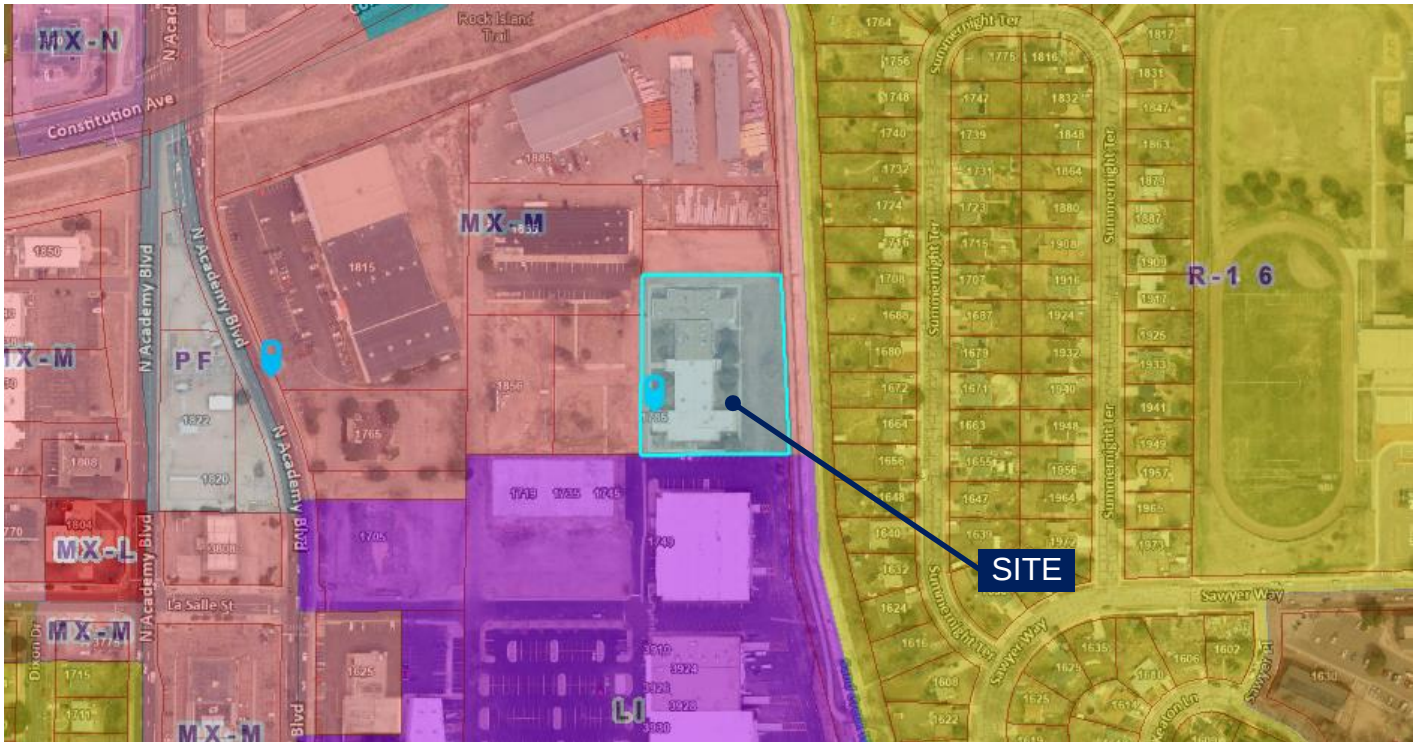




## Quick Facts

### Applicant

Rafael Salazar

### Property Owner

Juda Properties LTD

### Address / Location

1785 North Academy Boulevard

### TSN

6402307030

### Zoning and Overlays

Current: MX-M (Mixed-Use Medium Scale)

### Site Area

1.89 acres

### Proposed Land Use

Retail Marijuana Cultivation

### Applicable Code

UDC

### Council District

5

## Project Summary

A Conditional Use with Land Use Statement to allow a retail marijuana cultivation facility use in the MX-M (Mixed-Use Medium Scale) zone district. This site currently holds a medical marijuana cultivation license.

