

CORPORATE RIDGE FILING NO. 1 – PROJECT TAURUS

Planning Commission, Special Appeal Hearing July 23, 2026

Staff Report by Case Planner: Daniel Sexton, LUR/DRE Planning Manager



Quick Facts

Appellants

Jacqueline Ostrom, Katherine Kent, Katie Kloth, Nicholas Fallentine, Ron Graham-Becker, and Samantha Allen

Property Owner

3G Venture II LLC

Developer

Raeden

Address / Location

1565 High Tech Way

TSN

7326101136

Zoning and Overlays

Current: BP (Business Park)

Site Area

21.96 acres

Proposed Land Use

Light Industry – Data Center

Applicable Code

UDC

Council District

1

Project Summary

Appeals of the administrative decision approving the Development Plan Modification application for Corporate Ridge Filing No. 1 Lot 4 (herein “Project Taurus”), establishing a data center use in the existing industrial building and site improvements on the approximate 21.96-acre site, BP (Business Park) zoned, located at 1565 High Tech Way. (see Attachments 1 through 5 – Appeal Application)

Appeal Records

File Numbers	Application Type	Decision Type
APPL-26-0003	Appeal of Administrative Decision	Quasi-Judicial
APPL-26-0004	Appeal of Administrative Decision	Quasi-Judicial
APPL-26-0005	Appeal of Administrative Decision	Quasi-Judicial
APPL-26-0006	Appeal of Administrative Decision	Quasi-Judicial
APPL-26-0007	Appeal of Administrative Decision	Quasi-Judicial

Administrative Record

File Number	Application Type	Decision Type
DEPN-26-0039	Major Development Plan Modification	Administrative

Background

Prior Land-Use History and Applicable Actions

Action	Name	Date
Annexation	Mesa Addition No. 2	July 1, 1971
Subdivision	Corporate Ridge Filing No. 1	Date
Prior Enforcement Action	During a two-year period, numerous noise complaints were filed by residents of the Chelsea Glenn neighborhood. The Development Plan was modified to account for site changes that were implemented by the bitcoin operator and property owner to mitigate off-site noise impacts.	October 2018 through November 2020

Site History

In 1971, the property, as part of a larger holding, was annexed into the City under Mesa Addition No. 2. After annexation, all the annexed properties were included in a zone establishment application which sought to establish nine (9) zone districts. (See Attachment 6 – Ordinance No. 4312) Per Ordinance No. 4312, the zoning for the Project Taurus property was set as PIP-1 (Planned Industrial Park 1) zone district (old Chapter 7 zone district). The current BP (Business Park) zone district for the property was established in 2023 as a part of the city-wide rezoning to implement the Uniform Development Code (UDC).

In 1995, land use applications were approved by the City that allowed the development of the subject property with a mix of light industrial uses (e.g. manufacturing, warehouse, and office uses) to support a microelectronic center for United Technologies. At that time, the microelectronic center included adjacent properties, which supported the current development pattern. After the land use approvals, building permits were obtained and construction occurred in the mid-to late-1990s. Over the intervening years, different owners and operators used the property for manufacturing and industrial purposes.

Applicable Code

The Project Taurus application and the appeals filed in response to the administrative approval decision were submitted after the implementation date (June 5, 2023) of the ReTool project. All subsequent references within this report that are made to “the Code” or “UDC” and related sections are references to the Unified Development Code.

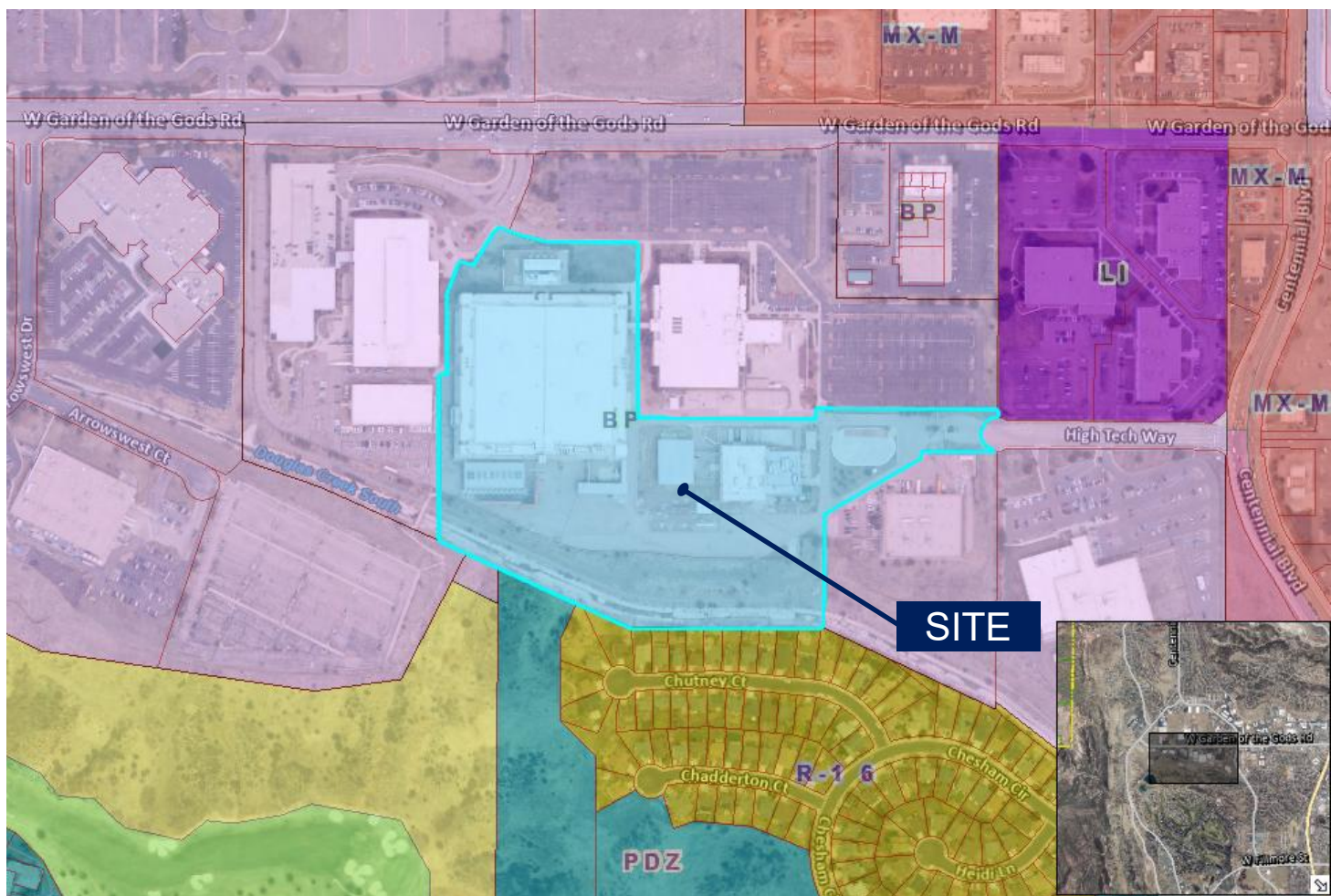
Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	Zoning	Existing Use	Special Conditions
North	BP (Business Park)	Commercial and Industrial	None
West	BP (Business Park)	Public Facility	None

