



## HOBBY FARMS – CONDITIONAL USE

Planning Commission May 11, 2025

Staff Report by Case Planner: Allison Stocker



### Quick Facts

#### Applicant

Hobby Farms LLC

#### Property Owner

Wooten Road LLC

#### Address / Location

817 Wooten Road

#### TSN(s)

6412306005

#### Zoning and Overlays

Business Park (BP) with Airport Overlay (AO) and the Accident Prevention Zone (APZ2)

#### Site Area

1.58 Acres

#### Proposed Land Use

Retail Marijuana Cultivation

#### Applicable Code

UDC

#### Council District

District 5

### Project Summary

A Conditional Use to allow a Retail Marijuana Cultivation use in the BP (Business Park) zone district consisting of 1.58 acres located at 817 Wooten Road (Quasi-Judicial)

#### File Number

CUDP-25-0007

#### 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               | Smartt's Addition #9    | December 1, 1963 |
| Subdivision              | Cruz Subdivision, Lot 2 | March 28, 1995   |
| Master Plan              | Rustic Hills #6         | August 20, 1982  |
| Prior Enforcement Action | N/A                     |                  |

### Site History

As a result of Ballot Measure 300, which was approved by the City of Colorado Springs voters and passed 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 January 28, 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 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) zone districts 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 licensed as a medical marijuana cultivation facility since 2014. Under the original medical marijuana code regulations (refer to Attachment 1B - Ordinance 10-107), cultivation was a permitted use in the PIP-2 (Planned Industrial Park) district (now BP - Business Park) 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 two-story building on a 3.60-acre site. The cultivation facility encompasses the whole building on the north side of the property. The other building on the south side of the property is used for industrial purposes and is not a part of this application request as there are no proposed changes to the building and the retail marijuana license will not include this address. The surrounding area consists of other properties zoned Business Park (BP) and the area is predominantly used for storage and manufacturing uses. No residential or commercial uses immediately adjacent to the property. Both structures were built in the 1980's and the site has a long-established circulation pattern, parking areas, and landscaping. 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 is not a change of the land use category, the project does not require a development plan amendment to add the retail license to the property.

### 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” are in reference 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 | Business Park (BP) with Airport Overlay (AO) and Accident Prevention Zone (APZ2) | Storage / Warehouse | N/A                       |
| West  | Business Park (BP) with Airport Overlay (AO) and Accident Prevention Zone (APZ2) | Storage / Warehouse | N/A                       |
| South | Business Park (BP) with Airport Overlay (AO) and Accident Prevention Zone (APZ2) | Manufacturing       | N/A                       |
| East  | Business Park (BP) with Airport Overlay (AO) and Accident Prevention Zone (APZ2) | Storage / Warehouse | N/A                       |

Zoning Map



Stakeholder Involvement

Public Notice

|   |   |
|---|---|
| Public Notice Occurrences<br>(Poster / Postcards) | Concurrent to administrative review / prior to city Planning Commission Hearing |
| Postcard Mailing Radius                           | 1000 feet   |
| Number of Postcards Mailed                        | 51 Postcards  |
| Number of Comments Received                       | 0 Comments  |

Public Engagement

There were no public comments received.



## 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 Impact Study

Traffic Engineering had no comment on this application.

### Parks

No comments were received.

### SWENT

Informational comments related to hypothetical redevelopment and project statement clarifications.

### Colorado Springs Utilities

Informational comments only related to hypothetical redevelopment and project statement clarifications.

### City Engineering

City Engineering has no comments on this application.

### Airport Overlay

Informational comments only related to hypothetical redevelopment.

### Colorado Springs Police Department

CSPD could not comment on crime prevention.

### Colorado Springs Fire Department

No comments were 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 as there are no proposed physical changes or changes to the land use category.

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 (See Attachment 2 – Project Statement) there will be no changes to the interior unit where existing medical marijuana and future retail marijuana cultivation is to occur, nor any

changes to the overall site configuration. The existing 26,000 square foot structure is within a fully a developed 1.58 acre lot, which includes all required site improvements such as parking stalls, sidewalks, and utility connections.

### 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 14, 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 26,000 square foot structure with parking, traffic circulation, landscaping, 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.

