

# WARE MALCOMB

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November 12, 2020

City of Colorado Springs  
Planning & Development Department

## Land Use Review

Tasha Brackin - Senior Planner  
30 S. Nevada Ave, #701  
Colorado Springs, CO 80903

RE: Project Academy – 715 S. Academy Blvd  
**Project Statement**

Ms. Brackin

On behalf of our client, thank you for receiving this Use Variance Submittal package for the property located at 715 S. Academy Blvd.

**Project Description:** The subject property is an existing concrete masonry, single story facility constructed in the 80's as a Sam's Club. The building had been used as retail up until the store closed in the fall of 2015 and has remained vacant ever since. The proposal for a Use Variance does not include any revisions to the existing site, building or infrastructure. The proposed tenant will be utilizing the space as a delivery station serving the surrounding neighborhoods and bringing approximately 115 jobs to the area. The building will be where customer orders are prepared for last-mile delivery to the surrounding neighborhood. These packages are small in nature and able to be handled by a single employee loading the vans for delivery. It is important to note that there is no high bay racking / high pile storage that would typically be found in an industrial distribution facility. As such, it is difficult to classify a delivery station within the current uses listed in the City of Colorado Springs Zoning Code.

In additional to the attached development plan, the following is in response to the required criteria stated on the Development Checklist:

- 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss.*

Response: As evident by the building being vacant for +/- 5 years, the demand for large box retail outlets have diminished with the increase in E-commerce. The number of big box users has shrunk as well so the likelihood of a similar use occupying this facility is small. Other than seasonal users for Halloween and Christmas, new tenants occupying existing +135,000 sf buildings are uncommon. Considering the zoning across S. Academy is C-6 and has broader allowance of uses than the PBC zone, it is becoming increasingly unlikely that a tenant fitting the current use will be found.

As the likelihood of finding a tenant that is allowed within the PBC zoning and needing such a large facility dwindles, the site will continue to fall into disrepair. Basic maintenance is being performed but the site primarily functions as a pass through for neighborhood traffic. This is a high-profile location located directly on S Academy Blvd which is part of a Great Streets Plan. The vision statement for this project is to 'Promote, support and adaptively redevelop the Academy Boulevard Corridor as a Great Street with access to alternate modes of transportation, public/private investment in business and residential development, and enhanced connectivity with the street, between land uses, and with neighborhoods'. It is contradictory to this vision statement to exclude a fitting use because it really has not been identified in the code.

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'Warehouse and Distribution' as a use is probably the closest that would describe a delivery station. On one hand, both receive and convey goods but that is the extent of the similarity. 'Warehouse and Distribution' is only allowed in the Industrial zones per City code. This is standard for most urban jurisdictions as warehouse and distribution is typically served by large semi-trucks for both inbound and outbound product. The warehouses are designed for high pile storage in racks that will go up to +30' in height. Overall, industrial is segregated from commercial and residential zones partly because of truck traffic but also because they tend to be unsightly uses. The proposed delivery station will only use five of the existing dock positions and those will only be utilized for incoming packages in the early morning. All outgoing parcels are in small vans. There isn't the intense racking and product storage for the proposed use that would draw comparisons to warehouse and distribution.

2. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner.

Response: As indicated, the marketplace is evolving and moving away from big box retail. By allowing a delivery station use, the existing facility will be able to house a function that has become vital to consumer activity at a neighborhood level. Otherwise, it remains likely that it will stay vacant.

3. That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.

Response: The proposed delivery station use is actually very similar in terms of site use to that of the original Sam's Club. The building footprint will remain the same and is larger than typically needed to serve the surrounding area. The parking field located on the south side of facility will remain so the maximum number of vehicles parked on site will not be increased. Due to the larger footprint, van loading will take place inside the building which would be the only change to the site would it be necessary to perform this function outside. In addition, adding these types of facilities provides an increased support not only for nearby residents but also local businesses that are able to receive goods in a timelier manner. All packages are of a standard Class I-IV commodity, non-hazardous.

Ware Malcomb appreciates your consideration in this request and are looking forward to working with the City to move this forward. Please don't hesitate to reach out with any questions or concerns.

Sincerely,



Steve Smith  
Senior Project Manager