

LAND USE PLAN WAIVER REQUEST

EXECUTIVE SUMMARY

The Applicant requests approval of a Land Use Plan waiver under Section 7.5.515 of the City's Unified Development Code ("UDC") for the subject 7.79-acre undeveloped parcel in conjunction with a Zone Map Amendment Request from Business Park (BP) to Light Industrial (LI). As outlined below, the site's context, infrastructure, surrounding development patterns and voluntary restrictions to mitigate potential negative impacts to surrounding properties collectively satisfy the intent of the UDC, and preparation of a Land Use Plan would not provide additional benefit.

#1: CONSISTENCY WITH EXISTING DEVELOPMENT PATTERN

The subject property is located within an established employment area characterized by a mix of business park and light industrial uses. The proposed LI zoning aligns with adjacent and nearby land uses and reflects the existing trajectory of development in the area (see aerial of surrounding uses below):

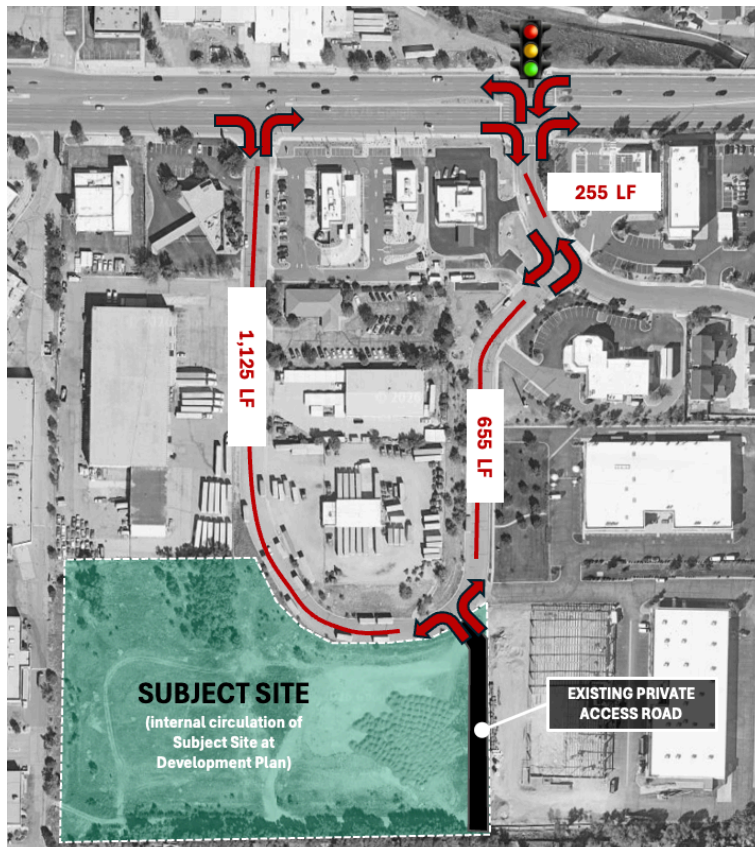
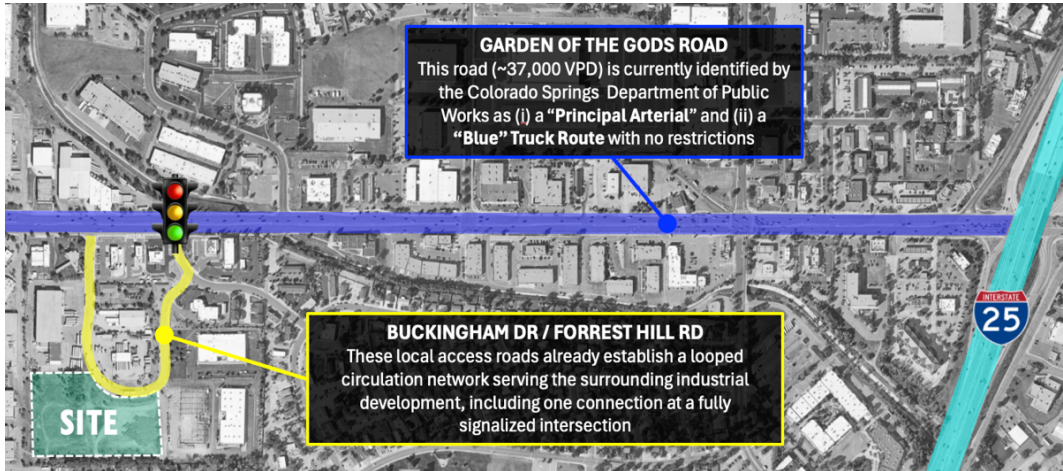


The rezone does not introduce a new or incompatible land use, but rather formalizes a pattern already present in the area, where Business Park zoning functions as a subset of industrial activity. As such, the policy direction typically established through a Land Use Plan is already evident in the surrounding built environment.

