

**RJJ Tejon, LLC Appeal Statement**  
**File No. AR R 19-00118**

1. The ordinance provision in dispute is Section 7.3.205.M.5 which states that “a medical marijuana center (MMC) shall be located no less than one thousand feet (1,000') from any public or private elementary, middle, junior high or high school, or a residential childcare facility, or a drug or alcohol treatment facility, or any other MMC. This minimum distance shall be measured from the nearest portion of the building used for the MMC to the nearest property line of the school, residential childcare facility, drug or alcohol treatment facility, or other MMC using a route of direct pedestrian access”.

2. RJJ Tejon, LLC is appealing the administrative decision to allow Pure Medical, LLC to relocate less than 1000 feet from RJJ Tejon, LLC's MMC located at 1433 S. Tejon St. RJJ Tejon, LLC alleges that the administrative decision was incorrect and should be overturned because the decision is against the express language of the zoning ordinance which requires a 1000 feet distance between MMC locations using a route of direct pedestrian access. It is an undisputed fact that Pure Medical, LLC is less than the required 1000 feet from RJJ Tejon, LLC using a route of direct pedestrian access. The administrative decision does not follow the express language of the zoning ordinance and should therefore be overturned.

3. RJJ Tejon, LLC is also appealing the administrative decision because the decision is against the express intent of this zoning ordinance and others. In August 2018, Colorado Springs increased the distance restriction between MMCs outlined in 7.3.205.M.5 from 500 to 1000 feet. Additionally, on March 28, 2017 the Colorado Springs City Council passed the final reading of a Medical Marijuana (MMJ) Licensed Location Cap Ordinance 17-28. This Ordinance became effective on May 25, 2017 and states that the City of Colorado Springs cannot accept any new MMC applications. Due to the large concentration of MMCs in Colorado Springs, these Ordinances were enacted to curb the growth of MMCs as well as protect the existing MMC businesses and their surrounding communities. The regulation changes were supported by City Council, staff and industry alike and a deviation from the changes would create a bad precedent and undermine the collaborative efforts of all interested parties. The administrative decision goes against the express intent of this zoning ordinance and should therefore be overturned.

4. RJJ Tejon, LLC is also appealing the administrative decision because the decision is unreasonable and erroneous. The administrative decision will adversely impact our business due to its close proximity to 1433 S. Tejon St. In addition to RJJ

Tejon, LLC, there are three other MMC's within the immediate area that are accessible by direct pedestrian access: Rocky Road Remedies located at 1530 S. Nevada; LivWell Enlightened Health located at 1414 S. Tejon St; and Maggie's Farm located at 1420 S. Nevada St. During the application review process, the City identified 2 locations that were less than the required 1000 feet distance via direct pedestrian access, the second one was Rocky Road Remedies, measuring only 961 feet from the proposed location. In an already saturated market, it would be unreasonable to allow Pure Medical, LLC to relocate to 1645 S. Tejon St. because it will adversely impact the business of at least two MMCs and potentially two other MMCs. According to correspondence, the City plans to allow for the redevelopment of the area which will draw additional traffic and event goers in the area away from RJJ Tejon, LLC and the other MMCs in the area, putting the existing businesses' futures at risk. The relocation of Pure Medical, LLC would be disruptive to business for RJJ Tejon, LLC.

In its decision, the City found that there was no adverse impact to surrounding properties; however, RJJ Tejon, LLC questions whether the adverse impact to it and other affected businesses was seriously considered. As evidence of the lack of consideration of adverse impact to RJJ Tejon, LLC, the City sent out an initial approval of the application less than one hour after receiving the RJJ Tejon, LLC letter opposing the initial application. Additionally, the RJJ Tejon, LLC opposition letter was not included in the documents provided by the City in an email attachment to stakeholders relaying the City's initial decision. If the City would have adequately considered impact, the City would have discovered that Colorado Springs businesses operate at an already significant reduced margin compared to MMC's in other parts of the state. The relocation of Pure Medical, LLC within this close proximity would threaten the already fragile four existing MMC's in the area, and their staff.

Finally, RJJ Tejon, LLC argues that there is no significant benefit to the community by permitting Pure Medical, LLC to relocate to 1645 S. Tejon St. During a prior community meeting, the Ivywild Improvement Society unanimously disapproved both the City's decisions of the MMC relocation AR R 19-00118, and parking variance AR R 19-00141. It is somewhat unique that businesses and community are aligned on this issue and a testament to the adverse impact both groups see within the community as a result of the City's decision. The relocation of Pure Medical, LLC was opposed by the community and local businesses for the reasons stated above. The City failed to adequately consider these concerns and therefore the administrative decision was unreasonable and erroneous and therefore should be overturned.

## CONCLUSION

For the reasons stated above, RJJ Tejon, LLC, asserts that the administrative decision on AR R 19-00118 goes against the express language of zoning ordinance Section 7.3.205.M.5, the express intent of said zoning ordinance, and the decision is unreasonable and erroneous. RJJ Tejon, LLC respectfully requests that AR R 19-00118 be overturned.