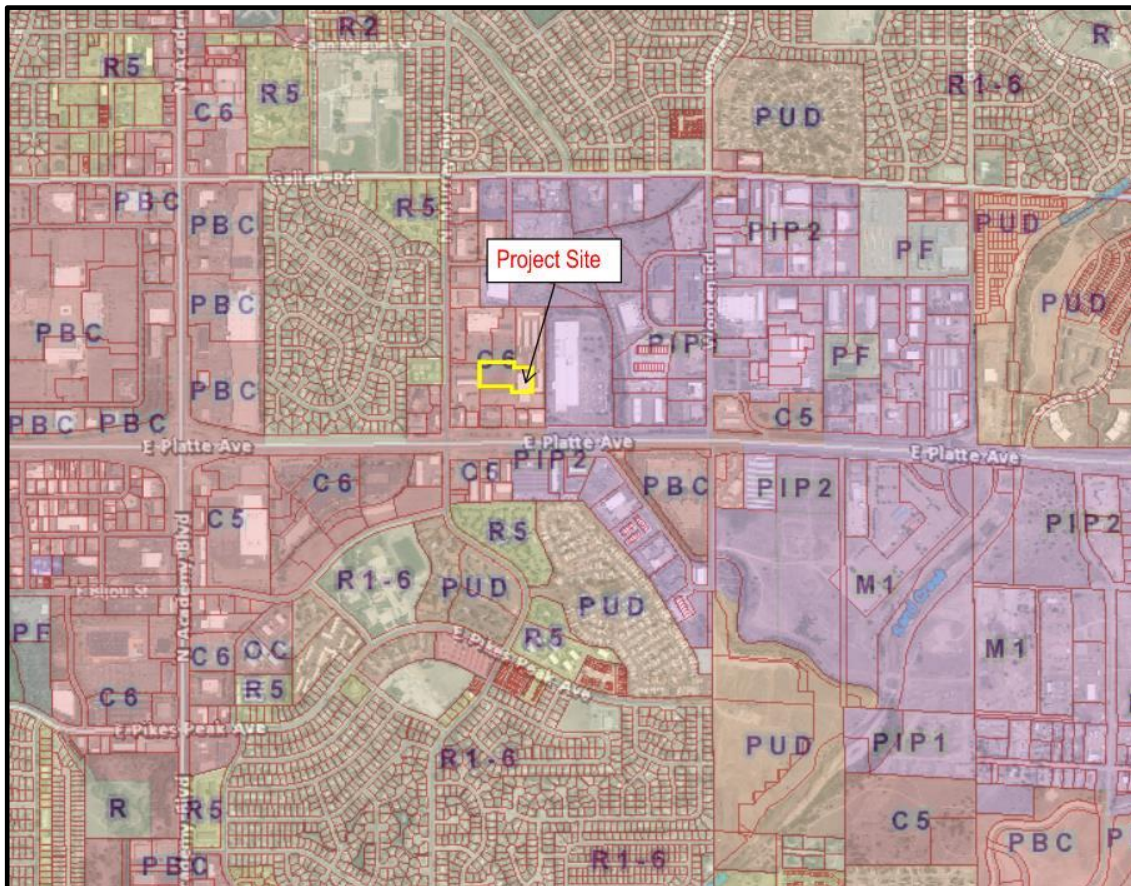


CITY PLANNING COMMISSION AGENDA
July 15, 2021

STAFF: WILLIAM GRAY

FILE NO:
CPC CU 21-00061 – QUASI-JUDICIAL

PROJECT: 555 NORTH MURRAY OPCO
OWNER: AAA PLATTE CO, LLC
DEVELOPER: HIGHTOPS CANNABIS, LLC
CONSULTANT: KIMLEY-HORN AND ASSOCIATES, INC



PROJECT SUMMARY:

1. Project Description: The project includes an application for a conditional use development plan consisting of 3.06 acres of land located at 555 North Murray Boulevard. The project is herein referred to as "555 North Murray OPCO". The request would allow for the conversion of a 33,300 square foot commercial building previously used for general retail into a medical marijuana (MMJ) facility with optional premises cultivation operation in a C6/P/AO (General Business with Planned Provisional Overlay and Airport Overlay) zone district (**see "Conditional Use Development Plan" attachment**). The proposed plan illustrates the layout of the proposed use on the property.
2. Applicant's Project Statement: (**see "Project Statement" attachment**)
3. Planning and Development Team's Recommendation: City Planning staff recommends approval of the application as proposed.