#2: INFRASTRUCTURE AVAILABILITY + ACCESS

The property is fully served by existing infrastructure, including:

- **Utilities:** Established utility systems (electric, natural gas, sanitary sewer, water) surround the subject property and their locations from Colorado Springs Utilities are depicted on the attached [Exhibit A](#).
- **Transportation / Access:** The subject site is primarily accessed by proceeding approximately 0.8 miles west from I-25 on Garden of the Gods Road to the Forrest Hill Rd intersection as depicted in more detail below and on the attached [Exhibit B](#).



Due to the fact the infrastructure planning and investment has already occurred, the subject site can be developed without the need for additional system-level coordination. The core purpose of a Land Use Plan, aligning land use with infrastructure planning, is therefore already achieved.

#3: LIMITED PLANNING VALUE OF A LAND USE PLAN

Given the parcel's size (~7.79 acres) and its location within an established infill area, preparation of a Land Use Plan at this stage would likely be highly speculative in nature. The site is already served by existing infrastructure, access, and surrounding compatible uses, and more detailed considerations can be effectively addressed through the development plan review process. In this context, the development plan process is better suited to evaluate site-specific conditions and ensure appropriate outcomes. As such, a Land Use Plan would add an additional procedural step without materially enhancing the quality of decision-making or providing a commensurate public or planning benefit.

#4: MITIGATION OF POTENTIAL IMPACTS TO ADJACENT PROPERTIES

The existing uses to the north, east and west are consistent in character with the proposed rezoning, and the requested Light Industrial designation does not represent a material departure from uses currently permitted under the existing zoning. Nevertheless, the Applicant is committed to proactively addressing potential or perceived impacts associated with the request, with particular attention to the residential properties located to the south.

Odor Impacts

In conjunction with the proposed rezoning, the Applicant is willing to voluntarily prohibit certain use categories identified in Table 7.3.1-A of the UDC to avoid potential odor-related impacts and ensure compatibility with the surrounding industrial context. These restrictions would include:

- All “**Household Living**” uses
- All “**Group Living**” uses
- All “**Industrial Hemp**” uses
- All “**Marijuana-Related Services**” uses
- All “**Natural Medicine**” uses
- “**Kennel – Indoor and Outdoor**” use

These limitations are intended to eliminate uses that could generate off-site odor impacts or are otherwise inconsistent with the established development pattern.

Noise Impacts

Future development of the property will be guided by site design intended to minimize potential noise impacts to the residential properties located to the south. While specific layouts will be determined at the time of development plan review, site plans would be designed in such a way that common access drives, customer building entrances, and associated parking areas will be oriented toward the southern property line to establish a transitional buffer adjacent to the residential interface. Any operational or outdoor storage components would then be located toward the interior and/or to the north. This arrangement enables building massing to serve as a physical sound barrier, thereby reducing potential noise impacts to the residential properties.

Dust Impacts

Potential dust impacts are most appropriately evaluated at the development plan stage, when specific site plans and operational details are known. At the rezoning stage, the ultimate mix of uses and detailed site design remain undetermined, and therefore prescriptive mitigation measures would be speculative.

Notwithstanding, the anticipated site planning approach described above is expected to orient paved areas (including common access drives and parking areas) and associated landscaped areas toward the southern property line, thereby reinforcing a transitional buffer adjacent to the residential interface and helping to limit potential dust migration.

It is also important to note that the property is currently undeveloped and contains unmanaged vegetation, along with evidence of occasional illegal dumping. Redevelopment will introduce formal site improvements, stabilization, and ongoing maintenance, which is expected to improve overall site conditions and reduce existing sources of dust rather than exacerbate them.

CONCLUSION

The requested waiver meets the intent of the UDC because:

- Orderly development is ensured by the surrounding zoning pattern
- Compatibility is maintained through alignment with adjacent uses
- Infrastructure coordination has been completed
- Voluntary restrictions on future uses address potential or perceived impacts to surrounding properties
- Public health, safety, and welfare remain protected through subsequent review processes

Accordingly, the Applicant respectfully requests approval of this Land Use Plan waiver.

[EXHIBIT A]
UTILITY LOCATIONS



EXHIBIT B
ACCESS INFRASTRUCTURE

