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RE: HIGHTOPS OPCO CONDITIONAL USE – DEVELOPMENT PLAN (MINOR AMENDMENT)

PROJECT DESCRIPTION

A conditional use – development plan (minor amendment) to authorize a change in use from retail/warehousing to an optional premise cultivation operation (medical marijuana) land use on a 3.07 AC property in the C6 A AO APZ2 zone district. The parcel located at 555 N. Murray Boulevard and is legally described as Lot 1 Murray Square Subdivision Filing No. 5. The use will be conducted entirely within an existing 33,307 SF big-box (warehouse) structure.

CONDITIONAL USE REVIEW CRITERIA

A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.

No injury, substantial, or otherwise, will be imposed on the value and/or qualities of the surrounding neighborhood because of approving the OPCO use at this location. The use will be conducted entirely indoors within the 33,307 square-foot structure and will not be open to the public. The site has been vacant for an extended period, which vacancy contributes to decreased valuation and overall quality of the commercial center and the surrounding neighborhood. The specific use will not have a negative or otherwise deleterious impact on the surrounding commercial and/or residential neighborhood.

B. Intent of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.

The proposed use is consistent with the stated purposes of the C-6 zone district which is to “[accommodate] general commercial uses that are typically high-volume traffic generators and are generally dependent on more than the immediate neighborhood for their market area”. The proposed OPCO use is not a high traffic generator. Traffic will be limited to up to 18 employees Monday through Friday and up to 4 employees Saturday through Sunday. Delivery access will occur once weekly through a gated entry to the rear of the building.

C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

The conditional use is consistent with the economic vision, typologies, framework, goals, and policies of the comprehensive plan (PlanCOS). As an introductory statement to provide context for the Thriving Economy trends, assumptions, typologies and framework, and goals and policies, the Plan states the following

*Although the attraction and retention of well-paying and sustainable jobs is the essential and foundational lynchpin for a thriving economy, this Plan also recognizes that relatively lower-paying jobs will be associated with and support this base. **Therefore, a city and economy that thrives overall, needs to have places, housing, transportation, and services that meet the needs of citizens across our economic spectrum.** PlanCOS recognizes the importance of taking care of, growing, and adapting our traditional and anchoring economic bases starting with our military, and all of its related sectors, including technology and cybersecurity. At the same time, our Plan reflects the importance of never being complacent, especially when it comes to our part in **creating a business climate that supports economic diversification, innovation, entrepreneurship, and economic inclusion.***

The project area is included within overlapping Industry Icons and Spinoffs and Startups “thriving economy typology” boundaries identified on the PlanCOS Thriving Economy Framework Map.

Cornerstone Institutional Uses, maintain and grow a diversified primary employment and manufacturing economy that attracts investment and provides a variety of jobs and opportunities for the local workforce.

PlanCOS defines primary employment for Plan implementation as:

Jobs that primarily bring external funds into the city and region in the form of wages, sales or investments. Examples include federal employees paid from the U.S. Treasury, manufacturing jobs, or national organization headquarters jobs.

A broader concept of the term includes activities which involve the collection or production of raw materials or agricultural activities to provide inputs or goods from the natural environment for use in secondary industries or consumption.

The proposed OPCO use generally meets the characterization of this typology apart from restrictions on the sources of investment beyond local, regional, and State boundaries. It is also not considered an industry which currently considered a major contributor or sustain or to the local, regional, or State economy.

The land use does provide jobs which engage in agricultural activities and processes that produce products, goods, and/or services in support of legal marijuana land uses as defined

and intended by the City Land Use Code and Municipal Ordinances and Regulations. The is vital to the support of the local marijuana industry land uses as intended by local, regional, and/or State governance. Approval and implementation of the conditional use is anticipated to result in additional jobs in response to corresponding growth in the associated industry.

