

**CITY PLANNING COMMISSION AGENDA
July 15, 2020**

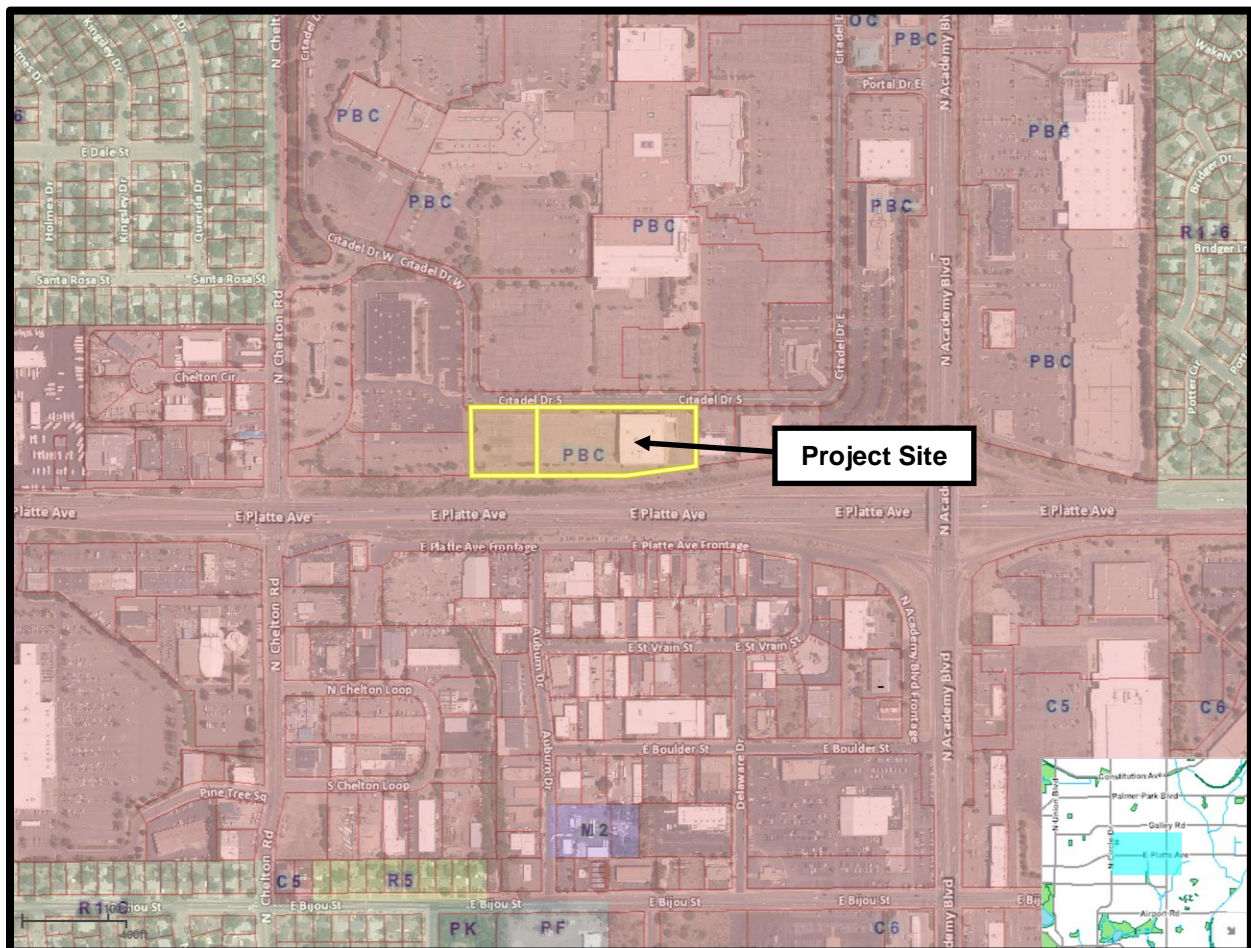
STAFF: DANIEL SEXTON

**FILE NO:
CPC CU 21-00032 – QUASI-JUDICIAL**

PROJECT: TWEEDLIFE

**OWNER/DEVELOPER: MJC INVESTMENT PROPERTY IV, LLC/ JLP-COLORADO SPRINGS
CO, LLC**

CONSULTANT: MACDONALD & ASSOCIATES



PROJECT SUMMARY:

1. **Project Description:** The project includes an application for a conditional use development plan for the property located at 3525 and 3555 South Citadel Drive. The project is herein referred to as "Tweedlife". The conditional use development plan will allow the change of use from general retail to medical marijuana facility with optional premises cultivation operation and infused product manufacturing (nonhazardous) in an existing 62,700 square foot commercial building and ancillary site changes. **(see "Conditional Use Development Plan" attachment)**
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 is addressed as 3525 and 3555 South Citadel Drive.
2. **Existing Zoning/Land Use:** The property is zoned PBC (Planned Business Center) and is commercially developed but has been vacant for a number of years.
3. **Surrounding Zoning/Land Use:** North: PBC (Planned Business Center) and is commercially developed.
East: PBC (Planned Business Center) and is commercially developed.
South: PBC (Planned Business Center) and is commercially and industrially developed.
West: PBC (Planned Business Center) and is commercially developed.
4. **PlanCOS Vision:** According to the PlanCOS Vision Map **(see "PlanCOS Vision Map" attachment)**, the project site is identified as a Mature/Redeveloping Activity Center which is adjacent to a Smart Corridor (North Academy Boulevard).
5. **Annexation:** The property was annexed into the City under the Smartt's Addition #9 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 under Lots 1 and 2 of Jubilee Subdivision Filing No. 1.
8. **Zoning Enforcement Action:** None.
9. **Physical Characteristics:** The project site is fully developed and gradually slopes to the South Citadel Drive to the north.

