



## Quick Facts

### Applicant

N.E.S. Inc.

### Property Owner

Purgatory Land Holdings, LLC

### Address / Location

1860 Office Club Point

### TSN(s)

6233202008

### Zoning and Overlays

Current: MX-M/BP/AF-O  
(Mixed-Use Medium Scale and Business Park with United States Air Force Academy Overlay)

Proposed: MX-M/AF-O  
(Mixed-Use Medium Scale with United States Air Force Academy Overlay)

### Site Area

2.1 acres

### Applicable Code

Unified Development Code

## Project Summary

This application is for a zone change from MX-M/BP/AF-O (Mixed-Use Medium Scale and Business Park with United States Air Force Academy Overlay) to MX-M/AF-O (Mixed-Use Medium Scale with United States Air Force Academy Overlay)

File Number	Application Type	Decision Type
ZONE-24-0016	Zoning Map Amendment (Zone Change)	Quasi-Judicial

## Background

### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Briargate Addition #4 (Ord. 82-137)	September 1, 1982
Subdivision	The Office Club, Lot 2	December 8, 2000
Master Plan	Briargate Master Plan (Implemented)	2003
Prior Enforcement Action	None	N/A

### Site History

The subject property, along with two properties to the south and west, were rezoned from PIP-1 (Planned Industrial Park), now BP (Business Park) to PBC (Planned Business Park), now MX-M (Mixed-Use Medium Scale), in 1997 (Ord. 97-179). On December 19, 1997, the property was platted as Briargate Business Campus Filing No. 17, with a northern lot line that differed from the northern boundary of the new PBC (Planned Business Center) zone by as much as 160 feet. The reason for this discrepancy is unknown. The property was platted again in 2000 as The Office Club subdivision, but the mismatched lot line remained. As it currently sits, a portion of the property at 1860 Office Club Point is zoned BP (Business Park), while the rest of the property is zoned MX-M (Mixed-Use Medium Scale). Properties with split zoning are not currently eligible for development plan approval. Nonetheless, a development plan was approved in 2006 for a three-story commercial/office building, but the site was never developed.

### Applicable Code

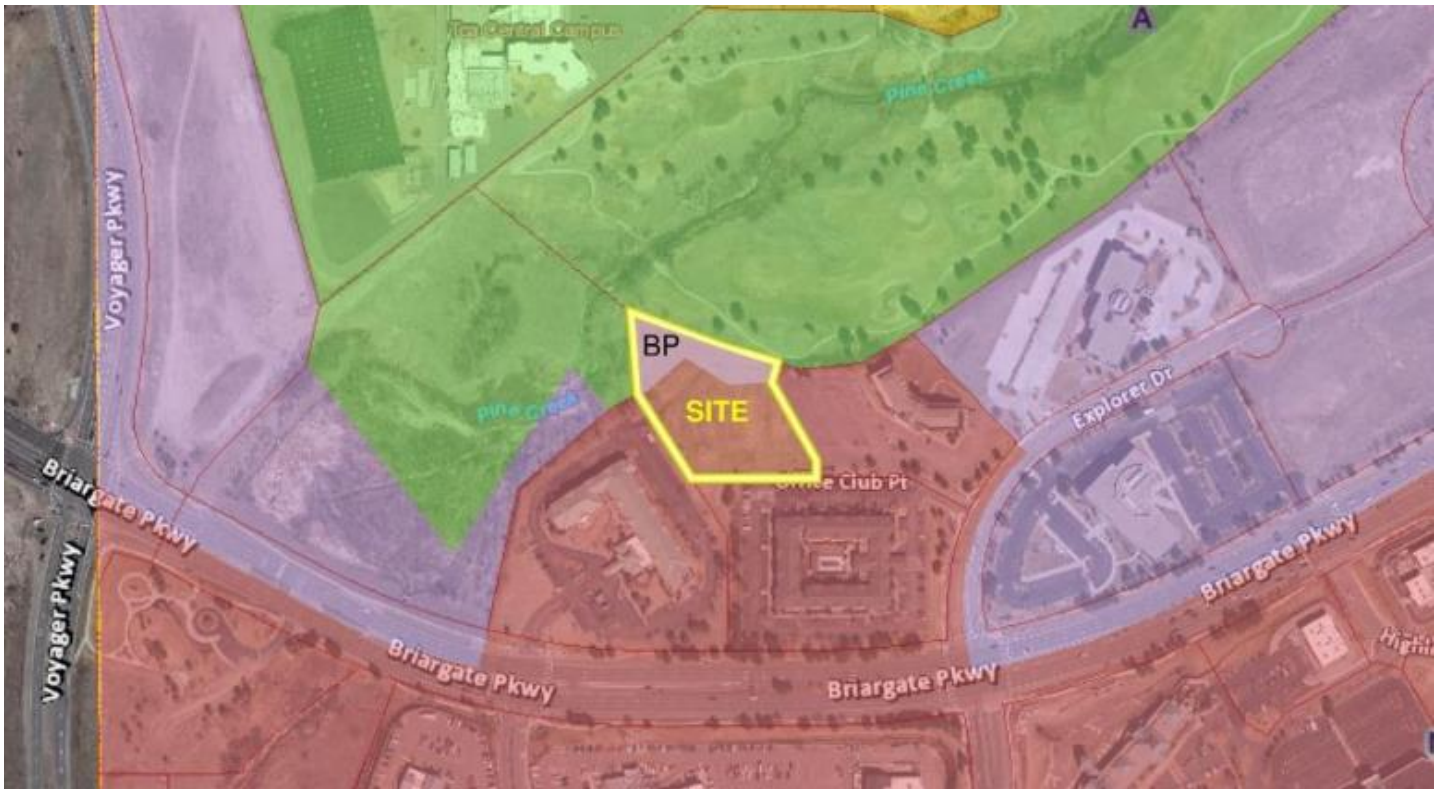
The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. The subject application(s) are reviewed under the Unified Development Code. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	A (Agricultural)	Golf course	None
West	A (Agricultural), MX-M (Mixed-Use Medium Scale), and BP (Business Park)	Hotel and Pine Creek	None
South	MX-M (Mixed-Use Medium Scale)	Hotel	None
East	BP (Business Park)	Office and Medical Office	None