### File Number

CUDP-25-0021

### Application Type

Conditional Use

### Decision Type

Quasi-Judicial

## Background

### Prior Land-Use History and Applicable Actions

| <i>Action</i> | <i>Name</i>                                      | <i>Date</i>        |
|---------------|--------------------------------------------------|--------------------|
| Annexation    | Northglen Park Addition                          | September 1, 1963  |
| Subdivision   | Resubdivision of Rustic Hills North Filing No. 4 | September 29, 1977 |
| Master Plan   | South Academy Opportunity Zone Action Plan       | February 25, 2014  |

### Site History

The property is located immediately north of the Rustic Hills Mall and has historically been used for office and storage uses. A medical marijuana cultivation license has been associated with the site continuously since 2015. With the implementation of the Unified Development Code (UDC) in June 2023, medical marijuana cultivation is conditional in the MX-M (Mixed-Use Medium Scale) zone district, making it a legal nonconforming use.

### Applicable Code

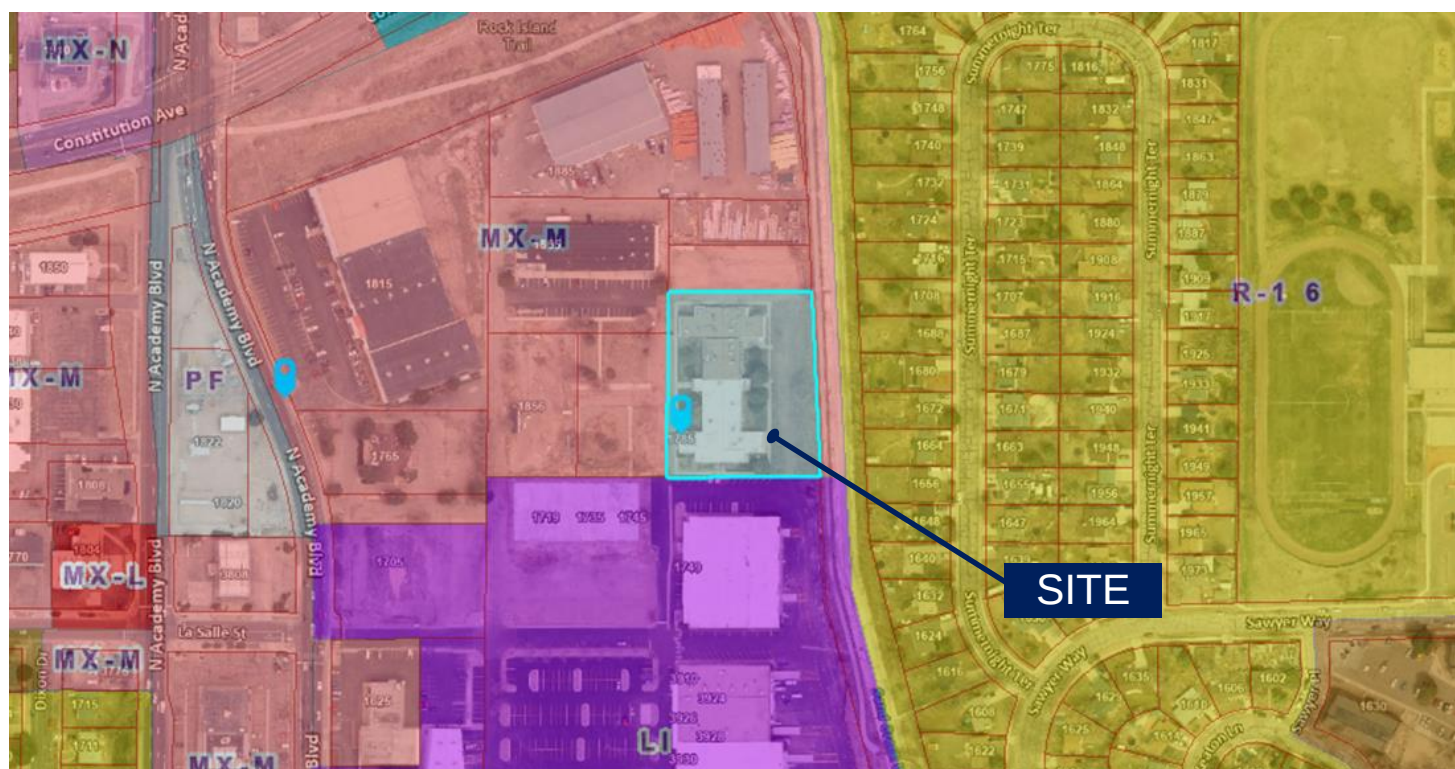
The subject application was submitted after the implementation date (06/05/2023) of the ReTool project. The subject application was reviewed under the Unified Development Code. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