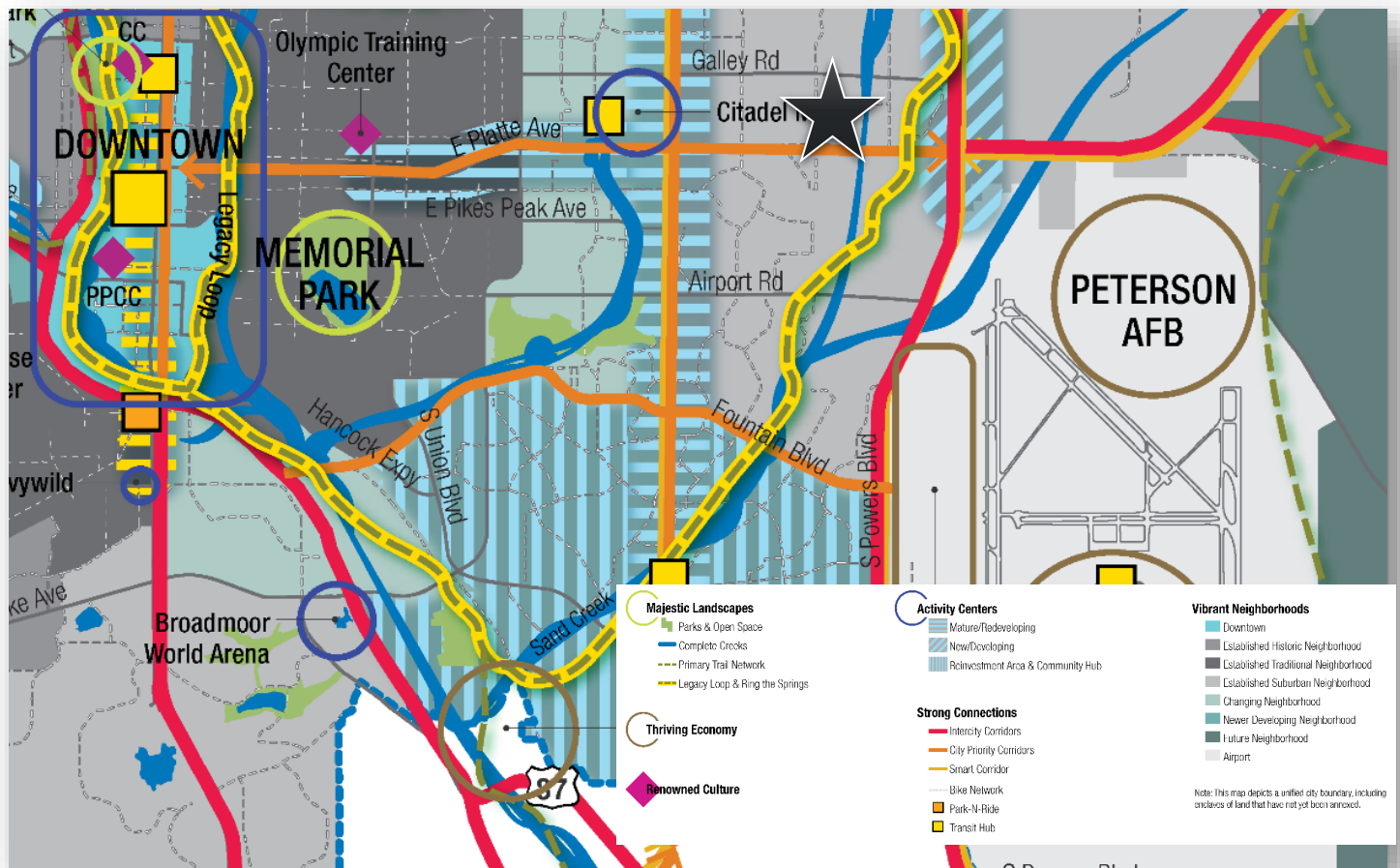
The subject property is a developed site within an established industrial area. Within this site, there are already sufficient parking facilities, sidewalks, and access to the public road network. The existing structure is connected with utilities and stormwater facilities. Since there is no proposed 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 HobbyFarms Conditional Use, the application meets the review criteria.

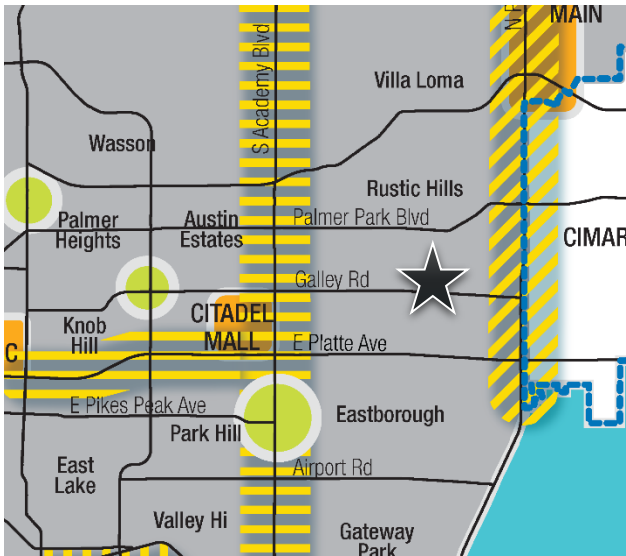
### Compliance with Relevant Guiding Plans and Overlays

This site is in the Rustic Hills #6 Master Plan which was last updated in August of 1982. At time of approval, this site was in the PIP-2 (Planned Industrial Park) zone district (now Business Park) which allowed low intensity industrial uses and warehousing. Based on the anticipated end-users of these properties within the Master Plan being manufacturing and light industrial uses, the proposed use of retail marijuana cultivation is in compliance with this plan.

## PlanCOS Vision



The subject site is located within PlanCOS Visions Map's typology of "Established Suburban 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:



#### 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 subject site is within a known “Neighborhood Center”. The intent behind this typology is to care for the everyday needs of citizens within easy distance of their homes, workplaces, and leisure activities. This site is located between two major throughfares which allows easy access for employees but is located away from any residential areas or child-oriented 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 have to 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-25-0007

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