## Zoning Map



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	Internal Review/Prior to City Planning Commission Hearing; affidavit of posting provided to staff
Postcard Mailing Radius	1000'
Number of Postcards Mailed	24
Number of Comments Received	None

### Public Engagement

No citizen comments were received for this project.

## Timeline of Review

Initial Submittal Date	August 7, 2024
Number of Review Cycles	Two
Item(s) Ready for Agenda	October 16, 2024

## Agency Review

### Traffic Impact Study

Traffic Engineering did not have comments.

### School District 20

Academy District 20 provided the following comments:

- The District has requested fees in lieu of land dedication per the existing City Code for any future residential units within this development.
- The District is able to serve each student who is a resident of District 20.

### PLDO

The Park Land Dedication Ordinance will be applicable in the future if residential development is proposed, as allowed within the MX-M (Mixed-Use Medium Scale) Zone District.

### SWENT

Stormwater Enterprise noted that when this property is developed, since it will be the most adjacent developable property to the channel, channel improvements may be required at the time of development.

### Colorado Springs Utilities

All CSU comments were addressed.

## Land Use Statement & Zoning Map Amendment (Zone Change)

### Summary of Application

The applicant is proposing to rezone the subject property to address split zoning on the subject property, discussed in the Site History section of this report, to allow development on this property which would not be constrained by UDC development standards (refer to Attachment 1-Project Statement). If the zoning was approved, a development plan review would still be required. The site was intended for commercial use when it was rezoned previously, which is consistent with the uses allowed in the MX-M (Mixed-Use Medium Scale) zone district. Use and intensity will be limited to those allowed in the MX-M (Mixed-Use Medium Scale) zone district.

### Land Use Plan Waiver/Statement (UDC Section 7.5.514)

The Manager may waive the requirement for approval of a Land Use Plan if the Manager determines that requiring approval of a Land Use Plan would not serve the purposes of UDC Section 7.5.514, or the UDC. The applicant requested a Land Use Plan waiver by submitting a Land Use Statement (refer to Attachment 3-Land Use Statement) demonstrating the application compliance with the criteria for a waiver below:

1. *The land area under review is less than ten (10) acres and is planned to be developed in a single phase;*
2. *The land is contained in and subject to a previously approved Master or Concept Plan;*
3. *The land is included in a Development Plan application;*
4. *The land area is part of an established surrounding development pattern;*
5. *The proposed zoning pattern for the land aligns with adjacent existing zoning or development; and/or*
6. *Major infrastructure or urban services for the land including but not limited to access points and roadway systems, have already been established and are not proposed to be changed*



Staff finds that the request to waive the requirements for a Land Use Plan has been met.

