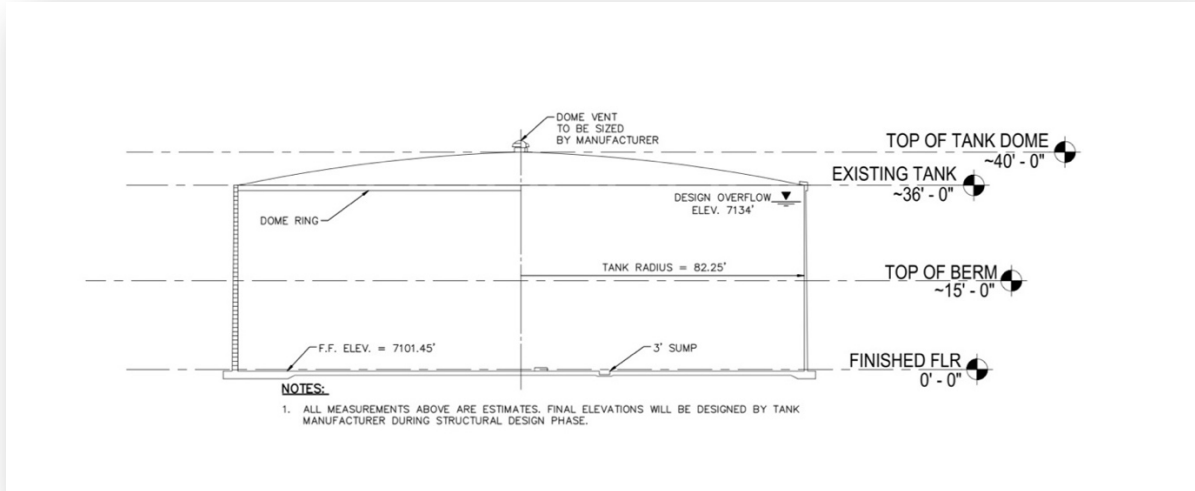



Figure 1 – Elevation of Tank Height (Page 12, AR DP 21-00526)

**BUILDING DATA**  
 EXISTING TOTAL GROSS BUILDING AREA: 21,253 S.F.  
 BUILDING HEIGHT:  
 BUILDING: 35'-45'  
 MAXIMUM BY CODE: 45.0'  
 PROPOSED LOT COVERAGE: 25% ±

**APPROXIMATE SCHEDULE OF DEVELOPMENT**  
 TANK CONSTRUCTION WILL TAKE PLACE IN 2023



**COLORADO SPRINGS**  
 LAND USE REVIEW  
 06/21/2022  
 10:31:15 AM  
 William.Gray

SHEET TITLE	COVER AND TITLE SHEET
SHEET NUMBER	1 OF 12

Figure 2 – Maximum Building Height Per Code

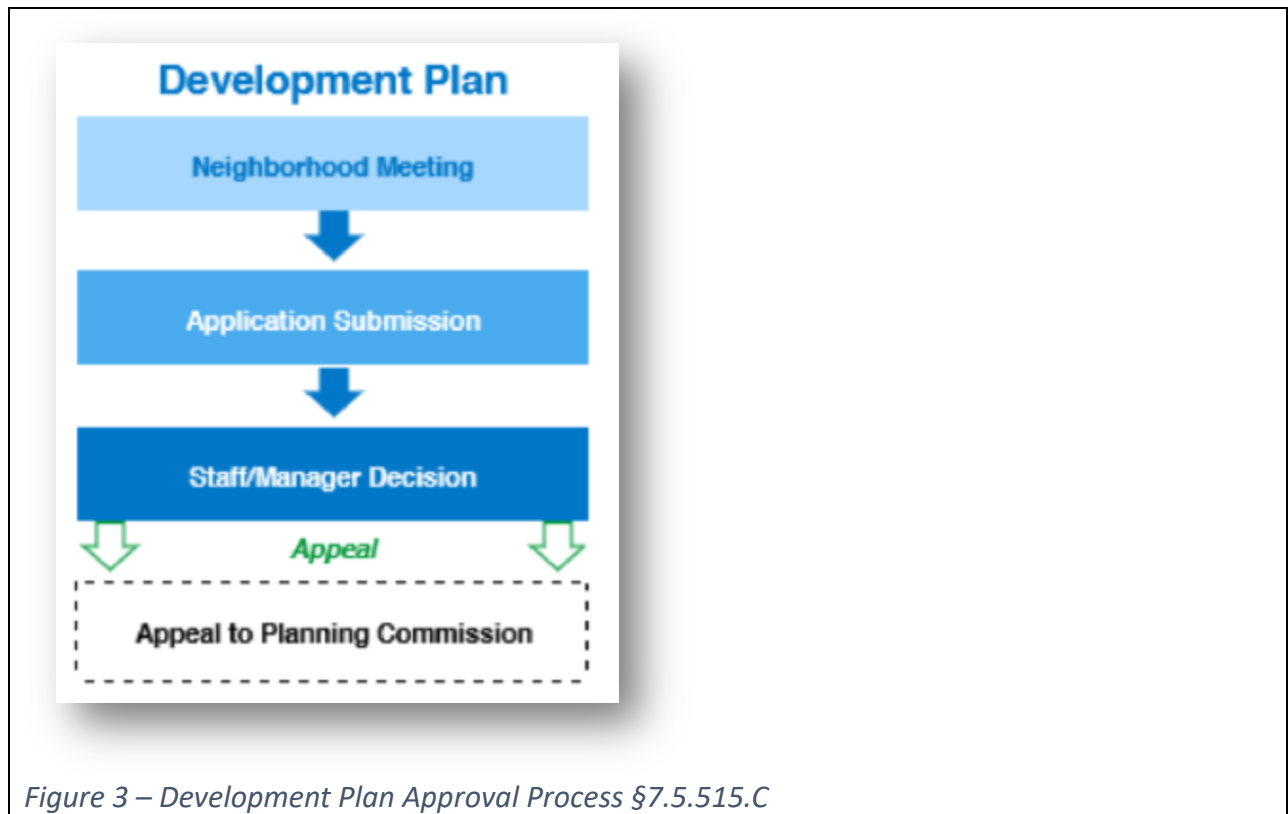


Figure 3 – Development Plan Approval Process §7.5.515.C

August 11, 2023

William Gray  
City Planner  
Planning and Community Development Land Use Review Division  
30 South Nevada, Suite 701  
Colorado Springs, Colorado 80901-1575

RE: DEPN-23-0157

Dear Mr. Gray,

We do not approve of the proposed Major Modification of the Wilson Tank Replacement project. We ask that the city does not approve this modification request. It has been shown to us that the proper procedures for approving this major modification to the approved plans was not followed and now the citizens are suffering from this.

The new tank is very much higher than the original plan and exceeds what was allowed by the city code for an on-sight modification by the builder. We can see this tank rising above the neighborhood and changing the view (for the worse) from many points across the city. This should not result in an eyesore for us and generations to come. That must be addressed in one way or another.

Sincerely,

Ward and Lori Gatza  
2575 Brogans Bluff Dr.  
Colorado Springs, Colorado 80919