The Spinoffs and Startups Typology “industries are those that are emerging as increasingly important segments of the local economy and jobs base. Non-exhaustive examples provided in the Plan include, technology, cybersecurity, green industries, sports-based industries, and creative industries. This typology also includes two of the Chamber’s targeted industry clusters: sports medicine and related health services, and professional, scientific, and technical services.

Goal TE-2 is to Diversify the local economy by fostering a range of business types and sizes. While the OPCO or related uses are not specifically designated or identified among specific land uses under the various PlanCOS typologies, it may be seen within a spectrum of diversified business types within the local economy.

The proposed OPCO land use can be considered generally consistent with the Cornerstone Industry and Spinoffs and Startups Typologies.

Development Plan Review Criteria

1. The details of the use, site design, building location, orientation and exterior building materials are compatible with the surrounding neighborhood, buildings, and uses, including not-yet-developed uses identified in approved development plans. Compliance with this criterion is demonstrated by conformance of the development plan with zone district and use specific development standards. A development plan for the property (PD DP 78-196-A8MJ20) was recently approved June 2, 2020. The external elements of the plan are not amended by this application. The current use will amend parking requirements due to the proposed change of use from retail/warehouse to an optional premise cultivation operation. Specific parking requirement changes are addressed under the appropriate parking criteria discussion.
2. The development plan substantially complies with any City-adopted plans that are applicable to the site, such as masterplans, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals. The site is not located within the boundaries of any neighborhood or corridor plans. It is identified within the typology/framework maps in PlanCOS. For the purpose of addressing review and approval criteria, compliance discussions have been centered around the PlanCOS Thriving Economy Framework Map.
3. The project meets the dimensional standards of the C6 zone which include zero (0) lot line setbacks and 24’ building height where 50’ is permitted.

4. No additional site disturbance is proposed with this development application. The site grading, drainage, flood protection, stormwater quality and stormwater mitigation remain in compliance with previously approved plans and permits. The conditional use development plan minor amendment does not trigger additional studies for new construction activities or for compliance with recently approved development plans or permits.
5. The project provides adequate off-street parking. The existing parking plan provides 112 standard spaces and 5 ADA accessible spaces. The proposed use requires 1 space per 5,000 square feet - grow and process and 1 space per 400 square feet of office. The site requires 6 parking spaces. The use will employ a maximum of 8 employees for which the existing parking is adequate to meet.
6. All parking stalls, drive aisles, loading/unloading areas, and waste removal areas meet the location and dimension standards for the zone district and specific use requirements. The loading zone and waste removal areas are located in a secured gated area in the rear of the building as depicted on the associated development plan.
7. The required landscape areas as depicted on the plan remains consistent with the approved development plan PD DP 78-196-A8MJ20 and as amended under the current development application and associated plan.
8. There are no sensitive or hazardous natural features associated with the site that require preservation, protection, integration, or mitigation.
9. The building location and site design continue to provide safe, convenient, and ADA-accessible pedestrian, vehicular, bicycle, and applicable transit facilities and circulation. The current conditional use development plan minor amendment request does not impact or trigger additional compliance with the referenced criteria.
10. The number, location, dimension, and design of driveways to the site substantially comply with the City's Traffic Criteria Manual. A traffic Letter Report was submitted in support of the project was submitted by Kimley-Horn and Associates dated 03/24/2021 which confirms the proposed use will generate less trips than the previous use and the surrounding and supporting traffic network are able to successfully accommodate traffic volumes generated by the OPCO use.
11. The site is currently served by existing and adequate public utilities to the site. An HGL request form and Wastewater Master Facilities Report have been submitted to the appropriate utilities and engineering departments for review and recommendation.

12. No roadway improvements are required to address any traffic related impacts generated by the use. The approved development plan (PD DP 78-196-A8MJ20) was found to comply with this criterion. The proposed conditional use development plan minor amendment does not alter or otherwise create impacts that trigger additional improvements to achieve or maintain compliance with this criterion.

13. Off-site odor impacts will be mitigated through installation, operation, and maintenance of adequate ventilation and filtration system that red odors emanating from the indoor cultivation activities.