### **Zoning Map Amendment (Zone Change) UDC Section 7.5.704.D**

An application for an amendment to the zoning map (refer to Attachment 2-Zoning Exhibit) shall be subject the following criteria for approval:

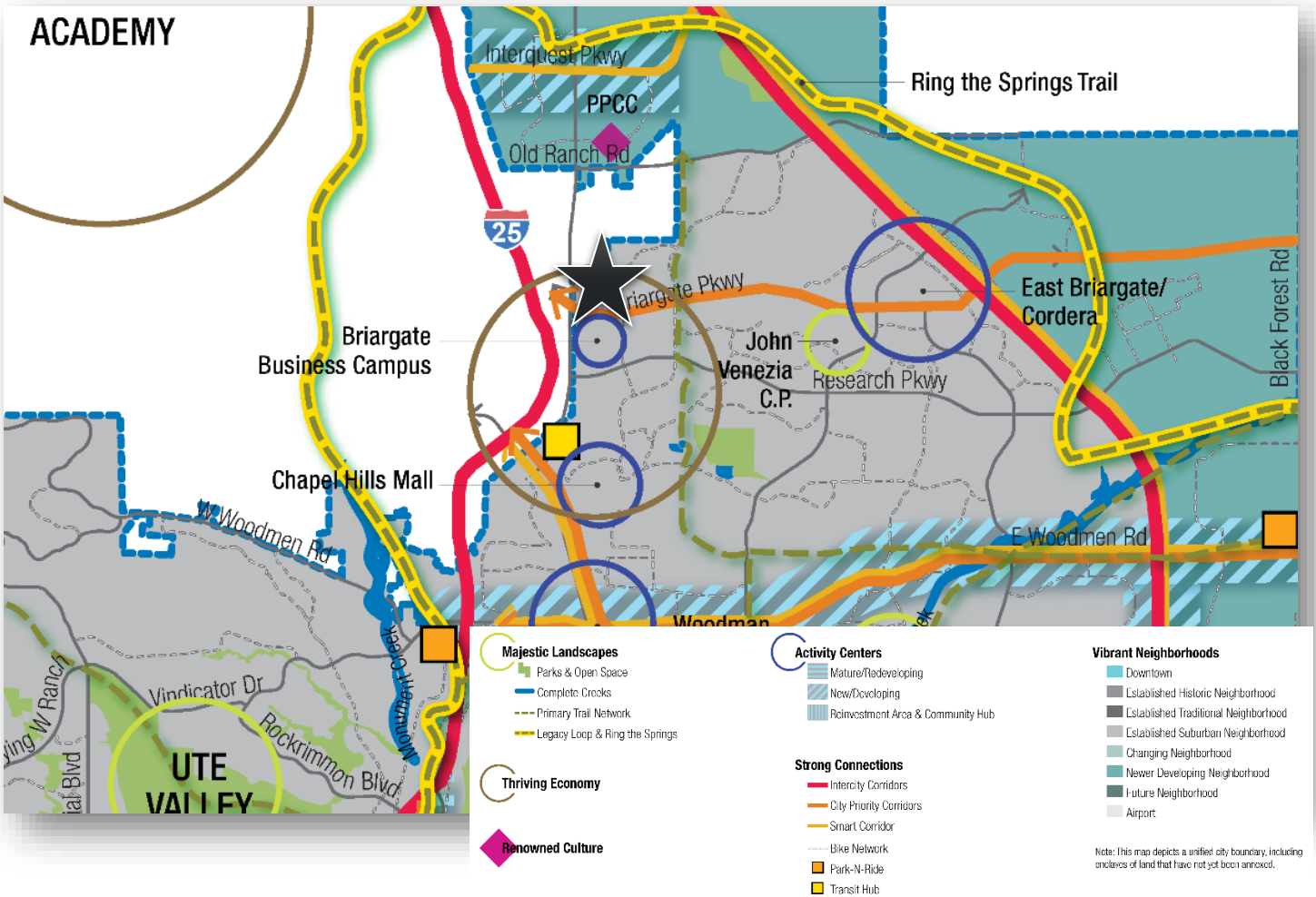
- 1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).*
- 2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.*
- 3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).*
- 4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.*
- 5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.*
- 6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in in Subsection 7.5.514C.3 (Land Use Plan Criteria).*
- 7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.*
- 8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.*
- 9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.*
- 10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).*

Staff finds that the proposed zone change has met the review criteria listed above.

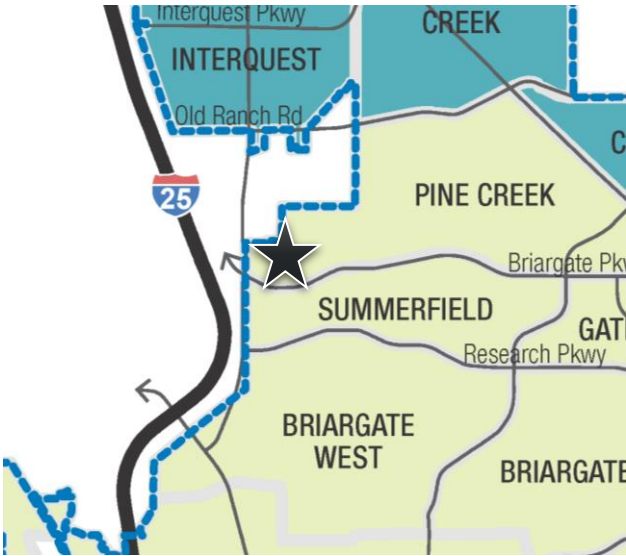
### **Compliance with Relevant Guiding Plans and Overlays**

A zoning map amendment to address a split zoning would be in compliance with the AF-O (United States Air Force Academy Overlay).

