
2424 GARDEN OF THE GODS: REZONE, MASTER PLAN AMENDMENT & CONCEPT PLAN

PROJECT STATEMENT

AUGUST 2020, REVISED NOVEMBER 2020

REQUEST

NES Inc. on behalf of 2424 GOTG, LLC requests approval of:

1. A Zone Change from PIP1/HS to PUD/HS on 125.34 acres.
2. An Amendment to the Mountain Shadows Master Plan from OIP (Office Industrial Park) to Office/Commercial/Civic, Office/Commercial/Civic/Residential and Open Space.
3. A PUD Concept Plan for 2424 Garden of the Gods Road Office/Commercial/Civic on 43.67 acres, Office/Commercial/Civic/Residential on 26.24 acres and Open Space on 55.43 acres.

LOCATION



The site is located on the north and west of the intersection of N. 30th Street and W. Garden of the Gods Road. To the east of the site, across 30th Street, is a Loaf 'n' Jug gas station/convenience store, a brewery/brew pub under construction, and Advenir at Spring Canyon apartments. To the south is the US headquarters for The Navigators, a religious ministry and mission training organization. To the north and northeast is the Mountain Shadows residential community. To the west is undeveloped land identified on the Mountain Shadows Master Plan as an Office Industrial Park and owned by Flying W Ranch. The National Forest lies further to the west.

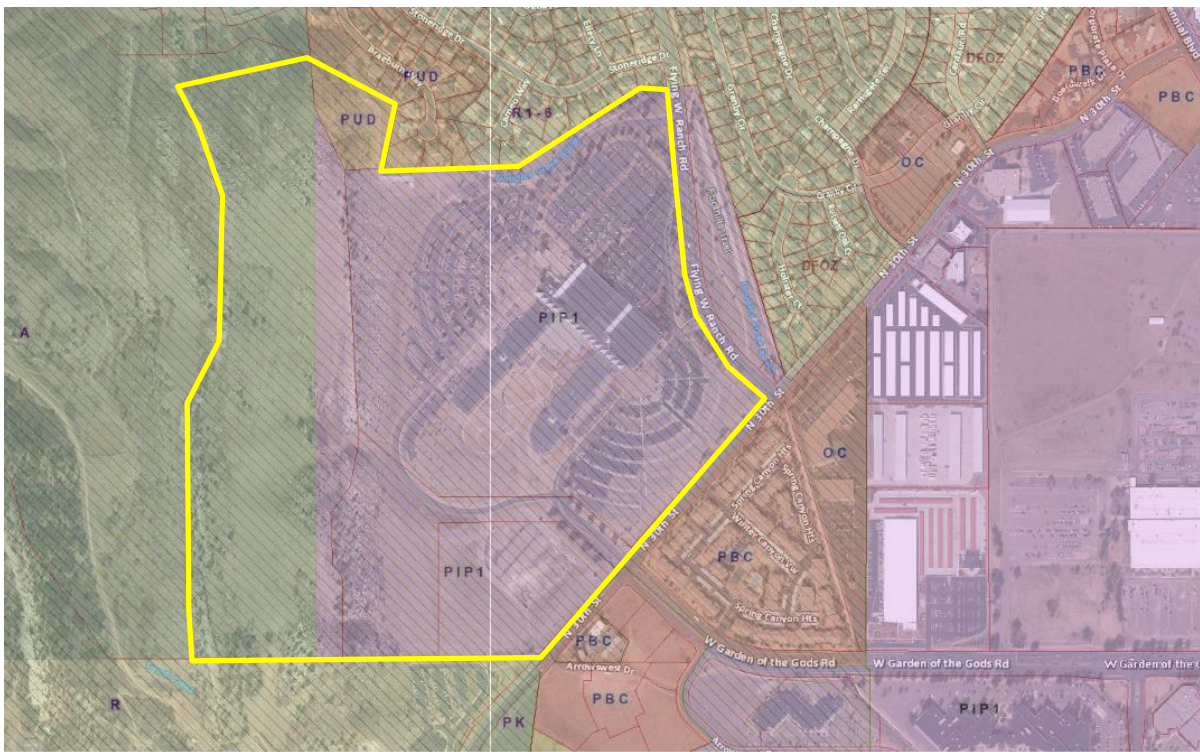
The site includes five parcels comprising 125 acres. A 61.2-acre parcel includes approximately 700,000 sf gross of existing office buildings with 2,592 parking spaces on Lot 1, Block 1, Mountain Shadows Filing No. 1. A 2.9-acre parcel in the northern corner of the site was platted as an open space tract with Mountain Shadows Filing No.3. Immediately to the west of the intersection of Garden of the Gods Road and N 30th Street is a 9.5-acre parcel that was at one time used as overflow parking for the adjacent offices but is now surplus to requirements. Adjacent to this is a 12.1-acre parcel that includes part of the internal private loop road, Alpine Meadows Lane, with the remainder being. A 39.3-acre parcel runs the entire length of the property's west boundary and contains steeply sloping terrain.