South	R-1 6000/DF/HS-O and PDZ/HS-O (Single-Family, Medium with Design Flexibility and Hillside Overlay and Planned Development Zone with Hillside Overlay)	Open Space and Detached, Single-Family Residential	Dimensional and Development Standard Limitations
East	BP (Business Park) and LI/cr/P (Light Industry with Conditions of Record and Provisional Overlay)	Commercial and Industrial	Use Prohibitions

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	Internal Review / Neighborhood Meetings (x2) / City Planning Commission
Postcard Mailing Radius	1,000 Feet
Number of Postcards Mailed	168 (x3)
Number of Comments Received	±1,500 (emails and phone calls) and Neighborhood Meetings (attendees ±400 1 st meeting and ±600 2 nd meeting)
Number of Email Notifications	Notifications were sent to ±850 email addresses (x6)

Public Engagement

The City's public engagement efforts for Project Taurus have followed and, at times exceeded, the notice requirements of the Code. The initial review notification was combined with notice for the first neighborhood meeting, which was held on April 7, 2026, at the Hyatt Place hotel (503 Garden of the Gods Rd, Colorado Springs, CO 80907). Observing the significant level of interest in the project during the initial neighborhood meeting, which left many people unable to attend and hear project information due to venue occupancy limitations, the Applicant agreed with City Planning staff's request to hold a second neighborhood meeting. The second neighborhood meeting was noticed and held on May 14, 2026, at the Colorado Springs Marriott (5580 Tech Center Dr, Colorado Springs, CO 80919).

Throughout the initial review, post administrative decision and following the filing of the five (5) appeals, City Planning staff received ±1,500 public comments. Comments received during the initial review contained comments both in support and opposition to Project Taurus and represented ±1,000 comments. Based on all opposition received to date, the identified concerns relate to neighborhood and land-use compatibility, water use and scarcity, noise and quality-of-life impacts, energy demand and utility costs, air emissions, public transparency and independent reviews. (see Attachment 7 – Public Comments)

Timeline of Review

Initial Submittal Date	March 12, 2026 (Administrative Application)
Number of Review Cycles	Four (4)
Administrative Decision	June 11, 2026
Appeals Filed	June 22, 2026

Agency Review

City Planning staff, as noted above, administered multiple review cycles for the Development Plan Modification application for Project Taurus. During these reviews, agency reviewers requested additional analysis and information and sought revisions to the submitted plans and supplementals. The applicant also submitted substantive changes in the plan in response to comments through the review cycle deadlines. In certain instances, such as the evaluation of potential geologic hazards and noise impacts, City staff consulted with external independent consultants to evaluate the project with respect to these matters.

Traffic Impact Study

No comments received.

Engineering Development Review (EDR)

EDR required and reviewed the Geologic Hazard Evaluation Update Report, prepared by CTL Thompson, dated March 13, 2026. (see Attachment 8 – Geologic Hazard Report) The report was also transmitted to Colorado Geologic Survey (“CGS”), an independent consultant for the City. Ultimately, EDR, with guidance from CGS, was able to ensure that the proposed changes to the site effectively mitigated any potential impacts to the known hazards, which included landslide susceptibility and dipping bedrock. (see Attachment 9 – CGS Response Letter)

Stormwater Enterprise (SWENT)

SWENT initially reviewed a Preliminary Drainage report with this application, which was elevated to a Final Drainage Report (FDR) based on comments and changes to the project’s site design. Ultimately, all comments were addressed during the project review and the FDR was approved.

Colorado Springs Utilities (CSU)

CSU evaluated the service needs of the project and capacity of systems serving the site for all of CSU’s utilities. All utility systems serving the site appeared sufficient; however, certain notation and configuration questions on the utility service sheets were identified. CSU requested that conditions of approval be used to ensure corrections and/or clarification are provided during subsequent construction drawing reviews and approvals. The conditions of approval included:

- a. The Applicant will notate at time of construction drawing submittal if the existing 8-inch DIP water distribution main #W.246517 is to remain for hydrant or other purposes.
- b. The Applicant will show on the plan at time of construction drawing submittal the relocation of the existing 12-inch DIP water main #W.246704.
- c. At time of construction drawing submittal, the Applicant will show the full extent of all water/wastewater mains/service lines within the chiller footprint / shaded area and confirm if abandon in place, removed, or relocated.
- d. The Applicant will show at time of construction drawing submittal the primary meter relocated outside of the infiltration area.
- e. At time of construction drawing submittal, the Applicant will show and label the existing public utility easement under reception number 210713078.

Landscape Reviewer

The City Planning Landscape reviewer determined the proposed landscaping meets and exceeded the requirements of the UDC, and all landscape comments were addressed during the review of this project. The Applicant proposed 30-foot-tall screen wall flanking the north bank of Douglas Creek South represents a significant site improvement to mitigate any potential sound and visual impacts to the adjacent residential use.

