



## Legislation Text

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**File #:** ZONE-22-0023, **Version:** 3

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Ordinance No. 23-26 amending the zoning map of the City of Colorado Springs related to 4.54-acres from OC/CR/AO/APZ-1/RPZ (Office Commercial with Conditions of Record, Airport Overlay, Accident Protection Zone-1, and Runway Protection Zone) to PBC/AO/APZ-1/RPZ (Planned Business Center (to be known as MX-M (Mixed-Use Medium Scale) with Airport Overlay, Accident Protection Zone-1 and Runway Protection Zone) based upon the findings that the change of zone request complies with the zone change criteria as set forth in Section 7.5.603

(Quasi-Judicial)

Related Files: MAPN-22-0010, COPN-22-0027, PUDZ-22-0007, and PUDC-22-0006

**Presenter:**

Chris Sullivan, Senior Planner, Planning & Community Development Department  
Peter Wysocki, Director, Planning & Community Development Department

**Summary:**

Owner: Pikes Peak Investment, LLC  
Developer: Pikes Peak Investment, LLC  
Representative: Matrix Design Group  
Location: South of State Highway 94 at Marksheffel Road

This project includes concurrent applications for a major amendment to the Reagan Ranch Master Plan, a zone change from MX-N - CR - AP-O - APZ-1 - RPZ (Mixed-Use Neighborhood with a Condition of Record and Airport Overlay - Airport Protection Zone 1 - Runway Protection Zone) to PDZ - AP-O (Planned Development Zone District with Airport Overlay) with a required major amendment to the existing concept plan, and a zone change from MX-N - CR - AP-O - APZ-1 - RPZ (Mixed-Use Neighborhood with a Condition of Record and Airport Overlay - Airport Protection Zone 1 - Runway Protection Zone) to MX-M - AP-O - APZ-1 - RPZ (Mixed-Use Medium Scale with Airport Overlay - Airport Protection Zone 1 - Runway Protection Zone) with a required major amendment to the existing concept plan.

**Background:**

The Reagan Ranch Master Plan is zoned PDZ and MX-N with AP-O - APZ1 - APZ2. The added 21.86-acre parcel is zoned MX-N - CR - AP-O - RPZ - APZ1. The subject property was annexed into the City in 1988 in Ordinance 88-114. The overall master plan project site is generally gently sloping from north to south except a small portion of the property in the northeast corner which slopes to the southeast. Vegetation onsite primarily consists of native grass, with a few trees in areas where drainage collects and provides ample hydration for tree survival. The obvious exception is the area surrounding the dairy farm, where multiple trees were planted around the farm residences. The surrounding uses include the following:

- North: PF - AP-O - APZ-2 (Public Facility with Airport Overlay - Accident Potential Zone 2); and MX-M/PIP2/R/CR/SU/AP-O (Mixed-Use Medium Scale - Planned Business Center - Planned Industrial Park 2 - Estate Residential/Conditions of Record - Special Use with Airport Overlay). The current land use is Public Utility and Agricultural grazing land.
- South: MX-N - CR - APZ-1 - RPZ - AP-O (Mixed-Use Neighborhood with Airport Overlay - Condition of Record - Accident Potential Zone 1 - Runway Protection Zone). The current land use is Agricultural grazing land.
- East: BP - CR - AP-O (Business Park with Airport Overlay - Condition of Record). The current land use is Agricultural grazing land.
- West: I-3 - CAD-O (Heavy Industrial - Commercial Airport District Overlay) The land is used for Commercially developed; APD -R1-6 - APZ-1 - SS - AP-O (Airport Planned Development - Single-Family Residential - Accident Potential Zone 1 with Streamside and Airport Overlays). The current land use is Agricultural grazing land.

The proposed amendment affects the Reagan Ranch Master Plan. The land use breakdown for TSN #5400000298 is as follows:

- 4.54-acres of COM (Commercial/Office) with FAR of 25%; Height: 45-Feet
- 17.32-acres of RES-M (Single-Family Res.) Density 3.5-11.99 DU/AC; Height: 45-feet

The land use breakdown for TSN #5400000291 is as follows:

- 21.97-acres of RES-M (Single-Family Res.) Density 3.5-11.99 DU/AC; Height: 45-feet
- 16.09-acres of RES-H (Multi-Family) Density 12-24.99 DU/AC; Height: 45-feet

Subdivision: The property has not been platted.