PROJECT DESCRIPTION

ZONE CHANGE

The site is currently zoned PIP1 (Planned Industrial Park), PUD (Planned Unit Development), and A (Agricultural), all with a Hillside Overlay. The surrounding zoning includes Agriculture, Residential, Planned Business Park, Office Complex, and Planned Industrial Park, with most including Hillside Overlay. The surrounding mix of uses include industrial, single-family and multifamily residential, commercial, institutional, and vacant/agricultural land.



A zone change to Planned Unit Development (PUD) with Hillside Overlay (PUD/HS) is requested for the entire 125-acre property. The current PIP1 zoning limits the viable uses for the existing buildings, which are only leased at 41% of capacity. The proposed PUD zone better reflects the current office and call-center uses within the current buildings and opens up a wider variety of permitted uses on the site. With only 700,000 sf of the 125-acre site occupied by buildings, the building coverage is less than 14% (28% of Lot 1). The site also has almost twice as many parking spaces then required by Code for the existing uses. The rezoning will provide the opportunity to improve the marketability of the existing

buildings and will increase the redevelopment potential of the vacant/under-utilized portions of the site. This will make this infill property on the west side of the highway more efficient and sustainable.

The proposed PUD zone provides the ability to identify specific uses and development standards for a proposed development. The uses proposed for this PUD are listed in the table below. This combines some of the less intense uses in the existing PIP1 zone with the uses most likely to be feasible for this site that are allowed within the OC Zone; a zone that is considered compatible with residential areas.

Office use types:	Commercial use types:
Call center	Business office support services
Financial services	Communication services
General offices	Data Center
Medical offices, labs and/or clinics	Funeral services
Mixed office/residential use	Hotel/motel
Civic use types:	Mixed commercial-residential
Club (membership, social, and recreational)	Miniwarehouses
Cultural services	Personal consumer services
Daycare services	Pharmacy
Public/private school, college or university	Indoor Entertainment
Hospital	Indoor Sports and Recreation
Religious institution	Restaurant (No Drive-in)
Semipublic community recreation	Retail (Neighborhood Serving/Specialty Food)
Residential use types:	
Multi-family dwelling	
Retirement home	
Single-family detached or attached dwelling	

The PUD also proposes to cap the number of any proposed multifamily residential units at 450 units, with a maximum density across the two potential redevelopment areas (Areas B and C on Concept Plan) of 18 units per acre. The PUD imposes a maximum height for the zone of 45 feet, which is consistent with the existing PIP1 zone and the substantial existing buildings, which are 45 feet tall. The maximum lot coverage for the site will be 40% and the setbacks will remain as they are for the current PIP1 zoning, which is a 50-foot front setback, a 30-foot side setback, a 50-foot rear setback and a 100-foot setback when adjacent to residential, which is the case for the north boundary of the property.