## PlanCOS Vision



The proposed zone map amendment application has been evaluated for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. By eliminating the split zoning, this parcel could be developed in a manner consistent with the MX-M (Mixed-Use Medium Scale) zone district, which allows commercial, retail, office, multi-family residential, and civic uses. In addition, this zone change would allow further infill in an important commercial area of the city, helping to accomplish the goals of PlanCOS by contributing to a Thriving Economy.

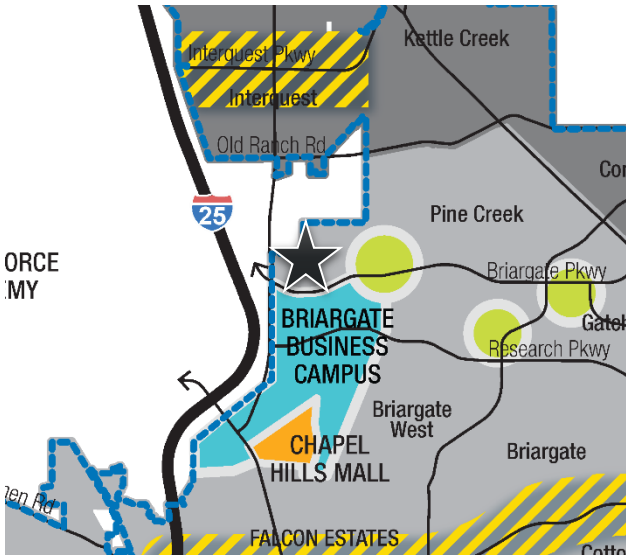


**Predominant Typology**

- Downtown
- Newer Developing Neighborhood
- Changing Neighborhood
- Established Historic Neighborhood
- Established Traditional Neighborhood
- Established Suburban Neighborhood
- Airport
- Future Neighborhood

**Vibrant Neighborhoods**

The goal of Established Suburban Neighborhood typology is to “recognize, support, and enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation. New development and/or redevelopment should incorporate elements of the existing neighborhoods”. By eliminating the split zoning, this parcel could be developed in a similar manner to the adjacent parcels to the south

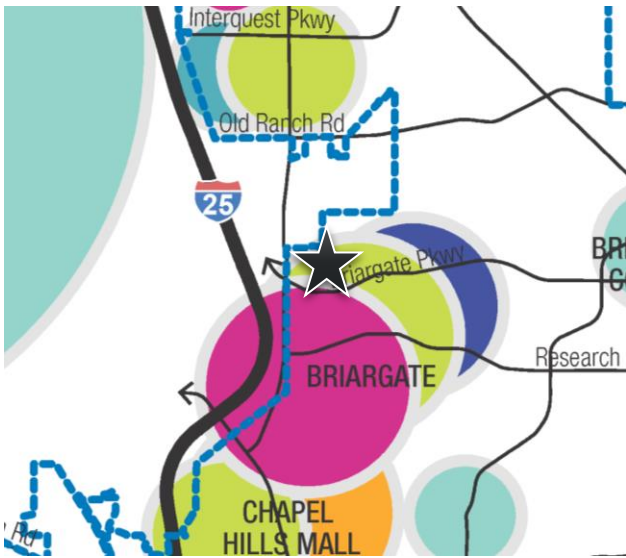


**Predominant Typology**

- Neighborhood Centers
- Community Activity Centers
- Entertainment and Commercial Centers
- Regional Employment and Activity Centers
- Downtown
- Mature/Redeveloping Corridors
- New/Developing Corridors
- Reinvestment Area and Community Hub

**Unique Places**

The subject property is part of the larger Briargate Business Campus, a Regional Employment and Activity Center. By bringing further commercial development to this area, this rezoning would serve to strengthen this important economic engine and create a better place for those living in and visiting Colorado Springs.



**Predominant Typology**

- Cornerstone Institutions
- Spinoffs and Startups
- The Experience Economy
- Life and Style
- Industry Icons
- Critical Support
- City Boundary
- Interstate 25
- Major Roads

**Thriving Economy**

This site is within the Experience Economy, Spinoffs and Startups, and Critical Support typologies. While the exact function of these economic areas may differ, they all require continued support and growth to offer their benefits. This rezone follows Policy TE-1.A: *“Preserve and strengthen key economic sectors and strive to grow medium and high-wage jobs in targeted industry clusters.”*



## Statement of Compliance

### **ZONE-24-0016**

After evaluation of the zoning map amendment, the application meets the review criteria.