Zoning Enforcement Action: None

Master Plan Major Amendment: A fiscal impact analysis was prepared for the proposed changes by the City's financial office. Based on their analysis this proposal as a positive outcome. The proposed changes in land use designations will create property that could accommodate a demonstrated market demand in this area for housing and will enable additional offices, business, and service industries to locate near the housing to support commercial needs. The amendment allows for a larger area to be utilized for single-family residential at a medium scale. These changes will also result in the conversion of intended industrial uses to commercial and office uses which are more compatible to the adjacent residential uses. In addition, the commercial and high density residential will provide more of a buffer the lower intensity uses. The proposed changes match the existing design of the Reagan Ranch plan which will provide necessary community design element. For the reasons stated above, staff finds that the proposed amendment meets the review criteria as set forth in City Code Section 7.5.408.

Zone Change: The proposed zone change involves approximately 4.5-acres to be revised from the current zone designations of MX-N - CR - RPZ - AP-O - APZ-1(Mixed-Use Medium Scale with a

Condition of Record - Runway Protection Zone - Airport Overlay - Accident Protection Zone 1) to MX-M - RPZ - AP-O - APZ-1 (Mixed-Use Medium Scale with Airport Overlay - Runway Protection Zone - Airport Protection Zone 1). (See attached Zone Change Exhibit) A small portion of this area is designated for future public collector right-of-way. The proposed zone change is supported by the submittal of a concept plan that identifies the locations of the proposed land use, major access points, and major roadways. The existence of the APZ and RPZ in this area supports uses other than residential in this corridor and the MX-M zone district provides a variety of uses that balance the residential land uses proposed east of the overlay boundary. The airport overlay and related zones are based on the Department of Defense criteria and Federal Aviation Agency recommendations related to the start or end of the runway. These areas have been identified as having high potential for accidents and are represented as subzones of the AP-O zone. Land use compatibility guidelines for the RPZ zone district allow medical offices, light industrial, warehousing, and outdoor storage only. Uses located with the APZ allow lower density nonresidential uses and tend to focus on non-assembly type uses. The zone change supports the future development patterns intended within this area and will ultimately support existing/future land uses. For the reasons stated above, staff finds that the proposed zone change meets the review criteria as set forth in City Code Section 7.3.603.B.

PDZ Zone Change: The proposed PDZ zone change involves approximately 17.3-acres to be revised from current zone designation from MX-N - CR - RPZ - AP-O - APZ1 (Mixed-Use Neighborhood with a Condition of Record - Runway Protection Zone - Airport Overlay - Airport Protection Zone 1) to PDZ for single family residential (RES-M) with a density of 3.5-11.99 dwelling unit per acre with a maximum height of 45 feet. Within the overall PDZ district of master plan, two park systems are required at a net total of 10 acres. These will likely be rezoned to Public Park (PK) zone district once their precise locations are established. No additional right-of-way is shown within the new PDZ area. The proposed zone change is supported by the submittal of a concept plan that identifies the locations of proposed residential land use types as well as public parks, major access points, and major roadways. A school site was previously shown within this area; however, the school district has requested fees in lieu of land. The applicant identifies that the projects intent is to meet the housing needs by providing a variety of housing types and to provide commercial and office type uses that are supported by existing new development within the project area. For the reasons stated above, staff finds that the proposed zone change meets the review criteria as set forth in City Code Section 7.3.603 and the findings established under Section 7.5.603.B.

Concept Plan: The concept plan major amendment illustrates the proposed land uses within the Reagan Ranch Master Plan which includes COM (Commercial/Office). Also included on the concept plan is the general location of access points, major roadways, and public park site. Intended land uses are those allowed within the MX-M - RPZ - APZ1 - AP-O. The proposed master plan and amendments provided a transition and buffer from the Marksheffel Road Corridor. For the reasons stated above, staff finds that the proposed concept plan meets the review criteria for concept plans set forth in City Code Section 7.5.501.E.