MASTER PLAN AMENDMENT

To accompany the Zone Change, an amendment to the still operative Mountain Shadows Master Plan is required. The Master Plan currently shows “MCI” as the land use on the 61.2-acre Lot 1, which reflects the original owner/occupant of the existing buildings. The remainder of the 125-acre ownership is identified as OIP (Office Industrial Park). The amendment to the Master Plan revises these land use designations to 44 acres of Office/Commercial/Civic land uses, 26 acres of Office/Commercial/Civic/Residential land uses and 55 acres of Open Space. The maximum residential density for the 26 acres of Office/Commercial/Civic/ Residential is 18 dwelling units per acre to facilitate multifamily units. These land use designations are consistent with the range of uses proposed with the PUD zoning.

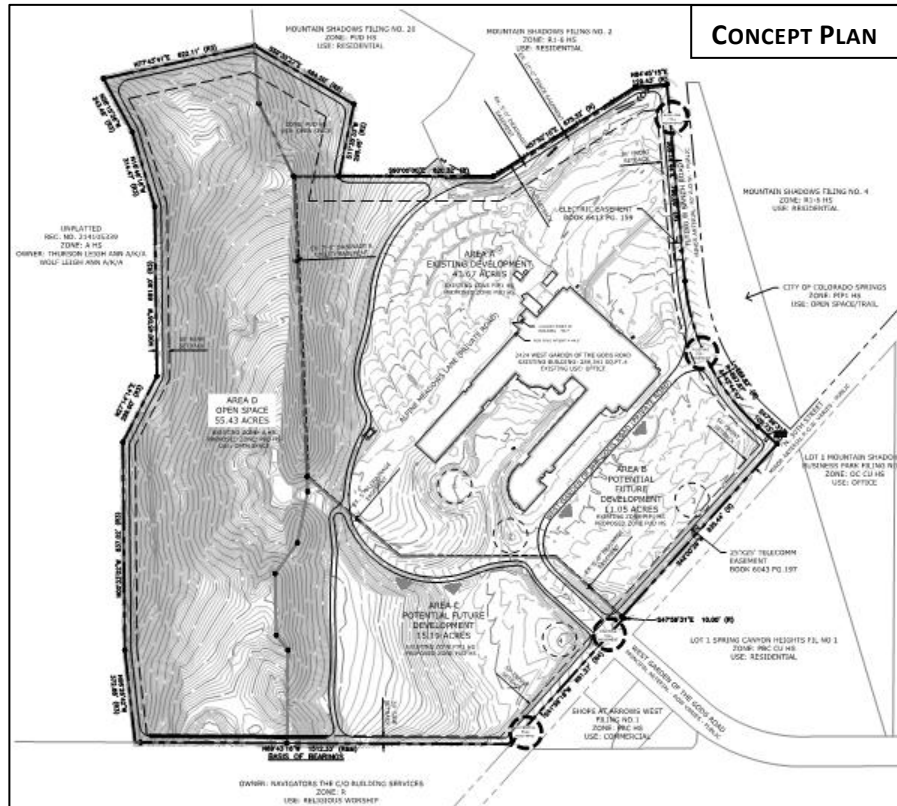
CONCEPT PLAN

The Concept Plan for the 125-acre 2424 Garden of the Gods Road property shows the existing buildings to remain in place but with a range of uses that reflect the proposed PUD zoning. The plan also identifies two areas with future development/redevelopment potential (Areas B and C), again with a range of use options reflecting the proposed PUD permitted uses. The former overflow parking area and vacant land to the west of the main Garden of the Gods Road entrance to the property has the greatest potential for redevelopment. This area has good access and visibility to the 30th Street and Garden of the Gods Road intersection and is divided from the existing building operations by the internal loop road. It is buffered from the Mountain Shadows neighborhood to the north by the substantial existing buildings and to the west by the proposed open space.

The second area with future development potential is the portion of the existing parking lot that fronts 30th Street. This is the most viable part of the under-utilized parking area for new development, as it has good access to 30th Street and Garden of the Gods Road and high visibility. It is also buffered from the neighborhood to the north by the existing buildings.

The Concept Plan shows the entire western portion of the site as open space due to the steep topography, which makes it unsuitable for development.