Economic Development

The City acknowledges that the Applicant sought and received a Rapid Response Certificate for the project from the Economic Development Department. (see Attachment 10 – Rapid Response Certificate) This designation encourages agencies to prioritize the application’s review and changes the initial review cycle from four weeks to three weeks. It does not change any administrative procedures (except as noted), City Code requirements, review criteria, or the required sequence of approvals.

Major Development Plan Modification

Summary of Application

On March 12, 2026, City Planning received the Major Development Plan Modification application for Project Taurus. The proposal modifies the previous Development Plan and establishes a data center use in the existing industrial building on

the 21.96 acre, BP (Business Park) zoned, site located at 1565 High Tech Way. More specifically, the application proposed the re-purposing of the building at 1615 West Garden of the Gods Road for the data center, which is an allowed use in the zone district for the property. The approved plan also illustrates several site modifications including new generators, chillers, sound walls, landscaping, and other site work (removal of some structures). (See Attachment 11 – Project Statement)

During the project review and in response to agency and public comments, the Applicant made significant changes to the proposed site design and layout. For example, the most significant change included the relocation of the proposed generator yard, which initial was sited to the south of the main structure, to the north side of the building now facing West Garden of the Gods Road. This change was made in response to concerns raised by the residents of the Chelsea Glenn Neighborhood. Additionally, the Applicant incorporated 30-foot-tall screen wall flanking the north bank of Douglas Creek South which too represented a significant site improvement to mitigate any potential off-site impacts. Other minor changes were incorporated to ensure adequate accessible travel routes, emergency response, lessen exterior lighting upgrades and compliance with various control manuals of the City. (see Attachment 12 – Approval Letter and Attachment 13 – Development Plan Modification)

Application Review Criteria

City Code Section 7.5.516 – Modification of Approved Applications

This project, in accordance with City Code, required a Major Development Plan Modification application, which is required to meet the application review criteria as defined in City Code Section 7.5.516.D. City Planning, following a complete review of the application, determined that the application meets the review criteria as described below and administratively approved, with conditions, the application. The referenced review criteria listed in the City Code Section 7.5.516.D. *Criteria for Approval* state:

D. Criteria for Approval: An application for modification of a development approval or permit may be approved if the decision-making body identified in Subsection C above determines that the applicable criteria have been met as they relate to the area of the development approval or permit proposed to be modified:

- 1. Major Modification: A Major Modification may be approved if the applicable decision-making body determines that the request:*
 - a. Complies with the provisions of this UDC and all applicable City regulations;*
 - b. Is consistent with any conditions in the approval or permit proposed to be modified, unless the decision-making body that imposed that condition modifies that condition;*
 - c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified; and*
 - d. Is consistent with the Colorado Springs Comprehensive Plan, other plans adopted by City Council, and the intent of the zone district in which the property is located.*

The criteria, dimensional and use standards, and other applicable City Code requirements constitute the regulatory framework governing the administrative review process and the resulting decision. These provisions directed the evaluation conducted by City staff and partner agencies. The following section documents the considerations and analysis of the required review criteria.

a. Complies with the provisions of this UDC and all applicable City regulations:

City Planning staff note that the UDC includes nearly 140 unique uses which are correlated (permitted, conditional, or prohibited) to the City's zone districts. Many of the use categories are broad and include numerous specific uses. For instance, "personal services" may include uses as varied as barber shop, fitness studio, bail bond providers, tattoo parlors, and appliance repair services. Specific to this application, the use "data center" is one of numerous other uses, including commercial bakeries, soft drink bottling, electronics manufacturing, and print shops, that all fall within the formal use category referred to as "Light Industry."

The Applicant's proposed data center use, which is classified as Light Industrial use under the UDC, proposes to re-develop the currently vacant and underutilized industrial property at 1565 High Tech Way. In the BP zone district, all Light Industrial uses are permitted and as noted above, the industrial use of the property has been maintained over the years. Per the original proposal, the largest structure on the site, at 442,468 square feet, will remain and be repurposed to house the data center use and supportive office space. Other ancillary industrial buildings on the property are to be removed and replaced with generator and chiller yards or converted to gravel, mulch or native seed. Much of the remaining ancillary site improvements and infrastructure will remain and are expected to be repurposed to reactivate the site.

To comply with City Code requirements and to respond to comments received from agency reviewers and the public, the Applicant significantly revised the proposed site design during subsequent submittals of the application materials. For example, the proposed generator yard was relocated to the north side of the building at 1615 High Tech Way, and a 30-foot-tall screen wall is now proposed to be installed along north edge of Douglas Creek South, which runs parallel to the southern property boundary. The Applicant also reduced the initial changes to exterior lighting fixtures and limited lighting upgrades to within the proposed generator and chiller yards. All lighting fixtures within the yards will be located below the top of the acoustical barriers that surround the yards; thus, maintaining an exterior lighting scheme that prevents light spillage beyond the property lines for all new fixtures. The above referenced screen wall will further mitigate the visual impact of the site from the established residential neighborhood to the south.

Based on the final site configuration and proposed improvements, all agency comments and City Code requirements pertaining to site design were addressed through plan revisions, notes and conditions of approval.

b. Is consistent with any conditions in the approval or permit proposed to be modified, unless the decision-making body that imposed that condition modifies that condition;

The property has been industrially developed and consistently used for the past 30 years. During the project review, City staff evaluated all prior entitlements for the property and determined that prior land use application approvals for the property did not contain any conditions of approval that impacted or stipulated more specific requirements for this project.

c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified; and

City Code contains numerous dimensional and use-specific development standards which govern how all properties within the city may be developed. As a data center, Project Taurus is subject to additional requirements specific to its use. Throughout the project review process, the Applicant submitted extensive documentation and detailed plans to demonstrate compliance with the applicable standards. City staff note that all applicable dimensional and use-specific development standards set forth in the UDC have been met. Additionally, as is customary within the City's regulatory framework, public comments received on the project addressed a wide range of issues, and generally fell within the categories of environmental impacts, public health considerations, and quality-of-life concerns as noted above. City staff note that these categories of concern informed and guides agency reviewers as the project was evaluated against City requirements. Discussion and analysis of these issues are provided below.

