



PLANNING + NEIGHBORHOOD SERVICES

Land Use Review

Appeal of an Administrative Decision to City Planning Commission

Appeal of an Administrative Decision to City Planning Commission

Complete this form if you are appealing an **Administrative Decision** to City Planning Commission.

Appellant Contact Information

Nicholas Fallentine

7194392971

Name of Appellant

Phone Number

1001 Westmoreland Road, Apt 305, Colorado Springs, CO 80907

Address (Include City, State, ZIP)

nickfallentine@gmail.com

Email

Project Information

Project Taurus

Project Name

1565 High Tech Way, Colorado Springs, CO 80907

Site Address (TSN if not yet addressed)

Development Plan Modification

Type of Application Being Appealed

DEPN-26-0039

All File Numbers Associated with the Application

Daniel Sexton

06/11/26

Project Planner's Name

Hearing Date

Item Number on Agenda

Appellant Authorization

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I(we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

Signature of Appellant

Date



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Appeal Submittal Should Include:

All Items Are Required

- ☒ Completed Appeal Form (this document).
- ☒ Evidence of "Affected Party" Status – check the box below and provide justification for the chosen box.
- ☒ Notice of Appeal (see requirements on page 3 of this document).
- ☒ \$176 check payable to the City of Colorado Springs.

Submit all 4 items above to into the Accela review system - <https://aca-prod.accela.com/COSPRINGS/Default.aspx>. Appeals are accepted for 10 days after a decision has been made. Submittals must be received no later than 5pm MST on the due date of the appeal. Incomplete submittals and / or submittals received after 5pm or outside of the 10-day window will not be accepted. If the due date for the submittal falls on a weekend or federal holiday, the deadline is extended to the following business day at 5 pm MST.

If you need additional assistance with this application, please call the Land Use Review front desk at (719) 385-5905.

Affected Party Status

Please indicate, per UDC Subsection 7.5.415.A(1)(a) (Right to Appeal), which of the definitions of "Affected Party" that applies to the Appellant.

- ☐ (1) The applicant for the decision being appealed;
- ☐ (2) The owner or tenant of a lot or parcel of land located within one thousand (1,000) feet of the subject lot; or
- ☐ (3) Any owner or tenant of a lot or parcel of land located within three (3) miles of the subject property who has preserved standing by:
 - ☐ (a) Testifying at the public hearing on the application;
 - ☒ (b) Submitting written comments prior to the public hearing on the application; or
 - ☐ (c) In the case of applications approved by the Manager or an administrative official, submitting written comments to the Manager or administrative official during the comment period before the Manager or administrative official's action.



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Notice of Appeal

The Notice of Appeal Shall State:

- (1) The specific provision(s) of this UDC that is the basis of the appeal;
- (2) Which of the following criteria for reversal or modification of the decision is applicable to the appeal:
 - (a) The decision is contrary to the express language of this UDC;
 - (b) The decision is erroneous; or
 - (c) The decision is clearly contrary to law; and
- (3) Describe how the criteria for the relevant application have or have not been met.

Notice of Appeal for Project Taurus

Stated in Colorado Springs' Unified Development Code (UDC) under 9.8.104 for Permissible Noise Levels, Light Industry is required to remain under 70 dB(A) during the day and 65 dB(A) during the night. Project Taurus is already determined to be above these limits. While a proposed acoustic wall is intended to help limit the sound within acceptable ranges, I do not see any provisions in the code to allow an external wall to be the solution. The project clearly breaks this code.

Further the city code is not equipped to consider low-frequency sounds or vibrations that data centers are well-documented for emitting. The 9.8.104 code uses an A-weighted decibel scale which is not designed to measure low frequencies. The recent memo on the project's approval acknowledges this stating, "During this review the consultant also advised that no consistent regulatory framework exists nationwide to address these issues." The lack of research or regulatory framework is no excuse to push forward especially with the awareness that there are "issues." Such acknowledgement is rather a red flag indicating further sound impacts must be considered first for the community and surrounding areas.

The New York Times' article, "The Cloud Has Sound: The Unrelenting and Unseen Cost of A.I. Data Centers," cites research revealing the additional need to use a C-weighted decibel scale which, "is intended to capture low-frequency noise." Dr. Neitzel is cited stating the C-weighted scale, "is especially critical when measuring data center noise, which is dominated by low-frequency hums from massive cooling fans and equipment." The article further points out through Dr. Blomberg's research that, "a noise source that clearly dominates a listener's ear might not register as an issue on a standard (A-weighted) decibel meter." As this proposed project will be operating 24/7, the damage from the noise pollution equally may not register through traditional A-weighted decibel measurements.

In summary, the approval of Project Taurus was rushed through without truly meeting the Light Industry sound requirements stated in 9.8.104. Further this very UDC is not up-to-date to face the low-frequency sound emissions of data centers. The code must consider these impacts before such a project can move forward.