Access to the proposed new development areas will be via the existing internal driveways and will utilize the existing access points to the property off 30th Street and Flying W Ranch Road. A potential access onto 30th street opposite the access road to the Loaf ‘n’ Jug is identified on the Concept Plan. This access is unlikely to be feasible due to the elevation difference between the site and 30th Street. If it is determined to be a practical and viable option in the future, a revision to the Traffic Impact Study will be required to analyze acceptability of this intersection.



PROJECT JUSTIFICATION

Conformance with Zone Change Criteria (Section 7.5.603)

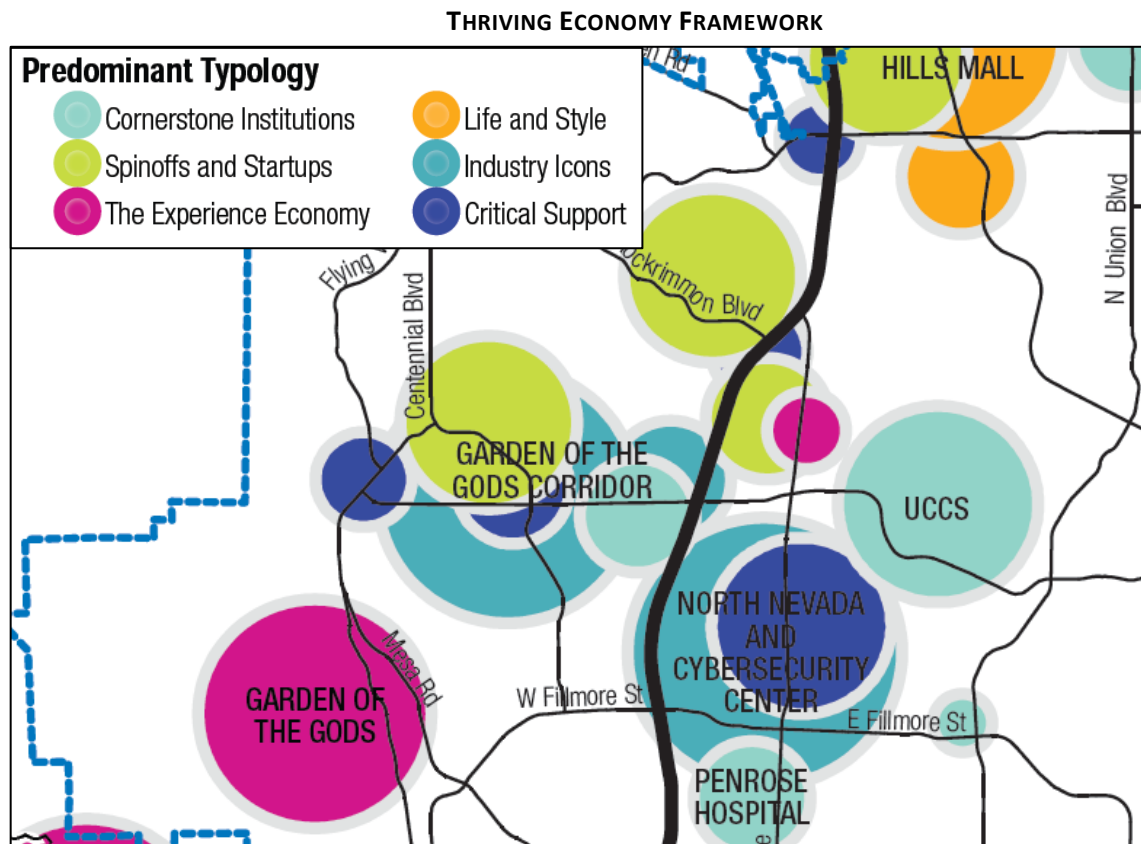
1. THE ACTION WILL NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE.