|       | <i>Zoning</i>                                                                | <i>Existing Use</i>       | <i>Special Conditions</i> |
|-------|------------------------------------------------------------------------------|---------------------------|---------------------------|
| North | MX-M (Mixed-Use Medium Scale)                                                | Vacant Commercial Lots    | N/A                       |
| West  | MX-M (Mixed-Use Medium Scale)                                                | Vacant Commercial Lots    | N/A                       |
| South | LI/cr/SS-O (Light Industry with Conditions of Record and Streamside Overlay) | Retail                    | N/A                       |
| East  | R1-6 (Single Family Residential Medium)                                      | Single-Family Residential | N/A                       |

## Zoning Map



## Stakeholder Involvement

## Public Notice

|                                                   |                                                       |
|---------------------------------------------------|-------------------------------------------------------|
| Public Notice Occurrences<br>(Poster / Postcards) | Initial Review / Prior to Planning Commission Hearing |
| Postcard Mailing Radius                           | 1,000 feet                                            |
| Number of Postcards Mailed                        | 194                                                   |
| Number of Comments Received                       | 0                                                     |

## Public Engagement

Staff did not receive any public engagement.

## Timeline of Review

|                          |                   |
|--------------------------|-------------------|
| Initial Submittal Date   | July 9, 2025      |
| Number of Review Cycles  | 3                 |
| Item(s) Ready for Agenda | November 13, 2025 |

## Agency Review

### Traffic Engineering

No comments received.

### Stormwater Enterprise (SWENT)

No comments received.

### Colorado Springs Utilities (CSU)

No comments received.

### Engineering Development Review (EDR)

No comments received.

### Colorado Springs Fire Department

No comments received.

### Colorado Springs Police Department

No comments received.

### Citywide Development Impact (CDI) Fee Administrator

No CDI fees are due.

## Conditional Use with Land Use Statement

### Summary of Application

The application is a Conditional Use with Land Use Statement to allow an existing medical marijuana cultivation facility to expand operations to include retail marijuana cultivation in the MX-M (Mixed-Use Medium Scale) zone district. No retail sales or manufacturing is proposed.

The Applicant did not submit a development plan with this application. Per UDC Section 7.5.601.B.3:

*“If no Development Plan is submitted with the Conditional Use request, the applicant shall submit a Land Use Statement.*

*This statement shall indicate the following:*

- a. Proposed land uses, housing densities (as applicable), and development intensity;*
- b. Compatibility with adjacent development patterns; and*
- c. Impact to adjacent developments including but not limited to light, noise, and traffic.”*

The Applicant was deemed eligible to submit a Land Use Statement in lieu of a development plan per 7.5.514.B.3, which states that the Manager may accept a Land Use Statement under certain conditions. Because no changes to the site are occurring and the use type is consistent with what is currently approved, no modification to the development plan is required. The Land Use Statement submitted (refer to Attachment 1 – Land Use Statement) satisfies the requirements listed in 7.5.601.B.3., as it indicates proposed land use, compatibility with adjacent development patterns, and impacts to adjacent developments. Per Attachment 1 – Land Use Statement, the Applicant has indicated that “There will be no changes to the physical layout or footprint of the facility. No new construction, expansion, or increase in square footage is proposed. This request does not increase the intensity of land use but rather expands the type of marijuana product cultivated under the existing operational framework. Staffing, business hours, and facility operations will remain the same.”

