



# RETAIL MARIJUANA LICENSING CONDITIONAL USE

Planning Commission June 11, 2025

Staff Report by Case Planner: Allison Stocker



## Quick Facts

### Applicant

Total Green LLC

### Property Owner

Lee, Sun P

### Address / Location

1105 South Chelton Road

### TSN

6422407002

### Zoning and Overlays

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

### Site Area

0.51 acres

### Proposed Land Use

Retail Marijuana Cultivation

### Applicable Code

UDC

### Council District

District 4

## Project Summary

A Conditional Use to allow the addition of retail marijuana cultivation facility use and an expanded marijuana cultivation area from 1,800 to 5,700 square feet in the Mixed-Use Medium Scale zone district (MX-M) zone district consisting of 0.51 acres located at 1105 South Chelton Road (Quasi-Judicial)

File Number	Application Type	Decision Type
CUDP-25-0010	Conditional Use with Land Use Statement	Quasi-Judicial

## Background

### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Pikes Peak Park Annexation #6	January 12, 1964
Subdivision	Cruz Subdivision Filing No. 1	March 15, 1978
Master Plan	South Academy Master Plan	Unknown
Prior Enforcement Action	N/A	N/A

### Site History

As a result of Ballot Measure 300 which was approved by the Voters in November 2024, the City has adopted an Ordinance to establish land use regulations that pertain specifically to retail marijuana uses. This Ordinance (refer to Attachment 1A – Ordinance 25-10) was approved in January of 2025 in advance of the release of local licenses by the City Clerk’s office in April of 2025. As such, the Planning Department’s Land Use Review Division has begun reviewing these sites for their compliance with the new Ordinance.

The subject property has been utilized as a medical marijuana cultivation facility since September of 2019. Under the medical marijuana code regulations in place at that time (refer to Attachment 1B - Ordinance 18-81), cultivation was a conditional use in the PBC (Planned Business Center) zone district (now MX-M – Mixed-Use Medium Scale) at the time of licensing and therefore medical cultivation was required to go through any applications with the Planning Department (refer to Attachment 2A – 2019\_Conditional Use Approval Letter; Attachment 2.B – 2019\_Approved Conditional Use Development Plan).

Per Ordinance 25-10, retail marijuana cultivation facilities are permitted by right in Light Industrial (LI) and General Industrial (GI) and conditionally allowed in the Mixed-Use Medium Scale (MX-M), the Mixed-Use Large Scale (MX-L), and the Business Park (BP) zone districts. As such, the Applicant is required to apply and receive a conditional use approval specifically for the proposed retail marijuana cultivation before the potential issuance of a Local and State license to add the license to this location. In addition to the proposed addition of the retail marijuana cultivation license, the applicant is also taking steps to acquire a retail marijuana store license, which is a use by right in the zone district. The store license is not subject to conditional use approval.

This facility consists of a single-story building on a 22,500 square foot site. The medical marijuana cultivation facility currently encompasses 1,800 square feet of the building’s floor area and is collocated with a medical marijuana store license. With the introduction of retail marijuana in April, the applicant is seeking both a retail marijuana store license and a retail marijuana cultivation license. If granted, the applicant is proposing an expansion of the interior marijuana cultivation area from 1,800 up to 5,700 square feet. This expanded cultivation area will serve both medical and retail marijuana cultivation within the building’s existing floor area. The property is in an established industrial area that primarily serves retail, self-storage, and multi-family residential uses.