The land uses proposed by the PUD are based upon the less intensive uses allowed in both the PIP1 zone and the OC zone and are uses that are generally considered more compatible with residential areas than many of the uses permitted in the current PIP1 zone. The PUD limits the height of the zoning to 45 feet, which is consistent with the existing PIP1 zone. The zoning maintains the PIP1 setbacks, which includes a 100-foot setback adjacent to residential areas. The proposed rezoning will improve the transition from the Mountain Shadows single-family neighborhood to the north to the industrial uses along parts of 30th Street and Garden of the Gods Road and will not be detrimental to public interest, health, safety, convenience, or general welfare.

2. THE PROPOSAL IS CONSISTENT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN.

The objective of the zone change, and associated Master Plan Amendment and Concept Plan, is to allow a wider variety of feasible uses on this property in order to encourage greater occupancy of the existing buildings and make better use of the under-utilized parts of the site. This approach is consistent with the PlanCOS emphasis on infill and adapting to ever-changing market needs and demands. Policy UP-2.A supports infill and land use investment throughout the mature and developed areas of the city.

PlanCOS also focuses on the importance of creating vibrant neighborhoods and providing diverse housing choices. Strategy VN-2.A-3 supports land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.



The Thriving Economy Framework Plan shows the Garden of the Gods Road corridor as a major employment corridor with a focus on Industry Icons, Spinoffs and Startups, and Critical Support. The

2424 Garden of the Gods property is shown as a Critical Support center. PlanCOS strategies to support these typologies include:

Strategy TE-1.C-2: Support and leverage projects and initiatives with mixed uses, transit supported and walkable attributes to attract and retain a skilled workforce and business investment

Strategy TE-1.C-3: Ensure an adequate supply of attainable housing for the workforce across all industries, and that it is conveniently located near hubs of employment and/or public transportation.

Strategy TE-4.A-1: Encourage revitalization and infill in underutilized urban places.

Strategy TE-4.A-2: Ensure land use regulations allow for increased density in areas identified for this, including Downtown, activity centers, and urban corridors.

These strategic objectives of PlanCOS are met through the intent to broaden the use opportunities for the existing building, increase the density of development on the site, and the potential for introducing multifamily residential uses to meet workforce needs. The site is located within an employment hub, has excellent access to various multi-use trails, and a transit service is present on 30th Street and Garden of the Gods Road.

3. WHERE A MASTER PLAN EXISTS, THE PROPOSAL IS CONSISTENT WITH SUCH PLAN OR AN APPROVED AMENDMENT TO SUCH PLAN. MASTER PLANS THAT HAVE BEEN CLASSIFIED AS IMPLEMENTED DO NOT HAVE TO BE AMENDED IN ORDER TO BE CONSIDERED CONSISTENT WITH A ZONE CHANGE REQUEST.

It is proposed to amend the Mountain Shadows Master Plan from "MCI" and OIP (Office Industrial Park) The amendment to the Master Plan revises these land use designations to 44 acres of Office/Commercial/Civic land uses, 26 acres of Office/Commercial/Civic/ Residential land uses and 55 acres of Open Space, with an allowance of up to 18 dwelling units per acre for the residential on the 26 acre area to facilitate multifamily units. This land use designation is consistent with the range of uses proposed by PUD zoning. This proposed change is analyzed under the Master Plan review criteria below.

4. FOR MU ZONE DISTRICTS THE PROPOSAL IS CONSISTENT WITH ANY LOCATIONAL CRITERIA FOR THE ESTABLISHMENT OF THE ZONE DISTRICT, AS STATED IN ARTICLE 3, "LAND USE ZONING DISTRICTS", OF THIS CHAPTER. (ORD. 94-107; ORD. 97-111; ORD. 01-42; ORD. 03-157; ORD. 12-76)

The project is not a Mixed-Use zone district.

Conformance with Master Plan Amendment Criteria (Section 7.5.408)

The majority of the review criteria in Section 7.5.408 of the Zoning Code relate to new Master Plans. Those that are relevant to the proposed amendments to Mountain Shadows Master Plan are as follows:

A. COMPREHENSIVE PLAN: See above analysis under Zone Change.

B. LAND USE RELATIONSHIPS:

1. THE MASTER PLAN PROMOTES A DEVELOPMENT PATTERN CHARACTERIZING A MIX OF MUTUALLY SUPPORTIVE AND INTEGRATED RESIDENTIAL AND NONRESIDENTIAL LAND USES WITH A NETWORK OF INTERCONNECTED STREETS AND GOOD PEDESTRIAN AND BICYCLE CONNECTIONS.