Environmental Impacts

From an environmental perspective, City staff considered the presence of significant or sensitive flora and fauna. Across the City, areas or landscapes containing sensitive species have been designated with certain overlay zone districts, such as the HS-O (Hillside Overlay) and SS-O (Streamside Overlay) zones. After reviewing current and historical zoning records, it was determined that the Project Taurus site is not included within either of these overlay zones nor did prior land use decisions mention such habitats or species. The Applicant also provided documentation and information to reinforce that the project will comply with the City's geologic hazard and drainage requirements. On the matter of geologic hazards specifically, the City consulted with the Colorado Geologic Survey (CGS) to ensure the proposed changes to the site effectively mitigated any potential impacts to the known hazards, which included landslide susceptibility and dipping bedrock. (see Attachment 9 – CGS Response Letter)

Public Health Impacts

In terms of public health considerations, most concerns or questions raised during the administrative review revolved around impacts relating to noise, including infrasound, air quality, and heat-island effect. The anticipated noise sources associated with Project Taurus are expected primarily from the backup generators during emergent and maintenance operation, as well as the chillers which support the electrical equipment. Other site improvements and equipment are not anticipated to generate appreciable levels of noise during regular operations. Overall, the types and levels of noise expected from the project are consistent with those typically found in industrial or commercial developments that utilize backup power generation or mechanical cooling systems. The placement and design for the generator yard (30 generators) and chiller yard (36 chillers) are illustrated on the approved Development Plan Modification for the project. The backup power generators are anticipated to be operated during electric service outages and monthly during regular maintenance cycles. The chiller systems will be operated 24/7/365 during operations of the facility, as heat is produced as a byproduct of the data center's operation.

The Project Taurus Comprehensive Exterior Noise and Acoustical Design Analysis and Impact report (herein "Report"), produced by D.L. Adams Associates and last dated May 12, 2026, was created specifically for this project, and includes site specific layout of equipment, topography, vegetation, and proximity to property lines and residential receptors. The modeling presented in the Report shows that if unmitigated, the project would result in a sound level exceeding the acceptable limits of City Code Section 9.8.104 Permissible Noise Levels.

City-Wide Permissible Noise Levels

<u>Zone</u>		<u>7:00 A.M. To Next 7:00 P.M.</u>		<u>7:00 P.M. To Next 7:00 A.M.</u>
Residential		55 dB(A)		50 dB(A)
Commercial		60 dB(A)		55 dB(A)
Light industrial		70 dB(A)		65 dB(A)
Industrial		80 dB(A)		75 dB(A)

However, the acoustic mitigation proposed with Project Taurus, which consists of the placement of equipment yards and other noise attenuation improvements (e.g. acoustical barriers and a 30-foot-tall screen wall) on site, results in the expected maximum noise levels on site during normal operations being 42 dB(A) or less, 46 dB(A) during generator testing, and 51 dB(A) or less during emergency conditions. The Report also notes that an ambient noise level of 40 dB(A) is generally representative of day and night noise level for the location and surrounding area. While the expected maximum noise level scenarios are higher than the baseline noise level, the proposed noise mitigation in the form of acoustical barriers and the screen wall are appropriate to ensure compliance with the local and State permissible noise levels. (see Attachment 14- DLAA Acoustical Design and Impact Report)

To verify the Report's analysis and conclusions, City Planning retained an independent noise consultant, Hankard Environmental, Inc. (HEI). The consultant confirmed that the report accurately identified the project's noise sources and applied appropriate mitigation measures. During this review, the consultant also advised City staff that scientific research on infrasound and low-frequency sound remains limited, and that no consistent regulatory framework exists anywhere nationwide to address these issues. Although concerns about these sound types have been raised for decades, research has not established a measurable level linked to health impacts, and therefore no objective standard currently exists for setting compliance criteria. (see Attachment 15 – HEI Memo)

As a measure to ensure compliance with City and State noise requirements, the Applicant has executed a Development Agreement (see Attachment 17 – Development Agreement) with the City and agreed to implement a Sound Monitoring Plan (herein "Sound Plan"). (see Attachment 16 – Sound Monitoring Plan) The Sound Plan

reinforces the regulatory and enforcement parameters to community partners for how City Planning and agency partners will ensure that noise created by use and site improvements for Project Taurus does not result in a nuisance to neighboring residential properties. Several noise mitigation measures are proposed to provide these assurances. This document provides information on the sources of noise from Project Taurus, predictive noise modeling and the resulting noise mitigation measures being designed into the project, pre- and post-construction noise monitoring/measurements, and complaint resolution procedures.

The Applicant and City Planning voluntarily collaborated to develop the Sound Plan to more expansively address potential noise and community concerns about proximity regarding potential sound and noise. The Applicant committed the requisite financial and operational support mechanisms. The program and its governance will not require any City financial input to implement and support, as structured and identified. In general terms, the Sound Plan states:

1. Additional Monitoring and Remediation/Compliance offered by Applicant
2. Study of projected noise impacts – required by City, reviewed by City consultant
3. Recommended mitigation required on Development Plan amendment (see study and development plan)
4. Base line noise conditions established
5. Monitoring details proposed and required
6. Remediation required if plan and City/State standards exceeded
7. Compliance (Please see the Development Agreement for details regarding the City requested performance assurance, which the City may be called should remediation not be successful)

Air Quality

In the State of Colorado, the Department of Public Health and Environment's (CDPHE) Air Pollution Control Division is responsible for developing and implementing air pollution control measures in accordance with State and Federal law. The Division issues and enforces air quality permits and conducts statewide monitoring of outdoor air pollution. For Project Taurus, the Applicant has proposed installing and maintaining best-in-class generator and chiller units to ensure that air quality impacts remain within permitted limits. The City is not party to the States air quality permitting process. City staff concluded that the backup generators, which operate solely during electrical service outages and monthly maintenance cycles and are classified as 'standby-only' by both the State of Colorado Air Quality program and the Colorado Springs Fire Department, would not produce any negative impacts.