BACKGROUND:

1. Site Address: The property associated with this project is located at 555 North Murray Boulevard.
2. Existing Zoning/Land Use: The property is zoned C6/P/AO (General Business with Planned Provisional Overlay and Airport Overlay) and is developed with a large, vacant commercial building that was previously occupied by a general retail use.
3. Surrounding Zoning/Land Use:
North: C6/P/AO (General Business with Planned Provisional Overlay and Airport Overlay) and is developed commercial uses.
South: C6/P/AO (General Business with Planned Provisional Overlay and Airport Overlay) and is developed with commercial uses.
East: PIP-1/CU/AO/APZ-2/SS (Planned Industrial Park with Airport Overlay, Accident Potential Subzone 2 and Streamside Overlay) and is industrially developed.
West: C6/P/AO/APZ-2 (General Business with Planned Provisional Overlay, Airport Overlay and Accident Potential Subzone 2) and is commercially developed.
4. PlanCOS Vision: According to the PlanCOS Vision Map (**see "PlanCOS Vision Map" attachment**), the project site is identified as an Established Suburban Neighborhood and is proximate to a City Priority Corridor (Platte Avenue).
5. Annexation: The property was annexed into the City under the Smartt's Addition No. 1 annexation plat (December 1, 1963; ordinance unknown)
6. Master Plan/Designated Master Plan Land Use: The project site is not part of a master planned area.
7. Subdivision: The property is platted as Lot 1 of Murray Square Subdivision Filing No. 5.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The project site is developed. Improvements include an existing building, asphalt paved parking lot, drives and landscaping.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to surrounding homeowners associations and adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 90 property owners on two occasions: during the internal review and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. The City Planning staff received six (6) public comments regarding this project (**see "Public Comment" attachment**). The comments received from

interested citizens cited concerns about odor, location, safety, negative economic impacts and proximity to a library.

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. The review agencies for this project included, Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City SWENT, City Parks, City Airport, Council of Neighborhood Organizations (CONO) and City Police. All comments received from the review agency have been addressed. Following is the review comment from City Fire:

- City Fire – City Fire requested that all existing and proposed fire lanes be shown, a note be placed on the plans regarding the repair of the private drive from Edison Avenue to the northern property line of Lot 1, show the fire department connection for the buildings sprinkler system, if applicable, and clarify the physical address of the building.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

a. Application Summary

i. Conditional Use Development Plan

The submitted Conditional Use Development Plan for the 555 North Murray OPCO project proposes a medical marijuana facility with optional premises cultivation operation (OPCO) within an existing 33,300 square foot building on a site zoned C6/P/AO (General Business Center with Planned Provisional Overlay and Airport Overlay) and 3.06 acres in size (**see “Conditional Use Development Plan” attachment**). An OPCO is a conditionally permitted use in the C6 (General Business) zone district, pursuant to City Code Section 7.3.203, Permitted Conditional and Accessory Uses.

The project involves converting the existing building that is currently designed for retail, warehouse and storage uses into an OPCO. An OPCO is an establishment for the growth, cultivation and storage of medical marijuana. The proposed use will be conducted entirely within the existing building. As a part of the change of use the Applicant will be upgrading the HVAC system and building accesses with charcoal/carbon filters and misters to address odor impacts from the proposed use (**see “Conditional Use Development Plan” attachment**).

Furthermore, the Applicant has established operational conditions and site standards to ensure compliance with all applicable standards as set for under City Code Section 7.3.205(M) *Medical Marijuana Facilities*, by stipulating them on the development plan (**see “Conditional Use Development Plan” attachment**).

When considering whether the proposed use was permissible, City Planning staff considered the review criteria of multiple sections of City Code, such as City Code Section 7.5.503(E) *Development Plan Review Criteria* and City Code Section 7.5.704 *Authorization and Findings*. Specifically, staff finds the request meets the following findings for the use to be granted.

1. Surrounding Neighborhood:

The property is located within the larger Murray Square Shopping Center along a developed stretch of East Platte Avenue and North Murray Boulevard. Access to the site is from Edison Avenue and North Murray Boulevard. Access as it is configured is adequate to accommodate the proposed use within the larger commercial center. The proposed OPCO use is not a high traffic generator. Traffic will be limited to 18 employees Monday through Friday and up to four (4) employees on the weekend. Delivery access will occur once weekly through a gated entry to the rear of the building. Since, the site was previously a general retail use the

parking lot is more than adequate. The use requires a total of seven (7) off-street parking spaces and 112 are provided. Included in this total are the required five (5) standard ADA parking spaces and one (1) van accessible space.