### Applicable Code

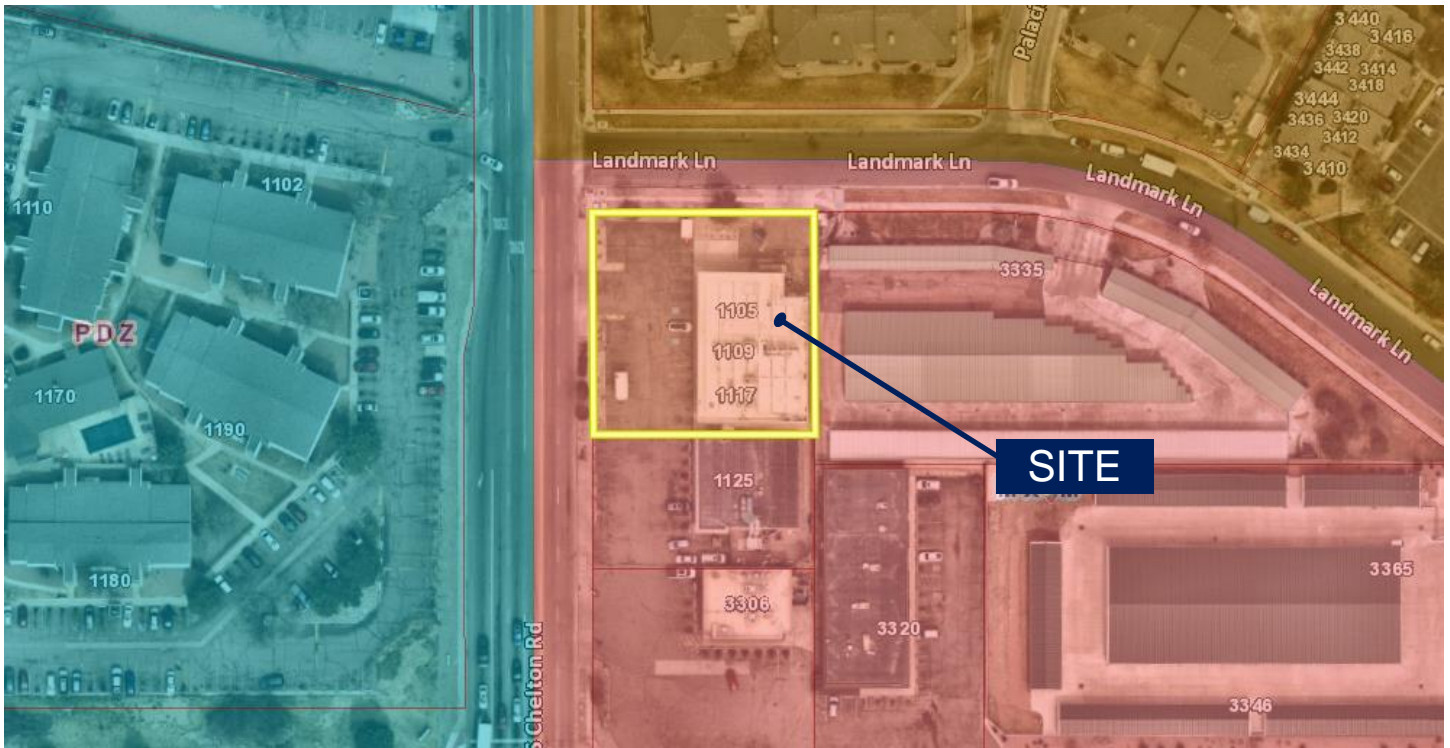
The subject application was submitted after the implementation date (06/05/2023) of the ReTool project and as such the application was reviewed under the Unified Development Code. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified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

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	R-5 (Multi-Family High)	Multi-Family Residential	N/A
West	PDZ (Planned Development Zone District)	Multi-Family Residential	N/A
South	MX-M (Mixed-Use Medium Scale)	Mixed Retail	N/A
East	MX-M (Mixed-Use Medium Scale)	Self-Storage Facility	N/A

### Zoning Map



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	Concurrent to administrative review / once prior to City Planning Commission hearing
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	96 postcards

Number of Comments Received

0 comments received

### Public Engagement

At time of writing this report, no public comments have been received by Staff.

## Timeline of Review

Initial Submittal Date April 15, 2025

Number of Review Cycles 1 cycle

Item(s) Ready for Agenda May 19, 2025

## Agency Review

### Traffic Impact Study

No comments received.

### SWENT

No comments received.

### Colorado Springs Utilities

No comments received.

### City Engineering

No comments received.

### Colorado Springs Police Department

Recommendation to add bollards to prevent collisions with building.

### Colorado Springs Fire Department

No comments received.

## Conditional Use

### Summary of Application

The applicant chose to submit a conditional use application with land use statement (refer to Attachment 3 – Land Use Statement), which is permitted through 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.”* A separate development plan will not be required for this request as none of the applicable criteria in 7.5.516 – Modifications of Approved Applications are relevant.

The proposed conditional use would allow the establishment of a retail marijuana cultivation facility use to their existing medical marijuana cultivation facility. As stated in the Applicant’s Project Statement (refer to Attachment 4 – Project Statement) there will be no changes to the site’s exterior configuration or to the building’s floorplate. The existing 6,744 square foot structure is situated on a developed 22,500 square foot property, which includes existing parking stalls,



circulation, and utility connections. The surrounding area consists of other properties zoned Mixed-Use Medium Scale (MX-M) and the area is predominantly used for a variety of uses such as self-storage, retail, and multi-family residential. The nearest residential (multi-family) is directly north and is separated by Landmark Lane.

In addition to the establishment of the retail marijuana cultivation facility use on the property, the applicant is also seeking the opportunity to expand the floor area dedicated to the marijuana cultivation. This expanded cultivation area will serve both medical and retail marijuana cultivation within the existing building. The Modification to Premises application is required through the City Clerk's office anytime the licensed floor areas change for any medical or retail marijuana license type. This application is used to ensure compliance with all State and Local regulations in regard to safety and security of marijuana in these facilities. This expansion of the marijuana cultivation proposes to increase the 1,800 square feet currently used for cultivation to 5,700 square feet total.