The changes to this relatively small portion of the 1760-acre Mountain Shadows Master Plan does not materially impact the overall mix of uses in the Master Plan area and does not alter the existing street network. The proposed land use classification change from Office Industrial Park to Office/ Commercial/ Civic/Residential and Open Space will create a development pattern on this 125-acre property that is in itself a mix of mutually supportive and integrated residential and nonresidential uses. The site currently has and will continue to have excellent pedestrian and bicycle connections to external streets.

2. THE LAND USE PATTERN IS COMPATIBLE WITH EXISTING AND PROPOSED ADJACENT LAND USES AND PROTECTS RESIDENTIAL NEIGHBORHOODS FROM EXCESSIVE NOISE AND TRAFFIC INFILTRATION .

The proposed land-uses are generally less intense than the primarily industrial focus of the original Master Plan land use classification. While new development is proposed on under-utilized areas of the site, these will be screened from the residential neighborhood to the north by the substantial existing buildings on the site and to the west by the proposed 55 acres of open space. The PUD zone limits the height of the zoning to 45 feet, which is consistent with the existing PIP1 zone and existing buildings on the site. Any new activity will be focused toward 30th Street and will not create additional noise or traffic in the adjacent neighborhood.

3. HOUSING TYPES ARE DISTRIBUTED SO AS TO PROVIDE A CHOICE OF DENSITIES, TYPES AND AFFORDABILITY.

The Master Plan amendment will introduce the option for new residential development on the site, which is likely to be multifamily units. This will provide additional housing choice in terms of density, type of residential, and levels of affordability. There is currently a need for rental accommodation, especially in close proximity to employment centers.

4. LAND USES ARE BUFFERED, WHERE NEEDED, BY OPEN SPACE AND/OR TRANSITIONS IN LAND USE INTENSITY.

As noted above, any new activity/development will be focused toward 30th Street and will be buffered from the adjacent neighborhood by the existing buildings. The PUD zone retains the 100-foot buffer to the existing residential neighborhood to the north. Open space is proposed along the western portion of the property which will provide a transition to the west.

C. PUBLIC FACILITIES:

1. THE LAND USE MASTER PLAN CONFORMS TO THE MOST RECENTLY ADOPTED COLORADO SPRINGS PARKS, RECREATION AND TRAILS MASTER PLAN.

The site has excellent access to a number of multi-use trails; the Foothills trail along Flying W Ranch Road adjacent to the site's east boundary and on the south side of 30th Street, which in turn connects to the Sinton Trail to the east, the Palmer-Mesa Trail to the south and to Garden of the Gods park and trail system to the west.

2. THE MASTER DEVELOPMENT DRAINAGE PLAN CONFORMS TO THE APPLICABLE DRAINAGE BASIN PLANNING STUDY AND THE DRAINAGE CRITERIA MANUAL.

An addendum to the MCI Master Development Drainage Report, prepared by TerraNova Engineering, is included with this submittal. This report analyses conformance with the Douglas Creek Drainage Basin Planning Study and the drainage criteria manual.

D. TRANSPORTATION:

1. ANTICIPATED TRIP GENERATION DOES NOT EXCEED THE CAPACITY OF EXISTING OR PROPOSED MAJOR ROADS. IF CAPACITY IS EXPECTED TO BE EXCEEDED, NECESSARY IMPROVEMENTS WILL BE IDENTIFIED, AS WILL RESPONSIBILITY, IF ANY, OF THE MASTER PLAN FOR THE CONSTRUCTION AND TIMING FOR ITS SHARE OF IMPROVEMENTS.

