



DOWNTOWN REVIEW BOARD MEETING AGENDA

**WEDNESDAY, May 4, 2016
8:30 A.M.**

**CITY HALL - COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE
COUNCIL CHAMBERS, SUITE 325
COLORADO SPRINGS, CO 80903**

"In accordance with the Americans with Disabilities Act of 1990 ("ADA"), the City of Colorado Springs will not discriminate against qualified individuals with disabilities. Anyone requiring an auxiliary aid or service to participate in this program should make the request as soon as possible but no later than 48 hours before the scheduled event. Citizens who are deaf and hard of hearing may dial 711 or 800-659-3656 Relay Colorado (voice) or 800-659-2656 (TTY)."

"In accordance with the ADA, anyone requiring an auxiliary aid to participate in this program should make the request as soon as possible but no later than 48 hours before the scheduled event. Citizens who are deaf or hard of hearing may use 711 TRS."

DOWNTOWN REVIEW BOARD MEETING PROCEDURES

The Downtown Review Board will hold their regular meeting on **Wednesday, May 4, 2016, at 8:30 a.m** in the Council Chambers of City Hall located at 107 North Nevada Avenue, Colorado Springs, Colorado 80903.

The Consent Calendar will be acted upon as a whole unless a specific item is called up for discussion by a Board Member, a City staff member, or a citizen wishing to address the Downtown Review Board.

When an item is presented to the Downtown Review Board the following order shall be used:

- City staff presents the item with a recommendation;
- The applicant or the representative of the applicant makes a presentation;
- Supporters of the request are heard;
- Opponents of the item will be heard;
- The applicant has the right of rebuttal;
- Questions from the Board may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing.

APPEAL INSTRUCTIONS

If you do not agree with a decision of the Downtown Review Board and wish to appeal that decision you must do so by filing an appeal with the City Clerk's Office (located at 30 S. Nevada Avenue, Colorado Springs, CO 80903) no later than ten (10) days after the hearing date. Accordingly any appeal relating to this Downtown Review Board meeting must submitted to the City Clerk by 5pm on:

Monday, May 16, 2016

The appeal letter, along with the required \$176 fee, should address specific code and/or regulating plan requirements that were not adequately addressed by the Downtown Review Board. City Council may elect to limit discussion at the appeal hearing to the matters set forth in your appeal letter. Unless a request for postponement is made, City Council will hear the appeal at its next regular meeting occurring at least nineteen (19) days after the Downtown Review Board meeting (Zoning Code Chapter 7.5.906).

DOWNTOWN REVIEW BOARD MEETING AGENDA

1. **APPROVAL OF THE MINUTES** – DRB Meeting Minutes January 6, 2016
2. **COMMUNICATIONS** – Ryan Tefertiller, Urban Planning Manager
3. **CONSENT CALENDAR** – None
4. **UNFINISHED BUSINESS CALENDAR** – None
5. **NEW BUSINESS CALENDAR** –

File No.: CPC CA 16-00050 – (Legislative)

A request by the City of Colorado Springs Urban Planning Division to modify the regulating plan for the Downtown Colorado Springs Form-Based Zone (FBZ). The Downtown Colorado Springs FBZ covers roughly one square-mile of downtown extending north to Cache La Poudre Street, south past Las Vegas Street, west to I-25 and east to Shooks Run. The proposed amendment changes medical marijuana cultivation operations and infused project manufactures (non-hazardous) from permitted uses to conditional uses throughout the FBZ. Medical marijuana infused product manufactures (hazardous) are to be prohibited throughout the FBZ.

6. **WORK SESSION:**

Update to the Downtown Master Plan

NEW BUSINESS CALENDAR

DOWNTOWN REVIEW BOARD AGENDA

STAFF: PETER WYSOCKI

FILE NO:
CPC CA 16-00050 – LEGISLATIVE

PROJECT: MEDICAL MARIJUANA STANDARDS IN THE FORM-BASED ZONE

APPLICANT: CITY OF COLORADO SPRINGS

PROJECT SUMMARY:

1. Project Description: The proposed ordinance updates the Regulating Plan for the Downtown Colorado Springs Form-Based Zone to provide consistency with new City-wide regulations for medical marijuana uses. The existing Form-Based Code permits all types of medical marijuana uses throughout the zone. The proposed ordinance will continue to allow medical marijuana centers (dispensaries) throughout downtown as permitted uses. Optional premises cultivation operations and infused product manufacturers (non-hazardous) will require conditional use approval from the Downtown Review Board under the new regulations. Medical marijuana infused product manufacturers (hazardous) are proposed to be prohibited throughout the Downtown Colorado Springs Form-Based Zone. **(FIGURE 1)**
2. Planning & Development Team's Recommendation: **Approval of the ordinance**