Heat-Island Effect

The Project Taurus site is already a predominantly developed industrial property, and the proposed backup generators and chillers represent the primary new sources of potential heat-island effects. City staff acknowledge that virtually all man-made surfaces absorb solar energy and air emissions can cause plumes and therefore contribute to heat-island conditions. However, City staff were unable to identify any regulatory framework establishing enforceable standards for heat-island mitigation. Although research in this field is advancing, current data does not provide a consistent or measurable basis for regulatory criteria.

Considering the foregoing analysis, the Applicant has shown responsiveness to agency and staff reviews and comments, as well as to concerns articulated by neighborhood stakeholders. This collaborative process culminated in a Development Plan Modification deemed both compliant with, and in conformance to City Code.

- d. Is consistent with the Colorado Springs Comprehensive Plan, other plans adopted by City Council, and the intent of the zone district in which the property is located.*

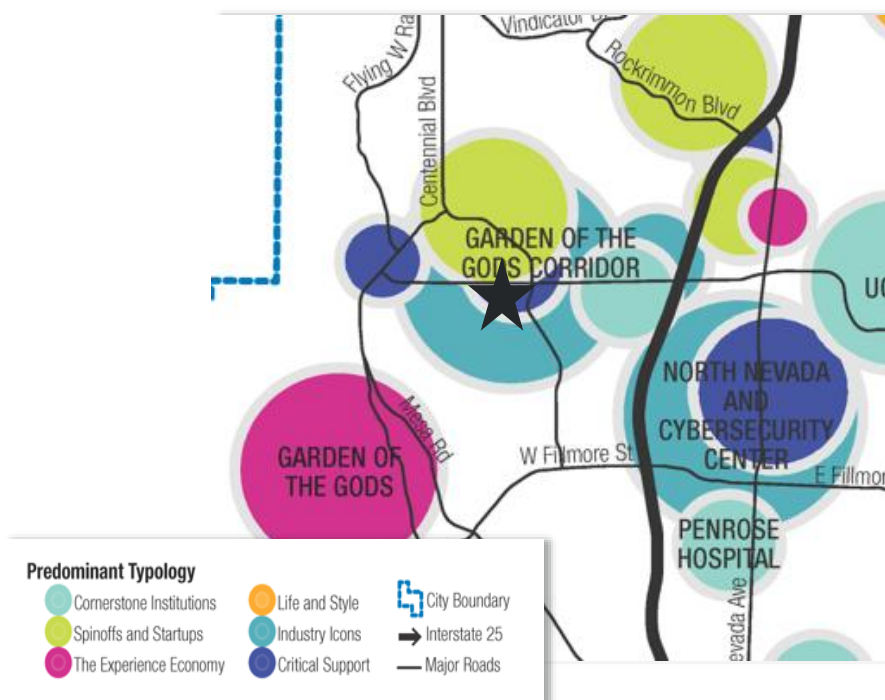
As previously noted, the Project Taurus site is zoned BP (Business Park). City Code Section 7.2.401.A *Purpose* states:

A. Purpose: The BP zone district accommodates a limited group of, for example, professional, administrative, research, manufacturing, and light industrial uses. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. Uses suitable for BP zone districts have operations that are quiet and clean to ensure the creation and maintenance of an environment that will protect the occupants of the business park from unintended adverse traffic, noise, or performance impacts. BP zone districts shall be located on lands that are suitable for industrial development, have adequate traffic capacity for the anticipated mix of uses as shown on the Major Thoroughfare Plan and applicable Land Use Plans. Before proceeding with any development, an applicant rezoning land to the BP zone district must obtain approval of a Land Use Plan pursuant to Section 7.5.514 (Land Use Plan).

As indicated under Table 7.3.2-A: Base and NNA-O District Use Table, the Light Industrial use, which includes Data Centers, is a permitted use in the BP zone and certain use-specific standards are noted in City Code Section 7.3.303.D.6 Light Industrial.

Table 7.3.2-A		P = Permitted					A = Accessory to primary use																
Base and NNA-O		C = Conditional Use					T = Temporary use																
District Use Table		R = Allowed pursuant to regulating plan																					
							Mixed-Use							Indus.			Spec P.			NNA-O			Use-Specific Standards
Zone District ➡		A	R-E	R-19	R-16	R-2	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North				
Land Use ↓																							
Light Industry										R	P	P	P	P			C	P	P	7.3.303D.6			

According to PlanCOS, the City's comprehensive plan that was adopted in 2019, and it's Thriving Economy Framework map (below), the Garden of the God Road is a vibrant corridor containing many cornerstone institutions and industry. The Project Taurus property sits within the center of this thriving economic and industry focused hub in the City. While additional residential and supportive commercial development has occurred along the periphery of the corridor, the City maintains that the proximity of work and live spaces has consistently been a draw for industry partners. The Applicant has also indicated that the site represents many of the classic challenges and opportunities for infill redevelopment.



After evaluation of the Corporate Ridge Filing No. 1 Lot 4 Development Plan Modification, staff determined that the project met the review criteria and the City Planning determined that the application did not need to be referred to the City's Planning Commission for final action and, as such, approved the modified development plan on June 11, 2026.