A Traffic Impact Study, prepared by SM Rocha LLC, is included with this submittal and evaluates potential traffic impacts of the proposed change in land use classification. SM Rocha LLC have coordinated with City Engineering staff to ensure that the assumptions regarding traffic counts and distribution are robust given the impact of the current COVID-19 pandemic on traffic patterns. The report concludes that site-generated traffic is not expected to create any negative impact to traffic operations of the surrounding roadway system, which is currently operating well within capacity.

E. ENVIRONMENTAL:

1. THE LAND USE MASTER PLAN PRESERVES SIGNIFICANT NATURAL SITE FEATURES AND VIEW CORRIDORS. THE COLORADO SPRINGS OPEN SPACE PLAN SHALL BE CONSULTED IN IDENTIFYING THESE FEATURES.

The Master Plan currently identifies the entire 125 acres of this property as OIP, which is for Office Industrial Park. The Master Plan Amendment proposes to preserve 55 acres on the western portion of the site as open space, which contains a rocky hogback, leading to a flatter green meadow area, before ascending a significant ridge. This part of the site is identified as Candidate Open Space on the City's Open Space and Trails Master Plan. The Applicant has had initial discussions and on-site meetings with the City Parks Department regarding the potential for dedication this land to the City and the City Parks Department is interested in pursuing these discussions. Accordingly, the natural features on this property are being retained, either as private or public open space.

The areas proposed for potential future development are contained in the parts of the site that are currently used as parking and an area of abandoned overflow parking. These areas are already developed/disturbed. The proposed PUD limits the height of any new buildings to 45-feet, which is the same as the current PIP1 zoning and consistent with the height of the substantial existing buildings on the property. Any new development will be of a similar scale to the existing buildings and will be set against the back drop of those buildings or the preserved 55 acres of open space. Accordingly, there will be minimal impact on the view corridor of the foothills and no impact on the views or context of Garden of the Gods park, which is situated 0.7 miles to the south of the western edge of the proposed development area and separated by a substantial ridge, property owned by Flying W Ranch, and The Navigators property.

Concerns have been expressed by neighbors about the impact on Big Horn Sheep habitat. As noted above, any new development will be focused on the areas of the property that have already been disturbed by the development of parking lots. This is not habitat area for the Big Horn Sheep. The Big Horn Sheep habitat is situated on the adjacent Navigators property and Forest Service land, which is 0.6 miles to the west of the western edge of the proposed development area and separated from it by a substantial ridge and property owned by Flying W Ranch.

Concept Plan Review Criteria (Section 7.5.501.E)

1. WILL THE PROPOSED DEVELOPMENT HAVE A DETRIMENTAL EFFECT UPON THE GENERAL HEALTH, WELFARE, AND SAFETY OR CONVENIENCE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE PROPOSED DEVELOPMENT?

The proposed PUD Concept Plan shows a mix of office/commercial/civic/residential uses to better utilize the existing buildings and the parts of the site with redevelopment potential. The range of proposed uses is compatible with the existing mix of uses in and around the site, which include commercial uses and apartments on the opposite side of 30th Street, a religious ministry and mission training organization to the south, and substantial areas of existing and planned areas of office and industrial use to the east, west and south.

Any new activity/development will be focused toward 30th Street and will be buffered from the adjacent neighborhood by the existing buildings. The PUD zone and Concept Plan limits the height of any new development on the site to 45 feet, which is consistent with the existing PIP1 zone and existing buildings on the site. The PUD Concept Plan retains the 100-foot buffer to the existing residential neighborhood to the north. Open space is proposed along the western portion of the property which will provide a transition to the west.

2. WILL THE PROPOSED DENSITY, TYPES OF LAND USES AND RANGE OF SQUARE FOOTAGES PERMIT ADEQUATE LIGHT AND AIR BOTH ON AND OFF THE SITE?

The proposed density and types of land uses are compatible with the surrounding mix of residential, industrial and commercial development. The proposed maximum building height is 45-feet, which will allow for adequate light and air both on and off the site. This detailed site design context of any new development will be assessed further with future development plans.