PDZ Concept Plan: The PDZ concept plan major amendment illustrates the proposed land uses within the Reagan Ranch Plan. The PDZ area is located east of the RPZ and APZ zones eliminating the restriction for residential land use. General locations of access points, major public roadways and park systems are either illustrated or noted on the concept plan. The residential land uses accommodate the current demand for housing in this area of the community and provide opportunities for a wide range of housing types that will support current and existing development within the area. The proposed amendment is compatible and consistent with the master plan and

zone change. To better accommodate residential land uses there will be greater separation/buffering from the proposed industrial land uses to the east of the master plan area. This buffer information is noted within the concept plan. For the reasons stated above, staff finds the proposed PDZ concept plan meets the review criteria for PDZ concept plans as set forth in City Code Section 7.3.605.

Conformance with the City Comprehensive Plan: The Reagan Ranch project area, is identified as a High Area of Change under PlanCOS, setting the stage for revised zoning and land uses to meet current market demands. Its designation as a "Future Neighborhood" demonstrates the prior consideration for this area to be developed, and it is currently within City limits, further enabling development. The proximity of this proposed development to many major employment centers (including Peterson Air Force Base, Schriever Air Force Base, the Colorado Springs Airport, and the Peak Innovation Park) will help balance the employment needs of the future residents and help support these employment centers with much-needed housing for their employees and furthering Goals VN-1 "Everyone in a Neighborhood" and VN-2 "Housing for All". The amendment further defines a mixture of housing types and styles that could potentially allow for more diversified neighborhoods.

From the Unique Places Chapter of PlanCOS, UP-1 "Be a City of Places" and UP-4 "Focus on Corridors and Centers". The project site, and larger vicinity is in proximity to several major travel corridors identified as a New/Developing Corridor under the urban place typologies. This typology encompasses major arterial streets with land use patterns involving automobile-dominated development. A recommendation of this typology is to integrate and connect pedestrian, bicycle, and transit facilities along the corridor with attention to streetscape design. To this end, the proposed Concept Plans identify bicycle corridors and pedestrian trails in the vicinity of the project, encouraging their installation as project development proceeds to accommodate multiple transportation modes including non-motorized movement. For the reasons noted above, Staff finds the applications are in substantial compliance with PlanCOS.

Conformance with the Area's Master Plan: The project site is within the Reagan Ranch Master Plan; and is proposing a major amendment to that plan regarding the land use designations, as described above. Given the land use transitions and additional setbacks to be provided, the proposed uses can co-exist harmoniously in terms of the character, scale, and intensity of the anticipated future development. The proposed development will provide for community, civic and public land uses, with a variety of housing types and prices to meet the residential needs and income levels in the area. Staff believes that the proposed amendment maintains the intent of the master plan and its objectives. The fiscal impact analysis illustrated a positive outcome with the proposed changes.

**Previous Council Action:**

N/A

**Financial Implications:**

The City Budget Office has completed a supplementary FIA for the proposed changes illustrated in the application. City Budget Office has determined a positive cashflow over a 10-year timeframe.

**City Council Appointed Board/Commission/Committee Recommendation:**

City Plan Commission recommended approval of the applications at their meeting on April 12, 2023, with six commissioners in favor, two commissioner votes in opposition by Briggs and Chair Hente,

and commissioner Hensler being absent.

**Stakeholder Process:**

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 3 property owners on two occasions: during the internal review stage, and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. During the internal review notification, City Planning staff did not receive any comments in response to the notification. Staff's analysis of the proposed applications is outlined in the following sections of this report. In terms of internal and external agency reviews, staff sent the applications to the standard agencies and service providers with the following comments received:

- Drainage: Stormwater drainage requirements for the proposed project are addressed as part of a Master Development Drainage Report that was reviewed by the City's Stormwater Enterprise. The report evaluates the specific drainage requirements needed for the development of Reagan Ranch, including on-site and off-site drainage patterns, tributary basins, and downstream outfall. The report has been accepted by the City Stormwater Engineer.
- Traffic: An addendum to the traffic study has been provided and reviewed by the City Traffic Engineering division and Colorado Department of Transportation (CDOT). CDOT will require an access permit for the development with details on required roadway improvements. City traffic is supportive of the project and accepted the findings of the traffic study.
- Schools: Reagan Ranch is located within the Ellicott School District 22 boundary. The school district is in support of the proposed project and has requiring school fees in lieu of land so the previously shown school site has been removed.
- Parks: The existing parks have been altered to meet the needs of the needs of the project per the Park Land Dedication Ordinance (PLDO). Final public park size and exact locations will be addressed with development plans and plat entitlements, and the design of public parks are required to be approved by the Parks Advisory Board. PLDO obligations may also be met through fees in lieu of land dedication or a combination of both. All public parks and common open spaces are to be owned and maintained by the existing Reagan Ranch Metropolitan District. Regional trails and bicycle corridors will be incorporated to provide long-range non-motorized connectivity. Designated public trail locations have been identified on the plans.
- Colorado Springs Airport: The Airport Advisory Commission reviewed the application at their January 25, 2023, Airport Advisory Commission meeting. They are supportive of the project subject to the following items/comments:
  - Avigation Easement: Avigation easement note requested for future development plans and plats.
  - Airport Acknowledgement: Upon accepting residency within Reagan Ranch, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that Reagan Ranch lies within an Airport Overlay Zone and is located less than 1 mile from Colorado Springs Municipal Airport and may, at times (24 hours per day), experience noise and other activities and operations associated with aircraft and the Airport.

- Noise: The development is within the ADNL Airport Noise subzone. Commercial and warehouse use is permissible within the ADNL subzone. Offices are a conditional use within the ADNL subzone unless a thirty (30) dBA noise reduction is achieved, and evidence of a noise reduction certificate provided.
  - Lighting: Add note to future development plans/plats: The development and its occupants may be impacted by air illumination or approach lighting systems that use medium and high-intensity lights to guide aircraft to the runway centerline used for navigation or flight in air.
  - Runway Protection Zone: A portion of one of the parcels is within the RPZ subzone. Warehouse and outdoor storage are permitted within the RPZ with no permanent occupancy.
  - Accident Potential Zone 1: A portion of the proposed development is within the Accident Potential Zone 1 (APZ-1) subzone of the Commercial Airport Overlay District. Residential is prohibited in APZ-1; Industrial/Commercial and Office development is permissible within the APZ-1 subzone.
  - Accident Potential Zone 2: The proposed residential development is outside the Accident Potential Zone 2 (APZ-2) subzone of the Commercial Airport Overlay District. Commercial and office use are permitted within APZ-2. Residential is prohibited in APZ-2.
  - FAA Form 7460-1: Based on elevation data and distance to runway, the applicant will need to file Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment, and provide FAA documentation to the Airport before the commencement of construction activities; FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).
- Peterson Space Force Base: The plan reviewer has indicated that they are supportive of the project if all City requirements are met, and the applicant keeps in regular contact with their agency.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

**Proposed Motion:**

An ordinance amending the zoning map of the City of Colorado Springs related to 4.54-acres from OC/CR/AO/APZ-1/RPZ (Office Commercial with Conditions of Record, Airport Overlay, Accident Protection Zone-1, and Runway Protection Zone) to PBC/AO/APZ-1/RPZ (Planned Business Center (to be known as MX-M (Mixed-Use Medium Scale) with Airport Overlay, Accident Protection Zone-1 and Runway Protection Zone) based upon the findings that the change of zone request complies with the zone change criteria as set forth in Section 7.5.603

(Quasi-Judicial)

An ordinance amending the zoning map of the City of Colorado Springs related to 4.54-acres located at Marksheffel Road south of State Highway 94 from OC / CR / AO / APZ-1 / RPZ (Office Complex with Conditions of Record, Airport Overlay, Accident Protection Zone-1, and Runway Protection Zone) to PBC/AO/APZ-1/RPZ (Planned Business Center (to be known as MX-M (Mixed Use Medium

Scale)) with Airport Overlay, Accident Protection Zone-1, and Runway Protection Zone).