The Applicant also submitted a Project Statement (refer to Attachment 2 – Project Statement), which addresses the application criteria for a conditional use laid out in UDC 7.5.601.B.3., and a visual exhibit depicting the floor plan (refer to

Attachment 3 – Floor Plan). The proposed use will take place within Suite 165, which is approximately 5,090 square feet in size, and approximately 1,531 square feet of the suite will be dedicated solely to retail marijuana cultivation. There is no change to the parking requirement associated with the new use, and the site currently has sufficient parking.

## Application Review Criteria

### UDC Code Section 7.5.601.B.2

This conditional use application is required to meet the application review criteria as defined in Section 7.5.601.B.2. This application meets the review criteria as described below:

1. The application complies with any use-specific standards for the use in Part 7.3.3 (Use-Specific Standards).

Per UDC 7.3.303, “All RMJ Facilities must be located at least one thousand (1,000) feet from any operating public or private daycare facility, including but not limited to Child Day Care Centers, Child Care Facilities, and Home Child Day Cares, Elementary or Secondary School, and Drug or Alcohol Treatment Facility. This minimum distance shall be measured from the nearest portion of the building used for the RMJ Facility to the nearest property line of the daycare, School, or Drug or Alcohol Treatment Facility using a route of direct pedestrian access.” Staff have verified that this requirement has been met. There are no other applicable use-specific standards.

2. The size, scale, height, density, multimodal traffic impacts, and other impacts of the use are compatible with existing and planned uses in the surrounding area, and any potential adverse impacts are mitigated to the extent feasible; and

Medical marijuana cultivation already occurs on-site, and the addition of retail marijuana cultivation is not expected to create adverse impacts. While the parcel is located adjacent to a single-family residential zone district to the east, sufficient buffering exists in the form of Sand Creek and the associated trail system, which creates significant physical separation. There is also mature vegetation and fencing on both sides of the stream that further buffers the two uses. The other adjacent properties are primarily commercial and light industrial uses, which are compatible with a marijuana cultivation use. Per the applicant’s land use statement, “Odor mitigation systems are already in place and functioning effectively, as required under both state and local marijuana regulations. No complaints or violations have been reported under the existing MMJ operations.” (Attachment 1 – Land Use Statement).

3. The City’s existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development and any burdens on those systems have been mitigated to the maximum extent feasible.

The area’s established infrastructure is expected to adequately support the proposed development. Per Attachment 2 – Project Statement, “No upgrades to drainage, sewer, or other utilities are necessary. No additional electrical services are necessary. No new easements, drives, or sidewalk installations are needed.” The proposed use is not expected to generate additional vehicle or pedestrian traffic.

