

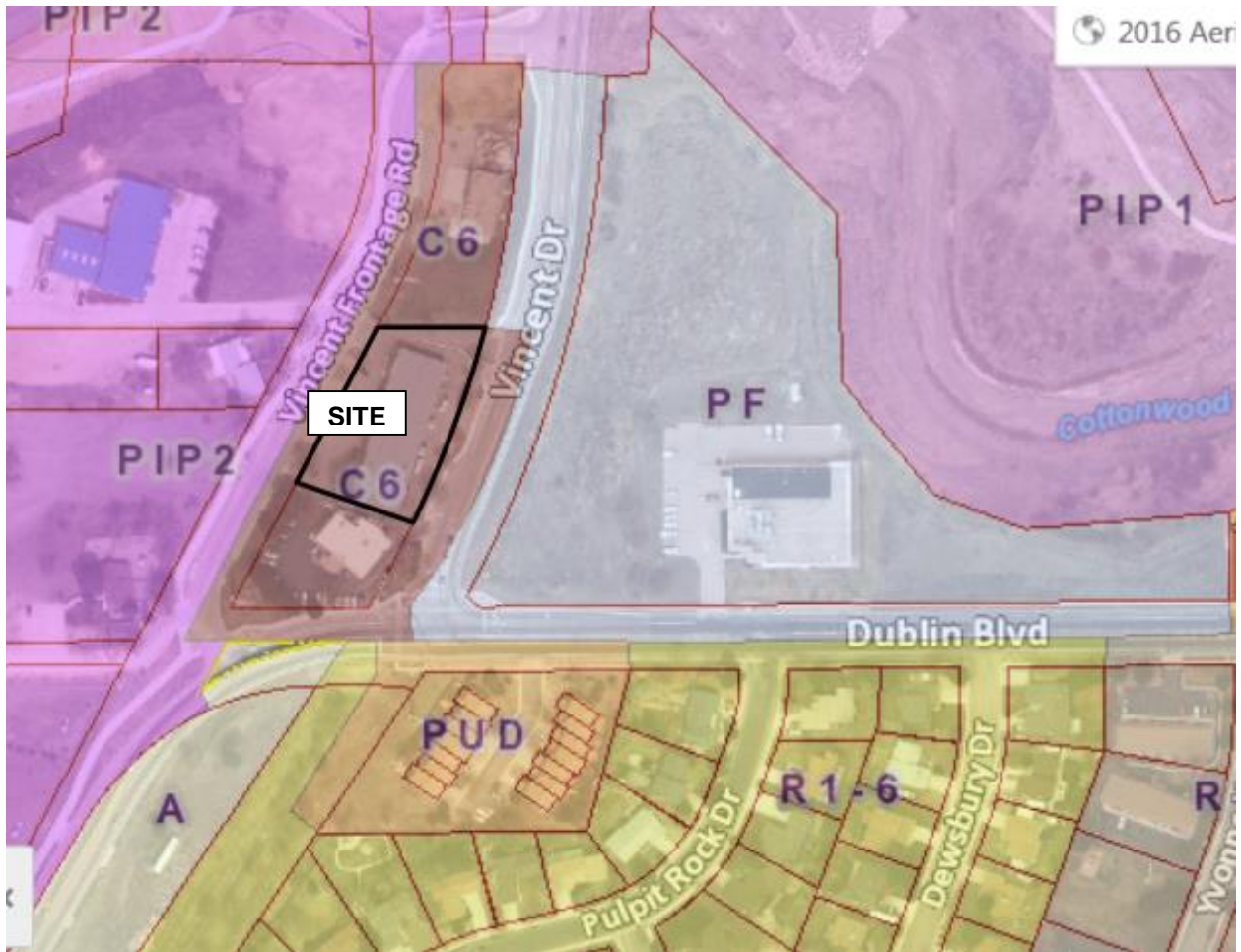
CITY PLANNING COMMISSION AGENDA

STAFF: MEGGAN HERINGTON
CPC CU 17-00114 – QUASI-JUDICIAL

PROJECT: BRIARGATE WELLNESS CENTER MEDICAL MARIJUANA OFF-PREMISES CULTIVATION (OPC) EXPANSION

APPLICANT: BRIARGATE WELLNESS CENTER

OWNER: STANDING STONES, LLC



PROJECT SUMMARY:

Project Description: This is a request for a Conditional Use Development Plan to expand a licensed Medical Marijuana Off-Premises Cultivation (OPC) facility. The subject property is zoned C-6 (General Business) and is located at 890 Dublin Boulevard near the corner of Vincent Drive and Dublin Boulevard (**FIGURE 1**). The Medical Marijuana OPC expansion will encompass Units A and B; adding approximately 2800 square feet to the existing 1500 square foot unit. There are no exterior site modifications proposed; only internal remodeling to accommodate the expanded OPC use.

1. Applicant's Project Statement: **(FIGURE 2)**
2. Planning and Development Team's Recommendation: Staff recommends approval of the Conditional Use request with one condition of approval.