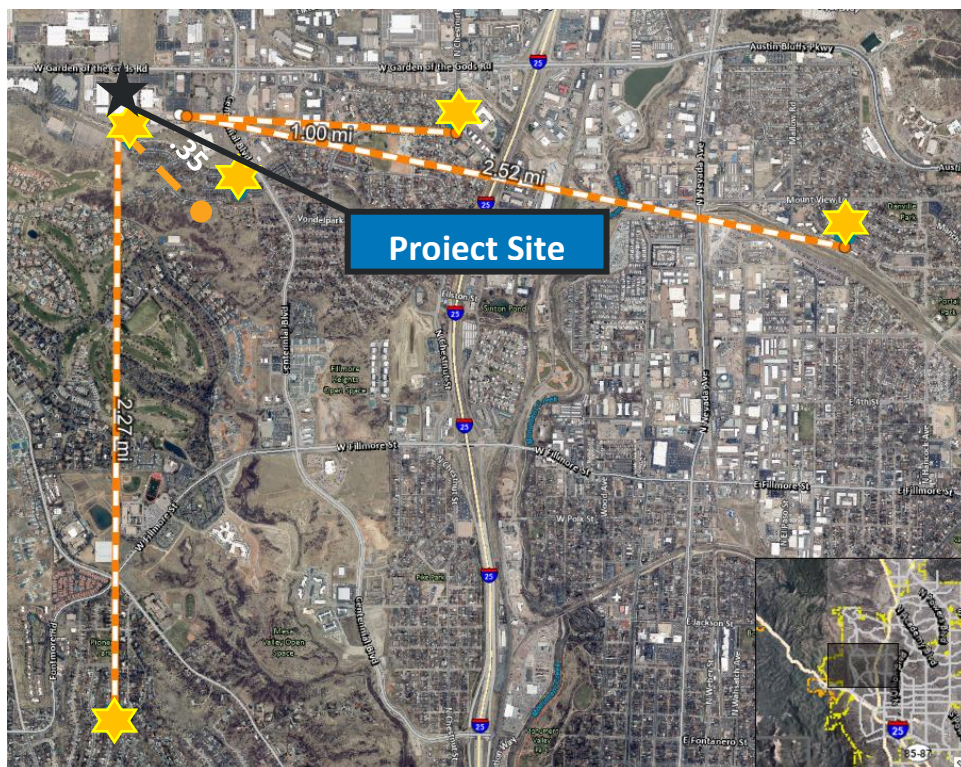
Appeals

Summary of Appeals

On June 22, 2026, five appeals were filed with the City Planning Department regarding the administrative decision approving the Corporate Ridge Filing No. 1 Lot 4 Development Plan Modification. These appeal requests were received within the 10-day appeal window in accordance with UDC Section 7.5.415.A.4 (see Attachments 1 through 5 – Appeal Application). In accordance with UDC Section 7.5.415.A.1, the appellants qualified as an “Affected Party”. Per City Code, an Affected Party is:

- (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.*

The Appellants reside both within 1,000 feet of the subject property and within 3-miles with preserved standing. (see image below) Each Appellant submitted written comments before the development plan modification application was approved.



Per City Code Section (UDC) 7.5.415.A (Appeals), an affected party aggrieved by a decision on an application may appeal this decision. The review criteria for deciding appeals are set forth in City Code Section (UDC) 7.5.415.A.2, as follows (following directly pulled from UDC):

2. Notice of Appeal

a. The notice of appeal shall state:

- (1) The specific provision(s) of this UDC that is the basis of the appeal; and*
- (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; or*
 - (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.*

b. A recommendation to City Council to approve an application shall not be the basis for an appeal.

c. As a preliminary matter, the body hearing the appeal may choose to vote on the sufficiency of the appeal to determine if the appeal has met the requirements of this Subsection. Upon a finding of insufficiency by a majority of the body hearing the appeal, the appeal shall be rejected, and no hearing held.

The Appellants have identified that the administrative decision approving the Corporate Ridge Filing No. 1 Lot 4 Development Plan Modification by City staff was erroneous, contrary to law, and contrary to the language expressed in the City Code, based on the provisions below.

- City Code Section 7.1.103.A and .B are general provisions of the UCD, which state:
 - A. Promote health, safety, and general welfare of the public;*
 - B. Protect private property from adjacent nuisances such as incompatible uses and noise;*
- City Code Section 7.2.401.A, which frames the general purposed for the BP (Business Park) zone district, states:
 - A. Purpose: The BP zone district accommodates a limited group of, for example, professional, administrative, research, manufacturing, and light industrial uses. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. Uses suitable for BP zone districts have operations that are quiet and clean to ensure the creation and maintenance of an environment that will protect the occupants of the business park from unintended adverse traffic, noise, or performance impacts. BP zone districts shall be located on lands that are suitable for industrial development, have adequate traffic capacity for the anticipated mix of uses as shown on the Major Thoroughfare Plan and applicable Land Use Plans. Before proceeding with any development, an applicant rezoning land to the BP zone district must obtain approval of a Land Use Plan pursuant to Section 7.5.514 (Land Use Plan).*
- City Code Section 7.2.401.C.1 provides “Additional Standards” for lands zoned to BP after the effective date of the UDC and further speaks to the need for Land Use Plans when a property is zoned to BP but also exempts lands previously zoned PIP-1/PIP-2 (old Chapter 7 zone districts).
- City Code Section 7.5.516.B.1 and 2, which state:
 - 1. A Minor Modification of the permit or approval may be approved by the Manager as described in this Section, unless a condition of the permit or approval requires that the type of modification being requested be heard by the Planning Commission or City Council.*
 - 2. 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.*
- City Code Section 7.5.516.C.1, which includes the criteria for categorizing requests to modify a previously approved Development Plan as a Major or Minor Modification.

- City Code Section 7.5.516.D includes the decision-making criteria for Major Modification applications, which state:
 1. *Major Modification: A Major Modification may be approved if the applicable decision-making body determines that the request:*
 - a. *Complies with the provisions of this UDC and all applicable City regulations;*
 - b. *Is consistent with any conditions in the approval or permit proposed to be modified, unless the decision-making body that imposed that condition modifies that condition;*
 - c. *Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified; and*
 - d. *Is consistent with the Colorado Springs Comprehensive Plan, other plans adopted by City Council, and the intent of the zone district in which the property is located.*
- City Code Section 7.5.515.D.1 states the criteria for a decision-making body to use when reviewing a Development Plan application, which also includes referenced to City Code Section 7.5.409 General Criteria for Approval.
- City Code Section 9.8.104 Permissible Noise Levels and Section 9.8.106 Periodic, Impulsive Noises speak to noises that are deemed unlawful and sound level adjustments.