3. ARE THE PERMITTED USES, BULK REQUIREMENTS AND REQUIRED LANDSCAPING APPROPRIATE TO THE TYPE OF DEVELOPMENT, THE NEIGHBORHOOD AND THE COMMUNITY?

The permitted uses and bulk requirements will adhere to the proposed PUD zone standards, which are generally consistent with the existing PIP1 zone standards and are intended to be compatible with adjacent residential areas. The current PIP1 zone requires a 100-foot setback to adjacent residential areas, which is currently in place along the northern boundary. The Concept Plan does not propose any new building in this area in order to maintain that separation. Any new building will be focused on the 30th Street frontage. The plan also includes a substantial 55-acre open space area along the western portion of the property. The site is currently well landscaped; new landscaping will be addressed in

future Development Plans and will be consistent with the City's Landscape Ordinance. The Concept Plan retains the same peripheral setbacks of the current PIP1 zone to ensure the existing attractive and mature landscaped areas along the site's perimeter are not disturbed.

4. ARE THE PROPOSED INGRESS/EGRESS POINTS, TRAFFIC CIRCULATION, PARKING AREAS, LOADING AND SERVICE AREAS AND PEDESTRIAN AREAS DESIGNED TO PROMOTE SAFETY, CONVENIENCE AND EASE OF TRAFFIC FLOW AND PEDESTRIAN MOVEMENT BOTH ON AND OFF THE SITE?

The property currently provides multiple access points to adjacent roadways and these will all be maintained. A potential access onto 30th street opposite the access road to the Loaf 'n' Jug is identified on the Concept Plan. This access is unlikely to be feasible due to the elevation difference between the site and 30th Street. If it is determined to be a practical and viable option in the future, a revision to the Traffic Impact Study will be required to analyze acceptability of this intersection. Internal circulation, loading and service areas and pedestrian connectivity is as existing.

5. WILL THE PROPOSED DEVELOPMENT OVERBURDEN THE CAPACITIES OF EXISTING STREETS, UTILITIES, PARKS, SCHOOLS AND OTHER PUBLIC FACILITIES?

The objective of the Concept Plan is to enhance the efficiency and sustainability of this under-utilized property. The opportunity to increase the leasing potential of the existing building and to add new development to the site will make better use of the existing streets, utilities, parks and schools, none of which are operating at full capacity. Schools in District 11 are generally under capacity and will not be overburdened. Utilities, parks, and other public facilities were considered with the original master plan and are not likely to be overburdened by the proposed new and expanded uses on the site.

6. DOES THE PROPOSED DEVELOPMENT PROMOTE THE STABILIZATION AND PRESERVATION OF THE EXISTING PROPERTIES IN ADJACENT AREAS AND SURROUNDING RESIDENTIAL NEIGHBORHOODS?

The proposed mix of uses on the site is compatible with the surrounding area. Any new activity will be focused toward 30th Street and will be buffered from the residential neighborhood to the north by the existing buildings and will not create additional noise or traffic in the neighborhood.

7. DOES THE CONCEPT PLAN SHOW HOW ANY POTENTIALLY DETRIMENTAL USE TO USE RELATIONSHIPS (E.G., COMMERCIAL USE ADJACENT TO SINGLE-FAMILY HOMES) WILL BE MITIGATED? DOES THE DEVELOPMENT PROVIDE A GRADUAL TRANSITION BETWEEN USES OF DIFFERING INTENSITIES?

The substantial existing buildings and parking on the northern part of the site provide a transition and buffer to the proposed areas with future development potential adjacent to 30th Street. The open space on the west part of the site provides a transition to adjacent properties to the west.

8. IS THE PROPOSED CONCEPT PLAN IN CONFORMANCE WITH ALL REQUIREMENTS OF THIS ZONING CODE, THE SUBDIVISION CODE AND WITH ALL APPLICABLE ELEMENTS OF THE COMPREHENSIVE PLAN?

The above analysis of the relevant review criteria demonstrates that the proposed Concept Plan is in conformance with all requirements of the zoning, subdivision, and applicable portions of PlanCOS.