BACKGROUND:

1. Site Address: 890 Dublin Boulevard
2. Existing Zoning/Land Use: C-6 (General Business)/Multi-tenant building
3. Surrounding Zoning/Land Use:
North: C-6 (General Business)/Multi-tenant commercial
South: A (Agricultural Holding Zone)/vacant
East: PF (Public Facility)/Quest building
West: PIP-2 (Planned Industrial Park)/Construction company
3. Comprehensive Plan/Designated 2020 Land Use: Employment Center
4. Annexation: Atkins Addition, 1977
5. Master Plan/Designated Master Plan Land Use: There is no master plan for this area.
6. Subdivision: Resubdivision of Atcon Subdivision
7. Zoning Enforcement Action(s): None
8. Physical Characteristics: The property is improved with a 32,000 square foot commercial/warehouse/storage building with associated on-site parking.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Staff notified 92 surrounding property owners within 1,000 feet of the subject property of the proposed medical marijuana cultivation expansion shortly after application submittal. Notice was also mailed prior to the City Planning Commission meeting. Furthermore, the applicant posted notice on the property during the internal review phase and prior to the City Planning Commission meeting. To date, City Planning staff has not received any written comments regarding this Conditional Use request.

Staff forwarded plans to various internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Fire, Police and Enumerations.

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

1. Review Criteria/Design & Development Issues:
Amendment 20, passed by the Colorado electorate in 2000, allows for restricted legal medical marijuana uses in the State. In Colorado Springs, Medical Marijuana Facilities include Centers (aka dispensaries), Off-Premises Cultivation (OPCs) facilities that provide product for Centers, and Marijuana Infused Products (MIPs) manufacturing (e.g., "edibles). Until 2016, however, licensed medical marijuana OPCs were treated as conditionally permitted uses for the purposes of zoning in the City's commercial zoning districts including the C-6 (General Business) districts in which the subject property is located.

However, *Ordinance 16-53 (FIGURE 3)* approved by City Council on May 13, 2016 states that proposed expansions of medical marijuana facilities must comply with the zoning requirements at the time of application for expansion, including that Conditional Use approval is required for OPC expansions located within the City's commercial zoning districts.

This specific applicant currently occupies Unit C in a mixed commercial/warehouse building. Surrounding tenants include automotive repair and hot tub sales and service. The applicant holds an active license with the City Clerk's Office and through this application to expand wishes to meet

market demand for off-site licensed medical marijuana centers by expanding the OPC license into two adjacent units. Unit C is the current business and is approximately 1500 square feet in size with the front half being a Medical Marijuana Center (MMC) and the back half being an Optional Premise Cultivation (OPC). The proposal adds Units A and B which total approximately 2800 square feet. There will be an office and a restroom in these units as well. Approximately 1200 square feet of the 2800 square feet will be used as actual cultivation rooms. There are no proposed changes to the exterior of the building, parking or landscaping. The site as a whole has ample parking for the building tenants; including this OPC expansion. No traffic study or drainage reports are required when the use changes are internal to an existing fully developed site.

While the licensed medical marijuana OPC has operated without any complaints or violations, it is critical that the day-to-day operations be managed effectively to ensure the applicant operates as a good neighbor. As such, staff has recommended a condition that the applicant maintain and operate an adequate ventilation and filtration system that ensures odors are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right of way, building unit or residential unit. Staff will review future building permits for the interior work and will verify the filtration systems in place.

2. Conformance with the City Comprehensive Plan:

In considering Conditional Use applications City Planning Commission must find that proposed projects substantially comply with the intent and purpose of the Comprehensive Plan. The Plan's 2020 Land Use Map designates this area of as an *Employment Center* which is defined as *activity centers that are major concentrations of employment supported by a mix of uses that meet the needs of employees and visitors, such as restaurants, lodging, child care, higher density residential, and educational facilities*. The proposed project also would comply with Objective LU 4 (Encourage Infill and Redevelopment) and Policy LU 201 (Promote a Focused, Consolidated Land Use Pattern) by encouraging a more focused pattern of development in a well-defined and contiguous area of the City. The Plan also speaks to encouraging infill and redevelopment considered harmonious and in context with existing, surrounding development.

Staff finds that the expansion of the existing OPC facility is in conformance with the goals and objectives of the Comprehensive Plan.

3. Conformance with the Area's Master Plan:

There is no master plan for this area.

STAFF RECOMMENDATION:

CPC CU 17-00114 – CONDITIONAL USE

Approve the Briargate Wellness Center Conditional Use for the expansion of the medical marijuana off-premise cultivation facility based upon the findings that the Conditional Use request complies with the three review criteria for granting a Conditional Use as set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.5.502(E) with the following condition of approval:

2. Prior to Certificate of Occupancy, the applicant shall install an effective air filtration system and/or another method of adequately mitigating off-site odor generation ensuring odors are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right of way, building unit or residential unit.