The Appellants, in the context of the City Code provisions referenced above, noted the following impacts: acoustical record deficiencies (periodic and low-frequency noise), declared statewide draught emergency, drainage-corridor impacts, risk of silicone oil contamination, wildlife impacts, and project's utility demand, electrical infrastructure requirements, generation needs, transmission requirements, or cumulative utility impacts.

Staff Response

The code provisions set forth in City Code Section 7.1.103 *Purpose*, establish the foundation for all development regulations under the UDC and reinforce the core concepts of the City's police powers. City staff, through the administrative review of the application for Project Taurus, followed standard procedures to ensure compliance with City Code and reasonably mitigated off-site impacts to the extent proportional and rational. The City's UDC, implemented in June of 2023, was enacted by the City of Colorado Springs City Council following an extensive 3+ year project with signification community engagement.

In the UDC, the BP (Business Park) zone district is one of 23 base zone districts that guide development and regulate the buildable space of private property in the City. Each zone district consciously sets the stage for the City to manage change and organize the built environment to minimize and mitigate impacts to protect and promote health, safety, and general welfare of the public. The Project Taurus property has been zoned since 1971 and used as early as the late 1990s for industrial purposes. While the most recent owner/operator of the site did not manage the property in a reasonable manner, City staff determined that the industrialized use of the property over the past 30 years has largely conducted in a neighborly way. As such, the framework established in City Code Section 7.2.401.A Purpose, which notes the Light Industry use as acceptable, reinforces the Applicant's proposed data center use, which is classified as Light Industrial use under the UDC. Importantly, City staff also notes that in the BP zone district, all Light Industrial uses are permitted.

City staff question the Appellants' interpretation of City Code Section 7.2.401.C, as it clearly states that land zoned into the BP zone district after the effective date of the UDC shall be accompanied by a Land Use Plan. This code provisions further states, "*Lands zoned into the former PIP-1 or PIP-2 zone districts prior to the Effective Date shall remain subject to any plans, conditions, or restrictions applicable under the pre-existing zoning or related zoning and land use approvals, but do not need to obtain approval of a Land Use Plan unless the Manager determines that the proposed development is of a size or intensity that was not anticipated, or creates potential impacts on the surrounding areas that were not considered, at the time of prior zoning or Land Use Plan.*" As an already zoned and used parcel, City Planning staff determined that a Land Use Plan was not needed given that prior entitlement approvals for the property.

In relation to the regulatory requirements outlined in City Code Sections 7.5.516.B.1 and 7.5.516.B.2, the most recent entitlement applications for the property were resolved through administrative approvals. To find entitlements acted upon by the City Planning Commission or City Council, one must look back to 2010, the 1990s, or earlier—and even in those cases, the approvals were narrowly scoped. For example, in 2010, a Conditional Use Permit authorized only a temporary tent structure for two years, and a Non-Use Variance permitted off-site parking through a cross-parking agreement. All other earlier entitlements, administered under the former Chapter 7 standards, were also decided administratively unless referred or appealed, which did not occur.

While the Appellants' literal interpretation of City Code Section 7.5.516 suggests that this and all other applications for the property must be returned to City Council—because Council approved a Special Permit in 1995—or City Planning Commission—because of the more recent approvals noted above—this interpretation stretches the intent of the code. City Planning has consistently interpreted the term “original” to refer to the entitlement application that the modification request seeks to amend. Based on this interpretation, City Planning staff administratively approved the Corporate Ridge Filing No. 1 Lot 4 Development Plan Modification, which amended the most recent Minor Amendment—also approved administratively.

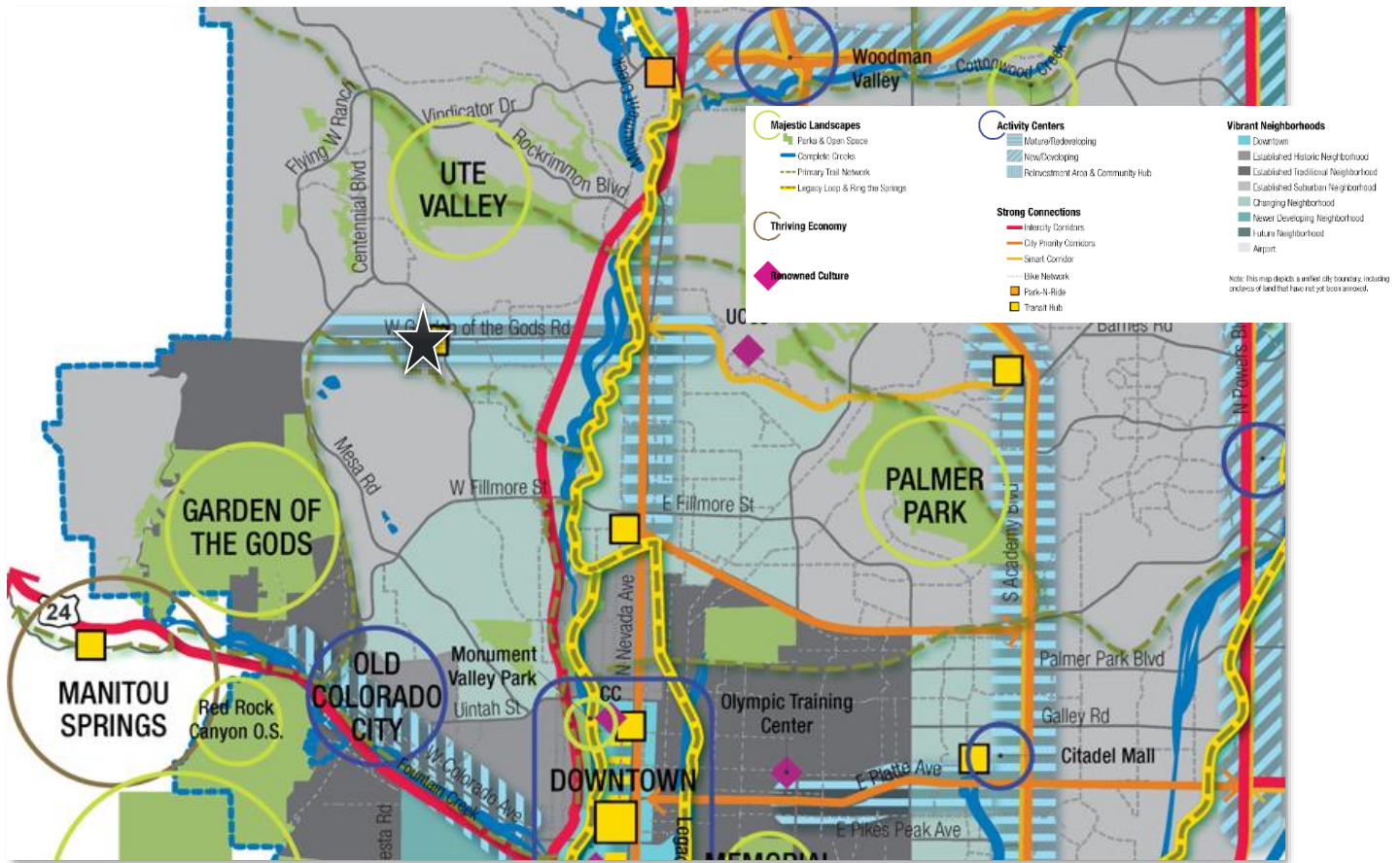
City Planning staff and Appellants are in alignment that the application is a Major Modification per City Code Section 7.5.516.C.1 *Major Modifications*. In fact, the Corporate Ridge Filing No. 1 Lot 4 Development Plan Modification application was administered as a Development Plan Major Modification. Based on this application determination, the Major Modification review criteria, set forth in City Code Section 7.5.516.D.1, were followed by Planning staff when making the administrative decision to approve the project. The Appellants claim that City Code Section 7.5.515.D *Development Plan Review Criteria* and, thereby, City Code Section 7.5.409 *General Criteria for Approval*, is an incorrect interpretation of the applicable review criteria for the Major Modification application. The correct review criteria are referenced early in the paragraph.