### **Application Review Criteria**

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 Ordinance 25-10 which was approved by City Council on January 14<sup>th</sup>, 2025, the retail marijuana cultivation facility is compliant with the below use-specific standards.

- i. The cultivation facility will not allow any outdoor cultivation
- ii. The cultivation facility will not be located in a residual zone district or in a residential unit.
- iii. The cultivation facility will hold all applicable local and State licenses
- iv. The cultivation facility will not allow any on-site consumption
- v. The cultivation facility already meets the required Building Code and Fire Code requirements pertaining to ventilation and filtration
- vi. The cultivation facility is outside of one thousand feet (1000) of any Child Care Facilities, Elementary or Secondary Schools, or Drug and Alcohol Treatment Facilities.

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*

The subject property consists of an existing 6,744 square foot structure with parking, utility connections, and other site features. There are no proposed changes to the site's configuration or the building's floorplate. The addition of the retail marijuana cultivation facility use to the existing medical marijuana cultivation facility use is being considered concurrently with the proposed increase in the square footage of the building dedicated to marijuana cultivation activities which is to be reflected on the Modification of Premises application to be submitted to the City Clerk's office. The proposed cultivation area within the building is proposed to be expanded from 1,800 to 5,700 square feet.

Although the area in which cultivation is permitted to take place is proposing an expansion, it is anticipated that there will be no significant increase in traffic, utility usage, or other possible externalities such as an increase in sounds and scents. Since the site has previously been used as cultivation, there are already measures in place to prevent any adverse impacts on the immediate area per Building and Fire Code requirements. There have been no prior enforcement cases for this facility.

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 subject property is a developed site within an established high-density residential and commercial area. Within this site, there are already sufficient parking facilities, sidewalks, and access to the public road network. The existing structure is connected with utilities and stormwater facilities. Since there are minimal changes proposed to the building interior and no changes proposed for the site's exterior configuration, there are no anticipated impacts on local infrastructure as a result of this conditional use.

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

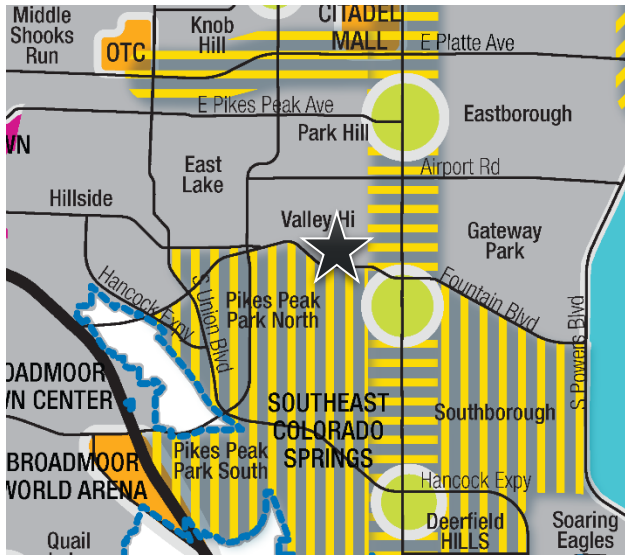
### **Compliance with Relevant Guiding Plans and Overlays**

Per the Academy Boulevard Corridor Great Streets Plan, *"the intent of this Great Streets Plan is to establish a vision for this segment of Academy Boulevard that integrates land use and transportation at the Corridor level. Its overall purpose is to support the needs of existing residents and businesses in the area while encouraging reinvestment, revitalization, and long-term sustainability. In short, facilitating the re-purposing of Academy Boulevard to be a "Great Street."* The proposed use supports the intent of this Plan by allowing for the maximum usage of an existing commercial building which will enable the applicant to continue its business in this location and prevent vacancies and disinvestment.

## PlanCOS Vision



The subject site is located within PlanCOS Visions Map’s typology of “Changing Neighborhood”. This typology is used to describe areas where land use patterns are shifting in response to residents’ needs and market demand. The proposed conditional use supports PlanCOS through the following policy alignment:



**Unique Places**

The subject site is within a known “Neighborhood Center”. The intent behind this typology is to support existing land uses.

The colocation of the retail marijuana cultivation with the existing medical marijuana cultivation supports the following policy and strategy by consolidating these similar land uses and reducing the resources that must use to add retail cultivation in comparison to needing a new, separate location:

**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-25-0010 – Conditional Use**

After evaluation of the Retail Marijuana Licensing Conditional Use, the application meets the review criteria.