



RETAIL MARIJUANA CULTIVATION – CONDITIONAL USE

Planning Commission May 11, 2025

Staff Report by Case Planner: Allison Stocker



Quick Facts

Applicant

CC Ag LLC

Property Owner

Flywheel LLC

Address / Location

2211 E Boulder Street

TSN(s)

6416209016

Zoning and Overlays

Mixed-Use Large Scale (MX-L)

Site Area

0.26 acres

Proposed Land Use

Retail Marijuana Cultivation

Applicable Code

UDC

Project Summary

Conditional Use to allow a retail marijuana cultivation facility in the Mixed-Use Larger Scale (MX-L) zone district consisting of 0.26 acres located at 2211 E Boulder Street (Quasi-Judicial)

File Number

#CUDP-25-0008

Application Type

Conditional Use

Decision Type

Quasi-Judicial

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Knob Hill Addition #7	November 1, 1967
Subdivision	Platte Acres Block P	May 31, 1937
Master Plan	Knob Hill Neighborhood Redevelopment Plan	March 27, 1984
Prior Enforcement Action	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 (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 existing medical marijuana facilities to verify if they meet the criteria to add retail marijuana facility licenses to their existing locations.

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 before the potential issuance of a Local and State license to add the retail marijuana cultivation facility license to this location. At this time, no other license types are being considered at this location.

The subject property has been utilized as a medical marijuana cultivation facility since April of 2014. Under the original medical marijuana code regulations (refer to Attachment 1B - Ordinance 10-107), cultivation was a permitted use in the C6 (General Business) zone district (now MX-L – Mixed-Use Large Scale) at the time of licensing and therefore medical cultivation was not required to go through any applications with the Planning Department. Since the medical cultivation facility was a use by right at time of permitting and is not proposing any changes that would trigger the need for a conditional use, the only action that requires a decision at this time would be the request to add retail marijuana cultivation to the site.

This facility consists of a single-story building on an 11,250 square foot site. The cultivation facility encompasses the whole building and no other land uses collocate on this property (Attachment 2 – Approved Development Plan). The property is in an established industrial area that primarily serves warehousing and storage, automotive repair, and uses that support trade industries such as asphalt and paving services, heating and air conditioning repair, and upholstery shops. The nearest residential areas are north of E Boulder Street along Prairie Road and Iowa Avenue. The conditional use application is required to allow the cultivation of retail marijuana, and no other changes are proposed. Since the application is solely to allow the addition of retail marijuana within the interior of the building and does not change the land use category or expand the size of the overall interior floor area dedicated to cultivation, the project does not require a development plan modification.

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 ("UDC"). 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	Mixed-Use Large Scale (MX-L)	Residential, Commercial, & Industrial Mixture	N/A
West	Mixed-Use Large Scale (MX-L)	Service Garage	N/A
South	Mixed-Use Large Scale (MX-L)	Service Garage Outdoor Storage	N/A
East	Mixed-Use Large Scale (MX-L)	Storage / Warehouse	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	1000 feet
Number of Postcards Mailed	198 Postcards
Number of Comments Received	2 Comments

Public Engagement

Staff received two public comment (refer to Attachment 3– Public Comment). One individual called to state their concern of the proximity of the proposed cultivation to residential areas and the odor produced by this use. The other caller stated opposition of the use in general. It was unclear if the individual was aware of the existing medical marijuana cultivation facilities present at this location.

Timeline of Review

Initial Submittal Date	March 4, 2025
Number of Review Cycles	Two Cycles
Item(s) Ready for Agenda	April 21, 2025

Agency Review

Traffic Engineering

No comments received.

SWENT

Informational comments only related to hypothetical redevelopment and project statement clarifications

Colorado Springs Utilities

Informational comments only related to hypothetical redevelopment and project statement clarifications

City Engineering

No comments received.

Colorado Springs Police Department

No comments received.

Colorado Springs Fire Department

No comments received.

Summary of Application

The applicant chose to submit a conditional use application with land use statement (refer to Attachment 4 – 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 must be reviewed administratively subject to approval of the conditional use application and any conditions of approval imposed by the City Planning Commission.

The proposed conditional use would allow the medical marijuana cultivation facility to add retail marijuana cultivation to their existing facility. As stated in the Applicant’s project statement (refer to Attachment 5 – Project Statement) there will be no changes to the interior unit where cultivation is to occur, nor any changes to the site configuration. The existing 5,000 square foot structure is situated on a developed 11,250 square foot property, which includes existing parking stalls, circulation, and utility connections. The surrounding area consists of other properties zoned Mixed-Use Large Scale (MX-L) and the area is predominantly used for a variety of uses such as automotive repair, warehousing and storage, and land uses that serve trade industries. The nearest residential is to the north along Iowa Avenue and Prairie Road, and the nearest pedestrian crossing to navigate to the north side of E. Boulder is at N. Union Boulevard or E. Platte Avenue which limits pedestrian access from these residential areas.

Application Review Criteria

This conditional use application is required to meet the application review criteria as defined in Section 7.5.601.C.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 14th, 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 5,000 square foot structure with parking, utility connections, and other site features. There are no proposed changes to the site’s configuration or the interior floor plan with this conditional use. The addition of the retail marijuana cultivation facility to the existing medical marijuana cultivation facility will not increase the square footage of the building dedicated to cultivation uses. As such, it is anticipated that there will be no 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 industrial 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 is no proposed change to the building interior or the exterior configuration, there are no anticipated impacts on local infrastructure as a result of this conditional use.