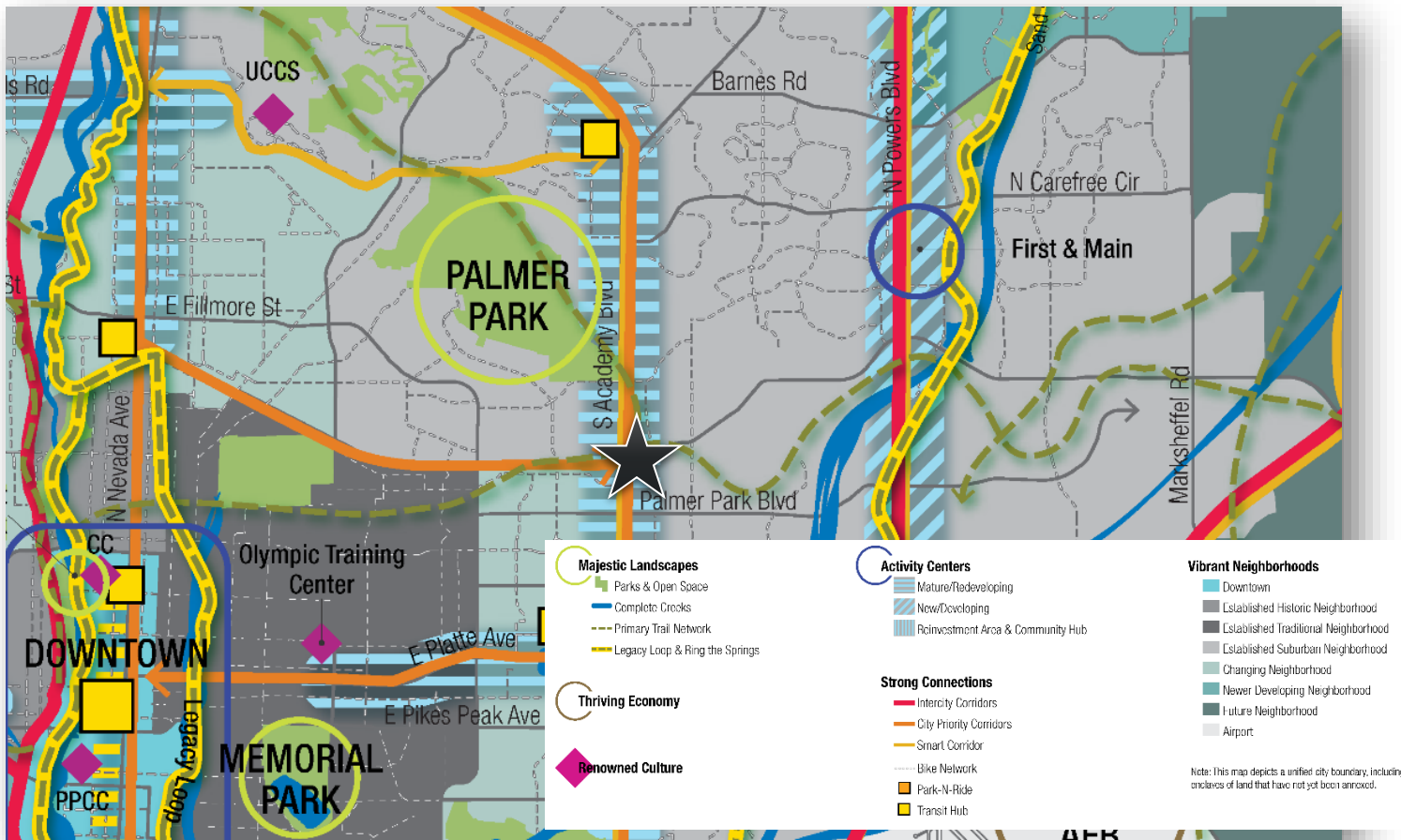
After evaluation of the Conditional Use with Land Use Statement, the application meets the review criteria.

### Compliance with Relevant Guiding Plans and Overlays

The property is impacted by the South Academy Economic Opportunity Zone Action Plan. This plan identifies that, “Poor condition and limited current uses in Rustic Hills North Mall provide an opportunity for substantial redevelopment.” The proposed use aligns with the South Academy Opportunity Zone Action Plan’s goals for revitalizing underutilized commercial areas such as Rustic Hills Mall. The site is not subject to any overlays.

## Compliance with PlanCOS

### PlanCOS Vision



The South Academy corridor is identified as a “Mature/Redeveloping” Activity Center in PlanCOS, or an area that lines an older arterial street within the city. Per PlanCOS, “*These corridors represent significant infill and redevelopment opportunities,*” and the plan states that the goal of this typology is to leverage the potential of these corridors while utilizing its existing capacity and resources. Expanding the existing use to include retail marijuana cultivation supports infill development without the need to construct new infrastructure.



#### Predominant Typology

- Neighborhood Centers
- Community Activity Centers
- Entertainment and Commercial Centers
- Regional Employment and Activity Centers
- Downtown
- Mature/Redeveloping Corridors
- New/Developing Corridors
- Reinvestment Area and Community Hub

### Unique Places

The Unique Places typology provides several policies and strategies that are consistent with the intent of the subject proposal. These policies and strategies center around supporting infill, encouraging cost-effective development, and prioritizing an efficient use of resources.

**Policy UP-2.A:** *“Support infill and land use investment throughout the mature and developed areas of the city.”*

**Policy UP-5.B:** *“Encourage cost-effective development that promotes the wise use of resources”*

**Strategy UP-5.B-1:** *“Promote development that results in an efficient use of energy and water through the revision and adaptation of codes, criteria, and procedures”*

## Statement of Compliance

### CUDP-25-0021

After evaluation of the Exotic Cropz LLC Conditional Use, the application meets the review criteria.