BACKGROUND:

- Late 2015, Council received numerous constituent complaints and reports of possible illegal activities, and City staff reports of public safety concerns
- Since 2000, marijuana industry has evolved, and existing City ordinances have not kept pace
- City Council adopted Ordinance 15-79, 6-month moratorium, effective November 23, 2015
 - Medical Marijuana Task Force appointments confirmed November 24, 2015
 - Moratorium ends May 25, 2016
- Task Force briefed Council on its recommendations at the March 21, 2016 and April 11, 2016 Council work sessions
- Because these ordinances amend Chapter 7 (“zoning code”) of City Code, they must first be reviewed by the Planning Commission before Council’s formal consideration.

- Complementary ordinances relating to licensing and criminal enforcement of residential cultivation exceeding the permitted amount are being concurrently developed and will be considered by Council.
- Council's formal consideration and action on the subject ordinances is tentatively scheduled for the April 26, 2016 and May 10, 2016 Council meetings.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The proposed ordinances for City-wide regulations were developed by the Medical Marijuana Task Force, which consisted of voting representatives from the marijuana industry as well as neighborhoods. The Task Force was supported by non-voting City Staff from Planning, Police, Fire, City Clerk's Office, CSU, City Attorney's Office, and the Mayor's Office. Members of the Task Force were official appointed by the City Council. The proposed changes to the Downtown Colorado Springs Form-Based Code are intended to provide consistency with City-wide regulations. Staff received a letter from the Downtown Development Authority voicing support for the proposed regulations. **FIGURE 2**

STAFF RECOMMENDATION:

ITEM NO: CPC CA 16-00050 – MEDICAL MARIJUANA STANDARDS IN THE DOWNTOWN COLORADO SPRINGS FORM-BASED ZONE

Recommend approval to the City Council of the proposed ordinance to update the Regulating Plan for the Downtown Colorado Springs Form-Based Zone to provide consistency with new City-wide regulations for medical marijuana uses.

Mark-up of existing Form-Based Code language to address new MMJ regulations

2.5.6 Medical Marijuana Uses

Medical Marijuana uses (including centers, optional premises cultivation operations, and infused product manufacturers) are **allowed as permitted** ~~or as commercial conditional~~ uses throughout many of the City's commercial **and industrial** zone districts. Due to their potentially unique characteristics and the fact that the uses don't fit directly into the form-based code's definitions for commercial ~~or industrial~~ land uses (e.g. retail, service, **manufacturing**, etc.), a specific standard is justified. Medical Marijuana centers, ~~optional premises cultivation operations, and infused product manufacturers~~ are considered permitted uses throughout the Downtown Form-Based Zone. **Optional premises cultivation operations and medical marijuana infused product manufacturers (non-hazardous) are allowed with approval of a conditional use permit by the Downtown Review Board throughout the Downtown Form-Based Zone. Medical marijuana infused product manufacturers (hazardous) are prohibited uses in all Form-Based Zone Sectors.** City-wide standards, licensing, and separation requirements are applicable within the Downtown Form-Based Zone.



April 19, 2016

Ryan Tefertiller, Urban Planning Manager
City of Colorado Springs
Land Use Review Division
30 S. Nevada Ave.
Colorado Springs, CO 80903

Dear Mr. Tefertiller,

Downtown Development Authority expresses support of proposed changes to Form-Base Code Section 2.5.6 regarding Medical Marijuana Uses, to be in alignment with modifications to citywide standards addressing Medical Marijuana Uses.

The changes address the need to ensure that medical marijuana centers are permitted uses throughout the zone, but more crucially to prohibit medical marijuana infused project manufacturers (hazardous) within Form-Based Zone Sectors, as such uses can degrade property and pose harm and risks to neighboring properties. We also support that optional premises cultivation operations and medical marijuana infused project manufacturers (non-hazardous) shall be allowed with approval of a conditional use permit by the Downtown Review Board throughout the Downtown Form-Based Zone.

These changes allow for appropriate access to medical marijuana centers by customers while also addressing the negative challenges posed by cultivation operations within a dense, mixed-use, pedestrian oriented environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Edmondson".

Susan Edmondson
Executive Director, DDA