The site landscaping was improved in 2020 with a previously approved development plan (PD DP 78-196-A8MJ20). Improvements to the landscaping in 2020 including new shrubs, turf, mulch and a new irrigation system. The landscaping as it is installed complies with City Code Article 4, Part 3, Landscaping Standards. The approved landscape plan is provided with the proposed project plan (**see “Conditional Use Development Plan” attachment**).

A potential impact with an OPCO is odor. The Applicant is proposing improvements to the building's HVAC system and entrances to mitigate the odor impacts. In addition, the project plan stipulates that it will install, maintain and operate an adequate ventilation and filtration system to ensure odors are not detectable from any adjoining lot, parcel, tract, public right-of-way or building. The planned improvements for addressing odor include adding charcoal/carbon odor mitigating filters and misters.

The building where the OPCO is proposed is vacant and sited to the rear of the larger shopping center where it is located. It is also buffered from other buildings and uses by large parking lots. This location may make the building a better match for a commercial use that does not require the visibility and quick and easy in and out access like a coffee shop, grocery store or bank. It could be a reason why this building has struggled with occupancy once Hugh M. Woods closed its doors. The occupancy of this building would improve safety and quality of the commercial center.

2. Intent of Zoning Code:

According to City Code Section 7.3.203 *Permitted, Conditional and Accessory Uses*, the proposed MMJ Facility, with optional premises cultivation operation, is a conditionally permitted use within the C6 (General Business) zone district. The Applicant has complied with all applicable use and site development standards; thus, City Planning staff finds the proposed to be consistent and in substantial conformance with City Code. Further, this redevelopment proposal activates a commercial building which has struggled with vacancy for a number of years.

3. Comprehensive Plan:

As proposed, the MMJ Facility use supports the City's goal of diversifying the local economy with a range of business types and embraces a change to an existing commercial property that might otherwise remain vacant. Through this redevelopment proposal, the project also helps to further activate underutilized portion of the Murray Square Shopping Center.

The reasoning outlined above reinforces why this project will be a good fit for the Murray Square Shopping Center and surrounding area. City Planning staff finds that the proposed plan is in conformance with the purpose for establishing a conditional use development plan as set forth in City Code Section 7.5.704

2. Conformance with the City Comprehensive Plan:

The project applications have been 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 is identified as an Established Suburban Neighborhood and is proximate to a Priority City Corridor (Platte Avenue) (**see “PlanCOS Vision Map” attachment**). The 555

North Murray OPCO project is consistent with one of the core values of PlanCOS, which reinforces the importance of encouraging infill development proposals. One of the “Big Ideas” in the Vibrant Neighborhood Chapter 2 of PlanCOS is entitled “Embrace Creative Infill, Adaptation and Land Use Change”, which has goal VN-3 that states:

“Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs.”

To do this, PlanCOS suggests, *“New development should focus on safe connections into and within these neighborhoods.”*

A “Big Idea” from Chapter 4, entitled “Embrace Sustainability”, has Goal TE-4 that states: *“Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas.”*

A policy for this goal further reinforces that development should *“Prioritize development within the existing City boundaries and built environment (not in the periphery).”*

Adaptive and responsive land use change is one of the core values of PlanCOS. On balance with this perspective, City Planning staff has determined that the project’s land use, location and site design meet the overall intent of this idea.

For the reasons provided in this overall staff report, City Planning staff finds that this infill development proposal and its associated application to be in substantial conformance with PlanCOS and its guidance.

3. Conformance with the Area’s Master Plan:

The project site is not part of a master planned area. City Planning staff finds that the 555 North Murray OPCO project to be complimentary and supportive of the surrounding area, which contains a mix of commercial and civic uses (**see “Context Map” attachment**). City Planning staff analyzed the overall impact of the project through consideration of the conditional use development plan and the review criteria for authorizing a conditional use, as set forth in City Code Section 7.5.704.

STAFF RECOMMENDATION:

CPC CU 21-00034 – Conditional Use Development Plan

Approve a Conditional Use Development Plan for the 555 North Murray OPCO project, based upon the findings that the Conditional Use meets the review criteria for a establishing a conditional use, as set forth in City Code Section 7.5.704 and the development plan review criteria, as set forth in City Code Section 7.5.502(E).