The considerations and analysis of the required review criteria, specifically City Code Section 7.5.516.D.1.c, reinforce staff utilization of City Code Section 9.8.104 *Permissible Noise Levels* and Section 9.8.106 *Periodic, Impulsive Noises*. As discussed in greater detail above, the Applicant was required to provide a noise study to reasonably analyze and anticipate off-site noise impacts because of the project. This study was reviewed multiple times internally by City staff and reviewed by an independent noise consultant, HEI, which City Planning retained. All reviews ultimately confirmed that the report accurately identified the project's noise sources and applied appropriate mitigation measures.

Based on the administrative approval decision for Corporate Ridge Filing No. 1 Lot 4 Development Plan Modification Project Taurus Development Plan Modification application and Planning staff's evaluation the Appellants basis for the appeals, the application was conducted in a manner consistent with all applicable provisions of the Uniform Development Code, the Colorado Springs Comprehensive Plan (PlanCOS), and relevant technical and regulatory standards. The evaluation incorporated extensive interagency coordination, independent technical analyses, and consideration of substantial public input. The Applicant's iterative revisions and demonstrated responsiveness to regulatory requirements and stakeholder concerns materially improved the proposal and ensured compliance with the governing criteria for a Major Modification. Per the comprehensive administrative record and the findings detailed on the approved plans and supplemental materials, City Planning determined that the application satisfied the requisite standards for approval with conditions and advances the intended land use objectives for the BP zone district while allowing for the responsible implementation of the project.

Compliance with PlanCOS

PlanCOS Vision



The approved project was evaluated for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, the project site lies within a portion of a "Changing Neighborhood" that is also part of "Mature/Redeveloping" activity center. Project Taurus is a redevelopment proposal that is considered consistent with the neighborhood typology in which the goal is to "...retrofit, reinvent, and introduce new features to enhance the identity, quality, affordability, and attractiveness of these neighborhoods." The corridor typology "...represent significant infill and redevelopment opportunities."

Statement of Compliance

APPL-26-0003, APPL-26-0004, APPL-26-0005, APPL-26-0006 and APPL-26-0007 – Administrative Appeals of the Administrative Decision for Corporate Ridge Filing No. 1

After evaluation of the Appeals filed for the administrative decision of the Corporate Ridge Filing No. 1 Lot 4 Development Plan Modification, Planning staff determined that the Appellants documented the right to appeal as affected parties. In consideration of the Appellant's notices of appeal the City Planning Commission may consider the following options motions:

1. Should the City Planning Commission wish to affirm the City Planning Department's decision approving the development plan modification application:

Deny all Appeals and affirm the City Planning Department's decision on the development plan modification for Corporate Ridge Filing No. 1 Lot 4, based upon the finding that the review criteria for deciding the application are met, as found by the Planning Commission, and that the appellants failed to show the need for reversal or modification of the decision per the criteria in City Code Section 7.5.415.

2. Should the City Planning Commission wish to affirm the City Planning Department's decision approving the development plan modification application, but add conditions to the approval of the development plan modification application, the following motion is suggested:

Deny all Appeals seeking reversal of the City Planning Department's decisions on the development plan modification for the Corporate Ridge Filing No. 1 Lot 4, but modify the approval based upon the finding that the Corporate Ridge Filing No. 1 Lot 4 appellant met the criteria for modification found in City Code Section 7.5.415, and the decision shall be so modified as determined by City Planning Commission, to wit: [the modification].

3. Should the City Planning Commission wish to remand the matter back to the City Planning Department for further consideration, the following motion is suggested:

Remand the matter back to the City Planning Department for further consideration of the development plan modification for Corporate Ridge Filing No. 1 Lot 4, based on the applicable review criteria for deciding on a development plan set forth in City Code Section 7.5.516, with the considerations and discussion given by this City Planning Department.

4. Should the City Planning wish to reverse the City Planning Department decision and approval of the development plan modification application per the [name/number of specific appeal] appeal of the administrative approval, the following motion is suggested:

Approve the [name/number of specific appeal] Appeal seeking reversal of the development plan modification approval for Corporate Ridge Filing No. 1 Lot 4, based upon the finding that only said appellant met the appeal criteria found in City Code Section 7.5.415.