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 76 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. City Planning staff did not receive any comments on the project.

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. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Council of Neighborhood Organizations (CONO), Enumerations, and SWENT. All comments received from the review agencies have been addressed.

- City Fire provided a comment requesting that all existing/purposed fire lanes be labeled on the plan.

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 Tweedlife project (**see “Conditional Use Development Plan” attachment**) consists of a change of use from general retail to medical marijuana facility, with optional on-premises cultivation operation and infused product manufacturing (nonhazardous), in an existing 62,700 square foot commercial building and ancillary site changes. Per City Code Section 7.3.203 *Permitted, Conditional and Accessory Uses*, the proposed MMJ Facility, is a conditionally permitted use within the PBC (Planned Business Center) zone district. City Planning staff notes that if the MMJ Facility included manufacturing programming that was deemed hazardous, meaning the extraction process presented a fire and life safety risk, the manufacturing functionality would be prohibited.

The Applicant has designed the project site and established operational parameters to comply with all applicable standards as set forth under City Code Section 7.3.205(M) *Medical Marijuana Facilities (MMJ Facility)*. Many of the operational and site standards have been reinforced as stipulations on the project plan. (**see “Conditional Use Development Plan” attachment**) The MMJ Facility will be transferring existing local and state business licenses from another licensed facility to the project site. Licensing is managed through the City Clerk’s Office with zoning sign off provided by City Planning Staff after entitlements have been approved. Staff notes that the project does not contain any medical marijuana dispensary programming, so the on-premises sale and consumptions (including consumption, ingestion, or inhalation) is strictly prohibited. MMJ Facility spacing requirements do not apply to Optional Premises Cultivation Operations and Marijuana Infused Product Manufacturing.

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 7.5.502(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:

- Surrounding Neighborhood – The property is located within the larger Citadel Mall commercial development along a developed stretch of South Citadel Drive. The site has limited access to South Citadel Drive via an existing vehicle entrances to the east and west of the commercial building. To enhance the project site and aesthetically improve its position within the overall commercial center, the Applicant has proposed to install additional plantings, consisting of deciduous and conifer trees and ornamental grasses, within new landscaped islands and along the southern property boundary (adjacent to East Platte Avenue). Altogether, the change of use and site improvements will enhance the value and quality of the surrounding neighborhood.
- 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 and infused product manufacturing (nonhazardous), is a conditionally permitted use within the PBC (Planned Business Center) 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 sat vacant for a number of years.

- 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 would be otherwise vacant. Through this redevelopment proposal, the project also helps to activate an underutilized portion of the Citadel Mall.

The reasoning outlined above reinforces why this project will be a good for the Citadel Mall and surrounding area. City Planning staff finds that the proposed plan, as stipulated, is in conformance with the authorizations for a use variance for a sign that is otherwise not permitted on the civically developed property, as set forth in City Code 7.5.803(A).

b. Economic Development Department

While the City's Economic Development Department has not provided comments in writing to date, City Planning staff has discussed concerns that the Economic Development staff has raised regarding the change of use proposal. More specifically, Economic Development is concerned about the compatibility of the proposed medical marijuana facility use, with its optional premises cultivation operation and infused product manufacturing (nonhazardous) programming, within the larger Citadel Mall complex. Economic Development staff also questioned whether the proposal was a missed opportunity when consideration is given to the redevelopment tools set forth under the Citadel Mall Qualified Opportunity Zone. However, City Planning staff notes that numerous redevelopment proposals have been presented to staff over the years, but none of those concepts ever moved forward.

Per City Code Section 7.5.704 Authorization and Findings, City Planning staff finds no justification or reasons to determine that the proposed use will be injuries to the surrounding neighborhood or is not consistent with the City's Zoning Code or Comprehensive Plan.

City Planning staff finds that the project addresses all the applicable review criteria set forth in City Code.

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 within a Mature/Redeveloping Activity Center which is adjacent to a Smart Corridor (North Academy Boulevard). **(see "PlanCOS Vision Map" attachment)** The Tweedlife project is consistent with PlanCOS, as a "Big Idea" from Chapter 3, entitled "Embrace Creative Infill, Adaptation, and Land Use Change", has Goal UP-2 that states:

"Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market."

A policy for this goal further speaks to "Support infill and land use investment throughout the mature and developed areas of the city."

A "Big Idea" from Chapter 4, entitled "Expand Our Base", also has Goal TE-2 that states:

"Diversify the local economy by fostering a range of business types and sizes."

For the reasons and information provided in this overall staff report, City Planning staff finds that this proposal is 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 Tweedlife project to be complimentary and supportive of the surrounding area, which contains a mix of commercial and industrial 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 21-00032 – CONDITIONAL USE DEVELOPMENT PLAN

Approve the conditional use development for the Tweedlife project, based upon the findings that the request meets the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E), and the review criteria for granting a conditional use, as set forth in City Code Section 7.5.704.