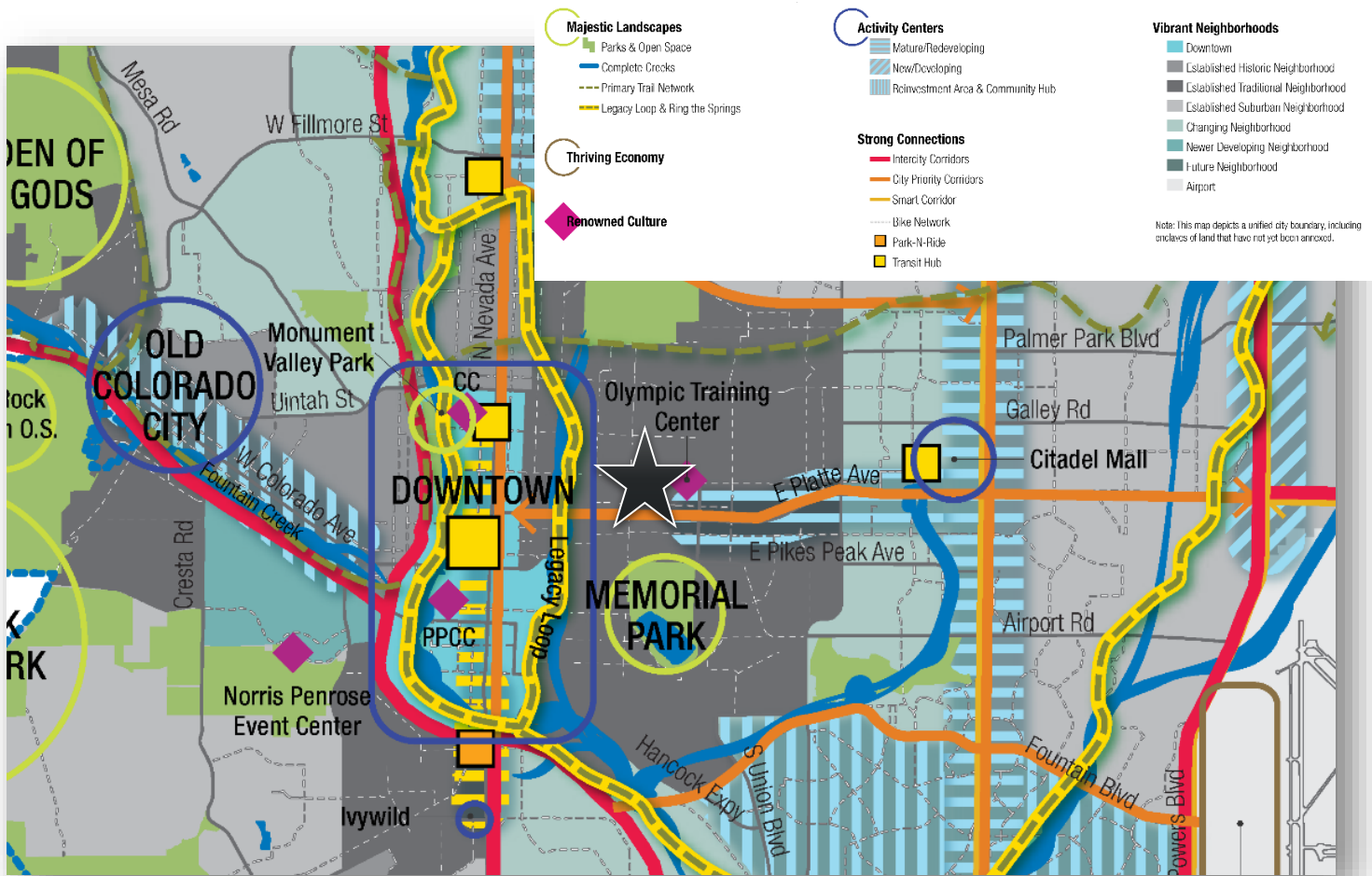
After evaluation of the Retail Marijuana Cultivation Conditional Use, the application meets the review criteria.

Compliance with Relevant Guiding Plans and Overlays

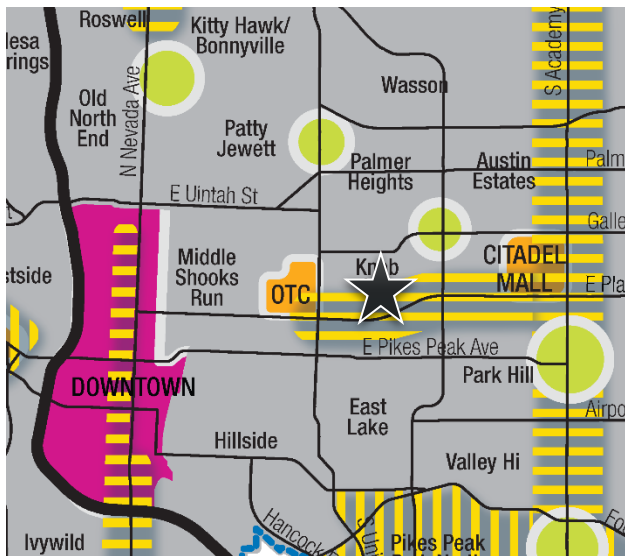
This site is in the Knob Hill Neighborhood Redevelopment Plan area which was approved in March of 1984. At time of approval, this site was designated as commercial as the recommended land use which is consistent with the proposed use. This site is not subject to any overlay requirements.

Compliance with PlanCOS

PlanCOS Vision



The subject site is located within PlanCOS Visions Map's typology of "Established Traditional Neighborhoods". This typology is used to describe areas where thoughtful redevelopment and continuous support of existing development patterns should occur. The proposed conditional use supports PlanCOS through the following policy alignment:



Unique Places

The subject site is within a known “Mature / Redeveloping Corridor”. The intent behind this typology is to support existing land uses and encourage reinvestment in the area.

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-25-0008

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